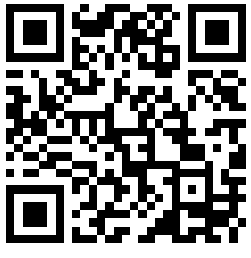
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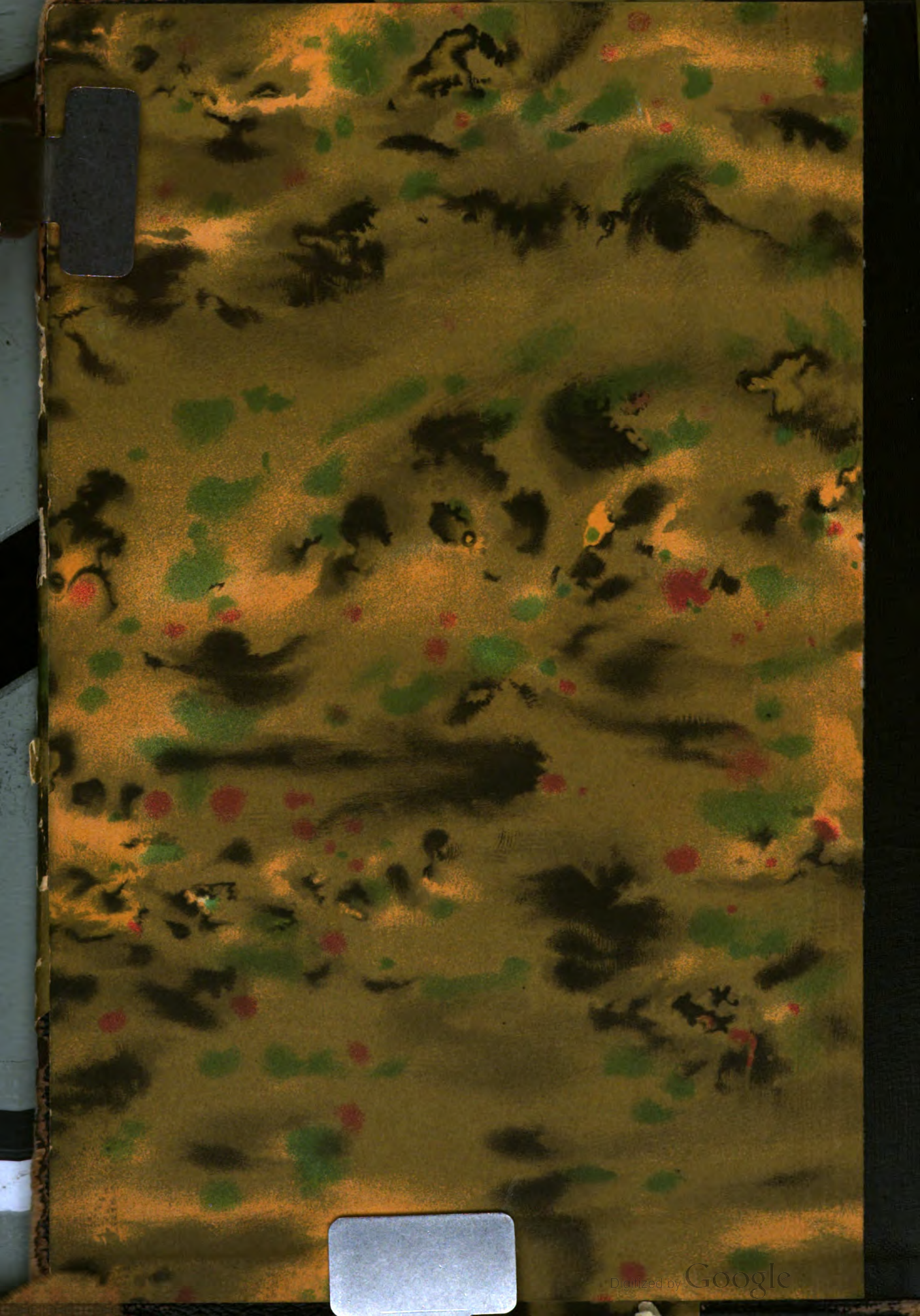
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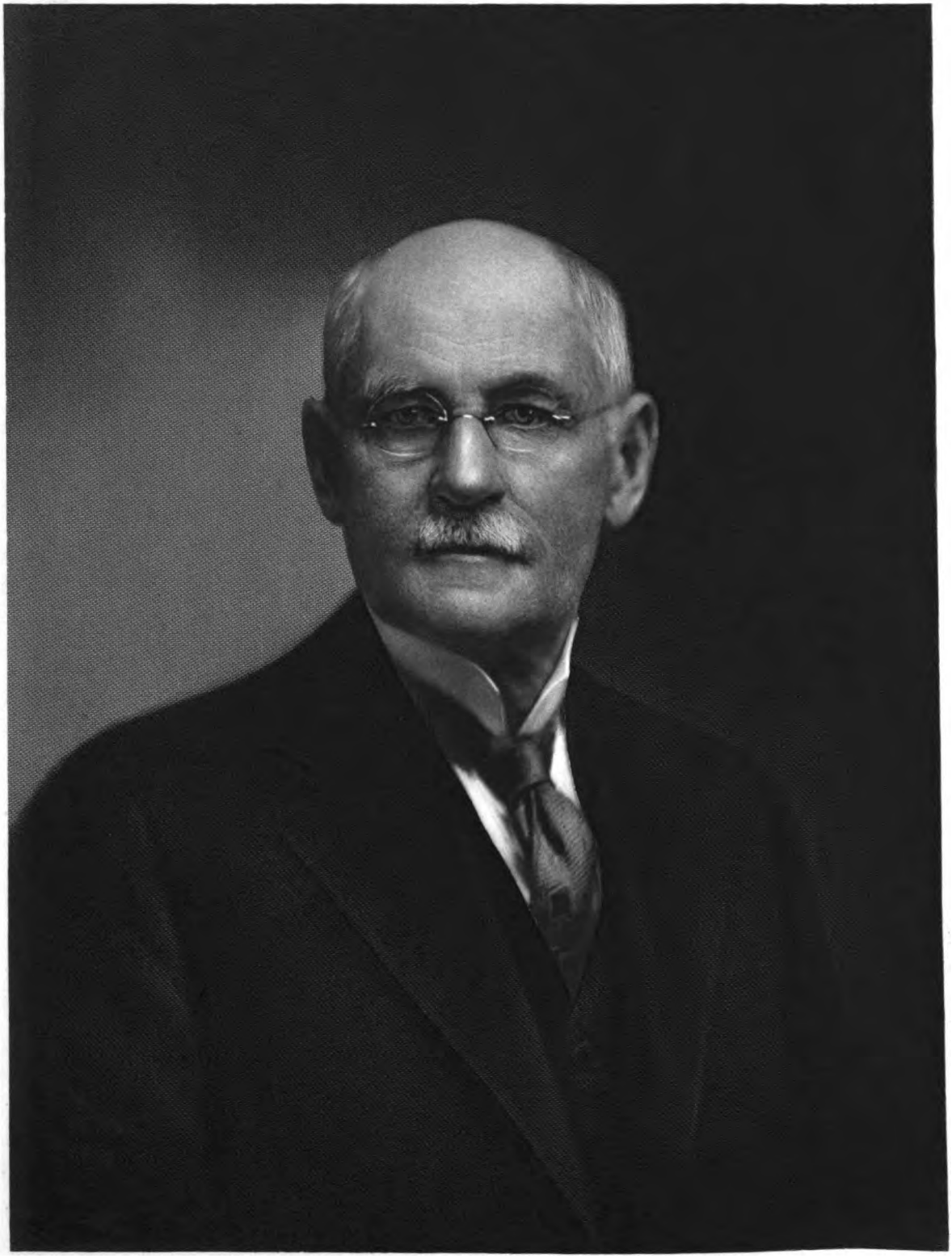

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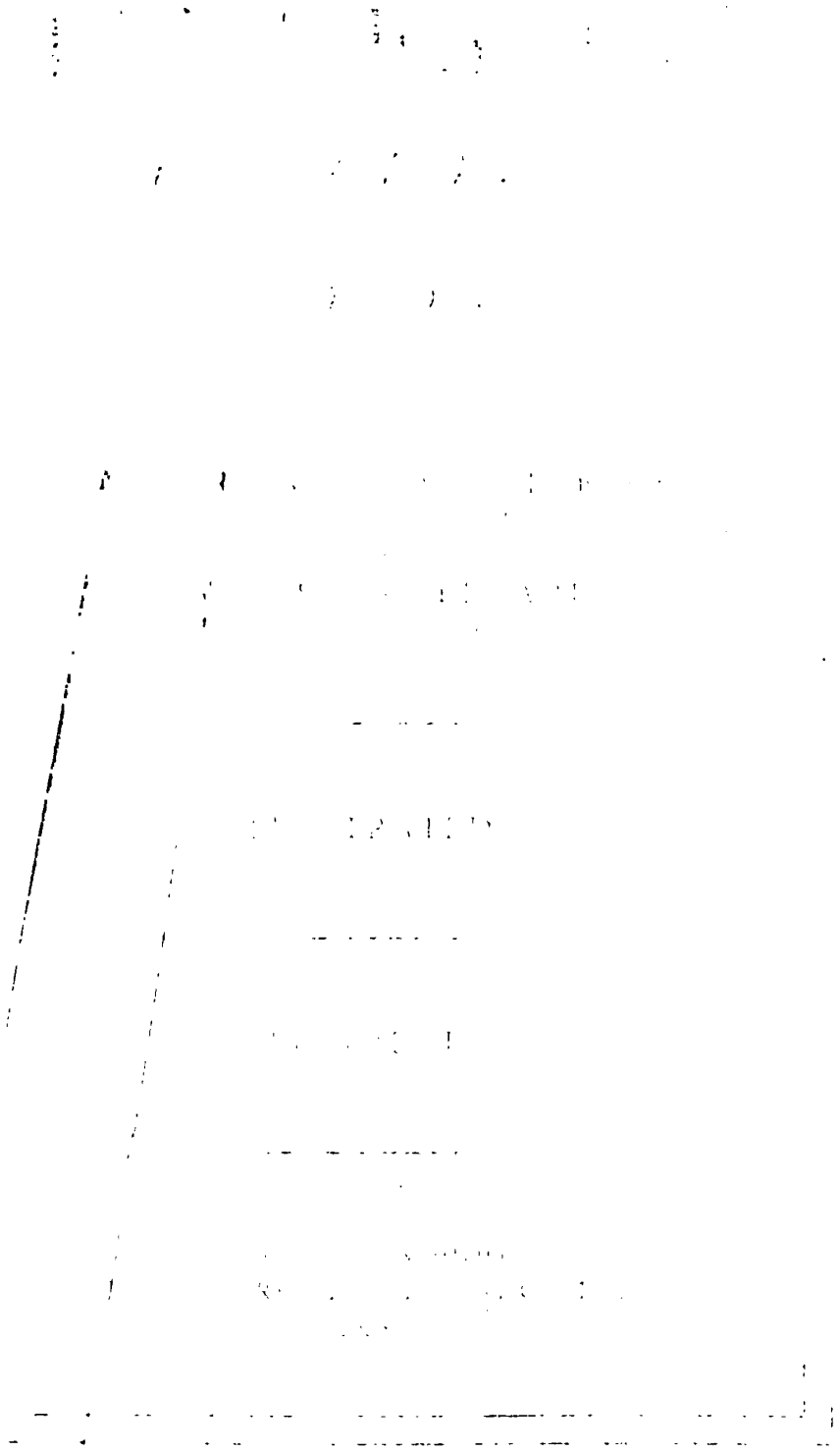
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Very truly yours
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TENNESSEE

The Volunteer State

1769—1923

BY
JOHN TROTWOOD MOORE, Editor
State Librarian and Archivist
AND
AUSTIN P. FOSTER, A.M.
Assistant Librarian and Archivist

ILLUSTRATED

VOLUME I

CHICAGO NASHVILLE
THE S. J. CLARKE PUBLISHING COMPANY
1923

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FOREWORD

The sea is the creator of history, but the great visions of the world have all come from the inlands.

Commerce is ruthless and brutal—it brings few finer dreams. These have come from over the mountains. American history began in one long stretch down the sea-coast. Their beginnings were all the same—they ran in parallels with the sea-line. They had to do first with sea traffic, and the land from which they came. It was a century before the American colonies thought they were anything more than English, or French, or Spanish colonies just across the sea from their mother land. Their ideals were the mothers'—their religion, their customs, laws, commerce, literature, government—they were mother-colonies.

They did not change because the sea was too handy. They had no new visions because they could see across the sea. And across the sea stood Kings—English, French, Spanish.

There was no real Democracy of the plain people in America until they lost sight of the sea and crossed the mountains; until they slept in the wilderness; until they found themselves in the solitude of vast new lands of forest and river, and plain and prairie, where each man was ruler of his own, but held, for protection, to the voice of all.

Thus began real Democracy in America.

One of the first over the mountains was Tennessee—"the territory of the United States South of the River Ohio." It might better have been called the Wilderness Beyond the Mountains. Its history is different from that of all the sea-coast states. It had no tradition of kings, so it set up in the Watauga a representative government of all the people, the first to be established in America.[1] Later, as they swept westward, another was set up on the Cumberland, some three hundred miles farther West. This was the beginning of representative government "of the people, by the people, for the people" in America.

The one on the Watauga swept North and South up and down the valleys of the Clinch, the Holston, the French Broad and the Little Tennessee. The one on the Cumberland swept westward to the Mississippi, North to the Kentucky, and South across "the Big Bend of the Tennessee."

Within that area today lies the State of Tennessee.

It is a virile story, a thrilling one, romantic, heroic, splendid.

It has no parallel among the states.

They were plain Anglo-Saxon people of pure blood and undefiled lineage. They are that today.

They are a law unto their race-self, and they made their laws to fit their race life—a representative Democracy in which their cabin was their castle. As

[1] The agreement for the government of the Watauga settlement was the first written constitution adopted by the consent of a free and independent people in America. (See Ramsey, page 107; Roosevelt's Winning of the West, Vol. 1, page 184.)

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they knew no King in the state, they wanted none in their government, their church, their commonwealth nor their business. They would stand for no priest, saint, nor preacher between them and their God, and what was greater, between them and their laws.

They were God-fearing, but they feared nothing else.

They chose a Preacher to tell them of God, a General to tell them of war, a Judge to tell them of laws, a Constable to enforce them, a Teacher to tell them of knowledge and a Wife and Mother to tell them of home and the rearing of children.

As they left the sea-line for the wilderness, the savage and the primal passions of their own race, for the conditions that faced them, the problem was to survive or perish.

They survived.

There was scant sympathy and no help from the sea-line; therefore they helped themselves. It was savage or civilization—the primal passions of their own, unhampered by law or order in the wilderness, plus the savage Indian; they regulated one and swept away the other. It was do or die—and they did.

Some of them have always done the one great thing in every crisis of the Republic, of which they are a part, and for every call of patriotism where a man of courage was needed with his gun. For instance: John Sevier and the Watauga boys at King's Mountain; Jackson and his Tennesseans in the Creek War and at New Orleans; "The Bloody First in Mexico"—Forrest, Farragut, the Hindenburg Line—York—Always and every time some son of the Volunteer State has done the one great thing at the one great time.[2]

It is called the Volunteer State, but they volunteer just as quickly to fight in peace as in war—their race ideals, their religion, their pure blood, their rights, their duties, trade, progress, prejudices, beliefs, memories, maids and wives.

"No miscegenation—no social equality"—courageously, but tardily, says, recently, a President of the United States; but the South had to prove it by a half century of abuse, derision, misrepresentation, adverse legislation and fighting.

They have laws written and unwritten: the unwritten laws, being racial and of instinct, with a thousand years of race life behind them, though unspoken, are the strongest. These are some of the unwritten laws of their race which can never be changed by those written:

(1) They are not to be confined by mountains, rivers, seas or continents. They go ever onward for vaster and richer lands. They hold now the great lands of the world—England, Scotland, Ireland, Wales, Australia, New Zealand, South Africa, Alaska, the Philippines, Canada, the United States, the Indies, and protectorates over vast continents of backward peoples, who are absorbing from their rulers the great principles of self government. Wherever they rule it is for righteousness and the rights of men.

---

[2] The native white of native parentage population of the entire South (Census of 1910) was 18,561,146. This was 37.5 per cent of the total native whites in the U. S. The Tennessee River Basin group of 12,436,092 native whites of native parentage is the largest and purest single group of Anglo-Saxon people in the world outside of England. Tennessee is the center of that group; and from the Battle of King's Mountain in the American revolution, to the battles of the Hindenburg Line in France, have gone, as from adjoining states, heroic men of spectacular achievement who have been an integral part of the hinges upon which has turned the history of the world.—Statistics & Politics, John W. Farley, Memphis, Tennessee, Page 30.

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(2) Their leader is the best man among them—bowman, rower, rifleman, statesman. Says an old historian in an early history of them: "You see as many leaders as you behold rowers, for they all command, obey, and teach. Shipwreck disciplines but does not deter them."

(3) They will not intermarry with inferior peoples. The pure native Anglo-Saxon blood—children of pure native Anglo-Saxon whites—in the nine states of which Tennessee is the center is about ninety-six per cent. No other section of the United States can show nearly such a per cent. If the South had yielded to her enemies and miscegenated, the Mexican border would have been at the Ohio, the Nation would have been half white and half Haytian, and the Hindenburg Line would never have been broken.[3]

(4) They will have no religious autocrat between them and their God. The separation of church and state is part of their Magna Charta.

If abused, they fight, if their rights are infringed they rebel; if forced, they strike; and if their liberties are threatened, they murder. If the foundations of their Democracy are assailed, though it be by Kings at the end of the world, they unite from Alaska and Australia to England and America to destroy them.[4]

(5) They eat meat and always their bread is hot.[5]

They did not get their courage from rice, dried fish and bananas nor their religion from the Caesars.

Tennessee's influence has proved to be the most vital and far-reaching in the establishment of future states throughout the great Southwest including even the domain of that vast territory first traversed by William Clarke and Meriwether Lewis extending to the shores of the Pacific. The influence of such men as John Sevier, Andrew Jackson, James Robertson, Sam Houston and David Crockett was not confined to their own state of Tennessee but became a vital force in the formation of the entire Southwest.

In all of these the spirit of Andrew Jackson lives today as firmly entrenched as when it first dominated the hopes and aspirations of the young Republic. Houston and Crockett are as alive in Texas and the great Northwest today as they were at the Alamo and San Jacinto. The later cowboy of the great Northwest was only a counterpart of his predecessor of the Watauga and the Cumberland.

In the formation of the national spirit of the American Commonwealth today Jackson stands above all others like a colossus. The "Union must and shall be preserved" is as firmly entrenched in America today as when he destroyed to preserve it, the Creeks, the British, Nullification, (whether in New England or South Carolina,) and the autocracy of wealth and special interests.

---

[3] The leprosy of Bolshevism has no part in the mental make-up of the Anglo-Saxon in the South whether he wore a uniform in Europe or only in America; or was a soldier between the plow handles or in the counting room. He will not be committed to communism. The virus of socialism that has inoculated so much of the proletariat of the North and East, will be in him a lifeless germ.—Statistics & Politics, John W. Farley, Page 46.

[4] "It seems to me that all discussions of ways and means to prevent war and plans for combined nations must be based on a union in thought and heart of the Anglo-Saxon people."—General John J. Pershing, Speech, London, July 17, 1919.

"Let it never be forgotten that these Anglo-Saxon institutions are ours in trust; we hold them for a thousand generations yet to emerge from the stream of time. They are sacred heirlooms, confided to our keeping for those who are to come after us—and if we allow them to be impaired or sullied, while passing through our hands, we are guilty of a double crime; we are traitors alike to our fathers and to posterity."—Seargent S. Prentiss.

[5] A territorial law of Tennessee accepts "venison steaks, buffalo and good fat bear meat" receivable for taxes at all army posts.

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Of unread histories this world is surfeited. Of "history that repeats itself and historians that repeat each other," God give us a rest! "A few facts and plenty of elbow room" was Henry Grady's rule for writing his immortal speeches. With such an authority may we be pardoned for taking the great facts of Tennessee history—the epoch-making facts of this wonderful and romantic story—and mixing with them the imagination needed for the picture?

No living historian can now add to the vast amount of early historical minutiae—necessary, but much of it worthless for historical purposes—collected by Haywood, Ramsey and Putnam. All of it is good, but about as good as the coarse fiber in the canvas of a picture, on which is yet to be thrown the artist's soul which makes for imagination, color and life. It is not intended in this to add more ancient fiber, only that of the later making. The old is there, and well-woven by the painstaking weavers who have gone on before. But the canvas is now waiting, and for many years has waited, for the pictures to be painted upon it. No one historian can paint them—certainly no one lacking in imagination and with rheumatic elbows. The editor, in this book, hopes to show the many great canvases, ready for the artist, who will one day seize his brush and paint.

Nashville, Tennessee
July, 1923.

John Trotwood Moore

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CONTENTS

		PAGE
	Introduction—The Earliest People of Tennessee	7
	PERIOD I	
CHAPTER		
I	The Race-Life of Tennessee	28
II	Early Efforts of the White Man in Tennessee	38
III	Early Hunters and Their Hunting Ground—The Name Tennessee	51
IV	The Period of Pioneer Life—The First Settlers in Tennessee	63
V	Henderson's Purchase and Events Leading Up to the Battle of King's Mountain	85
VI	The Battle of King's Mountain and Its Consequences	96
VII	The Cumberland Settlement	102
VIII	The State of Franklin	118
IX	The So-Called "Spanish Conspiracy" and the Mero District	133
X	Territory of the United States South of the River Ohio	144
XI	Indian Wars and Warriors of Tennessee	157
XII	The Indian Treaties	251
	PERIOD II	
XIII	The Admission of Tennessee as a State and the First Series of Administrations of John Sevier	271
XIV	Administrations of Roane and of Sevier (Second Series)	296
XV	Triangular Controversy over the Public Lands—Early Customs —Establishment of Religious Denominations	313
XVI	Administrations of Willie Blount, 1809-1815—The Creek War —Battle of New Orleans	334
XVII	Administrations of Joseph McMinn, 1815-1821—The Seminole War—The Chickasaw Treaty—Opening of West Tennessee—Establishment of Memphis—The State Boundary Lines—Tennessee Desperadoes	368
XVIII	Administrations of Carroll, Houston and Hall—The Administrations of William Carroll, 1821-1827—The Administration of Sam Houston, 1827-1829—The Administration of William Hall, April to October, 1829—The Administrations of William Carroll, 1829-1835—The Constitutional Convention of 1834	395

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PERIOD III

The Period of Internal Progress, 1834-1870

CHAPTER		PAGE
XIX	From Cannon to Jones—The Administrations of Newton Cannon, 1835-1839—The Administration of James K. Polk, 1839-1841—The Administration of James C. Jones, 1841-1845—The Florida War—The Origin and Progress of the Whig Party—History and Description of the Capitol—Removal of the Cherokees	407
XX	From Brown to Campbell—Administration of Aaron V. Brown—The Great Commercial Convention at Memphis—The Mexican War—The Administration of Neill S. Brown—The Administration of William Trousdale—The Nashville Convention—The Administration of William B. Campbell—Internal Improvements	434
XXI	Tennessee in the Banking Business	450
XXII	From Johnson to Harris—Administrations of Andrew Johnson, 1853-1857—Political Significance of the National Election of 1856—Administrations of Isham G. Harris, 1857-1861—Influence in Tennessee of the National Election of 1860	465
XXIII	Tennessee in the War Between the States—Confederate Administration of Isham G. Harris	473
XXIV	Andrew Johnson, Military Governor	515
XXV	Reconstruction—The Brownlow Regime—The Ku Klux Klan and the Loyal League—The State Debt—Administration of Governor Senter	527

PERIOD IV

The Period of Modern Times—From the Adoption of the Third Constitution, in 1870, to the Present Time

XXVI	From Brown to Taylor—The Constitutional Convention of 1870—The Administrations of Governor John C. Brown—The Administrations of James D. Porter—The Administration of Governor A. S. Marks—The Administration of Governor Alvin Hawkins—The Administrations of Governor W. B. Bate—"The War of the Roses"—Administrations of Robert L. Taylor	551
XXVII	From Buchanan to Cox—The Farmers' Alliance—Administration of Governor John P. Buchanan—Administrations of Governor Peter Turney—Third Administration of Governor Robert L. Taylor—Tennessee Centennial Exposition—Tennessee in the Spanish-American War—Administrations of Governor Benton McMillin—The Tennessee Central Railroad—Administration of Governor James B. Frazier—Tennessee at the Louisiana Purchase Exposition at St. Louis—Administration of Governor John I. Cox	574

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CHAPTER		PAGE
XXVIII	From Patterson to Rye—Administration of Governor Malcolm R. Patterson—Development of Temperance and Prohibition in Tennessee—Death of Senator E. W. Carmack—The Independent Movement—Administration of Governor Ben W. Hooper—Administration of Governor T. C. Rye	600
XXIX	Tennessee in the World War—Sergeant Alvin C. York	632
XXX	From Roberts to Peay—Administration of Governor A. H. Roberts—Administration of Governor A. A. Taylor—Election of Governor Austin Peay	682
XXXI	Historic Spots and Places—East Tennessee—Middle Tennessee—West Tennessee	704
XXXII	Education in Tennessee—The Melungeons—Tennessee Division, United Daughters of the Confederacy—Tennessee Woman's Christian Temperance Union	775
XXXIII	Counties of Tennessee	804

APPENDIX

	Petition of Watauga Association to be Annexed to North Carolina	903
	The Constitution of Tennessee—1796	906
	The Constitution of Tennessee—1834	915
	The Constitution of Tennessee—1870	931
	Alphabetical Index	953

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Tennessee, the Volunteer State

INTRODUCTION

THE EARLIEST PEOPLE OF TENNESSEE

PREHISTORIC TENNESSEE AND THE INDIANS

The world has seen many migrations. The largest of them, so far as evidence indicates, were those of the Aryan or Indo-European races. When they swept over Europe, they found the regions wherever they went already occupied by people, perhaps aborigines, of whom nothing is known to show to what race they belonged.

Similarly, North America was inhabited by people who preceded the red Indians. They were numerous in Tennessee, and especially in Middle Tennessee. Who they were and what became of them are matters of speculation. It is possible that they, too, were Indians. If so, they differed in many respects from the Indians that were found by the white men who first landed on this continent, who had no knowledge of any inhabitants preceding themselves, nor, indeed, any legends or traditions concerning them. It is almost certain, therefore, that the earlier inhabitants (the mound builders or stone grave people) were destroyed or died out or were absorbed at a period far distant in the past; and, as they were doubtless tribal rather than national, they may have been destroyed by their enemies in detail, as the Iroquois eliminated the Illinois.

Concerning the earliest inhabitants of this region, Hosmer says:

"For the first traces of man in the Mississippi Valley we must go back to what is called in geology of the Pleistocene age. It was then that the glacial phenomena were in evidence, and coeval with them plainly human life went forward. Old stone (paleolithic) implements are found which may be referred undoubtedly to the age of ice. Quite possibly, for the first man it would be necessary to ascend to the Pliocene; at any rate he was contemporary with the

'Dragons of the prime
That tore each other in their slime.'

"This primeval man is believed to have resembled the Esquimaux, a race ever fighting with cold; while the Indians, who were in possession of the continent when recorded history begins, were of a type quite different."[1]

Concerning the mound builders, or stone grave race, he says:[2]

"There is no reason to suppose that during prehistoric time any race different from or more advanced than the Indians played any part. Throughout the basin, but particularly between the river and the Alleghenies, a feature which has caused wonder is the mounds, the constructions amounting to thousands in number, ranging from tumuli scarcely noticeable to extensive terraces, to long lines of earthworks, to outlines of the forms of serpents and other creatures embossed upon the plain in ridges that run for great distances. * * * The conclusion, however, seems at present to be, that there was no special race

[1] "A Short History of the Mississippi Valley," p. 5.
[2] Ibid. pp. 12, 13, 14.

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of mound builders; that the mounds came from the ancestors of the Indians, and from a time probably no further back than the thirteenth or fourteenth century of our era. Excavations have revealed no finds indicating any superior civilization; since Europeans have appeared, mounds have been constructed. It is believed that the Mandans, a link between the lower tribes and the pueblo races, may not long since have been mound builders. So, too, the Shawnees in Ohio and the Cherokees farther south, races which, when history begins, had progressed far enough to have a somewhat stable agriculture, and to have domesticated the horse and the ox. The purpose of the terraces is believed to have been to furnish sites for council-houses, or indeed for the communal dwellings, such as have been described. The cones were probably intended for burial places; the ramparts, perhaps, for defense. The work presupposes a vast population instead of the scattered handfuls of men which made up the Indian race at the European coming, even in the most populous areas. It implies, however, no capability of which the Indian was not possessed."

From the mounds and graves found in Tennessee it is evident that the Stone Grave Race, or whatever it may be called, was very numerous in this entire region from the Mississippi River to the Unaka Mountains. Capt. W. E. McElwee, of Rockwood, who has made a deep study of their antiquities has come to this conclusion:

"A study of their remains has convinced me that they were of small stature, light hair, blue eyes, long aquiline or crescent shaped nose, small chin and wore manufactured or 'home-made' clothing, and were exterminated or driven from the country by a race of larger stature, more then eleven hundred years ago."

His opinion is based particularly upon his studies of objects and places such as: a peculiar pipe, discovered in 1862, showing the carved figure of a man on a block; the imprint of a man in the clay of a mound; the mica mines of North Carolina which were worked by pre-historic man; an old fort containing three skeletons; a cave on Clifty Creek containing cloth knit from a vegetable fiber; and a grave at Rockwood. The following are the conclusions he has drawn from his study of the relics and remains referred to:

"They were either a very numerous people or inhabited for a long period of time, as shown by the vast amount of bones washed up by the floods in the river in the years 1867 and 1875.

"Their bones were harder and much more lasting than those of the present race. The bones of the people of today would decay in less than one hundred years.

"They were a people of filial feeling for their people, as shown by their mode of burial and the erection of mounds or monuments to perpetuate their last resting place.

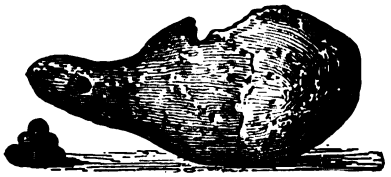
"Their love and respect are further shown by the casket shield with which they covered an old person, in all probability, a woman wearing a string of beads. As we stood at the grave we pictured to ourselves the family of weeping children and relatives who stood around. * * *

"That they had advanced beyond the savage state is shown by their ability to carve images from plutonic rocks, the making of metal tools and ingenuity in the manufacture of clothing from lint.

"The hair, the comb and the mirror indicate their cleanliness and pride of person.

"Inasmuch as the mica miners supplied the mirrors, it is only reasonable to

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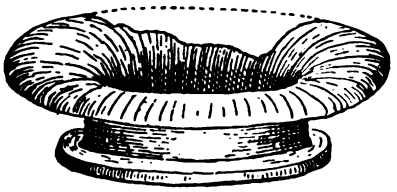


CHILD'S RATTLE FOUND NEAR NASHVILLE



IMAGE FOUND IN A SEA SHELL

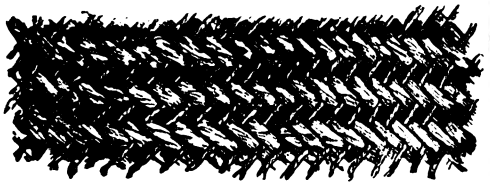




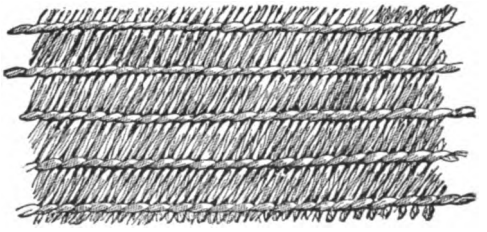
TERRA COTTA EARRING OR WHEEL



TERRA COTTA EARRING



DIAGONAL FABRIC IMPRESSED UPON POTTERY



FABRIC IMPRESSED UPON POTTERY

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suppose that they and the mound builders were of the same tribe and were coexistent. The mica mirror, in the roll of clothing of the cave dweller, must be understood as determining the dweller to have been of the same tribe and lived at the same date. The clothing of the cave dweller and that worn by the man on the pipe were the same, hence the conclusion that the artist lived at the same date. We therefore conclude that the mica mirror makers, the mound builders, the artist and the cave dweller were of one tribe and of even date.

"It is reasonable to conclude that the artist, who with patience cut the figure on the pipe, designed it after the likeness of the race and people by whom he was surrounded. The pipe man and the man whose imprint was left in the mound had the same characteristics and shape of face. If the artist followed the likeness of his race in form and in clothing, is it not reasonable to believe that he also put the same color of eyes into the image?

"It might be suggested that the wisp of hair was of recent date, possibly a scalp from some white person, but the amount of the sand fall by which it was covered and the mica mirror rolled up with it prove its date; besides, it had been cut from the head and not scalped." [3]

Anna B. A. Brown, in an article entitled "The Early Inhabitants of Tennessee," says:

"The center of the most enlightened of the mound building people was in the Cumberland Valley, and there they are known as the Stone Grave Race from the number of stone and clay sarcophagi used in burying the dead. Thousands of these graves dot the great basin of Middle Tennessee." [4]

CHARACTERISTICS OF THE STONE GRAVE RACE

The discoveries made by antiquarians tend to the belief that the vanished race which immediately preceded the Indians was a gentle, happy race living mostly in the beautiful valleys and attractive plains of Tennessee; that they were industrious and progressive, and were slowly working their way up to a higher state of living. This fact is proven by the implements, tools, ornaments and other remains, found preserved as well in their sarcophagi as those of early Italy in the tombs of Pompeii, Herculaneum and Cumae. In these remains is read the progress of this long vanished race.

The zenith of their civilization must have been reached several hundred years before the Spaniards came to America. Having reached this pinnacle they perhaps excited the envy of a more virile, if less enlightened, race or tribe, and they were either extinguished or absorbed.

The most valuable and interesting discoveries of the remains of this ancient people have been made in Davidson, Sumner, Wilson and Williamson counties. Evidently a considerable metropolis was located near Nashville with smaller towns immediately surrounding and in the counties mentioned, for the purpose of protecting the great central city.

Dr. Joseph Jones, Prof. F. W. Putnam, Dr. Gerard Troost, Gen. G. P. Thruston, Dr. W. E. Myer and others have made numerous explorations in this region and have uncovered thousands of graves in many different cemeteries, one of which, in 1844, extended more than one mile along the east bank of the Cumberland River.

[3] Tennessee Historical Magazine, Vol. 6, pp. 200-205.
[4] American Historical Magazine, Vol. II, pp. 147-152.

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The subjoined interesting and valuable statement concerning the Stone Grave Race was given to Mr. John Trotwood Moore by General Thruston in a personal interview and was published by Mr. Moore in the April, 1907, issue of the Taylor-Trotwood Magazine. In answer to a question asked by Mr. Moore, General Thruston said:

"No, these mound builders, or fort builders, or stone grave builders, as I love to call them, were not of the family of the nomadic Indians—they belong to a more advanced type, higher up in the scale than the Indian which the white man knew. Here where we live they were working their way along humble paths of progress toward a higher state. In an evil hour the spoiler came—perhaps the vindictive Iroquois of the North—the Goths and Vandals of the western world. If we could have opened these graves in 1492, when Columbus discovered America, we might have learned more of the story of the mounds and graves from some of their own builders; but it was nearly 300 years afterward, before pioneer civilization reached what is now Tennessee. In all these years this was a hunting ground only for the Indians—it was so full of game and fish no tribe would permit another tribe to live permanently upon it—and we were as unknown to the outer world as Central Africa. Our problem of deciphering the history of these people was a great one. All authorities agree that our continent was peopled two or three thousand years before it was discovered in 1492; this fact must be realized and accepted before progress can be made on the subject. Geology, history, ruin upon ruin, tradition, moral and physical characteristics, language in a hundred dialects, all unite in establishing the remoteness of the period.

"Some ten or more years ago, laborers, in plowing on the Noel farm, would now and then unearth a quaint vessel. Some of these were brought to me and I visited the place and found this ancient cemetery. Fully 3,000 graves were opened in one cemetery, and fully a thousand or so were opened in adjacent sections."

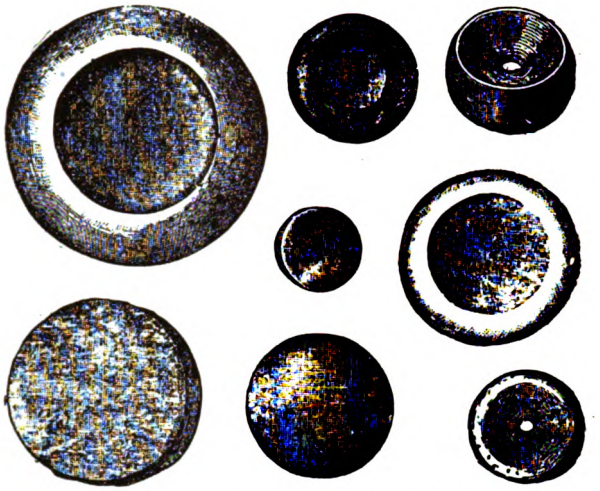
Throughout Middle Tennessee are large mounds, traces of old breastworks and ditches. I had often seen them, but from General Thruston's book I obtained the first satisfactory idea of their true history. He says, on page 28:

"The prehistoric cemeteries of the Stone Grave Race of Tennessee are among the most interesting memorials of aboriginal life in America. The mortuary remains were placed in cists, or box-shaped graves, built of stone slabs, and sometimes constructed with much care.

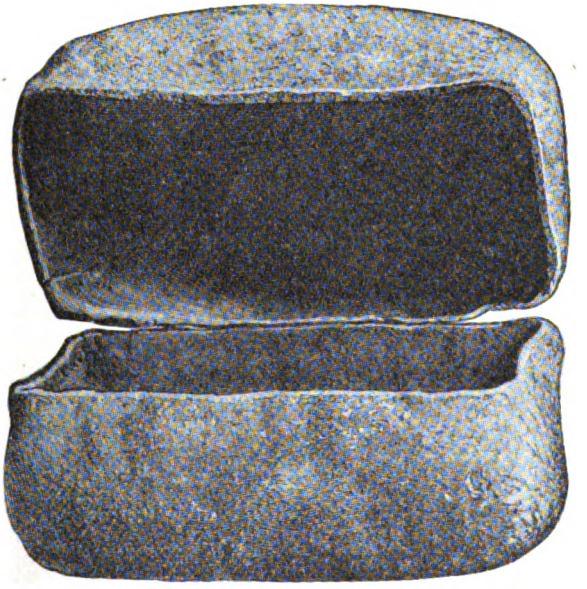
"A hundred or more of these rude sarcophagi are occasionally found, deposited in several layers, or tiers, in a single burial mound. In accordance with the ancient and modern mortuary customs of the native races, vessels containing provisions and various utensils, were placed in the graves beside the dead to supply them on their journey to the spirit land. Within these enduring cists of stone, are also found many other archaeological treasures, illustrating the arts and industries of the ancient inhabitants of Tennessee. They were thus sealed up and protected from the waste of time, nearly as effectually as the elaborate tombs of Pompeii and Cumae preserved the fragile vases of Roman porcelain.

"They tell the story of ancient domestic life in the Cumberland and Tennessee valleys with remarkable exactness, and unravel secrets that the most imposing monuments of the native races have failed to disclose. One of the largest and richest of these aboriginal cemeteries, about five miles south of Nashville,

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TYPICAL STONE DISCS



BURIAL CASKET OF POTTERY
(Hale's Point, Tennessee)

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lying along the waters of Brown's Creek, and in the midst of the historic battlefield, has recently been explored, in fact, devastated by relic hunters and collectors. It is situated upon the farm of Mr. O. F. Noel, adjoining Glendale Park, between the Franklin and the Middle Franklin turnpikes, and in one of the most fertile, well-watered, and beautiful sections of Nashville.

"Upon this favored site, centuries ago, there was a large town or city, probably the ancient metropolis of the Stone Grave Race of Middle Tennessee. Not less than 3,000 closely laid stone graves were found in the adjacent cemetery, and at least 1,000 more were discovered upon the adjoining farms. Many towns, villages and settlements were located in the surrounding country, and the smaller cemeteries, upon nearly every large farm in this general section, establish the fact that a widely distributed population once occupied this fertile territory, and buried its dead for several generations, at least, in various local or family burying grounds.

"Notwithstanding its rough usage, the large central cemetery has proved a valuable treasury of antiquities. Some six or seven hundred perfect specimens of well-burned pottery have been obtained within its limits; many of them unique in form, and so finely finished that they may be said to be semi-glazed. Nearly every familiar natural object, animate and inanimate, is represented in the forms of this ware. Animals, birds and fish in great variety, the human figure in many attitudes, sea-shell forms, and grotesque and fanciful figures are all represented, and many of the vessels have been colored and decorated with considerable artistic skill. There are cooking vessels, drinking cups, water jars, hanging vessels, sets of ware, ornamented and plain, basins, bottles, vases, spoons, and, indeed, every variety of equipment for a well-stocked aboriginal cuisine. Many of the images and terra cotta heads doubtless show approximately types of the very faces and lineaments of the race buried beside them; evidently the ancient Indian aristocracy of the Cumberland Valley.

"The stone-grave cemeteries constructed by the ancient inhabitants of the Cumberland and Tennessee valleys indicate the presence at one time of a very large population. Like their successors of the white race, the aborigines usually selected the most fertile, well-watered, and accessible locations for their homes. Here they had healthful and picturesque surroundings. The burial grounds on Brown's Creek, near Nashville, recently discovered, contain three or four thousand graves, and smaller cemeteries have been found on nearly all the adjacent farms. Professor Putnam and his assistants explored about six thousand graves, the majority of them in the vicinity of Nashville. Dr. Joseph Jones examined a large number, in some fifteen different cemeteries. Doctor Troost, the learned geologist of Tennessee, reported six very large cemeteries near Nashville. He stated 'that the ancient burial grounds on the banks of the Cumberland River, opposite Nashville, extended, in 1844, more than a mile along the river.'

"These remains of the Stone-Grave Race are found in other sections of the state, but their most populous villages were in the valleys of the Cumberland and Tennessee, and in Southern Kentucky. Graves of similar construction have also been discovered in several localities of Southern Illinois, in Southern Indiana, in Georgia and in Ohio. Doubtless, they would be found in West Tennessee, and in the mound and pottery districts of Arkansas and Missouri, but the necessary stone could not be obtained in these alluvial regions.

"The rude cists, or box-shaped coffins, are made of thin slabs of stone. Some-

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times the stones are broken or cut, or rubbed down so as to fit evenly and form a well-shaped case, but more frequently they are rudely joined together. Occasionally they are found in mounds or layers, four or five tiers of graves deep. The graves are usually six or seven feet long, a foot and a half to two feet wide, and eighteen inches deep; but graves of greatly varying sizes and shapes are found intermingled with those of more regular form. The children's graves are proportionately smaller. Frequently, the same cist contains two or three skeletons, and is not more than three or four feet long, the bones having been placed in a pile irregularly within it, indicating that they were probably interred long after death, and after some intermediate preparation or ceremonies similar to the burial of some of the historic tribes.

"Many of the graves in the vicinity of Nashville are lined with large, thick fragments of broken pottery, as nearly joined together as if molded for the purpose. The author recently excavated several graves of this kind in Hon. W. F. Cooper's farm, near Nashville. The pottery burial cases were symmetrically formed and seemed to be molded in single pieces, until an attempt was made to raise them, when they fell apart, and were found to be composed of neatly-joined fragments of large vessels; the heavy rims of the vessels, more than an inch and a half thick, having been used as rims or borders for the burial cases."

THE INDIANS

Far different from the comparatively cultured mound builders were the Indians, although perhaps of the same race. In place of the mild, progressive arts of the former, came the fierce and rugged pursuits of the latter, for whom war was the almost constant condition, with intervals of idleness broken only by an occasional hunt. In their campaigns the risks and hardships encountered went to the utmost limit of human endurance. No race has ever shown more courage, both active and passive, than have the Indians, and their skill in pursuit of their enemies, or of game, was matched only by that of the panther. The cruelty of their warfare was ruthless and diabolical. They were, in truth, as Sprague in his eloquent, sometimes grandiloquent oration on the passing of the red man, delivered in Boston, July 4, 1825, said, "bold, untamed, untamable."

Indian life was tribal and essentially rudimentary, and the family life that they led, which in the evolution of most races, tends to gentleness and humanity, did not affect them in any ameliorating sense. The white men found them pitiless as tigers.

Contrary to the general opinion the country was very sparsely settled by the Indians, a fact due probably to their ceaseless wars, which rendered vast tracts uninhabited because out of them the population had been killed. Such was the case in Tennessee, the most of which was a hunting ground, to which the neighboring tribes had various and conflicting claims.

The Indians with whom the history of Tennessee is mostly concerned were: the Cherokees, Creeks, Choctaws, Chickasaws, Shawnees, Iroquois (six nations) and Seminoles. Other tribes, like the Delawares, occasionally came from long distances to hunt in these splendid natural game preserves.

The Cherokees inhabited the mountain regions of Southeast Tennessee and small parts of North Carolina, South Carolina and Northern Georgia. The name is said to be derived from chee-ra, fire.

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DECORATED VASES FOUND NEAR NASHVILLE



VASES AND VESSELS FROM GRAVES

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The Creeks, or Muskogees, inhabited principally the northern and central parts of Alabama, with occasional, but not permanent, residence in the southern part of Tennessee. Some of their settlements extended into the southern part of Alabama. The Seminoles were in reality lower Creeks and lived in what is now Florida. Seminole means "wild."

The Choctaws dwelt in Mississippi, their principal towns being at the head of the Pascagoula and Pearl rivers.

The Chickasaws inhabited the region in Southwestern Tennessee, Northern Mississippi and Northwestern Alabama.

The Shawnees were the Ishmaelites of the Indians. At one time (probably about 1665) they occupied the country from the Tennessee River north to the present site of Nashville and perhaps still farther north. They have left their name to Sewanee in Franklin County, Tennessee, and in their wanderings have also given their name to the Suwanee River in Southern Georgia and Northern Florida, to the Savannah River and to the Shauvanon River (Cumberland). In about the year 1700 they went North and were received by the Six Nations, but not amalgamated with them nor allowed title to any land.

The Iroquois were northern Indians and had but indirect influence on Tennessee history except in treaty making.

The four nations of the Cherokees, Creeks, Choctaws and Chickasaws, at the time when Tennessee history begins, had altogether about 14,000 warriors, about one-fifth of their total population.[5]

Donald L. McMurry says of these Indians:

"The Cherokees, as early as 1785, seem to have made progress toward civilization; the women were learning to spin, and wanted to learn how to raise cotton, flax and wool, as well as how to spin and weave them. The Creeks in 1789 were 'in a great measure hunters; however, they cultivate some corn and potatoes, possess cattle and horses, a few slaves, and lately, in some instances, have introduced the plow.'[6] The Choctaws and Chickasaws were themselves nearly naked.[7] The Cherokees and Chickasaws cultivated the ground more than any other Indians, and possessed cattle in proportionately greater numbers. The Choctaws hunted only, were brave and hardy in the woods, but indolent at home."[8]

Flint, in his interesting account of the Indians in this section, says:[9] "If we can infer nothing else from the mounds, we can clearly infer that this country once had its millions. * * * Their places are occupied by a race who were depopulating in their turn, when our forefathers first saw the country. We have no other grounds, on which to charge them with the guilt of having destroyed the generations that are buried in these mounds, than the circumstance, that when we first knew them, they were engaged, as they are now, in constant and interminable wars with each other."

In concluding this subject, it may be said that the Indians first encountered by our ancestors had been pursuing their primitive life for a long, though indefinite period of time, never rising above the middle status of barbarism. They were, as individuals, lithe, powerful, and of vast endurance. They were a racial example of the doctrine of the survival of the fittest; for, due to the

[5] American State Papers, Indian Affairs, I, 36.
[6] Ibid., I, 39.
[7] Ibid., I, 78.
[8] Ibid., I, 79.
[9] The Tennessee Historical Magazine, Vol. I, p. 23.

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hardships, privations, ignorance, and insanitary conditions of their existence, those marked by defect or weakness fell out through the operation of the inexorable law. As a race, with occasional exceptions which proved the rule, they were characterized by an energy which passed into unmitigated ferocity, which was a condition natural enough, since, up to the advent of the white man, they had never been subjected to influences which soften and humanize.[10]

TOPOGRAPHY AND NATURAL DIVISIONS OF TENNESSEE

In natural resources, soils, geographical position, climate, beauty of scenery and conditions of health, Tennessee is remarkably blessed. It is situated between north latitude 35° and 36° 30′ and between longitude 81° 38′ and 90° 28′ west from Greenwich. Including 300 square miles of water its area is 42,050 square miles or 27,912,000 acres. Its greatest length, from east to west, is 432 miles; and its greatest width from north to south, is 109 miles. A line drawn from the northeast corner of Johnson County to the southwest corner of Shelby County would be approximately 500 miles. It touches eight contiguous states, a larger number than are touched by any other state in the Union except Missouri. No other southern state possesses so large and excellent navigable streams, the mileage of its navigable waters being about 1,200 miles, included principally in the Mississippi, the Tennessee and the Cumberland rivers.

The symmetry of form possessed by Tennessee is strikingly apparent upon the map; but its natural divisions cannot be appreciated without a detailed explanation. These natural divisions, eight in number, extending in succession from the lofty heights of the Unaka Mountains on the east to the low alluvial plains of the Mississippi, serve to disclose in a measure the reasons for the surprising variety and richness of the natural resources of this state, as well as its remarkable diversity of climatic conditions.

FIRST, THE UNAKAS

This is the wild, rugged, mountainous region along the eastern boundary of the state. Its average elevation is 5,000 feet above the sea, and it has peaks which rise to a height of 6,600 feet. These mountains upon which are found the flora of Canada and the climate of the North, form a part of the great Appalachian chain and inclose many beautiful and fertile valleys, roaring rivers, primeval forests and bold summits. Its area aggregates 2,000 square miles. The counties of Johnson, Carter, Washington, Greene, Cocke, Sevier, Blount, Monroe, McMinn and Polk are wholly, or partially, included in this division. Mining, stock raising and agriculture are the principal occupations; and the products include iron, copper, marble, slate, lead, zinc, barytes, manganese, lumber, corn, wheat, pork, poultry and fruits.

SECOND, THE VALLEY OF EAST TENNESSEE

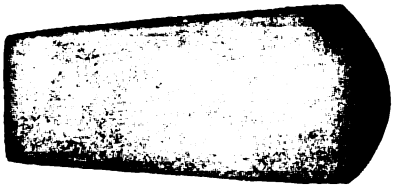
This division, immediately west of the first, presents a series of parallel ridges and valleys, a fluted conformation, trending northeast and southwest,

[10] A Condensed Geography and History of the Western States or the Mississippi Valley, pub. in 1828, pp. 156-192.

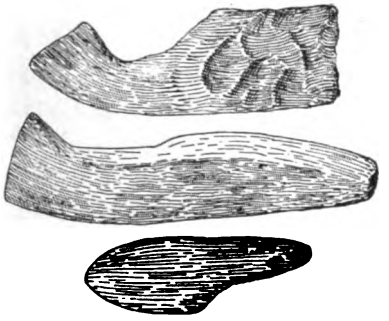
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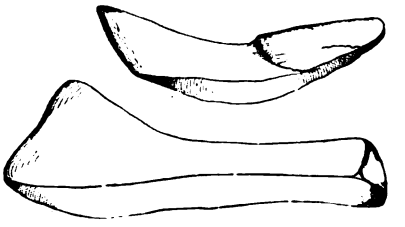
ANCIENT STONE HAMMER



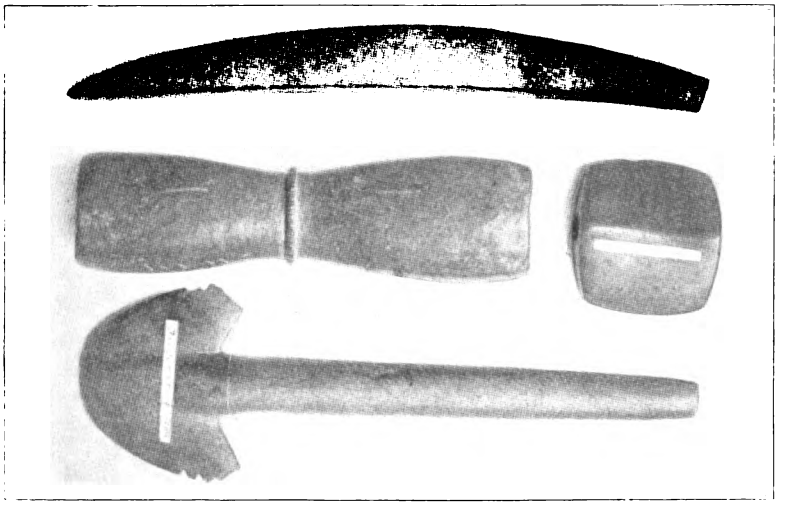
STONE AXE



CUTTING IMPLEMENTS



CUTTING OR SKINNING IMPLEMENTS



FINE STONE IMPLEMENTS

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and forms one of the most beautiful panoramas, as well as one of the most fertile regions in the state. Its importance and possibilities from an agricultural point of view can hardly be exaggerated, for the valleys are copiously watered by numerous streams, the rainfall is abundant, the herbage succulent and the soil rich. Hence, it is naturally a fine stock country and unsurpassed in the production of dairy products and poultry. Agriculture, mining and manufacturing all flourish, though, as its possibilities are not yet well known, most industries are in their infancy. The counties of this division in whole or in part are: Hawkins, Sullivan, Hancock, Claiborne, Union, Grainger, Hamblen, Jefferson, Knox, Roane, Loudon, Meigs, Rhea and Bradley. The average elevation of this division is 1,000 feet above the sea, and its area is 9,200 square miles.

THIRD, THE CUMBERLAND TABLE LAND

Immediately to the west of the valley of East Tennessee, and parallel to it, lies the Cumberland Table Land, an elevated plateau with an average height of 2,000 feet above the sea. The eastern escarpment of this plateau rises abruptly from the valley to the east, almost as precipitously as a lofty rampart. The western declivities are ragged and indented with deep valleys. The treasures of iron and coal hidden in this division are almost inconceivably great. The excellent pasturage of the open forests supports thousands of live stock; its sandy soil produces fruit and vegetables of peculiarly fine flavor and hardiness and free from noxious insects; the healthful climate, pure air and abundance of mineral waters attract thousands of invalids. It is said that not one case of tubercular consumption ever originated on the Cumberland Plateau. Its area is 5,100 square miles. The counties in this division, in whole or in part, are: Claiborne, Campbell, Scott, Fentress, Anderson, Pickett, Overton, Morgan, Roane, Cumberland, Putnam, White, VanBuren, Rhea, Bledsoe, Grundy, Sequatchie, Franklin, Marion and Hamilton.

FOURTH, THE HIGHLAND RIM

This division is also called the Rimlands, Highlands, and Terrace-lands, because, though diversified by hills and valleys, it forms a plate-like rim to a central basin which it surrounds. It extends from the western edge of the Cumberland Table Land to the Tennessee River and forms an extremely fine agricultural belt with soils of varying fertility and adaptability. It is splendidly supplied with streams, many of which possess a wonderful amount of water power, but little of which is being utilized. This division is 9,300 square miles in extent, 1,000 feet of average elevation above the sea and includes in whole or in part the counties of Macon, Overton, Pickett, Putnam, Clay, Jackson, White, Warren, Coffee, Franklin, Lawrence, Wayne, Lewis, Hickman, Humphreys, Dickson, Cheatham, Stewart, Montgomery, Robertson, Perry, Hardin, Sumner, Cannon, and DeKalb.

FIFTH, THE CENTRAL BASIN

The great Central Basin is elliptical in shape, surrounded by the Highland Rim, and resembles the bed of a drained lake. This is the famous blue-grass

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region of the state, and has been called the "Garden of Tennessee," "the Dimple of the Universe," "the home of the thoroughbred," and other designations which serve to indicate that this is, in truth, one of the choicest regions in the world. Limestone is the underlying rock and by its disintegration furnishes a constant supply of plant nutrition. This region also contains the famous phosphate beds discovered in 1893. The soil is of peculiar richness and produces marvelous crops. The climate, water and grasses combine to the support of the best live stock known. Therefore here are found great breeding establishments, with stocked farms and thrifty farmers. This division has an area of 5,450 square miles and an elevation of 550 feet above the sea. It embraces the whole or a part of the counties of Smith, Trousdale, Sumner, Wilson, Rutherford, Davidson, Bedford, Moore, Lincoln, Giles, Maury, Marshall and Williamson.

SIXTH, THE WESTERN VALLEY OF THE TENNESSEE

This division is a narrow valley extending from the northern to the southern boundary of the state with an average width of ten or twelve miles, and immediately west of the Highland Rim, into which lateral valleys extend sometimes twenty or twenty-five miles. The main valley and the subordinate valleys are generally fertile, though marshy localities with swamps of cypress are sometimes found along the Tennessee River. Fruits, vegetables and agricultural products thrive. Its area is 1,200 square miles and its elevation 350 feet above the sea. It includes, in whole or in part, the counties of Hardin, Wayne, McNairy, Henderson, Decatur, Humphreys, Benton, Stewart, Houston and Henry.

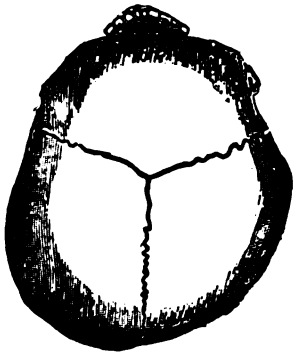
SEVENTH, THE PLATEAU, OR SLOPE OF WEST TENNESSEE

This division is peculiar in having but few rocks and differs in this respect from the divisions previously mentioned. It is immediately west of the western valley of the Tennessee and consists of a plain gently sloping toward the Mississippi River, and furrowed with sluggish streams. The soil is light, porous and silicious, but fertile and grows all crops with exuberance, particularly fruits and vegetables for which this region is fast becoming famous. Its principal products are grain, cotton, tobacco, fruits, vegetables, live stock and lumber. It contains some of the finest virgin forests in the state. Its width is 84 miles; its area 8,500 square miles and its average elevation 500 feet above the sea. It includes the whole, or parts of the counties of Carroll, Madison, Haywood, Henderson, Wilson, Weakley, Crockett, Fayette, Henry, Obion, Tipton and Shelby.

EIGHTH, THE MISSISSIPPI BOTTOMS

This division forms a curious contrast to the extreme eastern (the Unakas) division, for it is a low, alluvial plain teeming with a rank growth of vegetable life that is almost tropical in its luxuriance. It has numerous lakes and morasses, and its soil is the most powerful in the entire state, producing year after year without apparent diminution of fertility the most astounding crops of corn and cotton. Its area is 900 square miles; its elevation above the sea 295

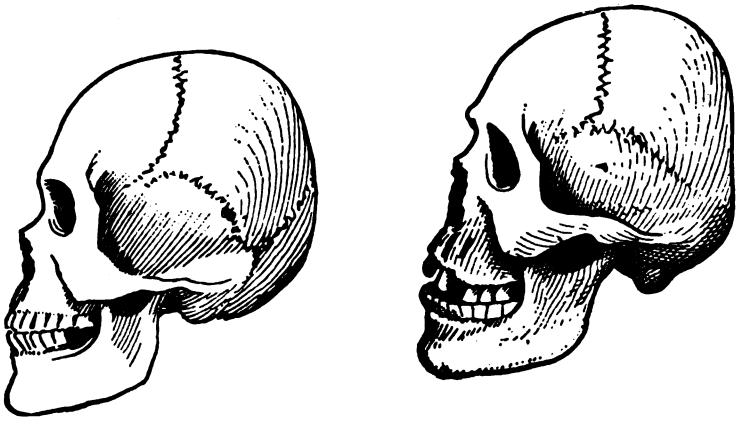
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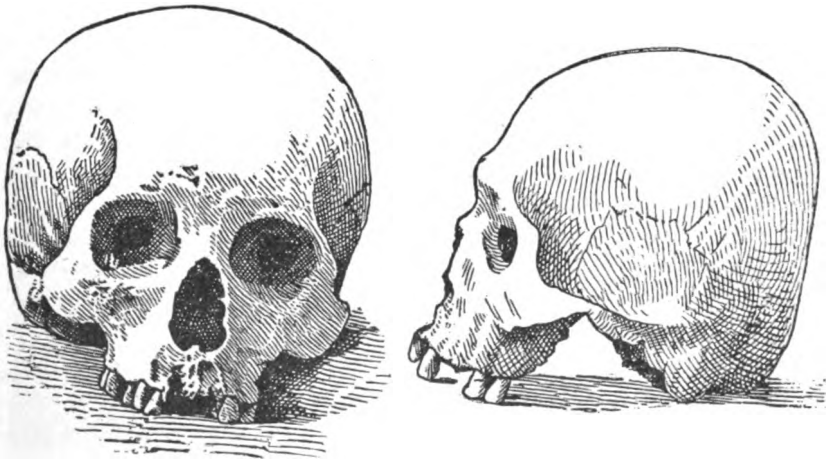
TYPICAL SKULL FROM TENNESSEE MOUND



TYPICAL SKULL FROM MISSOURI MOUND



TYPICAL CRANIA FROM THE STONE GRAVES



A TYPICAL SHORT SKULL

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feet. It includes the whole or parts of the counties of Lake, Lauderdale, Tipton, Shelby, Obion, Crockett and Haywood.

CIVIL DIVISIONS

The eight natural divisions of the state comprise only three political divisions, as follows:

EAST TENNESSEE

This grand division of the state comprises all the territory from the North Carolina line to the center of the Cumberland Table Land, including the first and second natural divisions and about half of the third division. It contains 13,112 square miles and embraces the counties of Anderson, Bledsoe, Blount, Bradley, Campbell, Carter, Claiborne, Cocke, Cumberland, Grainger, Greene, Hamblen, Hamilton, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, McMinn, Marion, Meigs, Monroe, Morgan, Polk, Rhea, Roane, Scott, Sequatchie, Sullivan, Unicoi, Union, Van Buren, and Washington,—34.

MIDDLE TENNESSEE

This grand division extends from the dividing line on the Cumberland Table Land to the Tennessee River. It comprises one-half of the third natural division, the whole of the fourth and fifth and half of the sixth. Its area is 18,126 square miles, comprising the counties of Bedford, Cannon, Cheatham, Clay, Coffee, Davidson, DeKalb, Dickson, Fentress, Franklin, Giles, Grundy, Hickman, Houston, Humphreys, Jackson, Lawrence, Lewis, Lincoln, Macon, Marshall, Maury, Montgomery, Moore, Overton, Perry, Pickett, Putnam, Robertson, Rutherford, Smith, Stewart, Sumner, Trousdale, Warren, Wayne, White, Williamson and Wilson,—39.

WEST TENNESSEE

This grand division extends from the Tennessee River to the Mississippi River and includes half of the sixth natural division and the whole of the seventh and eighth natural divisions. Its area is 10,512 miles (square), covering the counties of Benton, Carroll, Chester, Crockett, Decatur, Dyer, Fayette, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, and Weakley,—21.

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PERIOD I

CHAPTER I

THE RACE-LIFE OF TENNESSEE

Before writing the story of any peoples, or even chronicling the chief events of their race-life, as is attempted in this book, it is well to know who these people are. Whence did they come, who were their forefathers, and what were some of the foundation beliefs which made the character of their race-life?

For these things being known, it will not be difficult to understand what has followed in the race-life of their descendants, in what is now the State of Tennessee.

Indeed, any scholar, knowing their past race-life as a Cause, might have correctly prophesied from its very beginning the Effect—that is, what these people of Tennessee would do and will continue to do.

The pedigree of a people in a large measure, fixes their principles; and their race-life has always been the forerunner of their religion.

The religious difference between the Protestant Scotch of Northern Ireland and the Catholic Celts of the South is not accident or chance, but basic and fundamental—the divergence of a wide difference in the breed. Heroic, poetic, romantic, splendid, but unstable and unbalanced has been the story of Ireland—centuries of martyrdom at the altar of impulse and improvidence. She is enacting today a tragedy among her own people which is only a repetition of those of her race-life a thousand years ago.[1]

There has always been a stability and a balance among the Scotch and Welsh and English that has been wanting in the Irish. There are some peoples whom Evolution seems to have made that their race-life might be given to others. History proves that, so far, this has been decreed of both Germany and Ireland. We, of Scotch and English blood (by the census of 1920 nearly 95 per cent[2] of the white people of Tennessee), will, perhaps, not altogether welcome the historical fact that we are, to a large extent, what we are, that we have been permitted to develop our race-life, our ideals of a democracy of the people, our commanding commerce, sea power, religion, and colonizations of democratic peoples, because, first, of their island security; because, second, of buffer Germany keeping the Mongol, the Slav and the Latin off our backs across the Channel, while we developed in comparative security. As for unhappy Ireland she has poured out her blood on every battlefield for democracy as much as either the Scotch or English. It is, however, a grave historical error to speak of the Scotch-Irish, whose blood, except English, greatly predominates

[1] At this writing, Ireland, given autonomy at last, is seemingly destroying itself with civil war. She is now on trial before the world and all who know her hope she will arise to the occasion and prove her right to independence and sovereignty.

[2] This includes the Irish, their percentage being too small in rural Tennessee to make an exception, but large in the great eastern cities.

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all others in the white people of Tennessee, as being Irish. Some late histories claim that such great Scotch-Irish of Tennessee as Andrew Jackson, Houston, Johnson, Polk and others are Irish because their ancestors came from Northern Ireland. Scotch-Irish is a misnomer, a hybrid word of no true etymology. There is no Celt blood in any of these, nor in the people of the four counties of Northern Ireland, who were Scotch and English, settled there by James I of England, and later so bitterly oppressed and persecuted by his weak and degenerate successors that in the sixteenth, and more rapidly and in greater numbers, in the seventeenth century, they migrated by thousands to the southern colonies of Virginia and the Carolinas, and later their descendants poured in a steady stream across the mountains into Tennessee. True to their race-life, as expressed in their clan life, and their breed, they did not migrate in colonies, but in clans, neighbors and families, and thus you find them in Tennessee today.[3]

In the Foreword of the volume will be found some of the race characteristics of this people. To call them Anglo-Saxons is almost as heterogeneous a term as to designate the dominant Tennessee family Scotch-Irish; for they have, in their blood lines, less of either Angle and Saxon than of the great overpowering stream of Baltic Teuton, Scandinavian, Dane, Norman and Celt—with a basic foundation of aboriginal Briton. The English language, unsurpassed in its vocabulary, is itself a literary chart and coat of arms of the varied sources of its royalty. In no other language may ideas be expressed by words of so many differing shades of meaning, ranging all the way from the blunt, short, manly, strong, soil-smelling Saxon to the rhythmic, effeminate and perfumed Latin.

It is a long call in a mixed breed between the Saxon King or Cyng and the Roman Imperator. The Saxon of us has long ago made short shrift of the Cyng or King; but the Norman Latin of us still dearly loves his lord and emperor, even if he has no divine rights, in this age, save in a vast variety of uniforms as a figure-head for the procession of democracy.

Let us analyze a little closer this mixture of races making this language which we now call English and see just what we are, and why.

Primarily and fundamentally we are English; and, while we may speak of Anglo-Saxon and use words of Latin etymology, we must never forget that for ten or twelve centuries after the fall of the Roman Empire and the submerging of the continent by Goth and Vandal and Hun, sweeping away entire nations, leaving only fragments such as Saxons and Jutes and some of the Franks, the Engleman was swept across a little ocean to an island—a little ocean of only twenty-three miles—a channel now that civilization daily steps across, but then wider than the Atlantic which later and until now has served our own republic from invasion; and, like the English of 2,000 years ago, gave us the opportunity for national expansion. Behind this narrow channel the Englishman had his chance to develop while his German brother across on the continent has been torn to shreds for a thousand years, before and since; and only lately to tear itself to pieces again for lack of that common sense developed through security by the English, of seeing around the corner, but making of the Germans the evolutionary food of other and more practical peoples.

Behind this barrier the Engleman grew with his language, his ideals, his

[3] To show how and why our Scotch ancestry immigrated to America, the following page is a copy of an Immigration List obtained from the British Archives by John Trotwood Moore, state librarian and archivist of Tennessee, now to be seen in the Tennessee Archives. Observe these names and duplicate them in your own neighborhood.

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LIST OF PASSENGERS ON BOARD THE SHIP "ULYSSES," JAMES CHALMERS, MAST., FOR WILMINGTON, IN NORTH CAROLINA

Passengers' Names	Age	Former Place of Residence	Business	Reasons for Immigrating
Robt. McNichol	30	Glenwicha	Gentn.	High rents and oppression
Jean Campbell, his wife	24	Glenwicha	His wife	
Annabel McNichol	9	Glenwicha		
Abram Hunter	28	Greenock	Shipmat.	To build
Thomas Young	21	Glasgow	Surgeon	To follow his trade
John McNichol	24	Glenwicha	Workman	High rents and oppression
Angus Galbreath	20	Glenwicha	Workman	Poverty occasioned by want of work
Katrine Brown, his wife	26			
Angus Fletcher	40		Farmer	High rents and oppression
Katrine McIntyre, his wife	40	Glenwicha		High rents and oppression
Euphame Fletcher	10	Glenwicha		
Mary Fletcher	6	Glenwicha	Their children	High rents and oppression
Nancy Fletcher	3	Glenwicha		
John McIntyre	45	Glenwicha	Farmer	High rents and oppression
Mary Downie	35	Glenwicha	His wife	High rents and oppression
Nancy McIntyre	11	Glenwicha		
Dond. McIntyre	9	Glenwicha		
Chrisly McIntyre	5	Glenwicha	Their children	High rents and oppression
John McIntyre	4	Glenwicha		
Duncan McIntyre	40	Glenwicha	Farmer	High rents and oppression
Katrine McIntyre	28	Glenwicha	His wife	High rents and oppression
John Sinclair	32	Glenwicha	Farmer	High rents and oppression
Mary Sinclair	32	Glenwicha	His wife	High rents and oppression
Donald McIntyre	28	Glenwicha	Farmer	High rents and oppression
Mary McIntyre	25	Glenwicha	His wife	High rents and oppression
Don McFarlane	26	Glenwicha	Farmer	High rents and oppression
Don McFarlane	6	Glenwicha	His son	High rents and oppression
Isobel McIntyre	24	Glenwicha	His wife	High rents and oppression
John McIntyre	35	Glenwicha	Farmer	High rents and oppression
Margt. McIntyre	30	Glenwicha	His wife	High rents and oppression
Malcom McPherson	40	Glenwicha	Farmer	High rents and oppression
Chistn. Downie	30	Glenwicha	His wife	High rents and oppression
Janet McPherson	10	Glenwicha		
Willm. McPherson	9	Glenwicha	Their children	High rents and oppression
Willm. Picken	32	Glenwicha	Farmer	High rents and oppression
Martha Hine	26	Glenwicha	His wife	High rents and oppression
Robt. Howie	48	Glenwicha	Workman	Poverty occasioned by want of work
Archd. McMillan	58	Glenwicha	Farmer	High rents and oppression
Mary Taylor	40	Glenwicha	His wife	High rents and oppression
John Greenlees	25	Kintyre	Farmer	High rents and oppression
Mary Howie	25	Kintyre	His wife	High rents and oppression
Peter McArthur	58	Kintyre	Farmer	High rents and oppression
Chrisn. Bride	52	Kintyre	His wife	High rents and oppression
John McArthur	16	Kintyre		
Ann McArthur	38	Kintyre		
Ian McArthur	20	Kintyre	Their children	High rents and oppression
John McArthur	28	Kintyre		
Danl. Caldwell	18	Kintyre	Shoemaker	Poverty occasioned by want of work
Robt. Mitchell	26	Kintyre	Taylor	Poverty occasioned by want of work
Ann Campbell	19	Kintyre	His wife	Poverty occasioned by want of work
Alex Allan	22	Kintyre	Workman	Poverty occasioned by want of work
John Ferguson	19	Kintyre	Workman	Poverty occasioned by want of work
Robt. McKichan	32	Kintyre	Farmer	High rents and oppression
Janet McKendrick	24	Kintyre	His wife	High rents and oppression
Neil McKichan	5	Kintyre	Their son	High rents and oppression
Don McKay	20	Kintyre	Taylor	High rents and oppression
Andrew Hyndman	46	Kintyre	Farmer	High rents and oppression
Cathn. Campbell	46	Kintyre	His wife	High rents and oppression
Malm. Smith	64	Kintyre	Farmer	High rents and oppression
Mary McAlister	64	Kintyre	His wife	High rents and oppression
Neil Thomson	23	Kintyre	Farmer	High rents and oppression
John Gilchrist	25	Kintyre	Cooper	High rents and oppression
Marion Taylor	21	Kintyre	His wife	High rents and oppression
Neil McNeil	64	Kintyre	Farmer	High rents and oppression
Isobel Simpson	64	Kintyre	His wife	High rents and oppression
Angus Cameron	19	Kintyre	Farmer	High rents and oppression
Katrine Cameron	21	Kintyre	His wife	High rents and oppression

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character—a new Englishman. Not the Celt that had in turn absorbed another Celt before Caesar; nor the Briton of Caesar, but the Briton who was a Teuton and who, in his turn, absorbed both Briton and Celt. He dropped even his Teuton gods of Woden and Thor, and went back to his older Aryan faith of the Mid-Asian Vedas: "His shadow is immortality. He alone is God above gods."[4]

Before the Engleman came to the Isle of Briton there was an older England which lay along the south shores of the Baltic. Neither was he Saxon nor Jute, but Angleman. The others were his kin but he absorbed them and thereby proved himself to be the strongest and most virile. Thus, throughout the centuries he has ever been and always he has absorbed the others. The Saxon, the Jutes, the Danes, the Swede, the Norseman—all—though some of them conquered him in part, yet only to be absorbed at last. His last absorption was the Norman, who, in turn, was of the same Teutonic race as the Angleman. Now, in crossing the channel, the Saxon and the Jute crossed together for protection and under common leadership; but the Angleman crossed in his greater strength alone, and instead of taking a small portion of Briton, as did the Saxon, and Jute (who seized small portions of South Briton), the Engleman boldy invaded the whole and gave his name to the whole of Britain.

