

SECTION III

THE EARLY COMMONWEALTH PERIOD, OR THE BEGINNING
OF A GREAT STATE

CHAPTER I

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On January 2, 1788, Georgia formally ratified the Federal Constitution, declaring by this act her willingness to enter the proposed federation since known as the United States of America. But the consent of all the states was not obtained for two full years. Nor was it until March 4, 1789, that Congress met to launch the new Ship of State upon the political seas. Georgia was the fourth state to ratify the Federal Constitution. Her remoteness from the seat of government alone denied her the first place. Nearly a month elapsed before a copy of the new compact of union was received by the state authorities. Otherwise her promptness would have made her the first state to ratify the great document. The states preceding Georgia in the order of ratification were Delaware, Pennsylvania and New Jersey—all grouped around the seat of government. Her own ratification was unanimous. But in most of

the states sentiment was divided, including Virginia, where the great Patrick Henry was one of its opponents.

There were numerous reasons for this opposition to the instrument. In the first place, the Constitution had been framed to meet divergent interests. It was a compromise, or rather a series of compromises, between conflicting theories and principles. All of the delegates themselves were not agreed. In fact, some of them had refused to sign the compact. Consequently anything like unanimity among the states was not to be expected. Strenuous efforts were required to bring most of them into line; and three of the states—New York, Rhode Island, and North Carolina—actually repudiated the compact, on the ground that it involved a surrender of too much sovereign power to the general Government. But they were finally induced to ratify the instrument on the promise of certain concessions. This pledge was afterwards redeemed in a series of amendments submitted to the people by the First Congress.

Rhode Island was so opposed to the idea of a central government that she sent no delegates to the convention. New York was finally brought into line through the powerful influence of Alexander Hamilton. North Carolina was the seat of a Scotch-Irish population, stubborn, loyal, tenacious of conviction. She had framed a Declaration of Independence, in 1775, hurling America's first challenge at the English throne; and she did not like the idea of relinquishing any of her rights. New York, seeing an opportunity to capture the seat of government, was the first of these states to relent. North Carolina entered the Union in 1789, Rhode Island in 1790, both after the Government had been launched.

While the campaign for ratification was at its height in New York, three of the country's ablest statesmen, Hamilton, Jay and Madison, wrote a series of articles for publication, afterwards collected in a single volume, called "The Federalist," perhaps the greatest work on the science of government ever written in America.

The principle of State Sovereignty was clearly recognized and firmly held by all the states, but some were more willing than others to yield a part of this sovereignty for the sake of its resultant benefits in securing greater protection. The Articles of Confederation, under which the states had loosely banded themselves together since 1781, amounted to little more than a rope of sand. Indeed, these articles were merely called "a league of friendship." The cohesive element was entirely lacking. There was no principle of organic union existing between the states, no centripetal force binding them together around a common center. To quote the words of Washington, the states composing the old federation were "thirteen independent sovereignties eternally counteracting one another."

If the fruits of Yorktown were to be gathered—if the victories of the Revolution were to be utilized in the establishment of a great nation consecrated to the principle of human liberty—it was necessary for the states, in a spirit of concession, to come together and to discuss plans looking toward a more stable government. The problems of inter-state and of inter-national commerce, the possibilities of a foreign war, the necessity for providing adequate postal facilities, for establishing a

monetary system and for fixing a uniform standard of weights and measures, the demand for a central government in dealing with the Indian tribes and in fixing the boundary lines between states—these were some of the reasons which made it imperative "to form a more perfect Union." Until the Federal Constitution became operative in 1789 the Continental Congress was the sole governing power. There was no bicameral Legislature, with its House and Senate, no President, no Chief Justice, no courts of law. It is little wonder that a spirit of heaviness had commenced to brood upon the land.

Georgia's conservatism made her friendly from the very start to a closer tie of union. It was because she felt the need of a strong arm to protect her that she was loath to lower the flag of England during the colonial period; and, for a like reason, she looked with favor at this time upon a strong central government, through which to secure her exposed borders. The Spaniards to the south and the Indians to the north and west were a constant menace. She possessed a vast territory but only a scant population. Moreover, as a result of the Revolution, she was left in a greatly enfeebled condition.

When a communication was received, therefore, inviting her to send delegates to a convention to be held at Philadelphia, on May 14, 1787, she did not need to be coaxed. Two months in advance of the time set for the meeting—destined to become historic—her Legislative Assembly at Augusta passed an ordinance, on February 10, 1787, naming six delegates to attend this convention, to wit: William Few, Abraham Baldwin, William Pierce, George Walton, William Houstoun, and Nathaniel Pendleton. Under the terms of this ordinance, it was necessary for at least two of these delegates to attend before the state could be officially represented.

The great convention in Philadelphia, from the molds of which emerged a constitution, declared by Gladstone to be the wisest instrument ever struck from the brain of man, was called as the result of a conference held at Annapolis, Maryland, in 1786. This gathering at Annapolis was called at the instance of Virginia, to discuss certain inter-state questions of a commercial character; but, under the leadership of Alexander Hamilton, it was induced to extend its view over the general field of American political conditions.* It seemed to be an opportune time for stressing the federal idea in its broadest application. Consequently a resolution was adopted recommending the appointment of delegates from each of the states to attend a convention in Philadelphia. This resolution was addressed to the Continental Congress and to the various state legislatures. As set forth in this resolution the convention was called "to devise such provisions as shall appear necessary to render the Constitution of the Federal government adequate to the exigencies of the Union." This plan was approved by the Continental Congress, from which body an authoritative call was soon formally issued.

Originally the time set for the convention to open was Monday, May 14, 1787, in historic old Independence Hall, the birthplace of the immortal Declaration. But stage coaches were proverbially slow and uncertain. Bad weather always impeded travel over country roads. At

*"Georgia and State Rights," U. B. Phillips, p. 16.

any rate, it was not until nine days later that a quorum of states could be counted for the transaction of business. Accordingly, on May 25, 1787, the regular sittings of the convention began, to continue for a period of four months. Washington was elected its president. There were fifty-five members enrolled, and of these fifty-one took part in the debates, including Washington himself. These men were America's foremost intellects, among them Franklin, Jefferson, Hamilton, Madison, Jay and Adams. Some of the delegates, however, were obstructionists, not in sympathy with the convention's work. This is evidenced by the fact that when the final draft of the Constitution was completed it was signed by only thirty-nine members. But so finished was the product wrought by these pioneers of government that in the years which have since elapsed only fifteen amendments thereto have been adopted, not one of which is at variance with its original genius and spirit.

William Few was the only delegate present from Georgia when the convention opened. As we have already seen, two delegates were needed to give the state official representation. Georgia, therefore, was without a vote until Mr. Pierce arrived one week later. Mr. Houston reached Philadelphia on June 7th and Mr. Baldwin on June 11th; but if either Mr. Walton or Mr. Pendleton attended the convention no disclosure of this fact is made by the records.* We have been taught to reverence our ancestors. But this is a bad showing, especially when we consider the vast importance of this body's work, in its bearing upon the whole future history of our nation. Such remissness at the present time would not be condoned. Perhaps there were obstacles in the way of which we are ignorant. At any rate, let us be lenient.

Despite the existing inequality between the states as regards both population and area, the voting power of all the states was made equal. In other words, each state was entitled to one vote, a principle of representation borrowed from the Continental Congress. Georgia at a subsequent period was to take a bold stand for State Sovereignty and even as early as 1823, when Truitt was governor, she was to defy successfully the power of the United States. But in the Constitutional Convention of 1787 she used her vote constantly in advocating a strong central government.† Mr. Baldwin and Mr. Pierce both made speeches, addressing the convention to this effect on the same day.‡ Neither was an extremist. Each realized the dangers of centralization if pressed too far, but maintained the paramount wisdom of such a system if provided with proper safeguards and restraints. We are not surprised to find that Mr. Baldwin was the most influential member of the delegation. He was the first man in Georgia to grasp the state's great educational needs and to realize the part which an educated electorate was to play in the building of a great commonwealth. Accordingly, in 1784, he had drafted a charter for the University of Georgia, the oldest state university in America.

From an old newspaper of the period, we learn that in the main there were three propositions for the convention to consider: (1) to combine the original thirteen states into three distinct republics, leagued

* "Debates on the Constitution," Jonathan Elliott.

† "Georgia and State Rights," U. B. Phillips.

together for common defense; (2) to abolish the various state legislatures and to form a National Government with legislative power lodged in a Congress, Assembly or Parliament; and (3) to retain the various state legislatures and to enlarge the powers of the central Government, giving Congress the right to revise laws made by the state and so adjusting state and Federal relations as to avoid friction. Substantially, it was the last of these propositions which the convention adopted.

Before there could be any agreement among the delegates, three great compromises were essential.

1. First, the Connecticut Compromise. This was a compromise between the large and the small states. It was adopted as a substitute for Virginia's plan of government. The Virginia delegates favored a bicameral Legislature, consisting of a Lower House to be elected by the people and an Upper House to be elected by the Lower House. To this proposal most of the smaller states objected, since it gave them no weight of influence in either branch. Thereupon the Connecticut Compromise was offered. In substance, this compromise provided for a Lower House to be elected by the people, and for an Upper House in which all of the states should be equally represented. The larger states made a successful fight for representation in the Lower House based upon population, and it was largely to appease the smaller states that representation in the Upper House was made equal.

Strange to say, Georgia, though the most sparsely settled of all the states, favored the popular branch of Congress, a system of representation based entirely upon population. Throughout the entire debate on this question she sided with the stronger states, as if in fact she were one of them, and seemingly at variance with her own interests.† This meant at least a temporary surrender of her equal voice in the Federal councils. It implied a willingness on her part, for the present at least, to accept disparagement at the hands of other states. But Georgia was looking to the future. She possessed a territory vast in extent, destined in time to become an empire within itself. The adoption of this principle might involve some loss of prestige for a few years but in the end it would make Georgia the dominant member of an imperial sisterhood. This was a far-sighted policy. If Georgia had not in after years relinquished a part of her territory to form the states of Alabama and Mississippi, she would today be entitled to twenty-nine representatives in Congress, which would put her in the lead of Texas by thirteen members. Luther Martin, in a letter addressed to the speaker of the Maryland House of Delegates, thus explained Georgia's action in the Constitutional Convention of 1787. Said he:

"It may be thought surprising, sir, that Georgia, a State now small and comparatively trifling in the Union, should advocate this system of unequal representation, giving up her present equality in the Federal Government and sinking herself almost to total insignificance in the scale; but, sir, it must be considered that Georgia has the most extensive territory in the Union, being as large as the whole island of Great

* Georgia State Gazette or Independent Register, July 21, 1787, published at Augusta, Georgia.

† "Georgia and State Rights," U. B. Phillips, p. 18.

Britain and thirty times as large as Connecticut. This system being designed to preserve to the states their whole territory unbroken and to prevent the erection of new states within the territory of any of them, Georgia looked forward to when, her population being increased in some measure proportional to her territory, she should rise in the scale and give law to the other states, and hence we found the delegation of Georgia warmly advocating the proposition of giving the states unequal representation."

Georgia's delegation was far-sighted, but its inability to foresee a division of the state's imperial domain in consequence of the Yazoo fraud litigation may have kept it from weakening upon this proposition.

Most of the members of the Constitutional Convention were agreed as to the necessity for creating a Senate to act as a conservative check upon the Lower House and to preserve a sort of legislative balance. But the method of electing senators elicited some debate. Mr. Pierce, who spoke on June 6th, thought that while members of the Lower House should be elected by the people, members of the Senate should be elected by the legislature—the former body to represent the states individually, the latter collectively. Mr. Baldwin, who spoke on June 29th, favored making the Senate representative of property interests. He, too, favored electing senators by the states.

There was an exciting scene in the convention when the question was put as to whether each state should have an equal vote in the Senate. Says a well-known student of this period: "Rhode Island having refused to take part in the convention, and New Hampshire having no delegates present when the vote on the compromise was taken, there were only eleven States represented. The vote of the States was taken in this way: the delegates from each State took a vote among themselves to determine the State's attitude, each State having one vote. The roll of States was then called, beginning with the oldest. Ten States had voted and the vote stood a tie when Georgia's turn came. It was a most critical moment. Georgia's vote was expected to be against the Connecticut Compromise, as Georgia had consistently voted with the States desiring a strong national government. But one of the two Georgia delegates then present, Abraham Baldwin, was convinced that failure to accept the Compromise might mean the disruption of the convention. He therefore refused to follow William Few in voting against the Compromise and in this way divided the vote of Georgia."

Mr. Baldwin's attitude towards the Connecticut Compromise may be explained, in a measure at least, by the fact that he was a native of the Nutmeg commonwealth. Fiske, the great historian, has paid this tribute to Mr. Baldwin: "It was Abraham Baldwin, a native of Connecticut, and lately a tutor in Yale College, a recent emigrant to Georgia, who thus divided the vote of that State and prevented a decision which would in all probability have broken up the convention. His state was the last to vote and the house was hushed in anxious expectation, when this brave and wise young man yielded his private conviction to what he

"History of Georgia," R. P. Brooks, pp. 132-133.

"Critical Period of American History," John Fiske, p. 251.

saw to be the paramount necessity for keeping the convention together. All honor to his memory!"

Thus, in the creation of our Federal Senate, we owe to Mr. Baldwin the principle which preserves the parity of the states. He had fought for unequal representation in the Lower House and had intimated his intention to support this principle for the Senate; but to prevent a threatened rupture of the convention, he changed his intention, divided the vote of Georgia, and caused the motion for an unequal representation in the Senate to be lost.

2. The Compromise, as to a basis of representation, between the free and the slave states. One member for each 30,000 inhabitants was the ratio upon which the convention finally agreed. But the free states were not willing for slaves to be counted, in reckoning a state's population. On the other hand, the slave states insisted upon an inclusion of slaves. Says Mr. Brooks: "A similar question had arisen during the war. Money for the army had been raised by requisition on the States in proportion to their population. At that time the North had maintained that the slaves were persons, and that the South's pro rata of money should be reckoned on the whole population, white and black. The South, on the other hand, had claimed that slaves were property only and not persons. It is clear that self-interest colored the views of both sections at both times. The dispute had been settled by counting a slave as three-fifths of a person in estimating the population for purposes of taxation; and now, in 1787, this former compromise was adopted, both as to representation and direct taxation; so that until the Civil War, in estimating the number of representatives from the South in Congress, the negroes helped to swell the Southern representation."

Under this apportionment, Georgia was given three members. South Carolina, with a much larger population at this time, was allotted five members. Neither state was satisfied with the manner in which slaves were to be counted. Each fought to increase its strength in the Lower House; but without success. Georgia was not entitled even to three members on a strict application of this rule, but she was allowed this number since her rapid growth in population would justify it before the Constitution could be put into effect. An effort was made to equalize power between the North and South; but the North was given a slight advantage in the number of seats.

3. The Compromise, between State and Federal systems as to governmental control over commerce, especially in relation to an abolition of the foreign slave trade. As we have already noted, slaves were not allowed in Georgia under the rule of her trustees; but when the colony in 1752 was relinquished to the Crown it became a slave-holding colony and her support thereafter was given to an institution which she had formerly condemned. In common with South Carolina, she possessed at this time important interests in slave property and expected to increase her employment of slave labor as her industries expanded and her population multiplied. To quote the same authority above cited: "All the States except South Carolina and Georgia desired to prohibit the

"History of Georgia," R. P. Brooks, p. 135.

"History of Georgia," R. P. Brooks, p. 136.

importation of any more negroes from Africa. The New England States were very anxious to give Congress the control over commerce. The South, opposed to making an unreserved surrender in this matter, advocated requiring a two-thirds vote of both houses before any measure affecting commerce should become law. They feared that the New England States would get a monopoly of the carrying trade; would impose ruinous freight rates for transporting rice and indigo to Europe; and would enact tariff legislation hostile to the interests of purely agricultural States. Here was good material for a compromise. New Hampshire, Massachusetts and Connecticut voted to prolong the slave trade for twenty years; and Georgia and South Carolina supported congressional control over commerce."

To bring matters to a focus, it was contended by Georgia's delegates that, if the importation of slaves were not allowed, Georgia would undoubtedly refuse to ratify the Constitution. South Carolina made a similar contention. In arguing the case for Georgia, Mr. Baldwin was candid enough to admit, however, that if left to herself Georgia would probably put a stop to the trade. Says Mr. Phillips: "From this prophecy which was fulfilled in a decade and from other side-lights on the subject, we doubt if the prohibitory clause would have led to the rejection of the Constitution by Georgia." But the North was forced to yield rather than put the instrument in jeopardy of rejection, and incidentally of a serious loss to its commerce. Accordingly a compromise was reached designating the year 1808 as the time for all importation of slaves to cease. If any were imported in the meantime, a tax of \$10 per capita was to be imposed. But Georgia did not wait until 1808 to prohibit the foreign slave traffic. She inserted a clause to this effect in her state constitution of 1798, ten years before the time was up.

On September 17, 1787, the convention ended its deliberations, after a session of four months. The great instrument destined to become the fundamental law of a new nation was then engrossed and signed by the various state delegations. Rhode Island alone took no part in shaping the compact of Union. Only two of Georgia's delegates appear to have signed the instrument: Abraham Baldwin and William Few, though Georgia had gained substantially every point for which she had contended. Straightway the new Constitution was transmitted to the Continental Congress which, in a resolution adopted September 28th, directed its transmission to the various state legislatures, with an accompanying letter, said Constitution to be ratified by the people of each state in convention assembled.

It happened that, on the arrival of this communication in Georgia, our law-makers were in session at Augusta. Following its publication in the Georgia Gazette, on October 13th, a convention was called by formal resolution to meet in Augusta. This convention was to be held on December 27th, and was to decide the fate of the new Constitution, so far at least as Georgia's ratification or rejection was concerned. Pursuant to call, this convention met at the time and place specified. Hon. John Wreath, an illustrious patriot, at one time governor of the state, was made its president. To the office of secretary, Isaac Briggs, Esq., was elected. All

of the delegates were not present when the convention assembled, but those who attended first and last and who signed the instrument formally attesting its ratification were: James Powell, John Elliott and James Maxwell, from Liberty; Henry Osborne, James Seagrove and Jacob Weed, from Camden; Edward Telfair, Dr. Todd and George Walton, from Burke; George Handley, Charles Hillery and John Milton, from Glynn; Robert Christmas, a Mr. Daniel and a Mr. Middleton, from Greene; George Mathews, Florence Sullivan and a Mr. King, from Wilkes; and Joskin Davis, Nathan Brown and Caleb Howell, from Effingham. There appear to have been no delegates present from either Franklin or Washington counties. John Wreath signed the ratification as president and also as delegate from Richmond. Isaac Briggs was also from this county; but the name of any other delegate from Richmond is not to be found in the records.

Journalism as exemplified by the Georgia Gazette at this time was neither an exact science nor a fine art. Its lack of enterprise in dealing with one of the great history-making events of the state is exasperating. We look in vain for any synopsis of these debates upon which hinged the destiny of a commonwealth. But the editor is considerate enough to keep us in no suspense as to his own mental state in announcing the result. Says he: "We have the pleasure to announce to the public that on Wednesday last the convention unanimously ratified the Federal Constitution." This bulletin sounds more like the marriage announcement of a runaway couple than it does like the proclamation of a great fact destined to reverberate in Georgia's history down to the last syllable of recorded time. But this same alert newspaper informs us that just as the last name was signed to the ratification a party of Colonel Armstrong's regiment quartered in Augusta proclaimed the joyful tidings opposite the court house by a salute of thirteen guns.

There were only two other states whose action in ratifying the Federal Constitution was unanimous. These were Delaware and New Jersey. Georgia's importance as a state at this time, due to her remoteness from the seat of government and to her scant population, was almost insignificant, but her prompt action in ratifying the Federal Constitution, without a vote cast in opposition and without an amendment offered to the instrument, was an eye-opener to the nation and it produced a thrill of excitement even in far-away New England.† For a state on the extreme southern frontier to take such action was well calculated to put to blush those states in closer touch with Philadelphia. When Georgia startled the Atlantic seaboard by the announcement of her decision, nine states were poised in an attitude of uncertainty, some in fact openly hostile to the proposed compact of Union; and, in no small degree, was Georgia's influence felt at this critical moment in shaping the future of the nascent republic.

* Georgia Gazette, January 5, 1788.

† "History of Georgia," W. B. Stevens, II, p. 387.

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CHAPTER II

ORGANIZING THE NEW FEDERAL GOVERNMENT—WHEN THE ELECTORS MEET, GEORGE WASHINGTON, OF VIRGINIA, RECEIVES EVERY BALLOT CAST FOR PRESIDENT—MARCH 4, 1789, THE DATE SET FOR CONGRESS TO ASSEMBLE, BUT THE LAWMAKERS SLOW IN ARRIVING—NEW YORK THE TEMPORARY SEAT OF GOVERNMENT—WASHINGTON'S INAUGURATION TAKES PLACE ON APRIL 30, 1789—THREE STATES RELUCTANT TO ENTER THE UNION—RHODE ISLAND AND NORTH CAROLINA ENTER AFTER WASHINGTON'S INAUGURATION—GEORGIA'S FIRST UNITED STATES SENATORS: WILLIAM FEW AND JAMES GUNN—THREE REPRESENTATIVES ALLOWED, BUT ONE IS LOST UNDER THE CENSUS OF 1790—JOSEPH HABERSHAM BECOMES POSTMASTER-GENERAL—INDIAN AFFAIRS CONSTITUTE AT THIS TIME THE NATION'S MOST SERIOUS PROBLEM—COL. BENJAMIN HAWKINS, OF NORTH CAROLINA, REINQUISHES A SEAT IN THE UNITED STATES SENATE, TO BECOME INDIAN-AGENT WITH HEADQUARTERS IN GEORGIA—HIS FIRST IMPORTANT SERVICE IN NEGOTIATING THE TREATY OF COLERAINE—GEORGIA'S NEW STATE CONSTITUTION ADOPTED MAY 4, 1789—SOME OF THE MORE IMPORTANT CHANGES—THE OLD EXECUTIVE COUNCIL ABOLISHED—THE STATE SENATE OF GEORGIA IS CREATED—HOW THE TWO HOUSES WERE TO BE CONSTITUTED—QUALIFICATIONS OF MEMBERSHIP—HOW THE GOVERNOR WAS TO BE ELECTED—NO CLERGYMEN ADMITTED TO MEMBERSHIP IN EITHER HOUSE—THE COUNTY UNIT PRINCIPLE—GEORGE HANDLEY GOVERNOR FROM 1788 TO 1789—THEN GEORGE WALTON IS ELECTED—HOLDS OFFICE UNTIL THE NEW CONSTITUTION BECOMES EFFECTIVE—EDWARD TELFAIR INAUGURATED—GEORGIA'S FIRST THANKSGIVING DAY—DR. NATHAN BROWNSON, FIRST PRESIDENT OF THE STATE SENATE—CONGRESSIONAL DISTRICTS—GEORGIA'S EARLY REPRESENTATIVES IN CONGRESS—GENERAL WAYNE AND MAJOR JACKSON, TWO REVOLUTIONARY PATRIOTS, IN A BITTER CONTEST—THE FORMER UNSEATED—AFTERWARDS LEAVES GEORGIA—IN 1793 MAJOR JACKSON SUCCEEDS WILLIAM FEW IN THE FEDERAL SENATE—THE FEWS A NOTE FAMILY IN GEORGIA—TWO NEW COUNTIES FORMED IN 1790, COLUMBIA AND ELBERT.

Preparations for launching the new government were all made by the Continental Congress. This body, into whose hands the supreme control of the nation had been entrusted since 1774, was fated to expire when the Federal Congress should meet on March 4, 1789, to inaugurate a President and to assume the law-making authority conferred upon it by the Federal Constitution. In the meantime, the first Wednesday in January was fixed as the time for choosing electors. These were to meet on the first Wednesday in February and the new Congress was to assem-

ble on the first Wednesday in March to organize the government of the United States. When the electors met, each placed on a ballot two names, whereupon George Washington, of Virginia, having received every vote cast, was declared the unanimous choice of the electoral college for President; and John Adams, of Massachusetts, having received the next highest vote, was named its choice for Vice-President. The date fixed for the assembling of the new Congress was Wednesday, March 4, 1789, and the place of meeting the city of New York. But the members were slow in arriving upon the scene. Fully a month elapsed before a quorum could be counted for the transaction of business, and it was not until April 30, 1789, that Washington took the oath of office as President. We have already observed that three states bitterly fought the new Constitution. These were New York, Rhode Island and North Carolina. It was largely to conciliate the first-named state that New York was chosen as the temporary seat of government. Rhode Island did not enter the Union until late in the year 1789 and North Carolina not until 1790.

To conciliate the dissatisfied states ten amendments to the constitution were proposed by the First Congress, all of which in due time became part of the fundamental law.

Georgia's first United States senators were William Few and James Gunn. Her first representatives in the Federal Congress were Abraham Baldwin, James Jackson and George Mathews.*

On August 7, 1790, in New York, a treaty was negotiated with the Creek Indians, at the instance of President Washington, under which, for a monetary consideration, the Indians agreed to validate the treaty of Shoulderbone and to relinquish all right and title to the ceded lands east of the Oconee. But we have already discussed this matter in a former chapter.

Georgia's electoral support in 1793 was given to Washington, for whose re-election to the presidency there was a spontaneous demand from all sections. But for Vice-President she supported George Clinton, of New York, in preference to Mr. Adams. Georgia's presidential electors in 1793 were: Benjamin Taliaferro and William Gibbons from the state at large, and John King and Seaborn Jones from the two congressional district.†

As we shall see later, Georgia, under the census of 1790, lost one of her representatives in Congress.

On February 25, 1795, during Washington's second administration, Joseph Habersham, of Georgia, was commissioned postmaster-general to succeed Thomas Pickering of Pennsylvania. ‡ Colonel Habersham held this office until John Adams became President. He was a resident of Savannah, distinguished for his early devotion to the cause of liberty and especially for his prominence in two daring exploits, the raid on the powder magazine at Yamacraw and the arrest of Governor Wright.

At this crisis in our history, one of the greatest problems of the nation concerned its Indian affairs. To conciliate the savage tribes was a matter of the utmost importance, requiring ability of a high order, knowledge of Indian character, experience in treaty negotiations, and

* "Biographical Cong. Directory, 1774-1911," p. 30.

† "Lanman's Biographical Annals of the United States Government," pp. 513-514.

‡ "Biog. Cong. Directory, 1774-1911," p. 2.

a firm but not an ungentle hand. These qualities were possessed in an eminent degree by Col. Benjamin Hawkins, late a senator from North Carolina. This distinguished man of affairs had long enjoyed the intimate friendship and regard of Washington and had frequently served on important commissions. Accepting an appointment from Washington as agent for all the Indian tribes south of the Ohio River, Colonel Hawkins, though a man of wealth, relinquished the comforts of civilized life, renounced a political career of great promise and came to Georgia, where for more than twenty years, with his headquarters at the old agency on the Flint River, he dwelt among the Creek Indians, a devoted, lifelong and generous friend of these children of the forest.

The first important service rendered by Colonel Hawkins as Indian agent was in negotiating the Treaty of Coleraine, in 1796, a transaction to which we have already alluded at some length.

But let us retrace our steps. Before electing senators and representatives in Congress, it was first necessary for Georgia to adjust her state constitution to changed conditions, to make it conform, in other words, to the Constitution of the United States. As early as January 30, 1788, Georgia had prepared the way for this contingency. In a resolution, bearing the above date, the General Assembly had authorized the governor to call a convention as soon as nine states had ratified the Federal Constitution. At the same time, three delegates were chosen from each county to constitute this convention, subject to the governor's call. Accordingly, when news was received in Georgia that New Hampshire—the ninth state to ratify—had put the seal of her approval upon the new compact of union, Governor Handley, who was then occupying the executive chair, summoned these delegates previously named by the Legislature, to meet in Augusta on November 4, 1788. The Legislature was called to meet at the same time for the purpose of choosing presidential electors. This convention remained in session twenty days, formulating a state constitution, which was duly signed by all the delegates. On motion, 500 copies were printed for distribution over the state. This constitution, however, was not to become operative until revised by another body called under a resolution of the General Assembly to meet in Augusta on January 4, 1789. Pursuant to call, this second body met and proposed various alterations and amendments, all of which were then submitted to the Legislature. Thereupon a proclamation of these changes was ordered. At the same time, the governor was authorized to call a third convention, for the purpose of taking final action in regard to the proposed new form of government. Thus every step taken by Georgia in this crisis of affairs was characterized by great deliberation and thoroughness. It was only another expression of her conservatism as a state. On May 4, 1789, at Augusta, this convention met and, after remaining in session three days, adopted the constitution, without change, as reported by the second convention. It then waited upon the governor into whose hands the new instrument was placed, to be promulgated by him to the people of Georgia.

Much briefer than the state constitution of 1777, this new document was superior in every way to its predecessor, adopted amid the convulsions of a war with England and without the guiding light of established precedents. It may likewise be said that of all the constitu-

tions of the state it still holds the record for brevity. Unlike the constitution of 1777, it contained no bill of rights, doubtless for the reason that slavery suggested an inconsistency, if it did not present an obstacle, to such a declaration of fundamental principles. There was no bill of rights prefixed to the Federal Constitution of 1787, due to scrupulous objections on the part of delegates who thought it would not be in keeping with the fact that slavery was still permitted to exist. But the state constitution of 1789, in lieu of a bill of rights, did not fail to emphasize certain well-established rights, such as religious freedom, freedom of the press, trial by jury and habeas corpus.*

Some of the changes wrought by the state constitution of 1789 were as follows: it abolished the executive council; it established a bicameral Legislature by creating a State Senate, with powers similar to those still exercised by this body; it retained the House of Assembly, to be called the House of Representatives, but heightened its qualifications for membership. There was to be one senator chosen for every three years from each county in the state; but representatives were to be chosen annually from each county as follows: Two from Camden, two from Glynn, four from Liberty, five from Chatham, two from Effingham, four from Burke, four from Richmond, five from Wilkes, two from Washington, two from Greene, and two from Franklin.

Representatives were to be elected annually on the first Monday in October; senators on the first Monday in October of each third year. The Legislature was to meet annually on the first Monday in November.

While a residence of only two years was requisite to entitle one to a seat in the House, he must also have been a citizen of the United States for seven years; and to qualify one for a seat in the Senate a residence of three years in the state was required, with citizenship in the United States of nine years. Says a recognized authority:† "This is the earliest instance where any such discrimination was made in a state constitution, and is indicative of the national spirit which existed among the people of Georgia at this time."

