

SECTION IV

THE PERIOD OF EXPANSION OF GEORGIA IN THE PROCESS OF GROWTH. 1802-1857

CHAPTER I

WHEN THE NEW CENTURY BEGINS, GEORGIA PRESENTS A PICTURE OF PEACEFUL REPOSE, UNDER SETTLED CONDITIONS—THE TREATY OF FORT WILKINSON IN 1802—THE FEDERAL GOVERNMENT, IN PARTIAL FULFILMENT OF ITS STIPULATED PROMISE, ACQUIRES LARGE BODIES OF LAND FROM THE INDIANS—THREE COUNTIES FORMED—BALDWIN—WILKINSON—WAYNE—JOHN MILLEDGE, GOVERNOR—THE LAND LOTTERY SYSTEM IS DEVISED—SUPERSEDES THE OLD SYSTEM OF HEAD RIGHTS—HOW THE LANDS WERE DISTRIBUTED—THE NEW SYSTEM EXPLAINED—ITS ADVANTAGES OVER THE OLD—LOUISVILLE DEVELOPS MALARIAL SYMPTOMS—FAILS TO GIVE SATISFACTION AS A SEAT OF GOVERNMENT—POPULATION MOVING RAPIDLY TOWARD THE FOOT-HILLS—MILLEDGEVILLE, AT THE HEAD OF NAVIGATION ON THE OCONEE, CHOSEN AS A SITE FOR THE STATE CAPITAL—HOW THE TOWN STARTED—GEN. JETT THOMAS BUILDS THE NEW STATE HOUSE—THE STRUCTURE NORMAN IN DESIGN—THE PRESIDENTIAL CAMPAIGN OF 1804—INDIAN TREATIES OF 1804 AND 1805—DEATH OF JAMES JACKSON IN 1806—JOHN MILLEDGE BECOMES UNITED STATES SENATOR—JARED IRWIN IS AGAIN MADE GOVERNOR—DEATH OF ABRAHAM BALDWIN—DR. GEORGE JONES SUCCEEDS HIM IN THE SENATE, UNTIL WILLIAM H. CRAWFORD IS CHOSEN BY THE LEGISLATURE—GEORGIA IS GIVEN FOUR MEMBERS OF CONGRESS UNDER THE CENSUS OF 1800.

When the nineteenth century dawned upon Georgia its benignant rays awoke the promise of a long peace and kindled the outlook for a prosperous era, under settled conditions. All was quiet along the southern border. The Treaty of Coleraine had produced a tranquilizing effect upon the Creeks who still retained possession of the Tallassee lands under a guaranteed title from the Federal Government. The Cherokees on the north were giving the white settlers no greater trouble than was incident to frontier life at the best of times. Cattle-stealing was perhaps the worst offense to be laid at the door of the Cherokees.

Georgia's population was steadily increasing. As a result of recent accessions of territory the frontier belt had been pressed still further back into the Indian's green arcadia; and, though it may not have been apparent to the savages themselves, it was nevertheless written in the Book of Fate that the ultimate outcome of this relinquishment of land would be the forfeiture by the red man of all this splendid heritage which for time immemorial had furnished the hunting grounds and held the tombs of his forefathers. Each year the whites were acquiring more and more of these Indian lands; and each year the dusky natives found themselves moving further and further westward toward the sunset.

As we have already anticipated in a former chapter dealing with the Yazoo Fraud, Georgia in 1802 ceded her western lands to the Federal Government, in return for which the latter, in addition to certain monetary considerations, agreed to extinguish all Indian titles to the state's remaining lands.* In partial fulfilment of this stipulation, three commissioners were appointed by the Federal Government to negotiate a treaty with the Creeks at Fort Wilkinson, on the Oconee River, and, on June 16, 1802, a treaty was signed under which these Indians were to relinquish a part of the Tallassee country, lying south of the Altamaha and a tract between the Oconee and the Ocmulgee rivers. The commissioners who negotiated this treaty were: Benjamin Hawkins, James Wilkinson, and Andrew Pickens.† Some of the western or Upper Creeks were disposed to make trouble over this relinquishment of lands belonging to the Creek Nation; but Col. Benjamin Hawkins, who was then the resident Indian agent, with headquarters at the old agency on the Flint, succeeded in quieting these hostile tribes.

When the Legislature met in November, 1802, John Milledge, a distinguished Revolutionary patriot and friend of education, was elected governor; and to accept this post of honor he resigned a seat in Congress.

Out of the new lands acquired under the Treaty of Fort Wilkinson, the Legislature, on May 1, 1803, passed an act creating three great counties, Baldwin, Wilkinson and Wayne. The last named county was carved out of the Tallassee cession, to the south of the Altamaha, and was named for Gen. Anthony Wayne, of the Revolution, a former resident of this state. The county-seat of the new county was named Waynesville.

Baldwin and Wilkinson were formed out of the newly acquired belt of land between the Oconee and the Ocmulgee rivers. Baldwin was named for Abraham Baldwin, then a United States senator from Georgia. Milledgeville, its county-seat, was named for John Milledge, then governor of the state. Wilkinson was named for Gen. James Wilkinson, one of the United States commissioners who negotiated the treaty at Fort Wilkinson, a locality which was likewise named in his honor. Irwinton, the county-seat, was named for Governor Jared Irwin.

When the lands in these newly created counties were opened to settlement, a system of distribution known as the land lottery system was adopted by the Legislature in an act approved May 11, 1803.‡ Great dissatisfaction had resulted from the old head right system, in vogue since the Revolution, and heretofore described at some length. It gave the settler an unrestricted power of selection, in consequence of which he invariably chose the best lands, leaving large unoccupied tracts. These intermediate areas were slow in finding occupants and as a result settlements were too isolated for safety. In the second place, due to the unsettled character of the wilderness, it was a difficult matter to fix boundary lines, and it frequently happened that grants conveying the same tract of land were issued to more than one settler, causing a tangle which gave rise to numerous law suits. But, in addition to involving honest men in mistakes, it gave to unscrupulous persons an unlimited oppor-

* See Chapter (7), Section III.

† "Indian Affairs," I, p. 669.

‡ "Clayton's Compilation," pp. 100-107.

tunity for graft. As we have already seen, in our discussion of the Pine Barren frauds, land speculators at one time acquired fictitious grants to 7,000,000 acres of land in Montgomery County, an aggregate greater than the county's total acreage, all of which they planned to sell and some of which they did sell to unsuspecting persons outside the state, entailing endless litigation.

To explain the land lottery system adopted at this time as a substitute for the old system of head rights: slips or tickets were prepared on which certain numbers were placed representing the land lots to be distributed. These were then put into boxes, together with a number of blanks. As set forth in the act those entitled to draw were: "All free white males, twenty-one years of age or over, who had been residents of the State for twelve months." These were entitled to draw once. "But every white male person having a wife, with one child or more under age; all widows having children under age; and all families of orphans under age, were entitled to draw twice." To prevent improper manipulation, lists were carefully drawn in each county by legal officers. These were then sent to the governor, who ordered a drawing to be held under the supervision of five managers. Some inevitably drew blanks. To those who were fortunate, grants were issued, each bearing the governor's signature, attested by the great seal of the state, which was stamped upon a wax pendant and attached to the deed by means of a ribbon. Each grant was also accompanied by a plot of the land conveyed. Within twelve months after receiving his grant, each person was required to pay into the treasury a nominal sum of \$4 for every 100 acres of land contained in his lot; and, on failure to comply with this requirement, he forfeited his title to the land decided. These lots varied in size. Those in Baldwin and Wilkinson were 35 chains square and contained 202½ acres. Those in Wayne were 70 chains square and contained 490 acres.

So effective did the land lottery system prove, that all the remaining lands of the state were from time to time distributed according to this method. The last distribution was made under the Cherokee Lottery of 1832. All of the lands of the state lying west of the Oconee and north of the Altamaha were distributed under the land lottery system; and, in like manner all the lands south of the Altamaha and west of the old original County of Wayne. On the other hand, all the lands east of these dividing lines, were distributed under the head right system.

Louisville, as a permanent site for the state capital, had failed to give satisfaction. The locality was found to be unhealthy. Moreover, with the movement of population toward the foot-hills, there was a strong demand for locating the seat of government at some convenient point in the uplands. Considerably more than one-half of the state's population was now found in the middle belt. Georgia, having ceded to the Federal Government her western lands and having received in return a guarantee of the titles under which she held her remaining lands, this seemed to be an opportune time for selecting a new seat of government; and accordingly, in the Land Lottery Act of 1803, commissioners were authorized to locate a town at the head of navigation on the Oconee River. Sixteen land lots, or 3,240 acres of land, were allotted to the proposed new seat of government; and here, on the wooded heights, a

town was laid off by the following commissioners, to wit: Littleberry Postwick, A. M. Devereaux, George M. Troup, John Herbert, and Oliver Porter. It was an ideal site for a town, thickly wooded with oaks and hickories, in an area of splendid hills. On the eastern side of the town ran Fishing Creek, then a stream of transparent crystal, threading the virgin forest like a skein of silver. The new capital of the state was to be called Milledgeville, in honor of the distinguished governor who was then occupying the executive chair. It was a tribute alike to the popularity and to the statesmanship of this great man that, while at the helm of affairs, his name should have been conferred upon the capital of his native state: an honor to be cherished by his children and by his children's children to the latest generation.

To Gen. Jett Thomas, a civil engineer, who had built the first structure on the campus at Athens, for Franklin College, was committed the task of erecting Georgia's new state house—an edifice of Norman design which remains to this day an imposing memorial of the ante-bellum period, surpassed by no other existing landmark in its wealth of historic associations.

But, while the new state house was in process of erection, the Legislature continued to meet in Louisville, where its last session was held in 1806.

Milledgeville was thus given a double distinction. It was to be not only the county-seat of Baldwin County but the seat of government for all Georgia; and the state's wealth, refinement, influence, and power were soon to converge at this new center, destined for more than sixty years to give laws to a great commonwealth and to retain its honors as Georgia's capital.

In 1804, while occupying a seat on the bench of the Middle Circuit, Hon. George Walton, the last surviving member of Georgia's immortal trio of independence, breathed his last, having been honored with almost every high and important office within Georgia's gift.

On November 3, 1804, Col. Benjamin Hawkins, the resident Indian agent, negotiated a treaty with the Creeks, under which a body of land between the Oconee and the Ocmulgee rivers was acquired.*

In the presidential contest of 1804, Georgia cast six electoral votes. She supported in this contest, Thomas Jefferson, of Virginia, and George Clinton, of New York. Her electors were Edward Telfair and James B. Maxwell, from the state at large; and David Emanuel, John Rutherford, Henry Graybill and David Creswell, from the congressional districts.†

On November 14, 1805, Henry Dearborn, then secretary of war, met six chiefs of the Creek Nation, in Washington, District of Columbia, with whom he negotiated a treaty under which the remaining lands between the Oconee and the Ocmulgee rivers were acquired.‡ Privileges were granted to establish forts, factories and trading-posts among the Indians; and a horse-path was to be maintained over which the safety of travelers was guaranteed.

On March 19, 1806, United States Senator James Jackson died in

* "Indian Affairs," I, p. 691.

† "Lanman's Biographical Annals of the United States Government," pp. 515-516.

‡ "Clayton's Compilation," p. 336; "Indian Affairs," I, 698.

Washington, District of Columbia, at the comparatively early age of forty-nine. It is said that his death was due to the debilitating effect of wounds received on the field of honor, most of them in consequence of his relentless opposition to the Yazooists. Never a robust man, his constitution was greatly enfeebled by these numerous duels. Senator Jackson was buried in the Congressional Cemetery, on the banks of the Potomac. His grave is marked by a square block, resembling a bee-hive, and is not unlike many others erected by Congress within this same plot of ground to commemorate the services of senators and representatives who died in official harness and were here buried. As a memorial, it is most inadequate and Georgia owes it to the memory of this devoted patriot to reinter his ashes beneath a handsome shaft of marble in her own soil. With his expiring breath he is said to have declared that if his breast should be opened after death Georgia would be found lettered upon his heart.

To succeed Senator Jackson, the Legislature, at an extra-session held in June, 1806, elected Governor John Milledge, who was still occupying the executive chair. Jared Irwin, who was then president of the Senate, once more became governor, an office which he had already twice filled; and when the Legislature met in November he was elected for a full term.

Just one year after Senator Jackson's death, his colleague, the illustrious Abraham Baldwin, died in Washington, District of Columbia, on March 4, 1807. Hon. George Jones, of Savannah, was appointed to succeed him under a temporary commission; and, at the next session of the Legislature in November, Hon. William H. Crawford, of Lexington, then a member of Congress, was awarded the senatorial toga.

Under the Federal census of 1800 Georgia was entitled to four members in the National House of Representatives; but it was not until the Eighth Congress (1803-1805) that the new apportionment was put into effect. The state's four members at this time were: Joseph Bryan, Peter Early, Samuel Hammond and David Meriwether.* Samuel Hammond, near the close of the session, relinquished his seat in Congress to become territorial governor of Upper Louisiana. Georgia's four members in the Ninth Congress (1805-1807) were: Joseph Bryan, Peter Early, David Meriwether and Cowles Mead.† Joseph Bryan resigned in 1806 and was succeeded by Dr. Dennis Smelt. On December 24, 1805, Cowles Mead resigned and was succeeded by Thomas Spalding, as the result of a contest in which the latter was seated. Mr. Spalding resigned, however, for some reason, in 1806, and was succeeded by Dr. W. W. Bibb, for whom there were in store still higher honors. To the Tenth Congress (1807-1809), Georgia sent the following strong delegation: W. W. Bibb, Howell Cobb, Dennis Smelt, and George M. Troup. Captain Cobb was an uncle of the distinguished soldier and statesman who bore this same name at a later period.

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

† Ibid., p. 60.

CHAPTER II

THE GENERAL ASSEMBLY MEETS FOR THE FIRST TIME AT MILLEDGEVILLE IN 1807—SIX NEW COUNTIES CREATED—MORGAN, PUTNAM, LAURENS, JONES, TELFAIR AND RANDOLPH—THE LAST NAMED COUNTY CHANGED TO JASPER—REASONS FOR DISCARDING RANDOLPH—BOUNDARY LINE DISPUTE BETWEEN GEORGIA AND NORTH CAROLINA—THE OCMULGEE CIRCUIT CREATED—PETER EARLY ITS FIRST JUDGE—ROBERT FULTON'S STEAMBOAT, THE CLERMONT, MAKES A SUCCESSFUL TRIP ON THE HUDSON—THE PRESIDENTIAL CAMPAIGN OF 1808—PULASKI COUNTY IS FORMED—GEORGIA'S DELEGATION IN THE ELEVENTH CONGRESS—JUDGE CHARLES TAIT SUCCEEDS JOHN MILLEDGE AS UNITED STATES SENATOR—DAVID B. MITCHELL BECOMES GOVERNOR—PUBLIC IMPROVEMENTS BEGIN—GEORGIA'S EARLY ROADS—STAGE COACH DAYS—RIVER CHANNELS ARE DEEPENED—TWIGGS COUNTY IS ORGANIZED—GEORGIA'S OLDEST BANK IS CHARTERED—THE BANK OF AUGUSTA—THE STATE AGRICULTURAL SOCIETY IS FOUNDED—CHARTER MEMBERS—GEORGIA'S FIRST COTTON FACTORY—NUMEROUS ACADEMIES CHARTERED—POWELTON—MOUNT ZION—GEORGIA'S POPULATION IN 1810—SIX REPRESENTATIVES IN CONGRESS—DR. W. W. BIBB SUCCEEDS WILLIAM H. CRAWFORD IN THE FEDERAL SENATE—THE LATTER IS MADE AMBASSADOR TO FRANCE—HONORED BY NAPOLEON.

NOTE: MR. CRAWFORD AT THE COURT OF NAPOLEON.

On the first Monday in November, 1807, the General Assembly met for the first time at the new seat of government in Milledgeville. Jared Irwin occupied the governor's chair; while Robert Walton, of Richmond, was president of the Senate, and Benjamin Whitaker, of Jefferson, speaker of the House. Within four years a handsome edifice of brick, Norman in design, had been erected under the supervision of Gen. Jett Thomas, civil engineer and contractor. Occupying an eminence which came to be known as Capitol Hill, it presented an appearance of great impressiveness, with its beetling towers. Many of the state's leading families became identified with Milledgeville at this time, purchasing lots in the town and acquiring extensive plantations in the rich virgin lands just opened to settlement.

Under an act of the Legislature, approved December 10, 1807, six new counties were created, some out of the recently acquired Indian lands, and some out of the large counties already organized, to wit: Morgan, Putnam, Laurens, Jones, Telfair, and Randolph.

Two of these counties, Morgan and Putnam, were named for distinguished Revolutionary soldiers: Gen. Daniel Morgan, of Virginia, and Gen. Israel Putnam, of Connecticut. Laurens bore the name of a gallant

South Carolinian, Col. John Laurens. Jones was named for Hon. James Jones, a former member of Congress and one of the state's three commissioners appointed to cede its western lands to the Federal Government. Telfair bore the name of an honored governor of Georgia, Edward Telfair; while Randolph was named for John Randolph of Roanoke.

Randolph was a great favorite in Georgia at this time, due to his prolonged fight in Congress against the Yazooists; but when in 1812 he opposed the second war with England there was such a revulsion of feeling that the name of Randolph County was changed to Jasper, in honor of Sergeant Jasper, of the Revolution, who fell mortally wounded at the siege of Savannah, while engaged in the rescue of his colors. Later, however, when Randolph again rode the popular wave, a new county was created on the western border to which Randolph's name was given.



THE OLD STATE CAPITOL AT MILLEDGEVILLE

Morgan was organized out of lands taken from Baldwin and Wilkinson; Jones out of lands acquired from the Creek Indians under the treaty of 1805; Putnam and Randolph out of lands taken from Baldwin; and Laurens and Telfair out of lands taken from Wilkinson.

County seats were subsequently located in these various counties as follows: Madison, to be the county seat of Morgan, named for James Madison, of Virginia, then secretary of state, in Jefferson's cabinet; Monticello, named for Jefferson's home, in Albemarle County, Virginia, to be the county seat of Randolph, afterwards Jasper. Originally the county seat of Jones was called Albany, but the name was subsequently changed to Clinton, in honor of George Clinton, of New York. McRae, the county seat of Telfair, was named for a Scotch-Irish family to which many of the pioneer settlers belonged. Eatonton, the county seat of Putnam, was named for Gen. William Eaton, a soldier of fortune, who distinguished himself in the war with Tripoli. The original county seat of Laurens was Sumterville, but this site proving unsatisfactory Dublin was made the new seat of government, a town named for the

famous Irish capital. The man who donated the land for this purpose to the state was an Irishman, who claimed the privilege of naming the town, in return for his deed of gift.

For several years a bone of contention between Georgia and North Carolina was the matter of locating exactly the 35th parallel of north latitude, recognized as the boundary line between the two states. In 1806 surveyors representing both states, having failed to agree, Georgia in 1807 made a second effort to secure an adjustment, at which time the surveyor-general, re-enforced by two expert surveyors, with the finest instruments to be secured, undertook to run the line; but North Carolina refused to take any part in these proceedings or to recognize the finality of the line fixed by these surveyors. The issue between the two states remained unsettled for several years when the line was finally established by commissioners under appointment from the Federal Government.

The Legislature at this session created a new judicial circuit—the Ocmulgee—of which Peter Early became the first judge, an office which he held until his elevation to the governorship six years later.

In August, 1807, the Clermont, a steamboat constructed by Robert Fulton and operated by means of paddle wheels, made a successful trial trip on the Hudson. But as we have already seen, William Longstreet, on the Savannah, had already successfully applied steam to navigation by contriving a boat propelled by a series of poles, for which he had received a patent from the state in 1787.

Georgia's presidential electors in the campaign of 1808 were: John Rutherford and David Meriwether, from the state at large; and John Twiggs, Christopher Clark, Henry Graybill and James E. Houston, from the congressional districts.* James Madison, of Virginia, and George Clinton, of New York, were given the state's six electoral votes.

On December 15, 1808, an act was approved creating a new county to be called Pulaski, in honor of the gallant Polish nobleman who lost his life at the siege of Savannah.† It was to be formed out of lands detached from the County of Laurens.‡ Hartford was subsequently designated as the county seat, a town which has long since disappeared from the map. It was located on the east side of the Ocmulgee River, opposite the present Town of Hawkinsville.

To the Eleventh Congress (1809-1814) Georgia re-elected all four of her representatives: Dr. W. W. Bibb, Howell Cobb, Dennis Smelt and George M. Troup.‡

On November 14, 1809, John Milledge resigned his seat in the United States Senate and to succeed him, the Legislature, which was then in session, elected Judge Charles Tait, of Elberton.

This same Legislature chose David B. Mitchell to succeed Jared Irwin as governor. On assuming the duties of office, Governor Mitchell addressed to the General Assembly a strong document in which he stressed the importance of improving the public highways of the state and of opening new roads through the territory recently acquired from the Indians. An era had now arrived for inaugurating works of public

* Lanman's Biog. Annals of U. S. Government, p. 516-517.

† "Clayton's Compilation," p. 470.

‡ "Biog. Cong. Directory," p. 68.

improvement. Travel was slow at best and good roads were needed for stages; also in the interest of the planters, some of whom were forced to haul produce hundreds of miles to market. As a rule, Georgia's earliest roads followed the old Indian trails; and, in some respects, especially in the upcountry, were no better. It was difficult for stages, containing some score of passengers, to cover more than twenty-five miles per day, while the journey to New York usually consumed two weeks.

It was also necessary to deepen river channels and to remove all obstructions from the beds of streams. The Legislature of 1809 passed an act to clear the Savannah River. Both the large planter and the small farmer living along the water courses were largely dependent upon these streams which they used for floating produce to market. Similar means were also taken to open the Broad, the Ogeechee and the Oconee rivers, on each of which settlements were rapidly increasing in number.

On December 24, 1809, an act was approved creating the new County of Twiggs, for which purpose a large body of land was detached from Wilkinson. The new county was named for Gen. John Twiggs, of the Revolution. Marion, the original county seat, is today one of the lost towns of Georgia.

With the Indian problem temporarily quieted, there was a marked revival of commercial enterprise throughout the state. To this period belongs the establishment of Georgia's oldest bank. On December 6, 1810, an act was approved creating the Bank of Augusta.* Its capital stock was \$300,000, divided into shares of \$100 each, and of this sum \$50,000 was reserved for the State of Georgia, subject to the approval of the law-making authorities. In the event the state became a stockholder in the bank, it was stipulated that the governor, treasurer, and comptroller-general, should be entitled, at each succeeding election, to name two members of the board of directors. As given in the bank's charter, the original board of directors consisted of the following stockholders: Thomas Cumming, its first president; John Howard, Richard C. Tubman, John McKinne, James Gardner, Hugh Nesbit, David Reid, John Moore, John Campbell, John Willson, Anderson Watkins, John Carmichael, and Ferdinand Phinzy. The charter was signed by Governor David B. Mitchell, as governor, and by the presiding officers of the two law-making bodies: Hon. Jared Irwin, president of the Senate, and Hon. Benjamin Whitaker, speaker of the House of Representatives.

Two weeks later, the Planters Bank of Savannah was chartered. But we read in the caption to this act that its purpose was to incorporate "the Planters Bank of the State of Georgia and to repeal an act passed December 5, 1807."† The bank may have failed to operate under its original charter, but, nevertheless, in its legal conception, it is an older institution than the Bank of Augusta. The incorporators of this bank, chartered December 19, 1810, were: Charles Harris, John Bolton, James Ward Stebbins, John P. Williamson, George Scott, William Mein, John M. Berrien, Andrew Low, John Cumming and Zachariah Miller.

On December 6, 1810, the agricultural interests of the state received a wonderful stimulus from an act of the Legislature creating the Agri-

* "Clayton's Compilation," pp. 588-595.

† "Clayton's Compilation," pp. 632-637.

cultural Society of Georgia, an organization which still exists after the lapse of more than a century and which in its manifold activities has been an untold blessing to the state. The charter members of this time-honored organization constitute a roll of honor. These were: * John Bolton, John Cumming, Thomas Young, Thomas Telfair, John M. Berrien, Curtis Bolton, Joshua E. White, Richard Richardson, Steele White, Ebenezer Stark, Nicholl Turnbull, Noble W. Jones, Wm. Scarborough, Oliver Sturges, Benjamin Burroughs, Barna McKinne, Benjamin Maurice, Charles Perry, Hugh Ross, Hanen Kimball, Joseph Carruthers, John Hunter, Henry Hall, Jabez Longworth, Jonathan Meigs, Wm. Woodbridge, John P. Williamson, James Dickson, David Williford, Stephen Martell, Wm. T. Williams, Richard M. Stites, John Anderson, John Eppinger, John Eppinger, Jr., Adam Cope, John G. Williamson, Wm. Taylor, Thomas Phelps, Jonathan Battelle, Charles Oddingsell's, Robert G. Houston, Benjamin Ansley, Frederick Ball, George Woodruff, Francis Roma, John Lawson, Richard Wall, Archibald S. Bulloch, Lemuel Kollock, Hugh McCall, Gurdon J. Seymour, Wm. Mein, Edward White, Alfred Cuthbert, Henry Holcomb, Thomas Gardiner, John Craig, George Scott, Tobias V. Gray, James G. Almy, John Grimes, George Anderson, Wm. B. Bulloch, Wm. Gaston, John H. Deubell, James Bilbo, Robert Small, Thomas L. Malone, Thomas Mendenhall, James B. Read, Abraham Richards, Theodore A. Scheodde, Andrew Low, Richard F. Williams, George Harrell, Ralph May, Zachariah Miller, Calvin Baker, B. Ogden, Thomas Bourke, Samuel Barnet, George Jones, L. N. Alard, A. Devuillard, Thomas Dieheneaux, J. J. Coiron, J. J. Blanchard and N. Nazant.

Georgia's pioneer cotton factory was chartered by the Legislature of 1810. It was styled the Wilkes Manufacturing Company and was located near the present Town of Washington. Its incorporators were: Matthew Talbot, Bolling Anthony, Benjamin Sherrod, Frederick Ball, Gilbert Hay and Joel Abbot.† It was chartered for the manufacture of cotton and woolen goods by machinery to be erected in Wilkes, with a capital stock of \$10,000 to be increased to a sum not exceeding \$50,000. There was also a factory established at this time in Morgan, on Little River. But neither enterprise prospered. These items possess a value chiefly as showing the wideawake activities of our people in these pioneer days.

In 1810 a petition was presented to the Legislature, presumably by members of the Clark party in whose ranks there were few members of the legal profession begging the General Assembly to abolish "the most useless pest that ever disgraced civil society—the lawyers."‡

Quite a number of academies were chartered between 1810 and 1818 two of which, the one at Powelton and the one at Mount Zion, both located in Hancock, became widely famous in after years. Powelton was a strong Baptist center. Here the Georgia Baptist Association was organized and here William Rabun and Jesse Mercer lived at one time. Mount Zion was a Presbyterian neighborhood. Here the noted educators, Nathan and Carlisle P. Beman, taught, and, in after years, Gov-

* "Clayton's Compilation," pp. 585-587.

† "Clayton's Compilation," pp. 667-668.

‡ "Georgia and State Rights," U. B. Phillips, p. 110.

ernor Wm. J. Northen became principal of the school. The Powelton Academy was incorporated November 23, 1815, with the following board of trustees: Wm. Rabun, Nicholas Childers, Thomas Cooper, Sampson Duggar, Archibald R. S. Hunter, James Crowder, Reuben T. Battle, John Yeazy and Stephen Weston.* The academy at Sparta was established December 17, 1818, with the following incorporators: Wm. G. Springer, John Lucas, Nicholas Childers, Charles E. Haynes and Thomas Haynes.†

According to the census of 1810 Georgia's population was 250,000 inhabitants. Her exports aggregated \$2,500,000 in value, a net increase of \$1,000,000 in ten years. Savannah was still the metropolis of the state, but with a population of only 5,000. Brunswick, Darien and St. Marys were beginning to develop some importance as seaports. Augusta was still a small town on the northern frontier, but with a growing trade.

On the basis of population, Georgia was entitled to six representatives in the national House, but the apportionment was not made in time to affect her representation in the Twelfth Congress (1811-1813). To this Congress, Dr. W. W. Bibb, Howell Cobb, Bolling Hall and George M. Troup were elected. Mr. Cobb resigned in 1812 to accept a captaincy in the regular army of the United States, when a rupture with England threatened a second war for independence. Mr. Cobb's successor was William Barnett. But in the fall of 1812 six representatives were chosen to the ensuing Congress (1813-1815), to wit: William Barnett, Wm. W. Bibb, John Forsyth, Bolling Hall, Thomas Telfair and George M. Troup.

On March 13, 1813, William H. Crawford relinquished his seat in the United States Senate to become ambassador to France under an appointment from President Madison. To succeed him, Governor Mitchell appointed Wm. B. Bulloch, of Savannah, but when the Legislature met in November, Dr. W. W. Bibb, then a member of Congress, was elected to the Senate, while Alfred Cuthbert was chosen to succeed Doctor Bibb in Congress. While abroad Mr. Crawford was the recipient of a marked tribute from the Emperor Napoleon; a detailed account of which is given elsewhere in this work.‡

MR. CRAWFORD AT THE COURT OF NAPOLEON.—In a letter written to Maj. Stephen P. Miller by Col. George M. Dudley, son-in-law and biographer of Mr. Crawford, the following authentic account is given of a famous episode which occurred at the French Court in 1813. Says Colonel Dudley ("Miller's Bench and Bar of Georgia," Vol. I, Sketch of Mr. Crawford): "Though Mr. Crawford has told us of the bow he made on his presentation to the Emperor Napoleon, his modesty prevented him from saying what special favors he received in return. We are indebted to his Secretary of Legation [Dr. Henry Jackson], for the following incident: So impressed was the Emperor with his firm step, his lofty bearing, his tall, manly, and imposing figure, decorated for the first time in the court dress of the Empire that he avowed [on meeting the American Ambassador] that Mr. Crawford was the only man to whom he had ever felt constrained to bow and that on this occasion he had involuntarily bowed twice as he received the minister from the United States. The homage thus paid by the Emperor was said to be a rare if not an unprecedented occurrence at this court; and the Emperor himself was one of those who observed, upon looking at Mr. Crawford, that he was among the few distinguished men whose actual appearance more than realized what one anticipated before seeing them."

* "Lamar's Compilation," pp. 4-5.

† "Lamar's Compilation," pp. 22-23.

‡ See "Georgia in the Realm of Anecdote, Wit and Humor."

CHAPTER III

THE WAR OF 1812—TO SECURE FREEDOM UPON THE HIGH SEAS, THIS COUNTRY ONCE MORE ENGAGES IN A STRUGGLE WITH ENGLAND—AMERICAN SAILORS IMPRESSED ON BOARD ENGLISH WARSHIPS—GEORGIA'S PART IN THE WAR IS CHIEFLY TO AID IN QUELLING A FRONTIER OUTBREAK OF THE CREEK INDIANS—TECUMSEH'S ELOQUENCE INFLAMES THE FOREST—SOMETHING ABOUT THIS EXTRAORDINARY MAN—THE INFLUENCE OF COL. BENJAMIN HAWKINS IN RESTRAINING THE LOWER CREEKS—THE PRESIDENTIAL ELECTION OF 1812—GOVERNOR MITCHELL'S WAR MESSAGE—PREPARATIONS FOR DEFENDING GEORGIA'S SOIL—\$30,000 APPROPRIATED—AMELIA ISLAND INFESTED WITH LAWLESS CHARACTERS—FUGITIVES INTO EAST FLORIDA—GOVERNOR MITCHELL VISITS THE BORDER—DEMANDS A DISCONTINUANCE OF DEPREDATIONS—WISHES TO ANNEX FLORIDA, TO WHICH ENDS HE FAVORS ENCOURAGING THE REVOLUTIONISTS—BUT THE PROJECT FAILS—STOCKADE FORTS ON THE NORTHERN FRONTIER—THE FIRST REAL SKIRMISH—MASSACRE AT FORT MIMS—TO AVENGE THIS HOLOCAUST A BODY OF GEORGIA MILITIA STARTS IN PURSUIT—UNDER A CALL FROM THE SECRETARY OF WAR, 3,600 TROOPS ARE MOBILIZED AT FORT HAWKINS—GEN. JOHN FLOYD PUT IN COMMAND—FROM THE STATE OF TENNESSEE MARCHES A BODY OF MEN AT THE HEAD OF WHICH RIDES ANDREW JACKSON.

To secure freedom upon the high seas war was formally declared against England by the United States Government in 1812. But before treating of Georgia's part in this second war for independence we must explain the necessity for this renewal of hostilities with England. When Napoleon was at the height of his power in 1806 he sought to embarrass British commerce by closing all of the continental ports to England's trade, a drastic measure against which England retaliated by forbidding any vessel to enter the ports of France or those of her allies. Due to these edicts, American vessels trading with the countries at war, incurred the liability of capture, first by the one and then by the other. British naval officers, inspired by an old enmity, had more than once searched American vessels; but without stopping at this indignity they had even seized American sailors, impressing them into service on board English warships on the spurious claim that these sailors were British subjects. Such high-handed piracy was not to be countenanced, and accordingly this country in what was known as the Embargo of 1807 suspended all commerce and forbade any vessel to leave its ports. To Georgia especially this measure dealt a severe blow. She was just beginning to export large quantities of cotton to Europe and from this trade her wealth was mainly derived. But the Legislature of 1807 in a patriotic

address strongly supported the Government's action. Later an effort was made by England to force a direct trade with the cotton states, on the supposition that no real unity existed between these states, especially where selfish interests were involved. In January, 1809, an English war brig, the Sandwich, anchored off Tybee Island, at the mouth of the Savannah River. Disembarking, two British officers came in rowboats up the stream to purchase cotton, but only to meet an emphatic refusal. There was no cotton in Savannah for English buyers. These officers became insolent and even threatened to destroy the town, but they failed to secure any cotton. Returning to the brig, they soon put out to sea, but as a farewell salute emptied a charge of lead into a pilot boat lying in the harbor.

Such an indignity made Georgia eager for war, and accordingly the Legislature of 1809 passed resolutions of protest, urging our Government to maintain its sovereign rights against the despots of Europe.

But Georgia's part in the War of 1812 was chiefly to aid in quelling a frontier outbreak of the Creek Indians who became in this struggle the allies of the British. Anticipating an outbreak of war, England had secretly sent emissaries to this country to secure allies among the North American Indians. Tecumseh, a chief of the Shawnees, famed for his eloquence, became a convert to these emissaries, especially since, with a prophet's eye, he saw the doom of his race prefigured in the reddening clouds which hung upon the sunset sky; and he, therefore, undertook to incite all the tribes between Canada and Florida to rise in an organized body against the white settlements. This was an adroit move on the part of England. Tecumseh, from his home in the far-away Northwest, came all the way to Georgia for the purpose of inciting the Muscogee Confederacy to arms; nor did his fiery eloquence fail to exert a powerful influence upon the savage tribes. All accounts agree in ascribing to Tecumseh wonderful powers of oratory, in portraying him as a man of splendid presence, and with a powerful voice, marvelous in its flexibility and compass, and with a tropical imagination. Tecumseh encountered little difficulty in arousing the hostile Upper Creeks, on the Alabama River, though it was mainly from the youthful hot-heads or Red-Sticks that he drew his adherents. The old men of the tribe counseled moderation. But to quote an authoritative account, "the Red Sticks listened readily to Tecumseh's teaching, and when he left for his home in the distant North-west many were already dancing the war-dance of the Lakes."*

Most fortunate it was for Georgia that at this time she possessed a strong tower of defense in the person of Col. Benjamin Hawkins, the resident Indian agent appointed to this office by Washington. For years this truly great and noble man had devoted his life with supreme unselfishness to the welfare of the Indians, and though he had occupied a seat in the American Senate he was nevertheless willing to bury himself in the heart of the wilderness, if by such a sacrifice he could serve his country in an hour of need and aid in uplifting the savage tribes of the forest. The Lower Creeks, who dwelt within the limits of Georgia and who came directly under the influence of Colonel Hawkins, remained friendly to Georgia, and no persuasive arguments could induce them to

* "Life of Jackson," W. G. Brown, p. 47.

join the Creek insurrection. These Lower Creeks had made rapid progress in the agricultural arts, due largely to the tutelage of Colonel Hawkins, and in fact had passed from savagery into semi-civilization. Indeed, in this respect, they were not far behind the Cherokees, who alone of all the Indian tribes in North America possessed a written alphabet and governed themselves according to constitutional law.

But the Upper Creeks were neither as civilized nor as peaceably inclined as were the Lower Creeks; they were at all times belligerent, and when to the fiery harangues of Tecumseh were added the prophecies of medicine men and soothsayers, who predicted victory for the British, with a promise of long life in the happy hunting grounds for the braves who fell in battle, these Upper Creeks were ready at a moment's notice to descend upon the white settlements in a sweeping avalanche of fire and blood.

Amid the opening guns of the War of 1812 there occurred another presidential election. Georgia at this time cast eight electoral votes. She supported Mr. Madison for re-election as President and Elbridge Gerry, of Massachusetts, for Vice President. Georgia's electors in 1812 were as follows: from the state at large, Daniel Stewart and John Twiggs; district delegates, Henry Graybill, Oliver Porter, Charles Harris, Henry Mitchell, John Rutherford and John Howard.*

Governor Mitchell, when the Legislature convened in 1812, was ready with a vigorous war message in which he urged instant measures to defend Georgia's exposed frontier. He also urged all necessary precautions for safeguarding the ocean front. Said he:† "These considerations have induced me to press upon your attention a thorough revision of our military laws and [the need] of making provision for the purchase of arms and ammunition. In the defense of our sea coast, it will not escape your attention, that artillery is of vast importance, and yet there is not a single company out of the City of Savannah in the whole of the First Brigade. This is no doubt owing to the great expense attending the equipment and support of such a corps, which but a few are able to sustain. Permit me to recommend to your consideration the propriety of making some provision for the encouragement of this description of troops.

"Knowing of no manufactory of Swords and Pistols within the State, my attention has been directed to other States for a supply of these articles, as contemplated by the act of the last session, for the use of the cavalry; but find the prospect of procuring them so remote and uncertain that I shall attempt to have the swords made at home and I am flattered with the hope of having this done in a style of workmanship superior to those imported for common use and at a much cheaper rate. The manufacture of them will commence immediately in this place, and will produce about five dozen every week. I shall use my utmost efforts to have the pistols made in the State also. These are objects which, in our present situation, claim the fostering care of the Legislature.

"In the course of last summer the Secretary of War of the United

States, by order of the President, called upon this State, under the authority of an act of Congress, to detach from her militia three thousand five hundred [men], which has been done accordingly. These men thus detached are liable to be called into actual service whenever the President shall so direct, and ten companies of them have been called for and are now in the field where they are liable to be detained for six months. It is possible, nay, very probable, that many of those men now on duty have left families or relatives at home, whose principal dependence for support was upon their labor and whose little property may be at the mercy of a creditor for an inconsiderable debt. Some legislative provision in such cases would, in my opinion, be both reasonable and just and may be done without impairing the just rights of others."

To the recommendations made by Governor Mitchell the Legislature responded by appropriating \$30,000, with which to erect forts on the frontier, arm soldiers, and fit out vessels for coast protection. There were quite a number of guns in the old statehouse at Louisville, then used as an arsenal. These were ordered at once to the new seat of government, there to be divided among the various military organizations. Swords and pistols were also provided with which to equip the cavalry troops; but these were not of the best workmanship.

Governor Mitchell, in his message to the Legislature, called attention to a revolution begun in East Florida during the month of March. The Island of Amelia, on the Florida coast, had become a den of smugglers who, under the protection of Spain, sought to evade the laws of the United States. Besides, lawless characters on the mainland in East Florida were giving the state much trouble, crossing into Georgia, burning houses, stealing articles of value, and carrying off live stock. To protect the endangered ocean front, Governor Mitchell called for 10,000 troops. At the same time he purchased 500 stands of arms for equipping the militia on the exposed southern frontier. President Madison, in response to an importunate appeal, ordered United States troops to Georgia, to act in co-operation with state troops. Governor Mitchell was instructed to use all efforts within his power to induce the revolutionists in Florida to consent to annexation. Reaching St. Mary's, on the border, Governor Mitchell addressed a letter to the governor of East Florida, telling him that the Indians under his protection must return stolen property, that the smugglers must leave Amelia Island, and that all outrages must cease at once. To this letter the Spanish governor returned an insolent reply, which he proceeded to re-enforce by an effort to disperse the American troops; but he failed to dislodge them. Meanwhile, however, the revolution in East Florida had collapsed, and with it had dissolved all hope of annexation.

Governor Mitchell was not unmindful of dangers on the north, and, while safeguarding the coast, he was also careful not to expose Georgia, without some preparation for resistance, to an Indian uprising, likely to occur at any moment. On the upper frontier, where a constant state of dread prevailed among the settlers, he erected stockade forts, at distances of sixty miles apart. Each of these forts was 100 feet square, guarded by two blockhouses and enclosed within a stockade eight feet in height. There were three of these forts in Twiggs County,

* "Lanman's Biographical Annals of the United States Government," pp. 517-518.

† Senate Journal, 1812, p. 7.

three in Telfair and four in Pulaski—all on its exposed northern and western border.

Depredations were constant. But the first real skirmish occurred at Burnt Corn in Lower Alabama, where the Creeks repulsed an attack of badly organized frontiersmen.

Fort Mims, on the Alabama River, witnessed the first horrors of an Indian massacre. On August 30, 1813, a body of Creeks numbering 1,000 warriors made a descent upon the fort at high noon. It was an unexpected assault and before the little garrison could barricade its doors the Indians were upon them, with the dreaded war-whoop. No quarter was given, and in less than half an hour there was scarcely a man left to tell the woeful tale. Over 300 lives were brutally sacrificed in this bloody carnival. All who took refuge within the stockade for protection, including many women and children, perished. Says a well-known historian: *

"At Fort Mims, near the point where the Alabama and Tombigbee form the Mobile, five hundred and fifty-three men, women and children were pent up in an ill-planned enclosure, defended by a small force under an incompetent though courageous officer named Beasley. On the morning of August 30, 1813, Beasley was writing to his superior, General Claiborne, that he could hold the fort against any number of the enemy. At that very moment a thousand warriors lay hidden in a ravine but a few hundred yards from the open gate of the stockade. Their principal leader was William Weatherford, 'the Red Eagle,' a half-breed of much intelligence and dauntless courage. At noon, when the drums beat the garrison to dinner, the Indians rushed to the attack. At the end of the hot August day there remained of the fort but a smoldering heap of ruins, ghastly with human bodies. Only a handful of the inmates escaped to spread the horrible news among the terrified settlers. Swift runners set off eastward, westward, and northward, for help. A shudder ran over the whole country. The Southwest turned from the remoter events of the war in Canada to the disaster at home. 'The Creeks!' 'Weatherford!' 'Fort Mims!' were the words on everybody's lips."

But this affair at Fort Mims was only the signal for a general uprising among the Indians. Both the Creeks on the west and the Seminoles on the south were involved in this murderous conspiracy against the white settlements. To avenge the frightful holocaust at Fort Mims, a body of Georgia troops pursued the red-handed demons into the swamp and for seven days, without food or shelter, camped in the depths of the wilderness, exposed to hidden perils. But the Indians escaped.

Meanwhile, under a call from the secretary of war, 3,600 Georgia troops were mobilized at Fort Hawkins, on the Ocmulgee River, directly opposite the present City of Macon. This was the strongest fortification on the exposed frontier. It had been constructed in 1806, under the personal supervision of Col. Benjamin Hawkins, the Indian agent for whom it was named. Gen. John Floyd was put in command of these militia troops, much to the disappointment, it is said, of Gen. John Clark, who aspired to this position. At the head of a column of

*"Life of Andrew Jackson," W. G. Brown, 48-49.

Mississippi settlers, re-enforced by friendly Choctaws, General Claiborne marched into the wilderness. From East Tennessee, a body of men commanded by Gen. John Cocke started toward the Alabama line. But there was still another army on the move. It was composed of riflemen from West Tennessee and at its head—his arm in a sling and his shoulder too weak to bear the weight of an epaulet—rode an intrepid Scotch-Irishman, lean and lank, destined within a few months to make himself known to all the civilized world—Gen. Andrew Jackson.

CHAPTER IV

THE HOSTILE CREEKS OR RED STICKS PROVE WILY FOES—DIFFICULTY OF PENETRATING INTO AN UNFAMILIAR WILDERNESS REMOTE FROM ANY BASE OF SUPPLIES—WHILE THE WAR IS IN PROGRESS, JUDGE PETER EARLY SUCCEEDS GOVERNOR MITCHELL AT THE HELM—ON HIS OWN INITIATIVE, GOVERNOR EARLY ADVANCES MONEY TO MOVE THE IDLE TROOPS AT FORT HAWKINS—THIS PROMPT ACTION DEMANDED BY NECESSITY AND JUSTIFIED BY RESULTS—GENERAL FLOYD CROSSES THE CHATTAHOOCHEE RIVER—FORT MITCHELL—THE BATTLE OF AUTOSSEE—GENERAL FLOYD WOUNDED—THE BATTLE OF CHALLIBEE—THE CREEK INDIANS SUBDUED—ON AUGUST 9, 1814, THE TREATY OF FORT JACKSON IS SIGNED—COL. DANIEL APPLING—HIS GALLANT EXPLOIT AT SANDY CREEK—THE STATE OF GEORGIA AWARDS HIM A SWORD—DYING WITHOUT HEIRS, THIS TROPHY IS PRESERVED BY THE STATE—GENERAL JACKSON NEXT CROSSES INTO FLORIDA—ON THE TERRITORY OF SPAIN, HE THROWS DIPLOMACY TO THE WINDS—INTERNATIONAL COMPLICATIONS—THE BLACKSHEAR ROAD—JACKSON DRIVES THE BRITISH FROM PENSACOLA AND STARTS FOR NEW ORLEANS WHERE, ON JANUARY 8, 1815, HE WINS A GLORIOUS VICTORY OVER THE SEASONED VETERANS OF PACKENHAM—SOME OF THESE AFTERWARDS FOUGHT UNDER WELLINGTON AT WATERLOO—MEANWHILE THE TREATY OF GHENT IS SIGNED—THE WAR ENDS.

NOTE: THE DEATH OF CAPT. SAMUEL BUTTS.

With determined frontiersmen organized under such leaders, the suppression of the Creek uprising was only a question of time; but the hostile Red Sticks were moved by a stern hatred of the whites. They possessed both courage and endurance and they knew every trail through the swamps. There were few of the settlers who had ventured far into this forbidden stretch of wilderness, occupied by the Creeks; and it was not an easy matter for an army to move through an unbroken forest. More than one victory was scored by the invading columns; but each of the leaders was in turn forced to make a hasty retreat to his base of supplies; and without decisive results the year 1813 drew to an end.

Meanwhile Governor Mitchell, having completed his second term of office, Judge Peter Early, formerly a member of Congress, afterwards a judge of the Ocmulgee Circuit, was called to the executive helm. Judge Early was a native of Virginia. On the floor of Congress he had displayed abilities of a high order, reflecting luster upon himself and upon the state of his adoption; but while a man of thought he was likewise a man of action. In his inaugural address, delivered Novem-

ber 5, 1813, he took advanced position. Money was needed to relieve the embarrassment of General Floyd's army at Fort Hawkins. Energy and dispatch in all things were characteristic of General Floyd; but unfortunately it was not in his power to control the commissariat of the army—it could not march. Through default of the Federal Government in supplying promised funds, a dangerous, perhaps a fatal delay was taking place; and in this emergency Governor Early did not wait for the Legislature to authorize a loan from the state treasury, but undertook on his own initiative to advance a sum of money, for the return of which the good faith of a United States officer was pledged.* He knew how important it was to Georgia to crush the Indian uprising and how essential it was for an army to be supplied with funds when a crisis in its operations was at hand. Consequently he drew his warrant for \$80,000. Some criticized him for advancing the money. It was thought that he was incurring too much risk, that the Union might dissolve while the war was in progress and the money be lost; but to this stricture he replied: "I hope no such rupture will come but if it does I have no desire that Georgia should survive the general wreck." Happily the Union was not dissolved and the money advanced by Governor Early was returned.

With a part of the money advanced, General Floyd built a line of block houses from the Ocmulgee to the Alabama River, to protect the northern frontier of the state. On the west bank of the Chattahoochee, two miles below the present City of Columbus, he built a stronghold, which he called Fort Mitchell.† Leaving here a strong garrison, he then marched rapidly by night into the heart of the Creek country, moving toward Autossee, one of the largest towns of the Creek Nation, located on the left bank of the Tallapoosa River. Gen. William McIntosh, a chief of the friendly Creeks, accompanied him on this expedition. At daybreak, on November 29, 1813, Autossee was reached. Here an engagement immediately occurred. Simultaneously a movement was directed against Tallassee; and before 9 o'clock the kings of both towns were numbered among the slain. Nothing was left of these Indian settlements when General Floyd withdrew his troops. He then returned to Fort Mitchell. The expedition consumed seven days; and though provided with rations for a shorter period he had marched over 120 miles and had achieved two signal victories over the Creek Indians.

General Floyd, enfeebled by wounds received in these engagements, remained at Fort Mitchell until after the Christmas holidays. But, in January, 1814, having heard rumors of a concentration of the Upper Creeks at a town of some importance called Hat-le-wau-le, he dispatched a force of 1,500 men to attack this place; and, after a hard fought battle designated by historians as the Battle of Challibee, the Indians were dispersed. Capt. Samuel Butts, a gallant Georgian, was among the slain. Following this engagement, General Floyd was ordered to Savannah, where he remained until the close of the war, guarding the state's ocean front.

* "Men of Mark," I, p. 93.

† "History of Georgia," L. B. Evans, p. 176.

