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TENNESSEE HISTORICAL MAGAZINE

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EDITOR
ST. GEORGE L. SIOUSSAT



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CONTENTS OF VOLUME II.

NUMBER 1. MARCH, 1916.

ARTICLES

	PAGE
A. P. WHITAKER The Public School System of Tennessee, 1834-1860	1
PARK MARSHALL The Topographical Beginnings of Nashville	31
MAGGIE H. STONE Joseph Greer, The King's Mountain Messenger:—A Tradition of the Greer Family	40

DOCUMENTS

Diaries of S. H. Laughlin of Tennessee, 1840, 1843, with Introduction and Notes by the Editor	43
---	----

HISTORICAL NOTES AND NEWS

Proceedings of the Society—Nashville Meeting of the Mississippi Valley Historical Association—Illinois Historical "Collections"—Bolton's "Texas in the Middle Eighteenth Century"	86
---	----

NUMBER 2. JUNE, 1916.

ARTICLES

WALLACE MCCLURE Governmental Reorganization, A Constitutional Need in Tennessee....	89
A. E. MARTIN Anti-Slavery Activities of the Methodist Episcopal Church in Tennessee	98
R. B. C. HOWELL Early Corporate Limits of Nashville	110
HON. J. A. TROUSDALE A History of the Life of General William Trousdale	119

DOCUMENTS

I. Papers of Major John P. Heiss, of Nashville, with Introduction and Notes by the Editor	137
II. Walker-Heiss Papers, II	147

HISTORICAL NOTES AND NEWS

Proceedings of the Society—Meeting of the Mississippi Valley Historical Association—A Request from Mr. W. E. Myer—Scrogg's "Filibusters and Financiers"—Illinois Historical "Collections"	150
---	-----

NUMBER 3. SEPTEMBER, 1916.

ARTICLES

	PAGE
ARCHIBALD HENDERSON Richard Henderson: The Authorship of the Cumberland Compact and the Founding of Nashville.....	155
H. M. HENRY The Slave Laws of Tennessee.....	175
J. T. MCGILL Andrew Greer	204

DOCUMENTS

Papers of Major John P. Heiss, of Nashville, with Introduction and Notes by the Editor (Continued)	208
--	-----

HISTORICAL NOTES AND NEWS

Death of Mr. Clarence S. Paine—The Society's Manuscripts—Genealogical Inquiry—McClure's "State Constitution Making"	231
---	-----

NUMBER 4. DECEMBER, 1916.

ARTICLES

J. P. YOUNG Fort Prudhomme: Was It the First Settlement in Tennessee?	235
STEPHEN B. WEEKS Tennessee: A Discussion on the Sources of Its Population and the Lines of Immigration	245
ALBERT V. GOODPASTURE John Bell's Political Revolt, and His Vauxhall Garden Speech...	254

DOCUMENTS

I. Letters of General John Coffee to his Wife, 1813-1815, with Introduction and Notes by John H. DeWitt.....	264
II. Roll of Tennessee Cavalrymen in the Natchez Expedition	295

HISTORICAL NOTES AND NEWS

Proceedings of the Society—Meeting of the Colonial Dames—Annual Meeting of the Tennessee Sons of the American Revolution—Annual Conference of the Tennessee Daughters of the American Revolution	299
--	-----

INDEX

TENNESSEE

HISTORICAL MAGAZINE

VOL. 2.

MARCH, 1916.

No. 1.

THE PUBLIC SCHOOL SYSTEM OF TENNESSEE, 1834-1860

The purpose of this paper is to sketch the history of public schools in Tennessee during the most important period of their existence before the Civil War, to follow their varying fortunes, and to determine if possible to what extent they met the need which called them into existence. Only a brief summary of events before 1834 is necessary to give a background for the period under discussion.

1784-1823.

In spite of adverse circumstances,—the ever-present danger of Indians, the sparseness of population, and the scarcity of money,—the early settlers of Tennessee took steps to establish schools.¹ These, however, were not to be public schools, but private academies. The constitution proposed for the state of Franklin by the Rev. Hezekiah Balch—but rejected by a small majority in the convention—illustrates the point in question; for while it made explicit provisions for the founding of a university, the establishment of grammar schools was provided for only in case it should “appear to be useful to the interest of learning in this state.”²

The first institutions of learning in Tennessee were academies. The first of these were Martin Academy (Greeneville, 1783), and Davidson Academy (Nashville, 1785). These were followed by Blount College (Knoxville, 1794), and Greeneville College (Greeneville, 1795).³ When, however, Tennessee was erected into a state in 1796, it adopted with only the necessary changes the constitution and laws of North Carolina, and with them inherited the parent state’s policy of non-interference in matters of education.⁴

The next point of interest is the Congressional Act of 1806,

¹J. G. M. Ramsey, *Annals of Tennessee*, p. 727.

²Ramsey, *Annals*, p. 332.

³*Ibid.*

⁴*Ibid.*

which was the result of a tripartite agreement between the Federal Government, North Carolina and Tennessee to settle a dispute of long standing over the right of registration in a vast extent of unappropriated lands in Tennessee. By this act two tracts of land, each of 100,000 acres, were reserved, one for the benefit of a college or colleges, the other, of academies; and 640 acres were to be set aside for the support of common schools in every 36 square miles, wherever possible.⁵

It was estimated that the latter reservation would yield about 450,000 acres, but in 1823 the legislature of Tennessee adopted a memorial—which was presented to Congress in 1825—stating that only 22,705 acres had been realized. Efforts were made again and again by the state to secure from the Federal Government some compensatory grant. It was only in 1845-6, however, when the remaining lands were of little value, that Congress released to Tennessee all the vacant and unappropriated lands within the state—and even then there were restrictions.⁶

The net result of this was not only that the funds expected from this source for the common schools failed to materialize but also that the delay and uncertainty as to what action Congress would take prevented the state legislature from rendering the assistance that it might otherwise have been disposed to give. As long as hope of any less disagreeable alternative held out, the representatives of the people did not intend to risk incurring popular disfavor by adding to the financial burdens of the state.

The colleges and academies were equally unfortunate. Their tracts of land were unwisely located in the district south of the French Broad and Holston Rivers, thereby cutting the apparent value of the land to half of what it would have been if located in some other part of the state. Even worse than this, the "occupants" of this land regarded the sum demanded of them as exorbitant; delays and much real suffering occurred; and the net result was that a feeling of resentment against the colleges and academies was engendered which made itself felt even in matters of state-wide interest.⁷

⁵E. T. Sanford, *Blount College and the University of Tennessee*, pp. 24, 25.

⁶Sanford, *Blount College*, pp. 98-101. L. S. Merriam, *Higher Education in Tennessee*, p. 23. See also A. V. Goodpasture, "Education and Public Lands in Tennessee," *American Historical Magazine*, Vol. IV, No. 3.

⁷Memorial of the President and Board of Trustees of East Tennessee College, asking the removal of the location to some other district. This memorial, in the *Knoxville Register*, Sept. 2, 1825, was endorsed by an editorial in the same issue; and in a memorial drawn up by the citizens of this district in convention at Sevierville. *Register*, Sept. 30, 1825. See also editorial, "Education," *ibid.*, Oct. 21. Also see below p. 7, for the vote in the constitutional convention of 1834.

On the whole, the lot of the common schools was considerably worse. Their misfortune was state-wide in its extent and, for a time at least, paralyzing in its effects. That of the academies, on the other hand, was, in its popular aspects, confined to a small and comparatively poor region, not the natural home of private schools in any event; and, on its financial side, though serious, was to a considerable extent counterbalanced by the willingness of the academies' patrons to pay a little more when necessity demanded it. Consequently, while even the conception of a common school system was still dim and indistinct, the academies were growing in numbers and strength.

No acts of fundamental importance were passed by the legislature during this period, which was primarily formative, preparatory in its character.

The year 1815 saw the passage of an act, the consequences of which were most unfortunate. It was provided that a tax on property and polls should be levied to educate "those poor orphans who have no property to support and educate them, and whose fathers were killed or have died in the service of their country in the late war."⁸ The good effect of this example of levying a tax for education was more than nullified by the unfortunate restriction of its use to "poor relief," thus putting the seal of the state's approval on the conception of public schools and pauper schools as synonymous.

The distinction between the purposes for which the common school and academy lands had been appropriated was not at first clear in the minds of those who handled the funds.⁹ The earliest indication of the differentiation of the two is in an act passed in 1817, which was designed to prevent the public school funds from going to support academies, and which may be regarded as "the germ of the common school system as distinguished from the academy."¹⁰ This was followed in 1821 by an act for the purpose of making more certain the use of the proceeds from the common school lands for none but public purposes, and requiring academy trustees to hand over all such funds in their possession to the public school commissioners.

1823-1834.

Public schools and academies clearly differentiated, but public schools regarded as pauper schools—this was the situation when the legislature met in 1823. In this year an act was passed which marks the beginning of earnest effort on

⁸S. B. Weeks, "History of Public Schools in Tennessee," Ch. III, in a forthcoming *Bulletin of the Bureau of Education*.

⁹*Ibid.*

¹⁰*Ibid.*

the part of the state to provide an adequate public school system.

This act¹¹ contains three noteworthy features: the first is the establishment of a permanent fund for the use of the common schools. For this purpose it was provided that the proceeds from the sale and state taxes on certain vacant lands north and east of the Congressional Reservation Line should constitute a "perpetual and exclusive" common school fund. Thus the public school and academy funds were finally separated.

The second point of interest is the provision that the county commissioners—who were to be the really important administrative officials of the system—should receive no pay whatsoever. This provision resulted then, as it always has, in the failure of the system that was founded on it.¹²

The third and most important feature of all was that the funds thus realized were to be used for the benefit of poor children, either by establishing "poor schools" for them, or by paying their tuition fees at already existing schools.

It is small wonder that a system which was to be financed by a fund that failed to materialize, and which sought to secure its administration by officers not paid or rewarded in any way, should have failed to fulfill the hopes of its supporters. The evil effect of the provisions making it a "pauper system" were not felt so much then as at a later period, when ideas as to the function of public education had changed and broadened and when it was attempted to make the public school system universal in its operation.

The provisions of this act were elaborated in 1825,¹³ but the principal efforts of the legislature were made in a petition presented to Congress in the same year asking that the state be allowed to provide for its common schools out of the lands south and west of the Congressional Reservation Line.¹⁴ This failing, however, the legislature was at last compelled to fall back on its own resources.

In 1827 an act was passed to make more adequate provision for the school fund.¹⁵ This declared all the capital and interest of the new state bank, except the one-half of the principal sum already received; all the proceeds from the sale of the Hiawassee lands; all other sources of income previously appropriated to that purpose, and in addition others of not so great importance, a part of the common school fund.

To administer this fund, an act was passed on January

¹¹Acts of 1823, Ch. 49.

¹²See below, *Report of the Superintendent of Education*, 1839.

¹³Acts of 1825, Ch. 76.

¹⁴Sanford, *Blount College*, p. 99.

¹⁵Acts of 1827, Ch. 64.

14, 1830. It was provided that five trustees should be elected in each county to superintend the working of this act on its educational side, and also to elect not more than seven nor less than five commissioners who should have charge of the financial workings of the act in their county.

The great defect of this act was in failing to provide for a central supervisory authority. The school fund was scattered all over the state, and much of it was mismanaged, lost, and misappropriated. There was no one to call the trustees to account if they failed to carry out the provisions of this law. Another objection to it was that rate bills were necessary to bolster it up and that it depended upon private subscription and individual initiative for its effectiveness.

It must not be thought, however, that the system enacted in 1829-1830 was totally devoid of good features and good results. It was the first real effort on the part of the state to provide for a system of public education, and marked a step forward in the progress of the public school idea, for, although it was first of all a pauper system, it contemplated the teaching of "rich and poor alike." In this last respect it is a decided advance over the law of 1823, and marks the beginning of the growth of the idea of public instruction as universal in its working. The good that was accomplished by this act of 1829 was of an indirect nature and was not immediate. Though it did very little towards driving out ignorance, it at least showed the people of the state what sort of law they ought not to have. It had its good points, but the principal good done by them was to bring out the defects in the popular theory of the function of public instruction more clearly, and to show how fatal they were to the system and how impossible it was to accomplish any real results until they had been remedied.

In 1831, 1833 and 1834 legislation was enacted which added somewhat to the size of the school fund, but nothing of importance was done.

Thus in 1834 the three significant facts in regard to the common school system are that it was universally regarded as a pauper system, that it depended on the school lands and bank stock for nearly all of its revenue, and that there was no semblance of organization about it.

1834-1844.

"The great work," as Caldwell describes it,¹⁶ of the constitutional convention of 1834 was the adoption of an article describing the common school fund, declaring it a perpetual fund, and directing the legislature to take definite steps to secure it by the appointing of a board of commissioners. The

¹⁶*Constitutional History of Tennessee*, Robt. Clarke Co., Cincinnati, 1907, p. 211.

text of this eleventh article, the first constitutional provision in Tennessee for the encouragement of education and the first act in the most interesting period in the educational history of the state, is worth while giving in detail." It runs: "Sec. 10. Knowledge, learning and virtue being essential to the preservation of republican institutions, and the diffusion of the opportunities and advantages of education throughout the different portions of the state being highly conducive to the promotion of this end, it shall be the duty of the General Assembly in all future periods of this government to cherish literature and science. And the fund called the 'Common School Fund' and all the lands and proceeds thereof, dividends, stocks and all other property of every other description whatever heretofore by law appropriated for the use of common schools, and all such as shall hereafter be appropriated, shall remain a perpetual fund, the principal of which shall never be diminished by legislative appropriation, and the interest thereof shall be inviolably appropriated to the support and encouragement of common schools throughout the state, and for the equal benefit of the people thereof; and no law shall be made authorizing said fund, or any part thereof, to be diverted to any other use than the support and encouragement of common schools; and it shall be the duty of the General Assembly to appoint a board of commissioners, for such term of time as they may think proper, who shall have the general superintendence of said fund, and who shall make a report of the condition of the same from time to time under such rules, regulations and restrictions as may be required by law; *Provided*, that if at any time hereafter a division of the public lands of the United States, or of the money arising from the sale of such lands, shall be made among the individual states, the part of such land or money coming to this state shall be devoted to the purpose of education and internal improvements, and shall never be applied to any other purpose."

This and the following section, which concerns the academies and colleges, comprise the sum total of the action of the constitutional convention of 1834 in behalf of education. The section which interests us did not have easy sailing in the convention, and a brief notice of the struggle of which it was the center will both be interesting and also throw light on conditions in Tennessee at the time.

Three proposals were made in the convention which were not adopted, but which are important since they serve as a barometer of educational conditions in that period. The first of these was a motion made by Representative Mabry, of Knox County, that in addition to other sources of revenue which he enumerated, a tax on free white polls be levied and

appropriated to the use of the common schools of the state.¹⁷ Since this appears to have been the first effort to support the common schools (not as "poor schools") by taxation, the number of votes that it received was surprisingly large, the vote being 36 to 20 against it.¹⁸

The second of these motions was a part of the report of the select committee on the common school fund, which recommended (along with the 10th section as it was finally adopted) that — per cent (the space was left blank) of the net revenue of the state be appropriated to the support of the "public and common schools."¹⁹ This motion, too, had a considerable number of delegates in favor of it, but was rejected by a vote of 36 to 21.²⁰

Thus two progressive measures had been defeated, and it remained to be seen how a reactionary proposition would be received. Just before the latter of the foregoing motions was rejected, Newton Cannon, of Williamson County, introduced an article which was to take the place of the one recommended by the committee, and which differed from it in not attempting to define the school fund and in containing no provision calling on the legislature to establish a central state authority to supervise the school system.²¹ The effect of this would have been simply to leave matters in statu quo, to give constitutional recognition to the common schools as they stood, but neither to aid nor encourage them in any way. This motion was passed, without even a call for the ayes and noes. On the following day, however, on the motion of Huntsman, of Madison County, the convention reconsidered and defeated Cannon's motion, the vote being, on the call for ayes and noes, 44 to 11.²²

An analysis of the votes by sections on these motions reveals some interesting facts:

	On Mabry's Motion to Assess Poll Tax		On Motion to Strike out Appropriation Clause		On Cannon's Motion	
	For	Against	For	Against	For	Against
East						
Tennessee.	9	8	7	10	3	13
Middle						
Tennessee.	10	18	21	7	4	24
West						
Tennessee.	1	10	8	4	4	7
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Total ...	20	36	36	21	11	44

¹⁷ *Journal of the Convention*, p. 198.

¹⁸ *Ibid.*, pp. 199-200.

¹⁹ *Ibid.*, p. 206.

²⁰ *Ibid.*, p. 304.

²¹ *Ibid.*, p. 304.

²² *Ibid.*, pp. 306-307.

It is evident from this that East Tennessee was the stronghold of sentiment in favor of the common schools, being the only one of the sections that favored the poll tax and the fixed annual appropriation. Middle and West Tennessee, on the other hand, were overwhelmingly against both measures, the latter being almost unanimous against the poll tax.

In harmony with the spirit of these constitutional provisions, Governor Newton Cannon, in his message to the general assembly on October 15, 1835, after pointing out that "previous efforts of the legislature on this subject have failed," urges action for the common schools, "under the salutary influence of which no child . . . would be permitted to grow up . . . without being instructed at least in the common branches of English education." He makes his plea in very much the same language that was used in the constitution, arguing that the safety of republican institutions can be assured by nothing save the enlightenment of the whole mass of the people. This same argument, expressed in almost the same terms, appears in the message of nearly every governor from John Sevier to Andrew Johnson, covering half a century. The floweriness of language and richness of popular appeal vary in degree in proportion to the expected closeness of the next gubernatorial election and the scarceness of campaign material. The elections for governor in Tennessee between 1835 and 1855 are remarkable for their uniform closeness, especially during the forties, when the successful candidate was often elected by a majority of no more than two or three thousand in more than one hundred thousand votes. So we find in the messages of this period the most enthusiastic commendations of common schools.

Governor Cannon, however, seems to have been sincere in his efforts. At any rate, he committed himself and his party, just brought back into power, to the establishing of an adequate common school system at a time when not only the people of Tennessee but of the whole country were alive to the necessity of taking immediate and sweeping measures to check the alarmingly rapid increase of illiteracy. The effects of this movement, which was best known in Tennessee through the work and reports of Horace Mann, of Massachusetts, were slow in being felt in this state, but the efforts of his followers were slowly making headway when the movement received great impetus from the action of the constitutional convention of 1834 in behalf of the common schools.

The plans of the reformers began to take shape immediately after the adoption of this constitution, and their first victory was won in the passage by the general assembly, February

19, 1836, of a bill²³ providing for a board of commissioners for the common schools, in pursuance of the directions in the constitution recently adopted, and for a superintendent of public instruction. The primary purpose of this act was to secure the school fund by putting the whole of it in the hands of a definite body, which should have charge of and responsibility for its collection, disbursement and general management. The actual establishing of a system of public instruction was postponed until the finances of the fund, which were in a confused and disorganized state, had been put in order by the board of commissioners. The plan was the same as the one followed in organizing the then existing system, for which the fund had been provided in 1827 and the actual system for the use of its proceeds in 1829.

The board of common school commissioners was made up of the superintendent of public instruction, the treasurer of the state and the comptroller of the treasury, the first named to be the executive officer of the board. He was to collect the moneys, notes, securities, bonds and other property of the state or of the common school fund in the hands of the agents appointed to close the Bank of the State,²⁴ and in those of the county school commissioners. The board was to appoint an agent in each county of the state to attend to the renewing of securities and the gradual payment of all amounts due the board under this act. It was also provided that all accounts, documents, etc., relating to the sale of the Hiawassee lands and to the college and academy lands south of the French Broad and Holston Rivers should be turned over to him or the board's authorized agent. It was provided that as fast as the fund was collected it should be invested in the stock of the Planters' Bank of Memphis. By an act passed in January, 1838, however, it was provided that the whole of the common school funds should become a part of the capital of the recently established Bank of Tennessee.

The superintendent of public instruction was to be elected by a joint vote of the general assembly, to hold office for two years, and to receive a salary amounting to \$1,500.00 a year. Besides his duties as financial agent of the board, he was required to include in his annual report to the legislature a full statement as to the condition of the schools over the state and to make recommendations as to amendments to the law or other legislation. It appears from this that, though he was not given power to enforce the laws or to force action for common schools in the backward districts, he was to super-

²³*Acts of 1835-6, Ch. 23.*

²⁴*By Chapter 67 of the Acts of 1833.*

intend the state system of schools in a capacity more than that of mere financial agent or treasurer of the fund.

To provide for the use of these funds an act was passed on the 24th of January, 1838, entitled "An act to establish a system of Common Schools in Tennessee."²⁵ This act assigns few new duties to the superintendent, but lays more stress upon those parts of his annual report to the legislature which were concerned with the statement as to the condition of the system and suggestions as to modifications and alterations of the law looking to the more efficient organization of the schools. It is provided that he shall apportion the school funds among the several counties of the state according to their scholastic population.

In order that he may have the proper information as the basis for this distribution, the superintendent is instructed to send out blank forms by which the clerks of the county courts may make their reports uniform. Uniformity to at least a limited degree in the course of study is to be secured by his sending out letters of instruction to the different counties.

By an act passed a few days before this one, as stated above, the whole of the common school fund had been made a part of the capital stock of the Bank of the State. It was provided in the same act that the bank should pay \$100,000 a year to the board of commissioners as interest on this fund. By the act now under consideration, this sum and all taxes for the schools were to be paid into the treasury of the state and to be protected in the same manner as the state's funds, but were to remain a separate and distinct fund.

The unit of school administration, as established by this law, coincided with the already existing civil districts, thus making the number of school districts 987. The law provided that the constables of each district should hold an election every two years in June for the purpose of electing five school commissioners for that district. To these commissioners was given practically every power and duty that had not already been delegated to the superintendent of public instruction, with the important exception that all their reports, financial and scholastic, were to be made through the county court clerk, who was otherwise not an officer on the system and not connected with it in any way.

Some of the more important of the duties of the commissioners were to employ, pay and dismiss teachers, to make out the rate bills, "to exempt from the payment of the wages of teachers such indigent persons within the district as they shall think proper," and to make annually to the clerk of the county court a detailed report of the condition of the schools

²⁵*Acts of 1837-8*, Ch. 148.

in their district. They were also to collect the pro rata assessment which the children's parents were to pay for instruction, and in case all the funds arising from this source and from the district's share of the state superintendent's distribution of the school fund should prove insufficient, they were to collect the remainder from the parents of the children attending.

The structure of the system thus enacted was comparatively simple, almost the entire working out and supervision of its details, financial and educational, being left in the hands of two classes of officers—the state and district boards of school commissioners. The pauper element still played a prominent part in it, as shown by the provisions instructing the district commissioners to exempt from paying the rate bills “such indigent persons” as they should deem fit. That it was realized that the fund was inadequate is shown by the fact that rate bills and private subscription were to be resorted to, and by the provision in section 23, that “It shall be the duty of every person sending a child to school to provide his just proportion of fuel for the use of the school.”

The weakest point in the system, all things considered, is the use of the county court clerks as connecting links between the superintendent and the district commissioners, thus depriving the head of the system of that direct control over his subordinates which was so necessary to the proper unification and harmonious working of the whole machine. On the whole, however, the system was a good one, not only furnishing a sound basis on which to build up a better one in the future, but also constituting in itself a considerable advance over the systems that had before been enacted. Its chief merit lay in the fact that it made possible the centralization of the authority over the thousands of common schools that had hitherto led an isolated existence.

The first superintendent of public instruction elected under the provisions of this act was Col. Robert H. McEwen, a man of considerable business ability and extensive connections, and a wide-awake, independent thinker. He was elected not long after the passage of the bill of 1836 and immediately assumed the duties of his office. His report for the year 1838-39 is the first report of a superintendent of public instruction in Tennessee, and is very interesting for a number of other reasons. In the first place, we get for the first time a survey—though very incomplete—of the educational condition of the whole state. In the second place, it is the high water mark of legislative provision for common schools in Tennessee before the war, and shows why the tide, instead of continuing to swell, began to ebb almost immediately. Finally, it shows to what extent Tennessee was affected by the general

wave of sentiment in favor of universal education that was sweeping over the country at that time.

Before considering the report, it would be well to turn for a moment to the investigation that had been made by the general assembly of Col. McEwen's handling of the common school fund since his election to office four years before. As he himself admits in his report of the same year, practically nothing had been done towards putting into operation the system established by the law of 1838. His handling of the money between the passage of the act of 1836 and that of 1838 had caused a great deal of unfavorable comment, but the movement against him did not gain much headway until the long delay in getting the system enacted by the law of the latter year under way and its unsatisfactory working after it had been inaugurated brought pressure to bear upon the legislature and forced an investigation. The result of the investigation was that the majority of the committee reported that the superintendent had mismanaged the school fund in various and sundry ways and that there was a balance against him of \$121,169.05, misappropriated and otherwise not properly accounted for. This opinion was not unanimous, for one of the members of the joint select committee submitted a minority report to the general assembly, in which he defended the superintendent vigorously and ably. It so happened that Col. McEwen's term of office was almost up, so the assembly took the simplest course and let him complete the brief remainder of his term, electing as his successor Robert P. Currin. Suit was shortly afterwards instituted in the chancery court against him and his securities to recover the above amount, but after considerable litigation the affair was finally compromised by a committee appointed by the legislature with the defendants, who were to pay \$10,797.86 in settlement of all claims against them.

The report²⁶ of Col. Robert H. McEwen is dated October 8, 1839. Several pages at the first—a considerable part of the whole—are devoted to an explanation and defense of his use of the school funds. One of the charges against him was that he had not invested the revenue from the funds in stock of the Planter's Bank of Memphis. To this he made answer that the stock of the bank, as everyone knew, was at the time referred to, far below par. Again, it was charged that he had received worthless paper in payment of debts due the school fund, but, as he well says, the finances of the whole country were badly disorganized about that time, and "there was no standard of currency. What was current at one time and in one place was not so in another, or in the same place at an-

²⁶Appendix, H. J., 1840.

other time." Banking conditions throughout the South, and especially in Tennessee, were about as bad as could be, and all sorts of worthless currency was getting into circulation. As for the general condition of the school fund, he stated that he had "experienced much difficulty, not only from the confused and scattered condition of that fund, but from the pecuniary embarrassments of the country. . . . The amount of outstanding debts is considerable." The majority report of the committee (see above) appointed about a month after this report was made states that the school fund amounted at that time to about \$1,400,000.00, of which some \$975,000 was in stocks, \$125,000 still to be received from the sale of the unsold lands in the Ocoee district, and \$3,765 in real estate, while the remaining \$300,000 was made up of various debts, of which about \$67,000 was classed as doubtful. Though not adequate, by itself, to the needs of the school system, this fund was, Col. McEwen pointed out in his report, almost as large as any state common school fund in the United States, and could do excellent work if properly supplemented by local taxation.

With regard to the actual condition of the schools and the work done, the superintendent says, "Little more can be communicated to the present legislature than mere preliminary measures." The school year extended theoretically from July 1, 1838, to July 1, 1839, but the detailed provisions of the law as to the distribution of the funds were such that, had they been complied with immediately by the commissioners of every district, little or nothing could have been accomplished before February, 1839. The law required that the county court clerks should forward to the superintendent the reports collected by them from the district commissioners in their county on or before November 1, 1838, and the superintendent was allowed the months of December and January for completing the necessary records, determining the amount due each county, and making the distribution. But in his report to the legislature, the superintendent stated that a large number of districts, in some cases whole counties, had failed to make any report to him as late as the 1st of February, the day by which he was supposed to have made the distribution of the fund. Since the share of each district could not be determined until the whole number of the scholastic population had been ascertained, it was necessary to delay the distribution until at least an estimate of the population of the delinquent districts could be obtained. Owing to the fact that the directors of the Bank of Tennessee, in accordance with the provisions of their charter, were unable to pay the \$100,000 due on the school fund until the 5th of July (the end of the

banking year), the apportionment of the fund among the several districts was finally postponed until late in the summer. Naturally, then, there was little to report early in October of the same year, less than three months later.

What he actually reports is soon told: In 911 out of the 987 school districts school commissioners had been duly elected and qualified as required by law, and had made their report to the clerks of the county courts. According to their reports, there were 185,432 children of school age (between 6 and 16 years) in the state. The report continues: "A very considerable number of schools have been established under highly flattering auspices. . . . In his correspondence with common school officers in different parts of the state he (the superintendent) has discovered a deep and increasing interest in the cause of education, and a confidence that the present system will lead to great and lasting results."

This is all that the superintendent can report as actually accomplished, and it is certainly little enough. Indeed, it must have been a sore disappointment to those who had labored so hard in the constitutional convention and in two legislatures to provide an adequate, coherent, efficient system of public schools, one that would take some place besides that which it occupied in the volume of the acts of the legislature. Governor Newton Cannon, who five years before had so strongly urged immediate action for a system of common schools and who had put his stamp of approval on the two acts establishing the existing system, gave expression to the general feeling of disappointment in his message to the legislature on October 8, 1839. He expresses deep regret that the working of the system has not been attended with more satisfactory results, and says: "Although common schools have sprung up under its kindly influence in some sections of the state, yet the effect has not been general, and the want of uniformity in its practical operations occasions dissatisfaction and complaint."

The most interesting and, in a way, the most important part of the superintendent's report is not that which deals with what has been done, but the suggestions as to improvements in the system. The measures which he advocates might, under more favorable circumstances and with a more fortunate and painstaking leader in charge, have gone far towards fulfilling the hopes of the most optimistic. His suggestions certainly show that he had well-defined ideas as to the real value of schools to the state and that he was in touch and in harmony with the most progressive men and ideas of his time.

In the first place, he suggests a sort of grading of schools, especially in the larger districts, with elementary schools in various parts of the district, with a school for the more ad-

vanced pupils near the center, "thus affording the facilities and advantages resulting from a division of labor, and from a separation of pupils whose ages and studies are incompatible."

The subject of schoolhouses comes in for a large share of his attention. He states that he sent out the preceding January in connection with his instructions to the commissioners a report on the construction of schoolhouses, taken from the report of the Ohio common school director. He urges that the buildings be of good appearance both inside and out, be properly warmed, lighted and ventilated, and have a good playground. He dwells at some length upon the importance of providing good, comfortable seats for the children.

He has four definite suggestions to make in order that better working of the system may be secured. The first is that the legislature require the districts to raise, by a tax on property, a sum of money equal to the portion of the school fund to which they are respectively entitled. The benefits to be derived from this, he points out, are that the revenue for schools in each district will thus be doubled and made adequate, and that the fact that the people of the district have had to pay half the fund will make them much more careful in managing it than heretofore. Furthermore, the public schools can be so greatly improved by this addition to the funds that they will be far superior to the private schools and will supersede them, "and thus break down the distinction between the rich and the poor."

His second suggestion is the result of his own experience and the experience of all who had been connected with the administration of common school laws ever since 1823. It was in that year, it will be remembered, that there was first put upon the statute books the provision which had ever since operated to the disadvantage of the system—the non-payment of the district commissioners, the very officials upon whose interest and exertions the success of the whole system was most dependent. As Col. McEwen said in his report: "It is evident from the provisions of the school act that the most important duties it imposes rest upon the commissioners. To failure in discharging certain of these duties, considerable penalties are attached and for the performance of these duties, and for assuming these responsibilities, no compensation or immunity is allowed. To this cause may be mainly attributed the fact that in sixty-one of the seventy-six delinquent districts the commissioners, after being elected, refused to serve." He then urges that at least some remuneration be given them for their services.

His other two suggestions he makes in order that Tennessee

may profit by the experience of other states and anticipate difficulties already encountered in them. To this end he advises, first, that one or more agents be appointed—preferably one in each grand division of the state—to travel as lecturers and campaigners in behalf of the common schools, and to visit the schools, advise with the commissioners, and in other ways to encourage and improve them. He cites Massachusetts as an example of the successful working of this plan. The second means for accomplishing this end is the publication of a periodical, about every six months, containing discussions of local problems, articles on foreign education, etc.

From this outline of his policies it appears that, whatever his alleged shortcomings as a public official, Col. McEwen's ideas on the subject of popular education were very advanced and very sound. Though in speaking of the place of common schools, academies and colleges with reference to each other, he said, "All are believed to be requisite for the proper education of a community," yet he thought that private schools should be confined to the years immediately preceding a student's entrance into college, and that the state should supervise the education of the children in the lower grades. That this opinion should have been so clearly and emphatically expressed by a man of Col. McEwen's position is of no little importance, for it marks a decided advance upon the view almost, if not quite, universally held by the influential men in Tennessee's public affairs up to this time. The payment of a salary to the district school commissioners is another comparatively novel idea, while his proposition to levy a property tax is considerably in advance of public opinion and nearly twenty years in advance of legislative action on this subject.

What another person possessed of the same clearly defined, progressive ideas might have accomplished can only be conjectured. Col. McEwen's difficulties, however, brought him and all his propositions into disfavor, and very probably had much to do with the action of the legislature in 1844 in abolishing the office of superintendent of public instruction. Col. McEwen had held office from 1836 to 1840. In the latter year Robert P. Currin was elected to succeed him, and the law was made more explicit in its provisions as to the responsibility of the superintendent for the funds administered by him and as to the details of his report of his management of these funds. In 1841 Scott Terry was elected superintendent and held office until the passage of the Act of 1844 abolishing it.²⁷

The reaction which caused the abolishing of the office of

²⁷*Acts of 1843-4, Ch. 77.*

superintendent of public instruction had already begun to set in during Col. McEwen's term of office. Governor Cannon, in his message of October 8, 1839, had said: "There is probably not another law to be found among our statutes that has more signally failed to fulfill the wishes of our legislature, or one that requires more thorough revision and amendment in order that it may effectuate the purposes for which it was designed." It is possible that, since his party had just been defeated at the polls, he was inclined to take a rather gloomy view of the condition of things in general—as the tone of his whole message, of which the foregoing is a part, leads us to believe.

Governor Polk, just elected to office, had very little to say on the subject of education in his first message to the legislature, and what he said was confined to the recommendation that measures should be taken to secure the stricter accountability of the officers of the system who had charge of the school fund.

Gov. James C. Jones, in his message of 1842, had little more to say on this point than Governor Polk, urging, as had the latter, the better protection of the school fund, "the main reliance of indigent children in getting an education." In his message of the following year, however, he described this fund as "small and wholly insufficient for the accomplishment of the great purposes of education." The passage in this message relating to the common schools is an excellent example of the bombastic, spread-eagle style of oratory that was so popular and effective at that time. It runs on for some time in its inflated style; but when we brush off the froth and look for the invigorating liquid, we see only a few little drops scarcely covering the bottom of the cup. The suggestions made are these: (1) The increase of the school fund (he makes no definite suggestions as to how this shall be accomplished); (2) individual exertion (whatever he may mean by this) in behalf of the common schools; and (3) either the increase of the duties of the superintendent of public instruction, or the abolishing of the office. That the superintendent, Scott Terry, was not performing his duties in conformance with the spirit of the law or along the lines laid down by Col. McEwen is indicated by Governor Jones's language in recommending that the office be abolished—"if the duties of this office are to extend no farther than the mere collection of the fund and a biennial report." That the wave of enthusiasm for common schools had subsided considerably is shown by the fact that, instead of providing for more extensive and varied activities on the part of the superintendent, the legislature abolished the office, not long after receiving this message, by an act passed January 12, 1844.

Meanwhile matters grew steadily worse with the common school system. The fund, according to the committee appointed to investigate Col. McEwen's official acts as superintendent, amounted in 1840 to about \$1,400,000, but, as this same committee testified, "It has been time after time plundered by a thousand hands." The superintendent's report for 1839 showed that there was to the fund's credit in July of that year \$115,551.46, with a scholastic population of 185,432, but even of this small amount only \$103,759.46 was actually distributed, thus allowing for each child about 56 cents. In 1844 the report of the state treasurer showed a scholastic population of 240,312, the great increase being due in part to the fact that the school age had been changed from 6-16 to 6-21. The report of the comptroller of the treasury for 1847 gives the receipts and payments on account of the school fund for the years 1839-1847, inclusive, and shows that the average amount of receipts during that time is about \$117,500 annually, while the payments vary widely, ranging from \$46,133.97 in 1844 to \$191,241.84 in 1847, the average being about \$110,200 a year. Distributing this amount among a scholastic population that had grown to 240,312 in 1844, as stated above, and, according to the state treasurer's report of 1851, to 281,138 in 1850, it will be seen that each child would receive from the school fund between forty and fifty cents a year—and this was the fund that was "the main reliance" of the poor in getting an education, that was to establish a universal system of education "for rich and poor alike," and was to exterminate illiteracy.

The ten years that we have just been considering—1834 to 1844—constitute a clearly defined period in themselves. The first half of this period may be characterized as the period of progress, the second as that of reaction. The first half witnessed the most vigorous, intense, and, from the legislative standpoint, one of the two most effective agitations for a state system of public instruction that took place in Tennessee before 1860. In the second half, the natural swing of the pendulum in the other direction was accelerated by the misfortunes of the system's first superintendent, by the failure of the laws passed to bring about the immediate and complete betterment of conditions that had been expected, though unreasonably, by many enthusiasts, and by the increasing gravity of those never-ending financial difficulties that so hampered and harassed the state of Tennessee all through the ante-bellum period.

The reaction against the common school system reached its height in 1844, when the great abolishing act was passed. Having practically demolished the whole educational system by depriving it of any active head and central authority, the reactionaries soon began to see that, unless immediate action

were taken, all real life would soon depart from the feebly struggling remainder of the common school system and nothing but the empty shell would be left. Even Governor Jones, who, though eloquent in the cause of common schools, had done them no good and considerable harm by his messages of 1842 and 1843, said in his message to the legislature, October 10, 1845: "The fearful want of education among our citizens is no longer to be disguised. . . . The greatest obstacle to be overcome, and perhaps the only formidable difficulty in the way of success is, the want of a sufficient fund." There is nothing new in the latter part of this statement, but there is something decidedly new in the measures that he suggests as remedies. The first of these, which was decidedly unprogressive, Jones did not press, namely, that the use of the fund be restricted to the education of the indigent and needy citizens' children. The second suggestion is much more creditable to the Governor, though it is little more than a hint—that the fund be increased, possibly by taxation, better by appropriating all the funds of the State Bank to the school fund. In view of the prejudice against direct taxation, which, as is well known, was so strong throughout the United States for many decades after the adoption of the national constitution and has not yet lost its force by any means, and in view of the unhappy financial condition of the state at that time, we may go so far as to say that it was little short of courageous for Governor Jones even to intimate in the most deprecatory manner—as he did—the desirability of adopting a law levying a direct tax for the support of the common schools.

No definite action, however, was taken on this very mild suggestion, for the state was really not yet ready for such a measure. But that conditions were very bad is shown by the report of the proceedings of an educational conference held in Knoxville on April 19, 1847, at which were present representatives from Greene, Cocke, Hawkins, Claiborne, Jefferson, Blount, Knox, Roane, Marion and Anderson counties.²⁸ These representatives adopted a memorial to the legislature urging a property tax, the appointment of a state superintendent of public instruction and of boards of education in each county for the examining and licensing of teachers, and a monthly magazine devoted exclusively to the interests of education. To emphasize the necessity for such measures, the memorial cited the fact that only one state in the Union (North Carolina) had shown a greater per cent of illiteracy at the last census than Tennessee, in which, out of a total number of white persons over twenty-one years of age of 249,008,

²⁸*History of Tennessee*, Goodspeed Publishing Co., 1886, pp. 428-9.

there were 58,531 or 23 1-2 per cent who could neither read nor write.

In the same year Governor Neil S. Brown called to the attention of the legislature, as had so many of his predecessors, the necessity of supplementing the school fund. This, he said, might be done by direct taxation, though he was unwilling to recommend that this means be employed except as a last resort. It might, however, be left to each county to decide whether or not it wished to levy such a tax. He strongly urged that the legislature re-establish the office of superintendent of public instruction, and that chief among the duties of this officer be made that of traveling regularly through all parts of the state to arouse interest in education, to organize schools, and to consult with and advise the local school authorities.

The memorial of the common school convention and Governor Brown's message indicate a renewal of the normal growth of the common school idea after the reaction that had resulted in abolishing the office of superintendent of public instruction. Definite action, however, was not taken until 1850, although, to secure the school fund, a law was passed in 1848 making the president and board of directors of the Bank of Tennessee the Board of Commissioners of Common Schools and requiring them to make a financial report to each session of the legislature.²⁹ On January 7, 1850, the legislature passed a law³⁰ by which the authorities of all villages, towns and cities in the state were empowered to levy a school tax, not exceeding the state tax on property, privileges and polls, provided the majority of the voters in the village, town or city expressed in an election held for that purpose a desire for such a tax. This law is not of very great importance on account of the direct good that it accomplished, for that was little, but because it was the opening wedge for a state-wide compulsory tax law for the support of the common schools.

The statistics furnished by the census of 1850 showed that conditions were even worse than they had been ten years before, for while the percentage of illiteracy in 1840 was about 23 1-2 per cent, there were in 1850, out of a total white population over twenty years of age of 316,409, 77,522 illiterates—24 1-2 per cent of the total.³¹

In the face of such conditions as these figures indicated, and urged by the growing popular demand for better common schools, the legislature passed in 1851 the first of a series of

²⁹*Acts of 1847-8*, Ch. 145.

³⁰*Acts of 1849-50*, Ch. 17.

³¹This increase, according to the Census Bulletin of 1905 on illiteracy, was due in part to the fact that better methods had been adopted by the Bureau of the Census for ascertaining the number of illiterates.

four bills that were enacted during this decade for the improvement of the public school system. This act authorized the district school commissioners to employ female teachers on the same terms that were made with male teachers. The significance of this act is better understood when we read what Joseph Estabrook, then president of East Tennessee College, had to say on this subject—that one reason why the common schools were not more effective was that none but men could teach in them, and yet no man with any self-respect or ambition would teach, certainly for any length of time, in those schools; and he goes on to say that, all in all, teaching in the common schools is an occupation very well suited to woman's character and capacity.³²

The second of this series of acts is the most important act for common schools passed in Tennessee before the Civil War. It was passed February 28, 1854, and is entitled "An act to establish a System of Common Schools in Tennessee." Its most noteworthy feature is that it provides for the first time in the history of the state for taxation for the support of the common schools. This step had been advocated in his message³³ at the opening of the session by Governor Andrew Johnson, who stated his reasons for urging this measure in the following words: "It must be apparent to all that our present system of common school education falls very far short of coming up to the imperative demands of the constitution. If the law establishing our common schools had been perfect in all its details, the common school fund has been heretofore wholly inadequate to put it into practical and efficient operation throughout the state. *At the present period, and for a long time past, our common schools have been doing little or no good*, but on the contrary, have, in many instances and in different parts of the country, been rather in the way than otherwise, preventing the people from getting up and having schools at their own responsibility and expense. . . . If we are sincere in what we profess for the cause of education, we should, without hesitation, provide means to accomplish it." He suggests, then, that taxation, either compulsory by the state, or optional by the counties, be adopted as the best method of providing this means and "to give life and energy to our dying, or dead, system of common school education."

The legislature soon followed this advice, adopting, not one, but both of the methods suggested by the Governor.

The bill was introduced January 11, 1854, in the upper house of the state legislature by Speaker Edwin Polk,³⁴ and

³²East Tennessee College Commencement Address, Sept. 12, 1838.

³³H. J., 1853-4, pp. 455-457.

³⁴Senate Journal, 1853-4, p. 376.

it is no doubt due to his influence that the measure passed through all the necessary stages with such comparative ease. There was no discussion of the bill until it came up on the third reading. Then two points had to be settled. The first was as to the amount of the poll tax. One senator moved that the amount be \$1.50, but there was not even a taking of the ayes and noes on this motion. Then other amounts were proposed, and as the amount grew steadily smaller the number of ayes grew steadily larger until finally the vote stood 13 to 12 in favor of a twenty-five-cent poll tax.³⁵

The second question to be settled was one raised by Senator Davis, who offered an amendment that provided for the election of a superintendent of public instruction. Here again the generous impulses of the legislature were restrained by the necessity of financing the scheme; and this time, unfortunately, no amount of reduction could bring about a change of heart among the more economical senators. At first, \$2,000 per year was proposed as a salary, but after this and several other reasonable sums had been rejected, one of the senators—whether in derision or in despair we cannot say—moved that the annual stipend be fixed at \$10.00. This broke up the meeting, adjournment was taken, and on the following day the bill was passed on its third and final reading by a vote of 16 to 9, with no provision as to a superintendent.³⁶

The bill was then sent down to the lower house, where it began a stormy career, and more than once seemed hopelessly beaten. The house had already discussed and voted on a large number of common school bills introduced by its own members, but after discussing the matter warmly for some months—during which time the same phenomenon of the number of favorable votes rising in direct proportion to the fall in the amount of poll tax suggested was observable—all the bills on the subject of education were referred to a joint select committee.³⁷ This committee, however, appears never to have materialized; it certainly never reported.

It would be interesting to follow the fortunes of the senate bill in detail, but considerations of space make only the briefest outline of the main events possible. Passage on the first reading was, of course, a matter of form; but, after spending the whole morning in fruitless discussion and voting on different propositions, the house, upon reconvening in the afternoon, rejected the bill by a vote of 40 to 30 upon roll call. This action, however, was immediately reconsidered, and on

³⁵*Ibid.*, pp. 474-475.

³⁶*Ibid.*, pp. 480-483.

³⁷H. J., pp. 573-579.

the following day the bill passed the second reading by a vote of 38 to 34.³⁸

Again on the third reading it was rejected, the vote standing 38 to 32 in favor of rejection; again this action was reconsidered; and again the bill was passed, this time on the third and last reading by the narrow majority of 5 votes in 63.³⁹ Even now, however, not all opposition was at an end, for a motion was made on the following day to reconsider the vote; but adjournment was immediately taken, and on the following day the motion was withdrawn.⁴⁰

The bill was then sent back to the senate with three amendments, all of which were accepted; the most important, which appropriated one-fourth of the privilege tax to the schools, being concurred in by a vote of 16 to 7.⁴¹

Below is given an analysis of the most important of these votes:

	—House—								—Senate—	
	Second Reading				Third Reading				Third Reading	
	Rejec.	Pas.			Rejec.	Pas.			Passage	
	For	Agst.	For	Agst.	For	Agst.	For	Agst.	For	Agst.
East Tennessee.	11	10	13	9	10	11	13	7	7	1
Mid. Tennessee.	18	13	17	14	20	13	13	14	5	6
West Tennessee.	11	7	8	11	8	8	8	8	4	2
	40	30	38	34	38	32	34	29	16	9

It is perfectly evident from this analysis that the main strength of the common schools lay in East Tennessee, just as it had in 1834. In all of the votes taken in the house, West Tennessee never once cast a majority of its votes in favor of the bill. Middle Tennessee did so once, but was on the side of the opposition on the other three occasions. Four of the representatives from the latter section who were absent at the time of the final passage of the bill had their names entered on the following day as opposed to its passage, thus giving the noes a majority of five instead of one in that section.⁴² East Tennessee, on the other hand, was on the side of the common schools in three of the four votes, and on the third reading its vote was almost 2 to 1 in favor of the passage of this bill. Thus the poorest section of the state⁴³ was most strongly in favor of a direct tax—on polls as well as on property—for the support of the schools.

³⁸H. J., pp. 857-868.

³⁹Ibid., pp. 986-994.

⁴⁰Ibid., pp. 998, 1001.

⁴¹S. J., p. 657.

⁴²H. J., p. 995.

⁴³See "Report of the Comptroller" for 1856, *Appendix*, H. J., 1857-8, for statistics as to the wealth, etc., of the three grand divisions.

This fact is significant when we remember that East Tennessee had a very small proportion of the total number of slaves in the state; that the main strength of the academies was in Middle Tennessee, and was not slight in West Tennessee; and that the college and academy lands had been located in East Tennessee, resulting in a deep prejudice in that section against the private schools.

These facts, however, should not be given too much weight, for no doubt party and other considerations had a great deal to do with the vote. For instance, many proposals for the benefit of the common schools originated with legislators of Middle and West Tennessee; and it is important to remember that the bill that finally became law was introduced by Speaker Polk of West Tennessee.

The first section of the bill as finally passed runs thus:⁴⁴ "Be it enacted . . . that a tax of twenty-five cents on the polls, and 2 1-2 cents on the hundred dollars, of all the taxable property of the state, shall be levied for common schools, and shall be levied by the same officers who now collect the state tax, and under the same regulations and restrictions to which they are now subject in collecting said taxes, and shall be paid over to the treasurer of the state as state taxes are now paid over." The amount of this tax seems pitifully small now, but for the times and the conditions it was a very liberal tax. Indeed, as we shall see, it almost doubled the amount of the school fund available for annual distribution. The law further provided that this and the annual payment of \$100,000 from the bank of the state should be distributed, as formerly, among the counties in proportion to the scholastic population. The third section of this act empowered the county courts to "levy and collect a tax on property, polls and privileges" not less than the amount the county would receive from the state under the provisions of section one; and if two-thirds of the court were not in favor of such a tax, the question must be submitted to a vote of the county.

The least important of these four measures repeals section 10 of chapter 47, Acts of 1841-42, requiring at least twenty pupils to entitle a school to get its share of the school fund, and reduces the minimum number to twelve.⁴⁵ The purpose of this law was to encourage the establishing of schools in the more remote parts of the state where long distances, occasioned by the sparseness of population, would have discouraged or prevented many children from attending the schools under the old law. It is not known that this law accomplished much good, and it is certain that a similar law enacted nearly forty

⁴⁴Acts of 1853-4, Ch. 71.

⁴⁵Acts of 1855-6, Ch. 105.

years later had a disastrous effect upon the public school system.

The last of this series of laws⁴⁶ was passed to secure better instruction by introducing some uniformity into the method of examining and licensing teachers and by systematizing it more thoroughly. It is provided that one or more commissioners shall be elected in each county by the county court, whose duty it shall be to examine all applicants to teach in the free schools, and to issue a certificate of competency, charging one dollar for each examination. The common school commissioners are forbidden to employ anyone who cannot produce such a certificate.

The impetus given by this legislative activity is seen in many ways. The public schools of Nashville and Memphis were established soon after this, those in the former city in 1855 and in the latter in 1858. In both places the schools were popular and their work was very successful. The effect of the establishing of these excellent systems of city schools was felt not only in the cities themselves, but it was found that then, as now, the best way to convince a community of the desirability of public schools is to let them see a model one at work.

The increase in the amount of the school fund for annual distribution as the result of the Act of 1854 was immediate and gratifying. In the four years (1851-4), the average annual receipts for the common school fund amounted to \$115,428.61; disbursements, \$118,797.20. During the period 1855-8 the amounts received had increased to \$203,595.97; disbursed, \$194,429.05.⁴⁷

The principal sources of revenue and the amount secured from each of them immediately before the outbreak of the Civil War, as given by State Treasurer R. L. Stanford in his report to the legislature dated October 1, 1865, were:

From the State Treasury	\$100,000.00
In lieu of land taxes.....	2,000.00
Bonuses from banks and insurance companies	17,779.76
Tax on polls	25,255.75
Tax on property	78,656.42

Total\$223,691.93

Thus, although the largest single item was the payment on account of the permanent school fund, almost half of the total was furnished by taxation.

⁴⁶*Acts of 1855-6*, Ch. 114.

⁴⁷*Report of the Comptroller* for 1857-8, *Appendix H.* and S. J., 1859-60, p. 32.

Another gratifying result of the four acts just discussed was the reduction of the percentage of illiteracy in the state. In 1850 the proportion of illiterates among the white population over twenty-one years of age was 24 1-2 per cent, while the census of 1860 showed that it had been reduced to 19.7—a reduction of nearly 5 per cent.

Although the common school system was undoubtedly doing much good at the time when the outbreak of the Civil War put an end to its activity, and although it gave promise, by its rapid improvement in the last five years of its existence, of becoming an important factor in the growth of the state, it is an undeniable fact that never once during these first forty years of its existence did it really deserve the high-sounding title of a state system of public instruction. In the first place, the governors' messages quoted above state more than once that it was not universal in its application—that is, was not a *state* system in the true sense of the word. In the second place, those parts of the state which did have common schools regarded themselves as parts of a state system because of the fact that they received annual supplementary financial aid from the state treasury, in return for which they agreed to elect their school officers according to certain regulations imposed by the state and to conform to certain minor requirements in the use of the money. That was all. There was no central supervisory authority, and there was no uniformity in the courses of study, the text-books, or in anything except the requirements for teachers.

It was left entirely to the will of each community whether or not it was to have schools; and, as for the schools that were established, Governor Johnson, as we have already seen, said that, far from being efficient, they were rather a hindrance. It is true that the four laws passed in the early fifties gave new life to the system, but its benefits were confined for the most part to those localities in which schools had already been located.

Clearly, then, the common school system up to 1860 lacked, as a state body, organization and uniformity; and, in its component parts, efficiency.

A detailed explanation of this situation would fill a large volume, and the reasons are manifold and complex. At least a brief general consideration, however, of the problems and difficulties that faced the supporters of common schools is necessary to understand the course of legislation on this subject and the failure of the system to accomplish what it was intended to.⁴⁸

⁴⁸See H. M. Doak, "History of Education in Tennessee," *American Historical Magazine*, Vol. VIII, No. 1, for a brief account of this period.

In the first place, never-ending financial difficulties beset the path of the public school system, assuming now one shape and now another, but always hampering and balking its efforts. One of the forms assumed by this enemy was the inadequacy of the school fund. This inadequacy, in turn, is traceable to the failure of the United States to divide Tennessee into townships, as had been done with the Northwest Territory, making the township the unit, and designating a certain lot in every township as school land. This method assured to the states of the Northwest Territory an adequate permanent school fund, while the failure to adopt it in Tennessee not only deprived the state of practically the whole of such a fund but, as shown above, occasioned a great deal of uncertainty in the minds of those who wished to take steps to secure for the common schools a permanent fund, and discouraged the creation of such a fund at the expense of the state.

Caldwell holds that the failure of this fund to materialize was not altogether bad, since it threw the state on its own responsibility and necessitated independence of action.⁴⁹ This would, perhaps, be very true, had it been definitely settled at the very outset that Tennessee would have to provide its school fund at its own expense; but as it turned out there was always a considerable number in the legislature ready to oppose state expenditure for this purpose as long as there was even the slightest chance of getting it any other way.

Besides this disastrous delay in securing a permanent school fund, there was, as we have seen, the complaint that it was inadequate—and a very well grounded complaint it was.

Another financial difficulty was that due to the handling of the funds, which, according to the testimony of the majority of the committee appointed to investigate the official acts of Superintendent McEwen, had been plundered "time after time by a thousand hands"; and when the funds were not misappropriated they were often mismanaged. The state is notorious for its mismanagement of the internal improvement funds, and the fate of the school fund was not much better.

It is interesting to observe the close connection between the economic condition of the state and educational legislation. As we have seen, the popular wave in favor of education reached its height in the period 1834-8, and began almost at once to subside, falling rapidly until 1844. Then it began another gradual rise that reached its culmination in the Act of 1854.

At the same time we find that the average value of land

⁴⁹*Constitutional History of Tennessee*, pp. 128-9.

in the state in 1836 was \$4.00 per acre and the average value of slaves \$584.00. Then began a steady decline until 1846, when the former stood at \$3.03 per acre, the latter at \$413.72 per head. Then another period of prosperity began. By 1853 the level of 1836 had been regained, and in 1854 land was worth \$4.60 per acre and slaves \$605.52 per head.⁵⁰ That the relation between the economic condition of the state and education was so immediate is due to the fact that the paramount educational problem in this period was the financing of the schools.

One great obstacle in the way of the development of a real state system of public instruction was shared by Tennessee in common with the rest of the South—slavery. Both the economic and social effects of this institution were unfortunate for public education. The economic effects were to lower the grade and cheapen the price of labor by the presence of a large number of ignorant, unskilled laborers, and, by the predominance of plantation over community life, to scatter the population and make a considerable number of large cities impossible. The result of these, in turn, was, first, that, since the lower classes are always the last to see the need of general education, it remained for the upper classes—that is, the wealthy and well-to-do property holders—to take active measures to secure the adoption of adequate means by the state for public instruction, if such measures were to be taken at all. Yet the slave-holding, property-owning class, having at hand a mass of cheap labor, could not be made to see the economic desirability of taxing themselves to educate the laboring classes, when there was no market, or only a very restricted one, for skilled labor.

In the second place, the scattered condition of the population was then, as always, one of the most serious hindrances to the growth of public schools. Besides the fact that, once the school had been established, it was a great inconvenience to have to travel from two to six miles to get to it, especially as each family had to furnish its own means of conveyance, there was the difficulty of getting men who were separated by long distances to undertake the concerted, sustained action necessary to establish and maintain a school. Then, too, the absence of any good systems of city schools during practically the whole of this period removed an example that has proved very effective in more recent times.

The social effects of slavery—the creation of an aristocracy and the fostering of class feeling and sharp social distinctions—are the subject of never-ending discussion. The effect of these conditions on public education was to make the better

⁵⁰"Report of the Comptroller," *Appendix*, H. and S. J., 1859-60, pp. 30-31.

class of people unwilling to have their children attend school with the children of the "poor whites." This feeling was not merely an unreasonable and snobbish prejudice, for, as a class, the poor whites were undesirable citizens, and their children were, of course, no better.

The unwillingness of the upper classes either to support the common schools or to send their own children to them was encouraged and increased by the excellent system of colleges and academies already referred to. The earliest efforts of the state were in behalf of the academies and colleges, and though in common with all matters pertaining to education, they were on the whole rather ill-treated and neglected by the legislature, they nevertheless received more attention and were paid more respect by that body than the unfortunate common schools. So it was everywhere. The newspapers published at two of the periods of greatest activity for the common schools, 1823-6 and 1839-41, have scarcely a word for them, practically all their articles and discussions on educational subjects being about either the colleges or the academies. The tone of all public utterances and even the text of the laws betokens a feeling of respect, almost awe, for these institutions of learning; and the fact that they were hated by a large part of the lower classes is rather a tribute to them. As to the quality of instruction given in them, Dr. J. L. M. Curry, in an article entitled "Education at the South," states that the private institutions—the colleges and academies—before the Civil War were, if anything, superior to those of the North.⁵¹ Again, Dr. Edwin A. Alderman, who has for many years been prominently connected with the movement to improve educational conditions in the South, writing in *The Outlook* for August 3, 1901, says: "It is doubtful if there were anywhere in the world, outside of Scotland, better schools for the training of the few than existed in the South prior to the Civil War."

Thus, being able to send their own children to excellent schools near at hand, the class to whom progressive measures such as universal state education must always look for support were deaf to all arguments that meant extra expense and no benefit to them.

As a direct result of these conditions, the common schools were regarded from the first as primarily pauper schools. It has already been shown how this appears in all the acts, beginning with that of 1817 and continuing, though with diminishing importance, as a part of the system until 1860. It was retroactive in its effect, for, though produced by the excellence of the private schools and their high place in the confidence of the community, this conception of the common schools as

⁵¹*Education*, II, p. 278.

charitable institutions did as much as anything else to lower their worth in the eyes of all classes, especially the wealthier, and consequently to raise that of the private, exclusive schools correspondingly.

The following figures⁵² are significant:

	No. of Schools		Teachers		Pupils	
	1850	1860	1850	1860	1850	1860
Public schools ...	2,667	2,965	2,804	3,064	103,651	138,809
Academies and other schools ..	260	274	401	618	9,517	15,793

While the common schools had made a substantial increase in all respects, the academies showed a much larger proportionate increase in the number of teachers and pupils.

Finally, the fact that there was a great deal of class feeling and that the common schools were regarded as the schools of the poor gave many demagogues a convenient occasion for making the very potent appeal to jealousy and envy. To make themselves popular, they would say and promise things that they had little, if any, idea of doing, certainly not if it required any great expenditure either of energy or of money. For instance, the messages of the governors during this period almost uniformly grow enthusiastic on the subject of the common schools, speaking in glowing terms of universal education and dwelling on the democratic and distinctly popular elements in it; but the vagueness of their language and the lack of definite suggestions makes us doubt in most cases the sincerity of the speaker and incline to believe that the parts of the message relating to common schools were inserted as campaign material.

Joseph Estabrook, then president of East Tennessee College, speaking just after the enactment of the most progressive legislation save that of 1850-6, said: "Had eulogy and declamation been all that was wanting, in our own state, long since knowledge would have knocked at every man's door and have been found an inmate of every dwelling."⁵³

What, then, with the financial troubles in connection with the school fund and in the state at large, the poverty and sparseness of the population and the other obstacles due to slavery, and the insincerity of many of its own advocates, it is small wonder that the state system of common schools down to the time of the Civil War existed principally in the words of politicians and the thoughts and hopes of a few enlightened reformers.

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⁵²*Census* 1850, pp. 580-581; *Census* 1860, "Mortality and Miscellaneous Statistics," p. 506.

⁵³*East Tennessee College Commencement Address*, Sept. 12, 1838.

THE TOPOGRAPHICAL BEGINNINGS OF NASHVILLE

The first resident of the area now covered by the city of Nashville of whom we have any account was a Creole named Charleville, who ascended the Cumberland river and established a trading station and store on the top of a large Indian mound in the angle formed by the river and the Sulphur Spring branch. According to John Haywood, this mound was about seventy yards from the river and about the same distance (northward) from the branch.¹ On the wall of the Tennessee Historical Society's rooms is a plat made by David McGavock, in 1786, showing this "Mount" as situated on the 960-acre tract of James McGavock, near its northeast corner. To judge from this plat the mound would seem to be about 210 feet from the south bank of the river and about 400 or 500 feet northward from the branch. It would thus lie a very few feet north of the approach of the present Jefferson street bridge, and between Market and College streets, (Second and Third avenues).

The beginning point of this Freeland, afterward McGavock, tract was on the south side of the river, 18 poles below the branch, and the line ran thence south 67 degrees west. This was also the line of the Salt Spring tract, which will be mentioned later; it is identical with the present course of Jefferson street.²

It cannot be said with certainty what tribe of Indians built and occupied this mound, but the present writer believes that it was the work of the Shawnees, as this nation, the "Gypsies of the Wilderness," held this section up to the time of Charleville, whose hunters were a remnant of Shawnees. There was a stockade of heavy upright timbers inclosing the mound. As a result of bloody wars with the Iroquois, Chickasaws, and Cherokees, the Shawnees had been partly exterminated and partly driven across the Ohio river; only some twenty or thirty remained around Charleville's station.

In the year 1714 Charleville and his Shawnees packed their peltries into canoes and started for the French settlements on the Mississippi, but were waylaid at Harpeth Shoals, some forty miles below Nashville, and nearly all the Shawnees were killed. Charleville made his way to Cahokia, the French settlement in the present state of Illinois.

¹J. Haywood, *Natural and Aboriginal History of Tennessee*, p. 136 (Part 4); and pp. 221-224.

²*Davidson County Deed Book C*, page 217.

This mound is not visible now, it probably having been scraped down when Front street was leveled for the railroad tracks.

There were a number of other mounds in the vicinity, particularly about the sulphur spring and present ball park. The three hillocks in the bottom where the sulphur well now is are remnants of such mounds. Part of the ground under the Howe ice factory is a mound; and the same is true of the ground under the warehouse on the opposite, or south, side of Fourth avenue.

The next settler was Thimoté Demonbreun, also a Frenchman, whose name was commonly both pronounced and spelled Timothy Demumbre. He is too well known to need much mention here. He had served in the French army in New France, and had come to the Cumberland as a trapper and lived there until over ninety. His name is on the list as a subscriber for one of the town lots. He was a sergeant in the guard for the protection of Mero district, and the society has his signature on two requisitions for supplies. There is no evidence that the "long hunters" of 1770 reached the bluff where Nashville stands, but they did reach Bledsoe's lick and Station Camp Creek in Sumner county. In 1772 hunters explored as far as Nashville. The settlers under the lead of James Robertson reached the bluff in the early part of January, 1780—some say on Christmas day, 1779—while the "Boat Adventure" with its settlers arrived April 24, 1780. The first Indians met were a friendly hunting party; the Battle of the Bluffs did not occur until April 2, 1781.

A remarkable thing is that the settlers did not know what latitude they were in; nor did there exist any mode of acquiring title to land. The Watauga settlers thought they were in Virginia, and Daniel Smith's map (in Imlay) runs the line that way by a detour into Tennessee. Long after the running of the line of Walker, who in 1779-1780 attempted to locate the place of latitude $36^{\circ} 30'$ from the northeast corner of Tennessee to the second crossing of the Tennessee river, the settlers or "stationers" on the north bank of the Cumberland river at Nashville believed that they were in Virginia; but this was due largely to the fact that Henderson's attempted purchase from the Indians extended to that point and to the Ohio, and Henderson treated it as Virginia domain for a short time. The commissioners who made the abortive treaty with the Indians at Nashborough in 1783 were appointed by Virginia.

These doubts as to the borders of the territory to which the Cumberland country belonged were, however, soon set at rest.

The next trouble was the fact that there was no land at the place at which the settlers had arrived the individual ownership of which could be legally acquired, for the reason that it was adjacent to a salt spring and the State of North Carolina reserved such tracts from entry and grant. This naturally brings the discussion to the matter of the salt spring and the tract surrounding it.

The salt spring was located on the north side of Cherry street, or Fourth avenue, in North Nashville. It was not at the spot where the sulphur spring pump is now located, but about 100 yards east of that point, and on the other side of Cherry street, or Fourth avenue. It was in the soil near the branch, or "lick," and was surrounded by a low circular embankment sixteen or eighteen feet in diameter, the spring thus being in a saucer-shaped depression.³ It is believed that this embankment was caused by buffaloes pawing the mud out of the spring and throwing it back toward their hind feet.

As stated before, it was the law of the State that salt spring tracts could not be granted. The law required that a tract of 640 acres should be laid off so as to include the salt spring and that this tract should be reserved as a kind of public park for the free use of all citizens and their cattle. Even the later act permitting the sale of salt springs tracts required that the springs themselves should not be inclosed by the purchasers.

In 1782 the salt spring tract was surveyed by Thomas Mulloy. It embraced 640 acres and began at the south side of the river 18 poles below the mouth of the salt lick branch (Sulphur Spring branch), and the line ran thence south 67 degrees west, 226 poles to a hackberry and other marked trees; thence south 33 degrees east on a line 742½ feet west from the present McLemore street, which street later was the "back line of the town." This line continued until it crossed Wilson's Spring branch. It then cornered again and ran north 67 degrees east until near the river above Nashville, where it again cornered and ran due north 36 poles to the river.⁴ The above line running north 67 degrees east crosses Peabody street at an acute angle. The place where the last call touches the river is very near the new railroad bridge of the Lewisburg & Northern railway.

The next act of North Carolina appointed trustees to lease out the salt springs, and Lardner Clark and J. C. Mountflore were the trustees appointed to lease the spring for the Cumberland settlers. The original of a lease of this kind is in the archives of the Tennessee Historical Society, made by

³This fact is related by Mr. I. T. Rhea, a highly intelligent citizen.

⁴North Carolina, *Private Acts*, p. 200.

Anthony Hart in September, 1790, he having made bond to pay to the trustees of the town 600 pounds of dry salt for the use of the salt works for four weeks. The paper shows that there were kettles, beams, arches, etc., there. On the back is a credit for 150 pounds of salt, and other credits in articles the value of which is not stated.

Salt was selling at \$20 a barrel at that period.

A few words with respect to our salt licks in general may not be out of place here. Originally there were many salt swamps or springs in this western country the water of which could be evaporated, leaving a residuum of very good salt. Besides this one at Nashville there was one on Mansker's creek at the north border of Davidson county. In the account of James Robertson's expedition in 1787 against the Indians at Coldwater on the Tennessee river a salt lick "as big as a cornfield" is spoken of as being near Lick creek in the present Hickman county. There were a number of them some miles west of the Cumberland plateau. When they began to fail they were often drilled to considerable depths by means of drills fitted to heavy wooden poles, and casings were let down into them to keep out other kinds of water.

What was the origin of these salt springs, and why have they disappeared?

There were no beds of salt rock; if there had been they would not probably have become exhausted almost at one and the same time.

The whole Cumberland or Middle Tennessee valley is the result of the solution* and erosion of a vast amount of earth and rock from which the salt was left as a residuum in certain confined places where the waters, not being able to escape freely, evaporated through a long period of time. This left a limited amount of salt, which was mostly exhausted by extraction, and the remainder of which disappeared with drainage and cultivation of the lands.

In 1789 an act was passed directing the sale of the salt spring tracts whenever the county courts should be of opinion that they were of no use for salt production.⁵ Those holding leases were to be excused from half the rental charge and be given time in which to pay the rest. Davidson Academy was to get one of the salt springs tracts, and it was given the Casper (Mansker's) creek tract of 640 acres, it has been said. The academy had additional land given it within the Nashville tract, as will be shown.

Under an act of 1784 of the State of North Carolina 200 acres of the Nashville salt spring tract were set apart to constitute the town of Nashville, and out of the 200 acres were

*North Carolina, *Acts*, 1791, p. 679.

to be laid off and reserved four acres for public buildings—courthouse, jail, and stocks.⁶ The rest of the 200 acres were to be laid off into one-acre lots and sold, the proceeds to go to the construction and maintenance of these public structures. Each purchaser was to build a certain kind of house within three years, a requirement from which they were relieved very soon by another act.

The four acres are the Public Square, which could not be sold, and which was "reserved" for public structures of a nature pertaining to a county. The four acres were never *granted*, but being *reserved* went first to the United States under the cession act, then to Tennessee, but each time charged with this dedication; hence are under the county's management.

The act of 1784 simply directed that out of the salt spring tract 200 acres should be laid out for a town, four of which acres should be set apart for public buildings, as a courthouse, a gaol, and stocks. Trustees were named in the act and empowered to sell the lots at four pounds North Carolina money by subscriptions to as many as fifty lots at a time. The lots subscribed for were to be later drawn for by lot, except that James Robertson should have the right to purchase as many as four lots, which he could select as he might see proper.⁷ The present street railway transfer station is on one of the James Robertson lots. This act was thus the original charter, though it contains few grants of authority such as are usually found in charters.

⁶North Carolina, *Acts*, 1784.

⁷One of the subscription lists for the original lots is among the HISTORICAL SOCIETY's papers, dated April 30, 1790. It is as follows: Jas Love, 3 lots; J. C. Mountfloreance, for Hyder Alby Davis, 1; Thimote demonbreun 1; Edwin Hickman 1; Edmond Gamble 1; John Johns 1; John McNairy 1; Wm Cooke 1; Elijah Robertson 2; Elijah Robertson 2; John McNairy for Thos Hamilton, jr, Boyd McNairy, and Hance Hamilton, jr, 3; D. Hay 1; Wm A. Pease 2; J. C. Mountfloreance 5; G. Walker 2; J. Sitgreaves 2; Charles Snier 4; Geo Sugg 5; B. Searcy 2; Rich'd McGuire 2; A. Foster 6; John Boyd 1; C. Walker 2; James, for Simon, Sugg 1, and for Wm Sugg 1; Anth'y Hart 2; Jas Love 2; John Deadrick 2; David Deadrick 2; Danl James 1; Ho. E. Tatum 1; D. Robertson 1; David Donnell 1; Joel Rice 2; Thomas Overton 1; Elisha Rice 1; John Forman 1; James Mulherrin 1; James Shaw jr, 1; Sam'l Barton 2; Deadrick & Co 2; John Rice 2; James Shaw 1; Thomas McFarland 1; Jno Hay 1; John Rains 1; John Boyd jr, 1; Total 83. On the back are four other names which may stand for other lots—Sam'l Barton; Thos Mulloy; Tal Shaw; Grace (?) Lindsey. The date shows that this was not the very first list, and the records show that the larger numbers represented these lots; deeds made in 1784-5 show lots with small numbers. All of the subscribers were able to write good hands. Roosevelt calls attention to the fact that the 256 subscribers to the Cumberland Compact except one signed their own names.

The town was at once laid out into streets and one-acre lots by Thomas Mulloy, a local surveyor, there being 180 lots, and the act was carried out in all respects.

The east boundary of the town was not the river, but Front street, thus cutting the town off from the river, but at the same time obtaining the largest possible number of good business lots; the south boundary was Broadway from Front to McLemore street, or Ninth avenue; the west boundary was McLemore to Line street, now Jo Johnston avenue. At the last-mentioned point the boundary angled and ran north 57 degree east with Line street to the beginning at Front street, except that the plan included in the town three lots on each side of Market street and three lots on the west side of College street, these nine lots being north of Locust street, which is a short street between Market and College, a little north of the direction of Line street.⁸ At a later date the trustees sold a number of other lots, to which they really had no title, lying between Front and the river and north of the present bridge, which gave rise to litigation with Judge McNairy; but in the end the suit was compromised so that the purchasers held the lots, and they have ever since been treated as parts of the original plan.

In 1785 the legislature of North Carolina granted 240 acres of the Nashville salt spring tract to Davidson Academy, this act being thought to be the first endowment of a college located west of the mountains. This 240 acres was surveyed as beginning on the river at the southeast corner of the town (*sic*); then with the south border of the town south 57½ west, 181 poles, which point is the corner of McLemore street; then the line followed the greater part of the west border of the town; then westward to the back line of the salt spring tract, which it followed southeast, and then northwest back to the river. Owing to certain inaccuracies in this survey, the grant was not issued until June 12, 1794.⁹

This left 200 acres of the salt spring tract, upon which the spring was situated, as public property. The county court, under authority of an act, decided that the spring was manifestly of no further profit, and thus the tract was thrown on the market. It was bought by John McNairy, judge of the Superior Court, at 200 pounds, and his grant was issued

⁸According to Mulloy's survey—which is given in needle readings—Line and Broad streets run North 57 degrees East, while the cross streets, as McLemore and Front, are South 33 East. The north and south streets are parallel with the south line of the old salt spring tract, but the east and west streets run ten degrees off from the side lines, one of which is Jefferson. This was because the angles of the salt spring tract were not right angles.

⁹*Davidson County Deed Book E*, page 193.

December 20, 1791. His grant was intended to include the whole residue of the salt spring tract, 200 acres, but it failed to describe the strip between Front street and the river. He caused the legislature to revise the grant on this point, then sued the city for the lots which the city had sold next to the river, but, as already stated, the suit was compromised so as to let those sales stand, and to give the part of the strip north of the bridge to McNairy. McNairy's north line ran with Jefferson street from the river 226 poles and was all the land between that street and the city, and also some little distance along the west border of the city. On this he built the "Mansion House," near which was the "Judge's Spring."

The city was enlarged by means of outside owners laying out sub-divisions over which the corporation was extended from time to time until it now contains over fifty-five times its original area.¹⁰

That Nashville was located just where it is was due largely to two facts: First, the salt spring produced a commodity that was in very great demand; and, secondly, the bluff has a considerable elevation and was not heavily timbered, the growth being mainly cedars, privet bushes, and scattering trees, mainly hackberries.

In 1784 the North Carolina commissioners ran a line from the point where the Cumberland river enters the state to a point fifty-five miles southward; thence westward to the Tennessee river. This line was the Continental, or Military, line.

¹⁰The earliest subdivisions within the 640-acre salt spring tract around Nashville were as follows:—

1. The Academy's First Plan. This was a part of its 240 acres, and was from Market street to Summer and southward somewhat beyond Peabody. This was in 1805.

2. The Academy's Plan of Out Lots, or Large Lots. It extended from Summer out Broad to Gowdy, and southward to the Academy's line.

3. Subdivision of Lots 6, 7, and 8 of the Academy's Plan of Large Lots.

4. Balch and Whitesides' Subdivision—being a part of John McNairy's two hundred acres.

5. The Upper Ferry. This was from the river to Market, and south to Wilson Spring, or Tanyard, branch, which reaches the river above Sparkman street bridge. The land had been bought from the academy.

6. N. A. McNairy's Plan of West Nashville.

7. John McNairy's Mansion House tract, or Judge's Spring.

8. North of Jefferson street was a 960-acre tract granted to George Freeland who built a blockhouse on it, called Freeland's station. This was the fort attacked by Indians the same night that Robertson reached it upon his return from Kentucky. Maj. Lucas was killed in the fight. This tract was bought from Freeland by James McGavock. The portion next to Jefferson street was subdivided later as D. T. McGavock's Subdivision.

North of this last-mentioned line lands were granted to the "Officers and Soldiers of the Continental Line of North Carolina."¹¹ Under this act lands were given to revolutionary soldiers. Other settlers received lands under pre-emption rights under the act of 1780.

To go back to the salt spring. Judge McNairy held the theory that the salt came from a solution of a bed of salt lying below the surface of the ground, instead of being, as it in reality was, a mere result of age-long evaporation as has been explained. He decided to bore for the salt bed, and to this end employed Frederick Binkley and Henry Guthrie to do the work. They drilled at a place about 100 yards up the branch from the spring, and went down over 160 feet, where they tapped the stream of sulphur water; this is the origin of the sulphur well. It is probable that the salt had then already been exhausted, and if any remained the sulphur mingled with it. At all events the salt spring became unpopular with the citizens. McNairy obeyed the law in keeping it open to all cattle at large, but now the people petitioned the legislature to "compel" him to inclose it because it injured the cattle. The legislature heard the cry of the people and enacted that McNairy be "permitted" to inclose the salt spring. This was the end of Nashville's first "public utility."¹²

It is said that out of respect to the Duke of Cumberland the explorers gave the river its present name. The Indian name was Shawnee, or Shawanoe, which the French gave as Chauvanon.

These are some of the small and apparently insignificant beginnings of Nashville and the Cumberland settlement; yet when considered in the light of history it is difficult to over-estimate the far-reaching effect of the persistent conduct of the settlers in holding the Cumberland settlement against the numerous and warlike Indian tribes who were aided by Spanish and English gold and intrigue. It is certain that Spain looked upon the spread of this settlement as a matter of the gravest international concern, fully warranting the expenditure of blood and treasure. While the Cumberland settlers were thus holding Mero district the Kentuckians under George Rogers Clark captured Vincennes and held it to the end of the war. It was upon these two facts that under a construction of international law the United States made good its claim to the country as far as the Mississippi river. Next, the juxtaposition of this territory, and the vigorous controversies

¹¹In different publications the names of these lines have often been transposed and confused, but as this only concerns popular designations the matter does not seem to be very important.

¹²*Acts of Tennessee*, 1806.

over the navigation of the Mississippi, led to the proposal for the Louisiana purchase at a most auspicious time; and from this, in turn, grew the grounds which ultimately led to the acquisition of Texas and the far West. Of course, it is always in some such ways as these that nations expand. The feeble origin of such an expansion, though doubtless ruled from above, should never fail to interest a nation which has experienced it.

One can hardly treat at any length of the early history of Nashville and the settlement without a reference to James Robertson, who certainly stands in the front rank of great Tennesseans. To his wise counsel and stubborn and courageous nature the persistence of the settlers was due, and without him the district would certainly have been abandoned until long after the close of the revolutionary war. Men of his kind appear to have been gifted, in a way, with flashes of inspiration. When he was urged to give up his design to hold the country and was told that he and his companions would be slain, he said, "We are the advance guard of civilization and our way is across the continent." He was a noble example of obedience to law and order, and at the same time led his volunteers in most dangerous expeditions, with uniform success. His influence was boundless, but he insisted that his duty was to remain among the people, and he scorned to accept any political office for money or motives of ambition. His field, it is true, was in miniature compared with many another great man, but the record he made is perfect and gleams as a gem.

PARK MARSHALL.

JOSEPH GREER, "KING'S MOUNTAIN MESSENGER:" A TRADITION OF THE GREER FAMILY

An interesting spot in Middle Tennessee, because of its association with the pioneer history of the state, is the old Greer homestead in Lincoln county near the pretty little town of Petersburg.

The house stands in the midst of a fertile farming section which is a part of the original grant of 2,600 acres received by Joseph Greer for service in the Revolutionary war. Joseph was the son of Andrew and Ruth Kincade Greer, who came to this country from Ireland about the year 1750. Andrew Greer, being so much below the average height, was dubbed "Wee Andy" and "Wee White-Headed Andy," so Joseph, who was of unusual height and strength, must have inherited his splendid physique from some remote ancestor of Scotch or Irish blood.

At the time of the Revolution, Joseph Greer was almost a boy in years, but was over seven feet tall and splendidly proportioned, and after the battle at King's Mountain was chosen to carry the news of the victory to the Continental Congress, then in session at Philadelphia. The journey was long and perilous, but the young messenger was stout of heart as well as of body and started cheerfully on his way, armed with his trusty musket and a brass compass to guide his steps. His experience as a surveyor, together with his knowledge of the Indians, enabled Greer to avoid many dangers and mistakes and to reach his journey's end in safety. Upon his arrival in Philadelphia, Greer at once inquired the way to the American headquarters and, brushing past the astonished doorkeeper without a word of explanation, strode into the midst of the assembled Congress and delivered his message.

It is related that Greer's unusual size created much comment in Philadelphia, and many were heard to say, "No wonder the Americans can win, if this man is a sample of their soldiers."

When the time came for Joseph Greer to take possession of his government land, he traveled down into Middle Tennessee and staked off a claim in what is now Lincoln county. Here he built his first home in 1814, and the rough cabin with its great stone chimney is still in a good state of preservation and is occupied by negro tenants at the present time. In 1810 Greer built a larger and better house of five rooms, and in this house he and his good wife raised their eleven children, five girls and six boys. To build a house in those days was no

easy task, for all of the work was done by hand, and it took the best carpenter in that section one whole year to complete the five-room dwelling. He received a nice little farm in payment.

Many queer and interesting relics of the "King's Mountain Messenger" are preserved at the Greer home, among them his family Bible, in which are recorded the births, deaths and marriages of various members of the family. On the first page of this old record we find a notice of Greer's marriage in the following words: "Joseph Greer and Mary Ann Harman were married on the 17th day of January, 1811," and on the pages reserved for deaths is this brief statement: "Separated this life on the 23rd February, 1831, Joseph Greer."

Another interesting relic is an account book or ledger which was kept by Greer while operating a store in Philadelphia in 1791. The items in this book were all written with a goose quill pen and are almost as clear and legible as when first penned, 124 years ago.

Among several old-fashioned garments which are now carefully preserved by descendants of Joseph Greer is a suit of homespun, consisting of coat, vest and knee breeches, all remarkable for their unusual size. This suit was made by Mrs. Greer's skillful fingers from cloth which she herself wove after spinning the thread from home-grown flax. With this suit, on festive occasions, Joseph Greer wore silver knee buckles, which are now a treasured possession of a great-granddaughter. A tall stiff hat, an overcoat and a quaint old mirror are also shown to visitors at the Greer home; also an old millstone which was used in the first grist mill ever built in this part of the state.

Many descendants of Joseph Greer are now scattered over the section once owned by their distinguished ancestor, but of his immediate family only one son, Thomas Vance Greer, survives. This son, known to everyone as "Uncle Tom Greer," is in his ninety-second year, and is said to be the oldest living descendant of a revolutionary soldier. Thomas had a twin brother, Joseph, who died about four years ago, and the two were thought to be the oldest twins in the United States. Thomas Greer was only seven years old when his father died, but remembers him with much affection. He can recall that his father's business often kept him from home a week at a time, and that on his return his first words were, "Howdy, Mary Ann," and the next, "Where are the boys?" He would then take the twins by the hand and walk over the farm looking after the crops and directing the laborers in the fields. It is also related that, on entering the family living room, Joseph Greer always hung his hat and coat on nails driven

in the rafters overhead, his great height enabling him to reach the ceiling with all ease.

Before his death, Joseph Greer set apart a plot of ground for a family burial place, and on this spot, a short distance from his first rude cabin home, the "messenger of Kings Mountain" found his last resting place. The quaint tomb, built entirely of stone, bears the following inscription:

"Here lyeth the body of Joseph Greer. He was, while living, an example of every virtue, distinguished for his benevolences and humanity. He died on the 23rd day of Feb., 1831, in the 77th year of his age, lamented by all who knew him."

Two years ago the Kings Mountain Messenger Chapter, D. A. R., of Fayetteville, Tenn., placed a handsome bronze tablet on this tomb in memory of Greer's distinguished service to his country, and Uncle Tom was the guest of honor at the unveiling ceremony.

Thomas Greer is himself quite an interesting character and relates many thrilling experiences of the civil war, during which he served as Forage Master for the 44th Tenn. Regiment. In spite of many hardships, Uncle Tom was never wounded and never had a serious illness in his life. Although bent with age, he is still able to get about his farm and to ride to church. He enjoys reading the daily papers and is much interested in the war news, although he says, "I can't believe they kill as many as they say they do." Thomas Greer enjoys the confidence and respect of all who know him and is peacefully rounding out the last years of a useful, well spent life. One of his cherished possessions which he enjoys showing to visitors is his certificate of membership in the Sons of the American Revolution.

MAGGIE H. STONE.

Fayetteville, Tenn.

DOCUMENTS

Diaries of S. H. Laughlin, of Tennessee, 1840, 1843

Samuel H. Laughlin, the writer of the following Diaries, was prominent in the fields of newspaper work and politics in Tennessee in the period of Jackson and Polk. As he tells us in the second Diary, he was born in Washington County, Virginia, May 1, 1796. Other biographical details are given in the Diaries. Of chief interest for the purposes of this present publication is the connection of Laughlin with the inner circle of the Jackson Democratic state machine. In 1835 it was decided to establish at Nashville a newspaper, the *Nashville Union*,¹ to represent the Jackson adherents in the community, which, although Jackson's home, preferred to adopt the cause of Judge Hugh Lawson White. Laughlin was selected as the editor. This connection, however, was not of long duration. At the time when the first of the Diaries here printed was written, Laughlin was a resident of McMinnville, in Warren County, in the Cumberland Mountain region of Tennessee. This first Diary describes a journey from McMinnville to Washington, D. C., and Baltimore, Maryland, made by Laughlin as a delegate to the Democratic National Convention, held in Baltimore in May, 1840. Unfortunately the Diary breaks off shortly after the writer's arrival in Baltimore, and thus fails to give an account of the convention. However, besides many comments on political matters picked up by the way and varied illustrations of methods of travel in 1840, this Diary is interesting as giving authoritative information upon the political purposes of Andrew Jackson and James K. Polk and their Tennessee organization upon the eve of the campaign for Van Buren's reelection.

In 1841-42 Laughlin was a member of the Tennessee Senate, and in this session and in the called session of 1842, he took a most prominent part in the partisan warfare by which a Democratic Senate blocked the Whig House of Representatives as to the election of Senators, with the result that Tennessee was without representation in the Senate until 1843, when the Whigs controlled both houses and succeeded in electing two Whig Senators, as is described in the second Diary. This senatorial episode of 1841-42, celebrated in Tennessee history, bestowed upon Laughlin, Andrew Johnson and the eleven Democratic Senators associated with them, the name of the

¹Cp. the introduction to "Letters of James K. Polk to Cave Johnson, 1833-1848" (Doc.), *Tennessee Historical Magazine*, Volume 1, p. 218. (Hereafter cited as *Polk-Johnson Letters*.)

"immortal thirteen."² In 1840 Harrison and Tyler carried the state; in 1841 Polk, a candidate for reelection as governor, was defeated by the Whig, James C. Jones, though the Democrats won a majority of the state Senate; in 1843 Jones was again successful, and the Democratic outlook was not encouraging. The candidacy of Polk for Vice-President,³ initiated in 1840, was, however, pressed again, and it was hoped that on account of the disorganization wrought by Tyler, the Democratic chances would be more favorable. This was the situation when the assembly met in October, 1843. Again the Diary is incomplete, but the detail with which it describes the procedure of the Legislature makes it a valuable source for the six weeks which it covers.

The next year Laughlin was again a delegate to the Democratic National Convention. After the nomination had been attained he was again brought to Nashville to edit the *Union*—which passed under the business management of John P. Heiss, a Pennsylvanian for some time identified with Tennessee—and in this capacity fought valiantly for Polk's election. When Polk became President, Laughlin was rewarded by appointment to be Recorder of the General Land Office of the United States. He died in Washington.

Throughout all of these years Laughlin was a frequent correspondent with Jackson and Polk, in whose papers are to be found many of his letters. In printing the Diaries the manuscript has been followed with exactness, except in the case of personal details, which usually refer to his own health or to private family matters. These omissions have been duly indicated.

For the use of the original Diaries, which are written in a leather-bound book of the usual sort, the Magazine is indebted to Mrs. Jessie Spurlock Harrison, of McMinnville, Tenn., a great-granddaughter of Mr. Laughlin.

ST. GEORGE L. SIOUSSAT.

²J. Phelan, *History of Tennessee*, chapters 36, 37.

³*Polk-Johnson Letters*, pp. 229-232.

Diary and Notes of my Journey to Baltimore, to the National Convention of 1840, and my visit to Washington City on the same occasion.

Also Diary, journal and memoranda (see page 85),⁴ made during the session of the Legislature of Tennessee, of 1843-4, by S. H. Laughlin.

[I.]

McMINNVILLE, TENN., April 13, 1840.

Having been appointed by the Central State Democratic Committee, a Delegate to [the] National Convention to be assembled at Baltimore on the 5th of May, proximo; and having been induced reluctantly, upon the urgent solicitation of Gov. Polk, the Committee, and many other friends to accept the appointment; and having consented and notified the Committee of my acceptance, I this day left home in the stage for Nashville to meet Mr. Thomas the delegate from Maury, and others, and to consult with friends at that place on the subject of the business and objects of the proposed convention, and then proceed to Baltimore by way of the "river route," via Louisville, Cincinnati, Wheeling and Washington City. We had a crowded stage. My son Samuel Houston was with me, going to Nashville to live with Mr. Kizer, my son-in-law, to learn business as a clerk; and Mr. John and Mr. William Black were going to Nashville, the former of whom lived there. Mrs. Roscoe, a married lady was going to Nashville to professor Villeplait's—and Dr. William Richardson, was in the stage on his way from Virginia to Dickson County. Owing to the company of the ladies, and the badness of the roads, especially Wilson's Hill, we slept at Brandon's thirty miles from McMinnville. Saw Maj. Trott at Woodbury, and promised to write to him.