Senators were required to be twenty-eight years of age and to own property valued at £200; representatives were required to be twenty-one years of age and to own property valued at £150.

Under the state constitution of 1789, the governor was to be elected for a term of two years. The House of Representatives was to nominate by ballot three candidates and out of these the Senate was to elect one. All other elections were to be made in like manner.

No clergyman of any denomination could be a member of the General Assembly, under the constitution of 1789.

There was to be a Superior Court held in each county twice in each year. The General Assembly was to provide some mode for correcting errors. The office of chief justice was abolished.

Militia officers and secretaries to the governor were all to be appointed.

From an old issue of the Georgia Gazette, dated May 9, 1789, we get this item: "On Monday last (May 4) a third convention met in the

* "Watkins Digest of the Lands of Georgia," pp. 25-31.

† "Georgia and State Rights," U. B. Phillips, p. 22.

Town Hall to consider the alterations proposed by the convention of January last to the Constitution formed by the convention of 1788; and on Wednesday they finally adopted and ratified the new form of government to commence in October next. . . . The new form being an assimilation to the Federal Constitution, its notification and deposit was announced to the town by a discharge of eleven cannon, in honor of the federated States; when his Honor, with the President and members of the Convention and the President and members of the Council repaired to the Government House and drank a glass of wine to its prosperity." Rhode Island and North Carolina were not yet in the Union, which accounts for the above-reference to only eleven federated states.

Says a well-known student of constitutional law:* "One of the most important features of this constitution was its organization of the legislative department so as to apply the county unit principle to the enactment of legislation. Under the former Constitution, the executive council voted by counties, but they did not act at all in the matter of legislation except in an advisory capacity. Under the new Constitution, the composition of the House of Representatives was, to a certain extent, based upon population, and in that body each county might have a diverse voice through the votes of its several members, but before proposed legislation could be enacted into law, it had to pass the Senate in which each county had a single and equal voice without respect to population."

Governor George Handley occupied the executive chair from January 1, 1788, to January 1, 1789, and witnessed the evolutionary process out of which grew the new state constitution. On January 1, 1789, he was succeeded by former Governor George Walton, a signer of the Declaration of Independence, who had held this office during the Revolutionary period. He was now called to the helm for a second time. The new state constitution went into effect in October, at which time Governor Walton was succeeded by Edward Telfair, Georgia's first governor to be elected after her entrance into the Federal Union. He defeated former Governor John Houstoun, with whom he tied on the first ballot, winning on the second. Governor Telfair was a wealthy Scotchman, with large interests in both Burke and Chatham. He held office until 1793, when former Governor George Mathews, a Federalist, living in the up-country, an uneducated man, but possessed of a strong native intellect, won the governorship.

But to return. On November 26, 1789, shortly after Governor Telfair's induction into office, Georgia's first Thanksgiving day was observed. At this time the state was called upon to join the Nation in offering thanks to a kind Providence for past favors and mercies. One of the first acts of the new Legislature was to invite Dr. Palmer, of the Richmond Academy, to preach a special thanksgiving sermon at St. Paul's. Upon this service the members decorously attended and on the day following they voted Dr. Palmer a resolution of thanks for his excellent discourse.

The first president of the State Senate of Georgia was Dr. Nathan Brownson, of Liberty County, a former governor.

* "McElreath on the Constitution of Georgia," p. 88.

The first speaker of the House of Representatives, under the new constitution of 1789, was Hon. Seaborn Jones, of Richmond. This body as the House of Assembly had existed since 1751.

On December 8, 1790, the Legislature divided the state into three congressional districts, having been allotted three representatives in Congress by the Federal Constitution of 1787. The counties composing these districts were as follows: Chatham, Glynn, Effingham, Camden and Liberty, comprising the lower or eastern district; Burke, Richmond and Washington, the middle district; and Wilkes, Franklin and Greene, the upper or western district. James Jackson was chosen to represent the lower district; Abraham Baldwin, the middle district; and George Mathews, the upper district. These were Georgia's representatives in the First Federal Congress. If Georgia was represented during the early part of the session, her representatives must have been chosen on a general ticket, without regard to districts.

To the Second Congress, which convened on March 4, 1791, Anthony Wayne was elected from the lower district; Abraham Baldwin from the middle district; and Francis Willis from the upper district.† Francis Willis succeeded General Mathews, who not long thereafter was called to the governorship. In the lower district, Gen. Anthony Wayne—the illustrious "Mad Anthony" of the Revolution—appeared on the face of the returns to have defeated Maj. James Jackson, the incumbent. Accordingly, he received a certificate of election. But Major Jackson filed a contest revealing the fraud by which his opponent had been elected, whereupon the seat was declared vacant. But a motion to seat Major Jackson resulted in a tie, which was decided against him by the adverse vote of the speaker. On returning to Georgia, Major Jackson caused articles of impeachment to be brought before the Legislature against Henry Osborne, judge of the Superior Court, for falsifying and forging the election returns of Camden County; and such was the weight of evidence adduced to sustain the charges that Judge Osborne was removed from office.‡ General Wayne, it seems, had unwittingly become the tool of Major Jackson's enemies. There is no evidence to show that he was a party to any corrupt transaction; and a contest was filed, by Major Jackson more for the purpose of thwarting his foes than with any desire to unseat a gallant comrade-in-arms, especially since General Wayne, in 1782, had deputized him to receive the surrender of Savannah, which was then in the hands of the British. When a new election was ordered, Hon. John Milledge, a friend to both parties, was chosen to represent the lower district in Congress.

Soon after this political episode, an Indian outbreak on the north-west frontier of the nation led to General Wayne's appointment by President Washington as commander-in-chief of the armies dispatched against these belligerent tribes of the forest. Resuming once more an active military life, General Wayne did not return again to Georgia; but, dying on the shores of Lake Erie, some four years later, he was taken for burial to his native town of Chester, in the State of Pennsylvania. Georgia continued to venerate his memory, and some time later

† "History of Georgia," W. B. Stevens, II, p. 394.

‡ "Biog. Cong. Directory, 1774-1911," p. 33.

§ "McElreath on the Constitution," p. 96.

created a new county to bear his name; but the town of Waynesboro, a thriving community, the county-seat of Burke, had already testified to Georgia's admiration for this gallant soldier: the renowned hero of West Point.

But while, under the Federal Constitution of 1787, Georgia had been allotted three representatives in Congress, it appeared from the Federal census of 1790 that the state's population did not entitle her to three members in this body, and much to Georgia's mortification, therefore, her representation in Congress was reduced from three to two members, at which figure it remained stationary for the next decade. When the Federal census of 1800 was taken it was found that Georgia's population had doubled and accordingly in the Eighth Congress she was allotted four representatives.*

But, in the Third Congress (1793-1797), there were only two representatives from Georgia: Abraham Baldwin and Thomas P. Carnes.

There was no change in United States senators until March 4, 1793, at which time Major Jackson succeeded William Few. Senator Gunn continued to occupy his old seat.† Colonel Few had been an officer in command of partisan troops during the Revolution. Two other brothers, Benjamin and Ignatius, had also been officers; while a third brother, James, had been captured and executed without trial, near Salisbury, N. C., by Governor Tryon, in 1771. He was a leader of the famous Regulators, 3,000 of whom were engaged in a battle fought, May 16, 1771, on Alamance Creek, with the king's troops. Capt. James Few has been styled the first martyr of American liberty, since the insurrection which culminated in blood on Alamance Creek marked the beginning of the American Revolution.

But returning to Col. Benjamin Few. He seems to have been bitterly fought by the Yazoo cabal of a later period because of an unsuccessful bid offered by him, in association with other men of wealth, for some of the Yazoo lands. Defeated for the United States Senate, he removed to New York, where he became president of the City Bank, a member of the State Legislature, and alderman of the City of New York. He died on June 16, 1827, at Fishkill-on-the-Hudson, where his ashes lie buried.

Two new counties were created by the General Assembly at its session in 1790: Columbia and Elbert. Columbia was detached from Richmond, with Appling as its county-seat. It contained the historic old town of Wrightsboro, famous for its Quaker colony, a town today marked by its tottering ruins and crumbling monuments; but once an abode of culture, gentleness and thrift. Here lived Col. William Candler, with his kinsmen, the Fewes; also the Carrs, the Whites, and other families whose names appear on the muster-rolls of the Revolution. Near the present line of McDuffie lived Capt. Thomas Cobb, patriot and centennarian, who reached the phenomenal age of 111 years, and became the progenitor of a numerous offspring. Capt. Cobb was not an ancestor of the Cobbs of Athens. But he was the grandfather of Hon. Thomas W. Cobb, a United States senator, for whom Cobb County was named;

* "Biog. Cong. Directory, 1774-1911," p. 29, also p. 55.

† "Biog. Cong. Directory, 1774-1911," p. 36.

and among his descendants was the late Henry W. Grady. The Cobbs of Athens are descended from John Cobb, who is supposed to have been either a brother or a nephew of Capt. Thomas Cobb. In another part of this county, on Kiokee Creek, was first planted the standard of the Baptist church in Georgia, by the celebrated Daniel Marshall. Here, too, lived the Crawfords; and here, on August 10, 1790, was born the great orator of South Carolina, George McDuffie. The new county, because of its distinguished part in the Revolution, was called Columbia; and its county-seat was named Appling for a well-known family in this locality from which in after years sprang Col. Daniel Appling, of the War of 1812.

Elbert County was detached from Wilkes and named for Gen. Samuel Elbert, of the Revolution. Elberton was designated as its county-seat. The rich lands in this neighborhood were early settled by wealthy Virginia planters. This county contained the famous Broad River district. In the angle of land which the Broad River forms by its confluence with the Savannah, may still be found the ruins of an old colonial stronghold, Fort James, built to defend an old settlement called Dartmouth. William Bertram, the famous naturalist, who was engaged at this time in studying Georgia's flora, visited the old fort in 1776, as the guest of its commanding officer. He describes it as a four-square stockade, with salient bastions at each angle, surmounted by a blockhouse, and guarded by a number of swivel guns. These were planted one story higher than the curtains. The latter were pierced with loop-holes, breast high, and defended by small arms. The stockade of Fort James was an acre in extent. It enclosed a substantial house for the commandant, quarters for the various officers, and barracks for the garrison. The entire force consisted of fifty rangers, each of them well mounted and armed with the following weapons: a rifle, two dragoon pistols, a hanger, a powder-horn, a shot-pouch, and a tomahawk. Three miles above Petersburg, this same noted traveler discovered an Indian mound.*

In the neighborhood of Fort James was an old tobacco town known as Petersburg. It was once quite an important market for the up-country and was also a seat of culture, the home of Dr. W. W. Bibb, afterwards one of Georgia's United States senators and still later the first territorial governor of Alabama. Here, too, lived the Hillyers, the Caseys, the Walkers, the Watkinsons, the Popes, the Whites, the Coulters, and other prominent families. This county contained the old family seat called Heardmont, the home of Gen. Stephen Heard, who founded the town of Washington. It also contained the home of a still more famous resident: Nancy Hart of the Revolution.

Elbert became in after years the seat of a famous rural community known as Ruckersville, founded by Joseph Rucker, a pioneer banker, merchant, planter and man of affairs; and in this neighborhood was born the gifted Georgia novelist, Mrs. Corra White Harris, and the late distinguished jurist and gentleman, Associate Justice Joseph Rucker Lamar, of the Supreme Court of the United States.

* "Travels," pp. 321-322.

CHAPTER III

DURING GOVERNOR TELFAIR'S ADMINISTRATION, PRESIDENT WASHINGTON VISITS GEORGIA—TRADITIONS OF HIS SOJOURN STILL FRAGRANT IN MANY HOMES—LEAVES PHILADELPHIA ON MARCH 21, 1791, FOR A SOUTHERN TOUR, ACCOMPANIED BY MAJOR JACKSON—REACHES GEORGIA ON MAY 12—DIARY OF THE PRESIDENT'S VISIT, PRESERVED IN HIS OWN HAND-WRITING—NINE DAYS A GUEST OF THE STATE—HOW HE WAS GREETED AT SAVANNAH—FETES AND BALLS—LEAVES FOR AUGUSTA—EN ROUTE, HE STOPS AT WAYNESBORO—RECEPTION AT THE SEAT OF GOVERNMENT—GIVES A NUMBER OF PRIZES TO THE BOYS AT THE RICHMOND ACADEMY—ONE OF THESE WAS AWARDED TO AUGUSTIN S. CLAYTON, AFTERWARDS A NOTED CONGRESSMAN AND JURIST.

During Governor Telfair's administration an event occurred the delightful memories of which have lingered, for more than a century, like incense in a vase of roses: the visit of President Washington. Revered as the victorious commander-in-chief of the American armies in the great struggle for independence and as the first chief magistrate of a nation destined to take its place among world powers, the illustrious statesman and soldier was received with marked demonstrations of respect. Savannah and Augusta—the principal towns at which he stopped—are still fragrant with the recollections of his sojourn. Traditions cherished in many of the homes of our state tell of the brilliant rounds of social gaiety, of the rare old laces worn, of the rare old wines uncorked, of the splendid figure made by the Georgia Continentals on dress parade, of the festive scenes and gala events, associated with this visit from the nation's first citizen. Nor let us forget to mention the dazzling ballrooms where

"bright

The lamps shone o'er fair women and brave men."

Washington himself was a starched aristocrat; and to meet him all the tiaras of the commonwealth sparkled at these elegant receptions, all the ancient pedigrees were there, some of them reaching back to English manor-halls and French chateaus. Remembering how prone we are, in dealing with a remote past, to exaggerate the tinsel on our family crests and to impute an imaginary value to our ancestral heirlooms, some of the stories which have percolated down the years are, of course, subject to a liberal discount; but with all due allowance for the magnifying spell of time and distance, Washington's visit was an event singular in its uniqueness. It holds to this day a place apart, an isolated niche all its own, in the historic background; and for all time to come its influence will doubtless be felt upon our civic annals.

President Washington left Philadelphia for his tour of the Southern States at 11 o'clock in the forenoon of March 21, 1791. Besides his coach, drawn by four horses, an equipage which he not inaptly styled his chariot, the outfit for this journey included a light two-horse wagon which carried the baggage, four saddle horses, an extra horse, led by the bridle, provided for the President's convenience in the event he wished to ride horseback. He was accompanied by Major Jackson, lately a representative from Georgia in the First Congress, who had either remained at the seat of government or else had made a special trip from Savannah to Philadelphia for the purpose of accompanying the President to Georgia. There were also five servants in attendance, to wit, a valet de chambre, a postilion, a coachman and two footmen; Washington's private fortune enabled him to travel in a manner almost regal in its ostentatious display. Moreover, he was not trained in the school of democracy which produced the great man of the people, Thomas Jefferson. His vast landed estates, increased by the handsome property acquired through his marriage to the rich Widow Custis, made him easily the wealthiest man of his day in America, the foremost plutocrat as well as the first citizen of the land; and though called by the spontaneous voice of the people to govern a nation of pioneers he was in every sense of the word a born patrician.

Soon after leaving Philadelphia the presidential party encountered rough roads. Travel was necessarily slow and little progress was made; but no serious mishap occurred to mar the pleasure of the trip. En route to Georgia, the President visited Wilmington, North Carolina, and Charleston, South Carolina. Wednesday night, May 11, 1791, he spent with Judge Heyward, on the east side of the Savannah River. From this point the narrative will be continued in the President's own language, copied verbatim from the diary of his trip, the original of which is preserved in the Library of Congress, at Washington, District of Columbia. Here is the detailed record of his visit, entered with the greatest care in the President's own hand-writing. It will be observed that he did not fail to note how the ladies were dressed.

"Thursday 12th. By 5 o'clock we set out from Judge Heyward's and road to Purisburgh, 22 miles to breakfast. At that place I was met by Messrs. Jones, Cohn, Habersham, Mr. John Houstoun, Genl. McIntosh and Mr. Clay, a comee, from the city of Savanna to conduct me thither—Boats also were ordered there by them for my accommodation; among which a handsome 8 oared barge rowed by 8 American Captains attended.—In my way down the River, I called upon Mrs. Green, the Widow of the deceased Genl. Green (at a place called Mulberry Grove). I asked her how she did—At this place (2 miles from Purisburgh) my horses and carriages were landed, and had 12 miles further by land to Savanna—The wind & tide being against us, it was 6 o'clock before we reached the city where we were received under every demonstration that could be given of joy & respect.—We were seven hours in making the passage, which is often performed in 4, tho the computed distance is 25 miles—Illums. at night. I was conducted by the Mayor & Wardens

to very good lodgings which had been provided for the occasion and partook of a public dinner given by the Citizens at the Coffee Room.

"Friday 13th. Dined with the members of the Cincinnati at a public dinner given at the same place—and in the evening went to a dancing assembly at which there was about 100 well dressed & handsome ladies.

"Saturday 14th. A little after 6 o'clock, in company with Genl. McIntosh, Genl. Wayne, the Mayor and many others (principal Gentlemen of the city) I visited the city and the attack & defence of it in the year 1779, under the combined forces of France and the United States, commanded by the Count de Estaing & Genl. Lincoln—To form an opinion of the attack at this distance of time, and the change which has taken place in the appearance of the ground by the cutting away of the woods, &c, is hardly to be done with justice to the subject; especially as there is remaining scarcely any of the defences—Dined today with a number of Citizens (not less than 200) in an elegant Bower erected for the occasion on the bank of the River below the Town—In the evening there was a tolerable good display of fire-works.

"Sunday 15. After morning service and receiving a number of visits from the most respectable ladies of the place (as was the case yesterday) I set out for Augusta, Escorted beyd the limits of the city by most of the Gentlemen in it, and dining at Mulberry Grove the guest of Mrs. Green—lodged at one Spencer's—distant 15 miles.

"Savanna stands on what may be called high ground for this Country—It is extremely sandy, wch makes the walking very disagreeable; & the houses uncomfortable in warm and windy weather, as they are filled with dust whenever these happen—The town on 3 sides is surrounded with cultivated Rice fields which have a rich and luxuriant appearance. On the 4th or backside it is a fine sand—The harbour is said to be very good & often filled with square rigged vessels, but there is a bar below over which not more than 12 water can be brot except at sprg tides—The tide does not flow above 12 or 14 miles above the City though the River is swelled by it more than double that distance—Rice and Tobacco (the last of wch is greatly increasing) are the principal exports—Lumber & Indigo are also exported but the latter is on the decline, and it is supposed by Hemp & Cotton—Ship timber, viz. live Oak & Cedar is (and may be more so) valuable in the exptn.

"Monday 16th. Breakfasted at Russells—15 miles from Spencer's—dined at Garnet's 19 miles further & lodged at Pierces 8 miles more; in all—42 miles today.

"Tuesday 17th. Breakfasted at Spinners 17 miles—dined at Lamberts 13—and lodged at Waynesborough, (wch was coming 6 miles out of our way) 14, in all 43 miles—Waynesborough is a small place but the Seat of Burkes County—6 or 8 dwelling houses is all it contains;—an attempt is making (without much apparent effect) to establish an academy at it, as is the case also in all the Counties.

"Wednesday 18th. Breakfasted at Tulcher's, 15 miles from Waynesborough; and within 4 miles of Augusta; met the Governor (Telfair), Judge Walton, the Attorney Genl. and most of the principal Gentlemen of the place; by whom I was escorted into the Town & recd under a discharge of Artillery—the distance I came today was about 32 miles—

Dined with a large Company at the Governors, & drank tea there with many well dressed ladies.

"The road from Savanna to Augusta is for the most part through Pine barrens; but more uneven than I had been accustomed to since leaving Petersburg, in Virginia, especially after riding about 30 miles from the City of that name; and here & there indeed a piece of Oak land is passed on this Road but of small extent & by no means of the first quality.

"Thursday 19th. Received & answered an address from the Citizens of Augusta;—dined with a large Company at their Court Ho—and went to an assembly in the evening at the Academy; at which time there were between 60 & 70 well dressed ladies.

"Friday 20th. Viewed the Ruins or rather small Remns of the Works which had been erected by the British during the War and taken by the Americans—Also the falls which are about 2 miles above the Town; and the Town itself.—These falls (as they are called) are nothing more than rapids—They are passable in their present state by boats with skillful hands but may at very small expense be improved by removing a few rocks only to straighten the passage—Above them there is a good boat navigation for many miles; by which the produce may be & in some measure is transported—At this place, i. e. the falls, the good lands begin; & increase in quality to the westward & no. ward. All below them except the interval lands on the Rivers and Rice Swamps which extend from them, the whole country is a Pine barren—The town of Augusta is well laid out with wide & spacious streets—It stands on a large area of a perfect plane but is not yet thickly built the surprisingly so for the time; for, in 1783 there were not more than half a dozen houses; now there are not less than—containing about—souls of which—are blacks. It bids fair to be a large Town being at the head of the present navigation & a fine country back of it for support, which is settling very fast by Tobacco planters—The culture of which article is increasing very fast and bids fair to be the principal export from the State; and from this part of it, it certainly will be so.

"Augusta, though it covers more ground than Savanna, does not contain as many Inhabitants, the latter having by the late census between 15 and 1500 whites and about 800 blacks.

"Dined at a private dinner with Govr. Telfair today; and gave him dispatches for the Spanish Govr of East Florida, respecting the Countenance given by that Govrnt to the fugitive Slaves of the Union—wch dispatches were to be forwarded to Mr. Seagrove, Collector at St. Marys, who was requested to be the bearer of them, and instructed to make arrangements for the prevention of these evils, and if possible for the restoration of the property—especially of those slaves wch had gone off since the orders of the Spanish Court to discountenance this practice of recg. them.

"Saturday 21. Left Augusta about 6 o'clock and took leave of the Governor & principal Gentlemen of the place at the Bridge over Savanna River where they had assembled for the purpose I proceeded in Company with Colns Hampton and Taylor & Mr. Lithgow, a committee from Columbia (who had come to meet & conduct me to that place) & a Mr. Jameson from the Village of Granby on my Rout—Dined

at a house about 20 miles from Augusta and lodged at one Oden about 20 miles further."

To the foregoing extracts from Washington's diary, it need only be added that, according to traditional accounts, he was greeted upon his arrival in Savannah by a vast gathering of people assembled from all parts of Georgia, but chiefly from the settlements along the coast. On the journey from Savannah to Augusta, an escort of horse accompanied him; and to meet the distinguished visitor, on the outskirts of the latter town—then the capital of the state—Governor Telfair headed a committee of citizens, which included a signer of the Declaration of Independence, Judge Walton, besides a number of prominent state officials. While at Augusta, he visited the famous Richmond Academy, where he was entertained by the students in a contest of declamation. Several prizes were awarded by Washington as a result of this visit. He was so delighted with the exhibition that, obtaining the names of the young orators, he sent them each a handsomely bound book on his return to Philadelphia. One of these trophies, a copy of Sallust, inscribed with the President's autograph, was presented to Augustin Smith Clayton, afterwards a judge of the Superior court and a member of Congress. Washington's visit to Georgia lasted only a week, but after a lapse of more than a century we still find it a well-spring of perennial interest, one of those rare forget-me-nots of subtle aroma which tradition delights to preserve, a blooming immortelle of Georgia's historic past.

CHAPTER IV

LONGSTREET'S EXPERIMENTS WITH THE STEAMBOAT—TWENTY YEARS IN ADVANCE OF FULTON HE WAS SUCCESSFULLY APPLYING STEAM TO NAVIGATION ON THE SAVANNAH RIVER—PATENT GRANTED TO BRIGGS AND LONGSTREET IN 1787—AN IMPORTANT HISTORICAL DOCUMENT—STILL PRESERVED IN THE ARCHIVES OF GEORGIA—THE ONLY PATENT EVER ISSUED BY THE STATE FOR AN INVENTION—GRANTED BEFORE THE ADOPTION OF THE FEDERAL CONSTITUTION—DESCRIPTION OF LONGSTREET'S STEAMBOAT—HOW PROPELLED—STRUGGLES AND MISFORTUNES—LONGSTREET'S GRAVE IN OLD ST. PAUL'S CHURCHYARD OVERLOOKING THE SCENE OF HIS EXPERIMENTS ON THE SAVANNAH RIVER.

At least twenty years before Robert Fulton became known to the scientific world as the inventor of the steamboat, William Longstreet was making crude experiments with a steam propeller on the Savannah River, near Augusta. It was fully as early as the year 1787 when he first conceived the idea of applying steam as a motive power to navigation; and, after tinkering all day, he would sometimes lie awake all night thinking of the wonderful engine which he felt sure would in time revolutionize the commerce of the globe. The inspired prophets of the olden time could not read the future more distinctly than did William Longstreet. He could see the ocean greyhounds plowing through the high seas. He could almost hear the screech of the steam whistle.

On February 1, 1788, an act was passed by the General Assembly at Augusta conferring upon two inventors, Isaac Briggs and William Longstreet, exclusive patent rights for a term of fourteen years, to a steam engine, constructed by them for the purposes of navigation. There are certain things, in regard to this legislative act, which give it a peculiar interest to students of American history. In the first place, it constitutes the only patent ever issued by the State of Georgia. At this time, the Articles of Confederation were still in vogue, but within a few months a new central government was organized, under the Federal Constitution of 1787, after which the right to issue patents became a special prerogative of the United States.

We must furthermore observe that the date of this patent is anterior, by nearly two full decades, to the successful experiments made by Robert Fulton on the Hudson River, in 1807. It was also the first patent for a steamboat ever granted. Just what part Isaac Briggs took in the construction of this pioneer steamboat is unknown; but tradition credits William Longstreet with a series of experiments on the Savannah River.

extending over a period of twenty years. The proposition at first excited only ridicule. As an indication of this popular attitude, the musty old volume in which the patent is recorded in the secretary of state's office contains this entry, on the first page of the index: "Briggs and Longstreet: Steam Nothing, 245." On the page thus indicated in Book "C," Bills of Sale and Deeds of Gift, this earliest patent for a steamboat is recorded as follows:

"AN ACCOUNT OF THE CONSTRUCTION AND PRINCIPLES OF BRIGGS' AND LONGSTREET'S STEAM ENGINE, FOR THE EXCLUSIVE USE OF WHICH A PRIVILEGE WAS GRANTED TO THE INVENTORS, FOR FOURTEEN YEARS, BY AN ACT OF THE LEGISLATURE PASSED AT AUGUSTA, THE FIRST DAY OF FEBRUARY, 1788.

"This engine consists of a Boiler, two Cylinders and a Condenser, constructed in the following manner, viz.:

THE BOILER

"Consists of two metallic vessels, globular, or nearly so, placed one within the other, so as to leave a small interstice between, in which interstice the boiling water is contained. The inner vessel contains the fuel, the flame of which passes through a spiral flue winding round the outside of the outer vessel from the bottom to the top. The steam is conveyed by a pipe from the boiler into an interstice between

THE TWO CYLINDERS,

"Which are placed, horizontally, one within the other, from whence it is admitted alternately into each end of the inner cylinder, in which it impels a piston to vibrate both ways with equal force. It is also admitted alternately to pass from each end of the inner cylinder (all the communications, to and from which, are opened and shut by a single cock) by means of pipes into

THE CONDENSER,

"Which is a metallic vessel having a large surface in contact with cold water. The condensed steam or warm water is drawn out of it by a pump.

"I. BRIGGS,

"WM. LONGSTREET.

"Recorded 30th Jan. 1789."

When the renowned inventor, James Watt, in 1774, perfected a patent which embodied the essential features of the modern steam engine, an effort to apply its principles to navigation followed at once. Simultaneously, in various places, men with a genius for mechanics began to make experiments. James Rumsey, on the Ohio, in 1784, and John Fitch, on the Delaware, in 1785, both succeeded in obtaining definite and brilliant results. However, it may be gravely doubted if either of these pioneer inventors forestalled William Longstreet. The Georgian

was probably engaged in experimenting with his steamboat on the Savannah River, for some time before receiving his patent from the state, in 1788; and he continued for years thereafter to improve his invention, in the hope of making it commercially successful. There were still others who, at this early date, were active in this same line of endeavor. But, while they demonstrated the feasibility of steam navigation, they came short of the coveted goal. Dame Fortune eluded them at every turn; and it was reserved finally for Robert Fulton, a New Yorker, with his little boat, the Clermont, on the waters of the Hudson River, in 1807, to overtake the fleet wings of the fickle goddess.

Says a well-known historian, in speaking of the first crude experiments of the Georgia inventor: "Longstreet's boat, like other great inventions, was made sport of; indeed, it must have been a queer-looking craft. His idea was to have the boat propelled by a series of poles, so arranged on a shaft that as the shaft turned on its axis the poles would strike the bottom of the river and push the boat along. This was certainly very clumsy; but a boat of this kind was made and put on the Savannah River in 1806, and moved by steam power. Robert Fulton's boat, the Clermont, made its trial trip on the Hudson River in August, 1807. He made use of paddle-wheels to strike the water instead of poles to strike the river bottom. Paddle-wheels were a great improvement, and Robert Fulton is called the inventor of the steam-boat. To him belongs the idea of paddle-wheels, while to William Longstreet belongs the honor of having first made a boat run by steam power."

But let us go back. It is by no means uncertain that William Longstreet failed to inherit the money-making instincts of his Dutch ancestors, but devotion to his ideal kept him poor. To obviate unnecessary expense he constructed his boilers of heavy oak timbers girt about by strong iron bands, and managed to do most of the work himself. He was not successful at first, but year after year he toiled away at his task with an undiminished enthusiasm.

The world eventually pays its debts, but oftentimes the first installment is paid in ridicule. Ever since the time of Noah the man who has built in advance of his generation has been obliged to encounter the sharp note of derision. Longstreet's repeated failures with the steamboat made him a target for the shallow wits of the neighborhood. The idea of making iron swim on the water in an age not given to miracles, at least of the Biblical sort, was treated as the vagary of an escaped lunatic; and his neighbors stood by and harassed him pretty much as the amused antediluvians did the old patriarch when he was building the ark. But nevertheless in both cases the craft floated. He was told that it contradicted every law of reason to suppose that iron could be made to move about at will upon the water without oar or sail. In the local prints appeared frequent squibs dedicated to the persistent inventor; and one of them, which has floated down to the present time, showing how the near-sighted skeptics ridiculed the experiment, is cast in doggerel verse with frequent variations of the question:

"Can you row the boat ashore,
Billy boy, Billy boy?"