‡ "Men of Mark in Georgia," I, pp. 94-95.

However, General Jackson continued his operations in the territory of the Creek Nation. Advancing, in March, with strong re-enforcements, he won a decisive victory over the Red Sticks at Horse-Shoe Bend, on the Tallapoosa River, sometimes referred to as the Battle of Topekah. Hundreds of the surviving Creeks fled across the Florida line and took refuge among the Seminoles. On August 9, 1814, the victorious Tennessean assembled at Fort Jackson the vanquished chiefs who still remained in Alabama and there dictated terms of peace to the Creek Nation. As a result, Georgia acquired, under the terms of this treaty, an extensive area of land south of the Altamaha River, reaching from the western boundaries of the old original County of Wayne to the banks of the Chattahoochee River. Out of this vast tract more than a score of counties were afterwards organized; but it was first opened to settlement under the Lottery of 1820.

Col. Daniel Appling, a native Georgian and a graduate of West Point, achieved renown in a distant state during the War of 1812. As soon as hostilities began, he received orders to repair to Sackett's Harbor, in New York. He hastened northward without delay; and, in the Battle of Sandy Creek, on May 30, 1814, achieved the gallant record upon which his fame as a soldier today rests. The following account has been preserved of Colonel Appling's part in this engagement:

"Captain Woolsey left the port of Oswego, on May 28, in charge of eighteen boats with naval stores, destined for Sackett's Harbor. He was accompanied by Captain Appling, with one hundred and thirty of the rifle regiment and about the same number of Indians. They reached Sandy Creek on the next day, where they were discovered by the British gun-boats, and in consequence entered the creek. The riflemen were immediately landed and, with the Indians, posted in an ambuscade. The enemy ascended the creek; but, in an effort to land a detachment upon the banks, an unforeseen difficulty was encountered. The riflemen from where they were concealed suddenly confronted the new arrivals and poured so destructive a fire upon them that, in ten minutes they surrendered to the number of two hundred, including two post Captains and two Lieutenants. On the part of the Americans but one man was lost. Three gun-boats were captured, besides several small vessels and equipments. After this affair, Appling was breveted Lieutenant-Colonel."

There were several other engagements in which this distinguished officer figured with equal credit. At the close of the war he returned to Georgia; and on October 22, 1814, the General Assembly passed a resolution, in which "the heroic exploits of the brave and gallant Lieutenant-Colonel Daniel Appling" were commended in the most enthusiastic terms. At the same time, the governor was requested to have purchased and presented to this native son an elegant sword suited to an officer of his grade. But Colonel Appling, on March 18, 1818, at Fort Montgomery, died of an attack of pleurisy, before the above resolution was carried into effect. He left no children. At the ensuing session of the State Legislature, a resolution was passed in which the General Assembly of Georgia assumed the guardianship of the young officer's

* "White's Statistics," pp. 106-107.

fame. It was ordered further that the sword be purchased at once and deposited for safe keeping in the executive chamber. This was done; and for more than fifty years it was one of the treasures of the state capitol. In 1880, during the administration of Governor McDaniel, the General Assembly made the Georgia Historical Society of Savannah the custodian of this priceless heirloom.

Having brought the Creeks to terms, General Jackson turned his eyes still further southward. We next find him at Mobile, awaiting an attack from the British. But the latter had crossed over into West Florida, then a territory of Spain and had reached Pensacola, a town which Jackson had already asked for permission to attack. In default of an answer from Washington, he now threw diplomacy to the winds and with 3,600 men stormed the town, expelled the British from Pensacola and drove the Creeks and Seminoles into the neighboring swamps.

To join General Jackson at Mobile the general government in October called on Georgia for 2,500 militia. These troops were ordered to meet at Fort Hawkins and were put under command of Gen. John McIntosh. From this body of troops, Brigadier-General Blackshear was detached at the head of a column to subdue an uprising of Seminoles on the Flint River. At the same time, General McIntosh, with the remainder of the militia started for Mobile, instructing General Blackshear to join him there; but on reaching his destination General Blackshear found that the Seminoles had been effectually subdued, that the British had been driven from Pensacola and that General Jackson, marching over land, was then en route to New Orleans there to meet the Red Coats of England upon arrival. General Blackshear was then ordered to join General Floyd in Savannah; and it was on this march across the state that he blazed the afterwards famous Blackshear Road. Word received from General Floyd stated that the British were 2,000 strong, had pillaged the Town of St. Mary's and had withdrawn to Cumberland Island; but on General Blackshear's arrival no sign of the enemy was to be found.

Jackson's arbitrary conduct in foreign territory belonging to a power with which we were then at peace was about to result in censure from the President when he transferred his forces to New Orleans, there winning on January 8, 1815, over the seasoned veterans of Pakenham, a victory which instantly restored his popularity and caused the cabinet to drop its consideration of drastic measures with respect to his conduct at Pensacola. The Treaty of Ghent had already been concluded between the two nations at war when General Jackson fought the Battle of New Orleans; but this fact did not lessen the brilliancy of a triumph won by him over soldiers who had been trained under the Iron Duke and who later in this same year were to stand among Wellington's conquering legions at Waterloo.

On January 26, 1815, news of the Battle of New Orleans was brought to Fort Hawkins by an Indian runner from Mobile. General Blackshear, en route to Savannah, received the tidings on February 4th, and in return sent a letter by courier to General Floyd telling him that in celebration of the victory nineteen guns were fired at Fort Hawkins.

To the American frontiersmen who achieved this victory at New Orleans and to the gallant Tennessean who led them, we offer an admiring salute, for these men of the forest, trained only in the backwoods of America, had vanquished an army of veterans, trained by the one man in all Europe who was soon to defeat the great Napoleon.

DEATH OF CAPT. SAMUEL BUTTS.—Capt. Samuel Butts was a gallant officer of the state militia. He lost his life in the battle of Chulibee, on January 27, 1814, while leading a fearless charge against the Indians. It was during the second war for independence, when the savage tribes on the frontier, instigated by the British, rose in arms against the whites. Maj.-Gen. John Floyd, at the head of the state troops, undertook to complete his victory over the Indians in the battle of Autossee by penetrating into the country of the Upper Creeks. News came to him that certain bands of savages had fortified a town on the Tallapoosa River, in what is now the State of Alabama and he was marching thither. When the troops halted for the night within fifteen or twenty miles of the town, they went into camp only to be aroused before daybreak by the unexpected appearance of the Indians. To quote a writer of the period: "The darkness of the hour, the covert afforded the Indians by a thick forest of pines, the total want of breastworks, the surprise which the first yell of the savages occasioned, and the estimated numerical superiority of the enemy's force, were well calculated to put the courage of the militia to a severe test; but not a platoon faltered. In less than fifteen minutes every hostile Indian but the dead and dying had fled from the battle field." Captain Butts fell, in the thickest of the fight, shot through the abdomen, and the country lost a gallant soldier and a true patriot. Captain Butts was a native of Virginia, in which state he was born on November 24, 1777. But he came to Georgia in early life, settling first in Hancock and then in Jasper. He was for some time engaged successfully in mercantile pursuits; and when, at the outbreak of hostilities, the Legislature of Georgia advanced a sum of money to General Floyd with which to purchase needed supplies for the army, he placed this sum in the hands of Captain Butts, who promptly executed the commission.—"Georgia's Landmarks, Memorials and Legends," L. L. Knight, Vol. I.

CHAPTER V

GOVERNOR EARLY'S FAREWELL MESSAGE IS SOON FOLLOWED BY HIS DEATH—DAVID B. MITCHELL IS RECALLED TO THE HELM—THE LEGISLATURE ADOPTS A LIBERAL POLICY TOWARDS SCHOOLS, HOSPITALS AND INSTITUTIONS FOR THE UNFORTUNATE—THE STATE PENITENTIARY AT MILLEDGEVILLE—GEORGIA'S PENAL CODE UNDERGOES A REVISION—TRADERS FORBIDDEN TO BRING NEGROES INTO THE STATE TO SELL—CRUEL TREATMENT OF SLAVES IS FORBIDDEN—THE PRESIDENTIAL CAMPAIGN OF 1816—DR. W. W. BIBB RESIGNS THE GOVERNORSHIP—BECOMES GOVERNOR OF THE TERRITORY OF ALABAMA—HIS TRAGIC DEATH—COLONEL PICKETT'S PEN-PICTURE—GEORGE M. TROUP SUCCEEDS DR. BIBB—JOHN FORSYTH LATER SUCCEEDS MR. TROUP—MEMBERS OF CONGRESS DURING THIS PERIOD—THE DEATH OF COLONEL BENJAMIN HAWKINS—ONE OF THE NOBLEST CHARACTERS IN THE HISTORY OF OUR STATE—HIS SELF-IMMOLATION—INFLUENCE OF COLONEL HAWKINS OVER THE INDIANS—BURIED AT THE OLD AGENCY ON THE FLINT RIVER.

NOTE: FORT HAWKINS, THE CRADLE OF MACON.

Governor Early, in his farewell message to the General Assembly, on November 8, 1815, congratulated the state upon the prospect of settled conditions, following the recent war with England, in which success had perched upon the banners of America. But he counseled harmony in the deliberations of the Legislature, since at this time it was a matter of vital importance for the people to be united in the work of rehabilitation. Said he: "If peradventure matters of discussion should arise, in which different opinions should prevail, let not passion assume the empire of reason. The former is not the road which leads to the Temple of Truth."

On retiring from office, Governor Early was immediately elected to the State Senate, in which body he was serving at the time of his death, on August 15, 1817. He died at the early age of fifty, at a time when the state was in sore need of his abilities. Governor Early was buried on a bluff, at Scull Shoals, overlooking the Oconee River. His grave was on a part of the old estate formerly owned by his father, Joel Early, known as Early's Manor, one of the handsomest estates in upper Georgia. In the course of time, however, the grave in which Governor Early was buried became enclosed in a horse and cow lot; and from this neglected spot it was finally exhumed in 1915 and reinterred in the cemetery at Greensboro, Georgia. Governor Early's brother, Eleazer,

was the author of one of the first maps of Georgia, published some time in the '20s.*

Governor Mitchell, on assuming office, found the commonwealth in a greatly reduced condition, due to the ravages of war, but he applied himself with zeal to the work of rebuilding. On recommendation of Governor Mitchell, a liberal policy was adopted in support of schools, libraries, hospitals and institutions for the poor; and to all these causes the Legislature voted generous appropriations. The spirit of the great Oglethorpe himself seemed to inspire the legislation of this period; for in addition to various other measures of an eleemosynary character an act was passed requiring the master to support in comfort his infirm slaves and in the event of his failure to do so the inferior courts were authorized to sue for a just amount and to collect the same, "any law, usage or custom to the contrary notwithstanding"†. Four years prior to this time an act had been passed establishing a tribunal for the trial of slaves, under which act, all slaves committing offences were to be accorded a trial by jury, before inferior court judges.

As we have already seen, the Legislature of 1803 provided for a state penitentiary to be established at the seat of government; and the buildings for this purpose having been completed the Penitentiary Act was approved December 19, 1816. This act remained in effect until the close of the Civil war, when the state penitentiary was destroyed and, in its place, due largely to the exigencies of the times, arose the convict lease system. Georgia's Penal Code underwent a radical revision at this time to adapt it to changed conditions. Under the Penal Code of 1816, traders were forbidden to bring negro slaves into the state to sell and anyone violating this provision was subject to imprisonment for three years, besides a fine of \$500 for each negro.‡ It will be of interest in this connection to note what the Penal Code of 1816 says on this subject: "Offences Relative to Slaves." We quote the following paragraph: "Any person except emigrants, bringing, importing or introducing into this state, by land or water, any slave or slaves, with intent to sell, transfer, or barter such slave or slaves, such person shall be guilty of a high misdemeanor and, on conviction, shall be punished to pay a fine not exceeding five hundred dollars for each negro, and to undergo imprisonment in the penitentiary, at hard labor, for any period of time not less than one year nor longer than three years, as the jury may recommend; and the fact of offering for sale, transfer or barter, such slave or slaves, within the term of one year after the bringing into this state of such slave or slaves, shall be sufficient evidence of the intent of such importation or introduction (though no actual sale, barter or transfer be made); and every person so concerned or interested in bringing, importing or introducing such slave or slaves, shall be equally guilty as the principal and, on conviction, shall suffer the same punishment as before prescribed."••

* Judge George Hillyer, of Atlanta, Georgia, a kinsman, was chiefly instrumental in the removal of Governor Early's body to the cemetery at Greensboro, Georgia.

† "Lamar's Compilation," p. 802.

‡ "Lamar's Compilation," p. 608.

•• Ibid., p. 608.

Cruel treatment of slaves was also forbidden. Section 37 of the Penal Code of 1816 reads as follows: "Any owner or owners of a slave or slaves, who shall cruelly treat such slave or slaves, by unnecessary and excessive whippings, by withholding proper food and nourishment, by requiring greater labor from such slave or slaves than he, she, or they are able to perform, by not affording proper clothing, whereby the health of such slave or slaves may be injured or impaired; every such owner or owners shall, upon sufficient information being laid before the grand jury, be by said grand jury presented, whereupon it shall be the duty of the attorney or solicitor-general to prosecute said owner or owners who, on conviction, shall be sentenced to pay a fine at the discretion of the court, and also be imprisoned, if the jury trying the offender or offenders shall think proper to recommend that additional punishment."•

Georgia's eight electoral votes in the presidential campaign of 1816 were given to James Monroe, of Virginia, for President, and to Daniel D. Tompkins, of New York, for vice president. The following electors were chosen this year: from the state at large, David Adams and Charles Harris; district electors, John McIntosh, John Clark, Jared Irwin, John Rutherford, Henry Mitchell and David Meriwether.†

On November 9, 1816, Dr. W. W. Bibb, Georgia's junior senator, resigned the toga in great mortification of spirit. He had voted for an act increasing the salaries of congressmen; and because of a strong protest aroused throughout the country he felt that he could not longer retain his seat. But President Madison, in recognition of his conspicuous abilities, appointed him governor of the Territory of Alabama. He was the only man to hold this office; and in 1819, when Alabama entered the Union, he was called by the spontaneous voice of the people to be the first governor of the new state. During a violent thunderstorm he was thrown from his horse, receiving injuries from which he died, at Fort Jackson, Alabama, July 9, 1820. He was succeeded in office by his brother Thomas, a coincidence rare in the history of politics.

Col. Albert J. Pickett, the noted pioneer historian of Alabama, was personally well acquainted with Doctor Bibb whose characteristics of person and manner he describes as follows. Says he: "Governor Bibb was five feet ten inches in height, with an erect but delicate frame. He was exceedingly easy and graceful in his bearing. His face bore the marks of deep thought and great intelligence. His eyes, of a dark color, were mild but expressive. Whether thrown into the company of the rude or the refined, his language was pure and chaste. No one ever lived, either in Georgia or Alabama, who was treated with a greater degree of respect by all classes. This was owing to his high moral character, unsurpassed honor, excellent judgment, and a very high order of talents. Entirely free from those patronizing airs which characterize many of our distinguished men, he invariably treated the humblest citizen with courtesy and respect. He was, however, a man of firmness, swaying the minds of men with great success, and governing by seeming to obey. In reference to his Congressional career, we have

* Ibid., p. 609.

† "Lanman's Biographical Annals of the United States Government, pp. 518-519.

often heard from the lips of many of his distinguished contemporaries, that the practical order of his mind, the wisdom of his views, and the peculiar music of his voice, contributed to render him one of the most effective of speakers."

The Legislature was in session when Doctor Bibb resigned his seat in the United States Senate; and to succeed him in this high office, George M. Troup, of Savannah, formerly a member of Congress, was elected.

To the Fourteenth Congress (1815-1817) the following delegation had been chosen in the fall of 1814: Alfred Cuthbert, John Forsyth, Bolling Hall, Wilson Lumpkin, Thomas Telfair and Richard Henry Wilde. Messrs. Cuthbert, Forsyth and Lumpkin afterwards became United States senators. Richard Henry Wilde was a great literary genius of whom we shall later speak more at length. Bolling Hall removed to Alabama, after completing his term, and was not again identified with Georgia. Mr. Cuthbert resigned in 1816 and was succeeded by Zadoc Cook.*

To the Fifteenth Congress (1817-1819) the following representatives were chosen in the fall of 1816: Joel Abbot, Thomas W. Cobb, Zadoc Cook, Joel Crawford, John Forsyth and Dr. William Terrell.

Mr. Forsyth, before completing his term, was chosen to succeed George M. Troup, in the United States Senate, the latter having resigned the toga. Hon. Robert Raymond Read, of Augusta, was chosen to succeed Mr. Forsyth.

On June 16, 1816, Georgia sustained a severe loss in the death of Col. Benjamin Hawkins, who, as Indian agent for the Federal Government, had been a resident of Georgia for sixteen years, with headquarters first at Fort Hawkins, on the Ocmulgee, and afterwards at Fort Lawrence, on the Flint. Colonel Hawkins was a native of North Carolina and a man of rare accomplishments. As early as 1780, the Tar Heel State commissioned him as general agent to obtain both at home and abroad all kinds of supplies for her troops. Successful in this trust, she sent him repeatedly to the Continental Congress; and, when North Carolina, after some hesitation, entered the Union, under the new Federal Constitution, he became one of the state's first senators, serving from 1789 to 1795. Washington's friendship for Colonel Hawkins was born amid the perilous days of the Revolution, when as a member of his staff the cultured North Carolinian had made his acquaintance with the French language of great help to Washington, in the latter's correspondence with the French officers. There were few men in the army with the educational advantages of Colonel Hawkins. Reared in affluence, he received instruction from the best tutors. But it was not alone the cultivated intellect but the robust character of Colonel Hawkins to which Washington was attracted; and for few men did he entertain a warmer friendship or a more exalted admiration than he did for the gallant North Carolinian.

It is somewhat anomalous that a man of such culture, equipped

to represent his country in the highest and noblest spheres of usefulness, should have found employment for his talents in a wilderness, among savage tribes. But whilst he was still a member of the Continental Congress, he had shown a peculiar fitness, a rare aptitude, for Indian negotiations; and in this connection let it be said that it required no ordinary gifts to meet the demands of such a service and to render justice alike to the white man and to the Indian. Nor was the life to which Colonel Hawkins was called as Indian agent without its far-reaching effect upon his country's political fortunes. At the close of the Revolution, the adjustment of relations with the various Indian tribes became a matter of the greatest interest; and Congress appointed Colonel Hawkins one of the commissioners plenipotentiary to open friendly relations with the four great southern tribes, the Creeks, the Cherokees, the Choctaws, and the Chickasaws. With the last three tribes the commissioners succeeded in negotiating satisfactory treaties, whereby they placed themselves under the protection of the United States Government and gave to Congress the sole power of regulating trade with them. The attempt to conciliate the Creeks, however, failed, due to entanglement with Spain by virtue of the treaty of Pensacola and to difficulties with Georgia. Finally, however, in the treaty of New York, in 1790, by a master stroke of Washington, the Creeks put themselves in like relation to the Government.

Thus it became a matter of the utmost importance to cultivate these Indians. Washington fixed his eyes on the long-known and well-tried North Carolina senator as the fittest man to take charge of the well advanced work of conciliation and to crown it by becoming the permanent agent. His family—one of the most influential and numerous in the state—opposed his accepting this appointment. Every inducement on the part of friends and relatives was brought to bear upon him in vain. He recognized in the appointment an imperative call of duty; and, like the great Hebrew law-giver, he put behind him the allurements of wealth and power and turned his face toward the wilderness. Nor was it his own flesh and blood whom he undertook to lead but an alien race of hostile savages. He looked upon the work as his mission. He gave to it the best there was in him. He not only accepted the appointment but he made its life-long duties a labor of love and a source of high moral and intellectual enjoyment.

His master-stroke was the treaty of Coleraine, negotiated in 1796. It was the much-needed supplement to the treaty of New York and it laid the basis for happy and harmonious relations. He studied the country and the people and accomplished himself in all knowledge pertaining to both; and here the advantages of early education bore fruit. He surrounded himself with books; and, in his self-decreed, official exile, he labored with his pen, telling posterity of the people among whom he lived. Most of his manuscripts perished in the burning of his home after his death; but enough were rescued to attest the importance of the work, and these have been confided to the Georgia Historical Society, in Savannah. Says Colonel Chappell: "The interest which they once excited has long since become extinct, with the melancholy fortunes

* "Biog. Cong. Directory, 1774-1911," p. 81.

of the rude people to which they relate; yet it may be that, when ransacked and studied hereafter, in distant times, they will furnish to some child of genius yet unborn both material and inspiration for an immortal Indian epic of which the world will not tire."

Under the pro-consular sway of Colonel Hawkins the Creek Indians for years enjoyed an unbroken peace among themselves and with the people of Georgia. Much was done to encourage them in the arts of civilization. They were taught pasturage and agriculture, and these supplanted in a measure dependence upon hunting and fishing as chief sources of food. He sought to win them by example as well as by precept. He brought his slaves from North Carolina, and, under the right conceded to his office, he cultivated a large plantation at the agency, making immense crops, especially of corn. He also reared great herds of cattle and swine, and having thus an abundance he was enabled to practice habitually toward the Indians a profuse though coarse hospitality and to bind them to him by loyal ties of friendship. The sanctity with which the Indians throughout the nation regarded his cattle was pronounced. Whatever bore his mark or brand was absolutely safe. Milk was measured by barrels and churned by machinery, and great were the outcomes; yet not more than enough for his vast hospitality to whites and Indians and his regal munificence to his negroes. Says Colonel Chappell: "Had the great pastoral bards of antiquity not sung and died before his day they could have seized upon these scenes and celebrated them in strains more wonderful than anything to be found in the charming bucolics which they have left us."

But at length there arose adverse influences so powerful that it was impossible for Colonel Hawkins with all his weight of authority among the Indians to maintain peace in the nation. The War of 1812 began to stir the embers. Great Britain, through her numerous emissaries among the Indians, by liberal supplies of arms, and by other means at her command, had been fomenting hostility among the northwestern tribes, toward the United States; and, succeeding along the border, she next directed her attention to the southern and western tribes. The eloquence of the famous Indian warrior Tecumseh was enlisted; and since he was himself of Creek lineage he succeeded in arousing the residuum of suppressed enmity and in kindling the hostile fires. Still it speaks in attestation of the influence of Colonel Hawkins that a large portion of the Creek territory, viz., the rich domain between the Oemulgee and the Chattahoochee, was never the seat of war.

This exemption was due to the fact that the official residence of Colonel Hawkins, having been first on the Oemulgee, opposite Macon, and afterwards on the Flint at the place still called the "Old Agency," his personal influence was here much greater than further to the west; and the Indians within this belt became the fast friends and allies of the whites. For the purpose of protecting them the friendly warriors organized themselves into a regiment of which Colonel Hawkins became the titular head but he never took the field in person, deeming it wiser to place the actual command upon the noble chief, William McIntosh. Like McGillivray, the latter was only of the half-blood in the civilization of lineage but he was of the whole blood in the loftier and finer traits of character. The result was that the few hostile Indians scattered

throughout this belt merged themselves into the belligerent elements on the upper tributaries of the Alabama. There they stood at bay and fought and fell in many a battle under the blows of Old Hickory. Eventually in 1814, at Fort Jackson, near the confluence of the Coosa and the Tallapoosa rivers, Jackson received the absolute surrender of the crushed nation. The spirit of the Creek Confederacy was broken. Colonel Hawkins was profoundly saddened by the fate of those whom he had long cherished as his children. Undoubtedly it hastened his death.

Even the three great friendly chiefs, Big Warrior, Little Prince, and General McIntosh were cut to the heart by the stern demands from Washington City, dictating the terms of peace and marking the narrow bounds of the vanquished savages. How much was taken from them and how little was left to them, constitutes one of the most pathetic events in our Anglo-American and Indian annals. Big Warrior, regarded as one of Nature's great men, perhaps the ablest of Indian statesmen, upbraided Colonel Hawkins for having persuaded him and so many of his chiefs to be neutral in the war against his people. For years afterward the story used to be told of how the big tears stood in the eyes of the aged Indian agent as he listened in silence to a reproach which he did not deserve but which he was powerless to answer.

Buried on an eminence of land, overlooking the waters of the Flint, at the old Indian Agency, in Crawford County, Colonel Hawkins today sleeps in an unmarked grave; but steps have been taken looking toward the erection of a monument on this hallowed spot. For years the burial place of Colonel Hawkins was unknown. But recently, a gentleman, Mr. N. F. Walker, while strolling over his uncle's plantation, in Crawford County, chanced by the merest accident to come upon the old patriot's grave. It was found in the midst of a clump of bushes. The walls of the tomb above ground had commenced to crumble and detached brick lay in confused heaps upon the ground. The ravages of time, re-enforced by long neglect, had made it a pathetic spectacle; but the identity of the grave has been well established by evidence. Since the burial-place was discovered the Daughters of the Revolution have made it an object of reverent care; but the United States Government owes it to the memory of this pure patriot who, for the sake of his country, lived and died among the savage Indians, to erect above his ashes a monument which will serve to keep his name in green remembrance; and when the shaft is built let it contain an inscription similar to the one which follows: "Here lies the body of Colonel Benjamin Hawkins, a soldier of the Revolution, a friend of Washington, a Senator of the

* Big Warrior was so named on account of his great size. Says Colonel Chappell: "He was the only corpulent full-blooded Indian I ever saw, yet he was not so corpulent as to be unwieldy or ungainly. In fact, his corpulency added to the magnificence of his appearance. In person, he was to a high degree grand and imposing. Tus-tu-nug-gee Thlu-co was his Indian name. Colonel Hawkins first met him at Coleraine in 1796, and they were great friends down to the treaty of Fort Jackson. He was probably the most enlightened and civilized man of the full Indian blood which the Creek Nation ever produced. He cultivated a fine plantation, with seventy or eighty negroes, near Tuckabatchee, where he lived in a good house, furnished in a plain but civilized style, and was a man of wealth."

United States, a scholar and a man of letters. As a mediator of peace, in a time of great national peril, he abandoned the delights of civilized society and, for sixteen years, dwelt among savage tribes. To him belongs the crown of life, for he was faithful even unto death."

FORT HAWKINS: 1806.—This frontier stronghold occupied the site of what is now East Macon. As soon as the lands lying between the Ocmulgee and the Oconee rivers were acquired by treaty from the Indians, a portion of the ground adjacent to the former stream and known as the Ocmulgee old fields, was reserved by the general government for purposes of defense, and here in 1806 arose Fort Hawkins. It was named in honor of the famous Indian agent, Col. Benjamin Hawkins, who himself selected the site on an eminence near the river. One hundred acres were reserved for the fortifications which consisted of two large block-houses surrounded by a strong stockade. It was built of posts of hewn timber fourteen feet long and fourteen inches thick, sunk in the ground four feet, and with port holes for muskets in alternate posts. The area enclosed within the stockade numbered fourteen acres. According to Doctor Smith the area in question was an abode of the ancient Mound Builders, a race concerning which there are only the vaguest traditions. Either at or about the time of the erection of the fort there was also established in this immediate vicinity a trading post, around which in the course of time developed a village. The fact that it soon possessed two taverns and several stores is proof of the commercial activities which began at an early day to center at this point. On Swift Creek, a small tributary of the Ocmulgee, Roger McCall and Harrison Smith, two sturdy pioneer settlers, built homes, the former erecting a sawmill near his place, from which he derived substantial profit. The settlement boasted a printing press owned by Simri Rose, from which the first newspaper published in Central Georgia was issued on March 16, 1823, called the Georgia Messenger. Here at Fort Hawkins, on the extreme western frontier of the white settlement, was to be found the nucleus of an important town long before the future metropolis, on the opposite side of the Ocmulgee commenced to stir under the creative touch which

"gives to airy nothing
A local habitation and a name."

MACON: THE METROPOLIS OF MIDDLE GEORGIA.—But the doom of Fort Hawkins was sealed by the fates. In 1821, an extensive tract of land was obtained by treaty from the Creeks at Indian Springs. It included the fertile area between the Ocmulgee and the Flint rivers; and from this newly ceded domain was carved the County of Monroe. Besides embracing the territory on the west side of the Ocmulgee it was made to include Fort Hawkins, on the east side; and two years later the lower part of Monroe was organized into Bibb. Immediately there began to arise on the bluff opposite Fort Hawkins a town destined to supersede the latter. The situation was ideal. Commanding the head of navigation on the Ocmulgee, an extensive plain, luxuriantly wooded with oaks and poplars extended back to an amphitheatre of rugged hills. The town chosen as the county seat of the new county was called Macon, in honor of Nathaniel Macon, of North Carolina. Four acres were reserved for public buildings, while the area adjacent thereto was divided into forty town lots.

FORT HAWKINS: THE CRADLE OF MACON.—One of the special features of the sixteenth annual conference of the State Daughters of the American Revolution in Macon was the unveiling by Nathaniel Macon Chapter of a handsome marble tablet on the site of old Fort Hawkins—the birthplace of the present City of Macon, and the most important stronghold on the Georgia frontier in pioneer days. Following an elegant repast at the Hotel Dempsey, over which the newly elected state regent, Mrs. T. C. Parker, most graciously presided, the visiting daughters and invited guests, promptly at 3 o'clock, on the afternoon of Tuesday, February 17, 1914, were conveyed in automobiles to the site of the old fort, some three-quarters

of a mile from the town center. It was underneath a cloudless sky and on an afternoon balmy with the breath of opening spring time that the following program was rendered:

Invocation.

Song, "The Red Old Hills of Georgia," by the school children.

Remarks by the state regent, Mrs. S. W. Foster, introducing the orator of the day.

Address, by Hon. Lucian Lamar Knight.

Song, "Georgia," by school children.

Benediction.

On an eminence overlooking the City of Macon and the sinuous bed of the Ocmulgee River, the site of old Fort Hawkins commands a prospect unsurpassed in the state for magnificence of view. But nothing today remains of the ancient stronghold which once stood upon these heights, except a few broken fragments of rock. The handsome memorial tablet is a work of art. Chiseled into the polished face of the tablet is a sculptured design of the old fort as it looked when first built in 1806, while underneath is inscribed in large letters: "Fort Hawkins."

* Dr. George G. Smith, in "Story of Georgia and the Georgia People," p. 536, Atlanta, 1900.

CHAPTER VI

GOVERNOR MITCHELL APPOINTED TO SUCCEED COLONEL HAWKINS AS INDIAN AGENT—RESIGNS THE EXECUTIVE CHAIR—WILLIAM RABUN, PRESIDENT OF THE SENATE, TAKES THE OATH OF OFFICE AND IS SHORTLY THEREAFTER ELECTED BY THE LEGISLATURE FOR A FULL TERM—HIS ADMINISTRATION IS DISTURBED BY AN UPRISING OF THE SEMINOLES—KINSMEN OF THE GEORGIA CREEKS—THE WHOLE OF UPPER FLORIDA AN ASYLUM FOR LAWLESS CHARACTERS, RUNAWAY SLAVES, FREE-BOOTERS AND MURDERERS—THE SEMINOLES REFUSE TO SURRENDER THESE CRIMINALS TO THE GEORGIA AUTHORITIES—MAJOR-GENERAL GAINES, IN COMMAND OF A BODY OF UNITED STATES TROOPS, ARRIVES ON THE BORDER—BUT FINDS THE SITUATION DIFFICULT—HIS FORCE INADEQUATE—INDIANS ATTACK A PASSING BOAT—FORT SCOTT—FORT GAINES—GENERAL JACKSON EN ROUTE TO FLORIDA—DOES NOT STOP AT THE BORDER—INVADES THE TERRITORY OF A POWER WITH WHICH THIS COUNTRY IS AT PEACE—SACRIFICES DIPLOMACY TO THE STERN DEMANDS OF A CRITICAL SITUATION—EXECUTES TWO BRITISH SUBJECTS—ARBUTHNOT AND AMBRISTER—MATTERS STILL FURTHER COMPLICATED—THE SECRETARY OF WAR FAVORS A COURT-MARTIAL—BUT JACKSON'S POPULARITY WITH THE MASSES IS INCREASED—IN THE END SPAIN CEDES FLORIDA TO THE UNITED STATES—GENERAL JACKSON'S MARCH THROUGH GEORGIA, KNOWN AS THE JACKSON TRAIL—PLACES AT WHICH HE STOPPED—CONTROVERSY BETWEEN GENERAL JACKSON AND GOVERNOR RABUN RELATIVE TO AN INDIAN VILLAGE, CHEHAW, DESTROYED BY STATE TROOPS—THIS VILLAGE BELONGED TO A TRIBE OF FRIENDLY INDIANS—ITS DESTRUCTION A MOST UNFORTUNATE BLUNDER.

To succeed Colonel Hawkins as Indian agent for all the tribes south of the Ohio River, President Monroe appointed Governor David B. Mitchell, who was then occupying the executive chair. Governor Mitchell, on account of his long experience in dealing with the Indians, seemed to be the logical man for this important work; and, resigning the governorship, on November 4, 1817, he entered at once upon his duties as resident agent. William Rabun, president of the Senate, thereupon took the oath as governor and was duly elected within a few days thereafter by the Legislature for a full term of two years.

Governor Rabun's administration was disturbed by a sanguinary uprising of the Seminoles on the state's southern border. These Indians were kinsmen of the Georgia Creeks, and for years they had been making predatory raids upon the property of settlers in the lower part of the state. Since the overthrow of the Creeks at Horse Shoe Bend, in 1814, when most of the scattered remnants took refuge among the Florida

Indians, these marauding expeditions had increased. In 1817 a band of Indians had stolen several hundred head of cattle from settlers in Camden, living just over the border line; and at Clarke's Mills, on the St. Mary's, some of these Indians, after murdering a woman and two children, had set fire to the dwelling and fled.

But, in addition to this catalogue of complaints, the whole of upper Florida had become an asylum for lawless characters, runaway slaves, free-booters, murderers and criminals of every type, who, by crossing the border line into Florida—still a province of Spain—eluded the arresting officers. Efforts had been made to obtain a surrender of these criminals; but the Seminole Indians among whom they had taken refuge refused to surrender them to the Federal authorities. Says Prof. Brown: "Negro slaves, escaping from American masters, had fled to the Spanish province in considerable numbers and a body of them had taken possession of a fort on the Appalachicola River, which had been abandoned by the British. To add to the disorder of the province, it was frequented by adventurers, some of them claiming to be there in order to lead a revolution against Spain, some of them probably mere free-booters. The Spanish authorities at Pensacola were too weak to control such a population, and Americans near the border were anxious for intervention. The negro fort was a center of lawlessness, and some American troops marched down the river, bombarded it, and by a lucky shot blew up its magazine and killed nearly 300 negroes. Trouble arose with the Indians also, and Fowltown, an Indian village, was taken and burned."

According to this same authority, a British officer, Colonel Nichols, at the head of a small force, had remained in Florida for some time, following the close of hostilities with England, and had done a number of things to stir up the Indians there against the Americans across the border. Maj.-Gen. E. P. Gaines, in command of a body of United States troops, marched to the Flint River, under orders from General Jackson; and, on arriving there sent a friendly message to the Indian chief. But these overtures were treated with silent contempt. Thereupon a detachment of troops was dispatched to the opposite side of the river, where a fusillade at once began, the Indians firing upon the soldiers, who, in turn, fired back, until the Indians, retreating, fled into the interior. Four warriors were left behind on the field. Having resolved upon a pursuit of the savages, General Gaines ordered Colonel Arbuckle, with 300 Georgia militia, to overtake the Indians. These, hiding themselves in the swamp, fired upon the Georgians, not one of whom, however, was hurt. But a subsequent ambush was more successful. At this time, 1,000 Indians, under cover of the trees, attacked a passing boat, with the result that every man on board was either killed or taken prisoner. On one occasion the Indians penetrated as far as Fort Scott, where several persons were murdered, and it was even feared that the savages might try to reach Fort Gaines. Neither of these strongholds was any too securely garrisoned. General Gaines was a desperate fighter, but was not equal to the performance of miracles. His force was small and his supplies were limited. Altogether, the situation was ominous of danger.

* "Life of Andrew Jackson," p. 89.
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But General Jackson himself was soon en route to Florida. Impatient for an opportunity to drive out the Spanish, Jackson had written to President Monroe in 1817: "Let it be signified to me through any channel that the possession of Florida by the United States would be desirable and in sixty days it will be accomplished." * But when this letter came to hand, President Monroe was ill, and for some reason the general's letter was not answered for a year. Jackson, however, in some way, managed to get the impression that he was secretly, if not openly, supported by the authorities in Washington. His orders in 1818 were to take command in Georgia. But there loomed before the mind of General Jackson a more ambitious object. Accordingly, he began to move southward, bent not so much on subduing the Seminoles as on taking Florida from the Spaniards.

Early in March, 1818, we find Jackson on the border. Though Florida was at this time a province of Spain, the Tennessean did not hesitate to invade the territory of a power with which his own government was at peace. Nor did he stop short of reducing two of its most important towns, St. Mark's and Pensacola. His pretext was that the Seminoles had received aid from these towns, both of which were disturbing centers. To suppress lawlessness on the border, it was necessary to adopt vigorous measures; and there was no other way of getting at the root of the trouble, to General Jackson's mind at least, save in a sacrifice of diplomacy to the stern demands of a critical situation. Spain was unable to police her territory or to keep the Indians in control. Consequently, there was only one alternative, if the Seminoles were to be crushed, viz., to invade Florida. While on the peninsula, Jackson ordered the execution of two British subjects, Alexander Arbuthnot and Robert Ambrister, both of whom were charged with inciting the Indians. There was no positive proof to this effect, but Jackson felt that he could not afford to take chances. Here he gave offense to another country with which we were then at peace—England. John Quincy Adams was the only member of President Monroe's cabinet who undertook to defend Jackson's course in Florida. All the others criticized it severely; and John C. Calhoun, the secretary of war, favored a court-martial. Embarrassing diplomatic entanglements, of course, followed Jackson's impetuous conduct; but in the end both England and Spain were quieted. There had been, in fact, but little fighting in Florida; what there was fell almost entirely to the friendly Indians, and not an American soldier was killed.† As a result of the first Seminole war, Jackson was more than ever a popular hero; and there was little criticism of his conduct on the floor of Congress. Moreover, the Spanish government, finding the possession of Florida an embarrassment, under existing conditions, was willing to negotiate for its relinquishment; and, in 1819, as we shall see later, this rich peninsula was annexed to the United States.

General Jackson's march through Georgia, en route to subdue the Florida Seminoles, has been the subject of much controversy and of no little erroneous speculation; but as traced by official documents on file in the War Department at Washington, the Jackson trail ran through

the Cherokee nation down to Fort Hawkins, on the edge of territory belonging to the Creeks, thence along the Ocmulgee River to Hartford, thence in a southeasterly direction to Fort Early, and thence in an almost direct line south to Fort Gadsden. Jackson left Nashville, Tenn., on January 20, 1818. He arrived at Fort Gadsden, on March 25, 1818. But the details of the journey are given more at length in the following extracts:

JACKSON'S GEORGIA TRAIL

Extracts from letters written by Gen. Andrew Jackson to the secretary of war. State papers—Military affairs.

"Nashville, Jan. 20, 1818.—I will leave this on the 22d instant for Fort Scott, via Fort Hawkins."

"Fort Hawkins, Feb. 10th, 1818.—I reached this place last evening, when I learned, by sundry communications received from Brevet Major-General Gaines, that the Georgia militia, under General Glascock, had all returned home, leaving the frontier in a very exposed situation."

"Hartford, Ga., Feb. 14th, 1818.—I arrived at this place on the evening of the 12th, and here met with General Gaines."

"Fort Early, Feb. 26, 1818.—The Georgia detachment marched from their encampment, near Hartford on the 19th instant. . . . The excessive rains have rendered the roads so bad that I ordered the troops, on their march here, to take their baggage on the wagon horses, and abandon the wagons; this facilitated their march to this place, which they reached today; and eleven hundred men are now here without a barrel of flour or bushel of corn."

"Fort Gadsden, March 25, 1818.—At seven o'clock p. m. on the 9th instant, I reached Fort Scott, with the brigade of Georgia militia nine hundred bayonets strong, and some of the friendly Creeks who had joined me on my march a few days before. . . . I assumed the command on the morning of the 10th, ordered the live stock slaughtered and issued to the troops with one quart of corn to each man, and the line of march to be taken up at 12 meridian. Having to cross the Flint River, which was very high, combined with some neglect in returning the boats during a very dark night, I was unable to move from the opposite bank until nine o'clock on the morning of the 11th, when I took up my line of march down the east bank of the river for this place. . . . On the morning of the 14th I ordered the boats down the river to this place, whilst I descended by land, and reached here without interruption, on the 16th."

"By some strange fatality, unaccountable to me, the Tennessee volunteers have not yet joined me; they promptly left their homes, and through the inclement weather reached Fort Mitchell, where I ordered them supplies, and where Col. Hayne, who led them met my instructions to pass by Fort Gaines, where he would get a supply of corn that would enable him to reach Fort Scott; but the idea of starvation had stalked abroad, a panic seems to have spread itself everywhere, and was told that they were starving at Fort Gaines and Fort Scott, and he was induced to pass into Georgia for supplies."

* "Life of Andrew Jackson," W. G. Brown, p. 90.

† "Life of Andrew Jackson," W. G. Brown, p. 90.

* Furnished by Mrs. John Statham Lowrey, State Historian, Daughters of the American Revolution, Dawson, Georgia.

Extract from James Gadsden's report (topographical engineer).

"From Hartford Gen. Jackson moved with the Georgia brigade and was reinforced on his march to Fort Scott by about six hundred friendly Creeks."

The following information is the result of a search through the Andrew Jackson papers in the Library of Congress, Washington, D. C.:

"On the evening of Feb. 4th, 1818, Jackson reached Jackson County, Ga. Feb. 9th p. m. he reached Fort Hawkins. Feb. 13th he was at Hartford. Feb. 20th he encamped at Creek, four miles south of Hartford. Feb. 23d he was at Fort Early. Feb. 27th he was encamped at Creek one mile south of Fort Early. March 1st he encamped near the Chehaw village. On March 6th Colonel Arbuckle addressed a letter to Jackson at Chicasawhache, near Flint river.

"On March 8th Arbuckle's letter to Jackson addresses him as near Ft. Hughes, Flint river."

The above is the result of several years' research made by

MRS. JOHN STATHAM LOWREY,
State Historian, D. A. R., 1914-1915.

Itinerary of General Jackson's Army, Captain Hugh Young (Assistant Topographical Engineer).

"From Hartford to Fort Early.

"Hartford, in the present Pulaski county, on the Ocmulgee—not fordable. Thence $3\frac{1}{2}$ miles to a creek. Crossed a small creek in the first mile. The creek at the end is a branch of the Ocmulgee. When we crossed it the water was greatly over the banks, presenting a river of 150 yards in width, but in common stages is not more than 25 feet wide.

" $6\frac{3}{4}$ miles to an other creek. Cross a branch in the sixth mile. The creek at the end runs also at the foot of a flinty hill—it is fordable at common stages of water, but was over the south banks when we crossed and had to be bridged.

" $7\frac{3}{4}$ miles to a creek. A reedy branch in the second mile—a small open branch in the sixth—neither of them difficult.

" $18\frac{1}{2}$ Miles to Cedar Creek.

"Ascending the dividing ridge between the gulf and Atlantic waters. . . . the road continues on the ridge two miles, it then crosses the hollows of Flint. From the ridge the route is through flat pine woods for six miles—crossing one small but miry creek—generally fordable. Thence to Cedar Creek—down which the road runs for three miles. Cedar Creek rises E. S. E. from Ft. Early and enters Flint six miles above the Fort. When we crossed it the rains had swelled it into a formidable river. Where the old road crosses it the swamp is almost impervious and the creek at high water impassable. But at the ford below the banks are open, and although miry, the army was enabled, by felling trees over the deeper parts of the stream, to cross in one night.

"6 Miles to Fort Early, . . .

"Fort Early is situated on the east side of Flint River, on a high hill. The general course of the road from Hartford to Fort Early is S. S. to the distance of 41 miles.

"From Fort Early to Fort Scott.

"From Fort Early the path runs through sand and pine to the Flint which it intersects $4\frac{1}{2}$ miles below the Fort, crossing a creek in the second mile and a small thickety branch $\frac{1}{4}$ mile further—Thence to the crossing place. The Flint, at the ferry, is a hundred and eighty yards wide. From the crossing place the path goes up the river $\frac{1}{4}$ mile to a place where the open pine woods is near the bank but separated from it by a bayou with a deep rapid current and a width of 20 yards. This had to be bridged.

"From Flint to Chehaw Town,

"The Chehaw village was situated on Mucollee Creek eight miles from where it enters Flint. It consisted of 15 to 20 cabins with a large council house in the center which, on our arrival, was decorated with the white flag.

"There are two bayous between the creek and high ground, one of which is not fordable in freshets. $5\frac{1}{2}$ miles to another large creek on which Canards village is situated $3\frac{1}{4}$ miles above the point where we crossed it. The creek is 90 ft. wide. From this point the route lies for 25 miles through the finest body of land I had seen since leaving Monticello, Ga. Foul Creek is three miles from Canards Creek. On the south side are the remains of an ancient and very large town, large trees are growing on innumerable little mounds disposed with some regularity and on which the houses were probably built 18 miles from Foul Creek there is a small Indian Village situated among some handsome branches and ponds with good land under cultivation.

"Four miles from this point the fertile country terminates, thence $6\frac{1}{4}$ miles to Echenoche Creek,—struck the creek 5 miles from its junction with the Flint—its general course S. 30 E. Echenoche, at the crossing place, is 87 ft. wide—water 22 ft. deep—in summer 5 or 6. In $4\frac{1}{2}$ miles the road crosses another creek, a branch of Echenoche, entering near its mouth.

"It is one-third the size of the main stream—fordable. Struck the river $1\frac{1}{2}$ miles further, the road going down the last creek. From this point the route continues down the river—generally in sight of it to Fort Scott. The path intersects the road from Fort Hughes $9\frac{1}{2}$ miles from Fort Scott. Fort Scott is situated on the west bank of Flint 8 miles above the mouth of the Chattahoochee."

NOTE.—This data was obtained from the War Department at Washington, D. C. A photograph of the original copy of the "Itinerary" can be obtained from this department.

MRS. JOHN STATHAM LOWREY,

Dawson, Ga.

State Historian, D. A. R.

During the administration of Governor Rabun there arose quite a heated controversy between himself and Gen. Andrew Jackson, then in command of United States forces against the Florida Seminoles. An Indian village called Chehaw, in what is now the County of Lee, had been destroyed by Captain Wright, a Georgia officer, in violation of orders from Governor Rabun; and, since the village had been promised protection by General Jackson on the ground of friendship for the whites, the latter wrote an offensive letter to Governor Rabun holding him to account for the affair; but Governor Rabun, who was in no wise to blame for the unfortunate blunder of Captain Wright, scathingly replied to General Jackson, giving him a dose of the King's English which he vividly recalled thirty years later when an old man. Autograph letters containing the whole correspondence are today in the possession of Mrs. Governor William J. Northen, a relative. Before completing his term of office, Governor Rabun was seized with a malady which terminated his life while an occupant of the executive mansion.

Near the present Town of Leesburg may be found what time has spared of this once populous Indian community, reckoned at one time among the six most important towns of the powerful confederacy of Creeks. It was called by the Indians Che-haw or Che-raw, while another name for it was Au-muc-cul-la. The site of this old Indian town was formerly marked by an immense live-oak, which is said to have been nine feet in diameter and to have measured 120 feet from tip to tip. The tree fell to the ground years ago but the spot on which it grew is still clearly defined by a circle of oaks which have sprung from the acorns. Under it the Indians held council-meetings.

There is also a tradition to the effect that the first session of the Superior Court in the newly created County of Lee was held under this forest giant.

Forty Indian warriors from Cheraw were in Andrew Jackson's army, and when the great soldier was en route to Florida during the Seminole war he stopped at this Indian village. Cheraw supplied the army with provisions. It also cared for the sick and wounded. Consequently when the town was wantonly and cruelly destroyed by a force of Georgia troops, under Captain Wright, on April 23, 1818, there followed a great revulsion of public sentiment. The enormity of the offense was pronounced at the time to be without a parallel in the annals of war. It also gave rise to a spirited controversy between Gen. Andrew Jackson and Governor William Rabun.

But the old Indian settlement has not been forgotten. The fidelity of the loyal tribe of red men who perished here has been memorialized by a handsome granite boulder, erected on the site of the old Indian village.*

On September 23, 1818, George M. Troup, whose health had been none too good since assuming the toga, relinquished his seat in the United States Senate, and was succeeded by Hon. John Forsyth, of Augusta, then a member of Congress. Mr. Forsyth was succeeded by Hon. Robert Raymond Reid, a fellow-townsmen.

* The plot of ground on which the boulder stands was donated by the owner, Mrs. O. M. Heath. On June 14, 1912, with impressive ceremonies, the boulder was unveiled by the Council of Safety Chapter, Daughters of the American Revolution, of Americus, Georgia.