And it is well to bear in mind another fact which has a most potent influence on his history: the Engleman, crossing the channel before the fall of Rome, escaped the degenerating influence of this decadent Empire, its customs, manners, laws and religion. The English, therefore, were less contaminated by Rome than were any of the other Teuton tribes.

One would suppose from the early Saxon chronicles which greatly magnify the work of Saxon life in Britain, that in learning and literature and in race achievement the Saxon race predominated. But this is not true: these southern Saxons were of easy access to Roman influence and learned to write and to chronicle sooner than the English in the North. The latter had a stronger race achievement though they had not learned to keep the written record. This is proved by the fact that though Saxon, through the Latin, learned first to keep (and so in history to magnify) their written record, yet the English easily absorbed them, records, language, and all.

The cycles of civilization ever return to repeat. This situation is similar to the one which exists now in the United States of America. The English Southerner of Scotch-Irish, Wales and English blood of Virginia, Maryland and the Carolinas, although they have led in every great movement of immigration, going steadily westward, conquering the Indian and the wilderness in the founding of new states; although they have taken the initiative in every protest of Democracy against the tyranny and oppression of kings from the battle of the Alamance, the first conflict of the Revolution, to both the Mecklenburg Declaration, 1775, and the Great Declaration of 1776; and although the revolution was won in the south, beginning with the winning point of King's Mountain and ending at Yorktown in Virginia; and although her statesmen-presidents and her great Chief Justice Marshall gave to the nation every great and fixed policy of the new republic and every foot of new territory acquired except Alaska, yet this land of the Southern Englishman, by the last census fully 96 per cent pure blood and comprising nearly twenty-five millions of pure blood English, equalled

[4] The Englishman did not altogether get his religion from the Jews. As an Aryan he had a religion of one God before the Jews, and a far more lovable God than this terrible and avenging Jehovah of the Jews. The loving God of the Man of Galilee fitted the English Aryan's past race-life. He easily accepted it.

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nowhere save in the mother country herself—this land, by failure to encourage her chroniclers, historians, poets, and literary people, has had the written records of all these achievements taken from her and given to New England, whose people, to their great credit, have cultivated and encouraged the written word.[5]

Even before the Engleman came over and possessed the islands of the Briton, as stated, he had a distinct civilization of his own and a race-life so pronounced that it was he, always, who absorbed the others with whom he came in contact.

Our own Declaration of Independence and Constitution of the United States may be traced back to his democratic customs even then. The ceorl—now the English earl—was the first free man who arose with rights of his own, though the franchises he acquired then are now the common property of all English speaking peoples. Their system of government was very much like that of Tennessee or any other American state today. There was first the village-moot, which was nothing more than our town meetings, or mayor and aldermen. Above that was the hundred-moot, a combination of all town-moots; above that was the greater folk-moot, where was gathered all the free men of the tribe for counsel and deliberation. This corresponds to the legislatures of our various states, and with the idea advanced, the Congress of the United States.

Abraham Lincoln in his phrase "of the people, by the people, and for the people," repeated almost exactly the words of the ancient chroniclers of the Engleman.

In crossing the channel and leaving behind the Old England of the continent and his Teuton brethren (who afterwards fell more or less under the influence of Rome), one important fact must be emphasized—the Engleman escaped the influence of Rome and the Roman Church, and all the blood lines which were added to him as the centuries passed, such as Norsemen, Dane and Saxon, and even the half-Latinized Norman were free of this taint of Rome. The Engleman is, therefore, as naturally Protestant as he is self-governing and democratic. They migrated from old Continental England for the same reason that one thousand years later, the Puritan of Massachusetts, the Scotch-Irish and English of the Carolinas migrated to America: on account of high rents and oppression.[6]

The Norse blood and the Norman blood have always been the fighting blood in the Engleman but it has always been the solid, practical Engle blood that has held what they have gained. The Norse and the Norman and the Celt blood in the new Engleman made possible Trafalgar and Waterloo on one side, and King's Mountain, New Orleans, Shiloh, Gettysburg, and, last but not least, Chateau Thierry and the Argonne. Either of these bloods if they had battled alone might have lost—combined they have won empires and continents and have held all they have won.

Once English always English, is as true of England as of his blood brothers in America.

The Latin will sell his territory even as he will sell his women, but the Engleman, whether he is in Canada, New Zealand, Australia, South Africa, or the United States of America will sell neither, nor will he exchange his pure-blooded wife to intermarry with lower peoples or mongrels.

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[5] At Lexington, Mass., is a very noble shaft which proclaims that the first blood shed in the Revolution was on that spot. It was an heroic achievement and deserved the statue, but it is not historical truth, since the first battle of the Revolution was fought at the Alamance Creek, near Hillsboro, N. C., 1771, four years before and by many more patriots than fought at Lexington.

[6] See Census Table.

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In the security of his island home the Engleman developed that poise, coolness and nerve that have made him the conqueror or emigrant owner of other lands; whereas, the constant strife and warring of the nations of Continental Europe where war and annihilation hang over their head, always like the sword of Damocles, has tended to upset the nervous equilibrium of the people, engender race hatreds and instability, compared with the Engleman. The Engleman, too, retained his calm idea of the Sabbath and followed strictly the commandment in resting on the Sabbath. One day of every seven his nerves relaxed, his burdens ceased, his mind turned to spiritual things, and with it stored up the future nerve force with which, one thousand years later, in the two hundred years' duel between him and the French and the Spaniard, for the possession of America, the Englishman won, and won with everything against him; for the Frenchman had seized every strategic position, his colonies were established on the St. Lawrence long before those of Plymouth and Jamestown. At the mouth of the St. Lawrence he possessed the only waterway that led into the interior. All people South of him had to cross barriers of mountains and impenetrable forests. With wonderful foresight the Frenchman seized the other great waterway leading from the Great Lakes to the mouth of the Mississippi and established his chain of forts there. His King and his home people were solidly behind him with a larger population and a greater wealth. He feared nothing from the feeble, praying Puritan and Carolina immigrants who landed on almost barren coasts with their Bibles, their women and their rifles. More than that, the French, by intermarrying with the Indians and treating them as their equals made the savages their friends. The great bitterness and cruelty of the early French and Indian wars against the Americans was caused by this.

The wars in the Carolinas, on the Holston, and even with James Robertson's settlement on the Cumberland, were, for the most part, caused by the bitterness which went into the Indian soul with the knowledge that the English pioneer never considered him his social equal. There is nothing that so embitters an inferior race as to know this.

The Englishman would not intermarry with him, would not treat him as his social equal.

The Frenchman did.

But in the end it was the Englishman with his pure blood, his wife, his Bible and his rifle who owned the continent, and not the Frenchman.

And it must be remembered that as there has never been any Roman or kingly church in England, so there has never been any autocratic king—at least, not for long.

Democratic England has permitted the kingly idea only as a figure-head for maintaining the family idea and morality.

When they have violated this privilege and shocked this morality, as last attempted by Charles I, they have found their heads in a basket, their families destroyed, their line of descent abolished and their persons banished to other lands. Today, the Parliament of Great Britain can make of their king a commoner in his own realm. It may abolish his Empire of India and change every political and social structure of the kingdom, but if the humblest sailing master has a long established precedent of sailing in a certain way, or fishing rights, or, if one thousand years ago a humble yokel made a pathway down a lane and across meadows, or these meadows had been used from time immemorial as commons by the people, there is no power in Parliament sufficient to abolish them.

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And as it was in England a thousand years ago, so is it in America, and in Tennessee, today.

To the historian, looking before and after, it is not chance that has planted the Engleman in so many parts of the earth, and on the lands, and within the latitudes best adapted for his race-life and the development of his ideals. It is a somewhat analogous situation, as the development of that first greatest Republic of the Greeks. They, too, had made different settlements in what was then a vast territory of the known world—the peninsula islands of the archipelago of the Mediterranean. A small part of the civilized globe today, but a large part of it then. But whether they were Spartans, or Athenians, or Bœotians or Sicilians, or from the farthermost colonies of the Euxine Sea, they were all of one blood, of the same ideals and ultimately united into one commonwealth—Greece.

And so with the Engleman. In the home country the Engleman is Briton; in Australia and New Zealand he is of that name; American in America; but in all of them he is first, last, and all the time English.

In the old Engle land he absorbed the Briton, Saxon, Jute, Dane, Scot, Celt, Northman, and Norman and made of them all, English. In America it has been the same; he has absorbed the French, in Canada and New Orleans; the Spaniard in Florida; the Dutch, the Huguenot, the German, Swiss, Swede, Irish and every kindred blood that has come to his land and made of them all English.

Nations, like men, imagine that they are the masters of their own fate, "the captains of their souls." To the extent of the operation of individual purpose within a greater and higher law, they are. Within the operations of that law they may fix their individual or natural destinies: but encircling them and constricting them and binding them with impassable barriers are the greater far-reaching laws of an Evolution the ends of which they may not even surmise. Toward it they are propelled by an unseen but irresistible force. Reading the future in the pages of the past, it is plain to see that these various colonies of the Engleman, in the Americas, in Africa, New Zealand, Australia, the Indies and the far islands of the sea, means one and only one thing: the ultimate empire of all Engle land into one great republic of English speaking peoples. It is scarcely begun, as yet, but it is so palpably plain to him who has read the past, that it ceases even to partake of prophecy. If the earth were a garden of a giant, colossal in the ratio of his field, it would be as sure a prophecy as to see him dig holes to set out fine young fruit trees, knowing that one day he expected to see them all in full fruitage in his garden.

Nothing can stop it—nothing can change it. The World war and its after effects sent it forward a century at a shot. In the clash of world ideals the English speaking peoples will be forced to come together to survive. And they have always survived because they possess a cool, unafraid judgment and a soul of sheer courage that has never lost its heart or lost its balance.

North Carolina is, without doubt, Tennessee's Mother State. The first census taken (in which the nativity of the population is set down, that of 1850), shows that there was a total white population of 756,836 in the State. Of these 580,695 were natives, and of the remaining 176,141 of white immigrants living in Tennessee, 72,027 or over 40 per cent were born in North Carolina: 26.5 per cent were from Virginia, and 8.6 per cent from South Carolina.[6]

It is safe to say that fully as large a per cent of the parents of the 580,695 natives were from North Carolina.

[6] See census paper attached.

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The United States Census of 1790, when Tennessee was admitted as the Territory South of the River Ohio, shows that of her total white population of 31,913, 26,519 or 83.1 per cent were English, and 3,578 or 11.2 per cent were Scotch-Irish. The remainder contained less than 3 per cent of foreign-born and that ratio holds good or better today. In that day even as now, Tennessee was far ahead of the United States as a whole in the small per cent of her foreign-born. It is also a fact of the utmost significance that by the Census of 1920, in the nine Southern states surrounding Tennessee, to-wit: Virginia, North Carolina, South Carolina, Georgia, Alabama, Kentucky, Mississippi, Arkansas, Missouri, which, with Tennessee, makes ten—there are nearly sixteen millions of white people of pure native-born whites tracing in unbroken lines back to the mother country. The percentage of foreign-born is but little over 5 per cent, or about as it was when the states were first founded from original emigrants from England, Wales and Scotland.[7] This means that the English traditions will be upheld in this section, the traditions and ideals of democracy and Protestant religion that have made the English speaking people the greatest republic builders of the ages. In fact, the only republic builders which have stood the test of time. It means that in Tennessee and the South the principles of Washington, Jefferson, Jackson and Lincoln will always be preserved, as against the Bolshevism, the Communism and Socialism of the unassimilated blood which threatens to destroy the old Puritan principles of the North and East. When the test comes it will be seen that the so-called melting pot is a delusion, that it may melt but it will not fuse and become one stream. Since history repeats itself again and again the day will assuredly come when the so-called solid South (more literally speaking, the pure-blooded Anglo-Saxon South), will yet save and preserve this great Republic in the clash of undemocratic ideas produced by unhomogeneous blood lines.

STATES Census of 1920	Total Population	Native Born	Percent Native Born	Foreign Born	Percent Foreign Born	Native White of Native Parentage	Percent Native White of Native Parentage
Tennessee	2,337,885	2,322,237	99.3	15,648	.7	1,832,757	97.2
Kentucky	2,416,630	2,385,724	98.7	30,905	1.3	2,039,134	93.5
Virginia	2,309,187	2,277,482	98.6	31,705	1.4	1,534,494	94.8
North Carolina	2,559,123	2,551,851	99.7	7,272	.3	1,764,203	98.9
Georgia	2,895,832	2,879,268	99.4	15,564	.6	1,642,697	97.2
Alabama	2,348,174	2,330,147	99.2	18,027	.8	1,394,129	96.3
Mississippi	1,790,618	1,782,210	99.5	8,408	.5	826,762	96.9
Arkansas	1,752,204	1,738,067	99.2	14,137	.8	1,226,691	95.8
Missouri	3,404,055	3,217,220	94.5	186,835	5.5	2,536,936	78.6
South Carolina	1,683,724	1,677,142	99.6	6,582	.4	779,418	95.2
	23,497,432	23,161,348		335,083		15,577,221	94.4

In the last column the percentage is that which the native white population of native parentage bears to the total white population.

[7] There is a very different story to tell concerning other sections of the United States. In the Atlantic Monthly of July, 1923, page 90, Mr. Rossiter, historian, says: "Seventy years ago,—in 1850—in Maine, New Hampshire, and Vermont combined, the native white element contributed 928 persons out of every 1,000 of the population, to 70 persons of foreign birth or parentage. In 1920 this high proportion of native stock had dropped to 612, and the foreign element had increased to 385. The native element thus continued to contribute the greater part—almost two-thirds—of the entire population. In the southern New England group, on the other hand, the change in seventy years was almost revolutionary. In 1850 the native white element contributed 816 persons out of every 1,000, to 170 contributed by the foreign-born and their children; but in 1920 the proportion of the native white element in each 1,000 inhabitants had decreased to 367, and that of the foreign element had advanced to 619."

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But what of the so-called Scotch-Irish, whose blood is so large a factor in the life of Tennessee, and from which came such men as Andrew Jackson, James K. Polk and Andrew Johnson, the only three Tennesseans who have reached the supreme height of Presidential greatness? Is it, indeed, chance that scions of this breed alone should have attained the greatest of all honors, not alone in the State but in the Nation?

Even a brief and most cursory view of them and their race-life will prove that this, indeed, is no accident. For not only were these people also Englemen, but they were Englemen plus Scotsmen, the latter being the original Celtic Britons of the South and the Celtic Caledonias of the North and all passing later under the names of Picts and Scots. A people more virile, hardy and warlike even than the Engleman himself. A mingling of all made the Scotch and Scotch-Irish of Ulster.[8]

The Province of Ulster from which so many of the ancestors of Tennessee came, lies, it is true, not in Scotland but in the North of Ireland. In the struggle for independence by the Irish people against the English Tudors, the four Northern counties of Ireland were swept clean by the English in a plan to establish Protestants there by Elizabeth, and afterwards carried on by James Stuart. The famous Francis Bacon was the legal advisor of James in drawing up the plan for the settlement of Northern Ireland by Scots and English. The grants were divided into three classes, those of 1,000, 1,500, and 2,000 acres, upon which castles and fortifications were required to be built within four years, and all guarded by a soldier yeomanry of twenty-four to each thousand acres. This made a natural selection of aristocracy and families of wealth as it required them to be able to purchase such large grants of land with the retinue of servant soldiers necessary to defend them. It made the descendants of Tennesseans and all other Southern Scotch-Irish states by a natural selection better bred than the common run of English immigrants, who flocked over, to the colonies, by shiploads, and many as bond servants.[9]

In his first report to the Crown, Sir Arthur Chischester, the King's deputy in Ulster thus describes these Scotch forbears of that blood in Tennessee and the South today:

"The Scotchmen are come with better port, are better attended and accompanied, than even the English themselves. From the best parts of Lowland Scotland have come these picked men to Ulster to become Britain's colonists. But these proud and haughty strangers with their high heads and new ways, are held as aliens and harried by the Irish. The scorn of the Scot is met by the curse of the Celt."

We have mentioned before some of the race characteristics of these people, but it is well to remember them that the future may be forecasted from the past. Knowing these, any historian, two centuries ago would have told what stand they would take and what part they would play in the great events which followed: the fight for religious freedom in the colonies; the American Revolution and

[8] The two great soldiers of America were both Scotch-Irish and both named Jackson.

[9] "The counties of Down and Antrim, most fertile and beautiful of all the Ulster counties, were so near Scotland that, even in those days of steamless vessels, Ayrshire, Argyle, and Wigtown could be reached within five hours. Many Scotchmen came to Down and Antrim in response to the land offer of James. The very terms of this offer excluded all but men of influence, and the records show that most of those who came were younger sons or connections of noble families—many of them driven from Scotland by the religious disorders of the time." (Mrs. Blanche Bentley, in Tennessee Historical Magazine, January, 1920.)

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its battles against taxation without representation; King's Mountain and the destruction of Ferguson; the ever propelling instinct for migrating farther into the wilderness in search of a home, cheaper lands; the formation of a free and sovereign state, based on the electorate of a free and sovereign people; building their churches and schools often before they built their log houses; the defense of that state against those who would invade it to destroy their rights, from whatever source or country; the maintenance of their blood pure without affiliation with inferior peoples and the maintenance of their religion without the interference of state.

Aaron Burr said, after his visit to Tennessee in 1806: "Tennesseans, as the breed runs in 1806, can go anywhere and do anything."

That same blood is in Tennessee today, undefiled and unafraid, with the same ideals and the same religion, and when such crises come, as followed Burr's prophecy, in 1814, at New Orleans; in 1847 in Mexico; in 1860 to 1865 at Shiloh, Gettysburg and Franklin; and lastly, in 1918, on the Hindenburg Line, it will be found that, in the future, as in the past, Tennesseans can go anywhere and do it again!

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CHAPTER II

EARLY EFFORTS OF THE WHITE MAN IN TENNESSEE

The history of Tennessee is naturally divided into four periods:

1. The period of pioneer life—the formative period; the period of heroic, primitive endeavor and achievement, beginning with the first permanent settlements, 1768-1770, and ending with the admittance of Tennessee into the Union.

2. The period of stabilized society under the first constitution—from 1796 to 1834.

3. The period of internal progress, of prosperity and happiness succeeded by the woes of the war between the states and the distractions of reconstruction—from 1834 to 1870—the period under the second constitution.

4. The period of modern times—from the adoption of the third constitution, in 1870, to the present time.

THE BEGINNING OF REAL TENNESSEE HISTORY

The history of Tennessee proper begins with the establishment of the first permanent abodes of white people within the present limits of this state. While what little is known of the life of those mysterious people who preceded the Indians and left their mounds, fortifications, implements and utensils for the speculation of antiquarians, has been set down; and while what is known of the life of the Indians, prior to the advent of the white man, has been briefly related, the serious consideration of the history of this state dates from the time when the daring and ambitious pioneers from Virginia and North Carolina blazed their way west of the Allegheny Mountains and scarred the fields, the valleys and hills and mountains of East Tennessee with ax and plow.

Nevertheless, in the interest of complete discussion, it is well briefly to relate the efforts the white race has made in attempts to locate important forts and stations before permanent lodgment was effected.

It is doubtless true that the Spaniards, under Hernando (also called Fernando and Ferdinand) DeSoto were the first white men who set foot upon the soil of Tennessee.

Joseph S. Williams in his "Old Times in West Tennessee" speaks of a conversation which he heard between his father and an Indian chief, which conversation was held soon after West Tennessee had been acquired by treaty with the Chickasaws, effected in 1818, by Gen. Andrew Jackson and Gov. Isaac Shelby of Kentucky. On page 14 he says his father spoke to the chief as follows:

"That more than two hundred and eighty years ago, Spain, a powerful nation across the big water, sent a great many big ships, with men, arms and ammunition, and fine horses, to take possession of all this country; that they landed somewhere on the coast of Florida, under the command of a great man called Fernando DeSoto; that DeSoto, landing his men, guns and horses, marched up through the territory of the Alibamas, then, turning west, crossed the Tombigbee somewhere near the Chickasaw village, passing through their

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HERNANDO DE SOTO



COPY OF ORIGINAL DRAWING OF HERNANDO DE SOTO'S BATTLE WITH THE INDIANS, 1541, MEMPHIS

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territory, crossing the Mississippi at the Chickasaw bluffs; that the Chickasaws were offended with the strangers for entering their territory without asking their big chief to smoke the calumet, gave them battle, killing a great number; that more than one hundred and ninety years after the Spaniards passed through the territory of the Chickasaws, the French, who claimed all the country on both sides of the Mississippi, from its mouth to the great lakes in the north, became offended with the Chickasaws for taking sides with and helping the Natchez, with whom they were at war, sent Bienville, who was the governor of Louisiana, with a great army of white men and a large number of Choctaws, up the Tombigbee River to drive them from their territory. Bienville, with his soldiers and Choctaw friends, landed near the Chickasaw villages, marched out and had a big fight at Ackia village."

The chief confirmed the fact that his people had defeated the French at Ackia.

DeSoto landed in Florida in 1539 and, after wandering in Florida, Georgia, Alabama and Mississippi, having lost many men in encounters with the Indians, reached the fourth Chickasaw Bluff, where Memphis now stands, May 8, 1541. Bancroft says that "at the end of May, the Spaniards embarked upon the Mississippi and were borne to the western bank." Judge J. P. Young, the Memphis historian, says they crossed on June 18, 1541.[1]

FORT PRUDHOMME, THE FIRST FRENCH FORT

In an article entitled "Fort Prudhomme: Was It the First Settlement in Tennessee?" published in the Tennessee Historical Magazine in December, 1916, Judge J. P. Young says:

"No keener interest is aroused in the public mind by any phase in the early history of a country than the story of its first settler, the pioneer builder of the future state. The identity of the first settler, or colony of settlers, in Tennessee has been a much disputed question among historians for more than a century. Though the influx of early population unquestionably came over the mountains from the Carolinas and Virginia into East Tennessee, the first bona fide settlement has been conceded by practically all historians, writing since the early part of the last century, to West Tennessee, through the agency of the French explorers of the Mississippi River. These very reputable writers agree that the name of the first settlement alleged to have been established by Sieur Robert Cavelier de la Salle in 1682 was Fort Prudhomme, though they are at variance as to the site, a few placing it at the first Chickasaw Bluff on the Mississippi River, though the greater number locate it at the fourth or lower Chickasaw Bluff, the present site of the City of Memphis."

Judge Young then tells of the location of the four Chickasaw bluffs; of the coming of DeSoto in 1541, of Gov. Jean Baptiste le Moyne de Bienville and the erection in 1739 of Fort Assumpsion, where Memphis now stands and brushes them aside as "mere temporary expedients." He then quotes from the "History of Louisiana" by Francois Xavier Martin (1827) as follows:

"They (LaSalle and his followers) made a short stay at the mouth of the Ohio, floating down to the Chickasaw bluffs, one of the party going into the woods, lost his way. This obliged LaSalle (sic) to stop. He visited the Indians in the neighborhood and built a fort as a resting place for his countrymen navigating the river. At the solicitation of the Chickasaw chiefs, he went to their principal village, attended by several of his men. They were entertained with much cordiality and the Indians approved of his leaving a

[1] For a more extended account of this event see the section devoted to Historic Spots and Places in Tennessee.

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garrison in the fort he was building. The Chickasaws were a numerous nation able to bring two thousand men into the field. Presents were reciprocally made and the French and the Indians parted in great friendship. LaSalle, on reaching his fort, was much gratified to find the man who was missing. He left him to finish the fort, and to command its small garrison. His name was Prudhomme; it was given to the fort—and the bluff, on which the white banner was then raised, to this day is called by the French ecor a Prudhomme. This is the first act of formal possession taken by the French nation of any part of the shores of the Mississippi."

Judge Young then quotes from several authors, from whose authority he concludes that neither Fort Prudhomme nor any of the other forts or posts can be considered as permanent settlements in any sense. His closing paragraphs are as follows:

"It thus being made clear by the narratives of the original founder or builder of the stockade or defense called a fort, and the narrative of those who were with him on this voyage that the fort was a mere temporary shelter or defense against a few Chickasaw Indians seen in the vicinity, while LaSalle's party were endeavoring to find the lost hunter Prudhomme, and that the party were only there some nine or ten days and left no colony behind them, it becomes apparent that Tennessee was not settled first at Fort Prudhomme in 1682, notwithstanding the error into which several historians have fallen.

"The same can also be said of the voyage of Marquette and Joliet, as the narrative of Father James Marquette and his original map of the country discovered by him, after a long period of rest in Saint Mary's College of Montreal, were finally brought to light and translated and given to the world by Mr. John Gilmary Shea in the same volume in which he published the narrative of Father Zenobé de Membré. These will fully and clearly show that Marquette, like LaSalle, did not stop at the lower Chickasaw Bluff and left neither colony nor trading post behind him on the Mississippi River.

"The first settler of the Anglo-Saxon race in West Tennessee of whom we have any account was William Mizell of North Carolina, who was found on the lower Chickasaw Bluff at the Spanish post and fort of San Fernando de Barancos by Capt. Isaac Guyon of the Third United States Infantry Regiment, when he came on July 20, 1797, to take possession of the fort and the lower Chickasaw Bluff in behalf of the United States, the fort having been constructed by Governor Don Manuel Gayoso de Lemos of the Province of Louisiana and the Spanish flag raised over it on the 31st of May, 1795. Mizell was living here as an Indian trader at that time, together with a Scotchman named Kenneth Ferguson. This was about forty years after the settlement of the post at Fort Loudon in East Tennessee in 1756."

It may be said that the French erected on either the first or second Chickasaw Bluff the first building in Tennessee.

As Ramsey says in his Annals, p. 39:

"The first work, except probably the piraquas of DeSoto, ever executed by the hand of civilization within the boundaries of Tennessee. A cabin and a fort! Fit emblem and presage of the future in Tennessee. The axe and the rifle, occupancy and defense, settlement and conquest."

M. CHARLEVILLE'S STORE AT THE GREAT FRENCH LICK

In the last years of the seventeenth century and the earliest years of the eighteenth century, the French assiduously explored the Mississippi and the Ohio and their tributaries. In 1710, a Frenchman came up the Cumberland as far as the Great Lick. Of his name there is no record and his chief claim to historic mention is because of the fact that he conducted to this place M. Charle-

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ville, who, in 1714, established near the fort a trading post. He lived in a fort built some years previously by the Shawnees. These Indians came from Northern Florida and Southern Georgia, where they left their name in the Suwanee River. During their residence in Tennessee they gave the name of Sewanee to a part of the Cumberland mountains and Shauvanon to what is now the Cumberland River but which had been called Warioto. Through an alliance with the Chickasaws and Cherokees the Shawnees were forced out of the Cumberland Valley. After a number of them had effected their escape, the Chickasaws attacked their fort at the Lick, killed the Shawnees remaining and captured their property. From this time, about 1700, when the survivors who escaped migrated to the North, they were received by the Six Nations as a wandering tribe. A part of them remained in Kentucky until about 1764, when they removed to the Wabash.

After the expulsion of the Shawnees, the Chickasaws and Cherokees found Charleville and his friend, the aged Frenchman, living in the fort of the Shawnees. They brought furs and hides which they traded for bright beads and colored cloth. The two traders soon departed with heavily laden boat. Charleville returned several times but no further mention of the old man has been made by any one.

When an old man, Charleville told Timothy Demonbreun of the wonderful site on the Shauvanon, where Nashville now stands and, as early as 1775, he came to this place hunting and lived in a cave on the river bank. No permanent settlement, however, was made in this section until 1778 when a few families located in the vicinity of Bledsoe's Lick, now Castalian Springs, in Sumner County.[2]

FORT LOUDON

The first Anglo-American settlement planted in Tennessee was Fort Loudon. Although it was maintained but for a few years, this very fact coupled with the melancholy and romantic interest which attaches to it are sufficient warrant for devoting to it a space which otherwise might seem altogether out of proportion to its real importance.

This fort was named for John, the Earl of Loudon, who at that time was the commander of the English forces in America, and was located at the head of navigation on the Little Tennessee River by Gen. Andrew Lewis, Loudon's chief engineer. The spot is "beautiful for situation, commanding an extensive view up and down the river, as it flows around the base of the hill and overlooks the handsome and productive valley through which this lovely stream flows."

The spot selected was the southern bank of the river, near the mouth of the Tellico, in what is now Monroe County, about thirty miles southwest of Knoxville.

The fort was erected in 1756 and was garrisoned by British troops. It was not designed to be a settlement, strictly speaking, but to be one of several military outposts established to face the threatened encroachments of the French who had established a chain of forts in the Mississippi Valley. Nevertheless traders and hunters and others soon arrived and the settlement around the fort grew into a thriving village.

Although it was known that the Indians were dissatisfied with the presence of

[2] For a more extended account of this settlement see the section devoted to Historic Spots and Places in Tennessee.

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so many whites and that a spirit of deep resentment existed in their minds, the soldiers do not seem to have realized their danger from that source, accentuated by their situation so remote from other white settlements.

The Cherokees, who were the Indians nearest to Fort Loudon, had rendered valuable service in the expedition of the English against Fort Duquesne. On their return they picked up some horses which belonged to the inhabitants of places along the border of Virginia and used them to facilitate their journey, as they had lost their own horses and were without provisions for so long a distance on foot. They, therefore, also helped themselves to food wherever it could be found. While doing these things a number of them were killed in cold blood. Other Indians were also murdered by conscienceless villains, and some by hunters and backwoodsmen. At one place a man, denominated a "monster," entertained a party of Indians and treated them kindly, while at the same time he caused a gang of kindred ruffians to lie in ambush where the Indians were to pass and, when they arrived, they were shot down to a man.

On Friday morning, November 9, 1917, the Tennessee Society of Colonial Dames unveiled a marker at Fort Loudon with impressive and appropriate exercises. Mrs. James Kirkland, of Nashville, at that time president of the Society for Tennessee, presided.

The marker, made of Tennessee stone, contains the following inscription:

Fort Loudon, constructed by the English in 1756 to help win the Valley of the Mississippi. Captured by the Indians under French influence in 1760.

The owner of the land on which Fort Loudon stood, Mr. J. C. Anderson, gave one hundred feet square for the marker.

Mr. John H. DeWitt, president of the Tennessee Historical Society, made the address, which was published in the Tennessee Historical Magazine for December, 1917, and which is herewith reproduced in full,[3] both because of its intrinsic excellence and also especially because it gives an unusually good setting for the next chapter of this book in which is the narration of the first real beginning of Tennessee history:

MR. DEWITT'S ADDRESS

One hundred and fifty-seven years ago there was enacted upon this beautiful spot a tragic drama which terminated the first attempt at permanent occupation by white people in Tennessee.

The dramatic background may best be described by showing that here beside these beautiful streams and majestic mountains lived the Overhill Cherokees. One-half mile above the spot where we stand was the Town of Toskegee. About two miles farther on the same side was the old Indian town Tomatley, at the mouth of Ball Play Creek. About fifteen miles above was the Town of Tennessee. About two miles above Tennessee was Chote. About two miles above that was Settacoo. About two miles above Settacoo was Halfway Town. About two miles above Halfway Town was Chilhowey. About five miles above Chilhowey, on both banks of the river—Little Tennessee, was the Town of Tallasee.

Among these mountains, where the chain of the Alleghenies and Blue Ridge meet, the Cherokees, a brave, sturdy tribe of Indians, lived. Southeast of their villages were the headwaters of the Savannah River, and down those of the Little Tennessee was the Cherokee path leading southeastwardly to Charleston and the Atlantic Seaboard. They had two other highways, one down their river and up

[3] See also Heiskell's Andrew Jackson and Early Tennessee History, pp. 276 et seq.

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the Emory, then down the south fork of the Cumberland into the "Bloody Ground"—the other leading from Chote into Virginia, passing some six miles to the south of Knoxville, crossing the Holston at the islands near Underdown's Ferry, and extending as far as Richmond, Va. These two were called war paths.

Southwesterly among the fastnesses around Lookout Mountain lived the Chickamaugas, and upon the streams and along the villages running from here to the great bend of the Tennessee River there was easy and frequent communication with these Indians. So they lived for more than a century in this condition of seclusion from the white man.

In the year 1748, when Quebec, Montreal, Detroit and Macinaw were old French cities, the Anglo-Saxon settlements in America were confined to the plains along the Atlantic Seaboard. England claimed all the land running westerly to the Mississippi River and even beyond, but she actually held a thin shore line along the ocean. William Pitt, Earl of Chatham, was Prime Minister of Great Britain. With his sagacious foresight as a master builder of an empire, he realized the immense advantage of taking and holding all the western country for British colonization and ownership. At the same time the French under Louis XIV had courted various tribes of Indians into friendship, aided by the missionary propaganda of the Catholic priesthood. The French were building a chain of forts intended ultimately to extend from their St. Lawrence settlements to the mouth of the Mississippi.

It was thus for the ambitious rivalry for a New France and a New England in America, that brought on the conflict in Europe known as "The Seven Years' War," and in America as "The French and Indian War." William Pitt conceived the idea that the decisive battle between the old rivals, England and France, would be fought to the finish beyond the Atlantic waters.

The war of Austrian Succession, brought to a close in 1748, had left unsettled the issue between France and England as to disputed boundaries in America. Pitt bent every personal and national effort to seize and hold this interior country, and active hostilities were the inevitable result. The expedition led by George Washington in 1755 into Western Pennsylvania really began the great struggle. The chief strategic point for the French was Fort DuQuesne, at the confluence of the Alleghany and Monongahela rivers, where Pittsburg now stands. After its capture by the English in 1758, the defeated and exasperated Frenchmen descended the Ohio, ascended the Tennessee, and began to exercise a pernicious influence among the Cherokee Indians.

The leaders of the Cherokees were the famous chiefs, Oconostota, Willinaughwah, Atta-Kulla-Kulla, and other chiefs, some of whom had visited England as friendly allies and been presented to King George. The Cherokees had ever been friendly to the English, and, in 1756, Governor Dobbs, of North Carolina, made a treaty offensive and defensive with them and with the Catawbas, who lived in the Carolinas, east of them. It was the aim of the English to hold firmly the favor of these Indians and thwart the machinations of the French emissaries, as the mighty struggle between France and England involved the whole of the country inhabited by them. There was continual fear lest these tribes might be incited by the French to fall upon and destroy the frontier settlements of Carolina. When this treaty was made, the chief of each nation required that a fort be erected within their respective countries for the defense of their women and children, in case the warriors should be called away against the French and their Indian allies.

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There was another vital reason for the construction of forts. Charleston, S. C., was the military and commercial center for the British and it was to this place that all efforts were made to divert the Indian trade. As Col. W. A. Henderson has said:

"This trade was sought from all regions within the French influence and it became a consuming desire on the part of the colonists that they should destroy the French forts and erect a line of such of their own, with permanent military occupation. Nothing gave such respect to the Indians as the boom of a cannon, and walls that would resist their bullets and native weapons * * * England was bled of men and money to carry on this colossal design, beginning at the mouth of the St. Lawrence and extending as far westward as the pathways of commerce wandered. * * * In accordance with this general design it was determined to erect, far back into the wilderness, three forts for the protection of Charleston and its trade, and seduce the Southern Indians from their loyalty to France, which was always their favorite. One of these forts was to be Fort Moore, on the Savannah River, just below and opposite the present City of Augusta, named for the former governor of the Province of South Carolina.

"Far up the headwaters of the Savannah River, on the Cherokee path on the main branch called Keowee River, almost immediately opposite the Indian town Keowee, was to be a second fort, christened 'Prince George,' in honor of the grandson of George II, afterwards George III. The third was to be far away 'over twenty-four mountains,' in the center of the Overhill Indians, which was to be called Fort Loudon, after John, Earl of Loudon, at that time commander of the English forces in North America."

Besides this fort for the protection of this immediate section, three other forts were built among the Alleghany Mountains; Long Island Fort, on the north bank of the Holston River, by Colonel Bird of Virginia; Fort Dobbs, under the shadow of the Alleghanies, by North Carolina; and Fort Chissel, on New River in Virginia, by Virginians.

In 1756, Fort Prince George was built on the land of the Catawbas, near Keowee, by Governor Glenn of South Carolina.

In that same year, after laborious preparations and in consequence of donations by Prince George himself and by the colonies of Virginia and South Carolina, Fort Loudon was erected here on the southern bank of the Tennessee River in what is now Monroe County, near the point where the Tellico River runs into the Little Tennessee, more than thirty miles southwest of Knoxville. It was built by Gen. Andrew Lewis, the chief engineer of the British troops, under the direction of the Earl of Loudon. This was the first Anglo-American settlement in Tennessee, and its romantic and melancholy story is an introduction to the history of Tennessee.

The expedition consisted of one hundred regular soldiers of the king and one hundred provincial troops, together with about forty artisans, mechanics and farmers, and they carried some two score horses and a number of hunting dogs. The commander of the expedition was the celebrated James Stuart, who had been foremost in defense of the colonies against Indian raids and Negro uprisings; but on account of some differences with the civil authorities he was ranked by Captain Demere, who, though he had a French name, was a sturdy Scotchman.

On this rocky ledge, jutting upon the river, overlooking these deep waters bending around it, Fort Loudon was erected. The ridge was cleared of heavy timber within the enclosure and as far away as a rifle shot beyond. A deep ditch

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was dug across the ridge extending out across the plain and thence to the river, including about two and a half acres of ground. Within the inclosure a well was dug and walled up. The fort was securely built of heavy logs, square in shape, with block houses and bastions connected by palisades, which were trunks of trees imbedded in the earth touching each other, and sharpened at the top, with loop-holes at the proper places. It was made so secure that with ample provisions any garrison could endure a long siege by many times their number. Ten cannon and two guns called coehorns, said to have been contributed as the result of a donation out of the private purse of Prince George, were mounted upon the ramparts, or platforms. These cannon were probably brought over the mountains on packhorses, as no wagon road had ever been cut through that wilderness. Here, 500 miles from Charleston, in a place to which it was very difficult at all times, but in case of a war with the Cherokees, utterly impracticable, to convey necessary supplies, the garrison was placed. The Indians invited artisans to the fort by donations of land, which they caused to be signed by their own chief, and in one instance by Governor Dobbs of North Carolina. A thriving settlement grew around the fort with the arrival of traders and hunters. They began to cultivate the land. This was the first cultivation of land in what is now Tennessee, and the field around this spot is the oldest land in point of cultivation in the state.

Thus they lived and maintained this lone outpost until signs arose of the terrible tragedy which in August, 1760, terminated this settlement.

From the very beginning circumstances conspired to render the Cherokees hostile to the little garrison and colony.

A baleful influence was Oconostota, the great Indian orator and chief, whose home was at Chestoe, beyond the mountains, who always resisted the advance of the white man. The Overhill chief, "The Cloud," was even a more bitter and malignant foe. The presence of so many whites was the basis of agitation of these chiefs which caused so much dissatisfaction among the Indians. A spirit of deep resentment began to exist. The Indians could not understand how a fort which was built for their protection should rapidly become a means for their oppression and subjugation. Among them were some French emissaries, who began insidiously to disaffect them from their loyalty to the British.

Louis Latinac, a French officer, was living in this town with an Indian wife. Priber, a learned French trader, was there fomenting dissatisfaction. He brought his goods up from New Orleans, in batteaux, to that locality.

Another French emissary was one "Baron Des Johnnes," a French Canadian, who spoke seven of the Indian languages. He was afterwards captured by Colonel Sumter of South Carolina and sent to England.

While these intriguing agents and hostile chiefs were weaving a net of enmity around the settlement, an unfortunate quarrel between the Virginians and the Cherokees precipitated the aggression which led to tragedy.

Agreeably to the treaty with Governor Dobbs, a body of Cherokees had assisted in the reduction of Fort Duquesne. Returning home through the back parts of Virginia, some of them, who had lost their horses on the expedition, appropriated some horses found running at large, which belonged to the frontier settlers of Virginia. This the Virginians resented by killing twelve or fourteen of the Indians and taking some prisoners. This ungrateful conduct aroused a deadly resentment. Bancroft says: "The wailing of the women for their deceased relatives, at the dawn of each day and at the gray of the evening, pro-

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voked the nation to retaliate." The hostile spirit soon spread through all the towns.

It was no wonder that Fort Loudon, this far-projected spur of civilization, was the first to notice and suffer from the disaffection of the Indians. The soldiers, making incursions into the woods to procure fresh provisions, were attacked by them and some of them were killed. Constant danger threatened the garrison. The settlers were drawn into the fort. Communication with the settlements across the mountains, from which they derived their supplies, was cut off, parties of the young warriors rushed down upon the frontier settlements and the work of massacre became general along the borders of the Carolinas.

Governor Littleton of South Carolina made preparations to force the Indians into repentance for their desertion. He summoned the militia of the province to assemble at Congaree. He prepared for an extensive expedition to punish the Cherokees. In November, 1758, six chieftains went down to Charleston to reconcile differences, but were treated with little kindness by the governor. He ordered them to the rear of his army under the pretence of safeguard, and then shut them up together in a hut. It seems that the chiefs exercised great forbearance, for they laid their just grievances before the English and avowed their friendship. They finally agreed that twenty-two chieftains should be confined as hostages in Fort Prince George until an equal number of those who had slain the inhabitants on the frontiers should be given up in exchange for them, and that the Cherokees should kill or take prisoner every Frenchman that should presume to come into the nation.

But the Cherokees would not ratify this treaty. Hostages were unknown in the forest, where prisoners were slaves. Littleton had violated his word in retaining in prison the ambassadors of peace. It is hardly to be doubted that the Cherokees really longed for peace, but their proud spirit resented bitterly the incarceration of their honored young braves in a British fort. Oconostota resolved to rescue the hostages. Captain Coytmore, the commandment at Fort Prince George, was lured into ambush and killed. Oconostota then surprised the fort and killed some of its officers. Then the garrison, in their rage, fell upon the hostages and butchered them to a man. Haywood says that this was because the hostages refused to be shackled. In the night the fort was attacked, but without effect. A bottle of poison was found with one of the Indians, probably intended to be dropped into the well.

The butchery of the hostages was followed by a general invasion of the frontier and an indiscriminate slaughter of men, women and children. A general Indian war was imminent. The neighboring provinces of Virginia and North Carolina were called on for assistance. Colonel Montgomery landed from New York with some regular troops and was joined at Congaree, in South Carolina, by a good force of militia. Their march was spirited and expeditious. They destroyed all the lower Indian towns. Little Keowee, Estatoe, Sugar Town and every other settlement in the lower nation were reduced to ashes, and many warriors were slain. But the Cherokees met them near the Village of Etchoe, at the headwaters of the Little Tennessee, and inflicted such a heavy loss that the force retreated, and Fort Loudon, which it was endeavoring to relieve, was left defenseless, isolated, famishing and in despair.

All this time the garrison of Fort Loudon had been besieged, so that now they were reduced to the dreadful alternative of perishing by hunger or submitting to the mercy of the enraged Cherokees. The 200 miles between it and

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Fort Prince George were so beset with dangers and so difficult was it to march an army through the barren wilderness, that no further attempt at relief was made. The garrison was near starvation. For a month they lived on the flesh of lean horses and dogs and a small supply of Indian beans, procured stealthily for them by some friendly Cherokee women. Blockaded and beleaguered night and day by the enemy, with starvation staring them in the face, they threatened to leave the fort and die, if necessary, by the hands of the savages. Then Captain Stuart, resourceful and brave, summoned a council of war. They agreed to ask for the best terms possible and leave the fort. Stuart slipped down to the consecrated city of Chote, where no Indian dared molest him. He obtained terms of capitulation, which were: "That the garrison of Fort Loudon march out with their arms and drums, each soldier having as much powder and ball as the officer shall think necessary for the march, and all the baggage they choose to carry; that the garrison be permitted to march to Virginia or to Fort Prince George, as the commanding officer shall think proper, unmolested; that a number of Indians be appointed to escort them, and aid them in hunting for provisions during the march; that such soldiers as were lame or disabled by sickness from marching be received into the Indian towns and kindly used until they recover, and then be allowed to return to Fort Prince George; that the Indians are to provide for the garrison as many horses as they conveniently can for their march, agreeing with the officers and soldiers for payment; that the fort, great guns (cannon), powder, ball and spare arms, be delivered to the Indians without fraud or further delay, on the day appointed for the marching of the troops."

In pursuance of these stipulations, on August 7, 1760, the white people, after throwing their cannon into the river, with their small arms and ammunition, except what was necessary for hunting, broke up the fort and commenced their march into the settlements in South Carolina. That day they marched fifteen miles toward Fort Prince George. At night they encamped near Taligua, an Indian town, where their Indian attendants all suspiciously deserted them. A guard was placed around the camp. At break of day the treachery was revealed. A soldier came running in and told them that he saw a vast number of Indians, armed and painted, creeping toward them. They had hardly time to form to meet an attack before the savages poured in among them a heavy fire, accompanied with hideous yells. The thousands of savages were too many for the two scant companies of half-starved regulars and a motley following of settlers with wives and children.

Captain Demere was among the first to be killed. A curious reference to his death is found in one of Bossu's letters, entitled "Travels in Louisiana," published in 1771. In this letter, written in 1760, he says:

"We have just received advice that a party of warriors of the nation of Cherokees, commanded by their chief of war called Wolf, have taken Fort Loudon, belonging to Great Britain, and that the English Governor of it, M. Damery, has been killed by the Indians, who put earth in his mouth, saying, 'You dog, since you are so greedy of earth, be satisfied and gorged with it.' They have done the same to others."

Haywood and Ramsey are in conflict as to the actual loss. Ramsey, quoting from Hewitt's "History of South Carolina," says that Captain Demere, with three other officers and twenty-six men, privates, fell at the first fire. Haywood says that all were killed but three men—Jack, Thomas and Stuart—who were

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saved by Atta-Kulla-Kulla, and six men in the vanguard, who escaped to the white settlements. At any rate Stuart, with his companions, was brought to the fort. Atta-Kulla-Kulla, or the Little Carpenter, who was Stuart's true friend, purchased him from the Indian who took him, giving him his rifle, clothes and all he could command by way of ransom. Taking possession of Demere's house he kept Stuart as one of his family and freely shared with him his provisions until a fair chance offered for rescuing him from the savages, but, according to Hewitt, the poor soldiers were kept long in miserable captivity and finally redeemed by the provinces at great expense.

Oconostota now determined to attack Fort Prince George. He was prompted, it is said, by the fact that he had the twelve cannon of the fort and also by some French officers who appeared on the scene. By accident a discovery was made of ten bags of powder and a large quantity of ball that had been secretly buried in the fort. This discovery almost resulted in the death of Stuart, but his interpreter assured the enraged savages that these stores were concealed without Stuart's knowledge. At Chote a council was held.

Stuart was told that he must accompany the expedition against Fort Prince George, manage the artillery and write such letters to the commandant as they should dictate to him They told him further that if the commandant should refuse to surrender they would burn the prisoners one by one before his face. Stuart resolved to make his escape or perish in the attempt. He told Atta-Kulla-Kulla that to bear arms against his countrymen was abhorrent, and invoked his assistance to accomplish his release. The old warrior claimed Stuart as his prisoner, and together they set forth on a pretended hunting expedition. Ten days afterwards they arrived at the banks of the Holston River, where they fortunately fell in with a party of 300 men sent out by Colonel Bird for the relief of Fort Loudon. Atta-Kulla-Kulla, loaded with presents and provisions, was then sent back to protect the hapless prisoners till they should be ransomed, and to exert his influence over the Cherokees to restore peace. Stuart lost no time, but sent word to the Governor of South Carolina to inform him of the disaster at Fort Loudon and the danger imminent to Fort George. Those prisoners that had survived at Loudon were ransomed and delivered up to the commanding officer at Fort Prince George. The British, victorious in the French and Indian war, received from the French a surrender of all claim to the disputed territory by the treaty of 1763.

The story of old Fort Loudon has naturally been invested with romantic and melancholy interest. It was the first and last instance of a capture and surrender of a fort and massacre of the garrison within the limits of Tennessee. For eight years after this destruction there was no settlement attempted within this territory. But in 1768, when William Bean built his cabin near Boone's Creek, he began the continuous occupation by the white man which developed finally into our great commonwealth. It was, after all, the settlement by a few from Virginia and North Carolina along the Watauga, who thought they were in Virginia, that constituted the foundation of our present civilization. A long line of heroes, statesmen and sturdy citizens has come from the people of those days.

The enmities and rivalries which caused the erection and then the destruction of Fort Loudon have long disappeared, and today the glorious descendants of those Frenchmen and British are fighting together, shoulder to shoulder and heart to heart, for the sake of democracy, in Belgium and France.

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CHAPTER III

EARLY HUNTERS AND THEIR HUNTING GROUND

THE NAME TENNESSEE

The first historical mention of Tennessee was the mention by Sir Alexander Cumming of "Tennessee," or "Tenassee," as the ancient capitol of the Cherokees. It was located a few miles above the mouth of the Tellico on the Little Tennessee River. In 1730 Sir Alexander Cumming had been sent by Great Britain to meet the chiefs of all the Cherokee towns at Nequassee, near the present town of Franklin in North Carolina. According to Ramsey, pages 46 and 47:

"Sir Alexander * * * informed them by whose authority he was sent, and demanded of them to acknowledge themselves the subjects of his sovereign, King George, and to promise obedience to his authority. Upon which the chiefs, falling on their knees, solemnly promised obedience and fidelity calling upon all that was terrible to fall upon them if they violated their promise. Sir Alexander, then, by their unanimous consent, nominated Moytoy [1] commander and chief of the Cherokee nation. The crown was brought from Tenassee, their chief town, which with five eagle tails and four scalps of their enemies, Moytoy presented to Sir Alexander, requesting him, on his arrival at Britain, to lay them at his majesty's feet."

From this source and not from any supposed resemblance to a "big spoon," or a "big bend," was derived the name Tennessee, afterwards applied to the Tennessee River and to the state.

Six chiefs accompanied Sir Alexander to Great Britain, were admitted to the royal presence, were well treated, promised obedience to the government of that country and made a treaty with it of "friendship, alliance and commerce." The object of Great Britain was twofold: to alienate the Indians from Spain and France, and to facilitate the intercourse of the traders with them. In consequence of this treaty and of the good mutual disposition engendered, a condition of peace and friendship was maintained for many years between the Colonists and the Cherokees. Indeed, these amicable relations were disturbed only when the hunters and explorers by ignoring the rights of the Indians aroused their suspicion and stimulated their resentment.

CONDITION OF TENNESSEE FOUND BY EARLY EXPLORERS

On page 77 of his Annals, Ramsey says:

"At the time of its first exploration, Tennessee was a vast and almost unoccupied wilderness—a solitude over which an Indian hunter seldom roamed, and to which no tribe put in a distinct and well defined claim. For this reason, and on account of the mildness of its climate, and the rich pasturage

[1] Moytoy of Telliquo, probably the modern Tellico.

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furnished by its varied ranges of plain and mountain, Tennessee, in common with Kentucky, had become an extensive park, of which the beasts of the forest held undisturbed possession. Into these wild recesses, savage daring did not often venture to penetrate. Equidistant from the settled territories of the southern and northern Indian tribes, it remained, by common consent, uninhabited by either, and little explored. The approach of civilization, from several directions, began to abridge the territories of surrounding Indian nations; and the margin of this great terra incognita was occasionally visited by parties of savages in pursuit of game, and as places of retreat from the encroachments of a superior race. In these respects, the value of the country began to be appreciated as hunting grounds, and as affording immunity from the molestations of civilized man. Vague and uncertain claims to several portions of the territory were asserted by as many several tribes; but no part of the present Tennessee was held by the actual and permanent occupancy of the Indians, except that section embraced by the segment of a circle, of which Tennessee River is the periphery, from the point where it intersects the North Carolina line to that where this stream enters the State of Alabama. This was settled by the Cherokees. All of Tennessee, besides this, was uninhabited, though a portion of it was claimed or occupied as hunting grounds by the Shawnees, the Chickasaws, the Choctaws and the Cherokees."

Tennessee was, indeed, a virgin land, clad in nature's richest verdure, preserved for countless ages as the chosen hunting ground of the red men. During these years in which the land was unoccupied by man, game of all kinds multiplied until this section teemed with buffalo, deer, bear, elk, wolves, panthers, and small game and birds of almost infinite variety. The differences in topography were matched by wide latitude in lavish vegetation—giant forests, impenetrable canebrakes and thickets, grape jungles and, here and there, wild-pea vines, so thickly matted and so over-running the undergrowth as to impede travel on foot or on horse-back.

And not only was game abundant, but also fruits and berries in season in prodigal profusion, as Hon. Albert V. Goodpasture says in his "Indian Wars and Warriors of the Old Southwest," in the Tennessee Historical Magazine for March, 1918:

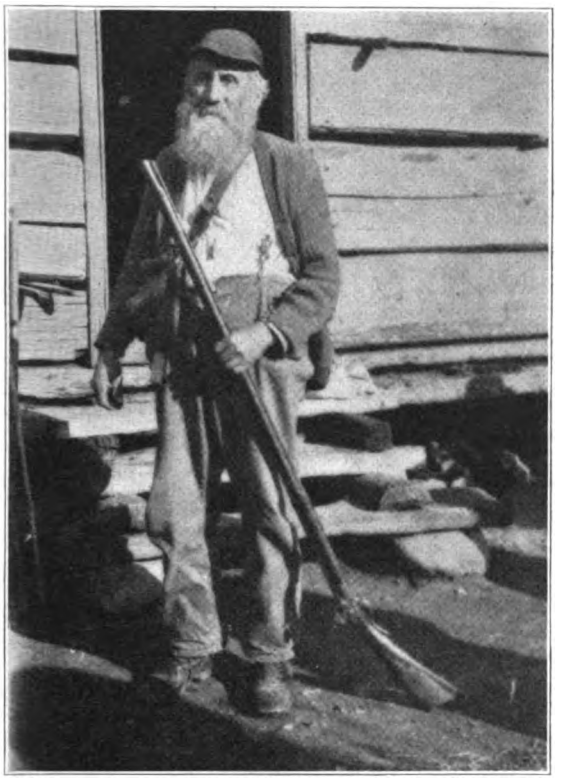
"From the summit of almost any hill in the Tennessee mountains one might have beheld a vast expanse of green meadows and strawberry fields, the meandering river gliding through them, saluting in its turnings and swellings, green, turfy knolls, embellished with parterres of blooming flowers and ripening fruit. There the young warriors stalked the flocks of wild turkeys strolling through the meads, and chased the herds of deer prancing and bounding over the hills; and there the young maidens gathered the rich, fragrant strawberries, and in a gay and frolicsome humor, chased their companions and stained their lips and cheeks with the red, ripe fruit; or, reclining on the banks of the beautiful mountain stream, their fair forms half concealed in the shadow of the blooming and fragrant bowers of magnolia, azalea, perfumed calycanthus, and sweet yellow jessamin, listlessly toyed in its cool, fleeting waters."

Of this land Richard Henderson said:

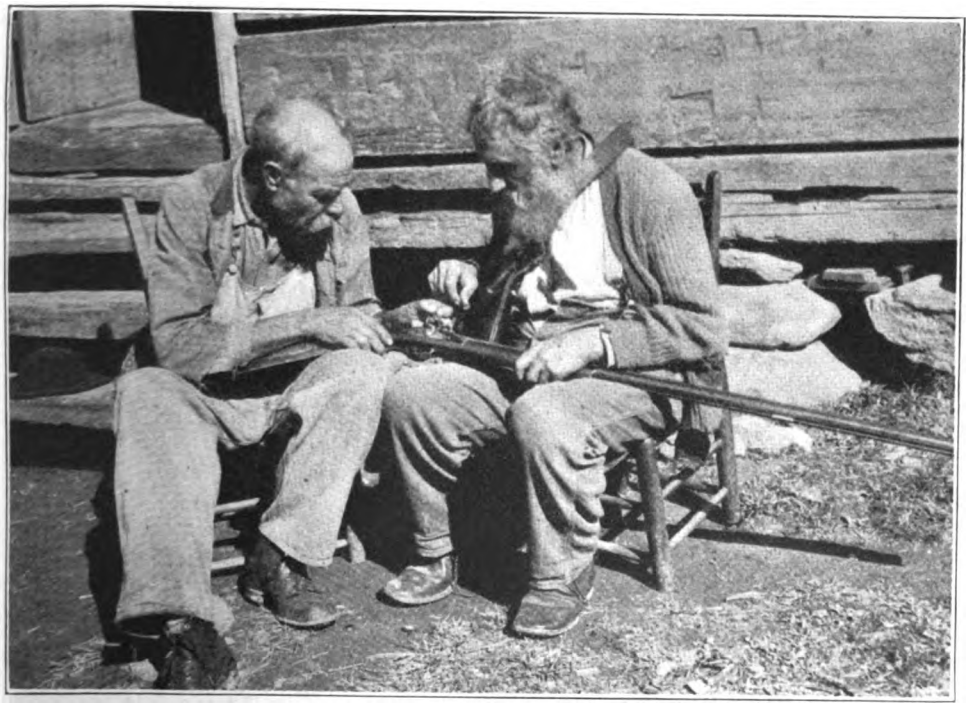
"The country might invite a prince from his palace, merely for the pleasure of contemplating its beauty and excellence; but only add the rapturous ideas of property, and what allurements can the world offer for the loss of so glorious a prospect?"[2]

[2] The Conquest of the Old Southwest, p. 7.

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A RIFLEMAN OF THE OLD DAYS



FIXING THE OLD FLINTLOCK RIFLE

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THE TRADERS

It was most natural that such a paradise as this should not only induce strenuous efforts on the part of the Indians for retention, but should also prove irresistible to the white men for acquisition. The first white men to enter were the traders, followed closely by the hunters.

Beginning with Doherty, who, as early as 1690, visited the Cherokees, there were many traders who carried on a large and lucrative business with the Indians. Of these, Adair, who made an extensive and intelligent tour in 1730, is perhaps the best known to history. Ramsey tells of him, pp. 62-77 and Haywood, pp. 38-51.

In 1714, Charleville established a trading post at the French Lick. In 1740, also, a party of traders from Virginia visited the Cherokees, traveling on the Great Path to the center of that nation. A Mr. Vaughan is mentioned as the packman of this party. The early traders generally confined themselves to the Great Path, until they reached the Little Tennessee River and then spread out among the villages west of the Alleghany Mountains. The traders exchanged traps, rifles, beads, cloth, hatchets, and trinkets of little value for furs and hides which richly compensated them for the privations and hardships which necessarily attached to such an occupation. Incidentally they learned the paths leading to the hunting grounds and the most fertile soils; also the lands inhabited by the Indians. The traders, generally foreigners, frequently Scotchmen who had not long been in this country, were welcomed by the Indians and seldom molested; and they oftentimes gave the border communities timely warning of a meditated attack by the red men.

EXPLORERS AND HUNTERS

Such glowing accounts of the country were brought back by the traders and so rapidly did their fortunes accumulate that the cupidity and enterprise of others were aroused. This was particularly true of the hunters on the eastern side of the mountains whose hunting grounds were fast becoming depleted of game, through unconcerned slaughter and the rapid encroachments into the mountains of the increasing population along the seaboard, which population was seeking better hunting grounds and cheaper lands. Hunters began to accompany the traders and instead of trading plunged boldly into the rich new lands teeming with game. Then the hunters, ignoring the traders entirely, made incursions by themselves and were amply rewarded.

Ramsey, quoting Monette, says, p. 65: "As early as 1748, Dr. Thomas Walker, of Virginia, in company with Colonels Wood, Patton and Buchanan, and Capt. Charles Campbell, and a number of hunters, made an exploring tour upon the western waters. Passing Powell's Valley, he gave the name of 'Cumberland' to the lofty range of mountains on the west. Tracing this range in a southwestern direction, he came to a remarkable depression in the chain; through this he passed, calling it 'Cumberland Gap.' On the western side of the range he found a beautiful mountain stream, which he named 'Cumberland River,' both in honor of the Duke of Cumberland,[3] then prime minister of England." These names have been retained and, together with Loudon, are the chief names in Tennessee of English origin.

[3] This was the victor in the battle of Culloden, of whom Thomas Campbell, the poet said:

"Proud Cumberland prances insulting the slain
And their hoof-beaten bosoms are trod on the plain."

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In 1760, Doctor Walker made another exploring trip, crossing the Clinch River and Powell's River and penetrated into Kentucky. In the next year a company was formed composed of Wallen, Scaggs, Blevins, Cox and fifteen others who came into what was later known as Carter's Valley in Hawkins County. They hunted for eighteen months, principally upon Clinch and Powell rivers. Wallen's (or Walden's) Ridge and Wallen's (Walden's) Creek received their names from the leader of the enterprise. From the great length of time they were absent from their homes these, and others, were called "long hunters."

DANIEL BOONE AND THE BOONE TREE

At the head of one of these hunting companies was Daniel Boone "from the Yadkin, in North Carolina, and traveled with them as low as the place where Abingdon now stands, and there left them."

This is the first historical mention of the coming of this famous hunter and colonizer into the western wilds, but there is virtually no doubt that he had hunted in the Watauga region at an earlier date; for, on a beech tree in this section was, until 1916, when the tree was blown down, an inscription supposed to have been made by Daniel Boone. According to Miss Myrtle Leonard of Jonesboro, who painted the picture of the Boone tree found opposite page 20 of the third volume of Heiskell's "Andrew Jackson and Early Tennessee History," "the Boone Tree is on the old stage road leading from Jonesboro to Blountville. It is about eight miles northeast of Jonesboro, and nine miles from Johnson City. It is about four miles from where Duncan, the first white man, was buried in Tennessee, and only two miles from where William Bean built his cabin. Then just a mile from this tree, on Boone's Creek, is the Boone Falls. It is said that Boone safely escaped from the Indians by hiding under the rocks over which the water falls." [4]

After the tree fell, Mr. Heiskell secured from E. W. Hughes, of Piney Flats, Tenn., four gavels made from the Boone tree. One of these he presented to the Tennessee Historical Society and one to the Tennessee Historical Committee.

In connection with the Boone tree Mr. Hughes wrote the following letter:

"Piney Flats, Tenn., Aug. 23, 1921.

"Mr. S. G. Heiskell,
"Knoxville, Tenn.
"Dear Sir:

"About ten miles North of Jonesboro, Tenn., in Washington County, East Tennessee, on the waters of Boone Creek, there stood until a few years ago a giant beech tree that was the most famous tree in the State of Tennessee, or probably in the United States. Thousands of people from the state and near-by states have journeyed to see the historical inscription that was carved on its smooth bark. The inscription was plain to read until about eighteen years ago, but since, visitors and curious people have obliterated this inscription which reads,

'D Boon,
'Cilled A Bar
'In Year 1760'

"This tree stood on the land now owned by Mr. LaFayette Isley, in a magnificent forest of beech and hickory. It was 29 inches across the stump and about 70 feet high. It leaned sharply to the west, probably 20 degrees, in which direction it fell about 1916. I believe the scene around this spot

[4] Andrew Jackson and Early Tennessee History, Vol. III, p. 20.

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has changed very little since D. Boon passed that way over 150 years ago. The stately trees have never been disturbed and the only work of man that can be seen is a stone marker standing in eight feet of the spot on which the Boone Tree stood. These markers were erected a few years ago by the Tennessee Daughters of the Revolution and are placed a few miles apart, designating his trail through Tennessee from North Carolina to Kentucky. Mr. Isley cut off some logs from this tree and it was the writer's privilege to make some library tables and other souvenirs for its owner. Three or four gavels were sent to Mr. S. G. Heiskell, of Knoxville, with the request to place them where they would be preserved to the people of the state.

"It is a curious fact that in the operation of making these tables, a leaden bullet was sawn through its middle and each half adhered to its wooden bed all through the operation of manufacture and finish, and shows in the table today. The bullet was about five inches in from the bark toward the heart. The painting was made by Miss Myrtle Leonard, of Jonesboro, and loaned for this picture.[5]

"Very respectfully,
"E. W. HUGHES."

In 1762, Wallen's party returned and hunted on the waters of the Clinch River. In 1763 they entered the wilderness again, this time passing through Cumberland Gap and hunting on the upper Cumberland River.

In 1764, Daniel Boone again left his home on the Yadkin River to explore the wilds, this time as the representative of Henderson & Company. He was accompanied by his relative, Samuel Callaway (also sometimes spelled Calloway and Calaway), the ancestor of the Callaway family of Tennessee, Kentucky and Missouri. They were followed by Henry Scoggins, who was also employed by Henderson & Company. Scoggins passed down from the upper Cumberland and established his station at Mansco's (Mansker's) Lick.

"About the last of June, 1766, Col. James Smith, late of Bourbon County, in Kentucky, set off to explore the great body of rich lands which by conversing with the Indians he understood to be between the Ohio and Cherokee[6] rivers, which the Indians had then lately ceded by treaty made with Sir William Johnson to the King of Great Britain. He went in the first place to Holston River, and thence traveled westwardly in company with Joshua Horton, Uriah Stone and William Baker who came from near Carlisle, four in all, and a mulatto slave[7] about eighteen years of age, which Mr. Horton had with him. They explored the country south of Kentucky, and no vestige of any white man was to be found there, more than there now is, west of the head waters of the Missouri. They also explored Cumberland and Tennessee rivers from Stone's River down to the Ohio. Stone's River is a fourth branch of Cumberland, and empties into it eight or ten miles above Nashville. These travelers so named it in their journal, after one of themselves, Mr. Uriah Stone, and ever since that time it has retained the name."[8]

In 1767, John Findley, a "fearless Indian trader" from North Carolina, passed through upper East Tennessee, through Cumberland Gap and as far as the Kentucky River.

From the year 1763, when the French and Indian War ended, the incursions of the hunters and explorers into the region west of the Alleghany Mountains became increasingly more numerous and unrestrained. The spirit of exploration, indeed, became almost a mania and in 1768, 1769 and 1770 actual settlers came into that country, the first of whom settled in the valley of the Watauga, thinking that they were still in Virginia.

[5] Andrew Jackson and Early Tennessee History, Vol. III, p. 21.
[6] The Tennessee River.
[7] The first negro in Tennessee.
[8] Haywood, pp. 35-36.

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Lord Dunmore, in a letter to the Earl of Dartmouth, said of the restlessness of the people:

"The established Authority of any government in America, and the policy of Government at home, are both insufficient to restrain the Americans * * * They acquire no attachment to Place: But wandering about Seems engrafted in their Nature; and it is a weakness incident to it, that they Should for ever immagine the Lands further off, are Still better than those upon which they are already settled."[9]

The Cherokees seeing the throngs of these bold, fearless, daring, adventurous and ambitious backwoodsmen, approaching constantly nearer, made application in 1767 for running a dividing line between the western settlements of North Carolina and their hunting grounds. Again in 1768, according to Monette, they protested against the encroachments of the settlers upon the headwaters of the Kanawha and the north fork of the Holston who they said were on territory claimed by the Indians. They also protested against the feared occupancy of lands farther south by woodsmen, explorers and settlers. The superintendents of Indian affairs were accordingly instructed to establish the boundaries between the whites and the Indians and to purchase from the Indians the lands already occupied by the King's subjects.

In a valuable article entitled "Henderson and Company's Purchase Within the Limits of Tennessee," published in the Tennessee Historical Magazine for April, 1919, Judge S. C. Williams says:

"After the Seaboard had been secured and consolidated by the white man and the danger of attack by the Indians became more and more remote, then the minds of the bolder and more ambitious began to turn longingly to the rich and broad lands to the west, especially to the unoccupied lands beyond the Alleghanies.

"For many years prior to the Revolutionary war there were many and repeated efforts on the part of leading and enterprising men of the Atlantic Seaboard to acquire lands and effect colonizations west of the Alleghanies. As early as 1747 a number of the most prominent men of Virginia formed the Ohio Company, to which two years later was granted a domain of 500,000 acres to which Christopher Gist was sent as locating agent from his home on Yadkin River in North Carolina. About the same time the Loyal Land Company of Virginia was organized and it received a royal grant of 800,000 acres of land. Dr. Thomas Walker, who later came in contact with Richard Henderson in the survey of the Virginia-North Carolina state line west of the mountains, was sent to explore the lands of the company.

"Encouraged by the apparent ease with which these two companies secured such extensive grants, many other schemes were set on foot for westward expansion and colonization. One of these was the plan projected by Samuel Hazard, a merchant of Philadelphia, in 1754-55 to procure 'a grant of so much land as shall be necessary for the Settlement of an ample colony * * * to be divided from Virginia and Carolina by the Great Chain of Mountains that run along the Continent from the North Eastern to the South Western Parts of America.'

"Following the termination of the war between the British and French in favor of the former, to the British Ministry fell the task of formulating policies respecting the trans-Alleghany territory. As a result of the cabinet's consideration, on October 7, 1763, King George III issued a proclamation declaring that the lands west of the mountains were reserved 'for the present' for the hunting grounds and homes of the Indian tribes. This proclamation for a while was a deterring influence, although it fell short of being an absolute prohibition of white settlements in that settlements were only for-

[9] The Conquest of the Old Southwest, p. 8.

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bidden when made 'without our special leave and license for that purpose first obtained.' One of the chief purposes of the proclamation was the quieting of the fears of the several tribes that the advance of the whites would displace them.

"The hopes of promoters revived when in 1767 Sir William Johnson in the treaty of Fort Stanwix purchased of the Six Nations of Indians a large domain claimed by the Cherokees. This purchase was made under authority of the British Government and the act was susceptible to the construction that the door was open for the westward advance of settlers provided the Indians could be satisfied in respect of their claims to the soil."

MOSES FISK'S HISTORICAL SKETCH OF TENNESSEE

In the American Historical Magazine for January, 1897, is published Fisk's Historical Sketch of Tennessee, of which we reproduce subjoined the part pertaining to East Tennessee. Introductory to the article in question, Hon. A. V. Goodpasture gives a biographical sketch of the author, who was one of the many remarkable men who came to Tennessee in the early days and helped to make this one of the great states in the Union. The biographical sketch and the article are as follows:

The enclosed historical notice of Tennessee, which is the earliest one I know of, by a citizen of the state, was published in the "Massachusetts Historical Collections," 2nd Series, Vol. 7, under date, July 1, 1816.

The author, Moses Fisk (1759-1843), was a native of Grafton, Mass. He graduated from Dartmouth College in 1786, and from 1788-1795 was a tutor in that institution. One of his pupils has left the very highest tribute to his services in that capacity. The following is from a letter of Gen. E. W. Ripley:[10]

"The period is long since I have seen you, but the very precepts which you afforded, although at the time they seemed to be 'seed sown on the barren ground,' yet as discretion developed itself, they imparted a force and an impulse to the future destiny of my life. If it has been my lot to acquire distinction or reputation; if I have served the interests of my country in any manner however limited, the cause of it may be traced to the admonitions and precepts of three respectable benefactors: yourself, Captain Dunham and Wm. Woodward."

He left Dartmouth for the West in 1795, and in 1796 arrived in Knoxville, bearing a letter from Senator Wm. Blount to Governor John Sevier. Not long afterwards he declined the presidency of the University of North Carolina, tendered him through Mr. Blount, at whose solicitation he entered the legal profession. In 1803, he was authorized by the Legislature to compile the laws of this state, and those of North Carolina in force in this state, but his compilation was never published, that of Judge Haywood having appeared before it was ready for submission to the Legislature. Afterwards he was a leading magistrate in his county, but he never devoted himself to the profession of law.

The most remunerative profession, in the early settlement of this state, was that of surveyor. For this he was thoroughly qualified. His skill as a mathematician was recognized by the state more than once. In 1801, under the act authorizing the governor to appoint three commissioners, "one of whom shall be a mathematician capable of taking latitude" to settle and locate the true boundary line between this state and Virginia; he was appointed by Governor

[10] Manuscript letter Gen. Ripley, Feb. 7, 1817.