* "History of Georgia," Lawton B. Evans, p. 167.
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Such an assault was enough to undermine the patience of Job, even had the assailants confined themselves to prose; but, good-naturedly reminding his critics that his time to laugh would soon come, he continued to prosecute his labors with grim earnestness. However, if energy refused to lag, money sometimes gave out. Now and then he would have to turn his hand to other lines of work in order to replenish his funds. At one time he applied to Governor Telfair for state aid, and the letter, dated September 26, 1790, is still preserved in the executive archives. But the chief magistrate shared the prevailing infidelity and returned an answer in the negative.

More than fifteen years now elapsed, but at last the time came when Longstreet could face his critics with an exultant smile of satisfaction. The triumph was belated, but none the less complete. Taking on board such of his friends as could be prevailed upon to make the venture, he pointed his odd-looking little vessel toward the deep water, and the experiment now worked like a charm. First he moved with the current, and then, reversing the lever, he moved against the current, but in either case with equal ease; and, after traveling several miles with his delighted passengers, he brought the craft safely to shore. The movement of the boat evoked the lustiest shouts from the spectators who now crowded about the dock to vote the returning hero a Roman triumph. Those who, fearing the boilers might explode, had gone out in skiffs to gather up the remnants, now came back soundly converted to the true faith. William Longstreet had won.

But the heralds were most too slow in proclaiming the news to Christendom. For, while the Georgia inventor was meeting with every kind of discouragement as he toiled away upon his rude engine in Augusta, another mechanical genius was in Paris experimenting with his submarine diver. It was Robert Fulton. He had been invited over to the French capital by the United States minister, Robert Livingston, and instead of being hampered by slender means or contemptuous slurs, he was warmly encouraged by the far-sighted Napoleon, who was then first consul of France. Fulton possessed what Longstreet lacked: influential friends at court, and unlimited resources. The favoring gales wafted him on to early success, and he was soon engaged in devising the famous steamboat with which his name has ever since been universally associated. Nevertheless the credit of the first real demonstration belongs to William Longstreet, for it was as early as 1806 that he successfully applied steam to navigation. But the fleet-footed Mercury was on the side of Robert Fulton.

Too intent upon perfecting the invention to give any thought to the patent office in Washington, William Longstreet slept over his rights, but some of his friends in the year following were about to set out for the seat of government on his behalf, when the news came from New York that the trial trip of the Clermont on the waters of the Hudson had been successfully accomplished. Thus William Longstreet was thwarted of his well-earned reward; but, derided and belittled though he was, he barely missed being celebrated in song and story as the author of the colossal achievement which changed the whole method of ocean travel and which fairly illuminated the giant portals of the most wonderful of all the centuries.

Other misfortunes crowded upon the hapless inventor. He shortly afterwards set up two large gins in Augusta which were propelled by steam. They worked admirably and promised handsome returns, but not long after completion they were destroyed by fire. Subsequently he erected at St. Mary's two steam mills, but they were both destroyed in the War of 1812. By this time the enterprise of William Longstreet was completely discouraged. Heartbroken over his repeated misfortunes and disappointments, he was in some respects like the great Italian navigator who failed to link his name to the vast hemisphere which he had been the first to discover and who passed away in almost unknown obscurity at Valladolid, among the hills of Spain. The unrewarded inventor died in 1814, and though prevented, like Tantalus, from clutching the fruit which waved in the air just over him, full-orbed and golden, he must, nevertheless, be recognized as the ill-starred forerunner of Robert Fulton in the evolution of the modern steamboat.

To conclude this desultory sketch, it only needs to be said that William Longstreet came of an old Dutch family whose household escutcheon was planted in New Amsterdam by an emigrant from the low country, one Dirk Stoffels Langestraat, who became the progenitor of an illustrious offspring. William Longstreet was an uncle of the celebrated humorist, Judge Augustus B. Longstreet, who wrote "Georgia Scenes." He was also the grandfather of a noted Confederate officer, Gen. James Longstreet, famous as "Lee's old War Horse." In the churchyard of historic old St. Paul's, at Augusta, facing a walk to the left of the ancient edifice, stands an old tombstone. It marks the last resting place of William Longstreet. His grave is on an eminence overlooking the scene of his famous experiments; and lettered upon the crumbling headstone, yellow with age, one with difficulty may decipher the following pathetic inscription:

Sacred to the memory of WILLIAM LONGSTREET, who departed this life, September 1, 1814, aged 54 years, 10 months and 26 days. "All the days of the afflicted are evil; but he that is of a merry heart hath a continual feast."

CHAPTER V

THE COTTON GIN—HOW THE CURRENTS OF AMERICAN HISTORY, POLITICAL AND ECONOMIC, WERE DESTINED TO BE AFFECTED BY THIS INVENTION—ITS EFFECT UPON THE SOUTH—PRIOR TO THIS TIME, COTTON AN UNIMPORTANT FACTOR IN THE INDUSTRIAL LIFE OF THE WORLD—ONLY 399 BALES EXPORTED FROM THE UNITED STATES IN 1791—SEA-ISLAND COTTON—UPLAND COTTON—ELI WHITNEY, A NEW ENGLANDER, IN 1793, A GUEST OF GENERAL GREENE'S WIDOW AT MULBERRY GROVE, NEAR SAVANNAH—CIRCUMSTANCE WHICH LED WHITNEY TO INVENT THE COTTON GIN—AN AUTHENTIC ACCOUNT—WHITNEY'S SUBSEQUENT CAREER—ESTABLISHES A COTTON GIN IN WILKES COUNTY, SIX MILES FROM WASHINGTON—KEEPS THE PROCESS OF GINNING A SECRET, BUT A MAN DISGUISED IN FEMALE ATTIRE ENTERS THE GINNERY AND MAKES IMPORTANT DISCOVERIES—RIVALS CLAIMANTS—LAW SUITS OVER PATENT RIGHTS—WHITNEY REAPS LITTLE PROFIT OUT OF AN INVENTION WHICH WAS DESTINED TO FURNISH APPAREL FOR HALF OF THE HUMAN RACE AND TO RULE THE INDUSTRIAL ACTIVITIES OF THE GLOBE.

NOTES: WHERE AN IMPORTANT BATTLE WAS FOUGHT.

"Behold, in endless sheets, unroll
The snow of southern summer."

Thus sang the poet Timrod. Half of the human race is today clothed with fabrics spun from the South's royal staple, cotton, a product far richer in its intrinsic value than the golden fleece for which Jason went in search. Today cotton rules an empire broader in extent than the one over which hovered the imperial eagles of Rome. But, without a modest device for separating the lint from the seed, invented by Eli Whitney, in 1793, cotton might still be an Ishmaelite of the fields, an utterly worthless weed, with no part to play in the world's affairs, with no value as a commodity in the world's market.

Before the cotton gin was invented eight bags of cotton shipped to England in 1784 were seized on the ground that so much cotton could not be produced in the United States.* To quote the same authority from which we derive this statement, sea-island cotton was first raised on the coast of Georgia in 1786, the seed for this purpose having been obtained from the Bahama Islands. Two years later, Alexander Bissell, of St. Simon's, began to export sea-island cotton to England. The use of cotton, in the manufacture of cloth, on a somewhat crude scale, is credited by traditional accounts to a remote origin, but until compara-

tively recent times there were so many difficulties in the way of utilizing the plant with profit that its effect was hardly felt upon the industrial arts. It was first necessary to separate the lint from the seed, then to spin the fiber into thread, and then to weave the thread into cloth. Says an economic writer: "All of these operations a hundred and fifty years ago were performed by hand, but in the eighteenth century English inventors made machines to do the spinning and weaving, with the result that one man could turn out as much cloth as had a hundred with the old hand methods. These inventions naturally created a great demand for cotton, but the fact that a skillful worker could remove the seed from less than a dozen pounds of cotton in a day stood in the way of further development. Several devices were invented to overcome this difficulty, but it was reserved for a young man named Eli Whitney to perfect the simple and efficient machine which is now used. This invention revolutionized the economic history of Georgia and the other Southern States."

To separate the lint from the seed, in the case of sea-island cotton, was comparatively an easy matter, due to its long staple; but the cultivation of sea-island cotton was restricted to the sea-coast. It could not be grown on the uplands, where a short-staple variety of cotton was produced. For some time there had been in existence a machine for cleaning the long-staple cotton, but the short-staple or upland cotton had to be separated entirely by hand. This process was slow and tedious. It required a negro's entire time for a whole day to separate one pound of upland cotton. Where a large crop was planted, therefore, it became a serious proposition to get it ready for the market, requiring more hands to separate it under the shed than to gather it in the field. As a result, there was little profit to be realized from the cotton crop, down to the beginning of the last century; and even as late as 1791 only 399 bales of cotton were exported from all the United States.† The old spinning wheel played a fundamentally useful part in developing the cotton industry, but without some device for separating the lint from the seed, cotton could never have come to its coronation. It could never have been called king. To Eli Whitney's invention, therefore, cotton owes its seat of honor among the sceptered royalties.

One of the original cotton gins invented by Eli Whitney was for years in the possession of Judge Garnett Andrews, of Washington, Georgia. The old relic was a gift to the owner from Gov. Matthew Talbot, on whose extensive plantation, near Washington, not far from the present site of Smyrna Church, the first gin house in Upper Georgia, if not in the entire state, was erected. The old building still survives, in a fair state of preservation, though as late as 1903 it was used as a negro house. Miss Eliza F. Andrews, his daughter, retains the most vivid recollections of the old gin. During her girlhood days it occupied a place in the attic of the family homestead in Washington and many an hour was spent by her in the company of this quaint heirloom, when rainy weather kept the children indoors. The gin was eventually lost at an agricultural fair in Augusta, Georgia. The story told by Miss

* "History of Georgia," R. P. Brooks, p. 211.

† "History of Georgia," L. B. Evans, p. 139.

* "History of Georgia," L. B. Evans, p. 139.

Andrews is strictly authentic. It is the only account in existence which purports to give the inside facts of Whitney's great invention. Judge Andrews and Mr. Phineas M. Nightingale, a grandson of Gen. Nathaniel Greene, lived for years on adjoining plantations and it was from the latter that Miss Andrews received the account at first hand.

Eli Whitney, it will be remembered, at the time of inventing the cotton gin, was a guest in the widow Greene's household. The story as recalled from memory by Miss Andrews was reduced to writing years later. It was also verified by a letter dated January 20, 1892, from Mrs. P. M. Nightingale, then an old lady in her eighty-second year but with her mental faculties unimpaired. The maiden name of Mrs. Nightingale was Mary King. She was a member of the noted family of New York state and a charming old gentlewoman. Miss Andrews, the author of the following account, is a lady of rare gifts, widely known in the realm of letters. Her father, Judge Garnett Andrews, was one of Georgia's most distinguished jurists. The author wrote her first account of the invention for the *Scientific American*, sometime in the early '70s, after which she published in the *Augusta Chronicle*, on September 20, 1905, an article on the part played by Mrs. Miller in Whitney's great invention. It is no exaggeration to say that the cotton gin deservedly ranks among the foremost achievements of modern times. It riveted the institution of slavery upon the South and became the ultimate cause of the war between the states. Today more than half of the world's population depends upon fabrics, the manufacture of which has been stimulated and developed by the cotton gin. Says Miss Andrews:

"Eli Whitney, at the time of inventing the cotton gin, was a guest at Mulberry Grove, near Savannah, Georgia, the home of Gen. Nathaniel Greene, of Revolutionary fame. After the death of the general, his widow married Phineas Miller, tutor to Gen. Greene's children, and a friend and college mate of Whitney's. The ingenuity of the Yankee visitor, as exhibited in various amateur devices and tinkering about the premises, inspired the family with such confidence in his skill that, on one occasion, when Mrs. Miller's watch was out of order, she gave it to Mr. Whitney for repair, no professional watchmaker being within reach. Not long thereafter, a gentleman called at the house to exhibit a fine sample of cotton wool, and incidentally remarked while displaying the sample: 'There is a fortune in store for some one who will invent a machine for separating the lint from the seed.' Mrs. Miller, who was present, turned to Whitney and said: 'You are the very man, Mr. Whitney, for since you succeeded so well with my watch I am sure you have ingenuity enough to make such a machine.'

"After this conversation, Mr. Whitney confined himself closely to his room for several weeks. At the end of this time he invited the family to inspect his model for a cotton gin. It was constructed with wire teeth on a revolving cylinder. However, there was no contrivance for throwing off the lint after it was separated from the seed and it wrapped around the cylinder, thereby greatly obstructing the operation. Mrs. Miller, seeing the difficulty, seized a common clothes brush, applied it to the teeth, and caught the lint. Whitney, with delight, exclaimed:



RUINS OF AN OLD BARN NEAR WASHINGTON, WHERE ONE OF THE EARLIEST COTTON GINS WAS INSTALLED

"Madam, you have solved the problem. With this suggestion, my machine is complete."

The following letter from Mrs. Nightingale, widow of Phineas M. Nightingale, of Dungeness, corroborates in every particular the account given by Miss Andrews. It reads as follows:

"Brunswick, Ga., January 20, 1892.

"Dear Miss Andrews:

"I am very sorry not to have been able to send an earlier response to your letter about Mr. Whitney and the cotton gin. I do not remember much about the particulars of his visit to Savannah, but I am sure of a few things. Mr. Miller was the tutor of Mrs. Greene's children and Mr. Whitney was his friend, and it was during his residence in Mrs. Greene's house, near Savannah, that he undertook, at her suggestion, to invent a machine that would separate the sea-island cotton seed from the lint, more rapidly and effectively than by hand, which was a very slow process. Mrs. Greene and Mr. Miller were the first persons to whom he displayed his model. It lacked one thing—a contrivance to throw off the lint when separated from the seed. Mrs. Greene saw the want at once and, snatching up a clothes brush, she applied it to the teeth and caught the lint. Mr. Whitney was delighted. 'Madam,' said he, 'with your suggestion, my machine is complete.' Mrs. Greene married Mr. Miller and they built the Dungeness house, i. e., the original mansion finished in 1803. General Greene had selected the site and made arrangements for building before his death. With my kindest regards, I am,

Very truly yours,

"MARY K. NIGHTINGALE."

"The important part thus played by a woman in the history of the cotton gin is unknown, I believe, except as a family tradition, even in her own State. My father was also informed by a gentleman once connected with Whitney in business, that the latter obtained his first idea of the invention, from a machine used to prepare rags for making paper, which he saw on a wrecked vessel. Unfortunately for Mr. Whitney, the prediction with regard to the fortune in store for the future inventor of the cotton gin was not realized, for he was engaged in constant lawsuits against infringements of his patent rights, and lived and died poor. As a Georgian, I regret to say that his adopted State has never bestowed any substantial token of appreciation upon the inventor of a machine by which she has so largely profited. Tennessee, Alabama, and South Carolina, manifested their appreciation of his merits by substantial donations, while Georgia—with sorrow I write it—has been worse than silent, for her juries refused him verdicts to which the judges declared him entitled, against the violators of his patent.

"So uncertain was the enforcement of the patent laws in those days that Whitney resorted to the same expedient for the protection of his rights that, in medieval times, used to invite charges of sorcery and witchcraft; I mean the expedient of secrecy.

"About the year 1794 or 1795, Whitney established a ginnery at Smyrna about six miles from Washington, in Wilkes County, Georgia. This was one of the first, if not the very first cotton gin ever worked in

the State. Together with his partner, a man named Durhee, he erected at this place a large cotton store house, which in 1870 served as a barn for Mrs. Tom Burdett. The gin house had narrow grated windows so that visitors might stand outside and watch the cotton flying from the gin, without observing the operations of the machines, which was concealed behind a lower screen. On the occasion of a militia muster in the neighborhood, the rustic battalion was permitted to file through the house, while Whitney's gin was in operation, and see the flakes of cotton thrown off by the brushes, but no one was allowed to examine further.

Women were permitted by Whitney to enter his gin house and examine the machine, if they liked, as they were not supposed to be capable of betraying the secret to builders—an opinion for which modern females of the strong-minded school, will no doubt bear him a grudge—and not altogether without reason when we consider the material assistance he received from a woman in perfecting his invention. This fact of the free admission of women was used to advantage by Edward Lyon, a smooth-faced youth residing at a distance, to gain admission to Whitney's establishment, disguised in female attire. He communicated the secret to his brother John, who immediately set to work and produced his improvement on Whitney's invention, in the shape of the modern saw gin. The saws were made for him by Billy McFerrin, an Irish blacksmith in Wilkes County, who died some twenty-five or thirty years ago. This was the first gin ever made. The saws were constructed in semicircles and fastened around the cylinder in pairs, so as to form complete circles when finished.

"As early as 1797, a gin factory was established in Georgia by a man named McCloud, and Whitney's lawsuits against him were all unsuccessful. An old gentleman who purchased a gin from McCloud told my father years later that even then it worked as well as new. It was propelled by water, and ginned 2,500 pounds of seed cotton per day. Previous to this, the gin in ordinary use was an arrangement of two wooden rollers, revolving in opposite directions, which preceded Mr. Whitney's invention. It was worked by hand, and ginned only from 75 to 100 pounds per day, and a man had to be constantly employed in turning rollers, the friction burnt out so fast. This machine is still used in ginning the best qualities of sea-island cotton, the advantage being that it does not cut the staple as the saw gins do.

"The honor of having invented the first cotton gin is sometimes disputed with Eli Whitney in favor of Mr. Bull, a gentleman from Baltimore, who settled in Columbia County, Georgia, and introduced the saw gin there in 1795. He first used perpendicular saws, but afterwards changed them for circular ones in imitation no doubt of Whitney and Lyon. Mr. Bull was an enterprising and ingenious man, and the first to introduce iron packing screws into this State.* Costing from \$1,500

* Says Miss Andrews in a letter to the author: "The only iron packing screw of this kind I remember ever to have seen was still in use a few years ago on a plantation of Mr. Gabriel Toombs. I am inclined to think it was, if not one of those introduced by Colonel Bull, at least made upon his model, but for this I cannot vouch. I am trying to trace its origin, but without much headway, I fear. It is considerably smaller than the tall old wooden screws that were so common in my youth."

to \$1,800 these were so expensive that they were soon abandoned for the common wooden screw, now in general use on plantations. His invention of the perpendicular saw gin was—there seems to be no doubt—*independent of Whitney's*, though posterior to it, the latter having come into operation in 1793. Thus, though Eli Whitney failed to realize the profits of his invention, it seems clear that he must be left in undisputed possession of at least the barren honors."

Cotton in 1800 brought 24 cents per pound. There was a great fever among the upland farmers for experimenting with the new plant. It was found that most of the land in the rich Georgia midlands was admirably adapted to the cultivation of the short-staple cotton. All who could afford to do so began to purchase additional slaves and to acquire new lands. Thus an increased impetus was given to the state's development. Prior to the advent of the cotton gin, slavery had come to be burdensome but the enlarged area of planting operations now endowed it with fresh vitality and made its continuance essential. Whitney's invention wrought a wonderfully stimulating effect upon the industrial growth of the South, especially in the cotton-producing states. It caused new towns and cities to leap into life, as if by magic, galvanized those already in existence, called for more negro labor in the fields, started New England to building factories, and enlarged the princely holdings of the southern planter, making his fertile acres baronial in extent; but it committed the South to the ruinous policy of cultivating a single crop; it put an end to diversification; and eventually it riveted upon the South an institution destined within a half century to precipitate a revolution and to rend a continent—the institution of slavery.

WHERE AN IMPORTANT BATTLE WAS FOUGHT.—On October 17, 1793, the last engagement between the Cherokees and the whites in Upper Georgia occurred near the forks where the Oostanaula and the Etowah rivers meet at Rome. Human bones have been found in large numbers on this old battle-field. The fight here was occasioned by an attack of the Cherokee Indians upon Knoxville. General Sevier pursued the savages across the Tennessee line in Georgia, destroying numerous towns and villages along the way and finally engaging them in desperate battle near the site of the present city of Rome. So panic-stricken became the Indians, under the galling fire of the American guns, that they are said to have dug holes in the river bank, in which to secrete themselves. But they could not elude the wily Tennessean; and these places of refuge became little more than catacombs, in which the fugitive Indian found only a grave for his bones. General Sevier was supported in this expedition by Col. John Lowry, who was wounded in the arm while watering his horses at the ford of the Coosawattee. Hugh L. White, afterwards a senator from Tennessee and a candidate for President of the United States, was in this engagement.—L. L. K.

CHAPTER VI

GEN. ELIJAH CLARKE'S TRANS-OCONEE REPUBLIC—AN EPISODE OF GOVERNOR MATHEWS' ADMINISTRATION—WEARY OF INCESSANT TROUBLES ALONG THE EXPOSED BORDER, GENERAL CLARKE ADOPTS A NOVEL COURSE—TAKES THE LAW INTO HIS OWN HANDS—HIS ORIGINAL PLAN, HOWEVER, WAS TO RECOVER LOUISIANA FOR FRANCE AND TO SEIZE FLORIDA—WON BY THE FRENCH EMISSARY, GENET, HE ACCEPTS A COMMISSION IN THE FRENCH ARMY—GENERAL CLARKE A MORTAL ENEMY OF SPAIN—WASHINGTON'S SUSPICIONS AROUSED—RESOURCES INADEQUATE, THE SCHEME PROVES ABORTIVE—BUT FINDING HIMSELF AT THE HEAD OF AN ARMED FORCE, GENERAL CLARKE ENTERS THE TERRITORY OF THE INDIANS—SEEKS TO FORM AN INDEPENDENT NATION—PUBLIC CENSURE CONDEMNS GENERAL CLARKE—JUDGE WALTON'S CHARGE TO THE GRAND JURY OF WILKES—THE WAR DEPARTMENT TAKES A HAND—GENERAL CLARKE'S DESIGNS ARE SET FORTH IN A PROCLAMATION ISSUED BY GOVERNOR MATHEWS—GENERAL TWIGGS IS SENT TO ARREST GENERAL CLARKE—BOTH PATRIOTS OF THE REVOLUTION—GENERAL CLARKE VOLUNTARILY SURRENDERS—BUT NO LEGAL ACTION IS TAKEN—THOUGH HIS REPUTATION WAS BEDIMMED BY THIS EPISODE OF HIS LAST DAYS, THERE WAS DOUBTLESS NO INTENT TO COMMIT AN ACT OF TREASON—COLONEL CHAPPELL'S OPINION—BURIAL PLACE OF GENERAL CLARKE RECENTLY DISCOVERED.

During the year 1794, when Governor Mathews occupied the executive chair, there occurred in this state an episode to which the historians have seemingly attached little importance; but it possesses a flavor of intense human interest, if not a bearing of any great value upon the future course of events. We call it an episode because it ended in failure; but had it succeeded there is no telling to what extent it might have influenced the current of history. Gen. Elijah Clarke, of the Revolution, who at this time was well advanced in years but still full of the martial spirit, conceived the idea of organizing an independent government on the west side of the Oconee River, in what was then the domain of the Creek Indians.

General Clarke was undoubtedly a patriot. In the drama of independence, he had played a most heroic part, having been chiefly instrumental in the overthrow of Toryism in upper Georgia; and if his fame as a fighter was eclipsed in some measure by this exploit of his later life it was because the precise nature of his enterprise was not fully understood by his critics. He contemplated nothing akin to treason. The collapse of his splendid scheme exposed him to consequences such as failure invariably entails; but in sheer justice to the stern old warrior

it must be said that when the proper time came he fully expected to annex his republic to the State of Georgia.

General Clarke was weary of incessant troubles along the exposed frontier. To put an effectual quietus upon the Indians and to solve by the sword a problem which was dark with menace to the peace of thousands, became his fixed resolve; and, while it was born of a sudden impulse, it gripped him with the power of a divine inspiration. Trained in the use of weapons, he preferred, like a true frontiersman, to argue a disputed point by resort to arms rather than by appeal to reason. Besides, during the unsettled period which followed the Revolution, force was still a greater power than law.

But the entry of General Clarke upon the territory of the Indians formed no part of his original intentions. He sought in the beginning an altogether different object. When the French emissary, Genet, came to this country, in 1794, to arouse popular hostility toward Spain, he found General Clarke a sympathetic listener. Moreover the latter, whose hatred of the Spaniards amounted to an obsession, was easily prevailed upon to accept a commission from France in a campaign, the declared purpose of which was to seize Florida and to recover Louisiana. As it happened, the resources granted him for this purpose were wholly inadequate, and the scheme itself proved abortive; but, finding himself at the head of an organized force, on the borders of Georgia, he cast his eyes toward the fertile lands beyond the Oconee River; and, into the meshes thus invitingly spread by the tempter, General Clarke fell.

There was no thought of treason to Georgia involved in this scheme of conquest. But he acted in an arbitrary manner, without consulting the state authorities, and in bold defiance of treaty agreements. Col. Absalom H. Chappell, an accurate historian, has given us a full account of the whole affair; and, while he does not uphold the general's course, he acquits him of any wrongful intent. The following review of one of the most dramatic episodes in the history of our state is summarized from Colonel Chappell's graphic account. After giving us a sketch of Alexander McGillivray, the wily half-breed chief, who commanded the Creeks at this time, he then turns to General Clarke. Says he:

"On the civilized side [i. e., of the Oconee War], there was also a prominent representative character whom we should not overlook: a nobly meritorious yet unhappily, before the end of his career, a somewhat erring soldier and patriot—General Elijah Clarke. The very military reputation which he had brought out of the Revolution made him the man to whom all the upper new settlements looked as the most competent of leaders and the most fearless of fighters. There never failed to come trooping to him, at his bugle call, from field and forest, bands of armed men, at the head of whom he would repel incursions and pursue and punish the flying foe even in the distant recesses of his wild woods. To be forward and valiant in defending the settlements from the Indian tomahawk was, in those days, a sure road to lasting gratitude and admiration.

"But destiny, which had hitherto been his friend, began at length to be his enemy and to impel General Clarke into improper and ill-starred but not ill-meant courses. His first error was in lending himself to the schemes of the mischief-making French minister, Genet; his next in

setting on foot the Oconee Rebellion, as it was called—missteps, both of which were owing rather to accidental circumstances at the particular time than to any intentional wrongdoing on his part.

"Genet was worthy to represent such a crew as the Jacobins under Robespierre; and he became drunk with the wild unschooled spirit of liberty. Nowhere did he meet with more encouragement than in South Carolina, due to the Huguenot element in the south of the State. The strong feeling of French consanguinity added force to the universally prevalent sentiment of gratitude to France as our ally in the Revolution. General Clarke's strong and bold nature sympathized with France. Genet wanted to seize Florida and to recover Louisiana from the Spaniards. He therefore presented the matter to General Clarke. The latter was not a diplomat, but a frontiersman, who was more familiar with woods than with courts, and who saw nothing whatever in the way of international complications. He disliked Spain as much as he loved Georgia. She was the ancient enemy of his State. He sought to render a patriotic service—for which reason he accepted the commission.

"Commissions for subordinate officers were likewise placed in his hands. He was given money and means also, but in too limited an amount for so great an enterprise. His authority was everywhere recognized by French emissaries, and from the Ohio to the St. Mary's, his orders were obeyed in the making of preparations. Men thronged to him from South Carolina and Georgia, fired by the splendor of the project and the renown of the leader. The points of rendezvous were principally along the Oconee. Nor did the Indians manifest any hostility toward the adventurers, for they were ancient friends of the French, with whom they were allied in the French and Indian Wars.

"But the enterprise never reached the stage where General Clarke was to stand forth, truncheon in hand, the avowed leader. Washington's administration was too strong and vigilant for Genet. Our obligations of neutrality toward Spain were fully maintained. The recall of Genet was demanded. Of course, the consequences were disastrous to General Clarke. He was left standing, blank, resourceless, aimless, on the Indian side of the wilderness."

It was in these untoward circumstances that General Clarke, with his men, in May, 1794, began to bestow thought upon the Indian territory, where already they saw themselves quartered in arms. Nor did they think long before they took the overstrong resolution of seizing upon the country and of setting up for themselves an independent government. No scruples or impediments deterred them. To a man, they regarded the country as lost to Georgia by the perpetual guarantee made to the Indians by the Treaty of New York. A written constitution was adopted. General Clarke was chosen civil and military chief. A committee of Safety was organized, with law-making functions. But whether a name was ever bestowed on the infant state or whether it expired without baptism, no record or tradition remains to tell. Nor is there any

* Stevens and White both state that he was commissioned a major general in the French army, with a pay of \$10,000, but neither of them cites the documentary evidence on which this statement is based.

copy of the constitution now to be found. But in the first volume of the "American State Papers on Indian Affairs" there is preserved a letter from General Clarke to the Committee of Safety, dated Fort Mifflin, September 5, 1794, which places beyond doubt the adoption of the constitution and the other facts of organization.*

The new trans-Oconee Republic was too splendid a scheme for the petty numbers and resources of General Clarke's command. Stevens, in his history of Georgia, has mixed matters. He represents the Oconee war as eventuating in the French project, with which General Clarke became identified. On the contrary, it was the failure of the French project which led to the Oconee war.

In justification of General Clarke's course may be pleaded the animosity which had long prevailed between the State of Georgia and the Creek Indians. The latter had been the allies of the British. In the Treaty of Augusta, in 1783, they had ceded the Oconee lands, but had refused to let Georgia enjoy them. They kept no faith; and, during the next year, not only raised the warhoop again, but rushed into an alliance with Spain. Later they were parties to another treaty, by which they ceded the Tallahassee country, in the lower part of the state, only to repudiate it afterwards. Both at Augusta and at Galphinton, General Clarke had been one of the commissioners for Georgia. He was actuated less by the prevailing land-greed than by sagacious statesmanship, and he looked to a permanent preservation of peace with the Indians. Still another treaty had been signed at Shoulder Bone, in 1876. Yet the war had not ceased.

Such was the status of affairs when the new Government of the United States was launched in 1789 and Washington called to the helm. It was barely a year thereafter that the Treaty of New York was consummated, abrogating the other treaties and buying peace at the price of a retrocession of Tallahassee, in addition to a perpetual guarantee to the Indians, on the part of the United States, regardless of Georgia's paramount rights. Yet the Indian did not keep even this treaty, because it did not concede to them everything else which they claimed.

General Clarke was speedily overwhelmed by public censure and total discomfiture. National and state governments acted in concert against him and finally put him down. Governor Mathews, with his revolutionary laurels untainted at this time by the Yazoo fraud, thundered at the obnoxious general, prompted by Washington, who preferred wisely to remain behind the scenes and to be neutral where the authorities of the states were adequate to deal with the local situations. Judge Walton also condemned him in charges to grand juries, though in language of marked consideration and respect. These, however, were not sufficient. The next step was more decisive. The citizen soldiery were called out; and, to General Clarke's surprise, they promptly obeyed orders. As the storm thickened around him, there were none to come to his succor. Even his hosts of friends stood aloof. They could not

uphold him in violating the Treaty of New York, which the state was bound to respect.