CHAPTER VII

FLORIDA'S PURCHASE FROM SPAIN NEGOTIATED BY JOHN FORSYTH, OF GEORGIA, WHO RESIGNS HIS SEAT IN THE FEDERAL SENATE TO ACCEPT AN APPOINTMENT TO MADRID—MAJ. FREEMAN WALKER SUCCEEDS MR. FORSYTH—AT THE SAME TIME, JOHN ELLIOTT IS CHOSEN AS JUDGE TAIT'S SUCCESSOR—GEN. ANDREW JACKSON, THE FIRST TERRITORIAL GOVERNOR OF FLORIDA—INDIAN CESSIONS—AN EXTENSIVE AREA, IN TWO PARCELS, IS CEDED BY THE CREEKS IN 1818—TWO LARGE BODIES OF LAND ACQUIRED FROM THE CHEROKEES IN 1817 AND 1819—SETTLED UNDER THE LOTTERY ACT OF 1820—OUT OF THE CHEROKEE LANDS FIVE COUNTIES ARE FORMED: WALTON, GWINNETT, HALL, HABERSHAM AND RABUN—OUT OF THE CREEK LANDS THREE COUNTIES ARE FORMED: EARLY, APPLING AND IRWIN—COMMISSIONERS SUCCEED IN RUNNING A BOUNDARY LINE BETWEEN TENNESSEE AND GEORGIA—WILSON LUMPKIN RUNS THE FLORIDA LINE—LIGHT HORSE HARRY LEE DIES WHILE ON A VISIT TO DUNGENESS ON CUMBERLAND ISLAND—HIS LAST DAYS—AN ILLUSTRIOUS CAREER—BURIED AT DUNGENESS, HIS BODY WAS EXHUMED NINETY-FIVE YEARS LATER AND TAKEN TO VIRGINIA FOR REINTERMENT—THERE LAID TO REST BESIDE HIS RENOWNED SON, ROBERT E. LEE—DR. MOSES WADDELL BECOMES PRESIDENT OF FRANKLIN COLLEGE—THE FORTUNES OF THIS INSTITUTION AT A LOW EBB UNTIL DR. WADDELL ARRIVES—HIS CAREER AS AN EDUCATOR—THE STEAMSHIP SAVANNAH CROSSES THE ATLANTIC OCEAN IN 1819, ESTABLISHING A WORLD'S RECORD—DEATH OF GOVERNOR RABUN WHILE OCCUPYING THE EXECUTIVE CHAIR—PRESIDENT MATHEW TALBOT, OF THE STATE SENATE, SUCCEEDS HIM UNTIL THE LEGISLATURE ELECTS JOHN CLARK.

Florida continued to be a thorn in Georgia's side, despite the pacification of the Seminoles, until 1819, when the entire peninsula was acquired from Spain at a cost of \$5,000,000. John Forsyth, of Georgia, negotiated this purchase, under an appointment from President Monroe. Though he had just taken his seat in the United States Senate, he promptly relinquished the toga to become minister to Spain, primarily for the purpose of negotiating this treaty of cession. He remained at Madrid until 1821. As a diplomat, Mr. Forsyth possessed few equals; and it was due largely to the skill with which he handled the delicate issues involved in this treaty with Spain that he subsequently held the office of secretary of state under two separate administrations.

To succeed Mr. Forsyth as United States senator, the Legislature elected Maj. Freeman Walker, of Augusta. At the same time, Hon. John Elliott, of Sunbury, was chosen to succeed Hon. Charles Tait, whose term of office as United States senator expired in 1819.

On the annexation of Florida to the United States in 1821, President Monroe commissioned Gen. Andrew Jackson as its first territorial governor. Jackson was the man to organize a stable government in Florida. Moreover, the demands of poetic justice were satisfied by his appointment; for whatever may be said in criticism of his course in 1818, it was largely due to the drastic measures which he then adopted that Spain was willing to relinquish the peninsula.

Governor Rabun's administration was signalized by important cessions of land obtained from the Indians. Great dissatisfaction having been caused by the Treaty of Fort Jackson in 1814, due to its lack of resulting benefits to Georgia, the government finally induced the Creeks, under a treaty negotiated at the Creek Agency, January 22, 1818, to relinquish 1,500,000 acres of land, in two parcels, one between the Appalachee and the Chattahoochee, out of which Gwinnett and Walton counties were formed; the other constituting a neck of land between the Altamaha River and the northern boundary of the cession of 1814.

Two large bodies of land were also acquired from the Cherokees. In 1817 these Indians ceded to the United States Government all the land owned by them in Georgia east of the Chattahoochee River, out of which were organized the counties of Hall and Habersham. In 1819, the Cherokees made another cession, this time conveying a body of land between the Chestatee and the Chattahoochee rivers, out of which Rabun County was organized.

All the lands acquired from the Indians since the Treaty of Fort Jackson in 1814, including the two cessions above mentioned from the Cherokees, were distributed under the Lottery Act of 1820. Out of the Cherokee lands five counties were organized, to wit: Walton, Gwinnett, Hall, Habersham and Rabun. Out of the Creek lands three counties were formed, to wit: Early, Appling and Irwin, but these counties as originally formed were of vast area, and out of them other counties were eventually created. Under the lottery of 1820 the lands of Telfair County, in what was formerly a part of Wilkinson, were also distributed.*

Commissioners from Georgia and Tennessee met in 1818, at a point on Nickajack Creek, in the northwestern angle of the state, and, after several weeks, succeeded in running a boundary line to the satisfaction of all parties.

During this same year, the boundary line between Georgia and Florida was surveyed by Wilson Lumpkin.

On March 25, 1818, while visiting friends at Dungeness, on Cumberland Island, Gen. Henry Lee, the illustrious "Light-Horse Harry" of the Revolution, breathed his last, after a lingering illness of several weeks. General Lee was easily the foremost officer of cavalry in the first war for independence; and to his gallant blade Georgia owes a debt of gratitude which two centuries have not extinguished. At the head of an independent legion he took part in the siege of Augusta and became an important factor, under General Greene, in the final expulsion of the British from Georgia soil. Later he wrote an exhaustive account of his operations in the Southern Department, a work of great value to his-

* "Prince's Digest," p. 550.



DUNGENESS: ON THE SITE OF GEN. NATHANIEL GREENE'S OLD HOME PLACE STANDS
THE PRESENT HANDSOME CARNEGIE MANSION

torians, comprised in two rich volumes. He also became governor of the State of Virginia; and, on the death of Washington, pronounced upon his silent commander-in-chief the famous eulogium: "First in war, first in peace, and first in the hearts of his countrymen."*

While taking the part of a friend, whom he was visiting at the time, in Baltimore, General Lee received injuries from the effects of which he never recovered. The circumstances which culminated in this tragic affair were as follows: "In the stirring times of 1812, Alexander Contee Hanson, editor of the Federal Republican, strongly opposed the declaration of war against England. Feeling ran so high among the war party that the newspaper office was attacked and the editors driven to Georgetown. Later Hanson determined to return, and was accompanied by General Lee and other friends who volunteered to defend him. The residence leased by him in Baltimore was attacked, and to save the occupants from murder the authorities placed them in the old city jail for protection. But the rioters forced themselves into the jail, attacking Hanson, General Lee, and seven others in the party. They were beaten, mutilated, and according to an account in Scharf's history, were thrown down the steps of the jail, where they lay in a heap for three hours. General Lee's constitution was wrecked." In the hope of regaining his health, the old soldier embarked for the West Indies, where he remained for something over four years; and it was while en route back to his home in Virginia that he was put ashore at Cumberland Island.

General Lee did not expect to find here his old comrade-in-arms. The latter died at Mulberry Grove, near Savannah, more than thirty years prior to the time of General Lee's visit. The widow Greene, who afterwards married Phineas Miller, was likewise in her grave. But there was living at Dungeness a daughter, Mrs. Louisa Shaw, by whom the old invalid was most graciously and gladly received; and here he remained until the death angel released him from his sufferings. For the account which follows of the last moments of the old hero, we are indebted in the main to Col. Charles C. Jones, Jr., of Augusta, who obtained from an eye-witness, Mr. Phineas M. Nightingale, a recital of the facts. Mr. Nightingale was a grandson of General Greene and a member of the household at the time of General Lee's sojourn on the island. The story, with additional particulars gathered from other sources, is as follows:

When the second war with England began, "Light-Horse Harry" Lee—the foremost survivor of the first struggle for independence—found himself an invalid, nursing an old wound. Thus prevented by physical disabilities from assuming an active command in the renewed contest, his disappointment only served to aggravate his condition. He chafed under this restraint; and, in the hope that a change of climate might restore his failing health he sailed in 1813 for the West Indies. It was the cherished purpose of the soldier, while in retirement, to revise his "Memoirs of the War in the Southern Department" and to prepare biographies of his two beloved commanders—Greene and Wash-

ington. Says Colonel Jones: "It will ever be a matter of regret that he failed to compass the execution of this plan. To his Memoirs he would doubtless have imparted additional value and interest, but in their present form they possess the highest merit and constitute the best military record we possess of the heroic memories embraced within their scope. Lives of Washington and Greene have been carefully studied and well written; but for one I freely confess to the firm conviction that biographies of these heroes by their gifted and eloquent compatriot and friend would have far surpassed all others." More than four years were spent by General Lee in the mild climate of the sub-tropics. But the benefit which he derived from his long sojourn was only temporary; and he could do no writing while he here lingered among the ocean breezes. At length it became evident to the wan sufferer that the end was near at hand. Accordingly, toward the close of the month of January, 1818, he took passage in a schooner bound from Nassau to Boston, the captain—who proved to be also the owner of the vessel—agreeing to put him ashore at the south end of Cumberland Island. For this service the captain refused to accept compensation, esteeming it a privilege "to minister to the comfort and to respond to the wishes of so distinguished a hero of the Revolution."

It was early in the month of February, 1818, when, toward the hour of 4 o'clock in the afternoon, a grandson of General Greene, a lad some fifteen years old, who was amusing himself with boyish sports near the water front, observed a schooner which seemed to be approaching the private docks of Dungeness. Before reaching the wharf, however, the schooner came to anchor in the middle of the narrow channel, and a boat was lowered, into which a feeble old man was assisted by the captain and mate, who took seats beside him, and together they were rowed ashore by two sailors. The youth hastened forward to ascertain the object of this unexpected visit and to welcome the guest. General Lee was tenderly lifted from the boat and brought ashore by the officers. He was plainly, almost scantily, attired. The sailors placed upon the wharf an old hair trunk in a dilapidated condition and a cask of Madeira wine. General Lee brought no other baggage with him. Beckoning the youth to his side, he inquired his name. Learning that he was a grandson of his old war comrade and that Mrs. Shaw was at home, the strange visitor threw his arms lovingly around the lad, who, without knowing what it meant, returned the old hero's warm embrace. Then leaning heavily upon the stout arm of the youth, General Lee walked a short distance from the landing and sat upon a log, overcome by exhaustion. Too weak to proceed further, he bade the boy run at once to the house and to say to his aunt that an old friend and comrade of her father's—General Lee—was at the wharf and wished the carriage to be sent for him. "Tell her," he added, "that I am come purposely to die in the house and in the arms of the daughter of my old friend and companion."

* "To the memory of the man, first in war, first in peace, and first in the hearts of his countrymen." Eulogy on Washington, December 26, 1799.

* "Reminiscences of the Last Days, Death and Burial of General Henry Lee," by Charles C. Jones, Jr., Albany, New York, 1870.

Leaving the old hero seated upon the log, young Phineas Nightingale—for this was the lad's name—hastened to the mansion, communicated the fact of General Lee's arrival and delivered his message to the mistress of Dungeness. The carriage was immediately sent to the landing and in it General Lee and his little friend rode leisurely up together. When they arrived at the house, the old soldier was so weak that he had to be assisted both in getting out of the carriage and in ascending the steps. Having received a most cordial welcome from the Shaws he excused himself at once and retired to his room. Such was his extreme feebleness that he remained a recluse, emerging but once a day, and then only for a short walk in the garden. On these outdoor excursions he always sent for young Nightingale to accompany him. It was seldom that he dined with the family, his meals as a rule being served in his room. At last he was unable to partake of his customary stroll in the open air, and the painful realization of the fact that he was a prisoner, told unhappily upon the sensitive nerves of the high strung old aristocrat.

There happened to be at this time in the harbor to the south of the island—pending negotiations for the annexation of Florida—a number of naval ships; while at Fernandina, on the Florida coast, there was stationed a land force. The officers in both departments of the service called in a body upon the distinguished guest. But as a rule, General Lee wished no one to enter his room. At times he suffered paroxysms of extreme agony and when these occurred at short intervals his exhibitions of mingled rage and anguish were often something fearful to behold. To quote Colonel Jones, "it was the strong man wrestling with the frailties of the falling tabernacle—the brave heart chafing under the decadence of physical powers—the caged and wounded eagle beating against the prison bars and longing for the sunlight and free air, the lordly plumage and sturdy pinions of former days." At such times his groans would fill the house and wring the hearts of the anxious friends who watched at the bedside of the sufferer. Many of the important remedies which modern ingenuity and professional skill have since contrived were then unknown and the patient languished amid physical tortures which medical science, at a later period, might have materially mitigated.

During his illness, the old hero was constantly attended by two of the best surgeons of the fleet.

Some of the incidents which occurred at this time would be really amusing if they were not at the same time deeply pathetic. In moments of supreme agony, losing his self-control, General Lee would sometimes drive the servants from his presence and never afterward permit them to enter his room. At length an old domestic, formerly Mrs. Greene's favorite maid, was selected to wait upon General Lee. She was an esteemed and privileged family servant. But the first thing the old soldier did when she entered the apartment was to hurl his boot at her head and to order her out instantaneously. Entirely unused to such treatment, the negress, without saying a word, deliberately picked up the boot and threw it back at General Lee. The effect produced by this strange and unexpected retort was instantaneous. The features of the

stern old warrior relaxed. In the midst of his pain and anguish a smile passed over his countenance, and from that moment until the day of his death he would permit no one except "Mom Sarah" to minister to his wants.

General Lee's sojourn at Dungeness lasted two months. He breathed his last on March 25, 1818, and was laid to rest in Georgia's bosom.

As soon as the fact of his demise was made known, all the vessels in Cumberland Sound displayed colors at half mast. The funeral was attended by army and navy officers who were on duty at the mouth of the St. Mary's River, and by detachments from both wings of the coast defence. Minute-guns were fired from the flagship—the John Adams—while the body was being lowered into the tomb and at the close of the services at the grave, a salute was fired. Nothing was omitted in the way of formal honors, to show a nation's sorrow for the loss of an illustrious soldier and patriot. Sometime in the early '30s, two marble slabs, one to be put at the head and the other at the foot of the grave, were sent to Dungeness by Major Lee, the old hero's eldest son; and they were at once placed in position by Mr. Nightingale over the last resting place of "Light Horse Harry."

Prior to the Civil war, the question of the removal of General Lee's body to Virginia, the state of his birth, was discussed by the Legislature in session at Richmond and commissioners to superintend the execution of the trust were duly appointed. But the outbreak of hostilities shortly ensued; and nothing further could be done at this time. For years after the war, the state was too harassed by debt and too exhausted by the ravages of conflict, to undertake this labor of love. But in 1912 another movement looking toward the transfer of the old soldier's body to Virginia was successfully launched, and within a few months thereafter the remains of "Light-Horse Harry" Lee, after having reposed for nearly a century in Georgia soil, were taken to Lexington, Virginia, there to repose in the chapel of Washington and Lee University beside the ashes of an illustrious son, Robert E. Lee.

Difficulties of various kinds beset the early growth of Franklin College. But the year 1819 marked a new era in the fortunes of this institution. Dr. Moses Waddell was in the summer of this year called by the board of trustees to take the presidency of Franklin College. Accepting the board's invitation, Doctor Waddell removed at once to Athens, relinquishing his school in the upper part of South Carolina. Before coming to Athens, he had taught with great success and was considered one of the foremost educators of his day. His pupils included such men of eminence as John C. Calhoun, William H. Crawford, George McDuffie, Hugh S. Legare. Instantly the waning pulse-beat of Franklin College began to revive. New life was infused into the institution. Doctor Waddell reorganized its faculty, raised its curriculum, increased its roll of students, and made it the crowning glory of a life already illustrious with honor and usefulness.

Georgia, as we have already seen, in the experiments of William Longstreet on the Savannah River, was a pioneer in applying steam as a

motive-power to navigation. Our state has never been given due credit for these experiments; but to the merchants of Savannah belongs an undisputed honor: that of having built the first steamboat to cross the Atlantic Ocean. On December 19, 1818, an act of the Legislature was approved by Governor Rabun, incorporating "The Savannah Steamship Company," composed of the following charter members: William Scarborough, A. B. Fannin, J. P. McKinnie, Samuel Howard, Charles Howard, John Haslett, Moses Rodgers, A. S. Bulloch, John Bogue, Andrew Low & Co., Robert Isaacs, J. Minis, S. C. Dunning, J. P. Henry, John Speakman, Robert Mitchell, R. and J. Habersham, James S. Bulloch, Gideon Pott, W. S. Gillett and Samuel Yates.* At a subsequent meeting of the stockholders, on February 25, 1819, the following persons were elected directors: William Scarborough, Robert Isaacs, S. C. Dunning, James S. Bulloch and Joseph Habersham. There was a ready sale for the shares of the company, due to the well-known character and high standing of the incorporators. Potts and McKinnie, of New York, were selected by the company as agents to superintend the work of construction. It was strictly an American product. The hull of the vessel was built in New York, while the machinery was cast at Elizabeth, New Jersey. Early in the spring of 1819, the City of Savannah, with streamers afloat, slipped from her moorings.

Says a well-known writer:† On March 28, she made her trial trip from New York to Savannah, receiving a most enthusiastic reception from hundreds of citizens, assembled upon the wharves to welcome her.‡ The vessel was commanded by Capt. Moses Rodgers, an experienced engineer. On May 20th, she sailed for Liverpool, according to the advertisements, in ballast, without, however, any passengers. Just one month later she came to anchor in the harbor of Liverpool. The paddles were so made that they could be removed from the shaft, without difficulty, in twenty minutes. Approaching Liverpool, they were used with spectacular effect to awe the British onlookers. With her sails set and her wheels plying, she steamed into the Mersey, "proud as any princess going to her coronation."

Remaining in Liverpool for a month, visited by thousands, she then continued her way to St. Petersburg, where Captain Rodgers, with his novel craft, was received with every mark of respect and admiration. The 20th of November of the same year found her steaming into the port whose name she bore, with neither a screw, bolt, or rope-yard parted, according to her proud commander, notwithstanding much rough weather experienced. Later sold to a company of New York merchants, and divested of her steam apparatus, she was converted into a sailing packet between Savannah and New York, and was finally lost off the coast of Long Island. Unfortunately, as a financial venture, she was fifteen

* "Lamar's Digest," page 523.

† In the spring of 1819, President James Monroe visited Savannah, where he was entertained by William Scarborough, at his palatial home on West Broad Street. For more than fifty years the handsome residence bore the marks of its former grandeur, but it was finally converted into a school for colored children. Mr. Monroe was present at the dedicatory exercises of the Independent Presbyterian Church. He also made a trip to Tybee, on the new steamship, the "City of Savannah."

years in advance of the times. In 1856, upon the opening of the Crystal Palace in London, the Allaire Works, in New York, exhibited the identical cylinder of the old steamship, the City of Savannah. The only known part of the steamship in existence, it is now on exhibition in the Crystal Palace, where the Savannah's log-book is also to be seen.

Governor Rabun, while intent upon the discharge of his duties as chief executive, was seized with a fatal illness, and, on October 24, 1819, at the executive mansion in Milledgeville, breathed his last. He was buried at his old home near Powellton, Georgia. The funeral of Governor Rabun was preached by the distinguished Jesse Mercer. It was a



MOUNT PLEASANT
The Old Home of Governor Talbot

time when partisan politics invaded even the sanctity of the pulpit, and the good old doctor, in performing the last sad rites over the ashes of his friend, could not refrain from taking a shot at his enemies. Governor Rabun was a devout Baptist; and once each month, while governor, he went from Milledgeville to Powellton, to discharge his duties as clerk of the little country church to which he belonged. Matthew Talbot, who was president of the Senate at the time of Governor Rabun's death, at once took the oath of office, remaining at the helm of affairs until the General Assembly met in November, when a distinguished Georgian, for years a dominant factor in the politics of the state, was called to the executive chair: Gen. John Clark.

CHAPTER VIII

THE CODE DUELLO—GEORGIA ONE OF THE FIRST STATES TO EMPLOY THIS MODE OF ARBITRATION IN SETTLING DISPUTES BETWEEN GENTLEMEN—ALSO ONE OF THE LAST TO ABANDON THIS CUSTOM—ORIGIN OF THE DUEL—REASONS FOR ITS DOMINANCE IN GEORGIA, WHERE IT RULED PUBLIC LIFE DURING THE ANTEBELLUM PERIOD—TO DECLINE AN INVITATION TO THE FIELD OF HONOR MEANT OSTRACISM—IT OPERATED AS A BAR SINISTER TO PREFERMENT IN POLITICS—THE EARLIEST DUEL ON RECORD IN GEORGIA WAS FOUGHT BETWEEN BUTTON GWINNETT AND LACHLAN MCINTOSH DURING THE REVOLUTION—THEY MEET ON THE OUTSKIRTS OF SAVANNAH—TWO OTHER PATRIOTS FACE EACH OTHER ON HORSEBACK—GOV. JAMES JACKSON, AN INVETERATE DUELIST—HIS CONNECTION WITH THE YAZOO FRAUD EXPOSURE MAKES HIM A MULTITUDE OF ENEMIES—DUEL WITH GOVERNOR WELLS—HE ALSO FIGHTS ROBERT WATKINS AND THOMAS GIBBONS—COL. BENJAMIN TALIAFERRO MEETS FRANCIS WILLIS ON THE FIELD OF HONOR.

NOTE: SAND BAR FERRY, A FAMOUS DUELLING GROUND.

Georgia was one of the first states of the Union to find the duel an effective instrument for the adjustment of differences between gentlemen, she was also one of the last states to abandon a custom, perhaps, more honored in the breach than in the observance. At a time when party strife was most intense and bitter, it was an almost daily occurrence for men to cross swords or to exchange shots in personal encounters, but everything was done according to prescribed form and with punctilious regard for the Code of Honor. There was scarcely a public man in Georgia who was not credited with at least one duel, fought

* ORIGIN OF THE DUEL.—What is known as the Code Duello is supposed to have originated in the judicial combats of the Celtic nations. Trial by battle—or wager of battle—represented a crude form of justice to which the Lombards began to resort as early as the year 659 of the Christian era and which, subsequent to the battle of Hastings, in 1066, was introduced into England by William the Conqueror. But the general practice of duelling to settle affairs of honor between gentlemen may be said to have commenced in 1527, when Francis I, of France, issued a challenge to Charles V, of Germany, directing him to name his own time and place and to make his own choice of weapons with which to fight.

The affair seems to have grown out of an abrogated treaty, in consequence of which the German Emperor sent a curt message to King Francis, through the latter's herald, declaring him to be not only a base violator of public faith but a stranger to the honor becoming a gentleman. Incensed at this message, which he considered a wanton insult, the impetuous French sovereign instantly sent back the bearer with a cartel of defiance, in which he gave the lie to Emperor Charles and incidentally, by way of royal precedent, laid the foundations for the modern duel.—"Georgia's Landmarks, Memorials and Legends," Vol. II, pp. 1-2, by L. L. Knight.

usually in the earlier stages of his career. If one refused to fight when challenged by a gentleman he was at once posted; and such an open disgrace meant social ostracism. Political honors were not awarded to cowards nor to those who, weighed in the balances of an imperious custom, were found wanting in courage, and, for upwards of a hundred years, the public life of this state was ruled with a rod of iron by that grim arbiter of destinies: the Code Duello.

For the paramount sway of the duelling pistol in a state like Georgia there were sound reasons. To begin with, the partisanship of the Revolution entailed upon us a host of feudal animosities. It also engendered the military spirit, to which life on the frontier gave constant exercise, through the ever-present dread of an Indian outbreak. Children at play revelled in the use of toy weapons, with which they stormed imaginary forts and citadels. The long protracted warfare between Clark and Crawford, at a later period, divided the state into two hostile camps, in consequence of which there were personal wrangles and disputes without number.

Scores of the best families of our state traced descent from the nobility of England; and there was ingrained in the very nature of the average Georgian an inherent love of personal encounter, as old as the tin-yards of the Norman Conqueror. While the main body of our population was of English origin, there was an intermingling of two other strains in which the duel found a congenial soil: the Scotch-Irish, grim and silent, tenacious of personal opinion, untaught to yield an inch of ground; and the French Huguenot, fiery and impulsive, full of the military spirit, and prone, without thought of consequences, to seek the bubble, Reputation, at the cannon's mouth. Nor is it strange that in a state which knew little of the austere Puritan there should have flourished an institution reflecting the love of swordsmanship, the relish for adventure, and the contempt of personal danger, which, from time immemorial, have been peculiar to the English Cavalier.

The earliest duel of which there is any mention in the records of Georgia was the fatal encounter which occurred, on May 15, 1777, between Button Gwinnett and Lachlan McIntosh.* It was just after the adoption of our first State Constitution and when the state was in the midst of preparations for an expected invasion by the British. Both combatants were zealous Whigs and men of the highest distinction in public affairs. Button Gwinnett had been one of the revered trio of patriots to sign the immortal scroll of independence on behalf of Georgia and had subsequently administered the affairs of the province as president of the Executive Council. Lachlan McIntosh was at this time the commanding officer of Georgia's first battalion of state troops and was destined to attain high rank as a soldier under Washington. The misunderstanding between the two men grew out of a heated controversy in which they were both rivals for the same office: that of commandant

* Jones: "History of Georgia," Vol. II, p. 270; McCall: "History of Georgia," Vol. II, pp. 331-335, reprint.
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of the new battalion lately organized in Georgia for service in the Continental army.

McIntosh was the successful candidate. Later, on the death of Archibald Bulloch, who was then president of the Executive Council, Gwinnett succeeded to the helm of civil affairs in Georgia; and, while acting in this capacity, he planned an expedition against St. Augustine, which he expected to command in person, ignoring General McIntosh. At the same time, in various other ways, he evinced his hostility toward his former rival and sought to magnify the civil at the expense of the military department of the State Government.

But the projected advance on St. Augustine failed to materialize. Moreover, in the first election for governor by the State Legislature, held on May 8, 1777, Gwinnett, an avowed candidate for the office, was defeated by John Adam Treutlen, who, by virtue of his election at this time, became the first governor of Georgia under the Constitution.

Gwinnett was naturally chagrined at his defeat. On the other hand, McIntosh was elated; and, with the bluntness of the Scotch Highlander he not only expressed his gratification at the result but went so far as to denounce Gwinnett as a scoundrel, in the presence of the Executive Council. This open insult was more than the imperious nature of Gwinnett could endure and, chafing already under his disappointment, he at once challenged McIntosh to mortal combat.

Preliminaries were arranged and at daybreak next morning they met on the outskirts of Savannah. At a distance of only twelve feet apart, they exchanged pistol shots and both fell to the ground. It was discovered on examination that each was wounded in the thigh. McIntosh recovered. But Gwinnett's wound proved fatal; and, after lingering in great pain for twelve days, he expired: the first known victim in Georgia to the Code of Honor.

Excitement in Georgia ran high. As a signer of the Declaration of Independence, Gwinnett was much revered by the people, notwithstanding his impetuosity of temper. Dr. Lyman Hall, a former colleague in Congress, who signed the scroll of independence with Gwinnett, brought the matter before the Legislature and accused the judicial officers of criminal neglect in not ordering McIntosh's arrest. At this critical moment, McIntosh, of his own accord, surrendered himself to the civil authorities.

But the Gwinnett faction was not appeased. In the face of a common enemy, Georgia was threatened with a serious division in her ranks. To avoid a rupture of the state, at a time when the cause of liberty called for a solid phalanx, Col. George Walton, of Georgia, and Col. Henry Laurens, of South Carolina, both members of Congress, acting as friends of McIntosh, obtained for him a command in the northern department; and thus an embarrassing situation was relieved. With his transfer to the northern department, McIntosh gradually rose to high rank and won by his gallantry the personal friendship and esteem of Washington.

Later he returned to Georgia in time to participate in the defense of Savannah. There was no longer any feeling of animosity toward him

and at the close of the Revolution he re-established his home in Savannah, where he was made president of the Georgia Society of the Cincinnati. Gwinnett was an Englishman who came to Georgia only four years prior to the Revolution. He purchased St. Catharine's Island and became an extensive planter of rice and indigo. His home was just opposite the old Town of Sunbury, in the parish of St. John.

Two of the most distinguished officers in command of Georgia's state troops during the Revolution were Col. John Baker and Maj. John Jones, both of whom were devoted patriots. But they came near shedding each other's blood in a most spectacular fashion, while awaiting an expected encounter with the British soon after the fall of Savannah. As the result of a misinterpretation of orders they quarreled; and, one thing bringing on another, they agreed to settle the issue between them by fighting a duel on horseback. Accordingly they repaired to a grove, near old Midway Church, somewhat back from the traveled highway; but, when the hour for combat arrived, an officer whose uniform told that he was a brigadier-general suddenly appeared upon the scene of action.

It was Gen. James Screven. Only a few moments before while seated in camp, a courier had brought him word of the affair; and, putting spurs to his horse, he dashed like a bolt of lightning through the forest. Breathless with excitement, he arrived just in time; for the two men were already facing each other with deadly intent. Lifting his hand as he drew rein, he commanded them to desist; and then pleading the country's sore need he reminded the combatants that it was no time for brother officers to be seeking each other's life, when the cause of liberty was imperiled.

High-spirited though both men were, they yielded to the importunities of General Screven, realizing the force of his argument. The spirit of patriotism prevailed over the mere desire for personal redress; and, shaking hands on the field of honor, the would-be duellists agreed to bury their quarrel there on the spot and to reserve their fire for the British Red-Coats, who were already beginning to swarm over Georgia like a plague of locusts. But strange are the ways of fate. Within a few months General Screven was shot from ambush near this same place, while engaged in reconnoitering.

Old Governor James Jackson—illustrious in the annals of Georgia for his crusade of fire against the Yazoo conspirators—was the most inveterate duellist of his day. He was constantly on the war-path. Growing out of the spectacular part played by him in causing the famous Yazoo Act of 1795 to be rescinded, he was drawn at frequent intervals into affairs of honor, from few of which he escaped without loss of blood. For at least ten years, his life was literally a round of duels.

When the Yazoo measure became a law in 1795, the old governor was then serving his first term in the United States Senate. Incensed at what he considered the trickery by which this legislation was accomplished, he relinquished his toga of office and took his seat in the Legis-

lature of Georgia as a member from Chatham. The infamous measure in question conveyed to four separate and distinct land companies the whole of Georgia's western domain, in return for which the state was to be compensated in the sum of \$500,000, or at the rate of 1½ cents per acre, for 35,000,000 acres of land. Such a transaction was regarded by the old governor as a blot upon Georgia's escutcheon, and with impassioned eloquence he sought to erase this iniquitous measure from the statute books. He accomplished his purpose. The Legislature of 1796 rescinded the obnoxious act; and on the State House Square, in the solemn presence of the General Assembly, every record pertaining to the transaction was burned, with impressive ceremonies. It was on this occasion that Governor Jackson, by means of a sun-glass, called down the fire of heaven. Thus was Georgia's honor redeemed.

But the old governor reaped a harvest of feudal enmities. His duelling-pistols were rarely ever cool. But so violent was the Jacksonian temper, that he did not always wait upon the tardy formalities of the Code. Occasions arose when he demanded satisfaction instantaneously. Writing to John Milledge, in a letter dated Savannah, March 8, 1796, he describes one of these extemporaneous encounters, in which he proceeded to bite his antagonist's finger.* On ordinary occasions the governor was a great stickler for decorum. Hotspur though he was, booted and spurred for battle, he always bore himself with the urbanity of a Chesterfield. No one was ever more considerate of the rights of others. But whenever his own rights were invaded or whenever an insult was wantonly offered him, James Jackson was ready to fight at a moment's notice; and, under strong provocation, could employ with telling effect the weapons of primitive man.

However, Governor Jackson's first duel antedated by some fifteen years the dramatic era of the Yazoo Fraud. Toward the close of the Revolution, he became involved in a controversy with Lieutenant-Governor Wells, in consequence of which the two men met in deadly encounter some time during the year 1780. The latter lost his life in this exchange of shots. Governor Jackson—then a major in command of partisan troops—was severely wounded in both knees. If there were any eye witnesses to this duel, the details were never divulged, and tradition is strangely silent upon the subject. Judge Charlton, the authorized biographer of Governor Jackson, says this: "We only know that they went upon the ground without seconds and fought at the desperate distance of a few feet." However, among the papers of Governor Jackson has been discovered a letter in which he laments the necessity of the duel, stating that it was imposed upon him "by the overbearing disposition of the lieutenant-governor."† But if the temper of Governor Wells took fire any more readily than did Governor Jackson's, it must have been more explosive than nitro-glycerine.

Perhaps the most inveterate political enemy of the old governor was Robert Watkins, of Augusta. Watkins was at this time one of the rec-

* Charlton: "Life of Jackson," p. 162.

† Charlton: "Life of Jackson," p. 18, reprint.

ognized leaders of the Georgia bar. He was a member of the Yazoo Legislature of 1795 and a supporter of the bill for the sale of Georgia's western lands, regarding this measure purely in the light of a real estate transaction. With his brother, George, he compiled the earliest Digest of Georgia Laws.

But, most unfortunately, when the volume appeared, in 1800, it contained the obnoxious Yazoo Act, rescinded by the Legislature of 1796; and Governor Jackson, who was then occupying the executive chair, refused to draw his warrant upon the treasury and in other ways put the seal of his official condemnation upon this earliest Digest of Georgia Laws. In vain Watkins expostulated. He showed that while his digest carried the obnoxious measure, it also carried the Repealing Act, the one counter-balancing the other. But the old governor was obdurate. He regarded the Yazoo Act as a usurpation and he did not wish to see it monumentalized upon the statute books.

Thus the issue was joined. On both sides there was much bitterness of feeling. At least three separate duels were fought between Governor Jackson and Robert Watkins. In the last of these encounters the old governor was severely wounded in the right hip. He was lifted from the ground and, finding that he could still stand alone, insisted upon another exchange of shots. But the surgeon urged an examination. He pried into the wound and, fearing that the bullet might have entered the cavity, ordered a cessation of hostilities. With great civility, so it is said, Mr. Watkins helped to bear the wounded man from the field; whereupon, the old governor, who remained perfectly rational throughout and who was not to be outdone in courtesy by his antagonist, was heard to observe:

"Hang it, Watkins, I thought I could give you another shot."‡

Though a small appropriation was secured for the "Watkins Digest," the book was never authorized. Capt. Horatio Marbury, then secretary of state, with two commissioners, was subsequently appointed to make a digest. William H. Crawford and George Watkins were chosen to assist him; but the latter, on account of his aggrieved feelings, declined to serve. 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."

Besides the formal encounters which took place between Jackson and Watkins, they met somewhat unceremoniously on certain occasions and engaged in fisticuff fights. One of these occurred soon after the Yazoo Act was rescinded, showing that the enmity between the two men ran back to the famous land speculation in which some of the most influential men of Georgia were involved. The difficulty occurred in Louisville, at the close of the legislative session. We quote this paragraph from a letter describing the affair: "This was done to bring on dispute. Flesh and blood of such texture as mine would not bear it (i. e., the provocation offered by Watkins), and the lie and stick involuntarily flew on

* Shipp: "Life of Crawford," pp. 38-39.

‡ Dutcher: "History of Augusta," p. 227.

him." * In this encounter, Governor Jackson was stabbed in several places, and for a time his wounds were thought to be mortal.

Thomas Gibbons, a lawyer of Savannah, who as early as the year 1800 is said to have earned \$15,000 per annum from the practice of law, an income equivalent to \$60,000 at the present time, was frequently on opposing sides to Governor Jackson in civil litigation before the courts. He was also extensively engaged in land speculations. Consequently, there was little in common between the two men except a violent temper, the effect of which was to hasten them to the field. But they appear to have met only once, at which time three shots were exchanged between them, without effect.

There is nothing in the records on which to base any positive statement to the effect that Governor Jackson ever became involved in personal difficulties with General Gunn, but the latter was a notorious Yazooist and was a colleague of Governor Jackson in the United States Senate when the latter relinquished the toga to begin his fight against the speculators. If they did not meet on the field of honor, it is little short of marvelous. In the opinion of not a few commentators upon the subject, the Yazoo Fraud has been overworked by historians. Some of the leading men of the state were concerned in it on the ground that it was merely a real estate transaction; and when we remember that it was before the days of railway and telegraph communication, we must admit that Georgia's western lands were comparatively worthless. Even so pronounced a patriot as Patrick Henry headed one of the Yazoo companies organized in Virginia.

But Governor Jackson was undoubtedly sincere in his fight against the Yazooists, whom he regarded in the light of conspirators. No man was ever more inflamed with the ardor of a righteous indignation. But he paid the penalty. According to Thomas Hart Benton, with whom he served in the United States Senate, his death, in 1806, was due directly to wounds received in a duel, the last of many caused by his opposition to the Yazoo Fraud. More than any other man in Georgia, Governor Jackson was distinguished for his prowess in personal combat; and he carried to his grave the scars of countless hostile meetings on the field of honor.

Even the bench became infected by this homicidal mania. Col. Benjamin Taliaferro, a comrade-in-arms of the fiery Jackson, was also a duellist, though he is credited—in the authentic records—with only one encounter. Colonel Taliaferro lived at a time when lawyers were scarce in Upper Georgia. He was not himself a disciple of Blackstone, but such was his reputation, throughout the County of Wilkes, both for sound business judgment and for strict probity of character that, layman though he was, the Legislature which rescinded the Yazoo Act elevated him to the bench and made him the first judge of what was then known as the Western Circuit. He was a man whose sense of decorum was unusually acute, but such was the ethical standard of the times with respect to duelling that his position on the bench did not prevent him from meeting Col. Francis Willis for a round of buckshot.

* Charlton: "Life of Jackson," p. 161.

This was in 1796. Colonel Willis was a man of means. He was also a prominent Yazooist. Aggrieved by some decision adverse either to his political faction or to his personal interests, he challenged Colonel Taliaferro to a duel, which the latter lost no time in accepting. The judge's aim was unerring; and, in the encounter which followed, Colonel Willis received a wound in his right breast, so near the vital center, that he declined a second shot. Colonel Taliaferro, in this engagement, used the old horseman's pistols worn by him when he belonged to Lee's Legion.

SAND BAR FERRY: A FAMOUS DUELLING GROUND.—Four miles southeast of Augusta lies one of the most famous duelling grounds in America: Sand Bar Ferry. It occupies both banks of the Savannah River at a point which in past years, before the old ferry gave place to the present model steel bridge, was well adapted by reason of its peculiar environment to the purposes of a field of honor. Here, in the days gone by, personal combats without number have been fought under the Code Duello, Georgians resorting to the Carolina side and Carolinians betaking themselves to the Georgia side, each to adjust their differences according to the only mode of arbitration which then prevailed among gentlemen. Happily this method of redress has long since passed. For more than a generation not a drop of blood has been spilled on the old duelling ground, and its hostile meetings are today recalled only by the gray-beards whose memories reach back to the old regime, when the duelling pistol dominated the public life of the South. But we are fortunate in finding for our readers an article which describes this noted resort of the duellist as it appeared forty years ago. It was written by Col. James T. Bacon, editor of the *Edgefield Chronicle*, who often visited the spot; and, without reproducing the article in full, its salient paragraphs are as follows:

"There is not a spot of greater interest in any part of our country than the secluded glade known in the history of the South, of South Carolina and Georgia, especially, as Sand Bar Ferry. A commonplace name enough, but attached to a glade or fairy ring set apart for the conventional duelling ground when the Code Duello was the first resort of gentlemen in settling personal difficulties.

"In some respects it would seem that this spot were fashioned for some such purpose, so quiet, so perfectly secluded, so easy of access and at the same time so out of the way that a most bloody duel could be fought to a finish before authority from any point could arrive to interfere.

"This historic duelling arena lies three miles southeast of the City of Augusta, over what was once a wheel-scarred and rugged road, heavy in places with fine sand, and again marshy where it dipped into a bit of low land or struggled through a tongue of drained swamp. The road lies along pleasant farm lands, and plume-like elms meet in leafy arches overhead. Now it runs deep into the heart of the dim swamp, now close along the margin of the rushing, muddy, turbulent Savannah, bordered by thousands of the trailing water willow.

"This duelling ground lies on either side of the river. With the belligerents of the Carolina side, who wished to settle differences with leaden arguments, the fairy ring beneath the hoary moss-draped trees on the Georgia side was chosen as the scene of action. With those already in trouble on the latter side, the clean, firm sands of the wide river bank were preferred. On the Georgia side the famous spot might well be mistaken for the artificial work of man, fashioned with a view to the purpose which it served. The ground is as level as a dancing floor; a soft carpet of moss covers it, through which the vivid fruit of the partridge vine or ground ivy glows like the crimson stain of blood. All around tall cedars, feathery elms and towering gums, interspersed with a few black-boled pines, draped with long streamers of the funeral gray moss, shade the traveler from the too-ardent rays of the semi-tropical sun.

"On the left the river runs, broadening out into wide shallows, the sand bars shoaling out from either bank, until at low water, or during the summer months, persons standing on the further end of the bar could clasp hands across the bed of the then placid river. On the right a thick hedge of flowering juniper shuts off the view

of a most prosaic object, a railroad trestle poised high, and spanning the river from bank to bank. On the Carolina side white chalk cliffs loom up, cut by a road that winds up and up until lost to sight over the high brow of the white bare hills.

"It is a singularly quiet place, this famous Southern duelling ground; the natural face of which seems never to change. No sound breaks the stillness, but the occasional flutter of the winged inhabitant of the bushes, the lap of the water over the sand bars, or the grinding wheels of an occasional vehicle that has just been ferried over.

"Many of the lagoons have never been explored, and just how many there are cannot, seemingly, be ascertained. Dense canebrakes, absolutely as impregnable as a stone wall, shutting out daylight in their vicinity, cut off communication except where the tilled lands skirt them, or where a narrow and tortuous passage leads into the Savannah. It is a curious phenomenon that, however high the river rises, or however low it sinks, the waters in the lagoon remain the same—weird, ghostly, mysterious, a freak of nature in her most somber mood—spots of eternal mourning, mayhap for bygone transgressions—blots upon the fair face of nature beneath the ardent Southern sun.

"But let us climb up to the top of the high white cliffs of Beech Island, on the South Carolina side, whence spreads out the level duelling ground. The September moon is rising, and the silence is intense; almost palpable or tangible, as it were. The reddening gum leaves flutter in the lazy breeze—flurrying lightly over the moss with a sound that might be made by the ghostly footsteps of the things unseen. Even the bird voices seem far away and hushed; the moonlight filters through the whispering pines that complain in far-off hushed undertones; and standing there one feels as though civilization and the fret of life and the strife of man had been left many miles behind, and that the land in which it is always afternoon—if not black night—were well at hand.

"Beech Island is a fair and blessed land, but there hangs a dark and bloody fringe along some of her borders."—"Georgia's Land Marks, Memorials and Legends." L. L. Knight. Vol. II.

CHAPTER IX

BUT THE GOLDEN AGE OF THE DUEL WAS FROM 1800 TO 1830 WHEN TWO POWERFUL PERSONALITIES DIVIDED THE STATE INTO HOSTILE CAMPS: JOHN CLARK AND WILLIAM H. CRAWFORD—THESE STRONG PERSONALITIES PORTRAYED—PETER VAN ALLEN, A CHAMPION OF THE CLARK FAC-TION, FALLS BEFORE MR. CRAWFORD'S PISTOL—GENERAL CLARK AND MR. CRAWFORD EXCHANGE CARDS—DIFFERENCES ARE TEMPORARILY ADJUSTED—BUT THE FIRES BREAK OUT AGAIN—JUDGE TAIT'S CON-NECTION WITH THE AFFAIR—GENERAL CLARK PRESENTS A MEMORIAL TO THE LEGISLATURE ASKING FOR JUDGE TAIT'S IMPEACHMENT—THIS BRINGS MR. CRAWFORD TO THE FRONT ONCE MORE—DUEL AT HIGH SHOALS BETWEEN CLARK AND CRAWFORD—RULES UNDER WHICH THE DUEL WAS FOUGHT—MR. CRAWFORD IS WOUNDED—HOW JUDGE DOOLY, THE NOTED WIT, DECLINED A CHALLENGE, WITH HONOR—THE BEE GUM EPISODE—ON DECEMBER 12, 1809, DUELLING IS FORBIDDEN BY STATUTE BUT THE LAW REMAINS A DEAD LETTER—GENERAL FLOYD'S DUEL WITH THREE WEAPONS—DUEL BETWEEN CUMMING AND McDUFFIE—JOHN FORSYTH WOUNDED BY A SWORD THRUST—DR. AM-BROSE BABER—SURGEON IN THE BEALL-MITCHELL AFFAIR, HE AFTER-WARDS FIGHTS A FATAL DUEL WITH THOMAS D. MITCHELL—DIES SUDDENLY AT THE BEDSIDE OF A PATIENT—DUEL BETWEEN GEORGE W. CRAWFORD AND THOMAS E. BURNSIDE—LAST DUEL FOUGHT IN THE SOUTH—SOME OF THE REDEEMING FEATURES OF THE CODE DUELLO.

But the golden age of the Code Duello in Georgia was the period extending from 1800 to 1830, when the public life of this state was dominated by two powerful personalities: Gen. John Clark and Hon. William H. Crawford. Party spirit has never been more rancorous than during this period; and, indeed, to the feudal animosity between these two noted Georgians, making them the most inveterate personal and political enemies, some writers have even traced the origin of parties in Georgia. But this is not entirely accurate. During the Revolutionary period, our state was divided between the Whigs and Tories. For a score of years after the Federal Constitution was adopted, the republicans and the federalists were rival political parties in Georgia; and while the latter was never numerically very strong in this state, due to the fact that some of its leaders were actively involved in the Yazoo transaction, it was nevertheless at one time sufficiently entrenched in the citadel of wealth to force Josiah Meigs from the presidency of Franklin College, on the ground that he was an extreme Jeffersonian.*

At the close of the War for Independence, John Clark, with the

* W. H. Meigs: "Life of Josiah Meigs," p. 92.

prestige of his gallant record as a soldier, became a dominant figure in the politics of Upper Georgia. When only fourteen years of age, he had fought by his father's side at Kettle Creek and later had won military renown by his campaigns and forays against the Indians. The battle of Jack's Creek was so called in honor of John Clark, whose nickname among his intimate friends and comrades of the army was "Jack." Trained in the exercise of arms, it is not strange that he should have carried his characteristics as a fighter into the arena of politics; nor is it strange that the veterans who followed his distinguished father and who knew John Clark himself in the perilous days of battle should have remained his loyal supporters to the very last.

Though not an educated man, at least in the academic sense, he was a man of strong intellect, rugged in character, somewhat blunt of expression, full of bold initiative, and with a rare capacity for leadership. According to Governor Gilmer, he possessed the temper of the clansman and was domineering and dictatorial; but Governor Gilmer was identified with the Crawford faction, few of whom could discover any virtue in John Clark. General Jackson, in the lower part of the state, was for years a stumbling block in the way of Clark's ambition, for the old governor did not approve of the latter's land speculations.

But in the politics of Upper Georgia, John Clark was an imperious figure. Here he was on his native heath; and here the frontiersmen flocked to his standard like the Highland Clans to the horn of Roderick Dhu. Here as a leader whose word was law and gospel, he exercised an unopposed sway until a new star began to loom upon the horizon just north of Augusta and a new political Warwick arose to divide with him the honors of public life, in the person of his future hated rival, William H. Crawford.

Mr. Crawford was a man of titanic proportions. At the Court of France, in after years, his majestic figure caught the admiration of the great Napoleon, who impulsively declared that Mr. Crawford was the only man to whom he ever felt constrained to bow. Better educated than John Clark, he was a man of unusual culture for the times, a most effective public speaker, and a born leader of men. These qualities eventually made him United States senator, minister to France, secretary of the treasury, and, except for an unfortunate stroke of paralysis, might have placed him in the presidential chair of the nation.

The settlers of Upper Georgia were at this time, in the main, either from Virginia or from North Carolina; and, according to ancestral bias, took sides in the political wrangles of this early period. As a rule, the North Carolinians attached themselves to Clark, while the Virginians allied themselves with Crawford, who likewise derived strong support from the aristocratic families of the Georgia coast. The elimination of Crawford became naturally the first strategic move of the Clark faction; and to accomplish this end a duel offered the most convenient instrument and promised the most effective results.

Mr. Crawford, unlike General Clark, possessed little knowledge of the use of arms. He was not a child of the camp. For this reason, his opponents argued that he would, in all likelihood, decline a challenge to

the field of combat. In fact, such a refusal to fight was exactly what his enemies wanted, since they could then post him as a coward and easily accomplish his political undoing.

To put into effect this proposed plan of strategy, the first champion to represent the Clark faction and to test the mettle of Mr. Crawford's arm was a young Elberton lawyer, Peter Lawrence Van Allen. Mr. Van Allen was by birth a New Yorker. He came of an old Dutch family of the Empire State and, on the authority of tradition, was a kinsman by marriage to Martin Van Buren, the Sage of Kinderhook. Locating in Georgia for the practice of law, he identified himself with the Clark faction and became solicitor-general of the western circuit. He was also a Yazooist and a federalist. Van Allen was a good speaker, witty and eloquent, and early in the year 1800 began hostile tactics against the opposite faction by bringing a petty suit against Judge Charles Tait, of Elberton, who was then Mr. Crawford's law partner and most intimate friend. In his speech to the jury, Van Allen assailed Judge Tait with merciless satire, and naturally the effect of this tirade was to nettle Judge Tait, who finally challenged him to fight.

But Judge Tait was not the game for which Van Allen was hunting; and on the ground that the judge was not a gentleman and, therefore, beyond the pale of the code, he refused to meet him, expecting Mr. Crawford, of course, as Judge Tait's second, to take up the gage of battle and to carry on hostilities. However, Mr. Crawford was loath to step into his principal's shoes, since the quarrel was not one of his own seeking; and on this account he exposed himself to animadversion, incurring the well-meant criticism of many of his own faction.