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Roane "commissioner and mathematician." Again in 1817, he was requested by Governor McMinn to act as mathematician, to determine the true point of latitude taken on the northern boundary of the state[11] "with a view to aid in the adjustment of difference between us and the Kentuckians."

Exercising his skill as surveyor, he acquired a large acquaintance with the lands of the state, and secured for himself vast bodies in what are now Overton, White, Jackson and Clay counties. On this he established the Town of Hilham, which he spent much money to develop. He laid out systems of turnpike roads centering at Hilham, and together with his friend, Sampson Williams, endowed a female school known as Fisk Female Academy, which was one of the first female schools chartered in this country, having been established by the Legislature in 1806. He was a great educator and influenced the lives of a multitude of young men, who afterward became distinguished in the service of their country.

He was on terms of familiar correspondence with many leading thinkers and writers, such as Levi Hedge, who wanted his opinion of his "Logic," and J. Morse, whose "Geography" he revised for this part of the country, and all the leading men of this state. He was a member of the "American Antiquarian Society" of Worcester, Mass., for many years, and did much valuable work for it. He has a paper on the antiquities of this state, in the first volume of its transactions, published in 1820. He was made a corresponding member of the "Massachusetts Historical Society," in whose collection the following paper appears:

A Summary Notice of the First Settlements Made by White People Within the Limits Which Bound the State of Tennessee

IN EAST TENNESSEE

In the spring of 1768, a few adventurers, from the neighborhood of Raleigh, in North Carolina, crossed the mountains, westwardly, in search of a new place of residence. And, having explored the country on the Watauga River, they selected a spot there, made some preparations, returned, and, the same year, moved over their families, ten in number, to live in the interminable wilderness.

At the head of this little colony was James Robertson, afterwards so extensively known by the title of General; whose name the early history of Tennessee, if ever written in detail, will exhibit on many a page.

This now became a place of rendezvous to all who followed their footsteps over the same stupendous heights. And so many gathered in, from the Carolinas and Virginia, that, within three years, they could muster nearly three hundred soldiers.

But, in the very infancy of the settlement, by a treaty with the Cherokees, held under the authority from the government of the last mentioned province, a boundary was established to run from the White Top Mountain in a west direction to Holston River, on a parallel of latitude of about 36½ degrees. The inhabitants of Watauga were, consequently, left on Indian ground, in no better condition than that of trespassers. And it was not long before they were ordered by Alexander Cameron to move off. Cameron was deputy agent for the government of England, resident among the Cherokees. But part of the

[11] Manuscript letter Gov. McMinn, Apr. 21, 1817.

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Cherokees, notwithstanding his zeal, expressed a desire that the trespassers might be permitted to remain, provided they would make no further encroachments.

This favorable symptom was not long neglected. But Robertson and John Bean were deputed by these tenants at will, in 1771, to treat with their landlords, and agree upon articles of accommodation and friendship. The attempt succeeded. For, though the Indians refused to give up the lands gratuitously, they consented, for a stipulated amount of merchandise, muskets, and other articles of convenience, the value of the whole estimated at five or six thousand dollars, to lease for eight years all the country on the waters of the Watauga. After this the settlement increased with still greater rapidity than before. The next year, Jacob Brown, with a family of two, migrated from North Carolina, and settled on Nollichucky River, a step nigher to the scalpers. There he kept a little supply of goods suited to their taste and convenience, in order to maintain traffic with them to advantage. And, by this means, ingratiating himself into their favor, he soon courted them to a treaty, in which he contracted for the lands on the Nollichucky, as had been done on the Watauga.

The property paid to the Indians in fulfillment of these covenants was compensated for, in both cases, by sales of the lands. Those who advanced it reimbursed themselves from the settlers.

Thus a nursery of population was planted in East Tennessee never to be eradicated.

But, far removed from the parent provinces, separated not only by trackless forests, but by numerous ranges of mountains, they were as little protected, controlled, or recollected, by any government whatever, as their co-tenants, the bears. What people ever approached nearer to the imaginary state of nature? Yet they lived in extraordinary harmony among themselves, and in perfect amity with the Cherokees, the only power by which they were recognized.

Multiplied, however, as they were, some more formal act of association had been considered as expedient. And, accordingly, a code of laws was drawn up to be signed by every individual. If any one should refuse he was to be debarred from its benefits. But there was no recusant.

What example does history furnish of a government more perfectly democratical than this? Magistrates were elected, under the domination of trustees, by whom all controversies were to be decided, conformably to the written code. There was much energy in the system, and it proved very satisfactory.

Thus organized, their affairs continued prosperous, till the commencement of the Revolutionary war. And so great had been the augmentation, that, in 1776, they could have raised seven or eight hundred riflemen.

But, when it appeared that this great conflict would inevitably become universal, Cameron sent very enticing letters to them, endeavoring with many fine promises of protection in case of their loyalty, to attach them to the British interest. The peril of their situation was too obvious; but they unanimously resolved, whatever the issue should be, to participate in the struggle for independence.

As soon as Cameron had ascertained this determination, a project was devised to spread desolation over the whole settlement at once, by making a sudden incursion, and attacking it on all sides by surprise. But the barbarous design was happily frustrated. The electrical flame of liberty, so spontaneous,

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so efficacious, was not confined to the atmosphere of civilization. Four white men, having long sojourned among the Cherokees, were intrusted with the bloody secret. But, true to the cause of humanity and freedom, they made escape, and gave seasonable notice of the meditated invasion.

These tidings produced no inconsiderable terror. A large proportion of the people recrossed the Allegheny, and fled back for shelter to the several places of their nativity.

But the panic was not universal. Enough remained to man and maintain a garrison, situated on the Holston, near the Sycamore Shoals. Yet so sensible were they of their comparative weakness, that they delegated John Carter and George Russell, to repair to North Carolina, make a representation of matters, and solicit the interposition of that state, and the necessary assistance. The application was attended to, and measures adopted preparatory to their relief. All this country was erected into a county by the name of Washington. And the little republic, which originated not in opposition, but convenience, now became an integral part of the great commonwealth, within the chartered limits of which it was situated.

The Act of Assembly for this purpose bears date in December, 1777. But the settlers at the suggestion of Robertson, had called their territory Washington District several years before.

Robertson was captain of the garrison; and the next in command was Lieut. John Sevier, so often afterwards elected governor of Tennessee.

In the fall of the same year, troops arrived from North Carolina and Virginia, who were joined by Robertson and seventy men from the garrison; the whole amounting to about eighteen hundred. They marched rapidly, struck home upon the Cherokees, vanquished wherever they came, ruined many towns, and destroyed stocks and provisions, and so crippled those savage enemies that they were obliged to submit to terms. A treaty was agreed upon; and poor Cameron hurried himself to Pensacola.

The treaty was held in the spring following, at a place in the Holston called Long Island, under joint authority of Virginia and North Carolina. Peace was mutually promised and Robertson was appointed agent, to reside at some central place in the Cherokee Nation, in behalf of the two associated states.

Only a paragraph more will be added to this article, the design being simply to trace the progress of the settlement till it acquired rank and permanence.

A powerful Cherokee chief had refused to join in the treaty, persisting in his attachment to the British; and, with a few adherents, went down the Tennessee River, dissatisfied, and commenced a new settlement at a place called Chickamauga. Numbers followed him, prompted by a disposition to plunder and carnage. Discord ensued; and injuries to the whites, perpetrated by this mischievous party, became so frequent, following almost in contact with each other, that chastisement could no longer be delayed. Accordingly, in 1779, an expedition for that purpose was undertaken commanded by Isaac Shelby,* the late governor of Kentucky, then a resident of Washington County. It was directed especially against Chickamauga. Peaceable Indians were not to be molested. It proved effectual. Chickamauga fell; and the hostile wretches, partly disabled and partly intimidated, were for the present innocuous.

* Fisk was in error in this matter. It was Evan Shelby, father of Isaac Shelby, who led this expedition.

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CHAPTER IV

THE PERIOD OF PIONEER LIFE

THE FIRST SETTLERS IN TENNESSEE

Impelled by the pressure from behind and the great desire to better their condition in a new and rich land, settlers in the western parts of Virginia and North Carolina braved the terrors and the privations of the wilderness, crossed the mountains and established homes for themselves in what is now East Tennessee. They did not come in companies, nor was the movement by any means a concerted or organized migration. They came singly or in small parties, generally of those who had been neighbors or friends in their former communities. Those from Virginia thought they were still in that colony when they had passed into North Carolina.

Dr. Archibald Henderson, in his introduction to "The Conquest of the Old Southwest," says:

"The prime determinative principle of the progressive American civilization of the eighteenth century was the passion for the acquisition of land."

* * *

"The second determinative impulse of the pioneer civilization was wanderlust—the passionately inquisitive instinct of the hunter, the traveler, and the explorer."

WILLIAM BEEN [1]

The credit for establishing the first home in Tennessee is generally given to William Been. It may be so. Yet it is possible that he was antedated by one Honeycut, whose prenomen is not known. In 1770, when Robertson came into the Watauga region he found Honeycut there living in a hut. Robertson lived with him and raised a crop that year. Then, attempting to recross the mountains, he became lost and wandered for fourteen days. At length, by fortunate chance, he met two hunters through whose aid he was enabled to reach his home in safety. Soon afterwards he returned to Watauga with a few others and settled there.

Most authorities say that William Been came to Watauga in 1769 and erected a log cabin at the mouth of Boone's Creek. Gradually a settlement grew up around him composed largely of the families of the Regulators whom the tyranny of Governor Tryon had driven out of North Carolina. The Regulators were bands of men organized in North Carolina and then in South Carolina to put down highwaymen and to correct many abuses in the back country including the tyrannies of the government. "The uprising of these bold and resolute, simple and imperfectly educated people, which had begun as a constitutional struggle to secure justice and to prevent their own exploitation by

[1] This is the way he spelled his name. His son, Russell, the first white child born in Tennessee, spelled it Bean.

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dishonest lawyers of the county courts, now gave place to open anarchy and secret incendiarism." [2]

Governor Tryon and his officers and the ruling classes generally were not broad enough in their sympathies to see that justice only was sought by an oppressed people, but thought that an insurrection was in progress threatening property, life and government. "The governor called out the militia of the province and led an army of well-nigh one thousand men and officers against the Regulators, who had assembled at Alamance to the number of 2,000. Tryon stood firm upon the demands that the people should submit to government and disperse at a designated hour. The Regulators, on their side, hoped to secure the reforms they desired by intimidating the governor with a great display of force. The battle was a tragic fiasco for the Regulators, who fought bravely, but without adequate arms or real leadership. With the conclusion of this desultory action, a fight lasting about two hours (May 16, 1771), the power of the Regulators was completely broken." [3]

"This vanguard of the army of westward advance, independent Americans in spirit with a negligible sprinkling of Loyalists, now swept in a great tide into the northeastern section of Tennessee." [4]

CHARACTER AND ORIGIN OF THE EARLY SETTLERS OF TENNESSEE

While it would be stultification to affect blindness to the manifest and, indeed, manifold shortcomings of the early pioneers, explorers and settlers in Tennessee, yet their strong and good qualities were transcendent and predominant. They were a virile and prepotent people, the progenitors of men who, but a little later were among the rulers of the nation. These frontier folk, moreover, became, and are now, the most peculiarly and characteristically American people on this continent.

For the most part they were Scotch-Irish and pure Anglo-Saxon. Roosevelt, in his "Winning of the West," p. 134, says of them:

"The backwoodsmen were Americans by birth and parentage, and of mixed race; but the dominant strain in their blood was that of the Presbyterian Irish—the Scotch-Irish, as they were often called. Full credit has been awarded the Roundhead and the Cavalier for their leadership in our history; nor have we been altogether blind to the deeds of the Hollander and the Huguenot; but it is doubtful if we have wholly realized the importance of the part played by that stern and virile people, the Irish, whose preachers taught the creed of Knox and Calvin. These Irish representatives of the Covenanters were in the west almost what the Puritans were in the northeast, and more than the Cavaliers were in the south. Mingled with the descendants of many other races, they nevertheless formed the kernel of the distinctively and intensely American stock who were the pioneers of our people in their march westward, the vanguard of the army of fighting settlers, who with axe and rifle won their way from the Alleghanies to the Rio Grande and the Pacific."

In a foot note on the same page, he says:

"Among the dozen or so most prominent backwoods pioneers of the west and southwest, the men who were the leaders in exploring and settling the lands, and in fighting the Indians, British and Mexicans, the Presbyterian Irish stock furnished Andrew Jackson, Samuel Houston, David Crockett, James Robertson;

[2] The Conquest of the Old Southwest, p. 182.
[3] Ibid., p. 183.
[4] Ibid., p. 190.

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A MOUNTAIN MILL



A POUNDING MILL

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Lewis,[5] the leader of the backwoods hosts in their first great victory over the northwestern Indians; and Campbell, their commander in their first great victory over the British.[6] The other pioneers who stand beside the above were such men as Sevier, a Shenandoah Huguenot; Shelby, of Welsh blood; and Boone and Clark, both English stock, the former from Pennsylvania, the latter from Virginia."

Few of the Scotch-Irish came to America before the year 1700. Within two or three decades after this date, however, they began literally to swarm across the Atlantic. Most of them disembarked at Philadelphia and drifted south along the eastern escarpment of the Allegheny Mountains and down the valleys into Virginia and the Carolinas. Some came by way of Charleston and from this point pushed up into the back country. A few only came by other routes.

THE WATAUGA SETTLEMENT

The various treaties concerning the boundaries of white settlement, entered into with the Indians, had an important bearing upon the establishment of Watauga Settlement, of Carter's Valley Settlement and the Nollichucky Settlement. The Cherokee boundary established by Governor Tryon, in 1767, and by John Stuart, in 1768, extended to the mouth of the Great Kanawha River. In 1763 the King of England had issued a proclamation that no treaties must be made with the Indians unless with his express permission. Therefore, when, by the treaty of Fort Stanwix, on November 5, 1768, negotiated for Virginia by Dr. Thomas Walker and Gen. Andrew Lewis, the Six Nations sold to the Crown their nebulous title to a large stretch of country, including all the land between the Ohio and Tennessee rivers, a strong migration to the southwest took place, because the colonists assumed that this new tract was open for settlement. This movement was most marked along the southwest border of Virginia toward and into the valley of the Holston River. Governor Botetourt of Virginia, realizing that the settlers were pressing on into the Indian country, sought further negotiations with the Cherokees who had made vehement complaints in regard to the unauthorized invasion of their lands. They also laid claim to the lands ceded by the Six Nations. Accordingly, a new treaty was made at Lochaber, South Carolina, on October 18, 1770, whereby a new line was established. This line ran as follows: Beginning at the intersection of the North Carolina-Cherokee line, a little more than seventy miles east of Long Island in the Holston River, thence west to a point six miles east of Long Island; thence to the mouth of the Great Kanawha River. A strong influx of population poured into the additional territory thus made available for the settlement.

In 1769 or 1770, William Been located on the Watauga, as has been related. Probably in 1771 Parker and Carter set up a store near the present city of Rogersville in Hawkins County and the community soon formed about it was called Carter's Valley Settlement. Probably in 1771, Jacob Brown, with one or two families, settled on the Nollichucky River and opened a store for trade with the Indians.

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[5] General Andrew Lewis, who built Fort London in 1756. The reference is to the battle of Point Pleasant on the Ohio River, fought on Oct. 10, 1774, between the northwest Indians, largely Shawnees, and the Virginia troops ordered out by Governor Dunmore. In that battle Capt. Evan Shelby, father of Isaac Shelby, commanded a company of men from what is now Sullivan and Carter counties, Tennessee. Among them were James Robertson and Valentine Sevier.

[6] Col. William Campbell of Virginia, commander in the battle of King's Mountain.

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The line established by the treaty of Lochaber was surveyed in 1771 by Col. John Donelson. The surveying party was accompanied by some Indian chiefs, of whom Atta-Kulla-Kulla (the Little Carpenter) suggested that they be paid an extra consideration of £500 for which the line might be run to the mouth of the Great Kanawha. The line was so run, although the extra consideration was not paid.

The inhabitants of the three settlements thought they were in Virginia until, in 1771, Anthony Bledsoe, a surveyor of experience, proved that, upon the extension of the boundary line, these settlers would be found to be within the limits of North Carolina. Thereupon, in 1772, Alexander Cameron, Indian agent resident among the Cherokees, a deputy of John Stuart, required "all persons who had made settlements beyond the said line to relinquish them." The inhabitants of the Brown Settlement on the Nollichucky withdrew to the Watauga. The Watauga Settlement and the Carter's Valley Settlement remained undisturbed.

THE WATAUGA ASSOCIATION

The plight in which the Watauga settlers now found themselves was indeed desperate. True, the whites and the Indians were at peace and the settlers so far were undisturbed, but they could not remain in this anomalous situation. Representatives of the settlers met and deputed James Robertson and John Been, as Fisk said, "to treat with their landlords." As we have already seen in Fisk's article, the attempt was successful, the land was leased from the Indians for ten years. Prior to taking this step, however, they found themselves compelled to organize a civil government under which to live. The need was urgent. They could not look for protection to Virginia, for they were not within the limits of that colony. To appeal to North Carolina was futile, because conditions in that colony were turbulent and disorderly and the government had more trouble on its hands than it could well handle in its long settled districts. So that it was useless to appeal to it for aid in governing a remote region like the Watauga. They proceeded, therefore, to form an association for their own guidance, protection and government. By reason of his force of character and his familiarity with associations which had been formed in North Carolina, James Robertson was naturally looked to as the leader of this unprecedented movement.

Dr. Archibald Henderson declares the convention which adopted the Articles of Association to be "the first governmental assemblage of free-born American citizens ever held west of the Alleghenies. The government then established was the first free and independent government, democratic in spirit, representative in form, ever organized upon the American continent." [7]

Governor Dunmore in a letter to Lord Dartmouth, dated May 16, 1774, says:

"They appointed magistrates, and framed laws for their present occasion, and to all intents and purposes, erected themselves into, though an inconsiderable, yet a separate State." He also said in the same letter that it "sets a dangerous example to the people of America, of forming governments distinct from and independent of his Majesty's authority."

Doctor Ramsey says of the Articles of Association: "They formed, it is

[7] The Conquest of the Old Southwest, pp. 197-198.

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believed, the first written compact for civil government anywhere west of the Alleghanies."[8]

Roosevelt says:

"They decided to adopt written articles of agreement, by which their conduct should be governed; and these were known as the Articles of the Watauga Association. They formed a written constitution, the first ever adopted west of the mountains, or by a community composed of American-born freemen. It is this fact of the early independence and self-government of the settlers along the headwaters of the Tennessee that gives to their history its peculiar importance. They were the first men of American birth to establish a free and independent community on the continent."[9]

Furthermore, it became the precedent and exemplar for Transylvania, Franklin and Cumberland, all of which formed independent governments.

The Watauga settlers assembled in a convention, somewhat similar to the town meetings still held in the New England states. This convention was held at Robertson's station and probably all the stations were represented. They elected a court of five as follows:

John Carter, ex-officio chairman	John Sevier
Charles Robertson	Zach. Isbell
James Robertson	

Other Officers

William Tatham, clerk	Lewis Bowyer, attorney

A sheriff was also authorized; but his name is not given.

The five members of the court were the real ruling body and had entire control of all matters affecting the common welfare. All affairs in controversy were settled by them; and all their proceedings were noted for the prudence and moderation with which they behaved in their peculiar position. Roosevelt expresses great admiration for the praiseworthy conduct of this court in the conduct of their difficult duties in which many mistakes might easily have been made. He says:

"They were careful to avoid embroiling themselves with the neighboring colonial legislatures; and in dealing with non-residents they made them give bonds to abide by their decision, thus avoiding any necessity of proceeding against their persons. On behalf of the community itself, they were not only permitted to control its internal affairs, but also to secure lands by making treaties with a foreign power, the Indians; a distinct exercise of the right of sovereignty. They heard and adjudicated all cases of difference between the settlers themselves; and took measures for the common safety. In fact the dwellers, in this little outlying frontier commonwealth, exercised the rights of full statehood for a number of years; establishing in true American style a purely democratic government with representative institutions, in which, under certain restrictions, the will of the majority was supreme, while, nevertheless, the largest individual freedom, and the utmost liberty of individual initiative were retained. The framers showed the American predilection for a written constitution or civil compact; and, what was more important they also showed the common-sense American spirit that led them to adopt the scheme of government which should in the simplest way best serve their needs, without bothering their heads over mere high-sounding abstractions.

"The court or committee held their sessions at stated and regular times, and took the law of Virginia as their standard for decisions, they saw to the recording of deeds and wills, settled all questions of debate, issued marriage licenses, and carried on a most vigorous warfare against law breakers, especially

[8] Annals of Tennessee, p. 107.
[9] The Winning of the West, Vol. I, p. 231.

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horse thieves. For six years their government continued in full vigor; then, in February, 1778, North Carolina having organized Washington County, which included all of what is now Tennessee, the governor of that state appointed justices of the peace and militia officers for the new county, and the old system came to an end. But Sevier, Robertson and their fellow committeemen were all members of the new court, and continued almost without change their former system of procedure and direct and expeditious methods of administering justice; as justices of the peace they merely continued to act as they acted while arbitrators of the Watauga Association, and in their summary mode of dealing with evil-doers paid a good deal more heed to the essence than to the forms of law."[10]

As an example of the expeditious methods of this court it may be said that, in one case, a culprit charged with horse-theft was arrested on Monday, tried on Wednesday, and hung on Friday of the same week.

In 1775 the Committee of Thirteen was chosen, viz.:

John Carter, chairman	William Been
Charles Robertson	John Jones
James Robertson	George Russell
Zach. Isbell	Jacob Womack
John Sevier	Robert Lucas
James Smith	William Tatham
Jacob Brown	

(See page seventy-one for the reason for choosing this committee.)

ROBERTSON'S PERILOUS JOURNEY TO THE CHEROKEES

It has already been stated that Robertson and Been were successful in negotiating a lease with the Indians. After it was signed, in honor of the event and of the good feeling which prevailed upon both sides, a day was appointed on which to hold a great race, wrestling matches and other sports in which both the whites and the Indians took part. Nothing occurred to mar the pleasure of the occasion until evening when some lawless men from Wolf Hills (now Abingdon, Va.) killed an Indian. The other Indians withdrew in anger.

The settlers well knowing the savage lex talionis of the Indians seriously feared their just anger. From this deplorable situation they were rescued by the tact, address and character of James Robertson, who went alone to the Cherokees, placated their wrath and averted a bloody and perhaps disastrous war. This mission was fraught with the utmost peril. He literally took his life in his hand. But the Indians knew him and trusted him, discussed the affair calmly with him in council and agreed to refrain from vengeance and to trust to the efforts of the whites to punish the wrong-doers.

Notwithstanding the evils done by bad elements on both sides, the Indians and the Watauga settlers lived in peace for many years after this time, and both profited by it.

FUNCTIONS OF THE COMMITTEE OF THIRTEEN AND THE COURT OF FIVE

Students of Tennessee for many years have been puzzled as to the various duties performed by the Committee of Thirteen and the Court of Five. Mr. A. V. Goodpasture has made an exhaustive study of this question and has embodied his conclusions, which seem indubitable in an article entitled "The

[10] The Winning of the West, pp. 233-234.

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Watauga Association," published in the issue of the American Historical Magazine for April, 1898. On account of its great value historically it is herewith reproduced:

THE WATAUGA ASSOCIATION

The political history of Tennessee begins with a convention of the settlers on the Watauga River, 1772, which organized the Watauga Association, and appointed a court consisting of five members, which was entrusted with the entire administration of its laws; and its military history commences some three years later, when a joint convention of the Watauga and Nollichucky settlements met in 1775, and unanimously declared for the American cause, and appointed a committee of safety of thirteen members, authorized to pledge the settlements for their part of the continental expenses, to cooperate with the United Colonies, and to direct and control the military affairs of the settlements.

The first settlements in Tennessee were made under widely varying conditions. Those lying north of the Holston River and along the Virginia border were only extensions of the frontier settlements of that Province, and have no history independent of that of Botetourt, Fincastle and Washington counties, in which, successively, they were believed to be included,[11] earlier than 1779, when the extension of the line by Walker and Henderson revealed the fact that they were in North Carolina.[12] There were two of them—that east of Long Island, generally called the North Holston Settlement, and the Carter's Valley Settlement, which was west of Long Island.

The North Holston settlement was east of the Indian line established by the Treaty of Lochaber, in 1770, which commenced at the south branch of Holston River, six miles east of Long Island, and ran to the mouth of the Great Kanawha,[13] and its people adhered to the government, and lived under the laws [14] of Virginia until 1779. Its leading family was the Shelbys.

Gen. Evan Shelby (1720-1794), a native of Wales, emigrated with his father to Maryland, when about fifteen years of age. Here he became a noted woodsman, and figured prominently in the Indian wars on the border. He reached the Holston in 1771, and settled at King's Meadows. He held the rank of colonel in the Virginia service at the time the Walker-Henderson line was run in 1779, and his place being found to lie in North Carolina, his office was vacated, and William Campbell was promoted to the full rank of a colonel in his stead.[15] His son, Isaac Shelby (1750-1826), who came to Holston with him, was first a lieutenant, then a captain, afterwards a commissary, and in the spring of 1779, was elected a member of the Virginia Legislature from Washington County. In the fall of that year he was commissioned a major by Governor Jefferson and put in command of the guards which were to accompany the commissioners for extending the line between Virginia and North

[11] Fincastle County, Va., was taken from Botetourt in 1774. In Oct., 1776, Fincastle was divided into Kentucky, Washington and Montgomery, the name of Fincastle being dropped. Old Churches and Families of Virginia. Mead, pp. 425-6.

[12] The boundary line between this state and the state of Virginia hath never, until lately, been extended by actual survey, further than that part of Holston River that lies directly due west from a place well known by the name of Steep Rock, and all the lands westward of the said place lying on the north and northwest side of the said Holston River, hath, by mistake of the settlers in that part of the country, been held and deemed to be in the State of Virginia, etc. Acts of N. C., 1779, Ch. 25, Sec. 1, Haywood and Cobb, Vol. 2, p. 23.

[13] Ramsey, p. 102.

[14] Ramsey, p. 106.

[15] King's Mt. and Its Heroes. Draper, p. 387.

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Carolina, which line disclosed his residence to lie within the limits of the latter state. He was immediately appointed a magistrate and a colonel in the County of Sullivan, in North Carolina.[16]

The Carter's Valley Settlement was likewise believed to be in Virginia, but was beyond the Indian line, so that they were deprived of the blessing of being under the immediate direction of any regular judicature.[17] Still, they hoped to hold their lands as first settlers, under the law of that province.[18] In May, 1776, they petitioned the Virginia Convention that they might "be incorporated into and deemed a part of the Colony of Virginia, whose protection they claimed, and whose direction and jurisdiction they acknowledged in the fullest extent." [19]

Among the settlers in Carter's Valley was John Carter, for whom the valley was named, and who afterwards became a prominent member of the Watauga Settlement,[20] and chairman of its committee of safety. Carter, in partnership, it is stated, with one Parker,[21] opened a store in the valley, which was robbed by the Indians. When Henderson held his treaty with the Cherokees at Sycamore Shoals in 1775, Carter appeared and demanded the valley as compensation for the injuries he had sustained. The Indians agreed to part with the land, but required additional compensation, which was agreed to and paid, Robert Lucas having been admitted as a partner, in order to enable him to raise the requisite amount.[22] Prior to this time, persons emigrating to Natchez frequently stopped on the Holston for a year or two, cleared land and made crops of corn, for the purpose of securing settlement and pre-emption rights under the laws of Virginia, which they sold to immigrants coming to reside permanently in the country. After their purchase, however, Carter and Lucas leased their lands to job-purchasers, and it was at this time, probably, that they removed to Watauga settlement. In 1776, the inhabitants of Carter's Valley complained bitterly to the Virginia Convention, "that John Carter and Robert Lucas, two gentlemen of the neighboring settlement, called Washington District, taking advantage of the present disorder, pretend that they have purchased the lands of the petitioners, and have exercised unwarrantable oppressions, in seizing their improved possessions without allowing them any reward, or giving them the least notice, and publicly declaring that all others who will not accede to their terms, and receive titles of them, at such exorbitant prices as they shall think proper to exact, shall be turned out of possession." [23] And when the valley was ascertained to be in North Carolina, they refused to longer hold under the Carter-Lucas purchase, that province having promptly refused to recognize their right to buy lands from the Indians.[24]

[16] King's Mt. and Its Heroes. Draper, pp. 411-412.

[17] Am. Archives (4th Series), Vol. 6, p. 1553.

[18] Ramsey, p. 106. The first claim presented to the commissioner to grant certificates for settlement and pre-emption claims in Kentucky County was that of Isaac Shelby for raising a crop of corn in the county in 1776. It was granted. Butler's Kentucky (Ed. 1834), p. 100.

[19] American Archives (Fourth Series), Vol. VI, 1533.

[20] John Carter's residence was about half a mile north of Elizabethton. Ramsey, p. 141.

[21] Parker is not mentioned in connection with Carter and Lucas, either in the Petition of Inhabitants of Pendleton District, or in the Act of North Carolina making compensation for the Indian purchase.

[22] The North Carolina Legislature, 1783, granted to Landon Carter, son and heir of John Carter, who did not live many years after this transaction, and to the heirs of Robert Lucas, who was killed in defense of Davidson County, for their expense, trouble and risk in making this purchase of land from the Cherokee Indians, ten thousand acres of land on Clinch River, in the same act by which Henderson and his associates received one hundred and ninety thousand acres. Martin's Private Acts of North Carolina, p. 116.

[23] American Archives (Fourth Series), Vol. VI, 1533.

[24] Haywood, pp. 55-6.

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These two settlements, therefore, lived, during all the historic life of the Watauga Association, under the laws and protection of Virginia, and had no other connection with the South Holston settlements than that of near and friendly neighbors, who stood in common peril from the Indians during the wars which commenced with the first struggles for American independence. And the only distinctively Tennessee history from 1769 to 1779, was made by a people south of the Holston River.

During this period there were two South Holston settlements, that on the Watauga River, called Watauga, and Brown's on the Nollichucky River. The latter settlement was just being planted at the time the Watauga Association was formed in 1772, and took no part in its organization.[25] Jacob Brown (1736-1785) a native of South Carolina,[26] brought one or two families from North Carolina,[27] and opened a store on the north bank of the Nollichucky in 1772. He was afterwards a member of the committee of safety, by whose appointment he became a colonel, and distinguished himself as a patriot and soldier, both in the Indian wars and at King's Mountain. He died from a wound accidentally received while out hunting.[28] Following the example of the Watauga settlers, and in the same year, Brown, who had ingratiated himself with the Indians, obtained from them a lease of the lands on the Nollichucky River, similar to that made to the Watauga settlers.[29] But Brown's settlement was not admitted to the Watauga Association until the outbreak of the Revolutionary war, some three years after its organization.[30]

The first decade of Tennessee history centers in the little settlement on the Watauga River, of which James Robertson (1742-1814) was the leading spirit. Robertson was a native of Brunswick County, Va., but in his youth had removed with his parents, John and Mary (Gower) Robertson, to Orange County, North Carolina,[31] made famous by the battle of the Alamance, where the first blood was shed in resistance to British oppression in America.[32] His father seems to have been poorer than the average, even in Orange County, where at that time, extreme poverty prevailed, and his education was wholly neglected. Like another distinguished citizen of Tennessee who emigrated from the same place,[33] and afterwards rose to the presidency of the United States, Robertson received the first rudiments of an education from his enlightened wife.[34] But his native talent, his resolute spirit and his inspiring manner were such that he could neither have been an indifferent spectator in the stirring scenes of the first years of the Regulators, nor could he have passed unnoticed through them. At the very time they were charging Edmund Fanning, the county clerk, with demanding and receiving $15 for a marriage license, and only a month after he had pleaded guilty to an indictment for six several instances of extortion,[35] on October 20, 1768, Robertson was married to Charlotte, daughter of George

[25] Ramsey's, pp. 109 and 145.
[26] King's Mountain and Its Heroes. Draper, p. 424.
[27] Ramsey, p. 110.
[28] King's Mountain and Its Heroes. Draper, p. 424.
[29] Haywood, p. 55.
[30] Haywood, p. 61.
[31] Putnam, p. 18.
[32] Wheeler's North Carolina, Vol. I, p. 59.
[33] Wake County, North Carolina. The Legislature met Dec. 5, 1770, dismembered the refractory County of Orange, and distributed parts of it among three new counties, the home Robertson was about to leave, falling into that of Wake. Wheeler's North Carolina, Vol. I, p. 58.
[34] Putnam, p. 21.
[35] Wheeler's North Carolina, Vol. I, p. 57.

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and Mary Reeves, who had come to Northampton County. If such an exorbitant fee were exacted of him no doubt he found it difficult to pay.

During the year or more of quiet dejection following the dispersion of the Regulators in the fall of 1768, he determined to seek a home beyond the reach of British oppression, and accordingly, in the spring of 1770, he crossed the mountain with the avowed intention of finding a home for himself and family, and with commissions to do a like service for many of his friends who wished desirable locations near his own.[36] Reaching the beautiful valley of the Watauga he selected a satisfactory place, accepted the hospitalities of one Honeycut, raised a crop of corn, and returned, alone, for his family and friends. On the trackless mountain he lost his way, and would have perished but for the providential relief afforded by two hunters who chanced to discover him, when his strength was fairly exhausted from hunger and fatigue.[37]

On his return he found great excitement, not only in Orange, but in Rowan and Dobbs counties as well. Goaded to desperation, the Regulators had defied and resisted civil officers, assaulted and beaten attorneys and broken up courts.[38] The tyrannical and energetic governor took active steps, not only to suppress, but to crush them. Public meetings were forbidden, Orange County dismembered, the sale of powder and lead prohibited, an army was raised, and by the fourteenth of May, 1771, Governor Tryon encamped on the banks of the Alamance, with a force of more than eleven hundred men.[39] On the sixteenth the battle of Alamance was fought, in which the Regulators were routed and their power completely broken. But, to use the language of Mr. Bancroft,

"It is a mistake if any have supposed that the Regulators were cowed down by their defeat at the Alamance. Like the mammoth, they shook the bolt from their brow and crossed the mountain."[40]

And the first fruits of this great exodus were James Robertson and his family and friends, who crossed over to their Watauga homes in the spring of 1771.

Robertson has justly been called the "Father of Tennessee."

It is true his name is more intimately linked with the history of the middle portion of the state, but his public services here antedate the settlement of the Cumberland valley by a period of nearly ten years, during which time he was the leading spirit of the Watauga settlements, where he proved himself in every way worthy of the affectionate title he has received. He had an elevation of soul that enabled him to take upon himself the burden of the whole community. He was wholly unconscious of self. He never sought popularity, nor honor, nor position. If there were a service too humble to attract the ambitious, a post so perilous as to make the brave quail, or a duty so difficult as to fill every heart with despair, that service or post or duty was accepted as a matter of course by James Robertson. And his head was so cool and clear; he had such a brave, resolute and devoted spirit; and his vigilance was so alert and active, that success followed him like the blessings of a special providence.

He was not the first to settle on the banks of the Watauga. Perhaps that distinction is properly accorded to William Been, who built his cabin near the mouth of Boone's Creek in 1769.

But by the spring of 1772, when the first political organization in the state

[36] Putnam, p. 21.
[37] Haywood, pp. 52-3.
[38] Wheeler's North Carolina, Vol. I, p. 57.
[39] Wheeler's North Carolina, Vol. I, p. 58.
[40] Bancroft to Swain, Ramsey, p. 102.

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was effected, their little community numbered many families. Some of them had settled there in consequence of the Treaty of Lochaber, by which the western boundary of Virginia was moved back to within six miles of Long Island,[41] and at first they hoped to be found within the limits of that province.[42] In 1771, an experimental survey from Steep Rock to Beaver Creek, made by Anthony Bledsoe, indicated clearly that they would fall in North Carolina upon an extension of the line.[43] This, however, was only a private survey, and they do not seem to have taken any action in consequence of it. But in 1772 Virginia made a treaty with the Cherokee Indians by which it was agreed that her southern boundary should be a line running west from White Top Mountain in latitude 36° 30′. This line was not actually surveyed, but the Holston River was tacitly accepted by all parties as the southern boundary of Virginia.

Under this treaty Alexander Cameron, an agent of the British government residing among the Cherokees, ordered the Watauga settlers to move off.[44] It is worthy of notice that the order did not mention either the Nollichucky or Carter's Valley settlement. Brown was just then planting the Nollichucky settlement, which seems not to have attracted the agent's notice, but he recognized that he was within the Cherokee hunting ground, and made terms with the Indians to secure his possession. Carter's Valley, on the other hand, lying north of the supposed line, was not included in the order, and its settlers took no notice of it.

The order was leveled at the Watauga settlers, and placed them in a most critical situation. They suddenly found themselves without laws, and beyond the protection of any power stronger than their own feeble arm. It would have been folly to rely for protection on North Carolina, if they had been so inclined, but we have reason to believe they did not desire a political connection with her, at that time, as they neither adopted her laws nor sought her recognition until after she had asserted her independence of Great Britain. Moreover, they were now officially declared to be trespassers on the Cherokee hunting ground, and could obtain title to their lands neither from the Indians nor from the Provincial government. The proclamation of the King, in 1763, "strictly enjoined and required that no private person" should presume to purchase any lands from the Indians.[45] Fortunately for them a profound peace existed between the colonies and the southern Indians, and when the British agent ordered them to move back, some of the Cherokees expressed a wish that they might be permitted to remain, on condition that they should make no further encroachments.[46] This seems to have disarmed the agent, but it left the settlers in the precarious condition of tenants at will with the Indians.

At this juncture, a convention of the Watauga[47] settlers was called to consider their anomalous and unhappy situation, and to devise means for its improvement. They never thought of abandoning their homes. They said they were "too inconveniently situated to move back," and, besides, they were "unwilling to lose the labor bestowed on their plantations." Inspired by the genius of common sense, they determined to do two things: First, to form a govern-

[41] Petition of the Inhabitants of Washington District. Ramsey, p. 135.
[42] Same. Ramsey, p. 135.
[43] Haywood, p. 54.
[44] Ramsey, p. 109.
[45] Ramsey, p. 71.
[46] Haywood, p. 54.
[47] Caldwell, in his excellent little work, entitled Studies in the Constitutional History of Tennessee, p. 18, says: "The settlements originally composing the Association were Watauga and Carter's Valley," but he is manifestly in error.

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ment of their own for the administration of justice in their settlement; and second, to lease for a term of years the lands on which they lived, conceiving that the King's proclamation of 1763, prohibiting them from buying the land from the Indians, did not extend to a leasing.

Accordingly, they entered into a written association and article for the government of the settlement,[48] which was the first written constitution adopted by the consent of a free and independent people of America.[49] The instrument itself has not been preserved, and much confusion and inaccuracy respecting its scheme of government have been caused by an incorrect interpretation of the Petition of the Inhabitants of Washington District to the Provincial Council of North America, by the able and laborious historian to whose careful and persistent research we owe its publication.[50]

The nearest contemporary authority we have, states that "they appointed magistrates, and framed laws for their present occasion, and to all intents and purposes, erected themselves into, though an inconsiderable, yet a separate state."[51] Moses Fisk (1759-1843), who had a wide acquaintance among the pioneers of Tennessee, and did much careful investigation in matters touching its history and antiquities, writing in 1816, says: "A code of laws was drawn up to be signed by every individual. If any should refuse he was to be debarred from its benefits. But there was no recusant."

Magistrates were elected under the denomination of trustees by whom all controversies were to be decided, conformably to the written code. There was much energy in the system, and it proved very satisfactory. Thus organized, their affairs continued prosperous till the commencement of the Revolutionary war.[52] Haywood is in substantial accord with Fisk and almost as brief, though he adds some important information not noticed by the latter. From him we learn that the magistrates, whom he calls commissioners, were five in number, and that James Robertson was one of the five; and also that they had a clerk and a sheriff, and held their sessions at stated and regular times, taking the laws of Virginia as the standard of their decisions.[53] The substance of these several statements is, that the Watauga settlement met in mass convention and adopted a written constitution, in which the laws of their own state were repudiated and the Virginia system adopted. This constitution was signed by every member of the community, and a court, consisting of five magistrates, having a clerk and a sheriff, were appointed to administer the law, under the constitution.

This is entirely consistent with the Petition of the Inhabitants of Washington District, when rightly understood. But Ramsey, after repeating without

[48] Haywood, p. 54.

[49] Compare Ramsey, p. 107; Kelly, in Proceedings of the First Scotch-Irish Congress, p. 153; Allison, in Proceedings of the 17th Meeting of the Tenn. Press As., p. 27; Roosevelt's Winning of the West, Vol. I, p. 184; Caldwell's Studies in the Constitutional History of Tenn., p. 27. Caldwell, p. 29, criticises Bancroft for the statement that Watauga "set the people of America the example of erecting themselves into a State independent of the authority of the British King," apparently without having his attention called to the fact that the language is substantially that of the British Governor of Virginia to the Secretary of State, who says, "it at least sets a dangerous example to the people of America, of forming governments distinct from and independent of his Majesty's authority." Dunmore to Dartmouth, May 16, 1774. Bancroft (First Ed.), Vol. 6, p. 401 note.

[50] Ramsey.

[51] Dunmore to Dartmouth, May 16, 1774. Bancroft (First Ed.), Vol. 7, p. 401 note.

[52] A Summary Notice of the First Settlements Made by White People Within the Limits Which Bound the State to Tennessee. Mass. Hist. Coll. (Second Series), Vol. 7, p. 59; reprinted with a sketch of the Author in the American Historical Magazine, Vol. II, p. 17.

[53] Haywood, pp. 54, 59.

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qualification what Haywood says, confounding the court with the committee of safety, adds the irreconcilable statement, "that Watauga settlers, in convention assembled, elected as commissioners the thirteen members of the committee who signed, in their official capacity, the Petition of the Inhabitants of Washington District,[54] although, according to all authorities, some of them, like Jacob Brown, for instance, who was just then forming his little settlement on the Nollichucky, were not originally members of the Watauga Association. Of these, he says it is believed, but on what authority does not appear, that John Carter, Charles Robertson, James Robertson, Zack Isbell and John Sevier, were elected as the court, with John Carter, who, we have every reason to believe, was then, and for some years afterwards engaged in selling goods and trading in settlement and pre-emption claims in Carter's Valley, as its chairman."[55]

These statements coming from an author usually so accurate and trustworthy, have misled as able and discriminating writers as Phelan, Roosevelt and Caldwell, and has given them an immense deal of trouble in undertaking to construct a government by amalgamating the court with the committee of safety. Phelan says, "having assembled in general convention, like the inhabitants of the old New England towns, a committee of thirteen was elected as a kind of general body for legislative purposes. The executive and judicial power was lodged in five commissioners elected by the thirteen from their own body. The five commissioners elected one of their number chairman, who was ex-officio chairman of the committee of thirteen.[56]

"A clerk was elected by the committee. Among the most important legislative functions performed by this body was the establishment of instruments for the recording of wills and deeds."[57]

Roosevelt follows in the same line, but a little more picturesquely. He says, after "holding a kind of folk-thing, akin to the New England town-meeting, they then elected a representative assembly, a small parliament or 'witenagamot,' which met at Robertson's station. Apparently the freemen of each little fort or palisaded village, each blockhouse that was the center of a group of detached cabins and clearings, sent a member to this first frontier legislature."[58] Evidently he had not observed the fact that at that time there was not a fort or palisaded village or blockhouse in the settlement.[59] Caldwell, in his critical analysis of the Watauga constitution, quotes what both Haywood and Ramsey say, and giving credence to both, of course, finds the matter in inextricable confusion. He says:

"This court or board of five commissioners appears to have exercised all judicial and executive authority.[60] It is impossible to define the respective powers of the committee of thirteen, and of the court or commission of five. The thirteen do not appear to have had any part in the actual conduct of the public business."[61]

"Nothing can be said definitely concerning the committee of thirteen, except that it met in 1772, and appointed the court, to which it appears to have entrusted all the functions of administration."[62]

[54] Ramsey, p. 107.
[55] Ramsey, p. 107.
[56] It would be a remarkable thing if a sub-committee were permitted to name the chairman of the full committee. The reverse is often done.
[57] Phelan, pp. 33-4.
[58] Winning of the West, Vol. I, p. 184.
[59] Ramsey, p. 146; Haywood, p. 61.
[60] Studies in the Constitutional History of Tennessee, p. 17.
[61] Studies in the Constitutional History of Tennessee, p. 21.
[62] Id., p. 22.

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And speaking of the Cumberland compact:

"I do not find the equivalent of the sub-committee or court of five, which seems to have had the actual administration in Watauga."[63] "The most striking of these variances is the omission of the sub-committee or court of five, from the Cumberland organization. It is impossible to say with certainty why this was done; my own opinion is, that the Watauga people had found by experience that it was not necessary to have both the court of five and the committee of thirteen. It is to be inferred that in Watauga the large body became practically of no value, rendering no service."[64]

A careful study of the petition of the Inhabitants of Washington District, in the light of contemporary history, will reveal the fact that the court and committee were wholly distinct and separate bodies, created at different times and for different purposes. Fisk says, "When it appeared that this grand conflict (the Revolutionary war) would inevitably become universal, Cameron sent very enticing letters to them, endeavoring with many fine promises of protection in case of their loyalty, to attach them to the British interest. The peril of their situation was too obvious; but they unanimously resolved, whatever the issue should be, to participate in the struggle for independence."[65] June 15, 1775, George Washington was elected commander-in-chief of the American forces, and in July the Virginia convention met and appointed a committee of safety for the Province, naming Edmund Pendleton as its president. The committee of safety of Fincastle County was headed with Rev. Charles Cummings, a zealous whig, and a son-in-law of John Carter, of Lancaster County, Virginia.[66] In August the North Carolina Congress declared that the people of that Province would pay the due proportion of the continental expense, and appointed a Provincial Council, consisting of thirteen members, and provided for the election of a committee of safety, of thirteen members, in each district in the Province.[67] About this time, the settlers on the Watauga and Nollichucky, who styled themselves Washington District, appointed a committee of thirteen, not materially different, to say the least, from the committee of safety in each of the six recognized districts of North Carolina. And their neighbors in Carter's Valley formed themselves into a society, called Pendleton District, appointed a committee, and presented a petition to the committee of Fincastle County, through whom it was forwarded to the Virginia Convention, in which "they think it unnatural that they, though few, should remain inactive, while their brethren are bleeding in the field."[68]

July 4, 1776, the American Declaration of Independence was adopted, and immediately after that event the inhabitants of Washington District presented their petition to the Provincial Council of North America, praying to be annexed to the Province, in such a manner as might enable them to share in the glorious cause of liberty; enforce their laws under authority, and in every respect become the best members of society. It bears no date, but was received August 22, 1776.

The petitioners speak of the Donelson treaty with the Cherokee Indians (1770), which induced many of them to settle on the Watauga, expecting to be in Virginia, and to hold their lands by their improvements as first settlers; of their disappointment, when the line was run, to find themselves in North Caro-

[63] Id., p. 39.
[64] Studies in the Constitutional History of Tennessee, pp. 43-4.
[65] American Historical Magazine, Vol. II, p. 21.
[66] Foote's Sketches of Virginia (Second Series), pp. 122-124.
[67] Wheeler's North Carolina, Vol. I, pp. 73-4.
[68] American Archives (Fourth Series), Vol. VI, 1553.

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lina; of their lease of land from the Cherokees (1772) for the term of ten years; and of yielding to the precedent set by Henderson & Co., many of whom, they declared, were gentlemen of the law, and making a purchase in fee simple (1775). Then they proceed:

This petition in full in appendix.

"The purchase was no sooner made [69] than we were alarmed by the report of the present unhappy differences between Great Britain and America, on which report (taking now the United Colonies for our guide), we proceeded to choose a committee, which was done unanimously by consent of the people."

They next give the causes that led them to form a court (and they never confuse the terms "court" and "committee"), show the legality of its proceedings and their want of proper authority to try and punish felons.

Turning to matters connected with the war, they give an account of their military establishment, which they say were chosen agreeable to the rules established by the committee.

The whole is then submitted to the candid and impartial judgment of the Provincial Council, and it is signed by the members of the committee, and by one hundred others.[70]

It clearly appears from the petition that, while the court was established in 1772, the committee was not created until 1775. Take the committee, therefore, out of the Watauga constitution and the nature and functions of both court and committee become plain and simple.

Finding themselves without laws and beyond the jurisdiction of any government, the people of the Watauga settlement met in mass convention, in 1772, adopted a constitution, and appointed a court of five commissioners, to whom they entrusted all the powers of the government. This was in a time of profound peace, which continues until the beginning of the Revolutionary war.

Afterwards in 1775, when the great conflict came on a second convention was held by the two settlements on the Watauga and Nollichucky, to take into consideration the "unhappy differences between Great Britain and America," which convention "taking now the United Colonies for their guide, proceeded to choose a committee," whose duties were identical with those of a committee of safety, as they were understood at that time. "They resolved to adhere to the rules and orders of the Continental Congress, and in open committee acknowledged themselves indebted to the United Colonies their full proportion of the continental expense." [71]

They took charge of the military establishments and appointed the military officers.[72] They administered the oath of allegiance to such persons as were suspected of disaffection to the American cause.[73] They enlisted a company of fine riflemen for service on the sea shore, who were actually embodied and put under command of Captain James Robertson, when an Indian invasion being threatened, it became necessary to send them to the frontiers.[74] They strengthened the forts and took every measure that could add to the security of their

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[69] The purchase was made March 19, 1775, and the battle of Lexington was fought April 19, 1775.

[70] Ramsey, p. 135.

[71] Ramsey, pp. 134-138.

[72] Ramsey, p. 136.

[73] They appointed Carter from Watauga, and Brown from Nollichucky, colonels, and Womack of Watauga, major. Ramsey, p. 145.

[74] Ramsey, p. 137.

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people, and having exhausted their own resources, they sent an express to Virginia for aid and supplies of powder and lead.[75]

We may well conclude that the committee did not become valueless nor cease to render service until Washington District was annexed to North Carolina, and both the court and committee of safety gave place to the regular government of the State.

THE LEADERS OF WATAUGA

The members of the Court and of the Committee of Thirteen were all picked men. When the articles of the association were adopted every man of the Watauga settlement signed them. All of them were remarkable men and two of them, Robertson and Sevier, were among the greatest pioneer developers in the history of the United States. Roosevelt says that Robertson and Sevier were two of the three greatest leaders of development west of the Alleghany mountains, the third being George Rogers Clark. Dr. Archibald Henderson naturally adds a fourth, his ancestor, Richard Henderson. The following is a brief statement regarding the five men who composed the court:

James Robertson was born in Brunswick County, Virginia, June 28, 1742, of Scotch-Irish ancestry. From early in his youth he displayed the qualities and characteristics which made him great. He was quiet, reflective, conservative, wise, a firm believer in the basic principles of civil liberty and the right of local self government. He was an unusual combination of initiative without rashness and of prudence without timidity. His sound judgment, indomitable courage, great energy, perseverance and knowledge of men's character, together with his acquaintance with the wiles and stratagems of the Indians made him the natural and undisputed leader. He has been called variously "The Father of Tennessee" (by Andrew Jackson), "The Father of Middle Tennessee," and "The Father of West Tennessee." He richly deserved each appellation, for he was the leader of the community which began the history of East Tennessee. He was the founder of the Cumberland Settlement from which Middle Tennessee developed; and he was the Indian agent in West Tennessee, where he died September 1, 1814.

In his Civil and Political History of Tennessee, page 39, Haywood says of Robertson:

"He merited all the eulogium, esteem and affection, which the most ardent of his countrymen have ever bestowed upon him. Like almost all those in America, who have ascended to eminent celebrity, he had not a noble lineage to boast of, nor the escutcheoned armorials of a splendid ancestry. But he had what was far more valuable, a sound mind, healthy constitution, a robust frame, a love of virtue, an intrepid soul, and an emulous desire for honest fame."

Roosevelt says of him:

"Robertson first came to the Watauga in 1770, he had then been married for two years, and had been 'learning his letters and spell' from his well-educated wife; for he belonged to a backwoods family, even poorer than the average, and he had not so much as received the rudimentary education that could be acquired at an 'old-field' school. But he was a man of remarkable natural powers, above the medium height, with wiry, robust form, light-blue eyes, fair complexion and dark hair; his somewhat sombre face had in it a look of self-contained strength that made it impressive: and his taciturn, quiet, mas-

[75] Ramsey, p. 150.

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CABIN OF JOHN SEVIER, ONE OF THE PROMINENT MEN OF THE TIMES WHO SETTLED IN KNOXVILLE ABOUT 1807

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terful way of dealing with men and affairs, together with his singular mixture of cool caution and most adventurous daring gave him an immediate hold even upon such lawless spirits as those of the border." [76]

John Sevier was born in Rockingham County, Va., September 23, 1745. His ancestors were French Huguenots whose name was Xavier. His educational advantages were limited but he availed himself of them most diligently. He came to the Watauga in 1772 about a year or two later than Robertson's arrival. In almost all respects except highmindedness and courage he was a decided contrast to Robertson. He was a gentleman by birth and breeding. While not a learned man he was extremely intelligent and was a friend and correspondent of many of the most prominent and able statesmen of the times, including Madison and Franklin. It was said that he was the handsomest man in Tennessee during his lifetime. He was tall, fair, with blue eyes and brown hair, of slender build and erect military carriage. He was fluent and gallant, generous and convivial, of a gay and pleasure-loving temperament, yet his manners were polished and he had great natural dignity. He was impulsive, yet, in his campaigns with the Indians, prudent and judicious. He was especially fond of two things, popularity and Indian fighting; and he was successful in both roles. He fought thirty-five battles and all victoriously; and he was undoubtedly the most popular man in Tennessee during his lifetime. He died near Fort Decatur, Alabama, September 24, 1815.

John Carter came from Virginia, and was one of the pioneers of Tennessee. He established what was known as Carter's Valley Settlement in 1771 or 1772, but soon left to reside in the Watauga Valley where, by reason of his intelligence and patriotism, he became a leader and was made Chairman of the Committee of Thirteen and also of the Court. He was both wise and popular.

Charles Robertson was made a trustee of the Watauga Association. When their lands were leased from the Cherokees and, later, when they were purchased, the conveyance was made to Charles Robertson. He was distinguished for his great good sense and wisdom as well as his essential goodness.

Zachariah Isbell was popular, trustworthy, having the confidence of the entire community, a fearless soldier and for many years was engaged in the military operations of the country.

WATAUGA OLD FIELDS

Very few people know what the "Watauga Old Fields" were.

The explanation of the meaning of this expression made by N. E. Hyder in the American Historical Magazine for July, 1903, is both important and interesting. He says:

"Watauga Old Fields, Carter County, Tennessee, made famous as being the first permanent settlement of the Anglo-Saxon race west of the Alleghany Mountains; the place where the first self-constituted court of five was organized and exercised its power; where the first courthouse and jail were erected, and the rendezvous at Sycamore Shoals of the heroes of King's Mountain, has a history that antedates all this perhaps by a thousand of years. Judge Andrew Greer, an Indian trader and the first settler in these 'Old Fields' (attracted by their beauty and fertility), asked the Cherokee chiefs about them and was told that they were 'always there.' They had neither knowledge or tradition of when or by whom they had been occupied. It is the intention of this paper to record a

[76] Winning of the West, Vol. I, pp. 223-224.

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few things concerning these 'Old Fields' and their inhabitants as gathered by personal observation and investigation.

"The land embraced in and surrounding the 'Watauga Old Fields' is as old as any in the United States as evidenced by forests of fir, pine, stunted oak and tamarack such as are now found in latitudes much farther north. Petrified wood is found in abundance. Through these forests must have roamed the reindeer and elk.

"That it was inhabited at a very early period is proven by the stone tools, ornaments and weapons both of the paleolithic and neolithic ages. The 'Watauga Old Fields' proper extended from the mouth of Stony Creek down the river to the mouth of Buffalo Creek at the bend of the river, about eight miles. And wherever there was a level or bottom piece of land along any river or creek in Carter County, there was an old field or deserted village, as proven by finding stone implements, broken pottery or kitchen-middens and stone mills of various sizes from one-half bushel down to one-half pint. A large cemetery was known to be about one-half mile northeast of Elizabethton from which had been taken beads, stone axes, arrow points, pottery (whole) and a few copper implements. But the high water of 1901 exposed other cemeteries in these 'Old Fields' with like deposits in them and rough stone knives, or scrapers, 'pear shaped.' Two peculiar stones have been found, one a rough sandstone about twenty inches long and five inches in diameter with a groove around the center polished like the groove around the stone axe; the other is the tool that was used in cutting these grooves and polishing stone implements of utility, war and ornament. It is in the shape of a common oil stone used by carpenters to sharpen their plane bits and other tools and is about six inches long by three-fourths of an inch thick and so hard that tempered steel will scarcely scratch it. From the careful burial of their dead we are led to believe that they had knowledge of the Oriental world either through history or tradition, for in all Oriental countries peculiar honors have always been paid to the remains of the dead. These graves that have been washed open in the 'Watauga Old Fields' where tradition made no mention of a grave, have all been placed east and west, a perpetual monument to Masonic integrity. Their burial custom according to Masonic usage shows that they were civilized and practiced the ancient and 'mystic rites' of the Masonic order. In these graves are found clay coffins nearly two inches thick and curved to fit the dead body (many fragments as large as the hand are yet to be seen). From the depth of the implements, pieces of bone and clay coffins we infer that the dead body was placed near the surface of the earth and the coffin constructed around and over it either of moistened or baked clay and then mounded with dirt or sand.

"There is no evidence here of forts, houses or places of worship. Ashes and coal have been dug out several feet below the surface of the earth. That the country was densely populated is proven by the number of these 'Old Fields' themselves and the large cemeteries already exposed. That they were an agricultural race is shown by the 'Old Fields' themselves and the rude implements of husbandry found. The inhabitants were industrious for they had the rough implements and material of nearly every craft of ancient times. That they were warlike is shown by their weapons. That they had tribal organization is shown by the large cemeteries.. A few tumuli found in the gaps of the higher mountains show that they were superstitious. Who they were and whence they came and what became of them will perhaps remain a mystery—for all ages to come. They are as completely lost as the 'lost tribes of the children of Israel,' unless they are a part of these tribes. Reasoning from his gregarious customs, implements or husbandry, pottery, etc., we may connect him with either the Incas of South America, the Toltecs of Central America or the Aztecs of Mexico. This is a reasonable inference, but not conclusive. Whether he was a white or a colored man is a matter of mere conjecture.

"Whether the paleolithic man was driven out by the neolithic man or each absorbed or exterminated by the other is a matter for future investigation, but that each existed here is as clearly proven from the age of the land and remains found as any archaeological fact can be."

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CHAPTER V

HENDERSON'S PURCHASE AND EVENTS LEADING UP TO THE BATTLE OF KING'S MOUNTAIN

The establishment of the Watauga Association in 1772 and Dunmore's war in 1774, may be said to have paved the way for further concessions on the part of the Cherokee Indians. Although the Watauga settlers were outside the limits of Virginia, they were nevertheless invited by Governor Dunmore to take part in the war against the northwest Indians, which war culminated at the battle of Point Pleasant. In this war a number of the settlers of Watauga took part. Prominent among them were John Sevier, who had been made a captain by Dunmore; Isaac Shelby, Valentine Sevier, Jr., James Robertson and his brother Elijah Robertson.

The necessity of further dealings with the Indians was accentuated by the fact that the Watauga settlers had defied both North Carolina and the Crown by adopting the laws of Virginia in the conduct of their civil government, and also by the fact that they had ignored the proclamation of Governor Josiah Martin issued on March 26, 1774, "requiring the said settlers immediately to retire from Indian Territories."

At this juncture Judge Richard Henderson and his associates consummated with the Cherokees a treaty and purchase which led to the most interesting and serious consequences. Henderson had secretly employed Daniel Boone, soon after his return, in 1771, from the exploration of Kentucky, to treat with the Cherokees for a lease or purchase of the lands west of the Alleghany mountains.

For several years Judge Henderson was delayed in carrying out his plan both by reason of his judicial duties and his investigations into the question of whether there were any laws in existence forbidding the purchase of lands from the Indians. Lord Mansfield gave him the "sanction of his great authority in favor of the purchase." [1] He received similar legal opinions from other authorities in England and was fully persuaded that there was no legal bar whatever to his seeking to acquire by purchase from the Cherokees the vast domain of the trans-Alleghany. He argued that, by the Treaty of Fort Stanwix, the claims of the Shawnees and the Iroquois to the trans-Alleghany territory were ceded to the Crown. The Shawnees and the Cherokees acquiesced in this treaty and England acknowledged the claim of the Cherokees to these lands, while over all was the claim of the Crown to the right of eminent domain. Henderson thought he had a legal right to disregard the royal proclamation of 1763 because it was of the nature of a temporary expedient.

It was Henderson's dream to establish an independent state, a republic, perhaps, or, at any rate, a self-governing community, which, in course of time, might become a flourishing commonwealth. By starting it as a proprietary colony, he would, as it developed, become, through the sale of the lands, ever increasing in value, a strong and wealthy personage, if not potentate.

[1] Butler's History of Kentucky.

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Meanwhile, Boone, impatient at the delay in the consummation of Henderson's plans, had gone into Kentucky, heedless of dangers and of land titles. He was attacked by the Indians, driven back and some of his party killed. Other parties, also, from Virginia, went into Kentucky paying no regard to the warnings of the Shawnee Indians who said the encroachments of the whites were "designed to deprive us of the hunting of the country, as usual * * * the hunting we stand in need of to buy our clothing."

In 1772 George Rogers Clark went into Kentucky by way of the Ohio and, in 1774, Capt. James Harrod and his party laid out a town in the Kentucky area. Also, in the same year a surveying party under Col. Wm. Preston, located lands covered by military grants in this area.

These facts, while not strictly included in Tennessee history, are mentioned, because they are connected with the history of this state, and especially because Henderson's purchase included lands lying in one undivided body in both Kentucky and Tennessee.

Furthermore, Governor Dunmore's countenance of these encroachments exasperated the Indians all the more, while Dunmore's war was being prosecuted; but, when peace was finally declared, it made possible the advance of Henderson over the Transylvania trail in 1775, the establishment of the fort at Boonesborough and the ultimate addition to the American Confederation of the wonderful region west of the Alleghanies.

HENDERSON AND COMPANY

In 1774, Boone, not dismayed by his unfortunate encounters with the Indians, to which reference has already been made, advised Judge Henderson that the time was propitious for opening negotiations with the Cherokees for the purchase of the trans-Alleghany region. Henderson, thereupon, to facilitate this desideratum organized a company composed of men of force and action, leaders in the colony, ready to hazard fortune and life itself in efforts for the promotion of this gigantic and alluring enterprise. Those who first composed the company were Richard Henderson, his uncle and law partner, John Williams, and, according to Dr. Archibald Henderson, "in all probability, their close friends Thomas and Nathaniel Hart." To these were now added Colonel John Luttrell and William Johnston.[2]

The men interested met at Hillsborough, N. C., August 27, 1774, and organized a new company called the Louisa Company. In their articles of agreement they stated that their object in acquiring lands from the Indians was for the purpose of "settling the country." Each partner agreed to "furnish his quota of expenses necessary towards procuring the grant." They also agreed to become "equal sharers in the property," and to "support each other with our lives and fortunes."

Judge Henderson then visited the Cherokee chiefs at their towns, being accompanied by Col. Nathaniel Hart and with Thomas Price, an experienced Indian trader, as his guide. The Indian chiefs received them kindly and entered seriously upon the negotiations, the result of their first deliberations being that Atta-Kulla-Kulla, the old chief and a young buck and a squaw "attend the said Henderson and Hart to North Carolina and there examine the goods and merchandise which had been by them offered as the consideration of

[2] See also Ramsey's Annals, p. 117.

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the purchase." The goods which the Louisa Company had bought at Cross Creek (now Fayetteville, N. C.) met the entire approval of the Indians.

On January 6, 1775, three new partners were added to the company, viz: David Hart, Leonard H. Bullock and James Hogg, and the name of the company was again changed to Transylvania Company. Hillsborough, N. C., was the starting point of the western migration and the pioneers left this place for Sycamore Shoals, on the Watauga, en route for Kentucky. Most liberal terms were offered them and a tremendous sensation was created in North Carolina and Virginia. It seems strange, but such seems to have been the fact that the daring company, headed by Henderson entered into these agreements with their proposed settlers before they had actually acquired the lands from the Indians. Col. Wm. Preston wrote to George Washington concerning the contemplated "large purchase by one Colonel Henderson of North Carolina from the Cherokees * * *. I hear that Henderson talks with great Freedom and Indecency of the Governor of Virginia, sets the Government at Defiance & says if he once had five hundred good Fellows settled in that Country he would not Value Virginia."[3]

The following account of the treaty and purchase made by the Transylvania Company is from Dr. Archibald Henderson's "Conquest of the Old Southwest," pages 221-226:

"Early in 1775 runners were sent off to the Cherokee towns to summon the Indians to the treaty grounds at the Sycamore Shoals of the Watauga; and Boone, after his return from a hunt in Kentucky, in January, was summoned by Judge Henderson to aid in the negotiations preliminary to the actual treaty. The dominating figure in the remarkable assemblage at the treaty ground, consisting of twelve hundred Indians and several hundred whites, was Richard Henderson, 'comely in person, of a benign and social disposition,' with countenance betokening the man of strenuous action—'noble forehead, prominent nose, projecting chin, firm-set jaw, with kindness and openness of expression.' Gathered about him, picturesque in garb and striking in appearance, were many of the buckskin-clad leaders of the border—James Robertson, John Sevier, Isaac Shelby, William Bailey Smith, and their compeers—as well as his Carolina friends John Williams, Thomas and Nathaniel Hart, Nathaniel Henderson, Jesse Benton, and Valentine Searcy.

"Little was accomplished on the first day of the treaty (March 14th); but on the next day, the Cherokees offered to sell the section bargained for by Donelson acting as agent for Virginia in 1771. Although the Indians pointed out that Virginia had never paid the promised compensation of five hundred pounds and had therefore forfeited her rights, Henderson flatly refused to entertain the idea of purchasing territory to which Virginia had the prior claim. Angered by Henderson's refusal, The Dragging Canoe,[4] leaping into the circle of the seated savages, made an impassioned speech touched with the romantic imagination peculiar to the American Indian. With pathetic eloquence he dwelt upon the insatiable land-greed of the white men, and predicted the extinction of his race if they committed the insensate folly of selling their beloved hunting-grounds. Roused to a high pitch of oratorical fervor, the savage with uplifted arms fiercely exhorted his people to resist further encroachments at all hazards —and left the treaty ground. This incident brought the conference to a startling and abrupt conclusion. On the following day, however, the savages proved more tractable, agreeing to sell the land as far south as the Cumberland River. In order to secure the additional territory watered by the tributaries of the Cumberland, Henderson agreed to pay an additional sum of two thousand pounds. Upon this day there originated the ominous phrase descriptive of

[3] Letters to Washington, MS. Division, Library of Congress.

[4] Ramsey says, p. 117, that it was said to be Oconostota who delivered the animated and pathetic speech.

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Kentucky when Dragging Canoe, dramatically pointing toward the west, declared that a Dark Cloud hung over that land, which was known as the Bloody Ground.[5]

"On the last day, March 17th, the negotiations were opened with the signing of the 'Great Grant.' The area purchased, some twenty millions of acres, included almost all of the present State of Kentucky, and an immense tract in Tennessee, comprising all of the territory watered by the Cumberland River and all of its tributaries. For 'two thousand weight of leather in goods' Henderson purchased 'the lands lying down Holston and between the Watauga lease, Colonel Donelson's line and Powell's Mountain' as a pathway to Kentucky—the deed for which was known as the 'Path Deed.' By especial arrangement, Carter's Valley in this track went to Carter and Lucas; two days later, for two thousand pounds, Charles Robertson on behalf of the Watauga Association purchased a large tract in the valley of the Holston, Watauga and New rivers; and eight days later Jacob Brown purchased two large areas, including the Nollichucky Valley. This historic treaty, which heralds the opening of the West, was conducted with absolute justness and fairness by Judge Henderson and his associates. No liquor was permitted on the treaty ground; and Thomas Price, the ablest of the Cherokee traders, deposed that 'he at that time understood the Cherokee language, so as to comprehend everything which was said and to know that what was observed on either side was fairly and truly translated; that the Cherokees perfectly understood what lands were the subject of the treaty. * * *' The amount paid by the Transylvania Company for the imperial domain was ten thousand pounds sterling, in money and in goods.

"Although Daniel Boone doubtless assisted in the proceedings prior to the negotiation of the treaty, his name nowhere appears in the voluminous records of the conference. Indeed, he was not present then; for a fortnight before the conclusion of the treaty he was commissioned by Judge Henderson to form a party of competent woodmen to blaze a passage through the wilderness. On March 10th this party of thirty-six ax-men, under the leadership of Boone, started from the rendezvous, the Long Island of Holston, to engage in the arduous labor of cutting out the Transylvania Trail."

But Henderson was not successful in founding his "state" in Kentucky. Virginia refused to recognize the validity of his purchase, yet rewarded his enterprise by giving him 200,000 acres of his own selection in Kentucky. North Carolina also granted him and his associates 190,000 acres located in Powell's Valley, where some settlers had already made their homes.

EVENTS LEADING TO THE BATTLE OF KING'S MOUNTAIN

Within a short time after their purchase from the Cherokees had been consummated, and following the action of North Carolina which had appointed a Committee of Safety in each district, the settlers on the Watauga assumed for their country the name of "Washington District." Although no formal act was passed by the Legislature of North Carolina recognizing the Watauga Association or Washington District, the recognition was virtually made in November, 1776, when Charles Robertson (he spelled it Roberson), John Carter, John Hall, and John Sevier were admitted as delegates to its General Assembly from Washington District. It was not until November, 1777, that North Carolina established Washington County which included all her possessions west of the Alleghany Mountains. Their local affairs were being conducted very harmoniously and their relations with the Indians were amicable, when the war of the Revolution brought about a radical change.

[5] There is a widespread but erroneous idea that Kentucky means "Dark and Bloody Ground." The derivation is from the Indian word Kantakee, which means a level tract, a prairie. See "The Conquest of the Old Southwest," by Henderson, p. 117.

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During the spring of 1776 plans were concerted, chiefly through John Stuart, the Indian superintendent of the Southern District for the British Government, and Alexander Cameron his agent residing among the Cherokees, for uniting the Loyalists and the Indians in a crushing attack upon the Tennessee settlements and the back country of North Carolina. Warning of the approaching invasion had been sent to the Watauga settlers by Atta-Kulla-Kulla's niece, Nancy Ward, the "Pocahontas of the West." The settlers flocked for refuge into their stations or forts and awaited with steadiness, although with dread for the threatened attacks which were made by two forces aggregating about seven hundred warriors.

On July 20, 1776, the pioneers marched from Heaton's Station, to the number of one hundred and seventy to meet the Indians, double their number led by The Dragging Canoe. Although they were attacked by another force in the rear, while thus engaged, they signally defeated the Indians. This conflict was called the battle of the Long Island Flats. On the next day the Indians under Old Abraham were repulsed by the small garrison under Robertson and Sevier at Watauga fort, although the siege was maintained by the Indians for several weeks. It was during this siege, according to persistent tradition, that Kate Sherrill, called "Bonnie Kate" was pursued to the stockade by Indians. An athletic young officer, seeing her plight, leaped to the top of the stockade, shot down the foremost savage and leaning over, drew her up and to safety. That officer was John Sevier who, according to true romance, became the husband of the beautiful maiden.

The details of this and the other Indian wars, in which the Tennessee settlers engaged, are given in the chapter devoted to "Indian Wars and Indian Chiefs," and, hence, only the main facts are here given to sustain the continuity of historical narration.

The activities of the Indians caused the pioneers to unite and repulse the savages and keep them from moving against the rear of the settlements in North Carolina. So well was their work done that they were called the "Rear-Guard of the Revolution."

DEFEAT OF THE INDIANS AND AVERY'S TREATY

Besides the two forces of the Indians which had attacked the settlers at Long Island Flats and at Watauga fort, two others were put in the field, one of which laid waste the Holston region and the other made an invasion of the Carter's Valley settlement, from which, after killing several white people, it withdrew. The designs of the English now being plain and the atrocities of the Indians unendurable, a concerted plan to invade in force the country of the savages was determined upon and put into execution. Virginia troops under Col. Wm. Christian and North Carolina troops under Colonel Williams and Major Winston attacked the Cherokee towns.

At the same time, 2,400 North Carolina troops, under General Rutherford advanced along what was afterwards called Rutherford's trace. A strong force of South Carolinians, also, under Colonel Williamson assailed the Keowee towns of the Senecas and the Cherokees east of the Unaka Mountains. Simultaneously, Col. Leonard McBury, with a force of Georgians attacked the Indians along the Tugaloo and advanced westward. The Indians were defeated wherever they

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made resistance. Many of their towns burned, their crops and provisions destroyed, they were compelled to sue for peace.