Tuesday, April 14.

We rose early, and with the aid afforded by Paul Herreford, the contractors agent, we got safely over Wilson's Hill, and to Murfreesboro by 10 o'clock, where I saw Dr. Rucker, Maj. Ledbetter and a few friends while breakfast was getting ready. I forgot to mention yesterday that a young Mr. Fain, and a Mr. Payne, a half-breed Cherokee, a relation of the Clark family at Kingston, were in the stage, just from Knoxville, and had informed us of the death of Judge Hugh Lawson White on the previous Friday (10th inst.). Chancellor Ridley who had left Knoxville on the previous Wednesday had before informed me, that when he left that place Judge Thos. L. Williams had told him that the Judge could not survive many days. So, here is an end of ambition—of the ambition of an old politician who had been betrayed and deceived by his pretended friends, John Bell and others, into a course of intrigue and tergiversation, which had cast him from the Senate, had lost him the esteem of all good men in his state, and had embittered his latter days, and probably shortened his life. What a warning his example ought to afford to all thinking and candid men!⁵

After breakfasting at Murfreesboro, the stage proceeded on the turnpike at the rapid rate of seven or eight miles an hour, and took

⁴A reference to page 85 of the MSS.

⁵This was the orthodox Democratic view of Judge White's course. As the majority of the voters in Tennessee had supported Judge White, it would seem that "all good men," though few, were in the Democratic fold!

us to Nashville by 4 o'clock P. M. I got out at the post office, and proceeded to Mr. Kizer's where I found my daughters Ellen and Isabella in good health, as was Mr. K. himself. After eating a hasty dinner, I received a message from Gen. Armstrong, that some friends desired to see me at his office (the post office) and called immediately where I met the Gen. [.] Gov. Polk, Capt S. M. Barnes and others. Dr. J. S. Young, Secretary of State, had called at Mr. Kizer's and went with me. While at the post office Judge G. W. Campbell and others called. I found Mr. Speaker Thomas, and Mr. Newton Clarke, delegates to Baltimore, the latter from Bedford, at Gen. A's. After some conversation, Col. J. G. Harris came in. Messrs. Thomas, Clarke and myself went home with the Governor to tea, and to pay our respects to the time honored sage of the Hermitage⁶ who was at the Governor's house. We found the Ex President in good health and fine spirits; and very deeply impressed with the importance of the nomination of President and Vice President which it was the object of the Baltimore Convention to make. He was clear in the position that the nomination of Col. Johnson,⁷ whom he greatly honors as a soldier and patriot would weaken and distract our party in the south, south west, and everywhere. That Georgia and Alabama had their own favorites, Forsyth and King,⁸ but both preferred Polk to Johnson, and that Virginia and South Carolina would in no event vote for Johnson, and were both Polk states. That Polk would be acceptable to North Carolina, Alabama, S. Carolina, Mississippi, Louisiana, Arkansas, and the whole southwest; that Virginia had nominated him unconditionally, and that in the North West he would be as strong or stronger than Johnson. That Massachusetts had nominated Polk, affording a clear indication of the wishes of the whole eastern democracy. That he had been told, but did not credit it, that Mr. Kendall, Col. Benton and Mr. Poinsett were averse to Polk's nomination; that he had reason to believe that Mr. Wright of New York, and Mr. Allen of Ohio were for Polk; that the President stood entirely aloof, as he ought to do, from all participation in the question; that he had written his views freely and fully to Col. Benton, Mr. Wright, Mr. Kendall and others.

Wednesday, April 15, 1840.

Again saw Col. Polk, and read his last letters from Mr. Grundy, Mr. Cave Johnson and Mr. Hubbard (David) Gen. A. Anderson and others. Heard his views at large, and his determination. He was advised that it was a project at Washington, (into which I fear our friends have been persuaded to unite if true) to make no nomination of Vice President at Baltimore, and let the states and the people unite upon candidates, and if no election is made by the Electoral Colleges, that the Senate will make a choice, which will ensure Gov. Polk's election any how. I do not approve of this, if it can possibly be avoided, because it may lead to the sacrifice of Col. Polk, and can have no other effect than to (perhaps) strengthen Mr. Van Buren whose election is safe anyhow; and because Gov. Polk ought not, and declares he will not, after the manner and example of Judge White in 1836, be run as a sectional candidate, to promote the personal pros-

⁶Andrew Jackson, on his retirement from the Presidency, kept in constant touch with the state Democratic organization of Tennessee. In 1839 James K. Polk had achieved a great party success in the defeat of Newton Cannon for governor. This, with his record as Congressman and Speaker of the House of Representatives, made Polk "available" for national office.

⁷R. M. Johnson, of Kentucky, was distasteful to Southern men because of alleged irregularity in his domestic affairs.

⁸John Forsyth, of Georgia, Secretary of State, and W. R. King, Senator from Alabama. See *Polk-Johnson Letters*, p. 230.

pects of any man, when he cannot be elected himself, and is not or may not be the choice of a majority of his own party. He declared to us, that in the event of Johnson's nomination, he would earnestly support him; but if no nomination was made, and states enough did not forthwith take him up, for which reasonable time might be allowed, to elect him, or place him foremost on the democratic list before the Senate, that he would forthwith withdraw his name, and take the field in support of Col. Johnson, or the strongest democratic candidate who may be brought out by the states or the people. He handed me letters of introduction for myself from Gen. Jackson to Messrs. T. L. Hamer of Ohio, Mr. Vanderpoel of New York, and Mr. Kendall the postmaster General. He furnished Mr. Thomas, while I went to engage a passage to Smithland, with a tabular calculation of Electoral votes; having previously read us copies of some of his last letters to our friends at Washington avowing his views and determination; and submitting matters as to nomination or no nomination to discretion of his friends from such events as had or might occur—his last letters from them having been written before the Massachusetts nomination had reached Washington.

I saw Gen. Jackson, and took leave of him at 1 o'clock P. M. at Gen. Armstrong's where he had dined. Capt. Wm. Armstrong, the Cherokee Agent West, had lately informed Gen. A. who had been at the Agency a week or two since, that an Agent of the Pennsylvania U. S. bank, was at the Agency with seven or eight hundred thousand dollars in U. S. Bank notes, and was offering them to Capt. A. as disbursing agent to a number of tribes of Indians, to be paid to them as annuities. He (Capt. A.) had refused to receive it—it was offered as upon authority of some disbursing officer of War Department, and possibly grew out of some arrangement sanctioned by Mr. Secretary Poinsett; and if so, which Capt. A. did not credit, it must be unknown to Mr. Van Buren. Capt. A. I think had written to Mr. Poinsett. Gen. Armstrong had mentioned these facts to me yesterday evening. Gen. Jackson now told me on taking leave of him, that he had heard of the matter with astonishment; that it was an unjustifiable attempt of the bank in its suspended state, to throw its depreciated notes in circulation, not warranted by law, or justice to the Indians, and that he had or would write forthwith to Col. Benton and the President, and requested me personally, as from him, to mention the matter to both of them as soon as I arrived in Washington.

After adjusting some matters of business, arranging exchanges etc. left Nashville on the Excel Steamer, Capt. Dasheils, about 2 o'clock P. M. in company with Messrs. Thomas and Clarke, and found Messrs. McFerrin, Parker, and Driskol, Delegates to the Baltimore General Conference of Methodist Church on board; and also Mr. Gaskill and lady of Gallatin, going East on a visit, and several other passengers, among whom was Maj. Whitlocke, an agent of Messrs. Hicks, Ewing & Co's Iron Establishment, and a Mr. Charles Adams a New York merchant, or collecting drummer, who was the most finical dandy of a glutton I had met with for many a day. Without any particular accident or material occurrence we got to Mouth of Harpeth, at foot of the shoals, and lay by all night in a fog.

Thursday, April 16, 1840.

Made an early start, and after stopping at Clarksville, Dover, Canton (in Trigg Co. Ky.) Eddyville in Caldwell Co. Ky, and after seeing the residences from the river, of Gen. M. Lyon, and Col. C. Lyon (the former of whom is dead) near the latter place, and hearing the Whigs on the bank at Eddyville lament the death of the great Hugh Lawson White as a loss to the Harrison cause, we arrived at

Smithland about 10 o'clock at night—and went off the boat at Bledsoe's Hotel to await and lookout for a boat going up the Ohio. Wrote letters home in the morning to Mrs. L. and J. W. Ford, and sent others written to some in Nashville to post office in Clarksville.

Friday, April 17, 1840.

Rose early, hoping for a boat to arrive. Had a tolerable breakfast; just after which the old Memphis Steamer came by, passing up the Ohio. There being ten of us she offered to take us to Louisville for \$5 each. She was old, slow, and out of repair. We concluded by vote, not to go, though her Captain promised to take us to Louisville by Sunday morning, though Capt. Dasheils (a very clever fellow by the by) informed us she could not reach that place before Tuesday evening. McFerrin and others reported her "doings" as we say to be wretched, so we concluded to wait for the next Boat, as the Phillips and Monarch from St. Louis, bound up the Ohio were looked for in the course of the day. Wrote to Mr. Kizer of my arrival here, under cover to Gen. Armstrong, by the Excel, the Capt. promising to deliver. I had also written yesterday, to Mr. Keeble, from Clarksville to Murfreesboro, requesting him or Yoakum to attend Court for me at Murfreesboro—and directing him and Dr. W. R. Rucker to write to G. W. Jones, Andrew Ewing or L. P. Cheatham to attend at Murfreesborough and make speeches at such time as they should appoint.

Got off from Smithland, which is a most wretched place, at 5 o'clock P. M. on the Lexington, large Steamer, Capt. Alter of Cincinnati, for Cincinnati, and passed Golconda about sunset. At Smithland saw Mr. Spence, and Capt. J. G. Anderson, formerly of Nashville, who said that in Kentucky, many Whig Clay men had absolutely refused to go for Harrison. Anderson told me of several acts of anile folly and ostentation he had witnessed in Gen. Harrison's private conduct—and that Harrison had said last fall, before he was nominated, that if Clay should be nominated at Harrisburg, that still, he H. would run for the Presidency as an independent candidate—that H. disliked Clay personally. Spence, who lives at Smithland, the Mouth of Cumberland, which is in Livingston County, Ky. that the Whigs there, had a few days before, for \$150, bought up Bell the Editor of the "Times" newspaper published there, and who had been a Democrat. Had a night of thunder, lightning and rain—a night when

Clouds obscure the atmosphere,
And forked lightnings rend the air.

Saturday, April 18, 1840.

After having slept well, Thomas and myself having a state room, got up early, just as we were in sight of Mount Vernon, in Indiana, having passed Shauntown, Illinois, and mouth of Wabash in the night. Run on rapidly, and passed Henderson, Ky. at 9 o'clock. Had a cloudy cold day, but made a good run, keeping in sight all day of the Swallow which had passed us at Smithland. Met many steam and flat boats going down. Had much conversation with a New Yorker, a native of Maryland, a democrat who had been living at Smithland, and was going home by Frankfort, Ky. A Mississippian, I think a Doctor, and Thomas had various discussions. Passed Evansville, Ia. which seems to be in a state of rapid growth. Learned that this place, where the Indiana Canal terminates, is the home of Mr. Geo. Proffit an Indiana Whig member of the present Congress.

Sunday, April 19, 1840.

Passed Brandenburg, Ky. about sunrise, and the Mouth of Salt river at breakfast time.

Got on to Louisville, and walked from Mouth of Canal up to town with Thomas and N Yorker who lived at Smithland as appeared. Put letter in Post office for Gen. Armstrong. Went to levee and found a crowd of people preparing to hold inquest over a drowned man who had just been discovered floating down the river.—As soon as our boat got through the Canal, went on board. Rev. J. B. McFerrin, one of our company, came on board and Tho. J. Read, Mr. McAlister and M. [] Woodburn of Madison, Indiana, who was on his way up home, fifty miles above Louisville. Was introduced by Mr. Read to these gentlemen, as democrats, and especially to Mr. Woodburn, who is a Methodist, democrat, and a man of very great influence in his own state. Soon left Louisville, and had long conversation with Mr. Woodburn. To satisfy him he might confide in me, and having assurances from Read of his trustworthiness, and finding him a Polk man, and full of intelligence, I talked freely with him, told him my business to Baltimore, which Read had informed him of, and told him I had letter from Gen. Jackson to Mr. T. L. Hamer of Ohio, etc. He told me if he had been at home, and could have attended the Indiana State Convention, that he believed Polk would have been nominated for V. P.; that he knew Johnson well, esteemed him as a patriot and soldier, but that his nomination would be a dead weight on us in the next election, as it had been in 1836. In every respect he esteemed Polk as the preferable man—in talents, services being equal, and so much superior in private character. Mr. W. is a commissioner of the Board of public Works of Indiana. He said he had no fears of success in the coming election in Indiana. That Gen. T. A. Howard the democratic candidate for Gov. was all-powerful! and charged me to present his respects to the Gen. at Washington, and tell him from *him* that he must hasten home and take the field, and to tell Gen. Carr, his own immediate representative in Congress the same thing. Said he would write in a day or two by mail to both gentlemen; and said that he earnestly hoped that Gov. Polk would be nominated—that it would offset Harrison's popularity in Indiana. I wrote a letter by Mr. Woodburn to my brother Clinton at Gregory's Store, Indiana, requesting him to meet me at the boarding house at lower end of Louisville Canal as I return home, and to be there by 9th or 10th of May, and remain til I come on.

Had a fine passage to Cincinnati—or until retiring hour on the night of this day.

Monday, April 20, 1840.

Arrived at Cincinnati about 9 o'clock in the morning, and after various delays, and the dem[u]rring of Driskol and Parker, two preachers, we got off for Wheeling on the Steamer Montgomery, Capt. Gregg, about 3 o'clock P. M. having left the two timid preachers—McFerrin coming on with us (Thomas, Clark and myself, and Gaskill and wife, and Mrs. Robertson an old lady under McFerrin's care) and made a fine run, being nearly at Portsmouth, mouth of Ohio Canal, at mouth of Sciota, by daylight. Stopt awhile at Portsmouth, to put off and take on some freight. Heard that the Rubicon steamer which had departed before us a few hours, with many preachers going to General Conference, accompanied by Bishop Roberts, was only a few hours before us. Passed Northbend, mouth of Great Miama, and Gen. Harrison's residence three miles above. It is a splendid

*Blank in Ms.

residence, and great Canal from Cincinnati to []¹⁰ leaves river at his place. His residence, large white framed house, is beautiful—finer than Mount Vernon.

Tuesday, April 21, 1840.

After leaving Portsmouth as stated above, we run on all day without accident or incident worth recording—Read Lockhart's *Life of Sir Walter Scott*, and passed the day in looking at country seats, farms, villages, and scenery on the banks of the river. The river was evidently becoming narrower. From about 100 miles below Louisville, where the hills set in, this is the case—and besides we had passed so many rivers, that the Ohio must now contain not much over two thirds or perhaps half the water it contains at Louisville. Went to bed early, and slept well. In evening, at Guyandot, saw a Harrison flag on long pole, standing on bank of river near the Landing.

Wednesday, April 22, 1840.

In the morning found ourselves 30 miles below Marietta. Passed Blannerhasset Island, rendered immortal in story by Wirt's Speech in Burr's trial. It is two miles below Parkersburg, Va., at mouth of great Canawha. Got to Wheeling about dark in the evening, and engaged passage in the Pilot line of stages to leave for Frederick, Maryland, on next morning at 7 o'clock, and took lodgings at the U. S. Hotel. In the course of the day saw the Harrison flag suspended (or displayed) from a pole at Parkersburg—perhaps Guyandot, dont precisely remember, but thought the thing ridiculous.

Thursday, April 23, 1840.

Left Wheeling and took the National road now in good repair and passed on rapidly by Washington, Pennsylvania. Found the neighborhood of Wheeling abounding in rich coal mines, and the farms in a high state of cultivation, the land along Wheeling creek being exceedingly rich, as well as the adjacent hill sides. Travelled on all day, and night, at good speed. In the portion of Pennsylvania through which we passed, farms were in high cultivation. After we entered the mountain regions, the trees, except near branches and water courses, were scarcely discoverable to be putting forth leaves, and the apple trees, which grow to unusual size, were just in full blossom. The grass and clover, wild and cultivated however, was greatly more forward than it was any where in Middle Tennessee when I left home. I wrote a line home, enclosed to Mrs. L. through Squire Ford, at Wheeling.

Friday, April 24, 1840.

Travelled without intermission, breakfasting at Union Town, in Fayette County Pennsylvania, near which Mr. Gallatin formerly had his residence. About a dozen miles West of Union Town we passed Brownsville, in the same county, where we crossed the Monongohala on a excellent bridge. This is a point where many of the Pittsburg and Pennsylvania Steamboats are built for the Western trade. It is where our Capt. Gregg of the Montgomery has his home. The river at this place is a beautiful stream, and steamboats pass above, I learn, to the Virginia line. We made a good travel this day, until we commenced the ascent of the Mountain proper; we made a good travel. We passed into Maryland at a place called the Little Crossings, where there is a tavern. At Cumberland we saw delightful scenery.

¹⁰Blank in Ms.

Saturday, April 25, 1840.

Morning found us about 25 miles above Hagerstown. By twelve, we arrived at Frederick, where we got a hasty breakfast, and got into the Railway cars for the Relay House, at the junction of the Washington and Baltimore and Frederick and Baltimore railroads, on the Patapsco, about four miles below Ellicot's Mills. The village at the pass with the Banking House, and other improvements, on the heights, the most picturesque we had seen, especially the private dwellings which were delightful. Got dinner at Relay House, and at 3 o'clock, or half past, got into the Washington cars as they passed from Baltimore, and in less than two hours, run about 35 miles to Washington. Met Col. Williamson Smith at Depot House in Washington, and below at Mrs. Owners, met Mr. Grundy¹¹ who arranged for me to get a room at Orchard (a house of Owner on the Avenue) next to Mr. Jamison of Missouri, up stairs, Mr. Turney¹² and Col. Boyd of Ky. occupying the two lower rooms. That evening was introduced to Dr. Linn of Mo. Judge Young of Illinois, Gen. Robinson of same, Col. Mouton of Louisiana, Mr. Parmenter and Mr. Williams of Massachusetts. Mr. Thomas and Mr. Clarke got quarters at Mrs. Brawners, next door to Mrs. Owners, where Mr. Waterson¹³ and others boarded. Mr. Grundy this evening showed me the House from which all Whig documents are circulated.

Sunday April. 26, 1840.

Remained in my room til evening, and then took a walk with Mr. Turney to the Capitol and public grounds. The grounds, about 20 acres, in a beautiful state of improvement. Read newspapers, and Lockhart's Life of Sir Walter Scott. Saw H. C. Williams and Robert Williams.

Monday, Apl. 27th, 1840.

Went in the morning with my colleagues Thomas and Clarke, and Messrs. Grundy and Waterson to pay our respects to the President at 10 o'clock. Found Gov. Isaac Hill¹⁴ there. The President received us with great courtesy. Before we left, he called Mr. Grundy aside for a moment. Mr. Van Buren looked "fat, thrifty and well" as the song says—that is, he had increased greatly in corpulency since I had seen him in 1835. Went to the Senate with Mr. A. V. Brown,¹⁵ after I had been introduced into the privileged part of the House by Mr. Waterson. In Senate Gen. Anderson introduced me to various Senators as did Gov. Clay. Found Mr. Calhoun quite talkative, very cheerful, and Col. Benton vastly dignified. Both however extremely polite as was Mr. Robert Walker of Mi. and Col. King of Alabama, and Mr. Cuthbert of Georgia.

The House of representatives were engaged on the Appropriation Bill; and the Whigs, Proffit, Stanley, Waddy Thompson, Rice Garland, etc. were annoying, embarrassing and hindering the progress of the bill in committee of the whole. On this day, Mr. Jones, chairman of Com. of Ways and Means, having urged the passage of the bill, the democrats determined to sit it out, and sat from 12 o'clock to 5 o'clock P. M. next day, hindering Whig debate as much as possible, by calls to order and making no speeches. I remained in the House all night, sitting up with Blackwell, Hubbard, Brown, and other friends til 1 o'clock in the morning and then sleeping on a sofa for an hour, and

¹¹Felix Grundy, Senator from Tennessee.

¹²Hopkins L. Turney, Representative from Tennessee.

¹³Harvey M. Watterson, Representative from Tennessee.

¹⁴Of New Hampshire.

¹⁵Representative from Tennessee.

than getting up and attending to proceedings til breakfast time. I never saw such shameful scenes of disorder in any deliberative body—not in any public meeting of citizens. The Bill had been then debated by the Whigs—or not the bill but matters and things in general—for more than two weeks to the total neglect of all other business. The table of the House was loaded with Senates bills not acted on, and the Senate was in a situation to finish the business of the session in two or three weeks; while the House at its present rate of progress could not get through by August. The expense of a session of Congress is about []¹⁶ per day; and all this the Whigs were incurring to embarrass the government, and make capital for Gen. Harrison. In Committee of the whole the previous question cannot be called—so that by spinning out debate, absenting themselves, so as to prevent a quorum, offering and debating frivolous amendments, the time and money of the people is most shamefully wasted.

On this day, I heard Hubbard of N. H. and Preston of S. C. and Southard on the other—Tappan of Ohio, helping Hubbard debate a Bill for the relief of Fillebrown a removed clerk in the Navy department.

Tuesday, April 28, 1840.

Not having slept last night, I got some coffee for breakfast, and lounged about the House of Reps. all day. The same scene described in yesterdays journal continued all day til the adjournment late in the evening. Saw Gen. Anderson and Gov. Clay¹⁷ about the business of the Baltimore Convention. All were now agreed that Gov. Polk could not be nominated—that Johnson could not without New York, and that best way, if possible, was to make no nomination. This matter was in treaty between Mr. Grundy and Mr. Wright. Talked with Mr. D. Hubbard and Mr. A. V. Brown on the subject, pressed the matter in every form. Went to bed early, and slept most soundly.

Wednesday, April 29.

Wrote to Gov. Polk. Called at Hills with Mr. Thomas and saw Gov. Clay, Mr. Hubbard, on the Convention business. Saw Mr. Vanderpoel, and Judge Wick of Indiana, on the subject. They both were in favor of no nomination, as was a Mr. Davis of the latter state to whom I was introduced. Learned that Bean, a Delegate from Alabama to Convention was in the City, and under the control of Mr. King; and that Hubbard and Gov. Clay had pressed him hard to consent to no nomination. Heard that Mr. Calhoun had pressed the same matter upon Gen. Howard of Indiana, from Hubbard who had been present. Had a conversation with Mr. Jamison of Missouri on the subject on our way to the capitol. He agreed with me that it was best to make no nomination; leaving states and people free, as this course would ensure us the Vice President at all events if Mr. Van Buren should be re-elected; and that whichever of the democratic candidates was highest on the list, would be elected by the Senate—and this would strengthen our party in the contest for the Presidency and leave Tennessee and Alabama unincumbered with Col Johnson's name.

In the evening understood at supper that Gov. Carroll¹⁸ had arrived. Saw Thomas, Smith and Clarke as they and Waterson returned from calling on him at Gadsby's. Gen. DeGraffenreid of Mississippi, a delegate to the Convention, and Mr. Rogers and Mr. Dorch of our Delegation were also in town, and came with Gen. Carroll.

¹⁶Blank in Ms.

¹⁷C. C. Clay, of Alabama.

¹⁸William Carroll, of Tennessee.

Thursday, Apl. 30, 1840.

After breakfast, went with Mr. Grundy and Mr. Turney to see Gen. Carroll. Found him well, and going to the President's. Came to my room, and went with Col. Boyd and Mr. Turney to the Patent office. Met Dr. Charles Douglas, now a clerk in that office. Found that he is an old acquaintance of Col. J. G. Harris, Editor of the Nashville Union, and determined to get a statement from him as to Harris' anti-abolition course, he being clear that Harris never was an abolitionist. Examined various new caricatures at a shop on the avenue, and a log cabin, of the size of a Martin-box, set upon a block, fronting a shop door on the Avenue—By the Avenue, I always mean Pennsylvania Avenue, as Owner's where I board is on it—and as it is the highway from Capitol to the President's House.

Friday, May 1, 1840.

Went early in the morning to Gadsby's and saw Gov. Carroll. Found him, Mr. Dortch and Mr. Rogers. Accounts from Tennessee tolerably favorable. In the course of the day talked with Mr. Jamison of Missouri, who seemed favorably disposed to making no nomination. There was a May ball in the evening, but did not go to it. Mrs. Young and Mrs. Linn spoke in high terms of the amusements. The Russian Minister was at it, but his young American wife, just married, was not there.¹⁹ Wrote home and heard various debates in House on the appropriation Bill. J. W. Jones Chairman of the Committee of Ways and Means is an able and accomplished man. Heard Rice Garland of La. Proffitt of Indiana, Waddy Thompson of S. C. Gen. McKay of N. C. Stanley, of N. C. Graves of Ky. Cushing of Mass. Briggs of same, and A. Smith of Maine. The most worthless and profligate opposition, I am sure, and the least regardless of decency, is the set of noisy drivellers, [sic] who are now annoying the House, and trying to delay the passage of the appropriation Bill. The Senate is nearly through the business of the Session, and can get through in some three weeks, if the House would only hasten the business, and especially the money bills which must originate in that branch of Congress.

Saturday, May 2, 1840.

Some of our friends talked of setting off to Baltimore to be ready for the convention and to be in time to get lodgings, and see the parade of the Whig convention on Monday the 4th. I concluded not to go however before Monday, and then go by the 9 o'clock carz [sic]. On this evening after a great deal of debate, the general appropriation bill, including civil list, diplomatic, naval and military estimates, passed the House. I understood after it passed, that Mr. Wright would insist on taking it up and passing it in Senate on Monday. This was contrary to my previous understanding that he would go to Baltimore, or neighborhood on Monday to confer with New York delegation in relation to the nomination of a candidate for the Vice Presidency, to which he was opposed, being the confidential friend and adviser of the President.

Sunday, May 3, 1840.

Went with Waterson, Clark, Thomas, and Smith to Alexandria in the steamer []²⁰ and dined there at a chop house. Came back in the evening. Mr. Grundy went early this morning to Baltimore, having engaged quarters at Barnum's, and having to hold private confer-

¹⁹The Baron Bodisco, who married Miss Harriet Williams, of Georgetown.

²⁰Blank in Ms.

ences with Gen. Dix of the New York delegation and others. Nothing new to-day. Saw Gen. Anderson and Gov. Clay in the evening. Anderson thought no nomination would be made.

Monday, May 4, 1840.

Paid off my bill, and packed up early to leave for Baltimore by the 9 o'clock cars. Went to Globe office with Mr. Turney, to get documents, and met Mr. Bynum, who was complaining of the shameless course of the opposition. Got in the Railcars and went up to Baltimore. Met Mr. Crozier of our delegation at Depot, and was informed that lodgings had been prepared for us at Mrs. Davis', near Barnums, where the New York and Alabama delegations were quartered. Went there, and found ourselves crowded exceedingly, and expecting to sleep on mattresses. Found Gov. Clay, Mr. Sydney Moore, (son of Dr. Alfred Moore) and Maj. Jesse Bean, and Mr. Hubbard the Alabama Delegation. Clay and Hubbard were opposed to a nomination. Moore who representing [*sic*] the feelings of his uncle, Dr. David Moore, the enemy of Gov. Clay, was for a nomination, as was Bean who was Senator Kings immediate friend. It was evident that Buchanan of Pa. and King of Al. were disposed to have Johnson nominated, right or wrong, and Moore from his dislike of Gov. Clay, and Bean from his subserviency to Col. King, were disposed to aid in the cause. Mr. Buchanan from hostility to Gov. Polk's future prospects had allied himself to King, and by contrivance, their friends were trying first to effect a compromise with the friends of Johnson and Polk and thereby get King nominated upon the half-way-house principle; but if they could not get this done, they united and were to unite with Johnson's friends and press for a nomination. On this day, on the pavement near Barnums, Mr. Moore of the Alabama delegation made a proposition, problematical in its form, to adopt this course of compromise upon King. I assured him that I did not believe it could be done, and mentioned states that would not agree to it. I[t] seemed to me, that this policy, which was understood to be the course dictated by Mr. Buchanan, and of forcing a nomination on its failure, which must have resulted in the choice (by the states present) in the nomination of Johnson by a lean plurality vote of the party, was most unwise in Mr. Buchanan. By taking up Johnson, and [*sic*] the Pennsylvania Convention had done at his imputed instance, and forcing him upon the West and Southwest, where he would be a deadweight to our party, would be a perfect throwing away of all possible prospective claims of Mr. Buchanan to the Presidency. The course would displease his friends in that quarter, the only portion of the West where he could hope for aid against the rival claims of Col. Benton. By pressing Johnson, Mr. Buchanan might make personal friends in the North West, but all the States in that direction are and will be devoted to Col. Benton for the future Presidency, so that, while Col. Benton lives, Mr. Buchanan can never supplant him in the N. W.

During the afternoon, I went with Mr. Carroll²¹ one of the Maryland delegation in Congress, representing the City and County of Baltimore, and Mr. Waterson, and took a stand where we could see the whole procession of the Whigs with their Banners, and log cabins drawn on wagons, as they passed through Monument Square. The parade was ridiculous in the extreme. Caleb Norvell and Mr. Humes of Knox, and three or four other persons whom I did not know, with a bag in mourning inscribed to H. L. White, represented Tennessee in a little platoon in the procession. On one of the Maryland flags

²¹James Carroll, of Baltimore.

was inscribed "Tip, Tyler and Tariff," the strangest set of inconsistent allusions, that ever met or was devised by folly. The Baltimore Patriot of the next morning in a detailed account of the proceedings, being the boldest of the federal papers, published this motto truly, but Duff Green's paper, *The Pilot*, published in the city at the same time, and the Baltimore American *suppressed* it, although they professed to give all the mottos and devices of the flags truly and at length. The number of little cabins, built of poles, not by those who had them hauled through the streets, and marched in the array, for they were young and old aristocrats—lean, long waisted dandies,—loafers of all sorts of ages, and real silk-glove gentry who knew no more how to build one of these cabins, tho' not bigger than pig pens, than they did how to square a circle, or interpret Ezekiel's prophecies; but they were built and constructed, and hauled about by laboring men whom they despise at heart, and who despise them, but now worked for hire for these rich gentry. A noisy fellow, a Whig named Laughlin, who was a Marshall in the procession, had attempted to drive some man out of his path, who was looking upon the parade with the disgust which was common to all sober minded men, and for his insolence had been struck with a cane or some similar weapon across the back of the head and was killed. The Whig delegation from Massachusetts, it was said, instantly made up a thousand dollars for his widow. I saw Mr. Carroll meet great numbers of his constituents on the side walks and they said to him to a man, that the whole folly of the parade was strengthening the democratic cause hourly. All the business people of Baltimore, except some rabid bank merchants and clerks, and others of the same sort, were quietly pursuing their everyday business.

The following outline of doings of the Convention is copied from my files of papers. Among my pamphlets is the proceedings in pamphlet form. Among my newspaper files, are files of the Whig and democratic papers of Baltimore (*Daily*) during both Conventions and containing their proceedings at length.²²

[II]

Journal and Memorandums and Reminiscences, made during the 1st Session of the 25th General Assembly of Tennessee, which met at Nashville on Monday, Oct. 2nd, 1843.

At the General Election of this year I had been elected to the State Senate from the 10th District, composed of the Counties of Warren, Cannon, Coffee and DeKalb.

Wednesday, Sept. 27, 1843.

On this day I left my residence at Hickory Hill, Warren County, on horseback, accompanied by Master David Batey, and servant Anthony, the latter riding in a carryall, carrying my trunks, for Nashville, to attend the session of the General Assembly which was to meet on the 2nd day of October. Came to Mr. Batey's on Cripple Creek, Rutherford, and stayed all night. Came through McMinnville, and fell in with Mr. Joshua Harrison going to Nashville and travelled with him. Left Miss Batey at my daughter Smartt's. The horses I and David rode were Mr. Batey's. Left my mother at home very ill, she having been confined from the Friday previous to my leaving. . . . She was in (I believe) her 70th year, and had not

²²Here the Diary breaks off.

walked or stood alone, being crippled by rheumatism, for nearly twelve years. In fact she had been able to move but little on her feet since she came to live with me on Stone's river, wher I had her and my father removed from Washington County, Va., in October, 1829. I left my father and daughter Mary with her, and Dr. Smartt under promise to attend her daily. I left my boys John James and Andrew Jackson going to school to John L. Byars, my son Sam Houston having gone to live with Mr. Kizer, the husband of my daughter Ellen, some time about the 1st of August last. Mary and Dr. Smartt, both promised to keep me constantly advised by letter of the condition of my mother. I left home with great reluctance, compelled alone by a sense of public duty, and being advised and urged to do so by my friends, on account of the great interest they felt, in common with all my constituents, in the question of locating the seat of the state government,²² which by the constitution of the state, was required to be done *permanently* in the first week of the approaching Session. It was to be done by the Assembly. I came from home and travelled in a state of low spirits and melancholly, being deeply anxious about my mother, and my domestic matters, confided at home, of necessity, too much to servants.

Thursday, Sept. 28th.

Left Mr. Batey's after early breakfast, and rode with Anthony and Mr. Harrison, alternately, in Carryall, the horse I rode day before being Mr. Batey's. Came through Murfreesboro without stopping, except in the street while I sent Anthony for plug of tobacco. Saw Col. E. A. Keeble a moment in the street who informed me, that he was not coming down to Nashville—having nothing to hope for the democracy—that Sneed the Senator, and Burrus, and Richardson the members of the House from the County had gone to Nashville.—I found persons at the first turnpike gate in Rutherford, all *agog* about seat of Government. Got some dinner at Treppard's on the road, [sic] and arrived at Nashville, at Mr. Kizer's Market Street, a little after dark. Found Mr. K. absent at Baltimore, but Ellen and son Houston, well. Slept well and soon (a thing unusual) after going to bed, having read myself to sleep in the "New York Albion."

Friday, Sept. 29, 1843.

Got up refreshed, and as soon as I went out, was beset by host of candidates—candidates for all the little offices of Clerks and Doorkeepers in the gift of the Assembly. There are only about 8 offices, and there are already nearly a hundred candidates on the ground. Saw Jas Armstrong who is a candidate for Assistant Clerk in Senate, and Joe Argo who is candidate for doorkeeper, and Thos. H. Hopkins who [is] candidate for Atto. Genl. or anything, all from

²²The establishment of a fixed capital for Tennessee was a matter of long dispute, which illustrates excellently the sectional and party jealousies which characterized this and other American commonwealths. The Tennessee Constitution of 1796 (Article X, Section 1) fixed the seat of government at Knoxville, in East Tennessee, until 1802. The Assembly continued to meet in Knoxville until 1807, when the session began in Kingston, a few miles to the west of Knoxville, but was adjourned to Knoxville. The sessions continued to be held in Knoxville through 1811. The next year a called session was held in Nashville, in the western (now the central) part of the state. This led to further sessions in Nashville until 1817, in which year Knoxville was again chosen. But the East had lost its grip, and in 1819 the Assembly met in Murfreesboro, a town which was in the same general region as Nashville and which continued as the meeting place of the Assembly until 1826, when another called session met in Nashville. Nashville continued thereafter to be chosen, but, through the jealousy of the other sections, without any guarantee of permanence.

As Laughlin states, the Constitution adopted in 1834 (schedule, Section 2) required the first Legislature to meet after the next enumeration by census,—which would be made in 1843,—to fix, within the first week of its session, a seat of government.

McMinnville, my county town, and Maj. Grant, and Mr. Sherrel who are candidates for Doorkeeper from Coffee. Told them all as well as Hodenpyl, and Thomas from Bledsoe, that I thought chances bad. The two last wish to be Doorkeepers to Senate. Find it bad policy to be incumbered with candidates from your own district. It has a tendency to place you in position to incur obligations on yourself to others for support, when the true policy of a member who has a favorite local object to carry, is to be in a position to get other members under obligations to him. Saw Maj. J. A. Lane who is a candidate for re-election as Pr.²⁴ Clerk to the Senate, and Mr. E. Rawlings who is a candidate for Asst. C. Senate, and advised them to visit Whig Senators together. Saw Sevier, and other Whig Senators, and real Albion, and made notes in my Index Rerum, from 2 Vol. of Life of Sir Jas. Mackintosh, from marks I had made in margin of that book, which I had left at Brandon's when going home from Mr. Batey's, in company with Martha and David, about ten days ago. Wrote part of a letter to my father in the evening, preparatory [to] sending Anthony home on tomorrow morning. Heard that Marshall Bertrand had gone up to-day to the Herititage, [sic]²⁵ the Marshall having arrived the night before from St. Louis. This is the favorite old General of Napoleon who closed his eyes. Intend, if I can, to see him when he returns to town. Went to bed early and read in bed in the 28th No. of the American Qr. Review.

Saturday, Sept. 30, 1843.

Got up well, and attended by Anthony, went to market to buy bacon, but could find none but hams at 6¼ cents per lb. Did not buy. It rained nearly all day. Got Carryall mended, but as it rained so much, and the roads would be so bad, put off Anthony's starting home til Monday morning, when I expected to procure bacon.—Saw Maj. Trott of Cannon. In good spirits about getting seat of Govt. removed from Nashville. Saw Ledbetter of Rutherford, member of Senate last year, who apologized and explained the cause of his writing to Ramsey my competitor in the last election. Said R. wrote to him *twice* before he would write—that when he did write, it was a private letter, not intended to be read in public, and only referred Mr. Ramsey to the journals where I had voted in 1830-40, [sic] and 1841-2 on the Seat of Government, Senatorial Election, and other party questions, and assured me that he never could have written what was untrue, that in 1840 I changed my vote on the Seat of Government Question, when Colo. Yoakum was the Senator from Rutherford. I told him and Dr. Richardson and Mr. Burrus, the representatives from Rutherford in the Senate Chamber, that if the Democrats had elected a majority to the present Assembly in both Houses, that we would have hoisted up and removed the seat of Government from Nashville, as certainly as easily, as Archimides hoisted up the Roman ships at the siege of Syracuse. That now if the removers hoped to do anything they must bring Whig help.

Called at Gen. Armstrong's in the evening. Found him out at Judge Catron's visiting Count Bertrand and Gen. E. P. Gaines.²⁶ Saw Dr. Young in course of the day; and afterwards, as I had done before, before I came here, and ever since, contradicted the charge

²⁴Principal.

²⁵The Hermitage was the resort of many foreigners of distinction who traveled in the West.

²⁶John Catron, appointed by Jackson Associate Justice of the Supreme Court of the United States, was one of the inner circle of the Jackson leaders. Edmund Pendleton Gaines, Brigadier General in the U. S. A., was at this time in command of the Western Division of the Army.

that he had voted the Whig ticket at the late election. The Dr. is a candidate for re-election as Secretary of State.—In the course of the day I received a letter dated the 22nd of Sept. 1843, from my good friend and cousin Thomas Laughlin, of Philadelphia, Monroe Co. Tenn. informing me that he is well, had received a letter from me at Pikeville, and that his old father and mother were in good health, in Whitley Co. Ky in May last. Informs me that his eldest daughter is a widow, Jos. Gilles a Senator etc. and recommends Matthew Nelson as a candidate for State Treasurer. I shall vote for Miller Francis the incumbent. Wrote more in my letter to father—bought Cooper's Hutted Hill, and read in Miss Frederica Bremer's "Neighbors" till I went to sleep. . . . Dudley Woodward sleeps with me—Houston in adjoining room—Harry on the floor.

Sunday, Oct. 1, 1843.

. . . Visited Gardner and Powell. Saw Judge Miller, Nicholson,²⁷ Trott, and Gen. Smartt, and Morford. Miller, G. W. Jones (now here) and others, thought it advisable to try to make a ticket for Senators in Congress, of A. R. Alexander of the West, and Joe Williams of the East, as the best way to beat Foster,²⁸ and that making Alexander Speaker, would be a good step towards it. Trott doubted whether it would not be wrong to make him Speaker—he told me, that Ready had informed him in secret, that the Rutherford Delegation would give up Foster to get votes for the removal of the seat of Government. Powell, at his room, told me that he thought Williams and Alexander the men to beat the Nashville Regency²⁹ with, as they were Whigs, and could each bring three Whigs with him. I saw Gen. Smartt on the square and told him that we, who wished to affect [*sic*] a removal of the Seat of Government were embarrassed by having candidates dependant [*sic*] on us for support—that it weakened us—that Democracy were in minority, and could elect no one—that to incur obligations in trying to get our candidates on, we were doing harm to our cause—that months hence was soon enough for Mr. Hopkins to become candidate for Att. Genl. and that I would do anything I could for him or Armstrong, but that they were a drawback on us now. He said he would talk to Mr. Rowan about it when he should arrive, and that he agreed with me in opinion. I told him of plan to run Alexander and Williams for Senators, and he approved of it and said he would talk to Alexander about Seat of Government; but I told him not to mention subject of Senators—that Judge Austin Miller on our part, and Trice a Whig from McNairy Co. were the only persons who would approach Alexander on that subject. That the matter was a profound secret.

Went home and read Miss Frederica Bremer's *Neighbors*, and wrote up this Journal. In the afternoon, felt so low spirited and unwell, and so much want of nervous excitement, I made Laura, Ellen's girl, make me a strong cup of coffee. It did me good. I dined with Mr. Rawlings and Cousin Jane, and a Mr. Davis of Mississippi, who had spent the summer at the Harrodsburg Springs, Kentucky.

In the afternoon rode out in carriage with Houston and Dudley Woodward on Franklin Turnpike beyond Westwood, the residence

²⁷A. O. P. Nicholson, of Columbia, appointed United States Senator by Polk to fill the unexpired term of Felix Grundy, who died December 19, 1840.

²⁸Ephraim H. Foster, Bell's rival for the leadership of the Whigs. Foster and Spencer Jarnigan had been the leading Whig candidates to fill the Senatorship in 1841-1842.

²⁹The group of Whig leaders at Nashville. Jealousy of the influence of Nashville is found much earlier. Cf. *Polk-Johnson Letters*, p. 212.

of the late Robert Woods the banker. Returned by my old residence in South Field, where I had lived from March 1832 to July or June, 1837, and which I sold to Park and Erskine—and by Sulphur Springs home. Took up Maj. Loving at the Port Hill going to Spring, and all took hearty drink of the water. . . . The country about Westwood and Waverly greatly improved since I saw it last, seven years ago. Saw in the suburbs of the town, negroes and white persons, men and boys, engaged in all kinds of idle sports, playing marbles, etc. and beyond Sulphur Springs in a lot, near Mr. Kizer's place called Economy, saw a set of men and boys in a lot, engaged in a regular boxing match, with a ring formed. Such things do not take place in our country villages—McMinnville would be disgraced by such scenes. Saw a great many people riding out in carriages. Nashville is an extravagant place. We passed by McEwen's splendid establishment in the South Field. He is the man, who, as Superintendent of Public Instruction robbed the Common School Fund of upwards of \$100,000, and was detected, and not re-elected, in 1839-40. He is now contending at law in the Supreme Court against the recovery of the money abstracted from him and securities, O. B. Hayes being one of them.³⁰—In our ride I pointed out to Mr. Woodward and Houston where the recruits and troops were stationed in cantonment during the last war, where I spent several social evenings with Maj. Peacock in 1814. It is beyond and near Westwood in a Hill on the east side of the road, near a Spring three miles from the Public Square in town. Those were boyish and happy days—I was then 18 or twenty rather in constitution—having been born Washington County, Virginia, May 1, 1796.—How time passes. My visits to Nashville in 1813-14, and an attack of fever I had in the latter year, in which I was attended by the late Dr. Newnan, seem as of yesterday! How short is the journey of life from infancy to old age! While in our teens, life seems, like time, to pass too slow. Although the journey, when we have passed the meridian seems to have been short, yet how many evils, disappointments, and changes we have to pass through, and how various the roads by which different individuals pass it. No two travel precisely the same path.

Saw Gov. Carroll after supper and a number of friends visited him. Not enough in number, however, to go into a caucus consultation. Learned from Maj. Trott that Col. A. R. Alexander of Shelby was unwilling to be taken up and voted for by the Democrats of the House as Speaker. It was understood to-day, that the Whigs in Caucus last night, had selected Baringer of Bedford as their candidate for Speaker of the House. The *parties* in the Assembly stand—in the House, 40 Whigs, 35 democrats; in Senate, 14 Whigs, 11 democrats. One of each party it is expected will be absent at meeting tomorrow.—Marr of Obion, dem. and Carson of Jefferson, Whig.

Went to bed, and read myself to sleep in Miss Frederica Bremer's *Neighbors*, translated by Mary Howitt, the quakeress.

Monday, Oct. 2, 1843.

At an early hour, about 9 o'clock A. M. the Senators began to assemble in the Senate Chamber, and at about 10 o'clock were called to order—Gen. Cocke in the chair. All the members were in attendance as follows:

N. H. Allen of Montgomery, Whig; Josiah M. Anderson of Marion, Whig; H. Bradbury of Henderson, Whig; J. Cocke of Grainger, Whig; P. Critz of Hawkins, Democrat; W. Cullom of Smith, Whig; W. J. Davis of Marshall, Democrat; J. F. Farrington of Shelby, Whig; J. A. Gardner of Weakley, Democrat; B. Gordon of Hickman,

³⁰A partisan statement of a matter which, whatever the facts, was strongly colored by party feeling.

Democrat; J. W. Harris of Tipton, Whig; J. F. Henry of Blount, —; T. R. Jennings of Davidson, Whig; S. H. Laughlin of Warren, Democrat; W. L. Martin of Wilson, Whig; J. R. Nelson of Knox, Whig; A. O. P. Nicholson of Maury, Democrat; R. W. Powell of Carter, Democrat; J. Ross of Anderson, Whig; W. T. Ross of Lincoln, Democrat; V. Sevier of Carroll, Whig; W. H. Sneed of Rutherford, Whig; G. W. Torbitt of Monroe, Democrat; S. Turney of White, Democrat; and Jac. Voorhies of Dickson, Democrat.

Mr. Anderson of Marion was elected Speaker, being nominated by Mr. Nelson. Mr. Ross of L. put Mr. Nicholson in nomination, and he was voted for by the Democrats.

Mr. John Cocke, Jr., grandson of Gen. J. Cocke the Senator, was elected principal clerk over Jacob A. Lane of White, and D. Wendel of Rutherford.

Kirkpatrick, nephew of Senator Ross of A. was elected Assistant clk over a crowd of others. In the end the Democrats nearly all voted for him, expecting, according to an arrangement made by Mr. Critz, to thereby obtain Senator Ross' vote for Mr. Miller Francis for Treasurer.

John Sevier of Tipton was elected Doorkeeper over Hays Arnold of White and many others. He is a brother of Senator Sevier of C.

I introduced resolutions to locate the Seat of Government at the centre of the State, or nearest suitable site thereto, having due regard to health and public convenience, and to appoint three commissioners by the General Assembly, one to reside in each grand division of the state, whose duty it should be to "designate and fix" the site of the seat of Government, according to the second section of the schedule of the constitution of 1834-5.

Mr. Nelson introduced a bill in blank, of a few lines, designating and fixing the seat of government at *blank* town, in *blank* County. By the rules of the last Assembly, which we had adopted until others were formed, this bill passed its first reading without objection.

In the evening saw Maj. Trott, and agreed to see Messrs. Glenn and W. H. Polk of the House, which I did, for the purpose of getting them to vote for Mr. Wade of DeKalb for Assistant Clerk in the House. Saw them and they agreed to do. This was in the night. Then went and saw Ex Governor Polk who had just arrived at the Nashville Inn. Saw him, Col. Alvan Cullom, Mr. Eastman, editor of the Knoxville Argus, Mr. Gardner etc. together at W. H. Polk's room. Talked over our defeat in the late election. Eastman agreed with me that the *bank question*³¹ was the great cause. Gov. Polk thought it was this, and the divisions among our friends in local elections that beat us, aided by fraudulent voting. Saw a letter during the day from Hon. Cave Johnson to Mr. Nicholson, in which he urged the necessity of passing a law to prevent frauds in elections in future. Went home late, and wrote to my father and daughter Mary by Anthony who was to leave in the morning for McM— . . .

Tuesday, Oct. 3, 1843.

. . . Started Anthony home with bacon and sugar—things for Mrs. Batey—wrote to Dr. Smartt and Mary, or sent letter to her, written last night and to father.

Senate met at 9 o'clock. Mr. Nelson called up his bill in blank for fixing the seat of Government, and it was passed in blank, as to *place*, a second time, *Sub silentio*. The House elected its officers in the course of the day, and after the customary messages had passed between the Houses, a joint committee waited on the Governor, of

³¹The Bank of Tennessee, chartered in 1837-1838, became a football of state politics.

whom W. Cullom was one on part of Senate, and directly afterwards the Message came in, and such a message. It is highly violent and partisan in its character, abounding in falsehoods.

We had a meeting of Democratic members at Gen. Carrolls in the evening—Mr. Boddie of Sumner presided. Messrs. Nicholson, Trott, Milligan, Anderson, Glenn and Fisher were appointed a committee with authority to call future meetings, and to see whether propositions would not be made to take up candidates of the Whig party in East and West Tennessee—to be made by Whigs—perhaps by friends of Col. A. R. Alexander and Joseph L. Williams, to be run against Foster and Jarnagin, or the regular Whig nominees. They were to ascertain and see if such an anti Foster and Jarnagin ticket could be formed, bringing which votes enough [*sic*] to enable it to carry with aid of all the democratic votes. Mr. Huddleston of Overton, and Mr. Bobo of Coffee expressed doubts, whether they could vote for Whigs, even as a choice between evils. Mr. Nicholson said he had always thought until lately that he could vote for Whigs in no event; but to effect defeat Foster he would vote for a Whig less objectionable. Mr. Gordon said same—so did Mr. Fisher, Mr. Glenn and others. I was decidedly in favor of doing so. Mr. Turney would go with majority, but he thought it best, to let the Whigs take their own course—elect their men, and then instruct them out. No vote, as to what we would do, took place.

Houston went to theatre. I came home late from the meeting and, as usual, read myself to sleep, at 11 o'clock in the Neighbours.

It was thought best not to stir seat of Government question in the meeting, as there were Democrats present, in favor of Nashville. This was agreed by myself, Trott, Nicholson, and W. H. Polk—out at door, before meeting was called to order.

Wednesday, Oct. 4, 1843.

. . . . In the course of the day, after voting on inserting the *name* of a town for the seat of bill, and mendment [*sic*] offered by Mr. Harris of Tipton, finally passed the bill with the name of Kingston,³² in the County of Roane, inserted on motion of Mr. Torbitt—and sent it to the House, where it passed one reading.

In the evening saw Gov. Polk, who is in favor of removal from Nashville, and sent Mr. Powell to see him, so that Polk might talk at him on the subject. Met Maj. M. G. Reeves at Gov. Polk's room. Sent him to obtain a pledge from the Whig Delegation of Rutherford, that they would vote for a Senator in each of the East and West Divisions, against Foster and Jarnagin, if seat of Government was removed, which pledge I suppose he will obtain. Saw Dr. Richardson and Maj. Trott, who agreed that amendment, proposing the Center of the State in lieu of Kingston, to Senates bill in House, was the proper move. W. H. Waterson, Gen. Smartt, and Trott agreed that the amendment must be moved by Mr. Baringer of Bedford the Speaker. I had thought of Richardson, but agreed that the above would be best.

Agreed with Mr. Sneed to prepare the amendment, and have it ready.

Found Mr. Powell talking with Gen. Wilson, Speaker of the Senate of North Carolina, at Nash. Inn. on subject of the Presidency and Vice Presidency. Dont know result. Went home and wrote part of a letter to Editor of Central Gazette at McMinnville, giving an account of progress of events here, and of seat of Government Question.

³²One session of the Assembly had been held in this town in 1807.

Went to bed and read Miss Bremer's *Neighbours*—account of Bruno being known by, and acknowledged by his brother Lars Andres. Either Miss Bremer, or Mrs. Howitt, or both, have the full unsophisticated feelings and hearts of nature. Hence the ability to portray characters of Mrs. Fraziska Werner, Lars, and Serena. There is great power displayed in writing of music—its effects—what it really is, and drawing character of Bruno. . . .

Thursday Oct. 5, 1843.

Rose early, but unrefreshed. Took walk to sulphur spring, with Maj. Loving and Maj. Bobo of Coffee. Met Mr. Garner of Franklin and Mr. Fisher of Fayette at the spring. Drank freely of water, determined by drinking, early rising and exercising to be prepared for sleep tonight—if I can get to bed early.

In the House, the Seat of Government Bill passed a second reading, without opposition with Kingston in it as the *site*. The friends of removal from Nashville deemed this the most prudent course, and best way to hasten final, action. Attempted to have an evening meeting of Democratic members, at Postoffice; but room being out of order, and Gen. Armstrong having been ill (as I have been sometimes) and just getting well—the meeting was adjourned to Mr. Ross' room at Crockett's. The meeting was pretty full; but we could not *all* agree to vote for Whigs for U. S. Senate in East and West to defeat Foster and Jarnagin. Davis of Marshall, Body of Sumner, and some other member expressed a determination to vote for no Whig for any possible purpose for Senator. I think Mr. Turner of Sumner was the other man. On motion of Powell of Carter, and on my suggestion of the proper men, Miller of Hardenman, and Glenn of Tipton were appointed a committee to ascertain how many *Whig* votes a candidate for Senator of that party, in opposition to Foster, could get in W. District.—Dr. Kenny of Washington thought J. L. Williams, Reece, Gen. Cocke, or McDermot of East Tennessee, all Whigs, could bring some Whig votes in opposition to Jarnagin.—Maj. Trott tried, on a motion, to ascertain how many Democrats would vote for Central location of Seat of Government in order to obtain Whig votes in Middle Tennessee to defeat Foster and Jarnagin, but nothing definite was elicited²³

In the course of the meeting, Mr. G. W. Jones of Lincoln, and Col. H. Yoakum of Rutherford, on being called out, addressed the meeting. Both were for uniting on any other Whigs who could bring votes to defeat Foster and Jarnagin.

Mr. Jones stated that he was a member of the Tennessee Senate in 1839-40 when Senators were to be elected, and that a Whig had proposed to him, that if a democrat, other than the late Felix Grundy would then suffer himself to be brought forward by a minority of his party, that the whole 44 Whig votes which were in both Houses of that Assembly would be cast for such democrat against Mr. Grundy for U. S. Senator,—after first voting, on first ballot for a candidate of their own party.

I came home late, found Mr. Woodward and Houston in bed, and went to bed immediately—having walked home with Messrs. Voorhies and Wiley. The former expressed a hope that Whig Senators might yet be defeated. Trott and myself doubted, as we were last to part. He had made his motion in meeting at my suggestion, as Nicholson, who was to see Ready, as friend of Rutherford delegation, desired it.

²³An excellent illustration of state log-rolling.

Friday morning, Sept. [sic] 6, 1843.

Got up early to make arrangements for Houston to leave for Hickory Hill. Wrote to father—Ford the editor and requested Ford to publish and preserve the letter—Sent documents to Dr. Gowen, C. P. Alexander and others—and to J. L. Byars, Jas. Webb, Harold Byars and others McMinnville. He started after breakfast against my wish as it had been raining and was cloudy. Went to Senate, but nothing done of interest. Nelson consulted me on repealing, or modifying Bowie knife prohibition law. As I went to Senate, I mentioned to Gen. Smartt, that I regretted that we had held meeting—that it was against what I had always advised, as far as seat of Government question was concerned. Wrote letter to Wm. Cummins Esq of Cannon to send by Squire Bates, and informed him of the state of the seat of G. question; and enclosed him a Governor's message for Robert Bailey—endorsing on it that it was *poor*, and *lied and misrepresented*. Saw Chancellor Bramblett at Mr. Kizer's store when Senate adjourned and I came to dinner—said he could not electioneer for re-election—was *indisposed* to do it, had to hold his Courts til 1st Dec. and that electioneering did no accord with his taste. Col. T. H. Cahal is his competitor—a poor shoate—my mind is made up to vote for Bramblett.

In the House, after all manner of shuffling, scuffling, and voting for local places and centre of the State—proposed by speaker Baringer—and reconsidering, the blank was at last filled with Nashville. While the centre was *in* and pending a motion to reconsider, the House adjourned to meet at 7 P. M. and have a night session. We met accordingly, when Messrs. Sherrell of Bledsoe, Rodgers of White, etc., and other Whigs deserted and went over to Nashville. The bill was finally passed for Nashville. The above deserters and Coggin of DeKalb voting for Nashville. For this day and nights work, see the Journal. Mr. Kizer came home after I had left the House and given up hope. I found Mr. Woodward abed and asleep. Missed Houston, and on making Harry light a candle when Mr. K. came home, I read account of reconciliation between *ma chere mere* and Bruno at Ramum in the Neighbours of Miss Bremer which I have not yet got through. Wished myself at home with my old father, mother and boys—Felt the most melancholly anxiety about my mother—felt that I was like one with little of future hope in this world, if I should have soon to add her loss to my other bereavements. Committed all to hands of God, and got, by an effort, to sleep.

Saturday, Oct. 7, 1843.

After trying sleep, rose early and anxious about the pending question of Seat of Government. Was uneasy on the question of concurrence with the House. Knew they had passed the bill in favor locating at Nashville. Went to Senate before the hour of meeting. As soon as the morning business was through, and before any message could come from the House, moved in full Senate, as a test question, to take up my resolutions offered on the first day of the Session for *locating* at the geographical centre of the State, or nearest suitable site. By a test vote, my motion was lost by a vote of 13 to 12.

Mr. Sneed then introduced a resolution for fixing it by vote of the people, putting places in nomination, and on second election taking the two places having highest number of votes, etc. Voted for suspending rule so as to allow it to be considered then, without lying one day on the table as the rule required. We were voted down. The Houses amendment to our bill, by which that body had *fixed* upon Nashville was brought, and taken up. Mr. Gardner moved to concur.

I made a speech against concurrence, and Mr. Nelson of Knox replied. Mr. Sneed addressed a short speech to mine. Nelson's speech was vulgar and rude, in his usual vein of vulgar wit without facts or arguments. He was clapped twice in the lobby overflowing with Nashville Whigs. I will publish my speech. The question was then had on amendments offered in succession by Mr. Sneed and myself, in favor of central location. These were out of order on a question of concurrence, but the friends of Nashville, with slight objection from Gen. Cocke, and one or two others, the Speaker deciding them in order, took no appeal, and our amendments were voted down. The question of concurrence was then taken, and the friends of removal having lost all hope, the House's amendment was concurred in by the vote stated below.* I ought to have noted first, however, that before the vote was taken, Mr. Nicholson moved to strike Nashville and insert Columbia, which was lost, I voting for it. See the Journal as to these votes.

The night before the final vote was taken in the House, and while we hoped the centre would carry there, Mr. Nicholson and myself had ascertained and obtained pledges of our political friends, ready to sacrifice all local preference and even themselves, that they would unite with us, so as, with our own votes to concur in Senate with an amendment from the House fixing the centre, or nearest suitable place within ten miles thereof, by a vote of 13 to 12, and so it would have been decided, if it had so come to us on Friday night, or this morning—but all our prospects were blighted by desertion of Whigs in the House, by which Nashville was inserted and now our friends here, had, in justice to themselves to take such course as would save themselves, and be, as they supposed, most in conformity with the supposed will of their constituents. The deserters in the House, were, Daniel Coggin of DeKalb, Gen. Rodgers of White, Fentress of VanBuren, Craven Sherill of Bledsoe, Rawlins of Hamilton and Marion Humphreys of Monroe.

After the bill was finally passed, Senate adjourned. It rained all day. In evening saw Gen. Smartt and Col. Spurlock about to leave; and Mr. Geo. Glascock, and Mr. W. West, with whom I talked, and both of whom understood the whole matter as I did—that it was owing to Whig desertion. Gov. Jones and E. H. Foster had both been busy for several days. I have no doubt of their being the cause of the desertions. Will the Whigs of Warren, Cannon, Coffee, DeKalb and Rutherford stand this! Time will show. I sent some documents in the course of the day. Wrote the day before to Maj. Lamberson, [?] at Liberty, and at night visited my friends Ross of L. Nicholson and Voorhies at Crocketts in Company with Mr. Powell of C. We all agreed that Powell must get Torbett to stand with us, as Nicholson and Voorhies agreed to do, and compel the Whigs to elect U. S. Senators by *concurrent* vote, or pass a law in conformity with the power conferred by the constitution of the U. S. Art. Sec.²⁴

Went home and read nearly through the "Neighbors." I think Mr. [sic] Bremer intends to portray character of Lord Byron in her Bruno Mansfield, and in *Ma chere mere*, the character Lady Byron, Lord Byron's mother. The idea of these must at least have been in Miss Bremer's head.

Thought of home, and felt pained at not receiving a letter as this

*For concurrence—Allen, Bradbury, Cocke, Cullom, Farrington, Gardner, Gordon, Harris, Henry, Jennings, Martin, Nelson, Powell, Ross of A. Sevier, Torbett, Voorhies—17. Against concurrence—Critz, Davis, Laughlin, Nicholson, Ross of L. Sneed, Turney and Speaker Anderson—8. [Note in original.]

²⁴Blank in Ms.

was the day the mail arrived from McMinnville. Hope for the best. . . . Wrote J. H. Roberts of Coffee, and other friends, stating our defeat.

Vote in House.

For Nashville—Bond of Haywood moved to fill blank—Alexander, Avery, Bledsoe, Bond, Bone, Brooks, Carson, Cheatham, Cherry, Cleveland, *Coggin*, Cross of M. Crudup, Davenport, Duggan, Edwards, Eubank, Goodall, Goode, Hamilton, Hodsden, Houston, *Humphreys*, Jordon, Lenoir, Moore, *Moorman*, Morris, Morrow, Nave, *Rawlings*, Rach, *Sherrel*, Trice, Trimble, Turner, Tyler, Walker of W. Wheeler, Williams and Wylly—43.

Against Nashville—Anderson, Black, Bobo, Burrus, Cross of S. Crouch, Dearing, Farquharson, Fisher, Garner, Glenn, Gordon, Hord, Huddleston, Hughes, Kenney, Lauderdale, McGinnis, Maury, Miller, of H. Miller of M. Milligan, Polk Richardson, Rodgers, Smartt, Trott, Turney, Walker of H. Wann and Speaker Barringer.

Rodgers voted against considering I believe. *See Journal.*

Sunday, Oct. 8, 1843.

In the morning felt tolerably refreshed, and after breakfast wrote up yesterdays journal. Went to House and Senate Chamber, and found no letter from home. Wished I could possess the even temper and philosophy of others—prayed that I might be able to submit to my lot in quietness and peace, and that with old Quarles, [*sic*] I might hereafter be enable[d] cheerfully to find a

Tongue in trees, books in running brooks,
Sermons in stones, and good in everything.

. . . Read conclusion of the Neighbours, and after dinner, walked with Mr. Woodward to Col. Park's, on College Hill, and was there introduced to Dr. Dilliard of Sumpter, Alabama, who was in bad health. Came home, and wrote to my father about the work to be done on my House by Mr. Purvis at Hickory Hill. Read some in Coopers Wyandotte, or Huttet Hill. . . .

Monday, Oct. 9, 1843.

Went to Senate Chamber immediately after breakfast. I had seen Wm. Smartt in market in morning. He left home on Friday, and could give me no information as to the health of my mother. Supp[os]ed, he said, that rain prevented Dr. Smartt from writing.

In Senate resolution to bring on Senatorial election on 13th inst. was taken up. On motion of Mr. Nicholson, time was changed to 20th instant by party vote, except Cocke and Farrington voted with the democracy. On passage of the resolution, or on question of adoption, I made some remarks, and asked that its passage should be postponed until the bill prescribing the mode of electing U. S. Senators, introduced by Mr. Gardner could be passed—that the Whigs having a majority, might amend and pass it in form acceptable to themselves; but that if they would not I feared we might by possibility have a recurrence of the party strife we had in the Senate in 1841.³⁵ That other states had passed laws, our parent state N. Carolina for instance—and that if a law could be passed, I would hope for a harmonious session, and that we could come up to the great subjects—

³⁵The bitter fight over the election of two Senators to which reference is made in the Introduction.

state debt, judiciary etc, free of party feelings. Nelson and Cullom replied—Gardner and Ross spoke, then Sneed—Powell, Harris, Jennings, etc.

I moved the adjournment at noon which carried without the question on the resolution being taken.

In the morning Mr. Gardner had introduced a Bill for having only two Circuit Courts a year in Western Division. On its passage without opposition, I gave notice that I had a Bill in preparation, embracing the whole State, containing the same provision, under which I hoped the number of Judges might be reduced greatly to the benefit of the public service, and the saving of money.

Before dinner wrote to Van Pelt of the Memphis Appeal, and Col. A. A. Kincannon of Columbus, Mississippi on the subject of Presidency and Vice Presidency—urging that Polk should be taken up for the latter by the press and people—that he should be nominated by our State Convention in November—that the Tennessee delegation should go to N. Convention supporting his claims, and uncommitted as to Presidential candidate, but committed to abide its nomination—that no nomination for the Presidency ought to be made in our State Convention.³⁶ Told them, that if Gov. Polk should be on our ticket next fall, with Van Buren, or any good democrat, we could beat Clay, McLean or Scott; but without Polk's name we would be beaten and tied down in federal chains in Tennessee for the next six or ten years. Wrote to Maj. T. P. Moore, Harrodsburg, Ky. the same substance as to Kincannon.

During the day, Mr. Topp, brother of R. Topp of Memphis, applied to me in confidence, to know if I would support his brother R. T. for U. S. Senator against Jarnagin—told him it was possible.

Tuesday, Oct. 10, 1843.

Went to Senate Chamber early, and wrote letters to W. H. Conlior, to Gen. Patton at Woodbury—introduced Bill to reduce the Number of Circuits and Judges, and providing that the Circuit Court should sit but twice a year, unless special terms should become necessary in particular Courts; and I also introduced Resolution directing the Judiciary Committee to examine and report on the above subjects, but also into the expediency of curtailing salaries, costs and expenses in administration of justice by the Circuit Courts.

This was the day of the Great Peyton Stakes race out at the tract. Many members went out. I did not. Wrote to L. N. Ford and son Houston at McMinnville—Letter to Ford for publication—that that to Houston being one of affection and advice.

Wednesday, Oct. 11, 1843.

Attended the Senate early. In the course of the day sent sundry documents to friends, and among others, the *Banner* containing my remarks on the Senatorial question, and the Whig containing my remarks on seat of Govt. Question, both imperfect reports, to my friend Col. Rob. L. Ferrell of West Fork P. O. Overton Co. and the *Banner* to my father.

In the evening the resolution was passed, variously amended, for bringing on elections of U. S. Senators on 17th by *Convention* of the two Houses. (See Journal.) I voted against it because the election for longest term—from expiration of Gen. Alex. Anderson's term on 4th March, 1841, was to be brought on first—and election to fill remainder of Grundy's term, ending 4th March 1845, was to be brought on next. This arrangement would cut the democracy out of all power

³⁶This was the plan actually carried out. See *Polk-Johnson Letters*, p. 229.

in exercising a proper choice in choosing between Mr. Bell, Mr. Topp, Mr. Jarnagin and others. While the resolution was pending, a debate sprung up in Senate, brought on by Mr. Voorhies, in "defining his position", in which Messrs. Nelson, Farrington, Harris, and Ross, of L. and I believe Cocke and Cullom participated.—Wrote Gov. Yell of Ark.

In the evening, Maj. Loving and myself made a visit to Col. Park on College Hill. Park and Loving (the last being an admirable performer) favored Maj. Doxey (a gentleman of Sumner) and the company with music on the violin. Coming home nearly got a wetting by rain in stopping by the way to see Steamer Cumberland go off in the night.

... Talked with Mr. H. Van Pelt in the course of the day on subject of Presidency and Vice Presidency in prospect, and with Mr. Hickerson of Wilkes, N. C. and urged claims of Gov. Polk for latter.

Thursday, Oct. 12, 1843.

... Went back to Senate—wrote letter to Gov. Polk, and participated in discussion of Mr. Davis' Bill to restore *Ca. Sa*st law repealed at last Session. Messrs. Cullom and Sneed offered amendments. Harris, Sneed and Cullom participated in debate. I declared myself against restoring the writ—not being willing that the flesh and blood of freemen should ever be held in pledge for debt or money—but pledging myself to go for any measure gentlemen might propose more effectually to reach fraud. I complimented Mr. Powell and Dr. Peyton of Sumner (now a member of Congress elect) both present for their support of law repealing *Ca. Sa* law at last session.

Wrote home to my father, and informed him that I would want Houston to return here with his mare in time for me to ride to Coffee Circuit Court by 4th Monday; also to hurry the work on my home, and that no papering need be done. Wrote to have mother carefully nursed, and for Mary to write me every mail. Dated my letter, written late at night, as of tomorrow morning, and went to Post Office with it, and there conversed with Gen. Armstrong on subject of Senatorial election. I informed him that Whigs intended to fill two unexpired terms, and also a new term from 4th March 1845. In course of day wrote to Gov. Polk at Columbia, as I had done to Gov. Yell of Ark—and of contents of my letters. In evening was restless and on going to bed, could not go to sleep early, but read Huttet Knoll until 11 o'clock, Mr. Woodward being asleep. . . .

Friday, Oct. 13, 1843.

Felt tolerably refreshed in morning, and after a slight breakfast, went to Senate. Little done, except to adjourn to House to finish counting votes for Gov. When it was found that *Jones* true majority over Polk was 3833. By resolution offered by Mr. Boddie, the unofficial return from Sumner was added which produced the above result. Miller of Hardeman informed me that Whigs had held a *caucus* last night at Dr. Jennings office—result of course not known to democracy. Saw the Journal of yesterday, that my motion to print 500 copies of Penitentiary report, was reducing the *usual number*, being 1000, moved by Cullom, one half. In the morning got the *Albany Argus*, and several St. Louis papers from Union Office, but have no heart or time to read newspapers.

Wrote letter to Wm. H. Judkins of DeKalb by Mr. Brien, who was to leave in the stage in the night. Commissioned Mr. Woodward to

st*Capias ad satisficiendum.*

buy me some *domestic* and *linnen* to make shirts—they were to be neatly made at 50 cents a piece.

At night . . . Saw some friends at City Hotel, and Mr. Trousdale at Union Hall, kept by Joe Brown, and talked over coal trade of the Up-Cumberland river country with him. Went home and to bed before 9 o'clock, but did not sleep til late hour, lighted candle and read Cooper's Huttet Knoll, which I had in the evening, promised to lend to a young man named []³⁸ who is reporting Senate's proceedings for Banner and the Whig. . . .

Saturday, Oct. 14, 1843.

. . . Nicholson reported, as chairman of Com. of Ways and Means, Bill with amendments for abolishing office of Superintendent of Public Instruction—providing that all duties of the office should be transferred (not to President of Bank of Tenn.) but to the Comptroller of the Treasury, and that no additional pay should be given to that officer for a discharge of the said new duties, than he now receives by law—all of which I voted for.

Recd letter from Gov. Polk, and a No. of the Charleston (S. C.) Mercury, of the 30th Sept. 1843—mentioning Gov. P.'s claims for the Vice Presidency—speaking in his praise etc.—Saw Dr. Kenney of Washington in the evening who informed Judge Miller and myself that he was daily getting information of the Whig movements in *Caucus*, on the subject of U. S. Senators, from Craven Sherrill of Bledsoe, and was to get a report next Monday. He urged us, however to be secret.

In the evening I read conclusion of Huttet Knoll, and then Webster's speech at the late agricultural fair at Rochester, N. York, in which he speaks of *protecting* agriculture by legislation; and compares and contrasts agriculture or *farming* and *planting* interests—the first being peculiar to the Middle and Northern States—the last to the south. The first he considers of greatest importance to human happiness—the greatest number of people. Read also Jos. R. Ingersoll's answer to a call from a portion of his constituents of Philadelphia on the *slavery question*, and on propriety of amending the constitution of the U. S. so as to give power to Congress to *abolish* slavery. He is averse to such an amendment. I will insert these two documents in my Scrap Book, No. 2. . . .

Sunday, Oct. 15, 1843.

In the morning felt tolerably well. In the course of the day, read Sunday articles in various newspapers; but read none in books. Walked about town. To Landing with Loving, where we saw Capt. Horn and Mr. Harris the painter. They were examining the Steamer Tallyrand—and spoke of what Anthony Johnson, and others had smuggled under bankrupt law. Afterward in my rambles saw old Nancy and Ned—each with their husband and wife, occupy little tenements, and although old and crippled, are, doubtless, happier than I am. . . .

Monday, Oct. 16, 1843.

Rose well, and went to market to buy sacks. Bought some squirrels. Went to Senate early. Mr. Kizer and Dr. Moore of Alabama came up. Sent by Dr. Mo. to his brother Dr. D. Moore Journals of the called Session, 1842, of the Genl Assembly—Acts of same Session, and Comptrollers Report, and Governor's Message to this session.—Mr. Nicholson showed me letter to himself from Harvey M. Waterson,

³⁸Blank in Ms.

dated New York Oct 6th 1843, marked *Inter nos*, in which he strongly urges the impolicy of running Mr. Van Buren for President in the next election, though he says he is his preference if he could be elected. Says the Van Buren party intend to give Polk the *go by* as to a nomination for the Vice Presidency. Says Johnson will be the man—that he met Col. Johnson at Washington lately, and he says he is not candidate for the Vice Presidency but for first office—that he has written so to many persons who are at liberty to publish—that if the Vice Presidency is pushed on him, that then will be the time to consider and act when contingency happens in convention—says he also saw R. B. Rhett, who says that if things go on as they are going, that Calhoun's friends may be driven to secede from the convention, and leave the nomination to others—that in that event, Calhoun will not run, nor will his friends vote in election. Without naming him, he (Mr. W.) speaks of Cass as being most available. Says that in passing through Georgia, S. Carolina, N. Carolina and Virginia lately, he finds opinion prevalent, that Van Buren is not available—though his friends in Georgia, opposed to Calhoun threaten in hundreds not to go to the polls in the pending State election, and thereby let the Clay Whigs beat the Calhoun democracy. (This has actually happened as the newspapers of this morning here, and news by last two southern mails show us here.)—Mr. W. says he is just on the point of sailing in a U. S. Ship bound for the Pacific, as a Commercial Agent to Buenos Ayres—South America.—Went to Silk Company's Exhibition in Federal Court room, when Senate adjourned at 11 o'clock until 3 o'clock P. M.

Wrote to Nancy Laughlin, Holmes Co. Mississippi. Maj. Ledbetter requested me to say all well in Rutherford. She is the widow of my brother John, and has two children, Adriana, nearly grown, and John a posthumous son of my brother. I informed her of all my family misfortunes since she went to Mississippi.

Ate a very light supper, and after conversing sometime with Col. Adrian Northcutt, who was on his way to Clarksville to sell pork, and with Mr. Kincannon who came with him, I went to bed early.

Tuesday, Oct. 17, 1843.

Got up soon, and on going down, met Col. Northcutt, and went with him to Mr. Sam Turney's room at Thomas', College Street. He wanted to take Turney's deposition to be read in suit at Woodbury.

Senate met early. Wrote to Gov. C. C. Clay, of Alabama, about the condition of parties here—stating who wishing [*sic*] to be Senators—that Crittenden as Clay's Ambassador had been here—that Whigs would probably elect 3 Senators, Foster being one at all events—and urged prospects of Gov. Polk for Vice President. I told him we would not, I expected, nominate any candidate for President at our approaching state convention in Nov. next—but that we would *press* Polk's claims. Told him Gov. Yell, as I believed, favored Polk's claims—that we would be happy here if he (Gov. Clay) concurred in our views. Told him if Col. Johnson should be thrust upon us again, the result would be same as in 1836, when we were *Ruckered*³⁰ by Ned Rucker and Frank Blair.

In the afternoon, by force of the *previous question*, in which Davis of Marshall voted with the Whigs, the Senatorial election was brought on, and Foster elected for remainder of Mr. Grundy's time (term) to 4th March, 1845; and Jarnagin for balance of term which commenced at expiration of Gen. Alex. Anderson term (Anderson's being re-

³⁰See Polk-Johnson Letters, p. 225, note 72.

mainder of Judge Whites term) which expired on 4th March, 1841. So Foster goes out 4th March '45, and Jarnagin, 4th March 1847.—When Foster was nominated, his election coming on first, I voted as did Mr. Nicholson, for Wm. Carroll, and when Jarnagin was nominated, I, as did Nicholson, voted for John Blair of Jonesboro. The long agony of electing Senators is now over—but will the Whigs be content? They have ever shown themselves unwilling to trust the people. Will they not according to Sneed's move the other day, proceed by force of their numbers, disregarding the constitution, and the people's rights in the next election, to elect *another* Senator, Bell or Foster, for a term of *six* years to commence on the 4th of March, 1845? Time will show.

Wrote to Ford of the *Gazette* what we have done. Rec'd letter from Dr. Smartt dated the 15th (Sunday) stating that my mother is no better. Opened my letter to C. C. Clay and informed him the Senators were elected in a postscript. Sent of documents to, and letter to Tom J. Williams of Cannon, by a Bostonian named Dascomb, who goes to Cannon Co. in the morning to look after some mountain land, 1400 acres, sold to some Boston mechanics. How the people in the East have been cheated in our pretended Grants for mountain land in Tennessee! Told D. that his employers I doubted not, were cheated. The 1400 acres purported to be part of a Grant for 5000 acres—adjoinin gland of one Lane, on Beaver fork of Barren fork of Collin's river. Beaver Creek! There is no such creek in my knowledge. The documents sent to Williams, were Comptroller's report, and copies were sent to many of his neighbors.

Sat up sometime at night, but engaged in no regular reading! Slept soon.

Wednesday, Oct. 18, 1843.

In the morning wrote to Dr. Smartt and Mr. T. P. Argo, by W. H. Argo, requested Mary to relieve Sally in watching by, and in waiting on mother. Expressed my thankfulness to Sally in letter to Dr. Smartt. Requested Houston to come down by Saturday. Sent documents to Ford (Compt. Rep.) to be distributed and some to McBroom and Ben Bates.

Wrote to Col. Floyd the state of things here—Senatorial election—the wish of Whigs to elect another—and my position upon Taxation question.

A. V. Brown, M.C. from Giles district, called on me when the Senate adjourned at 10 o'clock to attend funeral of Governor Jones child Hugh Lawson White, and I had much conversation about Presidency. He is of opinion, that if V. Buren, or his folks intend to give Polk the *go by* and deceive him, that we must then in N. convention, as our members of Congress will do at Washington, just let them know, that if they will take Polk for Vice President, we will take Van Buren; if not, and they go for Col. Johnson, that then we will go for Cass.⁴⁰ I agreed that we ought to take this stand—and make no nomination for President in our approaching State Convention. He promised to write and keep me constantly advised of the state of things after he gets to Washington. He promised also, that he would get Maj. A. J. Donelson⁴¹ to write to Mr. Silas Wright and others, putting them in possession of our views.

Saw Mr. Brown again at the post office, at night, and was informed by Gen. Armstrong, that he and Brown had seen Donelson, who would devote tomorrow to writing letters as above.

⁴⁰This threat of a movement for Cass later met with Polk's disapproval: *Polk-Johnson Letters*, p. 234.

⁴¹The nephew of Mrs. Andrew Jackson, later Minister to Texas.

Wrote in the evening to Gen. Shields and Maj. Morford that Maj. L. D. Mercer had sent a Bill to me and G. R. Smartt—the representative from Warren—providing for the equal division of the Academy Funds of Carroll Academy at McMinnville with the Edmondson Female Academy at same, and asking their advice, and assuring them that as a citizen I was willing to it, as friend of female education, but wished to do right, and what might be agreeable to all parties concerned. Asked them to confer with Mercer and advise me of what might be agreed upon. I also advised them that bill had been twice read and passed in Senate, but that I would proceed no further in it until I heard from them.

Went to bed early, and without medicine, slept tolerably well. Voted for Bill in the evening for allowing poor families on prospective contracts, 5 sheep exempt from execution.

Thursday, Oct. 19, 1843.

Got up soon. After breakfast went to Senate Chamber, and prepared and, as member of the Judicial Com. report on my court bill, as ordered by Committee. The amendments reported, were in favor of two Circuit Courts annually—no reduction of present number of circuit, but reduction of the salaries of Circuit Judges from \$1500 to \$1300 annually—and for special terms of the Courts where the business requires it. Report laid on table. This, I moved, that I might prepare and offer, when report is called up, amendments proposing to reduce the number of Judges, and Circuits, as well as salaries.

Mr. Nicholson from Com. of Ways and Means, made report in favor of general retrenchment.

Jennings introduced a Bill, as a party move, to provide for paying deficit on state debt, by subtracting part of school and Academy money etc and moved its reference to *Select Com.* This would place him at head of Committee, so as to enable him to make a *Bunkum* report. I opposed the reference on the ground that the same subject was already before the Com. of Ways and Means, where this bill ought to be sent. This proper Com. etc. He withdrew his motion, and his bill is on the table, having passed without objection, by rules, on first reading.

Recd letter from Hon. T. P. Moore, of Harrodsburg, Ky. in answer to mine of 9th. giving his views of Presidency and Vice Presidency. His letter is dated 14th inst. *See it.*

Wrote to H. L. Turney, by T. H. Hopkins, who leaves in stage in morning to attend to my business at Court at Manchester (Coffee Co) on Monday next, and especially to attend to Hatfields case against McGowan. Enclosed to him a short note to Johnson Phillips about his case. Informed him that I could not leave here on account of Francis and Grahams elections—that he, with Mr. Hopkins, who is a candidate here for Atto. Genl. in 13th Circuit, must *save me* with my clients.

Col. G. W. Sevier, through Mr. Jennings, sent in letter, donating his fathers sword, voted to him by N. Carolina to State. *See Diary of tomorrow.*

Friday, Oct. 20, 1843.

Got up early—finished letter of last night to Dr. Smartt. Gave my letters to Mr. Hopkins at Washington Hotel. Went to Senate Chamber, when Doorker brought in a letter from Dr. Smartt of Wednesday last, informing me that my mother appeared better.—Went in haste, and wrote a short reply of acknowledgment—and thanked him and

Sally for their attention to mother—and found Hopkins and gave it to him.

Went back to Senate, and submitted my amendment to Circuit Court two terms Bill, in lieu of 1st section of amendment reported yesterday by myself from Com. on Judiciary. This last amendment provides for reduction of Circuits from 14 to *ten*—two terms annually, with special terms when necessary—and reduction of Judges salaries from \$1500 to \$1300.—The Bill to secure married women in their property, was passed 3rd. and last reading in Senate. Nelson of Knox submitted two answers in chancery from officers of Hiwassee Railroad Comp. to suit brought against them by Atto. Genl. in name of state. The papers were copies of answers—directed to no one here—and were perhaps intended to be *imposed* on the Genl. Assembly as answers to the Interrogatories of the Gen. Assembly, in my resolutions passed 5th January, 1842, and printed with acts of Session 1841-2. The papers were laid on the table. Had the Journal of yesterday corrected, so as to show, that it was on *my motion*, that letter of Col. G. W. Sevier, transmitting and donating to the state the sword voted to his father Gen. John Sevier by Gen. Assembly of N. Carolina, for his gallantry at *Kings Mountain* in Revolutionary war, was ordered to be enrolled on *our Journal*.

The motion prevailed unanimously to receive sword, as did my motion, and also Dr. Jennings's resolve, as to the manner in which Col. Sevier should present the sword to the two Houses when hereafter met in Convention in the Hall of the House.

At 11 Houses went into Convention to elect Registers for Mountain and Western Districts—Dick Nelson elected to first without opposition—*Nine* candidates were put in nomination for Register of the Western district 7 Whigs and 2 democrats. W. O. Butler, son of Dr. W. E. Butler of Jackson, and Maclin Cross, son of John B. Cross, who lives in McNairy, were the democrats. After voting a considerable, Butler's name was withdrawn.

The Senate finally adjourned without an election.

Saturday, Oct. 21, 1843.

Senate met, and but little done, until the hour of 10 came, when Houses were to meet in Convention to elect Register—and at 11 o'clock the Governor was to be *Inaugurated* in Hall of the House. Convention met, and noted several times without making an election. A recess was then had of the Convention to prepare for the reception of the Governor elect, and inaugurate by administering to him the oath of office. When the Convention was called to order, His *Excellency*, James C. Jones, the Gov. elect,⁴² accompanied by a joint committee of the Houses, and by Rev. T. J. Wheat of the Episcopal Church, and by Chancellor Thos. L. Williams, came in, and by the Speaker, the Gov. Chancellor [*sic*] and Parson were conducted to seats near the Chair, the Chancellor being placed on the right, and the Parson on the left hand of the Gov. After a fervent prayer by Mr. Wheat, the Governor delivered a short speech—broached no new doctrine—declared no creed—avowed no set of principles—but referred to his inaugural speech of Oct. 1841—and “reaffirmed and re-declared” the principles then avowed. He said those opinions would bear “the test of time and scrutiny of ages.” This is an expressly [*sic*] *borrowed* and badly quoted from the conclusion of one of Mr. J. Q. Adams publications against Mr. Clay about the fisheries and “adjourned question of veracity” between those great men. The old Inaugural of the

⁴²“Governor-elect” for his second term. He defeated Polk both in 1841 and in 1843.

Gov. of 1841, was, in a great portion of its expressions and positions borrowed from Gov. Polk's inaugural of 1839, and was proved by the publications of both in parallel columns in the *N. Union* in Oct. 1841.

The inauguration was a poor affair. Old Gen. Gaines and lady, and Mrs. V. K. Stevenson came in just before the Gov. ceased speaking. The[y] heard only the "peroration of his oration" [*sic*]¹—and no other ladies attended. No crowded lobbies testified that anything of moment was going on. The Gov. who is proud of his personal bearing, and is a vain dandy, appeared in a full suit of Tennessee manufactured silk, presented to him a few days since by the silk company chartered, I believe, at the first Session of the Assembly in 1841-2.

In the evening saw W. H. Polk and Humphreys together, and agreed to meet on Monday evening at Judge Austin Millers room, to consult on arrangement of matters—preparation of papers, Address etc, for the state convention next month—and to consult about proper persons for Delegates to the National Convention. I suggested L. H. Coe and J. Blair, as the two at large, corresponding with the number of our Senators in Congress—for two Delegates.

Rec'd letter from Gov. Polk, but had written him last night, and had enclosed T. P. Moore's letter. Expect an answer by Monday as that is the day on which he is to leave his home at Columbia for Mississippi. . . .

Sunday, Oct. 22, 1843.

Rose rather late. It rained incessantly last night. Sent Mr. Rawling's boy Sandy with a few lines to Dr. Smartt, and a letter to L. N. Ford of yesterday's date, giving an account of the inauguration. It will appear in the *Gazette*, McMinnville. Read *The Lady Alice*, or *Nobleman's Daughter*, a Tale of Reformation in England. Scene is laid about time of Cardinal Wolsey's downfall, and the seizure of the Monasteries. The characters of Hubert, the monk, who becomes a martyr, and of Alice are drawn with great power, but rather beyond nature even when supported by superstition, enthusiasm and fanaticism. Hubert has a courage and virtue beyond humanity, and she a fortitude and purity beyond the angels. These two, were, of course, virtuously and piously in love with each other without the possibility of ever being united on earth. He becomes a martyr, and saint, and she dies broken hearted, in spite of religious resignation. After this, read, as printed in same No. of the *Boston Notion*, [*sic*] *Spallatro the Robber*, being the confession of under sentence of death to a priest. It is a romantic and visionary tale, and if it inculcates any moral, it is an admotion to avoid wine and women—these being indicated by the red cup, and visionary female shown to Spallatro at his dwelling. It is inculcated by these I think, but obscurely, that wine and women carry men to the devil.

I spent a rather unpleasant day. I, however, about 10 o'clock in the morning learned from Col. Bolling Gordon, that the Hon. Cave Johnson was at the Inn, and wished to see me. I waited on Mr. Johnson. He had been in town all the previous day, but I did not know it. We talked over all the presidential and Vice Presidential prospects, and agreed, that the course I informed him we expected to take at our State Convention, was, probably best; though he was inclined to think as good a way as we could do, would be to hoist the flag for Polk and Van Buren. I suggested that such would be my most ardent wish if we could promise ourselves success, or as *much chance* for success, as to send our Delegates to Baltimore next spring, uncommitted and unbound as to the presidency. I promised to write

to him, and he promised to write me his views, and last impressions, and suggestions as to a Delegate from his district. With him and A. V. Brown, I have agreed to keep up constant correspondence after they leave for Washington. . . .

Monday, Oct. 23, 1843.

Got up refreshed, and after breakfast went to town and Senate Chamber. Resolution passed, and sent to the House, opening biddings for public printing, on application of W. L. Bang and Co, being the journeymen printers of Nashville offering to do work for a price as low as journeymens wages, being greatly below other bids. Voted for proposal. Voted for Mr. Powells proposition to tax Lawyers, Doctors, Dentists etc. Mr. Turney moved to amend title of the resolution, so as to make it read as proposition to *tax the poor*. Voted against this amendment.