It redounds to General Clarke's honor, however, that he no sooner became aware of the great error in which he was entangled than he abandoned it, ere he had shed a drop of blood. He never expected to raise his hand against any foe save the hostile Indians and Spaniards. This explains his ready and absolute submission when, in being assured that neither his men nor himself would be molested, he struck colors and disbanded his followers and returned, chagrined, to his home in Wilkes, on the approach of Generals Twiggs and Irwin, under the governor's order, with a body of the state troops.

In further defense of General Clarke it may be said that, with the Oconee River as a permanent guaranteed boundary between the State of Georgia and the Indians, it was clear to him that the state could never attain to much prosperity or importance, but must continue feeble and poor. Enlargement toward the west was what she needed to make her powerful. So he seized the opportunity which confronted him in 1794 of making himself master of the trans-Oconee territory by means of the French resources and preparations, to which he had fallen heir.

On July 28, 1794, at the suggestion of General Knox, secretary of war, Governor Mathews issued this proclamation:

"Whereas, I have received official information that Elijah Clarke, Esq., late a Major-General of the militia of this State, has gone over the Oconee River, with intent to establish a separate and independent government on lands allotted to the Indians for hunting grounds within the boundaries and jurisdictional rights of the State of Georgia aforesaid, and has induced numbers of good citizens of the said State to join him in the said unlawful enterprise; and whereas, such acts and proceedings are not only a violation of the laws of this State, but tend to subvert the good order and government thereof, I have therefore thought fit to issue this proclamation, warning and forbidding the citizens of the said State from engaging in such unlawful proceedings, hereby strictly enjoining all persons whatsoever who have been deluded to engage therein immediately to desist therefrom, as they will answer the contrary to their peril; and I do hereby strictly command and require all judges, justices, sheriffs, and other officers, and all other good citizens of this State to be diligent in aiding and assisting to apprehend the said Elijah Clarke and his adherents, in order that they may be severally brought to justice."

No sooner did Governor Mathews issue this proclamation against General Clarke than the latter reappeared in Wilkes and surrendered himself to the authorities; but after examining the laws and the treaties, both State and Federal, it was ordered by the court that Elijah Clarke be and is hereby discharged. The vote of the jury was unanimous. The effect was to embolden Clarke. Being pronounced guiltless of any offense, he recrossed the Oconee to his posts.

Thereupon the President authorized the governor to embody the militia and to call into service the Federal troops, if necessary, in order to disperse the settlers. Lieutenant-Colonel Gaither, of the United States army, was on hand to co-operate. Before Governor Mathews, in accord-

*"American State Papers, Indian Affairs," Vol. I, pp. 500-501, Library of Congress, Washington, District of Columbia.

ance with instructions, resorted to force, he once more tried the effect of negotiations and sent Generals Twiggs and Irwin to Fort Advance.

Says General Twiggs, in his official report: "I proceeded to the unauthorized settlement on the southwest side of the Oconee and, on the presentation of Georgia's claim, read the letter from the War Department, together with Judge Walton's charge to the Grand Jury of Wilkes and the law opinion of the attorney and Solicitor General. After a full explanation of the papers above recited, I entered into a friendly conference with him, pointing out the danger of the situation, but without effect. Lastly, I ordered them to move within the temporary lines between us and the Creek Indians; but after an interview with his men he answered that he preferred to maintain his ground. Troops, both State and Federal, were therefore concentrated at Fort Fidius, on the Oconee, and such a disposition made of them that General Clarke, upon promise of General Irwin of immunity if he should vacate the post, marched out of the place and the State troops took possession of the works. On September 28, they were set on fire, together with Fort Defiance, and several other garrisoned places were completely demolished."

On October 12, 1794, the governor informed the Secretary of War that the posts were burnt and destroyed, and the whole affair happily terminated without loss of blood.

Says the authority from whom we quote: "General Clarke was most unfortunate in these transactions of his last years. But because he fell into error, we cannot submit that his merits should be unduly shaded or shut out from view and his character transmitted to the future, aspersed with epithets of disparagement. He died, ranking to the last, among Georgia's most cherished heroes and benefactors. He was emphatically the Ajax Telamon of the State in her days of greatest trial. In weighing such a man—such a doer and sufferer for his country—indictments which might have crushed meaner persons are but as dust in the balance against the rich ponderous ore of his services, and we hasten to shed a tear on whatever may tend to soil his memory and to pronounce it washed out forever. Georgia has been blessed with many signal favors. But never has it fallen to her lot to have a son, native or adopted, whom she could more proudly boast and justly honor, or who has imprinted himself more deeply on her heart, than Elijah Clarke."

To the foregoing account of this affair, condensed from an article by Colonel Chappell, we need only to add that one of the counties of Georgia bears the name of this illustrious soldier of the Revolution. Athens, its county site, became the seat of the University of Georgia. On Broad Street, in the classic city, a handsome monument commemorates the achievements of the elder Clarke.* But the grave of the general is still unmarked. Until recent years it was in fact

* Erected by Elijah Clarke Chapter, Daughters of the American Revolution, Athens, Georgia.

unknown. Some of the members of the Clarke family lie buried in Wilkes County, near the battlefield of Kettle Creek. General Clarke was a resident of this county and a commanding officer in this battle. But a number of counties were subsequently formed from Wilkes, in any one of which he might have been buried. It is a matter of record, however, that he owned an extensive plantation in what is today the County of Lincoln; and, during the year 1912 a well-known genealogist,* while engaged in making researches, discovered the old soldier's will in the ordinary's office at Lincolnton. So putting these two things together—the finding of his will and the fact of his residence—there is little room for doubt that somewhere on what is today known as the Oliver plantation the mortal ashes of General Clarke lie entombed. It is true that White, in his "Collections of Georgia" states that the widow Clarke, some twenty-eight years later, was buried beside her husband at Woodburn; and while there is no such place in Lincoln known at present by this name, the same is equally true of Wilkes; and the probability is that it was merely the name which General Clarke, after the fashion of the period, gave to his Lincoln county plantation. At any rate, there is every reason to believe that in this locality rest the ashes of General Clarke, the most illustrious of all the soldiers of Georgia in the Revolution.

* Miss Helen M. Prescott, Genealogist, Joseph Habersham Chapter, Daughters of the American Revolution, Atlanta, Georgia.

CHAPTER VII

GEORGIA IN RATIFYING THE FEDERAL CONSTITUTION WAS NOT UNMINDFUL OF HER RESIDUARY RIGHTS—CLASHES WITH THE GENERAL GOVERNMENT—THE CASE OF CHISHOLM VERSUS GEORGIA IS FILED IN THE UNITED STATES SUPREME COURT—EDMUND RANDOLPH, OF VIRGINIA, MAKES A STRONG ARGUMENT AGAINST GEORGIA AND IS SUSTAINED BY A MAJORITY OF THE BENCH, JUDGE IREDELL DISSENTING—JUDGMENT IS ENTERED AGAINST GEORGIA BUT REMAINS UNENFORCED—MEANWHILE THE ELEVENTH AMENDMENT TO THE FEDERAL CONSTITUTION IS RATIFIED, PUTTING AN END TO ALL LITIGATION AGAINST A SOVEREIGN STATE—GEORGIA'S VICTORY, ONE OF PROFOUND AND FAR-REACHING EFFECT—BUT ANOTHER SENSATION IS SPRUNG—THE YAZOO FRAUD—HISTORY OF A MOST DRAMATIC EPISODE—ALL FACTS CAREFULLY WEIGHED IN JUSTICE TO BOTH SIDES—COL. N. J. HAMMOND'S OPINION—PROBABLY AN EXAGGERATED AFFAIR—ONLY A REAL ESTATE TRANSACTION, TO WHICH SOME OF THE BEST MEN IN THE STATE WERE PARTIES—GOVERNOR MATHEWS APPROVES THE YAZOO PURCHASE—HOW HE CAME TO SIGN THE BILL—HOW THE VOTE STOOD—JAMES JACKSON RESIGNS HIS SEAT IN THE UNITED STATES SENATE TO FIGHT THE YAZOO SPECULATORS—TAKES HIS SEAT IN THE LEGISLATURE—FEELING RUNS HIGH—NUMEROUS DUELS FOUGHT—THE RESCINDING ACT—SIGNED BY JARED IRWIN AS GOVERNOR—BURNING THE RECORDS BEFORE THE STATE HOUSE DOOR—FIRE CALLED DOWN FROM HEAVEN—AN OLD LEGEND—JAMES JACKSON BECOMES GOVERNOR—WATKINS' DIGEST—GOVERNOR JACKSON'S IRE IS AROUSED BECAUSE THIS DIGEST CONTAINS THE YAZOO ACT—HIS VINDICTIVE COURSE—MARBURY AND CRAWFORD'S DIGEST—YAZOOISTS APPEAL TO CONGRESS FOR REDRESS—GEORGIA AVOIDS FURTHER TROUBLE BY CEDING HER WESTERN LANDS TO THE FEDERAL GOVERNMENT—TERMS OF THIS CESSION—OUT OF THESE LANDS ALABAMA AND MISSISSIPPI ARE CARVED—THE PROBLEM OF QUIETING THE YAZOO CLAIMS TRANSFERRED TO THE FEDERAL GOVERNMENT—JOHN RANDOLPH OBSTRUCTS THE YAZOOISTS—ATTITUDE OF JEFFERSON—FINALLY IN 1810 THE YAZOO SALE IS HELD TO BE VALID—DECISION RENDERED BY CHIEF JUSTICE JOHN MARSHALL—MEANWHILE JAMES JACKSON DIES IN 1806 WHILE A SENATOR IN WASHINGTON—HIS DEATH THE RESULT OF WOUNDS RECEIVED IN DUELS.

When Georgia ratified the Federal Constitution on January 2, 1788, with a unanimity of sentiment and with a promptness of action far-reaching in its effect upon other states, she did not mean to imply by this attitude that she was careless of her residuary rights. The time was near at hand for Georgia to show exactly where she stood in this matter

and to emphasize in a serious clash with the United States Government her retention of every attribute of sovereignty which she had not in express terms surrendered to the Federal Government.

This forensic battle—for such it was—grew out of an issue involved in the celebrated case of *Chisholm versus Georgia* before the Supreme Court of the United States. At the August term of the Supreme Court in 1792, an action was brought by a Mr. Chisholm, of South Carolina, to recover a sum of money by suit against the State of Georgia. Due notice was served by the United States marshal upon the State of Georgia, through both her governor and her attorney-general. But these officers of the state refused to recognize the legality of the summons. They held that Georgia as a sovereign state could not be sued by a citizen, and consequently there was no legal representative to appear for her before the Supreme Court when the case was called.

Mr. Edmund Randolph, who was then attorney-general of the United States, moved a postponement of the case until the February term, 1793; and it was so ordered. At this time a written remonstrance was filed by the State of Georgia, protesting against the exercise of jurisdiction; but in accordance with express instructions the lawyers presenting this remonstrance made no arguments. Mr. Randolph, in requesting the court to enter judgment against the State of Georgia, launched into a profound discussion of the American system of government. He argued that while the states were sovereignties they might combine in government; that they had actually so combined in the Articles of Confederation; that, when these had proven ineffective, they had framed a Federal Constitution establishing a new order of things. Said he, in discussing further our form of government: "It derives its origin immediately from the people and the people are individually under certain limitations subject to the legislative, executive and judicial authority thereby established. The States are in fact assemblages of these individuals who are liable to process. I hold it therefore no derogation of sovereignty in the States to submit to the Supreme Judiciary of the United States." The court sided with Mr. Randolph.

Chief Justice Jay and Justice Wilson both made strong arguments for the national character of the system, established by the Federal Constitution in 1787. But Justice Iredell rendered a dissenting opinion, in which he supported the views held by Georgia's state officials. Said he: "Every State in the Union, in every instance where its sovereignty has not been delegated to the United States, I consider to be as completely sovereign as the United States are in respect to the powers surrendered. The United States are sovereign as to all the powers actually surrendered. Each State in the United States is sovereign as to all the powers reserved. It must necessarily be so, because the United States have no claim to any authority but such as the States have surrendered to them." Since the power to try suits against a state had not been expressly given to the general government he argued that such a power was not possessed by the Supreme Court of the United States.

* "United States Supreme Court Reports," Dallas, II, pp. 419-480; "Georgia and State Rights," U. B. Phillips, p. 24.

† "Georgia and State Rights," U. B. Phillips, p. 25.

On December 14, 1792, while the case was still pending, the Legislature passed a resolution declaring that litigation of this character "would effectually destroy the retained sovereignty of the States and would actually tend in its operations to annihilate the very shadow of State governments and to render them but tributary corporations to the government of the United States." To quote an eminent authority on constitutional law: "Here for the first time was announced the principle that the primary allegiance of the citizen is to the State, not to the nation, and that other principle, equally far-reaching, that the State is the judge of the constitutionality of its own acts. These are the bases upon which the theory of State Sovereignty is reared."* Governor Telfair, in a message addressed by him to the Legislature, in the fall of 1793, used language as strong as that contained in the resolution of 1792. The idea of bringing suit against a sovereign state was not to be tolerated.

Judgment was rendered against the State of Georgia at the February term of the Supreme Court in 1794. But Georgia had fully made up her mind to resist, realizing full well that no means of executing a judgment against a state was known to administrative law. Time was destined to vindicate her course.

The Federal Government did not seek to enforce its judgment. Meanwhile a senator from Massachusetts introduced a bill into Congress for a constitutional amendment; while the legislatures of Massachusetts, Connecticut and Virginia all proposed amendments of a like character. In due time an act was passed by Congress making this change in the Constitution and its ratification was announced on January 8, 1798.

Thus the judgment rendered against this state by the Federal Supreme Court, in the case of *Chisholm versus Georgia*, lay unenforced upon the court records until all such questions were finally removed from the cognizance of the court by the eleventh amendment to the Constitution of the United States. Says McElreath: "Thus Georgia won the first great fight of the nation for State Rights and wrote her victory into the fundamental law of the nation."†

But scarcely had the excitement incident to this litigation subsided before the state was stirred by a much greater sensation, viz., the Yazoo fraud. This issue was destined for years to disturb the peace of the state and to bequeath its memories of bitterness to remote generations. Governor Mathews had succeeded Governor Telfair at the executive helm and, though at first opposed to the Yazoo purchase, the stout old Federalist at length yielded to pressure, signed the bill alienating Georgia's western lands for a small sum of money and unloosed upon the state a sea of troubles, from the effect of which it took her a quarter of a century to recover.

Viewing the whole matter dispassionately and calmly at this late day it seems to us that entirely too much has been made of the Yazoo fraud, especially in its ethical aspects. But such was the odium which came in time to be attached to the whole affair that the one thing needed

* "Fess: Political Theory and Party Organization in the United States," pp. 27-28, quoted in "McElreath on the Constitution."

† "McElreath on the Constitution," p. 90.

to render a man obnoxious was to say that he was connected with the Yazoo fraud. For this revolution in public sentiment credit must be given to an individual who stood pre-eminent in the state at this time—the embodiment of its awakened conscience—Senator James Jackson. Divested of all the qualifying adjectives with which we are wont to speak of this transaction, it was nothing more or less than a deal in wild lands, with which some of the leading men of the state were connected. The Supreme Court of the United States adopted this view of the matter. Such was likewise the position taken by Hon. N. J. Hammond, in a strong paper read by him before the Georgia Bar Association at Warm Springs, on July 2, 1896. There never lived a man whose moral sense was more acute than Colonel Hammond's. He was not only a man of high character but a man of vigorous intellect, who had served the state as attorney-general and as member of Congress. In the national arena, Colonel Hammond was the recognized peer of men like John G. Carlisle and Samuel J. Randall. His paper before the Georgia Bar Association was read on the centennial anniversary of the Rescinding Act. He approached the subject, therefore, in an academic spirit. But Colonel Hammond, after carefully sifting and weighing all the evidence, was unable to escape the conclusion that Senator Jackson, a consummate political strategist, was merely playing to the grandstand in the dramatic fight which he made upon the Yazooists. But more of this later.

To obtain an adequate understanding of this dramatic chapter, we must go back to the Treaty of Paris. This instrument signed in 1783 left Georgia in nominal possession of an extensive area reaching back to the Mississippi River. But there were no white settlements in this western domain. Only a small portion of Georgia's territory lying east of the Oconee River was then occupied by the whites. There was quite a belt of land then known as British West Florida, but afterwards confirmed to Georgia, the titles to which were at this time disputed by Spain and also by the United States Government, as we have already seen in a former chapter. South Carolina likewise claimed these lands as a part of the territory described in her own charter. In fact the state's ownership of all these western lands according to Mr. Phillips consisted merely of the right to take possession of them after extinguishing the Indian titles.*

Moreover, these lands were of little value. It was long before the days of the iron horse, of the electric telegraph, and of the various modern agencies of expansion. In fact, most of the states considered it a wise thing to rid themselves of trouble for the future by ceding to the general Government as early as 1787 all claims held by them to western lands. But Georgia was not willing to make an unqualified gift of her unoccupied domain. She offered to surrender a belt of territory 140 miles in width, occupying the lower half of her territory west of the Chattahoochee. But conditions were attached to the offer. The state was to be confirmed in the ownership of lands which it did not cede and was to receive a reimbursement of \$171,428, money expended in buying the Indians. Congress rejected the offer of Georgia, but agreed to accept a cession, if all the lands west of the Chattahoochee

* "Georgia and State Rights," U. B. Phillips, p. 29.

were offered and if the conditions were suitably modified. Later, Georgia saw fit to adopt this course.

But for the present, without knowing exactly how she could turn these western lands to profit, she resolved at any rate not to relinquish them to the general Government. In 1789, four stock companies were formed for the purpose of acquiring these lands. They were called Yazoo companies, from the Yazoo River, which traversed a section of the territory sought to be purchased. The Legislature this year passed a bill, approved by Governor Walton, conveying to these companies 2,500,000 acres of land in this state, for a total sum of \$200,000. Indian titles were to be extinguished by the purchasers and all money was to be paid in two years. But the purchasers failed to comply with these terms and the agreement lapsed.

But the fever for land speculation was rife among the people of the United States. In 1794 new companies were formed. These sought to buy a much larger area of land. But Governor Mathews was opposed to the transaction; and, when a bill was passed, he returned it with his veto. For a time, this obstacle delayed the Yazooists. But the objections of the governor were finally overcome and he agreed, if certain changes were made, to approve a sale of Georgia's western lands, if a majority of the Legislature still favored such a transfer.

Accordingly, on January 7, 1795, an act was passed ceding to four companies 35,000,000 acres of land for \$500,000. The companies receiving this grant were: the Georgia Company, the Georgia-Mississippi Company, the Tennessee Company, and the Upper Mississippi Company. Under the terms of this act a domain of territory was conveyed almost as large as the present area of the State of Georgia. Deeming the sale unwise, on grounds of public policy, William H. Crawford presented a petition to the governor, signed by numerous citizens of Columbia County, Georgia. It is said that the governor's secretary—a young man named Urquhart—was so much opposed to the sale that when finally the bill was ready for signature he adopted a ruse. Making a pen, he first dipped it in oil and then gave it to the governor, hoping that when the ink failed to flow the governor would construe it as an omen and would thereupon refuse to proceed further. But the secretary's stratagem miscarried. Another pen was ordered and in due time the bill was approved.

At once there arose an issue between the State of Georgia and the Federal Government. The former's right to cede these lands was traversed, in view of the latter's outstanding guarantees and obligations to the Indian tribes. President Washington, on receiving news of the Yazoo sale, transmitted copies of the act to Congress, requesting that it be made a matter of rigid investigation.

But events were already transpiring in Georgia which were destined to result in a speedy repudiation of the act. Gen. James Jackson, then a United States senator, relinquished the toga, returned to Georgia, and began a campaign which was soon to fire the state into a blaze of virtuous indignation. In a series of articles, over the pen name of "Sicilius," he violently assailed the act. These articles appeared in the Savannah Gazette and in the Augusta Chronicle. Blis-

* "Story of Georgia and the Georgia People," George G. Smith, p. 174.

tering charges of corruption were made against every one connected with the transaction. To show what a citadel of entrenched wealth and influence Senator Jackson opposed, it is only necessary to cite a few names. Some of the prominent citizens who held stock in the Yazoo companies and who helped to finance the deal were: James Gunn, Senator Jackson's colleague in the United States Senate; Judge McAllister, Judge Nathaniel Pendleton, Thomas Glascock, Thomas Cumming, Ambrose Gordon, John B. Scott, John C. Nightingale, Wade Hampton, Zach Cox, and a Mr. Maher. These names are all given in Watkins' Digest.

Patrick Henry, of Virginia, and James Wilson, of Pennsylvania, were both connected with similar transactions.

Some of the unsuccessful bidders who made an effort to buy these lands were: Gen. John Twiggs, ex-Governor John Wereat, Col. William Few and Hon. William Gibbons. These were all men of the highest character. In consequence of the feudal enmities engendered by this campaign, Senator Jackson was forced repeatedly into the field of honor. He fought duels with Robert Watkins, with William Gibbons, with a United States commissioner by the name of James Seagrove and with perhaps a number of others. Let us investigate the records to see how the vote stood in the Georgia Legislature. After a heated debate in both branches, the Yazoo Act passed the House by a vote of 19 to 9 and the Senate by a vote of 10 to 8.*

Those voting for the bill in the House were: T. P. Carnes, Mr. Longstreet, Mr. Gindrat, Mr. Lachlan McIntosh (not the General), Mr. Gresham, of Greene, Mr. Mowbray, Mr. Gilbert, Mr. Moore, Mr. Howell, Mr. Musgrove, Mr. Hardin, Mr. Watkins, Stephen Heard, Mr. Worsham, Thomas Heard, Mr. Wilkinson, Mr. King, Mr. Rabun, and George Walker. Total, 19.

Opposed to the bill in the House were: George Jones, David B. Mitchell, John Jones, Mr. McNeal, Clement Lanier, Mr. Shepherd, J. B. Maxwell, and two others. Total, 9.

Those voting for the bill in the Senate were: Mr. King, Mr. Wright, Mr. O'Neal, Mr. Wylie, Mr. Walton, Mr. Hampton, Mr. Cauthon, Mr. Gresham, Mr. Thomas and Mr. Mann. Total, 10.

Opposed to the bill in the Senate were: Mr. Milledge, Mr. Lanier, Mr. Morrison, Mr. Irwin, Mr. Blackburn, Mr. Pope, Mr. Mitchell, and Mr. Wood. Total, 8.

Every member of the Legislature who voted for the bill was charged with bribery. To quote Dr. George G. Smith, not only a distinguished antiquarian but a devout Methodist preacher: "There was a color of truth to this charge when it was found that all who voted for the sale did have shares of stock in the land company, except one man, Robert Watkins." But he further adds that the governor who signed the bill was never accused of being a participant in the profits. Nor was it ever proved, according to Doctor Smith, that a single member of the Legislature voting for the bill had not paid a fair price for his stock.

Feeling ran high. Governor Gilmer narrates an occurrence which shows how bent the people were upon punishing the offenders. An indig-

* Ibid., p. 172.

nation meeting was held in Oglethorpe County soon after the famous Yazoo Act was passed, and one of the citizens on his way to the courthouse stopped by to get a friend. He chanced to meet him at the gate, and, seeing that he carried a rope, he inquired:

"What is that for?"

"That is to hang Musgrove with," he replied; and he looked Spanish daggers as he delivered himself of this information.

But Musgrove, who was one of the offending members of the Legislature of 1795, escaped the noose. He managed to catch some wind of what was intended, and in this way succeeded in eluding Judge Lynch. The crowd at the courthouse, however, was more than ready to dispatch him; and he was lucky to have found an asylum. In May, 1796, a convention of the people condemned the sale and urged the next Legislature to rescind the obnoxious act. Senator Jackson's relentless opposition inspired this action. It was also the chief factor in arousing the state in a frenzy of excitement. The Yazoo sale became the dominant issue in Georgia at this time, overshadowing every other question before the people. To rescind the obnoxious act became the objective of a most relentless crusade. On this issue, Jared Irwin, a Scotch-Irishman, born in North Carolina, who was both a patriot of the Revolution and a man of spotless reputation, became a candidate for governor. On this issue, a State Legislature was chosen with an overwhelming preponderance of its members opposed to the sale, including James Jackson himself, who took his seat in the House as a member from the County of Chatham.

In February, 1796, the newly elected State Legislature passed its famous Rescinding Act, to which Governor Irwin's signature was duly attached, declaring null and void the Act of 1795 and repudiating in toto the Yazoo sale. It was then decided to commit to the flames every record, document and paper in any wise connected with this transaction.

There is, perhaps, nothing more dramatic in Georgia's history than the scene enacted in front of the old capitol building, in Louisville, when the records of the Yazoo conspiracy were burned. The traditional accounts of this affair are somewhat variant. We will first give the story which is told by Doctor White.* Says he: "This was executed in a solemn manner. Tradition informs us that when the public functionaries were assembled in the State House Square, in Louisville, to commit the registers of dishonor to the flames, a venerable old man, whose head was whitened with the frosts of four-score winters, unknown to any present, rode through the multitude, and made his way to the officers of the government. Alighting from his horse, he commenced an address, in which he stated that he had been led there by a desire to see an act of justice performed; that he did not think that earthly fire should be employed to manifest the indignation which the occasion required, but the fire should come from heaven. With his trembling hands, he took from his bosom, whilst a deathlike silence prevailed amidst the throng, a burning glass; and, applying it to a heap of papers, the conflagration was completed. Meanwhile the old man retired unperceived, and no traces of him could afterwards be found."

* "White's Statistics of Georgia," p. 347, Savannah, 1849.

Though Doctor White narrates the foregoing legend, he does not vouch for it, and there is an atmosphere about the account which makes it savor of myth. The accepted version is this: After deciding to commit to the flames the various documents involved in the Yazoo transaction there was an adjournment of the Legislature to the area of ground directly in front of the State House, where the impressive ceremonial was planned to occur. In calling down the fire of heaven to consume the mass of papers, a sun glass was used, but it was held in the hand of Governor Jackson himself. This version is corroborated by an old picture which Prof. Lawton B. Evans has reproduced in his "School



BURNING THE YAZOO ACT

GON JARED IRWIN SIGNED THE RESCINDING YAZOO ACT FEB 13TH 1796
AND THE YAZOO FRAUD PAPERS WERE BURNED BEFORE THE CAPITOL
FEB 15TH 1796 GON IRWIN STANDS JUST BEHIND THE MESSENGER WHO HOLDS THE PAPERS

History of Georgia," a picture based upon the recollection of Mr. William Fleming, of Louisville, who witnessed the affair. If we can imagine the picture before us—its features are these: The man with the burning-glass in his hands is James Jackson; next to him stands Thomas Glascock; then John Milledge. The man on the right is William Few, while Jared Irwin stands behind the messenger. David B. Mitchell stands behind Jackson, and Peter Early behind Few. Benjamin Taliaferro, David Meriwether, and David Emanuel were also present on this occasion.

Without seeking to detract from the just merits of an illustrious Georgian, who is entitled to full credit for having thwarted the designs

of the speculators, Colonel Hammond, to whom we referred in the beginning of this chapter, was clearly of the opinion that entirely too much had been made of this episode by historians, and that Senator Jackson's use of a sun-glass to call down fire from heaven was a fine theatrical performance, which, if not so intended, could hardly have been staged



JAMES JACKSON

Governor and United States Senator: An Implacable
Foe of the Yazooists

in ignorance of its political effect. Had the purchase price been \$800,000, instead of \$500,000, Colonel Hammond is inclined to believe that we would never have heard of a Yazoo fraud.

Small as was the consideration involved in the transfer, he cites the fact that in 1625 the whole of Manhattan Island, on which New York is now situated, was purchased from the Indians for only sixty guilders, or less than \$25; and he is disposed to think that the sale of the wild

western lands might not have been an unmixed evil, since the plan of having them colonized in large bodies offered superior advantages in some respects to the policy of dividing them into small parcels as required under the new constitution of 1798. To show further that the sum involved was in itself no indication of fraud, as land was then valued, he cites the mere song for which the whole vast Territory of Louisiana was acquired by President Jefferson in 1803 from the Emperor Napoleon.

James Jackson became the popular hero. In 1798, he succeeded Jared Irwin as governor of the state. While occupying the executive chair, he refused to draw a warrant in favor of George and Robert Watkins, who had just completed a digest of the laws of Georgia, to which the state was a subscriber. This was the earliest compilation of Georgia's statutes. But the Watkins Digest contained the forbidden Yazoo Act; and, though it carried the Rescinding Act also, it was still obnoxious to Governor Jackson. He, therefore, remained obdurate. Regarding the Yazoo Act as a usurpation, he did not wish to see it monumentalized. Because of Governor Jackson's unsparing opposition, the Watkins Digest was never given legislative adoption, though a small appropriation was afterwards voted.

Capt. Horatio Marbury, then secretary of state, with two other commissioners, was subsequently authorized to make a digest. William H. Crawford and George Watkins were named to assist him; but the latter, on account of his aggrieved feelings, declined to serve on this commission. Marbury and Crawford prosecuted the task alone; and in due time completed the undertaking. It is known to this day as "Marbury and Crawford's Digest of Georgia Laws."

Governor Jackson, though devoid of fear, was not without vindictiveness. He showed no quarter to his enemies. Pursuing an old grudge, he caused Colonel Watkins to be put under arrest and tried before a court-martial for having taken without the consent of the commander-in-chief—himself—certain old Indian guns belonging to the Augusta arsenal, with which Watkins armed his militia on muster day. When Maj. John Berrien, a Revolutionary patriot, then treasurer of the state, was victimized by a dishonest clerk, who made way with some of the funds offered to the state by the Yazoo purchasers, Governor Jackson marked him for sacrifice. It was proof to his mind of complicity with the Yazooists. Major Berrien made the loss good. But Governor Jackson insisted on a trial of impeachment, the result of which was, of course, a vindication for the treasurer.

But the Yazoo fraud did not become at once a closed incident. Growing out of the Act of 1796 to rescind the sale, there was no end of complications. Georgia stood by her guns and in the Constitution of 1798 wrote her repudiation of the sale into the state's organic law. All money received for the land was ordered to be returned to purchasers or held subject to demand.