Two separate treaties were made; one at DeWitt's Corner between the Indians and commissioners from South Carolina and Georgia, the other at Fort Henry,[6] near Long Island in the Holston River, between the Indians and commissioners of North Carolina and Virginia.

With this latter only is the history of Tennessee concerned. This treaty, generally referred to as the Treaty of Long Island is styled: "Articles of a Treaty of Peace, Made and Concluded at Fort Henry, on Holston River, near the Long Island, July 20, 1777, between the Commissioners from the State of North Carolina on Behalf of said State of the One Part and the Subscribing Chiefs of That Part of the Cherokee Nation Called the Overhill Indians on the Other Part."

The provisions of this treaty were: an enlargement of the boundaries of the lands which the settlers had leased in 1772 and bought in 1775; that peace should always exist between the Contracting parties, the adjudication of all controversies; and the regulations for trade and intercourse between the Cherokees and the whites. In order that the treaty might be put into successful operation James Robertson was appointed by the commissioners as Indian agent to reside among the Cherokees.

WATAUGA IN THE REVOLUTIONARY WAR

Prior to the battle of King's Mountain it was necessary for the pioneers to watch the Tories as well as the Indians. Many of the Tories, indeed, were sincerely attached to the British crown and its system of government, but many others saw in the American revolt the opportunity to wreak vengeance upon their enemies and to gain prominence and wealth by persecuting the "Rebels." In remote regions, like the Watauga, the worst passions were displayed; there was a constant procession of thefts and murders. Fortunately, the bad men were in the minority and were gradually eliminated, some of them seeking refuge among the Indians where their influence was pernicious. Their efforts against the sturdy elements of the Watauga were secret, but for a long time persistent. As an instance of their desperate vindictiveness it may be mentioned that, at one time, a number of Tories attempted to surprise and murder John Sevier in his own home.

In 1778 a land office was opened in the Holston settlements and all the settlers were required to register and make entries according to the North Carolina laws. All of the men in the settlement were required to be at the services of the State as militia in the campaign against the Indians, and the money due them for their services was sufficient to pay for their claims. A wagon road across the mountain also was made, so that by the year 1779, facility of access and increased security from attack by the Indians, following the Treaty of Long Island, although there was never a cessation of hostilities, caused a steady increase in the volume of immigration. As the region became settled, clergymen came in and established churches. As early as 1780 Dr. Samuel Doak established Martin Academy, the first institution of learning located west of the Alleghanies.

In 1779 the Indian chief The Dragging Canoe, who refused to take part in the Treaty of Holston, established a force of lawless Indians and a few renegade

[6] Named for Patrick Henry.

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white men down the river from Chickamauga with headquarters at Nickajack Cave. Forthwith they began depredations. Evan Shelby, father of Isaac Shelby, later Governor of Kentucky, was impelled to destroy their rendezvous. In 1779, that part of Washington County which was north of the Holston was cut off and made into the County of Sullivan by the Legislature of North Carolina. In this county the Shelby family were leaders. In Washington County John Sevier was the leader, being looked upon as the militia commander long before he received his commission of County Lieutenant. In the neighboring county of Washington in Virginia, the Campbells were the leading family.

These frontier leaders were generally jealous of each other. For example, Evan Shelby distrusted John Sevier; Arthur Campbell was jealous of both Sevier and Isaac Shelby, and these two last named men entertained similar feelings toward William Campbell. Hence, it can easily be understood how arose the semi-rancorous attitude of some of these heroes with regard to the credit and praise that properly belonged to them because of their leadership and valorous conduct at the battle of King's Mountain.

After General Hamilton captured Vincennes in 1777, he sent letters to the British agents in the South urging them to arouse the Indians against the colonists. We have already seen the results of the campaign of the Indians and of the concerted war upon them by the colonists of Virginia, North Carolina, South Carolina and Georgia.

The British, however, not dismayed by the failure of the Indian war, made strong and successful efforts to crush these colonists and under Cornwallis' triumphant campaigns these colonies in the summer of 1780 lay helpless at their feet. By the end of 1779 they had conquered Georgia. In May, 1780, they captured Charleston, speedily reduced to submission all of South Carolina and then marched into North Carolina.

Cornwallis had a mixed force of British, Hessians, Tories, Irish volunteers and refugees. As he gained battle after battle the numerous friends to the King's cause flocked to his standard in throngs. This was notably the case after the defeat of Gates at Camden.

In Tarleton and Ferguson he had two very able officers; the former a cavalry commander, ruthless and savage; the latter less brutal but equally efficient.

THE MOUNTAINEERS

During the early years of the war of the Revolution the men of Watauga had taken virtually no part in the campaigns against the British. Their duty was to keep the Indians in subjection, but when Colonel Clark was defeated by the British in Georgia, he sought refuge in Watauga and, on his return, carried with him some recruits who gave a good account of themselves in the military operations in which they took part. On their return home they inflamed the people with their account of the atrocities of the British and the Tories, so that a little later Shelby in Sullivan County and Sevier in Washington County experienced no difficulty in enrolling men for service against the hated oppressors. And when the British moved northward they joined Colonel McDowell who commanded the North Carolina troops at Cherokee Ford, South Carolina.

Colonel Shelby with 600 men captured Colonel Patrick Moore and his force in Thicketty Fort; at Cedar Springs he was attacked by Ferguson but not

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defeated. On August 18th he surprised and brilliantly defeated the British at Musgrove's Mill; and was about to attack the post at Ninety-Six, when he was informed by courier from Colonel McDowell of Gates' defeat at Camden. Retreat was difficult but was successfully accomplished.

After the battle at Camden, Ferguson, informed that in the settlements beyond the mountains were some of the backwoodsmen who had been in arms against him, sent by a man whom he had captured a warning to cease their hostilities and threatened that, if they did not at once desist, he would march across the mountains, hang their leaders, put their fighting men to the sword and burn their settlements. He had Tories from the Watauga who could have conducted him there. Hence, he may have been serious in his threat. However, when the Holston men were informed of Ferguson's message, they were inflamed with anger and immediately took measures to combat the danger.

Shelby was the first to learn the news and he at once rode down to Sevier's home on the Nollichucky. It will be remembered that these two men were the militia heads of their respective counties. Sevier and Shelby decided to collect their men at once and the latter sent out one of his brothers to Arthur Campbell, the militia lieutenant of Washington County, Virginia, invoking the assistance of the Virginians. Arthur Campbell sent word to his cousin, Col. Wm. Campbell, who at first said that he would not change his plans to raise men to join General Gates' army, but finally, after a second and more urgent request, consented to join Shelby and Sevier.

The following account of the meeting and the march to attack Ferguson is abridged from Roosevelt's narrative in "The Winning of the West," pages 138-163:

"The appointed meeting-place was at the Sycamore Shoals at the Watauga. There the riflemen gathered on the 25th of September, Campbell bringing 400 men, Sevier and Shelby 240 each, while the refugees under McDowell amounted to about one hundred and sixty. With Shelby came his two brothers, one of whom was slightly wounded at King's Mountain; while Sevier had in his regiment no less than six relations of his own name, his two sons being privates, and his two brothers captains. One of the latter was mortally wounded in the battle.

"To raise money for provisions Sevier and Shelby were obliged to take, on their individual guaranties, the funds in the entrytaker's offices that had been received from the sale of lands. They amounted in all to nearly $13,000, every dollar of which they afterwards refunded.

"On the 26th they began the march, over a thousand strong, most of them mounted on swift, wiry horses. They were led by leaders they trusted, they were wonted to Indian warfare, they were skilled as horsemen and marksmen, they knew how to face every kind of danger, hardship and privation. Before leaving their camping-ground at the Sycamore Shoals they gathered in the open grove to hear a stern old Presbyterian preacher[7] invoke on the enterprise the blessing of Jehovah. Leaning on their long rifles, they stood in rings around the black-frocked minister, a grim and wild congregation, who listened in silence to his words of burning zeal as he called on them to stand stoutly in the battle and to smite their foes with the sword of the Lord and of Gideon.

"The army marched along Doe River, driving their beef cattle with them, and camped that night at the 'Resting Place,' under Shelving Rock, beyond Crab Orchard. Next morning they started late, and went up the pass between Roan and Yellow mountains. The tableland on the top was deep in snow. Here two Tories who were in Sevier's band deserted and fled to warn Ferguson; and the troops, on learning of the desertion, abandoned their purpose of following

[7] Rev. Samuel Doak. Draper, 176.

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the direct route, and turned to the left, taking a more northerly trail. It was of so difficult a character that Shelby afterwards described it as 'the worst route ever followed by an army of horsemen.' That afternoon they partly descended the east side of the range, camping in Elk Hollow, nearing Roaring Run. The following day they went down through the ravines and across the spurs by a stony and precipitous path, in the midst of magnificent scenery, and camped at the mouth of Grassy Creek. On the 29th they crossed the Blue Ridge at Gillespie's Gap, and saw afar off, in the mountain coves and rich valleys of the upper Catawba, the advanced settlements of the Carolina pioneers—for hitherto they had gone through an uninhabited waste. That night they camped on the North Fork of the Catawba, and the next day they went down the river to Quaker Meadows, McDowell's home.

"At this point they were joined by 350 North Carolina militia from the counties of Wilkes and Surry, who were creeping along through the woods hoping to fall in with some party going to harass the enemy. They were under Col. Benj. Cleaveland, a mighty hunter and Indian fighter, and an adventurous wanderer in the wilderness. He was an uneducated backwoodsman, famous for his great size, and his skill with the rifle, no less than for a curious mixture of courage, rough good-humor, and brutality in his character.

"On October 1st the combined forces marched past Pilot Mountain, and camped near the head of Cane and Silver creeks. Hitherto each colonel had commanded his own men, there being no general head, and every morning and evening the colonels had met in concert to decide the day's movements. The whole expedition was one of volunteers. Disorders had naturally broken out. The men of the different companies felt some rivalry towards one another; and those of bad character, sure to be found in any such gathering, could not be properly controlled.

"On the 2nd of October they all gathered to see what could be done to stop the disorders and give the army a single head. To solve the difficulty Shelby proposed that the supreme command should be given to Colonel Campbell, who had brought the largest body of men with him, and who was a Virginian, whereas the other four colonels were North Carolinians. This proposition was at once agreed to; and its adoption did much to ensure the subsequent success. Shelby not only acted wisely, but magnanimously; for he was himself of superior rank to Campbell, and moreover was a proud, ambitious man, desirous of military glory.

"The mountain army had again begun its march on the afternoon of the third day of the month. Before starting the colonels summoned their men, told them the nature and danger of the service, and asked such as were unwilling to go farther to step to the rear; but not a man did so.

"When they set out their uncertainty as to Ferguson's movements caused them to go slowly, their scouts sometimes skirmishing with lurking Tories. They reached the mouth of Cane Creek, near Gilbert Town, on October 4th. With the partisans that had joined them they then numbered 1,500 men. McDowell left them at this point to go to Gates with the request for the appointment of a general to command them. For some days the men had been living on the ears of green corn which they plucked from the fields, but at this camping-place they slaughtered some beeves and made a feast.

"The mountaineers had hoped to catch Ferguson at Gilbert Town, but they found that he had fled towards the northeast, so they followed after him. Many of their horses were crippled and exhausted, and many of the footmen footsore and weary; and the next day they were able to go but a dozen miles to the ford of Green River.

"That evening Campbell and his fellow officers held a council to decide what course was best to follow. Lacey, riding over from the militia companies who were marching from Flint Hill, had just reached their camp; he told them the direction in which Ferguson had fled, and at the same time appointed the Cowpens as the meeting place for their respective forces. Their whole army was so jaded that the leaders knew they could not possibly urge it on fast enough to overtake Ferguson, and the flight of the latter made them feel all

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the more confident that they could beat him, and extremely reluctant that he should get away. In consequence they determined to take seven or eight hundred of the least tired, best armed, and best mounted men, and push rapidly after their foe, picking up on the way any militia they met, and leaving the other half of their army to follow as fast as they could.

"At daybreak on the morning of the 6th the picked men set out, about seven hundred and fifty in number. In the afternoon they passed by several large bands of Tories, who had assembled to join Ferguson; but the Holston men were resolute in their determination to strike at the latter, and would not be diverted from it, nor waste time by following the lesser enemies.

"Riding all day they reached Cowpens when the sun had already set, a few minutes after the arrival of the Flint Hill militia under Lacey, Hill and Williams. The tired troops were speedily engaged in skinning beeves for their supper, roasting them by the blazing camp fires; and fifty acres of corn, belonging to the rich Tory who owned the Cowpens, materially helped the meal. Meanwhile a council was held, in which all the leading officers, save Williams, took part. Campbell was confirmed as commander-in-chief, and it was decided to once more choose the freshest soldiers, and fall on Ferguson before he could either retreat or be reinforced. The officers went round, picking out the best men, the best rifles, and the best horses. Shortly after nine o'clock the choice had been made, and 910 picked riflemen, well mounted, rode out of the circle of flickering firelight, and began their night journey. A few determined footmen followed, going almost as fast as the horses, and actually reached the battlefield in season to do their share of the fighting.

"All this time Ferguson had not been idle. He first heard of the advance of the backwoodsmen on September 30th, from the two Tories who had deserted Sevier on Yellow Mountain. He had furloughed many of his loyalists, as all formidable resistance seemed at an end; and he now sent out messengers in every direction to recall them to his standard.

"Ferguson had not waited for outside help. He threw himself into the work of rallying people of the plains, who were largely loyalists, against the over-mountain men, appealing not only to their royalist sentiments, but to their strong local prejudices, and to the dread many of them felt for the wild border fighters. On the first of October he sent out a proclamation, of which copies were scattered broadcast among the loyalists. It was instinct with the fiery energy of the writer, and well suited to goad into action the rough Tories, and the doubtful men, to whom it was addressed. He told them that the Back Water men had crossed the mountains, with chieftains at their head who would surely grant mercy to none who had been loyal to the king. He called on them to grasp their arms on the moment and run to his standard, if they desired to live and bear the name of men.

"The British were still in the dark as to the exact neighborhood from which their foes—the 'swarm of backwoodsmen,' as Tarleton called them—really came. It was generally supposed that they were in part from Kentucky, and that Boone himself was among the number. However, Ferguson probably cared very little who they were; and keeping, as he supposed, a safe distance away from them, he halted at King's Mountain in South Carolina on the evening of October 6th, pitching his camp on a steep, narrow hill just south of the North Carolina boundary. The King's Mountain range itself is about sixteen miles in length, extending in a southwesterly course from one state into the other. The stony, half-isolated ridge on which Ferguson camped was some six or seven hundred yards long and half as broad from base to base, or two-thirds that distance on top. The steep sides were clad with a growth of open woods, including both saplings and big timber. Ferguson parked his baggage wagons along the northeastern part of the mountain. The next day he did not move. He was as near to the army of Cornwallis at Charlotte as to the mountaineers, and he thought it safe to remain where he was. He deemed the position one of great strength, as indeed it would have been, if assailed in the ordinary European fashion; and he was confident that even if the rebels attacked him, he could easily beat them back. But as General Lee, 'Light Horse

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Harry,' afterwards remarked, the hill was much easier assaulted with the rifle than defended with the bayonet.

"The backwoodsmen, on leaving the camp at the Cowpens, marched slowly through the night, which was dark and drizzly; many of the men got scattered through the woods, but joined their commands in the morning—the morning of October 7th. The troops bore down to the southward, a little out of the straight route, to avoid any patrol parties; and at sunrise they splashed across the Cherokee ford. Throughout the forenoon the rain continued, but the troops pushed steadily onwards without halting, wrapping their blankets and the skirts of their hunting shirts round their gunlocks, to keep them dry. Some horses gave out, but their riders, like the thirty or forty footmen who had followed from the Cowpens, struggled onwards and were in time for the battle. When nearing King's Mountain they captured two Tories, and from them learned Ferguson's exact position; that 'he was on a ridge between two branches, where some deer hunters had camped the previous fall.' These deer hunters were now with the oncoming backwoodsmen, and declared that they knew the ground well. Without halting, Campbell and the other colonels rode forward together, and agreed to surround the hill, so that their men might fire upwards without risk of hurting one another. It was a bold plan; for they knew their foes probably outnumbered them; but they were very confident of their own prowess, and were anxious to strike a crippling blow. From one or two other captured Tories, and from a staunch Whig friend, they learned the exact disposition of the British and loyalist force, and were told that their noted leader wore a light, parti-colored hunting shirt; and he was forthwith doomed to be a special target for the backwoods rifles. When within a mile of the hill a halt was called, and after a hasty council of the different colonels—in which Williams did not take part—the final arrangements were made and the men who had been marching in loose order, were formed in line of battle. They then rode forward in absolute silence, and when close to the west slope of the battle hill, beyond King's Creek, drew rein and dismounted. They tied their horses to trees, and fastened their great coats and blankets to the saddles, for the rain had cleared away. A few of the officers remained mounted. The countersign of the day was 'Buford,' the name of the colonel whose troops Tarleton had defeated and butchered. The final order was for each man to look carefully at the priming of his rifle, and then go into battle and fight until he died.

"The foes were now face to face. On the one side were the American backwoodsmen, under their own leaders, armed in their own manner, and fighting after their own fashion, for the freedom and the future of America; on the opposite side were other Americans—the loyalists, led by British officers, armed and trained in the British fashion, and fighting on behalf of the empire of Britain and the majesty of the monarchy. The Americans numbered all told, about nine hundred and fifty men. The British forces were composed in bulk of the Carolina loyalists—troops similar to the Americans who joined the mountaineers at Quaker Meadows and the Cowpens; the difference being that besides these low-land militia, there were arrayed on one side the men from Watauga, the Holston and Nollichucky, and on the other side the loyalist regulars. Ferguson had, all told, between nine hundred and a thousand troops, a hundred and twenty or thirty of them being the regulars or 'American Volunteers,' the remainder Tory militia. The forces were very nearly equal in number. What difference there was, was probably in favor of the British and Tories. There was not a bayonet in the American Army, whereas Ferguson trusted much to this weapon. All his volunteers and regulars were expert in its use, and with his usual ingenuity he had trained several of his loyalist companies in a similar manner, improvising bayonets out of their hunting knives. The loyalists whom he had had with him for some time were well drilled. The North Carolina regiment was weaker on this point, as it was composed of recruits who had joined him but recently.

"The Americans were discovered by their foes when only a quarter of a mile away."

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CHAPTER VI

THE BATTLE OF KING'S MOUNTAIN AND ITS CONSEQUENCES

The battle of King's Mountain was one of the most spectacular of the many spectacular conflicts of the Revolutionary war. It was indeed unique. Here, in an engagement occupying but little more than one hour a band of raw backwoodsmen hastily collected and absolutely without training (Shelby, indeed, said to the troops, before they went into battle, that each should "be his own officer") attacked, surrounded, and killed or captured an entire British army, well trained under one of the ablest and bravest officers in their service on well fortified ground of their own selection.

The official report of the battle, brief, if not, indeed, laconic, is doubtless the best account of it written in so circumscribed a space. It was sent to General Gates and was found among his papers. It was as follows:

"A Statement of the proceedings of the Western Army from the 25th of September, 1780, to the reduction of Major Ferguson, and the army under his command.

"On receiving intelligence that Major Ferguson had advanced as high as Gilbert Town, in Rutherford County, and threatened to cross the mountains to the western waters, Col. Wm. Campbell with 400 men from Washington County, Va.; Col. Isaac Shelby, with 240 men from Sullivan County, North Carolina, and Lieut.-Col. John Sevier, with 240 men from Washington County, North Carolina, assembled at Watauga on the 25th of September, where they were joined by Col. Charles McDowell, with 160 men from the counties of Burke and Rutherford, who had fled before the enemy to the western waters.

"We began our march on the 26th, and on the 30th we were joined by Colonel Cleaveland, on the Catawba River, with 350 men from the counties of Wilkes and Surry. No one officer having properly the right to the command-in-chief, on the 1st of October we dispatched an express to Major General Gates, informing him of our situation, and requesting him to send a general officer to take command of the whole. In the meantime, Colonel Campbell was chosen to act as commandant till such general officer should arrive.

"We reached the Cowpens on the Broad River in South Carolina where we were joined by Col. James Williams, on the evening of the 6th of October, who informed us that the enemy lay encamped somewhere near the Cherokee Ford of Broad River, about thirty miles distant from us. By a council of the principal officers, it was then thought advisable to pursue the enemy that night with 900 of the best horsemen, and leave the weak horses and footmen to follow as fast as possible. We began our march with 900 of the best men about eight o'clock the same evening, marched all night, and came up with the enemy about three o'clock, p. m. of the 7th, who lay encamped on the top of King's Mountain, twelve miles north of the Cherokee Ford, in the confidence that they could not be forced from so advantageous a post. Previous to the attack in our march the following disposition was made:

"Colonel Shelby's regiment formed a column in the center on the left; Colonel Campbell's another on the right; part of Colonel Cleaveland's headed by Major Winston and Colonel Sevier's formed a large column on the right wing. In this order we advanced, and got within a quarter of a mile of the enemy before we were discovered. Colonel Shelby's and Colonel Campbell's regiment began the attack, and kept up a fire on the enemy while the right and

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left wings were advancing forward to surround them. The engagement lasted an hour and five minutes, the greater part of which time a heavy and incessant fire was kept up on both sides. Our men in some parts where the regulars fought, were obliged to give way a small distance two or three times, but rallied and returned with additional ardour to the attack. The troops upon the right having gained the summit of the eminence, obliged the enemy to retreat along the top of the ridge where Colonel Cleaveland commanded, and were there stopped by his brave men. A flag was immediately hoisted by Captain Dupoister, the commanding officer (Major Ferguson having been killed a little before), for a surrender. Our fire immediately ceased, and the enemy laid down their arms—the greater part of them loaded—and surrendered themselves to us prisoners at discretion. It appears from their own provision returns for that day, found in their camp that their whole force consisted of 1,125 men, out of which they sustained the following loss: Of the regulars, one major, one captain, two lieutenants and fifteen privates killed, thirty-five privates wounded. Left on the ground not able to march, two captains, four lieutenants, three ensigns, one surgeon, five sergeants; three corporals, one drummer, and fifty-nine privates taken prisoners.

"Loss of Tories, two colonels, three captains, and 201 privates killed; one major and 127 privates wounded and left on the ground not able to march; twelve captains, eleven lieutenants, two ensigns, one quarter-master, one adjutant, two commissaries, eighteen sergeants and 600 privates taken prisoners. Total loss of the enemy, 1,105 men at King's Mountain.

"Given under our hands at camp.

"WILLIAM CAMPBELL,
"ISAAC SHELBY,
"BENJAMIN CLEAVELAND.

"The loss on our side:

"Killed—1 colonel,
1 major,
2 lieutenants,
4 ensigns,
19 privates,
—
28 total killed.

"Wounded—1 major,
3 captains,
3 lieutenants,
53 privates,
—
60 total wounded."

THE ACCOUNT OF A PARTICIPANT

Official accounts of historic events, supremely important though they be, seldom possess the active, living, vital interest, which pertains to the narrative of those who took part and were themselves parts of the occurrences which they relate. It is, therefore, with pleasure, that we give space to the story of a participant, published for the first time in "The Portfolio" for July, 1849. This paper was read at the first meeting of the Tennessee Historical Society, held on June 5, 1849. It was placed before the Society by Mr. John R. Aiken who said that it had been found among the papers of James Campbell; that it was written by Robert Campbell, an ensign in Captain Dussart's company, and who, when Captain Dussart was wounded early in the action, commanded the company.

Ensign Campbell says:

"In the fall of the year 1780, when the American cause wore a very gloomy aspect in the Southern States, Cols. Arthur and William Campbell hearing of the advance of Colonel Ferguson along the mountains in the State of North Carolina, and that the Whigs were retreating before him unable to make any effectual resistance, formed a plan to intercept him, and communicated it to the commanding officers of Sullivan and Washington counties in the State of

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North Carolina. They readily agreed to cooperate in any expedition against Colonel Ferguson. Col. Arthur Campbell immediately gave orders to the Militia of Washington County, Va., amounting to near four hundred to make ready to march, under the command of Col. Wm. Campbell, who was known to be an enterprising and active officer. Colonels Shelby and Sevier raised a party of about three hundred, joined him in his march, and moved with forced marches toward Colonel Ferguson. At the same time Colonels Williams, Cleaveland, Tracy, and Branon, of the States of North and South Carolina, each conducted a small party towards the same point, amounting to near three hundred. Colonel Ferguson had notice of their approach, by a deserter that left the army on Yellow Mountain; and immediately commenced his march for Charlotte, despatching at the same time different messengers to Lord Cornwallis with information of his danger. These messengers being intercepted on their way, no movement was made to favor his retreat.

"These several corps of American volunteers, amounting to near one thousand men, met at Gilbert Town, and the officers unanimously chose Colonel Campbell to command. About seven hundred choice riflemen mounted their horses for the purpose of following the retreating army. The balance, being chiefly footmen, were left to follow on and come up as soon as they could. The pursuit was too rapid to render an escape practicable. Ferguson finding that he must inevitably be overtaken, chose his ground and waited for the attack, on King's Mountain. On the 7th of October in the afternoon, after a forced march of forty-five miles on that day and the night before, the volunteers came up with him.

"The forenoon of the day was wet, but they were fortunate enough to come on him undiscovered, and took his piquets, they not having it in their power to give an alarm. They were soon formed in such order as to attack the enemy on all sides. The Washington and Sullivan regiments were formed in the front, and on the right flank; the North and South Carolina troops under Colonels Williams, Sevier, Tracy, Cleaveland, and Branon on the left.—The two armies now in full view, the center of the one nearly opposite the center of the other, the British main guard posted nearly half way down the mountain, the commanding officer gave the word of command to raise the Indian war-whoop and charge. In a moment King's Mountain resounded with their shouts, and on the first fire the guard retreated, leaving some of their men to crimson the earth. The British beat to arms and immediately formed on the top of the mountain, behind a chain of rocks that appeared impregnable, and had their wagons drawn up on their flank across the end of the mountain, by which they made a strong breastwork. Thus concealed, the American Army advanced to the charge. In ten or fifteen minutes, the wings came round, and the action became general. The enemy annoyed our troops very much from their advantageous position. Colonel Shelby, being previously ordered to reconnoitre their position, observing their situation and what a destructive fire was kept up from behind those rocks, he ordered Robt. Campbell, one of the officers of the Virginia line, to endeavor to dislodge them; and led them on nearly to the ground to which he had ordered them, under the fire of the enemy's lines and within forty steps of the same; but discovering that our men were repulsed on the other side of the mountain, he gave orders to advance and post themselves opposite to the rocks and near to the enemy; and then returned to assist in bringing up the men in order who had been charged with the bayonet. These orders were punctually obeyed and they kept up such a galling fire, as to compel Ferguson to order a company of regulars to face them, with a view to cover his men that were posted behind the rocks. At this time a considerable fire was drawn to this side of the mountain by the repulse of those on the other, and the loyalists not being permitted to leave their posts. The scene was not of long duration; for it was the brave Virginia volunteers, and those under Colonel Shelby, on their attempting rapidly to ascend the mountain, that were charged with the bayonet. They obstinately stood until some of them were thrust through the body, and having nothing but their rifles by which to defend themselves, they were forced to retreat. They were soon rallied by their gallant commanders, Campbell and

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Shelby, and other brave officers, and by a constant and well directed fire of their rifles, drove them back in their turn, strewing the face of the mountain with their assailants, and kept advancing until they drove them from some of their posts. Ferguson being heavily pressed on all sides, ordered Captain Dupeister to reinforce some of the extreme posts with a full company of British regulars. He marched, but to his astonishment, when he arrived at the place of his destination, he had almost no men, being exposed in that short distance to the constant fire of their rifles. He then ordered his cavalry to mount, but to no purpose. As quick as they were mounted, they were taken down by some bold marksman. Being driven to desperation by such a scene of misfortune, Colonel Ferguson endeavored to make his escape, and with two colonels of the loyalists, mounted his horse and charged on that part of the line which was defended by the party who had been ordered around the mountain by Colonel Shelby, it appearing too weak to resist them. But as soon as he got to the line, he fell and the other two officers attempting to retreat, soon shared the same fate. It was about this time that Colonel Campbell advanced in front of his men, and climbed over a steep rock close by the enemy's line, to get a view of the situation, and saw they were retreating behind the rocks that were near to him. As soon as Captain Dupeister observed that Colonel Ferguson was killed, he raised a flag and asked for quarters. It was soon taken out of his hand by one of our officers on horseback, and raised so high that it could be seen by our line, and the firing immediately ceased. The loyalists at the time of their surrender, were driven into a crowd, and being closely surrounded, they could not have made any further resistance.

"In this sharp action, 150 of Colonel Ferguson's party were killed, and something over that number were wounded. Eight hundred and ten (of whom 100 were British regulars) surrendered themselves prisoners, and 1,500 stand of arms were taken.

"The loss of the American Army on this occasion amounted to thirty killed, and something over fifty wounded, among whom were a number of brave officers. Colonel Williams, who has been so much lamented, was shot through the body near the close of the action, in making an attempt to charge upon Ferguson. He lived long enough to hear of the surrender of the British Army. He then said, 'I die content since we have gained the victory,' and expired.

"The third night after the action, the officers of the Carolinas complained to Colonel Campbell that there were among the prisoners a number who had previous to the action on King's Mountain, committed cool and deliberate murder, and other enormities alike atrocious, and requested him to order a court-martial to examine into the matter. They stated that if they should escape, they were exasperated and they feared they would commit other enormities worse than they had formerly done. Colonel Campbell complied, and ordered a court-martial immediately to sit, composed of the field officers and captains, who were ordered to enquire into the complaints which had been made. The court was conducted orderly, and witnesses were called and examined in each case. The consequence was that there were thirty-two condemned. Out of those, nine, who were thought the most dangerous, and who had committed the most atrocious crimes were executed. The others were pardoned by the commanding officer. One of the crimes proven against a captain that was executed was that he had called at the house of a Whig, and enquired if he was at home, being informed by his son, a small boy, that he was not, he immediately drew out his pistol and shot him.

"The officers on that occasion acted from an honorable motive to do the greatest good in their power for the public service, and to check those enormities so frequently committed in the states of North and South Carolina at that time; their distress being almost unequalled in the annals of the American Revolution."

RESULTS OF THE BATTLE OF KING'S MOUNTAIN

The effects of the victory at King's Mountain were direct, immediate and far-reaching. Immediately it revived the waning hopes of the colonists, inspired

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them with new life and energy and enthusiasm, caused Cornwallis to curtail his contemplated operations, developed new plans on the part of the Americans, the fruition of which appeared finally in the capture of Cornwallis himself and his entire army at Yorktown on the 19th of October, 1781, a little more than one year after Ferguson's defeat.

Roosevelt says:

"The victory was of far-reaching importance, and ranks among the decisive battles of the Revolution. It was the first great success of the Americans in the South, the turning-point in the southern campaign, and it brought cheer to the patriots throughout the Union. The loyalists of the Carolinas were utterly cast down, and never recovered from the blow; and its immediate effect was to cause Cornwallis to retreat from North Carolina, abandoning his first invasion of that state."[1]

In his speech delivered on the celebration of the seventy-fifth anniversary of the battle, which celebration took place on the battlefield October 7, 1855, a report of which appears in the New York Times of October 12, 1855, Hon. George Bancroft said:

"Wherever the campfires of the emigrant shall light up the forests of the West; wherever the history of our country shall be honestly told; wherever the struggles of brave men in the cause of humanity are respected, high honor will be tendered to the triumph at King's Mountain."

And again in the same speech he said:

"The men of that day fought not for Carolina nor for the South; they fought for America and for humanity, and the ultimate effects of their heroism cannot yet be measured."

In an eloquent and able address delivered in February, 1912, before the Library Committee of Congress, on House Bill No. 4035, providing for the erection by the general government of a monument at Abingdon, Va., to Gen. Wm. Campbell, one of the leaders at the battle of King's Mountain, Bishop E. E. Hoss, said:

"There can be no shadow of doubt, Mr. Chairman, that the Battle of King's Mountain is abundantly worthy to be commemorated by the Federal Government. In every important sense of the word it was a crisis in the struggle of our fathers for independence. Coming at a time when Georgia and South Carolina were in the iron grip of the British forces, and following hard upon Gates' disaster at Camden, and Cornwallis' invasion of the Old North State, it put new heart into the desponding patriots throughout the whole country and set in motion that train of influence which issued in the crowning triumph at Yorktown."

Thomas Jefferson said:

"That memorable victory was the joyful annunciation of that turn of the tide of success which terminated the Revolutionary war with the seal of independence."

In his "Pictorial Field-Book of the Revolution," Lossing says, Vol. II, p. 428:

"No battle during the war was more obstinately contested than this." And on page 429, he speaks of it as "an event which completely crushed the spirits of the Loyalists, and weakened, beyond recovery, the royal power in the Carolinas."

[1] "The Winning of the West," p. 177.

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TENNESSEE THE VOLUNTEER STATE

It may be said as a final word concerning this battle that the right to the sobriquet, "The Volunteer State," really begins at this time. When Shelby and Sevier summoned the men of the Holston and the Watauga to volunteer for service against the British commander, Major Ferguson, all responded with the exception of a few notorious Tories; and, when they assembled at Sycamore Shoals, it was necessary to resort to a draft, not to force them to undertake the campaign, but to compel enough men to remain at home to defend their wives, children and possessions from attacks by Indians.

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CHAPTER VII

THE CUMBERLAND SETTLEMENT

While the stirring events narrated in the chapter immediately preceding were taking place, another history-making enterprise was being put on foot—the establishment of the settlement on the bend of the Cumberland River.

It will be remembered that James Robertson had been appointed Indian agent with his residence among the Cherokees. He lived with them at Chota and his influence on them was great and salutary. In 1779, he notified the pioneers of the Watauga that the Indians were planning an attack. Thereupon Evan Shelby, anticipating the threatened movement, attacked the savages and completely defeated them. The time was opportune for the location of the settlement at the French Lick.

Of this enterprise James Robertson and John Donelson were the leaders. They formed a partnership under the impulse and direction and, more than all else, under the inducements of Richard Henderson. It seems strange, indeed, that historians so generally have ignored Henderson's connection with the Cumberland enterprise. Haywood and Ramsey say nothing of this man who was the directing and controlling impulse in both the colonization and early government of the "wilderness empire of the Cumberland." Henderson's ability is nowhere seen more clearly than in his selection of his leaders. That he could induce such a man as James Robertson to leave a self-governing community which he had largely founded and where he had a prosperous and happy home to brave again the hardships and dangers of a primeval and almost unknown country, shows most conclusively Judge Henderson's powers of persuasion. John Donelson, too, was a man of standing, substance and influence in Virginia before he came to Tennessee. Yet Roosevelt, following Ramsey and Haywood, says that, after the Virginia Legislature, in 1778, had discountenanced the validity of the Transylvania purchase, Judge Richard Henderson "drifts out of history."

But Dr. Archibald Henderson, a descendant of Judge Richard Henderson says:

"With the bursting of the Transylvania bubble and the vanishing of the golden dreams of Henderson and his associates for establishing the fourteenth American colony in the heart of the trans-Alleghany region, all might have seemed lost. But is Richard Henderson disheartened by this failure of his imperialistic dreams? Does he, as Mr. Roosevelt crassly affirms, 'drift out of history'? No; the purest and greatest achievement of his meteoric career still lies before him. The genius of the colonizer and the ambition of the speculator, in striking conjunction, inspire him to attempt to repeat on North Carolina soil, along solidly practical lines, the revolutionary experiment which the extension of the sovereignty of the Old Dominion over the Kentucky area had doomed to inevitable failure. It was no longer his purpose, however, to attempt to found an independent colony, separate from North Carolina and hostile to the American Government, as in the case of the Transylvania, which

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had been hostile to the royal government and founded in defiance thereof. Millions of acres within the chartered limits of North Carolina had been purchased by him and his associates from the Cherokees on March 17, 1775. One of the courses of the Great Grant, as it was called, read: 'down the sd. (Cumberland) River, including all its waters to the Ohio River'; and James Robertson in his deposition before the Virginia Commissioners, April 16, 1777, describing the Sycamore Shoals Treaty, categorically stated: 'The Indians then agreed to sell the land as far as Cumberland River and said Henderson insisted to have Cumberland River and the waters of Cumberland River, which the Indians agreed to.'"*

Henderson was of the opinion that the Cumberland region was within the limits of North Carolina. Robertson thought it was in Virginia. The truth could be ascertained only by a survey. In 1779, these two states appointed a joint commission to make a survey and extend their boundary. North Carolina appointed Richard Henderson and William B. Smith; Virginia appointed Dr. Thomas Walker and Daniel Smith.

While their survey was proceeding, James Robertson, with the untiring energy and sure efficiency which characterized him, proceeded actively to recruit a party for the preliminary exploration.

Preceding this time for many years hunters had come into the country surrounding the French Lick. We have already spoken of Charleville, Demonbreun, Dr. Thomas Walker and his party, and of others. As a matter of fact there is no question that numerous parties and individuals ventured into this region, but few of whose names have been preserved and of whose journeys and discoveries there is no verbal or written account. Of those who are known and who made some impress of their presence were: John Rains, Kasper Mansker, Abraham Bledsoe, John Baker, Joseph Drake, Obediah Terril, Uriah Stone, Henry Smith, Ned Cowan, Joseph Holliday and Thomas Sharp Spencer, the last named of whom was the most important. He came in 1776 and remained until the arrival of the permanent settlers in 1779. Haywood, Ramsey, Putnam and other historians tell many ancedotes of him in connection with his gigantic size, strength and fearless intrepidity. Many anecdotes are also told by these historians of other hunters, trappers and traders of these times. These forerunners subserved an indispensably useful purpose in preparing the way for the permanent settlers. In 1778, the first settlement of about a dozen families located near Bledsoe's Lick, now Castalian Springs, in Sumner County. Near this settlement Richard Hogan, Spencer and Holliday planted corn in the same year. "About the same time a number of French traders advanced up the Cumberland River as far as the 'Bluff,' where they erected a trading post and a few log cabins."

Such was the setting when James Robertson, with a party of eight white men and one negro, set forth from Holston settlement on February 6, 1779, to make a preliminary examination and to plant corn "that bread might be prepared for the main body of emigrants in the fall." They erected a few log huts and forts on the high ground near the Lick and also put in a crop of corn there.

Leaving three of their number to protect the crop from the ravages of the wild beasts, the rest returned for their families. On the way back Robertson visited George Rogers Clark at Post St. Vincent in the Illinois to consult him about Virginia "cabin rights," still thinking that the bend of the Cumberland was in that state. He then repaired to Watauga to take charge of the migration.

* Tennessee Historical Magazine, Vol. II, p. 160.

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THE MIGRATION FROM EAST TENNESSEE TO THE BEND OF THE CUMBERLAND

It was the plan to send two parties, one comprising men, goods and some horses and other live stock; the other by water, including all the women and children and most of the household goods. It was a part of the plan that Robertson, after arriving at the Bluffs, should send some of the men to Muscle Shoals on the Tennessee River and to leave signs there whether or not it was practicable for them to make the rest of the trip by land. But this part of the program was found to be impracticable for Robertson to perform on account of the severity of the weather, the threatened attacks of the Indians and the almost impenetrable forests and canebrakes which intervened.

Robertson's party, by land, passed through Cumberland Gap, Southern Kentucky as far as Red River, thence south to the Cumberland opposite the French Lick which point they reached on Christmas Day, 1779, and, on New Year's Day, 1780, crossed the river on the ice to the present site of Nashville.

The other party, by water, was led by John Donelson, who fortunately wrote a journal in the form of a diary, telling in a simple but absorbing narrative, the daily experiences and adventures of the argonauts. No fabled Jason ever led his adventurers in search of the golden fleece on a journey beset with more hardships and danger. No novelist, of most inventive imagination, ever told more fascinatingly of the perils of his hero. So interesting and important is it that it is reproduced in full in this chapter.

Donelson's fleet consisted of about thirty boats, comprising mostly flat-boats, dug-outs and canoes, besides the Adventure which served the purpose of a flag ship and was virtually a large scow, containing more than thirty men besides some families. Although they started on December 22, 1779, they really did not begin the voyage until February 27, 1780, when they left Cloud Creek.

On the last day of March they met Judge Henderson, who, it will be remembered, was one of the commissioners who had been appointed by North Carolina to run the boundary line, conjointly with the Virginia commissioners, between the two states. They had not proceeded far before the commissioners disagreed and ran two separate lines.

VOYAGE OF THE DONELSON PARTY

Journal of a Voyage, intended by God's permission, in the good boat Adventure, from Fort Patrick Henry, on Holston River, to the French Salt Springs on Cumberland River, kept by John Donelson.

December 22, 1779.—Took our departure from the fort, and fell down the river to the mouth of Reedy Creek, where we were stopped by the fall of water and most excessive hard frost; and after much delay, and many difficulties, we arrived at the mouth of Cloud's Creek on Sunday evening, the 20th February, 1780, where we lay by until Sunday, the 27th, when we took our departure with sundry other vessels bound for the same voyage, and on the same day struck the Poor-valley-shoal, together with Mr. Boyd and Mr. Rounsifer, on which shoal we lay that afternoon and succeeding night in much distress.

Monday, February 28th, 1780.—In the morning, the water rising, we got off the shoal, after landing thirty persons to lighten our boat. In attempting to land on an island, received some damage, and lost sundry articles, and came to camp on the south shore, where we joined sundry other vessels also bound down.

Tuesday, 29th.—Proceeded down the river and encamped on the north shore, the afternoon and following day proving rainy.

Wednesday, March 1st.—Proceeded on and encamped on the north shore, nothing happening that day remarkable.

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March 2nd.—Rain about half the day; passed the mouth of French Broad River, and about twelve o'clock Mr. Henry's boat, being driven on the point of an island by the force of the current, was sunk, the whole cargo much damaged, and the crew's lives much endangered, which occasioned the whole fleet to put on shore, and go to their assistance, but with much difficulty baled her out and raised her, in order to take in her cargo again. The same afternoon Reuben Harrison went out a hunting, and did not return that night, though many guns were fired to fetch him in.

Friday, 3rd.—Early in the morning fired a four-pounder for the lost man, sent out sundry persons to search the woods for him, firing many guns that day and the succeeding night, but all without success, to the great grief of his parents and fellow travelers.

Saturday, 4th.—Proceeded on our voyage, leaving old Mr. Harrison, with some other vessels, to make further search for his lost son; about ten o'clock the same day found him a considerable distance down the river, where Mr. Ben Belew took him on board his boat. At three o'clock, three p. m., passed the mouth of Tennessee River, and camped on the south shore, about ten miles below the mouth of Tennessee.

Sunday, 5th.—Cast off and got under way before sunrise; the morning proving very foggy, many of the fleet were much bogged; camped on the north shore, where Captain Hutching's negro man died, being much frosted in his feet and legs, of which he died.

Tuesday, 7th.—Got under way very early; the day proving very windy, a S. S. W., and the river being wide, occasioned a high sea, insomuch that some of the smaller crafts were in danger, therefore came to the uppermost Chickamauga town, which was then evacuated, where we lay by that afternoon and camped that night. The wife of Ephraim Peyton was here delivered of a child. Mr. Peyton had gone through by land with Captain Robertson.

Wednesday, 8th.—Cast off at ten o'clock, and proceeded down to an Indian village, which was inhabited, on the south side of the river: they invited us to come ashore; called us brothers, and showed other signs of friendship, insomuch that Mr. John Caffrey and my son then on board, took a canoe which I had in tow, and were crossing over to them, the rest of the fleet having landed on the opposite shore. After they had gone some distance, a half-breed, who had called himself Archy Coody, with several other Indians, jumped into a canoe, met them, and advised them to return to the boat, which they did, together with Coody, and several canoes, which left the shore and followed directly after him. They appeared to be friendly. After distributing some presents among them, with which they seemed much pleased, we observed a number of Indians on the other side embarking in their canoes, armed and painted with red and black. Coody immediately made signs to his companions, ordering them to quit the boat, which they did, himself and another Indian remaining with us and telling us to move off instantly. We had not gone far before we discovered a number of Indians, painted, proceeding down the river as it were to intercept us. Coody, the half-breed, and his companion sailed with us for some time, and telling us that we had passed all the towns, and were out of danger, left us. But we had not gone far until we came in sight of another town, situated likewise on the south side of the river, nearly opposite a small island. Here again they invited us to come on shore, called us brothers, and observing the boats standing off for the opposite channel, told us that "their side of the river was better for boats to pass." And here we must regret the unfortunate death of young Mr. Payne, on board Captain Blackmore's boat, who was mortally wounded by reason of the boat running too near the northern shore, opposite the town where some of the enemy lay concealed; and the more tragical misfortune of poor Stuart, his family and friends, to the number of twenty-eight persons. This man had embarked with us for the Western country, but his family being diseased with small-pox, it was agreed between him and the company that he should keep some distance in the rear, for fear of the infection spreading; and he was warned each night when the encampment should take place by the sound of a horn. After we had passed this town, the Indians having now collected to a consider-

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able number, observing his helpless situation, singled off from the rest of the fleet, intercepted him, killed and took prisoners the whole crew, to the great grief of the whole company, uncertain how soon they might share the same fate: their cries were distinctly heard by those boats in the rear. We still perceived them marching down the river in considerable bodies, keeping pace with us until the Cumberland Mountain withdrew them from our sight, when we were in hopes we had escaped them. We are now arrived at the place called Whirl, or Suck, where the river is compressed within less than half its common width above, by the Cumberland Mountain, which juts in on both sides. In passing through the upper part of these narrows, at a place described by Coody, which he termed the "boiling pot," a trivial accident had nearly ruined the expedition. One of the company, John Cotton, who was moving down in a large canoe, had attached it to Robert Cartwright's boat, into which he and his family had gone for safety. The canoe was here overturned, and the little cargo lost. The company, pitying his distress, concluded to halt and assist him in recovering his property. They had landed on the northern shore, at a level spot, and were going up to the place, when the Indians, to our astonishment, appeared immediately over us on the opposite cliffs, and commenced firing down upon us, which occasioned a precipitate retreat to the boats. We immediately moved off. The Indians, lining the bluffs along, continued their fire from the heights on our boats below, without doing any other injury than wounding four slightly. Jennings' boat is missing.

We have now passed through the Whirl. The river widens with a placid and gentle current, and all the company appear to be in safety, except the family of Jonathan Jennings, whose boat ran on a large rock projecting out from the northern shore, and partly immersed in water, immediately at the Whirl, where we were compelled to leave them, perhaps to be slaughtered by their merciless enemies. Continued to sail on that day, and floated throughout the following night.

Thursday, 9th.—This morning about four o'clock we were surprised by the cries of "Help poor Jennings," at some distance in the rear. He had discovered us by our fires, and came up in the most wretched condition. He states, that as soon as the Indians had discovered his situation, they turned their whole attention to him, and kept up a most galling fire on his boat. He ordered his wife. a son nearly grown, a young man who accompanied them, and his two negroes, to throw all his goods into the river, to lighten their boat for the purpose of getting her off; himself returning their fire as well as he could, being a good soldier and an excellent marksman. But before they had accomplished their object, his son, the young man and the negro were wounded. Before they left the boat, Mrs. Jennings, however, and the negro woman succeeded in unloading the boat, but chiefly by the exertions of Mrs. Jennings, who got out of the boat and shoved her off; but was near falling a victim to her own intrepidity, on account of the boat starting so suddenly as soon as loosened from the rocks. Upon examination he appears to have made a wonderful escape, for his boat is pierced in numberless places by bullets. It is to be remarked that Mrs. Peyton, who was the night before delivered of an infant, which was unfortunately killed in the hurry and confusion consequent upon such a disaster, assisted them, being frequently exposed to wet and cold then and afterwards, and that her health appears to be good at this time, and I think and hope she will do well. Their clothes were very much cut with bullets, especially Mrs. Jennings'.

Saturday, 11th.—Got under way after having distributed the family of Mrs. Jennings in the other boats. Rowed on quietly that day, and encamped for the night on the northern shore.

Sunday, 12th.—Set out, and after a few hours' sailing we heard the crowing of cocks, and soon came within view of the town: here they fired on us again without doing any injury. After running until about ten o'clock, came in sight of the Muscle Shoals. Halted on the northern shore at the upper end of the shoals, in order to search for the signs Captain James Robertson was to

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make for us at that place. He set out from Holston in the fall of 1779, and was to proceed by the way of Kentucky to the Big Salt Lick on Cumberland River, with several others in company, was to come across from the Big Salt Lick to the upper end of the shoals, there to make such signs that we might know he had been there, and that it was practicable for us to go across by land. But to our great mortification we can find none, from which we conclude that it would not be prudent to make the attempt; and are determined, knowing ourselves to be in such imminent danger, to pursue our journey down the river. After trimming our boats in the best manner possible, we ran through the shoals before night. When we approached them they had a dreadful appearance to those who had never seen them before. The water being high made a dreadful roaring, which could be heard at some distance among the driftwood heaped frightfully upon the points of the islands, the current running in every possible direction. Here we did not know how soon we should be dashed to pieces, and all our troubles ended at once. Our boats frequently dragged on the bottom, and appeared constantly in danger of striking; they warped much as in a rough sea. But, by the hand of Providence, we are now preserved from the danger also. I do not know the length of this wonderful shoal: it has been represented to me to be twenty-five or thirty miles; if so, we must have descended very rapidly, as indeed we did, for we passed it in about three hours. Came to, and encamped on the northern shore, not far below the shoals, for the night.

Monday, 13th.—Set out early. On this day two boats, approaching too near the shore, were fired on by the Indians; five of the crew were wounded, but not dangerously. Came to camp at night near the mouth of a creek. After kindling fires and preparing for rest, the company were alarmed on account of the incessant barking our dogs kept up; taking it for granted the Indians were attempting to surprise us, we retreated precipitately to the boats, fell down the river about a mile, and encamped on the other shore. In the morning I prevailed on Mr. Coffey and my son to cross below in a canoe, and return to the place; which they did, and found an African negro we had left in the hurry, asleep by one of the fires. The voyagers then returned and collected their utensils which had been left.

Wednesday, 15th.—Got under way, and moved on peaceably on the five following days, when we arrived at the mouth of the Tennessee on Monday the 20th, and landed on the lower point, immediately on the bank of the Ohio. Our situation here is truly disagreeable. The river is very high and the current rapid, our boats not constructed for the purpose of stemming a rapid stream, our provision exhausted, the crews almost worn down with hunger and fatigue, and know not what distance we have to go, or what time it will take us to reach our place of destination. The scene is rendered more melancholy, as several boats will not attempt to ascend the rapid current. Some intend to descend the Mississippi to Natchez; others are bound for the Illinois—among the rest my son-in-law and daughter. We now part, perhaps to meet no more, for I am determined to pursue my course, happen what will.

Tuesday, 21st.—Set out, and on this day came to the mouth of a river which I thought was the Cumberland. Some of the company declared it could not be, it was so much smaller than we expected. But I never heard of any river running in between the Cumberland and Tennessee. It appeared to flow with gentle current. We determined, however, to make the trial, pushed up some distance, and encamped for the night.

Saturday, 25th.—Today we were much encouraged; the river grows wider; the current is very gentle; we are now convinced it is the Cumberland. I have derived great assistance from a small square sail which was fixed up on the day we left the mouth of the river; and to prevent any ill effects from sudden flaws of wind, a man was stationed at each of the lower corners of the sheet, with directions to give way whenever it was necessary.

Sunday, 26th.—Got under way early; procured some buffalo meat; though poor, it was palatable.

Monday, 27th.—Set out again; killed a swan, which was very delicious.

Tuesday, 28th.—Set out very early this morning; killed some buffalo.

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Wednesday, 29th.—Proceeded up the river; gathered some herbs on the bottoms of the Cumberland, which some of the company called "Shawnee salad."

Thursday, 30th.—Proceeded on our voyage. This day we killed some more buffalo.

Friday, 31st.—Set out this day, and, after running some distance, met with Col. Richard Henderson, who was running the line between Virginia and North Carolina. At this meeting we were much rejoiced. He gave us every information we wished and further informed us that he had purchased a quantity of corn in Kentucky, to be shipped at the falls of Ohio, for the use of the Cumberland settlement. We are now without bread, and are compelled to hunt the buffalo to preserve life. Worn out with fatigue, our progress at present is slow. Camped at night near the mouth of a little river, at which place, and below there is a handsome bottom of rich land. Here we found a pair of hand millstones, set up for grinding, but appeared not to have been used for a great length of time. Proceeded on quietly until the 12th of April, at which time we came to the mouth of a little river running in on the north side, by Moses Renfroe and his company called "Red River," up which they intended to settle. Here they took leave of us. We proceeded up Cumberland, nothing happening material until the 23rd, when we reached the first settlement on the north side of the river, one mile and a half below the Big Salt Lick, and called Eaton's Station, after a man of that name, who, with several other families, came through Kentucky and settled there.

Monday, April 24th.—This day we arrived at our journey's end at the Big Salt Lick, where we have the pleasure of finding Captain Robertson and his company. It is a source of satisfaction to us to be enabled to restore to him and others their families and friends, who were entrusted to our care, and who, some time since, perhaps, despaired of ever meeting again. Though our prospects at present are dreary, we have found a few log cabins which have been built on a cedar bluff above the Lick by Captain Robertson and his company.

THE CUMBERLAND COMPACT

Within a few weeks after their arrival, Robertson's party had built three forts or stations; and, by the time when Donelson's party arrived, April 24, 1780, there were eight stations, viz.:

The Fort on the Bluff [1] (also called The Bluffs), Freeland's Station, Asher's Station, Gasper's or Mansker's Station, Eaton's Station, Bledsoe's Station, Fort Mission and Stone's River (also called Donelson's or Clover Bottom).[2]

These forts were a necessity occasioned by fear of the Indians. When they first arrived, there were no Indians in that entire section, but in a short time a large band of Delaware Indians was discovered on Mill Creek. They professed friendship and said that they were merely hunting. Nevertheless, they committed some depredations. But the Chickasaws, Creeks and Cherokees became continuously more troublesome and were guilty of many murders.

Being thus isolated, in the midst of a wilderness far from other human habitations, they quickly realized the necessity of adopting a form of local self-government, irrespective of the laws of either North Carolina or Virginia.

Indeed, on the first day of May, 1780, only the seventh day after the arrival of John Donelson's party, representatives from the eight stations met at Nashborough and adopted the compact or form of government, known variously as the government of the "General Arbitrators," Triers, or Judges, or perhaps more generally and appropriately as the "Government of the Notables." On

[1] Robertson named the infant settlement Nashborough, after Gen. Francis Nash, a North Carolina officer who had been killed in the battle of Germantown, in 1778.

[2] So called because, when the white people first came, it was covered with a thick growth of white clover.

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the thirteenth of May "additional resolutions and further association were entered into at Nashborough," to regulate entries and locations of land; to protect and provide for the children and widows of those who should die or be killed by the Indians; regulating the military defenses; calling into service men from each station; impressing horses; imposing, collecting and appropriating fines, etc.

Of this compact, Putnam says:

"The original, together with many loose sheets of paper covered with writing, and of deep interest connected with the men and transactions of that day, were discovered by the writer of these sketches in the year 1846, in an old trunk which had evidently belonged to Col. Robert Barton, who * * * was a useful citizen, one of the Notables of that day."[3]

The first page of this document is lacking, probably destroyed, the second torn, but the rest is in good condition, legible, and is carefully preserved in the Archives of the Tennessee Historical Society.

The entire instrument was signed by all the male settlers, probably not all at the same time. In all there are 256 signatures and only one had to make his mark.

Considering the fact that this was the second mutual agreement made by the inhabitants of a local community in Tennessee for their own government and civic guidance, it is deemed important that it be inserted here entire, that it may be thoroughly and profitably studied. With the exception of the first page, which was lost, the rest of the document follows, the missing words in brackets, have been supplied by Putnam:

ARTICLES OF AGREEMENT, OR COMPACT OF GOVERNMENT, ENTERED INTO BY SETTLERS ON THE CUMBERLAND RIVER, 1ST MAY, 1780

* * * property of right shall be determined as soon (as) conveniently may be, in the following manner: The free men of this country over the age (of twenty) one years shall immediately, or as soon as may (be convenient) proceed to elect or choose twelve conscientious and (deserving) persons from or out of the different stations, that is (to) say: From Nashborough, three; Gasper's, two; Bledsoe's, one; Asher's, one; Stone's River, one; Freeland's, one; Eaton's, two; Fort Union, one. Which said persons, or a majority of them, after being bound by the solemnity of an oath to do equal and impartial justice between all contending parties, according to the best of their skill and judgment, having due re(gard) to the regulations of the Land Office herein established, shall be competent judges of the matter, and * * * hearing the allegations of both parties, and (their) witnesses, as to the truth of the case, shall have (power) to decide the controversies, and determine who is of right entitled to an entry for such land so in dispute, when said determination or decision shall be forever bind(ing) and conclusive against the future claim of the party against whom such judgment (shall be rendered). And the Entry Taker shall make a (record thereof) in his book accordingly, and the entry * * * tending party so cast shall be * * * if it had never been made, and the land in dispute * * * to the person in whose favor such judgment shall * * *.

* * * in case of the death, removal, or absence of any of the judges so to be chosen, or their refusing to act, the station to which such person or persons belong, or was chosen from, shall proceed to elect another or others in his or their stead; which person or persons so chosen, after being sworn, as aforesaid, to do equal and impartial justice, shall have full power and authority to proceed to business and act in all disputes respecting the premises, as if they had been originally chosen at the first election.

[3] History of Middle Tennessee, p. 85.

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That the entry book shall be kept fair and open by * * * person to be appointed by said Richard Henderson * * * chose, and every entry for land numbered and dated, and * * * order without leaving any blank leaves or spaces, * * * to the inspection of the said twelve judges or * * * of them, at all times.

That whereas many persons have come to this country without implements of husbandry, and from other circumstances are obliged to return without making a crop, and (intend) removing out this fall, or early next spring, and it * * * reason * * * such should have the preemp(tion) * * * of such places as they may have chosen * * * the purpose of residence, therefore it is * * * be taken for all such, for as much land as they are entitled to from their head-rights, which said lands shall be reserved for the particular person in whose name they shall be entered, or their heirs; provided such person shall remove to this country and take possession of the respective place or piece of land so chosen or entered, or shall send a laborer or laborers, and a white person in his or her stead, to perform the same, on or before the first day of May, in the year one thousand seven hundred and eighty-one; and also provided such land so chosen and entered for is not entered and claimed by some person who is an inhabitant, and shall raise a crop of corn the present year at some station or place convenient to the general settlement in this country. But it is fully to be understood that those who are actually at this time inhabitants of this country shall not be debarred of their choice or claim on account of the right of any such absent or returning person or persons. It is further proposed and agreed that no claim or title to any lands whatsoever shall be set up by any person in consequence of any mark, or former improvement, unless the same be entered with the Entry Taker within twenty days from the date of this association and agreement; and that when any person hereafter shall mark or improve land or lands for himself, such mark or improvement shall not avail him or be deemed an evidence of prior right unless the same be entered with the Entry Taker in thirty days * * * from the time of such mark or improvement; but no other person shall be entitled to such lands so as aforesaid to be reserved * * * consequence of any purchase, gift, or otherwise.

That if the Entry Taker to be appointed shall neglect or refuse to perform his duty, or be found by said Judges, or a majority of them, to have acted fraudulently, to the prejudice of any person whatsoever, such Entry Taker shall be immediately removed from his office, and the book taken out of his possession by the said judges, until another shall be appointed to act in his room.

That as often as the people in general are dissatisfied with the doings of the Judges or Triers so to be chosen, they may call a new election at any time of the said stations, and elect others in their stead, having due respect to the number now agreed to be elected at each station, which persons so to be chosen shall have the same power with those in whose room or place they shall or may be chosen to act.

That as no consideration-money for the lands on Cumberland River, within claim of the said Richard Henderson and Company, and which is the subject of this association, is demanded or exacted by the said Company, until a satisfactory and undisputable title can be made, so we think it reasonable and just that the twenty-six pounds, thirteen shillings and four pence, current money, per hundred acres, the price proposed by the said Richard Henderson, shall be paid according to the value of money on the first day of January last being the time when the price was made public (and) settlement encouraged thereon by said Henderson, and the said Richard Henderson on his part does hereby agree that in case of the rise or appreciation of money from that * * * an abatement shall be made in the sum according to its raised or appreciated value.

That where any person shall remove to this country with intent to become an inhabitant, and depart this life, either by violence or in the natural way, before he shall have performed the requisites necessary to obtain lands,

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the child or children of such deceased person shall be entitled, in his or her room, to such quantity of land as such person would have been entitled to in case he or she had have lived to obtain a grant in their own name; and if such death be occasioned by the Indians, the said Henderson doth promise and agree that the child or children shall have as much as amounts to their head-rights gratis, surveyor's and other incidental fees excepted.

And whereas, from our remote situation and want of proper officers for the administration of justice, no regular proceedings at law can be had, for the punishment of the offences and attainment of right, it is therefore agreed, that until we can be relieved by government from the many evils and inconveniences arising therefrom, the judges or triers to be appointed as before directed, when qualified, shall be and are hereby declared a proper court or jurisdiction for the recovery of any debt or damages; or where the cause of action or complaint has arisen, or hereafter shall commence, for anything done or to be done, among ourselves, within this our settlement on Cumberland aforesaid, or in our passage hither, where the laws of our country could not be executed, or damages repaired in any other way; that is to say, in all cases where the debt or damages or demand does or shall not exceed one hundred dollars, any three of the said Judges or Triers shall be competent to make a Court, and finally decide the matter in controversy; but if for a larger sum, and either party shall be dissatisfied with the judgment or decision of such Court, they may have an appeal to the whole twelve Judges or Triers, in which case nine members shall be deemed a full Court, whose decision, if seven agree in one opinion, the matter in dispute shall be final, and their judgment carried into execution in such manner, and by such person or persons, as they may appoint; and the said Courts respectively, shall have full power to tax such costs as they may think just and reasonable, to be levied and collected with the debt or damages so to be awarded.

And it is further agreed, that a majority of the said Judges, Triers, or General Arbitrators, shall have power to punish in their discretion, having respect to the laws of our country, all offences against the peace, misdemeanors, and those criminal, or of a capital nature, provided such Court does not proceed with execution so far as to affect life or member; and in case any should be brought before them whose crime is or shall be dangerous to the State, or for which the benefit of clergy is taken by law, and sufficient evidence or proof of the fact or facts can probably be made, such Court, or a majority of the members, shall and may order and direct him, her, or them to be safely bound and sent under a strong guard to the place where the offence was or shall be committed, or where legal trial of such offence can be had, which shall accordingly be done, and the reasonable expense attending the discharge of this duty ascertained by the Court, and paid by the inhabitants in such a proportion as shall be hereafter agreed on for that purpose.

That as this settlement is in its infancy, unknown to government, and not included within any county within North Carolina, the State to which it belongs, so as to derive the advantages of those wholesome and salutary laws for the protection and benefit of its citizens, we find ourselves constrained from necessity to adopt this temporary method of restraining the licentious, and supplying, by unanimous consent, the blessings flowing from a just and equitable government, declaring and promising that no action or complaint shall be hereafter instituted or lodged in any Court of Record within this State, or elsewhere, for anything done or to be done in consequence of the proceedings of the said Judges or General Arbitrators to be chosen and established by this our Association.

That the well-being of this country entirely depends under Divine Providence, on unanimity of sentiment and concurrence in measures, and as clashing interests and opinions, without being under some restraint, will most certainly produce confusion, discord and almost certain ruin, so we think it our duty to associate, and hereby form ourselves into one society for the benefit of present and future settlers, and until the full and proper exercise of the laws of our

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country can be in use, and the powers of government exerted among us: we do most solemnly and sacredly declare and promise each other that we will faithfully and punctually adhere to, perform, and abide by this our Association, and at all times, if need be, compel, by our united force, a due obedience to these our rules and regulations. In testimony whereof, we have hereunto subscribed our names in token of our entire approbation of the measures adopted.

The additional resolutions and further association which were entered into on the 13th of May, were as follows:

That all young men over the age of sixteen years, and able to perform militia duty, shall be considered as having a full right to enter for and obtain lands in their own names, as if they were of full age; and in that case not to be reckoned in the family of his father, mother, or master, so as to avail them of any land on their account.

That where any person shall mark or improve land or lands, with intent to set up a claim thereto, such person shall write or mark in legible characters the initial letters of his name at least together with the day of the month and year on which he marked or improved same, at the spring or most notorious part of the land, on some convenient tree or other durable substance, in order to notify his intentions to all such as may inquire or examine, and in case of dispute with respect to priority of right, proof of such transaction shall be made by the oath of some different witness, or no advantage or benefit shall be derived from such mark or improvement; and in all cases where priority of mark or occupancy cannot be ascertained according to the regulations and prescriptions herein proposed and agreed to, the oldest or first entry in the office to be opened in consequence of this Association shall have the preference, and the lands granted accordingly.

It is further proposed and agreed that the Entry Office shall be opened at Nashborough, on Friday, the 19th of May, instant, and kept from thenceforward at the same place, unless otherwise directed by any future Convention of the people in general, or their representatives.

That the Entry Taker shall and may demand and receive twelve dollars for each entry to be made in his book, in manner before directed, and shall give a certificate thereof, if required; and also may take the same fee for every *caveat* or counter-claim to any lands before entered; and in all cases where a caveat is to be tried in manner before directed, the Entry Book shall be laid before the said Committee of Judges, Triers, or General Arbitrators, for their inspection and information, and their judgment upon the matter in dispute fairly entered as before directed; which said Court or Committee is also to keep a fair and distinct journal or minutes of all their proceedings, as well with respect to lands as other matters which may come before them in consequence of these our resolutions.

It is also firmly agreed and resolved that no person shall be admitted to make an entry for any lands with the said Entry Taker, or permitted to hold the same, unless such person shall subscribe his name and conform to this our Association, Confederacy, and General Government, unless it be for persons who have returned home, and are permitted to have lands reserved for their use until the first day of May next, in which case entries may be made for such absent persons, according to the true meaning of this writing, without their personal presence, but shall become utterly void, if the particular person or persons for whom such entry shall be made should refuse or neglect to perform the same as soon as conveniently may be after their return, and before the said first day of May in the year 1781.

Whereas the frequent and dangerous incursions of the Indians, & almost daily massacre of some of our inhabitants, renders it absolutely necessary, for our safety and defence, that due obedience be paid to our respective officers elected and to be elected at the several stations or settlements, to take command of the men or militia at such fort or station.

It is further agreed and resolved that when it shall be adjudged necessary and expedient by such commanding officer to draw out the militia of any fort

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or station to pursue or repulse the enemy, the said officer shall have power to call out such and so many of his men as he may judge necessary, and in case of disobedience may inflict such fine as he in his discretion shall think just and reasonable; and also may impress the horse or horses of any person or persons whomsoever, which, if lost or damaged in such service, shall be paid for by the inhabitants of such fort or station in such manner and such proportion as the Committee hereby appointed, or a majority of them, shall direct and order; but if any person shall be aggrieved, or think himself unjustly vexed and injured by the fine or fines so imposed by his officer or officers, such person may appeal to the said Judges or Committee of General Arbitrators, who, or a majority of them, shall have power to examine the matter fully, and make such order therein as they may think just and reasonable, which decision shall be conclusive on the party complaining, as well as the officer or officers inflicting such fine; and the money arising from such fine shall be carefully applied for the benefit of such fort or station, in such manner as the said Arbitrators shall hereafter direct.

It is lastly agreed and firmly resolved that a dutiful and humble address or petition be presented, by some person or persons to be chosen by the inhabitants, to the General Assembly, giving the fullest assurance of the fidelity and attachment to the interest of our country, and obedience to the laws and Constitution thereof. Setting forth that we are confident our settlement is not within the boundaries of any nation or tribe of Indians, as some of us know and all believe that they have fairly sold and received satisfaction for the land or territories whereon we reside, and therefore we hope we may not be considered as acting against the laws of our country or the mandates of government.

That we do not desire to be exempt from the ratable share of the public expense of the present war, or other contingent charges of government. That we are, from our remote situation, utterly destitute of the benefit of the laws of our country, and exposed to the depredations of the Indians, without any justifiable or effectual means of embodying our militia, or defending ourselves against the hostile attempts of our enemy; praying and imploring the immediate aid and protection of our government, by erecting a county to include our settlements, appointing proper officers for the discharge of public duty, taking into consideration our distressed situation with respect to the Indians, and granting such relief and assistance as in wisdom, justice, and humanity may be thought reasonable.

Nashborough, 13th May, 1780.

AUTHORSHIP OF THE CUMBERLAND COMPACT

Most persons, including virtually all the historians, ascribe to James Robertson the credit of having written the Cumberland Compact, notwithstanding the fact that there are internal evidences which, upon study and reflection, indicate that he could not have been the author of this remarkable document. However, this belief was well nigh universal until the year 1916 when Dr. Archibald Henderson proved beyond a reasonable doubt that his ancestor, Richard Henderson was the author of it. This proof was offered in an address delivered in Watkins Hall, Nashville, on April 27, 1916, before the joint meeting of the Tennessee Historical Society and the Mississippi Valley Historical Association.

In that address Doctor Henderson spoke of the strenuous struggles and almost incredible hardships of the Cumberland settlers, of the part which Richard Henderson played in acquiring the land on which they had located, of his interesting James Robertson and John Donelson in the enterprise and of his presence in the settlement just prior to and at the exact time when the compact was signed. He said:

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Doctor Henderson in his proof takes up various statements and paragraphs showing that, in large part, the compact is a contract between Henderson and Company and the Cumberland people, and, having been an eminent lawyer and judge, he naturally would draw up this contract; and, as a matter of fact, he was the only one concerned who could draw it up. He said:

"The indisputable facts that Richard Henderson, eminent as lawyer and jurist, was the only lawyer on the Cumberland in May, 1780, and that his name heads the list of two hundred and thirty-odd signatures to the document known as the Cumberland Compact, has led one of the justices of your own Supreme Court, a deep student of early Tennessee history, the Hon. Samuel C. Williams, to state in print that 'without serious doubt' Judge Henderson was the draftsman of the compact of government."

Furthermore, the document is in Judge Henderson's handwriting. This fact was determined by Judge John H. DeWitt, president of the Tennessee Historical Society and Dr. W. A. Provine, editor of the Tennessee Historical Magazine, both of whom compared the writing of the compact with other specimens of Judge Henderson's handwriting and declared that the writing of the compact was by him. On the 20th of May, 1916, these two gentlemen made an affidavit to this fact, ending with the following words: "* * * we are both convinced without reservation that the handwriting of the Cumberland Compact and all of the aforesaid documents is one and the same. We especially noted the signatures of Judge Richard Henderson as traced from the Salisbury Court House records as appended to the Cumberland Compact are identical.

"We are convinced from these comparisons that Judge Richard Henderson was the draftsman and author of the original Cumberland Compact."

Dr. Archibald Henderson says that "two hundred and thirty-odd" signed the Cumberland Compact. As a matter of fact 256 signed it, of whom only one was compelled to make his mark. It must not be assumed, however, that all these names were signed on the same day. They were probably subscribed from time to time as long as the association lasted, that is until 1783, when Davidson County was established.

GOVERNMENT UNDER THE CUMBERLAND COMPACT

Immediately after the adoption of the agreement, the government provided by it was put in operation. The militia was organized and James Robertson was elected colonel and John Donelson, lieutenant colonel.

"The Court and Government of Notables" was organized and began its work. James Robertson, the presiding officer of the Court, performed the first marriage ceremony. Yet while this Court functioned there are no records showing what they did until January 7, 1783. The minutes of the meeting of the Committee of that date partly explain this lack. They begin as follows:

North Carolina, Cumberland River, January 7, 1783.

The manifold suffering and distresses that settlers here have from time to time undergone, even almost from our first settling; with the desertion of the greater number of the first adventurers, being so discouraging to remaining few, that all administration of justice seemed to cease from amongst us; which, however weak, whether in constitution, administration, or execution, yet has been construed in our favor, against those whose malice or interest would in-

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sinuate us a people fled to a hiding place from justice, and the revival of them again earnestly recommended; and now having a little respite granted, and numbers returning to us, it appears highly necessary that for the common weal of the whole, the securing of the peace, the performance of contract between man and man, together with the suppression of vice, again to revive our former manner of proceedings, pursuant of the plan agreed upon at our first settling here, and to proceed accordingly, until such times as it shall please the Legislature to grant us the salutary benefit of the law duly administered amongst us by their authority.

"To the end, previous notice having been given to the several stations to elect twelve men of their several stations, whom they thought most proper for the business, and being elected, to meet at Nashborough the 7th day of January, 1783, accordingly there met at the time and place aforesaid, Col. James Robertson, Capt. George Freeland, Thomas Molloy, Isaac Linsey, David Rounsevall, Heydon Wells, Jas. Maulding, Ebenezer Titus, Sam'l Barton, Andrew Ervin."[4]

SUFFERINGS OF THE CUMBERLAND SETTLERS

After the adoption of the Cumberland Compact, a land office was opened and the entry-taker was appointed by Judge Henderson in accordance with the agreement. The lands were registered for the nominal fee of $10 per 1,000 acres, but Henderson's Company was never able to secure a "satisfactory and indisputable title." Hence, no payments were ever made. In 1783 North Carolina declared the purchase of the Transylvania Company void, but gave them 200,000 acres in Powell's Valley.[5]

Under Robertson's wise and able leadership the settlers began their struggle with the elements, with the wild beasts, with the renegades who came to the settlement as to an asylum, and, above all, with the savage and bloodthirsty Indians. This struggle continued for more than two years before they had firmly intrenched themselves in their wilderness home and had vindicated their claim to the land by right of conquest and occupancy.