In the evening attended the silk convention in the Hall of the House, by candle light. Dr. John Shelby of Davidson was appointed president for next year, and []⁴⁸

In some remarks submitted by myself, on call of Mr. Carden and others, I thanked the silk society for the honor they had done my countl, in adjudging the cacoons raised by Mrs. Randolph and family to be the *best* that had been brought to market during the season. I said also, that I had voted for the moderate silk bounty in the Assembly in 1841, and was proud to see the good effects of the bounty. That I felt sure that it was right then, whatever the public state of our finances may require us to do now. The silk business as a branch of domestic industry—as a meritorious branch of *Household* industry, which never can become a monopoly—in which all, rich and poor, old and young, may freely participate, is now established upon a sure footing. I said further, that the practicability of success in the silk growing and manufacturing business no longer rested upon conjecture and theory, but was demonstrated by the rich specimens of silk, cacoons, eggs, and manufactured article, consisting of satins, vestings, velvets, plain and figured hose, gloves, etc. Now spread out on tables before the Convention. I said that success in the silk business in the United States, was a verification of the prophetic anticipations of our ancestors [*sic*]. Even before the Revolution, in early colonial times, success and profits in this business had been looked to with confidence by many colonists, and especially those of Maryland and Georgia, one being one of the oldest, and the other one of the youngest of the Colonies. Since that question of *bounties*—which had been allowed by 17 states—was before the Assembly in 1841, I had noticed and noted these facts, and now adverted to them with pleasure. I concluded by saying, that I looked upon the success of the silk business in Tennessee was now certain. The delusion of the *morus multicaulus* humbug has passed away, and the whole business has assumed a practical aspect. No man, said I, more ardently desires to see the success of this enterprise than myself; and I am particularly proud to see the advance, which the mountain district has made in this business. Warren, Coffee, Cannon and White Counties have sent rich specimens of silk to market—they are before the Convention. That district, with which I am politically and socially connected, in time, said I, will, from her soil, water power, health, and other advantages, hereafter become a flourishing, a prosperous manufacturing region. She will, though we may not live to see it, hereafter have her Lowells, Patersons, and Steubenvilles—the falls of the Caney Fork, the falls at Stone Fort, on Piney, and a hundred other points on the rivers of the Mountain

⁴⁸Blank in Ms.

District present the best sites for water power and manufacturing establishments in the whole great South West. So I concluded.—Went home late, to Mr. Kizers, and slept well.

On this day, the election of Register was completed. The contest was narrowed down until none but W. W. Searcy of Carroll, and R. Elder of Gibson were in nomination. Then Elder beat Searcy, by vote of 54 to 40. I voted for Searcy—both beings Whigs—because he is a cripple, and has a large needy family.

Tuesday, Oct. 24, 1843.

Slept late and soundly, and got up and went to Senate. I introduced A Bill to tax Gold watches, plate, paintings and Jewelry at 5 pr. cent on value where over \$50—and to tax pianos 2 per cent on value, except where used in schools, Academies, and by teachers in giving instructions in music.

Rec'd letters from J. W. Ford, communicating a No. of *Sparta Gazette* of 21st instant, containing a communication from John B. Rodgers as to course of himself and Whig party in the Assembly on Seat of Government question—and a letter from Dr. Smartt advising me that my mother is improving in health. At night, wrote letter to L. N. Ford for publication about silk business and Convention. Also wrote an Answer, signed "Collins River," addressed to Editor of *Central Gazette*, and enclosed it in letter to Mr. Ford to be published next Friday.

Rec'd a letter from Gov. Polk, dated 22nd. instant, re-enclosing to me Maj. T. P. Moore of Harrodsburg, of 15th. instant—all on subject of the Presidency and Vice Presidency, National Convention—our State Convention and Delegates. Talked with R. W. Powell, and urged him to accept appointment of Delegate to N. Con. from 1st. Cong. district—with A. Johnson⁴⁴ as alternate. Urged him to write to John Blair of Jonesboro and get him to agree to serve as one of the Delegates for the State at large—L. H. Coe being the other.

In the evening went to the Room prepared near Union office (after supping at Mr. Rawlings) for consultation with Democrats. A meeting had been appointed to consult on preliminary measures preparatory to sitting of State Convention. It rained so much that but few came. Mr. Nicholson came late. All went away and appointed tomorrow evening for meeting. It was at this room I wrote to Ford as before stated. Slept at Rawlings, and read in *Richmond Equirer* before going to sleep, money article from N. York Herald on Tariff and banking etc. These able articles are written by Mr. Kettell of N. Y. Richie [*sic*] calls on him for information as to effect of Tariff of 1842. It was stated in a Whig paper which I read, that a Mr. Raymond (one of the Editors of the *New York Tribune*) is the author of the Life of Henry Clay prefixed to the late edition (selection) of his speeches.

Wednesday, Oct. 25, 1843.

Rec'd letter from C. C. Clay (Judge of the Supreme Court of Alabama, formerly Gov. and Senator and representative in Congress from that State []) dated Oct. 21, 1843—acknowledging mine of the 17th instant, on the subject of the Presidency and Vice Presidency—informs me that he [is] friendly to Polk and Col. W. R. King. Wrote letter to Hon. Nathaniel Terry of Limestone Co. Al. on the subject of Gov. Polk's claims to the Vice Presidency. rec'd letter from Dr. Smartt. At night, at Kizer's read the commencement of Miss Bremer's President's Daughter's, translated by Mrs. Mary Howett.

⁴⁴Andrew Johnson, of Greeneville, elected in 1843, Representative in Congress

Good book I believe. Fredericka Bremer and Mary Howett, for their *naturalness* and love of domestic life and rural scenes are my favorite authors, in petticoats, of the present day. Got a variety of newspapers from Union office, Missourian—St. Louis Reporter etc. showing the split which old Shadrack Penn is trying to make in the democratic party in that state. The Missourian, which I will transfer to my Scrap Book, contains Col. Benton's Speech at St. Louis, and proceedings of city authorities on death of Dr. Linn (Lewis F.) Senator in Congress from that state.

Slept with Houston, and slept well. In course of day debate sprung up upon report made by Mr. Cullom as chairman of Com. on Banks, rejecting appointment of Commissioners, and recommending examinations of officers of banks on oath before examining Committee of members. Took part in debate. Plan of Committee is the same which I was in favor of in 1841, when Gov. Jones' recommendation of Commissioners was *rejected*. The reasons of committee are the same I then gave in a published speech at called session in 1842, when the recommendation was renewed by Gov. Jones. See debate of this day in next *Banner* and *Union*, of the dates of tomorrow and next day.

Thursday, Oct. 26, 1843.

Got up refreshed. Received letter from T. H. Hopkins, from Coffee, advising me that H. L. Turney was sick and could not attend to my law business at Manchester. That my friends there approved of my course on seat of Govt. question.

Recd letter of 11th. October, 1843, from my friend Jonathan King, near Abingdon, Va. Informs me that his eldest daughter is married (fall of 1842) to a son of Benj. Pemberton—that David Vance has gone to Mississippi. That land is dear etc. This friendly letter I will answer.

My Two Term Circuit Court Bill came up—my amendment for reducing circuits from 14 to 10, and Judges Salaries to \$1200 per ann. was rejected—and amendment of Committee on Judiciary, providing for two terms, special terms, and reducing salaries, without reducing member of circuits was adopted and Bill passed a second reading.—I voted for my amendment, and losing [*sic*] that, I voted for Committees amendment, and passage of Bill.

The Bill restoring spring Musters came up, and passed 2nd. reading, I voting for it as instructed by Gen. Patton's letter.—Spent pleasant evening at home, reading and cutting pieces out of newspapers for Scrap Book, and Miss Bremer's Presidents Daughters. . . . Found Houston at home. Fear he is not reading to advantage. Talked with Ellen and Kizer about trying to get Dr. Smith, a young Yankee to Hickory Hill to teach my boys. Fear it will "cost more than it will come to."

In Senate Gen. Cocke was severe, angry, and showed effects of age, in quarreling with Mr. Gordon on Bill incorporating Dandridge.

Friday Oct. 27, 1843.

Felt well all day. No matter of much import. The Bill to restore spring musters, Company and Batallion, called up and passed on motion of Mr. Ross of Lincoln. I voted for it; and informed Mess. Trott and Smartt of Gen. Patton's letter on subject. Read some in Bremer's Presidents Daughters. Saw Mr. Sam Smartt, who was staying at Washington Hotel (Hallum's) and he promised to take letters etc. for me in the morning.

In the evening wrote to L. N. Ford, about retrenchment—my Court bill etc, and to my father and Dr. Smartt. Sent Report of Com. of Ways and Means to Gen. Smartt, L. D. Mercer, Dr. Paine, Dr. Smartt etc, with my objections to taxes, and reduction of the school appropriations endorsed on back of them. Wrote my father about work on my House, and asked him and Dr. Smartt to send a barrel of potatoes by first passing wagon to as here, for use of Ellen as specimen of our Mountain produce; and so that I might send shoes to my negroes. Sent coarse pair to son John by Mr. Smartt. Asked to be constantly informed of state of my mother's health, and informed father of condition of all our family here, and contents of Jonathan Kings letter. Read more in Miss Bremer. She is charming writer. I am disposed to pitty [*sic*] and love poor Edla instead of hating or blaming.

Bill to run and better define line between Warren and Marion Counties, laid on table at request of Speaker Anderson. At his request, I had introduced the bill but had made it discretionary with the County Courts of the Counties, both concerning, to appoint surveyor, and have such parts of line run as were uncertain, and unmarked, but to be run according to *calls* of the old laws fixing and creating the Counties and their boundaries. This does not seem to suit Anderson; hence I suspect he or his constituents who have petitioned (mine have not petitioned) want some of our Territory, and I gave him notice, when Bill was laid on table, that I would consent to no mode of re-running line, but the manner specified in the Bill.

This day Mr. Sneed from Committee on Finance, reported against the relief prayed for by Audley Harrison and others, and securities of John Grove, late sheriff of Warren. I had introduced a Bill for their relief, which with the petition, had been referred to that Committee. The Bill provides that on securities—Harrison is the person who must do it—paying up full arrearages of Grove's defaultation of state tax due the Treasury, it being a balance, the interest shall be remitted on such balance. The petitioned signed by Squire Harrison, as one of the securities, and by J. P. Thompson, Jos. N. Carter and R. A. Campbell on his behalf, sets forth that Harrison has long since paid \$1100 or \$1200 for Groves defaultation of County taxes—and never knew of balance, because no official claim had been set up, until lately of the balance now claimed by state, or it would have been long since paid. The petition stated Grove to be hopelessly insolvent, and that whole loss must fall on Squire Harrison. Hence, the prayer for remission of interest.—On my motion report was laid on table, to see if further proof and reasons could be produced in favor of remission by petitioner before the report was concurred in and claim rejected. Will write to Squire Harrison on Sunday next.

Went to bed early, and slept well.

Saturday, Oct. 28, 1843.

Went to Senate Chamber early. Read Nashville Whig, and sent Messenger, young Ferriss to Whig office, to have report of my remarks on Thursday last corrected as to Circuit Court bill, where he makes me speak as though there were but 12 circuits in the state, whereas there are 14. Saw reporter, who said correction would be made.—Many Senators were absent, Gordon Martin, Allen etc., and Sneed got leave of absence. Bill to make property exempt from from execution for debts liable for taxes, came up. It had been introduced by Nicholson. I spoke against it—It was, on motion of Mr. Turney, indefinitely postponed. Saw Dr. Young, and told him Jas. K. Polk had written letters here, urging his re-election, and trying to per-

suade W. H. Polk to go for him.—Maj. Trott told me in the evening of sparring he had had in course of the day with Speaker Barringer. Saw Nave of Carter in evening who told me, that Speaker Barringer was threatening to have Mulloy, reporter of the Union, removed from a place in the House, because in reporting the proceedings of yesterday or day before, he had stated that most of the democratic members in the House, voted against Barringers motion to *strike out* of resolutions instructing bank Committee that portion which required the *politics* of borrowers at bank and branches to be disclosed. Nave said that he would have so voted, and that many Whigs would have so voted, as well as democrats, but that the speaker to sustain his own motion, had decided in haste. I asked several democrats, Bobo among others, and they all said the democrats were against *striking it out*. The charge of the speaker is, that the report is *false* in stating that the *democrats mostly so voted*. I have no doubt it is true; and that they will nearly *to a man* so vote when called to vote. The Democrats in the Senate so vote. This conversation with Mr. Nave, who showed the report in the *Union* of to-day to Bobo and myself, was at Mr. Rawlings, where I stayed all night in room with Nave and Bobo.—

After supper went with some friends to meeting of Nashville Democratic Association. I first went to Gen. Armstrong's, who told me that he feared that A. Ewing and others, possibly at instance of Mr. Senator Nicholson, had intentions of stirring the question of *preference* and question of *availability* as to the different candidates for the Presidency at the meeting. I agreed with him that every such discussion was premature, and promised to suppress it if I could in the meeting. Before meeting was organized, I mentioned to Mr. Mosely, Maj. Hollingsworth, Dr. Kenny, Messrs. Crouch and Milligan, Sam Turney and others, that all such discussions in my opinion should be avoided.

The meeting appointed committees to arrange for the Davidson County meeting on 1st Monday in November; to prepare resolutions, etc.

Mr. Haynes, a member of the Association, Mr. A. Ewing in the chair, made an excellent speech against *admitting* members who did not subscribe the constitution [*sic*], and concur in objects of the association. Hollingsworth and Mosely both spoke to same effect.

After this business was done, Mr. Ewing called on me for a speech. I replied, in responding, that I came there to learn and hear—to approve of the objects of the association, and for improvement and not to speak. I said that it had been now over ten years since I first became associated with the democracy of Davidson publicly. That while I had lived here, I had fought with them, especially after the great split in the party in 1835; and that since my lot had been cast elsewhere, I had still been with them, heart and hand, for the promotion of our principles. I said that I had never disagreed with them but upon one great local question, lately decided—that I had been against their local and personal wishes on that subject at all times, and had separated in it with many of my best and dearest friends whose personal and local interests were here—that I did this with regret but with a clear sense of public duty—the good of the people of the state—the good of the great body of the democratic party, and in obedience to the express will of those of whom I had been for years the humble representative, and from my own convictions of Justice and right; and that if I had not, under these circumstances, differed with, and endeavored by all fair and honorable means to defeat the wishes and views of the local

[sic] democracy of Nashville and Davidson County, dearly as I held them in personal estimation, I should have richly deserved the scorn and contempt of every old personal and political friend who now hears me—of every good man of our party everywhere—I need not say that I alluded to the seat of Government question lately settled.

I expressed my approbation of the plan of the association, and that it deserved imitation everywhere. I exhorted our friends to keep down and eschew every discussion which might divide us—all disagreements about preference of Presidential candidates. I said, that if we, in the contest of next year, can have Jas. K. Polk's name on our ticket, as a lieutenant Genl. Commanding the division of the republican army composed of the democracy of Tennessee, that we would whip the Whigs whether their Grand Army was commanded by the Hero of the Slashes and Mealbags— Judge McLean in his judicial robes, or Gen. Scott adorned with his epaulettes and military badges.—I advised the admission of members into this association, who could give in proper experiences, and subscribe the constitution—but all who knocked for admission, without being able to give in a proper confession of faith I advised that the answer should be given, given to the fellow who applied for admission into the baptist church at Rock Springs, that *we have quit taking in*—and told the anecdote.

Dr. Kenny spoke to same effect, and said he would advise his friends to establish such an association as this at Jonesboro. He said not [sic] was not proper time, in his judgment, for us to disagree about or discuss our preferences for the candidates for Presidency. He said such associations as this, all over the State, would enable us to overthrow the Whig party—and especially the party here, who were dominant, and had made Nashville a political Sodom and Gomorrah of Whiggery.

Mr. Sam Turney on being called on, said all knew he was a true democrat—that to get along at home he had been compelled like a hewer, to strike along an exact line. He said that if Van Buren was to be our next candidate for President we could gain no strength in his country, but loose votes. He thought Cass more available. He said he thought we ought to speak out—he saw nothing wrong in it, and not restrain ourselves as had been suggested by myself and Kenny.

I replied to him, that we were not here as a convention to make nominations, nor as a primary meeting of the people to pass resolutions expressive of preferences; that such discussions were premature, and, I believed, especially improper, as any disagreement among ourselves would be instantly known across the street, by the Whig Editors and newspapers who would roll our dissensions as sweet morsels under their tongues.

Mr. Ross of Lincoln on being called on, addressed the meeting. Approved of the association, and the good it may do by disseminating correct information in discussions and through the press. Spoke of the cart loads of Whig Banners which had been sent into his district (Franklin and Lincoln) during last summer.

The meeting adjourned, with the understanding, that the Society would meet on the evening of Saturday next, and discuss the Tariff question, if members, or members of the legislature would attend and give their views in short speeches.

Received letters from Dr. Smartt and Mary Argo in the evening, hers of the 26th—his of the 27th inst. My mother no better. Mary asks advice if Mr. Argo had not better sell Mose, to raise means to begin some business. I will answer expressly *no*. If Mr. Argo

should die, Moses, as a servant, must be nearly all poor Mary's dependence for support. Now he is out of reach of Mr. Argo, and his creditors.

Bill for calling in branch banks, unless they make 6 pr cent, read second time, amended on my motion, to provide for buying state bonds at lowest rates.

Sunday, Oct. 29, 1843.

Slept at Mr. Rawlings' after attending the meeting of Democratic Association. Breakfasted before I went home to Kizer's. Maj. Bobo told me of his diffence [*sic*] with Senator Ross of Anderson. He also requested me to prepare for him a minority report to be presented to House on Tuesday next, in one expected of Maury as Chairman of Com. on Federal Relations in the House on that day, on subject of mode of electing Senators to Congress. After I went home, wrote up Diary, and read Miss Bremer's Presidents Daughters—a work of excellent moral and religious tendency. . . . At night wrote letters to Judge Marchbanks and Mr. T. H. Hopkins at Manchester—and to Audley Harrison about his claim for remission of interest. Also sent him N. Union of yesterday. In the evening also read more of Miss Bremer. I am absolutely in love with her as well as her translator Mrs. Howitt, the English Quakeress. Slept soon.

Monday, Oct. 30, 1843.

In course of day Judge N. Green applied to me in Senate Chamber to agree for Atto. Genls. election to come on next Monday in 13th (Marchbank's Circuit) Circuit. Told him I had written to Mr. T. H. Hopkins yesterday at Manchester, that election would not come on for sometime; and that I could consent to *no day*, as far as I was concerned, I wished to consult Mr. H. and his friends and would again write to Mr. Hopkins. This I did in the course of the day, and requested Mr. H. to come here by next Sunday or Monday.—Today resolution, offered by Dr. Jennings, was passed to go into election of Treasurer and Comptroller on the 1st. Nov. prox. sent to House. Wrote to Capt. A. L. Davis about state of Bank question here—and asked indulgence of him and Capt. Young, President of Branch Bank, Sparta, in renewing my notes. Promised Maj. Bobo to prepare a counter report on mode of electing Senators in Congress.—Read Miss Bremer; and Humes letter on Free Trade in Lynchburg Virginian; and Kettells response to Ritchies inquiries, taken from Money article of N. York Herald of 10th and 11th inst. Bought coat for son of Melas the Jew.

Tuesday, Oct. 31, 1843.

Nothing new in course of the day. A joint resolution was passed by Senate, for which I voted, declaring it proper to reduce Secretary of State's salary to \$700—Treasurer to \$1,200—and Comptrollers to \$1,500. Saw Maury's report to House, shown me by Bobo, on election of U. S. Senators, from Com. of House on Federal Relations—recommending method of electing by joint vote in *convention* of the two Houses. It is grounded upon custom and *precedent* and because it is surest way of choosing Senators so as to conform to the will of a majority of the people.—Promised Maj. Bobo to prepare a minority report, counter to the above, as early as I can, so as to do justice to the subject. In course of day hunted up my *Protest* on same subject in Senate Journal of 1841-2, at page 315 *et sequiter*; and yet need Gardner's speech in 1841, and Clay's speech on Bank

charter in 1811, showing that legislature precedents are of no authority, and serve only to "confirm error and perpetuate usurpation."

In evening bought Anthon's edition of Hughes' Tract in answer to Puseyites, from Billings. It is entitled []⁴⁵ and is founded on the authority of many Bishops and their Pastoral charges in 1840-1-2 and 1843.

. . . I received Central Gazette of last Friday, having my piece signed Collin's River in reply to Gen. Rodger's letter in Sparta Gazette about seat of Government question.

At night wrote to Ford about election of Treasurer and Comptroller—also to Van Pelt—date as of tomorrow, on same subject—and doing justice to Graham's and Francis' claims. Commenced counter report for Bobo. Wrote till 12 o'clock, did not finish, and had no time to read anything. Did not sleep well.

Wednesday, Nov. 1, 1843.

This morning after arising early and revising my last nights letters, sent them to post office, and hastened to Senate Chamber. Recd. letter from Dr. Smartt of the 30th. ult. (Monday morning) informing me that mother is no better in health. I am greatly distressed, and borne down by my sorrows. Everything aff[li]cts me. If I could, without dishonor, resign my seat here and go home, how gladly would I do it.—At ten o'clock, the Houses met in convention to elect a Treasurer and Comptroller. The election Comptroller came on first, and was decided between D. Graham, nominated by W. H. Polk, and Zollicoffer, nominated by Mr. Cocke, by a party vote, except Shirrell Whig of Bledsoe, and Sneed Whig of Rutherford, voted for Graham democrat; and Gordon of Maury, and Gordon of Hickman, democrats, voted for Zollicoffer Whig.—The election of Treasurer was then postponed by convention on motion of Mr. Cullom, by vote of 53 to 47, to 20th Nov. inst. All the Whigs voted for postponement but Shirrell of Bledsoe.

Debate sprung up in Senate on Turney's motion to strike out the section of retrenchment bill, the provision for taxing Judges salaries. Allen and Harris spoke in favor of striking out. Powell, Nicholson and myself in favor of retaining, claiming power under the constitution of Tennessee, to tax the salaries as income or privileges. Nelson spoke against it—or in doubt. Cullom was for taxing. I spoke in favor of taxing Judges, Lawyers and Doctors. Gen. Cocke was for the power. Gordon against taxing Judges. Wrote to Ford of Central Gazette at home, and Van Pelt of Appeal at Memphis, about the proscription of Graham. Read papers, and felt not well—but with small anodyne pill, slept well. Maj. Donelson showed me letters he had written to Moses Dawson, Hon. W. Allen, and Gov. Polk about Vice Presidency—but said from movements of Andrew Ewing and others, he did not know whether to send them—their course was ruinous to Polk and dem. party here.

Thursday, Nov. 2, 1843.

Introduced in Senate and had read Petition from Trap []⁴⁶ of Smith praying to be annexed to DeKalb according to line run by Thomas Durham, which I had read, and transmitted to H. of R. The Bill came up again to tax Judges etc on motion of Mr. Turney. Nicholson spoke at large, and the debate was generally renewed, and motion to strike out tax on Judges and lawyers and Doctors, made

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⁴⁶Blank in Ms.

by Mr. Turney was rejected—and then the Bill was rejected on a tie vote of 12 and 12 Mr. Graham absent. Mr. Ross of Anderson made a motion to reconsider the Bill which lies on the table.

The two Term Circuit Court bill was taken up, and several efforts made to strike out that part reducing the Judges salaries, on motion of Sneed, Cullom etc. After these failures, it was laid on table to give gentlemen time to arrange the times for the sitting of the Courts in the respective circuits. Mr. Martin of Wilson, while the Bill was under discussion, offered an amendment to abolish the Chancery Courts, and confer the Jurisdiction on the Circuit Courts. The amendment was rejected on a vote of ayes 9, Nays 16.

Commenced reading Minna, another of Miss Bremer's admirable Tales.

Friday, Nov. 3, 1843.

The Senate were engaged good part of the day—particularly the Whigs, in fixing up their resolutions for the proposed Bank investigation. Farrington's amendment prevailed over Sneeds, to appoint three men in each bank district to make an examination, and report to the present Assembly. For Sparta district, Bransford, Minnis and Ned Cullom were in the amendment, but on my motion, Jas. P. Thompson was put—and Maj. Taylor, Turney agreeing, and leaving out Minnis and Cullom. So it passed. Mr. Huddleston of Overton told me in the evening, that he would move in House, to put Dr. McHenry in place of Maj. Taylor. I will not object, as Capt. A. L. Davis the cashier, expressed a delicacy to me today in having Maj. Taylor, as he is his father-in-law.

The Court Bill, for two terms, and reduced salaries passed finally in Senate, and the time of the Courts were all inserted. Got papers in evening from Maj. Heiss to write some for Union, Mr. Hogan being sick. Last night I wrote article about John Bell, as he was named in Jonesboro Whig—and to-day wrote article which will appear as the leader tomorrow, headed, Presidency and Vice Presidency. I wrote this to put down a disposition in A. Ewing and others, and I feared Turney and Pierce Anderson are in it, instigated by Nicholson to have public expression of opinion from Cass and thereby crush all Polk's prospects for the Vice Presidency. Wrote further to Van Pelt about Graham's removal.

Saturday, Nov. 4th.

Saw L. Cheatham, and talked with him and Maj. Loving upon the necessity of putting down the disposition to introduce disputes into the Democratic Association, and Davidson County meeting questions about preferences for the Presidency. We all agreed that such course was ruinous to Polks interest, and true interest of party in Tennessee. Memphis Court Bill was passed yesterday—and Bill amending attachment law today.

Read Penn's letters, Nos. 3 and 4 to Col. Benton in St. Louis reporter. Will try to get 1 and 2nd. Read article on National Convention in Democratic Review as copied into Huntsville Democrat.

Cut out man yarticles for Scrap Book from papers obtained at Union office, but feel too unwell to insert them.

Sunday, Nov. 5, 1843.

Did but little—Read in Miss Bremer's Nina.

Monday, Nov. 6, 1843.

Wrote article for tomorrows Union headed "Whig Gratitude" etc. For legislative proceedings see Journals. Anxious to hear from home.

Wrote Dr. Smartt that I would try to come home by next Wednesday. Little boy, John Johnson, escaped from Stickney's Circus and came to Twiss' and from there Twiss brought him to Kizer's. Fell [*sic*] interested for him. If the circus reclaim him he will be raised as a vagabond. To let them get him will be like selling him into slavery. If his profligate father has sold him, he ought to be reclaimed from such prospective ruin.

Tuesday, Nov. 7, 1843.

Tried to elect Atto Genl. in 13th Marchbank's Circuit, but could not. Votes for Hopkins. This night letter came informing me that my mother had died on Sunday. Did not get it til Wednesday morning. For the proceedings in Assembly, see Journal. Mr. Sherrell nominated Hopkins. After a time he was withdrawn. I voted then for Mr. Rodgers of Fayetteville. He was a *democrat*. Goff, Green and Kercheval, the other candidates all Whigs. Houston went to Mr. Bateys with boy John Johnson. Wrote to Mrs. B.

Wednesday, Nov. 8th, 1843.

After the Senate met Mr. G. R. Smartt the Representative from Warren; showed me a letter from Dr. Paine of McMinnville, stating my mothers death. Hopkins was nominated again by Mr. Hudleston. I voted for him till it was agreed to withdraw him from canvass. Mr. Rodgers had been withdrawn evening before, and Kercheval nominated.

After I saw letter to Mr. Smartt, and received my letter from Dr. Smartt, I retired from the Convention—requesting Col. Alexander of Shelby, or Mr. Gordon to ask for leave of absence for me, when my name should be called. I went home and returned no more to the Senate during the day.

Goff was elected in evening as I hear, and election for 12th Circuit (Robt. Anderson's) commenced. Powell of Rogersville, Caswell of Jefferson Co. Sawyers of Claiborne and Heiskell of Knox (son of Fred. Heiskell the old proprietor of the Knoxville register) were the candidates.

Thursday, Nov. 9, 1843.

Went to Senate in the morning, and then into Convention, and voted for Powell (a democrat—son of the late Judge Powell) till his name was withdrawn, and then for W. R. Caswell til he was elected. He is son of Mrs. Ben McCulloch of Rutherford. Is now a citizen of Jefferson. He voted for me in 1829, when he was just of age in Rutherford, against W. Brady, for a seat in the House of R. in Assembly. He is said to be a worthy man. He was elected.

The next election was in 9th Circuit (Judge Harris in W. district) Hamilton of Carroll, Williams of Paris, Felix Parker of Robertson and [] being candidates. J. B. Williams was elected. I and Smartt voted for Parker to secure vote of Bone of Gibson and others for Mr. Francis for Treasurer. Smartt told me he would go home tomorrow. For proceedings of Assembly see Journal. Wrote some things for Union. Piece for Saturdays paper, which will not appeal before Monday next about J. G. Adams visit to Cincinnati and invitation to Louisville. Saw Hon. A. V. Brown who told me he would be here some days.

Friday, Nov. 10, 1843.

Bought shoes, 7 pair altogether, and sent home in stage by Mr. Hopkins for negroes—and wrote to Houston at Mrs. Batey's, to send

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the two pair which he had there, with the 5 Hopkins had, as Mr. Hopkins would pass on home. Wrote to Dr. Smartt by G. R. Smartt, and to my father by Mr. Hopkins.

Assembly did but little. Many Senators about—Allen, Ross of L. etc. See Journal.

Saturday, Nov. 11, 1843.

Senate did but little. Rejected Nelson's Bill to allow counterparts to be served, over county lines, of warrants for debt issued by magistrates. Voted against it, because it would enable creditors with increased costs, to collect their debts first out of securities and endorsers; and because it would enable creditors, by a fictitious assignment, and suffering warrant to be issued against themselves, and sending counterparts to other counties, all over the state, to collect their debts at home; because it would disable debtors to give stays at distance, and because Culloms amendment, adopted to the bill, allowed justices executions in such cases, to be sent all over the state.—Houston came back to-day having rode in the night from Batey's, Green's old place, near Buchanan's. Senate did not sit in afternoon. Andw. Ewing, or somebody, published to-day, a poor biography of Gen. Cass (*Col. Cass*) in the Union. Gen. Armstrong went to Hermitage, and received letter from Genl. Jackson, from Santa Anna, about releasing certain prisoners—One a son of Reuben Bradley of Abingdon.⁴⁵

Read W. L. McKenzies New York Examiner. (1st 3 Nos) to see his vile attacks on Mr. Van Buren. He is a poor hireling, and his enmity to Mr. V. B. arises from Mr. V. B. as President of the U. S. interfering to prevent American citizens from interfering in Canadian revolt in 1838. McK. says he has made his declaration to become naturalized. Ellen is busy gardening, and this evening set out small row of little cedars running back from south side of lower front gate. Mr. Kizer got two new works yesterday, on Horticulture and farming—

Washington City, April 27, 1845.

From some cause I was prevented from pursuing this Diary. A trip made hastily from Nashville home for three or four days, stopped my progress, and I did not resume it. After the Assembly adjourned in January 1844, I went home, but stayed only a short time. Before Assembly adjourned, as well as seen by letters and paper bound up in my letter book of 1844. I was requested in writing to return to Nashville in the Spring, by all the democratic members, and by the State corresponding Committee at Nashville, and at Jackson, and to Edit the Union newspaper and a weekly pamphlet called the Star Spangled Banner, during the canvass in the approaching Presidential election. I did so return, and except while I was at the Baltimore National Democratic Convention, in May and June, continued to Edit the Union and Star Spangled Banner until after the election, only going home in November long enough to vote. Among my *bound manuscripts*, will be found several Diaries and Journals, on common long paper. One a Journal of my trip to Washington City in 1834-5, preparatory to first establishment of the Nashville Union, by myself and ⁴⁶ Editor, and M. A. Long as publisher, which was commenced in March, 1835, and first published in Market Street, Nashville in House the property of Willo. Williams, now Wills Drug

⁴⁵In ink of a different color.

⁴⁶A slip for "as."

Store. Another Journal so bound, is of my trip to the National Convention at Baltimore in 1840—like the last mentioned, however, being left incomplete. Another is notes made during my stay at Nashville at either Called or regular Session of Assembly in 1841-2. Another is notes of a hasty trip made to St. Louis, Mo. in April, 1844, to get Beza P. Kizer bailed out of prison for stabbing some blackguard who insulted him. There is also among my papers, old notes of a Journey from McMinnville to Philadelphia in 1814—made when a boy.—and a small, bound Diary, printed for 1840—but containing memoranums of events of 1840-1841. 1842. 1843-4. and *Family Record*. After the Presidential election in 1844, in which James K. Polk and George M. Dallas were elected President and Vice President, I left home on 26 or 27th January, 1845, and left Nashville on 1st Feb. 1845, in company with President Polk and his wife, and a number of friends, and came to Washington City where we arrived on 14th Feb. 1844.—After President Polk was Inaugurated, on the 15th March, 1845, he nominated me to Senate as Recorder of the General Land Office, and on 16th I believe Senate confirmed it, and on 17th I was commissioned, and went into office, where I found Thos. H. Blake of Indiana, a Whig, Commissioner. About middle of April Blake was removed, and James Shields of Illinois appointed. He entered on his duties about 17th of April. About 19th or 20th of April, Dr. W. M. Gwin, of Mississippi, and John C. McLemore, without my request applied to Robt. J. Walker, Secretary of the Treasury, who was pleased at once to send me word to send for my son Saml Houston Laughlin, and he would instantly appoint him on his arrival, a clerk in my office, at salary of \$1,100 or \$1,000 pr. ann. I saw Mr. Walker on evening of 24th April in company with Dr. Gwin near Presidents grounds, in front, and thanked him. He said he deserved none—it should be instantly done, when Houston arrived. I sent for Houston on the 22nd of April. On the 23rd. I informed President Polk what Mr. Walker had done—not at my request or knowledge—but for which I was grateful. Told him I thought it right to let him know of it, as I would take no steps about office matters, for myself or my son, without his knowledge. He said what Mr. Walker had done met his distinct approbation.

All other matters however are fully note[d] in my *rough-calf* bound Note Book, Octavo, marked No. 1.—My journey to Washington with the President is in a similarly bound, but smaller book—and ends in March, 1845, after the Inauguration of President Polk, but is resumed with the large and fuller book marked No. the Introduction to which is a fair and compendious account of my life, my family, connexions and adventures. A large portion of the book is taken up with this *autobiography*. I intend, in that book, and one like it to be marked No. 2, to take up my Diary on 1st May 1845, and continue it at least while I remain in Washington. 1st May is my birthday.⁵⁰

⁵⁰The other volumes to which the diarist here refers seem, perhaps with one exception, to have been lost.

HISTORICAL NOTES AND NEWS

A REVIEW OF THE PROCEEDINGS OF THE TENNESSEE HISTORICAL SOCIETY
FOR DECEMBER, 1915, AND JANUARY AND FEBRUARY, 1916.

At the meeting held December 14, 1915, an address on the subject, "Tennessee, the Compromise of 1850, and the Nashville Convention" was read by Dr. St. George L. Sioussat. This paper, which treated of the attitude of political parties in Tennessee towards the compromise measures of 1850 and described in some detail the Nashville Convention of the same year, is printed in expanded form in the December number of the Mississippi Valley Historical Review.

On January 11, 1916, Dr. L. C. Glenn delivered an address on "The Physiographic Influences in the Development of the State." Dr. Glenn has been a student of the geology of Tennessee during his many years' stay at Vanderbilt University, during much of this time he has been a member of the State and Federal Survey. He has ridden on horseback over much of the State, and knows most of it from first-hand information. Dr. Glenn showed how Tennessee was by nature a State which would be divided along sectional lines in politics and trade because of the almost impossible means of communication, and especially so in the earlier days.

On February 8, 1916, Dr. W. A. Provine spoke on the pioneers from Highland Scotland, who had settled in and around Nashville and Middle Tennessee, especially the Campbell family. Among the most prominent of these settlers was the distinguished George Campbell, once Secretary of the Treasury and United States Senator from Tennessee.

The Society has been presented by Mr. W. E. Ward with a map of Tennessee, made in 1839. The Society already owned a map of Kentucky of the same date. These two have been framed, and are on the walls of the Society rooms.

The following new members have been added: Mr. Silas McBee, Jr., of Memphis; and Col. Thomas W. Wrenne and Nathan Cohn, of Nashville.

IRBY ROLAND HUDSON, *Recording Secretary.*

THE NASHVILLE MEETING OF THE MISSISSIPPI VALLEY HISTORICAL ASSOCIATION, APRIL 27-29, 1916.

It is with pleasure that we announce that, upon the invitation of the Tennessee Historical Society, Vanderbilt University, and the George Peabody College for Teachers, the Mississippi Valley Historical Association will hold in Nashville its annual meeting for 1916. The date fixed is April 27-29. This association, a large and flourishing body of historical students, is devoted, as its name will indicate, to the furtherance of the study of all phases of history which relate to the Mississippi Valley. The secretary-treasurer is Mr. Clarence S. Paine, of Lincoln, Nebraska; the president for 1915-16 is Dr. Dunbar Rowland, Director of the Department of Archives and History of the State of Mississippi. The program is not yet ready for publication, but will include historical papers of local interest as well as many interesting to teachers of history. It is hoped that all members of the Tennessee Historical Society, and all who are interested

in history, will by their presence help to make this a notable occasion and to extend the hospitality of Nashville and of Tennessee to our many distinguished visitors.

ILLINOIS HISTORICAL "COLLECTIONS."

The *Collections* of the Illinois State Historical Library, edited by Professor C. W. Alvord, of the University of Illinois, are enriched by the publication of two notable new volumes. The first of these, known as "British Series, Volume I," is entitled "The Critical Period, 1763-1765." Professor C. E. Carter, of Miami University, is associated in the editorship with Professor Alvord. The documents relate to the British occupation of the Illinois country 1763-1765, and are preceded by a special introduction covering this period and a general introduction to the series. Though primarily devoted to Illinois history, the volume is of wider value. It seems perhaps unfortunate to use the title "The Critical Period" which is familiarly, if not more correctly, employed in another sense. The second volume, number three of the bibliographical series, is an exhaustive account of "The County Archives of the State of Illinois," compiled by Theodore Calvin Pease, of the University of Illinois. The examination of this very thorough work makes one sincerely wish that similar publications might be made for every State. In Tennessee, without doubt, the result would be of very great historical value.

BOLTON'S "TEXAS IN THE MIDDLE EIGHTEENTH CENTURY."

The third volume of the *University of California Publications*, edited by Professors H. Moore Stephens and Herbert E. Bolton, is "Texas in the Middle Eighteenth Century, Studies in Spanish Colonial History and Administration," by Professor Bolton. This lengthy monograph treats exhaustively the following topics: The San Xavier Mission (1745-1758); The Reorganization of the Lower Gulf Coast (1746-1768); Spanish Activities on the Lower Trinity River (1746-1771); The Removal from and the Reoccupation of Eastern Texas (1773-1779); to which is prefixed a General Survey (1731-1788). The work, which is thoroughly documented, is enriched with reproductions of maps and with other illustrations, with an extended bibliography, and with an index.

24

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GOVERNMENTAL REORGANIZATION, A CONSTITUTIONAL NEED IN TENNESSEE.¹

Tennessee needs a new constitution. This fact is written all over every phase of its state, county and municipal governments. It is seen in such a constitutional requirement as the compulsory general property tax clause, which clearly and distinctly says that what has become a palpably unjust method of taxation shall continue. It is seen with equal clearness when we examine the workings of our governments and note how they fail from year to year—even from decade to decade—to do what public sentiment very evidently endorses and party platforms have long promised.

The failure of the present constitution to meet the needs of the new era in which it has been allowed to continue consists not alone in what it does but in what it fails to do; not alone in its restrictions and prescriptions that are out of date, but in the fact that it does not provide for governmental machinery of a sufficiently advanced type to fulfill the requirements of modern political life.

Among the constitution's obstructive clauses should be mentioned first of all its endeavor to perpetuate itself through forbidding amendments save by means of a process which has proven unworkable in practice. Once in six years the legislature provided its predecessor has proposed amendments, may by a vote of two-thirds of all the members elected to each house, refer such amendments to the people. And if the people at the next general election, by a majority of all the votes cast for representatives in the lower house of the legislature, endorse the amendments, they then become part of the constitution. No other state constitution makes amendments so difficult. Only two others approach Tennessee in this respect.

¹A paper read before the Mississippi Valley Historical Association at Nashville, April 27, 1916; in part adapted from chapters 8, 23 and 24 of the writer's forthcoming book, *State Constitution-making*.

The calling of a constitutional convention is the only means practically available for the accomplishment of constitutional changes in Tennessee. If such a convention should accomplish nothing besides establishing a method whereby the constitution could be conveniently amended it would amply justify itself. Other needed amendments would then follow as rapidly as the people could digest their purport and become satisfied of their beneficial effect.

Among these other needed amendments most Tennesseans who have given thoughtful attention to public affairs would probably place the greatest emphasis upon taxation, reorganization of county government, home rule for cities and counties and certain reforms in the administration of justice.

No student of taxation today attempts to defend the requirement that all property shall be taxed and taxed at a uniform rate. In the days when property consisted almost entirely of lands and houses and live stock or stores of merchandise—and when tax rates were but a fraction of what they are today—the general property tax furnished an available and not unjust method of raising revenue. But since the people have come to possess property of all kinds and descriptions, and especially as the use of credit has developed, the taxation of all property at the same rate violates every rule of equality in taxation. Since the courts define evidences of legal and equitable interests in property to be property just as truly as the tangible inherently valuable things which they represent, the general property tax clause forces double taxation in case of every mortgage or lien note or similar instrument. Not unnaturally, therefore, owners of such property conceal it from the assessor and the general property tax becomes an administrative impossibility. But until the constitution is changed it must remain *the law* of the state—though it never can be made *the fact*—in practice.

Our present form of county government, like our system of taxation, is an inheritance from a past which found it satisfactory. When there was little administration to be done a large representative body, suited to enact laws, not to administer them, could manage the affairs of a county reasonably well. But now that the large counties have developed numerous functions, and their officials must handle complex problems of finance, education, social welfare, etc., there arises the need for a small body of trained administrators. These men should be responsible directly to the people of the county. In practice, doubtless, county affairs in the large counties are controlled by committees of the county court or

by especially created commissions, but they are more or less unknown and irresponsible and are not satisfactory.

Since there is little use for legislation in our counties, and since, even if there were, the state legislature cannot under present rules of constitutional law delegate legislative functions to the county courts, the latter have become a complete anachronism and should be abolished. Their few judicial functions could much better be handled by judges holding courts of probate.

Both counties and cities, under the present constitution, are absolutely dependent upon the legislative will for the conduct of not only their functions which concern the state as a whole, like enforcing the state's law, but also for the conduct of purely local affairs. A county cannot even determine whether it will have a fence law and a city depends for its very existence upon the legislature. The legislature, meanwhile, is hampered in its work of state-wide importance by the necessity of providing the local enactments demanded by scores of cities and counties. A considerable majority of the state constitutions contain clauses forbidding such local legislation or requiring that general laws shall be passed governing local affairs, provisions which in practice have proven very ineffective. A few constitutions require that laws applying to a particular city shall be submitted to its voters for ratification or rejection or to the mayor for his approval or veto. Thirteen constitutions, moreover, contain provision for what has come to be called home rule for cities, that is to say, the constitutional authority for municipalities to frame and adopt their own charters. One state contains a somewhat similar provision allowing counties to select their own form of government and embody it in a charter—which must, however, receive the sanction of the legislature. Tennessee could well profit by these examples.

Finally there seems to be general agreement that certain changes are needed in our constitutional provisions for the administration of justice. Perhaps the most important of these is the abolition of the requirement that jurymen must be residents of the county in which the trial is held. It is undoubtedly of the essence of liberty that a man accused shall be tried by a jury of his peers, but how a jury is any less his peers if composed of his fellow Tennesseans or fellow Americans than if composed of citizens of his county it is difficult to see. A majority of the state constitutions have no such requirements. It is difficult to secure intelligent and at the same time absolutely impartial jurors in the vicinity of the

place where a crime has been committed, and the more atrocious the crime the greater the difficulty.

The continuation of separate courts of law and equity is likewise unnecessary and out of date and remains in only a small minority of the state constitutions.

The propositions just mentioned are merely a chosen few among the great number of improvements that may be suggested. In every case the changes are needed because the state has changed; the constitution has simply been left uncared for and has grown out of date. In every case newer constitutions adopted by other states contain provisions that offer feasible remedies.

In order, however, that we may lay the foundations for a system of government that is in a complete sense the responsible and responsive agent of the people, capable of doing those things which can be better done by all the people collectively than by individuals acting alone or in small groups, we shall have to extend our inquiry into constitutional needs somewhat more deeply and *examine the nature of our governmental organization*. The reasons for the form of governmental organization which Tennessee shares with the other states of the Union are found far back in our political history.

Every state constitution, either by an express article or clause or impliedly through its provisions for the different branches of government, declares that the powers of state government shall be vested in three separate and distinct departments, the legislative, executive and judicial, the officials of any one of which shall not perform the functions assigned to the others. This is the "separation of powers," the form of government organization which America may be said to have made famous.

The analysis of government into three primary divisions is at least as old as Aristotle's *Politics*, which said that in every state there is a deliberative assembly, a body of magistrates and a judiciary. Numerous later political philosophers have accepted it and Montesquieu went so far as to say that a fairly sharp constitutional distinction between the officials performing the legislative, the executive and the judicial functions is necessary to the maintenance of civil liberty.

The philosophy of Montesquieu was congenial with the thought of the times and was peculiarly adapted to recommend itself to the American states of the Revolutionary period. Reaction against governmental tyranny was everywhere in the air. Reaction against governmental restrictions upon the economic life of the people was finding expression in the writings of the Physiocrats and of Adam Smith. The intense in-

dividualism of philosophers like Rousseau pervaded the thought of the learned and made the student in his closet share with the pioneer in the virgin forest the feeling that government if necessary at all was a necessary evil.

What men desired they sought through their own efforts; they merely asked that the government should let them alone. Beyond the conduct of foreign affairs and the suppression of domestic violence they looked to the government for nothing and thought of it less as an agency to do their bidding than as a rival to be watched and feared.

Such was the prevailing attitude of the time when Americans first undertook constitution-making. Their chief instinct was a hearty hatred of the tyrannical power exercised by the governors sent over from England. Their chief dependence they had been accustomed to place in their representative assemblies, through which they had contested with the governor for what they had been pleased to consider their rights.

What could have been more natural, therefore, when they were forming governments of their own design, than that they should have thought more of how to prevent the misuse of governmental power than of how to secure the harmonious and efficient operation of the machinery of government? Not less natural than that they should have separated and divided the powers of government among various branches was the fact that they made the legislature the repository of the lion's share of these powers.

As time went on, however, the other departments developed more pronouncedly than did the legislature and gradually increased their relative importance. The courts assumed the authority to declare acts of the legislature unconstitutional and to refuse to be bound by them in making their decisions. It was not altogether unnatural that the executive should assume to do likewise and to refuse to enforce legislative acts. When President Jackson said, "John Marshall has made his decision; now let him enforce it," he was assuming precisely the prerogative that Marshall himself had assumed in refusing, a generation earlier, to be bound by what he considered an unconstitutional act of Congress. Marshall said, "If a law be in opposition to the Constitution . . . the court must determine which . . . governs the case." Jackson thought that it was just as much the President's duty as it was the court's to pass upon the constitutionality of laws. "The opinion of the judges," he said, "has no more authority over Congress than the opinion of Congress over the judges, and on that point the President is independent of both."

President Jefferson had refused to enforce the Sedition

Act, saying in an undelivered message to Congress, "I took that act into consideration, compared it with the constitution, viewed it under every respect of which I thought it susceptible, and gave it all the attention which the magnitude of the case demanded. On mature deliberation, in the presence of the nation and under the solemn oath which binds me to them, and to my duty, I do declare that I hold that act to be in palpable and unqualified contradiction to the constitution." The country had, he believed, distributed the powers of government "among three equal and independent authorities constituting each a check upon one or both of the others in all attempts to impair its constitution. To make each an effectual check it must have a right in cases which arise within the line of its proper function, where equally with the others it acts in the last resort and without appeal, to decide on the validity of an act according to its own judgment and uncontrolled by the opinions of any other department."

In such feelings and utterances the doctrine of the separation of powers reached its climax.

The idea that each of the separate powers should constitute a check upon the others, in order that none might develop undue power, was thus strikingly succeeded by what would have been in effect the idea that each of them could so thwart the others as to paralyze governmental action.

Checks and balances have, in spite of this, always been dear to the American heart. Of the first state constitutions, Turgot wrote, "I see . . . an unreasonable imitation of the usages of England . . . a house of representatives, a council, a governor, because England has a House of Commons, Lords and a King. They undertake to balance these different authorities as if the same equilibrium of power which has been thought necessary to balance the enormous preponderance of royalty could be of any use in republics, formed upon the equality of all citizens." Natural inertia, which urged the acceptance of the English institutions to which they were accustomed, thus united with the individualistic political philosophy of the day to determine the type of American government. The early constitution-makers, however, looked upon their efforts as temporary provisions to meet existing needs and entertained no idea that changed conditions would not change the organization of the governments.

While the doctrines of Jefferson and Jackson did not find permanent acceptance, the development of democracy, in a sense, intensified the type of government already established by making not only legislators but executive and judicial

officers as well, elective by the people and not dependent upon or accountable to each other for anything.

Meanwhile the things that the people required of their governments steadily increased and the lack of co-operation between the departments of government became more keenly felt. The remedy was furnished by political parties which in a way brought together the several governmental functionaries and forced upon them team work in the party harness. The subserviency of both governor and legislature to a party boss became frequent and what the party boss wanted done was done. Governments, in a rough way, became efficient—but they were not governments by the people. It is true today, however, that state governments seldom accomplish much beyond the routine, seldom enact legislation of a far-reaching character, except under the leadership of a party boss or a governor of very exceptional strength backed by popular sentiment that is absolutely unquestionable. Meantime old abuses go uncorrected and old obstructions to progress continue to obstruct. Although the theoretical separation of powers was never put in practice in all its completeness, it has nevertheless done its expected work of thwarting change. Instead of preventing governmental tyranny the legal isolation of powers of government has opened the way—because it has developed the need—for the political boss. In the constitutional convention of 1787 Mercer of Maryland prophesied that unless co-operation were established between the legislature and the executive the legislature would prey upon the people. Who will deny that as regards the states, at least, the prophesy has been strikingly fulfilled? While seeking to avoid imaginary evils, the Revolutionary constitution-makers, as Turgot pointed out, laid the foundation for real evils.

Not a little of the fear of government exhibited in the early constitutions was doubtless due to a fear of democracy—a fear lest the masses of the people would demand laws not desired by the propertied classes. If this were the object of such checks and balances as the two-chambered legislature and the exclusion of the governor from a share in law making, it has most wonderfully succeeded. To take a single example from Tennessee experience, there has for many years been an undoubted popular demand for an anti-pass law, yet it is always impossible to get the legislature to enact such a bill. The last legislature would not even vote upon it. There is in the legislature, as a part of it, no leader who is responsible to the state as a whole; no leader, indeed, who must take upon himself the responsibility for any particular piece of the legislation. The consequence is that important matters can

be neglected with impunity and the whole state must continue indefinitely to suffer from the neglect. Who can doubt that, if there had been in the last legislature a single accredited leader, who in the next campaign must answer for the failures of the legislature to the whole state, a vote upon the anti-pass bill would have been taken? A vote on such a bill, it should be remembered, very possibly would have meant its passage.

We have now examined the historical reasons for our peculiar governmental organization and have noted an illustration of how in practice it obstructs the will of the people. Very evidently we are confronted with an exceedingly practical problem.

It is hardly to be supposed that we shall wish at once to adopt the English system of cabinet government, however excellent that sort of government may be in many ways, however thoroughly it would eliminate the most fundamental defect of our present governmental organization by forcing the co-operation of the legislature and executive and giving the legislature recognized leaders who are held clearly in the public eye and made responsible for governmental acts. There are, however, a number of ways in which we can greatly improve matters without very radically altering our government.

In the United States generally we are coming more and more to regard our governors as in a peculiar sense the tribunes of the people. To them we look for the accomplishment of the ever-increasing number of things we wish done by our governments. At the same time we are every day seeing more clearly the need of responsible leadership in our legislatures. What could be more natural and expedient, therefore, than that we should make the governor a member of both houses of the legislature? Furthermore, why should he not be *ex officio* chairman of a joint committee of members of both houses charged with the particular duty of steering through the legislature such bills as the governor's party may have advocated in its platform, together with any other bills which the governor may wish to declare administration bills? Governors have in some instances endeavored by means of speaking tours throughout the state to arouse such popular sentiment as will force the legislature to action. Would it not be simpler and infinitely more effective merely to provide that in case the legislature rejects a bill to which the governor considers his administration committed, he may refer the bill to the voters of the state?

At present we expect leadership of our governors yet give them little opportunity to lead. By making them legally what

we expect of them in practice, namely, leaders in obtaining the consideration by the legislature of needed laws, we may fairly hope to secure results.

The most important single effect of having the chief executive officer a part of the legislature would be the ease with which scientific budgetary procedure could be adopted for controlling the state's finances. The recently-proposed constitution of New York charged the governor with the preparation of the budget and authorized him to go upon the floor of the legislature to defend it and urge its passage. Furthermore, it required him to come before the legislature at the latter's request and answer such questions as might be put to him concerning the budget. A budget prepared by the governor would put a stop to log-rolling appropriations. If the governor were himself a legislator there could surely be no objection to his preparation of the budget on the ground of executive usurpation of legislative functions.

These suggestions contain nothing that is new. Many careful thinkers have long advocated most of them. Their object is merely to make of government an agency of society that is more workable, more efficient, more responsive to the popular will. For surely government can have no other object but to realize as quickly and economically as possible the common desires of the people.

WALLACE MCCLURE.

ANTI-SLAVERY ACTIVITIES OF THE METHODIST EPISCOPAL CHURCH IN TENNESSEE.

During the period of the Revolution and the early days of the Republic, the general sentiment in the country as a whole was unfriendly to slavery. It was regarded as inconsistent with Christian civilization, inconsistent with the great principle of civil liberty for which the colonies had contended and which constituted the basis of the government. There was no state free from its taint, and the feeling that it was injurious to society was in no sense dependent upon sectional lines. Its existence was lamented by such men as Washington, Jefferson, Monroe, Madison, and Franklin. There was general regret that the institution had ever been planted in America, and it was hoped that in time it would be abandoned. Little or no effort was made to defend it or to present it as an ideal basis for the political and economic structure of society. At best it was regarded as a necessary evil.

The religious sentiment of the country was practically unanimous in condemnation of slavery, as is shown by the acts of the different denominations. While the Society of Friends led all others in the employment of moral influence for the eradication of the evil, others, and particularly the Methodists, manifested a pronounced opposition to it. It is the province of this article to describe the attitude of the Methodist Episcopal Church, one of the strongest and most active of the Southern churches, toward slavery, in the State of Tennessee.

In 1784, four years before it was formally established in the United States, the National Conference declared that slavery was "contrary to the laws of God, man and nature, and hurtful to society; contrary to the dictates of conscience and true religion." Besides expressing its disapproval of slaveholding, it advised manumission and even required it in the case of traveling preachers. When the church was fully organized in 1788, the Conference voted to suspend both local and traveling ministers who failed to meet these requirements. Regulations were adopted also for the discipline of slaveholding members, requiring that deeds of manumission be executed for all slaves within a brief term of years, and that the children of these slaves be free at birth. The right of communion was to be withheld until the execution of the deeds, and recalcitrants were offered a final alternative of voluntary withdrawal or of exclusion from the church. These rules were to apply only so far as they were consistent with the laws of the various states, but anyone who bought or sold slaves was

to be expelled immediately unless he had bought them in order to free them.¹ These provisions were zealously upheld by Bishop Coke, who was ordained by Wesley to take charge of the church in America, and by his assistant, Bishop Asbury. Unfortunately legal obstructions to manumission in many of the Southern states, and the opposition of some of the Southern members, led to a partial suspension of these rules the following year. When re-enacted in 1796 and again in 1800 they show considerable weakening. Children of slaves undergoing manumission were now to be freed only at twenty-one or twenty-five years of age, according to the sex. Purchasers of slaves instead of being expelled immediately were to be permitted to hold them for a term of years, the time to be determined by the Quarterly Meeting. Not only, however, was the practice of slavery forbidden within the communion of the church, but the extirpation of the system was recognized at once as an object which demanded attention and action. Both the preachers and the members of the society were requested to consider the subject of negro slavery with "deep attention" and to communicate to the Conference "any important thought upon the subject" that might occur to them that the Conference might have full light in order to take further steps "toward eradicating this enormous evil from that part of the Church of God with which they are connected." The Annual Conferences were directed to draw up addresses for the gradual emancipation of slaves which were to be sent to the legislatures of those states in which no general laws had been passed for that purpose. Committees were appointed for conducting this business and all church officers and traveling preachers were to enlist in securing signatures to the addresses. This plan was to continue from year to year until the desired end had been accomplished.² Hence the Methodist Episcopal Church was virtually organized into a society for anti-slavery agitation, with its Annual Conferences inviting free discussion and seeking for more light, and with its preachers and members circulating anti-slavery publications and petitions to legislative bodies.

During these early years many attributed the slow growth of the church in the South to its anti-slavery doctrines, and by their efforts induced the National Conference to exempt

¹Emory, John, *History of the Discipline* (of the Methodist Episcopal Church) (New York, 1840), pp. 43, 80. Matlack, L. C., *The History of American Slavery and Methodism, 1780-1849* (New York, 1849), pp. 14-31.

²*Journals of the General Conferences of the Methodist Episcopal Church, 1796-1844*, Vol. I, pp. 40-41. Matlack, *op. cit.*, pp. 21-34, 58ff. McTyeire, H. N., *A History of Methodism* (Nashville, 1904), p. 377-389.

the churches in the Southern states from certain of the regulations. By acts of the General Conference in 1804 and in 1808 denominational effort for emancipation was finally abandoned on the ground that it interfered with the progress of the real work of the church, though the strong rules condemning slavery remained in unmistakable words. At this same time the Annual Conferences were instructed to "form their own regulations relative to buying and selling slaves."³ This act placed it in the power of the body of preachers to act efficiently in one direction against slavery, even should the National Conference choose to refrain entirely from action in the matter. The Western Conference, as we shall see later, early took advantage of this provision.

The Methodists entered Tennessee with the original settlers and soon secured a strong foothold. During the first years of the nineteenth century their membership became and remained larger than that of any other religious denomination in the state.⁴

Previous to 1801, when the Western Conference, embracing the territory west of the Appalachian Mountains, was formed, Tennessee constituted a part of the Conference of Kentucky, and previous to 1808 the slave regulations enacted by the national organization were enforced there. As a result of the action, referred to above, empowering the Annual Conferences to "form their own regulations relative to buying and selling slaves," the Western Conference, at its first meeting held at Liberty Hill, near Nashville, in 1808, in answer to the query, "What method shall be taken with those members of our society that shall enter into the slave trade?" instructed the circuit preachers to summon before the Quarterly Meeting all persons charged with buying or selling slaves with speculative motives. If the Conference found upon examination that the charges were sustained, the persons so offending were to be expelled from the society. The Conference further decreed that no member of the "society or preacher should buy or sell a slave unjustly, inhumanely or covetously" under penalty of being expelled from the church. The above decrees were signed by Bishop Francis Asbury and William McKendree.⁵

These rules remained in force until the division of the

³*Journals of the General Conferences*, Vol. I, pp. 44, 60f, 93, 170, 205; Matlack, *op. cit.*, 31-32.

⁴McFerrin, John B., *History of Methodism in Tennessee* (Nashville, 1869), Vol. I, pp. 26, 470, 523; Vol. II, 132, 159, 262. See also McTyre, *op. cit.*, 462, and Goodspeed, *History of Tennessee* (1886), p. 664.

⁵Asbury, Francis, *Journal of Rev. Francis Asbury, Bishop of the Methodist Episcopal Church* (New York, 1852), Vol. 3, p. 290. Cart-

Western Conference and the formation in 1812 of the Tennessee Annual Conference. In this, as in the former, the "slave rule" made its usual appearance. At its first meeting in 1812 a motion was made by Learner Blackman and carried by the Conference, that the words "humanity and speculation be stricken out of the rule made by the Western Annual Conference, and the words justice and mercy inserted." To the usual query, "What method shall be taken with a member of our Society that shall enter into the slave trade, and buy and sell a slave or slaves?" the following answer was given: "Every preacher who has the charge of a circuit shall upon information received, cite every such member or members so buying or selling a slave or slaves to appear at the ensuing Quarterly Meeting Conference, and submit his or their case to the judgment of the said Quarterly Meeting Conference, who shall proceed to determine whether the person or persons had bought or sold such slave or slaves in a cause of justice and mercy . . ." and if a majority of the Conference decided in the negative the accused was to be expelled.⁶

At this meeting Leven Edney, the owner of a slave, was recommended from the Nashville Circuit for the ministry, and, after an examination of his character, was approved. Learner Blackman was his security that he would set his slave free when it was practicable.⁷ As the laws of Tennessee as well as those of most of the Southern states required security for the conduct and support of emancipated slaves, it was often impracticable to adhere strictly to the rules of the church in this regard. The question was further complicated by the fact that the laws not only recognized the right of property in slaves, but closely regulated the relations of master and slave as a civil institution.

In 1815, after making a few minor changes in the slave rules, the Annual Conference again prohibited all church members from engaging in the slave trade under penalty of expulsion, and made any member ineligible to the office of deacon who did not disapprove of slavery and express a willingness to effect a legal emancipation of his slaves as soon as it was practicable for him to do so.⁸

The National Conference which met in Baltimore in 1816 discussed at considerable length its various rulings on the

wright, Peter, *Fifty Years as a Presiding Elder* (Cincinnati, 1871), pp. 53ff. See also Goodspeed, *op. cit.*, p. 663; and O. P. Temple, *East Tennessee and the Civil War* (1899), pp. 97ff.

⁶McFerrin, *op. cit.*, Vol. 2, pp. 261, 283. See also Goodspeed, *op. cit.*, p. 668.

⁷McFerrin, *op. cit.*, Vol. II, p. 261.

⁸Goodspeed, *op. cit.*, p. 668; Temple, *op. cit.*, pp. 97ff.

subject of slavery, and especially the numerous difficulties encountered by the Southern churches in a strict adhesion to them. The action taken at this time is of especial interest. In part it is as follows:

"We most sincerely believe, and declare it as our opinion, that slavery is a moral evil. But as the laws of our country do not admit of emancipation without a special act of the legislature, in some places, nor admit of the slave so liberated to enjoy freedom, we cannot adopt any rule by which we can compel our members to liberate their slaves; and as the nature of the cases in buying and selling are various and complex, we do not think it possible to devise any rule sufficiently specific to meet them. But to go so far as we can, consistent with the laws of our country and the nature of the things, to do away with the evil, and remove the curse from the church of God, it is the resolution of this Conference that the following regulations shall be adopted:

"1. If any member of our Society shall buy or sell a slave or slaves in order to make gain, or shall sell to any person who buys to sell again for that purpose, such member shall be called to an account as the Discipline directs, and expelled from the church, nevertheless, the above rule does not affect any person in our Society, if he or she make it appear that they have bought or sold to keep man and wife, parent and children together.

"2. No person, traveling or local, shall be eligible to the office of deacon in our church, unless he assures us sentiently, in person or by letter, that he disapproves of slavery and declares his willingness and intention to execute, whenever it is practicable, a legal emancipation of such slave or slaves, conformably to the laws of the state in which he lives."⁹

The position of the Methodist Episcopal Church as expressed in these resolutions and regulations, together with those previously given, is unmistakably antagonistic to slavery. Through its strong and efficient central organization it exerted a considerable influence in favor of emancipation in both the North and the South. Particularly in the South, where its membership was large, it proved a great force in retarding the development of a sentiment in support of the institution of slavery.

When at the Tennessee Annual Conference, held at Franklin, in 1817, the question of the slave trade was again discussed, it was decided that if any local elder, deacon or preacher in the Methodist church should purchase a slave, the Quarterly Conference should say how long the slave should

⁹McFerrin, *op. cit.*, Vol. II, pp. 401ff.

serve as a remuneration for the purchase money. The purchaser was required to enter into a written obligation to emancipate the slave at the expiration of the term of servitude, providing the laws of the state would permit it.¹⁰ The same rule applied to the private members of the church, whose cases were managed by a committee appointed by the preacher having charge of their respective circuits instead of by the Quarterly Conference. In all cases relating to preachers, deacons, elders or private members, the children of purchased slaves born during the time of servitude were to be manumitted upon arriving at the age of twenty-five, providing the laws should then permit of emancipation; but if they did not, these children were to be submitted to the proper church authorities to determine their term of servitude. This rule further required the seller of a slave to record in the county his emancipation at the expiration of the term.¹¹ It was further provided that "If an elder, deacon, preacher, or private member among us shall sell a slave or slaves into perpetual bondage, they shall thereby forfeit their membership in the Church."¹² It was explicitly stated, however, that the above rules were not to be "so construed as to oblige an elder, deacon, or preacher, or private member to give security for the good behavior or maintenance of the slave or slaves emancipated, should the court require it."¹³

At this meeting the secretary, Hardy M. Cryer, was called to answer concerning slavery, since he had promised the last Conference to endeavor to emancipate his negroes and to report to the next Conference. He said that he had made endeavors but had not succeeded in the attempt, and the Conference accepted the report. He stated further that since the last Conference he had purchased a negro boy and he gave his reasons for the act. His explanation was accepted. He was then elected to the office of elder.¹⁴ This case illustrates well the fact that when men determined to own slaves it was easy to make it appear to be according to the rules of "justice and mercy" to retain those in their possession or to purchase others.

At the meeting held in 1818, the slave regulations of the previous year were repealed and the following resolution adopted: "Resolved, That we receive the printed rule on slavery in the form of Discipline as full and sufficient on the subject."¹⁵

¹⁰McFerrin, *op. cit.*, Vol. II, pp. 462ff.

¹¹*Ibid.* See also Goodspeed, p. 668; and Temple, *op. cit.*, p. 98.

¹²McFerrin, *op. cit.*, Vol. II, p. 465.

¹³*Ibid.*

¹⁴*Ibid.*, Vol. II, p. 467.

¹⁵*Ibid.*, Vol. III, pp. 19-20.

Anti-slavery feeling in the church appears to have culminated in 1819, strengthened, doubtless, by the agitation in Congress in connection with the admission of Missouri into the Union. The struggle in the Annual Conference was precipitated when Peter Cartwright, one of the leading preachers in the Conference, openly accused some of the most prominent ministers in the state of "living in constant violation of the Discipline of the Church."¹⁶ In his "Autobiography" he makes the following comment upon this incident: "They tried to make out a fair excuse, and to show that it was impracticable, according to the laws of the state, and I, in order to sustain my charges of violating the Discipline of the Church, had to show that they could at any time emancipate their slaves by becoming surety that their negroes, when emancipated, did not become a county charge. They employed a distinguished lawyer, F. Grundy, and I went to General Jackson for counsel. The case was fairly stated and explained in open conference, and these preachers were required to go to court and record a bill of emancipation."¹⁷ The Conference refused to ordain two candidates for the ministry because they were slaveholders and rejected a number of applicants for deacons¹⁸ orders. In this connection Peter Cartwright says: "The discussion of the subject of slavery waked up some bad feeling, and as we had at this Conference to elect our delegates to the General Conference which was to hold its session in Baltimore in May, 1820, these slave-holding preachers determined to form a ticket and exclude every one of us who were for the Methodist Discipline as it was, and is to this day. As soon as we found out their plans we formed an opposite ticket, excluding all advocates of slavery, and we elected every man on our ticket."¹⁹ These acts elicited from the minority slavery party a strong printed protest, copies of which were widely circulated in Tennessee. One copy was sent to each member of the National Conference.²⁰ It read as follows:

"Be it remembered, that whereas the Tennessee Annual Conference, held in Nashville, October 1, 1819, have taken a course, in their decisions, relative to the admission of preachers on trial in the traveling connection, and in the election of local preachers to ordination, which goes to fix the principle that no man, even in those states where the law does not admit of emancipation, shall be admitted on trial, or be ordained to the office of Deacon, or Elder, if it is understood that he is

¹⁶*Autobiography of Peter Cartwright, the Backwoods Preacher.* Edited by W. P. Strickland. (New York, 1857.) P. 195.

¹⁷*Ibid.*

¹⁸*Ibid.* McFerrin, *op. cit.*, Vol. III, p. 160.

¹⁹Cartwright, *Autobiography*, p. 196.

²⁰*Ibid.*

the owner of a slave or slaves. That this course is taken, is not to be denied; and it is avowedly designed to fix the principle already mentioned. Several cases might be mentioned, but it is unnecessary to instance any except the case of Gilbert D. Taylor, proposed for admission, and Dudley Hargrave, recommended for ordination. We deprecate the course taken as oppressively severe in itself and ruinous in its consequences; and we disapprove of the principle as contrary to, and a violation of, the order and Discipline of our Church. We therefore do solemnly, and in the fear of God, as members of this Conference, enter our protest against the proceedings of Conference, as it relates to the above-named course and principle."²¹

John Johnson, one of the signers of the protest, in a letter the following year, gave his reasons for his action as well as for his position on the question of slavery, which are of especial interest because they are typical of those held by most of the other so-called pro-slavery preachers in the Conference. He declared his disapproval of slavery, and stated that his opposition to the majority was based on a desire to prevent a division in the church. In part, he said:

"Even so, our church will never be raised above the shameful factions and miserable discords which now disgrace her, until her ministers come to have their hearts, as Archimedes would have had his lever, fixed in the heavens. . . . If a division takes place, which I much fear, what effect will it have in Virginia, North and South Carolina, Georgia, Mississippi, etc. Will it not deprive us of access to both the slaveholder and the slave?

"I would propose, for your consideration the passage of a slave rule to this effect:

"1. That every slave-holder in our church shall provide a comfortable house, with sufficient bed and bedding, for every slave in his possession.

"2. That each slave shall be clothed in decent apparel in summer and warm clothing in winter; and shall have plenty of good and wholesome food, and time to eat it.

"3. That every slave over — years of age shall be taught to read the Holy Scriptures.

²¹*Recollections of Rev. John Johnson and His Home: An Autobiography*, by Mrs. Susannah Johnson (Nashville, 1869), pp. 305-306.

The above protest was signed by Thos. L. Douglass, Thos. D. Porter, William McMahon, Benjamin Malone, Lewis Garrett, Barnabas McHenry, William Allgood, William Stribbling, Ebenezer Hearn, Timothy Carpenter, Thomas Springfield, Benjamin Edge, Joshua Boucher, William Hartt, John Johnson, Henry B. Bascon. See also McFerrin, Vol. III, p. 160; Goodspeed, *op. cit.*, p. 670; and Temple, *op. cit.*, p. 99.

"4. That every slave over — years of age shall be permitted to attend the worship of God — times in every —.

"5. That every slave shall attend family worship twice a day.

"6. That every slave shall be allowed one hour for reading in every —.

"7. That no master shall inflict more than — stripes for any one offense, nor any stripes on any one who is over — years of age.

"8. That no slave shall be compelled to marry against his own will.

"9. No master shall suffer man and wife, or parent and child, to be parted without their consent when it is in his power—he being the owner of one—to prevent it by buying or selling at a fair price.

"10. On any complaint being made against a member for violation of these rules let the preacher appoint a committee of ——— to investigate the facts and report to the society.

"11. Any member violating or refusing to comply with the above rules shall be dealt with as in other cases of immorality."²²

These proposals, though issued more than twenty years before the division of the church over the question of slavery, are found, upon comparison, to represent almost the identical policy adopted by the Methodist Episcopal Church of the South as its attitude toward slavery,—namely, an acceptance of the institution with the assumption of the task of making it as humane and enlightened as possible.

Up to this date the sentiment seemed to be well nigh universal in the Tennessee Conferences that slavery was a great moral evil, a curse to the church, and that slaveholding was a sin not to be tolerated after the time should come, which seemed to be anticipated, when the laws of the state would permit emancipation. The Methodist itinerants almost to a man had been in favor of emancipation. Some of the ministers even held that slaveholding should be made a test of membership in the church, while others strenuously urged it as a condition of salvation.²³

From 1819 to 1822 the Presiding Elder, James Axley, a prominent East Tennessee preacher, and the circuit preacher, Enoch Moore, used a rigid anti-slavery policy in the administration of Discipline. They not only refused to license slaveholders to preach but actually denied them the privilege of exhorting. Furthermore, they allowed no slaveholding member or official of the church to lead a public prayer meeting.²⁴

²²Johnson, *op. cit.*, pp. 307-11.

²³McFerrin, *op. cit.*, Vol. II, p. 261.

²⁴*Ibid.*, pp. 261, 243, 494ff.

These harsh measures produced much irritation and friction in the church and greatly injured the cause of the anti-slavery element by alienating many of the more moderate followers. Consequently in 1822 George Ekin, who replaced James Axley, placed a more liberal interpretation on the above rules of the church, a policy which prevailed during the remainder of the slavery period. From this time on, slaveholding men were ordained to preach after they had given a promise to emancipate their slaves "so soon as practicable."²⁵ Since the laws of the state were so strict regarding emancipation that it was seldom found practicable, the number of slaves held by the ministers and the members gradually increased regardless of the action of the Conferences.

At the Annual Conference, held at Columbia, Tennessee, in 1824, the question of slavery came up again in the form of an address from the "Moral and Religious Manumission Society of West Tennessee." This address was referred to a special committee appointed for its consideration. When, after considerable discussion, it was again brought before the Conference without any action having been taken on the subject, this body resolved to return the address to the committee accompanied with a note stating "that so far as the address involves the subject of slavery we concur in the sentiment that slavery is an evil to be deplored and that it should be counteracted by every judicious and religious exertion."²⁶

From this date until the formation of the Southern Methodist Episcopal Conference in 1844 no important action was taken by the Annual Conferences of Tennessee on the subject of slavery, though considerable anti-slavery activity was displayed at various times in local churches and District Conferences, especially in East Tennessee, where the antagonism to slavery was always pronounced. One instance will be sufficient to illustrate this sentiment. As late as 1826 the District Conference, which assembled in Green County, in answer to an address from the Manumission Society of Tennessee to the various religious denominations of the state, expressed the good will of that body in the work and issued a strong declaration in favor of legal emancipation.²⁷

A great many ministers and members of the Methodist

²⁵*Ibid.*, p. 261; Goodspeed, *op. cit.*, p. 668.

Among those who were not permitted to preach by James Axley on account of being the owner of slaves was William Garrett.

²⁶McFerrin, *op. cit.*, Vol. III, pp. 270ff.

This resolution was offered by two members who themselves or their parents were slaveholders.

²⁷*Genius of Universal Emancipation*, December 22, 1827, Vol. 7, p. 194.

Church of Tennessee, under the influence of the anti-slavery feeling that pervaded all denominations in the state previous to 1824, emigrated to the free states north of the Ohio River. In this way the most active anti-slavery workers in the church, being unable to influence the actions of that body in regard to slavery and despairing of any action on the part of the government, left the state in order to free themselves from the evils of a slave society.²⁸

The Methodists of the state appear to have been fully as diligent in the enforcement of the strong rules laid down by the National Conference on the subject of slavery as those of any other section of the South. Up to 1824 probably no religious denomination having a foothold in the South, with the exception of the Quakers, had been so steadfastly opposed to slavery. Peter Cartwright once made the assertion that the Methodist Episcopal Church had "been the cause of the emancipation of more slaves in these United States and Territories than all other religious denominations put together."²⁹

The Methodist Church from the first was opposed to slavery, and from 1784 to 1824 tried to legislate it out of the church. From 1824 to 1844 the rules regarding slavery remained practically the same, although little effort was made to enforce them. In the meantime slavery in the South had been rapidly gaining in strength by stringent legislative acts and ministerial advocacy. More and more did the legislatures of the South block up the way to practicable emancipation. In commenting upon this change in the attitude of the Southern Methodists toward slavery, Peter Cartwright, who preached from 1808 to 1824 in the South, chiefly in Tennessee, says: "It is a notorious fact that all the preachers from the slaveholding states denounced slavery as a moral evil; but asked of the General Conference mercy and forbearance on account of the civil disabilities they labored under so that we got along tolerably smooth. I do not recollect a single Methodist preacher at that day that justified slavery. . . . Methodist preachers in those days made it a matter of conscience not to hold their fellow creatures in bondage, if it was practicable to emancipate them, conformably to the laws of the state in which they lived. Methodism increased and spread, and many Methodist preachers, taken from comparative poverty, not able to own a negro, and who preached loudly against it, improved and became popular among slaveholding families, and became personally interested in slave property. They then began to

²⁸McFerrin, *op. cit.*, Vol. I, p. 150; Vol. II, p. 494. See also the local histories of Tennessee, Ohio, Indiana, and Illinois, particularly Rufus King's *History of Ohio*.

²⁹Cartwright, *Fifty Years a Presiding Elder*, p. 24.

apologize for the evil; then to justify it, on legal principles; then on Bible principles."³⁰

A study of the history of the Methodist Episcopal Church shows a gradual change in its policy toward slavery. At first it was bold and outspoken in its opposition, then cautious and conservative, and finally it warmly espoused an institution it had once unshrinkingly condemned. Because in all things it belonged to the masses, its consequent wheeling about with public opinion is easily understood. Therefore when, in 1844, the question of whether or not a bishop could own slaves came before the National Conference of the Church, the majority decreed that he could not. Thereupon the Southern members withdrew and organized the Methodist Episcopal Church of the South. The delegates from Tennessee, and indeed all the members from the slaveholding states, except four from Baltimore and one from Texas, voted against the action of the majority and supported the Southern organization.

ASA EARL MARTIN.

Pennsylvania State College.

³⁰Cartwright, *Autobiography*, p. 157.

In 1824 Peter Cartwright moved to Illinois on account of his opposition to slavery.

EARLY CORPORATE LIMITS OF NASHVILLE.¹

In explanation of the subject of discussion which may be termed "Early Corporate Limits of Nashville," I will say that some years ago I became interested in informing myself as to changes in the corporation line of the city since its original incorporation.

The information compiled by me was obtained from the Acts of the Legislature of the State and from entries in the Minutes of the old Mayor and Aldermen of the City of Nashville. These old Minute Books were at that time stored away in the City Recorder's Office. They had no indexes and I had to page the books to find these entries. I believe that the data which I have on this subject has never been compiled.

Before calling your attention to the early growth of the City of Nashville, with especial reference to the extension of its corporate limits, it might be of interest to give you some of the facts connected with the original laying off of the city, and also to mention the names of the original streets.

By an Act of the Legislature of the State of North Carolina, passed in 1782, it was provided that no grant should include any salt lick or salt spring, these places being declared to be reserved as public property, together with 640 acres of the adjoining lands, for the common use and benefit of the inhabitants. The aborigines and all the wild animals knew the location of these salt licks and springs. They were of great value to the people, as well as to the grass-eating animals; and as we know, there was a salt lick and is now a salt spring in the northern portion of the City of Nashville, near the baseball park.

Pursuant to this Act of the Legislature of the State of North Carolina, Thomas Mulloy was employed as a surveyor to lay off the 640 acres of land reserved around our sulphur spring, then called the "French Salt Lick." This tract, making one square mile, was laid off by Mulloy, with boundaries about as follows:

The north line was where Jefferson Street is now, and the south line was about where the Howard School is located; the east line was the river, and the west line was about where Stonewall Street, or Fifteenth Avenue, now is.

In 1784 the Legislature of North Carolina enacted that 200 acres of the land appropriated to the French Salt Lick should

¹A paper read at a meeting of the "Pudding Stone Club" on November 12, 1915, at Nashville, Tenn., and published in the *Nashville Tennessean and American* for November 21, 1915. It was hoped that this paper might be published in the *MAGAZINE* for March, 1916, together with that of Mr. Park Marshall, to which it adds a very interesting complement. The paper, however, was received too late to permit its appearance in the March number.

be laid off at a place called "The Bluff of the Cumberland River" for a town to be called "Nashville," and it was further provided that this French Salt Lick should not be included in this 200 acres.

There had previously been a settlement at the bluff, called "Nashborough" named for General Francis Nash, of North Carolina, who had been a friend of James Robertson, and who was killed at the battle of Germantown, Pennsylvania, in the Revolutionary War.

The same Thomas Mulloy who surveyed the 640-acre reservation also surveyed the 200 acres for the Town of Nashville. The description of this 200 acres may be given now as follows: Beginning at the northwest corner of Broadway and First Avenue, North; running thence west along the north line of Broadway to the northeast corner of Broadway and Ninth Avenue, North; running thence north along the east side of Ninth Avenue, North, to Church Street; thence continuing in the same direction and along the alley between Eighth Avenue, North, and Ninth Avenue, North (north of Church Street) and along the eastern side of old McLemore Street, now Ninth Avenue, North, to the south side of Jo Johnston Avenue; thence east along the south side of Jo Johnston Avenue to the alley between Fourth Avenue, North, and Third Avenue, North; thence at right angles northwardly along this alley about 600 feet to a point about where Whiteside Street extended would intersect same; and thence again at right angles east to the west side of First Avenue, North; thence south along the west side of First Avenue, North, to the north side of Bridge Street (Bridge Street being the little street that leaves the Public Square at its northeast corner, running toward the river, where the old Main Street bridge was located); thence west along the north side of Bridge Street to a point in line with the west side of First Avenue North (south of the square) extended northwardly; thence south along said extended line and the west side of First Avenue, North, to the point of beginning.

It will be observed that the boundaries of these 200 acres, the original lines of the City of Nashville, do not include any part of the land lying along the river bluff between First Avenue, North, and the river.

By an Act passed September 11, 1806, the Town of Nashville, in the County of Davidson, and the inhabitants thereof, were constituted a body politic and corporate under the name of the "Mayor and Aldermen of the Town of Nashville."

This 200 acres of land allotted to the town was laid off into 165 lots of one acre each. There were only two streets in this plan which ran east and west. One of these, Cedar Street,

ended on the east at the Public Square, and the other, Spring Street, now Church Street, ended at Water Street, afterwards Front Street, and now First Avenue, North. Neither Broad Street, nor McLemore (now Ninth Avenue, North), nor Line Street (now Jo Johnston Avenue) were in the corporate limits.

The streets running north and south were Main Street, afterwards Market Street, and now Second Avenue, North, and College, Cherry, Summer, High, Vine and Spruce Streets, now Third, Fourth, Fifth, Sixth, Seventh and Eighth Avenues, North, respectively. There were no alleys in the original plan.

At this time we might wonder why these streets were made so narrow. We must remember that methods of transportation have changed wonderfully even in the last few years, and the number and variety of vehicles have greatly increased. There are probably many persons now living who can recall the day when ladies residing in the country thought no more of coming to town on horseback than their granddaughters do now of being brought in their automobiles. In those days a blockade of the streets was unheard of. The fashion of wide streets is altogether modern. In those days there were very few wheeled vehicles of any kind and very few things to haul in them. The people who did not walk, rode horseback, and very seldom had more than they could easily carry themselves.

It is not known, so far as I have been able to learn, why, and from whom, the original streets of the Town of Nashville received their names. It is probable that Water Street, afterwards Front, and now First Avenue, North, was given that name for the reason that it was nearest the water, although Surveyor Mulloy had cut off the town from access to the river. I know of no reason why the name was afterwards changed to Front Street.

Cherry and Summer Streets were probably simply fancy names. High Street may have been so called because it ran over the top of what was then Campbell's Hill, now Capitol Hill, and thus at that point was the highest street in the city.

I can offer no explanation for the names of Vine and Spruce Streets. It has been said that at the time of the foundation of the City of Nashville merchants in the South did most of their trading in Philadelphia, and that some of our street names were adopted from the names of Philadelphia streets. This might be an explanation.

College Street was so called because the main buildings of Davidson Academy faced the southern end of this street. The main entrance to the college grounds was by a flight of stone steps at the end of South College Street, just south of the present Franklin Street, and the walkway led straight from the entrance to the door of the central building.

Spring Street, now Church Street, originally derived its name from the fact that somewhere between Market and College Streets, in Spring Street, there was a bold spring. In after years a number of churches were built on this street. There was a Methodist Church on the north side of the street between Cherry Street and Printers' Alley. The First Presbyterian Church, McKendree Church, Christ Church, where the Hitchcock Building now is, and probably others were also on Church Street.

Cedar Street evidently obtained its name from the fact that practically the entire street as originally laid off ran over a knob or hill covered with cedar trees, which is now Capitol Hill.

Line Street naturally got its name from the fact that it was the north line of the city.

To me it has always been a serious question whether or not it was wise to change the names of our original streets, because it tends to blot out of public memory important landmarks in the history of the city.

Four acres of the original 200 acres were reserved for the erection of public buildings, and this is now our Public Square. The custom of having public squares prevails generally in Middle Tennessee, but whether or not it was derived from the old Spanish practice or the example set by the City of Nashville cannot be determined.

The first change in the original corporate limits of the City of Nashville was by an Act passed November 16, 1815, when a grant theretofore made to John McNairy of 200 acres was amended to the extent that the land lying between the eastern boundary line of the city and the west bank of the Cumberland River was excluded from the McNairy grant which had included that land. By this same Act this property was declared to be a part of the City of Nashville. After this Act there was a series of lawsuits between John McNairy and the Town of Nashville, McNairy probably rightfully claiming that the title to this property called the "Bluff" was still in him. Afterwards, on May 19, 1818, a paper was signed by John P. Erwin, Mayor, which recited that an agreement and compromise had been entered into between John McNairy and the Mayor and Aldermen of the Town of Nashville which put an end to the matter and the town quit-claimed to McNairy that part of the Bluff from about the present location of Locust Street to the north line of the city, and McNairy quit-claimed to the city the rest of the Bluff property from Locust Street south to Broad Street. Judge McNairy seemed still to be dissatisfied, and afterwards, on June 5, 1822, a long entry was made on the Minutes of the Circuit Court in the case of

John McNairy vs. Andrew Hines, and others, reciting the history of the title to this Bluff property, and ordering that the calls in the different grants be amended so as to definitely settle the matter according to the compromise agreement.

The next addition to the corporate limits of the Town of Nashville was by an Act passed October 14, 1824, by which the property commonly known now as "Black Bottom" was annexed to the southern limits of the city. This addition to the city limits included the property from High Street east to the river and from Broad Street south to a line running east and west a short distance north of Peabody Street.

On August 30, 1830, the boundaries of the city were again changed and the property between McLemore Street on the west, Hamilton Street and Lick Branch on the north and the corporate limits (Line Street) on the south, and the corporate limits (the alley between College and Cherry Streets) on the east, was added to the city, and also a strip of ground on the western boundary of the city fronting 400 feet wide and running from Church Street to Line Street, was included in the corporate limits.

By an Act of March 28, 1838, that property between the then northern lines of the city and Jefferson Street was taken into the corporation.

By an Act of November 27, 1843, Lots Nos. 181 and 182 in the Division of the Real Estate of Judge John McNairy, being two lots lying on the southwest corner of Jefferson and McLemore Streets, were annexed to the city.

By an Act of the Legislature, passed on November 19, 1851, the Town of South Nashville was incorporated. The limits of the Town of South Nashville may be described as follows:

Beginning at the Southeast corner of the corporation of Nashville on Cumberland River, which may be located now as a point on the south bank of the river a few feet north of where Peabody Street extended would intersect same, and running westwardly with the line of said corporation to its southwest corner on High Street; thence south along High Street to where the line of free territory crosses High Street; thence westwardly along the free territory line to the west side of the N., C. & St. L. Railway, which point would be a few feet south of where Lee Avenue extended would intersect the said railroad; thence in a southerly direction and parallel with High Street crossing the Franklin Turnpike (now Eighth Avenue, South) and continuing the same direction until it strikes a point in Chestnut Street between where it crosses the Nashville and Decatur Railroad and intersects the Cumberland Park Boulevard just south of St. Cloud Hill; thence in an eastern direction parallel with and a few feet south of

Humphreys Street until it intersects the Nolensville Turnpike Road; thence in a northeasterly direction crossing the N., C. & St. L. Railway at a point between the Cherry Street crossing and the College Street Bridge to the first milestone on the Murfreesboro Turnpike Road, which is at the intersection of Fairfield Avenue and the Murfreesboro Pike; thence along Fairfield Avenue and continuing in the same direction to Cumberland River; and thence down the river to the place of beginning.

On the 15th day of June, 1854, an election was held in the Town of Nashville, and another in the Town of South Nashville, to ascertain the wishes of the people as to a union between the Towns of Nashville and South Nashville, and the articles of union which had been previously agreed upon were ratified by majorities of 309 and 235, respectively, in the two Towns. By this act of union the property described above was annexed to and made a part of the Town of Nashville.

On December 4, 1865, on petition directed to the Mayor and Aldermen of the Town of Nashville, filed by some of the residents of the then Thirteenth Civil District of Davidson County, the property between the then northern limits of the town (Jefferson Street) on the south, McLemore Street on the west, the river on the east and the line just south of Taylor Street on the north was annexed to the city.

In the early part of the year 1866 a petition was presented to the Mayor and Aldermen of the Town of Nashville, signed by about sixteen citizens and owners of real estate in the then Tenth Civil District of Davidson County, requesting that certain property described in the petition might become and be made a part of the corporation. The property described in this petition may be bounded as follows:

On the east by the corporate limits of the city; on the north by Cedar Street; on the west by Stonewall Street, and on the south by Division Street. This proposed annexation was enjoined by bill in the Chancery Court filed by W. H. McNairy and others. This bill was dismissed by the Chancellor and the case appealed to the Supreme Court. At that time the Supreme Court was years behind in try its docket. Pending this appeal, and without regard to it, an election was held in 1870, the result of which was that the territory described in the petition was annexed to the city.