But circumstances soon goaded him into a change of mind. While stopping at the Willis Hotel, in Washington, Georgia, he chanced in an unexpected manner to encounter Van Allen, who grossly insulted him in the lobby of the hotel and challenged him to fight. According to the imperious standard of the times, there was no alternative for Mr. Crawford; and, rather than jeopardize his political fortunes by exposing himself to the charge of cowardice, he agreed to meet his antagonist.

As to what followed, we quote an account of the duel from a well-known historical writer: "It was arranged that Van Allen and Crawford should meet at Fort Charlotte, the famous old duelling ground, twelve miles below Petersburg, on the Carolina side. Crawford's bravery was not without stoicism, for he went to the place of meeting without the slightest preparation. He had borrowed a pair of old pistols to be used by him, and these he did not examine until the morning of the meeting, and in trying them, they snapped twice. On the first fire neither party was touched. Crawford afterwards stated to Judge Garnett Andrews that he was disconcerted on the first fire by an ugly grimace made by Van Allen, and that on the second fire he drew down his hat brim so that he could not see it. On the second round both combatants again fired, and Van Allen was seen to fall mortally wounded. Crawford was unharmed."*

Two years elapsed before Mr. Crawford was again asked to vindicate his courage on the field of honor. This time it was John Clark

* Shipp: "Life of Crawford," p. 49.

himself who stepped into the lime-light and became one of the principals. On the resignation of Judge Thomas P. Carnes from the judgeship of the western circuit, Judge Griffin, a brother-in-law of General Clark—both having married daughters of Col. Micajah Williamson—received from Governor John Milledge an ad interim appointment to the vacant seat. When the regular election was held by the State Legislature some time later, Judge Tait, a member of the Crawford faction, successfully opposed Judge Griffin for this office, though Judge Griffin was unquestionably a fine lawyer and a man of blameless reputation. Thereupon an acrimonious controversy ensued between General Clark and Mr. Crawford, growing out of the issues of the campaign.

Smarting from the defeat of his candidate, General Clark called Mr. Crawford to task for certain pre-election statements made by him to the effect that he, General Clark, had influenced the grand juries of certain counties to recommend his brother-in-law. This brought forth a reply from Mr. Crawford. With pens dipped in vitriol both men indited bitter diatribes and branded each other with harsh epithets until finally Mr. Crawford, exasperated beyond control, challenged General Clark to a duel, which challenge was, of course, promptly accepted by the impetuous old warrior.

Col. Thomas Flournoy, acting as second to Mr. Crawford, and Capt. Howell Cobb, serving in a like capacity for General Clark, arranged the details for the hostile encounter. As the place of meeting, a secluded spot was chosen on the Carolina side of the Savannah River, just below historic old Petersburg and some eleven miles from where Van Allen, two years previous, fell before Mr. Crawford's deadly fire. But the duel was never fought. At this stage of the proceedings, a number of disinterested friends besought Governor Milledge to intervene, urging the value to the state of both men, whose deadly intent portended fatal results.

With much difficulty Governor Milledge obtained the consent of both principals to the appointment of a board of arbitration, charged with adjusting the difficulties between them. Each belligerent was given the right to choose two friends to represent him, and these in turn selected a fifth arbitrator who was really to hold in his hands the balance of power. Jared Irwin, Abraham Jackson, James Seagrove, David B. Mitchell, and J. Ben Maxwell constituted this court of appeals; and, on December 12, 1804, a plan of arbitration was submitted to which both parties, without loss of prestige, yielded assent.

But the hatchet was only temporarily buried. The smoldering fires of hostility began to leap into renewed flame ere the ink was dry upon the paper which both signed in apparently good faith. Still, more than a year elapsed before matters reached anything like a crisis. On February 24, 1806, Josiah Glass, a North Carolinian, appeared upon the scene in Georgia with a warrant for one Robert Clary, charged with the offense of stealing a negro. Judge Tait, in his capacity as a judge, was called upon to endorse this warrant, which he readily did as a matter of form, expecting a trial of the case to establish the facts.

In a few days thereafter, while on the bench, he received a note from

Glass in which the latter stated that Clary was ready to make an affidavit in which there would be some startling revelations. After tea, on the evening of this particular day, Judge Tait, taking with him a Mr. Oliver Skinner, repaired to the room where Clary was held a prisoner in charge of Glass. Thereupon followed a long confession in which statements were incidentally made involving Gen. John Clark, who it appears from this affidavit was charged with a land transaction for which the money paid in exchange was counterfeit.

Judge Tait attached no importance to this affidavit, for the deponent's character was such that he could not be trusted; and while he was none too friendly with General Clark, he was above listening to a slanderous story in the mouth of a low criminal; so he informed Glass that the matter would not be prosecuted and need not be made public.

But Glass nevertheless took a copy of the affidavit which, in some mysterious way fell into the hands of General Clark. The latter on ascertaining that the affidavit was taken at night, immediately jumped to the conclusion that a foul conspiracy was on foot to wreck him and that back of this dark proceeding was his arch-enemy, William H. Crawford.

Passion often beclouds the truth. As a matter of fact, Clary was an unprincipled fellow who, knowing the differences between Clark and Crawford, sought to help his own case, while under arrest, by trumping up a charge against General Clark; but Judge Tait was too just a man to give ear to what was manifestly a malicious fabrication.

Contrary to the general's past record, and at variance with his well-known fiery disposition, instead of inviting Judge Tait to meet him on the field of honor, he strangely enough presented a memorial to the State Legislature, asking for Judge Tait's impeachment. At this time Mr. Crawford was a member of the House from Oglethorpe, and naturally he espoused Judge Tait's cause. As chairman of the special investigating committee, he submitted a report to the House, in which Judge Tait's good name was upheld, with the further statement that no evidence could be found on which to base an impeachment. This report was supported by Mr. Crawford in an eloquent speech upon the floor. His powers of logic, of sarcasm, and of invective, were never heard to better advantage; and when a call of the roll was taken, on the adoption of the committee's report, there were only three votes cast in opposition, to fifty-seven in favor of exonerating Judge Tait.

Thus the matter ended. General Clark was willing to let Judge Tait escape now that larger game was in sight; and taking offense at Mr. Crawford's partisan activities in Judge Tait's behalf, and especially at his speech before the House, he sent him a challenge through his friend, John Forsyth. Mr. Crawford yielded compliance to this demand for satisfaction and selected George Moore to arrange the details for the meeting. On account of engagements in the Federal Court, John Forsyth was prevented from acting as General Clark's second, whereupon the latter chose Gilbert Hay, of Washington, Georgia, to fill this post.

High Shoals, on the Appalachee River, in what was then Indian Territory, was the site selected for the proposed encounter. Near the scene of this hostile meeting, three counties today converge, viz., Walton, Morgan and Oconee. Before the duel took place, a code of rules was agreed upon by the seconds; and, on account of the light, which these rules will serve to throw upon the history of the times, especially in showing how affairs of honor were conducted after the arrival of the combatants upon the scene of action, they are herewith reproduced in full, for the better information of those interested:

Article 1. The pistols are to be smooth bore, and loaded with a single ball by the seconds of the parties, in the presence of each other and of the principals.

Art. 2. The distance shall be ten yards, the parties facing.

Art. 3. The seconds of each party shall place the pistol in the right hand of his friend, cocked, with the barrel as nearly perpendicular as possible, pointing up or down, and neither of the principals shall alter the position of the pistol until the word of command is given.

Art. 4. The signal for a discharge shall be: "Make ready; fire!" At the word "fire," each party shall discharge his pistol as near as possible after receiving the word; and should either party withhold his fire it shall be lost.

Art. 5. A snap or a flash will be considered the same as a shot.

Art. 6. Whenever the challenger shall express himself satisfied or shall receive a wound, judged by the survivors mortal, or whenever the challenged shall have received a wound and expresses himself satisfied, then the contest shall cease.

Art. 7. No conversation between the parties direct.

Art. 8. To prevent the possibility of suspicion, relative to improper wearing apparel, each party shall submit to an examination by the second of his opponent immediately before taking positions.

Art. 9. Choice of ground and the word to be decided by lot.

Art. 10. The seconds shall be properly armed to prevent a transgression of these rules and the interposition of any other person.

Art. 11. If either of the principals deviate from the foregoing rules, or attempt to take any undue advantage, either or both of the seconds are at liberty to fire at him.

Art. 12. If either party falls, no person except the surgeon shall be admitted until the opposite party leaves the ground.*

On December 12, 1806, according to agreement, the parties met at the place appointed; but due to some little dispute between the seconds as to details of arrangement, an hour elapsed beyond the time set for the affair at high noon and it was 1 o'clock before the belligerents were brought face to face. In the meantime, Mr. Crawford, keyed for combat, became restless and impatient. To quote his biographer, "he was temperamentally unfitted for a duellist," while Clark, on the other hand, "was a practiced fighter, thoroughly skilled in the use of weapons, and equally courageous." Quoting still further, from this same authority, "The result was what might have been anticipated. Crawford swaggered to the peg with the same degree of carelessness that he was

went to exhibit when addressing a jury in Oglethorpe. His left arm was forgotten and heedlessly held unprotected by his body in a way to catch the ball of the rawest duellist. At the first fire, Clark was untouched and Crawford's left wrist was shattered and the bones crushed in a way to cause him many weeks of excruciating pain. Clark was not satisfied and insisted that the shots be continued; but George Moore declined to allow his principal to proceed further, the terms of the agreement having been fully met."†

With this decision the affair ended. But General Clark was not appeased. He still hungered for satisfaction; and no sooner was Mr. Crawford well enough to resume professional activities than he received from General Clark a second challenge to mortal combat, without any fresh grievance to warrant a renewal of hostilities. Mr. Crawford could now decline to meet him, without incurring adverse criticism or hazarding his reputation as a man of courage.

But the partisan warfare still continued between the loyal followers of the two men and, as time went on, the feudal inheritance was transmitted from sire to son, with solemn abjuration. Georgia was divided into two hostile camps; and even churches, while preaching a gospel of forgiveness, insisted upon a sharp line of division. Perhaps an amusing anecdote will illustrate the temper of the times:

"To introduce the subject of politics in any promiscuous gathering was to promote a quarrel. A son of Erin, lately from Limerick, opened a bar-room in a village in Greene County, Ga. He endeavored by strenuous neutrality, to catch the trade of both parties. After a week's trial, he gave it up in disgust. When describing this experience he said: 'As soon as a Crawford man would come in, he would at once inquire if this was a Crawford bar; and, faith, when I told him it was naither, he cursed me for a Clarkite and refused to drink. When a Clark man came in and I told him I was naither, he cursed me for a Crawfordite, and I sold not a gill to anyone. Faith, it pays to be a politician in Georgia.' "†

Though General Clark did not call Judge Tait to the field of honor, as a result of the alleged conspiracy for which he sought his impeachment by the Legislature he did visit him in a most spectacular manner and in a most literal sense, with the marks of his displeasure. The story is thus told:

One day, in the summer of 1807, when Judge Tait, then an occupant of the Superior Court bench, was driving along Jefferson Street, in Milledgeville, General Clark came up, gracefully cantering on a handsome sorrel. The general always rode a fine horse, with best accoutrements, and rarely failed to make an impression. Whatever else might be said of him, John Clark was a born soldier, and he appeared to special advantage on horseback. Riding up to Judge Tait, he engaged him in a brief conversation:

"This is the first time I have seen you, sir," began General Clark, "at least since your hasty departure from Louisville."

"Yes," replied the judge, "I have not seen you since then."

* Shipp: "Life of Crawford," p. 73.

* Shipp: "Life of Crawford," p. 73.

† Shipp: "Life of Crawford," p. 67.

"Tait," resumed the general, after a moment's pause, "under the cloak of judicial authority, you have sought to destroy my reputation, and for your infamous attempt to do so I shall give you the lash."

Thereupon, before any reply could be made, General Clark came down with his riding whip upon the shoulders of the jurist, inflicting severe blows upon him with the aid of powerful muscles. On account of his wooden leg, Judge Tait was no match for his irate antagonist. While the interview was in progress, Tait's horse took fright, but Clark kept along side of him until his wrath was appeased.

For this attack upon a judge of the Superior Court, General Clark was duly prosecuted and, on conviction, was sentenced by Judge Early to pay a fine of \$2,000 and to give security for his good behavior for a period of five years. However, this sentence was never put into effect. Governor Jared Irwin, an old comrade-in-arms, feeling that General Clark was an injured man, afterwards issued an executive order remitting the fine imposed upon him by Judge Early and furthermore releasing the old soldier from any and all other legal consequences attached to his rash conduct. As for Judge Tait, he afterwards became a United States senator, but eventually removed to Alabama where he spent his last days.

When Peter Van Allen fell at Fort Charlotte, before Mr. Crawford's fire, the solicitorship of the Western Circuit, made vacant by his death, was conferred by appointment upon a gentleman noted in the annals of Georgia for his Attie salt: Hon. John M. Dooly. Judge Dooly was afterwards elevated to the bench, from which circumstance arose the title by which he was universally known. He was easily the greatest wit of his day in Georgia, a master of satire and as quick at repartee as chained lightning. Public speakers seldom, if ever, engaged with him in joint debate, for prudential reasons. Crowds thronged his courtroom when ever he appeared on the circuit; and if Charles Dickens could only have met this unique character, he might have improved upon the drolleries of Pickwick.

On a certain occasion, when this same feud between Clark and Crawford was still alive, Judge Dooly became involved in a controversy with his predecessor upon the bench, Judge Charles Tait. As a result Judge Tait challenged him to mortal combat. There are several versions to this story, but, according to one of them, Judge Dooly accepted the challenge and actually appeared upon the scene of encounter, though he was notoriously opposed to shedding blood, especially from his own veins.

General Clark was Judge Dooly's second, while Mr. Crawford, in a like capacity, served Judge Tait; and the affair was probably planned with the utmost seriousness by the friends of both parties. Now, it happened that one of Judge Tait's bodily infirmities was a wooden leg, and it was a knowledge of this fact which inspired Judge Dooly's singular feat of valor. At the appointed time, Judge Tait, with his second, Mr. Crawford, appeared upon the scene of action, where he discovered Judge Dooly sitting patiently alone upon a stump. In reply to an inquiry from Mr. Crawford, concerning the whereabouts of General Clark, with whom he wished to confer in advance of the duel, Judge Dooly replied:

"Gen. Clark is in the woods looking for a bee-gum."

"May I inquire," asked Mr. Crawford, "what use he intends to make of a bee-gum?"

"I want to put my leg in it," replied Judge Dooly. "Do you suppose for a minute that I am going to risk a good leg of flesh and blood against Tait's wooden stump? If I hit his leg, he can get him another one before tomorrow morning; but if he hits mine I may lose my life, certainly my leg; and to put myself on equal footing with Tait, I must have a bee-gum for protection. I can then fight him on equal terms."

"Then am I to understand that you do not intend to fight Judge Tait?" inquired Mr. Crawford.

"Well," responded Judge Dooly, "I thought every one knew that."

"Perhaps so," replied Mr. Crawford, "but you will fill a newspaper column in consequence of this day's business."

"So be it," replied the judge, with an arch smile, "I would rather fill a dozen newspapers than one coffin."

There was nothing more to be said. Judge Tait was, of course, chagrined at this unexpected turn of affairs. He expected to humiliate Judge Dooly, even if he could not force him to fight; but Judge Dooly had cleverly managed the situation and, without putting his good legs in jeopardy, had come off the victor. Gallant Jack Falstaff himself could not have managed the affair with keener strategy or with cooler discretion.

Prior to December 12, 1809, there was no law on the statute books of Georgia forbidding the practice of duelling, though it was customary for belligerents to cross the state lines, to avoid indictment on the general charge of murder, in the event of fatal consequences. But the frequency of such affairs, involving men of the highest intellectual type and of the greatest public usefulness, eventually produced a revulsion of sentiment. The killing of Alexander Hamilton by Aaron Burr, perhaps more than any other event, served to call nation-wide attention to the imperative need of reform in this direction. It is hardly an exaggeration to say that not less than 1,000 duels were fought in Georgia in consequence of this feudal enmity between Clark and Crawford; and there were few households in the state which were not bereaved, either directly or indirectly, by the countless sacrifices which were made during this period to appease the demands of this bloody Moloch.

Consequently, on December 12, 1809, Governor David B. Mitchell signed a measure, passed by the General Assembly of Georgia, making it unlawful either to extend or to accept a challenge, or to be concerned in any way therein, either as principals or as seconds; and on conviction the offender was to be excluded from the right to hold any office of trust, honor, or emolument in this state.* Governor David B. Mitchell, whose signature as chief magistrate was attached to this measure, himself figured on one occasion in an affair of honor.

It was well enough to have such a law upon the statute books, in deference to humane public opinion. But for years it was practically a

* "Clayton's Compilation," p. 529.
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dead letter, and, to procure an acquittal from an average jury it was only necessary to show that the duel was fought in a decorous manner, according to the strict ethics of the Code of Honor. Here the law stopped. It required something more than a legislative enactment to uproot the traditions of chivalry in a land of Cavaliers.

Perhaps the most famous of Georgia's Indian fighters was Gen. John Floyd, who won renown on the frontier during the War of 1812. Skilled in the exercise of arms, there was scarcely any sort of weapon, from a shot-gun to a bowie-knife, with whose effective use he was not familiar; nor was it solely with Indian warriors that this seasoned old regular engaged in hand-to-hand encounters. Down in Camden County, Georgia, where General Floyd spent most of his life and where he lies buried on one of his plantations, tradition credits him with having fought what in some respects was the most extraordinary duel of which there is any record in the bloody chronicles of the Code.

His antagonist, a Mr. Hopkins, was equally skilled in the use of weapons, and equally fearless. It was Greek against Greek. As the challenged party, Mr. Hopkins claimed the right to choose weapons; but, instead of satisfying himself with one kind, he chose three—a most radical departure from the venerated traditions. To settle the grievance between them it was agreed to fire a round with shot-guns, at a certain specified distance. In the event neither was killed or disabled in this exchange of shots, they were to approach several feet nearer with dry pistols, and if both remained on foot after this second fire, they were to end the affair in a hand-to-hand grapple with bowie-knives, fighting till one or both should fall mortally wounded.

On both sides, this program was commenced in deadly earnest. But General Floyd's antagonist, in either the first or second round, was so effectually disabled by loss of blood that resort to bowie-knives as a finality was abandoned. The incident suffices to show General Floyd's grim hardihood as a fighter. His characteristics in this respect were transmitted to his son, Gen. Charles L. Floyd, and to his grandson, Capt. Richard S. Floyd, both of whom are credited with affairs of honor. Hon. Wm. G. McAdoo, the present distinguished secretary of the treasury in President Wilson's cabinet, and the latter's son-in-law, is a lineal descendant of General Floyd; and, while he has not emulated the prowess of his ancestor as a duellist, he has turned the fighting spirit of his family into industrial channels, with the result that he is today credited with one of the greatest achievements of modern times: the construction of the Hudson River tunnels.

Hon. Eb. T. Williams, of Atlanta, a distinguished member of the Georgia bar, owns a duelling pistol which figured in one of the most dramatic episodes of Georgia's history prior to the Civil war. It is an old flint-and-steel weapon, made by Manton and Son, of London, famous in an earlier day for the manufacture of firearms used on the field of honor. The barrel is one of very large bore, inlaid with platinum and encircled by silver bands. The device for sighting is also of silver, while the powder pan is covered with a layer of platinum. From end to end, the pistol measures some eighteen inches in length. It is handsomely en-

graved, and when fresh from the laboratory of Manton and Son, must have been a work of art. The pistol was purchased by Colonel Williams years ago from an old locksmith of Augusta, by the name of Rogers.*

According to legendary accounts, this grim relic of duelling days in Georgia figured in more than one tragic encounter; but the affair of honor to which its rust-covered cylinder unmistakably points, after a lapse of nearly 100 years, was a duel which occurred at Sister's Ferry, on June 8, 1822, between Col. William Cumming, of Augusta, and Hon. George McDuffie, of South Carolina, the latter of whom afterwards became governor of the Palmetto State and United States senator. Colonel Cumming was a distinguished soldier of the United States in the War of 1812. He held the rank of colonel in the regular army, but was adjutant-general of the army operating on the Canadian frontier and was severely wounded in one of the battles of that campaign. Having resigned from the army, after the war, he was subsequently offered a brigadier-general's commission by President Jackson, but declined the appointment. At the outbreak of the Mexican war, in 1846, he was appointed a major-general in the United States Army, by President Polk, but declined this appointment also, mainly, no doubt, on account of his age, which was then about sixty.

It is difficult to vouch for the circumstances at this late day, but as gleaned from newspaper accounts the duel originated in this wise: An article, without signature, appeared in one of the Augusta papers, supporting the claims of Mr. Crawford against those of Mr. Calhoun for President of the United States. This article provoked a salty reply from a gentleman of South Carolina, whose name was likewise undisclosed. The Georgia writer rejoined on the assumption that the South Carolina writer was Mr. McDuffie, which gentleman nettled by the strictures therein contained replied in the belief that his opponent was Colonel Cumming, a gentleman whose pen was famous in the controverted versions of his time.

Both men were mistaken. The affair proved to be a comedy of errors. But no explanation was made on either side and subsequent developments led to a challenge, which was promptly accepted. It is understood that a proposition to which Mr. McDuffie gave assent but to which Colonel Cummings demurred was made by mutual friends in the hope of a satisfactory adjustment; and, this effort failing, the details of the meeting were arranged by seconds after the usual custom.

According to newspaper accounts, Colonel Cumming wished to fight in round-jackets or shirt-sleeves, but his antagonist suggested the conventional frock coat. This dress was accepted. At the appointed hour, Colonel Cumming appeared upon the field in a suit of cotton; Mr. McDuffie came attired in silk. The combatants, facing each other at a distance of ten paces, exchanged shots. McDuffie's ball struck the ground about four paces from his own feet, while the bullet of his antagonist entered the former's back obliquely just below the short ribs and de-

* This information obtained from Col. Eb. T. Williams in a personal interview.
† Dr. R. J. Massey: "Scrap-book."

flected. Only one round was fired, the surgeons agreeing that Mr. McDuffie was too severely wounded to continue the hostile interview.

This wound eventually caused the great orator's death. As a reason why the bullet did not penetrate deeper, the *Augusta Chronicle*, some time afterwards, in giving a purported authentic account of the affair, made this statement: "Cumming's bullet was loaded for the side, not for the back; and for the resistance of common drapery, not for several folds of strong silk."* On the authority of Judge John B. O'Neill, in his "Bench and Bar of South Carolina," the wound received by Mr. McDuffie in this duel changed his entire disposition, embittered his life, and sent him a wreck to his tomb.

John Forsyth was one of the ablest men of his day in the arena of national politics. While United States minister to Spain, he negotiated with Ferdinand VII for the purchase of Florida. He represented Georgia in both wings of the Federal Congress and succeeded the dauntless troupe in the chair of governor. Mr. Forsyth rounded his career in public life as secretary of war, holding his portfolio under two presidents: Jackson and Van Buren. As an orator, he was superior, in the judgment of many, even to Judge Berrien, our American Cicero, with whom, in the famous Tariff Convention of 1833, he engaged in a grapple of argument lasting for three days. From this contest he bore off the laurels.

But Mr. Forsyth, when a young man, came near losing his life in a duel which he fought with a Mr. Williams, an affair in which the weapons used were small swords. Mr. Forsyth received a severe wound in the neck. When Gen. John Clark invited William H. Crawford to mortal combat, on the eve of the famous duel at High Shoals, it was Mr. Forsyth who, as the former's second, bore the challenge to Mr. Crawford; but the duties in the Federal Court prevented him from serving in this role when the duel occurred. The father of Mr. Forsyth, while holding the office of United States marshal for Georgia, was instantly killed in a difficulty with the noted Beverly Allen, whom he sought to arrest. His grave in the churchyard of old St. Paul's at Augusta, is marked by a tombstone, on which an account of the affair is inscribed. Allen succeeded in making his escape.

One of the most distinguished of Georgia's ante-bellum physicians was Dr. Ambrose Baber; and there were few men in the state before the war who possessed a wider circle of friends or left a profounder impress upon public affairs. Doctor Baber was long a resident of Macon. Though an active practitioner of medicine, the fascinations of public life became a charm too powerful to be resisted, especially by one whose intellect and information fitted him to adorn any station.† He represented this country at one time as minister to Sardinia. He also sat repeatedly in the State Senate of Georgia, and for some time prior to his death held the office of Grand Master of the Grand Lodge of Georgia.

* Sabine: "Notes on Duelling," p. 242. Dr. R. J. Massey: Article in the "Sunny South."

† Judge R. H. Clark: "Memoirs."

Masons. He was a power in politics. But among the other distinguishing marks of this accomplished gentleman was his deadly aim with a pistol and his expert use of the sword.

Doctor Baber was a duelist. His first connection with an affair of honor was in 1825, when he was present in the capacity of a surgeon at the famous duel fought between Hon. Thomas D. Mitchell and Maj. Robert A. Beall. Colonel Mitchell was allied with the Clark faction in politics and at the time of the duel was the newly elected solicitor-general of the Southern Circuit. He was a native of Laurens District, South Carolina, but studied law at Eatonton, Georgia, under Judge Eli S. Shorter, after which he settled at Hartford, Georgia, to practice his profession. Major Beall was residing at this time in Talbotton, Georgia, but afterwards removed to Macon, where he became the first mayor of the young town. At a later period in his life he also held a brigadier-general's commission in the state militia.

The difficulty between the two men grew out of a trivial remark made by Colonel Mitchell at the dinner table of a friend, to which remark Major Beall took exception. As a result, there sprang up between these gentlemen a quarrel which proved to be so persistent that a resort to weapons offered the only sane solution and accordingly they agreed to adjust matters between them by fighting a duel at Hamburg, South Carolina, just opposite the City of Augusta. Capt. Joseph Morgan, second for Major Beall, and Mr. John P. Booth, second for Colonel Mitchell, arranged the details. Two rounds were fired without effect, after which, mutual friends, a number of whom were present, intervened to prevent further hostilities. The courage of both men having been attested, a reconciliation was effected and the combatants shook hands on the field.

Unfortunately, some comment upon the duel made by Doctor Baber, who attended as surgeon to Major Beall at Hamburg, South Carolina, was resented by Colonel Mitchell. The latter subsequently published a card which gave offense to Doctor Baber, who, after a brief controversy on the subject, demanded of Colonel Mitchell the satisfaction due a gentleman under the code. The challenge was accepted, and rifles, at a distance of ten paces, were selected as the weapons. In the spring of 1826, the parties met at Hamburg, South Carolina, the scene of the former duel; and, on the second fire, Colonel Mitchell fell, mortally wounded. The ball penetrated the lungs causing almost instant death.

Dr. Isaac W. Mitchell, a brother of the deceased, was present at the duel, acting in the capacity of surgeon, and attended upon the dying man in his last moments. It was a sad duty to perform, but the ordeal was soon over, and there were no pangs of lingering distress, thanks to the deadly work of the bullet. Doctor Mitchell was a life-long resident

Thomas County, Georgia, where he amassed a large property and died well advanced in years. Colonel Mitchell, at the time of his death, was still a young man, aged thirty-three, and unmarried. Exceptionally well equipped for his profession, he was a man of splendid talents, but

sensitive to a fault and inclined to be somewhat rash and dictatorial, especially when aroused by anger.

Doctor Baber survived his hostile encounter with Colonel Mitchell by twenty years, and was still in the prime of life when he came to his death in a most tragic and sudden manner. As narrated by Judge Richard H. Clark, the circumstances are these: Among the patients of Doctor Baber was a man with consumption, named Jarrell, in East Macon. On Saturday the doctor made for him a prescription which contained cyanuret of potassium. This drug consists largely of the elements of prussic acid, and if taken in too large a dose is a deadly poison. The prescription was put up by George Payne, then and now a prominent druggist of Macon and a most excellent man. Detecting the mistake, Mr. Payne, nevertheless, filled the prescription, but tied it to the valve and wrote the patient not to take it, that it was a killing dose, and to show the prescription, with his note, to Doctor Baber, when he arrived. The next morning early Doctor Baber made his accustomed visit and was disappointed and irritated that his patient had not taken the medicine the day before, as he directed. The dose was a teaspoonful.

"To satisfy you there is no danger in it," said the doctor to the patient, on the impulse of the moment, "I will take a double dose."

Suiting the action to the word, he swallowed two teaspoonsful, staggered to a chair, and in seventeen minutes, drew his last breath. The mistake was due to a misprint in the formulary used by Doctor Baber. Afterwards, due to the notoriety which this affair attained, the entire edition was called in and destroyed by the publisher, but no amends could restore the life of one of the most useful public men of the state. The excitement which prevailed throughout the City of Macon on the fatal Sunday morning which witnessed this tragic occurrence was most intense. It was Macon's dark Sabbath.

On January 25, 1828, at Fort Mitchell, in the Creek Nation, on what is now the Alabama side of the Chattahoochee River, just below the present City of Columbus, occurred the famous duel between George W. Crawford and Thomas E. Burnside. Both principals were then talented young lawyers, residing at Appling, in Columbia County, Georgia. The former was a kinsman of the renowned William H. Crawford and was himself destined to become scarcely less distinguished in the political history of Georgia. He served his state as governor and held the portfolio of secretary of war in the cabinet of General Taylor, after which he presided over the historic secession convention, at Milledgeville, in 1861. As a lawyer, he encountered few equals at the bar; and for his services in prosecuting the celebrated Galphin claim against the United States Government, he received a fee of \$80,000.

Burnside, who was fated to fall in this encounter on the threshold of what promised to be a brilliant career in public life, was an uncle of the noted Federal commander, Gen. Ambrose E. Burnside, afterwards governor of Rhode Island and United States senator.

The duel between Crawford and Burnside grew out of a newspaper

article published, without signature, in one of the Augusta papers, criticizing Hon. Peter Crawford, a Whig. Peter Crawford was for years prominent in Georgia politics and was at this time in very poor health. George W. Crawford, incensed at this attack upon his father by an unknown writer, demanded the authorship of this offensive card. But the editor declined to disclose the writer's name. Col. D. W. Lewis, who was afterwards Governor Gilmer's private secretary, says that the writer of the article in question was a lady and that it was for this reason that Mr. Crawford's demand was refused.

However, Thomas E. Burnside assumed responsibility for the article, whereupon he promptly received a challenge from George W. Crawford to mortal combat. He seems to have been reluctant to fight, but at a time when the Code Duello was in vogue, he well knew the consequences to himself and to his political fortunes, should he refuse to meet his antagonist on the field. He, therefore, accepted the challenge and repaired at once to the scene of combat. But, on the night before the fatal meeting—perhaps with some premonition of the result in mind—he dispatched the following note to Mrs. Burnside:

Fort Mitchell, January 24, 1828.

Dear Wife and Mother:

Tomorrow I fight. I do it on principle. Whatever may be my fate, I believe I am right. On this ground I have acted and will act. I believe I shall succeed, but if I do not I am prepared for consequences. Kiss the children and tell them that if I fall my last thought was of them.

Yours most affectionately.

THOMAS E. BURNSIDE.

This pathetic fragment sounds not unlike the message which Alexander Hamilton, on the eve of his fatal meeting with Aaron Burr, addressed to Mrs. Hamilton, on the subject of duelling. Nor was the fate of the two men dissimilar. Thomas E. Burnside fell mortally wounded in the encounter which followed. His body was interred, with every show of respect, in the private burial ground of Colonel Crowell, whose residence was not far from the spot on which the unfortunate man fell. More than two weeks elapsed before Burnside's family received the sad news, which, when it finally came, after so long a period of suspense, almost cost Mrs. Burnside her life; but she rallied her strength for the sake of her children and afterwards removed to Dahlo-nega, Georgia, where she resided until her death.

Burnside was held in high esteem by his countless friends and colleagues at the bar. He was a native of South Carolina, where he was born in 1794, and after settling at Appling for the practice of law, he represented Columbia County in the General Assembly of Georgia. The late Judge W. A. Burnside, for years a trustee of the North Georgia Agricultural College, was his son. Numerous tributes were paid to Burnside's character, and from these honors it may be inferred that he was a man of splendid parts. At Appling, a mass-meeting of his personal and political friends was held, over which Turner Clanton presided. There was also a meeting of the bar of his circuit at which resolutions were adopted and a movement launched for erecting a monument.

According to Col. W. P. Price, this duel between Burnside and Crawford caused great excitement in Georgia and, more than any other personal conflict, it led the people of this state to make a crusade against duelling and to demand reform in the method of seeking satisfaction for aggrieved honor. Governor Crawford always deplored the unfortunate affair and, down to the day of his death, expressed the tenderest solicitude for the bereaved widow and children, whose helpless condition he caused. On more than one occasion it is said that he substantially befriended them, by seeking the help of intermediate parties, without letting his own name be given, and for more than one act of kindness from an unknown friend the family was indebted to George W. Crawford.

But the Code Duello has passed. There is not a state in the Union nor a country on the globe in which the practice has not been condemned by public sentiment, crystallized into forms of law; and even in France, where the custom originated, its expiring gasp has at last been heard. On this side of the water it has slept the sleep of the dead for a score of years; and, except in the literature of a former time, its baleful effect upon our civilization is no longer seen or felt. In some respects, it was not an unmixed evil. It made men observant of the proprieties of speech, knowing full well the responsibility which attached to words. It protected the weak against the strong; and it safeguarded the honor of woman. There was no place for cowardice under a code which put an iron emphasis upon manly virtue and which served to revive, in many of its finer phases, the heroic age of knighthood. But, when everything to the credit of duelling has been said and written, it still remains that for sheer destructiveness, its only rivals in the world's modern life have been pestilence and war. No arithmetic can count the graves it has dug, compute the hopes of happiness it has dashed to the ground, or number the hearthstones over which it has hung the pall of a premature desolation. But the fates have kindly intervened. With remorseless irony it has come to pass that, for this writer of epitaphs, an epitaph has at last been written; that, for this insatiate archer, there has come at length an arrow whose point has found the pulsing heart-center of life; and that, goaded by the nightmare of its own hideous dreams, this murderous custom has at last fallen underneath its own fire on the field of honor.

LAST DUEL FOUGHT IN THE SOUTH.—On August 10, 1889, perhaps the last duel fought in the Southern States, according to the strict ethics of the field of honor, occurred in Alabama, near the Georgia state line, between J. R. Williamson and Patrick Calhoun, both of whom were captains of industry and railway magnates interested in southern rehabilitation. The former, since deceased, was then president of the Rome, Chattanooga and Columbus Railroad, with headquarters in Rome; while the latter, a direct lineal descendant of the Great Nullifier of South Carolina, was at this time attorney for the West Point Terminal Company, with offices in Atlanta. It was a bloodless affair.—"Georgia's Landmarks, Memorials and Legends," Vol. II, p. 44.

CHAPTER X

JOHN CLARK BECOMES GOVERNOR—HE DEFEATS MR. TROUP—AFTER A HEATED CAMPAIGN IN 1819—CHARACTERISTICS OF THE TWO CANDIDATES CONTRASTED—MR. TROUP A LEADER OF THE CRAWFORD PARTY, TO WHICH GENERAL CLARK HAD LONG BEEN A BITTER OPPONENT—GENERAL CLARK IS SUPPORTED BY THE UPCOUNTRY SETTLERS AND BY THE SMALL FARMERS IN THE LOWLANDS—MR. TROUP IS SUPPORTED BY THE ARISTOCRATS OF THE COAST AND BY THE PROFESSIONAL ELEMENT—GEORGIA IMPATIENT FOR A REMOVAL OF THE INDIANS—BOTH THE CREEKS AND THE CHEROKEES STILL HOLD LARGE BODIES OF LAND—GOVERNOR CLARK, AN OLD INDIAN FIGHTER, IS IN SYMPATHY WITH THIS FEELING—CONGRESS IS MEMORIALIZED BY THE STATE LEGISLATURE—ON JANUARY 8, 1821, A TREATY IS NEGOTIATED WITH THE CREEKS AT INDIAN SPRINGS—SOMETHING ABOUT THIS HISTORIC LOCALITY, A FAMOUS RENDEZVOUS OF THE RED-SKINS, AFTERWARDS A POPULAR HEALTH RESORT—LANDS ACQUIRED BETWEEN THE OCMULGEE AND THE FLINT—PARCELS EXCEPTED—OPENED TO SETTLEMENT UNDER THE LOTTERY ACT OF 1821—FIVE NEW COUNTIES FORMED—DOOLY, FAYETTE, HENRY, HOUSTON AND MONROE—GOVERNOR CLARK IS RE-ELECTED IN 1821 AFTER A SECOND HEATED CONTEST—MAJ. FREEMAN WALKER RESIGNS FROM THE UNITED STATES SENATE ON ACCOUNT OF ILL-HEALTH, AND IS SUCCEEDED BY NICHOLAS WARE—BOTH ELEVATED TO THE SENATE FROM THE MAYOR'S CHAIR OF AUGUSTA—AN EXTRAORDINARY LEAP—GEORGIA IN THE SIXTEENTH CONGRESS—THE SOUTHERN JUDICIAL CIRCUIT IS CREATED—THOS. W. HARRIS ITS FIRST JUDGE—SLAVERY BECOMES A DISTURBING FACTOR IN AMERICAN POLITICS—THE MISSOURI COMPROMISE OF 1820—GEORGIA GAINS A NEW CONGRESSMAN—THE PRESIDENTIAL CAMPAIGN OF 1820—FOUR NEW COUNTIES FORMED IN 1822—DEKALB, PICKENS, CRAWFORD AND BIBB—THE FLINT CIRCUIT IS CREATED, WITH ELI S. SHORTER ON THE BENCH—UNITED STATES SENATOR WARE DIES IN NEW YORK—THOMAS W. COBB IS AWARDED THE TOGA—RICHARD HENRY WILDE SUCCEEDS MR. COBB.

NOTES: THE MCINTOSH RESERVE—THE MCINTOSH TRAIL.

But to resume our narrative. The death of Governor Rabun, on October 24, 1819, as we have already seen, brought Matthew Talbot to the helm of affairs. Mr. Talbot, as president of the Senate, became governor by virtue of his office and entered at once upon his duties as chief magistrate; but he did not enter the race as a candidate to succeed Governor Rabun. The latter's death having occurred within a few weeks of the time set for his retirement, there were already two strong candidates

in the field. One of these was Gen. John Clark. He stood at the head of the great political faction known by his name as the Clark party and was a man of powerful influence in the state at this time, especially among the uplanders. Opposed to him was George M. Troup, who had lately resigned his seat in the United States Senate. Mr. Troup belonged to the Crawford party, an organization whose leader was the great William H. Crawford. As a young man, Mr. Troup had been a protegee of old Governor James Jackson, of Savannah. On the death of Jackson in 1806 Mr. Troup assumed the leadership of the Crawford party in South Georgia; and when Mr. Crawford withdrew from state politics he became the recognized champion of the entire aristocratic element. So uncompromising a fighter was Mr. Troup—so pronounced his convictions on public issues—so held his advocacy of State Rights—that the faction to whose leadership he was called at once took his name and became known as the Troup party of Georgia.

Mr. Troup had served for eight years in Congress (1807-1815), and for two years in the United States Senate (1816-1818), when he entered the race for governor; and he possessed some prestige, therefore, in national politics. General Clark was not unknown in military circles outside the state as a soldier who had served his novitiate in the Revolution, under an illustrious father and who had later achieved some note as an Indian fighter, but his reputation was in no sense national. Mr. Troup was a man of culture, eccentric perhaps, but well educated. General Clark, on the other hand, could lay claim only to the rudiments of an education. He was far more skillful with the sword than with the pen. But he was a man of hard common sense and of strong will power. Mr. Troup was an aristocrat, stiff as a poker in his manners, peculiar in his style of dress, pompous, haughty, almost imperious, in his personal bearing. General Clark was a plain man of the people, blunt of speech, but honest, outspoken and fearless. Governor Gilmer to the contrary notwithstanding. The frontiersmen looked upon General Clark with an awe akin to veneration. In the upcountry his word was law. Every old soldier was his sworn friend and every man who came from North Carolina or whose ancestors came from North Carolina was a supporter of General Clark by virtue of this fact. Moreover, the small farmers in the lower belt were also allied with the Clark faction. It will be remembered that in a former chapter of this work we discussed at some length the earliest division of the state into parties. One of these was composed largely of Virginians who followed Crawford; while the other was made up chiefly of North Carolinians who adhered to the Clarks.

These contrasted characteristics will serve to throw some light upon the campaign of 1819. It was a stubbornly contested fight; and, though the stump speaker had not arrived as yet in Georgia, the partisan editor was on hand and wielded a rancorous pen in the bitter controversies of this period.

Georgia was becoming impatient for a removal of the Indian tribes. Eighteen years had elapsed since the cession of 1802, at which time the state had relinquished its western lands to the Federal Government with the express understanding that all Indian titles to the remaining territory were to be extinguished. Several bodies of land had been acquired from both the Creek and the Cherokee Indians; but in each instance

these lands had been acquired by direct purchase. The Creeks still held 10,000,000 acres of land in Georgia, having ceded an equal amount, while the Cherokees still retained 6,000,000 acres, having ceded only 1,000,000. These unceded lands lay north of the Chattahoochee and west of the Ocmulgee.

General Clark had been an Indian fighter. His anxiety to rid the state of these savage tribes was well known. At any rate, within a month after his inauguration as governor a memorial was addressed to Congress by the State Legislature urging a removal of the Indian tribes to lands west of the Mississippi River.

This memorial brought results. On January 8, 1821, a treaty was negotiated with the Creeks at Indian Springs by two commissioners representing the United States Government: Daniel M. Forney, of South Carolina and David Meriwether, of Georgia.* Under the terms of this treaty, all the remaining lands of the Creek Indians between the Ocmulgee and the Flint rivers, extending as far north as the Chattahoochee, were ceded by the Creeks for a stipulated sum, of which it was agreed that \$250,000 was to be used in compensating citizens of Georgia for property taken from them by the Indians. The excepted parcels of land still retained by the Creeks under this treaty were: (1) 1,000 acres of land around the springs; (2) 640 acres on the Ocmulgee River, including the improvements of McIntosh; and (3) a tract of land around the agency, to be retained by the United States Government, however, until the agency was discontinued. There were three commissioners present, on the part of the State of Georgia, to wit: J. McIntosh, David Adams, and Daniel Newman, but none of these signed the agreement.

Some information in regard to this noted place of rendezvous for the Creek Indians, afterwards a famous health resort for the whites, will be of interest in this connection:†

During the year 1792, when this locality was a wilderness, Douglas Watson, a scout employed by the United States Government to inspect the frontier, came to Georgia, and, while passing through this neighborhood, happened upon a little spring in a dense cane brake. What he took to be the smell of gunpowder guided him to the spot; but when he learned that it was from a fissure in the rocks that this peculiar odor of brimstone proceeded he quickly left the neighborhood, in superstitious dread of consequences. However, the magic waters were in time discovered by other travelers and soon there began to flock to Indian Springs a multitude of health-seekers. It is said that the medicinal virtues of Indian Springs were known to the savages from the earliest times. In 1800, Gen. William McIntosh, the famous Creek Indian chief, here erected a cottage, so it is said, where he usually spent the winter months. Subsequently, according to local tradition, a Mr. Allison built here a double log cabin. These were the earliest structures erected in the neighborhood, and both were destroyed by fire. In 1823, General McIntosh and Joel Bailey, erected the first hotel. The building still

* "Indian Affairs," Vol. II, pp. 248-249.

† Our authority for these statements is an address delivered by Judge J. H. Lumpkin, July 1, 1911, at Indian Springs, Georgia, on the occasion of a tablet unveiling by the D. A. R.

stands in excellent preservation and is today known as the Varner House. There are still to be seen on the doors and mantels, some fine specimens of hand-carving, done, it is said, with a pocket knife in the hands of General McIntosh. The famous chief was well known to the guests who frequented the establishment. His two wives were both refined and handsome women of the full Indian blood.

In what is known as the Lottery Act of 1821, passed at an extra session of the State Legislature, these newly acquired Creek lands were erected into five counties, to wit, Dooly, Fayette, Henry, Houston, and Monroe.*

There was another sharp contest for the governorship before the Legislature in 1821. Governor Clark was a candidate for re-election and opposed to him was his old antagonist, Mr. Troup. Feeling was bitter on both sides. Those who supported the governor were called Clarkites. Those who favored the rival candidate were called Troupers. There was apparently an even division of sentiment among the legislators. Amid breathless excitement a ballot was taken, the result of which was a majority of two votes for Governor Clark.

Mr. Troup's disappointment in sustaining a second defeat at the hands of his old rival was keen. This feeling was likewise shared by his friends. But there was no abandonment of the fight, except for the moment. Plans were laid for another campaign in 1823, at which time the Troupers were to win.

It devolved upon the Legislature of 1821 to elect a successor to Hon. Freeman Walker, whose resignation as United States senator was tendered at this time. Though still comparatively a young man—not yet forty—Major Walker was in precarious health; and he lingered for only a few years after relinquishing official responsibilities. Dying in 1827, he was interred in the family burial plot, today enclosed within the grounds of the Arsenal, on the Sand Hills, near Augusta. Richard Henry Wilde, the poet-statesman, wrote a magnificent epitaph for his tomb.

Major Walker was Augusta's first mayor. He was filling this office when elected to the United States Senate; and by a singular coincidence his successor in the office of mayor likewise became his successor in the United States Senate. This was Hon. Nicholas Ware, upon whom the Legislature of 1821 conferred the toga. The mayor's chair of Augusta seemed to be a stepping-stone to political honors in the nation. Even for such a leap to be made once was a circumstance sufficiently rare to elicit comment; but for such a leap to be made twice in succession made it appear as if the fates were juggling with Georgia's politics.

Georgia was represented in the Sixteenth Congress (1819-1821) by the following members: Joel Abbot, Thomas W. Cobb, Joel Crawford, John A. Cuthbert, Robert R. Reid and William Terrell.

Two of these: Joel Abbot and Robert R. Reid, were re-elected to the Seventeenth Congress (1821-1823). The new members of the delegation were: Alfred Cuthbert, George R. Gilmer, Edward F. Tattnall, and Wiley Thompson. Mr. Cuthbert was elected to succeed his brother John,

* For additional particulars in regard to these counties, see the section of this work on Georgia Miscellanies.

a member of the preceding Congress. Judge Reid's career in Congress ended with the expiration of his term in 1823. Saddened by the death of his wife, he seemed to lose all interest in public affairs. He also became indifferent to his law practice. Finally, however, accepting a Federal judgeship in the Territory of Florida, he left this state, to be identified no more with its political fortunes.

In 1819 the Southern Judicial Circuit was created by an act of the Legislature and to preside over the courts of this circuit Judge Thomas W. Harris was elected.

Long to be remembered in the annals of Savannah was the year 1820. Besides witnessing a disastrous fire, in which over 400 buildings were reduced to ashes, entailing a loss of \$4,000,000, it sustained a devastating scourge of yellow fever, to which thousands fell victims.

Slavery at this time became a disturbing factor in American politics. Since the Ordinance of 1787 excluding slavery from all the territory of the nation, west of the Mississippi and north of the Ohio, there had been no legislation seriously affecting its status. But, on the question of admitting Missouri, a grave sectional issue was sprung. Congress, of course, was powerless to interfere with slavery in the states. It was free, however, to enact laws for the territories and to fix the terms on which these territories could enter the Union. At this time there was an even balance of power between the states, eleven of which were slave and eleven free. Missouri had adopted a constitution favoring slavery, and there was strong opposition at the North to admitting Missouri as a slave state for the obvious reason that such action would destroy the existing equilibrium. But the matter was finally compromised in 1820 by creating a state out of the domain of Massachusetts to be called Maine and to be admitted as a free state. With this off-set Missouri was then admitted as a slave state. But the free soilers gained a decisive victory in a proviso attaching to the Compromise of 1820, under which no other slave states could be formed out of the Louisiana Purchase north of the southern boundary line of Missouri, corresponding to latitude 35° 30'. This imposed a limit to the further expansion of slavery and foreshadowed its early loss of power. But the admission of Texas in 1845 added a vast realm to the Southwest, thus restoring the balance. Georgia's increasing wealth in slave property made the Compromise of 1820 one of absorbing interest to her people, but it did not affect her holdings, except in so far as it threatened an ultimate overthrow of the slave system, through its gradual loss of power.

Georgia's support in the presidential campaign of 1820 was given to President Monroe. The following electors were chosen at this time: from the state at large, Oliver Porter and John Graves; district electors, Henry Mitchell, John Rutherford, John McIntosh, John Forster, David Meriwether and Benjamin Whitaker.*

Under the census of 1820 Georgia gained an extra congressman but the new apportionment did not become effective until 1823 when the following delegation was chosen to the Eighteenth Congress (1823-1825): Joel Abbot, George Carey, Thomas W. Cobb, Alfred Cuthbert, John Forsyth, Edward F. Tattnall and Wiley Thompson.

* Lanman's "Biographical Annals of the U. S. Govt.," pp. 519-521.

Four new counties were created by the Legislature of 1822: * DeKalb, Pike, Crawford and Bibb, all of which were created out of the counties formed in 1821 from the newly acquired Creek lands. These counties having rapidly filled with settlers, new counties were demanded. Macon, the county-seat of Bibb, soon became one of the important towns of the state. It was located on the opposite side of the Ocmulgee River from old Fort Hawkins.†

Also at this session the Flint Judicial Circuit was created with Judge Eli S. Shorter as its first presiding officer.

On September 24, 1824, Nicholas Ware, United States senator from Georgia, died while on a visit to New York, whither he had gone for medical treatment soon after taking the oath of office. His remains were interred under the annex to Grace Church, in the City of New York, where they still repose. To succeed Mr. Ware as United States senator, the Legislature elected Hon. Thomas W. Cobb, of Greensboro, then a member of Congress. Hon. Richard Henry Wilde, of Augusta, was chosen to succeed Mr. Cobb in the Eighteenth Congress.