THE DARK DAYS

The winter of 1780 had been of remarkable severity and the spring rainy. Game, though abundant, was lean, yet because of its abundance, there was no thought of immediate or ultimate destitution. But in February the Indians made their appearance and began their atrocities. They did not at first attack the whites, but alarmed the game and dispersed the buffalo and deer which had been accustomed to come to the Lick. So successful were they, indeed, in carrying out this plan that the settlers were forced to travel long distances and incur the danger of being killed by the savages. Remote and separate homes had to be abandoned and the people were closely confined to the stations, principally those at Nashborough and Eaton's. Some remained at Freeland's and a few stayed near Mansker's until the end of the year.

They had no corn and could raise but little. Moreover, their powder and lead, having been used prodigally, began to fail them; and this shortage caused them their keenest apprehension. In this crisis, in the fall of the year, James

[4] See The American Historical Magazine for April, 1902.
[5] North Carolina State Records, Vol. XXIV, pp. 530-531.

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Robertson, with one of his sons and some other men of experience, made a most perilous journey to stations in Kentucky to secure supplies.

Beginning with the spring and continuing throughout the summer and fall the attacks of the Indians were incessant and deadly. People were killed in the woods, at the springs, and even in the shadow of the stations. The Chickasaws, angered, it is said, by the erection of Fort Jefferson on the Mississippi River, near the mouth of the Ohio and in their territory, attacked the Cumberland settlers and massacred all the inhabitants of Renfroe's Station except one, and killed others. The Indians also killed all but one white man and two negroes who were gathering John Donelson's crop of corn and cotton.[6]

At this juncture, Robertson returned with a supply of ammunition just in time to save Freeland's Station. In this station, Felix Robertson, son of James Robertson, was born on January 11, 1781. He was the first white child born in Nashville.

The attack on Freeland's Station was made on January 15, 1781, and, through the vigilance of James Robertson, was repulsed.[7]

Soon after this Colonel Robertson had an interview with Opiomingo, the Chickasaw chief, and made an alliance with him whereby the Chickasaws were detached from the British influences and were ever afterwards the stanch friends and allies of the Cumberland colonists.

Other roving bands of Indians, however, kept up their hostilities—Cherokees, Creeks, Chickamaugas, Shawnees, Delawares, and Wyandots.

The hardships endured and especially the fear of the Indians caused many of them to leave, including John Donelson and his family, who removed to Kentucky, so that the number remaining became small. Enough remained, however, to defeat the Indians in the Battle of the Bluffs, fought on April 2, 1781.[8]

Finding that it was impossible for them to take the forts by assault, the Indians resorted to guerilla warfare which proved deadly and exasperating. This sort of warfare was pursued not only in the Cumberland country, but also in the settled portions of East Tennessee, the object of the Indians being to drive the colonists from the entire country by waylaying and killing, preventing agriculture and stealing horses.

As a result by 1782 affairs on the Cumberland appeared most gloomy.[9] Hence a general council was called to consider the advisability of abandoning the Cumberland, which was advocated by many of the best men. Robertson, however, in a strong speech advised them to "fight it out here" and said he would be the last to leave. His spirit and determination prevailed. The project was saved.

And when it was announced that a treaty of peace between the United States and Great Britain had been signed at Paris on November 30, 1782, the settlers' hopes revived. The Indian warfare relaxed, and besides, their experience enabled them to combat the Indians more successfully. The prodigies of valor displayed in these troublous times by such men as Spencer, Hood, Rains, Castleman, Buchanan and others have never been surpassed in history or in romance even "when knighthood was in flower."

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[6] For more complete account of this massacre see chapters on Indian Wars and on Historic Spots and Places. This was the first crop of cotton raised in Middle Tennessee.

[7] For more complete account see chapters on Indian Wars and Historic Spots and Places.

[8] Ibid.

[9] See Putnam's History of Middle Tennessee, pp. 127-146.

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NEW COUNTIES

In 1783 another county was carved out of Washington County and was named Greene County after Gen. Nathanael Greene.

In the same year Colonel Robertson, also, was sent by the Cumberland settlers to Hillsboro, which was at that time the capital of North Carolina, to ask the General Assembly to establish a regular land office at Nashborough and to set off a county for the government of the infant settlement. He was successful in both matters. North Carolina established at Hillsborough a land office, under charge of John Armstrong and generally called for that reason, "John Armstrong's Office." It also established at Nashborough, a land office in the charge of Martin Armstrong. In the Archives of Tennessee are many land warrants issued from both of these offices.

On April 14, 1783, North Carolina established the county which the Cumberland settlers so sorely needed and named it Davidson County, after Gen. William Davidson, a gallant officer of North Carolina in the Revolutionary war. At that time this county covered the entire territory west of the Cumberland Mountains which was generally called West Tennessee for many years. An Inferior Court of Pleas and Quarter Sessions was organized at Nashborough on October 6, 1783, and was invested with large powers. The four justices of the new court had all been Triers and the government proceeded with very little change.

The State of North Carolina, like the other states, had issued much scrip during the war to pay her officers and men. This scrip was so nearly worthless that the soldiers could not convert it into anything of value. Hence, on the conclusion of the war, it was proposed that this scrip be received for warrants for western lands. Pursuant to the carrying out of this plan, three commissioners, Absalom Tatum, Isaac Shelby and Anthony Bledsoe were appointed, in 1782, commissioners to lay off sufficient land to meet all these grants. They began the work early in 1783.[10]

They ran the "Commissioners' Line" and the "Continental Line" inclosing the new reservation and laid off the 25,000 acre tract given to Gen. Nathanael Greene.[11]

[10] For more complete account see Latitude Hill in the chapter on Historic Spots and Places.
[11] See Historic Spots and Places.

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CHAPTER VIII

THE STATE OF FRANKLIN

The East Tennessee patriots who won the battle of King's Mountain hastened home with all speed in the fear that, in their absence, the Indians might have attacked the settlements. They returned just in time, for the Cherokees had planned an invasion and were already on their way. Without waiting to muster the entire force, Sevier immediately ordered out the troops of Washington County, marched forward to intercept the enemy and signally defeated them in the battle of Boyd's Creek. He then moved south with a force of 700 mounted men and drove the Indians before him, while he destroyed town after town, until he reached Tellico, which town he spared and at which he met a delegation of Cherokees, who sued for peace. He then marched against the Chickamaugas, destroyed their villages and devastated the country. He still pressed on even into the Creek territory along the Coosa River. The Indians, terrified, begged for peace; a treaty was made and on January 4, 1781, the three commanders, Col. John Sevier, Col. Arthur Campbell and Maj. Joseph Martin, issued a joint address to the Indians, informing them of the terms of permanent peace.

Although the Indians sued for peace, they still stealthily committed atrocities, so that Sevier sent Campbell to proceed against them in another campaign in which he punished them severely at Tuckasijah and at War Ford, after which the savages were generally quiet for a long time.

In consequence of the temporary cessation of hostilities with the Indians and of the treaty of peace with Great Britain, large accessions of population were made in East Tennessee. The settlements became stronger and more independent. They wished for better protection, a more stable government, and, by all means, local self-government. There was a prevalent feeling in the Watauga country that North Carolina would do little, if anything, for the people west of the mountains. Many there, also, were from Virginia, who naturally felt but little loyalty to North Carolina. And all, for one reason or another, were inclined to cast their lot with the frontier communities in any controversy with North Carolina.

It is doubtless true, too, that, at first North Carolina was as anxious to get rid of these troublesome settlers as they were to go. The four counties then organized in the western country did, indeed, send representatives to the Legislature at Hillsborough, but they found that body too indifferent to the needs of these remote colonists. North Carolina was poor and not inclined to incur any expense for them. In the Indian wars these communities had incurred many debts which they expected North Carolina to pay. But little payment was made, and that grudgingly. Provision was not made for the extension of courts in this new territory and outlaws flocked there. The irritation of the colonists was acute. They were left to work out their own salvation.

The United States Government, staggering under war debts, asked the states which had western lands to deed them to the general government that, by the sale of these lands, the debts might be liquidated.

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On June 2, 1784, the Legislature of North Carolina passed an act ceding to the Continental Congress all of what is now the State of Tennessee, with the proviso that the sovereignty of North Carolina should extend over the ceded lands until the United States should accept the gift, and that the act should be null and void unless the gift should be accepted within two years.[1]

The purpose of the act is expressed in the first paragraph, as follows:

"1. Whereas, the United States in Congress assembled, by their resolutions of the sixth of September and tenth of October, one thousand seven hundred and eighty, have earnestly recommended to the respective states in the Union claiming or owning vacant Western territory to make cessions of part of them; and whereas by their resolution of the eighteenth of April, one thousand seven hundred and eighty-three, as a further means as well as hastening the extinguishment of the debts as of establishing the harmony of the United States, it was recommended to the States which have passed no acts towards complying with the said resolutions to make the liberal cessions therein recommended, and this State ever desirous of doing ample justice to the public creditors as well as establishing the harmony of the United States."

The members from the four western counties voted for the cession and reported the action taken to their constituency. Immediately great excitement arose. It was feared that the western country would lapse into anarchy, and the feeling was general that some action should be taken in self-protection, for they doubted that Congress would take action promptly and they thought that meanwhile North Carolina would do nothing for them; and that thus they would be left a prey to the Indians on the one side and to the lawless white element on the other.

Davidson County being almost as alien as another state, paid no attention to the movement. They were busy managing their own affairs. But the three counties of East Tennessee busied themselves at once. There was no delay. The cession act was passed in June, 1784, and on August 23 following, a convention of more than forty representatives (two from each captain's company) met at Jonesboro to deliberate upon the situation. They organized by electing John Sevier, president, and Landon Carter, son of John Carter, chairman of the Watauga Court, secretary. A committee, of whom William Cocke was chairman, was appointed to consider the situation. They reported recommending that people of the three counties form themselves into an "Association," to ask Congress to accept the cession and permit the people of that territory to form a government to be taken into the Union as a state; also, to permit the inhabitants of contiguous parts of Virginia to be included in the new state; that steps be taken to frame a constitution and to send delegates to urge the consent of Congress.

The report was adopted, but John Tipton led a minority of about one-third of the delegates in opposing the immediate declaration of independence. A committee of two was appointed to prepare a plan of organization and reported the next day recommending that a convention be called for the purpose of framing a constitution and giving a name to the new state. This report was adopted and a convention for the purpose stated was called to meet at Jonesboro on September 16.[2] The delegates to this convention were to consist of five members from each county. The convention did not meet, however, at the time

[1] State Records of North Carolina, Vol. XXIV, pp. 561-563. Also, see Ramsey's Annals, p. 283.

[2] Announcement of the action was made by a delegate who stepped to the door for this purpose and was received with delight.

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appointed, and when it did meet in November, dissension had arisen and the convention dissolved in confusion without taking any decisive action.

Meanwhile, without awaiting the action of Congress, the Legislature of North Carolina in session at Newbern, October 22 to November 25, 1784, repealed the cession act passed in June. This was due to the influence of Governor Martin advised by Dr. Hugh Williamson, representative from North Carolina to Congress, who said that North Carolina had acted precipitately. The assembly also appointed John Sevier brigadier-general of the militia of Washington District, created a new judicial district and appointed an assistant judge and an attorney-general.

John Sevier now thought that there was no need of going further in the secession movement; and, when the people assembled at Jonesboro on December 17, 1784, he said:

"Our grievances are redressed, and we have nothing more to complain of; my advice is to cease all efforts to separate from North Carolina, but remain firm and faithful to her laws."

The people, however, had been aroused to a condition which the leaders could not control. On that very day their delegates assembled in convention, chose John Sevier as chairman and F. A. Ramsey,[3] as secretary. Rev. Samuel Houston, who took a leading part in the deliberations, addressed the convention and offered a prayer for wisdom and guidance from on high. A constitution was adopted subject to the ratification of a convention to be chosen by the people to meet at Greeneville on November 14, 1785. No copy of this provisional constitution is in existence. However, it was put in operation and, under it a Legislature was elected.

The new Legislature met at Jonesboro and elected Landon Carter, speaker, and Thomas Talbot, clerk of the Senate; and William Cage, speaker and Thomas Chapman, clerk of the House of Commons.

John Sevier was then elected governor, David Campbell, judge of the Superior Court, and Joshua Gist and John Anderson, assistant judges. The first session of the Legislature adjourned on March 31, 1785.[4]

At this session four new counties were created, Spencer, Caswell, Sevier and Wayne, making seven in all.

One of the most important of these acts was "An act for the promotion of learning in the county of Washington." Under this act Martin Academy was chartered. This was the first institution for learning established in the Mississippi Valley. The exact date of the establishment of it is uncertain. It was founded by Dr. Samuel Doak as early as 1780 and possibly a little earlier and was named for the governor of North Carolina. Doctor Doak was not only an eminent divine, but he was an eminent scholar and patriot. He took a prominent part in the efforts to create the independent State of Franklin.

By another act the skins of animals and articles of common manufacture, as tallow, whisky, sugar, tobacco, etc., were made legal tender. Daniel Webster referred to this currency in his speech on the Sub-Treasury Bill, delivered on March 24, 1838. In his reply, Hugh Lawson White made this remark: "It will be remembered that the governor, chief justice, and some other officers were to be paid in deer-skins, other inferior officers were to be paid in raccoon-skins."[5]

[3] Father of the historian, Dr. J. G. M. Ramsey.

[4] For a synopsis of the acts passed by the session, see Ramsey's Annals, pp. 293-299.

[5] See Heiskell's Andrew Jackson and Early Tennessee History, Vol. II, p. 47.

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Governor Sevier informed Governor Alexander Martin, of North Carolina, of the action of the western settlers, and the reasons for their actions. Governor Martin at once issued a manifesto endeavoring to refute the reasoning of the settlers in which manifesto there was both conciliation and warning. A war of manifestos followed. The authorities of the new state also sent a memorial to Congress by William Cocke, setting forth the conditions and asking to be taken into the Union as a state, but Congress turned a deaf ear to the petition.

This disagreeable situation was somewhat aggravated by the killing of the Indian chief, Butler, by Col. James Hubbard (or Hubbart), and the consequent fear of an Indian uprising.

THE CONSTITUTION OF FRANKLIN

On November 14, 1785, the constitutional convention met at Greeneville, as ordered to ratify or reject the constitution which had been submitted by Rev. Samuel Houston at Jonesboro in November, 1784. The Commons met in the log Courthouse and the Senate in a room in the tavern. There was bitter rivalry between the factions represented by John Sevier and John Tipton, the latter of whom fought strenuously for the adoption of the constitution submitted by Houston. The committee appointed for the purpose reported a Bill of Rights and the Houston constitution. A printed edition of this report was issued in 1786 in pamphlet form. The Tennessee Historical Society possesses one of these pamphlets, which is possibly the only copy of this document in existence. It was presented to the Society on April 9, 1880 by Dr. J. G. M. Ramsey. It consists of a preface, which is an argument in favor of its adoption by the people, followed by "A Declaration of Rights," which in turn is followed by "The Constitution or Form of Government." [6]

Below is given a reprint of the title page of this pamphlet which is very nearly a facsimile:

A

DECLARATION OF RIGHTS,

ALSO, THE

CONSTITUTION,

OR

FORM OF GOVERNMENT,

AGREED TO AND RESOLVED UPON, BY THE REPRESENTATIVES
OF THE FREEMEN OF THE

STATE OF FRANKLAND,

Elected and Chosen for That Particular Purpose, In Convention Assembled,
At Greeneville, the 14th of November, 1785.

PHILADELPHIA

Printed by FRANCIS BAILEY, at Yorick's Head.

MDCCLXXXVI

[6] This pamphlet is published entire in The American Historical Magazine, Vol. I, pp. 50-63.

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As this constitution was rejected, it is not deemed desirable to reproduce it here; but some of its provisions are so unique that it is thought well briefly to mention them.

In this document the new state is spoken of as the "State of Frankland," but in the constitution adopted it was called the "State of Franklin."

Full religious liberty was established, so far as the rights of worship went, but no one was to hold office unless he had certain property, unless he was a Christian who believed in the Bible, in Heaven, in Hell and in the Trinity. Also, office could not be held by clergymen, doctors, lawyers, immoral men, Sabbath breakers, profane swearers, gamblers, and drunkards. The constitution was put in the form of a catechism to be taught in the schools.

The exclusion of lawyers appealed particularly to that part of the rural population which looked upon a lawyer with jealousy, suspicion and dislike. The concluding paragraph of the "Preface" shows clearly the feeling of that contingent which supported the Houston constitution:

"To conclude: dear reader, lay aside prejudice, and search honestly for truth, and not for catches and quibbles, patiently weighing every part in connection with the whole, and very probably you will clearly see, that the general part and the substance of the Report of the Committee contains principles, provisions, and restrictions which secure the poor and the ruled from being trampled on by the rich and the rulers: also their property and money from being taken from them to support the extravagance of the great men—and that it is full of that which tends to free them from prevailing enormous wickedness, and to make the citizens virtuous, also, that it is well calculated to open the eyes of the people to look in upon the proceedings of the public, and know and judge for themselves when their rights and privileges are enjoyed or infringed; and therefore suitable to remove ignorance from the country, which is as beneficial to men who wish to live upon the people, as ignorance is in the Church of Rome to support the tyranny of the Pope and his clergy."

"After a hot debate and some tumultuous scenes" the report of the committee favoring the Houston constitution was rejected and the whole house on motion of John Sevier adopted a constitution based on the North Carolina Constitution. Those who favored the Houston constitution tried in vain to have some material parts of their plan incorporated in the Constitution adopted, but succeeded in having their dissent entered upon the journal. That dissent was as follows:

"A dissent entered by the following members to what has been agreed to in Convention:

"Because we deem the Report of the Committee, excluding that part of the thirty-second Article, which fixes a tax upon certain articles, as indigo, tobacco, flour, etc., to be the sense of a majority of the free men of Frankland, and more agreeable to a Republican Government which Report so amended we hold out for the consideration of the people."

This dissent was signed by nineteen delegates including the Tipton followers and headed by David Campbell, Samuel Houston, and John Tipton.

TEXT OF THE FRANKLIN CONSTITUTION

For many years the Constitution adopted by the State of Franklin was lost. In 1904 it was found tied up in a little paper box in the office of the Insurance Commissioner on the third floor of the capitol at Raleigh, N. C.[7] It will be noted

[7] The American Historical Magazine for October, 1904, p. 399.

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that it begins with a "Declaration of Independence." As this constitution is not found in any other history, it is peculiarly pleasurable to reproduce it herewith:

Constitution of the State of Franklin
declaration of independence

Your Committee appointed to collect and adjust the reason which impels us to declare ourselves Independent of North Carolina Report as follows (to wit) Whereas we the freemen inhabitants of part of the Country included in the limits of an Act of North Carolina Ceding certain vacant Territory to Congress; have declared ourselves Independent of North Carolina a decent respect to the opinions of mankind make it proper that we should manifest to the world the reasons which Induced us to a declaration, which are as follows.

First. That the Constitution of North Carolina declares that it shall be Justifiable to erect New States Westward whenever the Consent of the Legislative shall Countenance it, & this consent is implied we conceive in the Cession act which has thrown us into such a citation that the influence of the Law in common cases become almost a nullity & in criminal Jurisdiction had intirely seased which reduced us to the verge of anarchy.

2nd. The Assembly of North Carolina have detained a Certain quantity of Goods, which was procured to satisfy the Indians for the lands we possess which detainure we fully conseive has so exasperated them that they have actually committed hostilities upon us & we are alone impeled to defend ourselves from these raviges!

3rdly. The resolutions of Congress held out from time to time incouraging the erection of New States have appeared to us ample incouragement.

4thly. Our local situation is such that we not only apprehend that we should be seperated from North Carolina; but almost every sensible disinterested traviler has declared it incompatible with our Interest to belong in union with the Eastern part of the State for we are not only far removed from the Eastern part of North Carolina. But seperated from them by high & almost impasable mountains which naturally divide us from them have proved to us that our interest is also in many respects distinct from the inhabitants on the other side & much injured by an union with them.

5th. And lastly we Unanimously agree that our lives liberties and Prosperity can be more secure & our happiness much better propagated by our separation & consiquently that it is our duty and unalienable right to form our selves into a new Independent State.

DECLARATION OF RIGHTS

A Declaration of rights made by the representatives of the Freemen of the State of Franklin—

1st. That all Political power is vested in & derived from the people only—

2nd Sec. That the people of the State ought to have the sole & exclusive right of regulating the Internal Government thereof.

3rd Sec. That no man or set of men, are intitled to exclusive or seperate Emoluments or Privileges from the community. But in consideration of Public services.

4th Sec. That the Legislature, executive, & Supreme Judicial Powers of Governmant ought to be forever separate & distinct from each other.

5th Sec. That all powers of suspending laws or the execution of laws, by any authority without the consent of the Representatives of the People is injurious to their Rights & ought not to be exercised.

6th Sect. That Elections of Members to serve as representatives in General Assembly ought to be free.

Sect. 7th. That in all prosecutions every man has a right to be informed

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of the accusation against him, and to confront the accusors & witnesses with other Testimony & shall not be compelled to give Evidence against himself.

8th Sect. That no freeman shall be put to answer any criminal Charges, but by indictment Presentment or Impeachment.

9th Sect. That no freemen shall be convicted of any Crime but by the unanimous verdict of a Jury of good and Lawfull men in open Court as heretofore used.

10th Sect. That excessive Bail should not be required nor excessive fines imposed nor crewel Punishments inflicted.

11th Sect. That General Warrants, whereby any officer or messinger may be commanded to search suspected places without Evidence of the fact Committed, or to seize any person or persons not named whose offenses is not particularly discribed & supported by evidence, are dangerous to Liberty, & ought not to be granted.

12th Sect. That no freeman ought to be taken imprisoned, or dismissed of his freehold Liberties or Privileges, or outlawed or exiled, or in any manner but by the Laws of the Land.

13th Sect. That every freeman restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof & to remove if unlawful & that such remedy ought not to be denied or detailed.

14th Sect. That in all Controverces at law respecting property the Ancient mode of tryal by Jury is one of the best securities of the rights of the people & ought to remain sacred & invincible.

15th Sect. That the freedom of the press is one of the great Bulwarks of liberty, & therefore ought never to be restrained.

16th. That the people of this State ought not to be taxed, or made Subject to the payment of any impost or duty without the consent of themselves or their Representatives in General Assembly freely given.

17th. That the people have a right to bear arms for the defence of the State; and as Standing armies in times of peace are dangerous to liberty they ought not to be kept up; and that the Military should be kept under strict subordination to and Governed by the civil power.

18th. That the people have a right to assemble together, to consult for their common good to instruct their Representatives, & to apply to the Legislature for Redress of Grievances.

19th. That all men have a natural and unalienable right to worship God Almighty according to the dictate of their own conscience.

20th. That for redress of Grievances and for amending and strengthening the laws, Elections ought to be often Held.

21st. That a frequent recurrence to Fundimental principles is absolutely necessary to preserve blessings of liberty.

22nd. That no hereditary Emoluments privileges, or honours ought to be granted and Conferred in this State.

23rd. That perpetuities & Monopolies are Contrary to the genius of a free State and ought not to be allowed.

24th. That representative laws punishing Facts committed before the existence of such laws and by them only declared criminal, are oppressive unjust and incompatible with Liberty, wherefore no ex post facto law ought to be made.

25th. That the people have a right by the Representatives to enact laws to encourage Virtue & Suppress vice and immorality.

CONSTITUTION

The Constitution, or form of government agreed to and resolved upon by the representatives of the freedom of the State of Franklin, elected and chosen for that particular purpose in convention Assembled at Jonesborrough the 17th Dec. Anno. Dom. 1784.

Sect. 1st. That the legislative authority shall be vested in two distinct

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branches, both dependent on the people (to Wit.) a Senate and a house of commons.

Sect. 2nd. That the Senate shall be composed of the Representative Annually chosen by ballot from each County untill there be ten Counties in the State after that period one from each county.

Sect. 3rd. That the house of Commons shall be composed of representatives annually chosen by Ballot four for each County until there be ten Counties within the State and after that period two for each County.

Sect. 4th. That the Senate and house of Commons Assembled for the purpose of legislation shall be denominated the General Assembly.

Sect. 5th. That each Member of the Senate shall have usually resided in the County in which he is chosen for one year immediately preceeding his Election & for the same time shall have possessed and continue to possess in the County which he represents not less than one hundred acres of land in fee.

Sect. 6th. That each member of the house of Commons shall have usually resided in the County in which he is chosen for one year immediately preceeding his Election.

Sect. 7th. That all Freemen of the age of twenty-one years who have been inhabitants of any one County within the State twelve Months preceeding the day of any Election & possessed of a freehold within the same County of fifty acres of land for six months before and at the day of Election shall be intitled to vote for a Member of the Senate.

Sect. 8th. That all freemen of the age of twenty one years, who have been Inhabitants of any County in this State twelve Months immediately preceeding the day of any Election & shall have paid public taxes, shall be intitled to vote for Members, for the house of Commons for the County in which he resides.

Sect. 9th. That all persons possessed of a freehold in any Town in this State have a right of representation & also all freemen who have been Inhabitants of any such Town twelve Months next before & at the day of Election & shall have paid public taxes Shall be intitled to vote for a Member to represent such Town in the house of Commons provided always That this Sect. Shall not Intitle any inhabitant of Such Town to vote for Members of the house of Commons for the County in which he may reside nor any freeholder in such County who resides without or beyond the limits of such town to vote for a Member for said Town.

Sect. 10th. That the Senate & house of Commons when met shall each have power to chose a speaker and other officers be Judges of the qualifications and Elections of their Members set upon their own adjournment from day to day & prepare bills to be passed into laws. The two houses shall direct writs of Election for supplying intermediate vacancies and shall also Jointly by Ballot adjourn Themselves to any future day & place.

Sect. 11th. That all Bills shall be read three times in each house before they pass into laws & be signed by the Speaker of Both houses and Motion and second the yeas and nays shall be taken on the passing of any act and printed with the same.

Sect. 12th. That every person who shall be chosen A Member of Senate or house of Commons or appointed to any Office or place of Trust before taking his Seat or entering upon the execution of his office Shall Take an Oath to the State and all Officers also shall take an Oath of Office.

Sect. 13th. That the General Assembly shall by a Joint Ballot of both houses appoint Judges of the Supreme Courts of law and Equity & Attorney General who shall be commissioned by the Governor and hold their Offices during good behavior.

Sect. 14th. That the Senate and house of Commons shall have power to appoint the General and field Officers of the Militia and all Officers of the regular Army of the State.

Sect. 15th. That the Senate and house of Commons Jointly at their first meeting after each annual Election Shall by ballot Elect a Governor for one year who shall not be Eligible to the Office longer than three years in Six suc-

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cessive years, that no person under thirty years of age and who has not been a resident in this State above one year, and having in the State a freehold in land & Tenements above the Value of two hundred & fifty pounds shall be Eligible as a Governor.

Sect. 16th. That the Senate and the house of Commons Jointly at their first meeting after each annual Election shall by Ballot Elect five persons to be a Council of State for one year, who shall advise the Governor in the Execution of his Office & that three Members Shall be a quorum their advice and proceedings shall be entered in a Journal to be kept for that purpose only and signed by the Members present to any part of which any Member present may enter his dissent and such Journal shall be laid before the General Assembly, when called for by them.

Sect. 17th. That there shall be a Seal of this State which shall be kept by the Governor and used by him as Occasion may Require and shall be called the Great Seal of the State of Franklin & be affixed to all Grants and Commissions.

Sect. 18th. The Governor for the time being shall be Captain General & Commander in Chief of the Militia & in the recess of the General Assembly shall have power by and with the advice of the Council of State Imbody the Militia for the Public Safety.

Sect. 19th. That the Governor for the time being shall have power to draw for & apply such sums of money as Shall be voted by the General Assembly for the Contingencies of Government & be accountable to them for the same and he also may by & with the advice of the Council Of State lay Embargoes or prohibit the Exportation of any Commodities for any term not exceeding thirty days at any one time in the recess of the General Assembly and shall have the power of granting the pardons and reprieves except where the prosecutions shall be carried on by the General Assembly or the law shall otherwise direct in which case he may in the recess grant a reprieve Untill the next sitting of the General Assembly & may exercise all other executive powers of Government Limited & restrained as by this Constitution is Mentioned and according to the laws of the State and on his death inability of absents from the State the Speaker of the Senate for the time being & in case of his death Inability or absents from the State The Speaker of the house of Commons shall exercise the powers of Government after such death or during such absents or Inability of the Governor or Speaker of the Senate or until a new nomination is made by the General Assembly.

Sect. 20th. That in every case where any officer the Right of whose appointment is by this Constitution vested in General Assembly shall during their recess die, or his office by other means shall become vacant, the governor shall have power, with the advice of the Council of State to fill up such vacancy by granting a temporary Commission which shall expire at the end of next Session of the General Assembly.

Sect. 21st. That the Governor Judges of the Supreme Courts of Law and Equity and Attorney general shall have adequate Salaries during their continuance in Office.

Sect. 22nd. That the General Assembly shall by Joint Ballot of both houses annually appoint a Treasurer or Treasurers for this State.

Sect. 23rd. That the governor and other officers offending against the State by violating any part of this Constitution Maladministration or corruption may be prosecuted on the impeachment of the General Assembly, or presentment of the grand Jury of any Court of Supreme Jurisdiction of this State.

Sect. 24th. That the general assembly shall by Joint Ballot of both houses, Triannually appoint a Secretary for the State.

Sect. 25th. That no persons who heretofore have been or hereafter may be receivers of publick Moneys, shall have a seat in either house of General Assembly, or Eligible to any office in this State untill such persons shall have fully accounted for & paid into the Treasury all sums for which they may be Accountable & liable if legally called upon.

Sect. 26th. That no treasurer shall have a Seat in either Senate house of Commons or Council of State during his Continuance in that office, or before

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he shall finally setled his accounts with the public for all moneys which may be in his hands at the expiration of his office belonging to the State and have paid the same into the hands of the Succeeding Treasurer.

Sect. 27th. That no officer in the regular army or Navy in the Service & pay of the United States Nor any Contractor or agent for supplying such army or Navy with Clothing or provisions shall have a seat in either Senate house of Commons or Council of State or be Eligible thereto any member of the Senate house of Commons or Council of State being appointed to and accepting of such office shall thereby Vacate his Seat.

Sect. 28th. That no member of the Council of State shall have a seat in either the Senate or house of Commons provided nevertheless that the governor & Council shall attend the General assembly during the sitting of the same and that it shall be a part of their official duty to revise all bills before they be passed and recommend such amendments as they may think proper.

Sect. 29th. That no Judge of the Supreme Court of Law or Equity shall have a seat in the Senate house of Commons or Council of State.

Sect. 30th. That no Secretary of the State Attorney General or Clerk of any Court of Record shall have a seat in the Senate house of Commons, or Council of State.

Sect, 31st. That no Clergyman or preacher of the gospell of any denomination shall be Capable of being a Member of either the Senate or house of Commons while he continues in the service of the pastoral function.

Sect. 32nd. That no person who shall deny the being of a God or the truth of the protestant religion or the divine authority either of the old or new Testament or who shall hold religious principles in Campateable with the freedom & safety of the State shall be capable of holding any office or place of trust or profit in Civil department within this State.

Sect. 33rd. That the Justices of the Peace within their respective Counties in this State shall in future be recommended to the Governor for the time being by the representatives in General Assembly and the Governor shall commition them accordingly, and the Justices Commissioned shall hold their offices during good behavior & shall not be removed from office by the General Assembly, unless for misbehavior Absence or inability.

Sect. 34th. That there shall be no Establishment of any one religious Church or denomination in this State in preference to any other, neither shall any person on any pretense whatsoever be compelled to attend any place of Worship contrary to his own faith or judgment nor be obliged to pay for the purchase of any Glebe or the building of any worship house or for the maintenance of any Minister of Ministry Contrary to what he believes right or has voluntarily and personally engaged to perform; but all persons shall be at liberty to exercise their own mode of worship provided that nothing herein contained shall be construed to eccept preachers of treasonable or Seditious discourses from legall trial or punishment.

Sect. 35th. That no person in the State shall hold more than one lucrative office at any one time provided that no appointment in the Militia or the office of a Justice of the Peace shall be considered as a lucrative office.

Sect. 36. That all Commissions & Grants shall run in the name of the State of Franklin & bear test & be signed by the Governor, all writs shall run in the same manner & bear test and be signed by the Clerks of the respective Courts Indictments shall conclud against the peace & dignity of the State.

Sect. 37th. That the deligate for this State to the Continental Congres while necessary, shall be chosen annually by the General Assembly, by ballot but may be superseded in the mean time in the same manner, and no person shall be Elected to serve in that capacity for more than three years successively.

Sect. 38th. That there shall be a sheriff coroner or coroners & Constables in Each County within the State.

Sect. 39th. That the person of a debtor where there is not a strong presumption of fraud shall not be Continued in prison after delivering up bona fide all his Estate real and personal for the use of his Creditors, in such manner as shall be hereafter regulated by law all prisoners shall be bailable by suffitiant

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securities unless for Capital offence is when the proof is Evident or presumption great.

Sect. 40th. That any foreigner who comes to settle in this State having first taken an oath Allegiance to the Same may purchase or by other just means acquire hold and transfer land or other real estate and after one years residence shall be deemed a free Citizen.

Sect. 41st. That a School or Schools shall be established by the legislature, for convenient instruction of youth with such Salleries to the masters paid by the public as may enable them to instruct at low prices: and all learning shall be duly encouraged & promoted in one or more Universities.

Sect. 42nd. That no purchase of Lands shall be made of Indians natives, but on behalf of the publick by authority of the General Assembly.

Sect. 43rd. That the future legislature of the State shall regulate intails in such a manner as to prevent perpetuities.

Sect. 44th. That the declaration of the rights is hereby declared to be part of the Constitution of this State, & ought never to be Violated, on any pretence whatsoever.

Sect. 45. That any member of either Houses of General Assembly shall have liberty to discent from & protest against any act or resolves which he may think injurious to the public, or any individual & have the reasons of his dissent interred on the Journals.

Sect. 46. That neither house of the General Assembly shall proceed upon public business unless a Majority of all the Members of such house are actually present & that upon motion made and seconded the yeas and Nays upon any question shall be taken and entered on the Journals & that the Journals of the proceedings of both houses of the General Assembly shall be printed & made public immediately after their adjournment.

This Constitution is not intended to preclude the present Convention from making a temporary provision for the well ordering of this State untill this General Assembly shall establish Government agreeable to the mode herein described. Resolved,—

That this Convention Recomend this Constitution for the Sereous Consideration of the people during Six Ensuing Months after which time Before the Expiration of the Year that they Choose a Convention for the Express purpose of Adopting it in the Name of the people if Agreed to By them or altering it as Instructed By them.

It was evidently the desire and intention of the adherents of Houston to name the new State Frankland, the "land of the free." By whom it was changed to Franklin, in honor of Benjamin Franklin, is not clear, but the credit for it is generally given to Sevier, who on July 19, 1785, wrote to Governor Patrick Henry, of Virginia, as follows: "The people on the western waters in No. Carolina, for many Reasons too long to Trouble you with, have formed themselves into a new State by the name of Franklin, and have appointed their Governor."

The affairs of the new State ran well for more than a year. Governor Martin, of North Carolina had shown much diplomatic skill in handling the situation and his successor, Governor Caswell was equally tactful. He asserted the authority of North Carolina quietly but persistently. Early in 1786 his considerate policy was strengthened by the defection from Sevier's cause of John Tipton, Houston and their adherents who had been piqued by the cavalier and inconsiderate rejection of their constitution. Tipton's jealousy of Sevier was a potent stimulus to the former's activities.

Sevier's opponents held elections for representatives and local officers, and, so far as they were able, reestablished the laws of the mother state. But Sevier was not to be deterred from his course.

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The conditions that followed were grave indeed. Both sides held courts, and each was in turn broken up by armed men of the other side. Sometimes the adherents fought each other savagely. On one occasion Sevier and Tipton engaged in a fist fight. By the fall of 1786 North Carolina's influence had been so strengthened that she was enabled fully to reassume its sovereignty and jurisdiction over the trans-montane counties and passed an act declaring that, at the proper time the western counties would be erected into an independent state, if they would return to their allegiance and be patient. Free pardon and oblivion were offered to all who would return, but the majority stood firm.

Seeing the trend of matters, Sevier and Cocke appealed to Benjamin Franklin. On August 12, 1786, Franklin wrote in reply to Cocke: "I think you are perfectly right in resolving to submit them (the points in dispute) to the Decision of Congress and to abide by their Determination."[8] But when, nearly a year later, Sevier asked him for counsel, Franklin had changed his mind, and, on June 30, 1787, wrote:

"There are only two things that Humanity induces me to wish you may succeed in: The Accomodating your Misunderstanding with the Government of North Carolina, by amicable Means; and the Avoiding an Indian war, by preventing Encroaching so remote a Seat of Government, and the difficulty to that Government in ruling well so remote a People, would I think be powerful Inducements with it, to accede to any fair & reasonable Proposition it may receive from you towards an Accomodation."[9]

Sevier and his friends made frenzied efforts to achieve independence. On November 30, 1786, David Campbell wrote a long letter to Governor Caswell in which he said:

"The plans laid for a regular & Systematical Government in this Country are greatly frustrated by the opposition from your Country. Can a people so nearly connected as yours are with ours delight in our misfortunes?

"The rapid Settlements that are making and have been made out of the bounds prescribed both by your State & ours, is a matter worthy of your consideration. Our divisions are favorable to those who have a mind to transgress our Laws? If you were to urge us, and it were possible we should revert back to you, in what a Labyrinth of difficulties would you be involved? Witness the many Lawsuits which have been decided under the Sanction of the Laws of Franklin, the retryal of which would involve many persons in certain Ruin. If we set out wrong, or were too hasty in our Separation, this Country is not altogether to blame; Your State pointed out the Line of Conduct which we adopted. We really thought you in earnest when you ceded us to Congress; if you then thought we ought to be seperate, or you now think we ought, permit us to compleat the Work that is more than half done; suffer us to give energy to our Laws & Force to our Counsels, by saying we are a seperate and independent people, and we will yet be happy."[10]

On December 13, 1786, North Carolina adopted a report of a committee who said that they were so "impressed with a sense of the sufferings of those people (of Washington, Sullivan and Greene counties)," that they * * * "beg leave to suggest the necessity of passing an Act or Acts of Oblivion, so as to Conciliate and Quiet the minds of those who may have through Blindness or Passion, acted thus unguardedly."

[8] Franklin Papers, Library of Congress.
[9] Franklin Papers, Library of Congress.
[10] The State Records of North Carolina, Vol. XXII, p. 651.

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They also recommended a remission of taxes for the years 1784 up to 1787, and that "whenever the wealth and Numbers of the Citizens on the western waters so much increase as to make the same necessary, that then we are free to say a separation may take place upon Friendly and reciprocal terms and under certain compacts and stipulations."[11]

Although on July 31 to August 3, 1786, a very important treaty[12] was made with the Indians, headed by Old Tassel and Hanging Maw and the State of Franklin, whereby a better feeling was caused between the savages and the whites, and John Sevier exerted all the diplomacy in his power to placate North Carolina, telling frankly in his letter of October 28, 1786, to Governor Caswell that "under present Circumstances the greater part of our Western Country Lies in a very doubtful and precarious Situation,"[13] nevertheless that State was determined that the people of Franklin should return to their allegiance. To effect this purpose they employed Gen. Evan Shelby and Col. John Tipton to a large extent; especially the latter whose enmity to Sevier spurred him on keenly to extraordinary efforts. The former made for North Carolina a tentative agreement on Mar. 20, 1787,[14] with John Sevier for an amicable adjustment of differences on the basis of cooperation and exercise of authority in common but it was rejected by the Legislature of North Carolina. In his letter of March 21, 1787, to Governor Richard Caswell, in which he refers to this agreement, General Shelby says: "Many people are firmly attached to North Carolina, others are as obstinate against it. However, it is to be hoped that time and reflection, will restore them friendly to North Carolina."[15]

Sevier's disappointment at the failure of negotiations is reflected in his letter of April 6, 1787, to Caswell, which he ended as follows: "We shall continue to Act as independent, And would rather suffer death in all its various and frightful Shapes than Conform to anything that is disgraceful."[16]

All along North Carolina proceeded in the exercise of her sovereignty, so far as her initiative was concerned. In 1786 she had carved Sumner County out of Davidson and Hawkins County out of Sullivan. Hawkins was the county which the State of Franklin called Spencer.

By the spring of 1787 the tide set in so strongly in favor of North Carolina that it was evident that the State of Franklin could not be established without a civil war and to this Sevier was unwilling to resort. This view is clearly indicated in Governor Caswell's letter of May 31, 1787 to Gen. Evan Shelby, who, at Sevier's request was still endeavoring to act as a pacificator. In that letter Governor Caswell said: "They (the Council) think it would be very imprudent to add to the dissatisfactions of the people there by shewing a wish to encourage the shedding of blood, as thereby a civil war would be eventually brought on."[17]

THE FALL OF FRANKLIN

The Legislature of Franklin met for the last time in September, 1787. After this session the authority of the state was so weak that no elections were held to fill the places of the members. The end came in March, 1788, when Sevier's

[11] Ibid., p. 654.
[12] Ibid., p. 655.
[13] Ibid., p. 659.
[14] Ibid., p. 674.
[15] Ibid., p. 671.
[16] Ibid., p. 680.
[17] Ibid., p. 687.

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term as governor expired. He was ineligible to reelection and there was no legislature to elect his successor. The collapse of the state government and the apparent defection of his friends afflicted Sevier grievously. He soon found, however, that his friends had not forsaken him.

This fact became apparent when toward the end of his administration, John Tipton, the North Carolina sheriff, had seized some of Sevier's slaves on legal process. Sevier, who, at the time, was on the border of Greene County taking action for the defense of the inhabitants against a threatened invasion of the Indians, immediately upon hearing of Tipton's act raised one hundred and fifty men and marched to Tipton's house to rescue his negroes.[18] After besieging Tipton and his men for several days, although with his force Sevier could undoubtedly have captured Tipton's place, he was unwilling to cause the bloodshed which would be entailed by doing so and withdrew.

Soon after the expiration of his term of office Sevier went to the frontiers where the Indians had massacred John Kirk's family [19] and had committed other characteristic atrocities and depredations, and, after punishing them severely, returned home where he was arrested on a warrant issued by Judge Spencer, who had recently held court at Jonesboro, on the charge of treason. This came about through the influence of Gen. Joseph Martin who was hostile to Sevier and had written to Governor Johnston of North Carolina a letter in which he spoke of Sevier in terms of severe reprehension. The arrest was made by John Tipton who acted with great brutality and had Sevier handcuffed and sent to Morganton. There is tradition that one of the guards had orders from Tipton to kill Sevier on the way. Be that as it may, when Sevier reached Morganton, he was among friends who had fought with him at King's Mountain; and, after remaining there for a short time, he left unmolested and returned home.

Some historians have given various romantic or highly colored versions of "Sevier's escape." These are given in Ramsey's Annals, pages 427-429. But the records of Burke County, North Carolina, show that these interesting accounts are baseless. All that really happened was that, when it was known that John Sevier had been taken away in handcuffs, a large meeting of his friends was held at Jonesboro. They were armed and ready to resort to any violence. It was decided to send to Morganton Dr. Cosby, Major John Sevier and three others. Upon their arrival, they ascertained that Gens. Charles and Joseph McDowell had become Sevier's bondsmen and that he was free from custody. He left Morganton in open daylight with his friends; and he was never tried on the charge.

Nevertheless, the star of Franklin had set. In April, 1788, General Martin wrote to Governor Randolph of Virginia:

"I returned last evening from Green Co., Washington district, North Carolina, after a tower through that Co'ntry, and am happy to inform your Excellency that the late unhappy dispute between the State of North Carolina, and the pretended State of Franklin is subsided."

SEVIER'S SUCCEEDING HONORS

Brave, constant, unvacillating and ever loyal to the interests of the pioneers, Sevier had been drawn into the movement for statehood against his best judgment. But once caught in the unique dilemma caused by the cession act and its

[18] See Ramsey's Annals, pp. 406-412.
[19] See chapter on Historic Spots and Places, and chapter on Indian Wars.

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sudden repeal, he went with his friends and did his best, without success, to accomplish what they wished—the impossible. In his failure a weaker character might have lost standing with his fellow citizens. Not so Sevier. Not long after his return from Morganton, he was elected to the Senate of North Carolina, representing Greene County, and attended the session of the General Assembly which convened at Fayetteville on November 2, 1789. The Legislature speedily repealed the act which debarred him from holding office. He was seated, and was soon made the brigadier-general of Washington District. In 1789, also, he was elected a representative in the United States Congress from Washington District, North Carolina, a district coterminous with the present limits of the State of Tennessee. He was the first member of Congress west of the Alleghany Mountains.

WAS THE SECESSION OF FRANKLIN JUSTIFIABLE?

Whether the people of East Tennessee were justified in their action is a mooted matter. But the opinion of the writer of the Prefatory Notes to Volume VIII, of the Colonial Records of North Carolina, as given on page XXI, seems sane and sound:

"If a purpose to set up a new government be the test by which to determine whether popular resistance to a government be rebellious or patriotic, what about the attitude of our revered forefathers, who stood ready with iron hand to crush out their fellow-citizens in Tennessee who, having thrown off the North Carolina yoke, organized themselves into what they called the State of Franklin, and set up a government with an unmistakable and undeniable existence? They certainly had a new de facto government in full operation in all its branches actually in the place of the old. The people who did this certainly were not anarchists, and, under the supposed test, ought to have been let alone."

DEDICATION OF THE MEMORIAL TO THE STATE OF FRANKLIN

On June 14, 1918, the Samuel Doak Chapter of Daughters of the American Revolution unveiled and dedicated a memorial to the State of Franklin. This memorial was erected on the site of the capital of Franklin, at Greeneville. The expense for the memorial was borne by the county courts of Sullivan and Greene counties, the Cherokee Club and the Mothers Club, of Greeneville, the Samuel Doak Chapter of the Daughters of the American Revolution and other chapters of the D. A. R., the Sons of the American Revolution and the Junior Order of United American Mechanics, of Greeneville.

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CHAPTER IX

THE SO-CALLED "SPANISH CONSPIRACY" AND THE MERO DISTRICT

The Mero District was named in honor of Don Estevan Miro, who was made governor and intendant of Louisiana and West Florida in 1788. It was cut off from Washington County, which, in 1784, had been created by the General Assembly of North Carolina and had, until November, 1788, comprised the entire part of the state west of the Allegheny Mountains. Mero District included Davidson, Sumner and Tennessee counties.

Davidson County [1] was created in 1783 by Act of the Legislature of North Carolina, the second section of which reads as follows:

"Be it enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, that all that part of this State lying west of the Cumberland mountain where the Virginia line crosses, extending westward along the said line to Tennessee River, thence up said river to the mouth of Duck River, thence up Duck River to where the line of marked trees run by the commissioners for laying off land granted the Continental Line of this State intersects said river (which said line is supposed to be in thirty-five degrees fifty minutes north latitude) thence east along said line to the top of Cumberland mountain, thence northwardly along said mountain to the beginning, shall after the passing of this Act be and is hereby declared to be a distinct county by the name of Davidson." [2]

THE LAND HUNGER

The first settlers on the Cumberland were attracted by the hope of securing large tracts of land. Robertson and Donelson both were drawn by this lure, and when the commissioners previously referred to laid off in 1783 the military grants, and other grants had been made to the aggregate amount of 65,932 acres, the speculation in lands and land warrants became rampant.

The location of the bounty lands also brought the settlements in the Cumberland country a large stream of hardy immigrants who constituted a part of the best population. The advent of the newcomers, the constantly increasing population reaching out for more and more land, added to the irritation of the Indians and caused a new treaty with the Chickasaws and the Cherokees to be concluded at Nashborough in June, 1783. This was held at the Cherokee Spring, on the Charlotte Road.[3] This treaty was called at the request of commissioners Donelson and Martin from Virginia and, while it was not favored by Robertson, the settlers, by a small majority, voted to hold it. By this treaty the Cherokees ceded to North Carolina the country extending

[1] Named for General William Davidson, of North Carolina, a gallant officer of the Revolutionary war, killed in the operations against the British in North Carolina.

[2] The State Records of North Carolina, Vol. XXIV, p. 540.

[3] This was near Robertson's Station afterwards built west of Richland Creek, West Nashville. Robertson at this time, however, was living at Freeland's Station, for which, see Historic Spots and Places. The famous Nashville Campground was also located near this spring at a later period.

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from the Cumberland River south to the ridge separating the waters which flow into the Cumberland from those which flow into Duck River. The terms of this treaty, at first not recognized by the United States, were confirmed by the treaties of Hopewell, concluded with the Cherokees on the 28th day of November, 1785, and with the Chickasaws, on the 10th day of January, 1786, and by the treaty of Holston, concluded with the Cherokees, July 2, 1791.[4]

THE BEGINNING OF THE HARASSMENTS OF SPAIN

France and Spain had been our allies in the Revolutionary war. Hence, when the treaty of peace with Great Britain had been concluded on September 3, 1783, the Tennessee settlers awaited with feelings of pleasure the developments along the line of friendly alliance and cooperation with Spain. But their disillusionment was not long delayed. Spain began a career of duplicity in the western country as barbarous as it was unexampled.

The Spanish intrigues began, indeed, before peace had been secured. Spain, supported by France, wished the western boundary of the United States to be the Allegheny Mountains; that Great Britain have the territory north of the Ohio River, and that the United States should have the protectorate rights over the eastern part of the territory between the Ohio and Florida, and Spain should have similar rights over the western part of the same region, which should be kept as a vast hunting ground. Her schemes, however, were thwarted by the generosity of Great Britain by which the Mississippi became our western boundary, the Great Lakes our northern boundary. Forced to content herself with the possession of the mouth of the Mississippi, Spain began her secret operations against the settlements in Tennessee and Kentucky, which efforts included inciting the Indians against the infant colonies. These efforts were put forth slowly and craftily and were several years in developing, but at the climax the hostilities of the Indians and the restrictions in the use of the Mississippi River became disastrous to the interests of the Southwest.

DEVELOPMENT OF THE CUMBERLAND COUNTRY

The government of the Notables ended when, soon after the establishment of Davidson County, Governor Alex Martin, of North Carolina, appointed Isaac Bledsoe, Samuel Barton, Francis Prince and Isaac Lindsey judges of the "Inferior Court of Pleas and Quarter Sessions," which court was organized on October 6, 1783. The character of this tribunal was similar to that of the Notables which added authority and its proceedings at its session beginning in January, 1784, are given with some fullness by Putnam in his "History of Middle Tennessee," pages 211-215.[5]

After the creation of Davidson County the development of the Cumberland country was rapid. In the next year (1784) Nashville was chartered, the first section of the Act being as follows:

"I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the directors or

[4] Putnam's Middle Tennessee, pp. 238-241; Imlay's Topographical Description of the Western Territory of North America, p. 586.

[5] In these records and in correspondence with the Spanish government are references to the depredations of the "Colbert gang" and of the connection of Col. John Montgomery therewith. These seem to have been "greatly exaggerated," especially whatever tends to reflect on Montgomery, the founder of Clarksville and the onomatist of Montgomery County.

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trustees hereinafter appointed, or a majority of them, shall so soon as may be after the passing of this Act, cause two hundred acres of land, situate on the south side of Cumberland River at a place called the Bluff, adjacent to the French Lick, in which the said Lick shall not be included, to be laid off in lots of one acre each, with convenient streets, lanes and alleys, reserving four acres for the purpose of erecting public buildings, on which land so laid off according to the directions of this Act, is hereby constituted, erected and established a town, and shall be called and known by the name of Nash-Ville, in memory of the patriotic and brave General Nash."[6]

DAVIDSON ACADEMY

In 1785 was taken the first step in the series of efforts which ultimately made Nashville the "Athens of the South."

This was the passage by the General Assembly of North Carolina of "an Act for the Promotion of Learning in the County of Davidson," the caption and beginning of which are as follows:

"Whereas the good education of youth has the most direct tendency to promote the virtue, increase the wealth and extend the fame of any people; and as it is the indispensable duty of every legislature, to consult the happiness of a rising generation and endeavor to fit them for an honorable discharge of the social duties of life. And whereas, it is represented to this General Assembly, that the citizens of Davidson County are desirous of making an early and liberal provision for the instruction of youth, by laying the foundation of a public seminary in that county:

"I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the Reverend Thomas Craighead, Hugh Williamson, Daniel Smith, William Polk, Anthony Bledsoe, James Roberson, Lardner Clark, Ephraim McClaine, and Robert Hays, Esquires, shall be and they are hereby declared to be a body politic and corporate, to be known and distinguished by the title of the trustees of Davidson Academy."

It became Cumberland College in 1806, the University of Nashville in 1825, and is now The George Peabody College for Teachers.

SUMNER COUNTY

Sumner County was organized under an Act passed by the General Assembly of North Carolina on November 17, 1786, entitled "An Act for dividing the County of Davidson,"[7] the preamble and first section of which are as follows:

"Whereas from the extent of the county of Davidson, it renders it very inconvenient and troublesome to many of the inhabitants thereof to attend the courts, general elections, and other public meetings appointed therein:

"1. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the said county of Davidson be divided by a line beginning where the county line crosses the west fork of Stone's River, down the same to the junction with the main Stone's River, thence a direct line to the mouth of Drake's Lick Creek, thence down Cumberland River to the mouth of Kasper's Creek, thence up the said creek to the head of the Wartrace fork, thence a northwardly course to the Virginia line, at a point that will leave Red River, old Station, one mile to the east; all that part of Davidson that lies to the west of

[6] The State Records of North Carolina, Vol. XXIV, p. 616. General Francis Nash, killed at the battle of Germantown in 1778.

[7] In the Act spelled Davison; The State Records of North Carolina, Vol. XXIV, p. 826.

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the said line, shall continue and remain the county of Davidson; and all that part of the said county of Davidson that lies east of the said dividing line, shall thenceforth be erected into a new and distinct county by the name of Sumner." [8]

The first court of Sumner County was held on the second Monday in April, 1787, at the house of John Hamilton, at Station Camp Creek, about five miles southwest from the present site of Gallatin. The members of that court were Gen. Daniel Smith, Maj. David Wilson, Maj. George Winchester, Isaac Lindsey, William Hall, John Hardin, Joseph Kuykendale, Col. Edward Douglas and Col. Isaac Bledsoe. David Shelby, son-in-law of Col. Anthony Bledsoe, was appointed clerk.[9] All of these were able men and some of them very prominent figures in the history of Tennessee.

THE COLDWATER EXPEDITION

Instigated by Spain, the aggressions of the Indians became so intolerable in 1787 that Colonel Robertson found it indispensable to punish them severely. For this purpose he organized an expedition; and, learning from the friendly Chickasaws, that the Indians had a village at Coldwater, now Tuscumbia, Ala., from which they sent forth their warriors on the raids against the Cumberland settlements, guided by two Chickasaws, he made a rapid march with 130 men, commanded by himself, Col. Robert Hays, and Col. James Ford. The Indians were surprised, many of them were killed, the rest of them dispersed and their village burned. A large quantity of goods belonging to some French traders was also captured.[10] This capture resulted in a correspondence between Colonel Robertson and M. François Cruzat, the French commandant at St. Louis.[11]

TENNESSEE COUNTY

In November, 1788, Tennessee County was carved out of Davidson County, by an act of the General Assembly of North Carolina, entitled, "An Act for Dividing the County of Davidson," the preamble and first section of which are as follows:

"Whereas the great extent of the county of Davidson renders it inconvenient to the inhabitants thereof to attend courts, general musters and elections:

"1. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, the said county of Davidson shall be divided by a line beginning on the Virginia line, running South along Sumner County to the dividing ridge between Cumberland River and Red River, then westwardly along the said ridge to the head of the main south branch to the mouth thereof, then due south across Cumberland River to Davidson County line: and all that part of Davidson County that lies to the east of the said line, shall continue and remain the county of Davidson: and all that part of the said county of Davidson that lies west of the said line, shall be erected into a county by the name of Tennessee." [12]

Tennessee County included all the territory now within the limits of Mont-

[8] Named for Gen. Jethro Sumner, a gallant officer of the Revolutionary war. Born in Virginia in 1730, he removed at an early age to North Carolina, where he distinguished himself in the war under both Gates and Greene, especially in the battles of Camden and Eutaw Springs.

[9] Cisco's Historic Sumner County, p. 26.

[10] See Putnam's Middle Tennessee, pp. 257-264.

[11] Ibid., 267 et seq.; also see American Historical Magazine, Vol. I.

[12] The State Records of North Carolina, Vol. XXIV, p. 972.

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gomery, Robertson, Dickson, Houston and Stewart, and parts of Hickman, Humphreys and Cheatham. Clarksville was made the county seat of this county.

Tennessee County was not completely organized, however, until January, 1791, under the government of the Territory of the United States south of the River Ohio. The records of this county begin on January 7, 1791. This county gave up its name in 1796, when the territory became the State of Tennessee.

THE SO-CALLED "SPANISH CONSPIRACY"

Not long after the creation of Tennessee County one of the representatives from Davidson County (James Robertson and Robert Hays), prepared a bill for the creation of a new district for the holding of "superior courts of law and equity" therein, comprising the three western counties of Davidson, Sumner and Tennessee. Judge John Allison says that:

"It is said that Col. James Robertson, in answer to the speaker's call for the name of the new district, arose and suggested 'Mero.'

"Colonel Robertson evidently gave the name as it is pronounced, without spelling it (if he knew how) for the clerk, and the clerk wrote it M-e-r-o instead of 'M-i-r-o,' as it should have been. The name is pronounced as if spelled 'M-e-r-o,' though spelled correctly 'M-i-r-o.'"[13]

The Act in full is as follows:

"An Act to amend an Act, Entitled 'An Act to Establish a Superior Court of Law and Equity in the County of Davidson,' and for Erecting the said County of Davidson, and the Counties of Sumner, and Tennessee into a Separate District.

"Whereas it is doubted whether the jurisdiction of the said court extends to the counties of Sumner and Tennessee: and whereas it is necessary such doubt should be removed:

"I. Be it Enacted, That the jurisdiction of the said court shall extend as fully in all respects in and over the said counties of Sumner and Tennessee as in and over the county of Davidson.

"II. And be it Enacted, That the said three counties are hereby erected into a separate district by the name of Mero: and that the superior court of law and equity in the said district of Mero, shall be held at the same time and place, and in the same manner as the superior court of law and equity is directed to be held by the aforesaid Act in the county of Davidson.

"III. And be it Enacted, That the person at present holding and exercising the office of judge of the superior court of law and equity in the county of Davidson, is hereby declared to be continued Judge of the superior court of law and equity in and for the district of Mero."[14]

Andrew Jackson, who had but recently come to Tennessee from North Carolina and was, at that time, only twenty-one years of age, was appointed by the General Assembly of the state as attorney general for the District of Mero.[15]

There was some feeling of offense both in the eastern part of North Carolina and in the Holston and Cumberland communities that the new district should be given the name of the representative of a government which had shown its hostility to the people of the United States and especially to those of the western settlements. In thus reasoning they failed to comprehend the far-sighted policy of conciliation which actuated James Robertson, who for the sake of his people sought the friendship of Spain through Miro, her governor, and through McGillivray, chief of the Creeks, with both of whom he conducted a notable correspondence.

[13] Judge John Allison in American Historical Magazine, Vol. I, p. 116.
[14] The State Records of North Carolina, Vol. XXIV, p. 975.
[15] State Records of North Carolina, Vol. XXI, p. 717.

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THE SITUATION CONFRONTING THE COLONISTS

The truth is that the western people were in a precarious situation. For years Spain had had them harassed by the Indians in the effort to drive them back to the eastern escarpment of the Allegheny Mountains. The effort had failed and the policy of Spain changed. Miro was now apparently seeking the friendship of the colonists in the hope of attracting them to move from the protection of the United States to that of Spain. The hope was so expressed by Miro that many of the settlers would move into the territory governed by him.

In the fall of 1787, Robertson and Hays had presented a memorial to the General Assembly of North Carolina in which one paragraph was as follows:

"They and their constituents, they say, have cheerfully endured the most unconquerable difficulties in settling the western country, in full confidence that they be enabled to send their produce to market through the rivers which water the country; but they now have the mortification, not only to be excluded from that channel of commerce by a foreign nation, but the Indians are rendered more hostile through the influence of that very nation, probably with a view to drive them from the country, as they claim the whole of the soil."

No relief, however, was extended; and, while the leaders, like Robertson, exerted their best efforts to restrain the most impetuous and turbulent spirits, nevertheless throughout the entire trans-Allegheny region there was a feeling of discontent and unrest, not only against the State of North Carolina, but especially a feeling of dissatisfaction with the United States Government which permitted the restraint of trade by Spain.

In June, 1784, another link in the chain of Spanish intrigue was forged. This was the meeting at Pensacola of the three Spanish governors who made a treaty with the powerful Creek chief, Alexander McGillivray (or McGilveray), "an implied agreement to 'drive off the settlers upon the Cumberland, or to destroy them utterly.'" (This wish and purpose were subsequently avowed in correspondence between the parties.) [16]

This alliance tended to thwart the policy of Robertson which was to mold relations with all in such a way that the people of the Cumberland community might be permitted to manage their own affairs in their own way; encourage immigration; strengthen their own hands; preserve the friendship of the Spaniards and gain that of the savage tribes.

GENESIS OF THE "CONSPIRACY" [17]

The feelings of dissatisfaction referred to were at their very apex when Don Diego de Gardoqui came to the United States in 1785, as the chargé d'affairs for Spain. In his negotiations with Jay, who strongly proposed that the United States relinquish the navigation of the Mississippi for twenty-five years in return for other advantages, notwithstanding the fact that Spain had arrested

[16] Putnam's History of Middle Tennessee.

[17] In an article entitled "The Spanish Conspiracy in Tennessee," published in the Tennessee Historical Magazine, Vol. 3, No. 4, Dec. 1917, Dr. Archibald Henderson says: "* * * The Spanish Conspiracy in Tennessee has received comparatively little notice; and the printed materials on the subject are few and chaotic. The Gardoqui MSS. in the Durrett Collection, the Gayarré Transcripts in the Louisiana Historical Society, and scattered letters in the Archives of the Indes at Seville, I find, furnish material for a consecutive narrative, and enable us at last to gain a comprehensive view of the Spanish Conspiracy in Tennessee."

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our traders in their passage down the river, virtually stopping all traffic to the Gulf, he quickly discovered that the fighting spirit of the frontiersmen had been aroused and that schemes had actually been proposed for the capture of New Orleans.

Gardoqui was keen to take advantage of the separatist sentiment of the western settlements in behalf of Spain. The settlers on the Holston had seceded and formed the State of Franklin, and, Gardoqui thought, were plastic material. He needed an agent to work with them and with the people of the Cumberland settlements relative to an alliance with Spain. He selected as his emissary Dr. James White, who, on November 29, 1786, had been appointed by the United States Government as superintendent for the Southern Department, and instructed by him to make secret proposals on behalf of Spain to the leaders of the disaffected districts and to act in concert with Don Estévan Miro, governor of Louisiana in carrying out the purpose of his mission.

Doctor White [18] visited Tennessee and interviewed prominent men in both the State of Franklin and the Cumberland settlement, including John Sevier, Joseph Martin, Anthony Bledsoe, and James Robertson. He wrote to Governor Miro on the 18th of April, 1789, as follows:

"With regard to Frankland, Don Diego Gardoqui gave me letters for the chief men of that district, with instructions to assure them that, if they wished to put themselves under the protection of Spain and favor her interests, they should be protected in their civil and political government, in the form and manner most agreeable to them, on the following conditions: '1. It should be absolutely necessary, not only in order to hold any office, but also any land in Frankland, that an oath of allegiance be taken to his Majesty, the object and purport of which should be to defend his government and faithful vassals on all occasions, and against all his enemies, whoever they might be. 2. That the inhabitants of that district should renounce all submission or allegiance whatever to any other Sovereign or power.' They have eagerly accepted these conditions, and the Spanish minister has referred me to your favor, patronage and assistance to facilitate my operations. With regard to Cumberland, what I have said of Frankland applies to it with equal force and truth." [19]

The professed sentiment of James Robertson is reflected by the following excerpt from his letter to McGillivray, written on August 3, 1788:

"I have provided a gun which Mr. Hoggatt thinks will please you. I have caused a deed to a lot in Nashville to be recorded in your name, and beg that you will let me know whether you will accept a tract or two of land in our young country. I could say much to you respecting this same country, but am fully sensible you are better able to judge what may take place in a few years than myself. In all probability we cannot long remain in our present state, and if the British or any commercial nation who may be in possession of the mouth of the Mississippi would furnish us with trade, and receive our produce there cannot be a doubt but the people on the west side the Appalachian Mountains will open their eyes to their real interest." [20]

The situation and the separatist feelings of the people of Franklin are shown even more clearly in the subjoined letter written by John Sevier to Señor Don

[18] Dr. James White is often confused with General James White, the founder of Knoxville and father of Hugh Lawson White. Dr. James White was elected to represent Davidson County in the Legislative Assembly of the Territory in 1794, and on September 3rd of the same year was elected a Delegate to Congress. (See Ramsey, p. 628.) In 1799 he removed to Louisiana. His grandson, Edward Douglas White, was chief justice of the United States Supreme Court.

[19] Gayarré's History of Louisiana, Vol. III, pp. 258-259.

[20] Robertson correspondence in the library of George Peabody College for Teachers.

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Diego de Gardoqui, minister of Spain. Doctor Henderson, who includes this letter in his article on the "Spanish Conspiracy in Tennessee," published in the Tennessee Historical Magazine, Vol. III, p. 234, says it had never before been published. It does not appear in any other history of Tennessee. The following is the text:

Franklin, September 12, 1788.

Sir:

Since my last, of the 18th of July, upon consulting with the principal men of this country, I have been particularly happy to find that they are as well disposed and willing as I am in respect to your proposals and guarantees. You may be sure that the favorable hopes and ideas that the people of this country maintain with respect to the future probability of an alliance and concession of commerce with you in the future are very ardent and that we are unanimously determined to that effect. The people of this country have come to realize truly upon what part of the world and upon which nation depend their future happiness and security, and they readily infer that the interest and prosperity of it depend entirely upon the protection and liberality of your government. We must expect it of our situation and circumstances that they will lead us on in the most effective manner to look for the long security and prosperity of your government in America and, being the first to resort in this way to your protection and liberality from this side of the Appalachian Mountains, we feel encouraged to maintain the greatest hope that we shall be granted all reasonable help by him who is so amply able to do it and to give the protection and help that is asked in this, our petition. You know our delicate situation and the difficulties in which we are in respect to our mother state, which makes use of all stratagems to impede the development and prosperity of this country.

In spite of the fact that we possess some of the most fertile lands on this continent and easy means of exportation, yet we cannot dispose of a single article of its products (which would be almost innumerable) unless we have authority to make use of our rivers toward the ports below. Seeing us in these embarrassments, it is easy for you to realize the great scarcity of specie in this country, of which there is very little among us. Nothing else is lacking in order to assure our mutual interests, but a small sum of this article (the quantity of which I leave to your prudent judgment) and such other, military, assistance as your understanding deems it necessary and convenient to supply us with. All that is needed to attain what we want will not be more than a few thousand pounds. We are further encouraged to make this application because of your knowledge that we can pay promptly for whatever you may be able to supply, by sending the products of this country to the ports below. I hope that the payment of them (i. e. of the loans) will be made with all convenience and that the pledges and receipts of our friend, James Sevier (who is our secretary), will obligate both myself and the State of Franklin until they are entirely repaid and satisfied. I do not doubt that the help which is asked will be considered a trifle that is taken out of your treasury, especially when it is compared with the important object to which it is directed, and when we can repay so soon the sum that is advanced and when it will leave us under the greatest obligation of gratitude and perpetual friendship.

We are determined, in so far as it is possible for us, that you shall so regard us; and when you see the advantages that will regularly arise from this connection, you will consider that our interests, which run in the same channel, will last and be inseparable. It behooves us to make the most prompt and necessary preparations for defence. If any break should happen, we must be prepared in time—the reason for which will necessarily be very obvious to you. Therefore, it is not necessary for me to say anything else about the subject and I beg you to inform me from time to time, whenever opportunity offers and circumstances require it. I leave to you the choice of any other, more easy mode of communication than the present one, and for other matters I refer you

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to my son, James, who is a competent person to give a perfect account of whatever concerns the western country. Before finishing, it may be necessary to inform you that there will be no more favorable occasion than the present one to put the plan into action. North Carolina has rejected the constitution, and at the least a considerable time will pass before it becomes a member of the Union, if this happens. I beg you to supply James with whatever you think will be useful to us. If perchance you could get a passport, it would be of great profit to this country, because it is probable that some of us will find it convenient to go down to the Spanish ports; and if we are allowed to ship products of this country it will be a matter of great importance to us.

I have the honor to be, Sir, with great esteem and consideration, your most respectful servant. (Signed) JOHN SEVIER—To Senor Don Diego de Gardoqui, Minister of Spain.

While these efforts to seduce Robertson and Sevier were in progress, similar efforts were being put forth upon Gen. James Wilkinson in the endeavor to win Kentucky over to Spain. These efforts, too, seem to have gained a measure of success, for in the spring of 1788, Wilkinson wrote Miro a letter in which he said: "All my predictions are verifying themselves, and not a measure is taken on both sides of the mountains which does not conspire to favor ours." "Yet it would be doing Sevier and his adherents a capital injustice to place them in the same category with the utterly corrupt Wilkinson, the malodorous Sebastian, or the embittered and disloyal George Rogers Clark." [21]

Doctor White and James Sevier went to New Orleans to lay their plans and proposals before Miro, and, by a strange irony of fate, on the very day (October 10, 1788), when Gardoqui wrote to Miro a letter of presentation for these representatives on the part of Franklin, John Sevier was arrested on the charge of high treason, hand-cuffed and borne away.

When Miro was informed that the new district on the Cumberland had been named for him, he wrote to James Robertson and Daniel Smith under date of April 24, 1789, as follows:

"The giving of my name to your district has caused me much satisfaction, and I feel myself highly honored by the compliment. It increases my desire to contribute to the development of the resources of that province and the prosperity of its inhabitants. I am extremely flattered at your proposition to enter into correspondence with me, and I hope it will afford me the opportunity to be very agreeable to you."

Haywood (reprint, 1891, p. 247) says:

"Colonel Robertson seeing the Union in disorder and at the point of dissolution from the imbecility of its own structure, and expecting no aid from that quarter or from North Carolina, which betrayed inability and disinclination, thought it most prudent to temporize and amuse awhile both the Spanish agents and the Creek chieftain; to dissemble the deep resentment he had at their conduct, and even to insinuate that he had come to a state of unconcernedness with respect to their main object; so true it is in nature that the strong and the rich man speaketh surlily, but the weak one in the language of mildness."

Ramsey and Putnam also had similar ideas concerning the attitude and actions of Robertson; but they did not have access to certain correspondence which has been brought to light since their times which proves that Robertson and other leaders went much further than the historians mentioned dreamed of. As Judge John Allison says:

"The truth is that the correspondence and communications alleged to have

[21] Dr. Archibald Henderson in Tennessee Historical Magazine, Vol. III, p. 235.

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been passed between Governor Miro and certain citizens of Kentucky and Cumberland country about this time would read rather curiously if offered in court to vindicate the Kentucky and Cumberland citizens from a charge of disloyalty to the United States."[22]

For example, Robertson wrote a significant letter, an extract from which has already been given. Miro also received letters from Robertson, January 29, 1789, and Daniel Smith (March 4, 1789), and in a letter to his government, dated April 23, 1789, says:

"The bearer, Fagot, a confidential agent of General Smith informed me that the inhabitants of Cumberland, or Miro, would ask North Carolina for an act of separation the following fall, and that as soon as this should be obtained other delegates would be sent from Cumberland to New Orleans, with the object of placing that territory under the domination of his majesty."[23]

Miro showed his good disposition towards Robertson in a letter written on April 20, 1789, in regard to Robertson's son-in-law, in which he said:

"I will be highly pleased with his coming down to settle in this province, and much more if you and your family should come along with him, since I can assure you that you will find here your welfare, without being either molested in religious matters, or paying any duty, and with the circumstance of finding always market for your crops * * * I wish to be useful to you."[24]

On November 8, 1788, Joseph Martin, at that time the United States agent to the Cherokees and the Chickasaws, wrote a letter to McGillivray from Tugoloe, N. C. This letter was intercepted, and when its contents were made known created a veritable sensation. In it he said:

"I must beg that you write me by the first opportunity in answer to what I am now going to say to you. I am daily applied to by a body of very respectable people to make application to you for liberty to settle on Tombigby. If you give proper indulgence, I make no doubt of 500 families removing there under my direction. For my own part, I am determined to see you as soon as possible, which I should have done long since only the war with the Cherokees put it out of my power. I hope to do honor to any part of the world I settle in, and am determined to leave the United States for reasons that I can assign you when we meet, but durst not trust it to paper."[25]

And besides the activities of James Robertson, Anthony Bledsoe and Daniel Smith in the negotiations with Doctor White, Governor Miro and Alexander McGillivray, a convention of the people of the Cumberland country was actually held, as is shown by the following paragraphs from a letter written by Robertson to Miro, September 2, 1789:

"I must beg your Excellency's permission to take this early opportunity of thanking you for the honor you did me in writing by Mr. White.