Meanwhile Congress began to investigate the claims of Georgia to these western lands. It will be remembered that President Washington had addressed a communication to Congress on this subject. Protests from purchasers began to furnish an additional spur. Those who had bought these lands sought redress. The Royal Proclamation of 1763 was

cited as showing that all lands lying westward of the fountain heads of rivers flowing into the Atlantic were reserved to the crown of England and exempted from Georgia's grant. On the other hand, under the Treaty of Paris, in 1783, Georgia remained in undisputed possession of all her western lands, so far at least as England was concerned. But the Federal Government itself was a claimant to at least a part of this domain; and in 1798 Congress passed an act providing for a government of the Mississippi Territory, without waiting for an expression of consent from the state authorities. Georgia filed a remonstrance to this action; but there was no redress. Finally to make an end of matters, Georgia was forced into ceding to the general government all of her western lands. The conditions of this grant which conveyed to the Federal Government a domain containing 80,000,000 of acres were as follows:

1. Georgia was to receive from the United States Government out of the proceeds arising from a sale of these lands the sum of \$1,250,000.
2. All persons settled in this territory were to be given valid titles by the United States Government.
3. These ceded lands were to constitute a public domain for the benefit of all the states, to be disposed of as other public lands.
4. The Federal Government at its own expense was to extinguish for the use of Georgia all Indian titles to the remaining lands unceded. This was to be peaceably done, and on terms just to all parties, but with the utmost dispatch consistent with these restrictions.
5. These ceded lands were to be erected into a state and admitted into the Union whenever the requisite population of 60,000 inhabitants was reached.

This treaty of cession was consummated on April 24, 1802, and out of the territory thus acquired were afterwards erected the states of Alabama and Mississippi.

Georgia was represented in this important transaction by the following commissioners: Abraham Baldwin, James Jones, Benjamin Taliaferro, and John Milledge.

At the same time, the United States Government ceded to Georgia a twelve-mile strip, on her northern border, thus making the thirty-fifth parallel of latitude the state's boundary line on the north.

Without delay, all money paid into the state treasury by the Yazoo purchasers was transferred to the United States Government, thus ending Georgia's connection with the Yazoo litigation.

It was further stipulated in the above agreement that a treaty was to be made with the Creek Indians at once, looking to a cession of land; and this promise was redeemed at Fort Wilkinson within a few months, at which time two bodies of land were acquired, one west of the Oconee River, and the other extending in a belt from the Altamaha River to the St. Marys.

To quote Mr. Phillips, the chief immediate effect of this cession of Georgia's western lands was to place within the sphere of the Federal Government the whole problem of quieting the Yazoo claims. Georgia was relieved of this problem; but to the Federal Government it continued for years to be a source of endless contention. Congress was divided on the question of giving relief to the Yazoo complainants. President

Jefferson did not think these claims valid but on grounds of policy favored some plan of conciliation. John Randolph, of Roanoke, took the ground that any interference by the Federal Government in the matter would constitute an infraction of the rights of Georgia; and in this contention he was upheld by a majority sentiment. Georgia's delegation in Congress, led by the dauntless Troup, stubbornly fought the claims of the Yazooists.

But, on February 16, 1810, Chief Justice John Marshall rendered a decision in the case of Fletcher versus Peck, in which the validity of the Yazoo sale was held. As a result of this decision the rights of claimants were established. Randolph, with a majority behind him, still delayed matters but in 1814 an act was passed appropriating \$5,000,000 with which to quiet the Yazoo claims; and so at last this hideous nightmare was ended. General Jackson, the relentless foe of the Yazooists, had been in his grave for eight years, dying, while a senator, at the seat of government. He passed away, on March 19, 1806, at the age of forty-nine, and his ashes lie entombed in the Congressional Cemetery, on the banks of the Potomac. Enfeebled by wounds received on the field of honor, Senator Jackson paid with his life the penalty attaching to his fiery crusade against the Yazooists; but he did not reckon with consequences when Georgia's honor was at stake. Life's fitful fever o'er, here peacefully until the resurrection sleeps Georgia's modern Prometheus.

CHAPTER VIII

LOUISVILLE BECOMES THE CAPITAL OF THE STATE IN 1795, WHEN THE YAZOO AGITATION IS AT ITS HEIGHT—HOW LOUISVILLE BECAME THE SEAT OF GOVERNMENT—GEORGIA'S FIRST PERMANENT CAPITAL—FEDERALS AND REPUBLICANS—PARTISAN POLITICS—GEORGIA AT FIRST INCLINED TOWARD FEDERALISM BUT ALIENATED BY SUIT OF CHISHOLM VERSUS GEORGIA IN THE SUPREME COURT—ALSO BY GOVERNMENT TREATIES MADE WITH THE INDIANS IN NEGOTIATING WHICH GEORGIA WAS UNREPRESENTED—FEDERALISM GRADUALLY DECLINES—NEW COUNTIES CREATED IN 1793—SCREVEN—OGLETHORPE—HANCOCK—MONTGOMERY—MCINTOSH—BRYAN—WARREN—THE PINE BARREN FRAUDS—THE CONSTITUTIONAL CONVENTION OF 1795—LIST OF DELEGATES—DUE TO POPULAR EXCITEMENT, AN EARLY ADJOURNMENT IS EFFECTED—FEW IMPORTANT CHANGES—FOUR NEW COUNTIES CREATED BY THE LEGISLATURE OF 1796—BULLOCH—JACKSON—JEFFERSON—LINCOLN—GEORGE WALTON IS AWARDED THE TOGA BY APPOINTMENT TO SUCCEED JAMES JACKSON—THE LEGISLATURE OF 1796 ELECTS JOSIAH TATNALL—ABRAHAM BALDWIN IN 1799 SUCCEEDS JAMES GUNN—GEORGIA'S ELECTORAL VOTE IN 1796 CAST FOR JEFFERSON AND CLINTON—MEMBERS OF CONGRESS DURING THIS PERIOD.

To complete the story of the Yazoo Fraud we have been obliged to anticipate many developments which have carried us beyond the period of Georgia's history to which this section is devoted. Let us now retrace our steps. While popular excitement over the Yazoo transaction was at its height, the seat of government was transferred from Augusta to Louisville, after having remained in the former town for a period of ten years.

The celebrated Yazoo Act of 1795 was passed at the last session of the Legislature to meet in Augusta.

The equally famous Rescinding Act was passed at the first session to convene at Louisville.

At the close of hostilities with England the center of population in Georgia was found to be somewhere in the neighborhood of Galphinton, on the Ogeechee River; and such was the inconvenience experienced by residents of the up-country settlements in reaching Savannah, a town on the remote sea-board, that the desirability of transferring the seat of government to some point further inland became a topic of discussion.

On January 26, 1786, when the Legislature met in Augusta, the following commissioners were appointed to select a location: Nathan Brownson, William Few, and Hugh Lawson. They were instructed to find a site, "most proper and convenient," for the end in view, whereon

to erect public buildings; and, by way of further stipulation, was added the clause, "provided the same shall be within twenty miles of Galphin's Old Town." On fulfillment of these conditions, they were authorized to buy 1,000 acres of land and to lay out a part thereof in a town, "which should be known by the name of Louisville."

However, it appears that little progress was made toward putting this measure into effect for several years. There were various difficulties to be overcome but finally in the Constitution of 1795 the new town was designated as the permanent capital. The demoralized condition of the state, due to the bitter hand-to-hand struggle with poverty, in the years which immediately succeeded the Revolution, was doubtless the chief cause for the delay. Says a local historian: "The first Legislature, under the Constitution of 1777, assembled in Savannah." It assembled there partly because the royal governors had always lived there and partly because it was the largest town in the State. But Savannah was never officially proclaimed the capital. In December, 1778, Savannah was captured by the British and from then until January, 1784, the Legislature met at Augusta, with the exception of two terms, one of which convened at Heard's Fort, in Wilkes county, and the other at Ebenezer, in Effingham county. In January, 1784, the Legislature again met in Savannah. But the people in upper Georgia had now discovered the great convenience of having the capital in Augusta. Accordingly for the next two years there was constant agitation. Hence the act in 1786 to appoint commissioners to lay off a town within twenty miles of Galphin's Old Town, and to see to the erecting of buildings for the use of the government. There were delays, due to the lack of funds and to the death of the contractor in charge of the work, and the buildings were not finally completed until March, 1796. The state-house then erected in Louisville was the first one ever erected by the state. It was near the center of the town, which was modeled upon the plan of Philadelphia, with broad streets running northwest and southeast, and northeast and southwest. The first session of the Legislature was held in Louisville in 1796. It is not known exactly when the last session was held there, but a report of the Acts of the Legislature, printed in Louisville, in 1805, records an act passed at Louisville, December 2, 1804, 'to make the town of Milledgeville the permanent seat of government of this State and to dispose of a certain number of lots therein.' Louisville must, therefore, have been the capital as late as 1805, as it evidently took months at least to erect the buildings and to prepare the town of Milledgeville for the purpose.

"When the capital was removed to Milledgeville, the state-house was turned over to the county of Jefferson. It was used for some years as the county court house but finally it became so dilapidated that it was necessary to replace it with another. This, in 1894, was in turn replaced by one of the handsomest court buildings in the State, at a cost of \$50,000. Louisville was not very prosperous after the capital was changed to Milledgeville, until the Louisville and Wadley Railroad was built about 1875, connecting the town with the Central. Ever since then the

* William W. Abbott, Jr., in the October, 1910, number of the Georgian, a college magazine published at Athens, Georgia.

town has been fairly prosperous, a statement attested by the fact that it supports two banks, has an oil mill and a guano mixing plant, and does a good mercantile business. The population of the town is about 1,500." To the foregoing resume it may be added that the Louisville Gazette, founded in 1796, was one of the pioneer newspapers of Georgia. The handsome oak press used in publishing the Gazette was bought in England. It was afterwards sold to the Georgia Messenger at Macon. According to a local authority,* when the present courthouse was built an excavation was made which disclosed the foundation of the old state capitol; and by a singular coincidence, this corresponded exactly with the plans for the new edifice.

Political sentiment, during Washington's administration, was broadly divided into two parties: Federalists and democrats. The latter in these days styled themselves republicans, but they were staunch followers of Thomas Jefferson, were opposed to the centralizing tendencies of the Government, and were strong supporters of home rule. Federalism was never numerically very strong in Georgia; though a vigorous organization might have been effected, had the course of events been differently shaped. Georgia's need of protection predisposed her on entering the Federal Union to support a strong central government and inclined her to principles advocated by the federalists; but Georgia became estranged from the party when the Federal Government began in 1790 to negotiate treaties with the Indian tribes on her soil—and to confirm these tribes by solemn guaranties in the possession of certain lands without inviting her to participate in these conventions. The neighboring State of South Carolina was a stronghold of federalism; but while the rich Charlestonians, led by Pinckney, were pronounced federalists, the Savannah aristocrats led by Jackson, were staunch democrats. Georgia's indifference to federalism was accentuated into a stronger feeling when a citizen of South Carolina sued the state. It will be remembered that in this famous case known as the suit of Chisholm against Georgia, the Supreme Court of the United States sustained Chisholm; but the judgment was not enforced and in 1799 this issue was forever removed by the Eleventh Amendment to the Federal Constitution. The result of all this litigation was to make Georgia more than ever tenacious of her sovereignty and to put the emphasis of her political creed upon State Rights. Consequently federalism in Georgia was short-lived. Gen. George Mathews, a federalist, was strong enough to secure the governorship twice, but he was a popular man in the up-country, independent of his politics. For years, there were a few scattering federalists in Georgia, some of them men of means, but as a political factor federalism ceased almost entirely to exist when democracy triumphed in Jefferson's election to the Presidency in 1802.

Streams of immigrants pouring into Georgia during this decade rapidly increased the state's population. Most of these new settlers came from Virginia and North Carolina to occupy the virgin soil of Georgia's rich uplands. But some of them settled further to the South. When the Legislature met in 1793 there was a great demand for new counties, coming from settlers on the frontier belt. The counties created at this

* Judge W. L. Phillips, of Louisville, Georgia.

session were: Screven, Oglethorpe, Hancock, Montgomery, McIntosh, Bryan and Warren.

To glance rapidly over these: Screven was laid off from Burke and Effingham and named for Gen. James Screven, an officer of the Revolution, killed in a skirmish at Midway Church. Jacksonboro was the original county-seat; but the seat of government was afterwards changed to Savannah. Some of the settlers were men of ample means, who acquired extensive tracts of land.

Oglethorpe was laid off from Wilkes and named for the illustrious founder of the colony, General Oglethorpe. Lexington, the county-seat, was named for the famous town in Massachusetts which witnessed the opening fires of the Revolution. Lexington, Georgia, became one of the state's historic towns, a center of wealth, refinement and thrift in antebellum days. Here was the home of Governor Gilmer, of the two Lumpkins, Wilson and Joseph Henry, of William H. Crawford, of Stephen Upson, of Thomas W. Cobb, and of many other noted men. Here we find the oldest Presbyterian church in the synod of Georgia, founded by Rev. John Newton, in 1785. Most of the early settlers of Oglethorpe came from Virginia and were tobacco planters who settled on Broad River. Some of these were men of wealth and, besides numerous slaves, brought many of the comforts of civilized life into this belt of the wilderness.

Hancock was laid out from Washington and Greene, with Sparta for its county-seat, and was named for John Hancock, of Massachusetts, whose name headed the immortal scroll of independence. The early settlers of Hancock were in the main Virginians, well-to-do people, like those who settled in Oglethorpe. Sparta derived its name from the Spartan characteristics of its pioneer inhabitants. This was in after years the home of Dr. W. W. Terrell, of Bishop George F. Pierce, of Judge Linton Stephens, and of other noted Georgians. Two schools in this county were destined to acquire wide celebrity, one at Mount Zion and one at Powelton. The latter became the center of a strong Baptist community and the home in after years of Jesse Mercer and of Governor William Rabun. The famous Bemans taught at Mount Zion; and here at a later time Governor William J. Nordeen began his career as a teacher.

McIntosh County was detached from Liberty and named for the celebrated McIntosh family several members of which were prominent in the Revolution. It formed a part of the old original Province of St. John. Darien, its county-seat, was an old Scotch settlement, an account of which is elsewhere given. Quite a number of the early settlers of McIntosh were of Puritan stock; but those in the neighborhood of Darien all came direct from Scotland.

Bryan was laid off from Effingham and Liberty and named for Jonathan Bryan, one of Georgia's earliest colonial patriots. Some of the richest plantations on the coast occupied a strip of land in this county called Bryan's Neck. Here Senator Augustus O. Bacon was born. The old Town of Hardwick has been identified as occupying a site on the south side of the Ogeechee, fifteen miles inland. Fort Argyle, built in 1733, as a bulwark against the Spaniards, stood on the west side of

the Ogeechee in what is now Bryan. Most of the early settlers of this county were of Puritan origin, belonging to the old Midway settlement.

Warren was laid off from Richmond, Columbia and Wilkes and named for Dr. Joseph Warren, a Revolutionary patriot, who fell at Bunker Hill. Warrenton was designated as the county-seat. Most of the county's early settlers were from Virginia. One of these, John Cobbs or Cobbs, was an ancestor of the Cobbs of Athens. Here in after years was born the great Judge Lamar, author "Lamar's Digest" and father of the noted Federal jurist who bore the same odd name. Here was cradled also the great orator of secession, William L. Yancey, of Alabama.

Montgomery was laid off from Washington and named for Gen. Richard Montgomery, an early martyr of independence, who fell on the heights of Quebec. Mount Vernon, the seat of government, was named for Washington's renowned home on the Potomac River. The original settlers of Montgomery were chiefly Scotch-Irish Presbyterians whose ancestors had been banished for adhering to the cause of the Stuarts. Most of them came directly from North Carolina and were kinsmen of the men who in 1775 signed the Mecklenburg Declaration of Independence.

But the rapid growth of settlements on the frontier belt of Georgia, while indicating a healthy increase of population and a wholesome infusion of rich blood, exposed the state at this time to the avaricious greed of designing schemers, who resorted to down-right trickery in victimizing innocent settlers. To this period of the state's history belong the Pine Barren frauds. We need not concern ourselves with details; but in some way these sharpers obtained fictitious grants to immense areas of land, in the unsettled parts of Georgia, chiefly along the Oconee River, where the undulating hills were densely wooded with pines. These tracts are today embraced in Montgomery, Wheeler, Laurens, Emanuel and Johnson counties, all of which formed a part of the old parent County of Washington. We blush to record the fact, but, in some way, these land pirates, managed to acquire what seemed to be bona fide grants, to which the great seal of the state was affixed, conveying to them vast tracts of land, not one acre of which had been legally secured, not one acre of which belonged to them by right, but which represented in the aggregate over 7,000,000 acres, in the rich heart of the Georgia midlands. If any one is specially interested in this chapter of Georgia's history, we refer him to Absalom H. Chappell's little volume of "Miscellanies," a rare work now out of print but still to be found in old libraries. Of course, hundreds of conveyances made at this time were perfectly legal, but so widespread was the mischief caused by these fraudulent land grants that all the large conveyances of 1794 and 1795 were afterwards repudiated because of the suspicion of fraud which they aroused. According to Doctor Smith, as late as the year 1899 men have appeared in Georgia with old grants to land which never existed. These grants were all supposed to be located in Washington, chiefly in what was afterwards Montgomery, Emanuel, Johnson and Laurens counties; but in the aggregate they represented more land than all the county contained. Whenever one of these spurious documents was brought to light it was promptly repudiated by the state and no lands were actually taken under them, but the speculators who had

secured the fraudulent patents sold them to parties ignorant of the true state of things and for years an earnest effort was made by defrauded purchasers of worthless script to secure some indemnity from the state, but without success.*

But while the General Assembly did not convene at Louisville until 1796, a convention called for the purpose of revising the state's fundamental law met at the new seat of government in May, 1795, amidst the general upheaval produced by the Yazoo Fraud. There was a provision made in the Constitution of 1789 for a convention of the people to be held within six years. It stipulated that in the general election of 1794 three persons should be chosen from each county as members to a convention "for taking into consideration the alterations necessary to be made in this Constitution, who shall meet at such time and place as the General Assembly may appoint."

Accordingly delegates were chosen in 1794 to attend a convention at Louisville in May of the year following. Some of the counties, when this convention met, were not represented by a full quota of delegates. Glynn, in a sparsely settled district, sent only one member; while Liberty, though in a wealthy belt, does not seem to have been represented at all. However, there are no authentic records extant. It is not unlikely that Liberty's delegation was late in arriving. We can find nothing at this late day beyond a meagre newspaper account, giving a list of delegates who probably answered to the first roll call. This list is as follows:†

Chatham—Josiah Tattnall, Jr., Thomas Gibbons, Noble W. Jones.
McIntosh—Joseph Clay, John Wreath. These delegates did not live in McIntosh but were chosen by its electors to represent them.
Burke—B. Davis, D. Emanuel, Thomas King.
Elbert—L. Higginbotham, Stephen Heard, Wm. Barnett.
Glynn—John Girardeau.
Greene—David Gresham, Phil Hunter, W. Fitzpatrick.
Richmond—John Milton, George Walker, Phil Clayton.
Screven—B. Lanier, Wm. Skinner, P. R. Smith.
Warren—Levi Pruitt, John Cobbs, P. Goodwin.
Washington—John Rutherford, George Franklin, R. Wilkinson.
Wilkes—B. Catchings, Silas Mercer, D. Creswell.

The convention organized by electing Dr. Noble Wymerley Jones, of Chatham, president.

To quote Bishop Stevens, the principal contest was over the apportionment of representatives among the counties.‡ The basis of representation was adjusted somewhat; and several new counties having been formed, these were allotted representatives. The time for holding the annual sessions of the General Assembly was changed from the first Monday in November to the second Tuesday in January; all elections by the General Assembly were to be held in joint session; senators thereafter were to be elected annually instead of triennially; and Louisville was to be the new seat of government. There was some discussion

* "Story of Georgia and the Georgia People," George G. Smith, pp. 176-178.

† "Story of Georgia and the Georgia People," George G. Smith, p. 178.

‡ "History of Georgia," II, p. 407.

of the Yazoo Act, passed on January 7, 1795, at Augusta, but it was finally decided to refer the matter of its repudiation to the Legislature of 1796. No further changes were made. Political excitement was so intense that a majority of the members recognized the wisdom of leaving all further revision to a later convention to be held when normal conditions were restored. Accordingly a convention was called to meet at the new seat of government in 1798, to which three delegates from each county were to be chosen in the general election of 1797.

When the Legislature of 1796 convened at Louisville, it was amidst the greatest upheaval known to the state since the days of the Revolution; but the nefarious Yazoo Act having been rescinded the work of creating new counties began afresh. At this time Bulloch, Jackson, Jefferson and Lincoln were added to the growing list. Bulloch was laid off from Sereven and Bryan, with Statesboro for its county-seat and was named for the distinguished Archibald Bulloch, an early colonial patriot, who died at the outbreak of the Revolution, while president of the executive council. He was an ancestor of ex-President Roosevelt.

Jackson was detached from Franklin and named in honor of Senator James Jackson who at this session of the Legislature, having defeated the Yazooists, called down the fire of heaven to consume the records of this transaction. Jefferson, the county-seat of Jackson County, was named for the illustrious sage of Monticello. This little town was in after years the scene of experiments which resulted in the discovery by Dr. Crawford W. Long of the anesthetic power of sulphuric ether: one of the greatest boons ever conferred upon suffering humanity. It opened a new era in surgery by putting an end to the terrors of the knife and by enlarging the area of surgical treatment.

Jefferson was organized out of Burke and Warren and named for Thomas Jefferson, then a member of Washington's Cabinet. Louisville, its county-seat, was so called for Louis the Sixteenth of France. Louisville was designated as the state's permanent capital and the future seat of government was located at this point by a commission chosen for this purpose in 1786. In the immediate neighborhood of Louisville were the homes of some of Georgia's most distinguished men at this time, including the Cobbs, the Whitakers, the Gambles, the Gunns, the Berriens, the Hardwicks, the Lawsons and the Wrights. Here Gen. Howell Cobb was born. This was also the birthplace of the second president of the Republic of Texas, Gen. Mirabeau B. Lamar. Most of the early settlers of this region, especially in the neighborhood of Galphinton, were Scotch-Irish. There was a trading-post at Galphinton before the outbreak of the Revolution, named for a pioneer Scotchman whose dealings with the Indians in colonial days extended over all this region.

Lincoln was detached from Wilkes. It was named for Gen. Benjamin Lincoln of the Revolution, who, though not a Georgian, defended the soil of this state against British invasion. According to recent disclosures made by courthouse records, the celebrated Elijah Clarke lived in the upper edge of this county, in what was then Wilkes. The noted Col. John Dooly, of the Revolution, and the eccentric Judge John M. Dooly, of a later day, were residents of Lincoln; and in this county was born the late Dr. Jabez Lamar Monroe Curry, diplomat, educator and clergyman, whose effigy has been placed by his adopted State of Ala-

bama, in Statuary Hall, Washington, District of Columbia. Lincoln was also the home of Thomas W. Murray, a noted legislator. Judge Longstreet drew one of his best known sketches in "Georgia Scenes" from what he called "the Dark Corner of Lincoln," a descriptive phrase which has persisted down to the present time but which no section of the county is bold enough to claim.

When James Jackson relinquished his seat in the United States Senate to fight the Yazooists, Governor Mathews named as his successor the reviled George Walton. One of the signers of the Declaration of Independence, he had twice served the state as governor and once as chief justice. He had also been a member of the great convention of 1787 called to frame the Federal Constitution. Governor Walton was a federalist. His appointment by Governor Mathews under a temporary commission and his defeat by Josiah Tattnall before the Legislature, in 1796, leave little doubt upon this point.

Georgia in 1796 gave her four electoral votes to Thomas Jefferson for President and to George Clinton, of New York, for vice-president. Her electors chosen by the Legislature were: James Jackson and Charles Abernethy, from the state at large; and John King and Sarnorn Jones from the congressional districts. At this time, the President and vice president were chosen as follows: each state was required to vote for two candidates, a rule under which the candidate receiving the highest vote was declared to be elected President and the one receiving the next highest vote, vice president.

Until 1799, Georgia's two senators were James Gunn and Josiah Tattnall. The former was succeeded in 1799 by Abraham Baldwin and the latter in 1801 by James Jackson, who after holding the office of governor resumed the toga. Mr. Baldwin became president pro tem of the Senate. Though a Yazooist, Senator Gunn retained his toga until 1801, when he retired from public life after a continuous service of twelve years in the Upper House of Congress. But his connection with the Yazoo sale has denied him any large place in Georgia's history. Before entering the Senate, Mr. Baldwin had served for ten years in the House. Elected to the First Congress in 1789, he relinquished a seat in the Fifth Congress to become a senator in the Sixth. His colleague from 1795 to 1799 in the House was John Milledge.

To the Sixth Congress, which began on March 4, 1799, James Jones and Benjamin Taliaferro were commissioned as Georgia's two representatives. The former served for only one term. The latter was re-elected but resigned during his second term and was succeeded in 1802 by David Meriwether. John Milledge, who was again elected to Congress at this time, resigned before his term expired to become governor of Georgia and was succeeded in 1802 by Peter Early. Thus, in the Seventh Congress, Georgia, while allotted only two seats, was served by four members, each for a fractional term.

* "Lanman's Biographical Annals of the United States Government," pp. 513-514.

† "Biog. Cong. Directory, 1774-1911," p. 51.

CHAPTER IX

THE GREAT CONSTITUTIONAL CONVENTION OF 1798—JARED IRWIN ITS PRESIDING OFFICER—ONE OF THE DELEGATES IS REV. JESSE MERCER, WHO MAKES A WINNING FIGHT AGAINST A CLAUSE IN THE OLD CONSTITUTION, EXCLUDING MINISTERS OF THE GOSPEL FROM THE GENERAL ASSEMBLY—MEMBERSHIP OF THE CONVENTION—JAMES JACKSON'S PERSONALITY DOMINANT—THE SALE OF GEORGIA'S WESTERN LANDS DECLARED CONSTITUTIONALLY NULL AND VOID—BUT THE FEDERAL SUPREME COURT IN A DECADE THEREAFTER PRONOUNCES THE SALE VALID—OTHER INFLUENTIAL MEMBERS—ROBERT WATKINS—DR. GEORGE JONES—PETER CARNES—JONAS FOCHE—ALL IMPORTATION OF SLAVES FORBIDDEN AFTER OCTOBER 1, 1798—IMPORTANT CHANGES—DIVORCES AT THIS TIME GRANTED BY THE STATE LEGISLATURE—BUT THE NEW CONSTITUTION PROVIDES THAT BEFORE ANY DIVORCE IS GRANTED A TRIAL BEFORE THE SUPERIOR COURT MUST FIRST BE HELD TO ADDUCE THE FACTS—THIS CONSTITUTION THE ONLY ONE ADOPTED AT A TIME WHEN THERE WAS NOT A VIRTUAL REVOLUTION OF THE GOVERNMENT—DESTINED TO REMAIN IN FORCE FOR MORE THAN SIXTY YEARS—A MASTERPIECE OF LEGAL WISDOM AND STATECRAFT—THE JUDICIARY ACT OF 1799—OFFICIALS CHOSEN THEREUNDER—THE GREAT SEAL OF 1799—DESTINED TO REMAIN IN USE UNTIL 1815, A PERIOD OF 116 YEARS—ITS ORIGIN AND DESCRIPTION—WHO DESIGNED THE GREAT SEAL OF 1799—IMPORTANT INFORMATION BROUGHT TO LIGHT—DEATH OF WASHINGTON—GEORGIA THE FIRST STATE TO NAME A TOWN IN HIS HONOR—THE PRESIDENTIAL ELECTION OF 1800.

From the molds of the great Constitutional Convention of 1798 there emerged a product of inspired statesmanship, so wisely and so maturely considered by the strong body of law-makers who framed it—so plastic in its adaptability to the ever changing needs and conditions of the state—that for more than sixty years it constituted an overshadowing aegis under which our people lived in prosperity, happiness and content. It was finally superseded by the Constitution of 1861 adopted by the famous Secession Convention at its adjourned session in Savannah. But the new constitution was in essence the old Constitution of 1798, modified only in a few minor particulars to meet the requirements of a new confederation.

Governor Jackson crowned with the laurels of his great victory in thwarting the Yazoo conspirators came to the executive chair only a few months before the convention met but this high office did not disqualify him from sitting as a delegate in this assemblage to which he had been chosen in the general election of 1797. Not only was Governor Jackson the most conspicuous figure on the floor of the convention but his was

likewise the most potential influence in remolding Georgia's Organic Law. There was hardly an important feature of the instrument upon which the impress of Governor Jackson's mind and character was not distinctly stamped; and in a double sense therefore the Constitution of 1798 was the distinguishing glory of his administration.

Georgia's first state constitution adopted in Savannah, on February 5, 1777, was only a temporary makeshift. It was framed amid the convulsive throes of a revolution the issues of which no one could clearly foreshadow. But it weathered the storm of war and rendered the state good service until Georgia's entrance into the Federal Union, when it was necessary to change the state constitution in conformity with the Constitution of the United States. Accordingly in 1789, at Augusta, a new state constitution was framed to the workmanship of which three separate conventions contributed; but it did not give entire satisfaction. Six years later, in 1793, the people once more assembled in convention to recast the fundamental law, this time in Louisville; but due to the general conditions of upheaval caused by the Yazoo Fraud only a few alterations were proposed. Nothing radical was attempted. It was deemed best to postpone for a season this important work to which an undivided interest was essential; and accordingly a new convention was called to which all unsettled issues were referred.

Pursuant to call, there assembled at Louisville on Tuesday, May 8, 1798, a body of lawmakers in which every important interest of the state was represented and to which every learned profession contributed. There were fifty-six delegates in attendance, representing twenty-one counties. Jared Irwin, who had lately served the state as governor, was the presiding officer of this history-making convention. He shared with Jackson the honor of extinguishing the Yazoo Fraud; and to the famous Rescinding Act of which Jackson was the author his signature as governor was attached. High and radiant, therefore, on Georgia's roll of honor shines the name of Jared Irwin.

One of the delegates to this convention was the great Jesse Mercer; and it was due to his championship that a clause of the old constitution excluding ministers of the gospel from membership in either branch of the Legislature was abrogated. When it was proposed to put the same inhibition into the Constitution of 1798 Mr. Mercer proposed to amend by excluding also doctors and lawyers. This touch of humor was more effective than argument to show the manifest injustice of such a bar to ministers—the men of all others to whom we look when great moral issues are at stake or vital principles are involved.