McINTOSH RESERVE.—What is known as the McIntosh Reserve is an area of land one mile square situated in a bend of the Chattahoochee River, between Carroll and Coweta Counties, where it occupies both sides of the stream. The old home of General McIntosh stood on the Carroll side of the river in the extreme southern part of the county, and was reached by the famous trail, a branch of which ran through the reserve. Here General McIntosh was murdered by a band of the Upper Creeks in 1826. His last resting place is unmarked; but in a grave somewhere in this neighborhood, overlooking the tawny waters of the Chattahoochee, the brave chief lies buried.—"Georgia's Landmarks, Memorials and Legends." L. L. Knight. Vol. II.

McINTOSH TRAIL.—Beginning at Fort Hawkins, opposite the site of the present City of Macon, the McIntosh trail ran almost due west to the Old Indian Agency on the Flint, thence northward following the valley of this stream to a point three miles north of the present Town of Senoia, where it divided, one branch running eastward by way of Indian Springs to Augusta, the other running westward by way of Newnan to Talladega, Alabama, and thence to the French villages along the Mississippi. Portions of the trail still exist in well defined country roads, but some of the connecting links are difficult to trace by reason of topographical changes. Andrew Jackson, during the second war with England, marched his troops over this trail to New Orleans, where he won his celebrated victory on January 8, 1815. Near Senoia, where the trail diverged, General McIntosh built a fort the ruins of which can still be seen. The town which later arose in this vicinity was named for an Indian princess famed throughout the forest for her beauty. She belonged to a tribe known as the Cowetas or Lower Creeks, of which General McIntosh was the chief. Mrs. R. H. Hardaway, of Newnan, regent of Sarah Dickinson Chapter, D. A. R., is perhaps the foremost authority in the state on the McIntosh trail, a part of which she has succeeded in tracing with wonderful minuteness of detail.—Ibid., Vol. II.

* Acts 1822, pp. 23-26.

† For additional information in regard to these counties, see section on Georgia Miscellanies.

CHAPTER XI

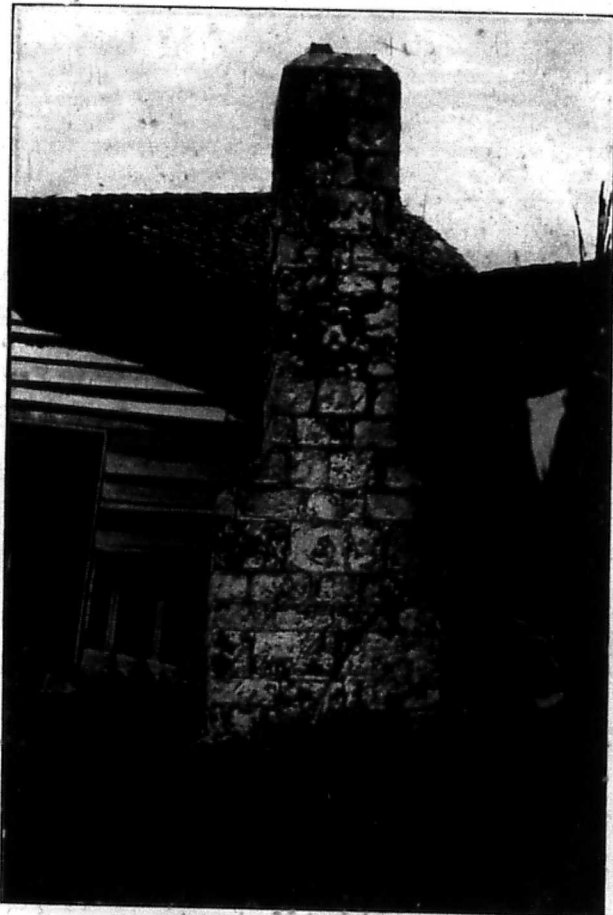
GEORGE M. TROUP WINS THE GOVERNORSHIP IN 1823. DEFEATING MATTHEW TALBOT, THE CLARK CANDIDATE—THE BALLOT STANDS EIGHTY-FIVE TO EIGHTY-ONE—GREAT EXCITEMENT IN THE LEGISLATURE—JESSE MERCER IS OVERJOYED—THE LAST ELECTION OF A GOVERNOR BY THE LEGISLATURE—AN AMENDMENT TO THE CONSTITUTION IS ADOPTED MAKING THE OFFICE ELECTIVE BY THE PEOPLE—GOVERNOR TROUP SOUNDS AN UNEQUIVOCAL NOTE FOR A REMOVAL OF THE INDIANS—CONGRESS IS AGAIN MEMORIALIZED—THE GOVERNOR ALSO ADDRESSES A VIGOROUS COMMUNICATION TO GEORGIA'S SENATORS AND REPRESENTATIVES IN CONGRESS—NEXT, IN 1824, HE TRANSMITS A SPECIAL MESSAGE TO THE LEGISLATURE ON THIS SUBJECT—THE COMPACT OF 1802 RECALLED—THINGS BEGIN TO LOOK SERIOUS—ALARMED BY THE MENACING TONE OF GOVERNOR TROUP'S MESSAGE, THE CHEROKEES SEND A DELEGATION TO WASHINGTON—PROGRESS MADE BY THESE INDIANS IN THE ARTS OF PEACE AND IN THE SCIENCE OF GOVERNMENT—MEMORIAL ADDRESSED BY THE CHEROKEES TO CONGRESS—PRESIDENT MONROE IS FRIENDLY TO THE INDIANS—HIS ATTITUDE IS RESENTED BY GEORGIA—THE MATTER REFERRED TO CONGRESS—BUT ACTION IS DELAYED PENDING THE PRESIDENTIAL ELECTION OF 1824—NEW COUNTIES CREATED—DECATUR, WARE, UPSON, THOMAS, BAKER, LOWNDES AND TALLAHERRO.

George M. Troup finally won the governorship in 1823. But not without a spirited contest. Governor Clark, having filled this high office for two consecutive terms, was not a candidate for re-election; but the Clark party had put a candidate in the field and political excitement was at fever heat when the Legislature met in November to elect a governor. Hon. Matthew Talbot, of Wilkes, was the candidate supported by the Clark faction. Mr. Talbot was a native of Virginia and a man of large means. He had served repeatedly in the State Legislature and was occupying the president's chair in the Senate, when the death of Governor Rabun in 1819 brought him temporarily to the helm of affairs. Having stepped aside for General Clark at this time, the latter was now ready to pay a political debt by supporting Mr. Talbot.

On March 6, 1823, a ballot was taken, the result of which stood: Troup eighty-five, Talbot eighty-one. Says Mr. Phillips: "It so happened that when 162 ballots had been counted the tally stood 81 to 81, with four votes still in the hat. These proved to be all for Troup, and the house went wild. A picturesque figure was that of Jesse Mercer, who staggered out, overcome with joy, loudly praising heaven that he had lived to see the day. This old man was for many years a prominent

* "Georgia and State Rights," pp. 102-103.

clergyman of the Baptist Church in Georgia. He mixed politics with his gospel to such an extent that he never failed to carry his county overwhelmingly for Crawford or Troup. Governor Lumpkin lays at his door many of the votes cast against him in his numerous cam-



REMNANTS OF GOVERNOR TROUP'S OLD HOME PLACE, "VALDOSTA"

paigns, saying that although the Baptist Church was not a unit in politics, yet Mercer always carried the bulk of its members for the Troup candidates."

This was the last election of a governor by a State Legislature in Georgia.

On December 17, 1823, an act was passed to amend the constitution

of 1799, so as to place the election of a chief magistrate directly in the hands of the people. This legislation has been attributed to the Clark faction. As amended, the constitution provided for the governor's election "by persons qualified to vote for members of the General Assembly, on the first Monday in October, in the year of our Lord, 1825, and on the first Monday in October, in each second year thereafter." * This amendment having been authorized by two successive legislatures became a part of the organic law. As we shall see later, Governor Troup was not only the last chief executive to be elected by the State Legislature but also the first to be elected by the people at the ballot box.

Governor Troup was scarcely installed in office before he sounded an unequivocal blast telling exactly where he stood on the Indian question. On December 22, 1823, he addressed the following letter to Georgia's senators and representatives in Congress. Said he:

"Executive Department, Georgia.

"Milledgeville, 22^d Decr., 1823.

"Gentlemen:

"In communicating to you the accompanying memorial, approved, as I believe, unanimously, by both Branches of the Legislature, I have nothing to add, but the expression of my wishes that you will without the least delay (first obtaining, if you can, a recommendation from the President) submit it to the Congress, and disdaining as you see it *does* the language of petition will demand of them the appropriation necessary to extinguish the whole of the Indian Claims within the acknowledged limits of the State of Georgia. *Forbearing the language of menace as long as it ought to be forborne, you will in the last resort distinctly state, that Georgia will be no longer answerable to the Union, for any consequences which may result from the protracted denial of justice to her.*

Respectfully,

"G. M. TROUP.

"The Honbl. Senators and Representatives from the State of Georgia in the Congress of the United States, Washington City."

Two months later, on February 25, 1824, he addressed a special communication to the General Assembly on this subject, reciting the obligations assumed by the Federal Government, under the compact of 1802, to extinguish all Indian titles. As set forth by Governor Troup, Georgia had ceded to the Federal Government 50,000,000 acres of land for only \$1,250,000; but she had done so with the distinct understanding that her remaining territory was to be confirmed in her possession. Twenty-one years had elapsed, but the Indians were still encumbering the Territory of Georgia. Millions of dollars had been spent by the Government in satisfying the unjust demands of Yazoo claimants, but only a paltry bagatelle in meeting the solemn obligations assumed under the compact of 1802. Governor Troup's message closed with this paragraph:

"I recommend to you, therefore, that you address yourselves once more and for the last time to the justice of the United States, in language but respectful, and insist on: (1) a liberal appropriation of money to

* Acts, 1823.
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extinguish the Indian claims to all lands within our territorial limits; and (2) commanding instructions to her agents, whoever they may be, that what of right ought to be done, shall be done."

In due time a memorial was sent to Washington by the Georgia Legislature urging immediate action.

Things were beginning to look serious. Realizing that blood earnestness characterized these Georgia demands, all of which were grounded upon solemn pledges made by the Government in the compact of 1802, an effort was made by the Federal authorities in 1824 to obtain another cession of land from the Creeks, but these Indians refused to cede another foot of land within the borders of Georgia. Big Warrior, the chief of the Creek Nation, remained obdurate, stating that his people had already been too easily persuaded. He also informed the Government that at a great council of the Creek Nation held at Broken Arrow, in Alabama, it had been decided to hold no more treaties with the whites.

Meanwhile, the Cherokees in the upper part of the state finding the Troup administration bent upon bringing the Government to terms, likewise began to take alarm. The Cherokees were well advanced in the arts of civilized life, including even manufactures.

As we shall see later, they possessed a written alphabet and not a few of them owned slaves. There were several strong leaders among the Cherokees, gifted with rare powers of eloquence, if not with a genius for statecraft. To protest in advance against any line of policy unjust to the Cherokees, these Indians sent a delegation to Washington composed of the following half-breeds, all of them men of talent: John Ross, George Lowrey, Major Ridge, and Elijah Hicks. These commissioners, on April 16, 1824, addressed a strong communication to the Senate of the United States. It ran as follows:

"Communicated to the Senate, April 16, 1824.

"To the Senate of the United States in Congress assembled:

"We, the undersigned delegation from the Cherokee Nation, now on a visit at the seat of Government of the United States, on matters of vast import, as will appear by the President's message of the 30th of March last, and its accompanying documents, humbly beg leave to submit before your honorable body a few remarks, which we are bound (as we believe) to make, under a sense of duty to our nation, as well as to ourselves. It is with unfeigned regret and pain we discover the sentiments which are expressed by the Governor of Georgia, in his letter to the Secretary of War of the 28th of February last; and, also, those expressed by the Georgia delegation in Congress to the President of the United States, on the 10th of March last. We cannot but view the design of those letters as an attempt, bordering on a hostile disposition towards the Cherokee nation, to wrest from them, by arbitrary means, their just rights and liberties, the security of which is solemnly guaranteed to them by these United States. As you have a full view of the subject before your honorable body, it is not our purpose to be superfluous; therefore, we will take occasion to assert, under the fullest authority, that all the sentiments expressed in relation to the disposition and determination of the nation never again to cede another foot of land, are positively the production and voice of the nation, and what has been uttered by us, in

the communications which we have made to the Government, since our arrival in this city, is expressive of the true sentiments of the nation, agreeably to our instructions, and that not one word of which has been put into our mouth by a white man. Any surmises or statements to the contrary are ill-founded and ungenerous. We forbear to animadvert on the aspersion pointed at our chiefs by the pen of the Georgia delegation; it is but a subterfuge. The Cherokees are informed on the situation of the country west of the Mississippi river; and there is not a spot out of the limits of any States or Territories thereof, and within the limits of the United States, that they would ever consent to inhabit, because they have unequivocally determined never again to pursue the chase, as heretofore, or to engage in wars, unless by the special call of the Government, to defend the common rights of the United States; and as a removal to the barren waste bordering on the Rocky Mountains, where water and timber are scarcely to be seen, could be for no other object of inducement than to pursue the buffalo, and to wage wars with the uncultivated Indians in that hemisphere. Imposing facts! We speak from the experience which has been so repeatedly realized, that such a state of things would inevitably be the result, were the Cherokees to emigrate to that country. But such an event will never take place. The Cherokees have turned their attention to the pursuits of the civilized man; agriculture, manufactures, and the mechanic arts, and education, are all in successful operation in the nation at this time; and, whilst the Cherokees are peacefully endeavoring to enjoy the blessings of civilization and Christianity on the soil of their rightful inheritance; and whilst the exertions and labors of various religious societies of these United States are successfully engaged in promulgating to them the word of truth and life, from the sacred volume of holy writ, and under the patronage of the General Government, they are threatened with removal or extinction. This subject is now before your honorable body for a decision. We appeal to the magnanimity of the American Congress for justice, and the protection of the rights, liberties, and lives of the Cherokee people. We claim it from the United States, by the strongest obligation which imposes it upon them—by treaties; and we expect it from them under that memorable declaration, 'that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness.'

"We, therefore, in behalf and under the highest authority of the Cherokee Nation, have hereunto affixed our signatures, at Washington City, this 15th day of April, 1824.

"JOHN ROSS,

"GEO. LOWREY,

"MAJOR RIDGE, his X mark,

"ELIJAH HICKS."

Commissioners within a few weeks were dispatched by the United States Government into the Cherokee Nation, bearing a large quantity of provisions with which to conciliate the Indians. These commissioners were: James Meriwether and Duncan G. Campbell. But only a very few of the chiefs came to the place of meeting—Calhoun Town. Even

these were silent, refusing to accept anything of the commissioners, disdaining to enter the tents in which the latter held camp, and remaining outside with arms folded, in a downpour of rain. Before leaving the nation, these commissioners visited Chief Hicks, who gave them a patient hearing and then finally asked if they would give the Cherokees \$2 per acre. To this the commissioners returned a negative answer.

"Very well, then," said Hicks, "we know its value. As for the claims your people have against us, i. e., for property carried off by the Indians, we can pay them without selling our land."

President Monroe was not in sympathy with Georgia's demand. At any rate he declined to take any radical action. During this same year he sent a message to Congress in which he said: "The Indian titles are not affected in the slightest circumstance by the compact [of 1802] and there is no obligation to remove the Indians by force." To this contention, Governor Troup replied in a characteristic letter. Congress was more considerate of Georgia's just claims; and after much discussion a committee was appointed to report on the obligations involved in the compact of 1802. This committee's report was most emphatic to the effect that the Federal Government was bound by the terms of this agreement to take immediate steps looking toward a removal of the Indians. But another presidential election was approaching. Nothing was done, therefore, at this time, pending a change of administrations.

Between 1823 and 1825 several new counties were created. In 1823 Decatur County was organized out of Early. In 1824, Ware was formed from Irwin, while a new county called Upson was formed from Crawford and Pike. In 1825, Thomas County was formed out of Decatur and Irwin; Baker was detached from Early; Butts was organized out of Henry and Monroe; Lowndes was erected out of Irwin; and Taliaferro was formed out of lands belonging to five counties, to wit: Greene, Hancock, Oglethorpe, Warren and Wilkes, a circumstance which accounts for the local name formerly given to this region: Five Points.

CHAPTER XII

THE PRESIDENTIAL CAMPAIGN OF 1824 OPENS—WILLIAM H. CRAWFORD, OF GEORGIA, A CANDIDATE—ONE OF THE STATE'S MOST ILLUSTRIOUS SONS—WHILE THE CAMPAIGN IS IN PROGRESS, MR. CRAWFORD IS STRICKEN WITH PARALYSIS—THE ELECTION IS THROWN INTO THE HOUSE OF REPRESENTATIVES—JOHN QUINCY ADAMS IS NOMINATED AND ELECTED—JOHN MACPHERSON BERRIEN CHOSEN TO SUCCEED JOHN ELLIOTT IN THE UNITED STATES SENATE—THE AMERICAN CICERO—GEORGIA'S DELEGATION IN THE NINETEENTH CONGRESS—THE INDIAN PROBLEM ONCE MORE EMERGES—THE CREEKS IN COUNCIL AT BROKEN ARROW REFUSE TO CEDE ANY MORE LANDS—BUT, UNDER THE LEADERSHIP OF GEN. WILLIAM MCINTOSH, THE GEORGIA TRIBES, KNOWN AS LOWER CREEKS, EXPRESS A WILLINGNESS TO EMIGRATE TO THE WEST—ON FEBRUARY 12, 1825, A TREATY IS SIGNED AT INDIAN SPRINGS—INCIDENTS OF THE MEETING—ALL THE INDIAN LANDS BETWEEN THE FLINT AND THE CHATTAHOOCHEE ARE ACQUIRED—THE UPPER CREEKS, IN ACCORDANCE WITH A DECREE OF THE NATION, RESOLVE TO AVENGE THE CESSION—THE MURDER OF GENERAL MCINTOSH—WHEN GEORGIA ATTEMPTS TO SURVEY THE CEDED LANDS AN ORDER IS RECEIVED FROM PRESIDENT ADAMS TO DESIST—BUT GOVERNOR TROUP STANDS FIRM—THE FEDERAL GOVERNMENT ENTERS INTO A NEW TREATY WITH THE CREEKS WHICH GOVERNOR TROUP REFUSES TO RESPECT—STATE SOVEREIGNTY IS BOLDLY MAINTAINED—AN EVENTFUL CLASH BETWEEN STATE AND FEDERAL GOVERNMENTS—GEN. E. P. GAINES IS SENT TO GEORGIA WITH AN ARMED FORCE TO INTIMIDATE THE STATE AUTHORITIES—BUT GOVERNOR TROUP WINS—THE ISSUE IS FINALLY ADJUSTED IN A TREATY NEGOTIATED AT THE OLD AGENCY ON THE FLINT, NOVEMBER 15, 1827—HOPO-ETH-LEVO-HOLO'S SPEECH BEFORE THE COUNCIL MEETING AT INDIAN SPRINGS—GOVERNOR TROUP RE-ELECTED IN 1825—AN EVENTFUL CAMPAIGN—THE FIRST POPULAR ELECTION FOR GOVERNOR—JOHN CLARK GOES DOWN IN A FINAL TRIAL OF STRENGTH—APPOINTED INDIAN AGENT, HE TAKES UP HIS RESIDENCE IN WEST FLORIDA WHERE HE DIES OF YELLOW FEVER—HIS GRAVE OVERLOOKING ST. ANDREW'S BAY.

Georgia's first candidate for presidential honors entered the campaign of 1824 in the person of William H. Crawford. Though a native of Virginia, Mr. Crawford had been a resident of Georgia since his boyhood days. As we have already learned, in preceding chapters, he had been for twenty years a dominant figure in Georgia politics, having led the faction to which Gen. John Clark was opposed. Entering the United States Senate in 1807, the leadership of the Crawford party in Georgia devolved upon George M. Troup. Six years later, he relinquished the

toga to become ambassador to France and while abroad, as we have seen, he received tribute honors from the great Napoleon. Returning to America, he held for a short time the portfolio of war in President Madison's cabinet, after which, under both Madison and Monroe, he remained continuously at the helm of the treasury department.

Mr. Crawford was a recognized power in national politics. As early as 1822 a caucus of democratic members in the two houses of Congress nominated him for president; but when the campaign opened there were three other candidates in the field. These were: John Quincy Adams, Andrew Jackson and Henry Clay, all of whom were democrats like Mr. Crawford, but the friends of these candidates had declined to go into the caucus. Mr. Crawford's prospects of success were brightening every moment when a sudden attack of paralysis dashed his political hopes to the ground. It is said that an improper use of lobelia, prescribed by an incompetent physician, was the cause of Mr. Crawford's unfortunate illness. The time for holding the election was near at hand; and while the exact nature of the malady was not generally known it was correctly surmised that Mr. Crawford was an ill man. Nevertheless, under all the circumstances, he polled an amazing vote. There was a deadlock in the electoral college, in consequence of which it became necessary for the House of Representatives to decide the contest; and chiefly through Mr. Clay's influence, so it is claimed, John Quincy Adams was elected. Mr. Crawford recovered his health sufficiently to render the state useful service on the Superior Court bench; but neither in mind nor in body was he ever quite the same man upon whom Napoleon had looked with an admiration akin to awe, nor did he ever again figure in national politics. He died in 1834 and was buried at Woodlawn, his plantation near the Town of Lexington. Under a massive horizontal slab, which has well stood the test of time, though yellow with age, all that is mortal of this great Georgian rests in the soil of his adopted state. Peace to his slumbers!

Georgia warmly supported Mr. Crawford in the presidential contest of 1824. Her choice for vice president was Martin Van Buren, of New York. The electors chosen at this time were nine in number, to wit: from the state at large, Elias Beall and William Matthews; district electors, Thomas Cumming, John McIntosh, John Floyd, John Rutherford, John Harden, William Terrell and Warren Jordan.*

To succeed John Elliott whose term of office as United States senator expired on March 4, 1825, the General Assembly elected John MacPherson Berrien, of Savannah, whose eloquence in this high forum caused him in after years to be styled "the American Cicero." Judge Berrien was a native of New Jersey. It was at the old Berrien homestead, near Princeton, that Washington had issued his farewell address to the American Army in 1783. Judge Berrien's father—the gallant Maj. John Berrien—had been a soldier of the Revolution and, after coming to Georgia, had filled the office of state treasurer. On his mother's side, Judge Berrien was a MacPherson; and an uncle for whom he was named, Col. John MacPherson, had served on General Montgomery's staff at Quebec.

Georgia's delegation in the Nineteenth Congress (1825-1827) was as

* Lanman's "Biog. Annals of the U. S. Govt.," pp. 521-522.

follows: George Carey, Alfred Cuthbert, John Forsyth, Charles E. Haynes, James Meriwether, Edward F. Tattall, and Wiley Thompson.

We now return to the Indian problem: Due to the unfriendly attitude of the Indians, both Creeks and Cherokees, all negotiations for two years had been fruitless. At a council of the Creeks held at Broken Arrow, in 1824, the Indians had refused to listen to any proposition from the Federal Government. But President Monroe, before retiring from office, decided to make one more effort toward settling this vexed question. Accordingly he invited the chiefs of the Creek Nation to a conference at Indian Springs, there to meet with commissioners from the United States Government, on Monday, February 7, 1825. These commissioners were: Duncan G. Campbell and James Meriwether, both Georgians.

But the hostile Alabama Creeks refused to attend in any large numbers; and while there were many chiefs, head-men and warriors present these came chiefly from the southeastern area of the Creek Nation, an area included within the borders of Georgia. These Lower Creeks were led by Gen. William McIntosh, a man of the highest character, and a cousin to Governor Troup, whose mother was a McIntosh. Opposition by the Alabama Creeks to any cession of the Georgia lands was based upon the contention that these lands formed a part of the Creek Nation as a whole and the consent of the entire nation was needed to make any cession of land, however fractional, perfectly valid. On the other hand, the Georgia Creeks, recognizing the inevitability of a final surrender to the whites, were willing to treat with the Government for a relinquishment of lands within the borders of Georgia; and since they were the ones chiefly concerned they saw no reason for hostile interference on the part of the Alabama Creeks.

General McIntosh, chief of the Cowetas or Lower Creeks, was the principal actor in this historic drama at Indian Springs. His warm friendship for the people of Georgia had been evinced in more than one crisis of affairs but within the next few months it was destined to cost him the forfeiture of his life, at the hands of savage foes. With the clear foresight of a statesman, General McIntosh realized only too well how the bitter warfare between the two races in Georgia was to end. Consequently he urged upon his people the course which was finally adopted. It not only meant peace but it meant an exchange of land, in fair equivalent, acre for acre, with an additional sum of \$400,000. Besides, it meant the avoidance of unnecessary bloodshed; and the new home west of the Mississippi River was to be an undisturbed possession. To the arguments of McIntosh, the Lower Creeks listened; but the Upper Creeks, who resided chiefly in Alabama, demurred. They persisted in looking upon McIntosh as a traitor to the nation, and in criminal league with the whites. But the counsels of the latter prevailed; and at Indian Springs, on February 12, 1825, occurred the final deliberations which resulted in the formal relinquishment of the Georgia lands by the Creek Indians.

But, in affixing his signature to the treaty, William McIntosh signed his own death warrant!*

* See Death of McIntosh, in section on Georgia in the Realm of Anecdote, etc.

Judge Lumpkin, of the Supreme Court of Georgia, thus narrates what occurred at this eventful meeting: "O-poth-le-yoholo, as speaker of the nation, on behalf of Big Warrior, head chief, made an impassioned speech in reply to the commissioners, declaring that no treaty could be made for a cession of the lands, and inviting them to meet at Broken Arrow (the seat of the general council) three months later. He and his followers then went home. On February 12th a treaty was signed by the McIntosh party, dealing, however, only with the lands in Georgia. The government agent for Indian affairs witnessed the treaty and attested it, but the very next day wrote to the Secretary of War a letter severely criticising it. Charges were freely made that he was actuated by personal and political hostility to Governor Troup. Nevertheless, the treaty was ratified. It provided for an exchange of the remaining Creek lands in Georgia for a like quantity of land of equal quality west of the Mississippi river, and that the time of the removal of the Indians should not 'extend beyond the first of September of the next year.' Great excitement arose among the Indians opposed to the treaty, and it was declared by them to be void, on the ground that McIntosh and his followers had no authority to make it. Charges and counter-charges were made. McIntosh and his party, were threatened with death."

"As soon as the treaty was ratified, Governor Troup wrote a letter to McIntosh, as head chief of the Cowetas, asking permission to survey the ceded territory. McIntosh summoned his chiefs, and permission was given to make the survey. The Indians who opposed the sale were greatly enraged. A general council condemned McIntosh to death. A body of men undertook to carry out the sentence. They went to his house, in what is now Carroll county, and about three o'clock in the morning of April 30 (or some say May 1) 1825, set fire to it. They shot him and another Indian (though he defended himself as best he could), and dragged him and his comrade out and scalped them. The scalp of McIntosh was suspended on a pole in a public square of Ocfuskee. They also killed his son-in-law Hawkins.

"Feeling ran high. The legislature ordered the survey of the ceded territory to proceed. John Quincy Adams, who had become President, directed Governor Troup to stop the survey, because of the hostile attitude of the Indians. Governor Troup refused, declaring that 'Georgia owned the soil, and had a right to survey it.' The President threatened to have the surveyors arrested, but the governor ordered them to proceed, indicating a purpose to protect them from interference. Finally the President proposed to refer the treaty to Congress, and the survey was suspended, not as admitting any right of the President or Congress to stop it, but as a matter of comity, as Governor Troup said.

"In 1826 the Federal Government, desiring to pacify the Indians, entered into a treaty with thirteen chiefs of the Creek nation, declaring the treaty of 1825 canceled, and making a new treaty, the result of which was to leave in possession of the Indians a large tract of the land (amounting to about 300,000 acres) which had been ceded under the

* Extract from an address delivered at Indian Springs on February 12, 1912, when a tablet was unveiled by Piedmont Continental Chapter, Daughters of the Revolution.

treaty of 1825, postponing the giving up of possession of the lands ceded, and allowing twenty-four months for the removal of the Indians. The representatives in Congress from Georgia entered a protest, and Governor Troup refused to recognize the new treaty, and ordered the surveyors to proceed. He declared that the vested rights of Georgia could not be thus taken from her. The Indians complained. Correspondence followed, and finally the Secretary of War informed the Governor that the surveyors must be kept off the lands, and threatened that, if the Governor refused to stop them, military force would be used. This brought from the doughty Governor a vigorous answer, in which he said: 'From the first decisive act of hostility, you will be considered as a public enemy, and with less repugnance, because you, to whom we might constitutionally have appealed for protection against invasion are yourselves the invaders, and, what is more, the unblushing allies of savages whose cause you have adopted.' Strong words from a Governor to a Secretary of War. But that was not all. The Governor promptly ordered the Generals of the Sixth and Seventh Division of the Georgia militia to hold these commands in readiness to repel any invasion of the state. Matters were reaching an acute stage when Congress was guided by conservative counsels and recommended the acquirement of all the lands held by the Creeks in Georgia. The chiefs and the head men agreed. Whereupon the Creeks were paid about \$28,000 in money and given a lot of blankets; and it was agreed that certain sums should be expended for schools. Thus was the danger of an armed clash between Georgia and the United States averted."

Seventy-five years after the dramatic incident above narrated, the members of Piedmont Continental Chapter of the Daughters of the American Revolution performed an act of belated justice to the memory of the brave chieftain. On the well-known rock, near the Varner House, which marks the site of the famous compact of agreement, they unveiled on July 1, 1911, a tablet of bronze which bears the following inscription:

"Here on February 12, 1825, William McIntosh, a chief of the Creek Nation, signed the treaty which ceded to the State of Georgia all the Creek lands west of the Flint river. For this act he was savagely murdered by a band of Indians who opposed the treaty. Placed by the Piedmont Continental Chapter of the D. A. R., A. D. 1911."

Judge Joseph Henry Lumpkin, of the Supreme Court of Georgia, delivered the principal address.

To the foregoing summary of facts by Judge Lumpkin, it may be added that two officers of the United States Government were dispatched to Georgia by the Federal authorities in Washington: Maj. T. P. Andrews, to inquire into the charges made against Crowell; and Gen. Edmund P. Gaines, to represent the military arm of the administration. Both came with preconceived opinions and proceeded to work hand in



VARNER HOUSE
Where the Famous Treaty of Indian Springs Was Signed in 1825

glove with the Indian agent. But Governor Troup was not intimidated. It was in the controversy which ensued that Georgia's rock-ribbed chief-magistrate sounded the famous note of defiance: "The argument is exhausted. We must stand by our arms!" The final treaty to which Judge Lumpkin refers was concluded at the old Agency on the Flint, where, on November 15, 1827, the disaffected Upper Creeks, for the sum of \$27,491, agreed to relinquish the remaining Creek lands within the state limits. Eighty-four chiefs and head men were parties to this surrender. John Cromwell and Thomas L. McKinney signed the compact on behalf of the United States Government; and one of the most dramatic chapters in the history of Georgia was brought to an end. Out of the land acquired by the state, under the treaty of Indian Springs, which in the last analysis proved final, the Legislature of Georgia created five great counties, viz., Carroll, Coweta, Lee, Muscogee and Troup from each of which others were subsequently formed.

Hop-o-eth-le-yo-ho-lo, the the representative of Big Warrior, the chief of the Upper Creeks, attended the council meeting at Indian Springs. He was the silver-tongued orator of the tribe, and, on this occasion, was aroused to the highest pitch of enthusiasm, in opposition to the proposed relinquishment of the Creek lands. Several speeches were made by him in the course of the proceedings; and, when the treaty was finally signed, he leaped upon the large rock to the south of the Varner House, and gave vent to his indignation in the following fiery outburst. Said he:

"Brothers—The Great Spirit has met here with his painted children of the woods and with our palefaced brethren. I see his golden locks in the sunbeams. He fans the warrior's brow with his wings and whispers sweet music in the winds. The beetle joins his hymn and the mocking-bird his song. You are charmed. Brothers, you have been deceived. A snake has been coiled in the shade, and you are running into his mouth, deceived by the double-tongue of the pale-face chief McIntosh and drunk with the fire of the pale-face. Brothers, the hunting grounds of our fathers have been stolen by our chief and sold to the pale-face, whose gold is in his pouch. Brothers, our grounds are gone, and the plow of the pale-face will soon upturn the bones of our fathers. Brothers, are you tame? Will you submit? Hop-o-eth-le-yo-ho-lo says no!" Then turning to McIntosh who was standing with the commissioners at a window, some few feet distant, he exclaimed: "As for you, double-tongued snake, whom I see through the window of the pale-face, before many moons have waned, your own blood shall wash out the memory of this hated treaty. Brothers, I have spoken."

Governor Troup announced himself a candidate for re-election while popular excitement was at its height, following the Treaty of Indian Springs. The prospect of acquiring all the remaining Creek lands within the borders of the state was well calculated to arouse the enthusiasm of the people. It was also a trophy for the Troup administration. As we have already observed, an amendment to the state constitution had

been adopted, making the office of governor elective, by a direct popular vote. Anxious to measure strength with his old antagonist in a contest of this character, General Clark once more became a candidate for this high office. The new law changing the method of election had emanated from the Clark party in the State Legislature.* There was good reason, therefore, to expect that, in a contest before the people, the Troup party would be worsted; and, under ordinary circumstances, such might have been the result. But Governor Troup's vigorous Indian policy had made him strong with the people living on the exposed frontiers as well as with those residing in towns and cities. "Troup and the Treaty" became the battle cry of his followers in a campaign the memories of which lingered for more than a generation. Says Mr. Evans: "All the old party strife broke out anew. Every argument was used to affect the election; bitter hatred sprung up even in families and among friends.† Churches were rent asunder by political discussions. Scarcely a day passed without its bloody toll. Newspaper controversies were bitter. Quarrels, begun on street corners or in hotel corridors, frequently led to duelling pistols on the Field of Honor. It was an era of polemics. The election was held in October. But there were no telegraph wires in those days to announce the result and it was not until the Legislature met in November to canvass the returns that the issue was definitely and finally settled. Governor Troup was re-elected over his opponent by a majority of 682 votes. However, the Clark party organized the Legislature; and had the contest been left to the General Assembly, as in former elections, General Clark would have been the next governor.‡

This was General Clark's last contest for public honors in Georgia. Embittered by the result, he accepted from President Jackson the post of Indian agent, which made him virtually the custodian of the public lands of Florida. It was not an office to which any great honor attached, but the salary enabled him to live in comfort and to extend hospitality in a style to which he had long been accustomed. Besides, he still retained extensive holdings of real estate in Georgia. Perhaps Col. Absalom H. Chappell has correctly summarized the achievements of this unique Georgian in the following paragraph. Says he: "During a long career he courted and acquired great enemies, both personal and official, and honorably illustrated if he did not augment the name he inherited, leaving it more deeply imprinted, if not higher enrolled, on Fame's proud catalogue."

Governor Clark took up his residence in West Florida, on St. Andrew's Bay, overlooking the Gulf of Mexico. Here, on October 15, 1832, he died of yellow fever. His wife soon followed him to the grave; and a few years later relatives erected a substantial shaft of marble which today rises above them on these lonely shores. The Daughters of the American Revolution have already taken steps looking toward a reinterment of General Clark's body in the soil of his native state, and there is at least a likelihood that the old hero will soon sleep with the nation's dead at Marietta.

On the authority of Governor Gilmer, we find it stated that General Clark eventually forgave all his enemies, with the single exception of William H. Crawford, against whom his old feeling of bitter personal animosity continued down to the last hour; and had it been within his power he would doubtless have emulated the example of Michael Angelo, who, in depicting the scene of the last Last Judgment, on the walls of the Sistine Chapel, in the Vatican at Rome, immortalized the features of his enemies by giving them to the demons in hell.

ORIGIN OF THE MUSKOGES.—It was the commonly accepted belief among the Muscogee or Creek Indians that the original home seat of this powerful family of red men was among the mountains of ancient Mexico. At any rate, when Hernando Cortez, in command of his adventurous army of Spaniards, landed at Vera Cruz, in 1519, and pressed toward the interior of the country, he found the Muskogees forming an independent republic to the north of the Aztec capital. The English name of Creeks was given to them, because of the vast number of small streams which watered the new lands in which they dwelt.

According to White, Le Clark Milfort, a highly educated French gentleman, who came to America in 1775, visited the Creek nation after making a tour of the New England Colonies. He formed the acquaintance, while at Coweta Town, of the celebrated Alexander McGillivray, the great chief of the Muscogee Indians. Delighted with this cultured half-breed, who was a most extraordinary man, he determined to make his abode in the nation. He afterwards married McGillivray's sister and, in course of time, became grand chief of war, in which capacity he conducted a number of expeditions against Georgia. He also wrote, at leisure moments, while a resident of Coweta Town, an important historical treatise on the Creeks, which he afterwards published in France. Pickett, in his excellent history of Alabama and Georgia, has translated from his work an interesting account of the Muscogee Indians.

THE VARNER HOUSE.—Recently a movement to purchase the historic Varner House at Indian Springs was launched by Piedmont Continental Chapter of the D. A. R. Mrs. A. H. Alfriend, on behalf of the chapter, brought the matter before the State Convention at Marietta in 1912, at which time the initial steps were taken looking to an ultimate acquisition of the famous old tavern. The identical counter on which General McIntosh affixed his signature to the treaty still stands in the office of the Varner House, preserved intact.

* Georgia Journal, February 24, 1824.

† "History of Georgia," Lawton B. Evans, p. 205.

‡ Georgia Journal, December 27, 1825.

CHAPTER XIII

LA FAYETTE'S VISIT TO AMERICA—MARKED HONORS BESTOWED UPON THE ILLUSTRIOUS PATRIOT AND SOLDIER—REACHES SAVANNAH ON MARCH 19, 1825—AN IMMENSE CONCOURSE PRESENT TO GREET THE PALADIN OF LIBERTY—MILITARY ORGANIZATIONS IN LINE OF MARCH—VETERANS OF THE WAR FOR INDEPENDENCE STILL IN LIFE EMBRACED BY AN OLD COMRADE-IN-ARMS—GOVERNOR TROUP'S ADDRESS OF WELCOME DELIVERED ON YAMACRAW BLUFF—LA FAYETTE NEXT VISITS MILLEDGEVILLE—RECEPTION AT THE SEAT OF GOVERNMENT—THE BANQUET—EPISODE OF THE RECEPTION—AN EXPLOSION—ITS FATAL RESULTS—MACON IS NEXT VISITED—HOW THE OLD SOLDIER WAS ENTERTAINED—LAFAYETTE'S LAST STOPPING PLACE AT THE OLD CREEK AGENCY ON THE FLINT.

NOTES: THE VARNER HOUSE—ORIGIN OF THE MUSCOGEES.

Within a few weeks after the last treaty at Indian Springs was signed and while relations between state and Federal governments were strained almost to the point of breaking there occurred an event of a far more pleasing character and for a time at least Georgia forgot her troubles with the Indians in doing honor to the great and good La Fayette who, in the spring of 1825, became her venerated guest on his second and last visit to America. Though now an old man bent with the weight of nearly four score years, the aged knight of liberty was anxious to revisit the scenes of his early life in the New World and to meet the surviving comrades of his youth. Traditions still linger of the stately balls and magnificent receptions held in honor of the illustrious nobleman.

La Fayette reached Savannah on Saturday, March 19, 1825. There was much uncertainty as to the exact moment when the noted visitor was expected to arrive; but stages and packets were all crowded with passengers, especially from the South. To quote a local historian: "The Light Dragoons from Liberty County, under the command of Captain W. M. Maxwell and the Darien Hussars, commanded by Captain Charles West, had reached town on the preceding Tuesday. At half past five o'clock on Saturday morning, by a signal from the Chatham Artillery, the various organizations were warned to repair to the several parade grounds. The line was formed at eight o'clock, after which, there being no appearance of the boat, arms were stacked and the troops dismissed until the arrival. The first tidings of the welcome vessel were announced by the Exchange Bell, and almost at the same moment the

* "Historical and Picturesque Savannah," Adelaide Wilson; "Historical Record of Savannah," Lee and Agnew.



THE OWENS HOME IN SAVANNAH, WHERE GENERAL LA FAYETTE WAS ENTERTAINED IN 1825

volumes of smoke which accompanied her was perceived over the land; she was then about twelve or fifteen miles off, but rapidly approaching. The troops were immediately formed and marched to the lower part of Bay Street, where they were placed in position on the green in front of the avenue of trees. It proved to be an ideal day. About nine o'clock the mists dispersed, the skies became clear, and a gentle breeze arose, blowing directly up the river, as if to add speed to the vessel which was to land the distinguished visitors upon our shores.

"As the steamboat passed Fort Jackson she was boarded by the Committee of Reception, and the General was addressed by the chairman, George Jones, Esq. The boat now approached in gallant style, firing by the way, while a full band of music on board played the Marseillaise Hymn and other favorite French and American airs. At the anchorage a salute was fired by the Revenue Cutter Gallatin, under the command of Captain Matthews, and General La Fayette was assisted to the first barge, accompanied by the committee, the other boats being occupied by the remainder of the suite. At the docks were assembled the leading dignitaries and officials of the State; deputations from the Hibernian, St. Andrew's and Agricultural Societies, all bedecked with badges; besides a multitude of citizens. The Savannah Volunteer Guard, in honor of the Nation's guest, wore the Revolutionary cockade. As the General placed his foot upon the landing place, a salute was fired by the Chatham Artillery, in line on the bluff, with four brass field pieces, one of which was captured at Yorktown. He was here received by William C. Daniel, Esq., Mayor of the city, amid cheers from the assembled spectators.

"On arriving at the top of the bluff, he was presented to Governor Troup, by whom, in the most cordial manner, he was welcomed to the soil of Georgia. La Fayette replied in feeling terms, and was then introduced to several Revolutionary soldiers, among whom were General Stewart, Colonel Shellman, Eb. Jackson, Sheftall Sheftall and Captain Rees. The eyes of the old General sparkled. He remembered Captain Rees, who proceeded to narrate some incident. "I remember," said La Fayette, taking the captain's hand between both of his own, and, with tear-filled eyes, the two men stood for a moment, absorbed in the recollection of youthful days. The officers of the brigade and of the regiment were then introduced, after which the procession moved as prescribed in the arrangement of the day, and about half-past five o'clock in the afternoon he arrived at the lodgings assigned to him, at Mrs. Maxwell's, where Governor Troup also was lodged. During the passage of the procession, windows and doors everywhere were crowded to excess; and the expression of feeling displayed by all was most enthusiastic, from the highest to the lowest. He was saluted by the ladies with the waving of handkerchiefs; which he returned by the repeated and continued inclination of the head in acknowledgment. At sundown, another salute was fired by the Marine Volunteer Corps."

Governor Troup, in extending Georgia's formal welcome to the great paladin of liberty, said: "Tis little more than ninety years since the founder of this State set foot upon the bank on which you now stand.

Today four hundred thousand people open their arms and their hearts to receive you. Thanks to the kind providence which presides over human affairs, you were called to the standard of independence in the helplessness of the American Revolution and you have graciously been spared that in your last days the glory of an empire might be reflected upon your countenance, amid the acclamation of millions. For you the scenes which are to come will be comparatively tranquil; the waters no longer turbulent but placid. No more dread of dungeons; no more fear of tyrants for you. Oh, sir, what consolation it must be to one who has passed through seas of trouble to know that between you and them are the countless bayonets which guard the blessings of freedom! Welcome, General! Friend of Liberty, welcome! * Thrice welcome to Georgia!"

At Milledgeville, in honor of the great soldier, a public dinner was given on the capitol grounds and a grand military ball was held at night in the capitol building, and scores of the most prominent people in the state were present to participate in the festivities. General La Fayette was accompanied by his son, George Washington La Fayette, and by his secretary, Colonel Lavoisier. Some eight or ten visiting companies were on hand. The marshals of the day were John S. Thomas and R. L. Buchanan. The military organizations were under the chief command of General Daniel Newman, of the state militia, who made quite an impressive appearance in his handsome regimentals: Says Maj. Stephen H. Miller, who commanded one of the visiting companies: *

"Wishing to show ourselves and to get a glimpse of the nation's guest, the writer's company, the La Fayette Volunteers from Twiggs, organized for the occasion, marched into town and halted opposite the Government House, where General La Fayette was quartered. Our Captain went in and was introduced by Governor Troup; then the Captain introduced the three Revolutionary veterans, William Duffel, John Shine, and Charles Raley, to General La Fayette, who, on seeing Father Duffel, cordially embraced him, saying, 'I remember you well; you were one of my bodyguard, and helped to carry me from the field when I was wounded at Brandywine; I am happy to see you.'

"Two tables, each about one hundred yards long, with cross-tables of fifty feet at the ends, were covered with barbecue, roast beef, bread and other edibles.

"At the upper end, in the center, General La Fayette, with Governor Troup on one side, and Colonel Seaborn Jones, his aide, who was master of ceremonies, on the other side, of the Nation's guest. Governor Troup's staff, including Colonel Henry G. Lamar, Colonel Samuel T. Bailey, Colonel Samuel A. Bailey, Colonel Yelverton P. King, Colonel John W. A. Sanford, and perhaps others, were arranged at the same end of the table, all taking part in the administration of order, in the proper observance of etiquette, and some of them reading the regular toasts prepared by the Committee of Arrangements.

"The author was within seeing and hearing distance of the General. His son, George Washington La Fayette, was also pointed out. The lat-

* "Bench and Bar of Georgia," Stephen H. Miller.
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ter's head was bald; and the father's wig gave him the advantage in youthful appearance. Colonel Lavoisier, the author could not identify. There was quite an array of public characters present, men known in the history of Georgia, among them, General John Clarke, formerly Governor of Georgia.

"The appetite being satisfied with strong meat, next came the wine, bottles of which, with wine glasses, were distributed on the tables so that every one could have a share. Then a proclamation was made by Colonel Jones, 'Gentlemen, fill your glasses for a toast from General La Fayette.' Thereupon the Apostle of Liberty, the companion and bosom friend of Washington, rose to his feet, and in broken English, which all heard with delight, he gave 'The Georgia Volunteers: the worthy sons of my Revolutionary brethren.' Cheer after cheer resounded, the music struck up 'Hail to the Chief,' the cannon uttered its loud rejoicing, and soon all was quiet again.

"Prepare for a toast from Governor Troup," was the next order; and, with solemn, distinct enunciation, our Julius Caesar of a Chief Magistrate gave forth, 'A union of all hearts to honor the Nation's guest, a union of all heads for the country's good.' Again the air was rent with cheers, the band played a national march, and the cannon fairly jarred the square.

"The next order was, 'Prepare for a toast from General Clarke.' Until then the author had never seen this celebrated party leader. In response to the call, a tall, bony man, with an open, honest face, rose at the table and, in a shrill voice, gave 'Count Pulaski, the gallant Frenchman who fell at Savannah,' and we emptied our glasses in honor of the French Count, as though history had not been contradicted by the statement. [Count Pulaski was a native of Poland.] General La Fayette must have esteemed it a special compliment to himself for such renown to be transferred to France in the presence of such an assemblage of witnesses. Whether the mistake was accidental or otherwise, it did not detract in the slightest degree from the valor or integrity of General Clarke. At most it only signified that his youth was spent in fighting the battles of his country, instead of being enervated within the walls of a college.

"It should be remembered that before the military retired from the square they were formed into line, and General La Fayette, leaning on the arm of Governor Troup, walked along a little lame, and shook hands with every man, officer and private, Colonel Jones officiating in the introduction. The author was mentioned to him as 'Sergeant M——,' and the response was, 'Sergeant M——, I am very glad to see you.' This joy was expressed to all, and was more than reciprocated by all the volunteers. The hand of General La Fayette had been grasped—that was glory enough then. It is still a pleasant remembrance, but thirty years of hardship in the camp of life have rather tended to prove, to the author at least, that glory is not communicated in so easy and simple a manner."

While the banquet to General La Fayette was in progress two very sensational events occurred on the Capitol lawn, and there might have been a panic had it not been for the calm demeanor of Maj.-Gen. Daniel Newnan, who was in chief command of the troops. The first episode

was the sudden swooning of Maj. James Smith, of Clinton, on discovering that he had been robbed of his pocketbook, which contained something like \$5,000 in bills. The other was still more serious. The shirt-sleeves of the man whose duty it was to load the cannon had caught on fire; and, without being aware of the fact, he put his hand into the large cartridge box for another round, when the fire was communicated to the powder, and the whole lump, containing not less than twenty to thirty pounds, instantly exploded, blowing the poor man several feet into the air and severely wounding two others who were standing near the cannon. There was a general rush of people to the spot. Major Miller, who was present, says that he can never forget the appearance of the poor man who was most injured. His body was literally burnt to a black cinder; and his agony was inexpressibly great. He died within a day or two, but the others, after much suffering, recovered. This melancholy affair hastened the close of the festivities.

From Milledgeville, La Fayette next proceeded to Macon, some twenty-five miles distant, by stage. This was the last town which he visited in Georgia. Two of the governor's aides, Henry G. Lamar and Thaddeus G. Holt, both residents of Macon, acted as an escort to the city's guest of honor, who was accompanied by his two traveling companions, Colonel Lavoisier, his secretary, and George Washington La Fayette, his son. Says an old account:

"On March 30, 1825, a signal gun announced his approach to Macon, whereupon the ladies and gentlemen proceeded to form in line on Bridge Street, near the ferry. He dismounted from his carriage and was received by the committee appointed and by the commissioners of the town. On ascending the bluff he was welcomed in behalf of the citizens by James S. Frierson, Esq., to whom the General replied . . . A procession was then formed and he was conducted to his quarters at the Macon Hotel, afterwards the old Wayside Inn, at the foot of Mulberry Street. While the procession was moving a national salute was fired. Soon after his arrival he was waited upon by the ladies who were individually introduced to him, after which came the citizens, to whom he gave a cordial grasp of the hand. He was then waited upon at his quarters by the brethren of Macon Lodge, Number 24, and addressed by Worshipful Master Ambrose Baber, of the Lodge, to which the General replied. He remained about two hours and a half, during which time, in company with a large number of citizens he partook of an excellent dinner prepared by Mr. Stovall. The following toast was given by Edward D. Tracy: 'Our illustrious guest, the friend of our country, of liberty, and of men.' To which the General responded: 'The town of Macon; may its prosperity continue to be one of the strongest arguments in favor of republican institutions.' Very soon after dinner he bade an affectionate adieu to the ladies and gentlemen around him and resumed his carriage, whereupon another salute was fired. He was accompanied by the committee, by the commissioners of the town, and by a number of our citizens on horseback, for several miles on his way, and stopped for the night at the Creek Agency on the Flint River."