"I still hope that your Government, and these Settlements, are destined to be mutually friendly and useful, the people here are impressed with the necessity of it.

"We have just held a convention; which had agreed that our members shall insist on being separated from North Carolina.

"Unprotected, we are to be obedient to the new Congress of the United States; but we cannot but wish for a more interesting connection.

"The United States afford us no protection. The district of Miro is daily

[22] American Historical Magazine, Vol. I, p. 118.
[23] Probably Andrew Fagot.
[24] Tennessee Historical Magazine, Vol. III, p. 240.
[25] State Records of North Carolina, Vol. XXII, p. 788.

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plundered and the inhabitants murdered by the Creeks, and Cherokees, unprovoked." *

How far the leaders in Franklin and in Mero District would have gone in the movement for secession from the United States and union with Spain will never be known, as all efforts to this end were stopped by the action of North Carolina in ceding her western territory to the United States. The acceptance of the cession by the United States, the confidence that the western settlers had in President Washington, the return of Gardoqui to Spain and the preparations of Miro also to depart for the same country, all combined to seal the fate of the separatist movement and nothing more was heard of it.

END OF THE SPANISH CONTROVERSY

Nevertheless Spain continued to harass the transmontane colonists until 1795, a period of approximately ten years, when a treaty of peace was signed, on October 20 of that year, at San Lorenzo et Real, by Thomas Pinckney, on the part of the United States and Prince De La Paz, on the part of Spain, of which treaty Article IV reads as follows:

"It is likewise agreed, that the western boundary of the United States, which separates them from the Spanish colony of Louisiana, is in the middle of the channel or bed of the River Mississippi, from the northern boundary of the said states to the completion of the 31st degree of latitude north of the equator. And his catholic majesty has likewise agreed, that the navigation of the said river from its source to the ocean shall be free only to his subjects, and the citizens of the United States, unless he should extend this privilege to the subjects of other powers by a special convention." [26]

*Robertson correspondence.
[26] Imlay, p. 564.

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CHAPTER X

TERRITORY OF THE UNITED STATES SOUTH OF THE RIVER OHIO

When the ill-starred venture into secession and independent government, known as the State of Franklin had gradually tottered to its fall and had become merely a matter of unique history, the situation of its former citizens was by no means improved over that distressing condition prior to the separation. The situation was particularly precarious for the people south of the Holston and the French Broad, as they were left exposed to the Indians who were exasperated at their encroachments. Under the protection of Franklin these pioneers had located in the land still claimed by the Cherokees, and when the authority of North Carolina was fully restored in the Holston country that state refused to recognize what they called "intruders on the Indian lands." They were troubled, too, by the lawless, unruly elements that had flocked in with the legitimate settlers. Fortunately the Indians, having been severely punished by Sevier, were at peace for the time being, so that they were unmolested. There was but one thing for these exposed and neglected people to do and they did it promptly and effectually.

THE FOURTH INDEPENDENT GOVERNMENT

They organized themselves into an association for common protection and order was restored. This community, sometimes called the Settlement South of the Holston and the French Broad became the fourth independent government established in Tennessee before it became a state. Its people signed Articles of Association under which they lived and regulated their own affairs without the aid or consent of any other government until the United States organized the territory south of the River Ohio.

NORTH CAROLINA'S SECOND CESSION

When North Carolina again resumed governmental functions over what had been the State of Franklin, it was well understood that, at some suitable time in the near future, she would cede to the United States all of her lands west of the Alleghany Mountains. That time arrived in the session of the General Assembly which began in November, 1789. On December 12th of that year North Carolina passed the following act of cession:

An Act for the purpose of ceding to the United States of America, certain western lands therein described.

Whereas, the United States in Congress assembled, have repeatedly and earnestly recommended to the respective States in the Union claiming or owning vacant Western territory, to make cessions of part of the same, as the further means, as well of hastening the extinguishment of the debts as of establishing the harmony of the United States, and the inhabitants of the said Western territory being also desirous that such cession should be made, in order to obtain

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a more ample protection than they have heretofore received; now, this State being ever desirous of doing ample justice to the public creditors, as well as of establishing the harmony of the United States, and complying with the reasonable desires of her citizens:

Section 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Senators of this State in the Congress of the United States, or any one of the Senators and any two of the Representatives of this State in the Congress of the United States are hereby authorized, empowered and required to execute a deed or deeds on the part and behalf of this State, conveying to the United States of America, all right, title and claim which this State has to the sovereignty and territory of the lands situate within the chartered limits of this State, west of a line beginning on the extreme height of the Stone Mountain, at the place where the Virginia line intersects it, running thence along the extreme height of the said mountain, to the place where the Watauga River breaks through it. thence a direct course to the top of the Yellow Mountain, where Bright's road crosses the same, thence along the ridge of said mountain between the waters of Doe River and the waters of Rock Creek, to the place where the road crosses the Iron Mountain, from thence along the extreme height of said mountain to where Nollichucky River runs through the same, thence to the top of the Ball Mountain, thence along the extreme height of the said mountain to the Painted Rock, on French Broad River, thence along the highest ridge of the said mountain to the place where it is called the Great Iron or Smoky Mountain, thence along the extreme height of the said mountain to the place where it is called Unicoy or Unaka Mountain, between the Indian towns Cowee and Old Chota, thence along the main ridge of the said mountain, to the southern boundary of this State, upon the following express conditions, and subject thereto: That is to say,

First. That neither the lands nor inhabitants westward of the said mountain shall be estimated, after the cession made by virtue of this act shall be accepted, in the ascertaining the proportion of this State with the United States in the common expense occasioned by the late war.

Secondly. That the lands laid off, or directed to be laid off, by any act or acts of the General Assembly of this State, for the officers and soldiers thereof, their heirs and assigns respectively shall be and enure to the use and benefit of the said officers, their heirs and assigns respectively; and if the bounds of the said lands already prescribed for the officers and soldiers of the continental line of this State, shall not contain a sufficient quantity of lands fit for cultivation; to make good the several provisions intended by law that such officer or soldier, or his assignee, who shall fall short of his allotment or proportion after all the lands fit for cultivation within the said bounds are appropriated, be permitted to take his quota, or such part thereof as may be deficient, in any other part of the said territory intended to be ceded by virtue of this act, not already appropriated. And when entries have been made agreeable to law and titles under them not perfected by grant or otherwise, then and in that case, the Governor for the time being, shall, and he is hereby required to perfect, from time to time, such titles, in such manner as if this act had never been passed; and all entries made by or grants made to all and every person and persons whatsoever, agreeable to law, and within the limits hereby intended to be ceded to the United States, shall have the same force and effect as if such cession had not been made, and that all and every right of occupancy and preemption and every other right reserved by any act or acts, to persons settled on and occupying lands within the limits of the lands hereby intended to be ceded as aforesaid, shall continue to be in full force in the same manner as if the cession had not been made, and as conditions upon which the said lands are ceded to the United States. And further, it shall be understood that if any person or persons shall have, by virtue of the act, entitled "An act for opening the land office, for the redemption of specie and other certificates, and discharging the arrears due to the army," passed in the year one thousand seven hundred eighty-three, made his or their entry in the office usually called

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"John Armstrong's office," located the same to any spot or piece of ground on which any other person or persons shall have previously located any entry or entries, that then, and in that case, the person or persons having made such entries, or their assignee or assignees, shall have leave and be at full liberty to remove the location of such entry or entries to any lands on which no entry has been specially located, or any vacant lands included within the limits of the lands hereby intended to be ceded. Provided, that nothing herein contained, shall extend or be construed to extend to the making good any entry or entries, or any grant or grants heretofore declared void by any act or acts of the General Assembly of this State.

Thirdly. That all the lands intended to be added by virtue of this act, to the United States of America, and not appropriated as before mentioned, shall be considered as a common fund for the use and benefit of the United States of America, North Carolina inclusive, according to their respective and usual proportion in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever.

Fourthly. That the territory so ceded, shall be laid out and formed into a State or States, containing a suitable extent of territory, the inhabitants of which shall enjoy all the privileges, benefits and advantages set forth in the ordinance of the late Congress for the government of the Western Territory of the United States: that is to say, whenever the Congress of the United States shall cause to be officially transmitted to the executive authority of this State, an authenticated copy of the act to be passed by the Congress of the United States, accepting of the cession of territory made by virtue of this act, under the express conditions hereby specified, the said Congress shall at the same time assume the government of the said ceded territory, which they shall execute in a manner similar to that which they support in the territory west of the Ohio, shall protect the inhabitants against enemies, and shall never bar or deprive them or any of them, of privileges which the people west of the Ohio enjoy, Provided always, that no regulations made or to be made by Congress, shall tend to emancipate slaves.

Fifthly. That the inhabitants of the said ceded territory shall be liable to pay such sums of money as may, from taking their census, be their just proportion of the debt of the United States, and the arrears of the requisitions of Congress on this State.

Sixthly. That all persons indebted to this State, residing in the territory intended to be ceded by virtue of this act, shall be held and deemed liable to pay such debt or debts, in the same manner, and under the same penalty or penalties, as if this act had never been passed.

Seventhly. That if the Congress of the United States do not accept the cession hereby intended to be made, in due form, and give official notice thereof to the executive of this State within eighteen months from the passing of this act, then this act shall be of no force or effect whatsoever.

Eighthly. That the laws in force and use in the State of North Carolina, at the time of passing this act, shall be and continue in full force within the territory hereby ceded, until the same shall be repealed, or otherwise altered by the legislative authority of the said territory.

Ninthly. That the lands of non-resident proprietors, within the said ceded territory, shall not be taxed higher than lands of residents.

Tenthly. That this act shall not prevent the people now residing south of French Broad, between the rivers Tennessee and Pigeon, from entering their pre-emptions on that tract, should an office be opened for that purpose under an act of the present General Assembly.

Sec. 2. And be it further enacted by the authority aforesaid, That the sovereignty and jurisdiction of this State, in and over the territory aforesaid, and all and every the inhabitants thereof, shall be and remain the same in all respects, until the Congress of the United States shall accept the cession to be made by virtue of this act, as if this act had never passed.

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The conditions imposed by North Carolina in making this cession are of great historic importance. Out of some of them arose almost immediately land difficulties between North Carolina and Tennessee and the United States, which, although mitigated largely by an act of Congress, April 18, 1806, yet continued vexatious for many years thereafter.

The provision "that no regulations made or to be made by Congress, shall tend to emancipate slaves" was pregnant with unforeseen consequences many years after. The government of the Southwest Territory was made the same as that of the Northwest Territory (which was free territory) with the exceptions specified in the act of cession. Congress, by adopting the cession with the provisions, was thereby precluded from intermeddling with the institution of slavery within the limits of the territory ceded. Hence, when Lincoln, in 1862, wrote his Emancipation Proclamation, he did not include Tennessee among the states in which the slaves were freed; and the slaves in Tennessee were freed by the state itself by vote of the people on February 22, 1865. Whether Lincoln's omission of Tennessee was because of the contract made by Congress in accepting the cession act of North Carolina does not seem to be definitely known.

On February 25, 1790, the United States senators from North Carolina, Samuel Johnston and Benjamin Hawkins, executed a deed to the United States in accordance with the provisions of the act, which, on the second of April of the same year, was accepted by Congress by act passed for this special purpose. This special act, including copy of the deed, follows:

ACT OF CONGRESS ACCEPTING THE CESSION OF CERTAIN LANDS FROM NORTH CAROLINA

An Act to accept a cession of the claims of the State of North Carolina, to a certain district of Western Territory. A deed of cession having been executed, and in the Senate offered for acceptance to the United States, of the claims of the State of North Carolina, to a district of territory therein described; which deed is in the words following, viz:

TO ALL WHO SHALL SEE THESE PRESENTS.

We, the underwritten Samuel Johnston and Benjamin Hawkins, Senators, in the Congress of the United States of America, duly and constitutionally chosen by the Legislature of the State of North Carolina, send greeting.

Whereas, the General Assembly of the State of North Carolina, on the —— day of December, in the year of our Lord one thousand seven hundred and eighty-nine, passed an act, entitled, "An act for the purpose of ceding to the United States of America, certain western lands therein described," in the words following, to-wit:

Whereas, the United States in Congress assembled, have repeatedly and earnestly recommended to the respective States in the Union claiming or owning vacant western territory, to make cessions of part of the same, as a further means, as well of hastening the extinguishment of the debts as of establishing the harmony of the United States, and the inhabitants of the said western territory being also desirous that such cession should be made, in order to obtain a more ample protection than they have heretofore received; now this State being ever desirous of doing ample justice to the public creditors, as well as of establishing the harmony of the United States, and complying with the reasonable desires of her citizens:

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(There follows a repetition of the cession act of North Carolina.)

Read three times, and ratified in General Assembly, the —— day of December, A. D., 1789.

CHAS. JOHNSON, Sp. Sen.
S. CABARRUS, Sp. H. C."

Now Therefore Know Ye, That we, Samuel Johnston and Benjamin Hawkins, Senators aforesaid, by virtue of the power and authority committed to us by the said act, and in the name, and for and on behalf of the said State, do, by this presents convey, assign, transfer, and set over unto the United States of America, for the benefit of the said States, North Carolina inclusive, all right, title and claim which the said State hath to the sovereignty and territory of the lands situated within the chartered limits of the said State, as bounded and described in the above recited act of the General Assembly, to and for the uses and purposes and on the conditions mentioned in the said act.

In witness whereof, we have hereunto subscribed our names and affixed our seals in the Senate chamber, at New York, this twenty-fifth day of February, in the year of our Lord, one thousand seven hundred and ninety, and in the fourteenth year of the Independence of the United States of America.

SAM. JOHNSTON, (L. S.)
BENJAMIN HAWKINS, (L. S.)

Signed, sealed and delivered in the presence of Sam. A. Otis.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said deed be, and the same is hereby accepted.

FREDERICK AUGUSTUS MULENBERG,
Speaker of the House of Representatives.
JOHN ADAMS, Vice-President of the United States,
and President of the Senate.

Approved, April 2d, 1790.

GEORGE WASHINGTON,
President of the United States.

ORGANIZATION OF THE SOUTHWEST TERRITORY

On May 26, 1790, the ordinance of the government of the Northwest Territory adopted by Congress on July 13, 1787, was made applicable to "the Territory of the United States South of the River Ohio," with the exception of the provisions incorporated in the act of cession.

Under this ordinance President Washington, on June 8, 1790, appointed William Blount,[1] governor and superintendent of Indian affairs; Daniel Smith, secretary of the territory; David Campbell, Joseph Anderson, and John McNairy,[2] judges; John Sevier, brigadier-general for Washington District; and James Robertson, brigadier-general for Mero District. The governor was authorized to appoint all officers below the grade of brigadier general.

On September 20, 1790, Governor Blount took the oath of office before James

[1] Of Wm. Blount, Roosevelt says in "The Winning of the West," Vol. V. p. 114: "Blount was the first man of leadership in the West who was of Cavalier ancestry; for though so much is said of the Cavalier type in the southern states it was everywhere insignificant in numbers, and comparatively few of the southern men of mark have belonged to it. Blount was really of Cavalier blood. He was descended from a Royalist baronet, who was roughly handled by the Cromwellians, and whose three sons came to America. One of them settled in North Carolina, near Albemarle Sound, and from him came the new governor of the southwest territory. Blount was a good-looking, well-bred man, with cultivated tastes; but he was also a man of force and energy, who knew well how to get on with the backswoodsmen, so that he soon became popular among them."

[2] Omitted by some historians.

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Iredell, an associate justice of the Supreme Court.[3] His first official act as governor was in the laying off and organizing on October 22nd, of "Washington County in the Territory of the United States of America south of the River Ohio." In rapid succession he organized Sullivan, Greene, Hawkins, Davidson, Sumner, and Tennessee counties.

In each county he established courts and military organizations and appointed the county officers—justices of the peace, sheriffs, deputy sheriffs, constables, registers, coroners, clerks of courts, county attorneys, militia officers, etc. He also issued licenses to practice law. Among the county officers appointed were, James Winchester, Landon Carter, James Allison, David Allison, John Rhea, Charles Robertson,[4] Edward Tate, James White, Stockly Donelson, Joseph McMinn, F. A. Ramsey, John Rains, Andrew Ewing, Isaac Bledsoe, Kasper Mansker, Ezekiel Polk, Luke Lea, Charles McClung, Nicholas, Howell Tatum and others who then and afterwards were makers of the history of Tennessee.

At first the two judicial districts previously in existence, Washington and Mero, were continued, and in each of the counties justice was administered by the "Inferior Court of Pleas and Quarter Sessions," composed of the justices of the peace, similar to our present county court except that it possessed more extensive powers. The court in each of the judicial districts was called the "Superior Court of Law and Equity."

Other important appointments made by Blount were the following: Hugh Lawson White, Willie Blount, and Richard Mitchell, his secretaries; Francis Alexander Ramsey (father of the historian Ramsey), clerk of the Superior Court for the District of Washington, and Andrew Russell, clerk and master in equity for the same district; Thomas King, lieutenant colonel; Francis A. Ramsey, first major; George Farragut (father of Admiral Farragut), second major in the cavalry of the District of Washington. The following were appointed "to practice as attorneys in the several courts of law and equity in the territory: Archibald Roan, Joseph Hamilton, Waightstill Avery, James Rees, John Rhea, Josiah Love, John Overton, Andrew Jackson, David Allison, Howell Tatum, James Cole Mountflorence and James White; Robert Hays, lieutenant colonel, Edwin Hickman, first major and George Winchester, second major of the cavalry of Mero District; David Allison, clerk of the Supreme Court of Law for Mero District; Joseph Sitgreaves, clerk and master in equity; Wm. Cocke, attorney general for the District of Washington; Andrew Jackson, attorney general for the District of Mero.[5]

On September 10, 1792, Andrew Jackson received his first military appointment, "judge advocate for the Davidson Regiment."

BLOUNT'S CONDUCT AND POPULARITY

When Governor Blount first arrived he made his residence with William Cobb, a wealthy farmer, who lived near Washington Courthouse, between the

[3] Governor Blount kept a journal as executive of the Southwest Territory, which journal constituted his report made to the U. S. Department of State. A copy of this journal, authenticated by the signature of Daniel Smith, Secretary of the Territory, is preserved in the Archives of the Tennessee Historical Society. This journal was published in the American Historical Magazine, Vol. II, pp. 213-277. It is in two parts: the one extending from the organization of the territory to March 1, 1794; the other from this date to March 1, 1796, when Tennessee had virtually entered statehood. This journal is a very important and instructive historical document, being an epitome of the entire territorial government.

[4] He spelled his name Roberson.

[5] Blount's Journal in American Historical Magazine, Vol. II, pp. 234-247.

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Holston and the French Broad. He entered upon the discharge of his duties with earnestness and tireless energy. He looked upon his position, autocratic though it was, as merely that of one who was to prepare the people for statehood; who was an exemplar and an instrument for carrying out the popular will. This attitude is confirmed by his statement in his journal relative to the appointments he made: "These and all other commissions issued by the governor, were to continue during good behavior or the existence of the temporary government of the United States of America south of the River Ohio."

During Blount's incumbency of nearly six years as territorial governor he encountered many perplexities which he handled, in general, to the satisfaction of the people. Prominent among his difficulties were the relations with the Indians, in dealing with whom he was greatly handicapped by the attitude of the National Government.

Early in Washington's first term as President unsuccessful efforts had been made to effect a treaty with the southern Indians. But in 1790 Alexander McGillivray, the Creek chief, was persuaded to go to New York City, then the national capital, to discuss with "the great white father" the matter of a treaty. McGillivray took with him twenty-eight of the principal chiefs who were flattered and entertained, especially by the Tammany Society, then recently formed, the result of the visit being a treaty, unsatisfactory both to the Creeks and to the people of the Southwest Territory.[6]

Blount thereupon invited the Cherokees, also, to make a treaty. In his negotiations with the Indians, Blount was hampered by the policy of the general government, "a course of forbearance and conciliation"; "to act only on the defensive toward the Indians, for fear of offending the Spaniards who had unjustifiably taken them under their protection." Blount found the Chickasaws and the Choctaws tractable and held a friendly conference with them at Nashville. He sought to have one, also, with the Cherokees, but hostile chiefs and treacherous traders thwarted his purpose. In this exigency he sought the best man available for conciliating the Indians and bringing them to a meeting. Naturally, he selected James Robertson, who, it will be remembered, had gone to the Cherokees on a similar mission in July, 1777. So, again, in 1791 he visited the Cherokee nation and was welcomed by them as a brave, friendly and honest man. They trusted him and agreed to attend a meeting at Knoxville, and did attend it numerously. The result was the Treaty of Holston, signed on July 2, 1791, and confirmed by the President of the United States on November 11, 1791.

But notwithstanding the Treaty of New York, the Creeks became more and more hostile, their aggressions being directed principally against the Cumberland settlers, the thieves and murderers coming mainly from Lookout Mountain and Chickamauga towns, where Creeks and Cherokees had intermarried. Naturally the settlers desired to carry on war against the miscreants who stole their horses and killed their relatives. Blount, however, under instructions from the United States Government could give them no permission to invade the lands of the Indians and merely to repulse attacks. Yet these attacks were made so secretly, so slyly that defense or even pursuit was well-nigh impossible.

The situation in Tennessee was aggravated in 1791 by the action of the State of Georgia in disposing of a tract of land aggregating 3,500,000 acres, lying at the great bend of the Tennessee River to the Tennessee Company, consisting

[6] See Putnam, pp. 342-343.

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of Zachariah Cox and his associates. The proposed settlement irritated the Indians and was prohibited by the United States Government. Nevertheless, Cox and his party proceeded and erected a blockhouse and other defenses on an island at Muscle Shoals and proceeded industriously to interest settlers to locate, until their enterprise was stopped; until the Indians, under The Glass, threatened to put them to death, when the interlopers withdrew.

The entire six years of the existence of the Territory of the United States south of the River Ohio (commonly called the Southwest Territory) was a period of constant struggle with the Indians. During this period the Indians committed almost innumerable individual murders and thefts. The occurrences of most magnitude were the following:

On June 26, 1792, the Creeks attacked and captured Zeigler's Station,[7] a fort near Cairo, in Sumner County, only one month after the friendly conference with the Indians at Coyatee;

On September 30, 1792, a force of Creeks, Cherokees, Chickamaugas and Shawnees, under John Watts, one of Governor Blount's "champions of peace," attacked Buchanan's Station and were gallantly defeated and driven off by a remarkable defense;

In November, 1793, Capt. Samuel Handly, with sixty mounted men, was defeated near Crab Orchard by Cherokees, Creeks and Shawnees, under Middle Striker, and Captain Handly was wounded and captured;[8]

On September 25, 1793, Cherokees and Creeks destroyed Cavett's Station and murdered the family of thirteen, except one boy. So great was the wrath aroused by this act that Daniel Smith, acting governor in the absence of Blount, authorized General Sevier to invade the territory of the Cherokees and Creeks. He did so with his accustomed celerity, ability and success, defeating them and burning their towns, and, on October 17, 1793, defeated an Indian force under King Fisher (killed by Hugh Lawson White) at Etowah[9] (now Rome, Ga.). This victory virtually ended the Indian hostilities in Washington District;

On April 21, 1794, two Bledsoe boys were murdered by the Indians on Drake's Creek, in Sumner County, near Rock Castle,[10] the famous home of Gen. Daniel Smith;

On September 15, 1794, Major Ore, acting under orders given him by General Robertson, attacked and destroyed the Indian towns of Nickajack and Running Water, towns of the Chickamaugas, the home and rendezvous of the worst elements among the Indians, including some renegade half-breeds and whites. Joseph Brown, who had been captured by these Indians, was one of the guides of the invading force.[11] General Robertson was severely censured by Governor Blount and by the Federal authorities for giving the order for this expedition and, in consequence, resigned his commission as brigadier general. But the

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[7] Putnam, p. 378.

[8] See Captain Handly's narrative in American Historical Magazine, Vol. II, pp. 86-90; also Ramsey, pp. 571-572.

[9] Pronounced Hightower.

[10] Michaux in his "Travels West of the Alleghany Mountains," which were made in 1802, says on page 253: "On the road we stopped with different friends of Mr. Fisk; among others with General Smith, one of the oldest inhabitants of this country where he has resided 16 or 17 yrs. America is indebted to him for the best map of the State * * * We also, on our journey, visited General Winchester, who was engaged in finishing a stone house, very elegant for the country."

[11] For more detailed accounts of Joseph Brown and of this battle, see chapters on Indian Wars and on Historic Spots and Places. Also, see Ramsey, pp. 616, 618 and Putnam, pp. 484, 485.

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people approved his course enthusiastically; and this severe retaliation together with Sevier's punishment of the Indians but a short time before put an end to the Indian wars.

THE TERRITORIAL LEGISLATURE

The ordinance adopted for the government of the Southwest Territory provided that as soon as proof should be made to the governor that there were 5,000 free male inhabitants of full age in the territory, there should be an election of representatives from the counties or townships in the General Assembly. Proof of this fact having been given to the governor he issued the following proclamation:

PROCLAMATION BY WILLIAM BLOUNT

GOVERNOR IN AND OVER THE TERRITORY OF THE UNITED STATES OF AMERICA, SOUTH OF THE RIVER OHIO.

An Ordinance, giving authority for the election of representatives to represent the people in General Assembly.

Proof having been made to me, that there are five thousand and upwards of free male inhabitants, of full age, in the said Territory: I DO give authority for the election of representatives to represent the people in General Assembly; and do ordain, that an election shall be held by ballot, for thirteen representatives, to represent the people for two years in General Assembly, on the third Friday and Saturday in December next; qualified as provided and required by the ordinance of Congress, of July 13th, 1787, for the government of the territory north of the Ohio, and by free male inhabitants, of full age qualified as electors; as also provided and required by the said ordinance, of whom the electors of the counties of Washington, Hawkins, Jefferson, and Knox, shall elect two each for said counties; and the electors for the counties of Sullivan, Greene, Tennessee, Davidson and Sumner, shall elect one for each of those counties.

And Be It Ordained, That the said election for the representatives to represent the people in general assembly, shall be held at the Court houses in each county by the Sheriff thereof; and in case of his absence or inability, his deputy, or the coroner thereof, with the advice and the assistance of inspectors of the polls, in the manner and form as prescribed and directed by the laws of North Carolina, respecting the holding of election in that State. And the said Sheriff or other officer holding the said election, is directed and required to report to the Secretary's office at Knoxville, as early as may be the name or names of persons duly elected, to represent the respective counties.

Done at Knoxville, in the Territory aforesaid, this the 19th day of October, 1793.

WM. BLOUNT.

The election was duly held and the Territorial Legislature assembled at Knoxville, February 24, 1794.[12]

The Legislature consisted of thirteen members, as follows: David Wilson, of Sumner County; Leroy Taylor and John Tipton, of Washington County; George Rutherford, of Sullivan; Joseph Hardin, of Greene; William Cocke and Joseph McMinn, of Hawkins; Alexander Kelly and John Beard, of Knox; Samuel Wear and George Doherty, of Jefferson; James White, of Davidson, and James Ford, of Tennessee.

[12] American Historical Magazine, Vol. II, pp. 257-262.

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David Wilson was chosen as speaker and Hopkins Lacy as clerk.

The Legislature nominated the following from whom five were to be selected by President Washington to compose the Council of Territory: James Winchester, William Fort, Stockly Donelson, Richard Gammon, David Russell, John Sevier, Adam Meek, John Adair, Griffith Rutherford, and Parmenas Taylor. President Washington selected and commissioned: Griffith Rutherford, John Sevier, James Winchester, Stockly Donelson and Parmenas Taylor.

Griffith Rutherford was elected president of the Council; George Roulstone, clerk; Christopher Shoat, doorkeeper.

The House of Representatives followed the rule of the House of Commons of England in permitting members to sit with hats on when the House was in session.

Rule VIII of the "Rules of Decorum" provided that: "He that digresseth from the subject to fall upon the person of any member shall be suppressed by the Speaker."

KNOXVILLE, THE TERRITORIAL CAPITAL

Gen. James White established, in 1786, the first habitation in what is now Knoxville. He built a strong fort there which, for some years, was called "White's Fort." In 1792 Governor Blount organized Knox County, which he named in honor of Gen. Henry Knox, at that time secretary of war, and White's Fort was changed to Knoxville, which was made the capital in place of Rogersville, which had been the first seat of the territorial government. Governor Blount established his residence in Knoxville in March, 1792, and occupied a cabin between the present site of the University of Tennessee and the river. Later, probably in 1793, he built what is said to have been the first frame residence west of the Allegheny Mountains, at the corner of State Street and Hill Avenue.

Mention has been made of the Treaty of Holston,[13] one of the most important acts of Governor Blount's administration. A marker, commemorating the making of this treaty, was placed by the Sons of the American Revolution on the site of the home of Governor Blount, on July 2, 1908. The following is the inscription:

"Commemorating the Treaty of Holston, signed by Gov. Wm. Blount and 41 chiefs and warriors on the site of the home of Governor Blount, corner Hill Avenue and State Street, Knoxville, July 12, 1791. Erected by the Sons of the American Revolution, July 2, 1908."[14]

A marker has also been placed by the Daughters of the American Revolution on the site of the first block-house, erected in 1792. This marker was placed with appropriate exercises on February 5, 1902. Admiral Schley and Governor Benton McMillin were the speakers.

PROGRESS OF THE TERRITORY

During the existence of the territorial government the following new counties were established: Jefferson and Knox, in 1792, by ordinance of the gov-

[13] For an excellent account of the meeting resulting in this treaty, see Heiskell's "Andrew Jackson and Early Tennessee History," Vol. I, pp. 65-66.

[14] Ibid., p. 66.

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ernor; Sevier, in 1794, and Blount,[15] in 1795, by act of the Territorial Legislature. The Hamilton District, comprising the counties of Knox and Jefferson, was established by ordinance of the governor, on March 13, 1793.

The interest in education shown by these people of the primitive regions west of the Allegheny Mountains, during the territorial government was most remarkable and the actions the Legislature took in the promotion of educational institutions was an indubitable precursor and index of the commanding leadership in scholastic matters in the Southwest which was later to characterize the State of Tennessee. In that early day the Legislature incorporated three colleges which are still in existence: Greeneville College, in Greene County; Blount College, now the University of Tennessee, in Knox County; and Washington College, in Washington.[16]

PREPARATIONS FOR STATEHOOD

By the spring of 1795 the widespread desire among the people for statehood, which had for so long been crystallizing, seemed about to be realized. Statehood was wished, not only as the consummation of a higher political plane, of an attainment of real, independent self-government, but, also, and particularly, as a means of protecting themselves against the attacks of the Indians from whom they had suffered so much.

The matter of creating a new state out of the territory had been left by Congress to a vote of the people. The excellent financial condition of the territory, as shown by the report of the joint committee of the Legislature and the great increase in the population were predisposing reasons in the minds of both people and governor that the time was come when the territory should be erected into a state.

Even at the first session of the Territorial Assembly, which met on August 25, 1794, preparations for statehood were begun. First Governor Blount was asked to have a census taken. Another resolution was passed to the effect that inquiry be made as to the disposition of the people of the territory relative to creating a state government in place of the territorial government.

Governor Blount, while earnestly in favor of the admission of the territory as a state, did not take action at that time on the resolutions. As no territory of the United States had yet been given statehood, it seemed to him wise, in the absence of an expression of Congress on this point, to ascertain in advance what steps that body would require to be taken. For this purpose Dr. James White, the territorial delegate in Congress made diligent inquiry of the members and came to the conclusion that Congress would not act in any way prior to an application made by the territory. He (White) thought that the proper action would be for a convention to be called to adopt a constitution to take effect as soon as Congress should pass an act of admission.

Thereupon Governor Blount issued a call for an extraordinary session of the Assembly, which met at Knoxville, June 29, 1795. It was in session only thirteen days and, on its last day, passed an act for the enumeration of the inhabitants of the territory, in which act provision was made that "if it shall

[15] This county was named in honor of Governor Blount, and the county seat, Maryville, in honor of his wife, Mary Grainger Blount. Following this precedent, Elizabethton was named in honor of Elizabeth Carter, wife of Landon Carter, after whom the county was named.

[16] See chapter on Education in Tennessee.

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appear that there are 60,000 inhabitants therein * * * the governor be authorized and requested to recommend to the people of the respective counties, to elect five persons of each county to represent them in convention, to meet at Knoxville at such time as he shall judge proper, for the purpose of forming a constitution or form of government, for the permanent government of the people who are or shall become residents upon the lands by the State of North Carolina ceded to the United States."

In accordance with the provisions of this act a census was taken which showed a population of 77,262, of whom 66,649 were free inhabitants and 10,613 slaves. On November 28th, Governor Blount announced that there were 6,504 votes cast for organizing a state, and 2,562 against so doing.[17] This strong minority was due largely to the great popularity of William Blount and satisfaction with his government. Strangely enough the opposition to statehood was strongest in Mero District, where only ninety-six votes were cast in favor of it in Davidson County and fifty-eight in Tennessee County. On the same date, November 28, 1795, Governor Blount issued a proclamation recommending to the people of the respective counties to elect five persons for each county, on the 18th and 19th days of December next, to represent them in a convention to meet at Knoxville on the eleventh day of January next, "for the purpose of forming a constitution or permanent form of government." He closed his proclamation by saying "that this recommendation is not intended to have, nor ought to have, any effect whatever upon the present temporary form of government; and that the present temporary form will continue to be exercised in the same manner as if it had never been issued, until the convention shall have formed and published a constitution or permanent form of government."

Blount and the people generally believed that, in accordance with the agreement between North Carolina and the Federal Government embodied in the cession act, which was accepted by the United States, the territory was entitled to statehood as soon as it possessed the requisite population. When the matter subsequently came up in Congress, this view finally prevailed.

THE CONSTITUTIONAL CONVENTION OF 1796

In accordance with Governor Blount's proclamation the elections for five delegates to the convention were held in the eleven counties then organized in the territory, and they assembled on the day appointed, January 11, 1796. The personnel of the members of the convention was as follows:

From Blount County—David Craig, James Greenaway, Joseph Black, Samuel Glass, James Houston.

From Davidson County—John McNairy, Andrew Jackson, James Robertson, Thomas Hardeman, Joel Lewis.

From Greene County—Samuel Frazier, Stephen Brooks, William Rankin, John Galbreath, Elisha Baker.

From Hawkins County—James Berry, Thomas Henderson, Joseph McMinn, William Cocke, Richard Mitchell.

From Jefferson County—Alexander Outlaw, Joseph Anderson, George Doherty, James Roddye, Archibald Roane.

From Knox County—William Blount, James White, Charles McClung, John Adair, John Crawford.

[17] Ramsey, p. 648.

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From Sevier County—Peter Bryan, Samuel Wear, Spencer Clack, John Clack, Thomas Buckenhem.

From Sullivan County—George Rutledge, William C. C. Claiborne, John Shelby, Jr., John Rhea, Richard Gammon.

From Sumner County—D. Shelby, Isaac Walton, W. Douglas, Edward Douglas, David Smith.

From Tennessee County—Thomas Johnston, James Ford, William Fort, Robert Prince, William Prince.

From Washington County—Landon Carter, John Tipton, Leroy Taylor, James Stuart, Samuel Handley.

The convention was held in the office of David Handley, agent of the war department. In common with the other members of the Legislative Council, John Sevier was not a member of the convention.

William Blount was elected president of the convention; William Maclin, secretary; John Sevier, Jr., reading and engrossing clerk; John Rhea, doorkeeper.

Two members from each county were elected to draft a constitution. These were:

Craig and Black from Blount.
McNairy and Jackson from Davidson.
Frazier and Rankin from Greene.
Cocke and Henderson from Hawkins.
Anderson and Roddye from Jefferson.
Blount and McClung from Knox.
Wear and John Clack from Sevier.
Claiborne and Rhea from Sullivan.
Shelby and Smith from Sumner.
Johnston and Fort from Tennessee.
Tipton and Stuart from Washington.
Daniel Smith was made chairman of this committee.

That the people were determined upon statehood in any event is shown by a significant action recorded as follows:

"It was then moved by Mr. Outlaw and seconded by Mr. Anderson, whether it is the sense of this house that we should not be admitted by Congress, as member States of the general government, that we should continue to exist as an independent State. Mr. Cocke moved, and was seconded by Mr. David Shelby, that the above question be postponed, which was objected to; the question was then put, and carried in the affirmative."[18]

It is a tradition that at the suggestion of Andrew Jackson the name of Tennessee was adopted for the new state.

The constitution reported by the committee and unanimously adopted by the convention was not submitted to the people for ratification. Like that of Franklin it was based largely upon the constitution of North Carolina. It was pronounced by Thomas Jefferson to be "the least imperfect and most republican" of the systems of government adopted by the American states.

After adopting this constitution the convention adjourned on February 6, 1796, having been in session only twenty-seven days.

The full text of the constitution will be found in the appendix.

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[18] Journal of the Constitutional Convention of 1796.

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CHAPTER XI

INDIAN WARS AND WARRIORS OF TENNESSEE

The early history of Tennessee is largely made up of encounters with the Indians. It has, therefore, been thought proper, if not indeed incumbent, to devote a special section of this history to a consecutive account of these wars with the Indians, in which Tennesseans had a part, extending from 1730 to 1807. The war with the Creek Indians, 1813-1814, is necessarily treated separately.

The chapter on "Indian Wars and Warriors of Tennessee" is a collection and an abridgment of A. V. Goodpasture's series of articles entitled "Indian Wars and Warriors of the Old Southwest, 1730-1807," which was printed in the Tennessee Historical Magazine in 1918 (Vol. 4, Nos. 1, 2, 3, 4). It constitutes a most valuable contribution to the history of the old Southwest.

REASONS FOR THE DEADLY ANIMOSITY OF THE INDIAN

Preparatory to a discussion of Indian wars and atrocities, it may be well for the student of history to arrange clearly in his mind the underlying causes for the barbarous treatment of the whites by the red men.

First. The Indian from the beginning hated the white man and his civilization on general principles.

Second. Every charter given any man or set of men who came to live in America, the home of the Indian, contained a proviso that the Indian should be civilized and Christianized. The missionary was sent in advance and the sword followed. "The settler had a Bible in one hand and a rifle in the other." Both met with resistance, but the sword prevailed.

Third. The Indians knew that they had been subjected to every form of evil which the whites could possibly inflict on them. They complained "that white men broke into the stores of their traders and carried off their goods." Restitution was promised, but never carried out.

Fourth. The whites were "land hungry" and constantly encroaching upon the hunting grounds of the Indians.

SECTION I

OCONOSTOTA AND ATTAKULLAKULLA

The Cherokee Indians first became known to the white man in 1540, when the daring Spanish adventurer, Fernando De Soto, entered their country in his fruitless search for gold. They were the mountaineers of the South, and held all the Alleghany region from Southwest Virginia to Northern Georgia, their principal towns being on the headwaters of the Savannah, Hiwassee, and Tuckasegee, and upon the whole course of the Little Tennessee River, grouped in three main settlements, known as the Lower towns, the Middle or Valley

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towns, and the Overhill towns. Their hunting ground, whose boundaries were vague and shadowy, and in many places contested, may be said, in a general way, to have embraced all the extensive domain encircled by the Ohio and Tennessee rivers, including the blue grass regions of Kentucky and Tennessee which the Indians called the "dark and bloody ground."[1]

Their men were large, tall, and robust; in complexion somewhat lighter than the men of the neighboring tribes; while some of their young women were nearly as fair and blooming as European maidens. Their dispositions and manners were grave and steady; their deportment dignified and circumspect. In conversation they were rather slow and reserved, yet frank and cheerful; in council, secret, deliberate, and determined. Like all true mountaineers, they stood ready to sacrifice every pleasure and gratification, even life itself, to the defense of their homes and hunting grounds.[2]

To check the growing influence of the French, Governor Nicholson, of South Carolina, held a treaty of peace and commerce with the Cherokees in 1721. Afterwards the Royal government took the matter up with a view of drawing them into a closer alliance. For this purpose Sir Alexander Cumming was sent to the Cherokee Nation in the spring of 1730, and met the chiefs of all their towns in the council house at Nequassee, on the Little Tennessee River, near the present Town of Franklin, N. C. He so impressed them by his bold bearing and haughty address that they readily consented to all his wishes, acknowledging themselves, on bended knee, to be the dutiful subjects of King George. He nominated Moytoy, of Tellico, to be their emperor, a piece of trumpery invented by Governor Nicholson nine years before, which was wholly without effect, as the Cherokee Nation made no pretense to a regular government until nearly one hundred years later.[3] However, it was agreed to, and they repaired to their capital, Tennessee, a few miles above the mouth of Tellico, on the Little Tennessee River, where a symbol, made of five eagle tails and four scalps of their enemies, which Sir Alexander called the crown of the nation, was brought forth, and he was requested to lay it at the feet of his sovereign on his return.[4]

The mention by Sir Alexander Cumming of "Tennessee" as the ancient capital of the Cherokees, is the first time the name occurs in history; from it, and not from any fancied resemblance to a "big spoon," the Tennessee River and the State of Tennessee derive their name.[5]

Seven chiefs accompanied Sir Alexander on his return to England, and there again entered into a formal treaty of friendship, alliance, and commerce with the English. Among these chiefs were two young men who deserve to rank among the greatest leaders of their race; they were Attakullakulla,[6] known to the whites as Little Carpenter, and Oconostota, whom the whites called the Great Warrior. The brilliancy, wealth, and power of the English Court made a powerful impression upon them. Attakullakulla perceived with appalling force the defenselessness of his own people as against such an adversary. It became the ruling purpose of his life, chimerical as it was, to keep his nation

[1] "Myths of the Cherokees," by James Mooney, p. 14.

[2] "Travels through North and South Carolina, Georgia, East and West Florida, the Cherokee Country, the Extensive Territories of the Muscogulgees or Creek Confederacy, and the Country of the Choctaws," by William Bartram, pp. 482-3.

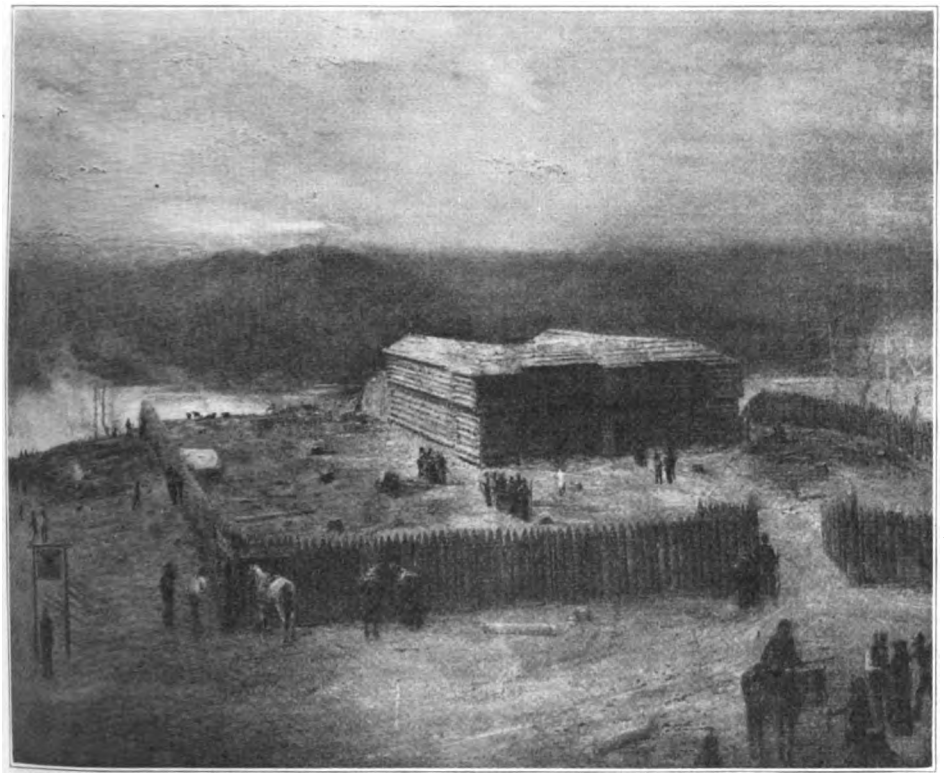
[3] Opinions of the judges of the Supreme Court of Tennessee. The State vs. James Foreman, Nashville, 1835, pp. 34-5.

[4] Ramsey's "Annals of Tennessee," pp. 46-7; Drake's "Indians of North America," 15th edition, pp. 366-7.

[5] Ramsey, p. 47, note.

[6] Hewat's "Historical Account of South Carolina and Georgia," Vol. II, p. 221.

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at peace with the English. Profiting by his friendly disposition, the authorities of South Carolina took up Attakullakulla, and magnified his authority, in order to break the power and influence of Oconostota.[7] For fifty years he stood out between the contending races, a sublime and, often, a solitary figure, ever pleading, conciliating, pacifying. He was the grandest and most amiable leader developed by his race; and it is doubtful whether a noble character, of any race, could have been found on the border.

Though he came of a race of large men, Attakullakulla was remarkably small, and slender and delicate of frame; but he was endowed with superior abilities.[8] He did little to distinguish himself in war, but his policy and address were such as to win for him the confidence and admiration of his people. He was the leading diplomat of his nation, and conducted some of the most delicate missions with singular tact and sagacity.

Oconostota, on the contrary, was a daring and resourceful general, whose achievements won for him the title of the "Great Warrior." It is said that in all his expeditions his measures were so prudently taken that he never lost a man.[9] Under his leadership the Cherokees reached their highest martial glory. Less diplomatic than Attakullakulla, he was more bold and aggressive, and, at first, hoped by forcible resistance to stay the flood of immigration that was threatening to overwhelm his country. I know not which course was the wiser; neither could do more than retard the progress of the white. The inexorable decree had gone forth that the Indian should perish, as the mound builder before him had perished.

The Overhill towns, scattered along the grassy valleys and sunny slopes that skirt the southern bank of the Little Tennessee, were the remotest and most important of the Cherokee settlements. Lieutenant Henry Timberlake, a young Virginia soldier, who spent the winter of 1761-2 with the Overhill Indians[10] has left an account of his residence among them, with a map of their country, in which he gives the name and location of each of their towns with the number of warriors it was able to send out. Beginning on the west and proceeding up the south bank of the Little Tennessee River, we find Mialaquo, 24 warriors, at the Great Island, just below the mouth of Tellico, and Tuskegee, 55 warriors, under the very wall of Fort Loudon; these were the towns of Attakullakulla. Tomotley, 91 warriors, under Outacite (Judge Friend) and Toquo, 82 warriors, under Willinawaw, appear at short intervals up the river. Then comes Tennessee, 21 warriors, and Chota, 175 warriors, under Oconostota, described as king and governor. Still higher up were Citico, in the shadow of Chilhowee Mountain, 204 warriors, under Cheulah; then Chilhowee, opposite the mouth of Abraham's Creek, 110 warriors, and Tallasee, in the extreme east, with 47 warriors, whose chiefs we are now unable to identify.

Attakullakulla, in his negotiations with Governor Glen, had not dreamed of a fort that would command their beloved town of Chota, the capital and pride of the nation, their only city of refuge. When he perceived the strength and permanent character of the fortress, the great council at Chota, under his lead-

[7] Adair's "American Indians," p. 81.
[8] "Bartram's Travels," p. 482.
[9] "Timberlake's Memoirs," p. 72.
[10] "The Memoirs of Lieut. Henry Timberlake" (who accompanied the three Cherokee Indians to England in the year 1762), containing whatever he observed remarkable or worthy of public notice, during his travels to and from that nation; wherein the country, government, genius and customs of the inhabitants are authentically described. Also the principal occurrences during their residence in London. Illustrated with an accurate map of their Overhill settlements, etc., London. MDCCLXV.

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ership, ordered the work to stop, and the garrison, then on its way, to turn back. But it was too late. The fort was completed, and garrisoned by two hundred British regulars, with twelve pieces of artillery. It was named for the Earl of Loudon, and apart from its melancholy history, is remarkable as being the first Anglo-American structure erected in Tennessee.

At the conclusion of the war Attakullakulla asked the governor of South Carolina to appoint his friend, Captain Stuart, to reside among the Indians; assuring him that, if he should be appointed, the province would suffer no further molestation from them. The assembly likewise tendered Captain Stuart a vote of thanks, together with a reward of £1,500, for his heroic defense of Fort Loudon, and recommended him to the governor as a man worthy of preference in the service of the province. When, therefore, the Royal government found it expedient that the southern district should have a superintendent of Indian affairs, with powers similar to those exercised by Sir William Johnson, in the northern district, the appointment was given to Capt. John Stuart,[1] who discharged the duties of the office with distinguished ability and fidelity until the beginning of the Revolutionary war.

Colonel William Byrd in 1761, marched from Virginia against the Overhill towns. He left the regiment at Stalnaker's, and the command devolved upon Lieutenant Colonel Stephen, who advanced as far as the Long Island of Holston. Here he halted and began the erection of a fort. While he was still engaged in this work, about the middle of November, 1761, Oconostota, accompanied by four hundred of his people, came in to ask for terms of peace, which were concluded on the 19th of November, 1761.

From the execution of this treaty the colonies were at peace with the whole of the Cherokee nation, but in the meantime Fort Loudon had been permanently abandoned, and the settlement of Tennessee delayed for ten years.

Little more remains to be told of the two famous old chiefs who were the central figures in this war; the one as a warrior, and the other as a peacemaker. For the next fifteen years their talks were white, and their people kept the path straight. They prevented Cameron from removing the Watauga settlers in 1772; and when the British persuaded their young warriors to dig up the hatchet in 1776, they still counseled peace. Both signed the treaty of Holston in 1777, and from that time held the Americans firmly by the hand. They, with Willinawaw, were appointed by the nation to wait upon the governor of North Carolina, for the purpose of inducing him to open trade with the Cherokees, and thereby counteract the influence of Cameron, who refused to trade with them as long as they were at peace with the Americans.[2] Attakullakulla must have died soon afterwards, as this is the last time his name is mentioned in the records.

Oconostota lived a few more stormy years. Chota, which had been spared by Christian in 1776, was destroyed by Campbell and Sevier during the last days of 1780, and Oconostota was compelled to flee to the mountains, where he established a temporary residence,[3] though he afterwards returned to his beloved town. In the fall of 1781, the British agent in Georgia nominated The Raven as principal chief in opposition to Oconostota, and gave him a medal as a token of his authority.[4] After this revolt of the war party, Oconostota undertook to

[1] Hewat, Vol. 2, p. 276.
[2] James Robertson to Governor Caswell, October 17, 1777. State Records of North Carolina, Vol. II, p. 654.
[3] Calendar of Virginia State Papers, Vol. I, p. 602.
[4] Calendar of Virginia State Papers, Vol. I, pp. 446-7.

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resign his position in favor of his son, Tuckasee, a friendly chief, and asked Colonel Martin to assist at the ceremony of his installation, in the name of Virginia.[5] Although Oconostota claimed the consent of the whole nation, Tuckasee was never received as its principal chief, that honor having fallen to another friendly chief, called The Tassel.

Oconostota died in the spring of 1785, and his influence was greatly missed by the American agent.[6] His death as well as the death of Attakullakulla, was spoken of at the treaty of Hopewell, in 1785, as an event well known to the whites as well as the Indians.[7]

CHEROKEE INVASION OF HOLSTON

The close of the Cherokee war in 1761 was followed in 1763 by the Treaty of Paris, by which France ceded the whole of the western country to England. The French, entertaining little desire for the lands of the Indians, had aroused their jealousy by pointing out the encroachments of the English, who they asserted, intended to dispossess them of the whole country. To allay this feeling, King George III issued his famous proclamation of October 7, 1763. This was an epochmaking document, and may be fairly called the Magna Charta of the North American Indians. It was the first instrument to assign them territorial limits, and to guarantee their right to the hunting grounds set apart to them. It defines the Indian boundary to be the watershed dividing the waters of the Atlantic from those flowing to the westward; and makes the first distinct general prohibition against British subjects purchasing lands from the Indians, or settling within their hunting grounds.[1]

To enforce obedience to this proclamation, and preserve friendly relations with the Indians of the South, Capt. John Stuart, as we have seen, was appointed superintendent of Indian Affairs for the Southern district. Born in Scotland about the year 1700, he emigrated to America in 1733, received a subordinate command in the British service, and distinguished himself at the siege of Fort Loudon. Upright and faithful dealings with the Cherokees made him a general favorite with them, and gave him an unbounded influence as superintendent of Indian affairs.[2]

The year 1772 found a handful of adventurous pioneers located on the historic banks of the Watauga River, in East Tennessee. They had settled there under the belief that they were within the territorial limits of Virginia, whose back country had been opened to settlement under the treaty of Fort Stanwix, in 1768. But a survey made at this time by Colonel Anthony Bledsoe disclosed the fact that they were on the Cherokee hunting ground, beyond the jurisdiction of both Virginia and North Carolina. When this became apparent, Alexander Cameron, Indian agent resident among the Cherokees, ordered them to move off. This was a supreme crisis in the affairs of the settlement. It was finally solved by the friendly Cherokee chiefs expressing the wish that they might be permitted

[5] Calendar of Virginia State Papers, Vol. 3, p. 234.

[6] Calendar of Virginia State Papers, Vol. 4, p. 54. The story that he was still alive in 1809, a victim of strong drink, as repeated in Thwaites and Kellogg's "Dunmore's War," pp. 38-9, is, of course, apocryphal, as he had then been dead nearly a quarter of a century.

[7] American State Papers, Indian Affairs, Vol. I, p. 42.

[1] The State vs. James Foreman, Nashville, 1836, pp. 23-4. Opinion by Chief Justice Catron. See also the Laws of the United States, Resolutions of Congress under the Confederation, Treaties, Proclamations, and other Documents Having Operation and Respect to the Public Lands, etc., Washington, 1817, p. 28, where the proclamation may be found in full.

[2] Mooney's "Myths of the Cherokees," p. 203.

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to remain, on condition that they would not encroach beyond the land they then had. The Watauga settlers being prohibited by the King's proclamation from purchasing their lands from the Indians, availed themselves of the friendly disposition of their chiefs, and leased them for a term of ten years. Three years later, when Henderson and Company made their famous Transylvania purchase at Sycamore Shoals, the Watauga and Nollichucky settlers followed their example, and bought their lands in fee simple.[3] Their deeds were signed by Oconostota, Attakullakulla, Tennesy Warrior, and Willinawaw.

When the Revolutionary war came, the British government determined to employ the Indians against the southern and western frontiers. The organization of the southern tribes was intrusted to Superintendent Stuart. Their general plan, which was only partially successful, was to land an army in West Florida, march them through the country of the Creeks and Chickasaws, who were each to furnish five hundred warriors; and thence to Chota, the capital of the Cherokee nation. Being reinforced by the Cherokees they were to invade the whole of the southern frontier, while the attention of the colonies was diverted by formidable naval and military demonstrations on the sea coast. Circular letters outlining the plan, intended for the information of the Tories who were expected to repair to the royal standards, were issued May 9, and reached the Watauga settlement May 18, 1776.[4]

The Cherokees, when the plan was first submitted to them, were not prepared to take sides in the contest.

The campaign was planned with the utmost secrecy. It was agreed that North Carolina, South Carolina and Georgia, should be attacked simultaneously; the Overhill towns were to fall upon the back settlements of North Carolina and Virginia; the Middle towns were to invade the outlying districts of South Carolina; and the Lower towns were to strike the frontiers of Georgia. We are concerned only with the movements of the Overhill towns, which mustered about seven hundred warriors. They were to move in three divisions; one was to march against the Holston settlement, another was to strike Watauga, and the third was to scour Carter's Valley. The first division fell to the command of Dragging Canoe (Cheucunsene), of Mialaquo,[5] who has been called a savage Napoleon,[6] the second was entrusted to Abraham (Ooskuah), of Chilhowee, a half-breed chief who had fought with Washington on the frontiers of Virginia;[7] and the third was under The Raven (Savanukeh), of Chota, who had served in the same campaign, but with little credit, having been detected in undertaking to palm off two white scalps brought from his own country, for trophies of an unsuccessful scout against the French.[8]

At this time there lived in Chota a famous Indian woman named Nancy Ward. She held the office of Beloved Woman, which not only gave her the right to speak in council, but conferred such great power that she might, by the wave of a swan's wing, deliver a prisoner condemned by the council, though already tied to the stake.[9] She was of queenly and commanding presence and manners, and her house was furnished in a style suitable to her high dignity. Her father is said to have been a British officer, and her mother a sister of Attakullakulla.[10]

[3] Garrett and Goodpasture's "History of Tennessee," pp. 34-6.
[4] Ramsey's "Annals of Tennessee," pp. 147-8, 161.
[5] Calendar of Virginia State Papers, Vol. I, p. 435.
[6] Phelan's "History of Tennessee," p. 43.
[7] Calendar of Virginia State Papers, Vol. IV, p. 342.
[8] Sparks' "Writings of Washington," Vol. II, p. 284.
[9] "Timberlake's Memoirs," p. 71.
[10] Mooney's "Myths of the Cherokees," pp. 203-4.

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Her daughter, Betsy, was the Indian wife of General Joseph Martin. She had a son, Little Fellow, and a brother, Long Fellow (Tuskegetchee), who were influential chiefs.[11] The latter boasted that he commanded seven towns, while thirteen others listened to his talks; and though he had once loved war and lived at Chickamauga, at the request of his nephew, General Martin, he had moved to Chestua, midway between Chota and Chickamauga, where he stood like a wall between bad people and his brothers, the Virginians.[12] Like her distinguished uncle, Nancy Ward was a consistent advocate of peace, and constant in her good offices to both races. She gave timely warning and assistance to the traders when the young warriors dug up the hatchet in 1781;[13] and delivered condemned prisoners from the stake, as we shall see. When Campbell's army was straitened for provisions, she had cattle driven in and furnished them with beef.[14] She was a successful cattle raiser, and is said to have been the first to introduce that industry among the Cherokees,[15] who, though they had numerous breeds of horses and hogs, were entirely without cattle and sheep, as late as 1762.[16] Afterwards she interceded with the victorious Americans for her unhappy people.[17] She intervened with conspicuous success in private disputes between the frontiersmen and the Indians.[18] Haywood has justly called her another Pocahontas.

When Nancy Ward found that her people had fallen in with the plans of Stuart and Cameron, she communicated the intelligence to a trader named Isaac Thomas, and provided him with the means of setting out as an express to warn the back settlers of their danger. Thomas was a man of character and a true American, who has left distinguished descendants in the state of Louisiana. Accompanied by a man named William Faulen, he lost no time in conveying the alarming intelligence to the people on the Watauga and Holston. His services were afterwards recognized and rewarded by the State of Virginia.

The information conveyed by Thomas produced great consternation on the border. Couriers were despatched in every direction. They had not had an Indian war since the settlement was begun, some seven years before. There was not a fort or blockhouse from Wolf Hills westward. But preparations for defense now became nervously active; the people rushed together in every neighborhood and hurriedly constructed forts and stockades. For our purpose it is necessary to mention only Eaton's Station and Fort Watauga.

Eaton's Station was six miles from the Long Island of Holston, on the road leading to Wolf Hills. It had been built in advance of the settlement, and was garrisoned by a small body of men, who fortified it on the alarm of the approaching Indians. Here five small companies, aggregating one hundred and seventy men, raised in the Holston settlements, and commanded by their senior captain, James Thompson, collected for the purpose of opposing Dragging Canoe, who was understood to be advancing with his detachment of the Indian forces.

July 19, 1776, Captain Thompson's scouts came in and reported a great number of Indians making for the settlements. A council of war determined that it would be best to move forward and meet them, engaging them wherever

[11] "Gen. Joseph Martin and the War of the Revolution in the West," by Prof. Stephen B. Weeks, p. 423; Publications of the Southern History Association, Vol. IV, p. 458.
[12] Calendar of Virginia State Papers, Vol. IV, p. 307.
[13] Calendar of Virginia State Papers, Vol. I, p. 458.
[14] Weeks' "Gen. Joseph Martin," p. 431.
[15] Mooney's "Myths of the Cherokees," p. 213, citing "Nuttall's Travels," p. 130.
[16] "Timberlake's Memoirs," p. 47.
[17] Calendar of Virginia State Papers, Vol. I, p. 435.
[18] Ramsey, p. 273.

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found, as they might otherwise pass the fort, break into small parties, and massacre the women and children in its rear. On the 20th they marched about six miles to the low, marshy ground, called the Flats, that lay along the north bank of the Holston, opposite the Long Island. There the scouts encountered and repulsed a small party of Indians. The ground being unfavorable for pursuit, a council of officers determined that it would be best to retire to the fort; but before they had gone more than a mile, they were attacked in the rear by a force not inferior to their own. The Indians engaged them in the open, and fought with great fury, making vigorous but ineffectual efforts to surround them. The battle lasted only a few minutes, when the Indians retired, leaving thirteen dead on the field, besides the dead and wounded they were able to carry off. None of the whites was killed, and only four of them were seriously wounded.[19]

The next day, July 21, at sunrise the Indians under Abraham assaulted Fort Watauga, on the Watauga River. This fort was defended by Captain James Robertson and Lieutenant John Sevier, with a garrison of forty men. The Indians were repulsed with considerable loss, which could not be definitely ascertained. It was here that Lieutenant Sevier received to his arms, as she fled from the Indians, Miss Catherine Sherrill, who subsequently became his wife, and is affectionately known as Bonny Kate.[20] The investment continued with more or less rigor for twenty days, when the Indians finally withdrew.[21]

The party led by The Raven struck across the country to Carter's Valley, but finding the inhabitants shut up in forts, and being intimidated by news of the defeat of Dragging Canoe, and the repulse of Abraham, abandoned the enterprise and returned to their towns.[22]

A fourth division, or more probably, the first division, after its defeat at Long Island Flats, divided into small parties and swept up the valley of the Clinch from the remotest settlement to the Seven Mile Ford, in Virginia. One of these parties made a sudden descent on the Wolf Hills settlement, and attacked the Reverend Charles Cummings, a militant Presbyterian preacher, noted for his habit of riding to his appointments with his rifle on his shoulder, which he deposited on the pulpit before commencing the services of the day. He had four companions with him at the time, and was on the way to his field. At the first fire William Creswell, one of the heroes of Long Island Flats, was killed, and two others were wounded. But with his remaining companion, and the trusty rifle, which he carried to the field as well as to the pulpit, he held his own with the Indians until relieved by the men from the fort.[23]

Upon the whole, the Indian invasion was a failure, owing to the timely warning of Nancy Ward, and the concentration of the inhabitants in forts built in consequence of the information she conveyed. If the well-guarded secret of the Indian campaign had not been disclosed, and they had been permitted to steal upon the defenseless backwoodsmen, who, in fancied security, had remained scattered over the extensive frontiers, every soul of them would probably have been swept from the borders of Tennessee. As it was, only slight injury was inflicted on the whites; two or three were killed, a few more wounded, and two

[19] Haywood's "History of Tennessee," p. 62; Ramsey's "Annals of Tennessee," p. 154, where the official report of the battle may be found; Phelan's "History of Tennessee," p. 43.

[20] Putnam's "History of Middle Tennessee," p. 52.

[21] Ramsey's "Annals of Tennessee," pp. 156-7.

[22] Ramsey's "Annals of Tennessee," p. 159.

[23] Ramsey's "Annals of Tennessee," p. 160.

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were taken prisoners. On the other hand, its consequences were fatal to the Indians. The whites having felt their strength no longer feared them; and the Overhill towns, which had never yet been invaded were soon to feel their avenging arm.

The two prisoners mentioned who were taken during the siege of Fort Watauga were Mrs. William Bean, mother of the first white child born in Tennessee, and a boy named Samuel Moore. They were carried to one of the Overhill towns, called Tuskegee, situated just above the mouth of Tellico, on the Little Tennessee River, in what is now Monroe County, Tennessee. Here they were condemned to be burned at the stake. Mrs. Bean was bound, taken to the top of a mound, and was about to be burned, when Nancy Ward interposed and pronounced her pardon.[24] Moore was not so fortunate; he was actually tortured to death by burning.[25] The Tassel afterwards asserted, no doubt truthfully, that he was the only white person ever burned by the Indians in Tennessee.[26]

RISE OF THE CHICKAMAUGAS

The Cherokee invasion of 1776 aroused the neighboring states to extraordinary exertions. They determined to strike the Indians such a blow as would deter them from again listening to the talks of the British. By a concerted movement, four expeditions were speedily organized to enter their country simultaneously, from as many different directions. North Carolina sent twenty-four hundred men under General Griffith Rutherford, who laid waste their country upon the Oconaluftee and Tuckasegee, and on the headwaters of the Little Tennessee and Hiwassee; the South Carolina men, eighteen hundred and sixty strong, carried frightful destruction to their towns and settlements on the Savannah; while two hundred Georgians, under Colonel Samuel Jack, devastated their towns on the head of the Chattahoochee and Tugaloo.

The Virginia forces, including those from the Tennessee settlements, numbered about two thousand men, and were commanded by Colonel William Christian, an officer of great humanity, as well as courage and address. They marched against the Overhill towns, which they took without resistance, the Indians being daunted by their overwhelming numbers. Pursuing the same policy followed by the other commanders, Colonel Christian destroyed many of their towns, but with diplomatic discrimination, he spared those like Chota, which had been disposed to peace, his purpose being to convince the Indians that he warred only with enemies.

The Cherokee country was desolated from the Virginia line to the Chattahoochee. Their loss of life and property was appalling. More than fifty of their towns had been burned, their orchards cut down, their fields wasted, their cattle and horses killed or driven off, and their personal property plundered. Hundreds of their people had been killed, or died of hunger and exposure. Those who escaped were fugitives in the mountains, living on nuts and wild game, or were refugees with Superintendent Stuart, who had fled to Florida.[1]

Under these circumstances the Cherokees were compelled to sue for peace. Two separate treaties were made. The first was concluded with South Carolina and Georgia, at Dewitt's Corner, May 20, 1777, and ceded all their lands in South

[24] Ramsey's "Annals of Tennessee," p. 157.
[25] Ramsey's "Annals of Tennessee," p. 158.
[26] Calendar of Virginia State Papers, Vol. IV, p. 306.
[1] Mooney's "Myths of the Cherokees," p. 51.

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Carolina and eastward of the Unaka Mountains.[2] After Colonel Christian had destroyed the Overhill towns, he invited their chiefs to come in and treat for peace. Six or seven of them appeared. The terms imposed upon them were the surrender of all prisoners, and the cession of the disputed territory occupied by the Tennessee settlements, as soon as representatives of the whole tribe could be assembled in the spring.[3] In accordance with this agreement the treaty with Virginia and North Carolina was held at Long Island of Holston, July 20, 1777, and was signed by twenty of their principal chiefs.[4]

The Chickamauga towns prospered. A general tribal movement to the west, made necessary by the encroachments of the white settlements east of the mountains, had already set in. Refugees from the Savannah towns were building new homes upon the Coosa. Many of those driven out from the headwaters of the Little Tennessee and Hiwassee joined themselves to the Chickamaugas. They held fast to the talks of the English and continued in open hostility to the Americans. Chickamauga became the rallying point for the British interest in the Southwest. Colonel Brown, the successor of Superintendent Stuart and his deputy, John McDonald, were regularly quartered there.[5] They had also gotten in communication with the British Governor, Henry Hamilton, at Detroit, and promised a contingent of warriors to assist him in the reduction of the northwestern frontiers.

Before the spring had arrived, however, Colonel Clark, after one of the most arduous and difficult marches on record, retook Fort Vincennes, February 25, 1779, and sent Governor Hamilton a prisoner to Virginia. The spring campaign in the northwest having now failed, the Chickamaugas determined to invade the frontiers on Holston. Warning of their purpose was conveyed to the settlements by Captain James Robertson from the friendly town of Chota, where he was stationed as the first American agent to the Cherokees, and the border counties of Virginia and North Carolina at once raised a force of three hundred and fifty volunteers under Colonel Evan Shelby, of King's Meadows. They were joined by a regiment of one hundred and fifty twelve-months men under Colonel John Montgomery, which had just been enlisted for the reinforcement of Colonel Clark, and embarked on the Holston River, April 10, 1779. They descended the river in pirogues and canoes built for the occasion, and took the Indians so completely by surprise that the few warriors not out on the war path, fled to the mountains without making the slightest resistance.

Colonel Shelby, following the now well established and most approved method of Indian warfare, burned the town of Chickamauga and ten villages around it, destroyed twenty thousand bushels of corn, which had probably been collected there to forward the expeditions which were to have been launched at the council they were to hold with Governor Hamilton at the mouth of the Tennessee, and other provisions, and carried off their cattle, horses and peltries, together with the British stores, which sold for one hundred and twenty-five thousand dollars.[6] Their warriors, on learning through runners of the destruction of their towns,

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[2] "The Cherokee Nation of Indians," by Charles C. Royce. Fifth Annual Report of the Bureau of Ethnology, p. 150.

[3] "Myths of the Cherokees," p. 51.

[4] The whole treaty, and a report of the proceedings during the negotiations, may be found in the appendix to Haywood's "Civil and Political History of Tennessee" (2nd Ed.), pp. 501-14.

[5] Calendar of Virginia State Papers, Vol. 3, p. 271; American State Papers, Indian Affairs, Vol. I, 327, 532.

[6] Jefferson's Correspondence, Vol. I, p. 163.

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abandoned their campaign against the frontiers, and returned to their desolated homes.[7]

The temporary tranquillity that followed the destruction of the Chickamauga towns gave the patriots of Watauga and Holston an opportunity to win glory for their country and laurels for themselves by their unprecedented victory over the British at the battle of King's Mountain. But their temporary absence from the border likewise afforded the Chickamaugas an opportunity to form a coalition with the Overhill towns for a second general invasion of the frontier settlements.[8] This was frustrated by the promptness with which the border militia took the field and carried the war into the Indian country. Colonel John Sevier, without a day's rest after his return from King's Mountain, was the first in the field, with about three hundred men from Washington County, N. C. On the sixteenth of December, 1780, he fell in with a large party of Indians, and won the brilliant victory of Boyd's Creek—the battle in which Gilmore erroneously supposes that Dragging Canoe was killed. He was probably not present, as the Indians engaged were mostly from Chota. Colonel Sevier then retired to the Big Island of French Broad, to await reinforcements.

On the 22d he was joined by Colonel Arthur Campbell, of Washington County, Va., and Major Joseph Martin, of Sullivan County, N. C., with some four hundred men. The united forces marched, first against the Overhill towns, and then to those on the Hiwassee, where many of the Chickamaugas had taken refuge after the destruction of their towns by Colonels Shelby and Montgomery, but they nowhere encountered any further resistance. They did not penetrate as far south as Chickamauga. After destroying the Indian towns and property in the usual fashion, they began their homeward march on the first day of January, 1781.[9]

In the summer of 1781 a treaty of peace was concluded with the Overhill towns, but the Chickamaugas were still inflexible, and instead of suing for peace, were winning over to the war party new allies in the Cherokee towns on the Coosa, and among the neighboring Creeks.[10] They were a constant menace to the peace and safety of the frontiers, and in September, 1782, Colonel Sevier again invaded their country. Passing by the friendly towns on the Little Tennessee, he devastated the Indian settlements from the Hiwassee to the Coosa River, without meeting a foe in the field.[11] This was the third time in three years that their country had been overrun.

These annual incursions which laid waste their country, and destroyed the meager stores provided for their subsistence, became intolerable to the Chickamaugas. They could not have lived—they would have died of starvation, if such conditions had continued. The whites hoped it would result in a general peace, but the genius of the indomitable Dragging Canoe found another solution of their difficulties.

The passage of the Tennessee River through the Cumberland Mountain range at Chattanooga is one of the most unique achievements of nature. In its rapid descent it has cut deep through the solid stone, leaving towering cliffs and precipices on either shore, in some places scarcely leaving room for a path be-

[7] Ramsey, pp. 186-8; Mooney, p. 55.
[8] Calendar of Virginia State Papers, Vol. III, p. 271.
[9] Arthur Campbell's Report, Calendar of Virginia State Papers, Vol. I, pp. 135-7; Ramsey, pp. 261-8; James Sevier, American Historical Magazine, Vol. VI, pp. 41-2.
[10] Ramsey, p. 271.
[11] Ramsey, pp. 272-3; American Historical Magazine, Vol. VI, p. 43.