On April 24, 1868, a petition was filed by a number of citizens of the Seventeenth District of Davidson County, in the County Court requesting that body to incorporate them into a town to be known and designated as "Edgefield," with boundaries as set out in the petition. It appears that before action

was taken on this petition the Legislature of 1868-9 passed an Act incorporating the Town of Edgefield, and by Act passed December 22, 1879, the corporate limits of the City of Nashville were extended so as to include the Town of Edgefield.

It would be tedious for me to describe in detail the various extensions from 1879 down to date. I will, however, mention a few additions to the corporate limits that may be of interest.

In 1893 an Act was passed by which a lot on the northwest corner of McTyeire Street and the N., C. & St. L. Railway, upon which lot was the building afterwards occupied as a saloon for many years by Mr. John Campbell, was included in the corporate limits. This lot was several hundred feet from the corporation line, and in order to get it inside the city, so Mr. Campbell could obtain a saloon license, the line was run south on the east side of McTyeire Street to a point opposite to southeast corner of the lot and then across the street, then around this lot back to the west side of McTyeire Street and then north to the city limits.

A similar thing was done in 1901. The corporation line was run from Fairfield Avenue on the Murfreesboro Pike, out that pike to the southeast corner of a lot, upon which the storehouse of Thomas Dillehunt was situated; thence north along the line of that lot to an alley in the rear, and thence west and parallel with the pike to the city limits; this addition took into the corporation Thomas Dillehunt's storehouse which was in "Jimtown" and probably half a mile from the corporate limits. This property only remained in the city for two years, for by Act of the Legislature of 1903 it was excluded.

There have been several instances where Acts of the Legislature have been passed annexing single lots to the corporate limits; and on the other hand, there have been instances where, in extending the corporate limits, certain property has been intentionally left outside. The property of the Tennessee Manufacturing Company, now occupied by Warioto Cotton Mills, although for many years half a mile or more south of the north boundary line of the city, was not within the city limits, for the reason that the corporation line ran south on the west side of the alley between North Spruce Street and North Vine Street to the Cotton Mill property, around that property and back to the east side of this alley, and then north to Clay Street, thus leaving that entire property outside of the city limits.

A similar thing was done in the same year, 1890, when the property then occupied by Weakley & Warren Furniture Factory in the Fourteenth Ward was left outside the corporation line, although the property adjoining it on all sides was in the city.

In the same year practically all of the property on both sides of the N., C. & St. L. Railway far enough east so as to include the property now occupied by Noel & Company, formerly the Tennessee Packing & Stockyards Company, was left outside the corporate limits.

There have been a number of instances where the property was taken inside the city by one Legislature and excluded at a subsequent session.

In giving the description of the Town of South Nashville, mention was made of the line of "Free Territory." In November, 1785, the Legislature of North Carolina granted 240 acres of land to trustees for Davidson Academy. The tract was described in the grant by courses and distances which I will translate as follows:

Beginning at a point on the bank of the Cumberland River opposite the southeastern corner in the City of Nashville and in the north margin of Broad Street, running thence west along the north margin of Broad Street to the northeast corner of Broadway and McLemore (now Ninth Avenue) Streets; thence north along the east margin of McLemore (now Ninth Avenue) to a point about 300 feet north of Cedar Street; thence west about 800 feet to a point just west of Walnut Street (now Tenth Avenue, North) and thence south and parallel with Tenth Avenue, North, to a point about where Lee Avenue extended would intersect the right-of-way of the N., C. & St. L. Railway, and thence in an easterly direction, crossing Eighth Avenue, South, about where Eighth Avenue curves north of Lee Avenue and crossing Fourth Avenue, South, about the corner of Peabody Street, passing through the former residence of Mr. W. T. Hardison and just south of the building now occupied by Dr. Burch as an infirmary, and continuing in the same direction to a point on the river bluff just in front of the northwest corner of the City Hospital Building; and thence northeastwardly to the river bank and thence northwardly down the river to the point of beginning.

By the Act of the General Assembly of North Carolina, which incorporated the Trustees of Davidson Academy, it was provided that no lands the title to which might be vested in the Trustees of Davidson Academy should be subject to taxation for a period of ninety-nine years. This 240 acres was the free territory which played such an important part in the history of Nashville previous to 1884. Previous to the year 1836 Cumberland College had been incorporated, Davidson Academy merged into it, and the college had sold a large portion of this 240 acres. By the Act of 1806, which incorporated Cumberland College, the property of the college was declared free from taxation forever.

In 1836 the taxing authorities of the state concluded that these exemptions from taxation were only intended to last while the property belonged to the college. To test the question, they assessed for taxation a part of the free territory, which belonged at that time to the firm of Hicks, Ewing & Company. The owners resisted the collection of the tax, and the Supreme Court, in an opinion report in 9 Yerger, page 487, held that the property, though sold by the college, was not liable to taxation. Thus the matter rested until after the adoption of the Constitution of 1870 and the passage of the Revenue Act of 1879, when another effort was made to require the payment of taxes assessed upon these lands. The State Comptroller filed a petition in the Circuit Court of Davidson County for a writ of mandamus to compel the County Trustee to assess and collect taxes upon certain lots within this territory. The Circuit Judge granted the writ, but upon appeal to the Supreme Court his judgment was reversed and the writ refused, mainly upon the ground that the lands had for so many years been untaxed that freedom from taxation had become a rule of property, and the few years to elapse before the expiration of the ninety-nine years' exemption made it impolitic then to reverse the action of the previous Supreme Court. This decision was given by a divided court, three to two, at the December Term, 1881, and is reported in 8 Lea at page 594.

In 1884 the ninety-nine years period of exemption expired and the freedom from taxation ceased.

It has now been one hundred and thirty-one years since the establishment of the Town of Nashville. We, of this generation, and especially those of us who were born and have lived all our lives in Nashville, have been so engaged in late years with other and much less profitable forms of entertainment that we are too likely to overlook what I consider a most important part of our education. I hope that none of us will ever be unable to answer the question about the origin and growth of Nashville, which I am sure some day our children will ask us.

R. B. C. HOWELL.

Nashville, Tennessee.

A HISTORY OF THE LIFE OF GENERAL WILLIAM TROUSDALE.¹

William Trousdale was born in Orange County, North Carolina, on the 23rd day of September, 1790. His father, James Trousdale, was of Scotch-Irish parentage and was born in Pennsylvania shortly after his parents landed in America. The latter was a soldier in the Continental Army in the war of 1776, commanding a company of North Carolina patriots throughout the struggle for Independence, in which service he received serious wounds, and was honorably discharged at its close. For his services in that war, the State of North Carolina made him a grant of six hundred and forty acres of land. This grant, being No. 1, was located in the territory of Tennessee, in what was then Davidson County, but is now Sumner, and embraced within its bounds a portion of the site of the present town of Gallatin. Captain Trousdale emigrated with his family from North Carolina to Tennessee in the year 1796 and settled upon this land, erecting his log dwelling upon a spot but a few paces distant from that now occupied by the Court House.

The pioneers who had preceded Captain Trousdale to this immediate section of country were few and far between. At this period Sumner County was a wilderness, dense forests of heavy timber and an almost impenetrable undergrowth of cane covering the face of the land. Buffalo, deer, bear and panther were among the wild beasts that browsed in the extensive forests, or made their lairs in the thick canebrakes. Obvious dangers, as well as privations and difficulties, confronted the hardy immigrant to this unsubdued region. It is true that peace had just been concluded with the Indians and their tribes removed after a protracted and sanguinary struggle for supremacy in this desirable quarter. Nevertheless, numbers of them still lingered in these favorite hunting grounds, lurking in the fastnesses by day and, at night, prowling for plunder or revenge among the defenseless habitations of the scattered pioneers. It was not uncommon to hear the report of a red man's rifle as it brought down some unwary white victim, or to see a settler's humble cabin in flames, fired by the torch of a savage incendiary.

It is apparent that the bold adventurer to this wild region at so early a day was compelled to use freely first the rifle

¹This Biographical Sketch of Governor Trousdale was written several years ago by his son, Hon. J. A. Trousdale, of Gallatin, Tennessee. For permission to publish it the MAGAZINE is under obligation to Mrs. J. A. Trousdale.

and the axe before the plow and the sickle could be brought into requisition. Unremitting vigilance and hard manual labor were his portion. With trusty weapon ever at hand for protection from sudden attack by his stealthy foe, he had to fell and clear the forest before the virgin soil could be broken and a crop planted and cultivated. There were no drones in the early settler's hive—none was exempt from duty; but all were subjected to the rugged discipline which a common necessity enforced.

Surrounded by scenes like these, the subject of this memoir received his first impressions, growing up to manhood amid the trying experiences of rude pioneer life. It is not, therefore, wonderful that one reared under such influences should have become familiar with privation and inured to hardship; nor that a character molded during contact with such stern realities should have retained subsequently well-defined traces of its earlier environment.

In view of what has already been said, it is hardly necessary to add that, at this period, Sumner County was upon the very outpost of civilization, where schools for the education of the young were exceedingly scarce. Those to be found were indeed primitive in their character and presided over by instructors of slender literary attainments. Isolated as was the country, agriculture was the one pursuit of the citizen, and almost every article of domestic use and consumption was of home production. During the greater part of the year the young as well as the old were employed in farm work, so that the doors of the crude educational institutions were open only during the idle season. At such intervals of release from manual labor William Trousdale's primary studies were pursued under the direction of teachers whose meagre qualifications greatly limited their instructions even in the rudimental branches of scholastic training. However, he profited by such advantages as were afforded him, rapidly developed a taste for learning and exhibited capacity for the highest intellectual culture.

Ere long the fertile soil and salubrious climate of Middle Tennessee attracted immigration, and, with the influx of population, there came improved educational facilities, of which William Trousdale eagerly availed himself. As he was advancing to manhood he became a student of Rev. Gideon Blackburn, an eminent divine and distinguished educator, under whom (and Mr. John Hall afterwards, another gentleman of rare learning and superior capability as a teacher), his education was chiefly acquired. It was while a pupil of Mr. Blackburn, in 1813, that the Creek Indians began hostilities, and it became necessary to call out the military to

suppress them. Laying aside his books, William Trousdale shouldered his rifle and volunteered as a private in Captain William Edwards' company of Mounted Riflemen, of which he was elected the third lieutenant shortly after having reached the Indian country. He was in the battle of Tallashatchee, fought by General Coffee, the first engagement had with the Indians in that war.

Learning that the Indians were collected in large force at Tallashatchee, General Jackson sent a body of nine hundred men, under the command of General Coffee, to attack them. They were found at the place named in strong force and ready for battle. General Coffee attacked them and a bloody conflict ensued which resulted in a complete victory for the whites, although the savages fought desperately and left nearly two hundred of their warriors dead on the field.

Shortly thereafter General Jackson fought his first battle with the Creeks at Talledega and gained a crushing victory over them, more than three hundred of their number having been killed in the engagement. Lieutenant Trousdale, with his company, participated in this fight.

After the battle of Talledega the army was reduced to great distress for lack of provisions, the soldiers being driven to the necessity of subsisting on acorns, and, in consequence, General Jackson was forced to remain inactive in camp from December until the March following. It was in this campaign that Lieutenant Trousdale performed the daring feat of swimming the Tennessee River on horseback at the Muscle Shoals. He had been entrusted with a mission which required him to cross the river. There was no boat at hand, neither could he swim, and he must either recoil from the danger or accept the perilous situation. He chose to perform his duty regardless of the great risk to himself it involved. "Trusting to his faithful charger," as another has described the feat, "and impelled by his daring spirit, with all his baggage he plunged into the stream. At one moment his horse was above water on a rock and the next moment he plunged into swimming water, and for nearly three miles the noble animal struggled on until he carried his rider safely to shore."

His term of enlistment having expired, Lieutenant Trousdale returned home and re-entered school. But he had pursued his studies only a short time when, in 1814, the British army having entered Washington City and burned the Capitol, the country became inflamed and eager to avenge the outrage. A force of the enemy was also gathering on our southern coast and a call was made on Tennessee for volunteers to go and meet them. To this call William Trousdale responded. Again putting aside his books, he, together with many of

his school companions, enrolled his name in the company raised by George Elliott, his neighbor and friend, who was subsequently elected Lieutenant-Colonel of the regiment, Thomas Scurry succeeding him as Captain. William Trousdale served as a private throughout the term of his enlistment, declining staff appointments that were repeatedly offered him, as he preferred to remain with the company in which he had enlisted.

The regiment to which he belonged joined General Jackson early in November, 1814, and, on the 6th day of that month the army moved against Pensacola, Florida, to obtain redress of the Spanish Governor for harboring the British. Having arrived before that town, General Jackson sent in a flag of truce with a demand upon the governor, but it was fired on and forced to leave. On the day following the town was stormed and taken. While the fight was progressing in the streets the advance of our troops was checked at one point by a gun which raked a street, dealing death in its ranks.

In this emergency, William Trousdale, with several other daring spirits, rushed rapidly forward in the face of the enemy's fire, drove the gunners from the deadly piece, captured it, and thus removed the obstacle which had stopped the progress of our men.

Although the town had been captured and was occupied by the Americans, yet the fort still held out defiantly and kept up a fire on our lines. General Jackson determined that it should be taken, and forthwith ordered an assault upon it. A call was made for volunteers to carry out this desperate undertaking. At first there was no response, for even those brave men hesitated to engage in what seemed to be a forlorn hope, and to march into the very jaws of certain death. At this trying moment, William Trousdale broke the silence by proclaiming himself ready for the assault. Then, addressing his hesitating companions, he reminded them that it was General Jackson's order that the fort should be stormed, and that it must be executed; that they had volunteered to fight the enemies of their country and had marched a thousand miles to meet them; that the British had already burnt the capitol of the republic and driven the government from its post, and that their aiders and abettors were that moment firing on them. If, said he, under these circumstances, they should disobey the order of their commander and refuse to storm the fort, he would consider them disgraced. This appeal had the desired effect, and in a few minutes after it had been made the storming party was raised and the assault fixed for the following morning at two o'clock. Every arrange-

ment was made for the attack ere the little band of men who were to undertake it laid down to rest. Said General Trousdale, in speaking of the incident: "I had my scaling ladder prepared and leaned it against a pine tree close to my tent and then laid down to sleep. On the following morning we were on the eve of moving in the execution of the scheme when the fort surrendered."

Shortly after these operations, it was definitely ascertained that the British were concentrating forces for an attack on New Orleans, and thither General Jackson moved his army. The march from Pensacola to New Orleans was toilsome and perilous. Rain fell in torrents almost incessantly during the entire journey, swelling the creeks and rivers and rendering the passage of the streams both difficult and dangerous, as they had to be crossed by swimming on horseback. But the destination of the hardy militia was ultimately reached, and, on the 22d day of December, the brigade of General Coffee, to which Trousdale belonged, encamped a few miles above the city of New Orleans.

By two o'clock on the afternoon of the 23d of December the enemy had occupied a position which left the road to the city open to him. General Jackson resolved to assail him at once, and, the same evening, near sunset, General Coffee's brigade moved through the city to meet the enemy below. By a flank movement he succeeded in reaching the enemy's rear, while General Jackson bore down upon him in front. It was eight o'clock at night, the moon shining brightly, when Coffee's brigade came in collision with the enemy in an open plain eight miles below New Orleans. While the battle was progressing, re-enforcements for the enemy, arriving from below, encountered General Coffee's brigade; and thus, between two lines of the British, it fought from nine o'clock at night until two o'clock in the morning. This action, though not decisive, proved to be a severe blow to the enemy, and greatly favored the ultimate success of the Americans in the operations around New Orleans. It inspired them with confidence while it dispirited the enemy, and taught the British veterans that the raw American recruits confronting them were their match on any ground.

In this engagement, one major, two lieutenants and thirty privates were taken prisoners by the company of which William Trousdale was a member. "In the course of the fight," says a narrator of the event, "a charge was ordered on the enemy who were beyond a fence and had the levee between them and our troops. Rushing forward in the lead of his men, Trousdale mounted the fence and was ready to spring over to the onset when, on looking back, he perceived that his men

had been ordered to retreat and had left him alone to receive the fire of the enemy. He escaped, however, and returned with a volley of balls flying around him."

As daylight approached the American army took position and began the erection of breastworks which they stubbornly held to the end. On the 27th of December the enemy made a fierce attack upon these works and sought to drive their defenders from them with cannon, rockets and musketry. This fight lasted during the better portion of the day, the assailants withdrawing towards evening, having failed in their attempt. Again on the 1st day of January, 1815, an assault was made with cannon and small arms, which lasted nearly all day, but, as before, the enemy was unsuccessful in his efforts to drive the Americans from their works. It was on the 8th of January that the main assault was made, when the entire British force was hurled against our little army of militia. The history of this memorable battle is familiar to all, and need not be repeated here. Suffice it to say that the conflict was in many respects, one of the most remarkable in the history of modern warfare, and resulted in a signal victory for the American arms.

On the eventful day last mentioned William Trousdale was at his post discharging his duty from the firing of the first gun until the retreat of the British to Fort Boyer. In addition to the above battles, in all of which he participated, he was, during the siege, in several night skirmishes. In one of the latter, his daring spirit led him quite within the British line of sentinels and very near the guard fire; but he escaped without capture or injury, although fired on by the whole British line.

In the spring of 1815, after peace had been made, William Trousdale returned to Tennessee and resumed his studies under Mr. John Hall, and finished his course of education in 1816. Soon thereafter he began the study of the law, and was admitted to the bar in 1820. The practice of the law continued to be the regular pursuit of his life. He was a diligent student of the science of jurisprudence, devoted to his profession and delighted in its practice. As it proved lucrative and afforded him most agreeable employment, a sense of duty to his country and his party alone led him at times to exchange its pursuit for services less remunerative and less in harmony with his tastes and preferences.

In 1827 he was married to Miss Mary Ann Bugg, a lady of culture and refinement, to whom he was devotedly attached and with whom his life was happily passed. The fruit of this marriage were seven children, four of whom survived him.

He was chosen Senator to the State Legislature in 1835,

and, in 1836, was elected a major general of militia. In the latter year a call was made by the general government on Tennessee for assistance to quell Indian disturbances in the south, which the regulars and volunteers in the field had failed to suppress. He volunteered his services for the war against the Creek and Seminole Indians, and was chosen captain of the company in which he enlisted. At the organization of the regiment at Fayetteville, Tennessee, he was elected colonel. This was the Second Regiment of Mounted Volunteers from Tennessee. At the head of this regiment he arrived in Florida and had two set battles and several skirmishes with the Indians under Osceola, the celebrated chief, in all of which the enemy was defeated. In these actions he greatly distinguished himself by his fearless intrepidity.

On one occasion, during this campaign in Florida, a charge was made on a hammock swarming with Indian warriors while his men were receiving a galling cross-fire. "Then it was," to adopt the language of another, "that Colonel Trousdale vainly attempted to force his horse through the closely matted vines and shrubbery, and in the midst of a terrific shower of rifle balls leaped from his horse, seized his holsters, and on foot bade his command 'follow him.' They did follow him and, hand to hand, struggled with the foe in the hammock and came out victorious."

Returning home on the expiration of his term of enlistment, he was shortly thereafter tendered, by General Jackson, an appointment as Brigadier-General in the army of the United States, but he chose not to accept it, and in response to the offer said: "I value the compliment, but decline the appointment, as I desire no connection with the army except in times of war."

In 1837 he was nominated by the Democratic party in his district a candidate for Congress. Although supported by a larger vote than his party strength, the Whig majority was not overcome, and he was consequently defeated. In the presidential campaign of 1840 he was the Democratic nominee for elector in his Congressional District. He canvassed the district thoroughly and acquitted himself to the entire satisfaction of his party.

It may be remarked in this connection that the subject of our sketch was several times put forward as the candidate of his party for Congress; but it was like leading a forlorn hope, for his party was greatly in the minority and he was successively defeated, though he ran ahead of his ticket. His repeated acceptance of the position of standard-bearer of his party, even in the face of certain defeat, was but illustrative

of his unselfish disposition and earnest devotion to the principles and policies that inspired his political faith.

In 1847 President Polk commissioned William Trousdale Colonel of Infantry in the United States Army. The war with Mexico was then pending, and General Scott was organizing an army to march on the capital of that country. This appointment was made without the solicitation or knowledge of its recipient; but it was nevertheless promptly accepted, and he repaired forthwith to New Orleans preparatory to starting with his regiment for the scene of hostilities. He reached New Orleans on the 7th of April, where his regiment, the Fourteenth Infantry, was speedily raised, equipped and embarked, and on the 13th of June he landed with it at Vera Cruz. He was assigned to the Third Division of the Army, commanded by Major General Gideon J. Pillow, and set out on the 18th of June for General Scott's headquarters, which were then at Puebla, arriving there on the 8th of July. The army began its march to the City of Mexico on the 10th of August, and on the 13th reached the valley in which the decisive conflicts of the war were soon to be fought. Continuing their forward movement, on the 19th of the same month the American forces encountered the Mexican army, under General Valentia at Contreras. The Americans stood all night under arms and at daybreak on the 20th charged and took the enemy's works and routed him before sunrise. Without halting, they pursued and overtook the retreating Mexicans at Cherubusco, where they were found in force and well prepared for defense. On the same day they were attacked, routed and pursued to within one mile and a half of the gate of the city. Colonel Trousdale, with his regiment, shared in these brilliant actions, capturing in the latter engagement the Irish flag and the deserters from our army who were fighting under it.

After a short truce between the contending armies, hostilities were resumed, and the battle of Molino del Rey followed on the 8th of September. The result was a victory for the Americans. Colonel Trousdale led his regiment in this fight, and was struck on the shoulder by an escopet ball, and his horse was shot under him. His wound was slight, however, and was not reported.

On the 12th of September an attack was made of Chapultepec, the main fortress of the Mexicans. Colonel Trousdale led his regiment to the building called Molino del Rey, under a heavy shower of shell and grapeshot. Here, under the walls of the strong fortification, they lay on their arms until the following morning, when it was to be stormed. On the morning of the 13th, before the attack was begun, General Pillow

placed Colonel Trousdale in command of a brigade of his division and assigned him the position he was to occupy. A fierce and bloody conflict ensued, the Mexicans fighting with stubborn bravery; they were beaten, however, the fortress was taken, and the fugitive remnant of its defenders pursued to the city walls. In performing the part assigned him on this occasion, Colonel Trousdale was twice wounded in the right arm, the second shot shivering the bone above the elbow; still he remained in command of his brigade and led it until the enemy had been routed and the battery taken against which his efforts had been directed. It was not until after the fight was over and his wounds had been dressed that he retired from the field.

In their official reports of the battle of Chapultepec, Generals Scott and Pillow both made especial and complimentary mention of Colonel Trousdale's conduct on that occasion. General Scott says: "To the north, and at the base of the mound, inaccessible on that side, the Eleventh Infantry, under Lieutenant Colonel Hebert, the Fourteenth, under Colonel Trousdale, and Captain Magruder's field battery, First Artillery—one section advanced under Lieutenant Jackson—all of Pillow's division had, at the same time, some spirited affairs against superior numbers, driving the enemy from a battery in the road and capturing a gun. In these the officers and corps named gained merited praise. Colonel Trousdale, the commander, though twice wounded, continued on duty until the heights were carried." And General Pillow says: * * * "Colonel Trousdale's command, consisting of the Eleventh and Fourteenth regiments of infantry and Magruder's field battery, engaged a battery and large force of the enemy in the road immediately on the west of Chapultepec. The advanced section of the battery, under the command of the brave Lieutenant Jackson, was dreadfully cut up and almost disabled. Though the command of Colonel Trousdale sustained a severe loss, and the gallant and intrepid Colonel was badly wounded by two balls which shattered his right arm, still he maintained his position with great firmness, drove the enemy from his battery, and turned his guns upon his retreating forces."

This decisive action virtually ended the Mexican War, and the Mexicans shortly after yielded to the demands of their victorious conquerors. When peace was made, Colonel Trousdale was assigned to the command of the Third Division of the Army on its homeward march. Having discharged this duty, he retired to private life and resumed the practice of his profession.

On the 23d day of August, 1848, President Polk appointed Colonel Trousdale a Brigadier General by Brevet in the army

of the United States, to rank as such from the 13th day of September, 1847, "for," as the commission states, "gallant and meritorious conduct in the battle of Chapultepec." The commission, however, conferred only an honorary distinction, Colonel Trousdale's connection with the army ceased with the restoration of peace in this instance as under prior similar circumstances.

In 1849 General Trousdale received the nomination of the Democratic party for Governor of the State. At this period the great leading political organizations of this republic were the Whig and Democratic parties. In this State these two parties alone confronted each other and struggled for the supremacy. They were pretty evenly divided as to strength, the former having rather the advantage, and for quite a space of time were alternately successful in the State elections. This circumstance, together with the exciting nature of the questions at issue, awakened the liveliest interest in the political campaigns. So it was when General Trousdale became a candidate for governor. He and his competitor, the nominee of the Whig party, jointly canvassed the State from one end to the other. The result of the poll was a Democratic victory, and General Trousdale was chosen to succeed a governor elected by the Whig party. During his administration peace prevailed throughout the country, Tennessee grew in population and wealth, and steadily pushed forward her public improvements. Governor Trousdale was nominated a second time for the same position, in 1851, but was this time defeated by a small majority after a heated campaign.

On the 24th day of May, 1853, Ex-Governor Trousdale was commissioned by President Pierce "Envoy Extraordinary and Minister Plenipotentiary of the United States at the Court of the Emperor of Brazil." He accepted this appointment and set out for his post of duty in July, 1853, arriving in September of the same year at Rio de Janeiro, where he took up his official residence. Besides performing the ordinary duties pertaining to the position which he now held, his energies were persistently bent to the work of inducing the Brazilian government to open the great river Amazon to the commerce of the world. The fears and jealousies of that people made the government slow to yield, and it did not, during his sojourn in the country, adopt this policy which he so strenuously urged. But if his term of office at the court of Dom Pedro was not signalized by the success of this scheme, which he had so much at heart, nevertheless he had the satisfaction of seeing it accomplished some years after his return to the United States. He remained in Brazil throughout the presidency of Mr. Pierce and until his successor, an appointee of President

Buchanan, had arrived in Rio de Janeiro and entered upon the duties of the office. During his residence in Brazil the rights and immunities of citizens of the United States, visiting or sojourning in that country, were uniformly recognized and respected, commerce was extended between the two countries, and the friendly relations of that country and our own uninterruptedly preserved.

The termination of this service ended the active public career of the subject of this sketch. Returning to the United States by way of Europe, he left the country to which he had been accredited on terms of cordial friendship with the emperor and his court, and took up his final abode in the bosom of his family from which fortune had separated him during a great portion of his married life. A rheumatic affection, with which he had long been afflicted, now rendered locomotion too painful to admit of his resuming the active business engagements of life, for which the unimpaired possession of his mental faculties still fully capacitated him and for which his energetic nature and restless temperament most earnestly yearned. This enforced confinement was borne, however, with patient resignation, and its inconveniences and discomforts alleviated by the kind attentions of his neighbors and friends and the devoted care of his affectionate family. Besides the enjoyment realized in social converse, he found entertainment in books and newspapers, and much of his time was occupied in posting himself relative to the current events of the day and reading the works of standard authors. He delighted especially in history, biography and Shakespeare's dramas, and kept informed upon the progress of politics and the affairs of our government, matters which he watched to the last with unflagging interest and undiminished solicitude.

The eventful juncture in the history of this country had now been reached when the prevailing political excitement, generated through a disposition on the part of the non-slaveholding States to abolish slavery in this republic, and a resolve on the part of the slaveholding States to resist, as occasion might require, encroachments on their constitutional rights, was culminating in a conflict of arms between the two sections. It was General Trousdale's fortune to hear President Lincoln's call for volunteers, to witness the martial preparations on both sides of the Ohio River, and to see the Southern States, one after another, assert their sovereignty and withdraw from the Union. Anon Tennessee had cast her destiny with that of her sisters and aligned herself with them to resist invasion. It was announced to him that his services would be acceptable in this emergency; but physical decrepitude utterly forbade his participation, in any capacity, in the

stirring events which were about to occur. His sympathies, however, were in full accord with the people of his State and section, and, so far from attempting to conceal his sentiments, he unhesitatingly avowed them throughout the war which followed, even while his town was garrisoned by Federal soldiers and his residence occupied by Federal officials. His persistent refusal to take the oath of allegiance to the Federal government, in obedience to repeated demands and threats, subjected him to many severe trials and irritating annoyances; but he held out stubbornly to the last, and, although he saw his section overrun and his people subjugated, he yet enjoyed the gratifying reflection that he had been faithful to them in the preservation of opinion unchanged and conscience unviolated.

General Trousdale was now far advanced in years, and the incurable malady with which he had been so long tormented was making steady inroads on his naturally strong constitution. But he lived to see the convulsion of civil strife subside and a reunited country restored to the blessings of peace and prosperity. In March, 1872, he was seized with an attack of pneumonia which his reduced health and impaired physical powers were unable to resist. With intellect clear, a consciousness of duty honestly performed in all of the relations of life and stations which he had occupied, and a willingness that his sufferings should cease in the repose of death, surrounded by his family and sympathizing friends, he expired on the 27th day of said month in the eighty-third year of his age. The event was duly heralded and elicited far and wide eulogies and tributes to the memory of the deceased. The State Legislature, being in session at the time, passed resolutions commemorative of the character and services of General Trousdale, and appointed a committee from its members which in company with the governor and other State officials, attended the funeral obsequies. Action, appropriate to the occasion, was taken by the legal fraternity of Gallatin, where he had begun and ended his professional career, and also by the Mayor and Board of Aldermen of the town, of which he had been a member. On the 28th day of March, in the midst of a large concourse of citizens, his remains were interred in the public cemetery at Gallatin.

Having given the salient features in the life of General Trousdale without indulging in minute particulars, or reciting minor incidents which usually constitute much of the matter of biographies, but of which his career is fruitful, it but remains to complete this undertaking by a brief allusion to the personal character of the subject of this memoir. This course, if not commendable as a biographical precedent, is at least deemed pardonable in this instance to make our sketch con-

formable in its methods, as near as may be, to the well-known character and taste of its subject. For had General Trousdale written his own history, the work would have been characterized by a frank statement of facts and an utter freedom from comment or criticism. It would have been a plain, truthful, unvarnished narrative of his career, without boast of his exploits or commendation of his virtues.

General Trousdale belonged to that class of men whose course of life is pursued on the highest plane of morality, patriotism and virtue. His instincts and tastes, and, indeed, the elements of his nature, all were of that refined order, that sterling type, which manifest themselves in pure deeds and are productive alone of genteel, manly action. A solid judgment and keen sagacity enabled him to perceive the right, while exalted motive and a strong will impelled him to follow it. He was inflexible in the line of duty, from which neither threats nor flattery could drive or allure him.

Planting himself firmly upon principle and acting alone from conscientious convictions, he went steadily forward leaving consequences to take care of themselves. He was no time-serving, policy man, and disdained resort to any unmanly art or device to secure either temporary applause or permanent advantage. Nor was he a man to risk a contest upon considerations of expediency, but to urge it upon principle regardless of results. Though independent in character he was not blindly headstrong; for he respected the opinions of others, while he preferred to follow the well matured conclusions of his own mind. He was anything but tame and submissive, and his honor could not be questioned with impunity. But, though quick and impulsive and, when aroused, ready for decisive action, his temper was nevertheless subservient to his superior will.

It may have been that to some General Trousdale appeared exclusive and unsocial. If so, it was due to his native diffidence, for he was modest to a degree incredible to those not familiar with his disposition. He delighted, as much as any man, in the society of congenial spirits, and the greatest pleasures of his life were experienced in the company of relatives and friends. None who knew him intimately could say that he was either cold or heartless; but would, on the contrary, bear testimony to the fact that he was keenly sensitive to the feelings and wants of his fellowmen. Warmhearted and generous, his charities were numerous and liberal and ungrudgingly bestowed. More than once he sustained heavy pecuniary losses by endorsing for friends; and though he possessed a liberal fortune, his property was all sacrificed and he reduced to straitened circumstances in discharging his surety obliga-

tions and preserving his credit. His demeanor was polite and dignified; but while his deportment invited friendly approach, it repelled vulgar familiarity. He was courteous and affable, and though a man of comparatively few words his frank, sincere manner rendered those who sought his society comfortable and confidential in his presence. Deception and duplicity were so foreign to his nature that he could never assume to practice them. In his presence one felt that he could lay bare his thoughts, assured of free conference, strict secrecy, when required, and honest advice, unmixed with flattery and unburdened with circumlocution.

There is ample warrant for the statement that General Trousdale's life is an illustration of patriotic devotion to his country and its institutions. To assail the one or to encroach upon the other was, in his estimation, an insult and a wrong which every citizen was under personal obligation to resist, and, if need be, avenge. He held the honor of his country sacred, and, appreciating the solemn significance of the injunctive phrase, "Eternal vigilance is the price of liberty," was ever awake to that patriotic admonition. Entertaining these opinions, he was ever prompt to respond when action was required, and the better portion of his manhood was devoted to his country. These services were voluntarily and unselfishly given, without ulterior motive other than the grateful satisfaction experienced in the knowledge of patriotic duties faithfully performed. Possessing no element of the bravado, or boast, his deserts were left entirely to the judgment of others, and he was never disposed to advance his claims to distinction even where merit was due and would have, doubtless, been accorded him had the right been asserted. It may be mentioned, in this connection, that he never applied for pensions for wounds received in Mexico and services rendered in the War of 1812, though entitled to them under existing Acts of Congress. He relied implicitly on the virtue and intelligence of the masses of this country as assuring its defense and the perpetuation of free government. Firm in this reliance, he regarded a standing army, in time of peace, and educated soldiery, unnecessary, believing that there was an inherent strength in the fervent patriotism and manly individuality of the citizens of this republic equal to any emergency that might arise and that it would be evoked as occasion might require. His pride in the grandeur and greatness of this country, in the exceptional blessings vouchsafed by its unequalled institutions, and his faith in its growth and development and the continued glorious fruitage of individual excellence under the unrivalled opportunities and incentives to human elevation

here offered existed in a degree of intensity nothing short of passion, and he valued American citizenship no less highly than Italian allegiance was prized by the patriot of old who proclaimed that, "To be a Roman is greater than to be a king!"

It has been stated already that in politics General Trousdale was a Democrat. To this political faith he steadily adhered throughout his life. His upright character as well as the history of his political career furnish abundant proof that his unwavering devotion to and advocacy of the principles of Democracy sprang from strong convictions and a conscientious belief that their application in the conduct of government would conduce most to the welfare of this country. Had his course been the outgrowth of selfish motives and a longing for promotion it would, doubtless, have led him into other political ranks, or, at least, have been less consistent than it was. For he fought the battles of the Democracy against great odds, and suffered repeated defeats at the hands of the party controlling those offices which were most calculated to tempt the ambition of an aspiring man.

He was once offered, by his political opponents, an exalted place in the councils of the government, but declined the high testimonial to his worth and deserts on the ground that his party affiliations did not warrant the bestowal of the position on him, and that its acceptance would imply a compromise of his political faith and infidelity to his party allegiance.

It has been remarked heretofore in these pages that General Trousdale's profession was that of a lawyer. His practice at the bar, followed in the intervals of public services and political engagements, proved pecuniarily profitable and added to his reputation as a man of sterling qualities and unquestioned ability. And notwithstanding the interruptions experienced in his professional career, he gave unmistakable promise of acquiring enviable reputation in this broad field of occupation had his time and energies been devoted to its undisturbed pursuit. He entered with zeal and ardor into the causes entrusted to him and devoted to their management diligent study and patient research. His habits of thought and the bent of his character and tastes prompted him to rely for success upon the broad principles of justice and equity rather than upon the narrow technicalities so often presenting advantages in legal procedure.

It has been noticed that in the party contests, waged in his time, General Trousdale frequently bore the standard of Democracy. A sense of duty made him ever ready to accept the call of his party, and it mattered not whether success or defeat awaited him, his services, when asked, were always cheerfully rendered.

As a speaker, upon the hustings as well as in the forum, he was earnest, forcible and impressive. He regarded less the pleasing influence of studied oratory than the convincing effect of pure logic. The solid, practical nature of the man was so far predominant as to shape his methods and model his discourse. And while, perhaps, his may not have been the style best befitting a convivial banquet or a holiday occasion, it was that which secures the closest attention and awakens the most serious consideration when questions of moment are engaging the thoughts of men. Indulgence in amusing and often not over-chaste anecdote, a fashion prevalent among stump orators of his day, was a practice he shared in a very slight degree. His speeches on the stump were free from frivolity and smut, and could have been delivered with equal propriety before a select audience of refined and elegant hearers, or a promiscuous gathering of bitter, excited partisans. With him the discussion of principles and measures involving the fate of this republic and the well-being of its citizens was a matter of too serious and vital concern to suggest anything frivolous or jocular. To hear him speak and witness his dignified, earnest manner was to receive an indelible impression of his clear judgment, strong convictions and honest purpose, and to entertain no doubt that he would advocate his conceptions of the right with fearless determination, and stand by his utterances at whatever cost.

He was not a man to make or to seek opportunities for display. He waited until brought rather than to step voluntarily before the public. His occasion was when an object of public concern was sought to be attained. Then his feelings were thoroughly aroused and his powers exhibited in their full strength. Under this impulse, if he was plain, straightforward and artless in his efforts, he was, nevertheless, cogent and perspicuous, full of pith and point, and possessed of great magnetism. While free from all appearance of careful preparation as to method and manner, his speeches were samples, in matter, of deep research, sagacious forethought and tender, sympathetic feeling; and, in the fervor of argument and warmth of debate, abounded in instances of a steady, natural rise, step by step, to the highest climax of true eloquence. In debate he was uniformly courteous and fair, and would brook from an adversary nothing short of the same respectful treatment accorded by himself. He retained in a remarkable degree the good opinion of those entertaining views averse to his own, and as time elapsed and events decided the merits of issues, he grew in the esteem of those who had opposed him.

In the private no less than the public walks of life the same noble traits marked General Trousdale's daily conduct.

To know was to respect and esteem him and excite wonder at his singular freedom from the common frailties of mankind. The more he was seen the more were his exalted qualities appreciated and admired. If a narrow thought or sentiment entered his mind or heart, it was overshadowed by the lofty nobility of his mental and emotional nature. He was strictly moral in speech and demeanor, just and fair in all of his dealings, and purely unselfish, forbearing, kind, sympathetic, and forgiving in his disposition. He was exemplary in his personal habits and in deportment so rigidly correct as to silence slander and leave no ground for suspicion. He was singularly temperate and unaddicted to any of the petty vices prevalent among men. He was a faithful friend, kind neighbor and model husband, father and master. His pecuniary troubles, the greatest, it may be justly said, that he ever suffered, were the result of assistance extended to accommodate friends. No husband was ever, perhaps, regarded with more affectionate devotion by his wife, nor more dearly loved and revered by his children than was General Trousdale by his. His was a happy household, for in its care he was kind, indulgent, provident and thoughtful, and in its government he wielded only the scepter of love; his gentle authority ever receiving ready homage from the affectionate allegiance of all its members. As an evidence of his kind and considerate treatment of the domestics in his family service and that it was gratefully appreciated, it may be mentioned that his body servant, a colored man, born his slave, attended him through the dark hours of the late Civil War and until the day of his death.

In personal appearance General Trousdale was handsome and would have attracted attention in any assemblage of men as well by his striking features as by his manly address. He was six feet tall, erect, spare made, muscular and well formed. A thick growth of black, wavy hair covered a head of faultless shape. His eyes were gray and deep-seated, and his nose was straight and thin. His mouth, chin and jaws were symmetrically formed, adding much in their expressive shape to the idea of strong character which the facial features all clearly indicated. His face in repose wore an expression of deep earnestness tinged with sadness, but relieved of severity by an air of quiet, satisfied composure. He was entirely free from affectation in either look, speech or act. His bearing was civil, polite and courtly, but more stern than patronizing. In person and attire he was remarkably neat, and his daily dress was such as to render him presentable in polite society at any moment. This habit was followed with invariable constancy everywhere and at all times; and among his fellow-soldiers in the army camp it was a subject of general surprise and com-

ment that successful attention could be paid to dress where the surroundings were so unfavorable to neatness and style, and where the observance of this accustomed practice on his part was apparently so unnecessary.

Here this history closes. It proposed to present a truthful picture of the prominent events in the career of its subject, and to give, without disguise, suppression or exaggeration, the qualities of his mind and heart and the traits of his character. This it has done and nothing more and the undertaking is finished. Posterity, if interested in his memory, will examine the record of General Trousdale's life and decide as to his merits. It is safe to assert, however, that, wherever his life shall be reviewed with purpose to discover the truth and pronounce unbiased judgment, it will be found that, in this case, his "acts proclaim the man."

In studying the lives of men of distinction one may, and often does, admire their brilliant exploits and great achievements, just as he would a wonderful work of studied art, and yet, in respect to character and individual purpose, reject as unworthy the author of the beautiful handiwork. Not so with General Trousdale; for undeniable facts abundantly show that his purpose, efforts and achievements were so clearly the outgrowth of a deep, honest, truthful nature that we unhesitatingly esteem them as true exponents of the very soul of the man, and involuntarily regard them as typical monuments to his sterling character.

DOCUMENTS.

I.

Papers of Major John P. Heiss of Nashville.

INTRODUCTION.

John P. Heiss, from whose papers the following letters have been selected for publication, was a native of Pennsylvania. Having begun life as a ship's carpenter, he was for a time a purser's steward in the navy. He was for a while employed as a clerk in Bristol, Bucks County, and received from his employer a testimonial as to his skill in accounting and his general business ability. On September 15, 1835, he was married by the rector of Trinity Church, Philadelphia, to Anna Molineaux.

In 1840 he was a resident of Nashville, Tennessee, where he had charge of the financial department of the printing establishment of the Nashville *Union*, then conducted by J. George Harris. In this year he applied, unsuccessfully, it appears, for appointment to a pursership in the Navy. He received flattering letters of recommendation from Harris, General Robert Armstrong, James P. Grundy, Andrew J. Donelson, and J. M. Smith, of Nashville, and from James K. Polk.¹ It appears, therefore, that his connection with the *Union* had established him in the respect and confidence of the group of Democratic leaders in Nashville. This was further indicated in 1842, when Heiss, about to travel in the East, was given a personal letter of introduction by Polk to Cave Johnson. In this year Heiss was a major in the Tennessee militia.

The Nashville *Union* passed into the control of Heiss and Thomas Hogan. The latter was also a native of Pennsylvania, who had edited in Philadelphia a journal, the *National Laborer*, under the direction and patronage of the Workingmen's National Society for the Diffusion of Useful Knowledge. He had later edited the *Times* of Murfreesboro, Tennessee, and had been admitted to the Tennessee bar. Hogan died in May, 1844, at the age of 32, and the *Union* passed under the sole control of Heiss.² Arrangements looking to this end had been under consideration for some time, in view of the failing health of Hogan.³

The management and the editorship of the Nashville *Union*,

¹The foregoing statements and some that follow are based on documents or newspaper clippings in the Heiss papers, many of which are not of sufficient general importance to be printed.

²Nashville *Union*, May 14, 1844.

³See letter No. 3 below and note 10.

always a matter of interest and importance to the Tennessee Democrats, now excited the special solicitude of Polk and his friends, as the campaign for Polk's nomination for the vice-presidency and for the redemption of Tennessee was demanding the most vigorous efforts. Samuel H. Laughlin, who had formerly edited the *Union*, was brought back to the editorial chair.⁴ The success of the campaign, resulting in the accession of Polk to the Presidency of the United States, led quite naturally to the reward of the faithful.⁵ Laughlin, shortly after Polk's inauguration, was made Recorder of the General Land Office. The editorship of the *Union* passed to A. O. P. Nicholson, one of the most prominent Democrats in Tennessee. June 3, the name of James G. Shepard succeeded that of Heiss as publisher.

The cause of this change was the removal of Major Heiss to Washington City, where he assumed the business management of the Washington *Union*, the newly established "organ" of the Polk administration. The editor and joint proprietor of the *Union* was the venerable Thomas Ritchie, so long identified with the Richmond *Enquirer*.

Surmises were rife in Washington as the explanation of the sale of the former Democratic organ, the *Globe*, by its owners, F. P. Blair and John C. Rives, to Ritchie and Heiss; and later the circumstances of the transfer became a matter of bitter dispute. In 1848 Heiss retired from the partnership. Some of the letters printed below show that the machinery of the business did not run smoothly.⁶

Heiss appears to have remained in Washington for some time and to have planned a trip to California. We next meet him, however, in 1851, as editor of the *Delta* of New Orleans. In 1851-2 Heiss engaged in a bitter controversy with John C. Rives, with unpleasant personalities on both sides. He seems to have been connected with the *Delta* until 1855.⁷ Doubtless it was his residence in New Orleans which led to the next interesting phase of his career—his intimate relations with the noted flibuster, William Walker, in 1856-1857. The papers of Major Heiss which bear on this part of his life were printed, with introduction and notes by Prof. W. O. Scroggs, of the State University of Louisiana in the *MAGAZINE* for December, 1915. Summarizing the facts there set forth we may note that Heiss was employed by Marcy, the Secretary of State under Pierce, to carry dispatches to Nicaragua. At the

⁴Compare *Polk-Johnson Letters* in the *MAGAZINE* for September, 1915, under date of January 21, 1844.

⁵A note in the *Madisonian*, the Tyler organ in Washington, spoke of the Nashville *Union* as "now one of the largest and handsomest journals in the United States, as well as the ablest." *Madisonian*, January 11, 1845.

⁶A number of documents in the next instalment have to do with this matter.

⁷A number of letters, dealing with the business of the *Delta*, have been omitted.

same time he indulged in a small business undertaking for the sale of some corn mills. In June Heiss was left by Father Vigil, William Walker's Minister to the United States, as charge d'affaires to look out for the interests of Nicaragua on the occasion of Father Vigil's rather undignified retreat from his post. In September Heiss was named by Walker special commissioner to Great Britain and the United States to adjust the dispute over the Mosquito Territory, and was authorized to ratify on behalf of Nicaragua a treaty made between Nicaragua and the United States in 1855. At this time Heiss was described as "a duly naturalized" citizen of Nicaragua. As the Walker government was not recognized, this authorization was an empty honor.⁸ Heiss appears to have continued in close touch with Walker until the autumn of 1857: after that there are no more letters. In 1857 Heiss had returned to Washington and established a newspaper known as the *States*. But Heiss retained his interest in Nicaragua. This is shown by the letters which he received from that country, and from the fact that in 1860 he was again appointed as bearer of dispatches to the United States legation, this time receiving his commission from William Henry Trescot, acting Secretary of State at the time. In 1861, Heiss was back in Nicaragua. Apparently his chief concern was the cultivation of cotton in Central America. From 1863 on, he served as agent of the British bondholders who had claims against Nicaragua. Concerning the affairs of these creditors there is a considerable body of papers, the publication of which must be reserved for another occasion.

The date of the death of Major Heiss has not yet been ascertained by the editor. His son, Henry Heiss, served in the Confederate army, and after the war became one of the editors of the *Republican Banner* of Nashville. He continued in this post until 1872, when he became managing editor of the *St. Louis Times*. In 1874 he returned to Nashville and was managing editor of the *Union and American* for about a year, until that paper was consolidated with the *Republican Banner*. He then accepted the managing editorship of the *American*. He married Miss Mary Lusk, of Nashville. It is to a nephew of this lady, Mr. Robert Lusk, of Nashville, that the MAGAZINE is indebted for the use of the Heiss papers.

⁸The instructions given by Walker to Heiss for the British-United States mission, in Walker's own hand—a document placed in the hands of the editor only recently—will be found printed separately as *Walker-Heiss Papers*, II, below.

PAPERS OF JOHN P. HEISS.

1. JAMES K. POLK, COLUMBIA, (TENN.) TO MAJ. JNO. P. HEISS, NASHVILLE. May 5, 1842.

I received your letter of yesterday this evening and herewith enclose a letter to my friend *Johnson*⁹, who will I know take pleasure in introducing you to others and making your visit to Washington agreeable. I supposed this would be better than special letters to half a dozen individuals. If however, you desire letters to any persons *especially*, if you will suggest *their names*, I will forward them to you.

2. W. G. HARDING, BRIG. GENL. 16TH BRG. T. M.,¹⁰ BELLE MEADE. TO MAJ. HEISS. October 8, 1842.

You are hereby notified to attend the Brig.de Court Marshall for the 16th Brigade T. M. at the Court House in Nashville on the last Saturday the 29th Inst. to show cause, if any, why you have not organized the Batln. of the 88th Regmt. according to the requisitions of the law now in force in the State of Tenn.

3. JAMES K. POLK, COLUMBIA, TO MAJ. JOHN P. HEISS, NASHVILLE. December 21, 1843.

CONFIDENTIAL.

I have received your letter¹¹ of yesterday. I am very anxious for the reasons assigned to Mr. Hogan and yourself—that the Union should be made a more vigorous and efficient paper, than I fear Mr. Hogan's present state of health will enable him to make it. If Mr. H. desires to sell his interest and you should become the purchaser,—you ask my opinion whether the Democratic party would assist you personally as they proposed a few days ago to assist the firm jointly. I have good reason to believe that they would. I have no reason to believe that they would not. As a member of the party I can say—that the change if made—by the mutual assent of Mr. Hogan and yourself will be entirely satisfactory to me, and especially as you propose—to leave to your Democratic friends, the selection of the Editor, if they will contribute the amount named a few days ago, and that you will pay him a fair salary. I would much prefer this arrangement,—to see *Mr. H.* sell his interest to a third person whose future course in conducting the establishment might be uncertain and indeed such as to injure the cause. The Editor who is to be preferred above all others, for the coming contest, is our friend *Laughlin*.¹² He has talents and experience, is perfectly familiar with the politics of the State and the Union, and is extensively known as a *sound democrat*. In his hands I doubt not the patronage of the paper would be greatly increased, and the cause advanced. What we want is a sound and able Democratic paper—as a reliable organ of

⁹Cave Johnson, Representative from Tennessee, later Postmaster-General under Polk.

¹⁰Tennessee Militia.

¹¹In the *Polk Papers*, now in the Division of Manuscripts in the Library of Congress, are several letters of Heiss to James K. Polk, beginning December 19, 1843. This letter of Polk's and others that follow are answers to these, or communications addressed by Polk to Heiss. Several of the letters of Heiss are of considerable extent and value. In the letter of December 19, for example, Heiss claimed credit for the organization in Nashville of the Democratic Association based on similar organizations in the Eastern cities. (For a description of one of the meetings of this association, see the *Diary* of S. H. Laughlin in the *MAGAZINE* for March, 1916, under date of October 28, 1843.)

¹²For a sketch of Laughlin see *Diaries* of S. H. Laughlin of Tennessee, in the *MAGAZINE* for March, 1916.

the party in the State. He would make it so, whilst some others into whose hands it might pass, might not. It is a matter of importance,—that whatever arrangement is made should be speedily made. The public need know nothing of what is contemplated, until it is consummated, and announced by the parties. In whatever is done I must urge first that *Laughlin's* services be secured during the canvass of the next year.

After closing this letter, I will envelope it to *Genl. Armstrong*,¹³—that it may go directly into your hands,—and not run the risk of falling into the general packages for your office and run the risk of being opened by your clerk. I will mention to *Armstrong* its general purport, of course *confidentially*, and desire that you will have an early interview with him. Any arrangement agreed upon between you and Him with *Hogan's* assent will be agreeable to me as a member of the party.

You see our paper here has taken ground for *V—Buren*. I mentioned to *Hogan* and yourself the propriety of the Union's doing the same things: to which I understand you both to assent¹⁴ Since my return home, I am the more confirmed in the views then expressed. *A. V. Brown* writes under date of the 9th Inst. "The relative strength is estimated as follows—*Calhoun* 24 or 25, *Buchanan*, 11 or 12, *Johnson*, 3 or 4, *Cass* none, *not one* I believe unless the Michigan men be counted for him: All the rest for *Van-Buren*." *Cave Johnson* writes under date of the 11th, "All the fragments of our party seem likely to unite upon *Van-Buren*, make his nomination *unanimous*, and each party seek the succession by distinguished services in his behalf."

You can if you choose show this letter to Mr. *Hogan*, who is my friend, and I would do, or advise nothing that would be prejudiced to his interests. I sincerely regret his feeble state of health. Show it to no one else unless it be to *Hogan* and *Armstrong*, and that in the same confidence, that it is written to you.

P. S. I have said to *Armstrong* that you would show him this letter.

4. JAMES K. POLK, COLUMBIA (TENN.), TO HOGAN AND HEISS, NASHVILLE.
Jany. 21, 1844.

PRIVATE.

I neglected when I was at Nashville to suggest to you the propriety of placing *Mr. Van Buren's* name at the head of your column in the paper, as well as mine. It is now certain that *Mr. Van Buren* will be the candidate,—and some of my friends out of the State do not understand why it is, that my name is at the head of the column of the Union and *Mr. Van-Buren's* is not. Some of my opponents—or rather some of those who urge the nomination of another for the Vice-Presidency,—are attempting to use the fact that *Van-Buren's* name has not been hoisted in your paper to my prejudice. If you see no objection—I hope you will run-up his name—subject of course to the decision of the National Convention.

5. JAMES K. POLK, LAWRENCEBURG. TO HOGAN AND HEISS, NASHVILLE.
Febry. 18, 1844.

PRIVATE.

Some of the friends of Hon. A. V. Brown are disposed to complain that his two speeches on the *Jackson fine*, and the *abolition questions*, have not been republished in the Union. I myself thought they had

¹³Robert Armstrong, of Nashville.

¹⁴*Van Buren's* name was not placed at the head of the *Union* until February 8, 1845. For Polk's view of the policy of supporting *Van Buren* see *Polk-Johnson Letters*, under date of January 21, March 18, May 4, 1844.

been published, though I may be mistaken. If they have not been, I hope you will give them an insertion in your paper as early as practicable.¹⁵ *Brown* is a prominent member of our party—and may feel wounded (And I have an intimation that he probably does so) at the failure to republish what he says in congress, in the Tennessee Democratic papers, and especially in the Union. If you have omitted it in this instance, I have no doubt it has been accidental.

I am here attending court but expect to visit Nashville in about a week from this time.

P. S. There being a Whig Post Master here and my hand writing being known as well as my face, I will send this under cover to Genl. Armstrong.

6. JAMES K. POLK, COLUMBIA, TO JOHN P. HEISS, NASHVILLE.

Febry. 22, 1844.

PRIVATE.

On my return home from Lawrence Court on yesterday I received your letter of the 14th Instant. I will write a pressing letter to *Laughlin* tonight, urging him to take charge of the Editorial Department of the Union at the earliest practicable day. He wrote me two weeks ago, that he would certainly do so on the 1st of March. The specimen No. of the "Star Spangled Banner" should [be] an able paper, and his first attention should be given to the preparation of matter for it. I am sorry to learn that our good friend Hogan's health continues so bad.

I wrote you from Lawrenceburg suggesting the propriety of your publishing A. V. *Brown's* speeches on *abolition* and the *Jackson fine* in the Union. *Brown* himself has some feeling because it has not been done sooner. Insert them with suitable editorials, calling attention to them. I will be at Nashville next week.

7. [A. O. P.] NICHOLSON (COLUMBIA, TENN.) TO MAJ. J. P. HEISS, NASHVILLE.

May 8, 1844.

I thank you for your favor. I have not had the head, heart or hand to answer it, not that I was surprised at Mr. V. B.'s course, but his letter¹⁶ produced such a prostrating and cooling effect upon our friends here that it did appear very much like we had disbanded. Indeed it has given many a pretext for doing that which they have had in their minds to do—to declare against V. B., and a considerable portion of them will never be reconciled to him. On the evening that his letter got here the democratic association met and Barkly Martin addressed them—he curried down V. B. smartly but when he came to speak of Cass as he did most eloquently, every democrat was himself and a more enthusiastic crowd I never saw—they made all sorts of loud manifestations of approbation and joy.—Well, just as the Democratic countenances had begun to contract, down came upon us the Virginia election, and down went our under jaws again. And here we are with our breeches down. But may it not all be for the best—How can Mr. V. B. be now nominated? Surely, surely, surely it will not be done.—But what ought the Union to do. I'll tell you. Just say in emphatic terms.—Let others do as they may, we go for the annexation warmly and constantly—and then as to men wait patiently until the nomination—in the meantime keep striking for Texas and our other principles; holding yourself ready to take the proper course when the nomination is made. I have not time to

¹⁵Aaron V. Brown's speech in the House of Representatives on the exclusion of abolition petitions had already been published in the *Union*, February 6, 1845.

¹⁶Van Buren's letter to Hammett, dated April 20, and published in the *Globe*, had just reached Nashville and had been republished in the *Nashville Union*, May 7, 1845.

write any more. My head aches, my heart aches, and I am in the middle of a great law suit.

8. JAMES K. POLK, COLUMBIA, (TENN.) TO J. P. HEISS NASHVILLE, TENNESSEE. July 31, 1844.

PRIVATE.

R. P. Flenniken, Esq. of Union Town, Pennsylvania, requests me to forward to him some Democratic paper published in this State during the pendency of the present contest. Will you send him the "*Tri-Weekly Union* and the *Star Spangled Banner*."—Mr. *Flenniken* is a distinguished lawyer of Union Town and is the President of the Democratic Association of Fayette County. He gives me a most flattering account of the Democratic prospects in that part of Pennsylvania.

I hope the arrangement can be made to have the aid of my friend *Harris's* talents in the Union. The Union should be made in Tennessee what *Medary's* Statesman is in Ohio, and what the Union itself was in 1839.—It is looked to from all parts of the Union and must be a *great paper* during this canvass. It would do well enough as it is in *ordinary times*, but we are now in a *storm*,—and it wants more spirit and fire. Let *Harris* and *Laughlin* both labor for it. *Harris* is willing at a word. I have written to *Laughlin* and feel sure he will consent and take no offence.—Much depends on the next 90 days, and there is not a paper in the Union whose location makes it so important as the *Union* during that period.—*Harris* is willing. Let him lay hold immediately. There is not a day to be lost. All *Laughlin* can desire is the good of the common cause, and he cannot and must not take offense at having *Harris's* aid, in the great work. If the present enthusiasm and confidence of our party can be kept up for the next 90 days all will be well in the State,—and in the Union. I have written to *Armstrong* on the subject. Consult him. This letter is for your own eye alone.

In haste.

9. JAMES K. POLK, COLUMBIA TO MAJ. J. P. HEISS, NASHVILLE. Aug. 21, 1844.

(CONFIDENTIAL.)

Your letter of the 29th ulto. is at hand. I had anticipated your views in my letter to you of yesterday, which I sent under cover to *Genl. Armstrong*, lest it might fall into the hands of some one else in your office.

I had also written to *Laughlin*, and received his answer on yesterday. He says he is desirous to have *Mr. Harris's* aid. I think he prefers to remain, but will be entirely willing that *Harris* should lay hold with him, and make the Union such a paper as the crisis demands.—*Harris* is ready at a moment's notice. Let it therefore be done. The two can and will make the Union the *great paper* of the country for the next 90 days and this is what it ought to be. Both *Laughlin* and *Harris* can be well employed their whole time in making it a powerful organ. Let it be done.—You cannot imagine the importance I attach to it. It is indeed indispensable, that fire and spirit and power [?] should be thrown into it. The Nashville Whig press must be boldly and promptly met at every point and driven back by exposing their falsehoods and misrepresentations. Can you not in the [e]mergency and for the next 90 days spare more space in the Union for political matter. This is important if you can possible do it, as I hope you can.

10. JAMES K. POLK, COLUMBIA, TO MAJ. J. P. HEISS, NASHVILLE.
Sept. 13, 1844.

(PRIVATE.)

I send you today under cover to *Genl. Armstrong*, a *Nashville Union* of the 11th Instant,—containing with the additional matter attached by wafers the material for the pamphlet which I wish published. The "*Vindication*" as published in the *Union* of that date, with the additional matter attached—by wafers—will constitute the pamphlet.¹⁷ Let there be a title page,—if there is room—upon which the title must be printed. I wish you to print \$10,000 (*sic*) copies in net style. I wish you to advise me on what day they will be out and ready for distribution.—I hope they can be ready by monday or tuesday. The Title or heading of the pamphlet must be the same as that printed in the *Union*.—I wish it properly done and must therefore ask your personal attention to its publication. Not being a printer I do not know that you will understand where I wish the additional matter to come in, from the manner in which I have attached it by wafers. Lest you may not, I state that I wish the *statement of letter of John Wallace* to be inserted immediately after the statement of Jacob Lawrence. I wish the *extracts* from *Mr. Senator Haywood's* report, to come in at the close of the whole, and immediately after the address of the North Carolina Committee. There are two *extracts* from *Mr. Haywood's* report. I wish the more lengthy *extract* pasted or wafered on the left hand side of the page—to come in first; and the other *extract* to come in after the * * * and to conclude the pamphlet. I hope I have made my[self] understood. I have noted several typographical errors,—in the paper as published in the *Union* of the 11th,—which you will please have corrected in the pamphlet impression. If you get this letter in time to answer by Saturday's mail, let me know when the pamphlet copies will be ready.

11. JAMES K. POLK, COLUMBIA, TO GEN. R. ARMSTRONG, NASHVILLE.
Sept. 16, 1844.

PRIVATE.

A letter received today from *Williamson* of Somerville, renders it probable that Staunton may still come up in a few days. If he

¹⁷The pamphlet to which Polk refers so interestedly in this and the following letters had its origin in the bitter personalities of the political campaign. James K. Polk was a native of North Carolina and in no state was the party strife more violent. To damage Polk in the canvass the story was circulated in North Carolina that his father, Samuel Polk, had been a Tory in the time of the American Revolution. It was soon demonstrated that Samuel Polk was only four years old when the Revolution broke out. The charge was then carried one generation farther back and it was alleged that Ezekiel Polk, the grandfather of the candidate for the Presidency had been a Tory. In disproof of this latter charge reference was made to the activity of Ezekiel Polk and Thomas, his brother, as evidenced by documents connected with the alleged Mecklenburg Declaration of Independence of May 20, 1775. Various commissions also were reproduced giving official positions held by Ezekiel Polk. A third charge was that in 1780 Ezekiel Polk "took the protection" of the British commander against the Tories. This was answered by citing the example of others, especially Hayne, of South Carolina, who did the same thing, while the consistent loyalty of Polk was proved by many witnesses. It is interesting to note the statement that the charge was first made in 1840 by a Whig paper published at Jonesboro, Tenn. This must have been none other than the newspaper of William G. Brownlow, who had an especially keen scent for any kind of scandal.

The materials for the defense of Ezekiel Polk's character were presented in a report by W. H. Haywood, of North Carolina, and embodied in a communication prepared by the Democratic Correspondence Committee of North Carolina. This was republished in the *Nashville Union* of September 11 with the title, *Vindication of the Revolutionary Character and Services of the Late Col. Ezekiel Polk of Mecklenburg, North Carolina*. It is this with his additions thereto that Polk wishes published in pamphlet form. A copy of the pamphlet is in the *Polk Papers* in the Library of Congress.

does, *Nicholson* will immediately take his place. I promise to send you the names of the Democratic speakers, to whom the letter is to be sent by the Committee. I can only a part of them tonight. In counties where there are two or more speakers, one letter addressed to them jointly will answer. The list is herewith enclosed.

Major Heiss writes me that the Pamphlet Edition of the "Vindication of E. Polk etc."—will be out this week, a part of them on Wednesday evening. I wish you to send 100 of the first that are struck to *Edwin Polk, Esq.* Bolivar, through the mail. Send them in such a way that he will only have newspaper postage to pay.

Send one copy of the first that are out to each Democratic member of Congress. When all are out, send 25 copies to each Democratic member of Congress.

Send 10 copies to each Democratic elector in the Union,—as far as their names can be ascertained from the newspapers.

Send one copy to each Democratic newspaper in the Union.

Request *Mr. Southall* to send one copy to each one of the list of persons in this State which he has.

Send one copy to each Democratic speaker in this State.

Send to any others in any part of the Union whom you may think of.

Reserve 1000 copies for me and 1000 copies for *Edwin Polk, Esq.* of Bolivar.

Send them to *Edwin* and myself by the first safe opportunity—so as to avoid Postage if it can be done.

I wish 100 of the first that are struck sent to me. Send them out to *Mr. Loughtry* on Thursday, if you can get them.

12. JAMES K. POLK, COLUMBIA, TO MAJ. J. P. HEISS, NASHVILLE.

September 16, 1844.

PRIVATE.

Yours of the 14th came to hand today. You say you will have one or two thousand of the Pamphlet out by Wednesday night, and the balance during the week, and desire to know how you are to dispose of the first copies which you get out. Send one copy to every Democratic newspaper in the Union. I suppose you have the name and title of a large number of them on your exchange list. Send 100 copies address through the Post office to *Edwin Polk, Esq.*, Bolivar Tennessee. You can put them up in bundles of 25 or 50, and mark on the envelope the number of printed sheets which each bundle contains.—Put up 200 copies for me and give them to *Genl. Armstrong* to be sent out. Furnish to *Mr. Southall* two or three hundred or a sufficient put up in single copies, to send one to each of the list of names which he has in this State. Have a single copy sent also to each Democratic member of Congress. *Genl. Armstrong* has a *directory* containing their names and Post office. Put up all the balance in bundles of 25 each and deliver them to *Genl. Armstrong* and I will inform him how I wish them distributed.

Send me one of the first copies which you strike off.

I suggest that you put into the next *Star Spangled Banner*, the additional matter, viz *Wallace's* statement and the extracts from the North Carolina Vindication, which will appear in the Pamphlet, and which did not appear in the last *Star Spangled Banner*.

My news from New York and New Jersey is very fine.

13. JAMES K. POLK, COLUMBIA, TO MAJ. J. P. HEISS, NASHVILLE.

Sept. 20, 1844.

PRIVATE.

Your letter of the 18th is at hand. I wish you to reserve for my

own use 1000 copies of the "Vindication." I have written to Genl. Armstrong, particularly how I wish the balance distributed. I directed to send 1000 copies to Edwin Polk of Bolivar, and pointed out to whom the balance were to be sent. He has my letter I wish of course one or more copies sent to each Democratic Elector throughout the Union as far as their names can be had.

Will you put up 600 of the 1000 which I wish to reserve for myself,—in *single copies*—as you printers do your newspapers, so that I may direct them to individuals. Deliver all reserved for me to Armstrong as soon as they are ready, and he will send them out.

14. JAMES K. POLK, COLUMBIA, TO MAJ. J. P. HEISS, NASHVILLE.
September 25, 1844.

PRIVATE.

I wish you to send out the balance of the 1000 copies of the "Vindication of E. Polk etc"—which I directed to be forwarded here, as soon as possible. Have the balance of the 10,000 ordered to be printed been distributed over the Union as I requested[?] I wrote to Genl. Armstrong particularly how I wished them distributed. They ought to be off immediately.—Be pleased to inform me if they have gone.

15. JAMES K. POLK, COLUMBIA, TO MAJ. J. P. HEISS, NASHVILLE.
PRIVATE.

Sept. 30, 1844.

I have received a letter from a leading Democratic friend in Louisiana, requesting me to ask you to send the Nashville Union—in exchange to the "*Bayou Sara Ledger*," published at Bayou Sara Louisiana. I will thank you to do so.

Have you send the 1,000 copies of the "Vindication" to Edwin Polk, Esq. at Bolivar as requested. If you have not, send them through the mail. Put them up in packages of convenient size, or request Genl. Armstrong to do so, in such manner they will be charged with Newspaper or Pamphlet Postage only.—Have all the balance been distributed? Send me the balance of my 1,000.

My news from Georgia is very good, as good as that from the North. In haste.

16. ROBERT TYLER,¹⁸ EXECUTIVE MANSION, WASHINGTON CITY, TO
MAJ. J. P. HEISS.
October 6.

Your very kind letter addressed to the President has been received, and in the absence of the President from the seat of Govt. (he is not at fortress Calhoun, Va.) I take pleasure in replying to it.

Without much arrogance, I think I can claim that Thomas Jefferson would not be, if he were living, very much ashamed of his disciple the present President of th U. S.

Is there any other Republican in the country who has accomplished a greater work in the service of the Jeffersonian principles, that act of General Jackson' excepted which prostrated the National Bank.

You can only appreciate what he has done by imagining the condition of the country if it had not been for his accession to the presidency and his firm and honest course.

We should have had a national bank, a Distribution of the proceeds of the public Funds, a permanent system of a high protective tariff, the country filled with Federalists in office from one end of it to the other, and other Federal abuses of a heinous character.

¹⁸Robert Tyler was the son of President John Tyler. The year is not given. It was probably 1842.

Besides we should have had *No Treaty* with England, but in all probability a war; for this treaty is one of the results of the President's position *without a party* in Congress. If it had been made a *party* suestion, we should have had a war beyond doubt.

As to the Expunging Resolutions, you know my father resigned his seat in Congress rather than disobey the instructions of the people of his State, which in the absence of any personal ill will towards Genl. Jackson, but on the contrary with an admiration of his character, proves that he viewed the question as a constitutional one, and gives evidence of the honesty of his motives & purpose. Men will differ in their judgements, and with my father's views of that question, as purely a question of constitutional consideration, he would have been recreant to his own honour, to have voted for them. Thinking it wrong, he would not have done so for the sake of the dearest friend he had in the world.

With respect to the Sub-Treasury as presented in its first crude form, no man pretends to say that the *people* did not decide against the measure. The Exchequer plan is but an improvement on the Sub-Treasury. Does the Sub Treasury, my dear Sir, alone exhibit and concentrate democratic principles? Can only *one* democratic form of a fiscal agent be suggested.

The Exchequer plan proposed by the President is Mr. Jefferson's *own* scheme, only I think a little safer and if anything a more democratic plan. Mr. Jefferson proposed that his issue of treasury notes should be bottomed on a *specific tax*, whereas the President proposes an actual sub-stratum dollar for dollar, of gold and silver coin.

Besides, my dear Sir, any party who goes before the people in that *old issue*, will assuredly be again put down.

The President is anti-bank—anti a high protection Tariff—anti distribution—anti-abolition—anti-Federalism in all and any forms and a strict constructionist of the Constitution. What more is needed to make a pure Republican?

(To be continued.)

II.

Walker-Heiss Papers, Additional.

[In the *Walker-Heiss Papers*, published in the MAGAZINE for December, 1915, were included (pp. 338 ff.) documents bearing on the appointment of John P. Heiss as special commissioner from the Republic of Nicaragua to the governments of Great Britain and the United States. The document printed below, which has been only recently placed in the possession of the Editor, is the letter of instruction given to Heiss on this occasion. By it Walker's intentions are more clearly revealed.—Ed.]

WM. WALKER TO MR. JOHN P. HEISS, SPECIAL COMMISSIONER TO GREAT BRITAIN AND THE UNITED STATES.

GOVERNMENT HOUSE, GRANADA, Sep. 30th, 1856.

SIR: In the special mission with which you are charged you will be governed by the following instructions:

1st. You will proceed as early as possible to Washington City where you will present a copy of your credentials to the Secretary of State of the United States. If the information you receive there is of such a nature as to induce you to suppose that negotiations are

pending in London between the United States and Great Britain concerning the question of the Mosquitos and of San Juan de Nicaragua, you will proceed as soon as possible to England. When arrived there you will, at the time you deem expedient, present a copy of your credentials to H. B. M.'s Principal Secretary of State for Foreign Affairs.

2nd. If acknowledged and received both by the Secretary of State of the United States and by the Principal Secretary of State for Foreign Affairs of Her Britannic Majesty, you will request to become a party to any negotiations which may be pending or any settlement which may be made touching the possession of the Mosquito shore and the Port of San Juan de Nicaragua.

3rd. In any settlement which may be proposed you will insist that the Mosquitos are to be treated like any other tribe of savages in countries settled by Europeans. You will suggest that the Right Honorable Earl of Clarendon by his late dispatch distinctly admits that Great Britain claims no protectorate over the territory inhabited by the Mosquitos, but confines her protection simply to the persons of those Indians. You will explicitly state that Nicaragua never has interfered and does not intend to interfere with the persons of the Mosquitos; but that she has been always ready and willing and is now ready and willing to extend to them the same personal rights and personal protection which she affords to her own citizens. You will suggest the utter incapability of the Mosquitos for any social or political organization as an evidence of their savage character; for although Great Britain asserts that her protectorate over this tribe has lasted for two centuries, still they have not made any advance towards civilization.

4th. As a consequence you will insist that the sovereignty of the Mosquito shore from the mouth of the Colorado River to the mouth of the Rio Wanks resides in Nicaragua. The headwaters of the Rio Bluefields and of the Rio Wanks are occupied by Nicaraguans; and the Prefects, Judges, and alcaldes of Nicaragua have always exercised jurisdiction over the towns on the head-waters of these rivers. As the French held possession of the Valley of the Mississippi in virtue of discovering its mouth and navigating it from its head-waters and those of its tributaries to its mouth, so Spain,—under whom Nicaragua claims—obtained the vallies of the Bluefields and of the Wanks, as well as of the San Juan, by navigating them from their sources to the sea.

5th. The Port of San Juan de Nicaragua is as its name indicates a Spanish settlement and was in the possession of Nicaragua until the beginning of the year 1848. Nor is it now really in the possession of the Mosquitos. It is inhabited by citizens of the United States and of Nicaragua together with a few subjects of Great Britain and of France. These persons reside at San Juan in a sort of independent state under the quasi-protection of the British authorities. To restore the Port of San Juan to Nicaragua takes, therefore, no territory from the Mosquitos.

6th. You will insist on the absolute and unconditional re-delivery of the Port of San Juan to Nicaragua. Without this port our sovereignty over the Isthmus is incomplete and we may, at any time, be shut out from the Atlantic. Under no conditions will you agree to cede the sovereignty of Nicaragua over San Juan del Norte, though if you find a settlement can be made on no other conditions you may agree that it be made a free port.

7th. Should Great Britain propose to make San Juan a free port, it can only be on account of the trade with Costa Rica. In this connection you may say that present war between Nicaragua and

Costa Rica can only end by an intimate alliance or a perfect Confederation between the two States. In either case, the trade of Costa Rica through San Juan will be made free. Or you may propose an article in the agreement giving imports and exports to and from Costa Rica free passage through the Port of San Juan de Nicaragua. You will consent to make it a free port only in case this be a *sine qua non* of any settlement.

8th. In fixing the territory assigned for the occupancy of the Mosquitos, you will endeavor to make limits as narrow as possible. So you may agree to pay the chief of the Mosquitos an annuity not exceeding \$10,000, always, however, making the sum as small as possible. You will also provide for the extinction of the Indian title of occupancy at any future time.

9th. You can propose to the two Powers to enter into an agreement guaranteeing the neutrality in all future wars of the transit from one ocean to another, and securing it from all interruption whatever either by the contracting parties or by other belligerents. This will give a new importance to the treaty between England and the United States concerning the isthmus; for the consent of Nicaragua to such an agreement gives the two great commercial Powers a perfect right to secure the trade across the Isthmus under any and all circumstances.

10th. You will, however, be careful not to pledge the future action of Nicaragua either towards the neighboring States of Central America or towards the United States.

11th. You will endeavor to impress both the Powers with the importance to them of recent changes in the political condition of this Republic. You will endeavor to convince them of the immense commercial advantages both Powers may derive from these changes. Just one hundred years ago England was engaged in a war which concluded French rule in North America. The Spanish language may be destined to the same fate as the French.

12th. Finally, you will endeavor to make the two Governments understand that the present movement in Central America is for the advantage of all those who speak the English language and who derive their laws from the institutes of Alfred.

WM. WALKER.

HISTORICAL NOTES AND NEWS.

A REVIEW OF THE PROCEEDINGS OF THE TENNESSEE HISTORICAL SOCIETY, MARCH TO MAY, 1916.

The most important event for the development of historical interest during these past three months was the meeting in Nashville of the Mississippi Valley Historical Association. A full account of this meeting is to be found elsewhere.

On March 14 Major J. G. Cisco delivered an address before the society on William Blount. This paper gave a very interesting outline of the life of this early Tennessean and especially dwelt upon his expulsion from the United States Senate. The speaker brought out quite strongly the feelings of the western people and particularly those of Tennessee in support of Blount's policy of dealing with the Indians and Spain.

At the April meeting the regular program was dispensed with, and the time was taken up in discussing plans for the Mississippi Valley Historical Association.

On May 8 the annual business meeting was held, at which time reports were made by the Treasurer and the President on the condition of the society. The present list of officers were re-elected for the ensuing year. A paper was also presented. Mr. W. B. Myer, of Carthage, sent an article on *Prehistoric Man in Tennessee*, which was read by Mr. DeWitt.

The question of reduction of all dues to \$2.00 a year was discussed and left to the executive committee to decide upon. The society has had to give up the vault in the Vanderbilt Law Building due to the remodeling of the building for the Commercial Club, and some provision has to be made for the possessions of the Society. The pictures were returned to Watkins Hall for the present. Practically all of the documents not stored in a vault of a down-town bank will be taken for temporary deposit in fireproof quarters in College Hall, Vanderbilt University, until some permanent place can be secured.

The early records of Washington County which had been deposited with the Society were returned under an agreement made in 1887.

The new members for the past three months are:

Mr. John Howe Peyton, Nashville.

Hon. H. K. Bryson, Secretary of Agriculture of Tennessee.

Mr. John McElrath Meloan, of Department of Agriculture.

Mrs. John W. Holt, Wartrace.

Miss Cora Halbeck, Nashville.

Mr. Clarence B. Moore, Philadelphia, was made an honorary member.

The Society has received lately the following books and pamphlets:

Historical Sketches of the Campbell, Pilcher and Kindred Families, by Margaret Campbell Pilcher.

A series of pamphlets by Mr. C. M. Burton, of Detroit, Mich., relating to the early history of Detroit.

The Aboriginal Sites on the Tennessee River, Clarence B. Moore.

A History of Education in Iowa.

The Illinois Historical Collections.

The Jackson Highway, by R. H. Gray.

A Report to the Supreme Court of the United States, State of Georgia vs. Tenn. Copper Co. at Ducktown, by Dr. J. T. McGill.

The History of Memphis, by Hon. J. P. Young.

IRBY ROLAND HUDSON,
Recording Secretary.

MEETING OF THE MISSISSIPPI VALLEY HISTORICAL ASSOCIATION.

As announced in the last number of the MAGAZINE, the ninth annual meeting of the Mississippi Valley Historical Association was held at Nashville, Tennessee, on Thursday, Friday and Saturday, April 27, 28, 29. The Association was invited to Nashville by the Tennessee Historical Society, Vanderbilt University, and the George Peabody College for Teachers.

The sessions began Thursday morning at the Hotel Hermitage. After the morning session, which was devoted largely to papers upon Ohio, Kentucky, Tennessee, and the Southwest, there was held in the loggia of the hotel a joint subscription luncheon of the Ohio Valley and the Mississippi Valley Historical Associations, together with some citizens of Nashville and neighboring cities. A feature of this luncheon was a series of interesting reports upon the centennial celebrations planned by those states of the Mississippi Valley which are approaching their hundredth year of statehood. Added to these was an address by Chancellor John Allison of Nashville upon Andrew Jackson in connection with the plans of the Andrew Jackson Memorial Association.

After a short interval another regular session was held, lasting into the late afternoon. At night in the hall of the Watkins Institute, adjoining the rooms of the Tennessee Historical Society, the Association met in joint session with the Tennessee Historical Society and listened to the presidential address of Dr. Dunbar Rowland of Jackson, Mississippi, President of the Mississippi Valley Historical Association, in which he described the place of the Mississippi Valley in American history. Dr. Rowland's discourse was followed by an informal but very clear statement by Solon J. Buck, of the Minnesota Historical Society, of "The Functions of a State Historical Society;" and by a highly interesting address on "The Beginnings of Nashville" by Professor Archibald Henderson of the University of North Carolina. This was followed by a reception in the loggia of the Hermitage.

The session of Friday morning was held in Furman Hall of Vanderbilt University. After the reading of papers, the business of the Association was taken up and the election of officers for the succeeding year. At one o'clock the members and guests were entertained at luncheon by the George Peabody College for Teachers and Vanderbilt University in the Social and Religious Building of the George Peabody College for Teachers. Afterwards in the auditorium of the same building a conference on various phases of the teaching of history was held under the auspices of the History Teachers' Section of the Mississippi Valley Historical Association and the Tennessee History Teachers' Association. The last session for the reading of papers was held in University Chapel of Vanderbilt University on Friday evening. The speakers were Captain A. L. Conger of the Military Service Schools of Fort Leavenworth, Kansas, on "The Function of Military History"; Dr. Philip Van Ness Myers, of Cincinnati,

Ohio, on "The Ethics of Peace and the Ethics of War"; and Dr. G. B. Winton, of Vanderbilt University, on "The Present Situation in Mexico."

On Saturday a party of more than thirty made the trip by automobile to the Hermitage, the residence of Andrew Jackson, and were there greeted by Miss Louise G. Lindsley, Mrs. P. H. Manlove, Mrs. M. C. Dorris, and other ladies representing the Ladies' Hermitage Association.

On Saturday afternoon the final entertainment, not included in the printed program, was the reception given by the Centennial Club of Nashville in honor of Mr. E. R. Harlan, of Iowa, to which the members of the Mississippi Valley Historical Association were invited.

The only disappointments which attached to the sessions were found in the absence of some of those who had expected to read papers and particularly in the illness of the genial and efficient Secretary of the Association, Mr. Clarence S. Paine, of Lincoln, Nebraska, to whom the members of the Association, by rising vote at the business meeting, extended their cordial sympathy.

The local Committee of Arrangements, consisting of Messrs. John H. DeWitt, A. P. Foster, W. F. Russell, Irby R. Hudson, D. L. McMurry, and St. George L. Sioussat, seizes this opportunity to express its appreciation of the kindness of those who co-operated in making the sessions pleasant for the visitors. Especial thanks are due to the Auxiliary Committee of Ladies, including Mrs. B. D. Bell, Mrs. A. S. Caldwell, Mrs. James E. Caldwell, Mrs. John H. DeWitt, Mrs. Mary C. Dorris, Mrs. Foster Hume, Mrs. Robert F. Jackson, Mrs. James H. Kirkland, Mrs. E. A. Lindsey, Miss Louise G. Lindsley, Mrs. Bruce R. Payne, Mrs. St. George L. Sioussat, and Mrs. B. F. Wilson, to the ladies of the Hermitage Association and the ladies of the Centennial Club. Grateful acknowledgment should be made also to the Baird-Ward Printing Company for printing at cost the program of the meeting.

A REQUEST FROM MR. W. E. MYER.

Mr. W. E. Myer, of Carthage, Tenn., in conjunction with Prof. Warren K. Moorehead of the Peabody Museum, Andover, Mass., has undertaken the task of writing a book on "Primitive Man in Tennessee." This work will be of great scientific interest and has long been needed by our State.

It is now believed by many scientists that man of the same geological age as the Cave Man of Europe existed at one time in Tennessee. Mr. Myer has been requested thoroughly to explore the caves of this State.

The Tennessee Historical Society urges the public-spirited citizens of the State to aid in this work. Explore the caves in your vicinity and write Mr. Myer whether you find anything or not. If any human or animal bones are found, do not disturb them. Write Mr. Myer and he will visit the cave and study them just as found. Only in this way can their history be accurately worked out. Write and tell him even when no remains are found.

Also please send him a list of the Indian mounds and Indian graves in your section. State which have been explored and which have not. Tell who explored them and what was found and where the objects now are.

Tennessee is one of the most interesting states in the Union from a scientific view, yet little has been done to bring her rich past to

the knowledge of the world. This can only be done by our people reporting what is in their section, so that scientists may visit and study it. They have had long experience in such work.

Mr. Myer will gratefully acknowledge your aid in the forthcoming book. Address W. E. Myer, Carthage, Tenn.

SCROGGS'S "FILIBUSTERS AND FINANCIERS."

The story of William Walker, one of the most remarkable men who have claimed Nashville as their birthplace, has always had a deep interest for Tennesseans. The most complete and scholarly account of Walker's career is to be found in the volume lately published by the Macmillan Company, entitled *Filibusters and Financiers*, by Professor William O. Scroggs of the State University of Louisiana, who has been introduced to readers of the MAGAZINE through his introduction and notes to the *Reminiscences of Elleanor (Callaghan) Ratterman* and the *Walker-Heiss Papers*, published in the MAGAZINE for December, 1915.

Besides giving with a wealth of detail heretofore unavilable the account of Walker's own activities, Professor Scroggs's excellent book sets Walker's career in the proper relation, first, to the work of other filibusters, and, secondly, to the financial interests which were profoundly interested in such efforts. As to the first, the list includes Alex Bell, who in 1851 led a futile expedition against Ecuador, De Pindray, de Sigondis, and Raousset-Boulbon, Frenchmen who from California headed filibuster expeditions against Sonora in Mexico before Walker's raid on Lower California; Henry Crabb, another native of Nashville, who after extending some aid to Walker in his Nicaraguan plans himself undertook, in 1856-1857 to "regenerate" Sonora and met a tragic death; and Henry L. Kinney, of Pennsylvania and Texas, a daring speculator who obtained land rights in the Mosquito territory and for a while was a possible rival of Walker. Of still greater significance is the demonstration that, to no small degree, the filibustering expeditions and the revolutions in the Central American states were, if not promoted, at least utilized by the rival transportation interests concerned with trade with these states, and, especially, with the transit from the Atlantic to the Pacific, now rendered so vitally important by the settlement of California under the American flag. Thus besides Walker and his associates in Nicaragua, and besides the governments of the Central American republics and those of Great Britain and the United States, Cornelius Vanderbilt, Cornelius K. Garrison, Charles Morgan and George Law play roles perhaps less dramatic but no less important.

With regard to the political phases of Walker's work, Professor Scroggs points out that the violent pro-slavery attitude which marks Walker's book, "The War in Nicaragua," published in 1860 was a development and not an original conviction of the filibuster. As one of the editors of the New Orleans *Crescent*, in 1848-1849, Walker's position was a conservative one; his paper ridiculed the filibustering expeditions against Cuba. Slavery expansion, in Professor Scroggs' estimation, was not the motive of the Lower California raid of 1854. In this year, after the failure of the raid, Walker, in the San Francisco *Commercial Advertiser*, severely criticised the support by the Southern extremists of the Kansas-Nebraska bill. Apparently the necessities of his course in Nicaragua led Walker to his later radical pro-Southern views.

Concluding with a severe criticism of Walker's defects as a leader, Professor Scroggs thus sums up the final results. "As it was, his

enterprise, by reason of his failure, was productive of evil consequences to all concerned. It was injurious to private capital in the United States; it caused enormous destruction of life and property in Nicaragua; it created a suspicion in Central America against the American people which still persists; it had an untoward effect upon the relations of Great Britain and the United States; and lastly, and apparently most important of all, it destroyed interoceanic communication by way of the San Juan River and thus delayed indefinitely that 'regeneration' of Nicaragua which he always declared to be his heart's desire."

ILLINOIS HISTORICAL "COLLECTIONS."

The eleventh volume of the *Illinois Historical Collections*—numbered the second of the "British Series"—is entitled "The New Regime" and covers the years 1765-1767. Like its predecessor, this volume appears under the joint editorship of Professors C. W. Alvord and C. E. Carter. The materials included, which illustrate the development of British control, the Indian problem, plans for new settlements, and trade and commerce, are rich in importance for the whole Mississippi Valley, and particularly for the Ohio Valley. The series as it progresses becomes more and more interesting to the students of the history of Kentucky and Tennessee.

TENNESSEE

HISTORICAL MAGAZINE

PLATE I

Vol. 2

RICHARD H.

THE COUNTRY

In the early days of the settlement of the western part of Tennessee, the country was being explored by men who were looking for land to settle on. One of these men was Richard H. Rogers, who was born in 1760. He was a pioneer settler and a prominent figure in the early history of the state. He was one of the first to settle in the western part of Tennessee, and he was one of the first to explore the country beyond the mountains. He was a man of great energy and determination, and he was a man who was not afraid of困难. He was a man who was always looking for new opportunities, and he was a man who was always willing to take risks. He was a man who was always looking for the best way to do things, and he was a man who was always willing to try new things. He was a man who was always looking for the best way to live, and he was a man who was always willing to try new things. He was a man who was always looking for the best way to do things, and he was a man who was always willing to try new things. He was a man who was always looking for the best way to live, and he was a man who was always willing to try new things.

Although the country was still very wild and unsettled, Rogers was one of the first to settle there. He was one of the first to explore the country beyond the mountains, and he was one of the first to settle there. He was a man of great energy and determination, and he was a man who was not afraid of困难. He was a man who was always looking for new opportunities, and he was a man who was always willing to take risks. He was a man who was always looking for the best way to do things, and he was a man who was always willing to try new things. He was a man who was always looking for the best way to live, and he was a man who was always willing to try new things.

An address was given by Rogers at the Nashville Thursday, April 27, before the Tennessee Valley Historical Association with the Tennessee Historical Society.

J. R. Johnson, "Early Explorations of Kentucky," Filson Club Publications, No. 12, 1908.

PLATE I.

1 Church Bible	}	1 Vol
1 Common Prayer book		1 Vol
Blackstones Commentaries		4 Vol
Smalletts letters		2 Vol
Johnstons Dictionary	two sets	4 Vol.
Virginia Laws		1 Vol.
Vollairs works		35 Vol
		40 Volumes

Sir, The above mentioned books with some others
which I cant now recollect I left at Boons
borough, and am informed they have since
fallen into your hands. Therefore desire
that you will deliver them to Col^d Daniel
Boone, and if any of them should be scattered
to other places, I shall be much obliged, if
you would assist in collecting them
am fir your W^m serv^t

To
Cap^t John Holder
at

Rich^d Henderson
15th March 1784
Kentucky— Or to any other Person
who has my Books in possession

155

TENNESSEE

HISTORICAL MAGAZINE

Vol. 2.