* "Historical Record of Macon," John C. Butler, pp. 76-80.

CHAPTER XIV

NEW LANDS ACQUIRED AT INDIAN SPRINGS OPENED TO SETTLEMENT UNDER THE LOTTERY ACT OF 1826—FIVE GREAT COUNTIES FORMED—LEE, MUSCOGEE, TROUP, COWETA AND CARROLL—THE CHATTAHOOCHEE CIRCUIT IS FORMED—WALTER T. COLQUITT ITS FIRST JUDGE—GOVERNOR TROUP'S ADMINISTRATION CLOSES AMIDST TRIUMPHANT PLAUDITS—DUE TO HIS SUCCESSFUL INDIAN POLICY AND TO HIS BOLD CHAMPIONSHIP OF STATE RIGHTS—JOHN FORSYTH SUCCEEDS MR. TROUP AS GOVERNOR—DIPLOMAT, STATESMAN AND ORATOR—THE PRESIDENTIAL CAMPAIGN OF 1828 PUTS ANDREW JACKSON IN THE WHITE HOUSE—CALLS MR. BERRIEN INTO THE CABINET AS ATTORNEY-GENERAL—GEORGE M. TROUP SUCCEEDS MR. BERRIEN IN THE FEDERAL SENATE—OLIVER H. PRINCE AWARDED THE TOGA AS SUCCESSOR TO THOMAS W. COBB, RESIGNED—SEVEN CONGRESSIONAL DISTRICTS—NEW RULES OF ELECTION ADOPTED—NEW COUNTIES CREATED—HARRIS, MARION, MERIWETHER, TALBOT, RANDOLPH AND HEARD—GEORGE R. GILMER IS ELECTED GOVERNOR IN 1829, DEFEATING JOEL CRAWFORD—PARTIES SOMEWHAT DIVIDED IN THIS ELECTION—TROUBLES WITH THE CHEROKEE INDIANS—GOVERNOR GILMER'S MESSAGE—AN ACT PASSED EXTENDING GEORGIA'S JURISDICTION OVER THE CHEROKEE LANDS—GOES INTO EFFECT JUNE 1, 1830—THE DISCOVERY OF GOLD BRINGS MATTERS TO A CRISIS—THE WHITES COVET THESE INDIAN HOLDINGS, SUPPOSED TO CONCEAL FABULOUS TREASURES.

NOTES: VILLA RICA—GOLD DISCOVERED.

Five great counties were created out of the lands acquired from the Creek Indians under the last treaty at Indian Springs, to wit: Lee, Muscogee, Troup, Coweta and Carroll. These were organized under an act approved December 11, 1826, which act provided for a distribution of lands in these counties according to the lottery system which had been in vogue for more than twenty years. It was most appropriate that two of the counties should have been given names commemorative of the Creek Indians—Muscogee and Coweta. The former of these names commemorated the nation at large; the latter was a memorial to the Lower Creeks, a tribe of which Gen. William McIntosh was the head. Troup was most fittingly named for Georgia's courageous governor, then occupying the executive chair. Lee and Carroll were named for distinguished Revolutionary patriots, the first "Light-Horse Harry" Lee, whose ashes then reposed at Dungeness; the second for Charles Carroll of Carrollton, who lived to be the last survivor of the immortal band who signed the Declaration of Independence at Philadelphia in 1776.

The Legislature of 1826 also created the Chatthahoochee Circuit, of which Hon. Walter T. Colquitt became the first judge.

Governor Troup's administration closed amidst triumphant plaudits. Its vigorous Indian policy had resulted in a final relinquishment of all the Creek lands within the state. Moreover, it had sounded the death-knell of the once powerful Clark party, whose discomfited leader was soon to become a resident of the State of Florida under an appointment from the Federal Government. Having occupied the executive chair for two successive terms, Governor Troup declined to stand for re-election. Thereupon the Troup party chose as its candidate for governor the brilliant John Forsyth of Augusta. Mr. Forsyth was then a member of Congress, where his prowess in debate and his superb oratory made him one of the recognized leaders of the national House. Mr. Forsyth's career in Congress had been interrupted by an appointment from President Monroe as United States minister to Spain; and while at Madrid he had successfully negotiated for the purchase of Florida.

To oppose Mr. Forsyth for governor the Clark party chose Duncan G. Campbell, its strongest leader. Colonel Campbell, having been one of the commissioners to negotiate the treaty at Indian Springs, was deservedly popular on this account. He was also a brother-in-law to Gen. John Clark; and it was hoped that by nominating Colonel Campbell to secure an element of strength which was more than likely to be lost to Mr. Forsyth. This was a shrewd move on the part of the Clarkites.

But Colonel Campbell declined to be drawn into the race; and in this extremity the Clark party again nominated Matthew Talbot, who, in 1823, had come within four votes of defeating Governor Troup. Mr. Talbot accepted the nomination; but only a few days in advance of the election death eliminated him from the contest. Mr. Forsyth was thereupon elected without opposition.

Recurring for a moment to Col. Duncan G. Campbell, this much beloved man was the pioneer of female education in this state. As early as 1810 he taught an academy for young ladies in Wilkes to defray his expenses while studying law; and afterwards when a member of the Legislature of 1825 he framed and introduced a bill to establish a female academy under the auspices of the state. The bill failed to pass; but a sentiment was kindled which a few years later bore fruit in Wesleyan Female College at Macon.*

Federalism had been virtually extinct in Georgia for years; and since the beginning of the century it was almost entirely upon personal issues that the people of the state had been divided in political opinion. There had been to some extent an economic basis for this division. The wealthier classes, including the professional element, found themselves drawn into the Troup party, while the small farmers, especially those living on the exposed frontier, supported General Clark. But no great controlling principles differentiated the state's voting population.

However, conditions were changing. The presidential campaign of 1828 witnessed a division of the old democratic republican party into two separate organizations, one of which, retaining the old name,

* "Men of Mark," Northen. Vol. IV, p. 223.

supported Andrew Jackson, of Tennessee. The other, advocating a system of internal improvements, a protective tariff, a national bank and a broad construction of the Constitution, called themselves national republicans, and supported Mr. Adams for re-election. The extreme radical wing of the party, led by General Jackson, consisted of those who cared little for ancient traditions and who wished to see in the White House one who represented a new order of things. The aristocratic or conservative wing of the party adhered to Mr. Adams. These looked upon Jackson, though laureled with the victory of New Orleans, as a plebeian and a backwoodsman, better fitted to guard the frontier against Indian encroachments than to occupy the presidential chair of the nation. Webster and Clay belonged to this camp, each of them supporting Adams for re-election; and out of this anti-Jackson revolt, for such it undoubtedly was, arose the old whig party of ante-bellum days.

In the campaign of 1828, Jackson defeated Adams for President. At the same time, John C. Calhoun, of South Carolina, his running mate, was elected vice president. Mr. Adams was not popular in Georgia, on account of his attitude toward the Indian problem. Georgia's nine electoral votes, therefore, were given in this campaign, to General Jackson.* The electors chosen at this time to cast the vote of the state were: From the state at large, John Rutherford and William Terrell; district electors, Robert R. Reid, Seaton Grantland, David Blackshear, Augustin S. Clayton, Solomon Graves, John G. Maxwell, and Oliver Porter.* For vice president, two of Georgia's votes were given to John C. Calhoun, of South Carolina, while seven were cast for William Smith, likewise a South Carolinian.

On entering the White House, President Jackson appointed Hon. John MacPherson Berrien, of Georgia, then a United States senator, to a seat in the cabinet, conferring upon him the attorney-generalship.

To succeed Judge Berrien as United States senator, the Legislature of 1829 elected the stout apostle of State Rights, ex-Governor George M. Troup. Meanwhile, Hon. Thomas W. Cobb, having relinquished the toga, was succeeded by Hon. Oliver H. Prince, of Macon. Mr. Cobb died two years later, on February 1, 1830, while judge of the Ocmulgee Circuit.

Georgia, in the Twentieth Congress (1827-1829) was represented by a strong delegation, to wit: John Floyd, Tomlinson Fort, George R. Gilmer, Charles E. Haynes, Wilson Lumpkin, Wiley Thompson, and Richard Henry Wilde.

The Legislature of 1825 having divided the state into seven congressional districts, the new law went into effect at this election. Members of Congress, however, in each district were still to be elected by the entire state. Separate elections by each district of its own representative did not come until a later day. But under this new law no two congressmen could be chosen from the same district; and while each voter was allowed to vote for seven candidates, each of these was to represent a separate district.† Says Mr. Phillips:‡ "The object of,

this law was to give the Clark party a better chance for representation in Congress. All of the best-known men in the state lived in the eastern counties and were of the Troup party; but after the passage of the act a certain number of candidates from the west were guaranteed election, while these were most likely to be of the Clark faction." It will be remembered that while Governor Troup was successful in the popular election of 1825, the Legislature of this year was organized by the Clark party, hence this new law, the design of which was, by a sort of gerrymander, to capture new strongholds. But there was a sound basis in right for the new law, which remained of force upon the statute books. Though an effort had been made to preserve a balance between the various parts of the state, in the matter of representation in Congress, still it was difficult to secure this result always on a general ticket.

Several new counties were created between the years 1827 and 1830. These were: Harris, Marion, Meriwether and Talbot, laid off in 1827; Randolph, in 1828; and Heard, in 1830. It will be remembered that some twenty years prior to this time a county had been named for John Randolph of Roanoke; but the great Virginian, by his attitude toward the War of 1812, had given offense to the people of Georgia, in consequence of which the old county of Randolph in 1812 underwent a rechristening and became the new county of Jasper. But Randolph, having regained his popularity in the state, was again honored in 1828.*

Not only in national politics, but likewise in state politics, the year 1828 witnessed a disintegration of old parties. The leaders of the old Troup organization divided in this election, one wing advocating for governor, George R. Gilmer, of Lexington, then a member of Congress, the other endorsing Joel Crawford, of Early County, formerly a resident of Milledgeville. As between the Troup forces, there was almost an even balance; but the old Clark party was sufficiently strong to hold the balance of power, and its fragments uniting in support of Mr. Gilmer gave him the election. But Mr. Gilmer had never been an ardent admirer of General Clark nor one of his political disciples; and after becoming governor he felt under no obligations to return any favors which an opposing faction had shown him while seeking its own interests; and steps were at once taken by these malcontents to circumvent the possibility of his re-election, a conspiracy in which they succeeded.

But, in the meantime, Governor Gilmer found other problems upon his hands in dealing with the Cherokees. These Indians in 1827 had adopted a written constitution, claiming independence as one of the distinct nations of the earth. Governor Forsyth, who was then in office, had protested to the President against the erection of a separate government within the limits of a sovereign state. During the month of November, 1828, he addressed a message to the Legislature, strongly urging the passage of an act to extend the laws of Georgia over the Cherokee territory, but before putting such a law into effect he suggested that the President be given an opportunity to confer with the

* Lanman's "Biographical Annals of the U. S. Govt.," pp. 522-523.

† Georgia Journal, December, 1825; January, 1826.

‡ "Georgia and State Rights," U. B. Phillips, p. 109.

* For additional particulars in regard to these counties, see section entitled "Georgia Miscellanies."

Indians in regard to a western emigration. Following this line of policy, the Legislature passed an act, December 20, 1828, extending Georgia's jurisdiction over the Cherokee domain. All white persons in this territory became at once subject to the laws of Georgia, and, after June 1, 1830, all Indian residents therein were likewise to recognize the sovereignty of Georgia. At the same time all laws enacted by the Cherokee nation were to become null and void. The frequency of crimes committed in the Cherokee nation made it all the more imperative for Georgia to take this action.

Thus matters stood when Governor Gilmer was inaugurated. The Cherokees, unlike the Creeks, were peaceably inclined and were rapidly embracing both the civilization and the religion of the whites, as we shall see in a subsequent chapter. For years, the chief complaint lodged against the Cherokees was that, in refusing to sell a foot of ground, they acted as one man and stood as firm as a granite rock. Until 1828 only moderate efforts had been employed to induce the Cherokees to vacate these lands and only small cessions had been obtained from time to time. But in the year above mentioned an event occurred the effect of which was to fire the cupidity of the white settlers to possess these lands; and what was at first only a normal desire became all at once an inordinate passion. Men in great bodies began to rush northward impelled by some strange power hitherto unknown as a factor in Georgia's expansion. This was the discovery of the yellow metal around the sources of the Chattahoochee. What sealed the doom of the Cherokee nation and started the drift of Georgia's population with a tremendous impetus toward the valleys of the Blue Ridge, was the lure of Mammon. But to many a disappointed settler it sang the fatal song of a golden siren.

VILLA RICA—GOLD DISCOVERED.—It was the discovery of gold in 1826 that gave to the oldest town in Western Georgia the musical Spanish name by which it is today known: Villa Rica, or "city of riches." The treaty at Indian Springs was no sooner ratified than numbers of settlers began to spread themselves leisurely over the fertile area of country to the west of the Chattahoochee River; but when the tidings went forth that in the upper part of the new country there were rich deposits of gold the feverish influx of population began to resemble an ocean swell. Villa Rica became a sort of Klondyke, to which the argonauts of the period rushed with pick in hand to unearth the fortunes which they here expected to find. But the yellow metal did not exist in sufficient quantities to satisfy the general expectation. It was profitably mined by some of the new comers, who were fortunate enough to strike rich veins, but most of the gold seekers were disappointed and in time drifted to other localities. There was no market or railroad nearer than Augusta, Georgia. At first the mining industry was carried on by means of panning the dirt from the surface of the earth in tin or copper cans, but eventually this crude process yielded to more approved methods. Three years after the discovery of gold in Carroll, the yellow metal was found to exist in much larger quantities, in the neighborhood of Dahlonega, and the center of mining operations in Georgia shifted toward the north, but not a few of the mines in the neighborhood of Villa Rica were worked with profit until the time of the Civil war, netting substantial dividends to the owners. In 1862, the Georgia Pacific Railway, now the Southern, reached the place where Villa Rica now stands, and gradually the old town disappeared.

CHAPTER XV

GOVERNOR GILMER'S ADMINISTRATION WITNESSES A DRAMATIC SPECTACLE ON THE CHEROKEE BORDER—THE DISCOVERY OF GOLD CAUSES A RUSH OF POPULATION INTO THIS REGION—LAWLESSNESS PREVAILS—THE CHEROKEES—PREHISTORIC MOUNTAINEERS OF THE SOUTHERN APPALACHIANS—RAPID GROWTH OF THE NATION—SEQUOYA'S ALPHABET—THE CHEROKEE CONSTITUTION—BUT THE EXTENSION OF JURISDICTION OVER THE TERRITORY BLIGHTS THE SPLENDID FUTURE OF THESE INDIANS—THE CHEROKEES APPEAL TO WASHINGTON—PRESIDENT JACKSON, HOWEVER, IS A FRONTIERSMAN—HE FAVORS A REMOVAL OF THE RED MEN TO THE WEST—COMPLIES WITH THE DEMANDS OF GOVERNOR GILMER FOR A WITHDRAWAL OF FEDERAL TROOPS FROM THE CHEROKEE BORDER—THE EXECUTION OF GEORGE TASSEL—GOVERNOR GILMER DEFIES THE UNITED STATES SUPREME COURT—MISSIONARIES ARRESTED IN CHEROKEE GEORGIA—FOUND IN THE TERRITORY WITHOUT LICENSE—SOME OF THEM FOMENTERS OF STRIFE—WORCESTER AND BUTLER DEFY THE AUTHORITY OF THE STATE AND SUFFER IMPRISONMENT—SEEK REDRESS FROM THE FEDERAL AUTHORITIES—THE OTHER PRISONERS AVAIL THEMSELVES OF THE EXECUTIVE CLEMENCY OFFERED BY GOVERNOR GILMER—WHILE THE CASE IS PENDING, IMPORTANT EVENTS OCCUR—UNDER THE CENSUS OF 1830 GEORGIA GAINS A NEW CONGRESSMAN—NINE CONGRESSIONAL DISTRICTS—MEMBERS OF CONGRESS DURING THIS PERIOD—TWO NEW COUNTIES CREATED—RANDOLPH AND SUMTER—THE GEORGIA MEDICAL COLLEGE AT AUGUSTA IS CHARTERED.

Governor Gilmer's administration witnessed a dramatic spectacle on the Cherokee border. The law enacted on December 20, 1828, was not to go into effect for eighteen months. Its validity even then might be questioned, since the Cherokees held these lands by an ancient title if not by a divine right; and there was hardly an acre of ground among these mountains which was not consecrated to them by the bones of dead ancestors. Certainly these lands were sacred to the Cherokees for eighteen months. But men whose veins are fired by the gold fever are seldom disturbed by ethical considerations. The spirit of adventure, the promise of untold wealth, the golden spur of fortune, these render them indifferent even to legal barriers; and under the sway of such a maddening impulse men will risk life, defy danger, commit crime, all for the promised gold of an elusive El Dorado.

But let us trace briefly the circumstances leading up to this climax.

The Cherokees were the prehistoric mountaineers of the Southern Appalachians. According to standard authorities, the name is derived from "Chera," a word signifying "fire." The prophets of the nation

were called "men of fire," in recognition of the divine unction received by them from the Great Spirit. These Indians at the beginning of the Revolution occupied an area of country embracing 40,000 square miles. It constituted a great forest empire, extending from the Blue Ridge on the east to the Cumberland range on the west, and from the Ohio on the north to the Georgia and Alabama midlands on the south. Most of the Cherokee towns, however, at this early time were in the rich valley lands of what is now East Tennessee.

Both the Creeks and the Cherokees sided with the British in the struggle for American independence. Consequently, as a result of this struggle, each was forced to relinquish an extended area to the whites. This drove a large number of Cherokees back into the Tennessee valleys; but some of the more warlike members of the tribe established a group of villages, five in number, under the protecting shadow of Look-out Mountain, just south of the Georgia line; and these became known in after years as the Chickamauga Towns. Gen. Elijah Clarke led an expedition against these towns soon afterwards, and as a ruse for getting rid of him they promised great concessions. The wily frontiersman obtained from them a signed agreement which he called a treaty, but its informal character was such that he could not legally enforce its provisions, having failed to have it validated by the proper authorities.

In 1785, under the Treaty of Hopewell, the Cherokees agreed to recognize certain boundary lines, but there was no cession of land within the borders of Georgia. On Holston River in 1791 and at Philadelphia in 1793 the Treaty of Hopewell was confirmed. The Chickamauga Towns continued to give some trouble, but after 1795 few of the Cherokees were seriously inclined to war. Those who preferred a savage life in the wilderness moved further to the West, but the bulk of the tribe chose rather to emulate the whites. For twenty years there was no disturbance of the Cherokees. This was due largely to the fact that the rich lands of the Creeks in Middle Georgia were better adapted to agriculture and were less remote from the white settlements. Consequently, these Creek lands were the first coveted.

At one time most of Cherokee Georgia was occupied by Creek Indians, a fact memorialized in a host of names which are manifestly of Creek origin; but to quote an old tradition, the Creeks, having wagered a large strip of land on the issue of a game of ball, lost this strip as a result of the contest. Just when the boundary line between the two tribes was altered is not a matter of authentic record, but the strip in question is supposed to have included the present areas of Cobb, Paulding and Polk counties.

When Jefferson was President he suggested an Indian removal, and in 1809 a delegation of Cherokees visited the western lands, at the instance of the Federal Indian agent, Return J. Meigs. There was quite a strong sentiment in favor of migration at this time, but for some reason action was postponed. On July 8, 1817, the Federal authorities secured a tract of land within the limits of Georgia and induced a number of the Cherokees voluntarily to remove, giving them acre for acre in exchange of lands. Subsequently, in 1819, an additional strip was acquired; but most of the soil vacated by the Cherokees lay in

East Tennessee. Under the treaties both of 1817 and of 1819, the head of any Cherokee family living in the ceded territory might, at his option, remain in possession of his home, together with 640 acres of land, to descend in fee simple to his heirs. But Georgia objected most strenuously to these provisions and gradually within the next few years all of the Cherokee family holdings in these ceded districts were purchased.

Negotiations dragged until 1823 when George M. Troup came to the governorship. At this time an effort was made by President Monroe to negotiate a cession of land. Messrs. Duncan G. Campbell and James Meriwether were appointed commissioners to visit the Cherokee nation with this purpose in view, but the Indians stubbornly refused to cede an acre of ground. Later, as we have seen, a delegation of Cherokees was sent to Washington to register a solemn protest against any movement seeking to dispossess the nation. President Monroe received this delegation with a diplomatic courtesy, the like of which was paid only to sovereign powers.

At this time the eyes of the world were opened for the first time to the wonderful progress achieved by the Cherokee Indians of Georgia in the arts of civilization. Composing this delegation, there were four Indian half-breeds: John Ross, Major Ridge, George Lowrey and Elijah Hicks. These men were the very flower of the Cherokee nation, eloquent of speech, bold in action, self-possessed in manner, unawed even in the presence of the nation's supreme ruler. So impressed was President Monroe with this visit that in a message to Congress he refused to acknowledge any binding obligation resting upon the Federal Government to remove the Cherokee Indians.

Thus encouraged, the deputation returned home. The capital of the Southern Cherokees was at this time located at New Echota, in what is now Gordon County, at the confluence of the Connesauga and Coosawattee rivers. According to a census taken in 1825 the nation's population was shown to be 13,563 Indians, 1,277 negro slaves, and 220 whites. Some time in the '20s, a Cherokee half-breed, Sequoya, having invented an alphabet, there was set up at New Echota a printing press from which a newspaper was published. In a subsequent chapter this wonderful Cherokee alphabet will be discussed at some length. Such was the stimulating effect of Sequoya's invention that steps were taken to formulate a written constitution. The spirit of national self-consciousness and of national independence was also aroused to an unwonted degree. On July 26, 1827, the Cherokees in convention assembled, formally adopted a constitution. This instrument provided for a representative form of government, similar in character to that of the United States. It also asserted that the Cherokee nation constituted one of the sovereign and independent nations of the earth. To the high-sounding phraseology of this contention, Governor Forsyth entered an emphatic demurrer. He could not conceive of such a nation existing within the borders of Georgia—itsself a sovereign and independent commonwealth of the American Union. Governor Gilmer, advancing a step further, urged the passage of a law extending the state's jurisdiction over all the Indian lands within its territorial borders. The Legislature passed this act on December 20, 1828, though its provisions were

not to go into effect until June 1, 1830. But, in the meantime, gold had been discovered on Duke's Creek and in the neighborhood of Dahlonega. Then followed a rush of adventurous argonauts into the forbidden land of the Cherokees. It is estimated that by the summer of 1830 there were at least 3,000 whites from various states digging gold at the sources of the Chattahoochee. To quote Mr. Phillips: "The intrusion of these miners into the Cherokee territory was unlawful under the enactments of three several governments, each claiming jurisdiction over the region. The United States laws forbade any one settling or trading on Indian territory without a special license from the proper United States official; the State of Georgia had extended its laws over the Cherokee lands, applying them after June 1, 1830, to Indians as well as white men; and the Cherokee nation had passed a law that no one should settle or trade on their lands without a permit from their officials."

Such was the impetuosity of this mad rush to the gold mines that all of these governments combined did not possess police power requisite to deal with the situation. However, Governor Gilmer was bent upon maintaining Georgia's sovereignty upon her own soil. Accordingly, when the new law went into effect, he addressed a letter to President Jackson, telling him that Georgia had extended her jurisdiction over the Cherokee lands and asking him to withdraw the Federal troops from this quarter.

General Jackson had been an Indian fighter. Consequently, his point of view was entirely different from his predecessor's and he did not hesitate to reverse the policy of President Adams. Without a moment's delay, therefore, he complied with Governor Gilmer's request. It was at the instance of Judge Augustin S. Clayton that Governor Gilmer wrote this letter to President Jackson asking for a withdrawal of the Federal troops. Judge Clayton's circuit—the western—included a large part of the Cherokee domain. Nine citizens of Hall County had been brought before him by United States officers for trespassing on the Cherokee lands; and he did not feel like branding as criminals men whose only offense was that they had gone upon Georgia's soil. He, therefore, addressed a communication to Governor Gilmer, on June 20, 1830, urging that he ask for a withdrawal of the troops. Hence the governor's letter to President Jackson.

At a special session of the Legislature called in October, 1830, additional laws were passed for regulating the gold region. To prevent disorder at the mines a guard of sixty men was provided under an act of December 22, 1830. At the same time it was made unlawful for any Cherokee council or legislature to meet, except for the sole purpose of ceding land; and if any Cherokee official undertook to hold court, he was to be punished by imprisonment for four years. Moreover, any white person found in the Cherokee nation, after March 31, 1831, without a license from the proper authorities, was to be deemed guilty of a high misdemeanor, and imprisonment in the penitentiary for four years was the penalty attached to such a violation of the Georgia laws. To procure a license it was necessary to take an oath of allegiance to the State of Georgia.

* "Georgia and State Rights," U. B. Phillips, pp. 72-73.

But we are moving too rapidly forward. Crimes were of frequent occurrence on the Indian lands and to check these lawless deeds an act was passed by the Legislature in 1829 in which power was given to the courts of adjacent counties to try all persons charged with committing crimes in the territory of the nation. This explains Judge Clayton's letter to Governor Gilmer. The Cherokees strongly objected to such an assumption of authority, asserting themselves to be an independent power; and they even went so far as to retain one of the most distinguished lawyers of his day to represent them as counsel: William Wirt, of Maryland. Mr. Wirt, in a letter to Governor Gilmer, of June 4, 1830, suggested that the Supreme Court of the United States be asked to arbitrate the matter; but Governor Gilmer declined to entertain this proposal, which he characterized as disrespectful to the commonwealth. Nevertheless, Mr. Wirt applied to the Supreme Court for an injunction to prevent the execution of the obnoxious Georgia laws.

Meanwhile, the Cherokee country became the center of dramatic scenes. To execute the laws forbidding trespass on the Indian lands, there was need for an effectual application of force by the state government. The miners had defied the officers of the law and the gold-digging had continued. Thereupon Major Wagner, an officer of the United States army, marched into the Cherokee Nation with a company of soldiers from Charleston and Augusta and destroyed the camp, provisions and tools of the gold-diggers. Not a few of the trespassers themselves were arrested, but in lieu of imprisonment were taken to the nearest ferry and put across the Chattahoochee River. The Indians likewise were forbidden to mine for gold.*

But an opportunity for testing the new law soon arose. To quote Mr. Phillips:† "Before the motion for injunction was argued, a case arose which the Cherokees thought might test the matter. George Tassel, a Cherokee Indian, had been convicted of murder in the Hall County Superior Court, and lay in jail under sentence of death. When a writ of error was carried to the United States Supreme Court, the State of Georgia was cited through its governor, December 12, 1830 to appear and show cause why the writ should not be decided against the state. Governor Gilmer, in a message of December 22, submitted the citation to the Legislature, stating in his own behalf: 'So far as concerns the executive department, orders received from the Supreme Court in any manner interfering with the decisions of the courts of this state in the constitutional exercise of their jurisdiction will be disregarded, and any attempt to enforce such orders will be resisted with whatever force the laws have placed at my command.' The response of the General Assembly was a resolution requiring the governor to use all his legal power to repel every invasion upon the administration of the criminal laws of the state from whatever quarter. Said this resolution: 'The State of Georgia will never so far compromise her sovereignty as an independent state as to become a party to the case sought to be made before the Supreme Court of the United States by

* "History of Georgia," Lawton B. Evans, p. 220.

† "Georgia and State Rights," pp. 75-77.

the writ in question.' The governor was authorized to send an express to Hall County to have the sheriff execute the laws without fail in the case of Tassel."*

"On the day appointed for the hearing, counsel for the complainant filed a supplementary bill, citing as further grievance of the Cherokees that, in accordance with a resolution of the Georgia Legislature and in defiance of a writ of error allowed by the Chief Justice of the United States, the man called Corn Tassel, or George Tassel, had actually been hanged by the Georgia sheriff; that the Georgia Legislature had passed additional laws of an obnoxious character, providing for a survey preparatory to the disposition of the Cherokee lands; forbidding the exercise of powers under the authority of the Cherokee Indians and their laws, and authorizing the Governor to take possession of all gold mines in the territory; and that the Governor of Georgia had stationed an armed force of Georgians at the mines to enforce Georgia laws. No counsel appeared for the State of Georgia. The opinion of the court, as rendered by Chief Justice Marshall, granted that the counsel for the plaintiffs had established that the Cherokee Nation was a State and had been treated as a State since the settlement of the colonies; but a majority of the court decided that an Indian tribe or nation in the United States was not a foreign State in the sense of the Constitution and could not maintain an action in the courts of the United States. The motion for injunction was therefore denied."

But this decision did not make an end to trouble in the Cherokee Nation. There were a number of missionaries laboring among the Indians at this time who boldly defied the sovereignty of the state, not only by remaining in the Cherokee Nation without a license, but by making themselves perniciously active in political affairs. These missionaries fomented discontent and dissension among the Indians, and were largely instrumental in creating a sentiment hostile to removal. We will let Mr. Phillips, who has specialized in this particular field of research, give us the particulars. Says Mr. Phillips:†

"There were at this time resident among the Cherokees twelve or more Christian missionaries and assistants, some of them maintained by the American Board of Commissioners for Foreign Missions. These men were already suspected of interfering in political matters and would probably have been made to feel the weight of the law without inviting attention to themselves, but they did not passively await its action. They held a meeting at New Echota, December 29, 1830, in which they passed resolutions protesting against the extension of the laws of Georgia over the Indians and asserting that they considered the removal of the Cherokees an event most earnestly to be deprecated.‡ After sufficient time had elapsed for the intruders to have taken their departure, if so disposed, the Georgia guard for the Cherokee territory arrested such white men as were found unlawfully residing therein. Among the number arrested were two missionaries, Messrs. Worcester and Thompson. On writ of habeas corpus, they were taken before the

Superior Court of Gwinnett County, where their writ was passed upon by Judge Clayton. Counsel pleaded for their release on the ground of the unconstitutionality of the law of Georgia. The Judge granted their release, but did so on the ground that they were agents of the United States, since they were expending the United States fund for civilizing the Indians. Governor Gilmer then sent inquiries to Washington to learn whether the missionaries were recognized as agents of the Government. The reply was received that as missionaries they were not governmental agents, but that Mr. Worcester was United States postmaster at New Echota. President Jackson, upon request from Georgia, removed Mr. Worcester from that office, in order to render him amenable to the laws of the state. The Cherokee Phoenix, the newspaper and organ of the nation, expressed outraged feelings on the part of the Indians at the combination of State and Federal Executives against them.

"The Governor wrote Mr. Worcester, May 16, advising his removal from the State to avoid arrest. May 28, Colonel J. W. A. Sanford, commander of the Georgia Guard, wrote each of the missionaries that at the end of ten days he would arrest them if found upon Cherokee territory in Georgia. Notwithstanding their address to the Governor in justification of their conduct, they were arrested by the guard, the Rev. Samuel A. Worcester, the Rev. Elizur Butler, and the Rev. James Trott, missionaries, and eight other white men, for illegal residence in the territory. Tried at the September term of the Superior Court of Gwinnett County, they were found guilty and, on September 15, were each sentenced to four years confinement at hard labor in the State penitentiary. But a pardon and freedom were offered to each by the Governor on condition of taking the oath of allegiance or of promising to leave the Cherokee territory. Nine of the prisoners availed themselves of executive clemency, but Worcester and Butler chose rather to go to the penitentiary, intending to test their case before the Supreme Court.*

"On the occasion of their second arrest the missionaries had been taken into custody by a section of the Georgia Guard, commanded by a subordinate officer, Colonel Nelson. During the journey from the scene of the arrest to the place of temporary confinement the treatment of the prisoners was needlessly rough, extending in the case of Messrs. Worcester and McLeod to positive harshness and violence. These two clergymen complained to the head of their missionary board of having been put in shackles, and other indignities. The State government condemned the severity of the guard, and ordered an inquiry into Nelson's conduct. That officer explained that his course of action had been rendered necessary by the unruly character of the prisoners. The controversy was practically closed by the retort of the Rev. Mr. McLeod that Colonel Nelson's statements were false and his conduct villainous."

More than a year elapsed before the case was finally adjudicated before the Supreme Court of the United States. We must, therefore,

* "Nile's Register," Vol. 39, pp. 333-339.

† "Georgia and State Rights," U. B. Phillips, 79-81.

‡ "Georgians," Gilmer, p. 381; "White's Historical Collections," p. 139; the *Athenian*, January 23, 1831.

* "White's Collections," p. 140; Georgia Journal, September 29, 1831; "Nile's Register," Vol. 40, p. 296, Vol. 41, p. 176.

leave for a subsequent chapter the continuation of this account, while we revert in the meantime to other matters. As disclosed by the census of 1830, Georgia's population was over half a million. On this basis Georgia was entitled to nine representatives in Congress, but it was not until 1833 that the new apportionment went into effect. Meanwhile, Georgia sent to the Twenty-first Congress (1829-1831), the following strong delegation: Thomas F. Foster, Charles E. Haynes, Henry G. Lamar, Wilson Lumpkin, Wiley Thompson, James M. Wayne, and Richard Henry Wilde. Georgia's representatives in the Twenty-second Congress (1831-1833) were as follows: Augustin S. Clayton, Thomas F. Foster, Henry G. Lamar, Daniel Newnan, Wiley Thompson, James M. Wayne, and Richard Henry Wilde.

The Legislature of 1831, out of lands taken from Randolph, created a new county to be known as Stewart, in honor of Gen. Daniel Stewart, of the Revolution, a native of Georgia. At the same time Sumter was detached from Lee and named for Gen. Thomas Sumter of South Carolina.

Georgia's exports of cotton, in 1830, through the port of Savannah, aggregated 250,000 bales. The total value of the state's entire exports, for the same period, was \$4,000,000, while her imported articles cost her only \$400,000. The Georgia Medical College at Augusta—the state's oldest school of medicine—was incorporated under an act approved December 20, 1828, designating it as the Medical Academy of Georgia. The following names are mentioned in the act as the incorporators of this pioneer institution: William R. Waring, John Carter, Lewis D. Ford, Ignatius P. Garvin, Benjamin A. White, Samuel Boykin, William P. McConnel, Walter H. Weems, William P. Graham, Thomas P. Gorman, Alexander Jones, Milton Anthony, John J. Boswell, Thomas Hoxey, James P. Seriven, William C. Daniel, Richard Banks, Henry Hull, John Dent, Thomas Hamilton, Tomlinson Fort, Nathan Crawford, O. C. Fort, and John Walker.* The founder of this institution was Dr. Milton Anthony, who lies buried within the college enclosure, amid the scenes of his former activities.

* Acts, 1828; pp. 111-112.

CHAPTER XVI

DAHLONEGA—THE CENTER OF GOLD-MINING ACTIVITIES—UNTIL THE DISCOVERY OF THE YELLOW METAL IN CALIFORNIA, THE RICHEST GOLD MINES OF THE WORLD WERE IN THE NEIGHBORHOOD OF DAHLONEGA—THE NAME OF INDIAN DERIVATION—WHEN THE CHEROKEES ARE REMOVED A MINT IS ESTABLISHED AT DAHLONEGA—JOHN C. CALHOUN, OF SOUTH CAROLINA, AN OWNER OF GOLD-MINING PROPERTY, IN GEORGIA—HOW GOLD WAS FIRST DISCOVERED IN THE NORTH GEORGIA HILLS—THE STORY TOLD BY BENJAMIN PARKS—ACCORDING TO PROFESSOR YEATES, AN EXPRESSION IMMORTALIZED BY MARK TWAIN WAS FIRST USED AT DAHLONEGA—"THERE'S MILLIONS IN IT!"—AN INCIDENT OF GOLD-MINING DAYS IN GEORGIA.

NOTES: EARLY GOLD MINING IN GEORGIA.

Though the first discovery of gold in Georgia, according to White, was made on Duke's Creek, in Habersham County, in 1829, it is generally believed in Lumpkin County that the first discovery of gold in this state was made some time previous to the above date, on the Calhoun property, three miles to the south of Dahlonega. Prof. S. W. McCallie, Georgia's present state geologist, makes this remark in connection with the claim. Says he: "This early discovery is substantiated by living witnesses; but whether it antedates the find at Duke's Creek is an open question. It appears quite probable that the early discoveries followed each other, in such rapid succession, that it is now practically impossible to decide definitely the question of priority. However, at present, the best information seems to be in favor of Duke's Creek." If not the place where the yellow metal was first discovered in Georgia, it very soon became the center of the greatest mining operations in Georgia; and the mines at Dahlonega contained the largest deposits of precious ore known to the United States.

It cannot be stated with any degree of precision when the Indian word "Dah-lon-e-ga," was first coined; but the meaning of it is "yellow money." Whether it was first applied by the Indians to the place, or whether it was used by them merely as an expression which caught the fancy of the white is equally problematical. The discovery of gold in North Georgia operated as a spur to hasten the departure of the Cherokees toward the West. It created an eagerness on the part of the white population to possess themselves of the red man's home among the mountains, and they began to call upon the Government, in the most imperious tones, to redeem the old agreement of 1802. The

* "Gold Deposits of Georgia," 1896, published by the State Geological Department, Bulletin 4-A, pp. 274-275, Atlanta, 1896.

complications of the following years were only the malarial symptoms of this same gold fever; and while the final outcome was divinely ordered in furtherance of wise ends, it was destined to leave a scar upon our history which time has not effaced.

As soon as the removal of the Indians was accomplished, the United States Government, in 1838, established at Dahlonega a branch mint, which, continuing in operation, until 1861, coined 1,381,748 pieces of gold valued at \$6,115,569.

Benjamin Parks, by whom the yellow metal was first discovered on what afterwards became the property of the great John C. Calhoun, of South Carolina, was still living in the neighborhood of Dahlonega as late as 1894. During the summer of this year, P. J. Moran, the famous staff correspondent and editor of the Atlanta Constitution, visited the gold fields of Lumpkin for the purpose of preparing an article for the press. Here he found Mr. Parks. The old man was ninety-four years of age, but his eyes still retained a glint of the old fire which lit them in his youthful days when he first discovered gold in the hills. The story which he gave Mr. Moran is substantially reproduced from the newspaper files of 1894. Said the aged argonaut:

"It was just by accident that I came across it. I was deer hunting one day, when I kicked up something which caught my eye. I examined it and decided that it was gold. The place belonged to Rev. Mr. Obarr, who, though a preacher, was a hard man and very desperate. I went to the owner and told him that I thought I could find gold on his place, if he would give me a lease of it. He laughed, as though he did not believe me, and consented. So a lease for forty years was written out, the consideration of which was that I was to give him one-fourth of the gold mined. I took into partnership a friend in whom I could confide. I went over to the spot with a pan, and, turning over some earth, it looked like the yellow of an egg. It was more than my eyes could believe.

"The news went abroad. Within a few days it seemed as if the whole world must have heard of it, for men came from every state. They came afoot, on horseback, and in wagons, acting more like crazy men than anything else. All the way, from where Dahlonega now stands to Nucklesville, there were men panning out of the branches and making holes in the hillsides. The saddest man in the country was preacher Obarr, from whom I had leased the land. He thought the lease was a joke; but he now learned that it was something serious. One day he came to me and said:

"Mr. Parks, I want your lease."

"But I will not sell it to you," I replied.

"Why not?" he asked.

"Well," I answered, "even if I were willing, it is now out of my power; for I have taken a partner, and I know he would never consent to it. I have given him my word and I intend to keep it."

"You will suffer for this yet," said Obarr menacingly, as he went away.

"Two weeks later, I saw a party of two women and two men approaching. I knew it was Obarr's family, intent upon trouble. Know-

ing Obarr's fondness for litigation, I warned my men to be prepared for action, but to take no offensive step.

"Mr. Parks," were Obarr's first words, "I want the mine."

"If you were to offer me ten times its value," I replied, "I would not sell it to you."

"Well, the longest pole will knock off the persimmon," said he with an implied threat.

"At the same moment, Mrs. Obarr broke the sluice-gate to let out the water. There was a laborer in the ditch, and the woman threw rocks in the water, in order to splash him. Failing to make the man aggressive, she burst into tears; whereupon her son advanced to attack him. I caught him by the collar and flung him back. Then the party went off, swore out warrants against us, and had us all arrested. This was all done for intimidation, but it failed to work. The next thing I heard was that Obarr had sold the place to Judge Underwood, who, in turn, sold it to Senator John C. Calhoun, of South Carolina. Then I lost my fortune. Senator Calhoun wanted to buy my lease, and I sold it for what I thought was a good price. The very month after the sale, he took out 24,000 pennyweights of gold, and then I was inclined to be as mad with him as Obarr was with me. But gold mining is like gambling—all luck."

According to the late Prof. W. S. Yeates, who was at one time state geologist of Georgia, an expression which Mark Twain has made classic in two hemispheres originated at Dahlonega. Says Professor Yeates: "One of the most active and enthusiastic spirits of the flush times was Dr. M. F. Stevenson, an amateur geologist and mineralogist, who was full of the belief that Georgia was one of the richest mineral States in the Union. When, in 1849, the miners around Dahlonega gathered to take action on the project of deserting the mines in Georgia and going in a body to the new fields of California, this earnest believer in Georgia's great mineral wealth mounted the court-house steps in Dahlonega, and, addressing a crowd of about 200 miners, plead with them not to be turned by the stories of the wondrous discoveries in California, but to stick to the Georgia fields, which were rich in possibilities. Pointing to Findley Ridge, which lay about half a mile to the south, he exclaimed: 'Why go to California? In that ridge lies more gold than man ever dreamt of. There's millions in it.' This last sentence was caught up by the miners and taken with them to California, where for years it was a by-word among them. It remained for Mark Twain, who heard it in common use, in one of the mining camps of California, to broadcast it over creation by placing it in the mouth of his world-renowned character, Colonel Mulberry Sellers."

EARLY GOLD-MINING IN GEORGIA.—According to the testimony of not a few residents in this neighborhood, some of whom have passed the patriarchal limit of four-score years, gold was found in Lumpkin County prior to the date given for its discovery in White County, on Duke's Creek, in 1828. Mr. Reese Crissom, one of the best-known of the practical miners who came to Dahlonega in the early days, was heard to say on more than one occasion that when he came to Dahlonega, in the above-named year, it was some time after the discovery of gold in this neighborhood. Mr. Joseph Edwards, a man of solid worth, still living at a ripe old age near

Dahlonega, corroborates this statement. He also was one of the early miners; and, on the authority of Mr. Edwards, gold had been discovered in Lumpkin for some time when he came to Dahlonega in 1828. At any rate, the discovery of gold brought an influx of white population into Cherokee Georgia, some mere adventurers, some possessed of the restless spirit of discontent, ever on the lookout for something strange and new, but most of them men of high character, anxious to develop the rich treasures hidden in the hills of this beautiful section of Georgia. The Indians were still here and must have known of the gold deposits, though perhaps ignorant of their value; hence the name "Taloneka," signifying "yellow metal."

In 1836 the United States Mint was established at Dahlonega. Skilled workmen were brought from Philadelphia to put the mint into operation; and among the number who came at this time was the Rev. David Hastings, a Presbyterian minister, whose cultured family imparted a tone of refinement to the rough mining camp and formed the beginning of Dahlonega's social and intellectual life. His grand-daughter, Miss Lida Fields, was a noted educator, whose popular history of the United States is still a standard text-book in the public schools. Gov. Allen D. Candler, one of Georgia's most distinguished sons, was born near the old mint.—"Georgia's Landmarks, Memorials and Legends." L. L. Knight. Vol. II.

CHAPTER XVII

GOVERNOR GILMER DEFEATED FOR RE-ELECTION—WILSON LUMPKIN IS CALLED TO THE HELM—HE REFUSES TO OBEY A CITATION FROM THE SUPREME COURT OF THE UNITED STATES—THE MISSIONARIES WIN, BUT THE VICTORY IS FRUITLESS—ANDREW JACKSON DECLINES TO ENFORCE THE JUDGMENT RENDERED BY CHIEF JUSTICE MARSHALL—HIS CHARACTERISTIC REMARK—WORCESTER AND BUTLER REMAIN AT HARD LABOR UNTIL RELEASED BY THE STATE AUTHORITIES ON THE CONDITIONS OF CLEMENCY FIRST OFFERED—WHEN THE INDIANS ARE REMOVED THE WHOLE OF CHEROKEE GEORGIA IS MADE INTO ONE COUNTY: CHEROKEE—LATER THIS EXTENSIVE DOMAIN IS SUBDIVIDED INTO TEN COUNTIES: CHEROKEE, CASS, COBB, FLOYD, FORSYTH, GILMER, LUMPKIN, MURRAY, PAULDING, AND UNION—JOHN W. HOOPER MADE JUDGE OF THE NEW CHEROKEE CIRCUIT—WALKER COUNTY CREATED IN 1833—POLITICAL SENTIMENT IN THE NATION BEGINS TO DIVIDE ON THE TARIFF—JOHN C. CALHOUN ENUNCIATES HIS FAMOUS DOCTRINE OF NULLIFICATION—CALLED FORTH BY THE LEGISLATION OF 1828—JACKSON AND CALHOUN BECOME POLITICAL ENEMIES—THE PRESIDENTIAL CAMPAIGN OF 1832—JACKSON IS RE-ELECTED, DEFEATING HENRY CLAY—GEORGIA, THOUGH OPPOSED TO A PROTECTIVE TARIFF, SUPPORTS JACKSON—REASONS FOR GIVING HER VOTE TO OLD HICKORY—THE GREAT ANTI-TARIFF CONVENTION OF 1832 AT MILLEDGEVILLE—FORSYTH AND BERRIEN ENGAGE IN A JOINT DEBATE LASTING FOR THREE DAYS—ORATORY AT ITS HIGH TIDE—ONLY A PARTIAL VICTORY WON BY THE ANTI-TARIFF AGITATORS—SOUTH CAROLINA TAKES MORE RADICAL ACTION—COERCION IS THREATENED, BUT MR. CLAY'S COMPROMISE POURS OIL ON THE TROUBLED WATERS—POLITICAL CHANGES—THE STATE RIGHTS PARTY IS ORGANIZED—THE UNION PARTY IS ALSO LAUNCHED—TROUTERS AND CLARKITES DISAPPEAR—JUDGE KING SUCCEEDS MR. TROUP AS UNITED STATES SENATOR—HIRAM WARNER MADE JUDGE OF THE NEW COWETA CIRCUIT—JOHN FORSYTH BECOMES ATTORNEY-GENERAL IN JACKSON'S CABINET—ALFRED CUTHBERT SUCCEEDS HIM IN THE FEDERAL SENATE—THE METEORIC SHOWER OF 1833—THE STATE'S CENTENNIAL.

Governor Gilmer was not re-elected to the executive chair in the fall of 1831. It will be remembered that, in the preceding campaign, there were two candidates of the Troup party in the field, and that, while the Clark party was declining in strength, it held the balance of power at this crisis and secured the election of Governor Gilmer by giving him a strong support. Alienated, however, by failing to receive due recognition from Governor Gilmer, the Clark party, in the election of 1831,

supported Wilson Lumpkin. Mr. Lumpkin also received a strong support from the Troup faction, and was, therefore, elected. From 1827 to 1831, Mr. Lumpkin had been a member of Congress, where he had been instrumental in securing an act for the removal of the Cherokee Indians.* But Governor Gilmer found consolation in defeat, for he was immediately returned to his old seat in the National House of Representatives.

Governor Lumpkin, soon after his inauguration, submitted to the Legislature, on November 25, 1831, copies of a citation lately received from the Supreme Court of the United States to the State of Georgia. These directed the state, through its governor, to show cause why certain judgments rendered by the state court against Messrs. Worcester and Butler should not be set aside. Accompanying these papers there was a vigorous message from Governor Lumpkin in which he avowed his intention "to disregard all unconstitutional requisitions of whatever character or origin and to protect the rights of the State."† On December 26th, the Legislature adopted strong resolutions upholding Governor Lumpkin and justifying the state's policy with respect to an extension of its jurisdiction over the Cherokee Nation.

To quote Mr. Phillips again:‡ "The hearing on the writ of error in Worcester's case came up before the Supreme Court during the course of the year 1832. The case was argued for the plaintiff by Messrs. Sergeant, Wirt, and E. W. Chester. The State of Georgia was, of course, not represented. . . . It was the opinion of the court that the judgment of the Georgia county Superior court ought to be reversed and annulled. The case of Butler versus Georgia, similar in all respects to that of Worcester, was in effect decided in the same manner by the opinion rendered in Worcester's case. The judgment for which the Cherokees were so long hoping was thus finally rendered; but they rejoiced too soon if they thought that by virtue of it their troubles were at an end.

"Governor Lumpkin declared to the Legislature, November 6, 1832, that the decision of the court was an attempt 'to prostrate the sovereignty of this State in the exercise of its constitutional criminal jurisdiction,' an attempt at usurpation which the State executive would meet with the spirit of determined resistance. The unchanged attitude of Georgia boded ill for the hopes of the Cherokees. But the position of the Federal Executive rendered the situation desperate in the last degree for those Indians who were still determined not to give up their homes. President Jackson simply refused to enforce the decision of the Supreme Court. He intimated that since John Marshall had rendered his decision, he might enforce it. Of course, the Chief Justice had no authority beyond stating what he thought right in the case.