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tween them and the impetuous current of the river. The prospect from Lookout Mountain is almost incredible, reaching, it is said, the territory of seven states. The favorite view is called the point, a projecting angle of the cliff, almost directly above the river, which affords a commanding "lookout" from which the mountain received its name. Confined within its narrow banks, the rapidly descending stream rushes with fretful turbulence over immense boulders and masses of rock, creating a succession of cataracts and vortices, making it extremely difficult of navigation. Along its wild and romantic shores are coves and gorges running back into the mountains, forming inaccessible retreats. At a point about thirty-six miles below Chattanooga, Nickajack Cave, an immense cavern, some thirty yards wide, with a maximum height of fifteen feet, opens its main entrance on the river.[12]

Among these impregnable fastnesses Dragging Canoe found an asylum for his people; here he built the five Lower towns of the Chickamaugas—Running Water, Nickajack, and Long Island towns, in Tennessee, and Crow and Lookout Mountain towns, in Alabama and Georgia, respectively. In addition to the security offered by their positions, it gave them the advantage of being near the Indian path, where the hunting and war parties of the Creeks of the south, and the Shawnees of the north, crossed the Tennessee River. Their strength was augmented from the Creeks, Shawnees, and white Tories, until they numbered a thousand warriors, and became the most formidable part of their nation. It has been said that they abandoned Chickamauga Creek on account of witches,[13] but I agree with Colonel Arthur Campbell,[14] that the real cause was the raids of the Watauga and Holston militia.

CHICKASAW INVASION OF CUMBERLAND

The magnificent country that Henderson and Company bought from the Cherokee Indians in 1775, and which they called Transylvania, included within its boundaries the beautiful valley of the Cumberland in Tennessee. The pioneers of Cumberland, being widely separated from the nearest station then being planted by Henderson and Company in Kentucky, and still more distinctly removed from their parent settlements on the Watauga and Nollichucky, had a career unconnected with either of them, and made a history distinct from them both. At the treaty of Sycamore Shoals, Dragging Canoe, afterwards the founder and head chief of the Chickamauga towns, warned Colonel Henderson that the land he was getting was bloody ground, and would be dark and difficult to settle. This prophecy was mercilessly fulfilled, both in Kentucky and on the Cumberland; and the principal agent in working its fulfillment in the latter district was Dragging Canoe himself, though the settlement was surrounded by hostile Indians on every side.

The emigrants settled in numerous stations scattered along the valley of the Cumberland. The central and most important of these was the Bluff, at Nashville; then came Eaton's on the east side of the river, near Lock A; Freeland's, in north Nashville; Mansker's, at Goodlettsville; Asher's, near Gallatin; Donelson's, at Clover Bottom, on Stone's River; Union, about six miles above Nashville; and Renfroe's, which has already been mentioned. There were probably not above one hundred men in all the settlement at this time; there were less

[12] Ramsey, pp. 183, 184.
[13] American State Papers, Indian Affairs, Vol. I, p. 431.
[14] Calendar of Virginia State Papers, Vol. III, p. 271.

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than two hundred in the year 1783. Colonel Donelson's experience proved that they were threatened by hostile bands of Indians on at least two sides: The Chickamaugas, on the east, who wished to exterminate the whites; and the marauding Cherokees and Creeks of the Muscle Shoals, on the south, who desired to plunder them. They had already been disturbed by the Delawares, of the north, a party of whom camped on a branch of Mill Creek, since called Indian Creek, in January, 1780; and in July or August of that year killed poor Jonathan Jennings.[1] But they came in contact with the settlers by accident, and did them comparatively small damage.

To complete the circle of their enemies, an event happened this year that brought upon the young colony a dangerous invasion from the Indians of the west. The Chickasaws, who lived upon the east bank of the Mississippi, about the present city of Memphis, were the undisputed proprietors of all the lands lying between the Tennessee and Mississippi Rivers. As early as June, 1778, Governor Jefferson had instructed Colonel George Rogers Clark to establish a military post near the mouth of the Ohio. Just at that time, however, he was engaged in his marvelous campaign in the Northwest, which resulted in the capture of Governor Hamilton at Vincennes, February 25, 1779. In March Colonel Clark reached the conclusion that the only method of maintaining American authority in the Illinois, was to evacuate their present posts, and center their whole force at, or near, the mouth of the Ohio; which would still be ineffective unless a considerable number of families could be settled around the fort, for the purpose of drawing reinforcements and victualing the garrison.[2] Soon afterwards he took two hundred men from the Falls of the Ohio, and proceeding down the river, built Fort Jefferson, and established a settlement at the Iron Banks, about five miles below the mouth of the Ohio, and within the hunting grounds of the Chickasaw Indians.[3] As soon as the Chickasaws learned that this fort had been erected, and a number of families settled about it, without consent, they took up arms to defend their hunting ground.[4] They not only laid siege to Fort Jefferson, and destroyed the settlement around it, but they invaded the frontiers of Kentucky, and even penetrated as far as the infant settlements on the Cumberland.

Renfroe's Station, as we have seen, was the most western station on the Cumberland, being some forty miles northwest of the Bluff. In June or July, 1780, a party of Chickasaws killed Nathan Turpin and another man at Renfroe's, which so alarmed the stationers that they resolved to abandon the settlement, and take refuge at Freeland's; and, that they might not be impeded in their flight, they concealed some of the least portable of their property about the station before they departed. Isaac Renfroe left some iron, which afterwards became the subject of litigation before the Committee of Cumberland, and enough of it was awarded to David Rounsevall to satisfy his debt of £31,12s., and costs.[5] This is mentioned to show how much they valued the few supplies they were able to bring with them to the settlement. Having traveled as far as they could through the forests and canebrakes, over a very broken country, they halted for the night. Most of the party continued their journey the next day, and reached their destination in safety; the others, finding they had been thus far unmolested,

[1] Haywood, p. 125.
[2] Calendar of Virginia State Papers, Vol. I, pp. 338-9.
[3] Collin's "History of Kentucky," p. 39.
[4] Calendar of Virginia State Papers, Vol. 3, p. 284.
[5] American Historical Magazine, Vol. VII, p. 135.

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reproached themselves for having left their property in their hasty flight, and, upon consultation, determined to return to the abandoned station for it. They immediately retraced their steps, cautiously approached their deserted cabins and by daybreak had collected up their property and resumed their march. On the way they picked up their families, and at night all camped together about two miles north of Sycamore Creek, beside a branch since called Battle Creek. Next morning Joseph Renfroe went to the spring for water. While he was stooping to drink the Indians fired upon him from ambush, killing him instantly. They then rushed upon the camp and massacred the whole party—eleven or twelve persons—with the exception of Mrs. Jones, who made her escape. By following the trail of the first party this lone and frightened woman made her way to Eaton's Station. Her clothing was torn into shreds as she hurried through the bushes and cane for a distance of nearly twenty miles. The stationers [settlers] promptly visited the scene of slaughter, and buried the dead; but the Indians had made off with the horses and such other property as they cared for, and destroyed what they did not take. The ground was white with feathers of the beds they had ripped up to get the ticks.[6]

After this massacre by the Chickasaws, and similar ravages by the Chickamaugas, presently to be noticed, all the stations on the Cumberland were abandoned except the Bluff, Eaton's and Freeland's. At this juncture Colonel Robertson found it necessary to make a journey to Kentucky for the threefold purpose of concerting measures for the defense of the Cumberland; finding means to conciliate the Chickasaws, and procuring a supply of ammunition for the stationers [settlers]. He returned to the Bluff on the 11th day of January, 1781.[7]

The same day a small party of Indians had appeared in the neighborhood. While David Hood was passing from Freeland's to the Bluff, they fired upon him from ambush near the Sulphur Spring. He was pierced by three balls, and seeing no means of escape, fell upon his face and simulated death. The Indians rushed on him, and one of them, twisting his fingers in his hair, began to scalp him. His knife being very dull the scalp did not yield rapidly; he took a new hold, and sawed away until he could pull it off. Hood stood this painful operation without a groan or other sign of life. After scalping him, he stamped upon him to dislocate his neck, and left him for dead. He lay perfectly quiet until the Indians disappeared, when he cautiously peeped out and found himself quite alone. He then arose, weak and bloody from his many wounds, and slowly wended his way towards the Bluff. When he reached the top of the bank he was amazed to find the whole party of Indians in front of him, grinning and laughing at his bloody figure and bewildering predicament. He turned and trotted back as fast as his waning strength would carry him, when they again fired upon him, wounding him slightly in two places. They did not pursue him, but his strength failed, and he crept into the brushwood, and fainted from the loss of blood. He lay in this condition until the men from the fort who had heard the firing, found him, brought him in, and laid him in an outhouse, thinking him dead or in a dying condition.[8] That night the Chickasaws assaulted

[6] Putnam's "History of Middle Tennessee," pp. 109-110; Haywood's "History of Tennessee," p. 127; Ramsey's "Annals of Tennessee," pp. 448-9.

[7] Dr. Felix Robertson, Nashville Journal of Medicine and Surgery, Vol. VIII (1855), quoted in Eve's Remarkable Surgical Cases; give this date as January 15th, but Doctor Robertson, who associated the date with that of his own birth, is more probably correct.

[8] Dr. Felix Robertson, Nashville Journal of Medicine and Surgery, Vol. 8 (1855); John Rains, Southwestern Monthly, Vol. 2, p. 266; Putnam's "History of Middle Tennessee," pp. 156-8; Haywood, pp. 133-4; Ramsey, pp. 455-6.

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Freeland's Station, the old swivel at the Bluff sounded the tocsin of alarm, its men marched to the relief of their friends, and poor Hood was, for the time, forgotten in his outhouse.

Colonel Robertson had reached the Bluff in the evening, and learning that his family was at Freeland's, he proceeded to that station, where he joined them late in the night. His wife had that day borne him a son, the first male child born in the city of Nashville. That child was the eminent Dr. Felix Robertson, long an intelligent and influential citizen of Tennessee. After Colonel Robertson had exchanged greetings with his family, and satisfied the eager questions of his friends, all retired for the night. About the hour of midnight the alert ear of Colonel Robertson heard a movement at the gate that aroused his suspicion. He raised himself up, seized his rifle, and gave the alarm, "Indians!"

A large party of Chickasaws, having found means to unfasten the gate, were now entering the stockade. In an instant every man in the fort—eleven in number—was in motion. Major Robert Lucas, who occupied a house that was untenable because the cracks between the logs had not yet been chinked and daubed, rushed out into the open, and was shot down, mortally wounded. A negro man of Colonel Robertson's, who was in the house with Major Lucas, was also killed. These were the only fatalities, though the death of Major Lucas alone was a serious loss to the colony. He had been a leading pioneer on the Watauga, as he was on the Cumberland. He was a party to the treaty of Sycamore Shoals, and in connection with Colonel John Carter, had received from the Cherokees a deed to a part of Carter's Valley. On his removal to Cumberland, he was elected major in the first military organization of the district.

Hundreds of shots had been fired into the house; and so great was the uproar from the firing, and the whooping and yelling of the Indians, that the stationers [settlers] at Eaton's and the Bluff were aroused, and the sound of the small cannon at the latter place gave notice that relief was at hand. The Indians then withdrew. They had lost one killed, whose body was found, and the traces of blood indicated that others had been wounded.[9]

Early next morning Colonel Robertson returned to the Bluff, and with his fatherly oversight of his people, went out to see Hood, who was still in the outhouse. Finding him alive, he inquired how he was. "Not dead yet," he replied, "and I believe I would get well if I had half a chance." Colonel Robertson told him he should have a whole chance; and proceeded himself to dress his wounds. His treatment of the scalp wound was curious. On the Holston he had seen many persons who had been scalped, and there learned from a traveling French surgeon how to treat them. He took a pegging awl and perforated thickly the whole naked space. This was done that granulation might spring up through the awl holes, and gradually spreading, unite and form a covering to the denuded skull before it should die and exfoliate, and thus expose the brain. This operation became so common that there were persons in every station who could perform it.[10] In 1796 there were some twenty persons still living on the Cumberland who had lost their scalps.[11] Hood recovered and lived to a ripe old age.

The assault on Freeland's Station was the last engagement the settlers had with the Chickasaws, though the latter, before they retired, united with a party of Cherokees and did much damage to the stock and plantations on the Cumber-

[9] Putnam's "History of Middle Tennessee," pp. 223-4; Haywood, p. 131; Ramsey, p. 451.

[10] Dr. Felix Robertson, Nashville Journal of Medicine and Surgery, Vol. 8 (1855).

[11] American Historical Magazine, Vol. 2, p. 26.

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land. Our historians say that Colonel Robertson made peace with them in 1782, but I do not find any evidence of such a treaty. Peace was restored by the removal of the original cause of irritation.

About the last of August, 1782, Simon Burney and two Chickasaw warriors, under a flag of truce, delivered to Colonel Logan of Lincoln County, Kentucky, a talk signed by Poymace Tankaw, Mingo Homaw, Tuskon Patapo, and Piomingo, in which they expressed their desire for peace. They admitted they had done mischief in Kentucky, as well as on the Cumberland, but alleged that the building of Fort Jefferson on their hunting ground, without their consent, made it necessary to take up arms to defend what they deemed their natural right; but that the cause being then in some measure removed, they desired to be again at peace with the American States. On the receipt of this talk, Colonel John Donelson, who had gone to Kentucky after the breaking up of his station on the Cumberland, wrote the Governor of Virginia, urging the appointment of commissioners to negotiate a treaty with them, and suggesting the French Lick, on the Cumberland River, as the place most agreeable to the Chickasaws for a meeting.[12]

Acting upon this information and advice, Governor Harrison appointed Colonels John Donelson, Joseph Martin, and Isaac Shelby commissioners to treat with the Southern Indians. The intermediary between the governor, the commissioners and the Chickasaws was Major John Reid. Major Reid visited the governor at Richmond; delivered Donelson's commission to him at New London; carried additional instructions to Martin at the Great Island of Holston; called upon Shelby in Kentucky, and arrived at the French Lick on Cumberland, on his way to the Chickasaws, May 2, 1783. Colonel Robertson opposed the assembling of the Chickasaws in the Cumberland settlements, and refused to allow Major Reid to proceed further until he had called a meeting of the committee.[13] The committee at first agreed with Colonel Robertson, but upon Major Reid's pressing the necessity of the matter, they reached the conclusion set forth in their minutes, as follows:

June 3, 1783. Major John Reid moved the Committee of Cumberland relative to the assembling of the southern tribes of Indians at the French Lick on Cumberland, for holding a treaty with the Commissioners appointed by the State of Virginia; when the Committee, considering how difficult it will be for the handful of people, reduced to poverty and distress by a continued scene of Indian barbarity, to furnish any large body of Indians with provisions; and how prejudicial it may be to our infant settlement, should they not be furnished with provisions, or otherwise dissatisfied with the terms of the treaty; on which consideration the Committee refer it to the unanimous suffrages of the people of this settlement, whether the treaty shall be held here with their consent or no, and that the suffrages of the several stations be delivered to the Clerk of Committee on Thursday evening, the fifth instant.

Result:

Freeland's Station, no treaty here, 32.

Heatonburg, no treaty here, 1; treaty here, 54.

Nashborough, no treaty here, 26; treaty here, 30.

French Lick, no treaty here, 59; treaty here, 84.

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[12] Calendar of Virginia State Papers, Vol. 3, pp. 282, 284.
[13] Calendar of Virginia State Papers, Vol. 3, pp. 131-2.

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The other stations of Gasper Mansker's and Maulding's failing to return their votes.[14]

It being agreed that the treaty should be held at the French Lick on Cumberland, it was arranged that the conferences should take place at the large Sulphur Spring, on the Charlotte Road, where General Robertson afterwards resided. The time named by the Chickasaws was the full moon in October. The Indians arrived on time, and were ten days in advance of Commissioners Donelson and Martin. Shelby did not attend, on account of one of his brothers having recently been killed by the Indians in Kentucky.[15] The treaty was finally concluded November 12, 1783.[16] By the terms of the treaty the Chickasaws ceded a large body of land on the south side of Cumberland River, which they afterwards confirmed at the treaty of Hopewell in 1785.

In addition to the cession of land, which was important, the Cumberland settlers won the warm friendship of the Chickasaws, which was never afterwards interrupted, and which proved of the greatest value to the settlement. No other man ever had their confidence quite so completely as General Robertson. His last public service was in their nation, where he died, September 1, 1814.

THE CHICKAMAUGAS HARASS CUMBERLAND

During the Chickasaw invasion of the Cumberland extending from the summer of 1780 until the beginning of the year 1781, the Chickamaugas were not idle. Fortunately for the Cumberland, their first organized movement was against the Holston; had it been against them it would have proven disastrous to their infant settlement. As it was, they were greatly harassed and weakened by a constant and destructive guerrilla warfare. Between thirty and forty of their small company were killed by the Indians—Chickamaugas, Creeks, Chickasaws, and Delawares—during the year 1780. Before the end of the year every outlying station in the district was abandoned, the Bluff, Eaton's and Freeland's alone holding out.

In the spring John Millikin was killed on Richland Creek, and Joseph Hay in Sulphur Bottom. These were the first men killed on the Cumberland. From that time the settlers were picked off here and there, their horses stolen, and their cattle killed or mutilated, by skulking bands of Indians, who escaped without difficulty through the thick canebrakes and tangled undergrowth that surrounded their small clearings. Larger parties were less difficult to punish. In the summer Colonel Robertson, with a company of nineteen men, pursued a considerable party of Cherokees who had been depredating in the neighborhood of Freeland's Station, and overtook them on Duck River about forty miles south of the Bluff. Robertson's men charged and fired upon the Indians, several of whom were killed or wounded, and the remainder fled, abandoning their stolen property to the whites, who returned in triumph without the loss of a man. This was the first pursuit made by the settlers.

Among the pioneers who settled a plantation and planted a crop in the spring of 1780 was Col. John Donelson, the distinguished commander of the flotilla that had just successfully completed the extraordinary voyage from Fort Patrick Henry to the French Salt Lick. He selected a splendid tract of land on the west bank of Stone's River, not far from the Hermitage. It contained a broad

[14] Calendar of Virginia State Papers, Vol. 3, pp. 282-284.
[15] Ibid, Vol. 3, pp. 502, 564.
[16] American Historical Magazine, Vol. 7, pp. 131, 132.

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and beautiful river bottom, to which the rich upland gently descended. Both bottom and upland were covered with cane and timber, except a few open spots in the bottom, which were carpeted with a luxuriant growth of white clover. The place has since been known as Clover Bottom, and was once awarded a premium as the best farm in Tennessee. Here Colonel Donelson erected a half-faced camp for his family and servants, known as Stone's River, or Donelson's Station. Having planted his corn in the bottom on the west side of the river, he planted a small patch of cotton on the east side, where the situation and soil seemed better adapted to its growth.

Colonel Donelson knew the Indians had killed a number of settlers lower down the Cumberland; that they had broken up Renfroe's Station; but as they had not yet appeared in his neighborhood he hoped to escape their depredations. Soon after the Renfroe massacre, however, Colonel Henderson's negro, Jim, and a young man who had been left in charge of Henderson's half-faced camp near Clover Bottom were killed. Being unprepared to defend his position against an attack from the Indians which now appeared imminent, Donelson abandoned his station and retired with his family to Mansker's Station. His crop, in the meantime, came to maturity without serious injury, either from the floods, the Indians, or the wild beasts.

In November, 1780, he prepared to gather his crop. It was recognized as a dangerous enterprise, on account of the increasing number of Indian depredations committed in the settlement. In addition to his own force, therefore, he engaged a company from the Bluff to assist him, on shares. They were to take their boat at the Bluff and ascend the Cumberland to the mouth of Stone's River, where they would meet the Donelson party, who were to drop down the Cumberland from the mouth of Mansker's Creek. Colonel Donelson's boat was in charge of his son, Capt. John Donelson, and contained a horse, intended for use in hauling corn to the boat, and also in towing the boat up the river when loaded. The boat from the Bluff was commanded by Capt. Abel Gower, who was a leader in the famous voyage to the Cumberland, and father of the heroic girl, Nancy Gower, who was wounded by the Indians at Lookout Mountain. His crew consisted of seven or eight men, black and white. The two parties having reached Clover Bottom, as agreed, they fastened their boats to the bank near the present turnpike bridge and commenced pulling corn, which they conveyed to the boats in bags and baskets, and also on a one-horse "slide," which was the only carriage then known on the Cumberland.

They were thus engaged for several days, and it was observed that on each night, and especially on the last night, their dogs kept up a furious barking, which suggested Indians to them, but they tried to explain the excitement of the dogs on other grounds, and manifested their anxiety only by hastening the completion of their work. Early on the last morning Captain Donelson pushed his boat across to the east side of the river, and commenced gathering cotton. This, he thought, would cause but a short delay, and he expected the other boat to join in the picking and share the cotton with him also. But when Captain Gower's party had finished their breakfast they launched their boat out into the stream and began its descent. Donelson hailed them from the bank and desired them to come over and help him. Gower replied that it was getting late and as he wished to reach the Bluff before night they would have to move on. Donelson remonstrated, but determined to finish gathering his cotton before he returned.

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OLD BLOCK HOUSE AT OLD FORT TENNESSEE IN POLK COUNTY, STILL STANDING

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While they were yet parleying Captain Gower's boat reached the narrow channel between a small island and the west bank. In the meantime a large party of Chickamaugas had concealed themselves on the west bank opposite this island, and as Captain Gower's boat passed them, they poured a destructive fire down upon him. Four or five of his party were killed at the first fire; the others jumped overboard into the shallow water. A white man and a negro escaped into the woods, and ultimately found their way back to the Bluff. Jack Civil, a free negro, being slightly wounded, surrendered and was carried to the Chickamauga towns, where he was so well satisfied that he remained with them and adopted their life. Among the killed were Capt. Abel Gower and his son, Abel Gower, Jr., and James Randolph Robertson, the eldest son of Col. James Robertson, a youth of much promise. Their boat drifted safely down the river, and was recovered with the dead still on board, and undisturbed except by the hungry dogs that had escaped the Indian fusillade.

Captain Donelson witnessed the attack from the opposite shore, ran down to his boat and secured his rifle, fired across the river at the Indians, then hastened to join his own party. They had fled into the cane when the firing and yelling of the Indians began, and were collected together with some difficulty. It being necessary for the party to separate to prevent leaving a trail that the Indians might follow, they hastily agreed upon the direction to be taken in order to meet the next day upon the banks of the Cumberland, some miles above the mouth of Stone's River. Robert Cartwright, an elderly gentleman who had come to the Cumberland with Colonel Donelson, was given the horse to ride, without which it would have been difficult for him to make his escape.

At sunset they collected under a large hickory tree that had fallen to the ground, and spent the night concealed in its thick foliage, but were too cold to sleep, as they dared not make a fire. Next morning, after a number of fruitless efforts to construct a raft on which they might cross the river so as to reach Mansker's Station, which was on the north side of the Cumberland, Somerset, Colonel Donelson's body servant, volunteered to swim the river, with the aid of the horse, and ride to the station for assistance. He reached the settlement without accident, and soon returned bringing relief to the distressed harvesters.[1]

This attack by a considerable party of Chickamaugas caused consternation among the settlers. A short time before, Mansker's Station had been alarmed by the depredations of a small band of Creeks. William Neely, an early hunter and companion of Mansker's, had undertaken the manufacture of salt at Neely's Lick, and was assisted by several of the stationers [settlers] from Mansker's. His daughter went with him to care for the domestic affairs of the camp. One day, after a successful hunt, Neely brought in a deer, and, being tired, laid down to rest. His daughter was busy preparing supper for her father and the men who would be in soon from the Lick. Suddenly she heard the crack of a rifle near the camp, her father raised himself up, groaned and fell back dead. The Indians then seized her and carried her captive to the distant Creek Nation. She remained in captivity several years, but was finally exchanged, and married reputably in Kentucky.

When the men returned from the Lick to the camp and found the father dead and the daughter missing, they fled to Mansker's Station, under the cover

[1] Putnam's "History of Middle Tennessee," pp. 624-8; 119-20; Haywood's "History of Tennessee," p. 128; Ramsey's "Annals of Tennessee," p. 450.

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of night, and caused great excitement and distress by their sad tidings.[2] It seemed that death was lurking everywhere, and was ready to embrace the whole settlement.[3] Under these circumstances Mansker's, the last of the outlying stations, was abandoned. Colonel Donelson withdrew with his family to Davis's Station, in Kentucky. Colonel Mansker reluctantly moved to one of the stronger central stations, probably Eaton's. After everyone else had left the station, David Gowen and Patrick Quigley, two young men who, evidently, thought they could take care of themselves, remained another night. Before morning they were killed in their beds, being shot through the port holes.

The Chickasaw invasion that culminated in the attack on Freeland's Station, January 11, 1781, was followed some three months later by a much more dangerous invasion by the Chickamaugas. While the pioneers of Holston were fighting, the British agents among them had organized a general Cherokee invasion of the Holston settlements. By prompt and energetic action, Colonel Sevier, Campbell, and Martin drove them back, and punished them by the destruction of the Overhill towns, on the Little Tennessee, and also the Valley towns, on the Hiwassee River, where it was supposed most of the Chickamaugas had taken refuge after the destruction of their towns by Colonels Shelby and Montgomery. They seemed to have considered the Chickamauga towns as abandoned or of little consequence, and did not visit them. They completed their work of destruction January 1, 1781. The Overhill and Valley towns sued for peace. Chickamauga, the hotbed of British influence, and the implacable enemy of the Americans, turned its arms against only the weaker settlements on the Cumberland.

It was against the Bluff that the Chickamauga campaign of 1781 was directed.

The invading army set out for the Cumberland with the first advent of spring, and arrived at the Bluff April 1, 1781. That night they disposed their warriors for the morrow's engagement, without the garrison having discovered or suspected the presence of so formidable an enemy. The Bluff had been in a state of semi-siege by guerrillas and spies, since the assault on Freeland's Station. The stationers [settlers] dared leave the stockade only at the peril of their lives. One day Mrs. Dunham, a refugee from her husband's abandoned station at Belle Meade, sent her little daughter three or four hundred yards from the enclosure for an armful of chips; hearing her cries, the mother ran to her assistance, and was shot down. Before the men from the fort could reach the scene, the Indians had scalped the little girl, and disappeared. Both mother and daughter recovered. About the last of March, Col. Samuel Barton rode down to Wilson's Spring Branch in search of cattle; he was fired upon and wounded in the left wrist. He made his escape, but was unable to take part in the approaching battle. On the very night their army arrived, James Menifee, the sentinel, discovered and fired at an Indian prowling about the palisade. Such galling atrocities by an illusive foe irritated the garrison to the verge of madness.

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[2] Putnam's "History of Middle Tennessee," pp. 117-118.

[3] The pioneers became so accustomed to such tragedies that the violent death seemed the natural death. About 1791 a very stout athletic emigrant went down the river in a keelboat, and after a tedious trip, returned very low with what was called a slow fever, and in a few days after reaching home, died. Doctor Robertson was then a boy of ten or eleven years of age. He had never seen nor heard of a stout, powerful-looking man dying without having received any bodily violence, and a dozen butcheries by the Indians would not have shocked him like the death of this man did. Dr. Felix Robertson, Southern Medical Journal, Vol. 1, pp. 153-4 (May, 1853).

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On the morning of April 2, 1781, three warriors approached the stockade at the Bluff, fired and retreated out of range. As they reloaded their guns, they waved defiance to the men in the fort. The garrison gladly accepted their challenge. A party of about twenty men, probably led by Colonel Robertson, mounted their horses, and riding out of the stockade gate, dashed down after the foe, who retreated in a southwestern direction. When they reached Wilson's Spring Branch they encountered a body of Indians who made a stand. The wings of the Indian line, concealed in the bed of the branch and among the thick bushes on its banks, fired upon the horsemen as they dismounted to give battle. Their fire was returned with alacrity, and the battle was on in earnest. As it proceeded the firing and yelling stampeded the horses, which fled up the hill in the direction of the fort.

In the meantime a large detachment of the Indian forces, concealed on the hillside to the westward, emerged from their covert and intervened between the sallying party and the fort. Having thus cut off the retreat of its defenders, they expected to assault and enter the defenseless fortress. But at this moment the panic-stricken horses dashed through their lines, and their discipline was not strong enough to resist their inordinate desire for horses. A gap was opened in their ranks as the nearest warriors rushed heedlessly after the flying horses. The confusion and excitement of the chase was observed from the fort, when Mrs. Robertson, it is said, observing the fury of the dogs, which had imbibed all the fierce hatred their masters entertained for the Indians, opened the gate and turned the pack loose on the already broken and confused ranks of the enemy. They made straight for the Indians, and attacked them with great ferocity and courage. The fierce onset of the dogs increased the confusion in the order of the enemy, as they were forced to turn in their own defense.

While this tragi-comedy was in progress on the upland, the sortie was being repulsed by overwhelming numbers in the bottom. Already Peter Gill, Alexander Buchanan, George Kennedy, Zachariah White, and James Leiper lay dead on the field, and James Menifee and Joseph Moonshaw were disabled by wounds. Seeing a chance to pass through the breach made by the horses and dogs in the Indian line that intervened between them and the fort, the whites determined to retreat; and taking their wounded with them, started on a run, hotly pursued by the enemy. After they had passed the Indian line and approached the fort, Isaac Lucas was shot and fell with a broken thigh, but his comrades could not stop to assist him. He hastily primed his gun which he had charged as he ran, and shot dead the foremost of his pursuers. A daring Indian overtook Edward Swanson within twenty yards of the gate, and struck him on the shoulder, causing him to drop his gun. Swanson turned and seized the gun of his antagonist, but the Indian wrenched it from him, and knocked him to his knees. Before he could pursue his advantage further, the elder John Buchanan reached the fort, and seeing Swanson's danger fired, and killed his antagonist. The Indians, seeing that the whites had reached the stockade, and were maintaining a brisk fire from its gate, halted before they reached Lucas, who had crept within range of their guns. He and Swanson were both brought into the fort. The Indians then withdrew. They reappeared at night, but a single discharge from the old swivel, loaded with broken stone and scraps of iron, and an answering boom from the small piece at Eaton's dispersed them,

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and they abandoned the conflict; though the garrison, reinforced by a relief party from Eaton's, kept watch until daylight next morning.[4]

The Battle of the Bluff ended the most formidable invasion ever undertaken against the Cumberland. The settlers were so distressed and disheartened from the fall of 1780 to the beginning of the year 1783, that many of them moved away, and there was constant talk of a general exodus from the country; and it was largely due to the courage and firmness of Colonel Robertson that the Cumberland was not abandoned. But these troubles gradually disappeared as the events of the years 1782 and 1783 unfolded themselves. In the fall of 1782 General Sevier invaded and destroyed the Chickamauga towns, and Dragging Canoe and his followers abandoned their old settlement on Chickamauga Creek, and moved some forty or fifty miles lower down the Tennessee River, where they built the Five Lower Towns. This migration was sufficient to occupy their immediate attention. In the meantime the preliminary treaty of peace between Great Britain and the United States was signed at Paris, November 30, 1782, and caused the British agents to withdraw their active support from the Indians. Moreover, the acknowledgment of American independence reestablished confidence in the settlement, and many of the original immigrants returned, while new adventurers daily added to their strength. The settlers were greatly delighted that Florida, the depot from which Great Britain had supplied the munitions of war to their Indian enemies, was transferred to Spain, the ally of France, and therefore, in a sense their ally, whose policy they hoped, would be friendly to the United States. In October, 1783, the State of Virginia met the Chickasaws and Chickamaugas on the treaty ground at the French Lick on Cumberland. The Creeks did not attend. In addition to the Chickasaw treaty, already referred to, some sort of treaty was concluded with the Chickamaugas,[5] and the settlers on Cumberland felt that for once they were at peace with their Indian neighbors.

THE COLDWATER SETTLEMENT

When Colonel Donelson and his company drifted down the Tennessee River in 1780, they encountered hostile Indians at both ends of the Muscle Shoals, and at the lower end five of their party were wounded. The Indian villages were on the south side of the river, and contained only a few rude huts, inhabited by refractory people who refused to be governed by the laws and customs of their nation.[1] They were first attracted to this locality by the prospect of plundering the hapless emigrants who might be stranded in descending the dangerous rapids of the shoals; and while they constituted a menace to the navigation of the Tennessee River, they were too far removed, and too insignificant in numbers to cause the slightest uneasiness on the Cumberland. For some years the pioneers did not give them a thought; and it was only by accident that they discovered in them a dangerous enemy.

The year 1783 witnessed a rapid growth in the Cumberland settlements, and in the same year they were recognized by the State of North Carolina, and erected into the County of Davidson, of which the Bluff, under the name

[4] Putnam's "History of Middle Tennessee," pp. 129-132; Haywood's "History of Tennessee," p. 131; Ramsey's "Annals of Tennessee," pp. 452-454.

[5] Colonel Donelson to Governor Harrison, and Colonels Donelson and Martin to Governor Harrison, Calendar of Virginia State Papers, Vol. 3, p. 548.

[1] Robertson Correspondence, American Historical Magazine, Vol. 1, p. 83.

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of Nashville, became the capital. At the same time a trade was opened with the Muscle Shoals Indians by a party of French adventurers from the Wabash, and their settlement also began to assume an unwonted importance. They established a new town of considerable consequence, called Coldwater, some miles lower down the river, at the mouth of Coldwater Creek, that takes its rise in the bold stream that gushed from beneath a bluff of limestone, at the present Town of Tuscumbia, Ala. So well did they guard the secret of its existence that Coldwater was not discovered until 1787, though it mustered a force of fifty-four men, made up of thirty-five Cherokees, ten Creeks, and nine Frenchmen.

As long as Monsieur Veiz conducted the trade, the Indians did not molest the Cumberland settlers, but in 1784 or 1785 the business fell into other hands, who encouraged the Indians to make war on the whites, and furnished them with means of doing so. They also supplied goods and ammunition to the Indians at Chickamauga, and even as high up as Citico.[2] They induced the Creeks to settle at Coldwater, by furnishing them arms and ammunition to make war on the Cumberland.[3] They wrote the Cherokee towns that the English, French, and Spanish had actually joined to make war on America; that the Americans had stopped their trade with Detroit by seizing several of their boats on the Mississippi; and while they would not, in future, be able to furnish them with anything but guns, knives, tomahawks, and ammunition, these they should have in plenty.[4] Thus encouraged, the Coldwater Indians became extremely troublesome to the pioneers, not only stealing their horses, but killing their men, women, and children.[5]

Being ignorant of the existence of the Coldwater town, Colonel Robertson attributed the sufferings of his people to the depredations of the Chickamaugas, and raised a body of men and marched nearly to their towns, but wishing to avoid open war with them, he contented himself with this demonstration, and returned. He left them, however, an offer of peace, in consequence of which they sent a commission, composed of the Little Owl and some other chiefs, to Nashville, under a flag of truce, to hold a conference with him. In the meantime hostilities continued as before. Several men were killed near Nashville while the conference was in session; one at Colonel Robertson's house, in the presence of the commissioners.[6] Colonel Robertson thought the Chickamaugas were the guilty parties; the Chickamaugas charged the mischief to the Creeks; really it was the work of the Coldwater warriors, as we shall presently see. A number of people were also killed about the same time in Sumner County.

Sumner, the second county established in Middle Tennessee, was erected in 1786. Among its first magistrates was Maj. William Hall, a man of high character and wide influence, who immigrated to Cumberland in 1785, and settled at Bledsoe's Lick. He was at once accorded a leading part in the affairs of his community. When, therefore, the Chickamauga conference met, Colonel Robertson summoned Major Hall to Nashville to take part in its deliberations.

A few weeks before the conference a party of Indians had stolen some horses from Morgan's Station, and were pursued and overtaken by the whites, who killed one of their number, and recovered all the stolen horses. As the Indians

[2] Calendar of Virginia State Papers, Vol. 4, p. 177.
[3] Ramsey's "Annals of Tennessee," p. 342.
[4] Ramsey's "Annals of Tennessee," p. 360.
[5] Robertson's Correspondence, American Historical Magazine, Vol. 1, p. 79.
[6] Robertson's Report, Ramsay's "Annals of Tennessee," p. 470.

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had stolen all of Major Hall's horses, twelve or fifteen in number the preceding year, it is probable that he took a lively interest in this affair. But however that may be, on the third day of June, 1787, while he was absent attending the conference at Nashville, a party of fifteen Indians formed an ambuscade between his house and that of his neighbor, Gibson, about a quarter of a mile distant. Ten of them hid behind some logs on the roadside, and five in a tree top at the entrance of the pasture, some fifty yards beyond.

While they were thus secreted, Major Hall's two little boys, William and James, went up to the pasture for their horses. They passed the ten Indians unmolested. William was in advance, and as he turned to speak to his brother, he saw the Indians rise up behind them, with guns and tomahawks in their hands, and commence hemming them in. Their situation looked so hopeless to William that he thought only of surrender. But at this moment his brother James, who was in the rear, turned around facing the enemy, when two warriors sank their tomahawks into his brain. Seeing the fate that awaited him should he surrender, William instantly determined to make a race for his life. In dodging the ten Indians who were surrounding him, he ran upon the five who were concealed in the tree top. He passed so close to them that some of them raised their tomahawks to strike him down. Escaping these, he dashed into the canebrake, closely pursued by two of their number.

He was an athletic backwoods boy of thirteen, and being unencumbered, was able to make better time through the dense cane than his pursuers, burdened as they were with their guns and tomahawks. Presently a grape vine caught him under the chin and threw him backwards to the ground; but quickly recovering himself he dashed onward at the limit of his speed. He now approached the point of a ridge near his father's house, where he would have to leave the canebrake. One of his pursuers was encircling the hillside, where the cane was thinnest, making for the same point. Fortunately for the boy a large tree had fallen across the Indian's way, crushing and tangling the cane until it became impenetrable. To this impediment William probably owed his life. Before his pursuers could circle the top of the fallen tree, he was safely in the lead, though they chased him to within 100 yards of his father's house.

Half a dozen young men, with their sweethearts, had just arrived at Major Hall's when William returned. Being armed, they at once jumped off their horses, and ran with him to the scene of the tragedy. They found James' body and brought it to the house; the Indians had scalped him, and fled. Word was immediately carried to Bledsoe's Station, and Maj. James Lynn, with five men, started in pursuit of the Indians. Instead of following their trail, which might have led him into an ambuscade, Major Lynn took a parallel trace that intersected their path at Goose Creek, at which point he discovered and fired upon the Indians, wounding two of their number, when they beat a precipitate retreat, leaving their knapsacks and tomahawks behind. James Hall's scalp was found tied to a pack, and one of the tomahawks was still red with his blood.[7]

While these events were transpiring on the Cumberland, a couple of young Chickasaw warriors were out hunting on the Tennessee. In their peregrinations they unexpectedly came upon the Town of Coldwater, where they were received in a friendly manner, and spent the night. While there they learned that the Coldwater Indians, encouraged by the French traders, who supplied them with arms and ammunition, were stealing horses and killing white peo-

[7] Narrative of General William Hall, Southwestern Monthly, Vol. 1, pp. 232, 233.

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ple on the Cumberland at every opportunity. When they returned to the Chickasaw Bluffs, they informed Piomingo of their discoveries, and that friendly chief immediately despatched them to Colonel Robertson at Nashville, and advised him to break up the Town of Coldwater without delay.[8] Colonel Robertson was particularly incensed at the unfriendly conduct of the French traders, and on June 12, 1787, he and Colonel Bledsoe jointly wrote Governor Caswell, of North Carolina, expressing the wish that they might be removed from the Tennessee, and asking his advice in the matter.[9]

On the next day, the Indians killed Mark Robertson, the younger brother of Colonel Robertson, near the latter's home. This brought on the crisis. Without waiting for Governor Caswell's reply, after taking the advice of the civil and military officers of the county, he determined to pursue the enemy to their own country and destroy their town. For this purpose he raised a force of 130 men, under Cols. Robert Hays and James Ford, and assuming the chief command, immediately took the trail of the Indians who had killed Mark Robertson. At the same time he sent fifty men, under command of Capt. David Hay, around by water to the mouth of Duck River,[10] in order to prevent the French traders, who had instigated the Indian hostilities, from escaping down the river.[11]

As there was no one of the settlers who had ever penetrated through the forest as far south as the Tennessee River, Colonel Robertson employed the two Chickasaw messengers as guides. They followed a circuitous route, by the mouth of Harpeth, up Turnbull Creek to its head, down Lick Creek, and on to Duck River at the Chickasaw trace. From Duck River they ascended Swan Creek to its head, and thence to Blue Water Creek, that empties into the Tennessee River about a mile and a half above the lower end of the Muscle Shoals. Leaving Blue Water Creek to their left, they hurried on until they could hear the roaring of the falls, when they halted and sent forward spies. About midnight the spies returned, reporting that the river was still ten miles away. In the morning the whole force moved forward, and reached the lower end of the shoals at 12 o'clock.

Though they concealed themselves in the woods until night, some Indians discovered and fired upon their back pickets, and alarmed a small Cherokee town across the river, which was immediately evacuated. Scouts were now sent down to the river to reconnoitre. Hid in the cane where they could observe the opposite shore, they saw some Indians cautiously approach the river, stooping and dodging from tree to tree, apparently looking for Colonel Robertson's troops. They then waded out to an island near the south bank, took an old canoe and paddled out to the middle of the stream. Seeing nothing suspicious, they appeared to be reassured, stopped their canoe, and leaping into the river, swam and disported themselves in the water; after which they took their canoe again, and returned as they had come. In the meantime Captain Rains was dispatched, with fifteen men, on a well beaten path up the river, with orders to take an Indian alive if possible. About sunset he was recalled by Colonel Robertson, without having discovered any sign of Indian life.

The whole force was now assembled on the river bank, under orders to cross the stream before morning. The scouts who had watched in the cane during the

[8] Letter of John Carr, Southwestern Monthly, Vol. 2, p. 198.
[9] Ramsey's "Annals of Tennessee," p. 465.
[10] Robertson's Report, Ramsey's "Annals of Tennessee," p. 470.
[11] Letter of John Carr, Southwestern Monthly, Vol. 2, p. 198.

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afternoon, now swam the river, and after inspecting the Indian huts, which they found still deserted, they crossed over to the island where the Indians had left their canoe, and unfastening it rowed back to the north bank. Forty men now boarded the canoe and started across, but being old and leaky, it began to sink, and swimmers had to carry it back to the shore. By the use of lin bark they finally rendered her seaworthy, and made the crossing successfully. As soon as the canoe was landed, the remainder of the troops plunged into the river with their horses, and swam over; but the obstacles they had encountered delayed their passage until daylight.

After a short time spent in the Indian huts, they took a plain path leading in a western direction, and following it briskly for eighteen miles reached Coldwater Creek. The town was on the west side of the creek, about three hundred yards from the river. The Indians were expecting the invasion, and after three days counseling had unanimously agreed to fight Colonel Robertson if he crossed the Tennessee, but for some reason their spies had failed to discover his approach.[12] Although the path up the west bank of the creek was only wide enough to admit a single horseman, the troops crossed it at a charge. A detachment under Captain Rains had been sent down the east bank of the creek to cut off the enemy's retreat. When the troops appeared on the west bank of the creek, the Indians, taken completely by surprise, made a dash for their boats in the river at the mouth of the creek. To avoid their pursuers on the west, some of the Indians crossed over to the east side of the creek, where they received a deadly fire from Captain Rains' scouts. Many Indians were killed in their boats, and three Frenchmen and a Frenchwoman who gained the boats along with them, and refused to surrender, suffered the same fate. In all about twenty Indians were killed, and several others were wounded. Among the killed were six Creeks, one of them a chief of some consequence.[13] The whites did not lose a man.

Colonel Robertson took the goods of the French traders, consisting of tafia, sugar, coffee, cloths, blankets, handkerchiefs, beads, paints, knives, tomahawks, tobacco, powder, and lead, and such like articles, and had them packed in three or four captured boats, which were put in charge of Jonathan Denton, Benjamin Drake, and John and Moses Eskridge. He then burned the town, and bivouacked on the east side of the creek. Next morning, after burying the white people who had been killed in the action, he gave each of the Chickasaw guides a horse and gun, and as many blankets and clothes as they could carry, and dismissed them, well pleased with their treatment. The prisoners, consisting of six Frenchmen, a child, and an Indian squaw, were put aboard the boats in which the goods were stored. The boats were now directed to proceed down the river to a suitable crossing place, and there await the troops. The next day the troops found a satisfactory crossing place, afterwards widely known as Colbert's Ferry. With the assistance of the boats, they crossed the river without accident. Here the prisoners, after having their trunks and wearing apparel restored to them, and being furnished with a canoe, and given a portion of the sugar and coffee, were released, and took their departure up the river. The horsemen then moved northward until they reached the Chickasaw Trace, which they followed to Duck River. From that point they returned to Nashville by the same route by which they had gone out, the expedition having consumed nineteen days.

[12] Robertson's Report, Ramsey's "Annals of Tennessee," p. 470.
[13] McGillivray, Haywood's "History of Tennessee," p. 246.

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The boats proceeded down the river, and after a few days met five Frenchmen with two trading boats laden with goods. The French traders, supposing they were meeting their returning countrymen, fired their guns in salutation. Before they could reload the Cumberland boatmen, having their guns charged and ready for action, pulled alongside them and captured boats and crews. After carrying their prisoners up the Cumberland River nearly to Nashville, they gave them their choice, either to continue on to the settlement and stand trial for what they had done, or to go home at once without their goods. They chose the latter, and taking a canoe returned down the river, leaving their boats and cargoes behind. The goods captured in the expedition were brought to Eaton's Station and sold, and the proceeds divided among the troops.

The detachment of fifty men sent around by the river did not fare so well. They proceeded without interruption to the mouth of Duck River, but their movements were observed by the Indians, who arranged a cunningly devised ambuscade, into which they were unfortunately drawn. When they reached the mouth of Duck River, they found a canoe fastened to its bank. Capt. Moses Shelby, commanding one of the boats, steered in to the shore to examine the canoe, when a large party of Indians arose from the thicket on the bank, and poured a destructive fire into his boat, killing Josiah Renfroe, and wounding John Topp, Hugh Rogan, Edward Hogan, and five others. This sudden and deadly fusillade threw the crew into confusion, and it was with difficulty they succeeded in putting out into the Tennessee River before the Indians could reload. After this serious disaster they returned to Nashville, in order that their wounded might receive proper medical and surgical attention.[14]

INTRIGUES OF THE SPANISH

The firm conviction that began to fasten itself upon the people of Cumberland about the time of the Coldwater expedition, that the Spaniards were responsible for the bitter hostility of the Creeks, needs some explanation. That tribe never owned nor claimed any land on Cumberland; and its people had never invaded their towns nor done them injury, except in purely defensive warfare. Spain, who had succeeded in monopolizing the trade of the southern Indians, used her influence over them to intimidate, if not to destroy, the Cumberland settlement, to which she asserted some sort of shadowy claim.[1]

In December, 1787, the representatives from Davidson and Sumner counties, in a memorial to the General Assembly of North Carolina, openly charged that the Indians were rendered more hostile through the influence of Spain; and from that time it was not doubted that the Spaniards were the authors of the Creek violence against the Cumberland settlements.[2]

After the Coldwater expedition Cumberland enjoyed a short respite from Indian hostilities. The Cherokees, whose Lower towns were not more distant than Coldwater from the Cumberland settlements, and whose Upper towns were separated only by the width of the Little Tennessee River from the advancing frontiers of Franklin, were awed into temporary tranquillity. Moreover, they

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[14] Haywood's "History of Tennessee," pp. 230-235; Ramsey's "Annals of Tennessee," pp. 465-473; Putnam's "History of Middle Tennessee," pp. 257-267; Letter of John Carr, Southwestern Monthly, Vol. 2, pp. 198-199; Robertson's Correspondence, American Historical Magazine, Vol. 1, pp. 79-80.

[1] Ramsey's "Annals of Tennessee," p. 523.

[2] Haywood's "History of Tennessee," pp. 241-243.

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soon became involved in war with the people of Franklin, which diverted their attention for the time from the people of Cumberland. But the Creeks were too far removed from the settlements to fear an invasion from the whites; and as the complete success of Robertson's bold irruption into the Indian country had piqued their pride, they soon collected a number of small scalping parties and commenced a series of bloody guerrilla campaigns against his country.

In December, 1786, Colonel Robertson, then a member of the North Carolina Legislature, procured the passage of an act authorizing the enlistment of a battalion of 300 men, to be stationed in Davidson County for the protection of its inhabitants, and for cutting a road from the Clinch River to Nashville. This battalion was placed under the command of Maj. Nathaniel Evans, and reached the Cumberland in successive detachments during the following year. They were divided into small squads and stationed at such points on the frontiers as the emergencies seemed to require, stronger guards being furnished to the more exposed places.

The arrival of Major Evans' battalion enabled Colonel Robertson to employ the local militia as spies and scouts; and with these he made the most brilliant and effective defense of the settlement that had yet been witnessed on the Cumberland. At that time the cane and weeds grew so luxuriantly in all parts of the country as to afford the Indians perfect cover, under which they might steal upon the field or cabin of the pioneer and take him off with comparative safety; yet no considerable party of Indians could pass through their tangled mazes so lightly that they would not leave a trace which an experienced scout, like Rains, Castleman, or Shannon, could follow without difficulty or doubt. Colonel Robertson ordered his scouts to range the woods in the direction of the Tennessee River, looking for Indian signs, and wherever a scalping party appeared in the settlement to follow them until they were overtaken and dispersed.

The first party discovered was led by a brave and powerful warrior called Big Foot. Captain Shannon, with a small company, at once gave pursuit, and overtook the Indians on the banks of the Tennessee River. Part of the Indians were in camp eating, while Big Foot and the others were some distance away preparing to cross the river. When the scouts discovered the Indians in camp they fired upon them, then charged and engaged them in a hand-to-hand conflict. Big Foot and his companions rushed to the support of their comrades. The struggle was fierce and doubtful. Castleman succeeded in killing his antagonist, but Big Foot, proving more than a match for Luke Anderson, wrenched his gun from his hands, but at that moment a shot from William Pillow's gun laid Big Foot low, and saved Anderson's life. Victory now declared in favor of the whites; Big Foot and five of his warriors having been killed, the others raised the yell and disappeared in the bushes.[3]

In September, 1787, Captains Rains and Shannon were ordered to range the country in the direction of Duck and Elk rivers. Captain Shannon's company, being in advance, passed near a recently abandoned Indian camp without discovering it; but when Captain Rains came up he saw a large number of buzzards flying around, and from trained habits of observation he surmised that they must have been attracted by some carcass left by an Indian hunting party. He encamped near by and found, as he had suspected, the remains of a deer recently killed. Next morning he struck the Indians' trail, and before night

[3] Haywood's "History of Tennessee," p. 237; Putnam's "History of Middle Tennessee," pp. 269-270.

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one of the spies discovered and fired upon one of the warriors. The scouts dashed forward at the report of the gun. Rains saw and pursued an Indian who was running up a ridge. When he got in range he ordered him to stop. The Indian turned for an instant, then renewed his flight, when Rains fired, wounding him in the hand. Reuben Parks and Beverly Ridley now joined in the chase. The Indian fired at Ridley, but the ball passed over his head; they then closed in on him, knocked him down, and Ridley finally dispatched him with his knife. John Rains, Jr., and Robert Evans outran and captured an Indian boy about nineteen years of age, who was, a year or two later, released and permitted to return to his nation.[4]

Many such scouting companies were sent out from time to time, to range the woods in all directions where Indians were likely to pass, and although they did not always overtake or intercept a scalping party, the Creeks soon became aware that the paths they traveled to Nashville were constantly traversed by armed bodies of brave and experienced Indian fighters, and that their irruptions could be made only at the imminent risk of death or captivity. This feeling greatly reduced both the number and importance of the Indian depredations in Davidson County.

But the Indians could not be wholly repressed. During the years 1787, 1788 and 1789 they killed many settlers in Davidson County, among them a son of Colonel Robertson, and took a number of prisoners to the Creek nation. In the latter part of June, 1789, they came to Colonel Robertson's station in the daytime, and attacked him and his hands while working in the field. The laborers retreated, and Colonel Robertson was shot through the foot as he ran towards the station. Capt. Sampson Williams was ordered to raise a company and pursue the enemy. He assembled his men at Colonel Robertson's and, getting on the track of the party, followed them to Duck River Ridge, when he found they were outtraveling him. He now dismounted twenty men and, putting himself at their head, made forced marches, following the Indians' trail. Among these twenty men was Andrew Jackson, afterwards President of the United States, who, about twenty-four years later, in a single campaign, settled all scores, new and old, with the Creek nation.

About night the party came in view of the Indian camp, which was situated on the opposite side of Duck River. Making a detour of a mile and a half up the river, they crossed it in the night, and marched cautiously back, down the south side; but finding the cane so dense they could not discern the Indian camp, they lay on their arms all night. In the morning, after advancing fifty yards, Captain Williams discovered the enemy about one hundred yards in front of him. He immediately ordered a charge and, firing at a distance of sixty yards, killed one and wounded five or six. The others escaped across the river, carrying their wounded with them, but leaving sixteen guns, nineteen shot pouches, and all their baggage, which fell into the hands of Captain Williams. The Indians did not fire a shot.[5]

The new County of Sumner, being less populous and more exposed than Davidson, suffered greater loss from the excursions of the Creeks. Among the first victims was Maj. William Hall, the tragic death of whose son, James, has already been mentioned. After the Coldwater expedition, Major Hall and his

[4] Haywood's "History of Tennessee," p. 240. Narrative of John Rains, Southwestern Monthly, Vol. 2, pp. 265, 266.

[5] Haywood's "History of Tennessee," pp. 256-7.

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neighbors, Gibson and Harrison, took counsel whether they should venture to spend the summer on their farms or remove their families to Bledsoe's Station for protection. As a result they agreed to remain, and hired two young men to guard their premises and give them timely warning of the approach of the enemy. For two months all was quiet; but on the second day of August, 1787, the spies came in and notified Major Hall that a party of at least thirty Indians was in the neighborhood, and advised him to pack up and move to the station at once.

The morning had not far advanced when they started with the first load. The vehicle used, still the only kind known on the Cumberland, was a sled, drawn by two horses, and in charge of William Hall, Jr., who had so marvelously escaped from the Indians two months before. A sister, going forward to arrange the things as they were delivered, accompanied the sled, on horseback, and the caravan was guarded by an elder brother, Richard, and a young man named Hickerson. At Defeated Creek, about half a mile from the house, William's horses suddenly became frightened, he thought, from scenting Indians. But Richard insisted on going forward, which they did, making four trips during the day. The last load, with which they took the remaining members of the family, white and black, got on the road late in the afternoon. William was still driving, with his little brother, John, behind him on one of the horses, and his little sister, Prudence, in the sled. Mrs. Hall, mounted on a fiery steed, kept close to her little ones. Richard Hall and Hickerson went in advance, and Major Hall, his son-in-law, Charles Morgan, Hugh Rogan, and two other men brought up the rear.

Presently, as the little cavalcade moved forward, Richard's dog became violently alarmed on approaching the top of a large ash tree that had fallen in the road. They halted for a moment, and Richard stepped toward the tree top, when a volley was fired at him from among the leaves. He wheeled and, running back into the woods, fell dead. The Indians, finding themselves discovered, now rose and, yelling like demons, charged upon the party. Hickerson, with more courage than discretion, took his stand in the open road, and his gun missing fire, he attempted to use William Hall's gun, but before he could discharge it he received six or seven Indian bullets and, staggering back a short distance, expired.

In the meantime William jumped off his horse and, taking John and Prudence, carried them back to the rear of the men, who were advancing on the Indians. Mrs. Hall's large and spirited horse became quite ungovernable and, dashing through the entire line of Indians, while she held on by the mane, carried her in safety to the fort, about a mile distant. Major Hall and Morgan undertook to hold the Indians in check until the other members of the party could scatter through the woods. Morgan was shot through the body, but succeeded in making his escape. Major Hall, still holding his ground, fired his heavy rifle, after which he turned and ran about fifty yards, when he fell, pierced with thirteen balls. The Indians scalped him and fled, not stopping to take anything but his gun and shot pouch, though the sled had been dashed against a tree and overturned at the first alarm, and its contents were scattered on the ground.

William had directed his little brother and sister to run back to the house, while he, secreting himself behind a tree on the hillside, waited the result of the fight. When he heard the discharge of his father's heavy rifle, followed

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by the savage yells of the Indians, he knew all was lost, and started for the fort. When John and Prudence reached the house the barking of the excited dogs caused them to turn and run back to the scene of the battle. Here John found Rogan's hat, which he picked up and, coming to the overturned sled, Prudence took up a small pail of butter, and the two walked heedlessly on the road towards the fort, and were soon met by the men sent out to Major Hall's relief.[6]

The commanding officers of Davidson and Sumner counties at this time were Col. James Robertson and Anthony Bledsoe. These two distinguished pioneers were made the especial objects of Creek vengeance. They were both attacked almost simultaneously at their widely-separated homes. I have already mentioned the wounding of Colonel Robertson. Colonel Bledsoe had settled Greenfield Station, but the danger from Indians became so great that he moved to the stronger fort at Bledsoe's Station, which was the home of his brother, Col. Isaac Bledsoe.

Bledsoe's Station was rectangular in form, enclosing a number of cabins which were connected by strong palisades, the cabins themselves forming part of the enclosure. On its front line there was a double log cabin, with a hall between, a type quite common in pioneer days. The only opening to the station was through this hallway. The rooms on one side of the hall were occupied by Col. Isaac Bledsoe, and those on the opposite side constituted the temporary residence of Col. Anthony Bledsoe. The Indians had attacked this station in 1788, and wounded George Hamilton, the schoolmaster, but the courage of Hugh Rogan, who fired an old musket among them through the breach they had made in the window, and the quick wit of Donahoe, in another part of the stockade, who extinguished his fire with a bucket of water, after the Indians had fired in amongst his children as they lay upon the floor, caused them to abandon the attack, deeming the place too strong to be taken by assault.

A little more than a year later, on the twentieth of July, 1789, they again visited Bledsoe's Station. The Nashville Road ran along the front of the double log cabin in which the two Bledsoes lived, and a lane came down at right angles to it, the mouth of the lane being about thirty yards from the house. In the corners of the fence at the mouth of the lane a party of Indians concealed themselves and watched, in the bright moonlight, the entrance to the fort. About midnight a party of their confederates mounted their horses and galloped down the Nashville Road passing the fort, without opening their mouths or checking their speed. Hearing the startling clatter of their horses' feet, Col. Anthony Bledsoe and Campbell, his servant, jumped out of bed and stepped into the passage to see what was the matter, when the Indians concealed in the fence corners shot them both down. Colonel Bledsoe died the next morning and Campbell the day following.[7]

In September, 1789, President Washington appointed a commission to treat with the Creek nation and, upon the failure of their mission, he sent a secret emissary in the person of Col. Marinus Willett to the Creeks for the purpose of inducing McGillivray to bring a delegation of chiefs to New York to treat with the President. In this he was successful, and in August, 1790, the President concluded a treaty of peace with McGillivray, which, while it was intended primarily for the benefit of the Georgians, for a time restored a measure of peace to the settlers on the Cumberland.[8]

[6] Narrative of General William Hall, Southwestern Monthly, Vol. 1, pp. 333-4.
[7] Narrative of General William Hall, Southwestern Monthly, Vol. 1, p. 335.
[8] Pickett's "History of Alabama," Vol. 2, pp. 97-111.

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THE DUMPLIN SETTLEMENT

Let us return now to the Holston.

After the treaty of 1777, the Overhill Cherokees preserved the peace, under great difficulties, for three years. It was in the midst of the Revolutionary war, and the British emissaries were constantly exerting themselves to foment trouble. Cameron refused to furnish the Indians with goods as long as they were at peace with the Americans. The towns appointed a committee of their old chiefs to ask aid from the governor of North Carolina. James Robertson, the agent among them, was of opinion that if the state would supply them with goods nothing but peace would ensue.[1] The governor, however, did nothing; and in the meantime the Chickamaugas went to the support of the British, and in 1780 induced the Overhill towns to join them in a second invasion of the settlements, while the frontier militia were away fighting the British at King's Mountain. As we have seen, by the opportune return of Colonel Sevier, and the prompt action of the border authorities, the settlements were saved, the Indian forces were defeated, and their towns destroyed. They again sued for peace, which was concluded at a treaty held at Long Island in the summer of 1781. This treaty was never broken by open war, though there were repeated murders and depredations committed on both sides.

The tract of country adjoining the Overhill towns on the north, and extending back from the Little Tennessee to the French Broad River, is known in our public records as the territory south-of-the-French-Broad-and-Holston-rivers-and-west-of-the-Big-Pigeon-River. Its history would have made a shorter name famous. Had it been called Dumplin, after the creek on which the treaty was held which gave its inhabitants the first color of title to the lands on which they lived, it would have gone down in song and story along with Watauga and Cumberland, the other two original independent governments in Tennessee. It was settled under the most extraordinary circumstances, in defiance of the rights of the Indians, whose hunting ground it was, and in violation of the treaties both of the State of North Carolina and the United States.

Its settlers had the sympathy and support of the State of Franklin, but when that government fell, and all support was withdrawn from them, they boldly erected for themselves an independent government in the midst of the Cherokee reservation. The history of American colonization does not exhibit a more daring, determined, heroic, and alas! lawless struggle for the possession of a country than that waged by the pioneers of Dumplin.

Could a diagram be drawn, accurately designating every spot signalized by an Indian massacre, surprise or depredation, or courageous attack, defense, pursuit, or victory by the whites, or station, or fort, or battlefield, or personal encounter, the whole of that section of country would be studded over by delineations of such incidents. Every spring, every ford, every path, every farm, every trail, every house, nearly, in its first settlement, was once the scene of danger, exposure, attack, exploit, achievement, death.[2]

On the other hand, the Indians who opposed these aggressive, masterful backwoodsmen appeal not less strongly to our sympathy. Their Overhill towns on the south bank of the Little Tennessee River served as a kind of breakwater to retard the restless tide of immigration pouring into their hunting grounds.

[1] State Records of North Carolina, Vol. 11, p. 654.
[2] Ramsey's "Annals of Tennessee," p. 370.

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Not only their physical distress, which was certainly not more tolerable than the sufferings of the settlers, but their feeling of utter helplessness in the presence of great wrongs; the impotent chafing of their proud spirits as they saw their hunting grounds diminish, and the wild game grow scarcer, rendered their position pathetic in the extreme.

On account of his advanced age Oconostota made the Old Tassel (Koatohee) and the Old Raven (Savanukeh) speakers for him in the treaty of Long Island in 1777. From that time they were looked upon as the leading men of their nation.

In 1783 the State of North Carolina undertook by legislative enactment to open for settlement all the Cherokee hunting grounds lying north and west of the French Broad and Tennessee rivers. Notwithstanding the opening of this immense territory, the frontiersmen continued to push their settlements south of the French Broad, into the small district I have denominated Dumplin, which was still reserved to the Indians. The Tassel complains that his young men are afraid to go out hunting on account of the white men ranging the woods and marking trees.[3] Colonel Martin, writing in 1784, says they have actually settled, or at least built houses within two miles of the beloved Town of Chota.[4]

In the meantime the daring young State of Franklin arose and, being wholly in sympathy with the frontiersmen, there was no longer any restraint put upon their aggressions. One of its first legislative acts provided for the holding of a treaty with the Cherokees at Dumplin Creek. The treaty was held May 31, 1785, though The Tassel and other principal chiefs of the nation refused to attend.[5] Under this treaty the Indian line was moved far down towards their towns, and located on the ridge dividing the waters of Little River from those of the Little Tennessee.[6]

Following this treaty The Tassel wrote the governor of North Carolina that the white people had built houses in sight of his towns. A little later in the same year he told the United States commissioners, at the treaty of Hopewell: "If Congress had not interposed I and my people must have moved. They have even marked the land on the bank of the river near the town where I live."[7]

In less than a year the frontiers had passed the line established by the treaty of Dumplin, and the Franklin authorities then determined to have all the Indian lands lying north of the Little Tennessee River. This purpose they announced to the chiefs of the Overhill towns in what is called the treaty of Coyatee. It seems that two young men had been murdered on the twentieth day of July by two or three young fellows who had been hired by an old warrior from Chickamauga to take satisfaction for his two sons who had been killed by the white people in the spring.[8] Thereupon Cols. Alexander Outlaw and William Cocke, at the head of 250 militiamen, marched to Chota Ford, and sent for the head men of the towns.[9] When The Tassel and Scollacutta appeared they charged them with breaking through all their talks and murdering the young men. The Tassel denied that it was his people who had spilt the blood and spoilt the talk. He said the men who did the murder were bad men and no

[3] Ramsey's "Annals of Tennessee," p. 304.
[4] Weeks' "General Joseph Martin and the War of the Revolution in the West," p. 444.
[5] Ramsey's "Annals of Tennessee," p. 319; Weeks' Joseph Martin, p. 444.
[6] Ramsey's "Annals of Tennessee," p. 299.
[7] American State Papers, Indian Affairs, Vol. 1, p. 41.
[8] Calendar of Virginia State Papers, Vol. 4, p. 164.
[9] Ramsey's "Annals of Tennessee," p. 343.

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warriors, who lived in Coyatee, at the mouth of Holston, about twenty miles below Chota.

Upon this disclosure, Colonels Outlaw and Cocke marched their forces to Coyatee, killed two of the "very Indians that did the murder," destroyed the town house, burned the bad men's homes, and destroyed their proportionate part of the village corn. They then renewed their conference with The Tassel and Scollacutta, begun at Chota Ford. After the general charge of breaking all the good talks in "Kentucky, Cumberland, and here at home," they charged them specifically, and very unjustly with the murder of Colonels Donelson [10] and Christian.[11] "My brother, William Christian," The Tassel replied, "took care of everybody, and was a good man; he is dead and gone. It was not me nor my people that killed him. They told lies on me. He was killed going the other way, over the river."

Colonels Outlaw and Cocke then delivered the following ultimatum to the Indians: "We now tell you plainly that our great counsellors have sold us the land on the north side of the Tennessee (Little Tennessee) to the Cumberland Mountains and we intend to settle and live on it, and if you kill any of our people for settling there, we shall destroy the town that does the mischief." There was no foundation in fact for the claim that they had bought the land; The Tassel told them he had never heard of it, though he had talked with the great men from Congress last fall at the treaty of Hopewell. But as he was powerless to prevent their taking possession of it, he hoped they should live friends together on it, and keep their young men at peace.[12] Such was the treaty of Coyatee!

By the following spring a land office had been opened for all the land north of the Little Tennessee, and the frontiersmen were actually settling on the banks of that stream.[13] Thus we find the pioneer settlers and the Overhill Cherokees lined up, face to face, with nothing but the thread of the Little Tennessee River as a barrier between them.

While The Tassel was engaged in these peaceable negotiations, the remoter towns of the Cherokees committed frequent acts of hostility against the frontiers, for which they were punished by the settlers. In 1782 Colonel Sevier marched against the Lower towns and destroyed everything from Bull Town, on Chickamauga Creek, to Estanaula, on the Coosa River. In 1783 Major Fine destroyed Cowee, on the headwaters of the Little Tennessee. In 1786 Governor Sevier, of Franklin, crossed the Unaka Mountain and destroyed the Valley towns, on the Hiwassee River. None of these campaigns, it will be observed, was directed against the Overhill towns, nor were any of the Indian depredations approved by The Tassel; on the contrary, he tried to dissuade the Chickamaugas from such acts until he found it was of no use, when he advised Agent Martin of the condition of affairs, and turned the matter over to him.

In the meantime, after a restless, active and stormy career of four years, the State of Franklin collapsed, an order was out for the arrest of Governor Sevier, and he was a fugitive on the frontiers, no longer pretending to any office, civil or military. He had with him Maj. James Hubbard, late an officer

[10] Col. John Donelson was killed on Barren River, in Kentucky, in 1785, but it is not known who killed him.

[11] Col. William Christian was killed while pursuing a party of Indians on the north side of the Ohio River, in April, 1786.

[12] Ramsey's "Annals of Tennessee," pp. 344-346.

[13] Ramsey's "Annals of Tennessee," pp. 359-360.

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in the Franklin militia, and a small body of mounted riflemen. From Houston's Station he dispatched the following circular letter to the border settlers:

Major Houston's Station, 8th of July, 1788.

To the inhabitants in general: Yesterday we crossed the Tennessee with a small party of men, and destroyed a town called Toquo. On our return we discovered large trails of Indians making their way towards this place. We are of the opinion their numbers could not be less than 500. We beg leave to recommend that every station will be on their guard; that also, every good man that can be spared will voluntarily turn out and repair to this place, with the utmost expedition, in order to tarry a few days in the neighborhood and repel the enemy, if possible. We intend waiting at this place some days with the few men now with us, as we cannot reconcile it to our own feelings, to leave a people who appear to be in such great distress.

JOHN SEVIER.
JAMES HUBBARD.

N. B. It will be necessary for those who will be so grateful as to come to the assistance of this place, to furnish themselves with a few days' provisions, as the inhabitants of this fort are greatly distressed with Indians.

J. S.
J. H.[14]

Alarmed by the warning of Sevier and Hubbard, many families in the more exposed districts removed for safety to the neighboring forts. But the frontiersmen were so inured to the perils and dangers of border life that they had almost lost the sense of fear. Moreover, being such close neighbors to the Indians, they had grown familiar with them and knew many of them by name, such, for instance, as Slim Tom, or Chilhowee, who was known as far north as the settlement around Knoxville. From these friendly Indians they apprehended little danger, though they had, in a measure, been put upon their guard as to Slim Tom. The preceding spring a party of Indians had attacked the house of Joseph Hinds, killed and scalped his son, and carried off a number of horses. They were pursued and, being surprised in their camp, fled into the canebrake, leaving most of their property behind. One of the guns captured was identified by James Robertson, whose watchful eye nothing seems to have escaped, as the property of Slim Tom's son, which he had seen the fall before in Chilhowee.[15]

So it happened that some of the families were slow in availing themselves of the protection of the forts. One of these was the family of a man named Kirk, who lived on Little River. His household numbered thirteen when all were present. One day, in the absence of the father and his son, John, Slim Tom came to the house and asked for something to eat. The family knew him, allowed him to come in, and fed him. Having taken advantage of their hospitality to discover who were present, and their means of defense, he finished his meal and withdrew. Soon afterwards he returned from the woods with a party of Indians, fell upon the defenseless family, massacred the whole of them, and left their dead bodies in the yard.[16]

Following this massacre the wildest excitement swept the settlement. The

[14] Ramsey's "Annals of Tennessee," p. 419.
[15] Calendar of Virginia State Papers, Vol. IV, pp. 428-9.
[16] Haywood's "History of Tennessee," p. 194.

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Tassel remained closely at home, while Abraham, of Chilhowee, declared publicly that if his people went to war he would remain at his own house and never quit it. Sevier and Hubbard assembled several hundred militiamen at Hunter's Station, on Nine Mile Creek, and dashed off to Hiwassee River, where they killed many warriors, took some prisoners, burned their towns, and returned to Hunter's. The next day they swept up the Little Tennessee, burned Tallassee and some other towns, killed many Indians and returned.

On their return from Tallassee the troops marched down the south bank of the Little Tennessee River. When they had gotten opposite Chilhowee, on the north of the river, they halted. Governor Sevier was absent, and Major Hubbard was left in command. He sent for Abraham and his son to come over the river to him, at the same time raising a flag of truce, that they might be assured of their safety. They came without hesitation. He then directed them to bring The Tassel and his son,[17] that he might hold a talk with them. When they came he put them all in a house and surrounded it with his men. He then put a tomahawk in the hand of John Kirk, the son of him whose family had been massacred, and led him into the house. There, under a flag of truce, between four walls, while the soldiers on guard watched the carnage, his commanding officer standing by his side, the boy buried his tomahawk in the head of the nearest Indian, who fell dead at his feet. The others, recognizing the fate intended for them, with the stoic courage that enables the Indian warrior to face even a harsher death without quailing, inclined their heads forward, cast their eyes upon the ground, and one after another received the fatal blow.

Three years later, in 1791, Hubbard led a party of sixteen men, who conducted Zachariah Cox down the Tennessee River for the purpose of taking possession of the land granted to the Tennessee Company at Muscle Shoals. They built a blockhouse and stockade on an island at the Shoals, but The Glass came down from Running Water with sixty warriors and ordered them off. They were therefore forced to abandon their works, which were at once reduced to ashes. The chief, Richard Justice, says Hubbard and his party were then completely in the power of The Glass, who might have killed them, but instead of doing so, he lifted them up, as it were, and told them to depart in peace.

TRAGEDY OF THE BROWN FAMILY

After the Chickamaugas removed to their new towns, they continued to menace the frontiers, particularly those of the Cumberland and Kentucky; they captured boats going down the Tennessee River; they even terrorized the settlements east of the Cumberland Mountains; in fact, most of the Indian depredations committed were laid at the door of the Chickamaugas. Their treacherous seizure of James Brown's boat, May 9, 1788, the barbarous massacre of the eight men on board, the separation of his wife and her five little children, and their long captivity among the Chickamaugas and Creeks, will be the subject of this chapter.