SEPTEMBER, 1916.

No. 3.

RICHARD HENDERSON: THE AUTHORSHIP OF THE CUMBERLAND COMPACT AND THE FOUNDING OF NASHVILLE.*

I.

In the middle years of the eighteenth century the first constructive movement in the Southern Appalachian region, looking toward extensive colonization beyond the mountains, was initiated by great land companies having their headquarters in North Carolina and Virginia. In 1750 that same Dr. Thomas Walker who had won repute as an explorer upon a former journey when he gave the name of Cumberland to mountain, gap and river, was despatched upon a tour of exploration to the westward in behalf of the Loyal Land Company of Virginia; and in 1751, Christopher Gist, whose name is associated in our memory with that of George Washington, was summoned from his remote home on the Yadkin, near the dwelling place of Daniel Boone, to spy out the western lands beyond the mountains in the interest of the Ohio Land Company.¹

Although no historian adverts to the subject, there can be little doubt that Daniel Boone was given the initial spur to his distant wanderings through the stories of the fertile lands upon the western waters brought back by his neighbor, Christopher Gist, who lived above him upon the Yadkin. As early as 1760, and no doubt much earlier, Daniel Boone, gun in hand, was scouring the wilderness of Tennessee, and penetrating as far to the westward as the Long Island of the Holston River. At Salisbury, the county seat of Rowan, he became known to the young attorney, Richard Henderson, who often prac-

*An address delivered in Watkins Hall, Nashville, Thursday, April 27, before the Joint Meeting of the Mississippi Valley Historical Association with the Tennessee Historical Society.

¹J. S. Johnston, "Early Explorations of Kentucky," *Filson Club Publications*, No. 13, 1898.

ticed in the court where Daniel Boone's father, Squire Boone, presided as one of the "worshipful justices." To Henderson, richly endowed with imaginative vision, Daniel Boone, the scout and hunter, narrated bizarre and romantic tales of the rich lands, fertile pastures and boundless hunting grounds beyond the towering, olive mountains. The King's Proclamation of 1763, which was indubitably made to allay for the time being the alarm of the Indians along the border, was by no means designed to set permanent western limits to the colonies. This proclamation gave Henderson the first practical suggestion to utilize the knowledge and the genius of Boone in exploration in behalf of capital and enterprise. Realizing that the western lands must eventually be thrown open to colonization, Richard Henderson, soon after the issuance of the Royal Proclamation, organized a land company for the primary purpose of engaging an expert scout and surveyor to spy out the western lands and with the ultimate object in view of effecting a purchase from the Indians. The original company which consisted of three partners, Richard Henderson, Thomas Hart, and John Williams, was given the name of "Richard Henderson and Company." Boone was engaged for the undertaking, not only because of his natural genius as an explorer, but also on account of his innate taciturnity and his faculty of keeping his own counsel. Henderson was wise enough to give Boone discretionary powers in regard to prosecuting his inquiries; and in one noteworthy instance, the circumspect Boone deemed it the part of wisdom to communicate the purposes of his mission to some hunters, to enable him to secure the results of their information in regard to the best lands they had encountered in the course of their hunting expeditions. In the autumn of 1764, during the journey of the Blevins party of hunters to their hunting ground on the Rock Castle River, near the Crab Orchard in Kentucky, Daniel Boone came among the hunters, at one of their Tennessee station camps, in order, as expressed in the quaint phraseology of the day, "to be informed of the geography and locography of these woods, saying that he was employed to explore them by Richard Henderson and Company."² It was upon this journey that Samuel Callaway, his kinsman, accompanied Daniel Boone, who, as Ramsey says, "though he

²John Haywood's *Civil and Political History of Tennessee*, edn. 1823, p. 35. Judge Haywood was intimate from boyhood with the Henderson family, and was the schoolmate of Archibald Henderson, son of Richard, at Springer College in Granville County, the seat of the Henderson family. Judge Haywood's successor to the post of reading clerk to the North Carolina House of Commons, in 1789, was his friend, Major Pleasant Henderson, Richard's brother, and

had previously hunted on the western waters, came again this year (1764) to explore the country, being employed for the purpose by Henderson and Company."³

Among the hunters who kept penetrating ever further to the westward, during each succeeding year beginning with 1760, was a trained woodsman and expert scout, Henry Scaggs, whom Boone encountered upon more than one occasion in his western wanderings. It was doubtless upon the recommendation of Boone, who recognized his great skill as hunter and scout, that Henry Scaggs was engaged as prospector by the land company known as Richard Henderson and Company. As early as 1763, Scaggs (sometimes incorrectly spelled Suggs or Scraggins) had already passed through Cumberland gap, and hunted for the season on the Cumberland; and in 1765, as the agent of Richard Henderson and Company, he made an extended exploration of the lower Cumberland, fixing his station at what was afterwards known as Mansker's Lick, from its supposed discovery by Gaspar Mansker in 1771.⁴ Aware of the inadequacy of his knowledge of the western country derived from the fragmentary reports brought back by Boone and Scaggs, Judge Henderson for a time took no step toward western colonization; but when the news of the Treaty of Fort Stanwix reached North Carolina in December, 1768, he realized that the western lands, though ostensibly thrown open for settlement under the aegis of Virginia on pretext of the purchase of the shadowy claim of the Six Nations to the Kentucky region, could only be legally obtained by extinguishing the Cherokee title. The arrival of John Findlay, the Pennsylvania trader, in the valley of the Yadkin late in 1768 was singularly opportune; for Boone himself had never penetrated further westward than the northeastern fringe of Kentucky, whereas Findlay had reached Kentucky as early as 1752, and knew the route thereto through Ouasioto Gap and along the course of the Great Warriors' Path. Seizing the golden opportunity thus presented, Judge Henderson secured the services of Boone and five others, including Findlay as guide, to make an exhaustive survey and examination of the Trans-Alleghany

pioneer with Boone at Boonesborough and with Robertson at the French Lick. On his removal to Tennessee, Judge Haywood formed the acquaintance of many of the pioneers, from whom he received innumerable accounts of their personal experiences—notably James Robertson, John Sevier, and Timothé de Monbreun.

³Ramsey's *Annals of Tennessee*, Phila., 1853, p. 69.

⁴Haywood's *Civil and Political History of Tennessee*, ed. 1823, p. 35; Ramsay's *Annals of Tennessee*, Phila., 1853, pp. 69-70; Albright's *Early History of Middle Tennessee*, Nashville, 1909, pp. 23, 29-30.

region of Kentucky and Tennessee on behalf of the land company. Following a two years' sojourn in this region, in which he ranged far and wide through Kentucky and as far down as the valleys of the Green and Cumberland rivers, hunting in joyous company with Gaspar Mansker and the Long Hunters, Boone returned to North Carolina with graphic accounts of his explorations and of the nature of the country.

II.

If Daniel Boone was the first great instrument in furthering the speculative designs of the land company, James Robertson was assuredly the second, though no whit less important than Boone. In 1772 the Watauga settlers secured from the Cherokee Indians, for a valuable consideration, a ten years' lease of the lands upon which they were settled; and Boone, who had established friendly relations with Robertson in 1771, communicated to Henderson the details of the leases and purchases from the Cherokees of the rich valley lands made by Robertson, Brown and Sevier. After consultation with the Indians, Robertson informed Boone, Henderson's confidential agent, that he believed, if the inducement were large enough, the Indians were ready to sell. Following the disastrous failure of his own unauthorized and individual effort in 1773 to effect western colonization without even attempting to secure by purchase the Indian title, Boone in 1774 advised Henderson and his associates to attempt the purchase immediately, since the Cherokee, as reported by Robertson, were at last disposed to sell their claim to the Kentucky area.⁵ Acting upon legal advice solicited and received from the highest judicial authorities in England—an obscure subject of great importance into which I cannot enter at this time—Judge Henderson, accompanied by Colonel Nathaniel Hart, personally visited the Cherokee chieftains in their principal village and secured from them their consent to sell their title. Reorganizing the land company, originally known as Henderson and Company, first into the Louisa and then into the Transylvania Company, Judge Henderson, with the aid of Boone and Robertson, and some of his own associates, carried through the Great Treaty at Sycamore Shoals on March 14-17, 1775, purchased for 10,000 pounds sterling the Cherokee title to the Kentucky and Tennessee areas, and commissioned Daniel

⁵*The Harbinger*, Chapel Hill, 1834, in which Major Pleasant Henderson, Judge Richard Henderson's brother, and Daniel Boone's friend and fellow-pioneer, relates that in 1774 Richard Henderson followed Daniel Boone's advice in attempting the purchase of the Kentucky area from the Cherokee.

Boone and his axemen to cut out the passage to the heart of Kentucky, famous in history as the Wilderness Trail.

III.

Not the least erroneous statement in Mr. Roosevelt's *Winning of the West* is his singular assertion—which his own book in part denies—that after the confiscation of the Transylvania purchase by the Virginia legislature in 1778, Judge Richard Henderson “drifts out of history.” Surely there is excuse for such a statement in view of the strange, yet not wholly inexplicable, fact that the Tennessee historians, Haywood and Ramsey, upon whom Mr. Roosevelt so strongly relied, completely ignore the very man who was the directing and controlling spirit in the exploration, colonization and government of the wilderness empire of the Cumberland. Writing Tennessee history from the local point of view, magnifying the dangers and the hardships of the hunter and the borderer almost exclusively, these historians committed the grave error of neglecting to place themselves at the source and of failing to study the colonization of Tennessee in the light of economic control. Having recently described the true role of Daniel Boone as the agent of commercial enterprise,⁶ I purpose now to narrate, in the light of a wealth of documentary material in my possession and inaccessible to Mr. Roosevelt and the Tennessee historians, the true story of the Transylvania Company in its relation to Tennessee and of the guiding and constructive role of its president in the founding of the great and flourishing city in which I now stand.

IV.

Following the stern fight for the rights of the Transylvania Company which Henderson and Burke made in the Virginia Legislature at Williamsburg in the late autumn of 1776—a hopeless battle in which they were worsted through the all-powerful influence of two great men, Patrick Henry and George Rogers Clark—Judge Henderson appeared before the Commissioners of the States of North Carolina and Virginia at the Treaty of the Long Island of the Holston on July 18, 1777, and presented an elaborate memorial in behalf

⁶Cf. the following papers by me, dealing in some detail with this phase of the subject: “The Beginnings of American Expansion,” *North Carolina Review*, September and October, 1910; “Richard Henderson: his Life and Times,” *Charlotte Observer* (thirteen installments), March 9-June 1, 1913; “The Creative Forces in Westward Expansion,” *American Historical Review*, October, 1914; “Richard Henderson and the Occupation of Kentucky, 1775,” *Mississippi Valley Historical Review*, December, 1914.

of the alleged rights of the Transylvania Company.⁷ Lacking the authority from their respective governments to inquire into the validity of private purchases from the Cherokee and fearing to jeopardize the delicate business for which they were assembled, the Commissioners unanimously voted to ignore the memorial of the Transylvania Company. In November of the next year, the Virginia House of Delegates declared the Transylvania purchase void; but in consideration of the very great expense incurred by Richard Henderson and Company in purchasing the said lands, "by which the Commonwealth is likely to receive great advantage, by increasing its inhabitants and establishing a barrier against the Indians," the General Assembly granted to Richard Henderson and Company two hundred thousand acres of land situated between the Ohio and Green Rivers, where the town of Henderson, Kentucky, now stands.⁸

With this bursting of the Transylvania bubble and the vanishing of the golden dreams of Henderson and his associates for establishing the fourteenth American Colony in the heart of the Trans-Alleghany region, all might well have seemed lost. But is Richard Henderson disheartened by this failure of his imperialistic dreams? Does he, as Mr. Roosevelt crassly affirms, "drift out of history?" No; the purest and greatest achievement of his meteoric career still lies before him. The genius of the colonizer and the ambition of the speculator, in striking conjunction, inspire him to attempt to repeat on North Carolina soil, along solidly practical lines, the revolutionary experiment which the extension of the sovereignty of the Old Dominion over the Kentucky area had doomed to inevitable failure. It was no longer his purpose, however, to attempt to found an independent colony, separate from North Carolina and hostile to the American government, as in the case of Transylvania, which had been hostile to the royal government and founded in defiance thereof. Millions of acres within the chartered limits of North Carolina had been purchased by him and his associates from the Cherokee on March 17, 1775. One of the courses of the Great Grant, as it was called, read: "down the sd. (Cumberland) River, including all its waters to the Ohio River;"⁹ and James Robertson in his deposition before the Virginia Commissioners, April 16, 1777, describing the Sycamore Shoals Treaty, categorically stated: "The Indians then agreed to sell the land as far as

⁷Haywood's *Civil and Political History of Tennessee*, edn. 1823, Appendix, pp. 500-3.

⁸*Journal, Virginia House of Delegates*, November 4 and 17, 1778. Cf. also Hening's *Statutes at Large*, X, 571.

⁹Draper Mss., 2CC42.

Cumberland River and said Henderson insisted to have Cumberland River and the waters of Cumberland River, which the Indians agreed to."¹⁰ To establish the fact that this vast territory lay within the bounds of North Carolina and not of Virginia was the first and most vital consideration of the Transylvania Company; for while Virginia had declared the title of the Transylvania Company void, North Carolina, under American rule, had shown no disposition to nullify the claims of Henderson and his associates. In order to establish the fact that the great Cumberland region lay within the chartered limits of North Carolina, it was necessary to prolong the dividing line between North Carolina and Virginia, which had never been extended further to the westward than Steep Rock Creek. Henderson's unpublished correspondence reveals his conviction that the Cumberland region lay within the chartered limits of North Carolina; but James Robertson was under the impression that the Cumberland region, including the French Lick, would, when the dividing lines should be run, fall within the bounds of Virginia.¹¹

Judge Henderson's comprehensive design of the promotion of an extensive colonization of the Cumberland region now moves rapidly toward completion. It is simply a case of history repeating itself. Just as Henderson, in his Boonesborough project, had chosen Daniel Boone, the ablest of the North Carolina pioneers, and his companions, to spy out the land and select sites for permanent future settlement, so now he chooses as the leader of the new colonizing party the ablest pioneer of the Watauga settlement, James Robertson. Large inducements to assemble and lead this party were indubitably offered by the Transylvania Company to James Robertson. Nothing less than such inducements would have influenced Robertson to abandon the comparatively peaceful Watauga settlements, where he was the acknowledged leader and the Indian agent in the employ of the State of North Carolina, and to venture his life in this desperate hazard of new fortunes.

With that untiring energy and sure efficiency so characteristic of the man, James Robertson now proceeds actively to recruit a party for the preliminary exploration, and to make all the needed arrangements for subsequent colonization on an extended scale. "The extensive purchase made by the Henderson Associates," says Putnam, the picturesque historian of Middle Tennessee, "and the further reports made by hunters and agents of the large land company as to the

¹⁰Draper Mss., 1CC 160-194.

¹¹Putnam's *Middle Tennessee*, p. 67.

country beyond the mountains, and the very favorable terms upon which large tracts—a thousand acres—would probably be granted, were attracting unusual attention. The Hendersons, Hart, and other members of the company were now causing it to be extensively known that they were making preparations to emigrate, and take possession of the country. A considerable number of families agreed to move out in the fall. Some were to go by land with cattle, and what could thus be packed, others to descend the Tennessee to the Muscle Shoals, and being there met by their immediate friends, travel across to the Cumberland and into Kentucky; or if it should be deemed easiest and best, this party, with women and children, should continue all the distance by water.”¹² In his letter to Gov. Richard Caswell, of North Carolina, written from Washington County on January 14, 1779, in regard to a proposed military expedition to be made by North Carolina against the Cherokees, James Robertson writes: “I am well informed that the first day of March near 200 men and many families amongst them, are to meet at the Long Island of Holston in order to go down the river, with a design to settle Cumberland river, a fork of the Ohio, which might be a convenient time for the Expedition; and posably (*sic*) under the cover of Women and Children they might pass unmolested; and I have told the Indians that people are going to settle that country the coming spring.”¹³ Preparatory to this emigration, as pointed out by Putnam, “it was agreed that a number of men should go in the spring of the year and plant some corn upon the Cumberland, that bread might be prepared for the main body of emigrants upon their arrival in the fall. Robertson selected his men, or found suitable volunteers to go with them, experienced woodsmen and able-bodied men.”¹⁴ On February 6, 1779, as stated by Moses Fisk in his historical sketch of Tennessee, James Robertson as leader, accompanied by George Freeland, William Neely, Edward Swanson, James Manly, Mark Robertson, Zachariah Wells, and William Overhall, and one negro man, “set out on this adventure to examine the purchase made by Richard Henderson and Company, at the treaty of 1775.”¹⁵

¹²*History of Middle Tennessee*, Nashville, 1869, p. 61.

¹³*N. C. State Records*, xiv, 247.

¹⁴Putnam, l. c., 63.

¹⁵The words quoted are from Putnam, l. c., p. 64. In Fisk's sketch, entitled, “A Summary Notice of the First Settlements Made by White People within the Limits Which Bound the State of Tennessee,” and published in the *Massachusetts Historical Collections*, Vol. 7, under date July 1, 1816, it is stated that Robertson, accompanied by “ten men, including a negro, started for the Holston settlement to explore and take possession of the country on the Cumberland.”

V.

The immediately following phases in the story of the Cumberland settlement are familiar enough to all who are acquainted with early Tennessee history. Yet certain documents which have recently come to my attention in archives in England, North Carolina and Virginia, give additional interest and piquancy to the situation. The significant facts are as follows: The Long Hunter, Gaspar Mansker, of German extraction, in 1771 "discovered" the famous lick which bears his name; and influenced by Tom and Sam Bryan, with whom he re-visited the Cumberland country in 1775, he claimed this land by right of settlement under the State of Virginia.¹⁶ Furthermore, Col. Arthur Campbell, the Virginia borderer, had visited the Cumberland country in the early seventies—a fact unknown to the Tennessee historians—and had registered, under Col. Wm. Preston, surveyor of Fincastle Co., Va., his claim to "1,000 Acres at a place called Gaspar's Lick, being on a creek that empties into Cumberland below the Barrens." Col. Campbell also located 1,000 acres of land for Col. Wm. Byrd, the third, who devised it to his son Charles in his will as follows: "I give my son Charles, who never offended me, a thousand acres of land in the County of Fincastle, known by the name of the Salt Springs, and which was surveyed for me by Mr. Arthur Campbell, being part of the land I claim under his Majesty's Proclamation of 1763."¹⁷ Most important of all, George Rogers Clark, the Virginian, had purchased three thousand acres of land at the French Lick in the year 1776; and referring to this purchase in a letter to Patrick Henry from Fort Patrick Henry, in the Illinois Country, March 9, 1779, he says: "I thank you for your remembrance of my situation respecting lands in the Frontiers. I learn that Government has reserved on the lands

¹⁶Unpublished letter from Col. Arthur Campbell to Gov. Richard Caswell of North Carolina. In this letter, dated Richmond, November 8, 1782, in speaking of his preemption of 1,000 acres "on the waters of Cumberland River," Campbell remarks: "There is a man in that country by the name of Mansker who now claims the land by right of settlement, but my location was made several years before he moved to that country, and I believe he would never have troubled me by interfering with my claim had he not been instigated by Tom and Sam Bryan, with whom he was intimate—" Cf. Albright's *Early History of Middle Tennessee*, 28-30.

¹⁷Cf. Arthur Campbell to Richard Caswell, Governor of N. C., November 8, 1782, Archives N. C. Historical Commission. For will of Col. Wm. Byrd, 3d, which was dated July 6, 1774, and proved February 5, 1777, cf. *Virginia Magazine of History and Biography*, Vol. IX, pp. 80 *et seq.* After the Cumberland region was found to lie within the bounds of North Carolina, letters and memorials from Arthur Campbell and the widow of Col. Wm. Byrd were presented

on the Cumberland for the Soldiers. If I should be deprived of a certain tract of land on that River which I purchased three years ago, and have been at a considerable expense to improve, I shall in a manner lose my all. It is known by the name of the great french Lick on the South or West side containing three thousand Acres. If you can do anything for me in saving it, I shall for ever remember it with gratitude."¹⁸

From these, and other pre-emptions doubtless known to him, James Robertson suspected that the French Lick lay within the bounds of Virginia. In particular, the fact of Clark's purchase of the three thousand acres, including the French Lick, a purchase doubtless effected through the instrumentality of Col. Arthur Campbell, was well known at Watauga and along the border. Although the inducements held out to him by the Transylvania Company were greater than those held out by the State of North Carolina, Robertson resolved to remain on the safe side by attempting to secure from George Rogers Clark as owner, holding the title

in 1782 to the North Carolina legislature for validation of these land titles. Neither application was successful. Mrs. Byrd's memorial was not brought up for final action in the North Carolina Legislature until four years later; there was some delay caused by the failure to attach a copy of Col. Byrd's will to Mrs. Byrd's memorial. In their report, dated December 31, 1786, in reply to the petition of Rev. Robert Andrews, to whose charge Mrs. Byrd's interests were committed, the committee, consisting of General Rutherford, General Gregory, Mr. Relfs and Mr. Lewis, state in specific terms:

"That it appears to your committee by the papers and documents before them that the late Honorable William Byrd was entitled for his military services to five thousand acres of land under the Proclamation of his Britannic Majesty in Council of 1763. That in consequence one thousand acres thereof are located, as appears by a Certificate of the late Colo. William Preston, Surveyor of Fincastle County in Virginia, at the great Salt Lick on Cumberland River now called Nashville.

"Your Committee considering the nature and extent of the sd. proclamation, and it being fully ascertained to them by the extension of the boundary line between this and the State of Virginia, that the aforesaid entry was made on lands within the proprietary part of the Carolina's (*sic*) and consequently not within the gift of the Crown, are of opinion that the claim of the late Honorable William Byrd to the said lands is inadmissible." Archives of the N. C. Historical Commission. Cf. *State Records of N. C.*, xviii, 33, 190.

"B. M., Add. Mss., 21, 782, f. 199. This letter is printed in "George Rogers Clark Papers, 1771-1781," Vol. viii, *Illinois Historical Collections*, Vol. III, Virginia Series, edited by J. A. James, 1912, pp. 304-5. In a letter to William Mayo, Virginia, l. c., pp. 380-1, copied from Draper Mss., 50J1, George Rogers Clark, writing from Louisville, Kentucky, January 8, 1780, says: ". . . but in order to have done with it I have purchased that quantity (10,000 acres) of Improvement on Cumberland and Inclose a memorandum (*sic*) the Best Land in that Country as they war first Chose."

under the Virginia claim, "cabin rights" to the pre-emptions on the Cumberland at the French Lick.¹⁹ Certain it is that, shortly after planting corn on the present site of Nashville, and taking other necessary steps attendant upon the establishment of an infant settlement, Robertson made a long trip through the wilderness to Post St. Vincent, visited General Clark at Fort Patrick Henry, and "had an understanding with him, to be carried into execution upon subsequent application."²⁰ The nature of this understanding is easily surmised, namely that the settlers on Clark's lands on the Cumberland would, at some future time, pay him the purchase money for the "cabin rights" to their pre-emptions, should the French Lick, on the extension of the North-Carolina-Virginia line prove to fall within the chartered boundaries of Virginia.

VI.

As early as 1777, following the Treaty at the Long Island of Holston in July of that year, it became manifest to the commissioners of the State of North Carolina and Virginia that, owing to the progress of emigration westward and the growing aggravation of uncertainties as to land titles, it would be eminently desirable to extend still further westward the boundary line between North Carolina and Virginia. In the latter part of 1778, acts providing for the extension and marking of the boundary line were passed by both North Carolina and Virginia; and among the Commissioners appointed from North Carolina were Judge Richard Henderson, Col. John Williams, and Capt. William Bailey Smith, all of whom had played active parts in the founding of the Colony of Transylvania. The Commissioners from each State agreed to meet in the latter part of the summer of 1779 at the western end of the line formerly run, and thence to prolong the line westward. Meantime the colonization of the Cumberland, instigated by Judge Henderson as President of the Transylvania Company, and to be engineered by James Robertson, had been delayed; and the party of settlers had failed to start from the Long Island on March 1st as prophesied by Robertson. Col. Nathaniel Hart, one of the proprietors of the Transylvania Company, living at Boonesborough, Kentucky, actively fos-

¹⁹"Robertson had agreed to go to the Illinois and purchase 'cabin rights' of General George Rogers Clark, from whom some of the emigrants recently from Virginia gave assurance that such land-claims could be procured for very small sums." Putnam's *History of Middle Tennessee*, pp. 64-5, 67. The present research thus first accurately accounts for Robertson's long and arduous journey to the Illinois country.

²⁰Putnam, *l. c.*, p. 65.

tered the plans for the expedition by water of Col. John Donelson, and supplied him with some corn for the journey. "In connexion with the early history of Kentucky," records his son, Col. Nathaniel Hart, Jr., "it may not be amiss to state that Cumberland (now Middle Tennessee) was also mainly settled under the auspices of Henderson and Co."²¹ Judge Henderson left his home in Granville County, North Carolina, on August 18, 1779, and together with John Williams and William Bailey Smith, joined the Virginia Commissioners at a waste cabin on Steep Rock Creek on September 1.²²

In the course of the running of the line, so graphically described in the *Journal of Daniel Smith*,²³ there developed a lack of agreement between the commissioners of North Carolina and those of Virginia with reference to the observations upon which the running of the line must depend; and upon reaching Cumberland Mountain, on November 18, the Carolina Commissioners abandoned the further running of the line. Judge Henderson, accompanied by his brothers, Pleasant, Nathaniel and Samuel, and a few others, went on in order to observe the Virginia Commissioners continue their line to the Tennessee River; and reached Boonesborough on Christmas Day, 1779.²⁴ On this same date, the swarm of colonists from the parent hive at Watauga, which had gone overland under Robertson's guidance, passed their first day at the French

²¹N. Hart, Jr., to Wilkins Tannehill, in *Louisville News-Letter*, May 23, 1840.

²²In connection with the running of the dividing line, the following passage from a letter of Col. Richard Henderson's now in my possession, postmarked Holston, September 12, 1779, is of more than ordinary interest:

"The Virginia Commissioners, to wit Doctor Walker and Major Daniel Smith (of Clinch) who from some inaccurate observations before we came had given out in speeches that the Long Island would be miles in Virga. and thereby had blown up the inhabitants with hopes of great extension of territory, are brought to bed.—Indeed the people here in General look as if they had lately miscarried, and hourly are making applications for Land from our Company &c.—Men who, two years ago, were clamorous against Richard Henderson and Company, and Damning their title, are now with pale faces, haunting our Camp and begging our friendship with regard to their Land."

²³*Tennessee Historical Magazine*, March, 1915.

²⁴In Fleming's Journal we read, under date of December 25, 1779: "Sam. Henderson arrived with some of the Commissioners from Carolina having quitted running the line on some disagreement with the Virginia Commisrs. who continued to go on with the line.—Dec. 26. Clear and moderate. Mr. Henderson took the Lat. and made this place 37° 48'." In Durrett Collection, University of Chicago Library.

Lick, and on January 1, 1780, crossed the river on the ice to the present site of Nashville.²⁵

It is most significant that the document, known as the Cumberland Compact, explicitly testifies—although the fact has been ignored by historians—that the French Lick was founded under the auspices of the Transylvania Company and the patronage of Judge Henderson, and gives the date of the founding as January 1, 1780. The rate of valuation at which payment for the Cumberland lands was to be made, in case the title of the Transylvania Company should be confirmed, was fixed, viz.: "According to the value of money on the first day of January last, being the time when the price was made public (and) settlement encouraged thereon by said Henderson."²⁶

VII.

Meanwhile the fate of this colony which he had promoted, and upon whose efforts the subsequent fate of the Transylvania Company depended, was weighing heavily upon the mind of Judge Henderson. The terrible hardships of this bitter winter, ever afterwards known as the "hard winter," which he had endured in the course of his difficult and dangerous journey to Boonesborough, brought to his mind the thought of equal or greater hardships which Robertson and his party must likewise have borne in their arduous journey overland to the French Lick. But his concern was, if anything, greater for the party of men, with many women and children, also destined for the French Lick, who under the leadership of Col. John Donelson had set sail from Fort Patrick Henry, on Holston River, in the good boat *Adventure* on December 22, 1779. With paternalistic care and a lively sense of responsibility for the welfare of these two parties which he had himself induced to make the great venture, Judge Henderson proceeds to purchase, in Kentucky, at huge cost a large stock of corn for the colony at French Lick. In a letter of John Floyd's, dated Harrodsburg, 20th Feb., 1780, is found the following statement: "I have no bread yet, but expect a small supply

²⁵Putnam's *History of Middle Tennessee*, p. 66.

²⁶Cf. the facsimile accompanying this article, on which these words appear. Putnam records: "Col. Henderson was a sound lawyer, a man of thorough education, an accomplished gentleman, an honorable and patriotic man, and sought and took no advantage of the confidence placed in him. Sales were made, but payment conditioned on a confirmation. Purchasers here were never urged to make any payments on contracts into which they had entered. Old settlers ever entertained for Henderson a very high regard as a gentleman and patriot." *Middle Tennessee*, 88-9.

from my friend Col. Henderson at Boonesborough, who has greatly befriended me by sparing that which he may want himself, and only waits for high water to send it down with his own on the way to the mouth of Green River, where he is about to form a settlement."²⁷ The corn for the Cumberland settlement, hundreds of bushels, purchased by Judge Henderson at Boonesborough, was on March 5, 1780, "sent from Boonesborough in perogues under the command of the late Major William Bailey Smith of Ohio County, Kentucky. This corn was to be taken down the Kentucky River, and over the falls of the Ohio, to the mouth of the Cumberland, and thence up that river to the fort at French Lick. It is believed to have been the only bread which the settlers had until it was raised there in 1781; for although corn was planted there in 1780, yet the place was so annoyed by the Cherokees, that the settlers were not permitted to cultivate it."²⁸ There is a note of deep impressiveness in this heroic triumphing over the obstacles of obdurate nature and this thoughtful provision for the exposed Cumberland settlement projected and promoted by the Transylvania Company—the purchase by Judge Henderson and the shipment by Col. Hart, in that awful winter of bitter cold and obstructed navigation, of this indispensable quantity of corn valued at sixty thousand dollars in depreciated paper.

While Major William Bailey Smith, with his precious cargo of corn, was making the long journey by water to the French Lick, Judge Henderson, accompanied by his brothers,

²⁷Draper Mss. 33 S 317. "Green river," which flows into the Mississippi not a great distance from the mouth of the Cumberland river, is an obvious error in the above statement. It should read "Cumberland river." The settlement, as we know, was not to be made at the mouth of the Cumberland.

²⁸This statement is made by Col. Nathaniel Hart, Jr., son of Col. Nathaniel Hart, one of the partners of the Transylvania Company. Col. Hart continues: "This corn had been raised by my father at Boonesborough, in 1779; and I have now before me an account against Col. Donaldson (Donelson) for nine bushels, which he says ought to rate high at the French Lick, as it had been worth \$200 per bushel at Boonesborough." Nathaniel Hart, Jr., to Wilkins Tannehill, Spring Hill, April 27, 1839, in *Louisville News-Letter*, May 23, 1840. Clearly Donelson derived the information as to the price of the corn from Col. Richard Henderson, the purchaser, at their meeting on March 31. In Butler's *History of Kentucky* (1834 ed.), note, p. 99, the following abstract from Col. John Floyd's correspondence states: "The price of corn fluctuated from fifty dollars per bushel in December, 1779, to one hundred and sixty-five dollars per bushel, in January, 1780. These prices were at a period of obstructed navigation, and in depreciated paper; but its value in gold and silver is not known." It is clear that by February, 1780, the price had risen still higher, to the almost incredible price of \$200.00 per bushel.

Pleasant and Nathaniel, and by Col. Nathaniel Hart, started overland to join Robertson and Donelson, and to draw up a form of government for the infant settlement on the Cumberland.²⁹

The most memorable entries in Donelson's famous journal are the references to Henderson and Robertson—projector and leader, respectively, of the Cumberland settlement. Although James Robertson failed to meet Donelson's party at the Muscle Shoals or to leave signs there for their guidance, they were met further up the river, on Friday, March 31, by the watchful and anxious Henderson. The entry in Donelson's journal, demonstrating the wise forethought of the promoter of the settlement, reads as follows: "Set out this day, and after running some distance, met with Col. Richard Henderson, who was running the line between Virginia and North Carolina. At this meeting we were much rejoiced. He gave us every information we wished, and further informed us that he had purchased a quantity of corn in Kentucky, to be shipped at the Falls of Ohio, for the use of the Cumberland settlement. We are now without bread, and are compelled to hunt the buffalo to preserve life."³⁰

Judge Henderson, his two brothers, and Col. Hart arrived at Col. Daniel Smith's camp, at Amos Eaton's, on Friday,

²⁹This party must have started about the middle of March; for on March 10 Judge Henderson was still at Boonesborough. In a letter describing conditions in Kentucky, written from Boonesborough, March 10, 1780, one reads: "A Boat of Colo. Henderson's is setting off tomorrow or next day for the falls (Louisville) by which we shall send an address to Colo. Clark to superintend this matter and obtain his answer as soon as possible. Mr. Henderson's boat will be at Leestown on Tuesday next and will be convenient for you to send by." A. L. S. in Draper Mss., 50 J 18, printed in *George Rogers Clark Papers, 1771-1781*, pp. 396-8. This letter contains the following endorsement:

"March 10, 1780.

"At a full meeting of the inhabitants of Boonsb'gh Collected on the melancholy Occasion of the foregoing Letter it was unanimously agreed that the sd. Letter should be Written which was accordingly Done, and Capt. David Gess Direct'd to subscribe his name Thereto for and in Behalf of the Whole. Certified under my hand this 10th of March, 1780.

Richd. Henderson."

³⁰Putnam: *Middle Tennessee*, p. 75. In a statement made by Mrs. Donelson, she relates: "When they met Col. Rd. Henderson, Gen. Dl. Smith & Capt. Nathl. Hart, on Cumberland, all were rejoiced, particularly Colo. Donelson, who was highly delighted—learned of Capt. Robertson's safe arrival at the Salt Lick (now Nashville)—that corn had been purchased in Kentucky." The information that Capt. Robertson and party had arrived safely at the Salt Lick prior to March 14, was furnished by General Daniel Smith, who was there on that date. Through inadvertence, he makes no reference in his journal to the presence of Robertson and his party at the French

April 7, and left that place shortly after April 10³¹ for the French Lick, doubtless arriving there in advance of Donelson and his party. Silently eloquent of the granite endurance and courageous spirit of the typical American pioneer—thankfulness for sanctuary, for reunion of families and friends, for the humble shelter of a log cabin—is the last entry in Donelson's Diary, of date Monday, April 24, 1780:

"This day we arrived at our journey's end at the Big Salt Lick, where we have the pleasure of finding Capt. Robertson and his company. It is a source of satisfaction to us to be enabled to restore to him and others their families and friends, who were entrusted to our care, and who, some time since, perhaps, despaired of our meeting again. Though our prospects at present are dreary, we have found a few log cabins which have been built on a cedar bluff above the Lick by Capt. Robertson and his company."

VIII.

The lapse of time now forbids me to pursue further this story of the strenuous struggles and incredible hardships of the Cumberland settlers, who established here a permanent bulwark against the copper-hued savage and laid here forever the foundations of what is now the great and populous city of Nashville. I will content myself with presenting to you one fundamental historical truth as the culmination of this research. This is the question in regard to the authorship of the famous Cumberland Compact. The cocksure Mr. Roosevelt, with his habitual dogmatism, concludes, without proof or evidence, that the author of that remarkable document was James Robertson.³² The inherent truth of the situation, if other evidence were not finally conclusive, demonstrates this to be impossible. The best informed writer on this subject, Putnam, who in 1846 discovered the original document now

Lick. In reference to Mrs. Donelson's statement (Draper Mss., 32S304-305), Draper observes that Mrs. Donelson thinks the corn never came. This is an error. The corn was brought safely in to the French Lick; and Major William Bailey Smith, who was in command of the boats which bore the corn, reached the French Lick in time to sign the Cumberland Compact. Doubtless Mrs. Donelson was thinking of Isaac Bowman's batteau from Kaskaskia, which fell into the hands of the Chickasaw Indians.

³¹Cf. Daniel Smith's "Journal," *Tennessee Historical Magazine*, March, 1915, p. 63, which contains the following: "April 7th. Friday Horses not all found—Received a letter from the Governor to go to the Falls of Ohio on particular business. Col. Henderson brought this letter."

³²A study of the original document would have repaid Mr. Roosevelt and have saved him from error.

... Society: now, ... Richard Henderson ... the other members
of ... the ...
ture ... the ...
some form of government ...
one ...
is a ...
value ...
company ...
tract. The significant ...
one intimately ...
terminology ...
the purpose ...
the ...
statement ...

...
berland River, within the ...
son and ...
is demanded or expected by the said ...
factory and indispensable title ...
reasonable and just that the twenty ...
lings and four pence, current money, ...
price proposed by the said Richard Henderson ...
according to the ... money on the first day ...
... the ...
settlement ...
said Richard Henderson on his part ...
In case of ...
abatement shall be made in the sum according to its ...
...

The indisputable ...
lawyer ...
May, 1780, and that ... the sum of two hundred ...
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Cumberland Contract ...
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Hod ...
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...
part of government ...

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with ... the Council ...

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"Complete plate III"

PLATE III.

That if the Entry Taker to be appointed shall neglect or refuse to perform his duty, or be found by the said Judges or a majority of them to have acted fraudulently to the prejudice of any person whatsoever; such Entry Taker shall be immediately removed from his Office, and the Book taken out of his possession by the said Judges, untill another shall be appointed to act in his room.

That as often as the people in general are dissatisfied with the doings of the Judges or Juries, so to be chosen, they may Call a new election at any of the said Stations and Elect others to act in their stead, having due respect to the number now agreed to be elected at each Station, which persons so to be chosen shall have the same power with those in whose room or place they or may be chosen to act.

That as no consideration money for the Lands on Cumberly River within the claim of the said Richard Henderson and Company and which is the subject of this application, is demanded or expected by the said ~~Henderson~~ Company untill a satisfactory and indisputable title can be made, so in the most manly and just that the twenty six pounds thirteen shillings and four pence current Money per hundred Acres, the price proposed by the said Richard Henderson shall be paid according to the value of money on the first Day of June last, being the time when the price was made public.

Settlement encouraged thereon by said Henderson, and
the

jealously preserved in the archives of the Tennessee Historical Society, says: "As Richard Henderson, and the other members of the 'Transylvania Land Company' were here at this juncture (April, 1780), he (Henderson) was foremost in urging some form of government."³³ A brief inspection will demonstrate its character. First of all, the Cumberland Compact is a mutual contract between the co-partners of the Transylvania Company and the settlers upon the lands claimed by the company. It is, moreover, a bill of rights, through careful provisions safeguarding the rights of each party to the contract. The significant feature of the document is that it is an elaborate legal paper which could have been drafted only by one intimately versed in the intricacies of the law and its terminology. Nothing, indeed, could more effectively exhibit the purpose for which the Association was established and the Compact drawn up than the following clause in the instrument itself:

"That as no consideration-money for the lands on Cumberland River, within the claim of the said Richard Henderson and Company, and which is the subject of this Association, is demanded or expected by the said Company, until a satisfactory and indisputable title can be made, so we think it reasonable and just that the twenty-six pounds thirteen shillings and four pence, current money, per hundred acres, the price proposed by the said Richard Henderson, shall be paid according to the value of money on the first day of January last, being the time when the price was made public (and) settlement encouraged thereon by said Henderson, and the said Richard Henderson on his part does hereby agree that in case of the rise or appreciation of money from that—an abatement shall be made in the sum according to its raised or appreciated value."³⁴

The indisputable facts that Richard Henderson, eminent as lawyer and jurist, was the only lawyer on the Cumberland in May, 1780, and that his name heads the list of two hundred and thirty-odd signatures to the document known as the Cumberland Compact, has led one of the justices of your own Supreme Court, a deep student of early Tennessee history, the Hon. Samuel C. Williams, to state in print that "without serious doubt" Judge Henderson was the draftsman of the compact of government.

Familiarity with original letters of the sturdy Robertson—with both his chirography and his mental processes—and also with the chirography and contents of the Compact conclu-

³³Putnam: *Middle Tennessee*, p. 84.

³⁴Compare plate III.

sively dispels the notion that Robertson may have been the author and draftsman of the compact. I am now, and have been for some years, able to alter the "without serious doubt" of Judge Williams into "without any doubt whatsoever," by the categorical statement that the document of May 1, and also the document of May 13, 1780, are written throughout in the same handwriting; and this handwriting is the bold and characteristic chirography of the man who purchased the territory, projected and personally co-operated in the settlement, sedulously nurtured it with the fruits of the earth purchased at fabulous cost, and led in urging the adoption of a written form of government at the French Lick—the President of the Transylvania Company, Judge Richard Henderson, of North Carolina.

It may be the time is not far distant when in this great city of Nashville, patriotically signalized by its monuments and memorials to James Robertson, sagacious and paternal leader, and to John Donelson, intrepid and successful pioneer, there shall be erected some adequate memorial to the pioneering genius and empire-building imagination of the man who inaugurated and engineered the hazardous and arduous enterprise of a settlement at the French Lick, drafted the Cumberland Compact, and is rightfully entitled to divide with James Robertson and John Donelson the honors in the founding of Nashville.

ARCHIBALD HENDERSON.

Fordell, University of North Carolina.

APPENDIX

In connection with the question of the authorship of the Cranford and Camden papers, I should like to mention the fact that the study of the original manuscript of the letter in the possession of the Historical Society, Camden, N. J., has been made by the Camden Historical Society, Camden, N. J., and the results of their study are as follows: The letter is written in the hand of Richard Henderson, and is dated 1774. The letter is a copy of a letter written by Henderson to Capt. Holder, and is dated 1774. The letter is a copy of a letter written by Henderson to Capt. Holder, and is dated 1774.

PLATE II

The letter is written in the hand of Richard Henderson, and is dated 1774. The letter is a copy of a letter written by Henderson to Capt. Holder, and is dated 1774. The letter is a copy of a letter written by Henderson to Capt. Holder, and is dated 1774.

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PLATE II.

1
Rich^d Henderson

Signature, Executive Docket,
Court Pleas and Quarter Sessions,
Salisbury, Rowan Co., N. C.,
Sept., 1769.

2
Richard Henderson

Name as it appears in the
text of the Cumberland Compact,
Nashborough, May 13, 1780

3
Rich^d Henderson

Signature, letter to Captain
John Holder, March 15, 1784.

4
Rich^d Henderson

First signature to the
Cumberland Compact

5
Richard Henderson

Signature, Memorial to the
General Assembly of North Carolina,
May 15, 1784.

6
Richard Henderson

Name as it appears in the
text of the Cumberland
Compact.

APPENDIX.

In connection with the question of the authorship of the Cumberland Compact, I append an affidavit made by the two Tennessee historical scholars who have made the most minute and critical study of the original document, preserved in the archives of the Tennessee Historical Society. My thanks are now gratefully expressed to these gentlemen, Mr. John H. DeWitt, president of the Tennessee Historical Society, and the Rev. W. A. Provine, D.D., for their minute comparison of the documents; to Mr. J. S. Walker of Nashville, for valuable assistance and suggestions; and to Professor St. George L. Sioussat for courtesies extended. I am indebted also to the late Gen. Gates P. Thruston, sometime president of the Tennessee Historical Society, for courtesies extended me several years ago in connection with the present research.

All historical scholars without exception, who have compared the original manuscript of the Cumberland Compact or facsimile thereof with attested specimens of Judge Richard Henderson's handwriting, testify that the original Cumberland Compact is drafted throughout in Judge Henderson's handwriting. It is perhaps worthy of note that in the body of the document Judge Henderson employs a formal or conventional capital R, of a sort which he did not habitually use in making his own signature. The six (6) signatures which I have traced from the original documents or from facsimiles, photographic or photostatic, shown on a plate (II) accompanying this article, exhibit variations in the making of the capital H as well as in the making of the capital R.

The interested student may compare the facsimiles of documents which accompany this article—the one being a page of the Cumberland Compact (Plate I), the other being a letter from Judge Henderson to Capt. Holder (Plate III).

In the paper above printed, with accompanying documents, it is now established that Judge Henderson drafted the original Cumberland Compact. It is not unreasonable to suppose, although there is no proof of it, that certain clauses in the document were drawn by Judge Henderson with the assistance of Captain James Robertson. Indeed, the laws, as drafted, represented the collective will of this pioneer community; and it may be that both Robertson and Donelson, voicing this collective will, thus aided Judge Henderson to draft a series of articles for the government of their association.

ARCHIBALD HENDERSON.

AFFIDAVIT.

STATE OF TENNESSEE,
COUNTY OF DAVIDSON.

We, W. A. Provine and John H. DeWitt, make oath that on April 28, 1916, with Dr. Archibald Henderson, of Chapel Hill, North Carolina, we carefully examined the original Cumberland Compact (in the custody of the Tennessee Historical Society), and compared the same with certain photographic facsimiles of certain pages of writing furnished us as the genuine handwriting of Judge Richard Henderson of North Carolina, who was president of the Transylvania Company, to-wit, a page of the diary of Richard Henderson written in 1775, the original of which is in the Draper Mss. at Madison, Wisconsin; a photostatic copy of his memorial to the Legislature of North Carolina in 1784, the original of which is in the archives of the North Carolina Historical Commission, Raleigh, North Carolina; and a pencil tracing of his signature as judge of the Superior Court of North Carolina, the original of which is in the court house at Salisbury, N. C. (The information as to the nature and location of these papers being furnished us by Dr. Archibald Henderson.) While our attention was not given to the subject-matter of these writings, nevertheless, we made a very careful comparison of the handwriting with the handwriting of the text of the Cumberland Compact and the name of Richard Henderson as the first signer thereto; and we are both convinced without reservation that the handwriting of the Cumberland Compact and all of the aforesaid documents is one and the same. We especially noted that the signatures of Judge Richard Henderson as traced from the Salisbury court house records and as appended to the Cumberland Compact are identical.

We are convinced from these comparisons that Judge Richard Henderson was the draftsman and author of the original Cumberland Compact.

(Signed) W. A. PROVINE.

JOHN H. DEWITT.

Sworn to and subscribed before me, on this the 30th day of May, 1916.

JOHN H. LECHLEITER,

(Seal)

Notary Public.

THE SLAVE LAWS OF TENNESSEE.

Until 1794, when the Territorial Assembly came into existence, the region now comprised within the state of Tennessee was subject to the laws of North Carolina. No laws concerning slavery were passed by this Territorial Assembly except one fixing a tax levy on slaves and free persons of color.¹ When the state government was organized in 1796 apparently all laws of North Carolina not amended or abrogated by special act of the Tennessee Assembly were of full force and effect in the newly organized state. Thus the great negro law of North Carolina, passed in 1741,² became the slave code of Tennessee, and except for a few amendments, was the basic legal code until 1857, when the first codification of all the laws was made; and this code of 1857 embodied as its main principles of slavery those of the Act of 1741. About twenty other acts relating to slaves and free negroes were passed by the North Carolina legislature from 1741 until the time when the state of Tennessee was provisionally organized. None of these, however, marked any departure from the principles of the law of 1741, and most of them were unimportant or were intended to be local in their operation, or were merely explanatory of parts of the foregoing act. With this original plan of slave control very much like those of South Carolina and Virginia, Tennessee, like other states, began to modify and develop the scope and flexibility of the regulations for her colored population. Apparently slaves and possibly free negroes came with the early settlers into the new state, for within a few years the legislature found it necessary to pass specific laws applicable only to colored persons.

The preamble of the Act of 1741³ excluded from the class of "servant" any "person whatsoever being a Christian or of Christian parentage" except indentured whites. Neither this act nor others of the North Carolina assemblies preceding 1741 undertook to draw any legal distinction between the slave and the indentured white servant. This fact is worth noting, since it indicates the parallelism or rather identity which the people of that time saw between white servants indentured for a limited period and the black slave indentured

¹Act, Sept. 30, 1794, Ch. 3, Roulstone's *Laws of the State of Tennessee*, 29.

²James Iredell's *Laws of the State of North Carolina*, pp. 85, ff.; Swann's *North Carolina Laws*, p. 161.

³*Ibid.*

for life. There was doubtless considerable difference between the social status of the indentured servant and that of the slave, and some legal difference; for example, a master was forbidden to "whip a Christian servant naked."⁴ On the other hand, if our impression of the origin and development of slavery in the black belts and its toleration and development in the uplands is correct, we shall be prepared to conjecture that there was a nearer approach in condition of the two classes to each other in the latter than in the former. While none of the statutes or later court decisions undertook to say definitely what constituted a person of color practice doubtless recognized as free all who were not known to be held as slaves by some white man.⁵ But again it is not at all likely that very many free negroes appeared among the early settlers. If this is correct, the negro owed his presence in Tennessee to the fact that he had been taken there as a slave by a white slaveholder.

There was no special procedure provided whereby the freedom of a negro might be tested. But a "next friend" might bring suit in the ordinary way, the slave not having any legal standing in court⁶ as a witness, and the case would be determined on its merits as in any other suit. A law of 1817⁷ plainly applicable to an apprenticed or indentured white as well as to a slave, provided that pending such suit the plaintiff should be taken into custody by the sheriff. In such suits the oft repeated assertion of freedom by the plaintiff would be admissible as evidence showing failure to acquiesce as a slave,⁸ and reputation or hearsay would be admissible as direct evidence of freedom.⁹

Another rather peculiar interpretation of freedom came up in 1842,¹⁰ when a mulatto whose mother was a slave, was made heir and executor to an estate by his mother's white

⁴Iredell, Act 1741, Sec. 4.

⁵The act of 1741, sec. 18, provided that any negro born of a white woman while she was indentured should be bound out until the negro reached the age of thirty-one. The Supreme Court in 1852, in *Bennett vs. The State*, 31 Tenn., 411, held that color in the absence of other evidence, determined status whether slave or free. And in *Harris vs. Clarissa*, 14 Tenn., 227, it held in 1854 that the child of a slave was a slave.

⁶*Doran et al. vs. Brazelton et al.*, 32 Tenn., 149, 1852; *Stephenson vs. Harrison*, 40 Tenn., 729, 1859.

⁷1st Sess., 12th General Assembly of Tenn., p. 107.

⁸*Clarissa vs. Edwards*, 1 Tenn., 393, 1809.

⁹*Vaughan vs. Phebe*, 8 Tenn., 5, 1827. Not only so, but a negro unlawfully held in slavery could recover damages by suit for trespass from his pseudo-master. *Matilda vs. Crenshaw*, 12 Tenn., 299, 1833.

¹⁰*Green vs. Rawlings*, 22 Tenn., 90.

master, who in turn was the mulatto's natural father. An effort was made to re-enslave the negro and seize the estate on the ground that though he had been set free by his father he was not removed from the state, as the law then required. It was argued in his behalf that a contract had existed before the law requiring his removal had been passed, and therefore this requirement was not binding. The court decided that he was free under the common law by "manumission by parole."

In defining the legal status of the slave in society the courts usually referred to the common law for authority. In the case of *Wright vs. Weatherly*,¹¹ decided in 1835, the provisions of the civil law are cited but are passed over as not binding.¹² But in the case of *Jacob vs. the State*,¹³ 1842, where the common law was silent, and by reason of that fact, the court interpreted it independently. The fact that the common law was regarded as more binding than the civil law led to a more liberal interpretation of the relationship existing between master and slave than would have obtained had the civil law been accepted as the model. To illustrate: Under the civil law, in the absence of definite legislative enactment to the contrary, the life of the slave could be taken by the master without fear of punishment. The common law recognized no such prerogative in the hands of the master over the apprentice or a lord over a serf. The chattel ownership of the slave, however, would have made the applicability of the civil law more consistent than the common law, for the common law knew no such bodily ownership.

But the slave was not to be considered as a mere chattel, but as a person in a restricted sense. Let the court speak briefly on this point in three instances:

"Although he is, by our law, our property, yet he (i. e., the slave) is an intelligent moral agent capable of being a subject of government, and like all other men, liable to answer for his own wrongs to the injured party, but for the fact that all his personal rights as a citizen and his liabilities as such, are destroyed and merged in the ownership of the master, who controls his person, owns his property, and is entitled to the fruits of his labor."¹⁴

"The law treats the slave as a rational and intelligent human being, responsible to moral, social, and municipal duties and obligations, and gives him the benefit of all the

¹¹15 Tenn., 367.

¹²See also *Nelson vs. The State*, 29 Tenn., 518, 1850.

¹³22 Tenn., 493.

¹⁴*Wright vs. Weatherly*, 15 Tenn., 367, 1835.

forms of trial which jealousy of power and love of liberty have induced the freeman to throw around himself for his own protection."¹⁵

"Under our modified system of slavery, slaves are not mere chattels, but are regarded in the twofold character of persons and property. That as persons they are considered by our law, as accountable moral agents, possessed by the power of volition and locomotion. That certain rights have been conferred upon them by positive law and judicial determination, and other privileges and indulgences have been conceded to them by universal consent of their owners."¹⁶

Under such conditions, the slave partaking of the nature of a chattel and of a person in the eyes of the law, what was the relationship existing between the master and his slave? In 1833, in a lengthy decision,¹⁷ the highest court undertook to say that the slaves constituted a part of the master's family, and hence could not be levied upon for the satisfaction of a debt. The same method of reasoning was used by the same court in 1857,¹⁸ in which concerning chastisement, a parallel was drawn between master and slave similar to that existing between father and child. On the other hand, the slave must not resist re-capture if a runaway¹⁹ nor resist reasonable punishment, though punishment extending to life or limb could be lawfully resisted by the slave²⁰ as being undue provocation. Again, the master was bound to clothe²¹ his slave and could protect his slave from wanton attacks from others.²² The law exacted of the hirer the same care of the slave as was exacted of the master himself.²³ The master, however, could not be held liable in a civil suit for damages committed by his slave,²⁴ unless done by the order of the master.²⁵ But a slave could not plead that he had committed a crime by the order of his master, for the master had no such authority.²⁶

¹⁵Elijah, a slave, *vs.* The State, 20 Tenn., 102, 1839.

¹⁶Jones *vs.* Allen, 38 Tenn., 627, 1858.

¹⁷Loftin *vs.* Espy and Others, 12 Tenn., 84.

¹⁸James *vs.* Carper, 36 Tenn., 398.

¹⁹Tom, a Slave, *vs.* The State, 27 Tenn., 86.

²⁰Jacob *vs.* The State, 22 Tenn., 493; Nelson *vs.* The State, 29 Tenn., 518.

²¹Britain *vs.* The State, 22 Tenn., 203.

²²Walker *vs.* Brown, 30 Tenn., 179; 1850.

²³Lunsford and Davie *vs.* Braynham, 29 Tenn., 267.

²⁴Wright *vs.* Weatherly, 15 Tenn., 367; 1835.

²⁵Wilkins *vs.* Gilmore, 21 Tenn., 140; Byrom *vs.* McGuire, 40 Tenn., 530.

²⁶The State *vs.* McCarn, 30 Tenn., 494.

While certain privileges of persons were accorded slaves, they could not hold property,²⁷ nor could they inherit property,²⁸ though property bequeathed by a master to slaves to be used by them after their freedom had been acquired through the will of the master, would be held for them until such freedom should be acquired.²⁹

The patrol system was not elaborately developed in North Carolina. Nor was it early made a part of the military system. Apparently no strong demand for a patrol was felt until the Revolutionary period. The first enactment on the subject occurred in 1779,³⁰ when "searchers" were provided for, whose duty it was to search negro quarters for unlawful weapons and to arrest and return to their masters any strolling slaves found away from their proper places of abode without a pass on the Sabbath or at unseasonable hours of the night. For these services the "searchers" or "patrollers" were to receive compensation from the masters as was allowed for returning runaway slaves.³¹ Refusal to serve as "searcher or patroller" was punishable by a fine of £100. Another act of the North Carolina legislature in 1794³² provided for the appointment by the justices of courts of pleas and quarter sessions of a sufficient number of men not exceeding six in each district to act as patrollers for one year, whose duty it should be to ride their district at least once in every two weeks arresting and whipping, with not exceeding fifteen lashes, any slaves away from their master's plantation. The patrolmen were to receive as compensation freedom from road and jury duty, and not to be required to pay any taxes unless their taxes amounted to more than forty shillings.³³

It will be seen that the needs for patrol service were not

²⁷Jenkins *vs.* Brown, 25 Tenn., 299; 1845.

²⁸Turner *vs.* Fisher, 36 Tenn., 209; 1856.

²⁹Stephenson *vs.* Harrison, 40 Tenn., 729; 1859. An act of 1787 provided for the emancipation of a certain slave whose freedom was desired by his master's will. The master had further provided for the slave to inherit considerable property, a part of which the executors gave him, but this act barred any suit by the freed slave for the property except such as the executors saw fit to allow. See another such case in North Carolina where a colored girl was set free by special act and allowed to inherit property. Martin's Acts of North Carolina, p. 177; 1794.

³⁰Iredell, 388, Ch. 7. (This was preceded by an act of 1753, Ch. vi, providing for searchers for guns, etc.—*Ed.*)

³¹This provision as to payment by the master was repealed in 1794.

³²Iredell, p. 3, Ch. iv (of that session).

³³This was so amended in 1831 as to make the period of service three months instead of one year and to allow for further compensation if deemed necessary.

great until the state of Tennessee took upon itself the duty of self-government. The first action of the Tennessee legislature on the patrol is to be found in the year 1806, when an elaborate act for the regulation of the colored population was drawn up.³⁴ It provided for the appointment of patrolmen by the captains of militia companies with the number to be left to the discretion of the captain and the frequency of the ridings to the patrol. Their duties were the same as those provided for in the act of 1794, with the additional privilege of administering corporal punishment to free negroes who might be concerned in encouraging disorderliness among the slaves. The patrols in the towns were to be appointed by the town commissioners and the duties so distributed and the town so laid off that a patrol should be on duty every night unless it should prove impracticable because of the fewness of the white citizens. The fine for each instance of non-performance of duty was to be \$5. Another patrol law of 1856³⁵ rendered the general provisions regarding patrol service more symmetrical, and provided for the payment of the patrolmen not exceeding \$1 per night of service in lieu of remission of road and jury duty. The code of 1858 abbreviated verbally the provisions regarding patrol service, but included practically all of the foregoing provisions, adding nothing new.

The latitude and discretion allowed the patrol made it possible for them to exceed their authority reasonably interpreted. And while this authority must have been often abused, still there was a tendency to check such abuse. Perhaps it will be appropriate to quote here from a decision of the Supreme Court rendered in 1859 in the case of *Tomlinson vs. Darnell*:³⁶

"It is of great importance to society that these police regulations connected with the institution of slavery, should be firmly maintained. The well being and safety of both master and slave demand it. The institution and support of the night watch and patrol on some plan, are indispensable to good order, and the subordination of slaves, and the best interests of their owners. But the authority conferred for these important objects must not be abused by those upon whom it is conferred, as it sometimes is by reckless persons.

"If they exceed the bounds of moderation in the injury inflicted and transcend the limits prescribed by law for

³⁴2nd Sess., 6th G. A., p. 83.

³⁵1st Sess., 31st G. A., p. 91.

³⁶39 Tenn., 223.

the office of patrol, if it be found that they were not entitled to that justification, then they will be liable under a verdict to that effect."

In this connection it must be mentioned that a written pass from the master giving a slave permission "to pass and re-pass" until a given time, was considered sufficient authority for the slave's being absent from home. However, the pass might not ordinarily be called for unless suspicion was aroused, or unless it was at night that the slave was roaming. For instance, a slave was killed at a corn "shucking." He did not have written permission from his master to be at the white man's house where the husking took place. The master sued the man who had permitted the corn husking for damages in the loss of the slave. The lower court held that it was the duty of the man at whose house the husking was held to see that the slaves present had written passes from their masters. But the higher court on appeal³⁷ reversed this decision, holding that long standing custom for slaves to attend gatherings of this kind under the supervision of a white person, without passes, made such a pass unnecessary.

As was the case in early times with indentured whites, slaves were all punishable with stripes, limited to fifteen, for small offenses, while for more serious offenses thirty-nine were allowed, and sometimes the number was left to the discretion of the courts. The cow hide or hickory switch on the bare back, "well laid on," as the earlier statutes read, was the approved instrument. A casual reading of the advertisements for run-aways in the earlier newspapers reveals the effects of the more or less severe castigation. But it is noticeable that later notices give no such identification, and often read "no scars" or "no noticeable scars." As is well known, the earlier colonial statutes provided whipping for free white persons as well as other forms of punishment. It is not to be wondered at, then, that such forms of punishment was commonly thought proper for slaves and free negroes. But in 1831³⁸ nailing to the pillory and cutting off ears became forbidden forms of punishment for negroes, the purpose being not to inflict punishment extending to life or limb. The only crimes under the code of 1858 punishable with death when committed by a slave, but not capital when committed by a free white person were, murderous assault on a white person, being accessory to murder before the fact, plotting an insurrection, and rape.

In 1842 a case came up by appeal from the lower courts³⁹

³⁷Jones *vs.* Allen, 38 Tenn., 627; 1858.

³⁸1st Sess., 19th G. A., p. 123, sec. 7.

³⁹Jacob *vs.* The State, 22 Tenn., 493.

involving the interpretation of murder by a slave, and the question of the slave's right to resist punishment. An unruly slave that had been in the habit of running away was caught by the master and the master's brother, and when an effort to tie the slave was made he stabbed his master, killing him almost instantly. The court took the ground that the evidence was clear that the slave was resisting lawful and perhaps deserved punishment at the hands of his master, which he had no right to do, and hence was guilty of murder. However, one of the justices rendered a separate opinion agreeing as to the facts, but, as *obiter dictum*, added that perhaps a different conclusion would have been reached had evidence shown that the slave had good reason to believe that the punishment he was about to receive might extend to life or limb. That would open the question whether a slave might commit manslaughter. The opportunity for such legal definition arose in 1850⁴⁰ when another case was heard, the facts of which showed that the hilarious conduct of a slave was reproved by a white man, not his master, by knocking the slave down twice, when the latter turned and killed the white man. The court took the view that since it was possible for a slave to take the life of a white man without premeditated malice, such a crime could not rightfully be considered murder, and hence must be termed manslaughter. The decision, however, made the reservation that owing to the difference in social status of the two races what might be considered sufficient provocation for one white person to commit manslaughter in taking the life of another white man, could not necessarily be deemed sufficient provocation to a slave to commit a homicide.⁴¹

The North Carolina act of 1741⁴² provided that the owner of a slave who had run away and made depredations upon the community and had for this been proclaimed an outlaw by a justice of the peace, should be remunerated if such slave should be killed by any person as authorized in the proclamation of the justice. Section 52 provided, too, that the owner of every slave convicted of having been concerned in an insurrection and executed accordingly should be reimbursed for his loss.

For the trial of slaves charged with crime, a special court was provided by the North Carolina act of 1741,⁴³ consisting of three justices of the peace and four freeholders. Apparently the court was given large discretion in the matter of

⁴⁰Nelson vs. The State, 29 Tenn., 515.

⁴¹A similar case is Tom vs. The State, 27 Tenn., 86; where a runaway slave was decided not to have the right to resist capture.

⁴²Sec. 46.

⁴³Sec. 48.

method of procedure and penalties. Almost no limitation on its action was made or qualification for its members required. Hasty must have often been the results. But this act remained the slave code throughout the slavery regime, and it does not seem that this particular section was ever entirely abrogated. Indeed no amendment to it was made until 1815.⁴⁴ At this time another scheme approximating a jury trial was enacted in which it was provided that the court should consist of three justices and nine "freeholders or slaveholders." In case the freeholders did not attend when summoned the justices were empowered to select others from among the "by-standers," if necessary. These justices and other white citizens were charged with the duty of fixing the penalty for any crime of which a slave was convicted by them, unless the penalty had already been fixed by law. A unanimous verdict was necessary to convict a slave of a capital offense, but a majority was sufficient to convict where the penalty was less than death. A law of 1819⁴⁵ modified the former arrangement so that three justices were chosen to preside at the trial and twelve "housekeepers being owners of slaves" were to act as a jury to determine guilt and to fix the penalty. Very decidedly stronger safeguards were thrown around the trial of a slave by a substantially new law of 1825.⁴⁶ This law excluded all but slave owners from the jury in the trial of a slave, though the fact that one or more non-slaveholders sat on a trial was not to vitiate the verdict unless it could be shown that this fact had some influence in reaching a decision. The owner was allowed as many challenges in selecting a jury as were allowed in the trial of a free white person for the same crime. In any case of conviction the owner was to have the right of appeal to the circuit court, and to give bail in a sum twice the value of the slave for his appearance at court, the owner to undertake the expense of the appeal. In the act of 1831,⁴⁷ pertaining to the regulation of slaves and free negroes, a limitation was placed on the right of appeal, providing that only in cases where the penalty was death was the appeal to be permitted.⁴⁸ Further, where a jury of slaveholders could not be conveniently secured non-slaveholding "householders" were to be eligible to such service. Perhaps difficulty was experienced in securing a jury composed solely of slave owners

⁴⁴1st Sess., 11th G. A., p. 751.

⁴⁵1st Sess., 13th G. A., p. 59.

⁴⁶1st Sess., 16th G. A., p. 21.

⁴⁷1st Sess., 19th G. A., p. 123, sec. 6.

⁴⁸This right to appeal in any case of a slave tried by a justice was restored in 1848. 1st Sess., 27th G. A., 84.

in some parts of Tennessee. Numerous petitions were presented to the General Assembly in 1829 praying the removal of this restriction.⁴⁹

By an act of 1836⁵⁰ the circuit court was given exclusive jurisdiction in all offenses committed by slaves where the penalty was death, and all persons qualified to serve as jurors in the trial of a free white person were to be eligible for service in the trial of a slave. It is also provided that counsel for an accused slave should be appointed if the owner failed or refused to provide such counsel, the attorney so appointed to be given the right to sue the owner of the slave for the amount of his fee. This last provision may have been abused; at least, it was repealed in 1838.⁵¹

The only other legislation of interest regarding the trial of slaves was placed on the statute books in 1853.⁵² It will be recalled that in a case in 1850, *Nelson vs. the State*, referred to above, the Supreme Court said that the homicide of a white person by a slave might be adjudged manslaughter, in which event the death penalty could not be assessed. But the law did not provide that a slave court might find a verdict of manslaughter. The question naturally arose: Could a slave guilty of manslaughter be sentenced in a circuit court when it was not given original jurisdiction of the case; and would it be difficult after such a trial in the circuit court to justify the retrial of the defendant in a slave court? Hence this act merely gave the circuit court jurisdiction in all cases of homicide by slaves whether finally found to be deserving of capital punishment or not.

It will be proper at this point to summarize the legislation dealing with the methods of trial of slaves and to add other comment on the problem. It appears that at first the white population desired a less complicated system of trial by slaves than obtained for whites. Hence the simple, unhampered, half-responsible scheme planned in the North Carolina act of 1741 was devised and was carried over by the State of Tennessee. Questions appear later to have arisen as to the certainty of securing justice for the accused slave by this method. Suppose the owner of the slave was the prosecutor, was it not likely that the court would accept his idea of the case? Again, was not the small slave owner's interest as well as the personal welfare of the slave likely to suffer where the master was uninfluential in the community? Furthermore, might

⁴⁹*National Banner and Nashville Whig*, October 27, 1839.

⁵⁰1st Sess., 21st G. A., p. 92, sec. 9.

⁵¹1st Sess., 22nd G. A., p. 197.

⁵²1st Sess., 30th G. A., p. 157.

not the interests of the slaveholder suffer and injustice possibly be done his slave in communities where slaves were few and where non-slaveholders looked with more or less jealousy upon the free and easy manner of life of the master? This desire to have the interests of the slaveholder subserved is to be seen in the changing provisions for the qualifications of jurors. This doubt as to securing justice for the slave may be seen again in the recurring provisions for appeal, first in capital cases and then in all cases, and finally in the almost complete abolition of the slave court with the transfer of most of its business to the circuit court. Some of this interest may be traced in the legislative work of the General Assembly. In 1819⁵³ a select committee was appointed to examine the laws on slavery and to see what, if any, amendments to the laws relating to the trial of slaves in particular were necessary, but no further trace of its work is apparent. In 1829⁵⁴ an interesting debate took place on the floor of the lower house of the General Assembly on a bill to make capital offenses by a slave cognizable by a circuit court. The bill, however, did not become law until 1831. The right of appeal to the circuit court permitted by the law of 1825 appears to have had the effect of making the rehearings numerous. Hence, it was argued by one of the defenders of the proposed measure, that it would save time and expense to begin prosecution of slaves accused of crime in the circuit courts. He further pointed out that the prejudice or lack of interest on the part of the master might lend influence to the prosecution of the slave. And, again, the master would naturally not undertake an expensive appeal unless reasonably sure of acquittal. To some of these allegations spirited exception was taken.

Apparently the master's property interest in the slave was in 1774 deemed sufficient protection for the life of the slave, protection both against the violence of the master himself and against any other possible intruder. That the punishment of slave murder had not been common is shown by the preamble to the act of 1774,⁵⁵ which we shall quote at this point:

"Whereas some doubts have arisen with respect to the punishment proper to be inflicted upon such as have been guilty of willfully and maliciously killing slaves."

Judging by our later standards, we would naturally consider this hardly humane, but judged by the standards of a time when the slave was little better than a savage, and when

⁵³*Nashville Whig*, Oct. 13, 1819.

⁵⁴*National Banner and Nashville Whig*, Sept. 29, 1829.

⁵⁵Iredell, p. 274, Ch. 31.

the paternal care of the slave by his master was more marked, legislation was not thought to be so necessary. However, in 1774⁵⁶ an act was passed defining the murder of a slave and fixing the penalty—for the first offense of which the person was convicted of the willful murder of a slave he was to be imprisoned for one year, and for the second offense he was to suffer death and could be held civilly liable to the owner. But soon, in 1791,⁵⁷ the murder of a slave (first offense) was made a capital crime. It is possible that some doubt as to the nature of the punishment of a person convicted of killing a slave arose and the Tennessee legislature passed an act in 1799⁵⁸ duplicating the North Carolina law of 1791 with the exception that the homicide of any outlawed slave, or a slave "dying under moderate correction" was not to be considered as coming within the meaning of the act.

Neither from laws nor court records can an adequate estimate of the conditions of slaves be made as to their treatment by their masters or the whites generally. That complaint in this direction arose rather early is to be judged by the North Carolina act of 1741,⁵⁹ which made it obligatory on the master to provide wholesome food for his slaves and white servants. And another act in 1753⁶⁰ made the master liable in civil damages for thefts committed by a slave, provided it could be shown that the slave had not been properly fed. An act of the Tennessee Legislature of 1813⁶¹ made the offense of beating the slave of another white person equally criminal with that of so misusing a white person. The Supreme Court lost no opportunity to encourage the principle of humane treatment of slaves by their masters, often appearing to strain the law to do so. In 1833⁶² it held that a family of slaves could not be broken up and sold to different white persons to satisfy a debt against an estate.

A difficulty often experienced in the management of slaves was that they would steal farm produce from their masters or other white people in the community and sell to unscrupulous purchasers at much less than the actual value of the article. This encouraged theft and consequent dissipation on the part of the slave, since the money so obtained was often used to purchase whisky or in gaming. The North Carolina

⁵⁶*Ibid.*

⁵⁷Iredell, 716, Ch. 4.

⁵⁸1st Sess., 3rd G. A., p. 187, Ch. 9.

⁵⁹Sec. 4.

⁶⁰Iredell, p. 153, ch. 6, sec. 10.

⁶¹1st Sess., 10th G. A., p. 70.

⁶²Loftin vs. Epsy and Others, 12 Tenn., 84.

act of 1741⁶³ forbade trading with slaves. An act of the Tennessee Legislature of 1799⁶⁴ forbade any person to buy from or sell to a slave who did not produce a certificate from his or her master expressly permitting such bargaining as to place and time. For its violation a penalty of a fine ranging from five to ten dollars, recoverable before a magistrate by action for debt, was fixed. Another law of 1813⁶⁵ made some changes and additions to the former regulation. It permitted the sale without a permit from his master of any article made or produced by the slave himself. It was inferred that time and permission had been willingly granted by the master when a slave was allowed to grow farm produce or poultry, or to exercise his mechanical skill in making any other article for sale, and that no protest would arise or harm be done. The former laws provided no punishment for the slave engaging in this unlawful traffic, making an effort only to render effective the prohibition on the action of the outside party. But this law made it obligatory on the person with whom the slave offered to bargain, to arrest and carry him before a justice who was to give him not less than five nor more than thirty lashes.

One of the most dreaded forms of traffic in which the slave might be concerned was that of intoxicants. This lessened the efficiency of the slave and contributed to the possibilities of his disturbance of the peace of the community. Apparently North Carolina had relied upon her laws to prevent general selling to slaves to obstruct the traffic in liquors. In 1813⁶⁶ the Tennessee legislature passed a law providing a fine of from five to ten dollars for each offense of selling liquor to slaves without a permit from the master, and in case of failure to pay the convicted person was to be confined in jail until payment should be made. A slave who should sell to another slave was to receive from five to ten lashes and not less than three lashes for being found in possession of liquor,⁶⁷ and a free negro selling to a slave was to be fined \$50.⁶⁸ By an act of 1832⁶⁹ a dealer in receiving a license to traffic in alcoholic liquors was required to take an oath that he would not sell to a slave without a written permit from the slave's master. This was probably evaded by allowing a clerk to make such unauthorized sale.

⁶³Sec. 14.

⁶⁴1st Sess., 3rd G. A., ch. 28.

⁶⁵1st Sess., 15th G. A., p. 76, ch. 57.

⁶⁶1st Sess., 15th G. A., p. 76.

⁶⁷1st Sess., 18th G. A., p. 103.

⁶⁸*Ibid.*

⁶⁹Called Session, 19th G. A., p. 47.

At any rate in 1846⁷⁰ the form of the oath was so modified as to include affirmation that the dealer would not knowingly *permit* such unauthorized sale by an employe. To sell whiskey to a slave or free negro to be drunk on the premises was punishable with imprisonment for a period of seven to thirty days.⁷¹ Here may be quoted the opinion of the highest tribunal in the state,⁷² to get an adequate interpretation of the law and the policy of the state toward the slave population:

"Under no circumstances, not even in the presence, or by permission, in writing or otherwise, of the master, can spirits be 'sold or delivered,' to a slave, for his own use, but only for the use of the master, and even in that case, the 'owner or master' must be present, or send a written order, specifying that it is for himself, and the quantity to be sent." It will be seen that this law extends to everybody, and is not confined to licensed tipplers.

"A general, or indefinite, order, such as those exhibited in this case, is of no avail. An order can cover only a single transaction, and then it is exhausted."

It must have been common for slaves to hire their time from their masters, that is, to pay their owners a stated amount of money each week with the understanding that the slaves were to be allowed to act substantially as they would if they were free, contracting for odd jobs or working at some definite trade. This removed largely the responsibility and oversight of the master, which was deemed detrimental to the welfare of the community, since it lessened wholesome restraint over the particular slave and tended to render dissatisfied other slaves who observed the liberty which such an arrangement permitted. The act of 1813,⁷³ referred to above, provided a penalty of not less than five nor more than ten dollars on the master for each day the slave was allowed to hire out his time. The fines were reduced ten years later⁷⁴ to \$1 as a minimum and \$2 as a maximum, and it was provided, further, that one-half the fines were to be paid to the person prosecuting the case.

Tennessee was known as "the West" at the opening of the nineteenth century, and like the other states west of the original thirteen drew upon the population and resources of the older states. Naturally it drew upon the slave supply of the

⁷⁰1st Sess., 26th G. A., p. 154.

⁷¹Act of 1842, 1st Sess., 24th G. A., pp. 161-2.

⁷²Jennings *vs.* The State, 40 Tenn., 521; 1859.

⁷³Sec. 4.

⁷⁴1st Sess., 15th G. A., p. 76, ch. 57.

older states. But this desire for slave labor was not nearly so keen in Tennessee as it was further south. The natural surroundings and geography of the country, as well as the natural resources in the eastern part of the state, first in the order of settlement, did not encourage importation, and the whole of the western part was not opened until much later. Hence, restriction on the importation of slaves was early deemed advisable. A law prohibiting the importation of slaves for sale was enacted in 1812.⁷⁵ Nor was any person allowed to remove with his slaves into the state as a refugee from danger on the outside unless he should become a citizen of the state. It may have been anticipated that communities endangered by war or insurrection might seek such refuge with the purpose of returning when the danger had passed, thereby becoming a charge on the community's welfare with no personal interest at stake. It permitted any person, however, who intended to become a citizen of the state to remove into the state with his slaves, provided that within twenty days he appeared before a justice of the peace and took oath as to his intentions and submitted the names and descriptions of the slaves brought with him. In like manner a person already a citizen of the state was to be allowed to import any slaves he may have acquired by marriage or bequest. Violation of this law was punishable by the public confiscation and sale of the slaves.

The above act may have been intended as an experiment or had its desired effect, for being enacted for a period of five years it was allowed to lapse, and no new law took its place. Doubtless everybody regarded the spirit of the act as binding and the legislature neglected to renew its provisions. Some time prior to the meeting of the General Assembly in the fall of 1826, Oliver Simpson brought into Giles County some negroes for sale. They were seized by the sheriff who was soon to offer them for sale under the provisions of the act of 1812. A joint resolution was passed by both houses of the General Assembly, instructing the sheriff to suspend action until further notice from the assembly. A debate occurred on the floor of the Senate on the expediency of the resolution, the argument being made that while the title of the act limited its operation to five years the body of the statute did not.⁷⁶ While the resolution was passed by overwhelming majorities,

⁷⁵2nd Sess., 9th G. A., p. 84, ch. 85. Duties had been imposed by North Carolina to prevent foreign and domestic traffic, and in 1786 it was forbidden to bring slaves from a state which had emancipated all its slaves. Iredell, 577, ch. 5.

⁷⁶*National Banner and Nashville Whig*, Nov. 8, 1826.

a rigid law⁷⁷ embodying the provisions of the act of 1812 and still other restrictions was passed. The main provisions regarding imported slaves were the same as before, with the exception that the court procedure was more elaborate and better defined. A further restriction was made on importing a slave under any circumstances whatsoever who had been convicted in any other state or territory of a crime the penalty for which was transportation. It also forbade under a penalty of a fine of \$500 the importation of a free negro convicted in any other state of a crime the penalty for which was for the slave to be sold into temporary or permanent slavery. The Slave Act of 1831⁷⁸ imposed the burden of proof of innocence on the defendant charged with the violation of the above described law.

This was the policy of the state toward the domestic slave trade to the state until the opening of the western part of the state presented problems similar to those in Mississippi. Thereafter an increasing demand for a full supply of labor called for less restraint, and in 1853⁷⁹ the General Assembly repealed the provisions of the law of 1826, thus permitting the sale of slaves within the state.

Under the law of 1741,⁸⁰ actually conveying away a slave was deemed a felony and was punishable with death. But in 1829,⁸¹ for some reason, the law was so changed as to make the penalty from five to fifteen years in the penitentiary. If a slave was stolen while a runaway it was to be deemed the larceny of a slave if the master continued to pursue him.⁸² Closely akin in its nature and effects was harboring or enticing away of a slave. Under this accusation would naturally come entertainment, encouragement, or assistance to run away either to leave the community or the state. This was punishable under the law of 1741 by a fine of forty shillings for each offense, or, if the slave was lost permanently as the result of such enticement, the fine was £25, or in case the defendant was unable to pay he was to serve the injured master five years. The fine was made by the act of 1799⁸³ fifty dollars, but reduced in 1806⁸⁴ to any sum ranging from ten to twenty dollars. But harboring, including such incidents as enticing

⁷⁷2nd Sess., 16th G. A., p. 31.

⁷⁸*Supra*, sec. 14.

⁷⁹1st Sess., 31st G. A., p. 71.

⁸⁰Sec. 27.

⁸¹1st Sess., 18th G. A., p. 27.

⁸²*Cash vs. The State*, 29 Tenn., 111; 1849.

⁸³Acts 1799, p. 200, No. 28.

⁸⁴2nd Sess., 6th G. A., p. 83, ch. 32.

away, was, by another law of 1836⁸⁵ which revised former acts, made punishable with from three to ten years in the penitentiary. The same act also provided for the punishment of any person furnishing a pass to a slave to assist in such escape with a similar sentence.

Throughout the slavery regime the running away of a slave from his master was one of the greatest difficulties that owners had to deal with in controlling and profitably managing their slaves. We shall have, therefore, to peruse the North Carolina laws, for not until 1825 was any definite enactment taken by the state of Tennessee, to see what the earliest regulations were. The act of 1741⁸⁶ provided that on the capture of a runaway he should receive thirty-nine lashes. If the owner was unknown, the slave was to be turned over to the sheriff, who should advertise, giving a full description. If after two months no owner appeared to claim the slave he was to be hired out for a time sufficient to pay the fees incident to his detention after an iron collar with the letters P. G. on it had been put on him; and if, after he had earned sufficient to pay the fees for his arrest and detention, no owner appeared, he was to be advertised and sold at a public sale. A law of 1825⁸⁷ provided that a runaway should be detained one year in the hope of finding the owner, and if no owner appeared within twelve months the slave was to be sold at public auction and the proceeds to go into the county treasury. If, within two years of the time of the sale, the owner should appear and on the evidence of creditable witnesses prove the ownership of the slave that had been sold, the funds received for the slave less the expenses of his detention should be paid over to such owner. An act of 1844⁸⁸ permitted the sheriff of any county to hire to the officers of an incorporated town for public service any runaway slaves in his custody on the execution of a bond by such municipal officials in twice the value of each such slave to guarantee the safekeeping, humane treatment and prompt delivery of them. It is probable that in order to secure the fees unscrupulous sheriffs or patrolmen would arrest a slave who was merely roaming at large without a pass, on the ground that he was a runaway, and commit him to jail, thus entailing needless expense on the master.⁸⁹ Had this not been the case there would have been little or no

⁸⁵1st Sess., 20th G. A., p. 174.

⁸⁶Definitely repealed, 1st Sess., 19th Tenn. G. A., p. 123.

⁸⁷1st Sess., 16th G. A., p. 128.

⁸⁸1st Sess., 25th G. A., p. 161.

⁸⁹The jailer received the usual fee for prisoners and the person arresting received \$5 by the act of 1831.

reason for the act of 1852⁹⁰ forbidding sheriffs or the patrol from confining runaway negroes in the county jail when they were found in the town or vicinity where their master lived. In this connection it will be appropriate to refer to laws relating to the transportation of slaves by common carriers, as railroads and steamboats, though this must not have contributed except in the slightest degree to aiding runaway slaves. By a Supreme Court decision of 1857⁹¹ it was held that the railroad company, through its officers, was bound to know that any slave admitted to its cars had the permission of his master to take the trip. In case any slave was lost to his master in this way the railway company could be held liable in damages. By a decision in 1859⁹² the court refused to hold the owner of a boat liable in civil damages for the loss of a slave who probably jumped from the boat to escape and was drowned when in the care of his master, who was also on the boat. The court took occasion to say that they must differ from the opinion of Chief Justice Marshall, whose decision in a case similar in some respects⁹³ had held the owner of the boat liable.

Negro gatherings caused more anxiety on the part of the whites than almost anything else. In such meetings, if freely permitted, insurrectionary plans were possible and mutual discontent aroused. At the same time, however, it was felt by the white people that not only should such outlet for their social instincts be allowed but that a reasonable amount of such relaxation made them more serviceable. In 1831⁹⁴ a rigid law was passed to define and regulate such meetings. It made any meeting of slaves not authorized or permitted by their owners or the person on whose lands it was held, an unlawful meeting, and made it the duty of the patrol to break up such assemblages. It provided for the punishment in the discretion of the court, of any person who would permit an unlawful meeting on his premises. These provisions are a part of a law passed at a time when there was considerable excitement regarding possible slave uprisings. This act was interpreted by the Supreme Court in 1858⁹⁵ to mean that any such unauthorized meeting was unlawful, whether or not it was unaccompanied by any unlawful act or disorderliness. On the other hand it was not to be construed as a prohibition of such usual meetings as funerals or ordinary religious services,

⁹⁰1st Sess., 29th G. A., p. 120.

⁹¹Western & Atlantic Ry. Co. *vs.* W. D. Fulton, 36 Tenn., 589.

⁹²Scruggs *vs.* Davis, 40 Tenn., 664.

⁹³Boyce *vs.* Anderson, 2 Peters, 156.

⁹⁴1st Sess., 19th G. A., p. 123, ch. 103.

⁹⁵Leech *vs.* The State, 39 Tenn., 140.

even if such permission was not expressly given but in the nature of the case was implied. With a further view to preventing such meetings the Code of 1858 forbade by a fine the entertainment of a slave by a free negro unless he had a pass from his master to that effect.⁹⁶

A constant fear of insurrection of slaves, encouraged by free negroes or unscrupulous whites, was the nightmare of the southern slave owner. By the law of 1741⁹⁷ any slave or free negro concerned in an insurrection or in any way contributing to it was to be put to death. This was amended by an act in 1831⁹⁸ so as to allow the court trying the case to impose a less severe penalty if it was made to appear that the offense had extenuating circumstances or was not worthy of such punishment. But again in 1858⁹⁹ an act was passed making the penalty death for any slave or free negro to aid, abet or advise insurrectionary activities. It further authorized the judge of the circuit court, on an allegation of five responsible persons of the belief that certain negroes were plotting or conspiring against the whites, to call a special session of his court for that county, empanel a grand jury, and if, after investigation, a trial of the suspects was deemed necessary, to proceed with same without delay.

The subject of insurrection naturally leads up to that of incendiary literature calculated to incite such insurrection. A general act of 1803¹⁰⁰ prohibited by a fine of \$10 any person saying anything in the presence of slaves calculated to induce insurrection or insubordination to proper authority on the part of such slaves. The act further went on to define such improper language. In 1836 a more rigid law against incendiarism was enacted.¹⁰¹ It provided that any person who should write, print or engrave any writing, picture or other device, circulate or have in possession the same calculated to incite discontent, rebellion or insurrection, should be punished from five to ten years' incarceration in the penitentiary, and for a second offense the penalty was to be doubled in length.¹⁰²

⁹⁶Sec. 2732.

⁹⁷Sec. 47.

⁹⁸1st Sess., 19th G. A., p. 123, sec. 5.

⁹⁹1st Sess., 32nd G. A., p. 94.

¹⁰⁰1st Sess., 5th G. A., p. 49.

¹⁰¹1st Sess., 21st G. A., p. 145.

¹⁰²A painfully careful perusal of the available newspaper files of 1835 in Nashville failed to reveal any mention of the Amos Dresser incident referred to by Professor Hart in his *Slavery and Abolition* (p. 236). This does not, however, prove that such summary punishment was not meted out to Dresser, for it was not common for local newspapers of that day to comment on such extra legal proceedings.

In all of the southern states there appeared the desire by some of the slave owners to set free all or a part of their slaves. Apparently the greater reason for emancipations in the earlier days of slavery was that the profit from the slave's work was small and the service was often or usually of an inferior quality, and failed to balance with the cost of his keep and maintenance. As late as 1833¹⁰³ Senator Sims asserted that the reason that emancipation was growing was that the cultivation of cotton was coming to be unprofitable as an investment. Another reason was that many slave owners wished to reward certain of their slaves for meritorious services. Still another reason was to be found in the conscientious scruples of the owner as to the ethical or religious principle involved in slavery. But whatever may have been the cause of the desire for emancipation, another consideration was to be made before the slave was to be set free, namely, the interests of the community. Most people of that time believed, and with good reason, that the presence of any considerable number of free negroes in a community was a menace to its peace and welfare. Indolence, disorder, theft and insurrection were among the possibilities. Consequently the master was not allowed lightly to cast aside his responsibility. The North Carolina act of 1741¹⁰⁴ forbade the emancipation of any slave "except for meritorious services," and permitted any slave not set free for such reason to be again sold into slavery. But who was to be the judge of such "meritorious conduct"? Apparently this question was for the time settled by the act of 1777,¹⁰⁵ which devolved the judgment of the worthiness of the subject for manumission upon the county court. This prerogative was again reaffirmed in the court in 1796.¹⁰⁶ Some doubt as to the right or form of manumission used hitherto having arisen, or to prevent the reference of the matter to the legislature, an act¹⁰⁷ was passed by the General Assembly providing that any owner desiring to emancipate his slave should petition the county court to that effect, which was empowered to grant the petition if in their opinion no harm to the state would result. The owner was then required to enter into bond sufficient to cover the expenses in case the freed negro became a charge upon the county. A transcript of the record was to be furnished the free negro by the clerk on payment of a fee. A mere verbal permission to a slave to go free could not effect his freedom

¹⁰³*Nashville Republican*, Oct. 29.

¹⁰⁴Sec. 56.

¹⁰⁵Iredell, p. 288, ch. 6.

¹⁰⁶Iredell, p. 3 (of that session), ch. 5.