But the monumental character of this convention's work was such that each member's name deserves to be preserved in connection with this great instrument. The full list of delegates chosen to the State Convention of 1798 was as follows:*

Bryan—Joseph Clay, J. B. Maxwell, John Pray.
Burke—Benj. Davis, John Morrison, John Milton.
Bulloch—James Bird, Andrew E. Wells, Charles McCall.
Camden—James Seagrove, Thomas Stafford.
Chatham—James Jackson, James Jones, George Jones.

* "Georgia and the Georgia People," George G. Smith, p. 179.

Columbia—James Simms, W. A. Drane, James McNeal.
 Effingham—John King, John London, Thomas Polhill.
 Elbert—Wm. Barnett, R. Hunt, Benj. Mosely.
 Franklin—A. Franklin, R. Walters, Thomas Gilbert.
 Glynn—John Burnett, John Cowper, Thomas Spalding.
 Greene—George W. Foster, Jonas Fouche, James Nisbet.
 Hancock—Charles Abercrombie, Thos. Lamar, Mathew Rabun.
 Jefferson—Peter Carnes, Wm. Fleming, R. D. Gray.
 Jackson—George Wilson, James Pitman, Joseph Humphries.
 Liberty—James Cochran, James Powell, James Dunwoody.
 Lincoln—Henry Ware, G. Wooldridge, Jared Grace.
 McIntosh—John H. McIntosh, James Gignilliat.
 Montgomery—Benjamin Harrison, John Watts, John Jones.
 Oglethorpe—John Lumpkin, Thos. Duke, Burwell Pope.
 Richmond—Robert Watkins, Seaborn Jones.
 Screven—Lewis Lanier, J. H. Rutherford, James Oliver.
 Washington—John Watts, George Franklin, Jared Irwin.
 Warren—John Lawson, A. Fort, Wm. Stith.
 Wilkes—Matthew Talbot, Benj. Taliaferro, Jesse Mercer.

Since Governor Jackson's personality was in a sense the axis around which this great convention revolved we are not surprised to find in the Constitution of 1798 a paragraph declaring the sale of Georgia's western lands constitutionally null and void and repudiating the whole transaction. Moreover a concurrence of two-thirds of the members of the General Assembly was made requisite in future before any vote, resolution, law or order could pass granting a donation in favor of any person. Section twenty-three, defining the boundaries of the state, also came from the pen of Governor Jackson; and he is credited with having written in addition a part of the section establishing a new judicial system.

Says Mr McElreath: "Among the other prominent and influential members of the convention were: James Powell, of Liberty county, chairman of the committee of the whole house; Robert Watkins, of Richmond, who wrote section eighteen, article one, which provided that every senator and representative should, before taking his seat, purge himself of having been guilty of corrupt practice in securing his election; Dr. George Jones, of Chatham, who wrote section seven, article four, concerning the promotion of the arts and sciences by the establishment of seminaries of higher learning, thus embodying in the fundamental law the recommendation of Governor Lyman Hall to the Legislature of 1783 and providing the permanent legal foundation upon which the State university was established at its present site in 1801; Peter Carnes, of Elbert, who wrote section eleven, article four, prohibiting the importation of slaves after the first day of October, 1798; Rev. Jesse Mercer, of Wilkes, who wrote section eighteen, article four, regarding religious freedom; and Jonas Fouche, of Greene, who wrote section eight, article three, which provides for the digesting and promulgation of the law."

Georgia, in the great Convention of 1787, called to frame the Fed-

* "McElreath on the Constitution," pp. 97-98.

eral Constitution, had insisted upon a continuance of the slave traffic and, with the help of South Carolina, had secured a compromise fixing the year 1808 as the time for the slave traffic to terminate; but in the State Constitution of 1798 we find Georgia of her own accord prohibiting all importation of slaves after the first day of October, 1798.*

As in the Constitution of 1789, so in the Constitution of 1798, there was no separate article known as a "Bill of Rights," but a number of fundamental principles usually found in such an article were asserted. There was to be one senator from each county, as under the old constitution, but years later this section was modified and for a while the state was divided into forty-seven senatorial districts; then for a few years there was a reversion back to county representation; and finally in 1861 the state was divided into forty-four senatorial districts.

Membership in the House was to be determined by population. Heretofore each county's representation had been constitutionally fixed. Now only the aggregate number of members was determined. Until a census could be taken, the new constitution fixed a temporary apportionment providing for sixty-two members; but whenever a new county was organized it was to be given representation on the same basis as those already organized. No county was to have more than four representatives nor less than one. Three-fifths of the slaves were to be enumerated in fixing a county's voting strength.

The Legislature was to be elected annually and unless called together in extra session was to meet annually on the second Tuesday in January; but the date of meeting was afterwards changed to the first Monday in November.

Property qualifications for membership were reduced by the new constitution and were still later entirely abolished.

There were no material changes made in the powers of the governor; but the judicial power of the state was vested: (1) in a Superior Court; (2) in such inferior jurisdictions as might be ordained by the Legislature; (3) in inferior courts for each county, and (4) in justice courts, of which there were to be two in each captain's district. Until this time, the inferior courts had existed only by statute.

Divorces were granted at this time by the Legislature. But the Constitution of 1798 provided that before any divorce was granted the parties should first be given a trial before the Superior Court. Thus, in a sense two verdicts were necessary to make the divorce final, the first by the court and the second by the Legislature. Eventually power was conferred upon the courts to render both verdicts.

To conclude this resume, we quote the following paragraph from Mr. McElreath. Says he: "It is an interesting fact that the Constitution of 1798 is the only constitution ever adopted by the people of Georgia at a time when there was not a virtual revolution of the government itself. The Constitution of 1777 was adopted in consequence of the casting off of the state's allegiance to Great Britain and of the necessity for setting up an independent government; that of 1789 on account of the abandonment of the Articles of Confederation and the adoption

* "Watkins' Digest," pp. 31-43.

† "McElreath on the Constitution," pp. 114-115.

of the Federal Constitution; that of 1861, on account of the secession of the state from the Federal Union; that of 1865, on account of the fall of the Confederacy and the necessity for obtaining readmission into the Union; that of 1868, on account of the refusal of the Federal Government to readmit the State under the Constitution of 1865, making the adoption of another Constitution a condition precedent; that of 1877, when the people of Georgia resumed control of their own affairs, after the end of the Reconstruction era. The Constitution of 1798 and the present Constitution are the only ones which represent a settled condition of the state's organic law; the others represent temporary conditions and transitional periods. In many respects the Constitution of 1798 was the greatest of all the Constitutions which the state has had. It gave fuller force and power to the executive and judicial departments of the government than the earlier Constitutions and restricted the legislative branch far less than the later ones. . . . The Constitution of 1798 remained of force as the fundamental law of the state for sixty-three years—nearly one-half the entire period of the state's life—and was then repealed only because it was necessary to create a new government.

When the first Legislature met after the adoption of this new Constitution an important legal reform was instituted in which Georgia led all the other states of the Union. In what is known as the great Judiciary Act of 1799 the General Assembly abolished special pleading, thus greatly simplifying court procedure and emancipating justice from many of the complicated technicalities and impediments of the English law. There are comparatively few states which have not since followed Georgia's example. But in an effort to establish a Supreme Court by statute the Judiciary Act of 1799 was less successful. It provided that the judges should meet annually at the seat of government for the purpose of making rules and while thus in convention they were required to settle such points as were reserved for argument and which required a uniform decision. But in 1801 this clause of the judiciary act was repealed. All points reserved for argument by the judges in convention at the seat of government were remanded back to the counties from which they had come, to be decided by the presiding judge. For reasons to be given later, Georgia possessed a deep-seated prejudice against a Supreme Court, nor was it until 1845—nearly half a century later—that her repugnance to such an establishment was finally overcome.

Under the Judiciary Act of 1799 Georgia was divided into three superior court circuits: the Eastern, the Middle and the Western. To each of these circuits eight counties were assigned. David B. Mitchell was elected judge of the Eastern Circuit; George Walton, judge of the Middle Circuit; and Thomas P. Carnes, judge of the Western Circuit. Two of these circuits had been in existence since the adoption of the State Constitution of 1789: the Eastern and the Western, the judges of which were to alternate in holding court. During this period the judges of these two courts were as follows: George Walton, 1790-1792; Henry Osborne, 1790-1791; John Houstoun, 1792-1796; William Stith, 1793-1793; George Walton, 1793-1796; William Stevens, 1797-1798; John Glen, 1798-1798; Thomas P. Carnes, 1797-1798.

The Middle Circuit had been in existence since 1797.

William Few was the first judge of the Middle Circuit, holding office until his successor, George Walton, formerly judge of the Western Circuit, qualified under the new State Constitution.

Thus we find the beginnings of our present judicial system clearly defines in the great Judiciary Act of 1799.

The Convention of 1798 authorized the adoption of a new Great Seal for the State but left the details of its design to be determined later. On February 8, 1799, the Legislature, acting under this authority, adopted a Seal which, for one hundred and sixteen years, was used in attesting important State papers, for the validity of which the Great Seal was required. In fact, it was used long after its imprint ceased to be legible. It consisted of two solid plates of silver, each of which was a quarter of an inch thick by two inches and a quarter in diameter. The Great Seal was kept by authority of law in the office of Secretary of State. According to the records, it was first used on July 4, 1799. The following description of the Great Seal is taken verbatim from the Code of Georgia.

The device, on one side, is a view of the seashore, with a ship bearing the flag of the United States riding at anchor near a wharf, receiving on board hogsheads of tobacco and bales of cotton, emblematic of the exports of this State; at a small distance a boat, landing from the interior of the State, with hogsheads, etc., on board, representing the internal traffic, in the back part of the same side a man in the act of plowing, and at a small distance a flock of sheep in different pastures, shaded by a flourishing tree; the motto thereon: "Agriculture and Commerce, 1799."

The device on the other side is three pillars, supporting an arch, with the word, "Constitution" engraven within the same, emblematic of the Constitution, supported by the three departments of government, viz., legislative, judicial and executive—the first pillar having engraven on it "Wisdom," the second "Justice," the third "Moderation;" on the right of the last pillar a man standing with a drawn sword, representing the aid of the military in defense of the Constitution; the motto, "State of Georgia, 1799."

When the great seal of the state was adopted, in 1799, tobacco furnished the chief agricultural crop of the state and there were numerous warehouses erected for the inspection of the plant, but with the invention of the cotton gin by Eli Whitney, cotton gradually gained the ascendancy over tobacco, until the cultivation of the latter was finally discontinued.

In an old issue of the Louisville Gazette, dated February 26, 1799, Governor Joseph M. Brown, during his second term of office, found an executive order, signed by Thomas Johnson, secretary to Governor James Jackson. It calls upon artists throughout the world to submit drawings for the proposed new great seal of the state, an outline sketch of which was furnished, in terms of the act approved February 8, 1799; and to supply an adequate incentive to genius, the sum of \$30 was offered as a premium. It was further stipulated that the drawings were to be

lodged in the executive office at Louisville, on or before the 20th of April, 1799. At the same time, it was ordered that proposals be submitted by the same date for making and engraving the device; and July 3, 1799, was fixed as a limit within which to complete the contract.

Governor Brown was fortunate enough to procure copies of the Louisville Gazette for subsequent dates; and, in an issue of the paper, dated March 7, 1799, he found this paragraph, the statement contained in which throws an important side-light upon the history of the great seal. The paragraph reads as follows:

"We understand that the device approved of by the Governor for the Great Seal of this State was drawn by Mr. Sturges, the state surveyor-general. The most elegant drawing sent to the Executive Department was performed by Mr. Charles Frazer, of South Carolina, and which we are assured would have obtained the premium had he not through mistake placed all the figures on one side instead of making a reverse. This young artist we are informed is but sixteen years of age—his genius is great, and deserves encouragement. Several other handsome performances were sent to the Executive."

In a still later issue of the same paper, Governor Brown completed his quest for information in regard to the great seal by discovering the full name and title of the designer, in a card announcing his business—Daniel Sturges, surveyor-general. It is late in the day to bestow upon the designer of the Great Seal of Georgia the honor to which he is undeniably entitled. But justice often lags. The historic page is full of tardy recognitions; and, after the lapse of more than a century, Georgia, with the help of an honored governor, removes the dust which has long rested upon one of her brightest names. Hereafter let no one forget to honor this pioneer Georgian to whose artistic genius is due the Great Seal of the Commonwealth.

To use the great seal, wax was rolled out into thin wafers. Gilt paper, cut circular in form, the exact size of the die, with serrated edges, was next laid upon each side of the wax wafer; and, at the same time, ribbons were inserted between the wafer and the paper discs. This done, the wafer was then placed between the plates of the die and stamped tightly, leaving the devices imprinted on either side of the soft wax and revealed, like an engraving, on the gilded paper. This was then attached by narrow ribbons to the document of state, forming what is known as a wax pendant.

The custom of attaching seals of this character to official documents is extremely ancient, dating back to the earliest manuscript of record in the oldest states of the Union. Since then a method of stamping which cuts an impression in the paper to be attested has come into general vogue, and the use of the wax wafer by means of ribbons, in the manner above described, has become obsolete. Georgia until 1915 was the only state which still adhered to this antiquated custom, and the reluctance of our lawmakers to adopt the new method was only an expression of the conservative spirit which has always characterized the typical Georgian.

As to the purposes for which the great seal is used, there is a lack of correct information even on the part of some who are supposed to be

well informed. It is not used on all papers, issuing from the secretary of state's office, but only on documents of an extraordinary character, such as charters, land-grants, and commissions to public servants, including governors, state house officials, judges of the Superior Court and solicitors general. It is also used in attesting all interstate and international documents. Every paper going out of the state, for which Georgia's official attestation is required, must carry the great seal; but for ordinary official transactions what is known as the seal of the secretary of state is employed.

Continuously until 1915 the great seal adopted at this time fulfilled the solemn purposes for which it was designed, but in the year above mentioned a new seal of the same design superseded this emblem of Georgia's sovereignty; and the old seal of 1799, in the presence of the secretary of state and by authority of the General Assembly was defaced by Governor Slaton. What remains of this old seal—two mutilated discs of silver—are still preserved as sacred relics of Georgia's historic past, in the secretary of state's office at the state capitol.

On December 14, 1799, the great Washington died at Mount Vernon, his country-seat on the Potomac River. Profound sorrow was felt in Georgia, where the memories of his recent visit still lingered. On every hand the sables of grief were displayed and mass meetings were held at which appropriate resolutions were adopted. The first town in the United States to be named for the Father of His Country was Washington, Georgia, founded in 1782.

Georgia's four electoral votes in 1800 were given to Jefferson and Burr. As we have already seen, each state was required at this time to vote for two candidates. The candidate receiving the highest vote was declared to be elected President, the one receiving the next highest vote, Vice-President. The contest of 1800 resulting in a tie, the election was thrown into the national House of Representatives, ending finally in Jefferson's election as President, with Aaron Burr as Vice-President.

CHAPTER X

GOVERNOR JACKSON, ON RELINQUISHING THE EXECUTIVE CHAIR, IS RETURNED TO THE UNITED STATES SENATE—DESPITE A FIERY TEMPER AND A HOST OF POWERFUL ENEMIES, HIS POPULARITY WITH THE MASSES REMAINS UNDIMINISHED—JOSIAH TATTNALL IS CALLED TO THE HELM—ONE OF HIS FIRST OFFICIAL ACTS IS TO APPROVE A MEASURE RESTORING TO HIS FATHER AN ESTATE CONFISCATED BY REASON OF THE LATTER'S LOYALTY TO ENGLAND DURING THE REVOLUTION—BONAVENTURE—THIS PROPERTY IS RESTORED IN RECOGNITION OF THE SON'S PATRIOTIC DEVOTION TO LIBERTY—GOVERNOR TATTNALL'S ILL HEALTH—SEEKS TO REGAIN HIS STRENGTH IN THE BAHAMA ISLANDS—DIES AT NASSAU—JOHN MILLEDGE BECOMES GOVERNOR—MEANWHILE, IN 1801, TWO NEW COUNTIES ARE CREATED—CLARKE AND TATTNALL—FRANKLIN COLLEGE AT ATHENS IS OPENED TO STUDENTS—AMERICA'S OLDEST STATE UNIVERSITY—AN ACCOUNT OF ITS ORIGIN—ABRAHAM BALDWIN AND JOHN MILLEDGE, TWO STANCH FRIENDS OF HIGHER EDUCATION—THE FORMER IS RECOGNIZED AS THE FOUNDER OF FRANKLIN COLLEGE—THE SENATUS ACADEMICUS—JOSIAH MEIGS—THE FIRST COMMENCEMENT EXERCISES—JUDGE EMORY SPEER, IN 1901, DELIVERS THE CENTENNIAL ORATION.

Governor James Jackson relinquished the executive chair in 1801, after a turbulent administration. His enemies, some of whom were men of powerful influence in the state, did not lapse into inactivity upon his elevation to the official helm; nor did the old governor himself while occupying the executive chair forget his mortal hatred of the Yazooists. On more than one occasion, as we have already noted, he displayed a vindictive spirit. But his popularity with the masses remained unimpaired, and, on resigning the office of governor, he re-entered the United States Senate, this time succeeding his former colleague, Senator Gunn. The latter's political career was at an end because of his complicity in the sale of the Yazoo lands.

As chief magistrate of the state, Governor Jackson was succeeded by a revered patriot of the Revolution, Josiah Tattnall. The son of a stout old royalist, who bore the same name, he escaped from a school in England, where his father had placed him, and made his way back to America in time to lend a helping hand to the rescue of his native state from British domination. Bonaventure, the beautiful country-seat of the Tattnalls, near Savannah, had been confiscated by the Whig government because of the elder Tattnall's pronounced Tory sentiments. He had refused to take up arms against the Crown of England and had left the state rather than draw his sword against Georgia.

When the younger Tattnall came to the governorship, an act of belated justice was performed. In recognition of his own gallant part in the Revolution, the Legislature lifted the edict of outlawry which had kept his father in England for twenty years, restored to him the ancient family seat at Bonaventure and accorded to the old royalist full rights as a citizen. Too feeble to return to America, however, the elder Tattnall remained in England; but the grateful son made due acknowledgment when he came to approve the measure, adding thereto these words: "With lively expression of gratitude I affix my signature to this act."

Governor Tattnall had been a member of the Legislature of 1796 and had supported the famous Rescinding Act. Some few days later, his colleagues in this body elected him to succeed James Jackson in the United States Senate. Again, after a lapse of five years, he was called to succeed this same illustrious Georgian in the office of governor.

But ill health necessitated an almost immediate relinquishment of the executive helm. Resigning the governorship, he repaired to the Bahama Islands; but the change was made too late. After lingering for more than a year, he died at Nassau, New Providence, but his ashes were brought back to Georgia, to rest among the trailing mosses of his beloved Bonaventure.

To succeed him as governor, the Legislature in 1802 elected John Milledge, of Augusta, a zealous champion of education, then serving a term in Congress.

Meanwhile, the Legislature of 1801 created two new counties: Tattnal and Clarke. The first of these was named for Josiah Tattnall, then governor of the state. It was detached from Montgomery, in a fertile region of pines. Clarke was named for an illustrious soldier of the Revolution, General Elijah Clarke, of whom we have already spoken at some length. Its county seat, Athens, was the site of Franklin College, an institution whose doors were first opened to students in the fall of 1801. With this great school the name of Governor Milledge is immortally associated.

To the credit of Georgia be it said—though the youngest of the original thirteen states—that she heads the long list of American commonwealths extending state aid to higher education.* Georgia was the first state in the entire Union to provide by legislative enactment for an institution of learning to be supported either in whole or in part by popular taxation and to be of college rank. This step was taken four years prior to the adoption of the Federal Constitution, when the states were still bound together by the loose Articles of Confederation. The close of the Revolution found the far-sighted lawmakers of Georgia looking toward the future. They reasoned that the success of republican government depended in the last analysis upon the intelligence of the people; and not only were leaders demanded to supply the vacant places in the ranks, but germinal centers of influence were needed to stimulate the development of thought.

Accordingly, on February 25, 1784, an act was passed by the Legis-

* These facts have been collated from an official volume entitled "A Historical Sketch of the University of Georgia," by A. L. Hull, Atlanta, 1894.

lature, from which the legal conception of the University of Georgia may be said to date.

The measure in question provided for the creation of two counties amid the virgin solitudes of the state to be called, respectively, Washington and Franklin, both of which at the time of organization embraced extensive areas. It was furthermore provided that in each of these counties 20,000 acres of land should be set aside for the purpose of endowing a college; the land to be of the very best quality, and to be subdivided into separate tracts or parcels, containing 5,000 acres each. The titles to the property were to be vested in the following well-known Georgians, who were authorized to take whatever steps were necessary to put the resolution into effect, to-wit: John Houstoun, James Habersham, William Few, Joseph Clay, Abraham Baldwin, and Nathan Brownson. In pursuance of the authority given to them by the Legislature these gentlemen proceeded to survey the lands.

There were originally eight tracts. But one of these was eventually lost to the state when the boundary line dispute between South Carolina and Georgia was adjusted. It was known as the Keowee tract and was for years a bone of contention. As soon as the surveys were completed, the Legislature passed a bill, approved January 27, 1785, providing in formal terms for the establishment of a public seat of learning; and this act—drawn by Abraham Baldwin—constitutes the charter of the University of Georgia. The first meeting of the trustees under this act was held in Augusta, on February 13, 1786, at which time the board consisted of the following members, to-wit: Abraham Baldwin, William Few, William Glascock, John Habersham, Nathan Brownson, Hugh Lawson, and Benjamin Taliaferro. Until the institution was formally launched, Abraham Baldwin was chosen to act as president. This position he held until 1801, due to the exigencies of the times. During this interval of fourteen years between the granting of the charter and the opening of the college, there was little for the trustees to do except to dispose of the lands in such a way as to accumulate a fund for the erection of the buildings.

Unfortunately, at this early period, lands were cheap and rents uncertain. To show what lands were really worth at this time, Governor Wilson Lumpkin informs us that his father, John Lumpkin, who received handsome grants of land from the state, in requital of his services in the Revolution, sold 400 acres at one time for a shot gun and an equal amount later for a saddle horse. Says Mr. Hull: "If this be taken as a criterion, the munificent gift of the state was worth at the time it was made only fifty rifles and as many saddle horses, from which, however, twelve horses should be deducted for the 5,000 acres lost." But impoverished by the Revolution there was nothing for Georgia to give except lands, in which she possessed an imperial domain.

On one of the tracts of land the trustees in 1798 laid off the town of Greensboro, at which time 1,000 acres were offered for sale or lease in the immediate neighborhood.

Some of the trustees desired to locate the college at Greensboro, but there was difficulty in getting a quorum together; so the matter drifted.

Finally, a body called the *Senatus Academicus* was formed, consisting of the governor, the judges of the Superior Courts, and the trustees, the duty of which body was to sit in review upon the action of the trustees, with power to confirm or to reject. On November 23, 1800, the *Senatus Academicus* formally organized the university by the election of a president, at a salary of \$1,200. Mr. Baldwin recommended for this position Prof. Josiah Meigs, of Hartford, Conn., an old acquaintance whom he had met when a tutor at Yale. Final action was not taken by the board at this time, but Professor Meigs was elected professor of mathematics, with an intimation that he might be asked to take the presidency later on. The curriculum of studies embraced little more than the classic languages, reinforced by mathematics, with perhaps an occasional lecture on mental and moral philosophy; but this small segment of the circle of knowledge represented the whole range of the liberal arts in pioneer days.

Without delay the trustees were authorized to select a site for the proposed institution.

Pursuant to these instructions, the trustees met and, after repeated ballotings, decided to locate the college somewhere within the limits of what was then Jackson, now Clarke County; and accordingly a committee consisting of John Milledge, Abraham Baldwin, George Walton, John Twiggs, and Hugh Lawson was appointed to choose a site for the buildings. During the summer months thereafter this committee met at Billup's Tavern on the Lexington road, and proceeded thence to visit a number of localities. At last, by a unanimous vote, they chose a site belonging to Mr. Daniel Easley, at Cedar Shoals, on the north fork of the Oconee River. The property in question was not embraced within the lands which belonged to the university, but it was purchased by Mr. John Milledge, who deeded the same to the university as a gift. There were 633 acres in this tract, beautifully situated on the heights above the river and thickly wooded with luxuriant forest trees.

As an appropriate name for the locality which was to become the state's capital of culture, it was decided by the trustees to call the new seat of learning Athens.

The institution itself was called Franklin College in honor of Benjamin Franklin, the New England philosopher and statesman, who, at one time had acted as agent for Georgia in adjusting Colonial affairs.

While the Legislature's gift of land to the university was valueless at the time, it eventually yielded to the institution an income of \$100,000, in addition to which the donation made by Governor Milledge produced, first and last, something like \$30,000, and proved to be the main dependence of the college at sundry times, when in dire distress. The greater part of the town was built upon the Milledge tract, thus providing the institution an income from the sale of lots; and in recognition of the debt due to her earliest benefactor the university created the Milledge Chair of Ancient Languages, which still exists.

On the arrival of Professor Meigs in Georgia the office of president was relinquished by Mr. Baldwin and at his direction the former was placed at the helm of affairs. Under the direction of Professor Meigs temporary buildings constructed chiefly of logs arose in the virgin wilderness; and these furnished the crude beginnings out of which

the present beautiful campus has flowered. In the fall of 1801 the college was formally opened for the reception of students. Professor Meigs at this time not only acted in the capacity of president but constituted within himself the entire corps of instruction.

In addition to the clearing made for the campus, a street was laid out under the supervision of Professor Meigs, lots were staked, homes commenced, and other steps taken looking toward the evolution of the future town. The first settler to locate in Athens was the Rev. Hope Hull, the founder of Methodism in Georgia. He came from Washington, in the county of Wilkes, where he had taught a select school for several years and where, with greatunction of spirit, he had preached the doctrines of Wesley. If he was not at this time a member of the board of trustees he became one later and continued until the hour of his death to be the most loyal and steadfast friend of the college, bequeathing his love for it to his children after him. In 1808, he offered to build on the campus a chapel forty by fifty feet in dimensions; if the board would give \$100 for a belfry, a proposition which the trustees accepted; and accordingly a chapel was erected by Mr. Hull which served the purpose for twelve years. At the same time, on the outskirts of the town, he built Hull's Meeting House—the fame of which reached up and down the whole range of the Alleghany Mountains.

It was to meet immediate needs that the first temporary structures of log were built on the campus. As soon as funds could be provided the erection of permanent quarters was commenced. For this purpose a loan was negotiated from the state, to secure which mortgages were given to lands in Hancock. Luckily, at this time, a gift in cash of \$1,000 was made to the university by James Gunn, Jr., of Louisville, Georgia; and without delay the erection of the building afterward known as Old College was started, under the supervision of Gen. Jett Thomas. The first commencement exercises were held under a bush arbor, on May 31, 1804, at which time the degree of Bachelor of Arts was conferred upon the following graduates, ten in number, to-wit:

Gibson Clarke,	William H. Jackson.
Augustin S. Clayton,	James Jackson,
Jeptha V. Harris,	Robert Rutherford,
Jared Irwin,	William Rutherford,
Thomas Irwin,	William Williamson.

Gibson Clarke was a son of the old Revolutionary hero, Gen. Elijah Clarke. Augustin S. Clayton afterwards became a judge of the Superior Court and a member of Congress. The Irwin boys were sons of Gov. Jared Irwin. One of them became a doctor. The Jackson boys were sons of Gov. James Jackson. Of these, William H. Jackson was afterwards a trustee and a State Senator, while James Jackson was a professor in the college. Jeptha V. Harris became a trustee and a Confederate colonel. William Rutherford was the grandfather of Professor Rutherford, who long filled the chair of mathematics.

Glancing at an old program of exercises, it appears that Augustin S. Clayton read a poem descriptive of the means by which the lands of the Oconee were obtained. His wonderful gift of satire seems to have

budded at an early period. He became the most brilliant of Georgia's ante-bellum statesmen in the use of the pen. Gibson Clarke was the valedictorian. It fell to the lot of William H. Jackson to deliver the salutatory address; Jeptha V. Harris pronounced an oration in favor of liberty; Robert Rutherford spoke on the dignity of man; James Jackson counseled a sentiment of gratitude to France; and William Williamson dilated in praise of representative government. There was also a dialogue in which several members of the class took part. At commencement, in 1901, the centennial anniversary of the formal opening of Franklin College was observed with impressive ceremonies, at which time the centennial oration was delivered by Judge Emory Speer, an alumnus of the institution.

Today the University of Georgia is one of the greatest institutions in America. It includes the old original Franklin College, the College of Agriculture, the Lumpkin Law School, and the State Normal School, all of which are located at Athens; the Georgia School of Technology located in Atlanta; the Georgia College of Medicine located in Augusta; the Georgia Normal and Industrial College located at Milledgeville; the South Georgia Normal College at Valdosta; and the Industrial School for Colored Youth located at Savannah. The prophecy of President Meigs has been realized. Said he, in a letter to Governor Milledge in 1805: "Your institution has taken a strong root and will flourish; and I feel some degree of pride in reflecting that a century hence, when this nascent village shall embosom a thousand of the Georgia youths, it will now and then be said 'that you gave this land and I was on the forlorn hope.'"

"History of Georgia," L. B. Evans, p. 158.

CHAPTER XI

RELIGIOUS DENOMINATIONS AT THE CLOSE OF THE EIGHTEENTH CENTURY—EPISCOPACY IN GEORGIA COEVAL WITH THE COLONY'S ESTABLISHMENT—CHRIST CHURCH—THE DIVISION OF GEORGIA INTO PARISHES INDICATES ITS RELATIONSHIP TO THE CHURCH OF ENGLAND—THE WESLEYS BOTH EPISCOPALIANS—WHITEFIELD ALSO BELONGS TO THE ESTABLISHMENT—BUT THE ISSUES RAISED BY THE REVOLUTION WEAKEN THE TIE OF ALLEGIANCE TO THE MOTHER CHURCH—PRESBYTERIANISM COMES INTO GEORGIA WITH THE SCOTCH HIGHLANDERS—FOUR CENTERS OF INFLUENCE—DARIEN, MIDWAY, SAVANNAH, AND A GROUP OF CHURCHES IN BURKE—THE PRESBYTERIAN POPULAR—REV. JOHN SPRINGER—THE FIRST EVANGELIST TO BE ORDAINED IN GEORGIA—PIONEER PREACHER AND EDUCATOR—HIS FAMOUS SCHOOL—REV. JOHN NEWTON—ORGANIZES THE OLDEST CHURCH IN THE SYNOD OF GEORGIA—PRESBYTERIANISM A SPLENDID DISCIPLINE FOR PIONEER DAYS, BUT TOO COLDLY INTELLECTUAL TO SUIT THE MASSES—THE LUTHERAN CHURCH AT EBENEZER—THE JEWS—CONGREGATIONALISM ENTERS THE STATE WITH THE MIDWAY PURITANS, BUT ITS OFFSPRING IS MAINLY PRESBYTERIAN—HOW EXPLAINED—METHODISM IN GEORGIA—ITS RAPID GROWTH—CAMP-MEETINGS RECALL THE ARCADIAN DAYS OF THIS DENOMINATION—PIONEER EVANGELISTS—THE FIRST METHODIST CHURCH BUILT IN WILKES—REV. HOPE HULL—THE BAPTISTS—KIOKEE CREEK WITNESSES THE FIRST IMMERSION—REV. DANIEL MARSHALL—HIS ARREST FOR PREACHING BAPTIST DOCTRINES—KIOKEE CHURCH ORGANIZED—THE CATHOLICS IN GEORGIA—DENIED ADMISSION UNTIL AFTER THE REVOLUTION—BISHOP KEILEY'S ACCOUNT—LOCUST GROVE THE CRADLE OF CATHOLICISM IN GEORGIA—THE CATHOLIC CHURCH OF SAVANNAH.