"Worcester and Butler remained at hard labor in the Georgia penitentiary, and the Cherokee chiefs began at length to realize that no recourse was left them against the tyranny of the State. As far as the two missionaries were concerned, they felt that their martyrdom had

been sufficiently long, and adopted the course of conciliating the State in order to secure their liberation. They informed the Attorney-General of Georgia on January 8, 1833, that they had instructed their counsel to prosecute their case no further in the Supreme Court. Appreciating the change in their attitude, Governor Lumpkin pardoned both of them, January 10, on the same conditions offered them some months before, and ordered their release from prison. Most of the people of Georgia approved of the pardoning of Worcester and Butler, but the Governor's action found many critics among the ultramontanists. The attacks upon Mr. Lumpkin grew so strong that in view of his prospective candidacy for a second term as Governor his friends saw fit to publish the various documents and considerations which had led to a release of the two missionaries."

Having asserted jurisdictional rights over the Cherokee domain, it next devolved upon the state to make a survey of the Cherokee lands; and this course was urged upon the Legislature by Governor Lumpkin. Accordingly, under an act approved December 26, 1831, all the lands lying west of the Chattahoochee and north of the Carroll County line were divided into one great county to be known as the County of Cherokee.*

But the next Legislature subdivided this area into ten counties, to wit: Cherokee, Cass, Cobb, Floyd, Forsyth, Gilmer, Lumpkin, Murray, Paulding and Union. Cherokee memorialized the nation which was soon to be deported to the far West; Cass was named for Gen. Lewis Cass, of Michigan, then a greatly admired leader; Cobb was named for the late Senator Thomas W. Cobb, of Greensboro; Floyd commemorated the services to the state of Gen. John Floyd, of Camden; Forsyth and Gilmer honored two distinguished governors, John Forsyth and George R. Gilmer, the former of whom was also United States senator, minister to Spain, and secretary of the treasury, in two presidential cabinets; Lumpkin bespoke the state's admiration for its chief executive, then in office, Governor Wilson Lumpkin; Murray was given the name of a popular citizen of Lincoln County, Hon. Thomas W. Murray, for many years speaker of the Georgia House of Representatives; Paulding was named for John Paulding, one of the captors of Major Andre; and Union was so named to commemorate the strong national sentiment which prevailed among the Georgia mountaineers in the days of nullification. These lands were still occupied by the Indians but the surveyors were nevertheless ordered to proceed with the work of running the various county lines. We reserve a discussion of what followed for a subsequent chapter.

This Legislature also created the Cherokee Judicial Circuit, of which Hon. John W. Hooper became the first judge.

Under an act approved December 18, 1833, a new county was created out of Murray and named Walker, in honor of the late Maj. Freeman Walker, of Augusta, a former United States senator.

Political sentiment in the nation was beginning to divide upon a new issue—the tariff; and its differentiating effect upon party alignments was strongly felt in Georgia. To encourage manufacturing enterprise

* "History of Georgia," R. P. Brooks, p. 204.

† H. J., 1831.

‡ "Georgia and State Rights," U. B. Phillips, pp. 80-82.

* Acts, 1831, p. 74.

Congress in 1816 had imposed a tariff on certain articles imported from foreign countries, making these articles much dearer in price than articles of the same kind manufactured at home.* There was little opposition for a decade at least to this protective measure, the design of which was to safeguard the nation's infant industries. But when the manufacturing interests of New England made powerful by this system of governmental favoritism began to acquire an increasing ascendancy over Congress and to dictate legislation, the South began at the same time to assume a hostile attitude toward protection. Wholly an agricultural section, the South had received no benefit whatever from these protective tariffs. On the contrary she had experienced resultant hardships therefrom.

In 1828, following the passage of a measure imposing a heavy protective tariff upon the people, John C. Calhoun, of South Carolina, began to enunciate his famous doctrine of Nullification. He was at this time vice president of the United States, an office to which he had been elected in 1824, under President Adams; and he continued to hold this same high office, under President Jackson. But all friendly relations between Jackson and Calhoun were severed by the former's determination to enforce submission to the obnoxious act of 1828.

Nullification, as defined by its great author, was the right of a state, when dissatisfied with an unjust law, to declare such law of no effect within her borders. This doctrine was a natural outgrowth of Mr. Calhoun's theory of the American Government, to wit, that it was not a union of individuals but a league or compact between sovereign states, any one of which had a right to judge when the compact was broken. Meetings were held all over the cotton belt for the purpose of expressing popular opposition to the Tariff Act of 1828.

Says Mr. Evans: "The people resolved to wear their own homespun rather than buy Northern goods and to raise their own hogs and horses rather than buy from the west. In the Congress of 1828, many representatives from Georgia and South Carolina appeared dressed in homespun, which was woven on the looms of their own State."† Hon. John MacPherson Berrien resigned from President Jackson's cabinet because of his opposition to its protective policies. We are strongly tempted in this connection to discuss the rupture of President Jackson's cabinet, especially with reference to the somewhat dramatic role played by the famous Peggy O'Neill who during the Jackson administration made a football of American politics and incidentally broke a President's cabinet into splinters. But strictly speaking this does not belong to the history of Georgia.‡

In a resolution approved December 27, 1831, the Legislature of Georgia condemned the Tariff of 1828 as a violation of the Federal Constitution, inexpedient, oppressive, unequal, and destructive to the great leading interests of the South, pecuniary and political.**

* "History of Georgia," R. P. Brooks, p. 173.

† "History of Georgia," Lawton B. Evans, p. 224.

‡ For an account of this affair, the reader is referred to Vol. II, "Reminiscences of Famous Georgians," by L. L. Knight, chapter on "Berrien, the American Cicero."

** Acts, 1831, p. 312.

But South Carolina went still further and threatened to nullify the tariff law. Calhoun's fatal philosophy was beginning to bear fruit.

Inevitably the protective tariff became a dominant issue in the presidential campaign of 1832; but President Jackson was re-elected, defeating Henry Clay. Strange to say, he received Georgia's undivided support, consisting in this election of eleven electoral votes. But there were other grounds on which her support was based. General Jackson had subdued the Indian outbreaks upon her borders. He had defeated the seasoned veterans of Pakenham in the great Battle of New Orleans. He had withdrawn the Federal troops from the Cherokee Territory, had revoked the appointment of Worcester as postmaster at New Echota, and had strongly advocated a removal of the Indian tribes to the West; and for these things Georgia could not forget him. The state's electoral vote this year was cast by the following electors: from the state at large, Beverly Allen and Henry Holt; district electors, Elias Beall, Henry Jackson, David Blackshear, William Terrell, W. B. Bulloch, John Whitehead, John Floyd, Wilson Williams and Seaton Grantland.

But opposition to the protective principle was by no means effectually suppressed. During the summer of 1832, at Athens, quite a number of prominent Georgians who were then attending the commencement exercises of Franklin College held a meeting on the campus and passed a resolution calling for an anti-tariff convention to assemble at Milledgeville, in the fall of 1832, during the annual legislative session.

Pursuant to this call, 131 delegates, representing sixty-one counties met at Milledgeville, on November 12, 1832. Ex-Governor George R. Gilmer was elected chairman. This convention will ever be famous for the great debate in which two of Georgia's most illustrious sons, Berrien and Forsyth, were pitted against each other in an argument which lasted for three days. We quote the following account from the pen of an eye-witness to this historic encounter between two intellectual giants.† Says he:

"On motion of Mr. [W. H.] Torrance, it was decided to appoint a Committee of Twenty-One, whose duty it should be to report resolutions expressive of the sense of the Convention in regard to the best mode of obtaining relief from the Protective System, to report what objects ought to engage the attention of the Convention, and to suggest the most effective means of accomplishing the same. [Time was required for selecting this important committee; and consequently, after transacting a few minor matters, the Convention adjourned.]

"On the second day, Mr. Forsyth moved that a committee of five be appointed by the President to examine and report at the next meeting by what authority the various persons present were empowered to act as delegates, the credentials which they possessed, etc. Mr. Torrance, in lieu thereof, moved as a substitute that a Committee of Elections be named to inquire into the right of any member to hold his seat, whenever the same should be contested. Both motions were laid on the table for the time being. The President then announced the Committee of Twenty-One, to wit: Messrs. Blackshear, Berrien, Forsyth, Cum-

* Lanman's "Biographical Annals of the U. S. Govt.," pp. 533-535.

† Miller's "Bench and Bar of Georgia," Vol. I, chapter on Berrien.

ming, Clayton, Cuthbert, Gamble, Reese, Spalding, Tate, Rockwell, Beall of Bibb, Taylor of Burke, Bailey, Warner, Dawson, Haynes, Gordon of Putnam, Clark of Henry, Janes and Harris.

"On the third day Mr. Forsyth called up his resolution of the day before, and Mr. Berrien moved to amend. Thus began the battle royal between the giants. Perhaps on no other occasion in Georgia was there such an imposing display of eloquence. Mr. Forsyth stood forth in the majesty of his intellect and the graces of his unrivaled elocution. For three days the Convention and the crowded galleries listened to the debate with rapt attention. All conceded the victory to Mr. Forsyth in the preliminary discussion. He seemed like a giant, bearing down all obstacles in his way. Mr. Berrien took the floor amid plaudits from the galleries. He waved his hand and shook his head gravely, his beaming face upward, to repress the demonstration in his favor. What delight he afforded all present by his polished style and sweet delivery may be imagined by those who have had the good fortune to hear this American Cicero. Other speakers participated in the discussion; but the author does not remember all of them, though a spectator. Col. William Cumming, on point of dignity and force, called to mind a proud Roman Senator. Messrs. Clayton, Torrance, Rockwell, Cuthbert, Spalding, Beall, G. W. Gordon, Haynes and Alford were among the principal debaters. Gov. Gilmer made an argument with his usual zeal and ability on the main question, at another stage of the Convention.

"On Friday, General Blackshear, Chairman of the Committee of Twenty-One, made a report, which was read to the Convention by Mr. Berrien. It emphasized State Rights, set forth the limited powers of the Federal Government, and declared the several tariff acts of Congress, designed for the protection of domestic manufactures, to be unconstitutional and void. It also recommended unanimity of action on the part of the aggrieved States of the South, and authorized the president of the Convention to communicate the action of the body to these sister Commonwealths.

"Mr. Forsyth offered a substitute for this report, denying the necessity for any radical action of this kind in regard to the tariff, and suggesting that the Legislature be asked to appoint delegates to a Southern Convention to discuss measures of relief, whenever the other States of the South were agreed in regard to the wisdom of this method of redress.

"The substitute was lost, but before a vote was taken in the Convention on the Report of the Committee of Twenty-One, Mr. Forsyth laid on the secretary's table a protest signed by himself and some fifty delegates, all of whom then retired together from the Convention. The scene was very exciting, but it passed off quietly; and, after slight amendments, the report was adopted by a vote of 64 yeas and six nays. Two important committees were appointed—one to address the people of Georgia, consisting of Messrs. Berrien, Clayton, Gordon of Putnam, Beall of Bibb, and Torrance; and the other styled the Central Committee, consisting of Messrs. Torrance, Rockwell, John H. Howard, Samuel Boykin and James S. Calhoun, to take whatever steps were necessary to give effect to the measures adopted.

"The author has dwelt freely on these topics for the principal reason

that the young men of the State should understand the condition of parties, at a season of great peril to the Union; and also because the Convention was anterior to the 'Ordinance of Nullification' in a sister State. No formal action was ever taken at the ballot-box to carry out the objects of the Convention."

Thus it will be seen that only a partial victory was won by the anti-tariff agitators. The Legislature of Georgia, while opposed to the system of protection, strongly disapproved of the tariff agitation. It also condemned the doctrine of Nullification as neither a peaceful nor a constitutional remedy but on the contrary as tending to civil commotion and disunion. Georgia's extreme conservatism was emphasized in this resolution.

South Carolina was much more radical. Under the spell of Calhoun's genius, she promptly espoused and boldly asserted the doctrine of Nullification; and impelled by the fiery temper of the Huguenots she hastened in 1832, when a new tariff law was enacted, to declare it null and void within her boundaries. This was followed by a convention of the people in which secession was threatened. Thereupon President Jackson issued his famous proclamation and Congress passed a Force Bill giving him power to send troops into South Carolina and to coerce her people into accepting these oppressive measures of Congress.

Georgia's indignation was now aroused. She recalled her own unhappy quarrel with the Federal Government during the administration of President Adams, when the latter threatened to invade Georgia's soil with armed troops. South Carolina was now in a similar predicament. But Mr. Clay's famous Compromise Bill of this year poured oil upon the troubled waters. This reduced the tariff on a scale satisfactory to its opponents; and South Carolina thereupon rescinded her action in regard to Nullification.

Party lines in Georgia underwent radical changes as the result of these disturbed conditions. Some of the prominent leaders in the Troup party, including John M. Berrien, George R. Gilmer, William H. Crawford, William C. Dawson, and Augustin S. Clayton, held a convention at Milledgeville on November 13, 1833, and formally launched an organization called the State Rights Party of Georgia. Some, if not most of these, however, were opposed to so extreme a measure as Nullification.

Of course, there were many who did not share in the prevailing hostility to a protective tariff; and there were likewise many who, for the sake of tranquillity within the Union, were willing to subordinate this issue to higher considerations of patriotism. Senator Forsyth, an original Troup man, was among this number. Moreover, the remnants of the old Clark party took refuge under this banner. At a later period these styled themselves the Union party of Georgia.

Thus the Troupers and the Clarkites disappeared from the field of Georgia politics.

Meanwhile, however, in the fall of 1833, Wilson Lumpkin was re-elected governor, defeating Joel Crawford. During the same year, George M. Troup, the great apostle of state rights, whose health, never at any time robust, had suffered impairment, due to the strenuous activi-

ties of public life; relinquished his seat in the United States Senate and retired to his country-seat, Valdosta, in Laurens County, where his remaining days were spent. Here he lingered for more than twenty years but took no active part in public affairs.

Judge John P. King, of Augusta, president of the Georgia Railroad and one of the state's pioneer captains of industry, succeeded Mr. Troup as United States senator from Georgia.

The Legislature of 1833 created a new judicial circuit—the Coweta—to preside over the courts of which Judge Hiram Warner was elected. In after years Judge Warner became chief justice of the state.

President Jackson, if bitter in his hatreds, was tenacious of his friendships. He remained true to his secretary of war, Maj. John H. Eaton, of Tennessee, even though the latter's marriage to the notorious Peggy O'Neill became a national scandal, putting the whole of social Washington against his administration and eventually causing the famous rupture in 1831 of the Jackson cabinet.

Judge Perrien, after relinquishing the attorney-generalship, resumed the practice of law in Savannah; but another Georgian was at this time signally honored by President Jackson. In 1834, John Forsyth, of Georgia, then a United States senator, was rewarded for his splendid championship of the administration, both on the floor of the Senate and in the great anti-tariff convention of 1832. Called into the cabinet as secretary of state, under President Jackson, Mr. Forsyth retained this exalted office with credit to himself and to the nation, under President Martin Van Buren. Dying at the close of his second term of office, he was buried in the Congressional Cemetery, at the nation's capital.

Alfred Cuthbert succeeded Mr. Forsyth, in 1832, as United States senator.

Two other events of signal interest characterized the administration of Governor Lumpkin. One of these was the famous meteoric shower of 1833, an event giving rise to a body of traditions, all of them more or less exaggerated, dating back to the time "when the stars fell." The other was the centennial anniversary of Georgia's first settlement. On February 12, 1833, the birthday of the state was celebrated with great eclat. Meetings were held in Savannah, Augusta, Macon, Eatonton, and other towns of the state. One hundred years of existence had evolved the feeble Colony of Oglethorpe into a powerful commonwealth of the American Union; and while the future held in store for Georgia the fiery convulsions of a great Civil war its approaching storm-clouds were arched by an imperial rainbow.

CHAPTER XVIII

WILLIAM SCHLEY, A CANDIDATE OF THE UNION PARTY, DEFEATS CHARLES DOUGHERTY FOR GOVERNOR—THE LATTER AN EXTREME ADVOCATE OF STATE RIGHTS—GEORGIA'S CONSERVATISM AT THIS PERIOD—ON DECEMBER 29, 1836, A FINAL TREATY IS NEGOTIATED WITH THE CHEROKEES UNDER WHICH THEY AGREE TO RELINQUISH ALL LANDS IN GEORGIA AND TO MIGRATE WESTWARD—EVENTS PRECEDING THIS COMPACT—TWO PARTIES IN THE CHEROKEE NATION—THE RIDGE PARTY ADVOCATES REMOVAL—THE ROSS PARTY OPPOSES REMOVAL—ELIAH HICKS, A FRIENDLY CHIEF, IS KILLED BY THE HOSTILES—AT LAST THE EYES OF THE FEDERAL GOVERNMENT ARE OPENED TO THE NECESSITY OF REMOVING THESE TROUBLESOME RED-SKINS—PUBLIC SENTIMENT, HOWEVER, EXCEPT IN GEORGIA, IS WITH THE INDIANS—TWO YEARS ALLOWED THE CHEROKEES IN WHICH TO MIGRATE—BUT FEW WILLINGLY DEPART—GENERAL SCOTT ARRIVES IN GEORGIA TO DIRECT THE REMOVAL—SUBSEQUENT EVENTS RESERVED FOR ANOTHER CHAPTER—THE CREEK WAR—HOSTILE RED STICKS BEGIN AN UPRISING ALONG THE CHATTAHOOCHEE—STILL UNRECONCILED TO THE TREATY OF INDIAN SPRINGS—GENERAL SCOTT ESTABLISHES ARMY HEADQUARTERS IN COLUMBUS—THE ATTACK UPON ROANOKE—ITS DESTRUCTION BY FIRE—BOATS ON THE CHATTAHOOCHEE BURNED BY THE SAVAGES—CAPTAIN GARMAN'S NARROW ESCAPE—THE BATTLE OF SHEPHERD'S PLANTATION—EN ROUTE TO JOIN THE SEMINOLES IN FLORIDA, A PARTY OF CREEK INDIANS FIND THEMSELVES ENTRAPPED ON AN ISLAND IN BAKER COUNTY, AND FEW OF THEM ESCAPE—THE BATTLE OF ECHO-WA-NOTCH-AWAY—MAJOR JERNIGAN'S GALLANT EXPLOIT—END OF THE CREEK WAR—MEMBERS OF CONGRESS DURING THIS PERIOD—RICHARD HENRY WILDE, DEFEATED FOR RE-ELECTION LEAVES THE STATE—BUT, DYING IN NEW ORLEANS, HE IS BROUGHT BACK TO GEORGIA FOR FINAL SEPULTURE—HIS UNIQUE LITERARY GENIUS—AUTHOR OF "THE SUMMER ROSE"—JAMES M. WAYNE, OF GEORGIA, ELEVATED TO THE FEDERAL SUPREME BENCH—THE PRESIDENTIAL CAMPAIGN OF 1836—GEORGIA SUPPORTS HUGH L. WHITE, OF TENNESSEE, IN PREFERENCE TO VAN BUREN—WILSON LUMPKIN SUCCEEDS JUDGE KING IN THE UNITED STATES SENATE—GEORGE R. GILMER IS AGAIN MADE GOVERNOR.

Georgia's conservatism reasserted itself in the campaign of 1835 for governor. There were two candidates in the field at this time. William Schley was chosen by the Union party as its standard-bearer, while Charles Dougherty, a noted lawyer, was supported by the state rights party; but the former won in the popular election. Despite the disruptive effects produced by the Force Bill, tranquillity once more prevailed,

due to Mr. Clay's Compromise; and there was little talk of Nullification. Once more Georgia felt the old ties of attachment binding her to the Union.

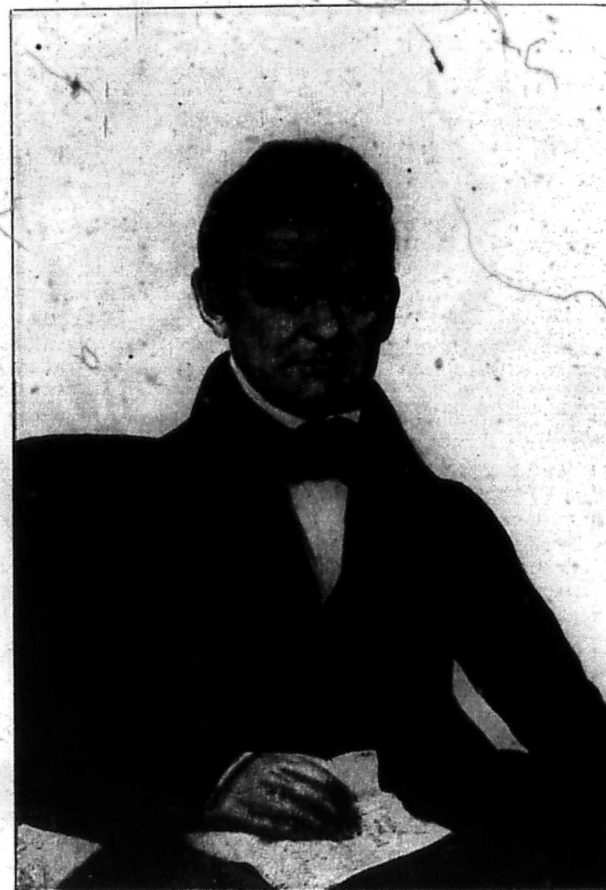
The administration of Governor Schley witnessed a final treaty with the Cherokees, at New Echota, on December 29, 1835, under which they peaceably agreed to a relinquishment of all the lands still occupied by them within the borders of the state. William Carroll and John F. Schermierhorn were the commissioners on the part of the United States Government. It is sometimes called the Schermierhorn Treaty because it was in the main negotiated by the latter. But, leading up to this important transaction, there are just a few minor events which need to be discussed.

On the issue of a westward migration, two rival parties were developed in the Cherokee Nation, one of which, headed by John Ross, its principal chief, opposed removal; while the other, headed by John Ridge, favored removal. At first sentiment was unanimous in opposition to any further relinquishment of lands. But seeing the inevitability of fate certain leaders among them, John Ridge, Major Ridge, Elias Boudinot, Elijah Hicks, and others, thought it best to cease all further resistance. These internal dissensions among the Cherokees were accompanied by numerous depredations on the borders. In 1834, a band of Cherokees robbed a smoke house belonging to a white man who lived near the frontier line. Elijah Hicks, a friendly chief, who favored removal to lands west of the Mississippi, thereupon started in pursuit of the robbers, with only two followers. Overtaking the marauders, he severely upbraided them, whereupon one of the savages fired at him, inflicting a wound from which he died in two days. Nor was this the only murderous affair. In like manner, several other chiefs who favored removal were killed by the Indians.

At last the eyes of the Federal Government were opened to the necessity of removing these troublesome people, a policy to which President Jackson was strongly committed. The Georgia Legislature by an act of December, 1834, authorized an immediate occupation of the Cherokee lands but allowed the Indians two years in which to remove. We will let Mr. Phillips conclude the story of these negotiations. Says he: "President Jackson persisted in his attempts to persuade the Cherokees to remove in a body. Early in 1834 it was discovered that a treaty party was developing in the nation. This party sent a delegation to Washington, which signed a preliminary treaty looking to a cession, but John Ross, the principal chief of the nation, protested, May 29, 1834, with such a show of support by the great bulk of the nation that the treaty failed of ratification. The division among the Cherokee leaders had at length opened a way for the final success of Georgia's efforts. In February, 1835, two rival Cherokee delegations appeared in Washington, with John Ross at the head of the orthodox party and John Ridge as the leader of the faction in favor of emigration. John Ridge, Major Ridge, Elias Boudinot, and other chiefs, had finally come to see the futility of opposition to the inevitable, and were ready to lead their people westward. The Ridge party signed a treaty of cession on March 14, which required the approval of the whole Cherokee Nation before

coming effective; but in a council of the Cherokees, held at Running Waters in June, Ross succeeded in having the treaty rejected."

"The maneuvering of the two factions in the following months engendered ill-feeling among the Cherokees and strengthened the position of Georgia. In December, 1835, a council was called by the United



JOHN ROSS
Principal Chief of the Cherokee Nation

States commissioners to meet at New Echota. The meeting was a small one because of the opposition of the Ross party; but, on December 29, a treaty was signed with the chiefs attending which provided for the cession of all the remaining Cherokee lands east of the Mississippi River for \$5,000,000 and lands in the West. The Ross party protested against the treaty, but were not able to prevent its ratification at Washington.

* "Georgia and State Rights," U. B. Phillips, pp. 85-86.

News of the definitive ratification served only to increase the discontent among the Indians. A confidential agent of the Secretary of War reported, September 25, 1837, that upon investigation he found that the whole Cherokee Nation was irreconcilable to the treaty and determined that it should not bind them.

"Public sentiment throughout the United States, especially among the opponents of the administration, became deeply stirred with sympathy for the Indians. Within the halls of Congress, Webster, Clay and Calhoun were vigorous in their condemnation of the New Echota treaty.* President Van Buren was so influenced by this torrent of remonstrance and criticism as to suggest to the Governors of Georgia, Alabama, Tennessee and North Carolina, on May 23, 1838, that an extension of not more than two years be allowed in which the Cherokees might move away. Mr. Gilmer, who had again become Governor of Georgia, replied, on May 28, that he could give the plan no sanction whatever. He feared that the suggestion was the beginning of another attack upon the sovereignty of the State, and declared his determination to take charge of the removal in person, if the Federal Government should fail in its duty.† There was, however, to be no further contest. General Scott had already arrived in the Cherokee country to direct the removal. He issued a proclamation, May 10, 1838, that every Cherokee man, woman and child must be on their way West within a month. On May 18, John Ross made a last ineffectual offer to arrange a substitute treaty. The emigration was at once pushed forward, and, on December 4, the last party of the Cherokees took their westward march."

But the story of how the Cherokees were finally removed under the lash is reserved for a subsequent chapter. Coincident with the final deportation of the Cherokees, there began on the western borders of Georgia a series of bloody encounters with the Creeks. Numbers of these Indians still resided in Alabama; and, entering into a league with the Seminoles, they began to harass the exposed frontier of the state. Murders, depredations, and crimes of every sort were almost daily committed along the Chattahoochee. All the border settlements were panic stricken with alarm. Hundreds flocked to Columbus for protection. Others fled to towns further inland, including Milledgeville, Macon and Augusta. Not a few of these en route to secure places of shelter were murdered. But throughout the entire Creek Indian war Columbus was the storm center of operations due to its importance as a frontier town and to its exposed position on the edge of the wilderness. It soon began to bristle with bayonets and to swarm with gay and brilliant uniforms.

General Winfield Scott established headquarters in Columbus. He was at this time in command of the American Army and, with the single exception of General Jackson, was the foremost soldier of his day. The people of Columbus also became familiar at this time with the tall military figure of General Jessup, who remained in active command in Georgia for some time after his superior officer left. Governor Schley, taking the field in person, also made his headquarters in Columbus. Volun-

* Benton's "Thirty Years' View," Vol. I, p. 625; Royce's "The Cherokee Nation," p. 282.

† Gilmer's "Georgians," pp. 240 and 538.

teer companies were formed in all parts of the state, but these were employed chiefly in protecting the border. General Scott, with his army of regulars, marched into the interior of the Creek Nation, then wholly within the bounds of Alabama, and, after several skirmishes forced the Creeks to sue for quarter.

Georgia suffered severely in consequence of these border hostilities. On the night of May 15, 1836, a party of Indians—300 strong—made an attack upon Roanoke, a small village on the Chattahoochee, located in what is now Stewart, then Lee County, Georgia. Due to the lateness of the hour, all had retired for the night. The inhabitants, therefore, were taken completely unawares; and the first intimation of danger came to them in the fiendish yells of the savages who were even then upon them, some with weapons, others with blazing pine-knots ready to convert the village into a mass of seething flames. Resistance was useless, though a brave effort was made to stay the savage onslaught. Nine whites and three blacks were killed, in the brief struggle which ensued; the rest fled only to look back in horror upon a reddening scene of destruction.

These same Indians also burned a boat, the Georgian, lying at anchor near Roanoke, not a soul on board of which escaped except the engineer. They also attacked a boat, the Hyperion, while ascending the river. Some of the passengers, leaping into the water, swam to shore under cover of darkness, but many were killed.

On June 9, 1836, a small body of troops under command of Captain Garmany came suddenly upon these savage fiends and engaged them in one of the bloodiest struggles of the war. Captain Garmany, in a hand to hand encounter laid three Indians upon the ground, but he fell severely wounded in the right thigh. The Indian who inflicted this wound then approached him with a drawn knife but the brave captain firing at an opportune moment killed the savage just in time to prevent the knife from piercing his own breast. Major Jernigan, with a small detachment of men, not exceeding thirty in number came to the assistance of Captain Garmany but the whites were still greatly outnumbered and in the end were forced to retreat.

En route to join the Seminoles in Florida, these Indians marched into Baker County, murdered several families, and afterwards, to the number of 300, hid themselves on an island in the center of a swamp; but here the militia of Baker County, surrounding the island, held them in a cordon from which, in a final effort to escape many were killed leading behind them a number of riderless horses, besides numerous articles plundered from the whites. This defeat prevented a junction of the Creeks with the Seminoles in Florida.*

During the month of July, at Echo-wa-notch-away, Major Jernigan's command again encountered a body of Indians, and, after a severe engagement, routed the savages with much slaughter. The following account of the battle has been preserved by Doctor White. Says he:† "On the 25th of July, 1836, at the Echowanotechaway Swamp, Major Jernigan had a sharp contest with the Indians. The enemy having the

* "History of Georgia," Lawton B. Evans, p. 230.

† White's "Collections of Georgia," pp. 591-592.

advantage of ground, and being superior in numbers, Major Jernigan ordered a retreat of one hundred and fifty yards, bearing his wounded before him, expecting that the Indians would renew the attack, which, however, they did not. The wounded were carried to Captain Stapleton's house. The loss in the skirmish was three killed, and seven wounded. The battle lasted fifty minutes. The number of the enemy was estimated to be from two to three hundred.

"On the 26th, Major Jernigan pursued them until sunset, when he was reinforced by a company from Lanahassée, commanded by Captain Galba Matthews, by Guilford's Company, a part of Captain Snellgrove's Company, Colonel Wood, Major Wills, and Captain Smith together with others, making his force amount to three hundred men. A council of officers was called, who requested Major Jernigan to take the whole command, to which he consented.

"On the 27th, at sunrise, the line was formed, and the troops quickly put in motion. The trail was soon discovered, and about three miles below the camp, Major Jernigan's advance guard, under Captain Moye, heard the savages crossing Turkey Creek, at its confluence with the main branch of the Echowanotchaway. The troops were marched to this spot, and preparations made for battle. The advance-guard was ordered to proceed, and in crossing Turkey Creek, the Indians fired several scattering guns from thick cane-brakes, and appeared to be moving forward. The commands of Captains Matthews, Guilford, and Snellgrove were detached to a place on the eastern side of the main creek, and below Chumba and Turkey Creeks. Captain Clifton's Company was stationed on the trail which entered the swamp. The companies of Captain Still and Ball were marched across the creek.

"Major Jernigan having thus arranged his force, and knowing that the Indians were below him, dispatched Captain Ball to inform the troops in the eastern side of the main creek that they would be required to approach the swamp; and as it was not probable that the Indians would attempt to escape at the point covered by Captain Ball's company, he was directed to blow the horn before he countermarched, to induce the enemy to believe that a station was kept there. In the meantime, the companies of Captain Ball and Clifton were united, and from each a guard was detailed. Captain Ball returned, and gave information of the arrival of General William Wellborn, of Irwinton. The General, on his march to join Major Jernigan's eastern division, was hooted at by the Indians in the cane-brake. He, however, reached the station without being fired on, and by consent and request of the captains, commanded and led that division. As the time for action approached, signals were given to enter the swamp, which was accordingly done by a part of Captains Ball and Clifton's company. Precisely at eleven o'clock, signal-guns were fired for the whole body to be put in motion, and the march was immediately commenced. It was evident that the Indians were well prepared for battle, and would vigilantly guard their trail; and it being considered more than probable, from what had passed between them and General Wellborn, that spies would be placed on the eastern force, it was determined, if possible, to take the enemy by surprise. The troops marched through Turkey and Chumba creeks, leaving the Indian trail on their right. After marching about three hundred

yards through mud and water, thickly set with cane, a man was ordered to ascend a tree, for the purpose of making discoveries, who reported the camp at a distance of three hundred yards, pointed out a noted forked pine as a land-mark, and also stated that he could discern spies watching their trail, and others keeping a look-out on General Wellborn's division. Captains Ball and Clifton were directed to move forward, inclining to the left, in order to give them an attack broadside. The march was continued until the Indians could be heard talking. A halt was ordered by giving signs, and Colonel Wood dispatched, with others, to gain the rear of General Wellborn, and inform him where Major Jernigan was situated, the position of the Indians, etc. The messengers had not been absent two minutes before a brisk firing took place between General Wellborn and the savages. A charge was ordered with the sound of the horn, and in thirty seconds from the fire of the first gun, the two companies gained the hammock, and covered the entire line of the enemy. The firing from all quarters was heavy and animated. The Indians fought with more desperation, and gave up the ground with more reluctance, than in any battle previously had with them. The engagement lasted forty-five minutes, and ended about half past one o'clock.

"After forcing them from their strong positions, two infant children were heard to cry in the cane-brake. They were brought to the battle-ground. Major Jernigan's loss was three killed—Mr. Carter, of Irwinton, Ala., David Sutley, of Randolph, and John Crocker, Jun., of Lumpkin. Thirteen were wounded. A part of those whose wounds were slight returned to their homes. The following is a list of the wounded:—E. Butler, ——— Frith, Thomas Shepherd, Willis Barton, William Hughes, Colonel Wood and William Hilborne, of Randolph; Lewis Williams, Richard Cannady, Captain Green, and B. Ball, of Stewart; Captain Jenkins and ——— Patterson, of Irwinton, Ala. The loss of the Indians was not ascertained. Eighteen were found dead, some of them three miles from the battle-ground."

Nine congressmen were allotted to Georgia under the new apportionment which became effective for the first time in the Twenty-Third Congress (1833-1835). The state's delegation chosen at this time was as follows: Augustin S. Clayton, John Coffee, Thomas F. Foster, Roger L. Gamble, George R. Gilmer, Seaborn Jones, William Schley, James M. Wayne and Richard Henry Wilde.* Mr. Schley, at the expiration of his term of office, was elected governor of Georgia.

To the Twenty-Fourth Congress (1835-1837), Georgia sent: Jesse F. Cleveland, John Coffee, Thomas Glascock, Seaton Grantland, Charles E. Haynes, Hopkins Holsey, Jabez Jackson and George W. Towns.† General Coffee died while in office and to succeed him, Hon. William C. Dawson, of Greensboro, afterwards a United States senator, was elected. General Coffee was a distinguished Indian fighter but was not the officer of this name, associated with Gen. Andrew Jackson in his campaign against the Creeks, afterwards the latter's law partner, in Nashville, Tennessee. These two John Coffees were first cousins, and were not, therefore, as many have supposed, identical. George W. Towns

* "Biog. Cong. Directory," 1774-1911, p. 133.

† Ibid., p. 139.

resigned his seat on September 1, 1836, and was succeeded by Julius C. Alford, of LaGrange. Richard Henry Wilde, defeated for re-election, soon afterwards left the state, to be identified no more with its political fortunes. Mr. Wilde was not only an eminent statesman, lawyer and advocate, but a poet of rare genius. His best known production, "My Life is Like the Summer Rose," was characterized by Lord Byron as the finest American poem. Rival claimants to its authorship were afterwards repudiated, and to Mr. Wilde is now given the uncontested honor. He remained abroad for several years, residing most of the time in Italy, where he wrote in two volumes a critical work on the mad Italian poet, Torquato Tasso. Mr. Wilde spent his last days in New Orleans, where he died in 1848, but his remains were subsequently brought back to Georgia and, after resting for a number of years on the Sand Hills, near Augusta, were finally re-interred in the City Cemetery, at Augusta, where his companions in death are Paul H. Hayne and James R. Randall.

President Jackson, in 1833, filled a vacancy on the Supreme Bench of the United States by appointing Hon. James M. Wayne, of Savannah, an associate justice of this exalted tribunal. No happier selection could have been made. Judge Wayne was an eminent lawyer, and was serving a term in Congress at the time of his appointment; but he was temperamentally much better fitted for judicial labors than for pleading causes as an advocate before a jury. At any rate he remained on the Federal bench for a period of thirty-two years, and at the time of his death held the record for continuous service, with the single exception of Chief Justice John Marshall. Judge Wayne resigned his seat in Congress to assume the ermine, but the appointment was made near the close of the term, for which reason his seat remained vacant until the next Congress.

Georgia's support in the presidential campaign of 1836 was given to Hugh L. White, of Tennessee, the state rights candidate, who lost the election, however, to Martin Van Buren, of New York. For vice president, Georgia supported John Tyler, of Virginia. The state's eleven electoral votes were cast by the following delegation: from the state at large, George R. Gilmer and Thomas Stocks; district electors, John W. Campbell, Howell Cobb, Gibson Clark, William W. Holt, E. Wimberly, Ambrose Baber, Thomas Hamilton, David Meriwether and C. Hines.* In 1837 John P. King resigned his seat in the United States Senate and to succeed him the Legislature this year elected former Governor Wilson Lumpkin. During this same year also the people of Georgia recalled George R. Gilmer to the helm as governor.

* Lanman's "Biog. Annals of the U. S. Govt.," pp. 525-526.

CHAPTER XIX

BUT TO RETURN TO THE CHEROKEES—BEFORE THE FINAL DEPORTATION AN EVENT OF SINGULAR INTEREST OCCURS—JOHN HOWARD PAYNE'S VISIT TO GEORGIA—SKETCH OF THIS MAN OF GENIUS WHO WROTE "HOME SWEET HOME"—HIS SONG THE PRECIOUS HERITAGE OF AN ENGLISH-SPEAKING WORLD—COMES TO GEORGIA TO ASCERTAIN THE TRUTH CONCERNING THE CHEROKEES—WHILE ON A VISIT TO JUDGE HARDEN, AT ATHENS, HE FALLS IN LOVE WITH HIS DAUGHTER, MARY—ENTERING THE TERRITORY OF THE INDIANS, HE IS IMPRISONED AT SPRING PLACE, IN MURRAY COUNTY, AS A SUSPICIOUS CHARACTER—GENERAL HARDEN SOON PROCURES HIS RELEASE—BUT HE DOES NOT REGARD HIM WITH FAVOR AS A PROSPECTIVE SON-IN-LAW—MISS HARDEN REMAINS TRUE TO HER POET-LOVER—DYING, AT THE AGE OF SEVENTY-SIX, A COPY OF "HOME, SWEET HOME" IS SAID TO HAVE BEEN BURIED WITH HER, BUT THIS TRADITION IS QUESTIONED—SHE DID, HOWEVER, POSSESS A MANUSCRIPT COPY OF THE POEM, WHICH, ACCORDING TO ONE WHO KNEW HER WELL, WAS DESTROYED WHEN DEATH APPROACHED—PAYNE'S SUBSEQUENT CAREER—DIES WHILE HOLDING A CONSULAR APPOINTMENT AT MOROCCO, AND IS BURIED IN NORTHERN AFRICA—BUT HIS BODY IS EXHUMED IN 1883 AND BROUGHT TO AMERICA FOR FINAL REINTERMENT IN OAK HILL CEMETERY, WASHINGTON; DISTRICT OF COLUMBIA.

But let us return to the Cherokees. Before the final removal of these Indians to a region west of the Mississippi, afterwards known as Indian Territory, there occurred an incident of the most dramatic character in the Cherokee Nation, concerning which, however, only meagre accounts have been preserved in the records. Mention has already been made of the fact that, under an act of December 22, 1830, the Legislature of Georgia made it a penal offense for a white person to reside in the Cherokee territory in Georgia without a license from the state authorities, to secure which it was first necessary to take an oath of allegiance to the State of Georgia. John Howard Payne, the immortal author of "Home, Sweet Home," though an innocent offender, fell under the ban of this law while on a visit to the state in 1836.

It is one of the ironies of fate that the poet from whose pen has come the best known lyric of the hearthstone was himself a homeless wanderer. With little knowledge of domestic happiness, he sang of home, not as a possession but as a want; and for more than thirty years he was fated to fill an exile's grave, on the distant shores of the Mediterranean. The absence of any strong domestic ties first led him, when a mere lad, to seek his fortune abroad. On returning to America, after a lapse of two full decades, his wandering footsteps at length brought

him to Georgia, where two experiences of a widely different character awaited him: a jail and a sweetheart. From the former of these binding spells he was soon released, through the prompt intervention of an influential friend. But, in gentle bondage to the latter, he remained a life-long prisoner. His heart underwent no change. As for the fair object of his affections, she retained her maiden name to the end of her days and, dying at the ripe age of seventy-six, carried to her grave in Oconee Cemetery, at Athens, an undimmed image of her poet-lover: the immortal author of "Home, Sweet Home."

The world has not forgotten the pathetic story of John Howard Payne. But the tendency to exaggerate has led a host of writers, eager for dramatic effect, into gross misstatements. Indeed, there are few, who, in sketching Payne's life, have not drawn more largely upon fancy for materials than upon fact.

Payne was never at any time the shiftless, ne'er-do-well, or the penniless vagabond which he has often been made to appear by these caricature artists. Most of his life, it is true, were spent in bachelor quarters and among remote scenes. He also lacked business acumen; but those upon whom nature bestows the divine afflatus are seldom merchants or bankers. With the conveniences of an assured income, he was unacquainted; and the caprices of Fortune often entailed upon him financial embarrassment. On more than one occasion he knew what it was to be without a dollar in his pockets when creditors were clamorous. But he earned a fair livelihood. At times, his wares brought him a substantial recompense; and, while his money lasted, he was a Prince of Bohemians. During the last years of his life, he held an important consular position at Tunis, in Morocco.

Born in the city of New York, on June 9, 1792, the early boyhood days of John Howard Payne were spent at East Hampton, on Long Island, where the old family homestead, a quaint two-story structure, with an attic built of cedar shingles, is owned and preserved as a literary Mecca, by Mr. Buck, of Brooklyn, a wealthy admirer of the poet. In summer, the cottage is charmingly covered with wisteria vines, contrasting with the silvery tones of color which nearness to the sea invariably gives. Stretching away to the rear of the house is an old apple orchard; while, in the distance, can be seen the sand dunes of the North Atlantic.* The interior paneling of the house is said to have been the work of a ship carpenter, trained in one of the navy yards of England. The building is heated by a huge central chimney, twelve feet in diameter, in which is built a fireplace after the ample pattern of the Dutch. The house is furnished exactly as it was in the days of Payne's childhood, with quaint dressing tables, high bedsteads, old Windsor chairs, and other furnishings reminiscent of the Colonial period. It was doubtless a recollection of this early home beside the sea which, in after years, inspired his deathless anthem.

But to go back. At the age of thirteen, when a clerk in a mercantile establishment in New York, Payne began secretly to edit a weekly newspaper, devoted to the drama. Such precocity of genius induced the lad's father to plan for him a good education; but, while a student

at Union College, his prospects were suddenly disturbed by the elder Payne's failure in business. John Howard then decided to go upon the stage. His debut as an actor was made at the Park Theater in New York, on February 24, 1809, as Young Norval in the *Douglas*; and the success of his initial performance, both from a pecuniary and from an artistic standpoint, was such that he afterwards toured the New England and Middle States.

In 1813 he sailed for England; and from this time dates his protracted sojourn abroad. As an actor he was well received by the public; but, anxious to increase his earnings, he essayed theatrical management, with disastrous results. Due to his lack of business ability, he found himself frequently in financial straits. Fortune did not seem to favor him. In 1815, he published a volume of verse entitled, "Lispings of the Muse," from which his returns were only meagre. Better success attended him as a playwright. He produced a number of musical dramas, for one of which, an opera, entitled "Clari, or the Maid of Milan," he composed the world-renowned stanzas of "Home, Sweet Home."

This opera was first produced at the Covent Garden Theater, in May, 1823. The music was adapted by Henry R. Bishop, from an old melody which caught Payne's fancy while visiting one of the Italian cities.* It is said that the song itself came to him, when, oppressed by debt, he wandered one day, in great heaviness of spirit, along the banks of the Thames River. During the first year it netted his publishers over 2,000 guineas. Payne himself derived little pecuniary profit from the song which was destined to make him immortal; but he lived to see it put a girdle of music around the globe, to charm alike the king and the peasant, and to become in literal truth the song of the millions.

The original draft of "Home, Sweet Home," ran as follows:

'Mid pleasures and palaces, though we may roam,
Be it ever so humble, there's no place like home;
A charm from the skies seems to hallow us there,
Like the love of a mother
Surpassing all other,
Which, seek through the world, is ne'er met with elsewhere.
There's a spell in the shade
Where our infancy played,
Even stronger than time and more deep than despair.

An exile from home, splendor dazzles in vain,
O, give me my lonely thatched cottage again!
The birds and the lampkins that came at my call—
Those who named me with pride—
Those who played at my side—
Give me them, with the innocence dearer than all.
The joys of the palaces through which I roam
Only swell my heart's anguish—there's no place like home.

* James Callaway, in the *Macon Telegraph*, February 18, 1914.

* "New International Encyclopedia," article on Payne.

Later Payne rewrote the poem. But in order to secure brevity he sacrificed poetic charm. The lines with which the public are today familiar hardly measure up to the original; but they are doubtless better adapted to the air. Here is the poem as rewritten:

'Mid pleasures and palaces, though we may roam,
Be it ever so humble, there's no place like home.
A charm from the skies seems to hallow us there,
Which, seek through the world, is ne'er met with elsewhere.
Home, home, sweet, sweet home!
There's no place like home!
There's no place like home!

An exile from home, splendor dazzles in vain,
O, give me my lowly thatched cottage again!
The birds singing gaily that came at my call—
Give me them—and the peace of mind dearer than all.
Home, home, sweet, sweet home!
There's no place like home!
There's no place like home!

In 1832 Payne returned to New York. The question agitating the public mind at this time was the removal of the Cherokee Indians to a trans-Mississippi region. To one of Payne's fine poetic temperament, the idea of using force to drive these primitive inhabitants of the soil—these native Americans—into an unwilling exile was most repugnant. He thought of himself as an outcast and a wanderer; and it was only natural for the man who wrote "Home, Sweet Home," to espouse the cause of those who were soon to be homeless, even though they were savage tribes of the forest.

To ascertain the real facts in regard to the Cherokees, Mr. Payne came to Georgia in 1836, on the eve of the famous deportation. It so happened that, at this time, Georgia was in a turmoil of excitement. Events were rapidly approaching a climax; and, in order to deal, on the one hand, with meddlesome interlopers whose purpose was to inflame the Red Men, and, on the other, with lawless characters escaping across the state line into Indian Territory, it was necessary for Georgia to extend her jurisdiction, with a rod of iron, over the domain of the Cherokees.

There were, at this time, among the Indians, two distinct parties, one of which, under Major Ridge, strongly favored removal as the wisest course for the nation to adopt. The other, headed by John Ross, strenuously opposed removal; and these were regarded as the sworn enemies of the state. Between the two factions there was war to the knife, deadly and bitter. When John Howard Payne came to Georgia he visited the Cherokee nation as the guest of John Ross, then as afterwards, the principal chief. His object in making this visit was unknown to the civil authorities; but his affiliation with John Ross put him at once under suspicion. He contemplated nothing sinister. His purpose was merely to gather information. But Tray was in bad company, at least, to Georgia's way of thinking; and, while visiting John

Ross, he was put under arrest and imprisoned at the old Vann house, at Spring Place, in what is now Murray County, Georgia. Capt. A. B. Bishop, who commanded the Georgia Guards at this place, made the arrest. He found the poet at Ross's home, near the head of the Coosa River.

It is said that while imprisoned at Spring Place he heard the soldiers singing his familiar anthem, "Home, Sweet Home," and that, when he eventually satisfied his captors that he was the author of this renowned song, he received from them the most considerate treatment. Nevertheless, he was held a prisoner until his release was finally procured by Gen. Edward Harden, of Athens, to whom he had brought a letter of introduction. The historic site of the poet's imprisonment at Spring Place is soon to be marked by the John Milledge Chapter of the D. A. R.

As above stated, Mr. Payne, on coming to Georgia, brought with him a letter of introduction to an old citizen of Athens, Gen. Edward Harden. The latter was formerly a resident of Savannah; and, during the famous visit of La Fayette to this country, in 1825, he entertained the illustrious nobleman of France. General Harden was typically a gentleman of the old school, courtly in his manners, refined and cultured, in fact, a man of letters, though his chosen profession was the law. Payne expected to stop at the public inn; but to this General Harden demurred, insisting that he become his guest for an indefinite stay.

Thus it was that the author of "Home, Sweet Home," found himself an inmate of the famous old Harden home in Athens. The story that Payne caught the inspiration for his poem at this time is, of course, sheerest fiction, for more than twelve years had elapsed since the first rendition of the song in public. Equally imaginative is the yarn that on entering the door of his prison at Spring Place, he raised both hands in anguish above his head, exclaiming with bitter sarcasm, "Home, Sweet Home," and then proceeded to write the poem, in a moment of silent communion with the Muses.

But while Payne did not write his poem in Georgia, he enjoyed the hospitality which General Harden lavished without stint upon friend and stranger alike; and there came into his life at this time an influence which, for the rest of his days, was destined to cast upon him the spell of a most subtle enchantment. He became acquainted with the general's lovely daughter, Mary. So fascinated was the poet with this gentle lady of Athens that the main purpose of his visit to Georgia was almost forgotten. The poor Cherokee became a secondary consideration. Even his Yankee scruples against Southern biscuit were overcome when he tasted one of the dainty products of Miss Mary's oven.