¹⁰⁷1st Sess., 4th G. A., ch. 27.

or relieve the master of his responsibility in regard to the slave.¹⁰⁸

But this law did not prevent the introduction of bills into the legislature seeking special emancipation. Probably the reason was to escape the filing of a bond guaranteeing that the slave would not become a charge upon the county. But in each case varying somewhat in details only one exception was made as to giving bond and that was in the case of a free negro man whose wife and daughter were set free, no bond being required.¹⁰⁹

It often occurred, however, that a slave owner desired that his slaves be freed on his death and it was not uncommon that wills were made providing for the emancipation of the slaves on the death of the owner. Before any specific enactment by the General Assembly was made the court had held that such a will was valid.¹¹⁰ In 1826 a slave owner in his last will and testament provided that his slaves should be set free and that his property should be sold and land bought in the Indiana territory and title and deed to same be vested in said free negroes. The Supreme Court held that such a will was valid.¹¹¹ Such cases were probably becoming common. Accordingly with a view to systematizing such procedure an act was passed in 1829¹¹² authorizing the probaton of such wills on condition that the bond as described above should always be furnished, either provided for by the testator or the executors of the estate. In case the executors failed to take the necessary steps to effect such freedom the slaves in question, through a "next friend," were enabled to sue for their freedom. Or, in case of refusal, the chancery court was authorized to compel the executors to take such a step.¹¹³ Indeed, a slave who once had his right to freedom established by a will could never be again held as a slave.¹¹⁴

About 1830 the slave laws in all of the southern states were very much strengthened. The most noticeable change in policy toward slavery in Tennessee was the prohibition in

¹⁰⁸James vs. The State, 28 Tenn., 308, in 1842.

¹⁰⁹For cases referred to above see the following: Acts, 1st Sess., 14th G. A., 129, 1829; acts, 2nd Sess., 15th G. A., 120, 1824; acts, 2nd Sess., 15th G. A., 147, 1824; acts, 1st Sess., 16th G. A., 175, 1825; acts, 1st Sess., 16th G. A., 353, 1825. Other petitions apparently not granted may be noted in the *Nashville Banner and Nashville Whig*, Oct. 5, 6, Nov. 3, 1829.

¹¹⁰McCutcheon et al. vs. Price and wife et al., 4 Tenn., 211, 1817.

¹¹¹Ann Hope vs. David Johnson, et al. 10 Tenn., 123.

¹¹²1st Sess., 18th G. A., 49.

¹¹³Hinklin vs. Hamilton, 22 Tenn., 569, 1842.

¹¹⁴Isaac et al. vs. McGill, 28 Tenn., 616, 1848; Laura Jane vs. Hagen, 29 Tenn., 332, 1849; Boon vs. Lancaster, 33 Tenn., 578, 1854.

1831 of the emancipation of slaves except on condition that they be removed from the state, such removal to be guaranteed by a bond equal to the value of the slave.¹¹⁵ Two years later an act was passed relieving from the provisions¹¹⁶ of the former act any slave who had already contracted with his master for his freedom. Almost immediately the court interpreted the act of 1831 to permit a master to bequeath to his slaves freedom with the provision that they should be hired out by trustees until a sum should be realized sufficient to defray the expenses of their removal to some state or country permitting the presence of free negroes.¹¹⁷ In 1834 on the refusal of the executors of an estate to secure freedom for certain slaves provided for in the testator's will suit was brought for the negroes by a "next friend," but after rendering a lengthy decision in which the whole history and policy of emancipation was reviewed the court declined to order the execution of the will regarding the slaves unless a guarantee for their removal from the state in accordance with the law were provided.¹¹⁸

An interesting case came to the Supreme Court in 1835.¹¹⁹ A slave owner had applied to the county courts to secure the emancipation of his slave but his petition was not granted. He was also met by a refusal at the hands of the legislature. He then sold the negro to another man on the condition that the purchaser remove with the slave to Illinois and there effect his emancipation, which was accomplished according to the laws of Illinois. During the last illness of the negro's former master the latter out of gratitude returned to nurse him. On the death of the white man whom the former slave had nursed the negro was seized by the executors of the estate on the ground that he had been sent out of the state to evade the laws of Tennessee. The court held that since there was no law to cover the case it appeared to be a *casus omissus* and hence the emancipation effected in Illinois was to be judged conclusive. A not very dissimilar case arose in 1845¹²⁰ when an owner by will set his slaves free in Kentucky, which state required no further action to effect their freedom. The executors, however, removed with them to Tennessee in order to hold them as slaves. But the court held that the case would have to be determined by the laws of Kentucky and hence that the negroes could not be held in slavery in Tennessee.

¹¹⁵1st Sess., 19th G. A., p. 122, sec. 2.

¹¹⁶1st Sess., 20th G. A., p. 99.

¹¹⁷David *et al.* vs. Bridgman *et al.*, 10 Tenn., 557.

¹¹⁸Fisher's Negroes vs. Dabbs, 14 Tenn., 120.

¹¹⁹Blackmore and Hadley vs. Negro Phil, 15 Tenn., 452.

¹²⁰Reuben *et al.* vs. Parrish, 25 Tenn., 122.

Several other cases came to the highest court of the state within the following years which illustrate varied phases of slavery, and hence they will here be grouped together, though they are not necessarily connected logically. Children born to a slave mother who had before their birth received a promise of freedom to be exercised at a later time were to be free.¹²¹ Slaves who had had their freedom contracted for, though the consideration be merely nominal, could not be sold to satisfy a creditor's debt.¹²² In case an owner left a will providing freedom for his slaves the debts against his estate could not be satisfied without selling the negroes, the court held in 1848¹²³ that such negroes should be hired out until such time as the earnings of the negroes could satisfy the debts and then emancipation should take place. In 1842 an act¹²⁴ was passed to regulate free negroes, one section of which provided that a slave emancipated by a county court could be allowed to remain in the state provided that he furnish bond ensuring orderliness. In case the county court of one county refuse a petition for emancipation the owner might apply to the court of another county.¹²⁵

But the prevention of the settlement of freed negroes in the state by promise of removal beyond its borders was not deemed sufficient guarantee of the removal of the dangers of a free population, or just to the state so receiving them.¹²⁶ Hence an act was passed in 1854¹²⁷ providing that all slaves set free by the courts must have their transportation to the western coast of Africa and sustenance for six months thereafter furnished, with the exception of old or infirm slaves whose health by removal might be impaired, and those for whose freedom contracts had already been made. In case no financial provision had been made for their removal, although having the benefit of emancipation by will, the negroes should be hired out until sufficient funds were thereby acquired.¹²⁸

¹²¹Hartsell *vs.* George, 22 Tenn., 255; 1842.

¹²²Elias *et al.* *vs.* Smith *et al.*, 25 Tenn., 33; 1845. See McCloud and Karnes, Ex'rs. *vs.* Chiles *et als.*, 41 Tenn., 248, that such contract was based on moral grounds and was termed "emancipation by parole," referring merely to the owner's part.

¹²³Harry *et al.* *vs.* Green *et al.*, 28 Tenn., 182.

¹²⁴1st Sess., 24th G. A., p. 229.

¹²⁵Case of F. Gray, 28 Tenn., 513; 1848.

¹²⁶Such an opinion is expressed in the case of Fisher's negroes *vs.* Dabbs (14 Tenn., 120) referred to above. See also Boon *vs.* Lancaster, 33 Tenn., 578.

¹²⁷1st Sess., 30th G. A., p. 121.

¹²⁸Isaac *et al.* *vs.* McGill, 28 Tenn., 616, 1848; Boon *vs.* Lancaster, 33 Tenn., 578, 1854.

An act of 1858¹²⁹ made provision for the choice of a master by any free negro in case any such free negro desired to enter slavery. The law threw around such action sufficient guarantee against fraud and abuse, at least in so far as the letter of the law went. Children of a free negro entering slavery were not thereby enslaved. An act of 1860¹³⁰ specifically provided that slaves who had been set free by will or otherwise, but for whom no funds had been provided to effect their transportation to Africa, should be given the privilege of choosing a master and re-entering slavery; a colored mother also being allowed to act for any of her children under six years of age.

In 1834 there met in Nashville a convention to frame a new constitution. It was to be expected that this convention would have before it in some form the question of slavery. Particularly so since the apprehension aroused by the Nat Turner insurrection had not yet died out. The form the discussion took was that of proposals looking to the gradual emancipation of the slaves, and the disfranchisement of the free negroes who had been voters until that time. Memorials from sixteen out of sixty-two counties praying for general emancipation were laid before the convention containing 1,804 signatures, 105 of which were those of slave owners who in the aggregate it was estimated owned about 500 slaves.¹³¹ Early in the session a committee of twenty-six was appointed to investigate and report on various points, among which was slavery. "That they report suitable provisions in relation to slavery and emancipation in such a manner as to put those subjects at rest, never to be interfered with by the legislature under any circumstances."¹³² Apparently, however, another committee was appointed for the specific purpose of dealing with the question exclusively,¹³³ and by resolution of May 30 all petitions were to be referred to this committee. On June 18 this committee submitted a lengthy report.¹³⁴ The findings may be conveniently grouped under four heads. First, it was apologetic (not laudatory, as would be expected) of the institution. Secondly, the report praised the motives of the

¹²⁹1st Sess., 32nd G. A., p. 55.

¹³⁰1st Sess., 33rd G. A., p. 117.

¹³¹*Journal of Convention*, July 9, p. 124. One of these petitions from Greene County carried 347 names. *Journal*, May 29, p. 48. Among the counties presenting petitions were the following: Greene, Lincoln, McMinn, Knox, Sevier, Blount, Robertson, Overton.

¹³²*Journal*, p. 30.

¹³³*Journal*, p. 53.

¹³⁴*Journal*, p. 87.

memoralists, but illustrated the impracticability of the plan by pointing out the probability that the masters would sell their slaves out of the state before they would allow them to be set free, and, thirdly, that if they were not sold out of the state they would constitute a menace to order within the state. Lastly, it called attention to the fact that gradual emancipation and voluntary colonization were already in progress and doubtless would continue until all the slaves were finally emancipated. The number who opposed the spirit and recommendations of the report was small, but they were able to make themselves heard in further parliamentary maneuvers. An effort to amend the report before its adoption was lost by a vote of forty-two to twelve. When put on its final passage the affirmative was forty-four against ten in the negative, all of the ten negative votes being cast by delegates from East Tennessee except one from Bedford County. The minority entered in the form of a protest their reasons for voting against the final adoption of the report and asked that their reasons be spread on the journal.¹³⁵ The substance of their objections was that the memorialists desired more consideration of their prayer than had been allowed and that they justly deserved it; they averred that slavery was morally wrong, and denied that the condition of the free negro was worse than that of the slave; they cited the signatures of slave owners on the memorials as evidence that many slave owners would not sell their slaves out of the state in case emancipation should be undertaken, but that on the contrary they merely preferred trying free instead of slave labor. Apparently the matter was recommitted with a view to getting some more definite facts regarding the memorials. Their report submitted on July 9¹³⁶ summed up the facts regarding the number of petitioners, as cited above, and it deprecated further discussion in the fear that it would stir up ill feelings. Some of the former protesters replied to this second report in a controversial tone to maintain their former positions.¹³⁷

The other phase of the negro question, that of the disfranchisement of free negroes, was introduced by a resolution on May 27¹³⁸ with this purpose in view. So far as the journal reveals it, very little discussion on this subject took place but what occurred was on June 26. One of these was a long-labored philosophical discussion in favor of disfranchisement.

¹³⁵ *Journal*, p. 192.

¹³⁶ *Journal*, p. 124.

¹³⁷ *Journal*, p. 147.

¹³⁸ *Journal*, p. 37.

Another a more practical presentation advocated allowing those who already had the right of suffrage to retain it since they numbered not more than four or five hundred, the speaker advocated excluding from the suffrage those free negroes who might hereafter come into the state.¹³⁹ By a vote of 30 to 23 the free negro was disfranchised and there was added without dissent the following:

"Provided no person shall be disqualified from voting in any election in this state on account of color, who is now by existing laws of the state a competent witness in a court of justice against a white person."

The North Carolina laws until 1796 had but little to say about free negroes. These negroes were probably regarded as having much the same legal status as white persons. A law of 1785¹⁴⁰ did, in order to prevent free negroes from escaping taxation, require that any free negro who entered a town should be registered and given a badge with the word "free" engraved on it after having paid the tax of ten shillings. A free person of color not so complying with the law was to be treated as a slave hiring out his time unlawfully.

In 1806¹⁴¹ a law was enacted which required every free negro to be registered by the county clerk of court with a description, age, and statement as to his right to freedom. A transcript of this record was to be furnished to the negro by the clerk. If at any time the negro should travel out of the county of his residence without this transcript he might be arrested and jailed until a copy of the record of his freedom should arrive, the negro meantime becoming liable for fees incident to his incarceration. Another act¹⁴² of 1807 provided that for vagrancy on the part of a free negro who was at the time outside of his home county he could be held after being arraigned before a justice in a bond of \$250 for his good behavior. A free negro entering the state from another state¹⁴³ was to be allowed to register his free papers as provided for those already resident in 1806.

This freedom of residence accorded free negroes from other states was withdrawn in 1831.¹⁴⁴ Another law of this year fixed a penalty of from \$10 to \$50 fine and from one to two years in the state penitentiary for disregard of this prohibition, the sentence to be doubled in case the negro neglected to leave after the expiration of his first sentence. This act was

¹³⁹*Journal*, p. 208, July 31.

¹⁴⁰Martin's North Carolina Acts, p. 150, sec. 10, ch. 6.

¹⁴¹2nd Sess., G. A., 83.

¹⁴²Sess., G. A., 157.

¹⁴³1st Sess., 16th G. A., p. 128, sec. 3; 1825.

¹⁴⁴1st Sess., 19th G. A., p. 122.

slightly modified in 1842¹⁴⁵ so as to allow a free negro to enter the state on permission of the county court of the county in which he should expect to reside after having furnished a bond of \$500 guaranteeing his good behavior and relief in case of becoming disabled.¹⁴⁶

To encourage the emigration of free negroes from the state an act of 1833¹⁴⁷ authorized the treasurer of Middle Tennessee to pay to the African Colonization Society \$10 for every free negro transported from the state, a maximum expenditure of \$500 for any one year being allowed. But ten years later¹⁴⁸ this law was repealed.

There were several acts dealing with specific cases passed at intervals by the legislature. In 1821¹⁴⁹ three free negroes were allowed to prove their accounts, but this act was repealed two years later. A law of 1827¹⁵⁰ gave a legal name to a free negro and his wife. Another of 1855¹⁵¹ provided that free negroes in Lauderdale County should be required to work on the public roads as other persons were. This would possibly point to the lack of such a requirement in other counties. Still another of 1852¹⁵² authorized the county clerk of court to hire out free negroes for disorderly conduct.

Perhaps one of the most difficult things to determine in a study of slavery is the real position of the free negro. Was his condition better than that of the slave? Was he a source of disturbance to the slave population? Was his status and presence undermining to the social and economic system of the South? The writer has had occasion, in another study,¹⁵³ to say that he believes that the sources are not entirely reliable on this point; they have all the appearances of prejudice and often of purposed misrepresentation. What is true of the rest of the south is true of Tennessee. However, we shall allow a few quotations, perhaps as free as any from this objection to speak for themselves. First two from the Supreme Court:

"He (*i. e.*, the free negro) is a reproach and by-word with the slave himself who taunts his fellow slave by telling him 'he is as worthless as a free negro.' The conse-

¹⁴⁵1st Sess., 24th G. A., p. 229.

¹⁴⁶1st Sess., 24th G. A., p. 229.

¹⁴⁷1st Sess., 20th G. A., p. 76.

¹⁴⁸1st Sess., 25th G. A., p. 15.

¹⁴⁹1st Sess., 15th G. A., p. 246.

¹⁵⁰1st Sess., 17th G. A., p. 19.

¹⁵¹1st Sess., 32nd G. A., p. 331.

¹⁵²1st Sess., 29th G. A., p. 237.

¹⁵³*The Police Control of the Slave in South Carolina*, p. 216.

quence is inevitable. The free black lives among us without motive and without hope."¹⁵⁴

"A free negro is not, it is true, a citizen of full privileges in our state, but still he is a free person, and cannot be punished in (a) summary mode, both in his person and his purse, for an act innocent in itself, and which is made *malum prohibitum* by the corporation of Memphis. The lot of a free negro is hard at best, resulting from necessity arising out of relations in which he stands to his brethren who are in servitude, and it is both cruel and useless to add to his troubles by unnecessary and painful restraints in the use of such liberty as is allowed him. He must live and in order to do so he must work."¹⁵⁵

"In (my) section the residence of free blacks was an evil. It was not only corrupting the slave population, but the free blacks were forming associations with a certain class of white people that was disgusting and a curse to the country."¹⁵⁶

"The free negroes in slave-holding sections are a curse to society—they are a degraded debased race. They are too lazy to work, and in general get their living by dishonest means. In the district which I represent there are many free blacks, and I do not know one respectable one. I can say from my certain knowledge that a great number get their living by becoming the receivers and venders of stolen goods which they have induced the slave to pilfer from his master."¹⁵⁷

This summary limited as it is to the results of an examination of statute law and judicial interpretation will perhaps not justify too certain generalizations as to the system of slavery as it appeared in Tennessee. An appropriate sequel to this study would be based on an industrious and patient investigation of the court records, newspapers, legislative petitions and the census reports. Some observations may be ventured, however, as suggestions towards further study. First, slavery was an important element in the political sectionalism which marked Tennessee. There was a decided sentiment in some of the eastern counties for emancipation, while, with the extension of settlements to the west, a strong sentiment for slavery was developed. Secondly, this hostility towards slavery, or, at

¹⁵⁴Fisher's Negroes vs. Dabbs, 14 Tenn., 120.

¹⁵⁵Mayor of Memphis vs. Winfield, 27 Tenn., 708.

¹⁵⁶Nashville Republican, Oct. 5, 1833.

¹⁵⁷Nashville Republican, Oct. 29, 1833. Debate in Senate of October 23.

least, this lack of enthusiasm for it, served to prevent the enactment of a harsh code and to produce a milder attitude toward the slaves. This is to be seen, for instance, in the safeguarding of the criminal trials of negroes. Thirdly, it is shown that from 1830 to 1860 there was a constant drift towards a hard and fast industrial and social system of slavery which caused the state to be quickly aligned with such slave states as South Carolina, Georgia, or Mississippi and which left the eastern counties, with their smaller slave population, out of sympathy politically with the middle and western counties. Finally, a thorough study of slavery in Tennessee would probably illustrate all the most varied conditions of slavery as that institution appeared in any state in the Union.

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ANDREW GREER.

The historical interest that attaches to the first settlers of Tennessee, especially those on the Watauga, afford sufficient ground for putting on record in the *TENNESSEE HISTORICAL MAGAZINE* something about Andrew Greer. The present time is opportune in view of the fact that Andrew Greer was the father of Joseph Greer, the subject of an interesting sketch in the March (1916) number of this journal.¹

Ramsey says in the *Annals of Tennessee* that "Andrew Greer was an Indian trader, and at a very early period, perhaps 1766, came with Julius Dugger to the West"; and that "Andrew Greer was one of the first if not the very first settler of Watauga." This statement as to the time of his coming west is corroborated by a record in the register's office, Charlottesville, Virginia, showing that Andrew Greer, September 11, 1776, sold his land in Albemarle County. This land was conveyed to Jeremiah Warder and Richard Parker, merchants of Philadelphia, Pa. According to the Rev. Edgar Woods² this sale was made, probably in liquidation of his debts as a merchant in that vicinity.

Andrew Greer was the son of Alexander Greer of Gaughwaugher (?) Ireland (probably Garvagh, Londonderry County). The tradition is that he came to America with two brothers and settled in the vicinity of Philadelphia. Leaving his brothers in Pennsylvania, he came to Virginia and lived for a time at Staunton, Augusta County, Virginia. Certain it is that he was a resident of Albemarle County in 1758 as he was then a sergeant in an "Albemarle company of militia lately in active service for the defense and protection of the frontier against the Indians."³ In the year 1834 or 1835 Michael Woods came from Lancaster County, Pennsylvania, with several families into what is now Albemarle County, Virginia. The Kincaid or Kinkead family was one of these. There were three brothers, David, Joseph and James. They settled in the western part of the county, on Mechum's river. Andrew Greer, about the year 1751, married Ruth, daughter of Joseph Kincaid. Their children were Alexander, born in 1752, Joseph, born in 1754; Andrew, born in 1756, and Ruth, born in 1768.

"Watauga Old Fields," says Ramsey, "occupied the site

¹Vol. 2, pp. 40 ff.

²*History of Albemarle County, Virginia.*

³Hening's *Statutes*, VII, 203.

of the present Elizabethton, in Carter County. Tradition says it was once an ancient Indian village, of which, when Mr. Andrew Greer, an early hunter and explorer, first settled it, no trace remained but the cleared land." Julius Dugger, who came to the West with Greer, settled at a place afterwards known as Dugger's Bridge, fourteen miles up the Watauga from Elizabethton. "They are believed," says Ramsey, "to be the first white men that settled south of what was afterwards ascertained to be the Virginia line. After them came the Robertsons, John Carter, Michael Hyder, the Seviars, Dunjains, McNabbs, Matthew Talbot, the Hortons, McLinns and Simeon Bundy. Soon after the arrival on the Watauga of the emigrants above named, came the Beans, the Cobbs, and the Webbs, and, subsequently, the Tiptons and the Taylors."

It is probable that Andrew Greer did not bring his family to Watauga at this time, but built a hunting lodge as headquarters, traded in furs with the Indians, and made periodical trips to the home place in Virginia. Some others began to come from that vicinity to the settlements on the Holston and Watauga—perhaps some of them influenced more or less by his account of the new country. Among those who came at an early date were Valentine Sevier, from Augusta County, who stopped for a season on the Holston, then settled on the Watauga a mile or two below the site of Elizabethton, and Matthew Talbot, of Bedford County, who settled below Sycamore Shoals on or near the site of the Watauga fort.

Ruth Kincaid, wife of Andrew Greer, died about 1770, it is supposed. Her father, Joseph Kincaid, died in 1774. Then in 1775 Joseph Greer joined his father on the Watauga. That the other members of the family went with him or had gone there previously is inferred from the fact that the names of Andrew, Alexander, Joseph and Andrew Greer, Jr., all appear among the signatures to the "petition and remonstrance" of 1775 or 1776, in which the inhabitants of the Washington district ask, among other things, to be annexed to North Carolina.

Ramsey gives the following account of what he says was the commencement of Cherokee hostility in 1775: "Andrew Greer, being in the Cherokee towns, suspected from the conduct of Walker and another trader that some mischief was intended against him. He returned with his furs, but left the main trading path and came up the Nollichucky Trace. Boyd and Dogget, who had been sent out by Virginia, traveling on the path that Greer left, were met by the Indians near a creek. The creek is in Sevier County, and has ever since been known as Boyd's Creek. A watch and other articles were

afterwards found in the creek. The watch had Boyd's name engraved on the case. He was a Scotchman."

The next year the Cherokees made an attack upon the settlements. One division, led by Dragging Canoe, attacking the Holston settlement, was met and defeated at the Island Flats near Long Island of the South Fork of the Holston. The other division, under the command of Old Abraham, invested and attacked the fort at Watauga. "Captain James Robertson commanded the forces at Watauga, amounting in all to but forty men. Lieutenant John Sevier and Andrew Greer were also present." The families of the settlers had been brought within the enclosure for protection. Mrs. Bean was captured by the Indians, and Catherine Sherrill, who became the wife of John Sevier, is said to have narrowly escaped capture at the opening of the attack by a thrilling run to the fort. The Indians continued before the fort for six days, abandoning the siege on the approach of troops coming to the relief of the besieged garrison.

The District of Washington, which at that time embraced all the territory now in the State of Tennessee, was annexed by the Legislature to North Carolina in 1776. The Court of Pleas and Quarter Sessions for the district was established by the Legislature in 1777, and twenty-five magistrates were appointed by the governor. Andrew Greer was one of these. He was present at the first meeting of the court February 23, 1778, which was held at the house of Charles Robertson, one of the magistrates; and he served as a member of this court continuously, or nearly so, until 1796. In 1780 he was appointed by the court as one of the judges to examine the different kinds of currency and coins in circulation in order to detect and prevent frauds and impositions. He was collector of the public and county taxes for the year 1783. When Carter County was established by the Legislature in 1796 he was appointed one of the commissioners to select the site for the court house and to erect county buildings. From that time until his death in 1806 he took an active part in the administration of public affairs in that county.

It was with Andrew Greer that John Sevier came to the West from Virginia, according to a tradition in the Greer family. Greer was a friend and supporter of Sevier. He was riding with him at the time when Andrew Jackson met Sevier on the road between Knoxville and Southwest Point,⁴ threatened to shoot him, and desisted from his purpose only when he became convinced that Sevier was unarmed.

Andrew Greer married a second time. His second wife

⁴Kingston.

was Mary Vance. The children of this marriage were Thomas, John, Vance, Margery, Jane, and Polly. His children all removed to Middle Tennessee before or after his death in the fall of 1806. All of them married. Hundreds of his descendants are now living in Tennessee. He purchased or received for military service fifteen hundred acres of land in Lincoln County, Tennessee, but he never left the Watauga. He had exercised good judgment and taste in selecting a location fronting on the Watauga River, with the Holston Mountain as a background, in the upper end of what Governor Robert L. Taylor named the Happy Valley. He possessed at one time all or nearly all the lands along the river on the north side, extending up the river three or four miles from the Tumbling Shoals at Elizabethton. Part of the property, near Elizabethton, which he sold in 1797, became the Stover place, where President Andrew Johnson died, at the home of his daughter, Mrs. Stover. One thousand acres which he reserved as a homestead was sold by his heirs to John Nave. Mrs. Sharp, a granddaughter of John Nave, who lives on the place, pointed out to the writer the site of the residence of Andrew Greer in a very old apple orchard near the bank of the river. His grave could not be found; but it is supposed that he was buried at the upper end of the place, near the mouth of Stoney Creek in an old cemetery that was obliterated by the high waters of the Watauga River in 1910.

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JOHN T. MCGILL.

DOCUMENTS.

Papers of Major John P. Heiss.

(Second Instalment.)

INTRODUCTION.

As stated in the introduction to the first instalment of the Heiss Papers,¹ Major Heiss, in 1845, was associated with Thomas Ritchie of Virginia, editor for many years of the *Richmond Enquirer*, in the founding of the *Washington Union*, the "organ" of the administration of James K. Polk. With the *Union* and its business affairs, the first part of the second instalment has to do. The later papers of this instalment are of a miscellaneous character.

From the time of Polk's nomination, and particularly after his election was known to be a fact, the choice of a government organ perplexed Polk and afforded opportunity for speculation on the part of both his friends and his enemies. Like the larger question of the selection of his cabinet, this constituted a part of the problem of reuniting the Democratic party,² after the strain that had been put upon it through the disappointment of, first, Calhoun, and later Van Buren. Implacably hostile to Calhoun was Benton of Missouri, a power in the Senate, to which body Calhoun also returned. How to preserve the peace between these men and their respective followers without a surrender to either faction was perhaps the chief task of domestic policy that confronted Polk. In the matter of the cabinet the existence of a number of offices made possible some sectional and factional distribution. If Polk's course in this respect is to be criticised, it is not because Polk identified himself with any one group, but because he tried to satisfy all groups instead of using his patronage to bind men to himself. Of course, the circumstances of his nomination had made this latter procedure peculiarly difficult. As to the newspaper, however, there could be only one, and there was already entrenched the *Globe*, long the representative of the Jackson democrat, while the *Madisonian* represented the followers of John Tyler, the *Constitution* favored Calhoun, and the *Intelligencer* upheld the cause of Clay. The *Globe*, however, under the management of Francis P. Blair and John C. Rives, the former one of Jackson's oldest and most faithful friends, had long been

¹In the preceding number of the MAGAZINE, Vol. 2, No. 2, June, 1916, pp. 137ff.

²Cp. *Madisonian*, Jan. 24, Mar. 14, 28, Apr. 7, 11, 1845; Martin Van Buren to James K. Polk, January 18, 1845; Polk Papers, Division of Mss., Library of Congress: Cave Johnson to Polk, December 6, 1844, *ibid.*: F. W. Pickens to Calhoun, Apr. 17, 1845; J. F. Jameson, (ed.), *Correspondence of John C. Calhoun*, p. 1029; J. S. Barbour to Calhoun, *ibid.*, p. 1036. W. A. Harris to Calhoun, *ibid.*, p. 1038.

devoted to Martin Van Buren, and had thereby won the dislike of the southern element of the party. Within a month after his election Polk and his mentor, Cave Johnson, were in correspondence concerning the selection of a new editor for the *Globe*, and the names of Andrew J. Donelson, Andrew Jackson's nephew by marriage, E. Burke of New Hampshire, and Thomas Ritchie of Virginia, were mentioned by one person or another.³

Although General Jackson, from the moment that Van Buren's Hammett letter appeared, had made up his mind that Van Buren was no longer available for the Democratic nomination, the knowledge that Blair, too, was the subject of disfavor and was threatened in his position as editorial spokesman of the party, stirred the old general, now in his last illness, to great regret and indignation. Polk, as he proceeded in his course against Blair, faithfully reported to Jackson his actions in this as in other respects; and Blair, too, kept in close correspondence with the *Hermitage*.⁴ In April, 1845, as the matter was reaching its crisis, Major William B. Lewis, who, after long enjoyment of office, had just been removed by Polk, wrote to Jackson for consolation. A part of one of Jackson's letters, in reply to Lewis, dated April 8, 1845, was published by Lewis in the *Nashville Banner*⁵ in July. This letter stated what Jackson had heard, and his conclusions, with regard to the *Globe*. As published by Lewis certain names in the letter were suppressed, the letters in each name being indicated by asterisks. To this publication the first numbers of the present instalment of the Heiss papers refer. The humorists spoke of this letter as an "astrological" affair, but to several politicians it was a matter of little jest.

Public curiosity was aroused as to two phases of the matter: first, the influences that led to the change in the organ; secondly, the source of the money that was necessary for the purchase of the *Globe*. At the time this curiosity was not fully satisfied, for the old newspaper came to an end and the new one began its career with dignity, and the respective owners and proprietors exchanged compliments in friendly fashion.⁶ But a few years later, in 1850-1851, a quarrel over the public printing—in its technical details of very little interest—resulted in the airing by Blair and Rives on the one hand and by Ritchie on the other of their respective accounts of the circum-

³Cave Johnson to Polk, December 6, 12, 14, 20, 26, 1844; January 2, 5, 11, 13, 18, 1845; Polk Papers. Polk to Johnson, December 21, 1844, in "Polk-Johnson Letters, 1833-1848," TENNESSEE HISTORICAL MAGAZINE, Vol. 1, No. 3, September, 1915, p. 204.

⁴Polk to Jackson, March 17, 26, 1845; F. P. Blair to Jackson, March 24, 1845; Jackson Papers, Division of Mss., Library of Congress.

⁵July 9, 1845; see below, docs. nos. 1 and 2, and notes 37 and 39.

⁶*Globe*, April 14, 30, 1845; *Union*, May 1, 1845. For a contemporary account of the transfer see *Niles' Register*, vol. 68, pp. 153, 154, May 10, 1845.

stances which had attended the beginnings of the *Union*.⁷ In 1856 Blair again told his side of the story.⁸ Finally Thomas Hart Benton, the enemy of Calhoun and a severe critic of Polk, gathered up the charges of Blair and Rives and published them, with elaborations of his own, as history, in his *Thirty Years' View*.⁹ In a recent work Professor C. H. Ambler, the biographer of Ritchie, accepts the main outline of the Blair-Benton story.¹⁰ While perhaps not of fundamental importance, the story in its evolution affords sufficient interest to justify some critical investigation.

Benton said that the destruction of the *Globe* arose from two circumstances: First, in the summer of 1844, after Polk's nomination, a friend of Calhoun visited Polk and insisted upon the deposition of Blair as editor if the support of South Carolina in the election was desired by Polk. Secondly, President Tyler, nominated for re-election by a convention of his own friends, made the retirement of Blair a condition for his own withdrawal from the presidential race. Thus from two external sources the overthrow of Blair was demanded. The chief agent in the intrigue, according to Benton, was Robert J. Walker of Mississippi, who became Polk's secretary of the treasury.

The friend of Calhoun, to whom Benton refers, was undoubtedly F. W. Pickens of South Carolina, who visited Polk in 1844 and reported to Calhoun the details of their conversation. In this confidential letter¹¹ Pickens stressed the following points: (1) the tariff, (2) economy in the administration of public affairs, (3) the annexation of Texas, (4) the fact that Polk seemed to be free from the domination of the New York managers. He wrote not a word which would support Benton's statement that the destruction of the *Globe* was the condition of South Carolina's support; and, while the argument from silence is never conclusive, in this case it would seem nearly so, particularly as the letters written to Calhoun and by him, after the change had been made, give no evidence that would retroactively lend color to Benton's charge. On the contrary, a henchman of Calhoun, complaining of Polk's surrender to the northern Democrats, stated that Ritchie and Heiss could not get the public printing until Van Ness, a Calhoun man, had been removed from office by Polk.¹²

The allegation that John Tyler, also, took part in forcing

⁷*Daily Globe*, November and December, 1850, and January, 1851, especially November 26, December 17, 24, 31, 1850, and Jan. 16, 24, 1851. *Union*, the same months, especially December 24, 1850, January 2, 15, 1851.

⁸L. G. Tyler, *Letters and Times of the Tylers*, vol. 2, pp. 413-416.

⁹Vol. 2, ch. cli.

¹⁰Thomas Ritchie, *A Study in Virginia Politics*, chaps. 9, 11.

¹¹Calhoun *Correspondence*, pp. 968ff.

¹²E. g., Calhoun to T. G. Clemson, *ibid.*, pp. 652ff.

the withdrawal of Blair and Rives was specifically denied by Tyler himself,¹³ who, unlike Jackson, Polk, and Calhoun, was still alive when the charge was made. The contemporary documents, now available to the student, lend no support to Benton's statement. On the contrary, if there was any condition which Tyler laid down for his retirement, it was that his friends in office should not be persecuted by Polk if the latter were elected; and to this pledge, Tyler later thought, Polk did not live up. Letters of R. J. Walker, Polk, and Jackson show that Jackson himself urged withdrawal upon Tyler.¹⁴ There was indeed complaint of Blair's attacks on Tyler's administration, as constituting a hindrance to the *rapprochement*. But there was no pledge to Tyler that Blair should be displaced.

Over and above the dislike of Blair by the whole southern Democracy, a wholly sufficient cause for the change is found in Polk's own feelings on the subject. Blair had incurred the personal enmity of Polk, having on more than one occasion in Polk's career, either openly snubbed or at least passively neglected the Tennessean who was now to be president. With this feeling Polk easily combined the belief that Blair could not unite the factions of the party. This position Polk stated to Jackson¹⁵ and indeed to some extent to Blair himself, and he has confided a full expression of it to the pages of his *Diary*.¹⁶ If there was one course, wise or foolish, which Polk himself determined, it was the removal of Francis P. Blair.

We are thus brought to the second topic which exercised the curiosity of political observers,—the source of the funds with which Ritchie and Heiss, neither of whom were men of wealth, purchased the *Globe* and established the *Union*. The Blair-Rives-Benton version was somewhat as follows: Simon Cameron, elected senator from Pennsylvania in 1845, had obtained from Bibb, Tyler's secretary of the treasury, the deposit in the bank of Middletown, Pennsylvania,—controlled by Cameron himself,—of \$50,000 of the funds of the United States, which sum was allowed to remain there for two years or more by Robert J. Walker, secretary of the treasury under Polk. This money was advanced by Cameron to pay the instalments on the purchase of the *Globe*. Again, Robert J. Walker was charged with the responsibility for the matter.

¹³*Union*, January 15, 1851; Tyler, *op. cit.*, pp. 406ff.

¹⁴Walker's letter, addressed to James K. Polk, written from Washington July 10, 1844, is in Tyler, *op. cit.*, vol. 3, p. 139. In this he suggested that Jackson write a letter to be shown to Tyler. July 11, Walker wrote again, saying that he had seen a private letter written by Jackson to one of his friends, but that this would not do to show Tyler because it spoke of Thomas Hart Benton as being crazy.

¹⁵Polk to Jackson, March 17, 26, 1845. Jackson Papers.

¹⁶Cp. the versions of the conversation between Blair and Polk given by each: Blair to Jackson, March 24, 1845, Polk to Jackson, March 26, 1845, Jackson Papers. See also M. M. Quaife, (ed.), *The Diary of James K. Polk*, vol. 1, p. 357, where Polk relates what he told Senator Allen about Blair.

In the controversy of 1850-1851 and again in 1856 ex-President Tyler scornfully repudiated the slightest cognizance of such an affair.¹⁷ R. J. Walker, when the matter was published by Rives, circumstantially denied any collusion on his part with regard to the funds in the Middletown bank. Ritchie frankly told all that he knew about the financial side, which, he said, was very little, but he denounced Rives' charges.¹⁸ Major Heiss, whose name as that of the partner of Ritchie had of course been brought into the matter, wrote, as to Cameron, "We never received one dollar from him as a loan, nor did he advance one dollar toward the purchase of the *Globe* newspaper."¹⁹ Beyond this Heiss was uncommunicative. Ritchie said: "To this day Major Heiss never informed us from what source he derived his funds for paying the instalments of the *Globe*. He has delicately, but firmly, declined to inform us, though we have recently published the assertion, on his authority, that he did not obtain the money from Mr. Cameron."²⁰

But despite such categorical statements the question is not easily solved. In the controversy with Ritchie in 1850-51 Rives, who had re-established the *Globe*, in 1848 published several letters, or extracts from letters, of Jackson to Blair, of which one, written April 9, 1845, was almost identical in substance and phrasing with the letter to Lewis of the day before. Rives published most of the names.²¹ In the chapter in his *Thirty Years' View* Benton again published extracts from these letters, but a comparison with the originals, now in the Division of Manuscripts in the Library of Congress, shows that Benton took very great liberties with the text, making omissions to suit himself. In these letters of April 8 and 9 General Jackson referred to Cameron as a "renegade politician" and a "bankrupt in politics" who boasts of his \$50,000 to set up a new paper. He inquired also with reference to the intrigue against Blair whether any part in it was taken by Major Walker of Columbia or by Dr. William Gwinn, "the satelite of Calhoun, the great friend of R. J. Walker, Sec. of the Treasury, a perfect bankrupt in property." On April 17 Blair wrote to Jackson giving the first statement of the Middletown bank story. Before Tyler went out a treasury deposit of \$50,000 was made in Cameron's Middletown bank and then Cameron made a conditional pur-

¹⁷See the letter cited above, note 13.

¹⁸*Union*, January 15, 1851.

¹⁹*Union*, *ibid.* This letter of Heiss was dated September 7, 1850.

²⁰*Union*, January 2, 1851.

²¹The originals of these letters to Blair are to be found in the Jackson Papers, Division of Mss., Library of Congress. They are parts of a long series of the following dates, Nov. 18, 29,* Dec. 14,* 21,* 1844, Jan. 1, 4, 21,* Feb. 28,* Mar. 3, 9, 10, 18, 30, Apr. 4,* 7,* 9,* 20, 28, May 26, 1844. Those marked with an * are the ones which were printed in whole or in part. For the important passages of the letter of April 9 see Note 39 below.

chase of the *Madisonian*. Eight hundred dollars had just been put in the hands of Dow, who had bought out John Jones of the *Madisonian*, and in the end it would be swallowed up. "Cameron is here now," continued Blair, "and, although I know nothing of his having anything to do in connection with the purchase of the *Globe*, it is not improbable that he has some dominant interest, inasmuch as he has long had a hankering to supplant it."²² Jackson replied, April 28: "I have no information who are the real proprietors of the *Globe* or whether that renegade Cameron has any interest in it. If he has not, the *Globe* will not get the congressional printing. Its subscribers will fall away, and it will wind up in bankruptcy, as I do not know one of those *supposed* to be concerned who are capitalists—all money-making speculators."²³

Another bit of evidence is found in the Calhoun correspondence. One W. A. Harris, writing to Calhoun, says: "You probably do not know the partners in the *Union*. Ritchie owns half (*sic*), Heiss a fourth, J. Knox Walker, the president's nephew and private secretary, a fourth, and Senator Cameron of Pennsylvania did hold the other fourth, but for some reason or other they made him sell out and it now stands in the name of L. S. Coryell of Pennsylvania, who has from the first been a very active agent in the business, although he assures me that he really has no pecuniary interest in it."²⁴

When we take in connection with the above the communications from Cameron and from Coryell,²⁵ included in this installment, we must conclude that Cameron did for a while own an interest in the *Union*; and that therefore Major Heiss' denial must have been an extremely technical one. In his attack on Ritchie, Rives alleged that Cameron, testifying before a congressional committee, had admitted that he had advanced money to Heiss, but this part of the testimony was suppressed.²⁶ This, of course, was partisan testimony.

Major Heiss, as the papers in the first instalment showed, was trusted to a large degree by James K. Polk. Coming from Pennsylvania, he was familiar with the politics of that state and ventured to give Polk advice. It is stated, but upon uncertain authority,²⁷ that Heiss had served an apprenticeship in the printing office of Cameron, who had been a newspaper editor. In his position as owner of the *Union* Major Heiss tended to stand with the southern element in the party. A

²²Jackson Papers.

²³*Ibid.*

²⁴Calhoun Correspondence, p. 1042.

²⁵See below, docs. nos. 8 and 9, and notes 46 and 47.

²⁶*Globe*, December 31, 1850. Benton pressed this point.

²⁷F. Hudson, *Journalism in the United States*, p. 402.

letter of Robert Tyler to Calhoun of April 19, 1845, contains a reference somewhat unflattering to a "Mr. Geo. P. H.," who "may be regarded, although rather a worthless man, as a credible witness to a fact which occurred within his own knowledge, he being in point of fact an actor in the matter." As the person referred to was the owner of the *Union*, Major Heiss must be the one intended. Tyler's statement was that Polk, though hitherto committed to Texas, in his desire for Van Buren's support, was willing to accept the advice of Cave Johnson and almost all the politicians of Tennessee and approve the Hammett letter, and the editor of the *Union* had prepared an article in support of that position; but the owner of the *Union* would not allow it to appear.²⁸

As has appeared from the above account, it was at first intended to retain the *Globe*, with the substitution of another editor; but Blair would not agree to this, and Jackson, after all his expostulation, finally urged Blair to sell.²⁹ To persuade Ritchie to become head of the new paper was no easy task. The way in which Ritchie was approached by Cave Johnson and Aaron V. Brown of Tennessee and General Baily of Virginia is described by Professor Ambler, who follows Ritchie's own account of 1850-51, but with the Bentonian addition of R. J. Walker as the supreme manipulator. The following statement of Ritchie, however, is omitted by Professor Ambler. Ritchie said³⁰ that in January he received "through another friend in Washington" a still more brilliant offer, yet "the whole matter was gradually fading away when, toward the close of March, 1845:—

"A gentleman presented us a letter of introduction from Washington, referring to him for an explanation of the object of his visit. That gentleman was Major John P. Heiss. He was a perfect stranger to us; but he told us at once, and in the frankest manner, the object of his visit, which was to communicate the wish of the president and some of his friends that we should remove to Washington and conduct a journal which might become the organ of the administration. Major Heiss says truly in his letter of the 3rd instant that 'it was a long time before (we) consented to come to Washington.' In our long and cordial interview, we stated to him our objections, and he did not succeed in answering them. We stated further to him that we would not establish any paper in opposition to the *Globe* and that we were poor, and had no means to purchase that establishment. The Major replied that the money would be raised elsewhere and that he would see to that particular."

²⁸Tyler, *op. cit.*, vol. 3, p. 160.

²⁹Jackson to Blair, Apr. 7, 9, 1845; Jackson Papers.

³⁰*Union*, December 24, 1850.

Heiss left without any information from Ritchie that he would accept, but on the advice of some Virginia friends he, Ritchie, wrote to Washington, made an engagement with the president and had a frank conversation. Ritchie first urged the retention of Blair, but Polk replied that Blair had made too many political enemies to risk the consequences. He then saw Blair and later received from Blair a cordial note, telling of a conversation with Heiss, with whom he was about to make arrangements for the transfer.

Scattered notices of Heiss appear throughout the period that followed the establishment of the *Union*. In the summer of 1845 Rives made an address before the Democratic Association, in which he attacked Polk bitterly. The speech was set up in print, it was alleged,³¹ and was nearly published in the *Union*, but Heiss suppressed it. In December Polk notes in his *Diary* that Heiss was entrusted with the copy of his first message prior to its delivery.³²

The documents in the present instalment show that the course of the *Union* was not always a happy one, an impression amply confirmed by the notes in Polk's *Diary*.³³ The weakness of the old editor on the practical and business side appears, together with the proof of his tireless personal devotion to the *Union*.³⁴ We have also the terms of the dissolution of partnership between Ritchie and Heiss.³⁵ It is made manifest that this severance of business relations in no wise interfered with the friendship between the two men, for when Rives made an ugly personal attack on Heiss' personal character Ritchie came at once to the rescue.³⁶

ST. GEORGE L. SIOUSSAT.

³¹Calhoun *Correspondence*, p. 1040.

³²*Diary of James K. Polk*, vol. 1, pp. 108-109.

³³*Ibid.*, vol. 1, pp. 350-353, vol. 2, pp. 170, 375, vol. 3, pp. 237-238.

³⁴See below, doc. No. 12.

³⁵See below, docs. Nos. 13 and 14.

³⁶See below, doc. No. 17.

PAPERS OF MAJOR JOHN P. HEISS.

1. One of the principal reasons for my attack on Gray was the following:²⁷

In his correspondence with the "Charleston Mercury," a Democratic paper and the "New York Courier and Enquirer," a Whig paper, he holdly said, "that Gen. Jackson in his letter to Maj. Lewis dated April 8, 1845, better known as the letter with the *seven* and *five* stars; had reference to Ritchie and Heiss—one as being a renegade politician who could not be trusted in politics or money and the other broke, etc., etc., etc.

I produce the Republican Banner of July 9th published at Nashville in which this letter was *first published*; and it will be seen that Gen. Jackson has reference to some renegade politician but the publication of it shows in the place of the name, *Seven Stars*, and in the place of the name of the person he considers broke, etc., etc., etc., there appears *six stars*, which does not accord with the number of letters in my name. By means of altering these *stars* in Gen. Jackson's letter to conform with Mr. Ritchie's and my own name, the scoundrel Gray was the author of a vile slander upon me which was circulated from one end of the Union to the other.

2. Extract of a letter from Gen. Jackson to Mr. Lewis when at Washington.²⁸ Mr. Lewis says: "I make no apology for publishing the enclosed extract, from the General's letter. As my friendship for him has been doubted, I want the public to understand how far those who doubt it have a right themselves to be considered his friends."

Hermitage, April 8, 1845.

* * * * *

"I find that Mr. Blair and the President have got into some difficulty about the Globe (with Mr. Blair as its Editor) being the executive organ. This is a difficulty the President has got into where I can see no result but injury to him, and no justifiable cause of the President's part for [*sic*] it. He believes Mr. Blair has become unpopular with part of the democracy—he has opened his ears to bad advisers. Mr. Blair has more popularity with the democratic members of Congress and the democracy of the United States than any editor in them—and by the course adopted, (he) [*sic*] will disunite instead of uniting the democracy. "Present me to Mr. Blair and say to him that I was so sick yesterday and exhausted writing to the President, that I could not say half what I wished, but if I have strength I will soon write him again. Blair has taken a proper stand and I know will never suffer himself to lose character or be degraded. The Globe is to be bought—by what political clique, and to subserve what interest? Is the renegade poli-

²⁷This document is unsigned and undated, but is apparently in the handwriting of Major Heiss. Cyril V. Gray aroused Polk's indignation by saying that R. J. Walker was the real author of Polk's "Kane Letter." Both Polk and Walker denied this. *Diary of James K. Polk*, vol. 1, p. 43. Cp. Rhett to Calhoun, Sept. 18, 1845, Calhoun Correspondence. A communication in regard to the "star letter" similar to the present one, appeared over the signature "Nous Verrons" in the Charleston Mercury, July 28, 1845.

²⁸Apparently a copy of a newspaper clipping, in a hand not that of Major Heiss.

tion * * * * * to have an interest? Who would trust him in politics or for money? My opinion is that when the money is wanted it will not be forthcoming. Is Major * * * * * of _____ to be the purchaser? If so, he is here considered broke, and say to Blair, if he sells, to have the cash, or good security, that is known and vouched for to be good.

The difficulty was entirely unexpected to me and has vexed me sorely. * * *

"We all at the Hermitage greet thee with our kindest salutations."

"Your sincere friend"

"ANDREW JACKSON."⁵⁰

I perceive Mr. Ritchie is very anxious about those *seven stars* in Jackson's letter to Major W. B. Lewis, lately published, and insists that they were not meant for him—for he don't like to be called a "Renegade politician" by the old Hero. It is rather singular, too, that Major Harris [*sic*] of Nashville, has found it necessary to deny in the Nashville Union, that he was the "Major * * * * * of _____", who was "considered broke" at the Hermitage, as Jackson said in that same letter. Rather queer, I say, that Messrs. Ritchie and Harris should have been the only persons who have thought it necessary to deny that *they were the individuals meant*. However they may deny it as often and as vehemently as they please, it is not the less firmly believed by all here. Jackson was not the man to forget that the present "official editor" had declared that his election would be a curse to the country.

"LE SOLITAIRE."

⁵⁰The original of Jackson's letter to Lewis of April 8 appears to be in the New York Public Library. (*Bulletin of the New York Public Library*, vol. 4 (1900), p. 310). This original has not been collated by the editor of the MAGAZINE.

The important passages in Jackson's letter to Blair of the following day, April 9, were as follows:

"*This, the substance*, and I had a hope on the receipt of this letter and some others written by numbers of friends would have restored all things to harmony and confidence again. I rested on this hope until the 7th when I received yours of the 30th and two confidential letters from the President, directed to be laid before me from which it would seem that the purchase of the Globe and to get clear of you, its editor, is the great absorbing question before the President. *Well who is to be the purchaser?* Mr. Ritchie and Maj. A. J. Donelson its editors, *Quere as to the latter*. The above question I have asked the President. Is that renegade politician Cameron who boasts of his \$50,000 to set up a new paper to be one of them who is a bankrupt in politics and who got elected Senator by selling himself to the Whiggs, and could not raise one thousand dollars, to be one of the Proprietors, to unite the Democracy. His very election has divided them in Pennsylvania, and a letter to me says has done our mutual friend Buchanan much injury, he being charged with using *secretly* his influence to effect it, or would Cameron's ownership, in part unite Horn, Kane, Leaper, Dallas and a host of other old true democrats [result?] in your expulsion. What delusion. Or is Major Walker of Columbia, Tennessee, to be the purchaser. Here it is stated he is vastly encumbered with debt by many a perfect bankrupt. Who is to purchase, and where is the money to come from? Is Dr. Wm. Gwinn the satellite of Calhoun, the great friend of R. J. Walker Sec. of the Treasury, a perfect Bankrupt in property. My own opinion is that the contract made, the money cannot be raised and the Globe cannot be bought. What then, the President will find himself in a dilemma, have to apologize, and the Globe be the organ and Ritchie will return not so well satisfied with the sagacity of the administration as when he left Richmond. These are my speculations." (Jackson to Blair, April 9, 1845, Jackson Papers, Division of Mss., Library of Congress.)

The *Union of Nashville, Tennessee*, in the issue of August 16, 1845, contained a communication from James Walker dated Columbia, August 12, which cited a notice in the New York *Express* contained in the *Banner* of August 8. This notice was headed "Astrological Question Settled," and said that the seven stars referred to Cameron and the six stars to Walker and referred at length to Cameron's attempt to purchase the *Globe*. Major Lewis, Walker said, had refused to show him the letter of General Jackson or to say positively whether it was he to whom the General referred, but he gave Walker some reason why it ought not to suppose it was his name. Walker said he was in financial difficulties but not "broke." He was innocent as to the removal of Lewis. He defended Cameron against the slurs cast upon him.

3. Agreement made at the City of New York on the []th day of November, one thousand eight hundred and forty five, between Ritchie and Heiss of the city of Washington, Proprietors of the newspaper called the *Union*, and James A. Houston of the City of New York.

Ritchie and Heiss agree to employ and hereby do employ James A. Houston on the terms hereinafter stated from the Second day of December next ensuing during and until the close of the ensuing session of the Congress of the United States and so much longer as shall be mutually agreeable to the parties to this agreement. James A. Houston agrees that he will faithfully devote his time and talents during the said session of Congress in superintending the reports and proceedings of the said Congress, and also assist daily in the preparation of the same for the columns of the *Union*; he likewise agrees to furnish daily an analysis of said proceedings to appear editorially in said paper; James A. Houston likewise agrees that during the recess of Congress he will render such service as may hereafter be agreed upon.

And Ritchie and Heiss agree to pay to James A. Houston in consideration of said services the Sum of Fifty Dollars for each and every week of the period aforesaid, to be paid weekly. Ritchie and Heiss also agree to depute to James A. Houston the engaging and discharging of such assistant reporters as may be necessary, the salary of each to be approved by Ritchie and Heiss and to be paid by them.

Witness our hands the day and year above written.

RITCHIE AND HEISS,
JAMES A. HOUSTON.

4. ASBURY DICKINS, SECRETARY OF THE SENATE, TO MESSRS. RITCHIE AND HEISS, PRINTERS TO THE SENATE.

Decr. 17, 1845.

I have the honor to inform you that you have been this day elected printers to the Senate for the Twenty-ninth Congress.⁴¹

I send, for your information, a copy of a Resolution of the Senate, under which you have been elected.

I send, also, instructions for your guidance in regard to the number and distribution of the documents, etc., to be printed. Instructions relating to the confidential printing will be sent hereafter.

A form of the Official Bond to be executed will be furnished on application to this Office.

5. THOMAS GREEN, WASHINGTON, TO THOMAS RITCHIE.

May 9, 1846.

The facts and circumstances relative to the payment of Ritchie and Heiss⁴² second instalment, to Messrs. Blair and Rives were so far as I understand them, as follows: Major Heiss, on the 30th ult. addressed a note to Mr. Rives, asking for a few days indulgence,

⁴⁰Blank in ms.

⁴¹The public printing was, of course, the prize expected by the government organ. The long standing practice was to elect the printers. The plan of letting the public printing to the lowest bidder, to which end Garrett Davis of Kentucky introduced a resolution in June, 1846, in itself a reform, was initiated however in a spirit of vindictiveness which was a manifestation of the hostility aroused by Ritchie through the inability of the organ even with Polk's personal supervision—(he himself frequently wrote articles or drafted them)—to please all the factions in the party.

⁴²The circumstances to which this letter refers later constituted part of the grounds of difference between Blair and Rives on the one hand and Ritchie and Heiss on the other. Cp. *Globe*, December 24, 1850. Thomas Green was connected with Ritchie by marriage.

as Congress had made no appropriation to meet the heavy expenses already incurred. No answer was made to this letter, but the next day, a draft was presented for the principal and interest. Major Heiss refused to pay it, but made arrangements to pay the principal and before 3 o'clock, sent to Mr. Rives house, a letter notifying him of the readiness of Ritchie and Heiss to pay the instalment.

That afternoon, a Notary Public made protest for the non-payment of the amount of the principal and interest. The next day, Major Heiss determined to make a legal tender, of the principal and of the one days interest, no such tender having been *regularly* made the day before, when the instalment was payable.

A clerk in the Office was given a check on Messrs. Corcoran and Riggs for \$11,666.66, with direction to call on Mr. Rives and say to him, he had called to pay the instalment due by Ritchie and Heiss and to deliver the check upon his giving the receipt—he was also told to tender the One days interest. If Mr. Rives refused to accept it, the further direction was given, to ask him if he would acknowledge the tender of the check, as a legal tender of so much money; and to say, the *specie* would be tendered, if the acknowledgement were not made. In the presence of Major Heiss, I told the clerk to be particular, as a controversy was likely to be the result—that the object was to make the tender a legal one, and thus to stop the payment of *double* interest, he was told to hold no unnecessary conversation but to be sure to get an acknowledgement that the check should be regarded as so much money—otherwise the *specie* must be got at once and regularly tendered. The Clerk went to see Mr. Rives, and was informed he had gone to the North that morning. Major Heiss again conferred with me, under hurried circumstances, and we thought it best to make the tender to Mr. Blair, who, I was sure would acknowledge the check as a tender for so much money no new instructions being given or thought of, as far as I knew. In the afternoon, passing down street, I called to enquire the result, and was very much surprised to learn the check had been received and the receipt given so readily by Mr. Blair. I asked if Mr. B. had been told of Mr. Rives refusal—the Clerk said no—that Mr. B. asked why it had not been presented to Mr. Rives, and that his answer was, he had called to tender it to Mr. Rives, but was informed, he had gone out of town—whereupon the check was accepted as so much money, and the receipt given. I said, “but you ought to have told Mr. Blair what had occurred on the subject.” His answer was, “I obeyed my instructions, which were simply to present the check, and if it were not accepted, to aske that it should be acknowledged as a legal tender, etc.” I smiled and said, this must be corrected. When I met Major Heiss I suggested the propriety of his writing to Mr. Blair, reciting all the circumstances, and waiving all benefit of the receipt, if it had been given inadvertently—Major Heiss thought the just inference was, that Mr. Blair had concurred in the opinion, no interest was due and would not prefer or sanction such a claim to it—Moreover that Mr. B. might not like to be supposed so unlike a business man, as to give a receipt, inadvertently, and in the third place, he objected to writing such a letter, lest it might be supposed to imply a consciousness of having intended to take advantage of Mr. Rives’ absence, whereas he had acted legally and honorably throughout and did not like to volunteer explanations. I replied, a full statement of the whole case, would show, on its face, that the omission to speak of Mr. Rives’ views, had been the result of accident—the clerks applying strictly, to Mr. Blair instructions, designed to be followed in the presence of Mr. Rives.

Major Heiss asked me, to sketch such a letter as expressed my views—I did so hastily—and then we agreed to refer to an intelligent and judicious friend, then in view, whether it was better to send some such letter to Mr. Blair, in the first instance, or should wait to know from Mr. Blair, whether he had given the receipt unguardedly and inadvertently, or not.

That friend decided, that Major Heiss' view was perhaps best—all of us concurring, that all benefit of the receipt should be waived if Mr. Blair had given it, because he was not aware of the objections made by Mr. Rives.

It is proper to state, that I was as much surprised as Major Heiss was, at the demand for interest. It had never once occurred to me that Messrs. Blair and Rives, either at the date of the contract, or subsequently contemplated interest on the deferred instalments.

6. T. RITCHIE, TO MAJOR J. P. HEISS.

Wednesday Mg.

It is essential, that you close with Mr. Eams⁴³ today or tomorrow. See him, if you please (and if you please take Mr. Green with you,) and make the arrangement with Eams.

The *blunders* of the two last "Unions" are intolerable. A paragraph of mine to *close* the long editorial, very important as that ¶ was, is left out, and I suppose Mr. Adams's excuse is, it would have delayed the publication [?]. This would not have been the case if Eams had been working entirely for us, instead of being employed in the Navy Dept. He pledges himself in the event of your arranging with him, to get the paper always to press in time for the mails. I have no doubt of it, myself. It is worse than useless []⁴⁴ to wait upon Latham's case.

Do see Green—and take him with you and arrange with Eams today if you can.

I was to be at the Capitol this morning—on important public business—but I can't, for a large budget of English news is just poured in upon me, which Eams might take at once, if—etc.

7. JOHN P. HEISS, UNION OFFICE, TO THOMAS RITCHIE, ESQ.⁴⁵

January 15, 1847.

I promised one week ago that I would not say anything to you about the Post Office arrangements and the change of issuing the Union for one week. The week has now passed and as it is a matter of so serious a nature that [*sic*] I must call your attention to it again. I gave you at your own request in writing the advantages that would be derived by our subscribers as well as ourselves, yet it seems to have had no effect.

I have now another suggestion to make in reference to the change of hour for issuing the Union. It is this. That we should have all the editorial and general news set up and ready to put our paper to press at 3 o'clock and send off the Southeren [*sic*] mail only. After that, the Congressional proceedings and any *one* editorial which has reference to said proceedings can be set up for the paper and put to press again as a second edition to go off in the mails North and West which leave at six o'clock in the following morning.

⁴³Polk in his *Diary*, vol. 2, p. 172, October 3, 1846, refers to a Mr. Ames, assistant to Ritchie, as having written an article on Oregon offensive to R. L. McLane. See also vol. 4, pp. 214-216. The letter, which was undated, is placed here as having probably been written before the date of the first reference in Polk's *Diary*.

⁴⁴A word illegible.

⁴⁵This letter and some of those that follow throw an interesting light on the practical difficulties which attended Ritchie's editorship.

Now my dear sir we are managing our business on a ruinous system and as the business partner I consider it my duty to urge and insist upon a change. I have no voice nor do I desire one in the Editorial department of the Union except where I might discover something which might result disadvantageously to the interests of the "Union," but if I am to be deprived in having a voice in a business point of view, it is time that I left the concern. I have examined this matter so thoroughly, that I am perfectly satisfied of its utility, and have determined to take no interest in the Union whatever if some change is not made in our hour of publication. I will not, as a business partner, assume the responsibility of immense extra expenses in cases I consider inexpedient and unnecessary. I do this in no spirit of opposition, but in Justice to yourself, myself and *most of all*, to our subscribers.

Below please find a comparative statement of the expenses of our paper during the past summer, when our hands not [*sic*] to work late at night, and *now*. Our expenses for composition, press, room and packing-room, averaged during the summer about \$240. The expenses of the present week amounts to \$321—a difference of \$81—equal to \$4212 per year. This estimate is made without including lights, fuel, etc. Under our present system we are compelled to keep a fire under our boilers most of the night, which consumes nearly a cord of wood. Our extra light, fuel for store and wood for steam engine will average \$15 per week which added to \$81 makes \$96. of extra and unnecessary expense in the publication of our paper. This may be a matter of some annoyance to you but it is a matter of considerable importance, and one which I hope you will seriously reflect upon before you determine not to consent to any change.

8. SIMON CAMERON, TO J. P. HEISS.

May 27, 1847.

I have your note of 22d and thank you for paying the note.

I expect to be in Washington before long and will bring with me the papers alluded to.

Can't you pay me a visit? I am going up the Susquehanna river about the middle of June. Come before and go with me. You shall be well treated.

This⁴⁶ Letter is in answer to my request to Senator Cameron, to send the papers to me showing him to be the owner of one fourth of my interest in the Union office. I having purchased his interest in said office and paid him for the same in full. He still holds the papers.

JOHN P. HEISS.

June 15, 1847.

9. LEWIS S. CORYELL,⁴⁷ NEW HOPE, TO [HEISS].

Dec. 12, 1847.

I rec'd yours yesterday, enquiring of me my recollections, about the final transactions between you and Genl. Cameron— I comply cheerfully, for I remember well it was no ordinary matter, as your feelings was exceedingly disturbed,—at your instance I saw Genl.

⁴⁶This paragraph and the date are endorsed in the handwriting of Heiss. This, with the letter of Coryell that follows (No. 9), shows that Cameron did have at least for a time a part interest in the *Union*.

⁴⁷Lewis S. Coryell, of New Hope, Pa. (1788-1865), was an engineer and man of business much interested in works of construction, such as roads, mines, canals, and railroads. Not an officeholder, he wielded much political influence. The Historical Society of Pennsylvania has in its possession six volumes of Coryell Papers, to which the writer has through the kindness of the Society been given access. These papers include letters from prominent politicians in Pennsylvania, such as Buchanan, Dallas,

Cameron and had some conversation with him, in conclusion he desired me to suggest to you to buy him out—I did so, and you told me that you would give him the same you was to pay Knox (13,000 and a share of the back chance [*sic*])⁴⁸ which I reported to him, after some talk he told me to tell you that if you would give him \$14,000—he would take it and relinquish all claims to the claim you meant to urge upon Congress for deductions—and that he would do all in his power to aid you and that if you did purchase him out, He would feel more free to assist you, than if his inst remained. I reported back to you, you hesitated I urged you to comply if you could as it would close this matter up—you asked more time which the Genl. agreed to, and I reported to you, subsequently I saw the Genl. after he had requested me to urge you to make the settlement, and he told me that you had called and settled and given your drafts.

This is my recollection of the matter and now permit me to disabuse myself to you— I assure you on my honor I had no lot, part or interest with the Genl. as you seemed to take for granted at some one of our interviews—my only share in the matter on either side—so help me God, was the success of the undertaking and some 3 or 4 journies to Washington to add my feeble aid to the arrangement, which is my common position,—now may I ask what is the matter, what is wrong. I hope not with the Genl. or about this settlement, for I have heard you as well as the Genl. say that it all was satisfactorily arranged—surely there is nothing wrong between you and Mr. Ritchie for he told me that all matters of business was left to you, and that he knew nothing about the money affairs of the office, but that you done all to his entire satisfaction.

I am still confined, but will try and visit your city in all January.

If you see the Genl. tell him I have leisure if he would only send me some Doc[ument]s to read.

10. JOHN P. HEISS, WASHINGTON, TO [MR. BURKE].

April 26, 1848.

I feel some delicacy in addressing you upon a subject which I am satisfied is more unpleasant to me than yourself.

Some time near the middle of March last I addressed Mr. Ritchie a note, informing him of the financial affairs of the "Union" and its future prospects, and after a consultation with Mr. Ritchie and Mr. Green, we came to the conclusion, that we could not continue the

Shunk, and Cameron, and also from Calhoun and his friends Duff Green, Elmore, and D. H. Lewis of Alabama. Coryell seems to have been on the "inside," or to have been so regarded, with reference to government contracts of various sorts, and to have had at his disposal money for investment. He and Cameron were constantly associated in one business deal or another.

The information revealed by these papers as to the negotiations for the purchase of the *Globe* is not as large as one could wish: but some important items appear. On March 31, 1845, Cameron wrote to Coryell: "I have my eye on the 'organ' and am to be informed when the funds are needed. I shall go over there in a week or two." On April 12 he wrote again to Coryell, from Middletown, "If only 1-3 of \$40,000 is needed, it will be easily arranged. I suppose Heiss is to find only 1-2 of that 3-d." Somewhat later, on September 16, 1845, Dixon H. Lewis wrote to Coryell from Alabama: "I see you have been [rubbed?] in the newspapers and I don't know whether the seven * * * * * in old Jackson'[s] letter pointed to you or Cameron. Ritchie says they did not point to him, but to a man north of the Susquehanna, and I supposed your agency in buying the paper had been made known to the old Hero, and he was denouncing you to Cameron. Tell me, had Cameron anything to do in buying the paper for Heiss? This in confidence."

⁴⁸Note in the original. "Knox" evidently refers to J. Knox Walker.

⁴⁹Endorsed in pencil. Burke retired from the assistant editorship. Ambler, *op. cit.*, p. 284.

⁵⁰Trenholm was a foreman in the printing office.

Union much longer at the expense we were then at in publishing it. After that consultation, I informed that it would be impossible for us to pay over \$1500 per year for an assistant Editor. You replied then and said that you believed it to be a fact, but that you could not continue with us at a reduction of your present salary. You also informed me at the same time that you had other expectations after May and that after the 1st of said month you would aid us in securing an assistant for the amount we proposed. Now my dear sir, this is a matter of compulsion with us. Every day the Union is published, money is taken out of our pocket and self preservation requires us to economize in every way possible. From present prospects the Campaign paper will be of little service to us. The subscribers up to this time will not amount to fifty and I doubt whether we will have five thousand altogether. It is a matter of sincere regret to Mr. Ritchie as well as to myself that the facts have to be made known particularly when they affect all our interests. I would not consent to publish the Union one day longer if I did not feel in honor bound to the President to continue it until the 4th of March next. I came here with him and profited by it, and am willing to sacrifice part of those profits to *sustain* and *defend* him until his term of service expires.

I would state in conclusion that we have been in correspondence through a friend with a gentleman in New Hampshire in reference to the acceptance of the situation with us. What will be the result of this correspondence I am unable at present to inform you.

11. JNO. H. TRENHOLM, TO THOS. RITCHIE, ESQ.

May 31, 1848.

Your note, just received, relative to the Official proceedings of the Balto. Convention, has just been turned over to Major Heiss, who will doubtless communicate with you on the subject. Feeling no disposition to be responsible for the due issue of the several publications (stated) which cannot be managed by me while every disposition made in the office to insure their appearance is frustrated and opposed out of it, I leave their superintendence at once in other hands, with a hope that my successor may find himself more fortunate than has fallen to the lot of, Your obt. Servant,

12. JOHN P. HEISS, UNION OFFICE. TO T. RITCHIE, ESQ.

July 5, 1848.

I will not attempt to deny that we have the physical force to set up for our paper from 10 to 12 columns of matter per day, but when you foolishly "work like a horse for ten hours" and send us enough copy to fill three papers instead of one, insisting it all shall appear at once, why the thing is entirely out of the question. If the editors of [the] *Intelligencer* had had this Treaty to set up today, they would have published it in their paper tomorrow morning and not published with it a half dozen columns of editorial. When the *Intelligencer* has anything of this kind for insertion it seldom would have more than a column of editorial, but with the Union it is different. Let a dozen treaties be required to be inserted, the editor insists upon having his usual amount of editorial. It is nonsense to compare the *Intelligencer* with the Union in regard to energy. While the *Intelligencer* makes it a point to produce all the information they possibly can and always give place to it in preference to editorial, the Union makes it a point to publish so much editorial, that it cannot make room for anything else. Where the *Intelligencer* publishes one column of editorial the Union publishes four, and all the energy man ever

was capable of would not sustain a paper where the editor requires so much space for his editorials, extracts, communications, etc., etc., etc. For instance, to-day we received Treaty at 1 1-2 o'clock and it is to be set in two languages—English and Spanish. It will make eight columns of our paper and the extra setting of it in type in the Spanish language will make the labour to setting up twelve columns in english. Yet the editor not only insists that this shall appear (and it will take until 3 o'clock tomorrow morning to set it up—so Trenholm says) but he insists that the 4th of July proceedings and twenty or thirty columns more must have room. If the Treaty appears to-night, it will exclude everything else, and therefore you see how unnecessary it was to work uselessly 10 hours. I have told you time after time, that you work unnecessarily. You pore over old exchanges for hours and send down columns upon columns of articles which are hardly looked at let alone set in type. Two such papers as the Union could not contain all the matter you send us for publication. I do assure you I have not sufficient “energy” to keep pace with you and gladly would I accept an opportunity to retire from the responsibility devolving on me. As I have heretofore remarked, I will gladly turn my interest over to any friend you may name—to yourself if you say so, at a moments notice. God knows I have no desire on my part to “ruin the business of the Office” and if by your note such a reflection is intended I beg leave to withdraw my name without delay.

P. S. Since writing the above Mr. Trenholm informs me he cannot possible set up the Treaty in time for to-morrow's paper. He says the copy sent us is incorrect also.⁶¹

13. Memorandum of the terms of dissolution of the firm of Ritchie and Heiss,⁶² viz:

1st It shall take date on the first of September, 1848—to which point the accounts are to be settled. Every thing, then due by the firm to subscribers or others, to be deducted from the credits and effects—if the debts be greater than the effects—each party to be charged with one half of the excess. If the debts due to the firm be greater than those due by it, each party to have one half as they may be thereafter collected.

2nd. Thomas Ritchie will convey his interest in the Union Building (except the machinery and such fixtures as properly belong to the Printing Office and newspaper establishment) to John P. Heiss and will pay him also three thousand dollars, for his interest in the Union establishment—the said Heiss having an equal interest also, in the debts due the concern or growing due beyond its liabilities on the 1 Sept. 1848.

3. John P. Heiss conveys all his interest in the establishment on the foregoing terms and guarantees, that the debts due the concern will be collected for a larger amount, than the debts due by it, on the 1st Sept. or which was then growing due—he further guarantees that the payments made to Thomas Ritchie or for his a-c, prior to 1st of September 1848, were not greater than he was entitled to receive from the office.

4. The said Heiss's private account with the firm, to be settled as if this contract had not been made.

⁶¹Note endorsed in handwriting of Mrs. Heiss[?]: “Showing the injudicious course pursued by Mr. Ritchie and Mr. H's. desire to withdraw from the paper, July 5th, 1848. Wishes to withdraw.”

⁶²This and the succeeding document relate to the dissolution of partnership between Ritchie and Heiss.

5. Thomas Ritchie agrees to rent the Union Building for five years from 1 Sept. 1848 at eight hundred dollars per annum—including all the premises, except the five rooms, of the ground floor, fronting on the street. If the buildings be burnt, the rent is to cease.

6. Each party is to be entitled to collect the outstanding debts for which he is to account, deducting proper expenses.

We agree to the above—

THOMAS RITCHIE
JOHN P. HEISS

Witness

THOMAS GREEN.

Indorsed—

ch. J. P. HEISS

THOMAS RITCHIE

and Agreet.

JOHN P. HEISS

Recd. 25th Apl. 1849 to be recorded and the same day was recorded

in Liber IAS No. 3 folios 419 and 420 one of the land records for Washington County in the district of Columbia, and examined by

JNO. A. SMITH, Clk.

14. This memo. of agreement made this 30th March 1849 between Thomas Ritchie and John P. Heiss—witnesseth:

That in lieu of all further detail in the settlement of their a/cs. of the late partnership of Ritchie and Heiss, which has always been conducted in the spirit of harmony and mutual confidence (and which remain undiminished), it is agreed—that Thos. Ritchie shall give his note at 90 days to said Heiss for Eighteen hundred dollars, which will be in full of all said Heiss's interest in the debts and effects of the Union establishment. Said Ritchie is to be entitled to all the debts due to the late firm in any manner or form and to all effects or money in the hand of their agents. Said Heiss is to settle the debt to Corcoran and Riggs of twenty five hundred dollars and is not to be accountable for any money he may have heretofore received—the uncollected bills he will transfer to the order of said Ritchie.

Said Ritchie will execute a deed to said Heiss for his moiety of the Union building and is to continue to pay the rent at Eight hundred dollars pr. annum from the first of Sept. last. As witness, our hand and seals this day and year first above written,

THOMAS RITCHIE (Seal)

JOHN P. HEISS (Seal)

Received of Thos. Ritchie his negotiable note for the Eighteen hundred dollars specified in the above agreement. As witness my hand this 30 March 1849.

JOHN P. HEISS.

Indorsed—

ch. J. P. HEISS

THOMAS RITCHIE

and Agreet.

JOHN P. HEISS

Recd. 25th Apl. 1849 to be recorded and the same day was recorded in Liber IAS No 3 folios 420 and 421 one of the land records for Washington County in the district of Columbia and examined by

JNO. A. SMITH, Clk.

15. THOMAS RITCHIE, TO MAJ. HEISS.⁵³

I could write you a long letter, but a short one may answer better. Robert says, you were in bad spirits yesterday *morning*—but I should not have suspected it from the happy face of your wife, to whom I was indebted for a most agreeable ride last evening.

Burke called upon me last night after Robert made his communication to me—B. thinks they will not carry out their plans. We ought not to resist retrenchment at all—but the contract system would be fatal to us—and moreover it would be the means of doing the work of Congress worse and more slowly.

If I could help you I would. But I cannot advise you, except to say, to keep up your spirits in the first place—we have done our duty faithfully to Congress and faithfully to Mr. Polk and the country. This is our consolation. If our inconsiderate friends should cut us off from the public work, then we must consult what is best to be done. Curtail our expense very much of course, though it will operate against the Reports of Congress and in other respects, and though, I fear, after all, it will scarcely be worth our carrying on the Union. However *Nous Verrons*⁵⁴. Though I cannot advise you what is at this moment best to be done, yet Mr. Green will be in Washington this evening; and you know he is a safe and efficient Councillor.

The next thing I would suggest to you, is, to go to Col. C. Johnson, who is our friend and advise with him. He has both the will and the ability to counsel you for the best.

Advise with Trenholm too, whether we had not better circulate among the members—your letter and His and Rives's, and also the letter to G. and S.'s⁵⁵ Foreman.

Keep cool, do not indulge your suspicions of McKay's⁵⁶ unfriendliness (See our friend Trenholm on this point) and *hope for the best*. It would be strange indeed if *this*, which I believe, is to be the most brilliant Congress which ever sat in the capitol should prove the worst for you and your friend. Wednesday morning.

16. A. O. P. NICHOLSON⁵⁷ TO JOHN P. HEISS,

NASHVILLE, November 30th, 1851.

You will, no doubt, wonder what could have stirred me up to this trespass upon your attention. It is said that an old stage horse, turned out to die on the commons, will prick up his ears at the sound of the stage horn. I suppose that it is the same way that a retired or defunct politician, from force of habit, pricks up his ears when the "noise and confusion" preparatory to a Presidential race attract his attention. With such a *racket* your name is so intimately associated that I have concluded to break our long suspended intercourse and *bore* you for a few moments with a small political augur. The

⁵³This letter is undated. It evidently refers to the threatened loss of the public printing.

⁵⁴Perhaps the most characteristic expression used by Thomas Ritchie—which became so familiar, that it was frequently applied to him as a *soubriquet*.

⁵⁵Gales and Seaton's.

⁵⁶Chairman of the Committee on Appropriations.

⁵⁷Nicholson, who had been appointed by Polk, when the latter was Governor of Tennessee, to fill a vacancy in the United States Senate, was high in the Democratic councils of Tennessee. He was editor of the *Nashville Union* when Heiss gave up the business management. He was devoted to the interests of Lewis Cass and urged his nomination for the presidency. It was to him that Cass wrote the famous "Nicholson letter." He was elected Senator in 1857, and in 1861 threw his fortunes with the Confederacy.

disgraceful thrashing which the Whigs gave us in Tennessee in August has produced a most admirable state of harmony and zeal in our ranks. We are in better tune for making good democratic music than we have been for many years. There is but little feeling of preference as between the several aspirants for the Presidency. I am satisfied that Gen. Cass would carry Tennessee with more certainty than any candidate spoken of and next to him I think Judge Douglass would be the strongest, but there would be no hesitancy in giving to either Buchanan or Marcy or Houston⁸⁸ a hearty support. As strange as it may seem the result in our state in August has impressed us with the conviction that the state is democratic and hence in the next race we shall not be lacking in the necessary confidence of success to enable us to make a vigorous fight for the nominee. We shall enter the race with strong hopes of carrying the state with either of the names as the nominee whilst with Cass or Douglass we should count on a certain victory. At present this is as near the democratic feeling in Tennessee as I can describe it. As to the Vice Presidency until within the last month or two there was a feeling of indifference which indicated no feeling of preference for any of the several aspirants. But within the last two months a feeling has been diffusing itself in favor of Gen. Pillow⁸⁹ which at present points him out unmistakably as the choice of the Tennessee democracy. This feeling took its rise in the frequent mention of Gen. Scott's name as the probable candidate of the Whigs for the Presidency. The name of Gen. Pillow has been so recently associated with that of Gen. Scott in connection with their Mexican quarrel and trial that the feeling in favor of Gen. Pillow was almost a natural consequence. I returned home from Nashville yesterday and after mingling for a week with the democratic members of the Legislature I became thoroughly satisfied that the vote of the state will be given to Pillow for Vice President in the Baltimore Convention. I don't think that the name of any other Tennessean will be brought forward in the convention and his friends entertain strong hopes of his nomination.

We are making arrangements to hold a State Convention in Nashville on the 8th of Jany. I have no idea that any preference will be expressed as to the Presidency and as far as I could judge whilst at Nashville I think the sentiment prevailed that it would be best to express no preference as to the Vice Presidency altho' some of Pillow's friends were decidedly for an expression in his favor and they may prevail on the Convention to take that course. I have noticed no movement by the Whigs preparatory to their National Convention but they are very decidedly in favor of Fillmore. He will get the entire vote of the Southern Whigs but I see no probability of his getting any Northern states. Indeed I see no chance for his nomination whilst I consider Gen. Scott as already good as nominated. I consider him much the most dangerous candidate the Whigs could run and if we beat him it will be the first time that gun powder and humbuggery have been whipped. I am aware that many Southern Whigs now declare their opposition to him but I have heard that same thunder before and I don't choose to believe in it.

I hope you will pardon this *boring* and if you would subject me to a similar process in return I would be well pleased.

⁸⁸Sam Houston of Texas was prominently spoken of in 1852 as a presidential candidate.

⁸⁹General Gideon J. Pillow of Tennessee, connected by marriage with Aaron P. Brown, was prominent in Tennessee politics, and was a "favorite son" for vice-president.

17. THOMAS RITCHIE, WASHINGTON, TO JOHN P. HEISS.

Feb. 16, 1852.

John C. Rives has devoted from 3 to 4 columns of his Saturday's Daily Globe to a severe commentary on your late article in the Delta.

Mr. Trenholm, who is very much excited by this elaborate attack, promises to send you a copy of the Globe, but for fear of accidents, I will attempt to procure another copy and send it to you today.

The gist of the piece is in the last paragraph, where he outrageously charges you with drawing money, whilst you were in the navy, on false pretences, for which offence you were dismissed from the service.⁹⁹ He states that the proof of the accusation is to be found in the Records of the Navy Dept., and that he has in vain called upon the Secy. for extracts which he has refused to give him, and stating, that you were the only person, who had a right to call for them. John C. Rives affects to say, that he has derived his information from a Captain in the Navy.

The attack of Rives has produced much conversation in this city, but I have not met with a man yet, who does not discredit the whole story.

I shall not condescend to notice anything that he says to me, my only care is, about you. I have advised with friends whether I had not better throw a short card into the newspapers, begging a suspension of the public opinion until you could answer for yourself, but they tell me it is best to advise you of the movement, and wait for your own action. I have suggested, my waiting on the Secretary for information, but they again reply, that I have no authority to call for facts, which you alone are authorized to extract, if there be any on record.

I need not tell you, my dear sir, that this accusation is directly contradicted by everything that I have heard or seen about you, and that I have uniformly reposed every confidence in the integrity and disinterestedness of your character. The same sentiment pervades this community.

I saw Mr. Coriell⁰¹ in this city a few days ago, and I went to hunt him up yesterday, but unfortunately he has just departed.

Be you the judge of the best course you ought to adopt, but I most respectfully suggest whether you had not better telegraph the editors of the Union at once about it, and then come on without delay yourself, to meet the accuser here. I believe this is the advice too of your best Friends.

18. HENRY A. WISE⁰² TO JOHN P. HEISS, ONLY, NEAR ONONCOCK, VA.

December 2nd, 1855.

Your want of acquaintance with me, personally, did not cut you off from any approach which you chose to make to me on several accounts. You and yours had been kind to mine; and you had voluntarily done me honor far beyond my deserts. To *yourself only* did you owe it, to make the explanation which I recd yesterday, on my return from Washington, where I went last week to visit a sick wife. I understood the relation of things, from your friends as well as

⁹⁹There are in the Heiss Papers some documents referring to this incident in the early career of Heiss. Heiss replied by attacking the character of the person who was cited as authority for the story. He claimed that whatever he had done that was culpable was not in his own action but the result of orders from a superior. Ritchie's letter was followed by one from Trenholm on the same subject.

⁰¹L. S. Coryell.

⁰²Henry A. Wise of Virginia had just finished his remarkable campaign against the Know-Nothing party.

mine. You had sold out and the Delta⁶³ was no longer independent. It was bought up for a purpose to make a President. I never thought to be one, but if the office comes to me I will wield it, independently, to promote a patriotic and pure spirit, in times which are almost destitute of anything like devotion to country for country's sake. Your efforts in the Delta looked like such a spirit. I regret you were induced from choice or necessity of change to relinquish your post. Of that you were rightful judge. I can only say that I am grateful of your estimate. I wish I were worthy of it. The Dallas movement will be futile. I shall go for Buchanan. He will fail. God only knows what will come of the struggle. I will try to be prepared for either best or worst. I agonize to think what may happen to the country.

My sister loves your wife so much that I cannot resist to say:—my compliments to her.

19. J. T. PICKETT, GILMOR HOUSE, MONUMENT SQUARE, BALTIMORE,
TO MAJOR JOHN P. HEISS, WASHINGTON, D. C.,

May 9th, 1856.

I am rejoiced to see that you have given that d—d, malicious, squab, toad of a "fat boy"—Wallach—⁶⁴—what he has most richly deserved a thousand times, and can only say, in the language of the poet, "hit him again."

Sad affair that at Willards,⁶⁵ but hotel keepers and their servants have got to be so high & mighty in these United States that Senators can scarcely obtain civil treatment at their hands. I have lived in hotels all my life but always had a great aversion for Boniface and his flunkies—especially a few whom I could name in Washington.

I truly hope the administration is at length whipped into recognizing Nicaragua. Let me know if I can help "the cause" any. Will be in N. Y. a fortnight from tomorrow.

20. HENRY A. WISE, TO JOHN P. HEISS.

RICHMOND, VIRGINIA, February 6th, 1857.

I have just returned here from an absence at Washington and find yours of the 30th ult. I heartily approve of its proposal to publish an independent paper,⁶⁶ Democratic in spirit, which will not seek the patronage either of Congress or the Executive, at the Metropolis. Truly independent, fairly discriminating according to justice and truth, dignified, critical and statistical, separate from journals, with a good home literary and scientific column, and space cliques and aspirants, with good types, scanning well the foreign journals, with a good home literary and scientific column, and space for able, standard doctrinal essays, it will be self-sustaining. I will help all in my ability to sustain such a journal. It is not money which can make good journalism—brains and pains alone can do it. You have the head, and need only a liberal line of agents and cor-

⁶³The newspaper which Heiss for a while controlled in New Orleans.

⁶⁴On May 8, 1856, one Wallach, editor of the *Star* of Washington, was attacked by Heiss with a cane. Wallach drew a revolver, but the combatants were separated. Heiss was indicted for assault and battery, submitted, and paid a fine of \$47.51. The occasion was apparently a publication which reflected on the character of the Nicaraguan envoy, Father Vigil.

⁶⁵William Herbert, a member of Congress from California, had shot and killed one of the Irish waiters at Willard's Hotel. He claimed that he acted in self-defense.

⁶⁶Apparently Heiss was feeling his way with regard to another newspaper enterprise in Washington, which resulted in his establishment of the *States*.

respondents to acquire an army of 100000 subscribers. Have agents in every Southern section—sections of States I mean.

21. ALEX DIMITRY⁷⁷ TO MAJOR HEISS, October 30th, 1857.

Conversing, after dinner, with my wife, on the nature of the festival called Allhallowmass, or all Saints' Day, I indulged in some considerations, which (as I thought, put into proper shape, might be not uninteresting reading for your third, or local, page. I write them down and send them to you to make out of them, as the French say: *choux ou des raves*, cabbage or radishes, as you please.

With best regards to dear Mrs. Heiss and the other ladies of the household, from Mrs. Dimitry and myself, I remain, dear Major, yours with affectionate respect,

22. JEFFERSON DAVIS, WASHINGTON, TO JOHN P. HEISS.

October 13th, 1859.

Mr. Callan showed me your note to him containing some kind, and very gratifying allusions to myself.⁷⁸ I had not forgotten my obligations to the conductors of the Delta when you were connected with it nor were they the less impressed upon me because there was no intercourse between us in relation to the matter. To the conductors of the public press the conduct of public men should be a thing apart from all personal relations, and no one should receive unkindly a fair criticism, or censure decorously administered.

In my political career I have had less than is usual to do with newspapers, not that I have held them in lower consideration than others, but the rather because I have felt we had separate walks which best could be trodden when we kept apart; and also no doubt because I have always been too busy in my own sphere to encroach upon another. I am about to leave for Missi. and write you this note before going, having been prevented by frequent, though slight illness from calling upon you to make in person my acknowledgements for your kindness.

⁷⁷Minister to Nicaragua and Costa Rica.

⁷⁸Heiss was becoming more and more identified with the extreme southern position in the democratic party.

HISTORICAL NOTES AND NEWS,

Members of the Tennessee Historical Society will regret to learn of the death, in Lincoln, Nebraska, of Mr. Clarence S. Paine, the genial and efficient secretary of the Mississippi Valley Historical Association.

The collection of manuscripts of the Tennessee Historical Society other than the selection of the oldest and most valuable which is kept in a safe deposit vault, has been removed from the rooms of the Society to the Thruston Room in the Main Building of Vanderbilt University, which is entirely fire-proof. Temporary accommodations are thus offered to the Society without expense until, as is hoped, the State of Tennessee shall provide fire-proof quarters for all the Society's possessions.

GENEALOGICAL INQUIRY.

It is not the plan of THE TENNESSEE HISTORICAL MAGAZINE to devote space to purely genealogical matters. The Tennessee Historical Society is not in a position at present to have an official genealogist. Genealogical inquiries therefore must be referred to voluntary action of members of the Society. The MAGAZINE will be glad, however, to print specific requests for information, provided these are made concise and within brief compass.

We take pleasure in printing the essential paragraphs of such an inquiry received from Mrs. M. H. Burrell, whose address is 46 Seventh Avenue, New York City, hoping that some of our members may be of assistance to Mrs. Burrell.

"Could you tell me where the early marriage records of Tennessee are kept—such as are existent. I presume, of course, that they met with the vicissitudes consequent on such records in those perilous times, but some must have survived.

"I am looking particularly for the names of the wives of Henry Small, Coroner, Mont. Co. 1810, and Sheriff, Stewart Co., 1808-10; pp. 764, 905, History of Tennessee, 1886, Goodspeed Co.; and Joseph and Thos. Washington of early Tennessee;—Thos. later of Georgia. I have made something of a study of the Washingtons of Northampton Co., N. C., descendants of Lawrance Washington, of Burleigh, England, younger brother of Col. John, ancestor of the great Washington, and in exchange for any information you can furnish me, will be pleased to send anything new I can in relation to this interesting minor branch of the Washingtons. I understand that some of the family have been distinguished in political life in Tennessee—one Hon. George A. and Hon. John A.—the latter, I think, as a Representative in Congress. Probably you know the name and address of the present head of the family now and can inform me. I think some member of the family married a Small, a Bailey or a Dunn.

"I have been more than interested in studying the early history of Tennessee, a minute knowledge of which is new to me, and a revelation. Why do not the parishes publish their records and sell them to the libraries? North Carolina is doing a great work for us researchers—Virginia also.—We want the real church records to study in connection with the State and County histories—so well already done.