Episcopacy in Georgia was coeval with the colony's establishment. The Church of England, to which Oglethorpe himself belonged, was its foster-mother. Though firm in her precepts, it was not with an ungentle hand that she rocked its cradle on the bluff at Yamacraw and gave it a religious impulse, an indoctrination, so to speak, in moral values, in spiritual ideals, and in reverence for sacred things, to which our whole subsequent life as a state has been one prolonged echo, reverberating even down to the present day. Georgia's relationship to the Church of England is shown in the earliest division of the province into parishes. Christ Church, at Savannah, is the state's oldest ecclesiastical organization, reaching back to the pious devotions held in Oglethorpe's tent, on the night of his arrival, when the little band of immigrants knelt for the first time beneath the stars of a new world. Rev. Henry Herbert, who accompanied these immigrants on the galley Anne, was

the colony's first spiritual shepherd. The missionary zeal of the devout young Wesleys in preaching to the Georgia Indians and in planting at Savannah the world's first Sunday school—fifty years in advance of Robert Raikes—may have presaged the reform work of coming itinerants; but the great movement known as Methodism was still to be organized. These emissaries of the Cross came to America as Episcopal divines, and what they here wrought for humanity's sake was wrought within the bounds of the Church of England. Whitefield was also an Episcopalian, with strong Calvinistic leanings.

But the issues raised by the Revolution between the Crown and the colony, eventually weakened though it could not wholly sever this tie. Georgia was loath to lower her colonial flag. She loved the historic island of which she was the youngest offspring, whose language she spoke, whose traditions she revered. She loved the established church, its splendid ritual, its noble history. But when, to gain her independence, she found herself at war with England, it was difficult for her to avoid a certain feeling of antagonism toward a church so intimately related to a kingdom against which her sword was drawn; and while fighting England political she began to relinquish England ecclesiastical. Consequently, it was not until years after the Revolution that Episcopacy began to revive. Even then its renaissance came by slow degrees. This was due in part to the fact that certain aristocratic elements ill-adapted it to pioneer conditions. Years were still to elapse before it was strong enough to form a separate diocese; but finally, in 1841, Dr. Stephen Elliott, of South Carolina, was consecrated its first spiritual head. Bishop Elliott was one of the choice spirits of all time. He came of a family illustrious for its scientific attainments and was himself a man of broad scholarship, of ripe culture, and of spiritual vision. But having already discussed the beginning of the Episcopal Church, we cannot in this connection treat the subject further.

Presbyterianism came into Georgia with the Scotch Highlanders. Efforts to connect Oglethorpe himself with this household of faith appear to rest solely upon the fact that, in his political sympathies, he was a Jacobite, friendly to the cause of the exiled Stuarts. In the absence of any positive proof as to his religious affiliations, there are numerous intimations which point to his connection with the established church. According to Dr. James Stacy,* there were four centers of early Presbyterianism in Georgia: (1) The community at Darien, founded in 1735. John McIntosh, sometimes called John Mohr McIntosh, was the head or chief of a clan which settled at this point, on the upper bank of the Altamaha River; but the pastor of the flock was Rev. John McLeod. (2) The Midway settlement, in Liberty County, dating back to 1752. Though organized upon Congregational lines, the church at Midway became a center of Presbyterian influence in Georgia. With only two exceptions, it was served by Presbyterian ministers; and all of the churches to which it gave birth were of the Presbyterian faith and order. But a full account of the Midway settlement is elsewhere given. (3) The Independent Presbyterian Church, of Savannah, founded in 1755. This is the oldest Presbyterian church in the state, the one at

*"History of the Presbyterian Church in Georgia," James Stacy, pp. 7-10.

Darien having been obliterated by the Spanish wars, and the church at Midway having ceased to exist as an active religious organization. But the Independent Presbyterian Church at Savannah is without organic connection with the Synod of Georgia. (4) In colonial times there was a group of Presbyterian churches in Burke County, on Brier and Beaver creeks. These afterwards united to form a single church in the town of Waynesboro. There was also a Presbyterian community at Queensboro, on the Oconee River, a few miles to the south of the present town of Louisville, near the site of a trading post afterwards known as Galphinton. On the outskirts of the town of Washington, there still stands an immense poplar under which the first Presbyterian evangelist to be ordained in Georgia, Dr. John Springer, took the vows of ordination, on January 21, 1790. Georgia was then a part of the old Presbytery of Hopewell, in the Synod of South Carolina. This tree measures 155 feet in height. The circumference of the trunk is 28 feet, its diameter 9 feet, and the lowest branches are 50 feet from the ground. To state the size of the tree somewhat differently, it is said that a man on horseback stationed behind it is entirely screened from the view of persons on the side opposite. This famous old landmark in Wilkes is not only one of the largest but also one of the oldest poplar trees of the tulip-bearing variety in the United States.

On January 21, 1790, the spreading boughs of this magnificent forest giant formed the roof of God's first Presbyterian temple in the county of Wilkes. At this time the Presbytery of South Carolina sent commissioners to Washington for the purpose of ordaining Rev. John Springer, an educator of wide note in the early pioneer days. Either for the reason that enclosed quarters were not to be obtained in the town or because the balminess of the summer weather lured them into the open air, the Presbyters of South Carolina decided to hold the services of ordination under the branches of the great poplar. It was quite the common thing in pioneer days to hold religious meetings out of doors.

The statement is often made by partially informed people to the effect that the first Presbytery in Georgia was organized on this historic spot. No such body ever met here. The whole of the State of Georgia was at this time embraced in the Presbytery of South Carolina; and, while the commissioners from the other side of the river met to perform what was virtually an act of the Presbytery of South Carolina, they did not constitute a meeting of the Presbytery itself. The historic associations which belong to the Presbyterian poplar proceed from the fact that it witnessed the first ordination ever performed in Georgia under the auspices of the Presbyterian Church. There were ministers of this denomination in Georgia prior to this time, but they were ordained before coming into the state.

Smyrna Church, a time-honored old house of worship, which stands in a grove of pines, on the Augusta road, six miles from Washington, was organized by this early evangel of the frontier.

John Talbot, the wealthiest land owner in Wilkes, was an elder in Smyrna Church; and, beside him, in the little graveyard at this place, sleeps his distinguished son, Matthew Talbot, a former governor of Georgia.

Though a devout and faithful minister, Mr. Springer is best remembered as an educator. At Walnut Hill, on the Malloryville road, some four miles from Washington, he established a school of high character, which was known far and wide. Boys were sent to him from Augusta, when the old Richmond Academy there was flourishing in pristine vigor. John Forsyth, afterwards governor of Georgia, United States senator, and minister to Spain, was one of this number. Jesse Mercer, the great Baptist divine, also attended the school at Walnut Hill. Mr. Springer was at one time president of the board of trustees of the academy in Washington. He taught school in various places before coming to Georgia and was recommended for work on the frontier by Gen. Andrew Pickens, an elder in the church at Long Cane, South Carolina. He was a native of Delaware and a man in the prime of life when ordained to the ministry under the Presbyterian poplar. He lived only eight years after entering upon his labors as a minister. Mr. Springer died soon after preaching the funeral sermon of Hon. John Talbot. On account of subsequent changes in boundary lines to property in this neighborhood, the grave of Mr. Springer is supposed at the present time to underlie the main highway. He was originally buried in his garden at Walnut Hill. Mr. Springer was a man of gigantic stature, weighing over 400 pounds. In this respect he was rivaled by only two men in Georgia at the time of his death: Dixon H. Lewis and Sterne Simmons.

It may be stated in this connection that the separate organized existence of the Presbyterian Church in Georgia began with the creation of the Presbytery of Hopewell on March 16, 1797, at Liberty Church, nine miles west of Washington. This church was afterwards removed. It is today represented by Woodstock Church in the county of Oglethorpe.

But while Dr. Springer was the first evangelist to be ordained in Georgia, he was not the first evangelist to enter the state. We are now speaking of Presbyterians. This credit belongs to Rev. John Newton, who, in 1785, two years after the Revolution, organized the historic old Presbyterian Church of Lexington. This time-honored landmark is probably the oldest church in the Synod of Georgia.* The name by which the church at Lexington was first known was Beth-salem; and at the time of organization it was located some two miles distant from the present site. Mr. Newton, who was the first Presbyterian minister to preach the gospel on the frontier belt of Georgia, served the church as pastor for twelve years. When he died, in 1797, he was buried in the old churchyard; but, one hundred years later, in 1897, his body was taken up and reinterred in the Presbyterian cemetery at Lexington. Mr. George C. Smith, the present clerk of the session, assisted Mr. Newton's grandson in accomplishing this removal. The original agreement between pastor and people, executed in 1785 when Mr. Newton first took charge, is still in the possession of the church. The munificent salary which the pastor was to receive, according to the terms of this contract, was fixed at fifty pounds and twenty shillings per annum.

Mr. Smith is the custodian of a precious keepsake in the nature of a little book, containing the texts from which this pioneer divine preached while pastor of Beth-salem Church, from 1785 to 1797; and

* Ibid., pp. 26-28.

he also treasures a record of baptisms, to which great value attaches. Both of these genuine relics of the early days of Presbyterianism in Upper Georgia were sent, through Mr. C. A. Rowland, of Athens, to the Jamestown Centennial Exposition, where they attracted much interest.

It was at Lexington, in 1828, that the Presbyterian Theological Seminary, now located at Columbia, South Carolina, was first established, and the house in which this famous school of the prophets was organized was still standing in 1912—after the lapse of eighty-four years.

Presbyterianism, with its rigid system of Calvinistic theology, was a splendid discipline for pioneer days. But allied to Scotch-Irish thrift, on the one hand, and to Huguenot exclusiveness, on the other, it encountered some difficulty in making its peculiar doctrine of election popular. Moreover, its style of preaching was coldly intellectual. It possessed little emotional warmth; and, notwithstanding the decline of Episcopacy, with the outbreak of the Revolution, the Presbyterians, while reaping a substantial harvest out of these conditions, still left a rich virgin field in which Baptists and Methodists at a later period were destined to gather golden sheaves.

The Lutheran Church was planted in Georgia by the pious Salzburgers at Ebenezer in 1733. Here, at the outbreak of the Revolution, there was a strong church. Likewise, in Savannah, we find a congregation of Lutherans during the Colonial period. The Moravian Church was brought to Georgia in 1735 by a colony of Moravians, under the pious Dr. Gottlieb Spangenberg. These colonists made a settlement at Irene, between Savannah and Ebenezer. More than any other religious sect, the Moravians were successful to a marked degree in missionary activities among the Georgia Indians. There are still to be found in Murray County the relics of an old mission established by the Moravians among the Cherokees, before the close of the eighteenth century; but like the Cherokees themselves, these gentle evangelists of peace have long since disappeared.

We have already given an extended account of the first settlement in Georgia made by the Jews.

Congregationalism entered the state in 1752 when the Dorchester Puritans settled at Midway, on the rich alluvial bottom lands of the Georgia coast. But while the church at Midway was Congregational in form, it became a germinal center of Presbyterian activities; and not until a much later day did Congregationalism as such acquire a foothold in Georgia. But while the church at Midway became a nursery of Presbyterianism, unsurpassed not only for the number of its contributions to the Presbyterian pulpit but for the high intellectual and moral character of the men who bore its religious impress, this historic old plant was nevertheless a Congregational church. It was due entirely to environment that its fruitage was gathered by Presbyterians. As we have already seen, the church at Midway indoctrinated a community in which the Revolutionary fires were first kindled in Georgia; and from which governors, United States senators, congressmen, educators, scientists, diplomats, missionaries and divines have sprung in numbers equaled nowhere in America by a community of like size and character. There is an explanation for this failure of Congregationalism to propa-

gate in Georgia as in New England. So closely allied in theological doctrine are Congregational and Presbyterian churches that the two orders seldom flourish in the same locality, and where Presbyterianism is strong Congregationalism is usually weak.

To find the beginning of Methodism, we naturally go back to the Wesleys, from whom in after years this great religious organization received its quickening impulse, but the Wesleys at this time were only its forerunners. It was not until they returned to England that the Methodists ceased to be a religious society within the pale of the Episcopal Church and became an independent religious organization. Even Whitefield, who touched elbows with the Wesleys in this society of Methodists at Oxford, was an out-and-out Calvinist, most decidedly at variance in his theology with the Methodists of a later day, whose creed was distinctly Arminian. It was not until after the Revolution that Methodism acquired a foothold in Georgia. Eventually its clear note of evangelism, its emotional style of preaching, its freedom from all ritualistic forms and ceremonies, and its broad invitation to converts, unrestricted by the doctrine of election, were destined to bring a multitude of converts to its banners. But the history of Methodism in its pioneer days was a struggle for existence against seemingly overwhelming odds; and for years, like a fragrant flower of the wilderness, it blossomed in obscure places, oftentimes in deep forest solitudes, remote from towns and cities, where the Indian's tomahawk was still dripping with the blood of his slaughtered victims. What is today known as the Methodist camp-meeting is a reminiscence, a memorial, so to speak, of these arcaic days of Methodism.

Dr. James W. Lee, in a work of recognized authority, tells of how the Methodist Church started in Georgia. Says he: *

"Georgia was a state in which, at the close of the Revolutionary war, the Anglican Church was extinct. Savannah, which had been selected fifty years before as a center of Methodist religious life, was now noted for its godlessness. Indeed, so strong was the prejudice against Methodism in this busy seaport that it was not until 1811 that a church was planted there. The new Methodism traveled across the South Carolina frontier with the settlers, who took up lands in the interior. The pioneer preachers were Thomas Humphries, a fine-looking man, who preached with great earnestness and power, and John Major, who, a constant sufferer from ill health, was more pathetic in his address, and earned the name of 'the weeping prophet.' At the first conference held in the state, in April, 1788, ten members were present, and Asbury came south to preside. Among the members were two notable men—Richard Ivy, who was appointed an elder at the Christmas Conference of 1784, and the Maryland carpenter, Hope Hull, a man of fine physique and great courage, who, notwithstanding the disadvantages of his early training, valued education next to religion, and succeeded in making good his deficiencies. He married the daughter of a prominent Georgian, became one of the board of trustees of the University at Athens, an institution which he devoted much of his time and energies, and gained a high reputation as a powerful and persuasive pulpit orator, at home in ad-

* "Illustrated History of Methodism," Lee and Luccock, pp. 307-308.

dressing educated audiences. He left descendants who became prominent in education and politics in the state.

The first completed Methodist Church in Georgia was in Wilkes County, near Washington, and was known as Grant's meeting house. Here in 1789, the second conference met, Asbury again presiding. Thomas Grant was a Virginian of Scotch descent, whose people had belonged to the Presbyterian Church. The family migrated to North Carolina, and thence, in 1784, removed to Wilkes County in Georgia. During a long and useful life, this liberal-minded and pious man was a pillar of the church in Georgia, and the warm friend and benefactor of every traveling preacher.

At this conference Hope Hull was appointed to Savannah town, where, nearly sixty years before, the Wesleys had labored, none too successfully. The tradition of the 'meddling Methodists' unfortunately lingered about the place, and he met with a hostile reception. The Calvinists, represented by able men in the Presbyterian and Baptist churches, were strongly intrenched in the town, and Hull found that he could not obtain a footing. It was not, indeed, until the year 1811 that the town of Savannah could boast of a Methodist society or meeting house. Methodism entered Georgia from the interior, and depended for its support on families like that of the Grants, who had moved southward from Virginia or the Carolinas. The work in Georgia pretty much resembled that in Kentucky and elsewhere along the Indian frontier. There were no bridges and no turnpikes; in many counties not a pane of glass was to be found in any of the houses; nor were there many saw mills to provide the material for frame houses. The men were hard-working pioneers, who, dressed in hunting-shirts, went barefoot or wore Indian moccasins; the women dressed in the homeliest of homespun garments. Ignorant they were, but honest and simple-hearted, and ready to share their simple meals of lye hominy and venison with the traveling preachers. He received no salary, for money was a commodity that was hardly existent in these remote parts. Some of the preachers, indeed, had not as much as five dollars in cash to spend during a whole year. It was among the poorest of the Georgians that Methodism first planted itself, and the results were very modest for many years.*

Kiokee Creek, a small tributary of the Savannah River, in the upper part of Columbia County, furnished the sacramental waters in which the earliest Georgia Baptists were immersed. On January 1, 1771, Daniel Marshall, an ordained Baptist minister, sixty-five years of age, moved from Horse Creek, South Carolina, and settled with his family on Kiokee Creek, about twenty miles north of Augusta. He had organized two churches in South Carolina, and while residing at Horse Creek he made frequent evangelistic tours into Georgia, preaching with wonderful fervor, chiefly in groves. Says a work of recognized authority:*

"We will gaze upon him as he conducts religious services. The scene is a sylvan grove, and Daniel Marshall is on his knees, engaged in prayer. While he beseeches the throne of grace, a hand is laid upon his shoulder and he hears a voice say:

* "History of the Baptist Denomination in Georgia." Compiled by the Christian Index.

" 'You are my prisoner!'

"Rising to his feet, the earnest-minded man of God finds himself confronted by an officer of the law. He is astonished at being arrested under such circumstances, for preaching the gospel in the Parish of St. Paul; but he has violated the legislative enactment of 1758, which established religious worship in the colony according to the rites and ceremonies of the Church of England. He is made to give security for his appearance in Augusta on the following Monday, and is then allowed to continue the services. But to the surprise of every one present, the indignation which swells the bosom of Mr. Marshall finds vent through the lips of his wife, who has witnessed the whole scene. With the solemnity of the prophets of old, she denounces the law under which her husband has been apprehended, and to sustain her position she quotes many passages from the Holy Scriptures, with a force which carries conviction.

"One of the most interested listeners to her exposition was the constable, Mr. Samuel Cartledge, who was so deeply convinced by the inspired words of exhortation which fell from her lips that his conversion was the result; and, in 1777, he was baptized by the very man whom he then held under arrest. After the interruption caused by the incident above described, Mr. Marshall preached a sermon of great power, and before the meeting was over he baptized, in the neighboring creek, two converts, who proved to be relatives of the very man who stood security for his appearance at court. On the day appointed Mr. Marshall went to Augusta, and after standing a trial was ordered to desist; but he boldly replied in the language of the Apostles, spoken under similar circumstances:

" 'Whether it be right to obey God or man, judge ye.'

"It is interesting to note that the magistrate who tried him, Colonel Barnard, was also afterwards converted. Though never immersed, he was strongly tinctured with Baptist doctrines, and often exhorted sinners to flee from the wrath to come. He lived and died in the Church of England. Following this dramatic episode, Mr. Marshall does not seem to have met with further trouble; but the outbreak of the Revolution soon suspended religious activities.

"Daniel Marshall was born at Windsor, Conn., in 1706, of Presbyterian parents. He was a man of great natural ardor and holy zeal. For three years he buried himself in the wilderness and preached to the Mohawk Indians near the head waters of the Susquehanna River. War among the savage tribes led him to remove ultimately to Virginia, where he became a convert to Baptist views. He was immersed at the age of forty-eight, his wife submitting to the ordinance at the same time; and then, after preaching for several years in the two Carolinas, he came to Georgia, settling on Kiokee Creek at the time above mentioned.

"Though neither learned nor eloquent, he possessed the rugged strength of mind which fitted him for pioneer work, and he knew the Scriptures. From his headquarters on Kiokee Creek he went forth preaching the Gospel with great power. By uniting those whom he had baptized in the neighborhood with other Baptists who lived on both sides of the Savannah River, he formed and organized Kiokee Baptist Church, in the spring of 1772; and this was the first Baptist Church ever constituted within the limits of Georgia.

"The Act incorporating the Kiokee Baptist Church was signed by Edward Telfair, Governor; Seaboard Jones, Speaker of the House, and Nathan Brownson, President of the Senate. It is dated December 23, 1789, seventeen years subsequent to the actual time of organization. The first meeting house was built where the town of Appling now stands. Daniel Marshall became the pastor. He served in this capacity until November 2, 1784, when he died in his seventy-eighth year. Abraham Marshall, his son, continued his work.

"When this pioneer minister moved into the State, he was the only ordained Baptist clergyman within its bounds; but he lived to preside at the organization of the Georgia Association, in the fall of 1784, when there were half a dozen churches in the State, hundreds of converts, and quite a number of preachers. His grave lies a few rods south of Appling Court House, on the side of the road leading to Augusta. He sleeps neither forgotten nor unsung, for every child in the neighborhood can lead the stranger to Daniel Marshall's grave."

On December 23, 1789, the pioneer Baptist Church in Georgia was incorporated by an act of the Legislature under the name of "Anabaptist Church on the Kioka," with the following trustees: Abraham Marshall, William Willingham, Edmond Cartledge, John Landers, James Simms, Joseph Ray and Lewis Gardner.*

Georgia during the colonial period, was an asylum exclusively for oppressed Protestants. Consequently, it was not until a full decade after the Revolution that even the smallest beginning was made in Georgia by the Church of Rome. The first house of worship to be erected by Catholics in Georgia arose in 1796 on the frontier belt of Wilkes County, not far from the site of the present Town of Washington. Our authority for this statement is the Right Rev. Benjamin J. Keiley, Bishop of the Catholic See of Savannah. Says he:† "The cradle of Catholicity in Georgia—so far as regards the first building for divine worship—was at Locust Grove, in what was then the county of Wilkes. Near the close of the eighteenth century a few Catholics came from Maryland and settled at Locust Grove. Their reason for leaving Maryland was no credit to their neighbors. They were visited at irregular intervals by priests, but in 1799 a French priest, Rev. Mr. Sonze, came from San Domingo, and remained for some time. He erected the first chapel for Catholic service in Georgia. In 1821 Bishop England visited Locust Grove, at which time the old log church was taken down and a frame building erected. Father O'Donoghue was pastor until December, 1822, when Rev. Patrick Sullivan was appointed by Bishop England. Excellent schools were established by these Catholic colonists, and our great commoner, Alexander H. Stephens, received there his early training. Father Peter Whelan, the farmer-priest, as he was called, was pastor at Locust Grove for eighteen years. Locust Grove suffered from the stories of the wondrous fertility of the Mississippi Valley and most of the colonists left only to meet disaster, failure and death in what was then the Far West." In 1801 an act was passed by the Legislature incorporating the Catholic Church of Savannah. Its charter members

* "Marbury and Crawford's Digest," p. 143.

† "Landmarks, Memorials and Legends," Knight, II, pp. 1053-1054.

were: Don Emanuel Rengil, Thomas Dollghan, Thomas Callaghan, John Shaw, Francis Roma, Bartholemew Coquillon and John Mequette Montalet. These were declared to be a body corporate, styled the Trustees of the Roman Catholic Church of the City of Savannah.*

* "Clayton's Compilation," p. 10.

CHAPTER XII

SOCIAL CONDITIONS AT THE CLOSE OF THE EIGHTEENTH CENTURY—GEORGIA'S EXPANSION BI-FOCAL—MOST OF THE STATE'S WEALTH AND CULTURE CENTERED IN THE COAST SETTLEMENTS—HOW THE RICH PLANTERS LIVED—LORDS OF THE LOWLANDS—SPLENDID ESTATES—EXTENSIVE LIBRARIES—HANDSOME CARRIAGES—LARGE BODIES OF RIVER BOTTOM AND SEA-ISLAND LANDS CULTIVATED BY SLAVES—UPPER GEORGIA—THE VIRGINIANS—THE NORTH CAROLINIANS—TOBACCO RAISING—SPORTS AND PASTIMES—LITTLE COMMUNICATION BETWEEN THE UP-COUNTRY AND THE COAST—RIVALRY BETWEEN THE TAR HEEL SETTLERS AND THE VIRGINIA COLONISTS GIVES RISE TO PARTY SPIRIT—BITTER POLITICAL FEUDS—THE GEORGIA CRACKER—HOW THE NAME ORIGINATED—GOVERNOR GILMER'S ACCOUNT OF UP-COUNTRY SETTLEMENTS, ESPECIALLY OF THE NORTH CAROLINIANS AT LONG CANE—OLD WILLS EXAMINED, SHOWING CONDITIONS OF LIFE ON THE FRONTIER—HOW JUSTICE WAS ADMINISTERED—LIFE IN BURKE—WAYNESBORO, AN ARISTOCRATIC CENTER—LONGSTREET'S GEORGIA SCENES—JOHNSTON'S DUKESBORO TALES—POPULATION—EXPORTS—IMPORTS—THE BEGINNINGS OF A GREAT STATE—WITH THE ADVENT OF THE NINETEENTH CENTURY, A NEW PERIOD OPENS.

NOTES: OLD RUCKERSVILLE—THE MILITIA DRILL—THE OLD FIELD SCHOOL.

To understand social conditions in Georgia at the close of the eighteenth century, we must recognize two distinct centers of development, each of which, independent of the other, contributed its separate life-current and sent its individual pulse-beat throbbing into the Georgia wilderness—chiefly along the Indian trails. This bi-focal process of expansion was due to the fact that, opening to the ingress of settlers, there were two gateways by which immigrants could enter the state. One of these was at the ocean front, looking across a wide waste of waters to the Old World. The other, in what was then the far northeastern corner of the state, guarded the mountain trails which threaded the interlying valleys of the great Appalachians.

As we have already seen, the Georgia seaboard was settled in the main by immigrants who came from the north of Europe. The original colonists sailed from England. Savannah, therefore, was an English settlement in the strictest sense of this term. Darien was settled by Scotch Highlanders. Frederica was a military stronghold. Ebenezer was settled by German Salzburgers. The Dorchester colonists at Midway came by this water route from South Carolina.

Most of Georgia's wealth and refinement at this time was concen-

trated in these coast settlements. Savannah was the principal seat of culture. Some of the confiscated estates of the old royalists were baronial in extent, embellished with handsome driveways, fountains and statues and enriched with all the charms of English country life, including a stately manor house, in which elegant portraits adorned the walls. On the rich sea-islands along the coast and on the rich alluvial bottoms of the mainland there were vast plantations, on which slaves were employed in large numbers. These wealthy coast aristocrats owned extensive libraries, wore costly fabrics, planted on modern scientific principles, owned handsome family carriages in which they traveled in a sort of regal splendor, imported luxuries and dainties from abroad, and dispensed a hospitality whose counterpart was to be found only in the palaces of London. These lords of the Georgia lowlands educated their sons in Europe, stocked their wine-cellars with products of the rarest vintage, and gave even their humblest slaves a taste of life to which the greatest chief of the uplands was a total stranger. Malarial conditions on the coast, however, especially in the neighborhood of Sunbury, became such that in summer the planters were obliged to betake themselves to higher points further inland, and out of these retreats in after years grew large towns.

But Upper Georgia was populated almost exclusively by immigrants who came from the western part of North Carolina and from the border counties of Virginia. These immigrants were sturdy pioneers, men of strong muscular frames and fearless spirits, well fitted for life on the perilous frontier. Wilkes County was the center toward which all the converging lines of immigration ran when this section of Georgia was opened to settlement just after the Revolution. Indeed, as early as 1773, Stephen Heard had planted a colony of Virginians on the site of the present Town of Washington, where he built a rude pioneer fort, afterwards called Fort Heard or Heard's Fort. Governor Wright had acquired an extensive tract of land in this neighborhood under a treaty with the Indians, negotiated in the year above named. It was to Heard's Fort that the seat of government was shifted when Augusta fell into the hands of the British. John Talbot, a wealthy landowner from Virginia, also acquired an extensive grant of land in Wilkes County at an early period, but it was not until after the Revolution that he migrated to Georgia. Then a tremendous influx of population began. Gen. George Mathews, afterwards twice governor of the state, purchased in 1784 what was known as the "Goose Pond" tract, on Broad River, where he planted a colony of Virginians, from which some of the most distinguished men of the state afterwards sprung. Included among the Virginia families in this district, some on the east side of the river in what is now Elbert, others on the west side in what is now Oglethorpe, were the Meriwethers, the Gilmers, the Taliaferros, the Barnetts, the Freemans, the Bibbs, and others. It is more than likely, however, that the first comers into Wilkes were North Carolinians and that a preponderating element of the population were from the Tar Heel State. Elijah Clarke, himself a North Carolinian, organized on the frontier belt of Wilkes a band of partisan rangers, at the head of which he waged a relentless warfare against the Tories. So rapid was the growth of population in Upper Georgia after the Revolution that, in 1790, when there were only 85,000

people living in Georgia, 31,000 of these resided in Wilkes. As a rule, the Virginians were better educated than the North Carolinians; they also possessed more of the comforts and luxuries of life; and they found congenial if not lucrative employment in raising tobacco, a plant which they had learned to cultivate in the Old Dominion. Prof. Lawton B. Evans has given us a glimpse into the life of these tobacco planters. Says he: "In the northern part of the State, a great deal of tobacco was raised. The tobacco, when cured, was pressed into huge and securely bound hogsheads. Around the tops of these hogsheads were pinned wooden felloes, which made a wheel at each end, and in the center of each head a large pin was inserted to serve as an axle. A hickory pole was split at one end to form shafts, which were fastened to the axle. Mules or oxen were hitched to the pole, and as they moved they drew the hogshead along. Many of these teams would go together for company, and the drivers were called tobacco rollers. A road known as the tobacco road begins in the upper portion of the State and winds in and out until it reaches the Savannah river below the shoals in Richmond county. A peculiarity of this road is that nowhere is it crossed by water, this having been necessary to save the tobacco from injury by wetting. When the river was reached, the hogsheads were placed on flatboats and floated to Savannah."