Still, he did visit the Cherokee nation; and, it was while on this visit that his imprisonment at Spring Place occurred. On hearing of his predicament, General Harden hastened to his release. But the poet

* Rev. W. J. Cotter, in the Wesleyan Christian Advocate.

was so mortified over the treatment to which he had been subjected that he lost no time in returning to the North, avowing his purpose never again to visit Georgia, without a formal invitation. To this resolution he adhered. However, there were some memories connected with his visit which he did not care to forget, and which, through the lonely days and nights succeeding his return to New York, continued softly to serenade him, to the music of his own "Home, Sweet Home."

Between Miss Harden and Payne there doubtless passed a number of letters. But one in particular deserves our attention. In a wild flutter of hope, he wrote to her, on July 18, 1836, telling her that he could offer her naught save his hand and heart and entreating her to smile upon his suit. What her answer to this proposal of marriage was, no one knows. She was always silent upon the subject; but the fact remains that they were never married, though each remained loyal till death. Perhaps the old general himself barred the way. He knew that Payne was a rolling stone; and while he admired the poet's genius he may have doubted his ability to support a helpmeet.

In after years, Payne was sent with a consular appointment to Morocco, by the United States Government. On the eve of his departure, Miss Harden requested of him an autographed copy of his renowned song, a boon which he promptly granted. In some mysterious manner, this copy disappeared at the time of Miss Harden's death, giving rise to the not unnatural presumption that it was buried with her; but her niece, Miss Mary Jackson, to whom the old Harden home in Athens was willed and who assisted in preparing the body of her beloved aunt for burial states that, for this supposition, there is no ground whatever. It is not unlikely that Miss Harden herself, when warned of approaching death, destroyed with her own hands what was never meant for the eyes of the idly curious.

Payne, after leaving Morocco, returned to America but once in life. On this occasion, he received a wonderful tribute from the famous Jennie Lind, who, turning toward the box in which he sat, in a crowded theater, sang in the richest accents which have doubtless ever been heard on this continent, the familiar words of his inspired song. The great Daniel Webster was a witness to this impressive scene, the memory of which he carried to his grave at Marshfield.

Soon after returning to Morocco, Payne died, on April 9, 1852, at the age of threescore years. He was buried at Tunis, where his body rested for more than three full decades, in a foreign exile, on the shores of North Africa. But finally, in 1883, through the efforts of the great philanthropist, Mr. W. W. Corcoran, of Washington, D. C., the ashes of the poet were brought back to his native land and reinterred in Oak Hill Cemetery, on the outskirts of the nation's capital. Here, underneath the same ground slab which marked his grave in Tunis, sleeps the gentle poet of the hearthstone. But overlooking the sacred spot there stands a more recent structure of pure white marble, reared by thousands of voluntary contributions. It is surmounted by a life-size

bust of the lamented bard and lettered underneath it is the following epitaph:

JOHN HOWARD PAYNE

Author of "Home, Sweet Home."

Born, June 9, 1792.

Died, April 9, 1852.

"Sure, when thy gentle spirit fled
To realms above the dome,
With outstretched arms God's angels said:
Welcome to Heaven's home, sweet home."

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Welcome to Heaven's home, sweet home."

delayed his retreat for some time, in order to collect the women and children of the neighborhood, whose lives were exposed to imminent peril. But he finally set out for Goliad with 350 men.

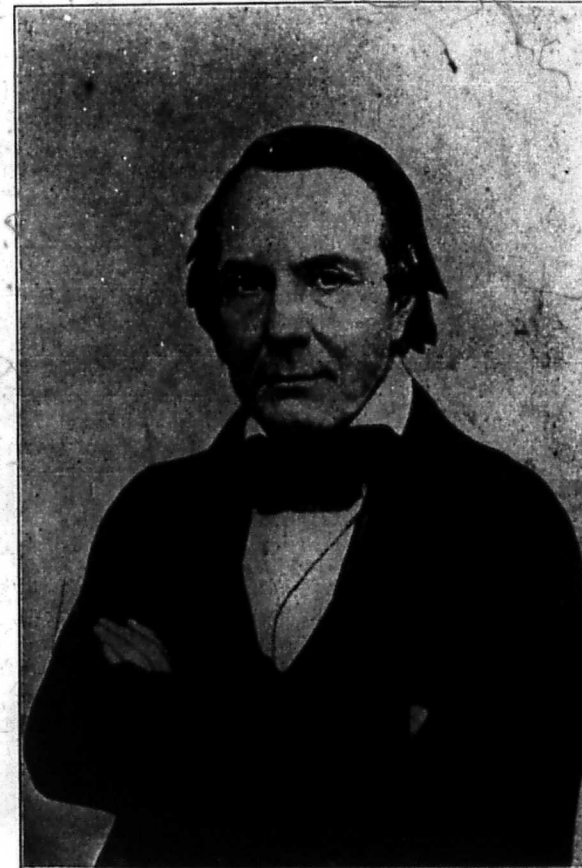
En route to this point he was overtaken by General Urrea, at the head of 1,200 Mexican troops. There followed a battle which lasted for

CHAPTER XX

GEORGIANS SYMPATHIZE WITH TEXAS IN HER WAR FOR INDEPENDENCE WITH MEXICO—COL. JAMES W. FANNIN, WHO, WITH ALMOST HIS ENTIRE COMMAND, PERISHED IN THE MASSACRE AT GOLIAD, WAS A NATIVE OF THIS STATE—MANY OF HIS MEN WERE GEORGIANS—AN ACCOUNT OF THIS BRUTAL MASSACRE OF 1836, PRESERVED BY HENDERSON YOAKUM, THE PIONEER HISTORIAN OF TEXAS—RECEIVING ORDERS TO DESTROY THE SPANISH FORT AT GOLIAD AND TO FALL BACK TO VICTORIA, HE DELAYS AN EXECUTION OF THIS COMMAND IN ORDER TO COLLECT THE WOMEN AND CHILDREN OF THE NEIGHBORHOOD—OVERTAKEN BY GENERAL URREA, HE IS OBLIGED TO CAPITULATE—PAROLES ARE PROMISED, BUT THE AMERICAN TROOPS ARE MARCHED TO GOLIAD AS PRISONERS OF WAR, AND MASSACRED IN COLD BLOOD—FULL DETAILS OF THE AFFAIR—TEXAS ERECTS A MONUMENT TO THE VICTIMS OF THIS BRUTAL HOLOCAUST—UNVEILED IN 1885—THE LONE STAR FLAG WOVEN BY A GEORGIA WOMAN—MISS JOANNA E. TROUTMAN PRESENTS TO THE GEORGIA VOLUNTEERS AN EMBLEM WHICH IS AFTERWARDS ADOPTED BY THE REPUBLIC OF TEXAS—FROM AN OLD COPY OF THE GALVESTON NEWS THIS STATEMENT IS VERIFIED—THE FLAG WAS FIRST UNVEILED AT VELASCO, ON JANUARY 8, 1836—CIRCUMSTANCES UNDER WHICH THE FLAG WAS PRESENTED—IN 1913, THE BODY OF MRS. VINSON, FORMERLY MISS JOANNA TROUTMAN, WAS EXHUMED FROM ITS BURIAL PLACE IN GEORGIA AND TAKEN TO AUSTIN, TEXAS, FOR FINAL REINTERMENT—HER GRAVE TO BE MARKED BY A HANDSOME MONUMENT.

To the war for Texan independence, Georgia made some important contributions. Gen. Mirabeau B. Lamar, the victor of San Jacinto, afterwards the second President of the Republic of Texas, was a native Georgian. He edited for several years the *Columbus Enquirer*, a paper which he established; but following the death of his first wife he left Georgia for Texas, where an illustrious career awaited him, both on the field of battle and in the forum of statesmanship. He also achieved distinction as a poet and became the founder of the present school system of Texas. General Lamar was an uncle of the noted statesman and jurist, at one time a member of President Cleveland's cabinet, Hon. L. Q. C. Lamar.

Col. James W. Fannin, who with almost his entire command perished in the brutal massacre at Goliad in 1836, was also a native Georgian. Removing to Texas in 1834, he raised a company at the outbreak of the war and hastened to join the army of General Houston. On the fall of the Alamo, Fannin received orders from his commander to destroy the Spanish fort at Goliad and to fall back to Victoria. He



MIRABEAU B. LAMAR

Soldier and Statesman, Second President of the Republic of Texas

two days, during which time the Mexicans lost between 300 and 400 in killed and wounded, and the Texans only about seventy; but Fannin, having been wounded in the engagement, was forced by the exigencies of the situation to surrender. He agreed to capitulate only on condition that his troops should be paroled. But, instead of being set at liberty, they were marched to Goliad as prisoners of war, and, on March 27, 1836, in pursuance of orders said to have been received from

Santa Anna, were, in the absence of General Urrea, massacred in cold blood.

Four men to assist in the hospital and four surgeons, in addition to the women, received exemption from the bloody edict of death; besides which some few of the men who were fired upon afterwards escaped; but the rest were inhumanly butchered. Some two weeks before he was captured and put to death, Fannin wrote to a friend in the United States: "I have about four hundred and twenty men here, and if I can get provisions tomorrow or next day, I can maintain myself against any force. I will never give up the ship."

Henderson Yoakum, the pioneer historian of Texas, gives the frightful details of the tragedy at Goliad as follows.* Says he: "The Texans now raised a white flag, which was promptly answered by the enemy. Major Wallace and Captain Chadwick went out, and in a short time returned and reported that General Urrea would treat only with the commanding officer. Colonel Fannin, though lame, went out, assuring his men that he would make none other than an honorable capitulation. He returned in a short time and communicated the terms of agreement which he had made with Urrea. They were in substance as follows: 1. That the Texans should be received and treated as prisoners of war, according to the uses of the most civilized nations. 2. That private property should be respected and restored, but the side-arms of the officers should be given up. 3. That the men should be sent to Copano and thence, in eight days, to the United States, or so soon thereafter as vessels could be secured to take them. 4. That the officers should be paroled and returned to the United States, in like manner. General Urrea immediately sent Holzinger and other officers to announce the agreement. It was reduced to writing in both English and Spanish languages, read over two or three times, signed, and the writings exchanged, 'in the most formal and solemn manner.' The Texans immediately piled arms, and such of them as were able to march were hurried off to Goliad, where they arrived at sundown on the same day (the 20th). The wounded, among whom was Colonel Fannin, did not reach the place till the 22nd. At Goliad the prisoners were crowded into the old church, with no other food than a scanty pittance of beef, without bread or salt. Colonel Fannin was placed under the care of Colonel Holzinger, a German engineer in the Mexican service. So soon as Fannin learned how badly his men were treated, he wrote to General Urrea, stating the facts, and reminding him of the terms of capitulation.

"On the 23rd, Colonel Fannin and Colonel Holzinger proceeded to Copano to ascertain if a vessel could be procured to convey the Texans to the United States; but the vessel which they expected to obtain had already left port. They did not return until the 26th. On the 23rd, Major Miller, with eighty Texan volunteers, who had just landed at Copano, were taken prisoners and brought into Goliad by Colonel Vara. Again, on the 25th, Colonel Ward and his men, captured by Urrea, were brought in. The evening of the 26th passed off pleasantly enough.

*"History of Texas, 1685 to 1845," by Henderson Yoakum; embodied in Wooten's "Comprehensive History of Texas," Vol. I, pp. 234-260, Dallas, 1898.

Colonel Fanning was entertaining his friends with the prospect of returning to the United States; and some of the young men who could perform well on the flute were playing 'Home, Sweet Home.' How happy we are that the veil of the future is suspended over us! At seven o'clock that night, an order, brought by special courier from Santa Anna, required the prisoners to be shot! Detailed regulations were sent as to the mode of executing this cold-blooded and atrocious order. Colonel Portilla, the commandant of the place, did not long hesitate to put it into execution. He had four hundred and forty-five prisoners under his charge. Eighty of these, brought from Copano, having just landed, were therefore considered as not within the scope of the order, and for the time were excused. The services of four of the Texan physicians—Drs. Field, Hall, Shackelford and Joseph H. Bernard*—being needed to take care of the Mexican wounded, were among those spared. So likewise were four others, who were assistants in the hospital."

"At dawn of day, on Palm Sunday, March 27, the Texans were awakened by a Mexican officer, who said he wished them to form a line that they might be counted. The men were marched out in separate divisions, under different pretexts. Some were told that they were to be taken to Copano, in order to be sent home; others that they were going out to slaughter beeves; and others again that they were being removed to make room in the fort for Santa Anna. Dr. Shackelford, who had been invited by Colonel Guerrier to his tent, about a hundred yards southeastwardly from the fort, says: 'In about an hour, we heard the report of a volley of small arms, toward the river, and to the east of the fort. I immediately inquired the cause of the firing, and was assured by the officer that he did not know, but supposed that it was the guard firing off their guns. In about fifteen or twenty minutes thereafter another such volley was fired, directly south of us, and in front. At the same time I could distinguish the heads of some of the men through the boughs of some peach trees and could hear their screams. It was then, for the first time, that the awful conviction seized upon our minds that treachery and murder had begun their work. Shortly afterward Colonel Guerrier appeared at the door of the tent. I asked him if it could be possible they were murdering our men. He replied that it was so, but that he had not given the order, neither had he executed it.' In about an hour more, the wounded were dragged out and butchered. Colonel Fannin was the last to suffer. When informed of his fate, he met it like a soldier. He handed his watch to the officer whose business it was to murder him, and requested that he have him shot in the breast and not in the head, and likewise see that his remains were decently buried. These natural and proper requirements the officer promised should be fulfilled, but, with the perfidy which is so characteristic of the Mexican race, he failed to do either! Fannin seated himself in a chair, tied the handkerchief over his eyes, and bared his bosom to receive the fire of the soldiers. As the different divisions were brought to the place of execution, they

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were ordered to sit down with their backs to the guard. But a young man by the name of Fenner, in one of the squads, rose to his feet and exclaimed: 'Boys, they are going to kill us—die with your faces to them, like men!' At the same time, two other young Texans, flourishing their caps over their heads, shouted at the top of their voices, 'Hurrah for Texas!'"

"Many attempted to escape; but the most of those who survived the first fire were cut down by the pursuing cavalry, or afterwards shot. It is believed that in all twenty-seven of those who were marched out to be slaughtered eventually escaped, leaving three hundred who suffered death on that Sunday morning. The dead were then stripped and the naked bodies thrown into piles. A few brushes were placed over them, and an attempt made to burn the bodies up, but with such poor success that the hands and feet, and much of the flesh, were left a prey to dogs and vultures!"

"Colonel Fannin doubtless erred in postponing for four days his obedience to the order of the Commander-in-Chief to retreat with all possible dispatch to Victoria, on the Guadalupe; and also in sending out Lieutenant-Colonel Ward in search of Captain King. But these errors sprang from the noblest feelings of humanity; first, in an attempt to save from the approaching enemy some Texan settlers at the mission of Refugio; again, in an endeavor to rescue King and his men at the same place; and finally to save Ward and his command—until all was lost save honor. The public vengeance of the Mexican tyrant, however, was satisfied. Deliberately and in cold blood he had caused three hundred and thirty of the sternest friends of Texas—her friends while living and dying—to tread the wine-press for her redemption. He chose the Lord's Day for this sacrifice. It was accepted; and God waited his own time for retribution—a retribution which brought Santa Anna a trembling coward to the feet of the Texan victors, whose magnanimity prolonged his wretched life to waste the land of his birth with anarchy and civil war."*

It is a well authenticated fact that the famous "Lone Star" flag of Texan independence was born on the soil of Georgia; and the beautiful emblem which was destined to win historic immortality at Goliad was designed by a young lady of Crawford county, Miss Joanna E. Troutman. The following account has been condensed from a brief history

* During the session of 1883, the Legislature of Texas appropriated the sum of \$1,500 for a monument at Goliad to the victims of the brutal massacre of 1836. The citizens of Goliad raised an additional \$1,700, and the City of Goliad donated a lot for the monument. The handsome shaft was unveiled in 1885. It is built of Italian marble, standing thirty-three feet in height, upon a base of granite, and contains the following brief inscriptions: On the north, the famous battle cry of San Jacinto, "Remember the Alamo! Remember Goliad!" On the west, "Independence declared, March 2nd, A. D. 1836, consummated April 21st, A. D. 1836." On the south, at the bottom of the first section, "Fannin" is chiseled in raised letters, while higher up on the monument appear these words: "Erected in Memory of Fannin and his Comrades." On the east, "Massacred March 27th, A. D. 1836." There were a number of Georgians in Fannin's command, among them a distinguished young officer of Lawrenceville, Capt. James C. Winn.

of the flag written by Macon's pioneer historian, Mr. John C. Butler, who was thoroughly conversant with the facts, from the Georgia standpoint and whose story is corroborated by an article found in an old copy of the Galveston News. Says Mr. Butler: *

"On November 12, 1835, a public meeting was held in Macon. Robert Augustus Beall, John Rutherford, and Samuel M. Strong were among the speakers who endorsed the claims of Texas. Lieutenant Hugh M. McLeod, from West Point, addressed the meeting in a spirited appeal, pledging himself to resign his commission and to embark as a volunteer. He declared that what Texas needed was soldiers—not resolutions.

"Captain Levi Eckley, commander of the Bibb cavalry, presided, with Simri Rose as secretary. Colonel William A. Ward, of Macon, proposed to form a company of infantry to enlist in the Army of Texas, whereupon thirty-two gentlemen came forward and enrolled as volunteers. On motion, the chair appointed General R. A. Beall, Colonel H. G. Lamar, Colonel T. G. Holt, James A. Nisbet, Esq., and Dr. Robert Collins, a committee to solicit subscriptions; and before the meeting adjourned \$3,150 was handed in to the committee, Dr. Collins paying in cash the greater part of the amount.

"As the company passed through other towns en route to Texas other recruits were added. At Knoxville, in Crawford County, Miss Joanna E. Troutman—afterwards Mrs. Vinson—a daughter of Hiram B. Troutman, made and sent a beautiful banner of white silk, with a blue lone star upon it, to Lieutenant McLeod to present to the company at Columbus. The following is a copy of the letter acknowledging the receipt of the flag:

COLUMBUS, GA., November 23, 1835.

"MISS JOANNA:

"Colonel Ward brought your handsome and appropriate flag as a present to the Georgia Volunteers in the cause of Texas and Liberty. I was fearful from the shortness of the time that you would not be able to finish it as tastefully as you would wish, but I assure you, without an emotion of flattery, it is beautiful, and with us the value is enhanced by the recollection of the donor. I thank you for the honor of being the medium of presentation to the company; and, if they are what every true Georgian ought to be, your flag will yet wave over fields of victory in defiance of despotism. I hope the proud day may soon arrive, and while your star presides none can doubt of success.

Very respectfully your friend,

Signed:

HUGH MCLEOD."

"This patriotic standard, made in Crawford County, by Miss Troutman, became renowned in the history of the gallant young republic as the first flag of the Lone Star State ever unfurled on Texas soil!! As they were not permitted to organize within the limits of the United States, Colonel Ward proceeded with his followers to Texas, where they were organized according to regulations. He gathered about one hun-

* "Historical Record of Macon," John C. Butler, pp. 131-137.
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dred and twenty men who were formed into three companies. These were then organized into a battalion, the officers of which were: William A. Ward, major; William J. Mitchell, surgeon; David I. Holt, quartermaster; and Henderson Cozart, assistant quartermaster. The captains were: W. A. O. Wadsworth, James C. Winn and Uriah J. Bulloch.

"After several engagements with the Mexicans, the battalion joined the command of Colonel Fannin and formed a regiment by electing Fannin colonel and Ward lieutenant-colonel. The regiment numbered five hundred and was stationed at Fort Goliad. On March 13, 1836, the original battalion, under Ward, was sent thirty miles to the relief of Captain King who had thirty men protecting a number of families in the neighborhood of a church at the mission of Refugio. On the arrival of the battalion, they found Captain King surrounded by a large force of Mexicans who disappeared on discovering that he was re-enforced. Afterwards, on leaving the mission, King, with his command, was captured and killed.

"Re-enforced to the number of fourteen hundred men, the Mexicans then intercepted Ward, who retired to the church. Breast-works were made by the battalion of pews, grave-stones, fences and other things, and the fire of the Mexicans was resisted for two days, with a loss to the enemy of one hundred and fifty men, and of only six to the Americans. But the ammunition of the battalion was exhausted on the third day of the battle, when Colonel Ward was reluctantly forced to capitulate, signing the regular articles according to the rules of war.

"It was stipulated that the battalion would be returned to the United States in eight days. Colonel Fannin, in the meantime, sent four different couriers to ascertain the cause of Ward's delay, each of whom was captured and shot by the Mexicans. The latter were again heavily re-enforced and advanced upon Fort Goliad. (See elsewhere an account of the massacre of Fannin's men, a large percentage of whom were Georgians.) Ward's battalion was included in this massacre, having been brought in as prisoners of war.

"From an old copy of the Galveston News the following account is taken: 'The flag of the Lone Star which was first unfurled in Texas was borne by the Georgia battalion, commanded by the late Lieutenant-Colonel Ward, who with almost his entire command was massacred at Goliad, in the spring of 1836, in what is known as 'Fannin's Massacre,' he being next in command to the lamented Colonel James W. Fannin. The flag was presented to Colonel Ward's command as they passed through Knoxville, Crawford County, Ga., by the beautiful Miss Joanna E. Troutman. It was made of plain white silk, bearing an azure star of five points. On one side was the inscription in rich but chaste colors: 'Liberty or Death'; and, on the other, the patriotic Latin motto: '*Ubi Libertas habitat, ibi nostra patria est.*'"

"The flag was first unfurled at Velasco on January 8, 1836. It floated to the breeze from the same liberty pole with the first flag of

* "Where Liberty resides, there our country is."

Independence which had just been brought from Goliad by the valorous Captain William Brown. What became of the flag of Independence we do not know, but the beautiful star of azure was borne by Fannin's regiment to Goliad, and there gracefully floated from the staff. On March 8, 1836, an express arrived at Goliad from Washington, on the Brazos, officially announcing that the convention then in session had formally made solemn declaration that Texas was no longer a Mexican province but a free and independent republic.

"Amid the roar of artillery, the beautiful 'Banner of the Lone Star' was hoisted to the top of the flag staff, where it proudly streamed over the hoary ramparts and the time-shattered battlements of La Bahia. But just as the sunset gun was fired and the usual attempt was made to lower the colors, by some unlucky mishap, the beautiful silk banner became entangled in the halyards and was torn to pieces. Only a small fragment remained adjusted to the flag staff; and when Colonel Fannin evacuated Goliad to join General Houston, in accordance with received orders, the last remnant of the first 'Flag of the Lone Star' was still fluttering at the top of the staff from which first floated the flag of Texan Independence.

"With the capture of Santa Anna, at the battle of San Jacinto, the silver service of the wily commander was also captured, and some of the trophies of victory, including his massive forks and spoons, were forwarded by General Rusk to Miss Troutman, in token of the regard which this Georgia lady had inspired in the stern, scarred patriots of the Revolution. On the meeting of the first Congress, the Flag of the Lone Star was adopted as the flag of the Republic and the seals of office ordered engraved with the star upon them. The public recognition of the maternity of the first Flag of the Lone Star as belonging to Georgia was made by General Memmican Hunt, the first minister from the Republic of Texas to the United States."

The State of Texas will erect a monument in the near future to the memory of the lamented Georgia woman who designed the "Lone Star" flag. During the month of February, 1913, the remains of Mrs. Vinson, formerly Miss Joanna Troutman, were exhumed from a neglected little country graveyard near Knoxville, Georgia, and forwarded to Texas, to be reinterred with public honors in the soil of the great commonwealth whose historic emblem she originated. The removal of her body from Georgia to Texas was the result of an extended correspondence between Mrs. L. L. Brown, of Fort Valley, Georgia, and Governor O. B. Colquitt, the present chief executive of Texas, a native Georgian. Miss Troutman was twice married, first to Solomon Pope, and second, to Green Vinson. She was a sister of the late John F. Troutman, Sr., of Fort Valley, Georgia. The remains of Mrs. Vinson will repose in the State Cemetery at Austin, Texas.

CHAPTER XXI

SEQUOYA'S WONDERFUL INVENTION—THE CHEROKEE ALPHABET—IN THE OPINION OF LINGUISTIC SCHOLARS ONE OF THE GREATEST ACHIEVEMENTS OF THE HUMAN INTELLECT—DR. SCOMP'S CRITICAL ANALYSIS—HOW SEQUOYA CAME TO DEVISE AN ALPHABET—ITS EFFECT UPON THE CHEROKEE NATION—NEWSPAPERS AND PERIODICALS PRINTED IN SEQUOYAN—BIBLES AND HYMN-BOOKS—THE CHEROKEE ADOPT A NATIONAL CONSTITUTION—SEQUOYA'S GREAT AMBITION—TO PRODUCE A UNIVERSAL LANGUAGE FOR THE INDIANS—WHEN AN OLD MAN HE GOES TO THE FAR WEST IN SEARCH OF A LOST TRIBE—DIES IN MEXICO.

Sequoya, the noted Indian half-breed, who invented the Cherokee alphabet, lived at one time near the village of Alpine, in Chattooga County, Georgia, not far from the present Alabama line. The first newspaper ever printed in Sequoyan characters was edited and published at New Echota, in Gordon County, at the confluence of the Coosawattee and the Connasauga rivers. Sequoya's invention marked the rise of culture among the Cherokees, the only tribe of Indians on the North American continent who possessed a written language and who boasted an organized national existence, founded upon constitutional law. In the opinion of linguistic scholars, the invention of Sequoya is one of the greatest achievements of the human intellect. The celebrated red-wood trees of California, the most colossal giants of the American forest, have been christened the Sequoias, in honor of this gifted Indian's wonderful invention.* It is not an inappropriate tribute to the almost extinct race which produced the original occupants of the soil that the greatest of red-wood trees should commemorate the greatest of red men. Dr. H. A. Scomp, the author of the following article, was for years professor of Greek, in Emory College, at Oxford, Georgia. He was later engaged to prepare a comparative dictionary of the Muskogee languages, under the auspices of the Smithsonian Institution of Washington, D. C. Doctor Scomp was an eminent literary critic, and one of the foremost authorities of the day on the subject of Indian antiquities.

"Perhaps the most remarkable man who has lived on Georgia soil, was neither a politician, nor a soldier, nor an ecclesiastic, nor a scholar—but was merely a Cherokee Indian, of mixed blood. And, strange to say, this Indian acquired permanent fame, neither expecting it nor seeking after it. He himself, never knew the full measure of his claim to a place in the temple of fame; never knew the full value of his work, nor the literary chasm which he had bridged; never knew that

in his own little tribe he had solved a literary problem till then unsolved in all the realm of linguistic science.

"Sequoya, or Sikwayi—known to the whites as George Guest, Guess or Gist, was born at Taskigi, Tennessee, a Cherokee town, probably about 1760. He was the fruit of one of those illicit connections so common among the more civilized tribes. Sequoya's paternal ancestor has been variously surmised: by some he (Sequoya) was regarded as the son of a German-Indian trader; by others his father was thought to be an



SEQUOYA, AN INDIAN HALF-BREED WHO INVENTED THE CHEROKEE ALPHABET

Irishman; while still others have held him to be the son of Nathaniel Gist, afterwards famous for his activity in the American Revolution.

"We are not well advised as to Sequoya's part in the struggle for independence, nor in the later troubles of the Cherokees with the whites. We have strong reasons for supposing that in his heart he bore in those days little good will to his pale-faced kinsmen. At all events he owed nothing to English letters and little to the arts of civilization.

"Sequoya spent his earlier years like most of his tribesmen in hunting and in peltry trading; until on one of his hunting trips he was by

* "New International Encyclopedia," Vol. XVII. Article on the Sequoias.

accident injured and was thereafter a cripple for life. Thus debarred from active work, he was still able to make various and distant expeditions in a search other than that for wild beasts.

"Even as a hunter Sequoya was noted for his inventive genius and extraordinary mechanical skill. He was, too, a craftsman in silverwork and indeed a kind of Indian Tubal-Cain in the fashioning of metals. His maiming had caused the development of his reflective, undeveloped mentality. Although totally unacquainted with letters, his quick observing powers very early made him conscious of the value of the art of writing and of the power of the printing press among the whites, although he had little love for the pale faces. What could the Cherokee do to appropriate to himself this wonderful power which Sequoya felt to be at the basis of the white man's civilization?

"It would be a most interesting study to follow, if possible, the mental processes of this child of nature in his long quest of means to an end in working out his problem for his nation. He had no model for a guide, not even a blind Indian trace in the wilderness, for no predecessor had ever blazed a way which might serve even for suggestion. A real or a mythic Cadmus had an immortality covering at least thousands of years, for bringing to Greece an alphabet representing sixteen elementary sounds—mere breathings or ejaculations, of the human voice, though severally representing nothing. But Sequoya had never heard of Cadmus, nor of his invention—if the first alphabet was really of Phoenician origin.

"Hieroglyphs or hierograms—even had Sequoya ever dreamed of these—would not have answered his purpose. The ideograph, or ideahierograph, could not work in Cherokee, for the Indian has never recognized the abstract. Mere picture writing was too complicated for the needs of ordinary life, and practicality was Sequoya's gospel. Nor did the symbolic hieroglyph offer anything better. Thousands of symbols would be necessary to furnish expression for even a limited language and how could these ever be committed to memory by the people and made of any practical utility. If Sequoya ever thought of symbolism for his system, he doubtless soon gave up the idea. Phonetics seemed to offer something better, and to this field the Indian genius soon devoted his exclusive attention.

"Happily, Sequoya knew nothing of ancient phonetics; he undertook to deal with sounds, not with ideas. Had he undertaken, like the ancients, to represent ideas by symbols, it is very certain that he could never have reached his proposed end; could never have developed his idea; could never have found a workable system of character representation. Turning into the field of real phonetics, or abstract sounds divested of all connection with ideas or word-representatives—this wonderful child of the forest set himself to the task of counting up and calendaring—pardon the word—the separate sounds found in the Cherokee language.

"These he reckoned at eighty-five in number. Arrived at this point his work was already, for the most part, accomplished. The inventing of eighty-five character-representatives for these eighty-five distinct sounds, was a much lighter task. But what infinite toil and research to examine all the words of his language with their constituent sounds

or syllables, resolve them and find a key for representing them. Cadmus, nor any Phoenician, Egyptian, Chinaman, nor other ancient nor modern had ever reached any such solution to the literary problem.

"For about twelve years he labored at his strange task, and, as usual with men of real genius, was ridiculed by his people, who could

Cherokee Alphabet.					
D _a	R _e	T _e	o _h	C _h	i _r
S _{ya} O _{ka}	F _{ye}	S _{ye}	A _{ye}	J _{ye}	E _{ye}
T _{ha}	P _{he}	J _{ha}	F _{ha}	F _{ha}	C _{he}
W _{ha}	C _{he}	P _{ha}	C _{ha}	M _{ha}	A _{he}
S _{ha}	A _{he}	H _{ha}	S _{ha}	S _{ha}	
O _{ha} U _{ha} G _{ha}	A _{he}	h _{ha}	Z _{ha}	A _{he}	C _{he}
T _{ha}	A _{he}	P _{ha}	V _{ha}	C _{he}	E _{ye}
U _{ha} O _{ha}	A _{he}	L _{ha}	T _{ha}	E _{ye}	R _{ye}
L _{ha} W _{ha}	S _{ha} U _{ha}	J _{ha} J _{ha}	V _{ha}	S _{ha}	P _{he}
S _{ha} f _{ha}	L _{ha}	C _{he}	A _{he}	P _{ha}	P _{he}
G _{ha}	V _{ha}	K _{ha}	J _{ha}	C _{he}	C _{he}
G _{ha}	C _{he}	O _{ha}	C _{he}	S _{ha}	G _{ha}
A _{he}	B _{ha}	S _{ha}	f _{ha}	G _{ha}	B _{ha}

Sounds represented by Vowels.

as in *at* or *father*, or short as in the *cat* | as in *the* or *day*, or short as in *it* and
as in *an* or *but*, or short as in the *cut* | as in *one* or *but*, or short as in the *cut*
as in *the* or *father*, or short as in the *cat* | as in *the* or *day*, or short as in *it* and

Consonant Sounds

as in *at* or *father*, or short as in the *cat* | as in *the* or *day*, or short as in *it* and
as in *an* or *but*, or short as in the *cut* | as in *one* or *but*, or short as in the *cut*
as in *the* or *father*, or short as in the *cat* | as in *the* or *day*, or short as in *it* and

THE CHEROKEE ALPHABET

not grasp the meaning of his bizarre life and studies. He is usually pictured with a pipe in his mouth, bending over his work; though we can give no credit to the nicotine for any part of his invention. For untold centuries the Indians had used their tobacco for offerings, for the curing of diseases, for sealing treaties, and for nerve-soothing around their camp-fires. But we have never read of anything of intel-

lectual, moral, or physical worth as a probable result of this devotion to their native weed, the chief of narcotics.

"But Sequoya won at last. In 1821 the Cherokee council adopted the new syllabary, and the nation, with great enthusiasm, set about to learn it. In a few months thousands of them could read and write Sequoyan with facility. The Cherokee boy made no mistakes in his spelling. His written language had no silent letters, no ambiguous sounds, to deal with. Sequoya was now in high feather among the people who had once derided him.

"In 1822 he went to those Cherokees who had already settled beyond the Mississippi to teach these also the new system, and the next year he established his permanent home with these western tribesmen. The practicability of the new system was soon put to the proof, for in 1824 parts of the Bible were published in Sequoyan Cherokee, and in 1828 the first North American Indian periodical—the Cherokee Phoenix—began to be published at New Echota, the Cherokee capital, near the present Rome in North Georgia. The Phoenix—published partly in English and partly in Sequoyan—ran until October, 1835, when the general forced migration of the tribe to the trans-Mississippi brought about its suspension. Elias Boudinot was its editor.

"Several other periodicals at irregular intervals—The Cherokee Messenger, in 1844, published at the Baptist mission, Park Hill, I. T., and entirely in Cherokee; The Cherokee Advocate, in 1844, a weekly, partly in English and partly in Cherokee; The Cherokee Almanac, an annual now of many years' standing, and various other current or permanent publications have since appeared.

"Sequoya's worth was now appreciated by his people. In 1828 the western Cherokees sent him to Washington to negotiate in their behalf with the government, and when the eastern and western Cherokees were united in their new home, he became a powerful factor in the organization of the tribal government.

"But he was still a dreamer and an idealist. The conception of a common Indian language with a common grammar and a common syllabary, took possession of his mind, and he visited many tribes searching for these common linguistic elements for aboriginal uniformity. He probably never realized the need, as preliminary to his generalization, for individual and native investigators to do for their respective tongues what he himself had done for Cherokee, viz.: to first reduce these dialects to syllabaries with character representatives, out of which a large system of common phonetics might be produced, though we fail to see how a common written language could have been the outcome.

"In China twenty totally different vernaculars have a common literary language; but this is due to a common system of word, or idea, representation, e. g., the ideographs for horse, cow, dog, etc., may be universally recognized while the words severally expressing these ideas in the various dialects may be widely different and mutually unintelligible.

"But in a system of sound characters the ideas are wholly wanting, and unrelated to the sounds. Sequoya went in his old age in quest of a lost Cherokee tribe which, according to tradition, had settled somewhere in the west. In August, 1843, he died, near San Fernando, Tamaulipas, Mexico, the most extraordinary literary genius of perhaps all the ages.

"It is curious to speculate upon the possible and the probable outcome of Sequoya's remarkable invention, could it have had fair play for two or three centuries among the Cherokees. What could it have accomplished alone and unhampered among these tribesmen? To what degree of civilization might they have attained with their syllabary alone to help them in science and arts? Of course we must allow as preliminary its author's first acquaintance with the whites and the suggestion and the spur thus afforded to him, without which he would never have undertaken the creation of a literary system. But this much given, and then the permanent segregation of the Cherokees from the whites—what of the result?

"Is it too much to suppose that the Cherokees would by themselves have reached a high stage of civilization? What has been the effect of a general knowledge of letters among the nations of the earth? Such peoples have uniformly attained to a high stage of advancement on every line. Nor need we suppose that the Cherokees would have furnished an exception to this universal ethnic rule. But Sequoya's system never had opportunity for full development. The English language, the English school, the English book and periodical—held the Cherokee in their clasp. The pressure was too powerful to be resisted. But suppose the Cherokees with their syllabary left alone with the other tribes of the forest—they would undoubtedly have become the Athenians of this Western world, while the other red men would have been the 'Barbarians,' despised by these American Hellenes."*

Sequoya's wonderful invention produced an immediate effect upon Cherokee development. In the fall of 1824, John Arch, a young convert, made a manuscript translation of a part of St. John's gospel, which was the first Bible literature in which the characters of the new alphabet were used. Hundreds of copies were made, and the work was widely disseminated. Later David Brown completed a translation of the entire New Testament. Some two years after the new alphabet was completed, the Cherokee council, having decided to establish a newspaper, type was cast in Boston, under the superintendence of the noted missionary, Worcester, who, during the winter of 1827, contributed to the Missionary Herald five verses of Genesis in the new syllabary, this being the first appearance in print. Early in 1828, the newspaper outfit arrived at New Echota, and the first number of the Cherokee Phoenix appeared on February 21, 1828. Elias Boudinot, an educated Cherokee, was the editor. The first printers were two white men, Isaac N. Harris and John F. Wheeler.

* "The Library of Southern Literature," Vol. XVI, Atlanta, 1913.

It was in a log house that this pioneer newspaper of North Georgia was edited and published. The outfit was shipped from Boston to Augusta and transported two hundred miles by wagon. Such was the beginning of journalism in the Cherokee nation. After a precarious existence of some six years, the Phoenix was suspended, owing to the hostile action of the Georgia authorities; but its successor, the Advocate, arose in 1844 at Tahlequah, under William P. Ross. Bibles, hymn-books, school books, theological works, etc., were also printed in large numbers. Besides being the first newspaper published in North Georgia and the first newspaper in which the characters of the new alphabet were used, it was also the first newspaper owned and edited by the Indians of North America. Simultaneously with the decree establishing the national press at New Echota, the Cherokee national council, on July 26, 1827, adopted a constitution. John Ross was president of the convention. The choice of principal chief fell upon Charles R. Hicks, a Mevavian convert of mixed blood, but he was soon succeeded by John Ross, who became the great leader of the national party, in opposition to the policy of removal, and, first and last, amid the turbulent times in Georgia and throughout the long period of unrest in Indian Territory, he remained steadily at the helm, a devoted servant of his people for nearly forty years.

CHAPTER XXII

THE DEPORTATION OF THE CHEROKEES—PROF. JAMES MOONEY, OF THE BUREAU OF ETHNOLOGY, IN WASHINGTON, HAS WRITTEN AN EXHAUSTIVE ACCOUNT OF THIS EPISODE BASED UPON RECORDS PRESERVED BY THE GOVERNMENT AND INTERVIEWS HELD WITH AGED CHEROKEES IN THE INDIAN TERRITORY—HOW THE TRIBES WERE REMOVED—THE STORY TOLD IN DETAIL—SUFFERINGS OF THE INDIANS EN ROUTE—SOME DIE ALONG THE JOURNEY—ONE OF THE MOST PATHETIC CHAPTERS IN GEORGIA'S HISTORY—MAJOR RIDGE, JOHN RIDGE, ELIAS BOUDINOT AND OTHERS ARE MURDERED IN THE INDIAN TERRITORY—ROSS IS ACQUITTED OF ANY COMPLICITY IN THE AFFAIR—AT LAST THE BREACH BETWEEN THE TWO FACTIONS IS HEALED.

To an eminent investigator, Professor Mooney, of the Bureau of Ethnology, in Washington, D. C., who has devoted his life to Indian researches, we are indebted for the following graphic account of the removal of the Cherokee Indians from Georgia. He makes no effort to soften the colors. The story is most pathetic; and even at this late day some of the incidents cannot fail to melt the reader to tears. Says Professor Mooney:

"The history of this Cherokee removal of 1838, as gleaned by the author from the lips of actors in the tragedy, may well exceed in weight of grief and pathos, any other passage in American annals. Even the much-sung exile of the Acadians falls far behind it in the sum of death and suffering. Under the orders of General Winfield Scott, troops were stationed at various points throughout the Cherokee country, where stockade forts were erected for the purpose of corralling the Indians preparatory to removal. From these forts, squads of troops were sent out to search with rifle and bayonet every small cabin hidden away in the coves of the mountains and to make prisoners of all the occupants, however or wherever they might be found.

"Families at dinner were startled by the sudden gleam of bayonets in the doorway and rose up to be driven with blows and oaths along the weary miles of travel leading to the stockade. Men were seized in the fields or along the roads. Women were taken from their wheels and children from their play. In many cases, on turning for one last look as they crossed the ridge, they saw their homes in flames, fired by the lawless rabble who followed on the heels of the soldiers to loot and to pillage. So keen were these outlaws on the scent that in some instances they were driving off the cattle and other stock of the Indians almost before the soldiers had started their owners in the other direction. Systematic hunts were made by the same men for Indian graves to rob them of the silver pendants and other valuables deposited

with the dead. One of the Georgia Volunteers, afterwards a Colonel in the Confederate service, said: 'I fought through the Civil War. It has been my experience to see men shot to pieces and slaughtered by thousands. But the Cherokee removal was the cruellest work I ever saw.'

"To prevent escape, the soldiers were ordered to surround each house, as far as possible, so as to come upon the occupants without warning. One old patriarch, when thus surprised, calmly called his children and grandchildren around him, and, kneeling down, bade them pray with him in their own language, while the astonished soldiers looked on in silence. Then rising, he led the way into exile. In another instance, a woman, on finding the house surrounded, went to the door and called up the chickens to be fed for the last time, after which, taking her infant on her back and her two older children by the hand, she followed her husband with the soldiers.

"All were not thus submissive. One old man named Charles was seized with his wife, his brother, and his three sons, together with the families of the latter. Exasperated by the brutality accorded his wife, who, being unable to travel fast, was prodded with bayonets to hasten her steps, he urged the other men to join with him in a dash for liberty. As he spoke in Cherokee, the soldiers understood nothing until each warrior sprang upon the one nearest and endeavored to wrench his gun from him. The attack was so sudden and unexpected that one soldier was killed, while the Indians escaped to the mountains. Hundreds of others, some of them from the stockades, also managed to escape from time to time and subsisted on roots and wild berries until the hunt was over. Finding it impossible to secure these fugitives, General Scott finally tendered them a proposition, through Colonel W. H. Thomas, their trusted friend, to the effect that if they would surrender Charles for punishment the rest would be allowed to remain until the matter could be adjusted by the government. On hearing of the proposition Charles voluntarily came in with his sons, offering himself a sacrifice for his people. By command of General Scott, Charles, his brother and his sons were shot near the mouth of the Tuckasegee, a detachment of Cherokee prisoners being forced to do the shooting in order to impress upon the Indians the fact that they were helpless. From these fugitives, who were thus permitted to remain, originated the eastern band of Cherokees.

"When nearly 17,000 Indians had thus been gathered into the stockades, the work of removal began. Early in June several parties, aggregating about 5,000 persons, were brought down by the troops to the old agency on the Hiawassee at Calhoun, Tenn., to Ross's Landing, now Chattanooga, Tenn., and to Gunter's Landing, now Gunterville, Ala., where they were put upon steamers and transported down the Tennessee and Ohio to the further side of the Mississippi, where the journey was continued by land to Indian Territory. The removal, in the hottest part of the year, was attended by such sickness and mortality that, by resolution of the Cherokee national council, Ross and other chiefs submitted to General Scott a proposition that the Cher-

okees be allowed to move themselves in the fall, after the sickly season was ended. This was granted on condition that all should start by October 20th, except the sick and the aged. Accordingly, officers were appointed by the Cherokee council to take charge of the emigration; the Indians being organized into detachments averaging 1,000 each, with the leaders in charge of each detachment and a sufficient number of wagons and horses for the purpose. In this way, the remainder, enrolled at about 13,000, including negro slaves, started on the long march overland in the fall.

"Those who thus migrated under the management of native officers, assembled at Rattle Snake Springs, about two miles south of Hiawassee River, near Charleston, Tenn., where a final council was held, at which it was decided to continue the old constitution and laws in the new home. Then the long procession of exiles was set in motion. Some went by the river route, but most over land. Crossing to the north side by a ferry, they proceeded down the river, the sick, the old, and the infants, with the blankets, cooking pots, etc., the rest on foot and on horse. The number of wagons was 645.

"It was like the march of an army, regiment after regiment, the wagons in the center, the officers along the line, and the horsemen on the flank and at the rear. After crossing the Tennessee River, at Tucker's Ferry, they moved toward Nashville, where the Cumberland was crossed. Thence to Hopkinsville, Ky., where the noted chief, White Path, who was in charge of one of the detachments, sickened and died. His people buried him by the roadside, with a box over the grave, and streamers around it, so that the others, coming on, might note the spot and remember him. Somewhere further along the march of death—for the exiles died by tens and twenties each day—the devoted wife of John Ross sank down, leaving him to go on with the bitter pang of bereavement added to heart-break at the ruin of his nation. The Ohio was reached at a ferry near the mouth of the Cumberland and the army passed through Southern Illinois, until the great Mississippi was reached, opposite Cape Girardeau, Mo. It was now the middle of winter, with the river running full of ice, so that several detachments were obliged to wait some time on the eastern bank for the channel to clear.

"In talking with old men and women at Tallequah, the author found that the lapse of over half a century had not sufficed to wipe out the memory of the miseries of this halt beside the frozen river, with hundreds of sick and dying penned up in wagons or stretched upon the ground, with only a blanket overhead to keep out the January blast. The crossing was made at last in two divisions at Cape Girardeau and at Green's Ferry, a short distance below, when the march was through Missouri to Indian Territory, the later detachments making a circuit through Springfield, because those who had gone before had killed off all the game along the direct route. At last the destination was reached—the journey having occupied six months of the hardest part of the year.

"It is difficult to arrive at any accurate statement of the number of Cherokees who died as the result of the removal. According to official figures those who removed under the direction of Ross lost over

1,600 on the journey. The proportionate mortality among those who previously removed under military supervision was probably greater. Hundreds died in the stockades and in the waiting camps, chiefly by reason of the rations furnished, which were of flour and other provisions to which they were not accustomed. Hundreds of others died on arrival from sickness and exposure. Altogether, it is asserted, possibly with reason, that over 4,000 Cherokees died as the direct result of the removal. On reaching Indian Territory, the emigrants at once set about building houses and planting crops, the government having agreed under the treaty to furnish them with rations for one year after arrival. They were welcomed by the Arkansas Cherokees, kinsmen who held the country under previous treaties. These, however, being regularly organized, were not disposed to be swallowed up by the governmental authority of the new comers. Jealousies developed in which the minority or treaty part of the emigrants, headed by Ridge, took sides with the old settlers, against the Ross or national party, which outnumbered the others nearly three to one; and then followed the tragic sequel."

On June 22, 1839, Major Ridge, his son, John Ridge, and Elias Boudinot suffered the penalty of having advocated the removal of the Indians to the West. It was in the midst of great political excitement that the three-fold act of murder was perpetrated, but the evidence shows that the whole affair was deliberately planned. The report made by the Indian agent to the secretary of war, two days after the occurrence, gives the following particulars: "The murder of Boudinot was treacherous and cruel. He was assisting some workmen in building a new house. Three men called upon him and asked for medicine. He went off with them in the direction of Worcester's, the missionary who keeps medicine, about three hundred yards from Boudinot's. When they were about half way, two of the men seized Boudinot and the other stabbed him, after which the three cut him to pieces with knives and tomahawks. This murder, having occurred within two miles of the residence of John Ross, his friends were apprehensive that it might be charged to his connivance, and at this moment there are 600 armed Cherokees around the dwelling of Ross assembled for his protection. The murderers of the two Ridges and Boudinot are certainly of the late Cherokee emigrants and of course adherents of Ross but I cannot yet believe that Ross has encouraged the outrage. He is a man of too much good sense to embroil his nation at this critical time; and besides, his character, since I have known him, which is now twenty-five years, has been pacific. Boudinot's wife is a white woman, a native of New Jersey, as I understand. He has six children. The wife of John Ridge is a white woman, but from whence or what family I am not informed. Boudinot was in moderate circumstances. The Ridges, both father and son, were rich."

John Ross, the principal chief of the nation, does not seem to have been a party to the transaction, though it was doubtless in accordance with a law of the tribe, similar to the one under which the brave chief of the Creeks, Gen. William McIntosh, suffered death. Moreover, the national council afterwards declared the murdered men to have been

outlaws, and also pronounced null and void the treaty of New Echota. Jurisdiction over the Georgia lands was reasserted; but at this stage the United States Government interfered. Chaotic conditions prevailed for several months. At last, however, the breach was healed. At a general convention in which both the Eastern and the Western Cherokees were represented, together with both the Ridge and the Ross factions, the whole tribal connection was declared to be one body politic under the name of the Cherokee nation. On behalf of the Eastern Cherokees, the compact of agreement was signed by John Ross, principal chief, George Lowrey, president of the council, and Going Snake, speaker of the council, with thirteen others. For the Western Cherokees it was signed by John Looney, acting principal chief, George Guess, president of the council, and fifteen others. On September 6, 1839, Tallequah was made the capital of the nation. At the same time a new constitution was adopted by a convention composed chiefly of Eastern Cherokees, but it was finally ratified by the old settlers at Fort Gibson, on June 26, 1840, an act which completed the reunion of the nation."

* For the facts contained in this article the writer is indebted in the main to a work entitled "Myths and Legends of the Cherokees," by James Mooney, of the Ethnological Bureau, Washington, D. C. The work is embodied in Vol. 118, House Documents.