Henry Small: Mar.—?
Resigned as J. P.

Beauford Co. S. C. 1790; later in Tennessee. Mathew Washington Small, prob. son, 6, Oct. 1806, d. Edgefield, S. C. Mar. 11, 1860: Margaret Dunn, dau. Moses McLean Dunn, Elizabeth Wells. Moses McLean Dunn, son of (Azariah?).

Haydon
Elizabeth Wells, dau. of John ?
Philip
Joseph Washington: mar. ?
Thos. Washington: mar. ?

Whose son was Ethelred Washington, fifer [?], Va. Cont. Line, whose heir Wm. Washington, had grant of '1000 acres of land in Tennessee?"

MCCLURE'S "STATE CONSTITUTION-MAKING."

At first sight Mr. McClure's book, *State Constitution-Making, With Especial Reference to Tennessee*, recently published by Marshall and Bruce, Nashville, might seem to be born under an unlucky star, coming forth as it does almost at the same time that the proposal for a constitutional convention has been defeated. In the election authorized by the last General Assembly of Tennessee to determine whether or not there should be a convention to amend the constitution of the state, a majority of votes were cast against the convention. Before the election no organized opposition appeared, while those favoring the convention were active. The defeat at the polls was due in large part to lack of interest in the matter but more to the conservatism of the counties of smaller population and remoter situation. In East Tennessee, where the majorities were particularly heavy against the convention, it has been suggested that the question of apportionment had something to do with the decision. Some have offered as the explanation the fear that the convention would listen to the advocates of woman suffrage, of compulsory voting, and other changes considered radical. There was not lacking, of course, the argument that the old constitution was good because it was old.

To help in forming public opinion on the subject of constitutional revision in Tennessee was the purpose in the mind of Mr. Wallace McClure, Cutting Traveling Fellow in Columbia University, and a member of the Knoxville bar, in writing the volume under review. Mr. McClure's interest in the subject is known to readers of the TENNESSEE HISTORICAL MAGAZINE through his two papers, *The Development of the Tennessee Constitution*, and *Governmental Reorganization, a Constitutional Need in Tennessee*, appearing in the numbers of December, 1915, and June, 1916, respectively. These papers have been worked over in Part I of Mr. McClure's book, which is entitled "Constitutional Development in Tennessee," and in Part III, "Tennessee Problems." These two parts make up but fifty pages of the book, while Part II, nearly 300 pages in extent, deals with current thought and action upon constitutional problems. This part of the book, which could constitute a separate work, is a review of recent changes in the state constitution preceded by a general analysis of written constitutions in the states carried on by topics such as elections, taxation, etc. To each chapter of this part

is appended a "Tennessee Note," which gives the provisions of the Tennessee Constitution if there be any which apply to the topic under discussion. The first part is an historical introduction. Part III deals exclusively with the possibilities of reform in Tennessee. If one views Mr. McClure's book as intended for the general reader or student of the United States, one is obliged to wonder if the book will be of wide appeal, weighted as it is with so much that has to do only with Tennessee. But as to the importance of the work for Tennessee there can be no question. The people of Tennessee like those of most other states are inclined to leave their governmental affairs and their political thinking to no small extent to those trained in the law. But however successful as a practicing lawyer a man may be, it does not follow that he is well informed with regard to government in the wider sense. While Mr. McClure's book in no wise assumes a didactic form, but, on the contrary, is written in a plain, straightforward manner, it might indeed well be a text-book not only for the members of the constitutional convention but for every member of the General Assembly of Tennessee. The results of the recent election show that the public must be educated to a wider interest in the constitution. No agency could work better towards this end than this book of Mr. McClure's.

The Tennessee reader who wishes to learn, for example, what force there is in the criticism of the present constitution from the standpoint of those who wish better taxation, will find in Chapter 15 a "model tax clause," a discussion of the general provisions found in the states as to taxation, assessment, etc., and a special explanation of the restrictive clauses in Tennessee Constitution. Moreover, the newer topic of the short ballot, recall, and referendum, the state budget, home rule for cities, city manager plan, and the consolidation of city and county government, will find succinct discussions of these topics, and in the opening pages a very well worked out bibliography which will guide him to further reading on the subject.

In an appendix are given in parallel columns the four constitutions of Tennessee in 1870, Tennessee in 1834, Tennessee in 1796, and North Carolina in 1776; the ordinance of the constitutional convention of 1870, the acts of 1915, chs. 110 and 111, which provided for the election just held, and the equal suffrage amendment approved March 15, 1915. There is an index to the text.

If it were possible to bring the contents of Mr. McClure's book before the thinking people of Tennessee, a good deal would have been done towards the establishment of a more informed and therefore wiser public opinion with regard to the fundamental law of the state. If this were to be accomplished, the delay in the voting on proposed amendments would not be matter of regret.

235

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FORT PRUDHOMME: WAS IT THE FIRST SETTLEMENT IN TENNESSEE?

No keener interest is aroused in the public mind by any phase of the early history of a country than the story of its first settler, the pioneer builder of the future state. The identity of the first settler or colony of settlers in Tennessee has been a much disputed question among historians for more than a century. Though the influx of early population unquestionably came over the mountains from the Carolinas and Virginia into East Tennessee, the first bona fide settlement has been conceded by practically all historians, writing since the early part of the last century, to West Tennessee, through the agency of the French explorers of the Mississippi River. These very reputable writers agree that the name of this first settlement alleged to have been established by Sieur Robert Cavelier de la Salle in 1682 was Fort Prudhomme, though they are at variance as to the site, a few placing it at the first Chickasaw Bluff on the Mississippi River, though the greater number locate it at the fourth or lower Chickasaw Bluff, the present site of the city of Memphis. It may be stated here that there are four bluffs abutting on the Mississippi River between the mouth of the Ohio and the northern limits of the State of Mississippi, known as the first, second, third and fourth Chickasaw Bluffs. These are westerly projections, into the alluvial basin, of the great plateau which constitutes West Tennessee. The first of these touches the River at Fulton, Tennessee, opposite the lower end of Island 33, some 62 miles by river above Memphis. The second is at Randolph, about 10 miles below the first bluff by water; the third is opposite Island 36, and the fourth bluff is just below the mouth of Wolf River and forms the terrace or plateau on which Memphis now stands.

If we may treat the coming of DeSoto, May 8th, 1541, to the lower Chickasaw Bluff, the cantonment of his troops in huts here for thirty days, and the establishment of a rude shipyard

in which he constructed four piraguas or barges in which to transport his forces across the river, as a settlement in Tennessee, then the investigation of LaSalle's adventure would be unnecessary and we could accept DeSoto as the first settler of our State. Again, if we could accept as a settlement the arrival here, in 1739, of Governor Jean Baptiste Le Moyne de Bienville with 1200 French colonial and Swiss troops and 2400 Indian allies and the erection on the bluff where Memphis now stands of Fort Assumpcion, a considerable fortress, "constructed of piles, three bastions bearing on the plain and two half bastions on the river," all heavily mounted with ordnance, and the residence of that entrenched force on the bluff here from July, 1739 to March 31, 1740 in an endeavor to conquer the Chickasaw Indians, then such settlement would have preceded the first Anglo-American settlement at Fort Loudon, in East Tennessee, by some 17 years and have given the palm to West Tennessee.

But passing by these seizures by the early Spanish and French Commanders, of the lower Chickasaw Bluff and their operations here, as mere temporary expedients in a campaign having other and specific military objectives than a purpose to plant settlements here, we come to examine the claims advanced by several historians that the French explorers who erected Fort Prudhomme in 1682 should be recognized as the builders of the first cabin and founders of the first settlement on the soil of Tennessee. To that end excerpts will be made in chronological order from the works of those who have given the story of the settlement.

The first will be quoted from will be the *History of Louisiana* by Francois Xavier Martin (1827), which thus narrates the founding of Fort Prudhomme by LaSalle in February, 1682:

"They made a short stay at the mouth of the Ohio, floating down to the Chickasaw bluffs, one of the party going into the woods, lost his way. This obliged Lasalle [*sic*] to stop. He visited the Indians in the neighborhood and built a fort as a resting place for his countrymen navigating the river. At the solicitation of the Chickasaw Chiefs, he went to their principal village, attended by several of his men, they were entertained with much cordiality and the Indians approved of his leaving a garrison in the fort he was building. The Chickasaws were a numerous nation able to bring two thousand men into the field. Presents were reciprocally made and the French and Indians parted in great friendship. Lasalle, on reaching his fort was much gratified to find that the man who was missing. He left him to finish the fort, and to command its small garrison. His name was Prudhomme; it was given

to the fort—and the bluff, on which the white banner was then raised, to this day is called by the French *ecor a Prudhomme*. This is the first act of formal possession taken by the French nation of any part of the shores of the Mississippi.”

The next narrative in chronological order is that in the *History of the Discovery and Settlement of the Valley of the Mississippi*, by Dr. John W. Monette (1846). The sketch follows briefly that of Martin given above. He says: “The party (LaSalle’s) next delayed a few days at the mouth of the Ohio, where LaSalle made some arrangements for trade intercourse with the Indians. Thence they proceeded to the first Chickasâ Bluffs. Here LaSalle entered into amicable arrangements for opening a trade with the Chickasâ Indians, where he established a trading post and obtained permission to build a stockade fort. This he designed as a point of rendezvous for traders from the Illinois country, passing to the lower posts on the river. The post was called Prudhomme, in honor of the man, who with a small garrison was left in command.”

We will now look into the works of the Tennessee historians; in pursuing the object of our search, quoting first from the learned Dr. J. G. M. Ramsey,¹ the earlier historian Judge John Haywood having only mentioned that he had seen an early map with the French fort Prudhomme shown at the Chickasaw Bluff, but not mentioning which bluff.

Dr. Ramsey says of this Fort: “As he (LaSalle) passed down the river he framed a cabin and built a fort called Prud’homme, on the *first* Chickasaw Bluff. The first work, except probably the piraguas of DeSoto, ever executed by the hand of civilization within the boundaries of Tennessee. A cabin and a fort! Fit emblem and presage of the future in Tennessee. The axe and the rifle, occupancy and defense, settlement and conquest!”

“While at the Bluff, LaSalle entered into amicable arrangements for opening a trade with the Chickasaws and establishing there a trading post that should be a point of rendezvous for traders passing from the Illinois Country to the post that should be established below. The commercial acumen of LaSalle in founding a trading post at this point is now made most manifest. Near the same ground has since arisen a city, whose commerce already exceeds that of any other city in Tennessee.”

In the Goodspeed *History of Tennessee* (1886), the compilers use, almost verbatim, a part of the above narrative of Dr. Ramsey, placing Fort Prudhomme on the first Chickasaw Bluff, and add: “Since the time of LaSalle the largest com-

¹*The Annals of Tennessee to the end of the Eighteenth Century*, by J. G. M. Ramsey, A.M., M.D., 1853.

mercial city of Tennessee has been established and developed very near, if not precisely upon the very spot selected by him for his trading post."

Justin Winsor, in his *Narrative and Critical History of America* (1888), merely chronicles that LaSalle's party: "stopping at one of the Chickasaw Bluffs built a small stockade and called it after Prudhomme, who was left in charge of it."

Claiborne, in his book, *Mississippi as a Province, Territory and State* (1879), does no more than record that LaSalle's party on February 28, 1682 "reached the Chickasaw Bluffs."

Mr. Keating, the Memphis historian, is more comprehensive in his statements, relating not only to LaSalle's voyage down the Mississippi River but including also Marquette and Joliet's journey 1673 and Father Hennepin's 1680. In volume 1, pages 26-27, of his *History of Memphis* (1889), he thus records these several transactions: "On their (Marquette and Joliet's) way back they stopped at the Chickasaw Bluffs and Marquette marked it for a Mission, and Joliet established a trading post at that time the last in a continuous line from Quebec by way of the St. Lawrence River, the lakes and the Fox, the Wisconsin or the Illinois River, a post that was thereafter to be continued as the nest or nucleus of a great city with but few interruptions, only changing from French to Spanish, and thence to English and finally to American control."

And on page 27 the author continues: "Two years after Hennepin's visit (1680) and nine years after the departure of Joliet and Marquette, Chisca (4th Chickasaw Bluff) was taken possession of in *Sept 1681* [*sic*], by Robert Cavelier de la Salle, an officer in the service of France, who proclaimed it and all the country about it from ocean to ocean to be the possessions of his king, and named it Louisiana. He made a treaty of peace with the Chickasaw Indians and built a fort with necessary cabins near the mouth of the Nashoba (Wolf) River which he named the Margot (Blackbird). In honor of the officer he left in command, he named the fort, Prudhomme. This was the first attempt at military occupation by a military power on the banks of the Mississippi River."

Mr. Phelan² narrates that: "more than one hundred years later (after DeSoto's visit) LaSalle desiring to enter into amicable relations with the aboriginal inhabitants along the banks of the Mississippi River, was forced by geographical considerations to build his fort here. He gave it the name of Prudhomme. This was probably in 1682." At page 5 of his book in a foot note Mr. Phelan says: "Ramsey (p. 39) says

²*History of Tennessee*, James Phelan, 1888.

that the fort was built on the first Chickasaw Bluff. It was the fourth."

There are probably other writers who have taken the same view about the location of this fort and the purposes of the builder, which have escaped the attention of the writer. After considering the positive statements of all these reputable historians, the average student of history would unquestionably be justified in accepting this central statement, that LaSalle in 1682, on his voyage down the Mississippi River, had selected the fourth or lower Chickasaw Bluff, the site of the present large city of Memphis, as a suitable location for one of the chain of French forts from the great lakes to the Gulf of Mexico and had built a fort and cabins here, established amicable trade relations with the dominant Indian tribe, the Chickasaws, on the lower Mississippi and had left a permanent French settlement at this point, the first white man's lodgement in the limits of the present state of Tennessee.

But a close inspection of the narratives of some of the persons who accompanied LaSalle on his long journey down the Mississippi River in 1682, the writings having been made under the immediate eye of LaSalle and one of them officially signed by him, would seem to overcome, indeed, to dissipate the conclusions of the later historians, who manifestly had no access to these reports and diaries, and to establish the fact that LaSalle made no settlement whatever at Fort Prudhomme, entered into no treaty with the Chickasaw Indians on that journey and did not in fact stop at all on the lower or fourth Chickasaw Bluff, while passing down the great river.

In order to make this clear we will turn to the story of the voyage of Sieur Robert Cavelier de la Salle, to explore the Mississippi, from the manuscripts of Father Zenobé de Membré (sometimes written Zenobius Membré) compiled by Father Chretien Le Clercq and published in his *Établissement de la Foi* etc. (Paris, 1691). Zenobé de Membré was a Recollect Missionary of the order of St. Francis, who accompanied LaSalle throughout this voyage as chaplain and is extremely full in his narrative, both as to the country and the occurrences of the voyage. This narrative, in the third part of the work of LeClercq, was translated by John Gilmary Shea, in his *Discovery and Exploration of the Mississippi Valley* (New York, 1852). Father Zenobé de Membré traveled in the same boat with LaSalle and was evidently the chronicler of the voyage, though an official report was made up at the request of LaSalle by the notary, Metarie, and signed by all the voyagers, which has been preserved and translated in the life of LaSalle by Jared Sparks and will be referred to later in this article.

Father Zenobé de Membre after reciting the entrance from the Seignelay or Illinois River into the Mississippi on the 6th of February 1682 and the stop at the mouth of the Ouabache or Ohio River, thus continues: "From the mouth of this river you must advance forty two leagues without stopping, because the banks are low and marshy, and full of thick foam, rushes and walnut trees. On the 24th those whom we had sent out to hunt all returned but Peter Prudhomme; the rest reported that they had seen an Indian trail, which made us suppose our Frenchman killed or taken. This induced the Sieur de la Salle to throw up a fort and intrenchment, and to put some French and Indians on the trail. None relaxed their efforts till the first of March, when Gabriel Minime and two Mohegans took two of five Indians whom they discovered. They said that they belonged to the Sicacha (Chickasaw) nation, and that their village was a day and a half off. After showing them every kindness, I set out with the Sieur de la Salle and half our party to go there in hopes of learning some news of Prudhomme; but after having travelled the distance stated, we showed the Indians that we were displeased with their duplicity; they then told us frankly that we were still three days off. (These Indians generally count ten or twelve leagues to a day). We returned to camp and one of the Indians having offered to remain while the other carried the news to the village, LaSalle gave him some goods, and he set out after giving us to understand that we should meet their nation on the banks of the river as we descended.

"At last Prudhomme, who had been lost, was found on the ninth day and brought back to the fort, so that we set out the next day, which was foggy. Having sailed forty leagues till the 3rd day of March, we heard drums beating and sasa-couest (war cries) on our right. Perceiving that it was an Akansea village, the Sieur de la Salle immediately passed over to the other side with all his force, and in less than an hour threw up a retrenched redoubt on a point, with palisades, and felled trees to prevent a surprise, and give the Indians time to recover confidence."

Here is the chronicle or diary of a man of intelligence and observation who was at the elbow of LaSalle during all of that daring voyage and whose accuracy has never been questioned, but who makes no mention of a cabin or a colony at Fort Prudhomme, nor any amicable trade arrangements with the Chickasaw Indians. But he tells us that losing one of his hunters in the forest at the first plat of ground sufficiently elevated above overflow to permit them to land, after passing the mouth of the Ohio, 42 leagues or one hundred and five miles above, LaSalle stopped to search for him, and finding

some Chickasaw Indians near by, constructed a little stockade or fort for protection and on the ninth day after his disappearance found the lost hunter Prudhomme and resumed his voyage to the mouth of the river. It will also be noted in the narrative that LaSalle threw up a little "retrenched redoubt on a point with palisades within an hour" opposite the Akansa village, also as a hasty measure of protection against the Indians and we have no reason to believe that Fort Prudhomme was any more substantial or of any different character. The distance from the mouth of the Ohio River, 42 leagues, would have placed Fort Prudhomme exactly at the first Chickasaw Bluff instead of the fourth on which Memphis stands, the French land league of that day being about 2 1-2 English miles and the first Chickasaw Bluff being about 105 miles, land courses, below the mouth of the Ohio. It is to be noted also that the first leg of the journey after leaving Fort Prudhomme was 40 leagues or 100 miles, which would bring the voyagers to the Akansea Village as called by Father de Membre, but being really the village of Mitchigamea and discovered and named by Father James Marquette in his voyage with Joliet down the Mississippi River in 1673, which is described in the same volume by John Gilmary Shea from which this voyage of LaSalle is taken, both translations being by Mr. Shea. The Mitchigameans were a branch of the great Akansea tribe and located on the river at a lake of that name near the present city of Helena, Ark., and just below the mouth of the St. Francis River and there Bienville found them still located in 1739.

But we have still higher evidence of the occurrences connected with the stop of LaSalle at the first Chickasaw Bluff, in an official document, prepared by Jacques de la Metarie, a notary commissioned to accompany LaSalle in his voyage to Louisiana, entitled *Procès Verbal of the Taking Possession of Louisiana, at the mouth of the Mississippi, by the Sieur de la Salle, on the 9th of April 1682*, which official paper or "act" was drawn up as it certifies, at the request of LaSalle and signed by the Notary and also by LaSalle and other witnesses, including Father Zenobé.³ It is to be regretted that space forbids the printing here of the entire document. But from the body of the paper this excerpt is taken:

"Proceeding about a hundred leagues down the River Colbert (Mississippi, from the mouth of the Illinois) we went

³From Jared Spark's *Library of American Biography*; sub-title, "Life of Robert Cavelier de la Salle" (Boston, 1845). The editor of this volume in a foot note says. "This curious and important historical document has never been printed. The translation here given is made from the original, contained in the archives of the Marine Department at Paris."

ashore to hunt on the 26th day of February. A Frenchman was lost in the woods, and it was reported to M. de la Salle that a large number of savages had been seen in the vicinity. Thinking that they might have seized the Frenchman, and in order to observe these savages, he marched through the woods during two days, but without finding them, because they had all been frightened by the guns which they had heard, and fled.

Returning to camp, he sent in every direction French and savages on the search, with orders, if they fell in with savages, to take them alive without injury, that he might gain from them intelligence of the Frenchman. Gabriel Barbié with two savages, having met five of the Chicacha nation, captured two of them. They were received with all possible kindness, and, after he had explained to them that he was anxious about a Frenchman who had been lost, and that he only detained them that he might rescue him from their hands, if he was really among them, and afterwards make with them an advantageous peace (the French doing good to every body) they assured him that they had not seen the man whom we sought, but that peace would be received with the greatest satisfaction. Presents were then given to them, and as they signified that one of their villages was not more than half a day's journey distance, M. de la Salle set out the next day to go thither; but after travelling till night, and having remarked that they often contradicted themselves in their discourse, he declined going farther, without more provisions. Having pressed them to tell the truth, they confessed that it was yet four days journey to their villages; and perceiving that M. de la Salle was angry at having been deceived, they proposed that one of them should remain with him, while the other carried the news to the village, whence the elders would come and join them four days journey below that place. The said Sieur de la Salle returned to the camp with one of these Chickasaws; and the Frenchman whom we sought having been found, he continued his voyage, and passed the river of the Chepontias, and the village of the Mitsigameas. The fog, which was very thick, prevented his finding the passage which led to the rendezvous proposed by the Chickachas."

This official document is confirmation of the narrative of the priest, Zenobé de Membré and makes it clear that there was neither cabin nor colony planted at Fort Prudhomme, nor any garrison left there under Pierre Prudhomme, the French hunter, and that there was no treaty nor trading post arrangements with the Chickasaw Indians relating to the first Chickasaw Bluff. LaSalle, it shows, met only two captive Indians while at Fort Prudhomme and was prevented by fog from meeting the Elders of the Chickasaw tribe at the ap-

pointed rendezvous for meeting as he floated down stream. The *Procès Verbal* also shows that the fort, Prudhomme, was 100 leagues below the mouth of the Illinois River, or 250 miles, which would place it at the first Chickasaw Bluff and not at the site of Memphis on the fourth Bluff.

In the Abbé Prevost's *General History of Voyages of Discovery* (Paris 1749), the voyage of LaSalle down the Mississippi River in February 1682 is briefly described, but no mention is made of Fort Prudhomme. A map in this work, however, accurately presenting the whole valley of the Mississippi River, shows Fort Prudhomme at the first Chickasaw Bluff and not at the fourth, where Fort Assumpcion is shown.

In Claiborne's *History of Mississippi as a Province, Territory and State* (1879), a full account of the expedition of Bienville against the Chickasaw Indians in 1739 and the building of Fort Assumpcion, in August of that year, on the fourth Chickasaw Bluff at the mouth of Wolf River, is given in a diary of a young French officer with De Noailles d'Aime, a commander who accompanied Bienville, translated from the French. This diary in describing the operations of Bienville's forces here in the fall and winter of 1739, several times mentions "Prudhomme heights" as lying far to the north of Fort Assumpcion on the fourth Chickasaw Bluff.

It thus being made clear by the narratives of the original founder or builder of the stockade or defense called a fort, and the narrative of those who were with him on this voyage that the fort was a mere temporary shelter or defense against a few Chickasaw Indians seen in the vicinity, while LaSalle's party were endeavoring to find the lost hunter Prudhomme, and that the party were only there some nine or ten days and left no colony behind them, it becomes apparent that Tennessee was not settled first at Fort Prudhomme in 1682, notwithstanding the error into which several historians have fallen.

The same can also be said of the voyage of Marquette and Joliet, as the narrative of Father James Marquette and his original map of the country discovered by him, after a long period of rest in Saint Mary's College of Montreal, were finally brought to light and translated and given to the world by Mr. John Gilmary Shea in the same volume in which he published the narrative of Father Zenobé de Membré. These will fully and clearly show that Marquette like LaSalle did not stop at the lower Chickasaw Bluff and left neither colony nor trading post behind him on the Mississippi River.

The first settler of the Anglo-Saxon race in West Tennessee of whom we have any account was William Mizzell of North Carolina, who was found on the lower Chickasaw Bluff at the Spanish post and fort of San Fernando de Barancos by

Capt. Isaac Guion of the 3rd U. S. Infantry Regiment, when he came on July 20th, 1797, to take possession of the fort and the lower Chickasaw Bluff in behalf of the United States, the fort having been constructed by Governor Don Manuel Gayoso de Lemos of the Province of Louisiana and the Spanish flag raised over it on the 31st of May 1795. Mizzell was living here as an Indian trader at that time, together with a Scotsman named Kenneth Ferguson. This was about 40 years after the settlement of the post at Fort Loudon in East Tennessee in 1756.⁴

J. P. YOUNG.

⁴Since the foregoing article was completed the writer, through the kindness of Capt. H. N. Pharr, Civil Engineer of Memphis, has been permitted to inspect two ancient maps in his possession and delineating the *Course of the Mississippi River from the Balise to Ft. Chartres; taken on an expedition to the Illinois, in the latter end of the year 1765 by Lieut. Ross of the Thirty-fourth Regiment (British). Improved from the surveys of that river made by the French.* The other map, nearly as ancient, is a *Map of the course of the Mississippi from the Missouri and the country of the Illinois to the south of this river*, and bearing this legend: *An accurate tracing from engraved original in my possession. (Signed) Carl F. Palfrey, Civil Engineer.* The copyist was Carl F. Palfrey, Captain of Engineers and Secretary of the U. S. River Commission in 1898.

The first of these maps shows Fort Prudhomme to be situated at the second Chickasaw Bluff or "Cliffs of Prudhomme," where Randolph, Tennessee, now stands, and the second map indicates the Fort at "Prudhomme Cliffs," which is placed in this map on the first Chickasaw Bluff, or the present site of Fulton, about ten miles above the second Chickasaw Bluff. At either point it bears out the conclusion of this article, that the fort was above and not at the Fourth Chickasaw Bluff, the present site of Memphis.

TENNESSEE: A DISCUSSION ON THE SOURCES OF ITS POPULATION AND THE LINES OF IMMIGRATION.

Perhaps no more interesting volume could be produced in the field of American history than one dealing with the sources of the population of the various states of the Union. From what ethnic sources did this population come? When did it come and how did it get there? What states had the greatest influence in peopling other states and why? What routes were followed in arriving at the destination of the immigrants? Why were these particular routes chosen and what influence did they have on the settlements and on the sources from which immigrants were drawn?

Some phases of these questions have been discussed in the very interesting and instructive volume published by the Census Office in 1909 and entitled *A Century of Population Growth, 1790-1900*. This volume is based entirely on the returns of the early censuses, but these sources are not in themselves sufficient, for the facts presented by them are not full enough and the records themselves are not yet available to students in general. Not until a great number of local studies have thoroughly covered the ground for the states and for parts of the same and brought together into larger and more usable shape the materials now scattered through local studies or buried unused in local archives will it be possible for some general scholar with synthetic mind to work over the whole and produce a work covering the whole Union in scope, comparable to the work of the German historical scholars on the European *Voelkerwanderungen* in character and surpassing in fascinating interest the masterpieces of historical romance.

In my studies dealing with the history of public school education in the states of Arkansas and Alabama I have sketched very briefly the outlines of such a study for those states and present here the outline of a similar study for Tennessee.

I. SOURCES OF TENNESSEE POPULATION.

Statistical View of Tennessee Population, 1790-1910.

Year	White	Colored	Total	Per Cent of Increase Since Last Census	Population per Square Mile ¹
1790	31,913	3,778	35,691	0.9
1795 ^a	65,676	11,586	77,262	116.5	1.8
1800	91,709	13,893	105,602	36.7	2.5
1810	215,875	45,852	261,727	147.8	6.3
1820	339,927	82,834	422,823	61.5	10.1
1830	535,746	146,158	681,904	61.3	16.3
1840	640,627	188,583	829,210	21.6	19.9
1850	756,836	245,881	1,002,717	20.9	24.0
1860	826,722	283,019	1,109,801	10.7	26.6
1870	936,119	322,331	1,258,520	13.4	30.2
1880	1,138,831	403,151	1,542,359	22.5	37.0
1890	1,336,637	430,678	1,767,518	14.5	42.4
1900	1,540,186	480,243	2,020,616	14.3	48.5
1910	1,711,432	473,088	2,184,789	8.1	52.4

The first question to engage attention is the inquiry as to the nationality of these people and the sections from which they came. The U. S. Census prior to 1850 made no inquiry as to origin. We are therefore under the necessity of taking as a basis the material as given in the Census for 1850 and subsequently, and arguing backward as to the sources of this population.

There follows a list of all the states which have at any decennial census since 1850 furnished as much as 1,000 to the population of Tennessee:

Statistical View of the Sources of Tennessee Population, 1850-1910.

Native of ^b	1850	1860	1870	1880	1890	1900	1910
North Carolina ...	72,027	55,227	51,110	41,918	32,633	28,405	29,066
Virginia and West Virginia	46,631	36,647	43,397	38,224	30,382	26,594	24,414
South Carolina ...	15,197	11,423	13,854	11,698	8,396	6,572	6,314
Kentucky	12,609	12,975	19,867	24,868	27,527	36,052	41,936
Alabama	6,398	8,015	20,217	22,200	22,045	27,709	29,739
Georgia	4,863	6,372	18,021	19,481	23,085	38,561	33,895
Pennsylvania	2,146	2,659	4,074	3,311	4,319	3,958	4,759
Mississippi	2,137	3,567	15,451	19,632	24,859	35,357	46,195
Maryland	1,554	1,222	1,580	1,463	1,358	1,099	1,002
New York	1,019	2,475	3,002	3,082	3,949	4,093	4,181
Missouri	920	1,471	3,262	3,776	4,377	5,981	6,690

¹Size of Tennessee, 1910; 41,687 square miles, land; 335 water, gross area, 42,044.—U. S. Census.

²Divided as follows: Davidson, 3,459; Greene, 7,741; Hawkins, 6,970; Montgomery, 1,387; Sevier, 3,619; Sullivan, 4,447; Sumner, 2,196; Washington, 5,872.

³Ramsey: *Annals of Tennessee*, p. 648.

⁴Excludes a few Indians, Japanese, and Chinese in 1880, 1890, 1900 and 1910—less than one-tenth of one per cent.

Illinois	872	1,396	2,461	2,968	4,537	6,707	7,726
Indiana	769	1,086	1,835	2,840	5,851	7,454	7,812
Ohio	742	2,140	4,420	5,035	10,064	10,353	10,229
Arkansas	496	971	2,977	3,867	4,807	8,737	10,129
Louisiana	261	525	1,362	1,560	1,901	2,300	3,127
Texas	100	254	896	1,450	2,034	4,556	5,592
Iowa	30	253	259	370	833	1,362	1,405
Wisconsin	8	88	245	374	838	1,056	1,157
Michigan	7	115	355	625	1,763	2,056	2,494

Should we attempt to interpret these figures one conclusion comes out above all others. It is that North Carolina is the mother of Tennessee. As late as 1890 North Carolina was still contributing a larger per cent to the population of Tennessee than any other state and the further we go back the more distinct does the Carolina hegemony become. In 1890 the number of North Carolinians was only slightly larger than that of the Virginians; in 1850 it was more than 50 per cent larger.

Considering the ante-bellum period by itself it is found that according to the census of 1850 and 1860 there had been little immigration into the state from any free state except New York and Pennsylvania.

The immigration from the slave states as reported in 1850 and 1860 may be again divided into what we may call the primary and secondary migrations, or migrations from the older and the newer slave states. To the older group belong the Virginias, the Carolinas, and Georgia; to the younger belong Alabama, Mississippi, and Kentucky. This last group of states had been but recently settled. Two of them were nearly a generation younger than Tennessee and Kentucky was of the same age. Their population came from the states which had also furnished the largest number to Tennessee, and since the settler who went from Kentucky, Alabama, or Mississippi to Tennessee was himself in great probability only a Georgian, a Carolinian or a Virginian once removed we may dismiss them from consideration as not really affecting the result, and so go back to the older group of contributing states and regard North Carolina, Virginia (including West Virginia), South Carolina, and Georgia as the states which, and in that order, have done most towards furnishing the foundation for the population of Tennessee. In 1850 7.2 per cent of the total population of the state was reported as being natives of North Carolina; 4.6 per cent came from Virginia; 1.5 per cent from South Carolina; .48 per cent from Georgia. These

"The term "native" as used in the census of 1850 and 1860 seems to mean "free." But in any case the number of free negroes who immigrated into the state was too small to make any difference in percentages. Later censuses include all.

four states at that time furnished 13.8 per cent of the total population; but no account is taken here of native Tennesseans of the first generation whose parents were natives of those states for this phase of the question is not considered in the census returns and we have no way to arrive at their numbers. But we are able through the census reports to differentiate the native born population of the state from that born elsewhere and the proportions which obtained in 1850 will probably hold as substantially accurate for earlier periods.

According to the census of 1850 there were 756,836 white citizens in the State, of whom 580,695 were natives. Of the remaining 176,141 there were 168,966 who were born out of Tennessee but in the United States, 5,638 who were born in foreign countries, and 1,537 born in places unknown. Of these 176,141 white immigrants living in Tennessee in 1850, 72,027 or 40.97 per cent were natives of North Carolina; 26.5 per cent came from Virginia; 8.6 per cent from South Carolina, and 2.7 per cent from Georgia. Considering the secondary states we find that 3.6 per cent came from Alabama; 1.2 per cent from Mississippi, and 7.2 per cent from Kentucky. The four primary states furnished 78.7 per cent of the total immigration in 1850 and the three secondary states furnished 12 per cent. These seven states furnished 90.7 per cent of the total number of immigrants living in the state in 1850.

These per cents have been shown with particular care for the reason that they furnish an indication of the race to which the people of Tennessee belonged. Judging by the character of population in the contributing states in 1850 we are perfectly safe in the assumption that the population of Tennessee in 1850 was predominantly English and Scotch-Irish. It is possible for us to prove that there had been no distinctive change in the character of the immigrants who were coming into Tennessee in 1850 as compared with earlier years and we may assume that the population of the state in 1790 was essentially of the same type. Such is the view of the authorities of the United States Census at the present time.

In 1909, when Mr. S. N. D. North was director of the Census, Mr. W. S. Rossiter, at that time chief clerk of that Bureau, prepared and published a study entitled *A Century of Population Growth, 1790-1900*, in which this particular point as to the origin of the population of the various states in 1790 is discussed. He says with reference to Tennessee, for which the original census returns are lost:

The composition of the white population of Georgia, Kentucky, and of the district subsequently erected into the state of Tennessee, is also unknown; but in view of the fact that Georgia was a distinctly English colony and that Tennessee and Kentucky were settled

largely from Virginia and North Carolina, the application of the North Carolina proportions to the white population of these three results in what is doubtless an approximation of the actual distribution.

The estimates then presented by Mr. Rossiter, like all others for the first census, are based on an "inspection of the heads of families" for all the states whose records are now in existence, and when the North Carolina proportion is applied to the population of Tennessee in 1790 we get the following figures to which have been added the corresponding averages for the United States as a whole:

*Nationality of Population in Tennessee and the United States
Compared, 1790.*

Race	Tennessee.		United States.	
	Number	Per Cent of Whole.	Per Cent of Whole.	
English	26,519	83.1	82.1	
Scotch (Scotch-Irish)	3,574	11.2	7.0	
Irish	734	2.3	1.9	
Dutch	64	0.2	2.5	
French	96	0.3	0.6	
Germans	894	2.8	5.6	
All others (including Hebrew) ..	32	0.1	0.3	
Totals	31,913	100.0	100.0	

From these percentages it is evident that Tennessee was considerably ahead of the United States in the number of its citizens who traced their ancestry back to the British Isles and considerably behind in those who looked to the continent.

The number of foreign born in Tennessee in 1850 was 5,740 or something less than 3.3 per cent of the total of the non-native citizens. The percentage was not far from the average for the whole South at that time and, indeed, for the period as late as 1900. Says Rossiter in *A Century of Population Growth, 1790-1900*, p. 87:

At the census of 1850, when the classification of nativity was introduced, the white population of 12 southern states, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, and Arkansas, included in the aggregate less than 4 per cent who were foreign born. The proportion of foreign born in this group of states increased but little during the half century, and even at the census of 1910 the white population was composed almost entirely of the descendants of persons enumerated in 1790 and 1800.

In another place (p. 117), discussing the same general subject from the standpoint of family names and the ideas of nationality which they convey, Mr. Rossiter says:

Were it feasible to make an analysis of the population of the southern states in 1900 similar to that made from the schedules of

the first census, it is probable that little change would be noted from the proportion shown in 1790. In that section there has been a noteworthy preservation of the purity of the stock enumerated in 1790, contrasted with the extraordinary change in the composition of the population which has taken place in the remainder of the nation.

And while this preservation of the purity of the original stock, maintained in the South for a century, has caused it to become the most English part of the nation, it is also true that it is the most conservative and is carrying into its public acts today prejudices inherited from English ancestors. Purity of English blood has also meant the strength of English conservatism.

II. THE LINES OF IMMIGRATION.

One more question is pertinent in this connection. How did the immigrants get into Tennessee? This seems easier of answer than questions of similar import for some other states.

During the years immediately preceding the war of the Revolution the Virginia settlements extended further westward than those of North Carolina and the line of migration lay directly along the Great Indian War Path which ran northeast and southwest and over which passed the northern and southern Indians "in their intercourse with distant tribes, in their hunting excursions, in their hostile expeditions and in their embassies of peace; this was the path of migration, the chase, the treaty, and savage invasion." Immigrants coming from more eastern and northern sections struck this path and crossed New River at Inglis's Ferry, not far from old Fort Chissel. They reached the Holston (North Branch) at Seven Mile Ford, crossed it near the Long Island and were then soon in Carter's Valley where, as has been seen, settlers from Virginia located at an early date.⁶

The War Path continuing southwest passed close to Rogersville, Tennessee, which may be counted as the eastern terminus of the road laid out by Daniel Boone later known as the Wilderness Road. This road turned westward, passed through Cumberland Gap and into the new Promised Land of Kentucky. Toward Cumberland Gap all southern roads looking into the unknown west converged,⁷ just as in more modern times railroads converged at Kansas City and made that the gateway to the new southwest.

But while the Wilderness Road was one of the oldest into the western country and one of the best known, it remained a mere trail till 1795, when it was widened into a wagon track.⁸

⁶Ramsey's *Tennessee*, p. 88; Royce's *Cherokees*, map.

⁷Speed's *Wilderness Road*, p. 16.

⁸*A Century of Population Growth, 1790-1900*, p. 21, quoting Speed, *op. cit.*, p. 51.

Following this trail southward from Virginia immigrants struck the north or western side of the Holston and thought they were still in Virginia. These trails—trade routes—explain why one of the two Virginia settlements was in the present Sullivan County, in the extreme northeast of the state and the other in Hawkins, west and north of the Holston. These settlers were merely pushing out a little further from the Wolf Hills (now Abingdom, Virginia) into the Indian country. They had not left their base; there was no Indian country behind them.

With the North Carolina settlers on the Watauga the case was different. They cut loose from their base of supplies; they invaded and traversed the Indian country. Coming from what is now central and Piedmont North Carolina, they turned to the northwest and struck the Yadkin River somewhere not far from the present town of Huntsville, west of Winston-Salem. Daniel Boone had settled on the Yadkin about 1769, and he was perhaps the first to start this new trail. It seems reasonably certain that the pioneers from North Carolina followed up the Yadkin towards its source, passed by or near the site of the present Wilkesboro, went through some of the passes of the Blue Ridge into what is now Watauga County, struck the head waters of Watauga River perhaps near the present Boone, North Carolina, and following it westward passed through the Iron Mountain range and debouched upon the fertile Valley of the Watauga, sufficiently far away to assure them of safety against Gov. Tryon, the Great Wolf of Carolina.

In the course of time this became the well established line by which emigrants from central North Carolina entered the Mississippi Valley for the double reason that it was freer from Indians than a more southern route could be and lay nearer Kentucky. It was doubtless over this same trail that Richard Henderson and his partners went from North Carolina to their newly purchased province in Kentucky, then known as Transylvania.⁹

The settlements on the Watauga again became the starting point for those who ventured still farther in this Anglo-Saxon breaking of the American wilderness. Before the eighteenth century had rounded out its eighth decade adventurers were floating down the Holston and from Holston into the

⁹So well established was this route about 1816 when William Darby first published his *Emigrant's Guide* that he gives the route and distances from Knoxville, Tenn., to Raleigh, N. C.—394 miles (pp. 200-1). The route lay from Knoxville east by way of Dandridge, Greeneville, Jonesboro, and Elizabethton, Tenn., thence into Ashe County (now Watauga), N. C., to Wilkes Co., thence by a place called Rockford, to Huntsville in Yadkin County, to Salem, and thence eastward.

Tennessee on their long and dangerous trip to what was to become the Cumberland settlements, now Nashville, in Middle Tennessee. After floating down the Tennessee to its mouth they laboriously pushed up the Ohio to the Cumberland and then up that stream to the present Nashville.¹⁰ This route was long and in part very laborious. It had the advantage of giving the emigrants an opportunity to carry their household property in flat boats more easily than they could do overland, but the danger of attack by Indians was no less than by land, and soon settlers began striking overland from Watauga towards the new country in Middle Tennessee. In course of time two routes were developed. The northern route, known as Walton's Road, started at Wilsons, a little to the north of Knoxville, crossed the Clinch and passing by way of Montgomery and near Cookeville united with the southern road and thence passed on to Nashville via Carthage, Hartsville, and Gallatin. The Cumberland road leaving Walton's Road east of Cookeville, went by way of Crossville and passed the Tennessee near its junction with the French Broad at Kingston and thence to Knoxville, which was said to be 192 miles from Nashville.¹¹

Ramsey gives a third road which he calls Robertson's Route. It left Tennessee at Cumberland Gap, passed north of Cumberland River and after a wide detour which included Mt. Vernon, Danville, Lebanon, and Bowling Green, Ky., entered Tennessee near the modern Franklin, Ky.¹²

In the next generation, after the Cherokees had been to a large extent subdued, the Tennessee River route was largely used for emigrants who were pushing into northern Alabama and Mississippi. They floated down the Tennessee from Knoxville to the Muscle Shoals and then passed inland to the new settlements further south. It was towards Alabama mainly that the more adventurous Tennesseans of that generation turned their attention. As has been already pointed out in

¹⁰Darby, *Emigrant's Guide*, pp. 194-5, gives the distance from the sources of the Holston to the mouth of the Tennessee as 697 miles. He names the various stopping places and the distance between each. The distance from Nashville to the mouth of the Cumberland he gives as 120 miles, so emigrants from Watauga who arrived by the all water route had to travel about 800 miles. The land route, via McMinnville and Kingston at the junction of Clinch and Holston, and thence to Knoxville was 192 miles.

¹¹See Royce's maps in his *Cherokee Nation and his Indian Land Cessions* where these roads are traced.

¹²It does not appear that this route was so much used. It represented a wide detour from the more direct Walton and Cumberland roads. See Ramsey's map where it is called Robertson's Route and Royce's *Cherokee Indians*, map, where it is called the Nashville road. See also Speed's *Wilderness Road*, p. 63.

my study of public school education in Alabama,¹³ the northern part of the state was settled to a large extent by the Tennessee overflow. The movement southward was more strictly a migration than that from Kentucky into Tennessee or from Tennessee into Kentucky. These latter were the usual free play of a mobile population on either side of a purely arbitrary political boundary. The two states were of substantially the same age, were physically alike, were settled by similar people and movement north or south was merely a question of economic advantage. On the other hand, movement into Alabama was an advance step, an invasion of the Indian country. Before 1850, the earliest date when these migrations are considered in the census, the removals to Alabama and Mississippi had reached their flood and were receding in favor of other states. At that date native Tennesseans were living in other states as follows: Alabama, 22,541; Mississippi, 27,439; Texas, 17,692; Arkansas, 33,807; Kentucky, 23,623; Indiana, 12,734; Illinois, 32,303; Missouri, 44,970. In 1880 the Tennessee contingent in Kentucky had risen to 54,386; in Missouri to 72,454; in Arkansas to 87,593; and in Texas to 83,158. As might be shown in other cases the star of empire was still moving westward along lines of latitude.

STEPHEN B. WEEKS.

¹³Published by the U. S. Bureau of Education, 1915.

JOHN BELL'S POLITICAL REVOLT, AND HIS VAUXHALL GARDEN SPEECH.

There have seldom arisen, from the same environment, political leaders so diverse in mind and temperament as James K. Polk and John Bell, who were long considered rivals for public favor in Tennessee. By nature Polk was a partisan, Bell an independent; Polk was resolute and aggressive, Bell was prudent and cautious; Polk was a master of detail, Bell was an expounder of general principles; Polk applied concrete facts, Bell pointed out abstract truths; Polk was intensely practical, Bell was essentially theoretical, speculative, philosophical. These differences are singularly illustrated in the several platforms upon which they were nominated for the Presidency. When Polk ran in 1844, the paramount issue in his platform was crystallized into the popular slogan, "Polk, Dallas, and Texas," and he was fitted as few other men were, to do the particular thing desired by his party. When Bell made the race in 1860, he was planted upon a broad platform declaring for "The Union, the Constitution and the Laws," and left to his own genius to find a way to preserve and enforce them.

These divergent characteristics made Polk the willing follower of General Jackson, and produced in Bell a grudging support of his administration, and an open revolt against his party at the close of his term as President.

Bell was something more than a year younger than Polk. He was born February 18, 1797, on Mill Creek, about six miles from Nashville. His father, Samuel Bell, who lived on the Murfreesboro road, not far from the Hermitage, was a successful farmer, and in 1799, was commissioned one of the justices of Davidson County, at that time an office of considerable dignity and responsibility.

Bell was a young man of remarkable precocity. In 1814, while Polk, who suffered much from ill health in his youth, was still attending a grammar school, Bell was graduated from Cumberland College (University of Nashville), at the age of seventeen. His school mates reckoned him the most talented man in the institution, as Polk was afterwards considered the most regular and diligent pupil in the University of North Carolina.

Upon leaving college he began the study of law, was admitted to the bar in 1816, and opened a law office at Franklin, in the adjoining county of Williamson. The following year he was selected by his neighbors to deliver the oration at a cele-

bration of the Fourth of July, 1817. This oration aroused such enthusiasm that, before he left the grounds, he was nominated as a candidate to represent Williamson County in the senatorial branch of the General Assembly, which was to convene in the city of Knoxville on the third Monday of September following. Although he had an opponent in the field—a gentleman of tried ability and high qualifications—and had only a month in which to make the canvass, he was elected by a handsome majority. Being only twenty years old, he was not yet of senatorial age, although the constitution did not then require any greater age in a senator than in a representative.¹

In 1818, Senator Bell was married to Sally Dickinson, daughter of David Dickinson, of Rutherford County, and granddaughter of Col. Hardy Murfree. His wife was educated at the Moravian Female Academy, Salem, N. C., where she was the friend and associate of Sarah Childress, who became the wife of James K. Polk. After his marriage Bell abandoned politics for the time; he removed to Nashville and formed a partnership with Judge Henry Crabb, and for the succeeding nine years devoted himself assiduously to the practice of his profession.

In 1827 Sam Houston, who had represented the Nashville district in Congress since 1823, became a candidate for Governor, and left the Congressional field open to the public. Two candidates entered the list, John Bell and Felix Grundy. Born in Virginia and reared in Kentucky, Grundy came to Tennessee in 1807. Three years later, in 1811, he was elected to Congress, and was re-elected in 1813, but resigned in 1814. During his three years' service in Congress, he had made more than a local reputation by his earnest and effective support of President Madison's war measures. Since his resignation, for a period of thirteen years, he had held no high office. He had been three times a state representative, while Bell had served one term as state senator. Each had devoted himself with brilliant success to the practice of the law, Bell having acquired a high standing at the bar as a lawyer of acuteness, research, and ability, while Grundy achieved fame as a criminal lawyer that no Tennessean has yet surpassed. Grundy was fifty, and Bell thirty. The veterans of 1812 rallied to Grundy's standard, but the stalwart young Democrats enlisted under the banner of Bell. The district was composed of the counties of Davidson, Williamson, and Rutherford. Bell was born in Davidson, lived in Williamson and represented it in

¹Dr. J. W. Richardson, *Speech on the Bell Resolution in the Tennessee Legislature*, 1856, p. 7.

the state senate, and had married into an influential family in Rutherford. The canvass, which is famous for its brilliant oratory, and the intense interest it excited, continued for a whole year.

General Jackson lived in the district, and was then a candidate for President, against John Quincy Adams. Both Bell and Grundy favored Jackson's election, as they must of necessity have done if they hoped to be elected. Public sentiment was so nearly unanimous for Jackson in Tennessee, that in the following Presidential election he received ninety-five per cent of the popular vote, against Adam's five per cent. Jackson, who was never neutral, openly espoused the cause of Grundy. This was the first evidence of a want of sympathy between Jackson and Bell, though they were wholly incompatible in their mental constitutions. Bell was wise but timid; Jackson was bold to the verge of temerity. Pausing before the dangers and difficulties in the way, Bell balanced the chances of success, and shuddered at the audacity with which Jackson dashed on—to victory.

Still Bell supported Jackson for President. In a letter prepared for the public, Oct. 11, 1826, he declared the administration of Adams owed its existence to a union of discordant and hostile interests, brought about by the arts of political management and intrigue, and congratulated the country that here existed such a man as Andrew Jackson to be the instrument in the hands of the people, for its overthrow; a man, he said, whose purposes are admitted to be always pure, whose mind seemed formed for great emergencies, and whose splendid services placed him in deserved public favor, an immeasurable distance in advance of all others.²

The election was held in August, 1827, and Bell was elected by a majority of 1024 votes.

After the Congressional election a significant thing occurred, indicating that the discriminating public had detected an estrangement between Bell and Jackson: Notwithstanding Bell's exaggerated eulogy on Jackson, his sincerity was suspected, and his friends thought it necessary for him to again declare himself against the Adams administration and in favor of General Jackson, which he did in a public letter, Sept. 17, 1827. In that letter he says: "Those who know me will not suspect that I have avowed myself the friend of Gen. Jackson merely that I might avoid that destruction of political prospects which an opposite course would have threat-

²*John Bell: His Past History Connected with the Public Service*, p. 2.

ened. I am not yet become ambitious of public honors."³

When Bell took his seat in the national House of Representatives in 1828, Polk had already been a member of that body for two years, and was making reputation as an uncompromising Democrat, and as an able champion of his personal and hereditary friend, General Jackson.

The earliest political divergence between Polk and Bell was upon the predominant question of a national bank. In August, 1829—four months before Jackson's first message to Congress—Polk had declared his irreconcilable opposition to the existence of any national bank.⁴ Bell, on the other hand, while he voted against rechartering the Bank of the United States, as early as 1832 made it plain that he favored the incorporation of some sort of a national bank.⁵ Coming as he did from Jackson's own Congressional district, this leaning of Bell toward the bank, made a rift in the ranks of the administration, which the opposition saw, and used with telling effect.

In 1833, Andrew Stevenson, a supporter of the administration, was re-elected for a third time Speaker of the House of Representatives, and Polk, who was the recognized leader of the Jackson forces in the House, was appointed chairman of the committee on ways and means. But the following year Stevenson, who had been appointed Minister to England, resigned the Speakership, and it became necessary to elect his successor. Polk, the chairman of the committee on ways and means, was promptly nominated as the candidate of the Democratic-Republican party. The National Republicans united with a few bank Democrats in the support of Bell, with whom they hoped to divide and defeat the Administration. The contest was close, determined, and bitter. It was decided June 2, 1834, when Bell was declared elected, having received four votes more than the majority necessary to a choice.

Senator Hugh Lawson White, writing at the time, said: "I fear a want of kind feelings between them may grow out of the canvass, and be the means of dividing, at home, those who now pass for friends. Both are to me like children; therefore I took no part in the contest."⁶ White was right; the friendly intercourse of the two distinguished Tennesseans was entirely severed, and was not mended by the succeeding

³*John Bell: His Past History Connected with the Public Service*, p. 2.

⁴John S. Jenkins: *Life of James K. Polk*, pp. 83-4.

⁵"Speech on Clayton Resolution," *Abridgment of the Debates of Congress*, Vol. 11, p. 624.

⁶Nancy N. Scott: *Memoir of Hugh Lawson White*, p. 253.

elections in 1835 and 1837, when Polk had his revenge by twice defeating Bell for the Speakership. It is pleasing to know, however, that near the close of Polk's administration, he and Bell, then a member of the United States Senate, were reconciled, through the good offices of Daniel Saffrons, of Gallatin, Tennessee; which was especially gratifying, as they expected to live neighbors in Nashville after Polk's retirement at the close of his term as President, and wished to live on terms of social and personal intercourse.⁷

Want of agreement with the dominant issue of the Democratic party, and the united support of the Whig party in his race for Speaker of the House of Representatives, made easy the open revolt of Bell against Democratic party, which was the most brilliant epoch in his career. Occasion was found in the election of a successor to President Jackson. Van Buren was the leading candidate, and was known to be the favorite of the retiring President. After coquetting, not very successfully, with the Van Buren following, in his race for Speaker, Bell determined to espouse the cause of Hugh Lawson White, without regard to the action of the Democratic Convention. White was a Democrat, and next to Jackson, was the most popular man in Tennessee. He was a man of high character, firmness of purpose, and ardent patriotism, with considerable ability, experience, and learning—in fact, a man who would have honored the office of President; but from this viewpoint, it does not appear that he ever had the remotest possibility of election.

Benton ascribes White's candidacy to the intrigues of designing politicians, operating through the vanity of his wife. "In his advanced age," he says, White "did the act which, with all old men, is an experiment; and, with most of them, an unlucky one. He married again; and this new wife having made an immense stride from the head of a boarding-house table to the head of a Senator's table, could see no reason why she should not take one step more, and that comparatively short, and arrive at the head of the President's table." And quotes the exultant announcement of a Whig member of Congress from Kentucky: "Judge White is on the track, running gayly, and won't come off; and if he would, his wife won't let him."⁸

In November, 1832, White was married a second time, to Mrs. Ann E. Peyton, of Washington City. She was a widow of respectable, and even influential family, being the daughter of Colonel Craven Peyton, of Loudon County, Virginia, who

⁷Polk's Diary, Vol. 3, pp. 258-60; 264-5; 284-5.

⁸Thos. H. Benton: *Thirty Years' View*, Vol. 2, p. 185.

lost his life in the war of 1812. Well educated, sensible, with charming manners, she was a woman of unusual attractions. She had been unhappy in her first marriage, was divorced, and resolved to maintain herself and her two children by her own exertions. Having failed in an attempt to establish a school at Alexandria, she opened up a boarding-house in Washington, where, by good management, tact, and perseverance, she built up a profitable business. White had resided with her, when in Washington, from 1820 till their marriage in 1832. She was an affectionate and devoted wife to him, and surviving him seven years, died at his residence near Knoxville, in April, 1847.⁹

If Mrs. White was ambitious to be the first lady of the land, the talent and virtues of her husband, as well as her own accomplishments, justified the wish. But it is almost certain that White had his eye on the Presidency long before he was married to Mrs. Peyton. As early as April 28, 1830, in the middle of Jackson's first term, he wrote: "I have not, nor will I, commit myself to support any particular pretender after Jackson is off the stage. Of course I shall never have my exertions applauded in the *Telegraph* (Calhoun organ), nor in any other paper published here, while things remain as at present."¹⁰ Again, May 18, 1832: "I am for Gen. Jackson, but am not either a Calhoun Jackson man, or a Van Buren Jackson man, and therefore it is pleasing to the *Globe* (Jackson-Van Buren organ) and *Telegraph* (Calhoun organ) not to notice favorably anything I say or do; and as I am opposed to Mr. Clay, his papers will of course speak disrespectfully of me. Notwithstanding these difficulties, I will go on exactly as I have done, making myself as useful as I can; determined to leave myself at liberty, when Gen. Jackson is off the stage, to exercise my own judgment on the question of a successor."¹¹

Van Buren, Calhoun, and Clay were the recognized candidates; White opposed them all. Whom, then, did he favor? The inference is strong that thus early he had hope that his claims to the succession might be taken up. Besides, the Administration had reckoned on his aspirations since the dissolution of the cabinet in 1831, if not earlier. In 1833 and 1834 his candidacy was freely and widely discussed. Finally, December 20, 1834, he became an avowed candidate, having received the caucus nomination of the Tennessee delegation in Congress—Polk, Grundy, and Johnson only declining to enter the conference.

Polk had been a warm personal and political friend of

⁹Nancy W. Scott: *Memoir of Hugh Lawson White*, pp. 419; 450-55.

¹⁰*Ibid.*, p. 270.

¹¹*Ibid.*, p. 269.

White, and was then ready to support him, if it should be ascertained that he was the choice of a majority of the party. It was apparent, however, that Van Buren would receive the nomination of the Baltimore Convention, and, therefore, it was determined to run White as an Independent candidate.

The *Globe*, the Democratic organ at the capital, charged that White was a tool in the hands of one deeper and more designing than himself; one whose foul and deep-laid scheme it was to defeat Jackson's administration and strengthen the hands of his enemies. This, it is said, referred to Bell.¹² Whether Bell brought White into the race, or found him there, his candidacy accorded with Bell's feelings, and he accepted the leadership of his campaign. He delivered the keynote speech at Vauxhall Garden, Tennessee, May 23, 1834. This address was prepared with more care and labor than he ever devoted to another speech. The place chosen for its delivery was spacious and attractive. The audience was large and imposing.

Vauxhall Garden was a place of fashionable resort in the southern border of Nashville. It was modeled after the famous Vauxhall Gardens which flourished for two centuries in the city of London, whose

Green groves, and wilderness of lamps
Dimmed the stars.

It contained a large assembly room, beautiful promenades, walks, and other places of amusement and recreation, laid off and arranged in attractive style.¹³

Here Bell lighted the torch of revolt against the Democratic party, and kindled a flame that swept the country like a besom, giving the opposition party a majority of nearly 10,000 votes, in a State that, four years previously, had cast less than 1,500 votes for the gallant Henry Clay. The Democratic leaders aligned the White party with the opposition (where they finally landed), and undertook to provoke from them an attack upon the Jackson administration, thus narrowing the contest to a fight between White and Jackson, leaving Van Buren, who was never popular in the South, in the background. How signally they failed will be seen by a synopsis of Bell's speech. He made the public believe White was a better Democrat than Van Buren; and eased them so gently into the Whig party that they never waked up until they were safely delivered.

¹²James Phelan: *History of Tennessee*, p. 367.

¹³Eastin Morris: *The Tennessee Gazeteer*, Nashville, 1834, p. 122.

He said he was not a partisan, and was disqualified by feelings and principle from becoming one.

Party had been the radical vice of other governments; and our system, and the extent of territory over which it operated, was peculiarly exposed to the assault of factions.

For the last eight or ten years we had been in a state of moral war, and avoided physical war almost by a miracle. The fabric of our government had been shaken and convulsed to its center, and confidence in it impaired at home and abroad, not by anything peculiar in the questions that had arisen, but by party.

There can be but two parties, the "ins" and the "outs." Every party is composed of factions. No man is exempt from error, and no institution or department of government without defects. These furnish handles to faction.

Men are drawn into parties by a great variety of motives, good and bad. The ambition of bad men leads good men to believe it would be better if they were permanently invested with power; it leads men to destroy rather than let fall into the hands of those they believe to be bad and dangerous men.

There was nothing in the questions which had arisen in the last eight or ten years, nor in the federative feature of our system, nor in the extent of territory over which it operates, nor even in the institution of slavery itself, to impair the harmony, duration, and prosperous action of our system. The real danger lies in violent party action in the government itself.

"While the party to which we all belong" was forming, each party contended which should go farthest in the support of both branches of the "American System," the Tariff and Internal Improvements. The extreme legislation resulted in the dangerous experiment of nullification. Likewise, the great combustion of feeling and opinion which kept the country in such alarm on the subject of the Bank, had its origin in the machinations of party, that common incendiary in free governments. Now it was proposed for the first time in the history of free states to surrender the liberty and institutions of the country to the absolute control of this great enemy.

He drew a striking analogy between the system of party organization and discipline in some states (by which he meant particularly New York), and the Society of Jesuits.

He saw a foul blot upon the attempt to bring this system of party organization into National politics,—the deliberate attempt to procure the open and direct interference of the President in the question.

He defended his own political record, and complained that his enemies had set themselves to work to effect a breach be-

tween himself and the President; "a man," he said, "towards whom I have never failed in showing a proper respect, and whose administration I have faithfully supported."

He alluded to the caucus of the Tennessee delegation in Congress that brought Judge White forward as a candidate for President. He defended White's record, and declared the race of White and Van Buren to be a contest between two of Jackson's friends. White had been more consistent than Van Buren in his support of Jackson. The friends of White would not seek to disturb the tranquility of Gen. Jackson's administration, nor to defeat or unsettle any of those great questions upon which he had acquired so much of his present power and influence. They would adhere to Gen. Jackson's administration from consistency and a respect for their own characters, and because they would be supporting their own principles.

Some appeared to think Gen. Jackson could transmit to a successor of his own choice his own stern opinions, and his power over public opinion. The danger was rather that the reaction would be excessive, and that the executive in the next administration would not be felt as much as he ought. "It is a daring enterprise in any light in which it can be viewed, in any man, to attempt to wear the armor of the political Achilles! It is no puny arm that can wield the truncheon of Jackson."

He then considered the general charge that the candidacy of Judge White would be dangerous to the "unity of the party," and undertook to show that the Jackson party had never been a unit on any question, except the Bank, the support of Gen. Jackson, and the preservation of power. After artfully defending his own record on the Bank question, he again warned his countrymen against the excesses of party, and closed with these words:

"When party is the watchword and ensign of those who fight for the spoils, the warning voice of patriotism says to every free man, to every *White* man, inscribe your COUNTRY upon your banner, and *in hoc vince*."¹⁴

The effect of the speech on his immediate auditors was irresistible; it convinced and inspired the men, and charmed the women. There chanced to be in the audience a young widow, Mrs. Jane (Ervin) Yeatman, of Bedford County. She was an accomplished lady, of fascinating manners and vigorous intellect, who had never before seen Mr. Bell, but who had heard of him, and sympathized deeply with him as a public

¹⁴*Speech of the Hon. John Bell, Delivered at Vauxhall Garden, Nashville, on the 23rd day of May, 1835, Nashville, 1835, 37 pages.*

man. Mrs. Yeatman listened to the whole of his speech with the warmest admiration. When he had concluded she whispered to a friend: "Though I never before thought of marrying a second time, I do not know how I should be able to refuse a nuptial offer from such an orator and patriot." Bell probably heard of the conquest he had made, for in a few days he called to pay his respects to Mrs. Yeatman, and in due course they became husband and wife.¹⁵

The effect of Bell's speech was not confined to the large audience who heard it delivered; it was circulated in pamphlet form, and furnished the Opposition all over Tennessee the cue upon which the White campaign was pitched. The nickname of "No-Party party" which they received was a tribute to Bell's speech. The "No-Party party" was militant, the tide was running their way, and the result proved it to be a ground-swell. Bell was re-elected to Congress without opposition. Polk had a hard fight to hold his seat. White carried the state by an astounding majority. Jackson confidently awaited the "sober second thought" of the people.

A. V. GOODPASTURE.

¹⁵Henry S. Foote: *Bench and Bar of the South and Southwest*, p. 177.

DOCUMENTS

1. Letters of General John Coffee to His Wife, 1813-1815

INTRODUCTION.

General John Coffee was born in Prince Edward County, Virginia, June 2, 1772, and died on his plantation, "Hickory Hill," on Coxe's Creek, near Florence, Alabama, July 7, 1833. His father, Joshua Coffee (1745-1797), removed in 1775 from Virginia to Granville County, North Carolina, and became in 1780 a captain in the Granville regiment of militia. For nine months he saw service toward the South in the Revolutionary militia. After the close of the Revolution he removed to Rockingham County, North Carolina, where he died in 1797. He left a widow, Elizabeth Graves Coffee (1751-1804), and three children, Thomas Graves Coffee, John Coffee and Mary Coffee, who married Simpson Harris. The elder son became a resident of Alabama and the two younger children removed to Tennessee. It was in April, 1798, that John Coffee came with his mother to the village of Haysborough, on the Cumberland River, near the present village of Madison, a few miles above Nashville. There he was a merchant and a surveyor. He was well educated for those days, and his skill as a surveyor was a material factor in his unusually successful career.

Though it was once considered as a possible rival of Nashville, the old town of Haysborough has long been but a memory. There lived a number of strong and sturdy children of the pioneers. The founder of the town was Colonel Robert Hays, who married a sister of Mrs. Andrew Jackson. A brother of these notable women was Captain John Donelson, whose daughter, Mary, was married in 1809 to John Coffee. John Donelson, Senior, was the celebrated co-founder with James Robertson of the Cumberland settlement, the leader of the flotilla headed by the boat, *Adventure*, which brought the colony to the Cumberland in 1780. His granddaughter, Mary Donelson Coffee, was sixteen years of age at her marriage. She lived until December 1871, and was the mother of ten children,—Mary Donelson Coffee (1812-1839), who married Andrew Jackson Hutchings; John Donelson Coffee (1815-1837), who married Mary N. Brahan; Elizabeth Graves Coffee (1817-1838); Andrew Jackson Coffee (1819-1891), who married Elizabeth Hutchings and was an officer in the war with Mexico; Alexander Donelson Coffee (1821-1901), who was first married to Ann E. Sloss, then to Mrs. Camilla Mad-

ding Jones; Rachel Jackson Coffee (1823-1892), who married A. J. Dyas; Katherine Coffee (1826-1881); Emily Coffee (1828-1829); William Coffee (1830-1903), who married Virginia Malone; Joshua Coffee (1832-1879). Alexander Donelson Coffee and William Coffee were officers in the Confederate army.

Some time in his earlier years John Coffee became the devoted friend of Andrew Jackson and continued so until his death. With him, John Hutchings and some of the Donelsons, Jackson was for a time a silent partner in mercantile business. Coffee was engaged as a merchant from 1802 to 1807, but, as he himself said, "From some accidents or losses, and from bad calculations or mismanagement, this proved a losing business." He further said:

"In the early part of the year 1807 I engaged in the surveying business in the then newly acquired country on the rivers Duck and Elk, which business, by my great exertions and unremitting attention, proved profitable. In the course of two years I was thereby enabled to pay the arrearages of my mercantile debt, amounting to six thousand dollars, besides reserving to myself several valuable tracts of land."

When Mary Donelson was married to John Coffee in October, 1809, her father gave her a farm on Stone's River, about two miles from the present village of Jefferson, in Rutherford County, and there they resided until their removal to Alabama in 1819. This farm is situated about ten miles from the Hermitage, near which Mrs. Coffee's father resided. It was not very long after his removal to the Stone's River farm that John Coffee was chosen as clerk of the County Court of Rutherford County. He held this office and operated the farm until the thrilling movements of 1812 brought him into the field for military service. In fact, even by this time he was a prominent and popular citizen. He was regarded as great of body and of heart. He was tall, broad-shouldered, gentle in manner, but brave and intelligent. In the year 1806 he had fought an almost harmless duel with Nathaniel McNairy out of his partisanship for Jackson in the troubles leading to his duel with Dickinson. When Aaron Burr was making Jackson believe that a war with Spain was imminent, Jackson suggested Coffee as his first choice as colonel of one of the regiments to be raised in Tennessee. It is not remarkable then that John Coffee was colonel of a regiment in the very first expedition that went out from Tennessee in the second war with Great Britain.

The story of his military career—so full of courage, faithfulness and heroism—is well told in American history and especially in the biographies of Andrew Jackson. Fortunately, he left many letters and other papers. His letters to his father—

in-law, Captain John Donelson, written during his military campaigns, are the property of the Tennessee Historical Society. They were published in the *American Historical Magazine* for April, 1901. His letters to his wife have been sacredly preserved by his descendants and these and other papers are now furnished for publication by Mrs. A. D. Coffee, of Florence, Ala., and Mr. Robert Dyas, of Nashville, a son of General Coffee's daughter, Mrs. Rachel Coffee Dyas. Many letters written by General Coffee to General Jackson are a part of the Jackson papers originally committed to Amos Kendall, then to Frank P. Blair, and now in the Division of Manuscripts, Library of Congress. Mr. Robert Dyas has submitted to the editor of the *MAGAZINE* for examination the original letters of Jackson to Coffee, covering a period of many years and dealing familiarly and often confidentially with a multitude of subjects. It is to be hoped that this most interesting collection can be published at no distant date. General Coffee's letters to his wife are always affectionate and practical. In nearly all of them she is addressed as, "My Love," or "My dear Wife," and they close with fond expressions of tender devotion. They exhibit the finest spirit of duty and kindness in the heart of the heroic Indian fighter and the brigade commander at New Orleans, of whom General Jackson said: "John Coffee is a consummate commander. He was born so. But he is so modest that he doesn't know it."

These letters, telling with simple art their momentous story, are yet full of details of home life, farm management and relations with kindred and friends. They show a thrifty mind, a determination to see that all at home are well provided for. The story opens with the Natchez expedition, fruitless save for its military discipline. The great drama of the Creek War, the expedition in Pensacola, and the New Orleans campaign—a succession of victories—is told in plain contemporary narrative.

In presenting these letters many of the references to domestic details are omitted, with due indications of such omissions. Minor errors in punctuation have been corrected. The letters are set forth in groups, and further explanation will be given with each group. In nearly all cases the letters to Mary Coffee are directed to Rutherford County, Tennessee.

JOHN H. DEWITT.

THE NATCHEZ EXPEDITION, 1813.

The Natchez expedition is well known in history. President Madison planned an invasion and occupation of West Florida. In November, 1812, the governor of Tennessee received a call for fifteen hundred volunteers for the defense of New Orleans—thus the real purpose was withheld, as New Orleans was not threatened by the British. Andrew Jackson, major-general of Tennessee militia, was impatient for some real military service. In that year John Coffee had raised a troop of cavalry and when Jackson's army was finally organized Coffee was elected colonel of the regiment of cavalry, or mounted gunmen, numbering 670. Jackson went by river in flat-bottomed boats to Natchez with the two regiments of infantry, commanded by Colonels Thomas Hart Benton and William Hall (afterward governor). They left Nashville on January 7, 1813. Colonel Coffee's regiment assembled at Franklin, and on January 19 began the march overland. On February 16 the three regiments were united near Natchez. Coffee's regiment stopped at Washington, in the territory of Mississippi, a short way from Natchez.

Great was the disappointment of officers and men, when after a month of idleness an order came from the War Department to disband. General Jackson, instead, led the force back to Nashville at his own expense, for which he was afterward reimbursed.

The following letters relate to this expedition:

John Coffee to Mary Coffee.

1. NASHVILLE, Friday night 12 o'clock, January 2nd, 1813.

When duty requires it, all who wish to act justly, will and must obey, although our private interest, as well as our most tender wishes, would dictate otherwise,—when I parted with you last, I flattered myself if detained here thus long, I would have had the gratification of seeing you again before I left the State, but in this I am and must be disappointed, when I am absent from my command all appears to be wrong, it's hard to get along with my business when present, but worse, much worse, when away—therefore have resolved to do my duty at the sacrifice of my dearest interest and wishes, and I know you will, like a true patriot, applaud my resolution, notwithstanding your fond desire that I could be with you,—but the time will soon roll away when, I hope, the situation of our country will not require the service of her citizens—and then my love we can sit down in peace and enjoy the comforts that are laid in store for us and which we shall so fondly enjoy, to which time I shall look forward with anxious solicitude, when we can sit down with our dear little infant¹ daughter and spend our days in each other's tender embrace—

¹Mary Coffee, who in 1833 married Andrew Jackson Hutchings, a grand-nephew of Mrs. Andrew Jackson, son of John Hutchings, who by will made General Jackson guardian of Andrew. This is the first will recorded at Huntsville, Alabama. It was written by the hand of Andrew Jackson, and Mrs. Jackson was one of the witnesses.

The letters of General Jackson to Andrew Jackson Hutchings are now in the cus-

I have seen Mr. Eastin² he tells me you and little Mary are well,—I expect by the time this reaches you a part of S. Harris³ family will be with you. I saw Mr. Harris, who said Lucinda⁴ would go with the first waggon—himself and wife would wait untill the last of their property went, the waggon left here this morning to go to his house for the last load, so you may not expect them for near a week,—I hope all is going on well—are the boys doing anything about getting in the corn—I expect the weather is so bad they cant do much—do my dear encourage them to progress as well as they can untill Mr. Harris comes, when I am in hopes he will superintend the business of the farm—I dont recollect anything to advise you of more than when I left home—I wish you would write me a line by Ben,⁵ about matters and things as I shall feel very anxious to hear from you as well as to know the situation of my farm etc.—I have sent Ben expressly for that purpose, as I cannot come myself. I dont expect to write you again untill some opportunity offers on the road, when or where I cannot say—I flatter myself I shall have a pleasant trip although the weather is as yet bad, we shall soon reach a more temperate climate—And I have an agreeable set of officers as companions, and have no doubt all be pleasant.

P. S. I expect we shall leave this place on wednesday next—on the line of march—

2. CAMP NEAR FRANKLIN, January 16, 1813.

I received yours requesting me once more to visit you before my final departure from the State. I need not remark to you, as I am sure you are apprised of my great anxiety to do so, did not prudence and a sense of my duty dictate otherwise, I am not disposed to complain or shrink from the task I have undertaken, but will only observe, that its a laborious one, it requires all the Philosophy, all the energy and firmness I am master of, to keep things going on in a proper train. One hour's absence will take days to regain the former order of things, I am now left to the entire command of my Regiment, and the eyes of my men and those of the world are upon me, and one small piece of neglect would never be regained by me during life, under those circumstances I think, my love, you will applaud my resolution, and approve the privation of enjoying one more evening with an affectionate wife and tender infant—untill I have discharged the trust reposed in me by my country. . . .

I expect to leave this on Monday next on our final march, I shall pass through Columbia, Colbert's ferry and direct to Natchez, where I expect to meet General Jackson again. I fear he will be froze up in the river with the ice for some time yet to come—Mr. Wilson will hand you this, as he goes home, by the time he returns do write me by him, I shall expect you to write by all safe opportunities as it will be the greatest pleasure I can here enjoy to receive a line from you, how is our sweet little Mary and yourself. Am in perfect health.

today of the Tennessee Historical Society through the kindness of Mr. Robert Dyas. They have never been published. They reveal a tender love and solicitude for the young man and show the deep religious convictions and kindly emotions of General Jackson.

²William Eastin, a merchant of Nashville and Franklin, who in 1809 married Rachel Jackson Donelson, a sister of Mrs. Coffee.

³Simpson Harris, of Rutherford County, who was the husband of General Coffee's sister, Mary Coffee Harris. He was the great-grandfather of Rev. John Royal Harris, D.D., a well-known Presbyterian minister, now of Pittsburgh, Pa.

⁴Lucinda Harris, daughter of Simpson Harris. She married Dr. Horatio De Priest, of Columbia, Tennessee.

⁵Ben was General Coffee's negro servant.

3. CAMP NEAR FRANKLIN, TENN., January 18, 1813.

I drop you this line by Mr. McCulloch who is just about to leave me, and has promised to hand you a bundle of papers, that you will take care of, I had prepared them to send by your brother Sandy^e who is in the neighborhood, but seeing Mr. McC have got him to deliver them to you. If your father wishes to see any of my papers do shew them to him as he may want to transact some business for me in my absence, I have requested him to do so,—I saw Mr. Harris yesterday as he passed by here, and he has promised me that he will move up immediately and attend to any business of the farm, I hope he will do so. . . . I shall, to a certainty, leave this place tomorrow, and move on without halting again—I will write perhaps from Columbia but if I do not, will write by every opportunity—hope to hear from you by Ben Wilson, by whom I wrote you, am crowded with business but am [well] and enjoy perfect health—hope you and our little daughter are in good health,—how does she grow, write me.

4. CAMP AT COLBERT'S FERRY, January 28, 1813.

We reached the Tennessee river on the evening of the 25th Instant and took us two days to cross the river, which we completed last night. I find all the Indians on the road, and particularly the Colbert family, are very accommodating to us, we shall be tolerably well supplied in passing through the nation, Colonel Henderson is in advance of us about an hundred miles laying in supplies, who informs me he succeeds very well. We march slow, not more than from 20 to 23 miles per day. It will take us upward of 20 days yet to reach Natchez, shall move on this morning—I am advised that the Indians below here on the road are alarmed at our approach, many of them leaving their homes uninhabited—I am informed the inhabitants in the lower Country are much gratified at hearing of our marching to their relief, but they know of no enemy to combat with, their country as yet is uninvaded,—since my being in camp I hear no news, being generally engaged in the execution of my duties, the men under my command appear perfectly careless and easy, quite chearful, and no expectation of meeting an enemy any where—yet wishing to do so—all now goes on easy since we commenced our march, being now convinced all is not a bubble—

I wrote you by Alex McCulloch, since which nothing occurs to advise you of, only that I called at Doctor Deprist's, saw Sister Harris and all the girls, all are well, Betsey was very chearful, and friendly as usual, she promised me to visit you early in the spring, enquired of you in the most affectionate manner—I expect Mr. Harris' family will have reached you before this line does, he promised me he would attend strictly to the business, very probably they will have to sell their boy Dave, he was still run away. I wrote to your father, when at Franklin, that I wanted him to consult with you about the business of the farm, and if you thought it best to hire a man to make a crop, this I want you to think of and do as you and him think best,—I fear very much you will be at a loss to keep things together, it is a task I never thought to have put on you, but the nature of things as they have turned up require it, and I know you have resolution enough to do anything. A soldier's wife will shrink at nothing—It was hard that I was confined so near home so long and not able to see you, but I congratulate myself that all will be right one day, nothing but my absence from you and our sweet little Mary interferes with my enjoyment, I enjoy perfect health, strength, and spirits,—I hope you are chearful and will spend your time in social

^eAlexander Donelson, who was killed at the battle of Emuckfau, January, 1814.

intercourse with your friends all around you—write me to Natchez immediately on the receipt of this, get Mr. Herndon to enclose your letter in one from him,—he will know how to direct it,—I shall not fail to write when an opportunity offers.

5. CHICKASAW AGENCY, February 4, 1813.

I arrived here yesterday, in good health as is also my whole Regiment. We have had excessive bad weather, constant rains and snows, ever since we left Franklin, the roads have been very bad, although we have got on very well. The weather is now very fine, and I hope it will remain so. We are now one hundred miles south of Colbert's ferry, Tennessee river, in the heart of the Indian country, The Indians are remarkably kind, and furnish us with every thing they have, We do very well, get plenty of corn and fodder, meat, etc. I find we shall not want for anything while passing through this country—, Have had no account from the lower country, all accounts say there is no appearance of an enemy there. I know not what we are to do—perhaps nothing—if so, the easier done, I have not heard from any of my friends or acquaintances since I started, Tell Mr. Eastin to write me, I shall expect to receive a letter from you, directed to Natchez, write me fully on any business that may have occurred since your last,—but more particularly how you and little Mary are, can she talk or walk, tell me all about her. I hope by next spring, when I shall again return to my dear wife and child, to find her much grown in person and in sprightliness, You must improve her all you can and try to learn her to talk. I hope you are enjoying yourself with your friends, you certainly will do so,—were I to hear that you had secluded yourself it would give me great uneasiness, I hope my dear you will be particularly happy untill I return.

6. CANTONMENT WASHINGTON, SIX MILES FROM NATCHEZ,
February 21, 1813.

I arrived at this place on the 16th Instant, after a journey of four weeks from the day I left Franklin, during which time I have experienced various kinds of weather,—for the first half very cold and wet, the latter¹ part very fine and the roads good,—General Jackson, with his Infantry, landed at Natchez the same day I got to this place and the next day he marched them all here. On tomorrow we shall remove from this about one mile from the town, where we shall encamp in the woods, and wait for² further orders—It is very probable we shall not go further down the river than this, as there are no appearances of an enemy in any part of this country. General Wilkinson³ has advised General Jackson to halt here supposing this to be the most central point to act from, whether to the South, East or West, which appears so plausible that the General has determined to act accordingly—I expect in a few weeks we shall know our destination. Have just heard of the defeat of General Winchester, hope it is not as bad as we have heard—the Inhabitants here are very hospitable, they treat the volunteers with the greatest attention and kindness, the most respectable giving dinings et. etc. I have not had it in my power to see any of our friends in this country as yet, I passed Mrs. Cafferys⁴ (who lives 5 miles from the road) before I

¹Major-General James Wilkinson, first the confederate and then the enemy of Aaron Burr. At this time he was at New Orleans in command of the Southern military district.

²Mrs. Caffery was a sister of Mrs. Andrew Jackson. She married Captain John Caffery, originally from Virginia. It is probable that they accompanied her father, Col. John Donelson, in the "Adventure" in 1780, but went on down the Mississippi and settled at Natchez. However, it is known that Capt. Caffery lived at a later date in Davidson County near to the home of Capt. John Donelson. The Cafferys finally went to Louisiana. One of their descendants, Donelson Caffery, was a United States Senator from Louisiana twenty years ago.

knew where she lived, I also passed Mr. Green's⁹ without going near enough to call, I hear all are well—

My dear, I have not had the pleasure of hearing from you since I left Franklin. I had expected at this place to have rec'd a letter, but as yet am disappointed, hope by next mail I shall,—time goes on slow, notwithstanding we live easy, If I had you and sweet little Mary with me, I should be perfectly happy, How does she come on, say something about her in your next line—I feel exceedingly anxious to hear from you, lest some fatality may have happened to you, I knew not the anxiety I should feel until I have experienced it—could I hear often from you it would afford me the greatest relief I could possibly obtain at this distance—therefore hope you'll not omit writing me at least once in two weeks, Until I advise you of my removal, direct your letters to Washington, Mississippi Territory—

What has become of Mr. Harris's family—have they moved up? I saw sister Polly¹⁰ and the girls at Columbia who told me they would move up immediately, expect they are with you, they were then all very well, do write me how they are situated and doing—I wrote you a scrawl from the Chickasaw agency, among other letters I was writing on business, and in the midst of hurry and bustle, I don't know what I wrote, or thought hardly, as my mind was very much engaged on the business of my Regt. As yet I have been fortunate, the Indians through which I have passed, have been remarkably kind. I suffered for nothing when among them, they fed my men and horses bountifully and showed every mark of respect, to us they could—I have enjoyed excellent health myself, and the men also under my command—If any business of mine should have occurred since my departure from home, advise thereof—I shall continue to write you every opportunity.

P. S. 22nd. Last night we had snow and sleet—its now very cold, more so than usual, and now packed up to march to our intended encampment—all is well—as I pass through town shall drop this letter in the post office.

7. CAMP JACKSON, ONE MILE FROM WASHINGTON, February 28, 1813.

I again take up my pen to write you, I did expect to have heard from you by last mail, but have been disappointed. We are encamped in a wood, have been at cantonment near Washington and at this place since the 16th Instant, Removed here supposing the situation more healthy and clean, and plenty of fuel, Our men are very healthy, some few complaints, but all are mending. My Regiment enjoys more health now than at any period heretofore since embodied. Since here, have had some very cold weather, but now it is quite warm and pleasant, though am astonished to find gardening so late, very few have done anything in that way—

As to our future movements I am uninformed, the General has not received orders to march any where from this place, and we cannot here see any probable prospects of an enemy in any part of this country. Some conjectures that we may be ordered to Mobile to take possession of west Florida. Perhaps it may so turn out, as we return home. I cannot think we shall be long continued here without government adopts some more energetic measures,—seeing no prospects of any thing to do increases the anxiety to return home, Under a

⁹Probably Abner Green, a son-in-law of Anthony Hutchings and probably a relative of Mrs. Coffee. Mrs. Jackson stayed at his home just prior to her marriage to General Jackson.

¹⁰Mrs. Simpson Harris, General Coffee's sister.

hope that we could render our country important services, we consented to the sacrifice of leaving our homes, our families and all our individual interest, but in that hope I now suppose all will be disappointed, and instead of a benefit only be an expense to our Country—but should this be the case we shall console ourselves under the reflection that we have attended the call of our country and would fondly have rendered any services in our power—

1st March. I commenced writing last evening, since when the General has recd letters from General Wilkinson at New Orleans, who says he has no instructions from government, which keeps us still in the dark.—Have been here 13 days and within five miles of Natchez, have not yet been there, shall see it today on a special invitation of my old friend Mr. W. Jackson, who is with us every day. The citizens around us are hospitable and clever, our time is rendered as agreeable as under such circumstances it can be—and the men very well contented—I have myself enjoyed good health, this morning weighed 216 lbs which is as heavy as I ever was—General Jackson two days past has been somewhat unwell with a cold though getting better since being bled—I flatter myself I shall receive a line from you by the mail which arrives early tomorrow morning—my anxiety is great to hear from you and Mary. By a letter from your Aunt Jackson, to the General, recd by last mail, she says you were well which is all I have heard since I left Franklin—how is the prospects for a crop, our little farm now should be progressing. Do my love stimulate the boys to do the best they can. I cannot, at the distance I am from you, pretend to dictate whats to be done, but industry is a requisite that cannot be dispensed with by them—I hope my dear you will not neglect writing me as you promised when I parted with you, as its all important to my enjoyments here, to know how you are doing, I presume you may write me to this place, after the recd of this provided you do it immediately. . . .

8.

CAMP JACKSON, March 8, 1813.

Yours of the 18th February I recd. by last mail, which was the first information I had received of you since I left Franklin and which afforded my mind much relief to hear that you were well, and that our sweet little daughter was much grown and doing well also,—we are at the same place as when I wrote you last, no prospects of going further, vague reports say we will be ordered by the way of Mobile as we return, to take possession of that country,—this is uncertain, perhaps we may have to pass through the Creek nation, even that is uncertain, although they have committed recent murders, which I presume you have the particulars of more correct than we have—

Last night, for the first time, Mr. A. Green visited us. He stayed with me all night, says his family enjoys bad health, has lost his two only daughters, has three sons left, he is determined to move to Tennessee this spring, your Aunt Caffery will go with him, she is very anxious to return to her friends. I have not seen her. Mr. Knox¹¹ and Polly is well, and will I suppose also move if the others do. Have quite an easy time, live in camp, have only been once to Natchez and then stayed only two hours. I find my tent the most comfortable place I can get. I enjoy health and good spirits, as do the men generally. General Jackson was, when I wrote you last, indisposed, he has got quite well—have no news here in camp or in the country since the defeat and imprisonment of General Winchester,

¹¹John Knox, who married Mary (Polly) Caffery, daughter of Capt. John Caffery and Mary Donelson Caffery. He was a son of Benjamin Knox and a cousin of President James Knox Polk.

I would to God we had been with him, we would have changed the scene with those rascals—I expect we shall have to go there yet before they can be flogged—what say you, had we not better pass on through Tennessee and Kentucky to their aid—as we have began the campaign had we not better go there to end it,—say something on this subject in your next, but I know you are such a soldier you'll sanction the thing. How are all our friends,—have not read a line from one of them—would be glad to hear anything—I don't recollect whether I said anything in my last about Colonel Purdy and Lady starting on to Tennessee they left here 8 days past, and will reach there in about 30 days. Mrs. Purdy was quite well and perfectly recovered. . . .

I was very sorry to learn from you that you had not visited your friends in Davidson, on the 18th of Feby. Why my dear are you so careless about your parents, or all others of your relations? It would give me much satisfaction to learn you enjoyed yourself with your friends when I was absent—and from the same rule of reasoning I suppose you have not seen any of the neighbors. O, my love, this won't do,—go the rounds and ask them to see you, and that will keep you alive—but without company I fear you'll forget how to be social—I hope when I hear from you again to hear all about the neighbors and friends and this will be an evidence that you have been neighborly—write me again to this place.

9.

CAMP JACKSON, March 15, 1813.

By Stockley Hays¹² last evening I recd. your letter of the 20th Ult. which contained the pleasing intelligence that you and our little daughter were well, and that the latter had grown finely, all of which was pleasing information.—

By last mail, which came to hand yesterday, we received orders from the War department to return home, and which will be put in execution as fast as possible, we are now all in a bustle making ready for our march, expect to start in 4 or 5 days, all together, Infantry and Cavalry, which will retard our movements, Calculate on being one month on the road, when I hope to have the pleasure of seeing you at home,—we have had a fatiguing trip and as things have turned out will be for nothing, but that was to us unknown, Our men would have gone home better satisfied could they have had one stump of a fight, but perhaps better so than worse, yet I flatter myself had we been put to the test, a good account would have been rendered from the Volunteers, we had just begun to learn how to do duty when we shall be discharged.—

I am very glad to hear Mr. Harris has hired Billey Boak¹³ as I think his steadiness will do something, although I know it will be slow—I am in hopes I shall be at home myself in time to have a crop made,—do direct the whole of the land prepared for a crop, and if there should be more than can be attended, when I get home can have it brought up, and thereby we can make a crop,—nothing here has transpired since I wrote you last,—I enjoy good health, as does the men generally, I wish you would send word to Bery Wilson's and Henry W. Peak's family that they are all well and so is the others of their friends, and all in good spirits, You may say to Miss Charlotte that the Captain has just applied for a permit to leave us and return home in great haste, but it cannot be granted, therefore she may

¹²Stockley Donelson Hays, a son of Col. Robert Hays and a first cousin of Mrs. Coffee.

¹³Billey Boak was an overseer, often mentioned by General Coffee in earlier correspondence when he lived at Haysborough.

expect him when we all arrive. As I mentioned we would probably get home in one month, it may be a few days longer as its uncertain as to the precise time of starting, but we will certainly be off in a week from this time. . . . I don't expect to write to you again untill I get to the Chickasaw agency which is about half way home. There I will inform you of our movements—

THE CREEK WAR, 1813-14.