Life in the Georgia uplands was diversified at this time by all the sports incident to pioneer days, chiefly, of course, hunting and fishing. But carousals, frolics and dances made existence a dream in hours of relaxation. Fights between rowdies during court week were of constant occurrence, at which time, also, whiskey flowed freely with the customary effects. Shooting for prizes and horse-racing were both favorite pastimes. Whenever a contest of the former sort was held a beef was usually quartered to furnish the trophies. There were few books in the homes of these people, most of whom lacked even the rudiments of an education.

Between the upcountry and the coast settlements there was little communication except of a strictly business character; and in relation to each other they stood in almost polar contrast. But there were multitudes of small farmers, in the lowlands of the state, scattered among the pine barrens to the south and west of Savannah, just as there were thousands of well-to-do planters in the distant hill country, where the Georgia cracker built his cabin fires and tilled his scant acres of ground.[†]

* "History of Georgia," p. 192.

† ORIGIN OF THE EXPRESSION—"GEORGIA CRACKER."—Whence originated the expression "Georgia Cracker"? The antiquarian who will answer this conundrum with proof to satisfy the questioner will incur the gratitude of posterity for all time to come. In the "New International Encyclopedia" it is said that the term was derived from the custom of the poor whites in the mountainous districts of the South whose practice it was to crack the corn which they ate. Col. Richard Malcolm Johnston carries the genesis back to the time of the American Revolution when, among the followers of Gen. Francis Marion, in the guerilla warfare which he conducted in the Carolina swamps, there were a number of Georgia rangers who were unusually expert in handling the rifle, the crack of which was heard with great alarm by the British soldiers, who referred to the riflemen as "Georgia Crackers." Bill Arp theorizes that, when the thrifty Scotchmen, who lived about Darien, came in contact with the worthless elements of the upper country, they called them

During the Revolutionary period there were no class distinctions, except as these were implied in the terms Whig and Tory. But soon after the close of hostilities, we find the beginnings of social caste; and between Virginians and North Carolinians there came to be as much antagonism as between the uplanders and the coast planters. Indeed, the bitter partisan politics of Georgia's early days grew out of these differences. John Clarke, a North Carolinian, was supported almost as a unit by settlers from the Tar Heel State. On the other hand, William H. Crawford, a Virginian, was followed with an unwavering loyalty by all who had emigrated from the Old Dominion. Between these two great leaders there was waged for years one of the bitterest fights known to Georgia politics. As a rule, the cultured aristocrats of the coast were allies in politics of the Virginia element, while the small farmers in the low country made common cause with the North Carolinians.

Governor Gilmer, a Georgian, born in the Broad River settlement, of Virginia parentage, has left us a racy account of how the North Carolinians lived. It must be taken, however, with some allowance of discount, as the old governor was not without his full share of venom in this day of feudal animosities. Says he: "These North Carolina settlers lived upon game and the milk of the cattle carried with them in their emigration. Hogs, sheep, and poultry were not to be had except in the fewest numbers. It was a hard time when the breakfast of a family depended upon catching an opossum overnight or a rabbit in the morning. The range was so unrestricted that the cows often wandered away beyond returning or finding, so that the children had no milk to wash down their otherwise dry bread. The plow horses had to be turned on the wild grass to get their food. They strayed away beyond finding if their legs were not fastened together, so that the art of hobbling was as important as the blacksmith's. Bells were put upon them for the purpose of indicating their whereabouts, and then the Indians, if on the frontiers, carried them off. It was a long time before the children had more than one biscuit apiece on Sunday mornings. There were no tanneries or well-instructed shoemakers. Skins were hung in running streams till the hair could be slipped off, and then they were tanned in a trough. Most went without shoes the greater part of the year. The first houses were log cabins with dirt floors and clapboard coverings. Toads and serpents were often found crawling over the floors. The rattle of the rattlesnake and the cry of the panther often sent the children home in a hurry when hunting the cows. After working all day

"crackers" from an old Gaelic word which meant "idlers" or "boasters." But Lawton B. Evans, whose "School History of Georgia" is an excellent epitome of things Georgian, says that the term may easily have originated in the accomplishments of the wagon-drivers of North Georgia. In the days which antedated the iron-horse, they developed the most marvelous skill in cracking the whip, making the reports sound like rifle-shots fired in quick succession. It will be seen from this digest of opinions that the authorities are somewhat at variance; but whatever may be the true parentage of the expression it came to be applied to the mountain whites who lived in North Georgia; and sometimes the term is applied to Georgians generally by people in other states when disposed to sneer or in speaking with the broad license of good-natured raillery.

* "Gilmer's Georgians," pp. 178-179.

they sat around the hearth at night picking the lint from the cotton seed. Their only fruits were wild haws and grapes."

Continuing his portrayal, Governor Gilmer adds: "All work, little play, no fruit, poor eating, thin clothing, open houses, hard beds and few blankets, made children hardy or killed them. No novels, pianos, or idleness filled the heads of the girls with vain imaginings. The singing at the meeting houses of the primitive Baptists tempted few to attend for the sake of the melody. The great pleasure indulged in by the young people was dancing at night. The married women sought recreation from their six days' work by visiting their neighbors on Sunday. The men went to musters, shooting matches and horse races on Saturdays. Housekeepers treated their friends and their own families to a pudding when company came, and the man of the house drew forth his bottle of whiskey. The clothing of the girls was provided by their own weaving. Hollow trees provided cradles for their babies. The preacher and the school-master, the first to commence the onward march of civilization, were very slow in reaching outskirt settlements. Most who did were drunken Irishmen or dissolute Virginians, who found the restraints of society in the Old Country too binding for their comfort, and, therefore, moved to the new. It appears from the records in the Court of Ordinary of Wilkes County that five out of sixteen wills had the maker's mark put to them instead of their signature."

Perhaps nothing will better serve to throw light upon social conditions in Upper Georgia at the close of the eighteenth century than to examine some of the old wills. Doctor Smith has preserved a number of inventories, from which we get not only an insight into the prices paid for certain commodities at this time, but also an insight into how these people lived on the pioneer belt. Let us look at the following list: *

One negro boy, £50; 1 bed, 7s.; 1 pail and 1 piggin, 4s.; 1 wash-tub, 2 keelers, 4s.; 1 horse, £24; 1 saddle 00; 1 razor and 2,000 acres of land in Richmond County, £50; 1 old gray horse, 5s.

Another appraisement shows:

One sorrel mare, £6; 1 mare, £1; 1 horse, £3; 1 horse colt, £4; 6 head cattle, £20; 1 negro boy, £20; 1 negro girl, £30; 1 axe, frying-pan and pothook, 5s.; 1 linen wheel, 5s.; old pewter, 15s.; butter-tub, 2s.; 5 old feather beds, £5; 1 pot, 10s.

Another estate was:

Four negroes, 3 oild basins, 7 plates, 1 frying-pan, 1 piggin, 1 earthen plate, 2 chairs, 1 table, 2 sides leather.

Another was:

Thirteen negroes, 6 horses, 7 sheep, 60 hogs, 23 cattle.

And another:

Sixty hogs, 8 sheep, 10 cattle, loom, knives and forks, flax wheel, turkey feather bed, 9 plates.

In 1795 an inventory calls for:

Eleven negroes, 29 hogs, 1 still, 30 pounds pewter.

Up to this time the only well-furnished house is that of a physician in Washington, and the only library is that of Mr. William Rogers, a teacher. The condition of the roads and the difficulty of transportation

forbade anything like the complete furnishing of any home, but, as is seen, a few years after the Revolution there was a great abundance of the necessities of life.

These inventories give a better insight into the domestic affairs of the first settlers than any general description.

Concerning the mode of life prevalent at this time among the Virginians, Doctor Smith gives us this bit of information. Says he: "Immediately after the Revolution, there was a large influx of Virginians who were in better circumstances and who brought with them from Virginia, in their large wagons, a supply of better furniture. As illustrative of this, we have the furniture of John Wingfield, or, as he is written, John Winkfield, who died in 1798. He had, besides a sufficient supply of plain household and kitchen effects, some articles mentioned in no other inventory up to that time. They were bacon, sugar, turkeys, a riding chair, some books, some lard, and some table-cloths. He had twenty-seven negroes, the largest number reported up to that time.

• • • These slaves and those of the low country planters were of a very different class. Though Africans by lineage, they were Virginians by birth. In looking over the tax-lists in Wilkes, there is not a slaveholder who has over thirty negroes up to the beginning of the century, while on the coast there were not a few slave-holders who had largely over one hundred."

As to the difficulties sometimes encountered in administering justice at this time, Governor Gilmer says: "Prisoners, in the absence of a jail, were bound with hickory withes and confined occasionally by putting their heads between the rails of a fence and sometimes by putting them in pens." To this Doctor Smith adds: † "The Tories had little chance for fair trials. In 1779 seven were condemned at one court. According to the records, one man was indicted for treason, hog-stealing, horse-stealing, and other misdemeanors. Even after the war, when a man who was accused of stealing a horse from General Clarke was acquitted, the old soldier arrested him and marched him off to a convenient tree and was about to hang him anyhow, when Nathaniel Pendleton, a distinguished lawyer, succeeded in begging the poor fellow off."

Pioneer life in Greene, a county on the upper border, detached from Washington, in 1786, is pictured by Doctor Smith in the following paragraph. Says he: ‡ "The first settlers lived on the creeks and near the river, and for their own protection in close proximity to each other. A blockhouse was generally built at a convenient distance, and the families upon the approach of the Indians fled to it for protection. The men left their families in the blockhouse and went into the fields to cultivate the corn patches from which they hoped to make their bread. Until the cessation of the Oconee war there was constant peril and the immigration of people of means was small; but by 1790 there were five thousand four hundred and five people in the several counties then known as Greene, of whom one thousand three hundred and seventy-seven were negroes.

* "Story of Georgia and the Georgia People," George G. Smith, pp. 137-139.

† Ibid., p. 137.

‡ Ibid., p. 159.

* "Story of Georgia and the Georgia People," George G. Smith, p. 136.

There was constant apprehension of Indian forays and troops of soldiers were kept under arms.

"In 1794 there was a troop of dragoons commanded by Captain Jonas Fouché, of which we have a roster in White's collections."

Closely approximating the style of life found on the Georgia coast was the comparative ease, elegance, and luxury in which some of the planters of Burke lived during this period. Governor Telfair owned extensive plantations in this county. The Town of Waynesboro was an aristocratic center, in one of the charming homes of which President Washington had been entertained on his visit to Georgia in 1791. To quote from this same authority on Georgia's early days: "Nowhere was old Virginia life of a century gone by so reproduced as in Burke sixty years since. The large plantation was under the management of the overseer. The factor in Augusta or Savannah cashed the drafts of the planter and supplied his larder with such luxuries as he might desire from the city. His carriages and his horses were of the best order, and he supplied his library with the best books and periodicals. The wealth he enjoyed he had inherited, and he was often dependent upon the sagacity of others to keep it from leaving him. This was one kind, and the number was not large, of Burke county planters, and there were a few in all the neighboring counties of the same class. Then there were others much more numerous who had made their fortunes by hard work, and who, while they gave their children all that wealth could secure in the way of luxury, were themselves hard-working, close-trading men, who read no books and put on no style, but who knew how to manage negroes and make cotton. Then there was a class of poor plain people who lived in the pine woods, few of whom had any slaves. They lived in log cabins on small bodies of land, and lived by their own labor. They rafted ranging timber down the Savannah river, made shingles in the cypress swamps, and raised some cattle and sheep. They had little to do with the wealthy people of the oak woods, and knew but little of them. There was no county in the State before the war began in which there was a worthier, more contented or more prosperous people than the people of Burke county. The wonderful cotton-producing quality of the land turned the county into one great plantation, except in the pine woods. Negroes increased in numbers, and men who began life with a few found themselves the owners of scores."

But to return to the upcountry. One of the great difficulties of this early period was to secure competent instructors even in the rudimentary branches of an English education. Governor Gilmer's first teacher was a vagabond sailor, "who used to whip the children on cold days for exercise." He turned out to be a thief and fled the country between two suns. If one desires to make a more intimate study of social conditions in Georgia, at this time, he is referred to Judge Longstreet's delightful little volume entitled: "Georgia Scenes." Here he will find portrayed "The Militia Drill," "The Gander Pulling," "The Horse Swap," "The Shooting Match" and "The Village Fight" of a century ago. To the charming contribution made by Judge Longstreet to the literature of this period may be added the famous "Dukesboro

Tales," from the cultured pen of Richard Malcolm Johnston. Both of these writers have embalmed for us many rare phases of life in Georgia during this remote period. It was an era of transition, an era of great hardships and perils, an era in which good and bad were strangely blended; and at some of its inconsistencies we cannot suppress a smile. For example, whisky drinking was universal. Every one drank. In fact, the nearest approach to temperance at this time was drinking in moderation. It was not in the least inconsistent for a church member either to distil corn whisky or to make peach brandy, if he produced a good article. Says Doctor Smith: "One of the best men in Georgia, an enthusiastic and liberal Methodist, who, because he thought slavery was wrong freed all his slaves, but left his still to his son, who like himself was a Methodist class-leader."

Georgia's population, at the close of the eighteenth century, as indicated by the Federal census of 1800, was 163,000 inhabitants, showing an increase of 100 per cent in ten years. There were no large towns in the state. Savannah, the chief center of population, numbered 5,000 inhabitants; and was practically the only seaport. Neither Brunswick nor St. Marys possessed much importance as ports of entry; while Sunbury—once a rival of Savannah—was fast disappearing from the map. Georgia's principal exports, most of which passed through the port of Savannah, were lumber, rice, indigo, corn, cotton, sago, naval stores, deer-skins, snake root, myrtle and live-stock. These were valued in round numbers at \$1,750,000. Her imports were relatively of much less importance, consisting of produce from the West Indies, dry-goods, wines, ciders and teas. These were consumed largely by the wealthy classes who lived in the tide-water region; and only a very small percentage of what was imported reached the upcountry where conditions of pioneer life prevailed. But the state's population was steadily increasing. Streams of immigrants from the two Carolinas and from the border counties of Virginia began rapidly to pour into the state as new counties were opened for settlement, contributing fresh elements of strength to Georgia's population.

Up to this point, we have discussed at some length the beginnings of a great state, dealing largely with fundamental things upon which the future growth of the commonwealth was to rest. We have shown how Georgia entered the Federal Union, how a state constitution was framed under which Georgia was to live contented for sixty-three years; how a great university was planted from whose fountain springs her intellectual life was to be nourished; how a monstrous fraud was exposed and repudiated; how a great religious awakening shook her virgin solitudes, re-enforcing the moral weapons with which she was to fight the forces of evil; and now, having completed this task, we find ourselves at the portals of a new century, into whose unexplored depths fresh paths invite us.

HISTORIC OLD RUCKERSVILLE: A RURAL COMMUNITY OF THE ANTE-BELLUM SOUTH.—On the banks of the Savannah River, in the good old County of Elbert, famous in ante-bellum days for its rich tobacco plantations and for its fine old colonial mansions, owned by wealthy settlers from Virginia, there flourished before

*"Story of Georgia and the Georgia People," George G. Smith, p. 131.

the war an aristocratic community, known as Ruckersville. It was the birth-place, in after years, of Associate Justice Joseph R. Lamar, of the Supreme Court of the United States. Here, too, was born the brilliant novelist editorial writer, Mrs. Corra White Harris. Joseph Rucker, the chief potentate of the village, around whom the activities of this rural community, in large measure, centered was Judge Lamar's grandfather. Some idea of this unique character, and of the neighborhood in



JOSEPH RUCKER
Ante-Bellum Financier and Planter

which he lived, may be gleaned from the following account: Whoever writes of old Ruckersville—the Ruckersville of ante-bellum days—to write intelligently, must speak of a whole community! Not those alone who lived within the confines of a small incorporated village of some 200 souls, but of the many who resided along the banks of the Savannah River in the southeastern belt of Elbert County, Georgia. Socially, politically, and in all matters of religion, they were one large family; and it may be doubted if there existed, anywhere, just previous to the great Civil war, a

people so hardy, so independent, or with such lofty ideals of right living. When it is pointed out that in their business activities they were almost wholly agricultural, the volume of their prosperity is truly amazing.

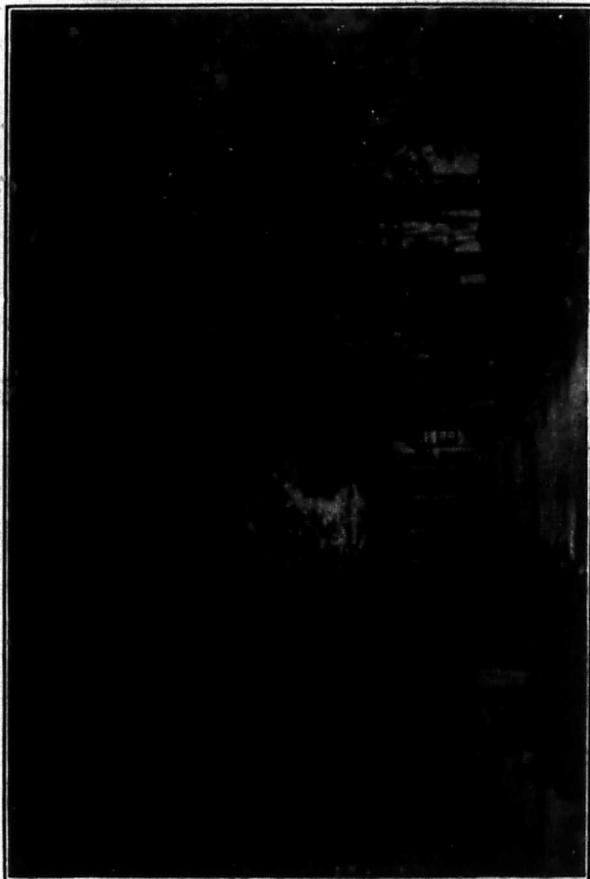
It was the fixed habit of these people to practice the Golden Rule. Obedience to the law of the land was rigidly enjoined; and a man's word was his bond. To take advantage of another was regarded as beneath good morals, to get into lawsuits was to a man's discredit, and while the annals of the village reveal that here lived the preacher and the school master, the banker and the doctor, the merchant and the tailor, the wheelwright and the surveyor, yet no lawyer ever had the hardihood to hang out his shingle in Ruckersville, and when Ruckersville furnished a member of the Legislature for the county, he went from the ranks of those employed in agriculture.

Many of the most familiar names in Middle Georgia may be traced back to Virginia, and to that tide of immigration which about 1786, began to flow southward from the Old Dominion, and, hence, it came to pass that Ruckersville, Virginia, and Ruckersville, Georgia, were both founded by members of the same family. When Peter Rucker, planter of St. Mark's Parish, Orange County, Virginia, died in 1742, he left a large off-spring. The Virginia village was named in honor of this family, and it fell to the lot of his great grandson, through Thomas, and Cornelius, and John, to name a village in Georgia, Ruckersville! This great grandson was Joseph, the son of John Rucker, and Elizabeth Tinsley, born on January 12, 1788. In his young manhood, he was fortunate enough to win the affections of Margaret Houston Speer, daughter of William Speer, who lived at Cherokee Falls, on the Savannah River. They were married in January, 1812, and settled on the head waters of Van's Creek. Early in life, Joseph evinced the strength of character, which marked him a leader among men. In later years he often said that he owed everything to his mother to whom he was a devoted son.

In 1822, the Village of Ruckersville was incorporated, but no boundaries were fixed, and from that day until this, the name has been applied not so much to a town as to a large neighborhood. In 1827 Sherwood's Gazetteer described it as containing ten houses, six stores and shops, an academy, and a house of worship for the Baptists. In 1849 it had 200 souls. This paragraph, quoted from a sketch of Joseph Rucker in the Cyclopaedia of Georgia, will help us to form a picture of Ruckersville:

"From our present standpoint there was little in the locality to commend it as a center of influence, or as the seat of a great estate. The land was young, roads were bad, markets there were none, and it was a four days journey to Augusta, the nearest approach to a city. And yet, in that secluded locality, remote from marts and markets, Joseph Rucker not only created a fortune great for his day and generation, but displayed such wisdom and executive ability and manifested such high traits of character as marked him as an extraordinary man."

In this day of subdivided labor, it is difficult to appreciate the kind and variety of talent then required in the successful management and development of great landed estates at points distant from centers of trade and according to present standards, practically inaccessible for want of highways, railroads, and means of transportation. The successful agriculturist in every stage of the country's history has needed the highest order of judgment and forethought, and has necessarily been a man of affairs. But the successful planter at the early ante-bellum period required in the Southern States at least, a combination of talent, which would now thoroughly equip the master minds who control the colossal enterprises of the Twentieth Century. For such a planter had not only to be an agriculturist, but a manufacturer and a financier; and, above all, he had to know how to manage, care for, and develop men. In all these departments Joseph Rucker was conspicuous. The cotton industry was in its infancy, but even in this he made a marvelous success. Stock of all kinds, horses, mules, cows, goats and sheep, were raised. The cotton was to be ginned, and the ginney and the press were supplemented by the spinning of yarn and wool, and the weaving of cloth. There were blacksmiths, wheelwrights, and carpenters, besides saw-mills to make the lumber for the quarters. This prince of planters had his own yard, and tanners, his harness-makers and shoe-makers. Immense crops of wheat and corn were raised. Corn cribs abounded. There were also mills for converting grain into meal and flour. The management of these separate and



HOME OF JOSEPH RUCKER AT OLD RUCKERSVILLE, GEORGIA

various industries was not the most difficult task. There were the slaves themselves, a large and heterogeneous body, a wholly irresponsible people, whose ancestors had only recently come from Africa. These had to be trained and taught, and how humanely and well this was done, by the old-time planter, is shown by the conduct of these same slaves, when, during the war, discipline was necessarily relaxed and control partially suspended.

Joseph Rucker lived the typical life of the Southern planter. Self-centered and independent, he lived at home. He had little to buy and always something to sell, and his great crops of cotton were shipped in Petersburg boats down the Savannah to Augusta. The neighboring community was unusually prosperous. The Harpers, the Martins, the Heards, the Whites, the Maddoxes, the Clarks, the Adamases, and a host of others, made a neighborhood ideal in its social and domestic charms. Joseph Rucker's home especially, was the scene of a wide and generous hospitality—a social center which made its impress upon its inmates, and the memory of which abides to the third and fourth generation. He was pre-eminently a good neighbor, counsellor, and friend, for he gave needed help at the right moments. Extremely dignified, grave and reticent, he was also open-handed and generous. In politics, a whig, he was one of the chosen friends, counsellors, and advisers of the great leaders of the party in that district so noted in state and national politics. He never sought political preferment, though always taking an interest in the questions of profound importance which then agitated the South.

Living at a time when the country was experimenting with bank laws, he organized, and, as president, managed, with phenomenal success, the Bank of Ruckersville, under circumstances which would now provoke a smile. We cannot think of a bank, a moneyed institution, with hardly a human habitation in sight, surrounded by original forests. This institution was operated in a small, unpretentious frame building. Its doors and shutters were studded with nails at close and regular intervals to guard against the burglars' axe. It had a safe without time lock, opened with a key carried by the president. The furniture was of the plainest, but it issued bills which passed current par throughout the state. It thrived and prospered, and with the assistance of the wealthy planters in the neighborhood, became a strong financial institution, contributing to the development and prosperity of that part of the state. In his old age, Joseph Rucker was a man of striking appearance, ruddy cheeks, snow-white hair, clear blue eyes. Dressed in the prevailing style, black broadcloth coat, cutaway to the waist line at the front, beaver hat, turn down collar and stock, and gold fob, he might have posed for the portrait of the ante-bellum planter, one of those who made the old South.

His son-in-law, the late Rev. James S. Lamar, of Augusta, in an unpublished manuscript, has left us the following graphic pen picture of Joseph Rucker:

"In manner and bearing Squire Rucker was simple and unpretentious, and by nature thoughtful, quiet and dignified. He enjoyed a good anecdote or story, and possessed a rich store of personal reminiscence, from which he was fond of drawing for the entertainment of others. He told his stories well, and, of course, like all genuine raconteurs, he sometimes repeated himself. It was his custom to go to Elberton on the first Tuesday in every month, when the principal men of the county would assemble in a sort of general meeting together, to attend the sheriff sales, to transact business with each other, to laugh and talk and crack jokes, and especially to save the country by discussing politics. Among the leading citizens of the town or county at that time were such influential men as Major Hester, Major Jones, Mr. Pverton Tate, Mr. Lofton, the Mattoxes, the Harpers and the Burches, Judge W. W. Thomas, and (during court week) Alexander H. Stephens, Robert Toombs and Judge William M. Reese. All of them were Squire Rucker's friends.

"Squire Rucker's judgment was never known to fail him. Violently opposed to secession, when the final act came at Milledgeville, he said, pointing to one of his slaves: 'See that fellow. A year ago he was worth \$1,500.00; today he isn't worth a silver thrip.' But he accepted the situation—helped to equip a company—took \$30,000 of the first issue of Confederate bonds, at par. These bonds were lying in the old Bank of Athens, in the care of the late Albin Dearing, when the war was over; not a coupon had ever been clipped."

"The house was approached through a long avenue of cedars and box planted by Margaret, from which the place became known as Cedar Grove. The fine old trees,

the office, the flower garden, the kitchen garden, the well-house, the smoke-house, the kitchen, the buildings for house servants, and, not far off, the barns, the carriage houses, the quarters, presented a typical picture of the life of the ante-bellum planter who lived at home, making on his own acres all that was needed for those dependent upon him. For there, as in so many other similar places throughout the State, the tannery, the blacksmith-shop, the corn-mill, the flour-mill, the cotton gin, the spinning wheels, the looms and the wheelwright were an essential part of the plantation. It was a hive of industry, and it is not surprising that in time a name should be given to the little center, nor is it strange that it should have been named after the village in Orange County, Virginia, from which John Rucker had come in 1785.

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I began my career as a writer, by laboriously making pot-hooks and other chirographical elements. At the opposite end of the house was a chimney, built also of logs wholly on the outside. It was very broad and deep. The opening into the house was about eight feet wide. The hearth was made of clay mortar, resting on common dirt or sand, firmly packed. The back and jams were secured against burning by a very thick lining of the same mortar. This chimney was doubly useful. In winter it held a large fire; and in summer it subserved important *mathematical* purposes. The cipherers were permitted to take their slates out of the school house, and sit around the outside, and in the angles of that vast projecting chimney. In the afternoons it was shady and very pleasant out there. And when I reached the point of being sent out for the first time, I felt that I had attained a higher grade in *life*, as well as in school. Like the other boys, I would work a sum or two, maybe in addition or subtraction, and then carry my slate inside to show it to the teacher. Ah, it was a grand thing—marching in there before all those boys and girls as a *cipherer*! Sometimes, after working my sums on one side of the slate, I would turn it over and indulge in my taste for *art*. The horses that I drew were something wonderful. The men were fairly good, though it must be admitted that their legs were very spindling, and their shoes much too large. My ladies were all in short frocks, and I regret to have to say that, though they were intended to be perfect beauties, their ankles were preternaturally small, and their feet altogether too big. But sometimes the creations of genius must be sacrificed upon the altar of duty. Art must yield to Science. And so hastily rubbing my pictures, I would rush in to show my sums.

But I have not yet shown how the young idea was taught to shoot. To do this it will be necessary to go in and observe the processes of the school. The scholars leave home before sunrise and get to the schoolhouse a little after. They engage in plays of various sorts while waiting for the teacher, who, by the way, is cordially hated. Before a great while he is seen approaching, when immediately the girls, who have been carrying on at a high rate indoors, subside, and become as quiet as mice. The teacher, with a fresh and stout switch or two in his hand, which he has had the forethought to cut from the wayside as he came, marches with a firm and steady step to the door, and calls out: "*Books! Books! Come to books!*"

All that are outside hurry to get in, and presently the entire school is seated, some on the bench against the wall, where they can lean against the logs, the rest on long benches reaching from side to side across the room. Books are opened, places found, and in a moment comes the command, "Get your lessons." Now be it known, that in the brave boys of old, reading meant reading *out*, nor was spelling to be done in a whisper. Consequently, in order to *get* the lesson, whether it was spelling or reading, the process must go on *aloud*. This early morning study, however, was not in full voice, nor was it much subdued. It was the ordinary conversational tone. Imagine thirty scholars, and often there were many more, having perhaps, five or six different lessons, and even those having the same lesson would never all be conning the same parts at once—all spelling different words or reading all manner of different sentences at one and the same time! Listen. Here is a girl that goes racing through a familiar lesson—"b-a ba k-e-r ker, baker;" "s-h-a-sha dy, shady;" a young reader over there is slowly and with difficulty making known that "*She-fed-the-old-hen*;" back yonder we hear, "i-m im m-a ma imma t-e te imma t-i ri immateri a-l al immaterial i immateriali t-y ty immateriality;" and this boy reads: "I-like-to-play-in-the-shady-gro-gro-v-e-groove—I like to play in the shady groove"—and as much as he likes it, he will probably get a thrashing for it this time. Representing the coming thus as if the parts came in succession one after another, laughable as it is, can, of course, give no adequate conception of their concurrence and commingling—every man for himself, but all together. Meanwhile the teacher sits at his desk near the fire-place, possibly mending pens or working over a hard sum in vulgar Fractions.

Our teacher, who, by the way, was never called teacher, but always "The school-master," took part in most of the pastimes, and I think the big boys took a special delight in hitting him hard with the heavy ball and otherwise bringing him to grief. Of course, they "turned him out" whenever they wanted a holiday. He would want it too, but if he gave it, the loss in tuition would be his, whereas if it was forced from

him he would get pay for the day, as usual. He would, therefore, positively decline, with a great show of determination and bluster.

But next morning he would find the doors securely barred and watchfully guarded. He would command and splutter, and threaten dire consequences, and we little boys would be sorely frightened, but as he remained obstinate, he would be seized by both legs, thrown over and securely held, and, not yet yielding, strong arms would lift him from the ground, and, holding his hands and feet as in a vise, would bear him, vainly struggling, down to the spring, and if he still held out, would duck him head and ears in the water. Commonly, however, the sight of the water would suffice, and with much apparent reluctance he would yield, but was not released until he had promised to inflict no punishment for this high-handed act.

(Reproduced by special permission from an unpublished manuscript of the late Rev. James S. Lamar, D. D., LL. D., of Augusta, father of Justice Joseph R. Lamar, of the Supreme Court of the United States.)