The campaign to avenge the massacre at Fort Mims and drive the Creeks out of the present State of Alabama was waged largely by Tennesseans. The call from the South was quickly heeded by General Jackson and his militia. The place of rendezvous was Fayetteville, Tennessee. Colonel Coffee with his regiment of cavalry and mounted gunmen went ahead and reached Huntsville on October 4, 1813. On the tenth they were joined by Jackson and his forces. The following letters describe the movements of Coffee's command from this time. It should be remembered that they were scant of supplies, with vaguely enlisted men, advancing into the enemy's country in large part a wilderness.

10. CAMP BATEY NEAR HUNTSVILLE, [Date not given].

I have omitted writing you untill my final course was shaped. I have been here five days getting things ready to enter the Indian country. Tomorrow morning I shall take up my line of march, shall go from this to Fort Hampton near the mouth of Elk river, from there by the way of Colbert's ferry and then on towards fort St. Stephens—our first place of destiny. There is no more appearance of Indians doing mischief here than there is on Stone's river, and the best informed here have always thought so. The alarm has arisen from the poor cowardly creatures that have run off, and left their all, in every direction and without knowing for what. We have sent spies over the river that have been seventy miles direct into the Indian Country, who have this day returned and say that there is no appearance of the Indians coming this way at all. Seeing the people here are perfectly secure, I shall now proceed to the relief of the poor suffering people on the Mobile. George Smith and Sandy with twenty men has gone on before me with Col. McKee, an Indian agent, to make provisions for me as I go on. I have under my command upwards of thirteen hundred men and have been compelled to turn off several hundred others that I could not provide for. I am sufficiently strong to go anywhere, without any kind of danger, and when General Jackson comes on with his 2500 men, now at Fayetteville, we shall be able to over run the Creek nation, and I fear we shall never see an Indian for, as they hear of our strength, they will fly before us and never risque an action. If men flock in to the General in proportion to what they have done to me, he will have an army that can drive the Creek nation like a flock of bullocks, and from all I can learn they will and more too. . . .

11. CAMP COFFEE, SOUTH SIDE TENNESSEE, October 13, 1813.

I wrote you a few days since but have not had an opportunity of sending it, but I herewith sent it you, that you may more fully understand our different movements. Here, since the writing of that letter, we have had plausible intelligence of the enemy intending to

come against Madison County, which halted me here untill the facts could be more fully ascertained. Seeing I had to detain, I moved about seven hundred of my men over the Tennessee River, to build a small fort, and encamped at this place which is two miles above Dittoe's landing on the south of the river. Soon after I encamped, there came other news that the whole Creek Nation was moving on this way in one body and would, in all probability, reach us the same night. After we received the information, we prepared, and expected an attack, and continued in expectation two days and nights, when Genl. Jackson, with his army, arrived and joined me which was yesterday. We are now out of any apprehension of being attacked, being strong enough to meet the enemy anywhere we can find them. They will no doubt try to evade a meeting, which they can easily accomplish, as they know the situation of the country much better than we do. The Gen'l. and the principal part of his army will necessarily detain here a few days preparing for their further march. Tomorrow I shall make a small excursion into the adjoining country with about 600 of my Regt, and return and move on with the Genl. The East Tennesseans are in motion and we will all unite before we enter the Creek nation, when we can be able to drive them out of their country or cut them off if they attempt to support it. Things are fixed in such a train that there can be no doubt of the success of the campaign. I hope and flatter myself that it will be a short one, and that we can again return home to our families and friends. The last I heard from you was by Stockley Hays, who said he understood that you were well. I do not know precisely when I can again write you, neither can I ask you to write me untill I can direct you where to send your letters. Captain Hammond's company is going with us. I saw Mr. Harris today. He is well and quite pleased with the jaunt. He asked me to mention him to his family as he was engaged and did not expect to write himself. Your brother Jack is also to accompany us. Your uncle Jackson has performed the journey out exceedingly well and enjoys good health,¹⁴ you never saw him in finer health and spirits than he now shews. I enjoy good health myself. How are all friends at home, and how comes on little Mary in running about the yard. I hope all is well.

12. HEADQUARTERS 24 MILES SOUTH FROM DITTO'S LANDING,
October 24th, 1813.

I have this moment arrived here from a rout into the Indian Country of ten days, have been to the Black Warrior Towns, where Mrs. Crawley was carried, and find them all deserted by the Indians, leaving their corn and some other plunder behind.¹⁵ I burnt three towns but never saw an Indian. I am now convinced that the Indians will never meet us in action, all our fighting will be scouting parties,—we move on from here this day and will not halt again untill in the heart of the enemy's country—our spies have been to the place where the Indians were said to be imbodyed and find no signs of their ever

¹⁴An evidence of Jackson's indomitable spirit, as he had not recovered from the wound in his shoulder, received in the affray with Thomas H. Benton September 4, 1813.

¹⁵The chief object of this excursion was to obtain food. Coffee marched two hundred miles in ten days, burned two towns and obtained three hundred bushels of corn. His men suffered great privations on their return.

"Jackson's plan of campaign provided for a base of supplies on the Tennessee at its southernmost part, a military road thence for fifty miles to the Ten Islands on the Coosa, where another fortified post would be established for supplies, and thence down the Alabama River system to Fort St. Stephens, always destroying such armed bands as opposed him and devastating villages as he went." Bassett's *Life of Andrew Jackson*, p. 94.

being there—they will certainly desert their country before us—Capt. Hammonds¹⁶ and Company are with us. Mr. Harris is very well, he is not present or he would write, and Colonel Hays¹⁷ now waits for me. Your brother Jack is well—Sandy and Captain Geo. Smith¹⁸ have not returned from their tour with Colonel McKee—I have just recd. by Colonel Hays, a letter from your father saying that you and Mary were well,—how are the rest of our friends. I hope all is well—I suppose you will have no opportunity to write me—which I regret very much—let me beg of you to be of good cheer as I assure you we are not in any particular danger here. I know you are a philosopher, and now is the time to exercise it, and I know you will do it—

13. CAMP BROWN, 30 MILES FROM DITTO'S LANDING,¹⁹

October 25, 1813.

I wrote you yesterday by Colonel Hays from General Jackson's camp 10 miles below this where I mentioned to you that I had just returned from a tour in the interior of the enemies country. The General has gone on with his army and I will follow him tomorrow, and join in the evening, when we will keep all together untill we reach the heart of the Creek country, to the end, if any engagement should take place, our forces should all be present to act together, in which event there will be certainty of success—I expect the East Tennessee troops will join us before we get to the Creek country which will strengthen us—after writing you yesterday, Colonel Hays detained, untill I wrote your father. By the Colonel I recd a letter from him wherein he mentioned news having reached you of Major Gibsons being killed,—the report is false—there has not been a gun fired, by either an Indian or white man, at each other of our army, and I am doubtful but few will be fired. The Indians gives up their country before us as we approach, so far as we have yet been, and I think that will continue to be the case,—yesterday I recd letters from Captain Geo. Smith and Colonel McKee in the Choctaw country, who had gone on expecting me to follow—they state that the Indians had fled from that part and had all gone to the centre of their country, from where they will move down, no doubt, to Pensacola, to their friends and allys, the Spaniards and British—I expect that I shall have frequent opportunities of writing to you after this, by a chain of deposits, that will be established by the army, as we go on and by expresses kept up from there to the army. . . .

14. TEN ISLANDS, COOSEY RIVER, November 4th, 1813.

I have again an opportunity to write you a line,—we are progressing into the Indian country as fast as we can get provisions, and a very few days more will bring up the East Tennessee troops when the whole will move on together—I have a small scirmish²⁰ with the

¹⁶Captain Eli Hammond, the Indian fighter, who was in the Nickajack expedition of 1794.

¹⁷Col. Robert Hays, who married Jane Donelson, sister of Mrs. Rachel Jackson.

¹⁸A son of General Daniel Smith. George Smith married Tabitha Donelson, daughter of Capt. John Donelson.

¹⁹Ditto's Landing was on the Tennessee River a few miles southwest of Huntsville, Alabama. It was named for John Ditto, who traded with the Indians and had an early post there.

²⁰This was the battle of Tallushatchee, thirteen miles east of Fort Strother on the Coosa. This was an Indian village, and Coffee (now a brigadier-general) was sent to destroy it. The Indian force was annihilated. It was greatly outnumbered by the Tennesseans and neither side asked for quarter. Coffee lost five killed and forty-one wounded. The battle inspired the army with confidence. General William Carroll said: "After Tallushatchee we had the measure of the Creeks. All apprehension was

Indians and a part of my Brigade, where we killed two hundred and took eighty prisoners, the particulars of which I have this day written to Captain Parks, and who will send it to you, for your information—

The die is now cast and I don't expect after this the enemy will ever meet us,—they have no kind of chance—our men will drive them where ever they find them—we shall build a fort at this place, for a deposit of provisions and to leave the wounded men in.—The only man killed of my party that you have any knowledge is young Thomas Hudson, son of Mr. Hudson at Haysborough, he was killed with an arrow—our loss is so small, when compared with that of the enemy, that it is not felt here. Our men are in excellent spirits—we shall very soon finish the work of destruction of those wretches and return home, which time will afford me the greatest pleasure on earth, but notwithstanding my inclination to be at home I cheerfully yield it to duty, untill the work is completed—supported with the impressions that you will, in like manner, submit cheerfully to the momentary privations of our social happiness untill I again return to you—

15. HEADQUARTERS CAMP STROTHER, TEN ISLANDS, COOSEY RIVER,
November 12, 1813.

Last night we returned to this place after having advanced thirty miles south of this towards the enemy where we had a battle at Talladega Creek.²¹ Our party consisted of 2000 men, commanded by Gen'l. Jackson in person, the enemy were a little upwards of 1000 chosen warriors, sent on to meet us and intercept our march. By the friendly party we were advised of their approach and position, which enabled us by forced marching, night and day, with our detachment, to meet them thirty miles in advance of our main army. We met them in the morning early, when we surrounded them and in a few minutes put the whole to flight, having killed 300 of their best warriors on the ground and the most of the balance were wounded. Thus the two first chosen sets of our enemy have been completely cut off and destroyed. We have in the two battles, one on the 3rd, and the other on the 9th instant, killed 500 of the warriors, and wounded at least as many others besides upwards of 100 prisoners of their families now in our possession. In the first battle I lost five men killed and forty some odd wounded; in the latter battle we lost 15 men killed and eighty five or six wounded, the most slightly. Upon the whole calculation we shall not lose more than 30 men killed in both battles,—whereas the enemy on as fair calculation will have lost 600 killed, counting on such as must die of their wounds. Although we regret the loss of our brave fellows yet the great dis-

dispelled. Every man in Jackson's army was serenely confident that contact with them meant victory for us, under any conditions. The brightest spot in the history of that campaign is the setting of its pace by John Coffee and his mounted riflemen of Tennessee at Tallushatchee!" Buell's *Life of Jackson*, p. 305. On October 30 Coffee was placed by General Jackson in command of a new brigade composed of his own regiment of cavalry, now commanded by Col. John Alcorn, and a regiment of mounted gunmen commanded by Col. (afterward governor) Newton Cannon.

²¹Talladega was a friendly Indian village, but it was completely surrounded by more than 1,000 hostiles. On November 7, 1813, a friendly chief who had escaped disguised in the skin of a hog, reached Fort Strother and requested speedy help. On November 9 Jackson drew up his army before Talladega in a crescent, with the points thrown forward. Coffee's mounted riflemen held the flanks, divided into two parts. Nearly 700 Indians escaped through a gap between the cavalry and infantry and lived to fight at Tohopeka. Talladega ended all chance for the Indians to invade the Tennessee settlements. For the next two months Jackson had to remain at Fort Strother to deal with mutinies based on claims of termination of enlistment, lack of supplies, and the need of an almost new army. All but one hundred of Coffee's men returned home. After a new recruiting campaign the army was made over so as to take the field.

proportion is beyond the most sanguine calculations on our part. We only want supplies to enable us to finish the campaign in three weeks. We will wait here untill we get them which it is supposed will be in a week from this time when we will advance forward and not stop untill we reach the Georgia army in the Creek nation, which will be easily done. And when done, our work will be completed and we can then return home where I hope we can remain in quiet with our families and friends and not be called on again during the present war.

Thus, my dear, I think the time is not very distant when I shall be with you at home and there permitted to remain. A communication is now opened from Huntsville to this place, by whom you can write which I hope you will do. Direct your letter to me in Gen'l. Jackson's army, Huntsville, M. T.—from where it will be forwarded to me.

I hope nothing is materially suffering for my presence at home, notwithstanding I feel uneasy lest there should be,—let me know anything of the kind by letter. My love, be not uneasy as to my safety, there is not the danger here that may be supposed by you. I assure you we feel no kind of danger, as our force is beyond all doubt superior to that of the enemy—both in number and in quality.

Sandy²² and Jackey²³ and Mr. Harris are with me. All are well and ask to be recommended to you. Mr. Harris, wishes his family to be informed that he is well and doing very well. He will write by the next express. How is our dear little Mary, and yourself. I have not heard from you now God knows when.

16.

HUNTSVILLE, December 19, 1813.

I have been confined at this place by the complaints I laboured under when I left home, having increased to a very aggravated state since the 11th inst. I am now much amended, so as I think I can leave this tomorrow or next day and proceed on my march.

Great discontent hath prevailed in all our camps, men in all directions deserting, some going off in companies, etc., etc., etc. I apprehend before I reach Genl. Jackson he will have been compelled to yield to the multitude and all be compelled to return, but this will be his last resort, and I hope may not be the case, yet I fear it. Genl. Hall's Brigade has already left him, *thus we are clear of the Scotch Irish in that quarter.* My Brigade are ordered to halt (since I marched them) at Fort Deposit and there wait for further orders. When I shall be called on to march I cannot say, perhaps in a few days. I have now no expectation of any fighting being done this campaign. There must be an additional force here before anything can be done effectual. . . .

17.

HUNTSVILLE, December 27, 1813.

I wrote you some days since from this place by Mr. Harris, which I presume you have rec'd before this. In that I mentioned I had been indisposed, but was recovering. I now have the pleasure to inform you that I am perfectly restored to health. Yesterday I rode to the River, distant ten miles, and today I rode back again without any inconvenience, in a few days I shall be as strong as usual.

Our camps have been in great confusion here for some time past—ever since my return last from home. The whole of Genl. Hall's Brigade of Infantry volunteers have returned home and nearly the whole of my Brigade has and will return. Tomorrow morning will

²²Alexander Donelson, brother of Mrs. Coffee. He was killed at Emuckfau.

²³John Donelson, son of Captain John Donelson and brother of Alexander Donelson.

divide the sheep from the goats, and all who are not willing to go on will return home. After that I promise myself some satisfaction, being clear of the uneasy and discontented in camp the remainder will go on in quiet. My Brigade will be kept up by the new troops that came on with me, those with Col. Carrol, and one Battalion of Madison County troops, added to Captain Hammond's Company of Rangers. I am ordered by Genl. Jackson to remain here untill supplies of provisions are carried on before me, when I am to follow. I expect to leave this place with the mounted men in 4 or 5 days and when we reach Genl. Jackson the army will all move on together without delay untill we unite with the Georgia army at the forks of the River below us, which is 80 or 90 miles distant. The Georgia army has had a battle with the Indians²⁴ and have defeated them, having killed 200 Indians with very little loss on our part. All of which discourages the Indians, seeing they cannot stand us a fight at any place, it's possible they may give us one more battle but that is quite uncertain. We have but little to dread from them. When we reach the Georgia army all will be completed. As to a general battle we shall have nothing but skirmishing, and hunting them up in the forests, etc., etc.

I flatter myself that all the attempts of the refractory part of our army to destroy the credit of the army and the objects of the campaign, will be baffled by the patriotism of our citizens at home. I cannot bring myself to believe the friends of those who return in disgrace will receive them unfriendly, . . . but will rather condemn their conduct. If my conjectures are right, so soon as it reaches camp the spirit will die here and all will be content. Capt. Geo. Smith has promised me he will call and see you, he can tell you all the news here. I hear from Genl. Jackson every day; he is in good health and spirits. . . .

18.

HUNTSVILLE, January 3, 1814.

I am yet confined at this loathsome place, awaiting orders to march. As fast as one difficulty is removed another presents itself. I am not yet certain if we shall be able to move on untill we get an additional army. I this day Recd. a letter from Genl. Jackson dated the 31st, Dec., he is endeavoring to make one quick movement, but is even doubtful if he can or not raise men enough. Col. Carroll is now gone to see him and will return tomorrow, when I expect a final decision. If we move it will be in four days from this time. Whether the army makes a move or not I must go on to the Ten Islands to headquarters. I never can think of bearing any part of the disgrace that will attach to our disorderly army. Notwithstanding the great exertions of our enemies to the contrary, I have no doubts but you hear a great deal of stuff about Tyranny, etc., etc., but you need not be uneasy, all will very soon be put in a proper point of view, the disgrace will fall on the proper objects and those calumniators will discover to their great mortification that they will have to bear the burthen of their own sins. Your brother Jack, who bears this, can give you all the news here. I shall expect you to write me, by him, fully your mind on every and all subjects, and business, etc.

I am now in good health, after lying up a considerable time. I hope, my dear, you and our sweet little Mary are well, and enjoying yourself. Make my respects to my friends. Jackey waits while I write.

²⁴Probably the battle of Autosee, on the lower Tallapoosa River, November 29, 1813. General Floyd defeated the Indians with a force of Georgia militia.

19.

HUNTSVILLE, January 8, 1814.

I shall leave here tomorrow for Fort Strother, Sandy has this moment gone on before me. I am more at ease than I have been since in the army, my Brigade having left the service except a few individuals of the officers and men, who remain in service. Several companies are expected out shortly, to join again, of my old brigade. Until then I shall have very little to do, yet I will not leave my post. Let others do what they may it shall never induce me to do an act that will reflect on me when enquired into. All those who have left the service will one day see their error notwithstanding their clamour now. Violent exertions are making to injure Genl. J. and all the officers that support him, but all will be in vain,—on enquiry he will be found correct and his enemies will be seen in their proper colours. I am not certain whether we shall make a movement untill we get an additional reinforcement. Genl. Pinkney, who commands the whole southern army, has ordered Gov. Blount to send out men and keep the ranks filled, and he has also ordered Col. Williams's Regt. of regulars to march out immediately and join Genl. Jackson. The Gov. will now begin to see he must act, and arouse from his lethargy. I don't believe anything will be done untill this reinforcement is received. We shall have no force here, untill they come on, but the new volunteers, mounted men from Tennessee and Madison, not more than 900 in number or thereabouts. They are very clamorous and I fear will not do much good, they are now crossing the river, under Col. Carroll's direction. It snows and rains today and the prospects gloomy and I fear they will not withstand the weather, orders, etc., etc. I have lost all my horses, have sent men to hunt them. If they should go home and the men come after them, send my saddle horse and the little sorrel, but keep your horse at home, I will have enough without him. If no person comes after them and they get home get Mr. Harris, if he comes out, to bring them with him, if he has to hire some person to assist him,—he will find a number of persons coming out. Say to Mr. Harris that as soon as he is able he must by all means come out and join his company. There will be an inquiry into the conduct of that company and he must not be wanting in his duty, he must come the very moment he is able.

I wrote you by Capt. Smith, and also by Jack D., both of which I expect you have recd. Nothing of consequence has since occurred. I am now perfectly recovered from my late illness and quite able to stand fatigue. I hope, when we get our forces all together, very soon, to give the final blow, when we shall be able to quit the field and resume the life of citizen, which time I look for with anxious solicitude, when I will be clear of the bustle and clamour of men hunting popularity, and sit down in pleasure at home in private life. I am worn out with company. . . .

20.

FORT STROTHER, January 30, 1814.

Before this reaches you, no doubt you will have heard of one other excursion we have had in the enemies' country,—we returned to this place on the 27th, after a tour of ten days,—we advanced 70 miles below this, and on the 22nd and 24th of this month we had four different engagements with the enemy, in all of which we killed upwards of 200 of the Indians,—we lost 18 men killed dead and about seventy wounded—I recd. a wound myself in my right side but not dangerous—and your Brother Sandy²⁵ is no more, a few minutes

²⁵Alexander Donelson, who was killed in the battle of Emuckfau, January 21, 1814. The battles of Emuckfau and Enotachopco were at this time fought in rapid succession. The Indians had concentrated between Emuckfau Creek and Tallapoosa River

after I was wounded, he was shot through the head, and fell. He lived about three hours, but never spoke, nor do I believe he was sensible of his pain—a braver man never was, and he has left an untarnished reputation, and I hope is happy, clear of the bustle of this world—

Jackey had just reached us the night before the first battle,—he has escaped unhurt—Mr. Harris not being very well was halted at Huntsville and I have not, as yet, seen him, I hear he has got well—I expect to start home some time today, and will travel slowly, it will be 8 or ten days before I get home as my wound is somewhat sore, but not painful or by any means dangerous—I shall omit giving you any particulars untill I see you, when I hope to find you and our little daughter in health—my respects to all friends—

21.

FAYETTEVILLE, March 5, 1814.

I reached this place this evening, the roads excessively bad and weather cold, snow, etc., but all well.²⁶ This day I met Christopher Hutchings²⁷ express from Genl. Jackson bearing letters to Nashville, and elsewhere. The Genl. sent me enclosed the copy of a letter that he has received from Genl. Pinckney, which speaks in very flattering terms of our conduct, as well also does the Secretary of war. This will kill our enemies dead when they see that all their lying and abuse will not turn our government against us, but, on the contrary, they speak in the highest terms of approbation. I would send you a copy of Genl. Pinckney's letter, but it is lengthy and it is now late and I must send the original on so as to reach Nashville, where I presume that and the letter of the secretary of war will be published, when you will see them both. If you should see Mr. Casedy²⁸ or Doctor Bedford ask them to call on Wm. B. Lewis and see those documents, I know they will be pleased with them. Genl. Jackson urges me to come on and join him and we will very soon finish the campaign, which I hope to see realized in less than two months, when I shall be able, with propriety, to return and sit down in ease, which will be the greatest pleasure to me on this earth. I will again write you from Huntsville.

22.

HUNTSVILLE, March 9, 1814.

I have been at this place ever since the evening of the 6th Instant, detained by the very great fall of rain for two days last past, the waters are very high and the army in its movements will be much retarded. Genl. Johnston with his Brigade is now at Fort Deposit crossing the Tennessee River, and will progress as fast as the waters will permit them. I have not heard from Col Dyer and his detachment since here officially,—report says that they are waiting at the Tennessee (Deposit) for further orders from Genl. Jackson before they start on to the Cahaba, the place that he was ordered to scour before he left home. His delay I am fearfull will occasion a tradiness in the movement of the whole army. However we cannot go on untill

in order to attack Fort Armstrong. In these engagements the Indians were beaten, but not demoralized, and Jackson's army, for lack of supplies, returned to Fort Strother on January 27. At Emuckfau General Coffee led the main charge with fifty-four of his own men and two hundred friendly Indians. General Coffee himself was wounded.

²⁶General Coffee had evidently made a visit home in order to recover from his wound.

²⁷Christopher Hutchings was a brother of John Hutchings, the mercantile partner of Jackson. He was a son of Col. Thomas Hutchings, who married Catherine Donelson, a sister of Mrs. Jackson.

²⁸Charles Cassedy was for many years the confidential friend and secretary of General James Winchester. He was a writer for the newspapers of the day in Middle Tennessee.

all the troops and a sufficiency of provisions are up and at headquarters, and a number of waggons are now in this county on their way to aid in transporting provisions, which will render it impossible to leave Ten Islands under eight or ten days from this time. I shall leave here tomorrow and will proceed to headquarters, from which place I will again write you. I wrote you from Fayetteville which I presume you will have received ere you receive this. I there mentioned to you the high approbation our conduct in the late excursion had met Genl. Pinckney, and referred you to the papers of Nashville for its contents, that together with the secretary of War's letters of approbation will completely set aside our false calumniators and lay them at rest.

23.

FORT DEPOSIT,²⁹ March 12, 1814.

I progress very slow indeed, everything here moves very tardily owing to the very high waters of late. I reached this place last evening and will leave it this evening or early tomorrow, shall get to head quarters in good time to march with the army that is collecting very slowly. Genl. Johnston is still in my advance, he left here yesterday morning. We learn that considerable difficulties are thrown in the way of the East Tennessee troops by Genl. Cocke, I hope not as bad as reports say. We have nothing here new, I refer you to Col. Hays and Lemuel³⁰ for the passing times.

One thing I can say to you I believe to certainty, that there will not be a campaign sent to the Floridas (Pensacola) so that we may be certain of returning home when we end the Creek campaign, which we think will end in two months, at which time I hope to have the pleasure of seeing you and Mary. . . .

24.

FORT WILLIAMS, April 1, 1814.

I have to announce to you one other victory obtained over our enemy, at the same bend of the Tallapoosey,³¹ near where we fought our last battles. We attacked the enemy, on the 27th of last month, the enemy were about one thousand in number, enforcted in a bend of the river, with very strong works. I crossed the river with 700 mounted men and 600 Indians and took possession of the other bank to prevent them swimming over the river and escaping—all was executed well, the enemy fought with their usual desperation but we overpowered them, and after cannonading them about two hours, we charged their works by storm, and put the whole to death but a few that hid under the banks of the river,—the slaughter was great. We counted 557 dead bodies on the ground besides about 300 that

²⁹Fort Deposit stood at the head of the Tennessee, the last point on the river before the march into the enemy's country. By this time the Creeks were in desperate straits. Over 1,000 of their warriors had been slain, all their towns in the Coosa Valley destroyed, and the tribe was dispersed. The remnant, however, rallied and made their last stand at Horseshoe Bend. On March 16, 1814, General Jackson started with his force from Fort Strother in boats down the Coosa. After building Fort Williams at the mouth of Cedar Creek and leaving there a garrison of about 400, he had left 2,400 men, of whom General Coffee's mounted rifles numbered 900. At Fort Williams General Jackson learned that about 1,000 Indians, under Weatherford, were concentrating at Horseshoe Bend, about fifty miles away. General Coffee went ahead to observe the enemy. The battle was opened by him on the morning of March 27.

³⁰Lemuel Donelson, son of Capt. John Donelson and brother of Mrs. Coffee.

³¹The Indians had built a strong log breastwork across the narrow isthmus formed by the bend in the river. Surrounded by this breastwork and the river, they made their last stand. General Jackson led in person the charge upon the breastwork and was slightly wounded, but his men went over the works and made a bayonet charge. Coffee's dismounted men fired upon the enemy from across the river and co-operated with the friendly Indians in shooting down those who tried to escape. Coffee's men held the right bank of the river and the rear of the enemy.

was shot and sunk in the river, making in the whole that we killed from 850 to 900,—and took about 500 prisoners, squaws and children—we lost on our part of white men 26 killed and 106 wounded besides 23 friendly Indians and 47 wounded—this place was an assemblage of all the upper towns on the Tallapoosey, which we have now destroyed, it only remains that we take possession of the forts of the river and fight one battle there, to finish the Creek war—this I hope we will do in ten days from this time,—I cannot say precisely when I shall be discharged but think it will be in less than one month from this time—I have never heard from you since I left home, only by a letter recd. from Colonel Hays, he says you are well,—cannot you write me. Having now nearly compleated our business here, I shall soon turn me towards home when I hope to enjoy the remainder of my life with you in quiet—my love to our little daughter—and all friends—

Lemul Montgomery³² was killed in battle at the charge against the breast works by a ball through his head—

25.

FORT WILLIAMS, April 2, 1814.

I wrote you yesterday by Mr. Lewis, who was the bearer of an express from General Jackson, he promised to leave the letter at Murfreesborough, from where I know you will get it, but Mr. Wm. White is going to start this moment and is going so near you, I drop this line by him,—in my other I give you account of another battle we have had, in which we killed from eight to nine hundred of the enemy, and took about 500 prisoners—this is the greatest defeat we have ever given them, we killed three of their prophets in this battle, one of whom was a very principal one, this will damp them very much—I herewith send you a plot of the river and bend where we fought for your satisfaction to see our movements, I expect the day after tomorrow we will start to the Hickory ground and will reach that point in 3 or 4 days, perhaps we may have one battle more, in that quarter before they give up this country, but they cannot hold out, they are already nearly starved to death, having eat up all their provisions—as I mentioned in my last I do not know when I will be at home but suppose one month will finish all my duties—

26.

FORT WILLIAMS, April 6, 1814.

When I last wrote you from this place I did not expect to write again until we reached the Hickory ground, but Mr. Harris is going directly by you, he has promised to call and see you, and I drop you this by him tomorrow morning early we take up the line of march, with about 3000 men and officers, we shall proceed directly to the Tallapoosey river opposite to where the Georgia Army lies, out from the river about 12 miles, this point on the river will be where the enemy is said to be embodied, when we get there, the Georgia Army will be called to the river and the two armies will descend on both sides to the junction where we will establish fort Jackson, when this done I think the war will be over, there will be regular troops enough to support the post and if so the Tennessee troops will be discharged, this I calculate will be our future operations and movement, and if I judge right, we shall turn homeward in about twenty days from this day—and in 15 days more we can reach home,—but

³²Lemuel Purnell Montgomery, major in command of the Thirty-ninth Regulars. The capital city of Alabama is named in honor of him. He was a native of Virginia, but resided in Hawkins County, Tennessee. His mother, Euphemia Montgomery, who was related to the Donelsons, lived until 1834. His father was Hon. Hugh Montgomery.

in all this I am not certain, we may be double that time out, and do not calculate on seeing me certain untill you see me,—your friends here in the army are all well, Captain Geo. Smith had started home some days ago, but returned and will finish the campaign and return home with me when I go—I mentioned in my last that I had not seen Mr. Harris, nor have I as yet, he is at Huntsville I expect in the quarter masters department I presume he has written his family—please make my respects to all friends—how do you and little Mary do—I hope you are enjoying health—am in good health myself—

27. JUNCTION OF THE COOSEY AND TALLAPOOSEY, April 18, 1814.

We reached this place so long sought for on yesterday. The Georgia Army has joined us, the Indians have all fled, they are running in all directions, numbers are coming in and begging forgiveness, some are running towards Pensacola while others are hiding in the swamps, our fighting is over, the nation is conquered, and all we have to do is to establish a sufficient number of posts, to retain possession of the country—when this is done we will return home,—I think we will set out on our return march in ten days from this time, we shall progress slowly, our horses are worn down, have had no corn for a month past, and the grass very bare,—we have got a number of the negroes and some prisoners that was taken at Fort Mims, expect we shall get all before we start,—Colonel Russel has not yet come up the Alabama to meet us here, as we expected, but we have sent for him and expect he will come when he hears we are here, we have had all the fighting and labor to do, and now surely those other armies can keep what we put them in possession of. It still remains hard to feed our armies, the difficulty of transporting provisions is great, for want of horse feed, and the river navigation exceedingly difficult,—

We have this day cleaned a spot of ground, (the very same on which the old French fort Tuloose³⁸ stood,) in the forks of the rivers, where will be built fort Jackson, the foundation we will lay as the last work of our army I expect,—General Pinckney is at fort Decatur, 25 miles in our rear, and will probably be here in a few days—Now I think I can see the way clear, when I shall be able to return home and remain in quiet with you, and enjoy the blessings of private and social life, the remainder of my life—

My love to you and little Mary—

THE NEW ORLEANS CAMPAIGN, 1814-1815.

Just when General Coffee returned home after the battle of Horseshoe Ben is not clear, but it is probable that he came back early in the summer of 1814. On May 28, 1814, General Jackson was appointed major-general of the seventh military district, U. S. A., with orders to go to Fort Jackson and make a treaty of peace with the Creeks. This treaty was made on August 9, and then General Jackson went to Mobile to look after its defenses. His celebrated quarrel with the Spanish governor at Pensacola, Manriquez, soon broke out and he determined to invade Florida and drive the British out. This was in the absence of any authority from Washington, but

³⁸Fort Toulouse was built in 1714 by Bienville between the Coosa and Tallapoosa rivers in order to check the English of Carolina and to influence the natives. Being in the river basin with Mobile, it was ceded to the British by the French in 1763.

with the approval of the Southern people. Before leaving Fort Jackson for Mobile General Jackson requested of Governor Willie Blount that he send him a brigade of volunteers under Coffee. About 2,000 men assembled at Fayetteville. On October 5 General Coffee marched southward at the head of this force. He was joined by 800 more on the journey. On October 23 they reached St. Stephen's, thirty miles above Mobile, having traveled 450 miles. The following letters describe the movements of Coffee and his men until after the Battle of New Orleans.

28.

FAYETTEVILLE, October 3, 1814.

I have been detained here several days longer than I expected when I left you, have mustered into service about two thousand men here besides several companies that is to follow after and four companies from East Tennessee, when all is together I shall have about twenty six hundred men in my Brigade. We have had a second Regiment organized, in which was elected Thomas Williamson Col., Cap. George Elliott⁸⁴ Lieut. Col., Capt. George Smith 2nd Lieut. Col., William Mitchell and William Phillips Majors. The first Regiment will be commanded by Col. Dyer and his old field officers. All now appears satisfied and is going on well. We shall certainly set out from here tomorrow, and will go the route I mentioned before I left home, think in 12 days to reach Genl. Jackson or his orders.

I have been very uneasy since I left home about the situation in which I left you, so small force and all the crop yet to get in, in consequence of which I got Mr. Hogg at Shelbyville to employ the man you heard me speak of, his name is Blessing. Mr. Hogg writes me he has employed him, and has agreed to give him \$150 in cash to oversee for me one year, he will come down to you in about three weeks, or sooner, and remain untill Spring, when he will move his family. When he moves, if it is before I return, I have directed that he live in the Cabin, Boak's house, untill I do return, I think it will be best for you, as they will be company when at home, and when you leave home they will be a guide. He is the most industrious man from character to be found anywhere, and am told his wife is an amiable, well disposed woman, as such I hope you will have no trouble, but a benefit by being so near. If when I come home it don't suit we will build a home for them somewhere else.

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29. CAMP GAINES, 15 MILES BELOW ST. STEPHEN, October 22, 1814.

I left Fayetteville on the 5th Instant and arrived here this evening after a march of 18 days, distance from home about 470 miles. We are here about 30 miles from Fort Montgomery, or Fort Mims, in the neighborhood of which place I expect to halt a few days. I have this day received orders from General Jackson, who is at Mobile, about 70 miles below this place. He will meet us in a few days, when I expect we shall march to Pensacola, when I expect little or no resistance as the enemy is in very small force, no British reinforcements have yet arrived and the Indians daily leaving them. Prospects are not half as gloomy here, as I expected, It's more than probable we shall not have any battle during the campaign. The

⁸⁴George Elliott, who was thus chosen lieutenant-colonel, was a citizen of Sumner County, Tennessee. He was a farmer, a breeder of thoroughbred horses, and a close friend of General Jackson.

Tennesseans are in high spirits. We have generally enjoyed good health, some little sickness, but out of 2000 men I have not yet lost one dead, an unusual circumstance.

I hope we shall not be continued here all the winter. When our infantry from Tennessee arrives the forces here will be all sufficient to maintain the country and when that is the case we shall not be wanted.

I look forward with solicitude to the time of discharge when I can return home, and join you in the sweet enjoyments of domestic life. The more I experience of public life, the less I apprise it, and the more I appreciate the enjoyment of a quiet fireside in society of an affectionate wife and darling child, and I think I can with propriety say, this will be the last campaign I shall ever make, having satisfied my anxiety when I have relieved this country.

I hope you and our dear little Mary are doing well, I have enjoyed good health. Do, my dear, write frequently. Your brother Jacky came on here ten days before I did, and heard his company is ordered to the Alabama heights, about 30 miles above where I shall halt, when we move all will go together. Billy has been to General Jackson's head quarters, and has this evening returned and is now with me. Mr. Harris is also here with me, all are well. General Jackson has been sick, but has perfectly recovered. . . .

30. CAMP IN THE CUT OFF, MOUTH OF ALABAMA, October 29, 1814.

We are situated on the bank of the Alabama at its mouth, and on a large Island of the Mobile, where we have been several days,—every preparation is making and will be ready in two days, to take up the line of march to Pensacola, distant from here about 75 miles—We hear from that place every day or two, and from certain accounts the enemy have no forces there but the shattered remains of those that survived at Fort Bowyer, in the whole not more than 250 British and about the same number of Indians, and without they are reinforced before we reach that point, we shall not meet with any resistance,—Its presumable we shall take possession of the Forts, and public stores, and leave a force of regular troops to protect it, but will not interfere with the Inhabitants, or abridge any of their privileges—the Governor of Pensacola has written several pompous letters to General Jackson which will justify the measures about to be taken, those letters were written before the attack on fort Bowyer, no doubt he would now be glad he had been silent,—I expect to return to this place in about two weeks, and after recruiting our horses, probably we shall move west towards the river Amete, which is a central ground between New Orleans and Mobile, and from where we can move with ease to either point—

I hope when I return to this place to meet letters from you, which will be a source of infinite satisfaction to me, to hear from you frequently, in my leisure moments what pleasure could equal that of perusing a line from you, announcing the welfare of yourself and our dear little daughter, whom I hope are doing well—I will frequently write you, and hope you will, in like manner,—Your brother Jack and his company joined us last evening which is the first time I have seen him since here, he is well, Billy is with me and has been well, Colonel Geo. Smith and little Jack Donelson have been somewhat unwell but both recruiting and able to do duty—General Jackson has had a considerable attack of sickness before we arrived but is quite recovered and looks well,—say to Mrs. McCulloch that the Major enjoys excellent health and spirits—

Make my respects to Mr. Eastin, and Captain Parks, and their

ladies, I will, when I have as much time, write them, perhaps when I return from Pensacola shall have something to write thats interesting—

31. CAMP AT FORT MIMS, November 15, 1814.

Inclosed is a detailed account for your satisfaction, of our expedition to Pensacola, send it to you separate from any other matter, that you may show it to any of our friends and neighbors that may feel anxious to hear from us—

I think there is no probability of our having anything more to do here, but still, policy will dictate to the commanding General to keep the volunteers untill other troops arrive sufficient to support the country, after which I have but little doubt we shall be at home in two months from this time—I had the gratification last evening of receiving yours of the 4th Instant announcing the welfare of yourself and our dear little daughter which is a satisfaction to me, that cannot be equalled by any other, after encountering the fatigues and dangers of the field, and returning to a post of safety and the pleasure of perusing a line from you, has restored my feelings beyond expression—do my dear write me frequently, after the Rect. of this direct your letters to Natchez from which place I can get them—

I am much pleased to learn that the overseer has taken charge of the farm and relieved you of the charge of attending to it—I hope all will go on well untill I reutrn.

Our friends are all well here, but your cousin Jack Donelson, he is very low with a nervous fever, but I hope will recover, all attention is paid to him by General Jackson and his other friends—say to Mary when I come home I will bring her some prettys. May the great ruler of events protect and preserve you both untill I return to you— . . .

32. CAMP AT FORT MIMS, November 15, 1814.

On the 13th Instant we returned to this place from Pensacola,—we marched from here to that place on the 2nd and arrived on the evening of the 6th, in front of the town and fort, sent in a flag of truce, which was fired on, and compelled to return, (a circumstance heretofore unknown in civilized warfare) we encamped about 1 1-2 miles from the town where, in the course of the night, communications between the Governor of Pensacola and General Jackson passed,—but an obstinate refusal to give up the forts and town on the part of the Governor, and a declaration on their part that they would hold out and maintain their ground to the last extremity—this was the result of the negotiations—of course we had nothing to expect, but to take it by storm, at the point of the bayonet,—In the Bay before the town, lay three large British men of War, placed in a position to rake our columns, before and after we entered the town. In the rear of the town, on an eminence was the Spanish fort, mounting a number of large pieces of artillery, besides 8 or ten block houses in different parts of the town, and its environs, all mounting several pieces of cannon, and several other British ships of war, laying off in the harbour,—this was the species of force we had to contend with,—with the exception of a few pieces of cannon placed in the streets to rake them as our troops advanced—on the morning of the 7th we moved against the town, in four columns, three of white men, and one of Choctaw Indians, we took a direction around the town and out of sight, so as to enter it at a different point from where we lay, and where the enemy would naturally expect us,—as our columns passed down the Bay (that is nine miles wide) they were exposed to

the fire of the British ships and the Spanish fort, but our manoeuvres, around the town, and entering at a different point expected, so frustrated them, that they fired but few shots at us before we entered the streets,—in one of the streets was planted two pieces of cannon, that opened a brisk fire on one of our columns as they entered the street, but which gave no check to the charge. The cannon was instantly charged and taken, and the town surrendered, immediately after,—and after some negotiations the Governor agreed to surrender the whole of his public forts, those at and about the town was surrendered, but the two forts, that was about 16 miles below, on each side of the mouth of the Bay, was basely surrendered by the Spanish officers to the British vessels, and both were blown up before our troops could possibly reach them,—after we had full possession of the town and fort, the British vessels fired a few shots at us and hoisted sail and left the bay—Our intention probably would have been to keep possession of the country, had not the two forts that commanded the harbour been blown up, but this put it out of our power to maintain it—our troops treated the Citizens of Pensacola with the same respect that they had usually shewn to our own citizens through whom we passed, which has had an astonishing effect on their feelings towards us,—in this affair we lost five men killed and about ten wounded, some dangerously—what injury we did to the enemy we are not advised of, but suppose it must be small as they surrendered before we could do them much hurt.

Of our future movements I am not fully advised but expect in a few days to be ordered towards the Mississippi; between Natchez and Orleans, where we can act to either or any point, until the arrival of General Carroll's troops, when I think it most probable that my Brigade will be discharged— . . .

33. CAMP AT CARSON'S FERRY TOMBIGBY, November 18, 1814.

I wrote you a few days since by mail, and since I returned from Pensacola, in which I gave you a detailed account of our procedure while gone to that place which I hope you will have recd. ere this reaches you,—Major McCulloch since hearing the accident of his little son breaking his thigh, has determined to return home immediately, by whom I send you this line,—no change of things since I wrote you, only our movements are more definite, I am ordered to go directly to Baton Rouge on the Mississippi, which place is about 60 miles below Natchez, and from here is about 250 miles. I am now crossing the Bigby and will in two days take up the line of march for that place, with about eighteen hundred men, the balance of my command say about 1000 men will fall back and scour the Escambia and Cahaba rivers—it is believed that we shall only be wanted to maintain and protect the country until the arrival of the Tennessee Militia, who will be all sufficient for that purpose when they arrive—I think by Christmas and in a few days after I shall be at home but lest I should not, and you may be in want of funds for some purpose, before I do return, I herein enclose you forty dollars in Nashville notes, I asked Mr. Eastin, if called on by Jack Hogg, to advance for me twenty-five or thirty dollars which Hogg was to pay the overseer for me,—if Hogg has called or does hereafter call, pay the money to him or to Mr. Eastin as the case may be, I dont recollect any other money transactions that I have to attend to—Major McCulloch will have pork to sell and if Mr. Eastin has not enough to supply you, apply to Major McCulloch and he will let you have as much as you may want. I think you had better salt up in the whole about 5000 weight. I hope to be at home before all this takes place but, lest I should not, I mention it to you now.

My love, I feel great solicitude to be with you, and nothing but a duty I owe to my country could possibly induce me to sacrifice so much on my own part and more so on your part, but I hope when the present campaign is over that I shall not again be called upon during the present war, as every day convinces me of the sacrifice I make in leaving the enjoyments of tranquil life with my family.

34.

MOUTH OF SANDY CREEK, December 15, 1814.

I arrived at this place, which is twenty miles above Baton Rouge on the ninth instant, after sixteen days marching from the Cut-off, worse than any I ever experienced. The line of march was on a parallel with the sea coast, and distant from it generally forty or fifty miles, crossing all the little Rivers that are very numerous in this Country, having the whole, to swim, bridge or ferry. It rained on us twenty days successively and heavier rains than you ever saw fall,—I have selected this place on the bank of the Mississippi and distant above Orleans a little upwards of an hundred miles, as a suitable spot to forage the horses and feed the men untill further orders. This day by express I recd. dispatches from General Jackson at Orleans, saying the enemy in numbers had arrived, and was seen laying off Cat and Ship Islands, which is opposite the outlet from Lake Ponchartrain, and a little East of the mouth of the Mississippi River—the General says, the River is so well fortified they cannot approach that way, then the only way they can possibly come in will be through the lake, if so perhaps they may attempt landing on this side, and marching by land, in that event I shall be ready to meet them, in the swamps, when one Tennessean can run down ten sailors, and worn out Europeans, through mud, water, and brush,—I do not believe they will ever land, but should they attempt it, I have no doubt as to the result, being favourable to our army.—what has become of General Carroll. I cannot hear one word of him, surely he is coming on although he must come slow.

I am still of opinion our services will not be wanted here long, if the enemy land at all they will do it very shortly which will bring the thing to a quick issue, and if they disappear and the Tennesseans and Kentuckians get down and properly arranged. I expect we will be ordered to Tennessee, in a month from this time,—but at present I expect you need not look for me untill about the first of February when I have but very little doubt, but I shall have the pleasure to see you at home.

As usual I have not time to write letters, say to Captain Parks when the British land, and we have run them through the brush and something of importance happens, I will write him all about it,—

P. S. Say to Major McCulloch nothing has occurred or I would write him, when anything does he shall hear from me. I hope he found his little son, recovering from his wound, and the balance of his family well.

I learn from Colonel Dyer that Colonel Stockley Hays found his Lady well, and that Mrs. Doctor Butler³⁵ has recovered her health.

CE.

BATTLEGROUND, FIVE MILES BELOW NEW ORLEANS

January 20, 1815.

The moment is pleasant (after many days fatigue and dangers, exposed in the face of an enemy) that the mind is at ease and turned to that domestic enjoyment that awaits me at home,—

³⁵Mrs. Dr. W. E. Butler. She was the daughter of Col. Robert Hays and Jane Donelson Hays.

I had not closed my letter to you more than one hour on the 23rd Dec. when I recd. orders to march my command to meet the enemy then already landed, and within six miles of New Orleans.³⁶ I had at that moment only 800 effective men, together with about 600 regulars and Orleans Militia, was the only disposeable force in readiness to meet them that night, we marched without loss of time, and about one hour after dark (a fine moon light night) we met the enemy who had encamped, on the bank of the Mississippi in an open level field,—the right on the river, the open ground on the left,—the order of battle, the regulars and Orleans Militia attacked in front on the bank of the river, and my Brigade moved round on the left and attacked their main columns on the centre, the Battle soon became general,—but just before we had formed, an armed schooner of ours had dropped down the river and opened a fire on the enemy which drove them out from the river near a quarter of a mile, where we met them formed in line, my men behaved most gallantly on that occasion, they fired and advanced on the enemy under a heavy fire from more than double their numbers, and drove them back about one quarter of a mile until they took shelter under the levee, or bank of the river,—we dropped back in the open field about half a mile, reconnoitred the ground of Battle, carried off our wounded, and lay until early next morning. General Jackson was at the head of the regulars, and which fought and lay separte from my command,—in this affair we had engaged about fourteen hundred men, and the enemy about three thousand, we lost about twenty five men killed, seventy wounded and about seventy five made prisoners—the loss of the enemy was upwards of 400 in killed and wounded, and one hundred prisoners—in the course of the night General Carroll with a part of his command came up with us, and in the same night the enemy recd. reinforcements of upwards of two thousand men, seeing their superiority of numbers, we fell back about one mile, and took a strong position, and entrenched—since which time we have had almost one continuous battle for twenty eight days. Not one day passed without attacks of Pickets on the line, a continued cannonade and bombardment, on the 28th Dec. the 1st and 8th January, they charged us in line, and as often were repulsed—the latter day, they lost in killed wounded and prisoners, upwards of three thousand men, their Commander in chief and second in command, both killed and a Major General, Kean, badly wounded, besides all their most valuable officers—after the enemy having lost upwards of four thousand men, they decamped and embarked on the night of the 18th Instant, under cover of a very thick fog that is common here—what their further intentions are we cannot say but believe they are tired of their company here, and is finally gone—thus the famous campaign against Orleans is at rest at present, and has thus far been marked with better fortune to the American arms than anything heretofore known—Our whole loss in all this affair has been about

³⁶The important part played by General Coffee and his brigade in the battles of December 23 and January 8 is too well known to require description here. He commanded his own Tennessee riflemen, dismounted, the Mississippi dragoons, and the Orleans Rifle Company. On the night of December 23 they performed valuable services on the left, by closing in behind the portion of the enemy who were engaged with General Jackson. On January 8 they held the extreme left of the American line, between Carroll's brigade and the swamp. For two weeks they lived in the mud without complaint, but it was necessary for the place to be well guarded in order to prevent the enemy from going over the breastworks or advancing to the intrenchments. "The gallant officer who commanded them, ever calm, ever active, without precipitation, tranquilly giving orders, which he well knew how to cause to be promptly obeyed; vigilant and provident to avoid unnecessarily exposing his men, for whose safety he was as anxious as a father for his son's, acquired by his conduct the strongest claim to the esteem and gratitude of his country." *Latour's Memoirs* p. 107.

fifty killed, one hundred and twenty wounded, and about one hundred and ten prisoners, all of which we have since got by exchange—the prisoners we have taken are sent up the country—surely Providence has had a hand in the thing—you will very shortly see the official reports—

What may be our movements in future I cannot say, I hope we shall not be wanted very long here, as soon as things are tranquil I expect to be ordered home—

I never enjoyed better health notwithstanding the fatigue both day and night—

This is the first moment I have had to spare to write to you, and am now called on duty—I hope and trust that the same providence that has protected us here, have supported you, and our little daughter, in health and spirits—you will hear from me now more frequently.

Say to Sister Harris that Mr. Harris reached me yesterday from Mobile, the first time I have seen him since at Pensacola, he is very well, his duties detained him in our rear—your friends are all well—remember me to all friends.

36. CAMP COFFEE, 4 MILES ABOVE ORLEANS, January 30, 1815.

I received yours of the 12th inst. by last mail, and at the same time received one from your Father, Both of which inform me that you and Mary are well, and from your Father's remarks, am gratified to learn that Mary is fast improving, and already able to assert her rights, for every days experience shows us that what we never claim, we rarely ever obtain. I hope you are both doing well and will continue so untill I reach you. Now that we have nothing else to do the mind is naturally turned to the objects most dear, and the anxiety ten fold to any time heretofore. I hope you have gone to your Father's to stay until I return, as it's uncertain to me when we shall be dismissed from here, at any rate don't expect to leave here until the 20th of February, if then, which will bring the last of March before we can possibly reach home. . . .

Believing the Great Ruler of our destinies is smiling on our cause, I hope his fostering hand will hover over and protect you until we meet again.

We are, and have been at perfect ease for eight days past, The enemy have entirely left our shores and no doubt will leave this coast as soon as they possibly can. Its generally believed they will go directly to Bermuda, where they can deposit their sick and wounded and get supplies, etc. If so they will not return here this spring. They can not come until they get another army at all events. All doubts are removed here, every thing is cheerfulness. The name of Tennessee is revered, and General Jackson idolized. I wish you could have been here to have seen him received into Orleans, after the memorable battle. A triumphal arch, adorned with wreaths, supported by eighteen pillars (one for each state) and eighteen damsels, the fairest in the City, bearing a motto emblematic of the state she represented; all so arranged as to leave an open avenue through which the General and suite passed, and was crowned with laurels and his path strewn with flowers by the damsels. He was then conducted to the church that was spacious and richly adorned where they sung Te Deum, several hours, and the scene closed.

There never was such victories obtained by an army before, history affords no such records. We have good information that the enemy has lost between four and five thousand men in killed, wounded and prisoners. One General and two Major Generals killed, the fourth deranged, and all Lord Wellington's valuable field officers destroyed.

While on our part our loss in killed is between forty and sixty, and almost double the number wounded. And what is still more strange the enemy always had more men on the field than we had, until we reduced them in battle. On the 23rd. of Dec. we fought them in open field, they had three men to our one, and we killed and wounded four men to their one. In all our skirmishes where no advantage of walls or entrenchments on either side we had decided the better of them. But on the 8th of January the grand charge, we had every advantage we could ask, we had a strong bank of earth twelve feet thick and high as a man's shoulders, on our side and a ditch on the other side with water. The slaughter was shocking. After that day the enemy lost all hopes of success, and made preparations to depart as fast as possible. I think when this information reaches England, we shall have peace and not before.

How is the overseer doing? I hope he will be preparing for a crop. I can not at present give any particular advice, don't trouble yourself with the farm, have no doubt he will do very well. Let him be preparing the ground for crop, and before time to plant I will give further advice.

Captain Rapier's boat leaves here in 8 or ten days, by her I will send you a barrel of oranges and cocoa nuts. I think they will keep very well. Say to your mother I shall send up a supply of sugar for her family, Mr. Eastin's and our own. Coffee is dearer here than in Nashville, as is everything else except sugar.

I am in good health and generally have been so during the campaign, no fatigue or exposure has ever borne me down. Have every day been on duty since I left home.

How are all friends? I often think of Captain Parks, I know the lively interest he feels in the events here. Give him and Mrs. Parks my most friendly respects. I wrote your father by last mail I will write Mr. Eastin by this.

All your friends here are well. Say to sister Harris that Simpson is here with me, and is well. My love to her and the children and to such other of our friends as you may see.

May God bless you and our dear little daughter my dear.

37. CAMP COFFEE, NEAR NEW ORLEANS, February 15, 1815.

Since last writing you nothing of importance has taken place, the enemies fleet still hovers on our coast, but no attempts to land,—Our flag of truce sent to them on the final adjustment of the exchange of prisoners left here twelve days since and has not returned, suppose it is detained untill the enemy move off, or make some other movement against us,—our prisoners lost here have all been returned, an hundred of those taken in our gunboats has not been obtained, we hold upon all theirs untill ours are all delivered—without strong reinforcements the enemy certainly never will again attack us—untill their final departure I dont expect to leave this, before the expiration of our time of service, but this is little expected, every day is expected to bring news of their leaving us—when we leave this suppose it will take one month to reach home, flatter myself of being with you by the last of march. . . .

I expect the overseer will be preparing for a crop, I want him to commence early. I want a fence run between the young orchard and the wheat field, direct him to run it so as to include all the young Peach trees, and continue it straight to the lane fence, the orchard and that enclosed to be planted in cotton the same as last year,—I had intended to sow the field below the garden in oats, and so it may remain yet—the whole balance of the two plantations had better be planted in corn, all ought to be broke up as early as possible, and

before it is planted if possible—you can send him orders to this effect—

Mrs. Jackson has not yet arrived here but is daily expected.

The army here is somewhat sickly though not more than might be expected,—Colonel Smith is very sick but not dangerous and is nearly well, your Brother Jackey is quite well, as are all other friends, General Jackson does not enjoy good health, he has been very low but is better. I hope he will accompany Mrs. Jackson home this spring. I yet enjoy good health myself—

Please remember me affectionately to your father and mother and all friends—

38. CAMP COFFEE, NEAR NEW ORLEANS, February 24th, 1815.

I have written your Father by this days mail to whom I refer you for the news respecting the movements of the enemy.

If the accounts of a peace being concluded is true and the same should be confirmed by our government we shall certainly receive it officially in a few days, when ever that takes place I expect to be ordered home immediately and not before untill the expiration of our service as engaged for,—you will be better able to judge of this early than I can, as you will have the news earlier—

At present it is not believed the enemy will return to this place again, but of this we have no certainty, never untill yesterday did we give up their prisoners, as untill then they had retained some of ours, four schooners left New Orleans early yesterday morning loaded with British prisoners to be delivered to them at the mouth of the Mississippi, when they receive them, its probable they will leave the coast,—

Mrs. Jackson, Mrs. Butler, and Mrs. Overton³⁷ all arrived here on the 19th Inst in good health and are now with their husbands highly pleased, of course—they just arrived in time to prepare for the Ball given at the anniversary of General Washington, the 22nd Inst. which was quite splendid and the ladies much pleased with it.—Notwithstanding their present enjoyments, their troubles are yet to come, its highly probable General Jackson will return to Tennessee this spring, and if he does not, the Ladies will, and then it will be they'll regret their undertaking, the task will most certainly be an arduous one, descending the river was only a frolic, but returning will be laborious. I fear your aunt will almost shrink under the fatigue,—I wish she had your philosophy, to remain where she could be most happy and most certainly provided for, I never saw the inconvenience so plain as since her arrival and reflected on it. . . .

39. NEW ORLEANS, March 3rd, 1815.

Some days since I saw a letter from Mrs. Gibson to the Colonel dated the 20th Janry. and in it she mentioned that our dear little Mary had been dangerously ill, but was much amended,—with much anxiety I attended the Post office this day in hopes of having the pleasure of a line from you, but am disappointed, I am fearful the reason is that either you or Mary are sick, and you dont want to advise me of it, or certainly you would write me, I shall be uneasy untill I hear from you, this day I recd. a letter from Captain B. Coleman dated 24th Janry.—he says he saw you a day or two before and all were well, which gives me some hope that Mary has recovered—

Great expectation was had, that this day's mail would bring in—

³⁷Mrs. Andrew Jackson, Mrs. Dr. W. E. Butler, and Mrs. Judge John Overton.

telligence of a peace being signed by our commissioners and perhaps ratified by our government, but the mail that was this day due has not come on, any further than from Nashville and of course no news. We are much at a loss what will be the course of conduct to be pursued if peace is not made immediately, it will be difficult to defend this part of our country, in and through the approaching season—

We have by this day's mail seen the account of the capture of the President frigate, by four of the enemies vessels, we regret the loss of the vessel and her brave crew, but the nation has not suffered in her character, as they sold themselves like true born Americans, and the enemy have nothing to boast of—would to God Major Lawrence had have acted the same part before he gave up Fort Bowyer, and thereby saved the credit of our arms—

The enemy the last accounts were laying off Mobile, and it was uncertain if they would attack the town of Mobile or not, I believe it is certain that Admiral Cochrane, the principal naval commander, has left the fleet, and has gone to the Chesapeake, for either reinforcements or to be ready to meet any dispatch vessels that may be sent on the subject of a treaty—perhaps next mail will bring us intelligence of something that may alter our destination, but without it, I dont expect to leave here untill the complete fulfillment of our term of service which will be on the 28th of this month, so that we have no certainty of leaving this untill that time, and it will take us from thirty to forty days to reach home—

I have the pleasure to say our troops are in better health than at any time for one month past, fewer deaths and dangerous cases, and a smaller sick report we have suffered much from sickness owing to colds and the measles which is pretty generally removed—

Colonel Smith has entirely recovered of his sickness, but is not yet very strong, he rides about—your Brother Jackey and other friends are all well—I still enjoy good health myself if you would write me on the rect. of this, and direct your letter to the Choctaw agency it will certainly meet me there on the way home, and would be very pleasing to me—I shall be unhappy untill I receive a line from you.

40.

CAMP NEAR NEW ORLEANS, March 16, 1815.

By the last mail I recd. a letter from you which was the only one recd. for more than a month, and by which I was informed of the recovery of our dear little daughter from a severe illness, I hope you and she are now in health, I have experienced more uneasiness about your situation and health of late than I ever felt before, but I hope my dear all is well with you—I shall continue to feel unhappy until I hear from you—

Not untill three days since, did the news of peace reach here officially, you cannot imagine the joy expressed by the Citizens of this country and city at the welcome news, illuminations and rejoicing in various and numerous ways by every class of citizens and you may suppose not unwelcome news to the army—tomorrow morning I take up the line of march for home (the sick sent on to Natchez in advance in the steam boat) I think I will be home by the 18th or 20th of April—say to the overseer to push on the preparation for a crop, on as large a scale as the farm will admit of, and when I reach home I will aid him in cultivating it.

By yours before the last, I had expected you were at your fathers, and as such directed several letters to you at Nashville, but I hope your father has sent them to you, to him I am more indebted for information than all my friends besides, having received from him several intelligent letters with much satisfaction—

Our prospects are pleasing, all our friends here well, your Brother Jackey has had some late indisposition but now well, as is Colonel Smith also Mr. Harris and others—Mrs Jackson and Mrs Butler well and in fine spirits. I expect they will start home in 8 or 10 days perhaps sooner, the General will accompany them—

I am still blessed with as good health as I ever had—my respects to all friends—

I will again write you from Natchez or Washington—shall expect to meet a letter from you at the Chickasaw agency— . . .

41. WASHINGTON, NEAR NATCHEZ, March 26, 1815.

Early tomorrow morning I leave this on my march home, think in twenty days to be with you, accidents excepted. Nothing has occurred since I wrote you from Orleans, I left that place on the 18th Inst. and reached this yesterday—have everything now ready to proceed and shall lose no time until I see you—have nothing to inform you, hope you are in health but feel great anxiety for you—hope Mary has perfectly recovered her health, tell her Pap will soon be with her—I still retain good health, say to Sister Harris that Simpson is here and is well—as all friends—

2. Roll of Tennessee Cavalrymen in the Natchez Expedition.

Among the papers of General Coffee is a roll of the regiment of cavalry commanded by him on the expedition to Natchez. This is in the form of a record of names of men with the number of blankets, sabres and pistols furnished by each. It is probable that this is the same regiment that was afterward commanded by General Coffee in the first part of the Creek War. There are no muster rolls of the troops of the Creek War in the archives of Tennessee, but these are preserved in the War Records Office of the War Department at Washington. This roll of cavalrymen contains the names of ancestors of many Tennesseans.

It will be interesting to ascertain from what counties respectively these cavalry troops come. It is certain that troop No. 3, commanded by Capt. Baskerville, came from Sumner County. A number of the names are memorable in its annals. It will be well if anyone who reads this roll will point out the home counties of other troops. The title is as follows:

"A return of Blankets, Sabres and Pistols, furnished by individuals at their own private expense, in the Regiment of Tennessee Volunteer Cavalry, commanded by Colonel John Coffee—a part of the detachment under the command of Major General Andrew Jackson, in the service of the United States of America, destined for the defence of the lower country."

Some of the names are obscured by discoloration. The following is the list by companies:

TROOP NO. 1.—Capt. Coleman; John Nash, ——— Reid, ——— Barksdale, Thomas G. Watkins, Sam'l Matery, Gray K. Hubbard,

Peter Winn, John Knight, ——— P. Gatlin, Rob't Bedford, Henry McPeak, Vincent Willie, George R. Nash, Jacob Johns, Thomas Bedford, Thomas Nash, John McPeak, Josiah W. Zachery, Benjamin Wilson, Robert Smith, Thomas Nelson, William Jones, ——— Whitsett, John Smith, James Clemens, Thomas Hubbard, Vincent Hubbard, Francis B. Cox, Henry Miller, John Bailey, James Stone, John Stone, John Smith, William Lockerd, Elisha Saunders, John Bowles, Willie Jones, Nathan Stockerd, George Williams, Samuel Smith, Robert Dyer, Joseph Kendrick, Theodorick Mabery, Bazel West, Walter Myrick, Joseph Patterson, Paul McMillian, Cyrus Sharp, Matthew Dickey, Alexander Cathey, John Gazaway, John Hall, John Wilson, Benjamin Maberry, Jonathan Sherwood, William H. Dyer, William Higgins, William H. Whitson, Isaac Edwards, Joab H. Barton, William Gibbon, Lewis C. Anthony, John McQuaig, William Arnold, Benjamin Ward, William Steen, Adam Cox, Thompson Enoch, John F. Couser, John R. Enoch, Joseph Adkins, Thomas Adkins—72.

TROOP NO. 2.—Capt. Molton; David Rushings, Absolum Maddin, Andrew Hamilton, John Lewis, John McHenry, Charles Baker, John Boothe, Isenias Haley, Howard W. Turner, Elisha Simmons, Robert Norris, John Baker, Thomas Arnold, Israel Arnold, Ephraim Arnold, James L. Bell, James Black, Jesse Bays, John Cooper, Hewell Parrish, Alexander Dickson, William Evans, Shadrick Prinn, Stephen Harris, Isaac Hill, Randolph Harris, John Hooper, John Hays, Patrick Kelly, James Lewis, Aaron Lewis, Joseph Larkin, M. C. Molton, Samuel Lewis, Peter Phillips, Benjamin Persel, William Powers, Jesse Norris, Samuel Richardson, Andrew Smith, James Simmons, West Wood, Hugh Dickson, Richard Juster, William Wingate, Samuel Morris, Richard Rushing, Jacob Vaughn, Wm. Wright, Richard Justice, Clarke Spencer—51.

TROOP NO. 3.—Capt. Baskerville; John Baskerville, Moses Henry, Reubin Blackmore, Thadeus W. Barber, Robert Hodge, James Wilson, Thomas Knight, Thomas Brookshire, James Johnson, Ephraim Hunt, Henry Bledsoe, John Bachelor, Peter Bryson, Matthew Duty, William Malory, Thomas Young, James Trousdale, John White, George Cooper, Solomon Duty, Ralph Dickinson, Archd Mitchell, Francis Johnson, Jacob C. Cook, Isaac Bledsoe, Joseph Braton, Benj. Brown, John Fuller, Thomas T. Blackmon, Benj. Dowell, Jacob West, Ebin Phillips, John Gwin, John Mardrell, Wm. Murphy, David Williams, Benj. Ashlock, George Duty, Rob't Moore, Wm. A. Roberts, Wm. Carothers, Umphrey Bate, Arch'd Johnson, Silas Prewett, Benj. Duty, Ed. Kean, R'd C. Johnson, Macklin Key, Jacob Gillespie, John Parker, Falton Boran, Lemuel Stubblefield, Isaac Ball, David Higgins, Wm. Counsel, Asa Harden, Ashly Stanfield, William Grubbs, John Byrn, Robert Fall, John Rutherford, James D. Edson, Phillip Ashlock, William Robertson, Hugh Latimore, William Bowling, Alex Bowling, George Mecklenberry—68.

TROOP NO. 4.—Capt. Stump; R. C. Fielding, Joseph Gray, William Ritchie, N. Y. Hail, W. B. Amnon, D. E. Irvan, William Hudson, William Cleaves, J. Messy, Joseph Chumley, E. Singleton, C. Manly, William Letts, Stephen White, Isaac Lewis, Jesse Belam, Hugh Walker, Isaac R. Gray, James McQuirter, David Willis, Alex Rily, William Anderson, Willis C. Clarke, Thos Stephens, Joel Leek, Stephen Cavender, L. Green, Matthew Williams, Alsey Pace, A. Douglas, John Blaize, M. Garrett, Wm. S. Burnett, Peter Binkley Rob't Holt—35.

TROOP NO. 5.—Capt. Tyrel; ——— Cornelius, C. Davidson, Abner Warren, D. Tredwell, R. Bruden, J. K. McKean, J. Bassey, Thos. Ray, Reuben C. Biggs, S. Cogghill, Ben Caps, Rob't Cartwright,

Jas. Frazer, Moses Frazer, Thos. B. Hudson, Rich'd Harmon, J. McDurnett, John Robertson, John Robert, Jr., Wm. Turner, Geo. Gallegher, James Brayden, Thos. H. Harris, Cary Kelly, Wm. Richards, John Rainey, John Smith, Sen., John Smith, Jr., James Vaught, Jedson Willie, Ezekiel Brown, Rich'd McMahan, Isaiah Hogan, Aaron Edwards, Rob't Hight, Henry Lemon, Thos. Stuart, James Laseter—38.

TROOP NO. 6.—Capt. Byrn; Josiah Walton, James Hamilton, Isaac Luny, John Cotton, Isaac Ellett, John Montgomery, Alex Cotton, William Cantrel, James Strother, Sam'l Rogers, Allen Cotton, Jacob Savia, Stuart Brigrance, Adam Cowger, Hubbard Avent, James Byrn, Norflet Perry, Sam'l Edison, Olley Blackamon, Henry Winn, Chas. Brigrance, Nicholas Lattimore, Rob't Parks, Hardy Robason, Thos. Coffman, John C. Lattimore, Isaac Morris, Jesse Daniel, Berry Edwards, Rob't Moon, Thos. Dugger, John Curby, Everet Elliss, Westley Dugger, Alex McElroy, John H. Payton, Tho. M. Scurlock, Jos. Elliss, Ezekiel Brown, John Hunter, Dred Dugger, Nicholas Bain, Rob't Strother, John Bell, Solomon Anderson, Rob't W. Ceiltis, Igreat Dugger, Jurdon Uzell, Willie Dorset, Henry Pearson, Rich'd Boyce, Winslow P. Johnstone, John Kalhoun, John Turner, Elisha Staltons, Wm. Daniel, Sam'l Lawrence, Simeon Perry, Henry Barnes, Benj. Kinsol, Tho. Daniel, Tho. Finley, Archibald Kempson, John Rice, John McKinsay, Elijah Rice, Tho. Marlin, Peter Winn, Thos. Wingo, Charles Brigrance—71.

TROOP NO. 7.—Capt. Smith; Robt. Q. Johnston, Henry Hart, Wm. T. Williams, Wm. Lofland, Jno. S. Sanders, Sam'l Greenfield, Eth'd Williams, Elias F. Deloach, Benj. Darnal, Wm. Haygood, Wm. Briant, Wm. Hutchinson, Benj. F. Smith, Josiah Fort, Henry Fort, Wm. Fort, Rob't Haygood, Wm. Adams, Joel Campbell, David Duvall, Rob't Briant, Thos. Darnal, Nicholas Darnal, Daniel Collier, Wm. Smith, Moses Grant, Abijah Hightowre, Stephen Terry, John Robertson, Sam'l Lunsford, Larkin Usery, John Moore, Jas. B. Campbell, Jacob D. Clines, Joshua Luntsford, Henry Johnston, Jas. Cook, Tho. Cook, David Waldin, Morgan Moore, Wm. Jimonson, Britton Briges, Jos. French, Morris Morris, Martin Duncan, Wm. McFaden, Tate Odeneal, Francis Hambleton, Jno. Garner, Joseph Colwell, John Grant, Tho. Roberts, Jas. Loyd, Sam'l H. D. Ryburn, Jas. Walker, Arthur Williams, Jno. Baker—57.

TROOP NO. 8.—Capt. Jetton; John Wilson, Wm. Newgent, Jos. Wilson, David Hall, Jno. Lawrance, Ezekiel Dickson, George Douglas, Wm. Hill, Wm. Gavel, Moses Swan, Barnes Clark, Vyneard Croford, John Casy, Luke Dean, Daniel Eastwood, Kinchen Freman, Jno. Hill, Lemuel Hall, Wm. Johnstone, Rob't Kelton, John Kislough, Jas. Marlin, Wm. Mabury, Jno. Marlin, David Moore, Amis McCoy, Jno. McCarrell, Enoch Harris, Oliver Harris, Wm. Noton, David McCay, George Philips, Wm. Parker, Wm. Norman, Wm. Morris, Hugh Kirk, Thos. Pinkerton, Jno. McCary, Henry Thompson, Alex Russell, Rob't Russell, Thos B. Smith, Levy Taylor, Martin Taylor, Charles Taylor, Sam'l Nale, Rob't Whittle, Sam'l Warren, Jas. McClash, Edmond Tennison—52.

TROOP NO. 9.—Capt. Kavenaugh; Isaac Coon, T. W. Linster, Jno. Bridges, Jos. Holcombe, J. W. Linster, Daniel Duns, Tho. Cowan, Wm. Parks, R. Ragsdale, R. L. Deen, Wm. Gurley, Levy Ragsdale, Andrew Beagar, Isaac Bigell, Wm. Bigell, John Benson, John Capps, Wm. Cowan, Peter Edwards, John Epps, Wm. Fibrel, Andrew Goodman, Benj. Garley, Benj. Goodman, Jesse Gully, Geo. Glasscock, Nathaniel House, H. B. Jackson, Lee Kavenaugh, Jos. Long, Wm. Marten, R. W. Coutcker, Andrew McKinny, Glen Owen, Mat Patton, J. B. Scrugs, Wm. Scott, J. R. Tankely, Joseph Teas, Tho. Wallace,

John Wise, Ephriam Beazly, J. Carothers, H. P. Holt, Jas. Boyet, Benj. Jones, Laban Benson, Wm. Edmondson, Green House, Collinck Kinney—50.

TROOP NO. 10.—Capt. Bradley; William Hallum, Isham Wynne, John Hallum, John P. Moss, Joseph Reiff, John A. Givins, David Parrish, John Warren, Jacob Reiff, Stephen Barton, John Bradley, Joseph Bouton, Drury Bettes, Wyat Bettes, John Bartlett, John Bryant, James Bales, William Bryant, Thomas Burket, John Cavet, Carter Crutcher, Wm. Crawford, Green Cook, Jesse Cook, Elisha Cole, David Cole, James Calhoon, James Dooly, Peter Earhart, Thos. Grissom, James Eason, John Guthrey, Thompson Hays, Reid Horn, George Harpole, Sam'l Hunter, Isaac Hunter, Eli Harris, Pleasant Irby, Joseph Irby, James Roane, Luke Kent, James Jones, Joseph King, Isaac Kelly, Thos. Morton, Rob't Marshall, Andrew McDaniel, Wm. McDaniel, John Irby, Sam'l Miller, Sam'l Neel, G. Neel, B. Organ, S. Organ, John Reiff, R. Sutton, Rich'd Rowland, James T. Wynne, J. C. Williams, Wm. Talbut, Jno. Young, A. Brown, Daniel Warren, John Cocke—66.

TROOP NO. 11.—Capt. McKean; Will Harris, Eben Purcel, David McKnight, Rob't Moore, H. Hammons, S. Bedford, Geo. Patton, A. Lackey, Alfred Moore, Allen Corbet, Burwell Featherstone, E. H. Chaffin, H. Sheppard, H. Hartgrove, Jno. Dickson, James Hill, Jno. Hill, James Moore, Josiah Vanhouse, Jno. Irwin, Jno. May, Jno. Wood, Jas. Monahan, Jos. Thompson, Jno. Cabler, Moses Ashbrook, Brent Wallace, Thos. Smith, Thos. Furgason, Thos. Rodes, Thos. Hamilton, Nath. Henderson, Lem'l Nichols, Thos. Darnall, A. Chisolm, J. D. Graves, Abraham Rodes, H. Scott, H. Horn, H. Crenshaw, John Hopper, Jos. Thompson, Sr., Rob't Beard, Wm. Weer.—44.

HISTORICAL NOTES AND NEWS

PROCEEDINGS OF THE SOCIETY.

At the October meeting Mr. John Bell Keeble delivered an address on "Some Phases of Reconstruction," and at the November meeting the address of the evening was by Rev. G. B. Winton on the subject, "Panama." Both of these papers were of marked historical interest to those who were so fortunate as to hear them.

The Society has received, among other gifts, a collection of forty-nine volumes from the New York Historical Society and a copy of the *Nashville Union and American* for May 26, 1861, the latter a gift of Mr. Rammage.

The Society went on record as desiring the passage of a bill to create a Department of Archives for the State of Tennessee and appointed the following committee to work for the same: John H. DeWitt, Chairman; Dr. A. H. Purdue, John P. Hickman, Dr. A. A. Lyon, A. P. Foster, Hallum Goodloe, H. K. Bryson, Judge T. F. Wilson, Dr. St. George L. Sioussat, Miss Carrie Sims, and Mrs. B. D. Bell, together with all members living outside of the county of Davidson.

The new members added to the list since the last announcement are as follows: Mrs. Mark Harrison, Nashville; Miss Emily Martin, Brentwood; Rev. G. B. Harris, Nashville; Hon. Hallum Goodloe, Nashville; Mr. J. F. Rippey, Nashville; Mr. L. Lewis, Nashville; Mr. Robert Dyas, Nashville; Judge Henry R. Gibson, Knoxville; Mr. Evander Shepard, Shelbyville; Mr. Charles S. Shirley, Columbia; Mr. J. W. E. Moore, Brownsville; Mr. Clem I. Jones, Athens; Mr. Charles T. Cates, Jr., Knoxville; Thad A. Cox, Johnson City; Giles L. Evans, Fayetteville, and C. C. Dabney, Nashville.

THE TENNESSEE SOCIETY OF COLONIAL DAMES.

The Tennessee Society of Colonial Dames held its semi-annual meeting on Thursday, Nov. 16, 1916, at Woodstock, the country home of Mrs. J. C. Bradford. Mrs. James H. Kirkland, the president, presided.

Mrs. W. A. Bryan and Mrs. S. A. Sheib were received as new members. Visiting Dames were Mrs. Polk, of Little Rock, Ark., and Mrs. James Allison, of St. Louis.

After the minutes of the last meeting had been read by the secretary, Mrs. Samuel H. Orr, Mrs. Frank W. Ring discussed the work of the Society in the mountain schools in Van Buren County, and Mrs. C. B. Wallace spoke of the work at Rock Island.

Miss Susie Gentry, chairman of the Historical Research Committee, gave a sketch of Gen. Andrew Lewis and of old Fort Loudon, the site of which is to be marked by the Tennessee Society. Miss Gentry also spoke of the memorial building in honor of George Washington which the various patriotic societies propose to erect at Valley Forge. Mrs. Maggie H. Hicks reported for the Library Committee.

Mr. John Howe Peyton, the president of the Nashville, Chattanooga & St. Louis Railway, made an interesting address relative to the work of the railroad in relation to scientific agriculture and the improvement of the land in the mountain districts, and especially with regard to the co-operation between the railway and the Colonial Dames.

SONS OF THE AMERICAN REVOLUTION.

The annual meeting of the Tennessee Society of the Sons of the American Revolution was held Monday evening, October 23, in the private dining-room of the Commercial Club in Nashville.

After the reading of the minutes and the reports of committees, the membership papers of Mr. R. B. Cassell, of Hariman, were submitted and accepted.

Mr. Wm. K. Boardman, secretary, made a short talk concerning the methods of entertaining the National Society at the 1917 Congress, which is to be held in Nashville.

For the ensuing year Mr. Leland Hume was elected president of the Society and Mr. Carey Folk, treasurer. The other officers were re-elected for another year's service, as follows: John W. Faxon, James N. Cox, and Wm. Lawson Wilhoit, vice-presidents; John C. Brown, registrar; Rev. Jas. I. Vance, D.D., chaplain; Dr. Paul DeWitt, surgeon; St. George L. Sioussat, historian; Wm. K. Boardman, secretary.

Mr. John H. DeWitt presented the subject of the state archives bill to be introduced in the approaching session of the Assembly. The Society instructed the president and the Executive Committee to draw up suitable resolutions in behalf of the bill, to be presented to the Legislature when the bill is introduced.

The Society extended to Mr. Boardman its congratulations upon his election as vice-president general of the National Society. It was voted to present Mr. Boardman with a jewel as a token of the Society's appreciation of this honor.

Short addresses were made by the Rev. Dr. Vance upon John Sevier, and by Dr. St. George L. Sioussat upon LaFayette and Rochambeau.

A rising vote of thanks was tendered the retiring president, Mr. E. A. Lindsey, in appreciation of his services during the past year.

It was voted to give the president power to appoint necessary committees for the entertainment of the Congress of 1917.

DAUGHTERS OF THE AMERICAN REVOLUTION.

The eleventh State Conference of the Tennessee chapters of the Daughters of the American Revolution met in Memphis, November 1, 2 and 3, by invitation of the Memphis chapters.

This Conference was one of the largest ever held in the State, as there were approximately 400 local Daughters besides delegates.

The business sessions were held in the ballroom of the Chisca Hotel, the State Regent, Mrs. Thomas Polk, of Jackson, presiding.

The first session was impressively opened Wednesday afternoon by "Bugle Call" by Francis Bingham and "Salute to the Flag," followed by the singing of "America."

Addresses of welcome were delivered by Mr. Goodman for Mayor Ashcroft, and Mrs. C. B. Bryan in behalf of the hostess chapters, responses being given by Mrs. Hallum Goodloe and Mrs. N. B. Dozier.

In the address by the State Regent patriotic education was the keynote, and the Tennessee Daughters were urged to adopt it as a slogan.

Reports from the various committees showed a creditable year's work, especially the Patriotic Education Committee, mountain school work coming under this head. During the school term sixty pupils

were enrolled at the Flag Pond D. A. R. School, which is being taught this year by Miss Minta Carter, a mountain girl. An "Amelia Morrow Chamberlain Scholarship" was established by the Conference in memory of Mrs. Chamberlain, of Chattanooga, an ex-State Regent.

The report of the Historian, Mrs. Charles R. Hyde, included four addresses delivered on "Historic Chattanooga;" one on George Washington, one at the Berry School. She had visited Chief Vann's home, Chalmette; collected data relating to the Cherokee Indians; also written articles on "Early Books in Tennessee," and a poem, "Old Times in Tennessee."

Chapters were requested to send books for the Memorial Continental Hall Library at Washington. Among the books promised were some by local authors—poems of Walter Malone, Sara Beaumont Kennedy, Virginia Frazier Boyle, and Mrs. Watson's "Field of Honor."

A unique feature of one of the sessions was the reading of an original poem, entitled "Memphis," by the poet laureate, Mrs. W. B. Romine.

The Conference voted unanimously to ask the next Legislature for an appropriation for publication of the Draper Manuscripts and to secure the publication and preservation of the State archives.

Distinguished guests and speakers at the Conference were: Mrs. John Miller Horton, of New York; Mrs. George T. Guernsey, of Kansas; Mrs. George T. Squires, of Minnesota, and Mrs. W. G. Spencer, vice-president general National Society from Tennessee.

At a beautifully appointed luncheon the last day of the Conference Mrs. T. J. Latham presented the Tennessee D. A. R. with a silver loving cup.

A spirit of harmony pervaded the entire Conference, which marked the close of a most successful year's work and gave promise of a still better new year's work under the guidance of the efficient State Regent.

MATIE C. FLETCHER,
Secretary Tennessee D. A. R.

INDEX¹

TENNESSEE HISTORICAL MAGAZINE.

VOLUME II.

The names of contributors of articles are printed in small capitals, the titles in italics. Titles of works reviewed or noticed are inclosed in quotation marks.

- American Revolution, Daughters of, 300-301.
 American Revolution, Sons of, 300.
 Andrew Greer, by J. T. MCGILL, 204-207.
Anti-Slavery Activities of the Methodist Episcopal Church in Tennessee, by A. E. MARTIN, 98-109.
Bell's, John, Political Revolt, and the Vauxhall Garden Speech, by ALBERT V. GOODPASTURE, 254-263.
 Bolton, H. E., "Texas in the Middle Eighteenth Century," 87.
 Cavalrymen, Tennessee, in the Natchez Expedition, Roll of (doc.).
Coffee, John, Letters of General, to his Wife, 1813-1815 (doc.), with Introduction and Notes by John H. DeWitt.
 "Collections, Illinois Historical," 87, 154.
 Colonial Dames, Tennessee Society of, 299.
Compact, Cumberland, and the Founding of Nashville, Richard Henderson: The Authorship of the, ARCHIBALD HENDERSON, 155-174.
 "Constitution Making, State," by Wallace McClure, 232-233.
Constitutional Need in Tennessee, Government Reorganization, A, by WALLACE MCCLURE, 89-97.
Cumberland Compact and the Founding of Nashville, Richard Henderson: The Authorship of the, ARCHIBALD HENDERSON, 155-174.
 Daughters of the American Revolution, 300-301.
 Death of Mr. Clarence S. Paine, 231.
Diaries of S. H. Laughlin of Tennessee, 1840, 1843, (doc.), with Introduction and Notes by the Editor, 43-85.
Early Corporate Limits of Nashville, by R. B. C. HOWELL, 110-118.
 "Filibusters and Financiers," by W. O. Scroggs, 153-154.
 "Financiers, Filibusters and," by W. O. Scroggs, 153-151.
First Settlement in Tennessee? Fort Prudhomme: Was It the, by J. P. YOUNG, 235-244.
Fort Prudhomme: Was It the First Settlement in Tennessee? by J. P. YOUNG, 235-244.
 Genealogical Inquiry, 231-232.
 GOODPASTURE, ALBERT V., *John Bell's Political Revolt, and the Vauxhall Garden Speech*, 254-263.
Governmental Reorganization, A Constitutional Need in Tennessee, by WALLACE MCCLURE, 89-97.
 Greer, Andrew, by J. T. MCGILL, 204-207.
 Greer, Joseph, *The King's Mountain Messenger:—A Tradition of the Greer Family*, by MAGGIE H. STONE, 40-42.
 Heiss, Major John P., of Nashville, *Papers of* (doc.), with Introduction and Notes by the Editor, 137-146, 208-230.
Heiss Papers, Walker—II, (doc.), 147-149.

¹The Editor gratefully acknowledges the assistance of Mr. I. R. Hudson in the preparation of the Index.

- HENDERSON, ARCHIBALD, *Richard Henderson: The Authorship of the Cumberland Compact, and the Founding of Nashville*, 155-174.
- Henderson, Richard: *The Authorship of the Cumberland Compact and the Founding of Nashville*, ARCHIBALD HENDERSON, 155-174.
- HENRY, H. M., *Slave Laws of Tennessee*, 175-203.
- Historical Association, the Nashville Meeting of the Mississippi Valley, 86-87.
- History of the Life of General William Trousdale*, HON. J. A. TROUSDALE, 119-138.
- HOWELL, R. B. C., *Early Corporate Limits of Nashville*, 110-118.
- "Illinois Historical Collections," 87, 154.
- Immigration, Tennessee: A Discussion on the Sources of Its Population and the Lines of*, by STEPHEN B. WEEKS, 245-253.
- Inquiry, Genealogical, 231-232.
- King's Mountain Messenger, Joseph Greer:—A Tradition of the Greer Family*, by MAGGIE H. STONE, 40-42.
- Laughlin, S. H. of Tennessee, 1840, 1843, *Diaries of*, (doc.), with Introduction and Notes by the Editor, 43-85.
- Laws of Tennessee, Slave*, by H. M. HENRY, 175-203.
- Letters of General John Coffee to his Wife, 1813-1815*, (doc.), with Introduction and Notes by JOHN H. DEWITT.
- Life of General William Trousdale, A History of*, by HON. J. A. TROUSDALE, 119-138.
- Manuscripts, Society's, 231.
- MARSHALL, PARK, *The Topographical Beginnings of Nashville*, 31-39.
- MARTIN, A. E., *Anti-Slavery Activities of the Methodist Episcopal Church in Tennessee*, 98-109.
- MCCLURE, WALLACE, *Governmental Reorganization, A Constitutional Need in Tennessee*, 89-97.
- MCCLURE, W., *State Constitution Making*, 232-233.
- MCGILL, J. T., *Andrew Greer*, 204-207.
- Methodist Episcopal Church in Tennessee, Anti-Slavery Activities of the*, by A. E. MARTIN, 98-109.
- Mississippi Valley Historical Association, the Nashville Meeting, 86-87, 151-152.
- Myer, Mr. W. E., A Request from, 152-153.
- Nashville, Early Corporate Limits of*, by R. B. C. HOWELL, 110-118.
- Nashville Meeting of the Mississippi Valley Historical Association, 86-87, 151-152.
- Nashville, the Founding of, Richard Henderson: The Authorship of the Cumberland Compact and*, by ARCHIBALD HENDERSON, 155-174.
- Nashville, the Topographical Beginnings of*, by PARK MARSHALL, 31-39.
- Natchez Expedition, Roll of Tennessee Cavalrymen in, (doc.).
- Paine, Mr. Clarence S., Death of, 231.
- Papers of Major John P. Heiss of Nashville*, (doc.), with Introduction and Notes by the Editor, 137-146, 208-230.
- Population and the Lines of Immigration, Tennessee: A Discussion on the Sources of Its*, by STEPHEN B. WEEKS, 245-253.
- Proceedings of the Society, 86, 150-151, 299.
- Prudhomme, Fort: Was It the First Settlement in Tennessee?* by J. P. YOUNG, 235-244.
- Public School System of Tennessee, 1834-1860*, by A. P. WHITAKER, 1-30.
- Request from Mr. W. E. Myer, 152-153.
- Revolt, and Vauxhall Garden Speech, John Bell's Political*, by ALBERT V. GOODPASTURE, 254-263.
- Revolution, Daughters of the American, 300-301.
- Revolution, Sons of the American, 300.

- Roll of Tennessee Cavalrymen in the Natchez Expedition*, (doc.).
- Scroggs, Walter O., "Filibusters and Financiers," 153-154.
- School System of Tennessee, 1834, 1860, the Public*, by A. P. WHITAKER, 1-30.
- Settlement in Tennessee? Fort Prudhomme: Was It the First*, by J. P. YOUNG, 235-244.
- Slave Laws of Tennessee*, by H. M. HENRY, 175-203.
- Society's Manuscripts, 231.
- Sons of the American Revolution.
- "State Constitution Making," by Wallace McClure, 232-233.
- STONE, MAGGIE H., *Joseph Greer, the King's Mountain Messenger:—A Tradition of the Greer Family*, 40-42.
- Tennessee: A Discussion on the Sources of Its Population and the Lines of Immigration*, by STEPHEN B. WEEKS, 245-253.
- Tennessee Cavalrymen in the Natchez Expedition, Roll of* (doc.).
- Tennessee Society of Colonial Dames, 299.
- "Texas in the Middle Eighteenth Century," H. E. Bolton, 87.
- Topographical Beginnings of Nashville*, by PARK MARSHALL, 31-39.
- Trousdale, General William, A History of the Life of*, by HON. J. A. TROUSDALE, 119-138.
- TROUSDALE, HON. J. A., *A History of the Life of General William Trousdale*, 119-138.
- Vauxhall Garden Speech, John Bell's Political Revolt and*, by ALBERT V. GOODPASTURE, 254-263.
- Walker-Heiss Papers, II*, (doc.), 147-149.
- WEEKS, STEPHEN B., *Tennessee: A Discussion on the Sources of Its Population and the Lines of Immigration*, 245-253.
- WHITAKER, A. P., *The Public School System of Tennessee, 1834-1860*, 1-30.
- YOUNG, J. P., *Fort Prudhomme: Was It the First Settlement in Tennessee?* 235-244.

F
431
T28
v.2

Tennessee historical magazine

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