James Brown, of Guilford County, North Carolina, was somewhat past the meridian of life at the beginning of the year 1788. His wife, Jane Gillespie, had borne him sixteen children, nine of whom were still living. He was in moderate circumstances, and had held honorable offices in his county. Having been a revolutionary soldier in the continental line of North Carolina, he

[17] American State Papers, Indian Affairs, Vol. I, p. 56.

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received for his services a certificate, payable in the western lands of that state. When the land office was opened at Hillsboro, in 1783, he resolved to make adequate provision for his numerous children, by locating his military warrant in the rich settlement on the Cumberland River, about which glowing accounts had come back to the east. Taking with him two of his older sons, William and Daniel G., he explored the Cumberland Valley, and entered a large body of land beyond the settlements, on Duck River, near the present town of Columbia. He secured a tract at the mouth of White's Creek, on the Cumberland River, a few miles below Nashville, for his present settlement, and leaving William and Daniel to build a cabin and open a small field for cultivation, he returned to North Carolina for his family.

Choosing the river as the least dangerous and most agreeable route, especially for the women and children, in the winter of 1787, he built a boat, near the Long Island of Holston, from which point Colonel Donelson had launched his famous flotilla; and to make it secure against any possible attack from the Indians, he protected it with an armor of oak plank, two inches thick, perforated at suitable intervals with port holes, and mounted a small cannon upon its stern. About the first of May, 1788, having taken on board a quantity of goods such as would be useful in his new home on the Cumberland, and also some suitable for traffic among the Indians, he loosed his boat from its mooring and launched it on its long and dangerous voyage. His party consisted of himself, his wife, his sons, James and John, who were grown; Joseph, a lad of fifteen, and George, who was only nine; his three daughters, Jane, aged ten, Elizabeth, seven, and Polly four. Besides these members of his immediate family, there were also five young men, J. Bays, John Flood, John Gentry, William Gentry and John Griffin, and a negro woman.

They passed Chickamauga Creek about daybreak on Friday, May 9, 1788, and reached Tuskegee, a small town on the north bank of the river, just below Chattanooga, a little after sunrise. Here Coteatoy, a chief of Tuskegee, and three other warriors, came aboard. They were treated kindly and appeared entirely friendly, but as soon as they left the boat, they started runners to Running Water and Nickajack, for the purpose of intercepting it before it passed those towns.

John Vann, a half-breed who spoke English, with four canoes, carrying about forty warriors, paddled out midstream and met Brown's boat just above the town of Nickajack. They were apparently unarmed, and were flying a white flag, but in reality they had their guns and tomahawks covered with blankets in the bottoms of their canoes. When they approached, Brown said too many were coming at one time, wheeled his boat to bring his cannon into action, and had a match ready to touch it off. Vann pleaded for friendship in the name of the late treaty of Hopewell, alleging that he only wanted to find out where they were going, and to trade with them if they had anything to trade, and Brown, who was loath to precipitate open hostilities, which would endanger the little colony to which he was bound, listened to his friendly talk and suffered his canoes to approach.

By this stratagem Vann succeeded in getting his party aboard Brown's boat. Immediately seven or eight other canoes, hitherto concealed among the rank cane in the submerged bottoms of the swollen river, bore down upon him. Vann's party appeared friendly until the other canoes came up, when they began taking goods from the boat and transferring them to their canoes.

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Brown asked Vann for protection, but was told that he must await the return of The Breath, the head man of Nickajack, who was away from home, but would return that night, and would make the marauders give up everything. Moreover, he promised to furnish him a guide on the morrow, to pilot his boat over the dangerous rapids of the Muscle Shoals. In the meantime the boat was completely gutted, and headed for the mouth of Nickajack Creek.

While the boat was being scuttled, a brutal Indian seized Joseph Brown by the arm and pulled him violently to one side. His father, observing the movement, caught hold of the Indian and forbade him to touch his little boy. The Indian released Joseph and directed his treacherous eyes to his father. As soon as Brown had turned his back upon him, the Indian drew an old sword he had in some way possessed himself of, and struck him on the neck, nearly severing his head from his body. He immediately fell, or was thrown, overboard, and Joseph, who had not seen the fatal blow, ran forward to the bow of the boat and told his brothers their father had been drowned. Having seized the goods in the boat, the Indians now began to appropriate the prisoners.

A party of Creeks, who chanced to be in Nickajack at the time, took Mrs. Brown, her youngest son, George, and her three little girls, into their canoes, and while the Chickamaugas were deliberating of the fate of the men, hurriedly departed for their distant towns on the Coosa and Tallapoosa rivers. Next morning, however, the Chickamaugas, feeling that the Creeks had taken more than their just share of the spoils, pursued and forced them to deliver up Jane and Polly, whom they brought back to Nickajack.

Before Brown's boat was landed, Kiachatalee, of Nickajack, asked Joseph Brown to get into his canoe and go with him, but the boy, not dreaming that he was a prisoner, refused to do so. But after they had come ashore, Kiachatalee took his stepfather, Tom Tunbridge, to Joseph. Tunbridge, who could speak English, asked the lad to spend the night at his house, about a mile east of town on the Running Water road, and after obtaining the permission of his older brothers, he consented to do so.

Coteatoy, of Tuskegee, the author of the mischief, arrived on the scene in time to take the negro woman as his part of the booty, and putting her on board a canoe, sent her up the river to his town.

The captives being all carried away, the seven young men only were left in the village. At first they were told of a certain house up town in which they could spend the night. Afterwards they were directed to a better one in the lower end of the town, and a young Indian was sent to pilot them to it. About two o'clock in the afternoon they took a boat and were dropping down the creek to the house assigned them, when a party of Indians, who had concealed themselves among the cane and stumps that still covered the banks of the creek, picked three of them off with their rifles. The others then abandoned the boat, but the Indians, armed with knives, tomahawks and guns, pursued and killed them all, one after another.

As Tom Tunbridge hurried Joseph Brown away from the town, they could hear the firing of guns on the banks of Nickajack Creek. A few minutes after they had reached home, Coteatoy's mother, a big, fat, old squaw, came rushing up to the house, the sweat pouring from her face, and upbraided Tunbridge in an angry manner for not killing his prisoner. She said all the rest had been killed; that he was large enough to see everything, would soon be a man, and would then pilot an army there and cut them off. She added, that Cotea-

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toy would be on in a few minutes, and she knew he would kill him. Tunbridge arose, and in an uneasy manner stood in the door, looking down the road leading to Nickajack. Suddenly Coteatoy, who came through the canebrake, and not by the road, appeared at the corner of the cabin and asked him if there was not a white man in the house. When answered that there was a "bit" of a white boy there, he said he knew how big he was, and that he must be killed. Tunbridge protested that it was not right to kill women and children. Coteatoy persisting, Tunbridge told him the boy was Kiachatalee's prisoner, and must not be killed. At this Coteatoy became furious, and Tunbridge, finding further resistance both useless and dangerous, stepped back out of the door and said, "Take him along."

Coteatoy entered the cabin, his knife in one hand, and his tomahawk in the other. Mrs. Tunbridge begged him not to kill the boy in her house. Yielding to her supplication, he took hold of the boy and jerked him out of the house. There young Brown discovered eight or ten of Coteatoy's followers, armed with guns, knives and tomahawks, and carrying sticks from which were suspended two scalps, one of which he recognized as that of one of his brothers. His heart now failed him, and he besought Tunbridge to beg half an hour of life for him, that he might try to pray, but the old man told him it was not worth while. As they were stripping his clothes from him, in order that they might not get bloody, Mrs. Tunbridge again pleaded with them not to kill him there, nor on the road to her spring. They finally agreed to take him to Running Water, about four miles off, and there have a frolic knocking him over.

After they had started to Running Water, it occurred to Coteatoy that he might be doing a bad business, as he had himself taken a valuable negro woman, whose life might thereby be endangered. At this thought he halted his men and told them it would not do to kill the boy, because if they did, Kiachatalee was a warrior, and all the Indians in the nation could not keep him from putting his negro woman to death. When this halt was made the unhappy prisoner, who could not understand a word the Indians said, fell on his knees to pray, thinking they had stopped to kill him; but after he had been in the attitude of prayer five or ten minutes, he looked up, and behold! their grim faces were wreathed in smiles. He arose and his heart leaped with joy as he realized the new turn of affairs. Then Coteatoy's vindictive old mother said she would have a lock of his hair; and after she had sawed it off with her dull knife, she gave him a vicious kick in the side, which amused the party very much. Coteatoy then called Tunbridge to him, and told him to take Brown back to the cabin; that he loved him, but would not make friends with him then, but would be back in three moons, and if he lived until that time, he would make friends with him.

On Saturday, May 10, Kiachatalee and his mother went in to see Breath about their prisoner, and were directed to bring the boy to see him the next day. On Sunday, Mrs. Tunbridge took him to see Breath, who shook hands with him, and then explained to him that, according to their customs, no one was bound to protect an alien; but that a family would avenge the death of an adopted son as sacredly as if he had been born to them. He therefore advised that he make an Indian of himself, agreed to take him into his own family, which was one of the strongest in the nation, and told Joseph to call him uncle and Kiachatalee brother. Accordingly, he had his long hair shaved

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off, except a scalp lock, exchanged his pantaloons for a breach clout and leggins, and assumed his position as a member of Tom Tunbridge's family.

Brown lived in the Tunbridge family for nearly a year, engaged in the ordinary domestic employments of the Indian, such as carrying water and wood, hoeing corn, and looking after the horses. He was kindly treated by his captors, and was allowed the priceless privilege of occasionally seeing his little sisters, Jane and Polly, of whose treatment he had little reason to complain. They were finally exchanged, April 25, 1789, under the following circumstances: After Watts had taken Gillespie's Station, in satisfaction for the death of his uncle, The Tassel, General Sevier followed him to the banks of the Coosa River, taking twenty-nine women and children prisoners, among them a daughter of the Little Turkey, principal chief of the lower towns. The Indians then proposed an exchange of prisoners, and General Sevier demanded, not only the prisoners taken at Gillespie's, but all the white prisoners in their towns, especially naming those taken in Brown's boat. The Little Turkey, being unable to move him from his position, agreed to his terms, in order to recover possession of his own daughter.

Accordingly, Joseph and little Polly were brought into Nickajack. The squaw who had Polly seemed to think as much of her as if she had been her own child, and the little tot fully reciprocated her affection. When Joseph told her he was going to take her to her own mother, she ran to her Indian mother and clasped her arms around her neck, and her brother had to take her away by force when he started to Running Water. Jane, who was held in another town about thirty miles away, had not been brought in, and when they were about to leave Running Water, Joseph refused to go without the presence of both his sisters. A young warrior was immediately started for Jane, but returned two days later with the statement that her owner would not let her go without pay. The Bench happened to be sitting by, his sword hanging on the wall and his horse hitched to a tree in the yard. He arose, took his sword and horse, and said, "I will bring her, or his head." The next morning he brought her in, and the party left for Coosawatee, where the prisoners were exchanged, and returned to the residence of their uncle, Joseph Brown, in Pendleton County, South Carolina.

We have already seen that Mrs. Brown and four of her children were hurried off by their Creek captors, as soon as the boat was landed, and that Jane and Polly were retaken by the Chickamaugas, and returned to Nickajack. George and Elizabeth continued on with their mother. Foot-sore, weary and almost heartbroken, she was carried to a Creek town on the Coosa River, while her little children were torn from her arms and taken off to other towns. Near the town in which Mrs. Brown was confined lived Benjamin Durant and his beautiful, dark-eyed wife, Sophia, sister of Gen. Alexander McGillivray. She was as energetic and commanding as her distinguished brother, and shared with him the most humane sentiments.[1] Having her attention drawn to Mrs. Brown, she interested herself in her behalf, and not only advised her to fly to her brother for protection, but furnished her the means of reaching his house at Little Tallase. Accepting her generous offer, Mrs. Brown, with some difficulty, made her way to the home of General McGillivray, who gave her a cordial and kindly welcome; and, later, ransomed her from her captor, and kept her at his house, as a member of his family, for more than a year.

[1] Pickett's "History of Alabama," Vol. II, pp. 126-7.

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By her industry, intelligence and dignity, Mrs. Brown won the confidence and respect of her Indian friends, and the active interest of General McGillivray. On his first opportunity he ransomed little Elizabeth from her captor and restored her to her mother. At the same time he brought her intelligence of her son George, whom he would also have ransomed, but his master was not willing to part with him on any terms. In November, 1789, General McGillivray went to Rock Landing, Georgia, on public business. He carried Mrs. Brown and her daughter with him, and delivered them to her son, William, who had gone there seeking information of her. Liberated after a captivity of eighteen months, she spent a short time with relatives in South Carolina, after which she returned to her old friends at Guilford Court House, North Carolina.

At Guilford Court House an affecting scene occurred. General McGillivray was on his way to New York, where he was to hold a treaty with President Washington, and reached that place in June, 1790. When Mrs. Brown heard of his arrival, she rushed through the large assembly at the courthouse, and with a flood of tears, almost overpowered him with expressions of admiration for his character and gratitude for his generous conduct to herself and children.[2] Her brother, Colonel Gillespie, offered to pay him any sum he might think proper to name, as a ransom for Mrs. Brown and her daughter, but the noble chief, who was always generous to the distressed, whom he fed, sheltered and protected for humanity's sake, refused any compensation whatever, declaring that to receive pay would deprive him of both the honor and pleasure such manifestations of affection afforded him. At the same time he assured Mrs. Brown that he would not fail to use his best efforts for the liberation of her son.

It was more than eight years before George Brown was restored to his people. General Pickens received him from Superintendent Seagrove, and delivered him to his uncle, Joseph Brown, of Pendleton County, South Carolina, in September, 1796.[3] He was then a fine boy, had learned to read, and was beginning to write, thanks to the care and thoughtfulness of Mr. Seagrove, who had kept him in school while he was under his charge.[4]

THE RISE OF JOHN WATTS

After the capture of Brown's boat, the massacre of its men and the captivity of its women and children, by the Chickamaugas, The Tassel, head chief of the nation, admitted his inability to restrain them, and advised General Martin, the Cherokee agent, to go against their country and burn their towns, so they would have to return to the nation and submit to control.[1] With the consent of the governor of North Carolina, he determined to make the campaign. He raised a force of about five hundred men, in the four

[2] Pickett's "History of Alabama," Vol. II, p. 107.

[3] Pickens to Robertson, American Historical Magazine, Vol. IV, p. 336.

[4] The facts narrated in this chapter are taken, mainly, from three separate accounts, all on the authority of Col. Joseph Brown. 1—A narrative by Col. Joseph Brown, furnished by General Zollicoffer to the historian, Ramsey, and published in his "History of Tennessee," pp. 509-515; 2—Colonel Brown's narrative, dictated to William Wales, and published in the Southwestern Monthly, Vol. 1, pp. 11-16, and 72-78; 3—A very excellent sketch of Jane Brown, written by Milton A. Haynes, principally from notes and memoranda furnished by Colonel Brown, and published in Mrs. Elizabeth F. Ellet's "Pioneer Women of the West," pp. 79-106. (Reprint.)

[1] American State Papers, Indian Affairs, Vol. I, p. 48.

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counties of North Carolina, and rendezvoused at White's Fort, in the summer of 1788. Thence they made a rapid march to the neighborhood of Lookout Mountain, which they reached late one afternoon, and camped on the site of an old Indian settlement. General Martin sent forward a detachment of fifty men under Colonel Doherty, to take charge of the pass between the mountain and the river, and hold it until morning; but the Indians, who were on the "lookout," discovered his movements, fired upon his party, and drove them back. Early next morning his spies were fired upon and one of them wounded. The whole force then moved to the foot of the mountain, tied their horses, and prepared for a general attack. From the nature of the ground they could not march in regular order, but had to zigzag, mostly single file, among the obstructing stones. The Indians were concealed behind rocks and trees, and when they came in range, poured down on them a sudden and destructive fire. Many were killed, including Captains Hardin, Fuller and Gibson. Great confusion ensued; the men fled to the foot of the mountain, and some of them even ran off to the encampment. General Martin was unable to rally his men, who declared it would be another Blue Lick affair if they went beyond the pass. After burying their dead in an old Indian council house, they burned it over them to conceal their graves, and marched back to the settlements.[2]

This was the last expedition undertaken against the Chickamaugas during the life of Dragging Canoe. He lived nearly four years longer, but little is known of his personal movements during that time. He has left no talks for he had no intercourse with the Americans, and we get only glimpses of him, now and then, as he is incidentally mentioned in our public records. He continued his friendly relations with the English, and was well known at Detroit. His brother, White Owl's Son, boasted of the valuable presents he had received from the British at Detroit, in the winter of 1791-2, for himself and Dragging Canoe, namely: a pair of small and a pair of large arm bands for each; three gorgets for his brother and four for himself; a pair of scarlet boots and flaps, bound with ribbon, for each; four match coats, a blanket, and two shirts, for each; and powder and lead as much as he wanted, for himself and the three Cherokees who were with him. He had considerable intercourse with the Shawnees, and sympathized with them in their struggle against the United States. His brother and some of his warriors fought with them at the bloody battle known as St. Clair's defeat. On the other hand, Piomingo, or the Mountain Leader, the famous Chickasaw chief, was the friend and ally of the United States, though he did not reach General St. Clair in time to participate in that fatal engagement.

After St. Clair's defeat the Shawnees sent an urgent invitation to the Southern Indians to join them in war against the United States. General McGillivray, the great Creek chief, favored such a confederacy, and for the purpose of bringing the Mountain Leader and his party into the measure, he caused Dragging Canoe to be despatched to the Chickasaw nation.[3] Immediately after his return from this mission, about the 1st of March, 1792, he departed this life, in his town of Running Water.[4]

At the great Cherokee council, held at their beloved town of Estanaula,

[2] Ramsey, p. 517; Weeks' "Joseph Martin," pp. 463-4; William Martin, "Proceedings of the Southern History Association," Vol. IV, pp. 464-5.
[3] American State Papers, Indian Affairs, Vol. I, p. 264.
[4] American State Papers, Indian Affairs, Vol. I, p. 265.

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June 26-30, 1792, the Black Fox pronounced the following eulogium on Dragging Canoe:

"The Dragging Canoe has left the world. He was a man of consequence in his country. He was a friend both to his own and the white people. But his brother is still in place, and I mention now in public, that I intend presenting him with his deceased brother's medal; for he promises fair to possess sentiments similar to those of his brother, both with regard to the red and white. It is mentioned here publicly, that both whites and reds may know it, and pay attention to him." [5]

John Watts (Kunoskeskie) was the son of a white man of the same name, who resided among the Cherokees, and sometimes acted as interpreter for the nation; notably at the treaty of Lochaber in 1770, in consequence of which the settlement of Tennessee was begun. His mother was a sister of The Tassel, who was the head of the nation at the time of his assassination. He was himself sometimes called Corn Tassel; [6] and it was he who, with Dragging Canoe and Judge Friend, refused to take part in the treaty of Long Island in 1777, and abandoned the Overhill towns rather than submit to the Americans. He did not, however, join himself to the implacable Chickamaugas; and was not for some years distinguished as a warrior.

The first glimpse we have of him is in the capacity of a diplomat. When Campbell and Sevier invaded the Indian country in 1780, Watts, and a chief called Noonday, afterwards killed by rangers near Craig's Station,[7] met them at Tellico and proposed terms of peace. Ramsey says it was granted to Tellico and the adjacent villages,[8] but Campbell, in his official report, expressly states that Tellico was burned.[9] Campbell probably refers to Watts, however, when he speaks of a chief of Coyatee who seemed to him to be the only man of honor among the chiefs, and in whose favor he would willingly have discriminated had it been in his power. Two years later, when Sevier marched against the Chickamaugas, he held a conference with the friendly chiefs, at Citico, and engaged Watts to accompany the expedition for the purpose of effecting, by friendly negotiations, an arrangement for peace with the whole nation.[10]

In July, 1788, as we have seen, The Tassel was treacherously murdered under a flag of truce. The whole nation was shocked and maddened by that horrible crime. Their young warriors once more dug up the hatchet. Watts had a double incentive for putting himself at their head. In the first place he was deeply affected by his uncle's death; so much so, that when he spoke of it three years afterwards, at the treaty of Holston, he was so overcome that he could not proceed, and had to request the Bloody Fellow to finish the business.[11] Moreover, the law of his nation imposed upon every member of a family the duty of taking satisfaction for an injury inflicted upon another member of it.[12] But he was never content to put himself at the head of a small predatory band, like his nephew, The Bench. He had the capacity to lead large bodies of men, and in his wars we always find him at the head of

[5] American State Papers, Indian Affairs, Vol. I, p. 271.
[6] American State Papers, Indian Affairs, Vol. I, p. 48.
[7] American State Papers, Indian Affairs, Vol. I, p. 450.
[8] "Annals of Tennessee," p. 265.
[9] Calendar of Virginia State Papers, Vol. I, p. 436.
[10] Ramsey's "Annals of Tennessee," p. 272.
[11] American State Papers, Indian Affairs, Vol. I, p. 204.
[12] American State Papers, Indian Affairs, Vol. I, p. 325

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a formidable army. At this crisis he invaded the border at the head of some two or three hundred warriors.

In the meantime General Martin was making earnest efforts to pacify the Indians. He followed Scollacutta (Hanging Maw), who had succeeded The Tassel as head of the nation, to Seneca. Scollacutta, a friend of peace, as The Tassel had been, agreed to put a stop to the war, and for that purpose sent runners to Watts.[13] Before they reached him, however, namely, a little after sunrise on the 15th of October, 1788, he appeared before Gillespie's Station, on Little River, and demanded its surrender. There were only a few men in the fort, but they refused to surrender, and made a gallant defense until the Indians stormed the fort, rushing over the roofs of the cabins which formed part of the enclosure, when they were compelled to yield. It is not known how many were killed in the action, but there were twenty-eight prisoners taken; none of the prisoners was killed or mistreated, but all were soon afterwards exchanged for Indian prisoners taken by General Sevier.[14]

When Scollacutta's runners reached Watts, he consented to withdraw, considering that he had already sufficiently avenged the death of his uncle.[15] Before retiring, however, Watts, Bloody Fellow, Categiskey and The Glass had left a talk at Gillespie's, dated October 15, 1788, and addressed to Sevier and Martin, in which they apologized for having killed women and children in the battle, charged the whites with beginning the war by beguiling their head man (The Tassel), who was the friend of the white man, and wanted to keep peace; declared they were on their own land, and when the whites moved off they would make peace; and gave them thirty days to march off.[16]

On the 24th of November, the head men and warriors of the Cherokee nation held a council at Estanaula, which was now their beloved town, and declared for peace.[17] The main inducement for this resolution was a proclamation of Congress, dated September 1, 1788, forbidding intrusions on the Cherokee hunting ground, and ordering all those who had settled there—estimated at several thousand—to depart without loss of time.[18] While this proclamation served to quiet the Indians, it failed to remove the trespassers from their lands; and finally, the Indians were prevailed upon to make an additional cession, at the treaty of Holston.

The western counties of North Carolina had now become the Southwest Territory, with William Blount as its governor.

After organizing the Territorial Government in the various counties and districts, Governor Blount turned his attention to Indian affairs. The boundary line prescribed in the treaty of Hopewell had never given satisfaction either to the Indians or the whites. Its violation by the latter called forth the vigorous proclamation of Congress in 1788, already mentioned. When the United States took jurisdiction of the country, President Washington declared it his purpose to carry into faithful execution the treaty of Hopewell, "unless it should be thought proper to attempt to arrange a new boundary with the Cherokees, embracing the settlements, and compensating the Cherokees for the cession they

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[13] American State Papers, Indian Affairs, Vol. I, pp. 46-47.

[14] Ramsey's "Annals of Tennessee," p. 518; American State Papers, Indian Affairs, Vol. I, p. 47; Haywood's "Civil and Political History of Tennessee," p. 202.

[15] American State Papers, Indian Affairs, Vol. I, p. 291.

[16] Haywood's "History of Tennessee," p. 517.

[17] American State Papers, Indian Affairs, Vol. I, pp. 45-6.

[18] Royce's "Cherokee Nation of Indians," p. 160.

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snould make."[19] The senate authorized the new treaty, and instructions were issued to Governor Blount, August 11, 1790, for that purpose.

In pursuance of his instructions, Governor Blount convened the Indians at White's Fort, where Knoxville was afterwards laid out. The treaty was held at the mouth of the creek that flows at the foot of Main and Cumberland streets, and empties into the river at the end of Crozier (now Central) Street, and was concluded July 2, 1791. So successful was Governor Blount in his negotiations, that his treaty was not only ratified by the Senate, but the Secretary of War, advising him of that fact, tendered him the thanks of the President of the United States for the able manner in which he had conducted the treaty, and for the zeal he had uniformly evinced to promote the interest of the United States, in endeavoring to fix peace on the basis of justice and humanity.[20]

The treaty of Holston does not, however, appear to have been quite as satisfactory to the Indians as it was to the Government. Watts and Bloody Fellow had been appointed by their nation to be their principal speakers at the treaty, though, as has been mentioned, the death of his uncle still bore oppressively upon Watts. The only thing immediately connected with the negotiations to which it is necessary to draw attention, is the fact that the Chickamaugas, whom Watts was soon afterwards called upon to lead, being still hostile to the United States, were not represented in it, and did not participate in the distribution of goods which the Government presented to the Indians in liberal quantities at its conclusion. The annuity provided in this treaty, which was the first annuity ever granted to the Cherokees, was $1,000.

After discussing the matter among themselves the Indians became dissatisfied with the amount of the annuity, and on the 28th of December, 1791, the Government at Philadelphia was surprised by the visit of a delegation of Cherokee chiefs headed by Bloody Fellow, who demanded additional compensation for the land they had ceded by the treaty of Holston; and in the negotiations that followed, the annuity was increased from $1,000 to $1,500. In addition, the name of Bloody Fellow was changed from "Nonetooyah, or Bloody Fellow," to "Eskaqua, or Clear Sky," and he was given the title of General;[21] the first, and perhaps the only member of his tribe who bore so exalted a military title prior to the Civil war.

THE SHAWNEES WARRIOR

It has been noted that the Chickamaugas did not join the Creeks in their incursions of 1787-1789; the reason is apparent from what has already been related. Their attention at that time was wholly absorbed in another direction. Early in the summer of 1788, Gen. Joseph Martin had marched a formidable party from Holston against the Chickamauga towns; primarily, to punish them for the murder of the Brown family, as their rich laden boat passed the Town of Nickajack, on its way down the Tennessee to Cumberland; and though he was disastrously defeated, his army was not destroyed. While the Chickamaugas were still uncertain what his next move might be, the Old Tassel, head chief of the nation, was treacherously murdered, and a cry of vengeance arose from every wigwam from the Tennessee to the Coosa. Many of their young warriors rushed to the relief of their spirit-broken brothers of the Upper towns.

[19] Royce's "Cherokee Nation of Indians," p. 161.

[20] "William Blount and the Old Southwest Territory," by A. V. Goodpasture, American Historical Magazine, Vol. VIII, pp. 1-7.

[21] American State Papers, Indian Affairs, Vol. I, p. 268.

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This was no time, therefore, to court an invasion from the daring men of Cumberland, who had once already crossed the Big River and destroyed a hostile town.

Soon, however, the Cherokee council at Estanaula declared for peace, and the treaty of Holston was concluded. The Chickamaugas did not subscribe to the treaty of Holston, but from other considerations refrained from making war on the Cumberland until the summer of 1792. Dragging Canoe, as we have seen, had his eyes turned to the northwest, where Little Turtle was engaged in a momentous struggle with General St. Clair. His brother was with the Indians when they destroyed the American army, November 4, 1791. St. Clair's defeat enthused the hostile Chickamaugas and inspired them with ambitious hopes. Dragging Canoe promoted with all his energy the formation of a confederacy of southern Indians to cooperate with the Indians of the northwest in driving back the entire western frontiers of the United States. He went to the Chickasaw Bluffs on a fruitless effort to engage Piomingo in the enterprise. But Dragging Canoe died and John Watts, a friendly chief, was chosen to succeed him, and he induced his people to take the United States by the hand in peace and friendship. But there were still a few bad young men, as the old chiefs called them, who rejected every overture of peace; notable among these was the Shawnees Warrior, chief of a band of about thirty Shawnees who had settled at Running Water. In the summer of 1792, the Shawnees Warrior, the Little Owl, and such restless young warriors as they had gathered around them, turned their arms against the settlers on the Cumberland. In the meantime, McGillivray's treaty with President Washington in 1790, proved immensely unpopular with the Creek nation. The ambitious adventurer, William Augustus Bowles, denounced McGillivray as a traitor for selling the hunting ground of his people, and for a time, drove him into retirement. He declared that neither the Americans nor the Spaniards had any right to control the Indians, and held out the hope that, through the English, their lands might be restored to the original boundaries described in the proclamation of King George in 1763. Under his influence they repudiated the treaty of 1790, and the first days of 1791 saw Creek scalping parties again on the path to Cumberland.

The Bloody Fellow, being once asked whether he was present on a certain occasion, dipped his finger in the stream by which he stood, and withdrawing it, asked what tale the water told. The impression had disappeared, and no ripple remained to mark the place of the disturbance. So it was with the scalping parties who skulked through Mero District, as the Cumberland settlements were then called, during the years 1791 and 1792. They fell upon their victims suddenly, dispatched them hastily, and made off precipitately; if pursued they generally dispersed, so their trail could not be followed, their identity was lost, and their crimes were charged generally to the Indians. Such tragedies, while they were impending over the settlements, were appalling, and when they occurred were terrible, but they were marked with too much similarity of detail to make their recital desirable. Sometimes, however, after killing the defenders of the family, they carried the surviving women and children into captivity; and in such instances we may follow the invaders to their towns, and get a glimpse of the disposition and conduct of the captors, as well as the suffering and distress of the captives. Such a case was that of Miss Alice Thompson, and Mrs. Caffery and her son:

James Thompson, an old man of ample means and good repute, with his

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wife and two charming daughters just blooming into womanhood, lived in a chinked and daubed log cabin, about four miles south of Nashville. There also lived with him, perhaps for protection against the Indians, Peter Caffrey, with his wife and only child, a little boy about two years of age. It was the twenty-fifth of February, 1792, the weather was cold and the ground was covered with snow. As evening approached, Caffrey sallied forth to feed and care for the stock; and Thompson went to the woodpile to chop and bring in firewood for the night. A bright, glowing wood fire was the one luxury every pioneer could afford, and they indulged it without stint. So Thompson chopped his firewood, and carried it by great armfuls and threw it over the yard fence near the door.

While he was thus engaged a party of Creek Indians, who were awaiting this opportunity, fired upon him from ambush. Though severely wounded, he succeeded in getting into the house and barring the door. The Indians then pulled out the chinking and shot between the logs at the defenseless family. Poor Caffrey was powerless to relieve them. After they had killed Thompson and his wife, and wounded his younger daughter, they broke down the door and took the two Misses Thompson, Mrs. Caffrey and her little boy, captive. The younger Miss Thompson was so badly hurt that she could not keep up with the party, and after they had gone some distance, they scalped her and left her on the wayside. Though she lay all night in the snow, she was still alive when the neighbors found her next morning, and survived, though unconscious, until carried to a house, when the poor girl expired.[1]

The Indians made straight for the Creek nation with Miss Alice Thompson, Mrs. Caffrey and her little boy. A few days later some gentlemen met with them on the path that leads from the Cherokees to the Creeks. They dared not ask the women their names, nor offer them a horse to relieve their fatigue, which they would gladly have done, lest they should offend their captors and render their unhappy condition still more precarious. One of the women complained that she was tired of walking, to which her captor replied that he would get briars and scratch her thighs, and that would make her walk fast.[2]

The captives were carried to Kialigee, a Creek town on the Tallapoosa River. Here John Riley, a good natured Irish trader, offered to ransom them at the price of a negro each, but the Indians indignantly refused, saying they did not bring them there to let them go back to the Virginians; that they brought them to punish by making them work. They put the two women in the field; but Miss Alice Thompson cried, and even the obdurate heart of a savage was not proof against the tears of a handsome young woman, so they put her back in the house again to pound meal. The little boy was taken from his mother and carried to another town, where he was committed to the care of Mrs. Williams, who had for some years been a prisoner with the Creeks.[3]

Miss Thompson's tears seem also to have touched the heart of the generous Riley, for she did not remain long at Kialigee before he struck a separate bargain for her freedom, paying a ransom of 800 weight of dressed deer skins, valued at $266. From that time she was shown every consideration, and made as comfortable as circumstances would permit. Mrs. Caffrey, on the contrary, remained a slave to her captors, hoeing corn and pounding meal for them; and

[1] Haywood's "Civil and Political History of Tennessee," p. 343; American State Papers, Indian Affairs, Vol. I, p. 263; Narrative of John Carr, Southwestern Monthly, Vol. I, p. 212.

[2] Blount to McGillivray, American State Papers, Indian Affairs, Vol. I, pp. 269-270.

[3] American State Papers, Indian Affairs, Vol. I, p. 274.

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was frequently punished by having her back and limbs scratched with gar teeth, the marks of which she still bore when delivered up.[4]

Mrs. Caffrey and Miss Thompson were brought in to the American agency at Rock Landing early in May, 1794, after a captivity of more than two years, but did not reach the seat of government at Knoxville until about the first of the following October. Even then they were under the painful necessity of leaving Mrs. Caffrey's little boy still in the hands of the Creeks.[5] In the meantime the little fellow became quite an Indian in his feelings, and, after he had been in the nation five years, it was with difficulty that old Abram Mordecai could separate him from his Indian playmates, to carry him to Superintendent Seagrove. That gentleman sent him to Governor Blount, and he finally reached his mother's arms.[6]

After their return from captivity, Miss Alice Thompson married Edward Collinsworth, and became the mother of an influential family. Her oldest son, James Collinsworth, was distinguished at the bar of Tennessee and also Texas, in which latter state he died.[7]

The Creeks had been harrowing the Cumberland settlements since the beginning of 1791. In the summer of 1792, they were joined by a small band of Chickamaugas, from the Running Water Town, led by the Shawnees Warrior, an implacable young Shawnee chief, who, with about thirty followers from his own tribe, had some years before taken his residence at Running Water; and by the Cherokee chief, Little Owl, possibly the same called the White Owl's Son; if so, he was a brother of Dragging Canoe. This party was known to be hostile to the Americans. After the conference at Coyatee, they mobbed and injured Captain Charley, one of their chiefs, on account of his friendship to the United States; and because of their hostility Governor Blount found it necessary to have a guard of friendly Indians to escort, through Running Water, the boats conveying goods for the Chickasaw and Choctaw conference at Nashville.[8]

June 26, 1792, the Shawnees Warrior and the Little Owl, with their followers, including a small party of Creeks, appeared in the neighborhood of Zeigler's Station, about two miles from Bledsoe's Lick, in Sumner County. Zeigler's Station had been settled in 1790 or 1791 by Jacob Zeigler, and was at this time occupied by his own family, and also by the family of Joseph Wilson, a brother-in-law of Col. James White, the founder of Knoxville. On the morning of this fatal day, Michael Sevier, while working in the field near the station, was fired upon and killed by the Indians. The alarm was given, and the neighbors formed a party to recover the body and bring it into the fort. The Indians, lying patiently in ambush, surprised the rescuing party with a volley that wounded Gabriel Black, Thomas Keefe, and Joel Eccles, and drove them back to the protection of the palisades. After firing a few shots at the fort the Indians retired, and towards night the garrison went out and brought in Sevier's body, without molestation. Fancying that the enemy had now abandoned the contest, and that the fort was free from further assault, the neighbors,

[4] This probably was not intended as punishment. Col. Joseph Brown, who was for nearly a year prisoner among the Chickamaugas, says they performed this operation twice a year, both on themselves and on their prisoners. They called it "Scratching to keep them healthy." Colonel Brown's Narrative, Southwestern Monthly, Vol. I, p. 72.

[5] American State Papers, Indian Affairs, Vol. I, p. 634.

[6] Pickett's "History of Alabama," Vol. II, p. 134.

[7] Abram Mason, American Historical Magazine, Vol. III, p. 90.

[8] American State Papers, Indian Affairs, Vol. I, p. 291.

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except young Archie Wilson, who volunteered to spend the night at the station, returned to their homes.

About bedtime the Indians returned and made a furious assault, while the feeble garrison successfully resisted, until the enemy succeeded in setting fire to the fort. Then all knew that the end had come. Mrs. Wilson begged her husband to take their son, a boy of twelve, and run the gauntlet for their lives; she hoped herself and daughters might be spared. He did so, and although wounded, succeeded in gaining the dark woods, under whose cover he made his escape. Archie Wilson, forced from the burning building faced the enemy in the open, and fought with desperate courage until a stroke from the breech of an Indian gun brought him to the earth. Mrs. Zeigler, with her baby in her arms, fled out into the darkness of the night, stifling the cries of her child by thrusting her handkerchief into its mouth; and so saved herself and child from the perils of captivity. The Indians now entered the fort and pillaged it of everything they could carry away. Jacob Zeigler was killed in his house, and his body was consumed by the flames that enveloped it. Two negroes were also killed.

Mrs. Wilson and her six children, the three daughters of Jacob Zeigler, Mollie Jones, and a negro, were taken prisoners. The three Zeigler girls fell into the hands of the Shawnees Warrior, Zacheus Wilson was taken by the Little Owl, and the other prisoners, except Sarah Wilson, were all carried to Running Water, but their particular captors have not been identified. Through the influence of Colonel White, the prisoners at Running Water were soon afterwards ransomed by their parents and friends for the sum of fifty-eight dollars each. Sarah Wilson was captured by the Creeks, and carried to their nation, where she remained so many years that she had almost forgotten the habits of civilized society when she was finally liberated.[9]

After burning and sacking Zeigler's Station, the Indians crossed the Cumberland River, passed up Barton's Creek, and established a depot two or three miles below the present town of Lebanon. Here they left twenty-one bundles of plunder, carefully packed and hung in the branches of the trees, and covered with bark to protect them from the weather. They were short of horses, and established this depot until a party could return to the settlement and take a sufficient number to transport their booty. In the meantime, however, it was retaken by the whites, and when the recruiting party returned empty handed to their comrades, who were awaiting them on Duck River, their loss was made the occasion of a fierce quarrel, in which knives and tomahawks were flourished.

The scarcity of horses also made it necessary for the prisoners to follow their captors on foot; and incidentally revealed a touching act of kindness on the part of the Indians. Until they passed the vicinity of Lebanon, the whites could see the tracks of eight little barefoot children at every muddy place on their path. Then they found numerous scraps of dressed deer skin, scattered around the ashes of a deserted camp fire. The grim warriors had kindled a fire to light their pipes, and under the soothing spell of the circling smoke, had busied themselves in making eight pairs of little moccasins. At the next muddy place the whites were rejoiced to find the prints of the little moccasins that protected the feet of the captive children.[10]

Though the United States was nominally at peace with both the Creeks and

[9] Narrative of John Carr, Southwestern Monthly, Vol. I, p. 76; American State Papers. Indian Affairs, Vol. I, pp. 276, 330.

[10] Narrative of John Carr, Southwestern Monthly, Vol. II, p. 77.

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Cherokees, these freebooting parties had grown to such formidable proportions as to endanger every exposed settlement in the district. The people were thoroughly aroused to their danger. Those who could, moved to the stations for protection. No man went into his field, without another, his trusty rifle at port, standing sentinel while he worked; and if he went to the spring for water, another guarded him while he drank.

Governor Blount arrived in Nashville about the middle of July, to attend the Chickasaw conference, and immediately called out a force of three hundred militiamen, under the command of Major Anthony Sharp, of Sumner County, for the protection of the frontiers. They were divided into squads, and stationed in forts and blockhouses, from which they ranged the woods as occasion required.

Some months after the fall of Zeigler's Station, Ensign William Snoddy, the commander of one of these posts, was ordered to range up Caney Fork River, where, it was understood, Shawnees Warrior and his party had again made their appearance. Snoddy's force consisted of thirty-four mounted men, among whom was James Gwin, General Jackson's chief chaplain at New Orleans, and father of United States Senator William M. Gwin, of California. Near the Horseshoe Bend of Caney Fork they discovered and took possession of a large Indian encampment. From the plunder, ammunition, implements of war, and other evidences furnished by the camp, Ensign Snoddy estimated the Indian party to consist of fifty or sixty warriors.

Having discovered an armed Indian warrior sauntering near the camp, who made off into the canebrake on their approach, Ensign Snoddy foresaw that there would be fighting before he left the neighborhood. It being then near sunset, he determined to go into camp for the night, and crossing the river, selected a high bluff, among the ruins of an ancient stone wall. The encampment was arranged in the form of a semi-circle, the points resting against the bluff, and enclosed the baggage and horses of the company. The night proved to be dark and rainy. Sentinels were posted, and the men lay lown on their arms, but they were not permitted to sleep. It was not long before the Indians could be heard collecting their forces. The howl of the wolf on the bluff was answered back from the canebrake by the scream of the panther; and the barking of the fox on the river bank called forth the hooting of the owl from the black forest. Such weird and ominous signals, as the Indians collected their warriors in the darkness, and reconnoitered the position of the whites, continued throughout the night.

A little before day a terrible yell, supposed to have been uttered by the Shawnees Warrior, was the final signal of the enemy. This was followed by a dismal silence, even more frightful than the uncanny howling of the angry savages. The men had their nerves wrought to the highest pitch; three or four of them bolted. The Indians now crept up to within forty steps of the line, and were first discovered by the snapping of their guns and the yell of the war whoop that encircled the camp. The priming of their guns had become damp, and little damage resulted. The whites, on the contrary, had carefully protected their priming, and now yelling in their turn, discharged a shower of rifle balls among the Indians. Daylight now appeared, and the Indians, advancing to within twenty-five steps of the line, concentrated their attack upon the center, where a desperate contest ensued.

Latimer and Scoby, two fine fellows, were killed on the field, and William

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Reid and Andrew Steele fell dangerously wounded. James Madell, a cool and skillful marksman, protected by a tree behind which he had taken cover, still held his post. Presently he discovered a chief lying on the ground loading his gun; he rammed two balls in his own gun, and reserved his fire until the chief should rise. When the chief raised his head above the grass, he received two balls from Madell's rifle, and dropped dead upon his arms. The warwhoop then ceased, and the Indians undertaking to remove their dead from the field, a fierce struggle raged over the body of the fallen chief. It was ended by H. Shodder, a Dutchman, armed with a large British rifle, which he charged with seven rifle balls and fired in the midst of the enemy, who abandoned the body of their chief and fled, carrying off their other dead. They lost thirteen dead or mortally wounded, while the loss of the whites was two dead and three wounded.[11]

COLONEL JOHN WATTS

The Dragging Canoe died in the midst of his effort to induce the Southern tribes to unite with the Shawnees in a general war upon the American frontiers. Immediately after his death the Chickamaugas despatched runners to Chota, for the purpose of inducing John Watts, then reckoned a reliable friend of the United States, to come to Running Water and take Dragging Canoe's place as their principal chief. After some hesitation on account of their hostility to the United States, he accepted the invitation, and set out for the Chickamauga towns on the 13th of March, 1792;[1] a circumstance which gave great satisfaction to Governor Blount, as Watts had recently spent several days with him at Knoxville, had been the recipient of several valuable presents, and expressed the strongest friendship for the United States, as well as great personal attachment for the Governor.[2] He believed, therefore, that Watts' influence would soften, if not altogether change the conduct of the Chickamauga towns.[3] Nor was he mistaken in this opinion. Before two moons had passed the Chickamaugas, for the first time in their history, agreed to take the United States by the hand, and promised to meet Governor Blount at Coyatee on the 21st of May, when the first annual distribution of goods was to be made under the treaty of Holston.

Watts determined to make the Coyatee conference a memorable event in the Cherokee annals. He prepared a house for the reception of Governor Blount, and high above it hoisted the flag of the United States. The Breath, of Nickajack; Richard Justice, of Lookout Mountain; Charley, of Running Water, and the other chiefs and warriors of the Chickamauga towns reached Coyatee on Saturday, the 19th; they marched in, painted black and sprinkled over with flour, to denote that they had been at war, but were now for peace.[4] They were conducted to the standard of the United States by General Eskaqua, who had just lately returned from Philadelphia and whom I shall hereafter call by his old name of Bloody Fellow, John Watts, Kittageska, and other chiefs; Capt. John Chisholm and Leonard Shaw walked side by side with Bloody Fellow and Watts,

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[11] James Gwin, McFerrin's "History of Methodism in Tennessee," Vol. I, pp. 430-436; Narrative of John Carr, Southwestern Monthly, Vol. 2, p. 78.

[1] American State Papers, Indian Affairs, Vol. I, p. 265.

[2] American State Papers, Indian Affairs, Vol. I, p. 291.

[3] American State Papers, Indian Affairs, Vol. I, p. 290.

[4] American Historical Magazine, Vol. II, pp. 61-2; American State Papers, Indian Affairs, Vol. I, p. 269.

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to the great delight of all. Volleys were fired by the Chickamaugas in honor of the flag, and were returned by the warriors of the Upper towns.[5]

Governor Blount was to arrive on Sunday. At the request of the Indians he notified them of his approach, and when he had come within half a mile of the grounds, he was met by a well dressed young warrior on horseback, who requested him to halt until he should be notified of their readiness to receive him. In a short time he was invited to proceed. The Indians, some two thousand in number, were arranged in two lines, about three hundred yards in length. When the governor entered between the lines, they commenced firing a salute in the manner of a feu de joie, and kept it up until he was received by Watts, Bloody Fellow, and other chiefs, under the national flag, amid shouts of gladness from the whole assemblage.[6]

Monday should have been devoted to business, but on that day there was a great ball play, which was the national sport of the Cherokees. The game is played with a small ball of dressed deerskin, stuffed with punk, hair, moss, or soft dry roots, and two rackets, similar to those used in tennis. Two goals are set up at a distance of several hundred yards from each other, and the object of the players is to drive the ball through the goal of their opponents by means of the rackets without touching it with the hand.[7]

The distribution of the goods was made by the Indians themselves. The Chickamaugas received the greater part, on the ground that they had not shared in those distributed at the treaty of Holston, which they did not attend. Hanging Maw gave notice that the national council would meet at Estanaula on June 23rd, to hear the report of Bloody Fellow, and would then give an answer to Governor Blount's talk. The great council met at Estanaula June 23rd-30th, but neither Bloody Fellow nor Watts attended; the former claimed the sickness of some distant relative as an excuse, while the latter pleaded mercantile business in Pensacola.[8]

Governor Blount, as Superintendent of Indian Affairs for the South, had his agents in the Cherokee nation, and received prompt information of hostile demonstrations by the Chickamaugas. By September 12th he knew that the Chickamauga towns had declared war against the United States, and were about to march against the frontiers; he thereupon ordered General Robertson, the ranking officer on the Cumberland, to put his brigade in condition to repel the invasion, should it be intended against the district of Mero.[9] Moreover, he despatched Captain Samuel Handly, of Blount County, a brave and experienced officer, with forty-two men of his company, across the mountain into Mero District, for the defense of the frontiers of Cumberland.

Watts anticipated these measures on the part of Governor Blount, and, notwithstanding the wild and chaotic character of the Indian council, opposed them with a well-matured plan of campaign, as successful as it was cunning. He induced Bloody Fellow and The Glass, chiefs who opposed the war, to write Governor Blount such letters as were calculated to throw him off his guard. They alleged that General Robertson had said to Coteatoy, during the conference with the Chickasaws and Choctaws, at Nashville, that the first blood that should be spilt in his settlement, he would come and sweep it clean with their blood. This,

[5] American Historical Magazine, Vol. II, p. 62.
[6] American State Papers, Indian Affairs, Vol. I, pp. 267-8.
[7] "Hand Book of American Indians," Vol. I, p. 127.
[8] American State Papers, Indian Affairs, Vol. I, pp. 288-9.
[9] American Historical Magazine, Vol. II, pp. 71-2.

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they said, had caused their young warriors to assemble together, and resolve to meet him, or go to the settlement and do mischief, but that, with the aid of Watts and some other head men, they had sent them to their different homes and to mind their hunting.[10]

Having forwarded these letters, which they hoped would prevent Governor Blount from sending any troops to the relief of the Cumberland, the Indians hastened to take possession of the main roads leading to Mero District, for the purpose of intercepting any force that might, nevertheless, be ordered across the mountain. Watts' counsin, Talotiskee, was despatched with a considerable party, to waylay the Kentucky and Cumberland Roads, and the Middle Striker, of Willstown, with fifty-six warriors, was sent to watch the Walton Road. Talotiskee's party accomplished nothing of importance. After having intercepted a party of travelers on the Kentucky Road and killing one of their number, he crossed over to the Cumberland Road, where he learned, with bitter tears of disappointment and rage, the result of Watts' assault on Buchanan's Station.[11]

The expedition under Middle Striker, on the other hand, achieved a most important victory. He marched rapidly northward along the Cumberland Mountains until he reached the Walton Road, in the neighborhood of Crab Orchard, where he concealed his party in a favorable position to command the road. In the meantime Captain Handly and his troops had entered the Wilderness at Southwest Point, and following the Walton Road west, reached Crab Orchard November 23, 1792, seven days before the assault on Buchanan's Station. As they marched carelessly along the ivy bordered way near the foot of Spencer's Hill, they were startled by an unexpected volley from Middle Striker's warriors, who were concealed in the bushes by the roadside. A panic seized them, and they fled without striking a blow. Colonel Joseph Brown excuses them on the ground that it had been raining, and their guns would not fire. Not one of them reached Mero District. Three were left dead on the field, and the remainder, except their captain, found their way back to Southwest Point. Captain Handly made a heroic but futile effort to rally his men. In the confusion Leiper was unhorsed a short distance from the enemy. Captain Handly, seeing his perilous situation, attempted to rescue him. In doing so, his own horse was shot from under him, and being quickly surrounded by a crowd of warriors, he fought them hand to hand with his sword. Finally, he jumped behind a tree, and there encountered Archer Coody, a half-breed who had acted as interpreter and could speak English, to whom he surrendered. Coody protected him with the greatest difficulty; he received numerous strokes from the side of the tomahawk, escaped a dangerous thrust from his own sword in the hands of an enemy, and was barely saved from the shot of an Indian gun, before he could be brought to the presence of Middle Striker. He afterwards gave Coody credit for having saved his life.[12]

Captain Handly was carried in rigid captivity to Willstown, where he was made to run the gauntlet, and was otherwise roughly treated until the sixth day of December. In the meantime a council was assembled to determine his fate, which hung in the balance for three days, but on the third day of its sitting the council determined that his life should be spared, after which he ceased to be

[10] American Historical Magazine, Vol. II, pp. 69-71, 78.
[11] American State Papers, Indian Affairs, Vol. I, p. 329.
[12] Southwestern Monthly, Vol. I, p. 76.

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treated as a prisoner and received the consideration of a brother. This happy conclusion was probably the result of Colonel Watts' desire for peace, as he at once employed Captain Handly to write for him a peace talk to Governor Blount. On the 24th of January he was escorted back to Knoxville with great ceremony by Middle Striker, Coody, and ten other warriors, and delivered up without price.[13]

Governor Blount received the letters of Bloody Fellow and The Glass on September 13th. He was completely deceived, and on the 14th again wrote General Robertson, declaring he had suffered dreadful apprehension for him; congratulating him on the happy change of affairs; and ordering him to discharge his brigade.[14]

But the crafty talks of Bloody Fellow and The Glass did not deceive General Robertson; the pretended spies, Findleston and Deratte, had already informed him that such letters were to be written, for the double purpose of enabling Watts to surprise the Cumberland settlements, and at the same time insure the tranquillity of his country during his absence. He advised Governor Blount of the information he had received, and decided to keep his troops in service, ready to march at a moment's warning, until the 2d of October.[15] He sent out spies to range the head waters of Stone's and Harpeth rivers, and concentrated his troops within the settlements. On the 25th his spies returned without having made any important discoveries. Then other spies were despatched; Clayton and Gee being ordered to reconnoitre the country in the neighborhood of the present town of Murfreesboro.

Watts also sent out his spies. In this service he employed John Walker and George Fields, two young half-breeds who had been reared among the white people, and spoke the English language. They had been present at the treaty of Holston; everybody knew them and had the utmost confidence in them. Walker was quite a stripling, and apparently the most innocent and good natured fellow in the world.[16] Fields afterwards served with Jackson in the Creek war, and was desperately wounded at the battle of Talladega.[17] The spies of the two belligerents met in some fallen timber at Taylor's Trace, on the ridge between Duck River and Mill Creek, when the Indians decoyed Clayton and Gee into a trap, killed and scalped them.

A little after dark on the evening of September 30th, the Indian army approached Buchanan's Station. It now consisted of two hundred and eighty warriors—one hundred and ninety-seven Cherokees and eighty-three Creeks.[18] The Shawnees, who lived at Running Water, were numbered with the Cherokees. The whole was under the command of Colonel John Watts; the Creek division was commanded by Talotiskee, of the Broken Arrow, the great friend of Bowles.[19] He is not to be confounded with Talotiskee, the cousin of Watts, who was not with the invading army. The Shawnees contingent was led by the Shawnees Warrior; and the cavalry was in charge of John Taylor.

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[13] American State Papers, Indian Affairs, Vol. I, p. 434; Ramsey's "Annals of Tennessee," pp. 571-3. There is a romantic account of Captain Handly in the Tennessee Historical Society, said to have been written by General Rodgers, and published in the American Historical Magazine, Vol. II, pp. 86-90, but it is too inaccurate to be of much historical value.

[14] American Historical Magazine, Vol. II, pp. 76-7

[15] American Historical Magazine, Vol. II, pp. 77-8.

[16] American State Papers, Indian Affairs, Vol. I, p. 331.

[17] Southwestern Monthly, Vol. II, p. 141.

[18] American Historical Magazine, Vol. II, p. 80.

[19] American State Papers, Indian Affairs, Vol. I, p. 329.

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When the Indians had reached a point from which they could hear the lowing of the cows at Buchanan's Station, they halted for consultation. A warm altercation followed, between Colonel Watts and the Creek chief, Talotiskee, as to the point of attack. Watts desired to fall at once upon Nashville, the most important point in the settlement; but Talotiskee insisted on destroying Buchanan's Station, four miles south of Nashville, on their way. They lost much time in this controversy. Such division of counsel is a rock on which large parties of Indians have generally split, especially when consisting of more than one nation.[20] Still I cannot help believing that, while Watts had the address to raise an army, he lacked the force of character necessary to command obedience at the crucial moment. He showed the same weakness in his campaign against Knoxville, in 1793. Finally, near midnight, Colonel Watts consented to make the attack on Buchanan's Station.

This fort contained sundry families who had gone there for protection, and was defended by fifteen gun-men. The approach of the Indians was disclosed by the running of the cattle, and they were discovered and fired upon by John McRory, when within ten yards of the gate. They returned the fire, and kept up a constant and heavy discharge for an hour. Thirty balls passed through a single porthole of the "overjutting," and lodged in the roof, within the circumference of a hat. The women in the fort, under the leadership of Mrs. Sally Buchanan, rendered valuable aid to its defenders; they moulded bullets, distributed ammunition, loaded guns, and on pressing occasions, fired them upon the enemy.

The Indians were never more than ten yards from the blockhouse and large numbers gathered around the lower walls in an attempt to fire it. Finally, Kiachatalee, of Nickajack, a daring young chief whose talents and courage were much admired by Colonel Joseph Brown, who was once a captive in his town, ascended the roof with a torch, but was shot down; falling to the ground he attempted to fire the bottom logs; literally blowing the flames with his last breath.[21] The Creek chief Talotiskee, of the Broken Arrow, and the redoubtable Shawnees Warrior, of Running Water, were also killed; Colonel Watts fell, pierced through both thighs with a rifle ball, and was carried off on a horse-stretcher. Unacata, or the White-Man Killer, was dangerously, and Dragging Canoe's brother, called the White Owl's Son, mortally wounded. Besides these, four other warriors were wounded, two or three of whom afterwards died.[22] Towards morning the report of the swivel at Nashville, signaled that General Robertson was starting for the relief of the distressed garrison, and the Indians withdrew. There were no casualties on the side of the besieged.

CREEKS CONTINUE THE WAR

After Watts' disastrous defeat at Buchanan's Station, there was a temporary lull in hostilities on the Cumberland. The chief restraining influence on the Indians was the fear that General Sevier would sweep down through their country and destroy their towns and property. But peace negotiations with the Cherokees having been opened, and making satisfactory progress, Governor Blount dismissed the whole of General Sevier's brigade, except a company of infantry and a small troop of cavalry, which were stationed at Southwest Point.

[20] American State Papers, Indian Affairs, Vol. I, p. 294.
[21] American State Papers, Indian Affairs, Vol. I, p. 294.
[22] American State Papers, Indian Affairs, Vol. I, p. 331.

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The effect of this order was immediately felt upon the Cumberland. From the middle of January till the first of April there was hardly a week passed that was not signalized by the murder of some one of its inhabitants.

March 28, 1793, Governor Blount, having received information that the Upper Creeks and Chickamaugas would invade Mero District on the full moon, which would be about the 25th of April, authorized General Robertson to order into service for thirty days a full company of eighty mounted infantry, to explore the woods within the limits of fifty miles from the settlements; and, if the continuance of danger made their further service necessary, to retain them not exceeding two months, with authority to pursue the enemy as far as the Tennessee River.[1] At the same time he promised to order out a company from Hamilton District, that should pass Southwest Point on April 18th, and scour the country from the head waters of Caney Fork to Nashville. This latter company, consisting of one hundred and twenty-five, officers and men, was accordingly embodied and put under the command of Major Hugh Beard, of Knox County, but did not march from Southwest Point until April 29th. They were instructed to consider all Indians found on the waters of Cumberland River as Creeks and enemies, and to treat them as such, unless the contrary appeared.[2]

These defensive measures, while indispensable to the settlements, were not sufficient to prevent the large numbers of Creeks who were daily taking the war path to the Cumberland, from the perpetration of much mischief upon its inhabitants. Two of these war parties, one numbering about thirty and the other about forty-five warriors,[3] made the Bledsoe settlement in Sumner County, a section that had already suffered much at the hands of the Creeks, the especial object of their attack. On the 9th of April, 1793, the smaller party killed and scalped Colonel Isaac Bledsoe, one of the earliest explorers and settlers upon the Cumberland, in a field near his own station, where his brother, Colonel Anthony Bledsoe, had been killed some five years previously. An imposing granite monument now marks the spot where these brave pioneers sleep, side by side, near the ruins of the old fort where they fell.[4]

The larger of the two parties mentioned (possibly both of them combined) made an attack on Greenfield Station, April 28, 1793. Greenfield was about two and a half miles north of Bledsoe's Station, and was settled by Colonel Anthony Bledsoe, but at this time was in possession of Nathaniel Parker, who had married his widow. The engagement has been graphically described by Governor William Hall. He had been acting as a spy, but his term of service having expired, he went over to strengthen the garrison at Greenfield Station, which was not well manned. In the afternoon of the 27th he walked out to the field where Abraham, Prince, and another negro were plowing corn, under the protection of a sentry named John Jarvis. On one side of the field was a dark canebrake, whose green cane reached a height of fifteen feet; and not far off, on the side of a wheat field, was a nursery of young fruit trees, close set and in full leaf, making a dense thicket. He found Jarvis, surrounded by a pack of dogs, leaning against the fence next the canebrake. As he followed the plows across the field, talking with Abraham, a brave, active, and intelligent mulatto, he observed the dogs leap the fence in great excitement, and soon afterwards return, their

[1] American Historical Magazine, Vol. II, pp. 355-7.
[2] American State Papers, Indian Affairs, Vol. I, p. 456.
[3] American State Papers, Indian Affairs, Vol. I, p. 454.
[4] This monument was erected by the descendants of the two Colonels Bledsoe, through the patriotic endeavor of Major J. G. Cisco, in whose excellent book, entitled "Historic Sumner County, Tennessee," may be found a full account of the Bledsoes.

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hair erect, barking and growling in the most angry manner. He at once stopped the plows, and telling Jarvis that Indians were lurking near, ordered the men to the fort.

The night passed off without further disturbance. Next morning a herd of half-wild cattle came charging up to the fort, nearly running over the women who were milking. Mrs. Clendening, a daughter of Colonel Bledsoe, called Jarvis back, and told him the cattle were alarmed by Indians. But Jarvis, a brave and impulsive Irishman, laughed at her fears, complained of having been stopped from work the evening before, and declared he was going on, come what might. Mrs. Clendening then ran into the house and told her mother, Mrs. Parker, of the danger the men were in, and the two women aroused the men in the fort.

In the meantime, Jarvis and the negroes had reached the field, but before they had harnessed their horses to the plows Abraham discoverd that the fence by the canebrake was lined with Indians just in the act of rising. Giving the alarm, they all sprang to their horses, and dashed across the field towards the lane leading to the fort. The Indians fired a tremendous volley at them as they retreated, and followed in hot pursuit.

The little garrison heard the firing before they could get out of the fort. William Hall and William Wilson were the first on the scene. They were at once attacked by a second party of Indians who were trying to cut Jarvis off from the fort, and determined to drive them back. While they made the fence between them and the Indians, the latter reached another fence about eighty yards distant, across a small meadow. As Hall and Wilson took cover in the corners of the primitive worm fence, a volley from the Indian rifles whistled past their heads, scattering splinters in all directions. Reserving their fire, they jumped over the fence and charged upon the enemy, whose guns were now empty, and the latter retreated up the hill towards the nursery. Turning the corner of the wheat field in which the Indians were, they followed on, the fence still between them, until they reached the nursery. At this point a third party of Indians lay in ambush. When they rose up Hall and Wilson instantly determined that the only chance for their lives lay in a bold charge, and as they made it the Indian bullets rattled around them in great numbers, but as they still reserved their fire, the Indians fled as the others had done.

William Neely, who, like Hall, had lost a father and brother by the Indians, and James Hays, now left the fort and ran down to the assistance of Hall and Wilson. Three Indians, detached from the other parties, undertook to cut them off, and having their whole attention absorbed in that direction, did not see Hall and Wilson until they had almost reached the fence by which they stood, when they dropped to the ground in the wheat, which was then about knee high. Hall brought his rifle to bear on one of them, who, seeing his danger, sprang to his feet and ran. At about ten steps Hall fired and the Indian fell. Wilson shot another, and the third escaped.

All this time the first party of Indians were pursuing Jarvis and the negroes, who, having reached the mouth of the lane, abandoned their horses and stopped to exchange shots with the enemy. Jarvis fell at the first fire, but Abraham, more fortunate, killed his man and ran for the stockade. A big Indian chased him almost to the fort, when he fired at him, then stopped and deliberately reloaded his gun. The rescuing party now returned to the lane, and Neely snapped his gun two or three times at the big Indian, but the flint being turned it did not

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fire. The second party of Indians now returned, and the big Indian joining them, recklessly mounted the fence to take a survey of the field. Neely again drew a bead on him, and this time shot him through the arm pits, and he fell dead from the fence.

While a large number of Indians were gathered around the body of Jarvis, scalping and hacking it, Hall proposed to his friends that they fire a platoon into the crowd. Before they could place their guns in position a party of Indians fired upon them from the rear. This was followed by a second volley, which took a lock of hair from Hall's head. The whites then dashed past this party, who were trying to get between them and the fort, and as they ran down the lane they found the body of Prince, who had been killed while trying to reach the station. Hall stopped and turned him over to see who it was, and, renewing his flight, all reached the fort in safety, amid a shower of shot. They had killed four Indians, and had lost Jarvis and Prince; and all the horses had fallen into the hands of the Indians.[5]

The firing was heard for miles around, and during the day a number of parties came to the relief of the fort. A few of them, Joseph Desha, afterwards Governor of Kentucky, and William Hall, being among the number, insisted on giving immediate pursuit, but they were wisely overruled by Major George Winchester; for it was afterwards discovered that the Indians lay in ambush all day in order to surprise their pursuers. Having failed in this stratagem, the Indians abandoned the settlement. Major Beard's company, on their way to Cumberland, encountered them as they were returning from their expedition, and killed one of their warriors and wounded another.[6]

While Major Beard was marching through the Cumberland, and until the local horse had been discharged from the service, about the middle of June, the settlers enjoyed a measure of peace; but after the latter date depredations from small bands of Creeks became distressingly frequent.[7]

Captain Hays, and, afterwards, young McEwen, having been killed at Hays' Station, on Stone's River, Ensign John Davis and a squad of men were sent out to protect the fort. On the last day of June, 1793, Ensign Davis and four of his men went down to the lick to gather strawberries. While so engaged two of the men heard some one whistle. The ensign suggested that it might have been a bird, but they affirmed that it was a human whistle. More from prudence than alarm they mounted their horses and, with trailed arms, rode back to the fort, meeting no interruption on the way.

That night, as the men were grazing their horses near the fort, the dogs gave an alarm, and they hastily returned to the stockade. Just before day next morning the cattle in the yard outside the palisades stampeded and ran off into the forest. When it became light enough to see, the guard went out and found fresh signs where the Indians had crossed the spring branch close to the fort.

It had been the habit of Ensign Davis to furnish a guard for the stationers [settlers] while in the field cutting oats for their horses; but on this morning, in view of the unusual hazard, he refused their application, and urged them not to go out. But notwithstanding his advice, and the many evidences of danger which he pointed out, four or five of the Castlemans, over whom he had no control, persisted in going. Near the corner of the oat patch, about two hundred

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[5] Narrative of General William Hall, Southwestern Monthly, Vol. II, pp. 11-14.
[6] Daniel Smith, American Historical Magazine, Vol. II, p. 92.
[7] James Robertson, American State Papers, Indian Affairs, Vol. I, p. 465.

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yards from the fort, they were fired upon by a party of about a dozen Indians, judging from the reports of their guns. Jacob was killed, Joseph was mortally wounded, while a bullet in the breast brought their father, Hans, to the earth. Joseph, pale and bleeding, made his way back to the fort, and the others defended the old man from the Indians until the guard from the fort came to his rescue. Joseph Castleman died about sunset the same day, and the two brothers were buried outside the fort, alongside the still fresh graves of Hays and McEwen.[8]

Abraham Castleman, a kinsman of the unfortunate family just mentioned, was a soldier, but of that turbulent, insubordinate class often found on the frontiers. The Indians called him "The Fool Warrior," and General Robertson described him as a "disorderly person." About the last day of August, 1793, Abraham Castleman raised a party of fourteen volunteers to take satisfaction for the death of his kinsmen. They took the Indian path leading to the Tennessee River, and followed it to the Creek Crossing Place, a little below Nickajack, but found no Indians on the north side of the river. Scouting parties being strictly forbidden by the government to pursue the enemy across the Tennessee River, all of his followers turned back at the Creek Crossing Place except Zachariah Maclin, John Camp, Eli Hammond, Ezekiel Caruthers, and Frederick Stull. Castleman and his five companions now dressed and painted themselves in the Indian fashion, crossed the river, and took the path leading to Willstown. The road was plain, and numerous trees along it were marked with the figures of scalps and such warlike signs. On the 15th of August, 1793, after they had traveled about ten miles, they discovered a party of forty or more Creek warriors, evidently on their way to Cumberland. They wore their war paint, and were without squaws or horses. They were sitting at breakfast when the whites appeared, and, mistaking them for friends, displayed no alarm at their approach. They continued eating until the whites, advancing to within about thirty yards of them, suddenly raised their guns and fired. Six Indians, including a son and three other kinsmen of the White Lieutenant, one of the first chiefs of the Creek Nation, fell dead upon the spot.[9] As soon as they had discharged their pieces the whites fled, separating into two parties. The shock was sudden and unexpected, and produced the greatest excitement and confusion among the Indians, which enabled the whites to make their escape, though one of them was slightly wounded, and another had four bullet holes through his shirt. They all returned safely to Nashville, August 21, 1793.[10]

While Castleman was turning back the Creek party, headed by the White Lieutenant's son, Captain Isaacs, chief of the Coosawdas, with a small party, was distressing the country below Clarksville, in Tennessee County. On the day of Castleman's return he killed the widow Baker and most of her numerous family.

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[8] Narrative of John Davis, Southwestern Monthly, Vol. I, pp. 213-214. It is uncertain which, and how many, of the Castlemans were present. Mr. Davis, speaking many years afterwards, mentions John, Sr., Joseph, and David. General Robertson, in reporting the affair, says Jacob, William, and Joseph were killed and Hans wounded. (American State Papers, Indian Affairs, Vol. I, p. 466.) David Wilson, in a contemporary letter, says Jacob was killed and Joseph wounded. (American Historical Magazine, Vol. II, p. 94.) Mrs. Sallie Smith, in a letter to her husband, Gen. Daniel Smith, says two of the young Castlemans were killed and old Honnis wounded. (American Historical Magazine, Vol. V, p. 293.)

[9] American State Papers, Indian Affairs, Vol. I, p. 472; Haywood's "Civil and Political History of Tennessee," p. 387.

[10] James Robertson, American State Papers, Indian Affairs, Vol. I, p. 467; Haywood's "Civil and Political History of Tennessee," p. 384.

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Two of her children are said to have escaped.[11] One, Miss Elizabeth Baker, was taken prisoner and carried into captivity. As soon as she arrived at Coosawda, Captain Isaacs and his party hung the scalps of her dear ones on the council house, and danced the scalp dance around them with shouts of exultation and delight. But she did not long have to witness such scenes of humiliation and sorrow; she found a friend in Charles Weatherford, who lived across the river. He ransomed her, and placed her in charge of his wife, Sehoy, the half sister of General McGillivray, and the mother of the celebrated William Weatherford, the leader of the Indians in the Creek war of 1813-14. Here she was well treated, and finally reached her friends in the settlement.[12]

COLONEL WATTS' LAST CAMPAIGN

Governor Blount wrote General Robertson, October 17, 1792, "Buchanan's Station has made a glorious beginning to the war"; but as the event proved it had put a sudden end to the open and avowed war. There were some fiery spirits among the Chickamaugas as well as the Creeks, who, burning for revenge, still haunted the Cumberland, but their principal chiefs disavowed their acts, and expressed their unwillingness to renew the struggle. As for Watts, the bland and playful view he took of the matter was absolutely childlike. He was calm and good-natured as usual; talked jocularly of his campaign, and his wound; told how the people of Nickajack had sent a runner to him, to know whether his wound did not still hurt him; and when answered in the negative, replied tauntingly that they did not expect it would be well so soon.[1]

When Governor Blount's dispatches reached Philadelphia the Federal Government at once took steps to restore peace. On February 8, 1793, the secretary of war wrote him that the President was highly desirous that John Watts, the Little Turkey, and as many others of the real chiefs of the Cherokees as he might deem proper to form a true representation of the tribe, should visit Philadelphia, promising them abundant supplies of such articles as they might desire, both for themselves and for their nation.[2]

On the same day this order was issued, but, of course, before its receipt, Governor Blount despatched John McKee, a particular friend of Watts, to the Chickamauga towns, in order that he might be with Watts, and exert his influence in the interest of peace.[3] When he arrived at Chattooga, about twenty miles from Willstown, he halted, under the advice of friends, and sent for Watts. Watts met him with manifestations of the warmest friendship, inquired about the welfare of Governor Blount, and spoke pleasantly of the war, and the unsuccessful efforts that had been made to induce him to renew it.[4] McKee had provided himself with a few gallons of rum, and plied him with it, hoping by that means to acquire information from him, but all he got for his pains was the conviction that neither war nor the solicitations of his enemies had lessened Watts' friendship for him. On leaving he accepted McKee's invitation to meet him at Spring Hill on March 8th.

Watts did not appear at the time appointed, nor did he ever appear, though

[11] American State Papers, Indian Affairs, Vol. I, p. 468.
[12] Pickett's "History of Alabama," Vol. II, pp. 134-5.
[1] American State Papers, Indian Affairs, Vol. I, p. 445.
[2] American State Papers, Indian Affairs, Vol. I, p. 429.
[3] American State Papers, Indian Affairs, Vol. I, p. 435.
[4] American State Papers, Indian Affairs, Vol. I, pp. 445-6.

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McKee waited until the 16th, and then sent a messenger to him. He told the messenger that he could not come on account of a great ball play, though McKee was afterwards informed that the ball play was not to have taken place before the 26th. Some days later John Walker, the innocent looking spy of the Buchanan's Station expedition, informed him that it was not the ball play that detained Watts, but a quarrel between him and Talotiskee on account of Watts' visit to him at Chattooga. Watts was so insulted that he determined to leave Willstown, and actually packed up and had gone fourteen miles, when the young warriors sent and persuaded him back.[5]

Though McKee got nothing definite or satisfactory from his mission, he had hardly returned when Watts himself appeared on the border, and sent word to Governor Blount that he was at the Hanging Maw's, and wished to visit him at Knoxville, if he could do so with safety; but if he could not, he would be glad to meet him elsewhere. Governor Blount met Watts, the Hanging Maw, Doublehead, and other chiefs,[6] at Henry's Station, on April 5th, and spent the day in eating, drinking and jocular conversation, of which Watts was very fond. He was friendly and good-natured, and impressed the governor as "unquestionably the most leading character of his nation."[7]

The next day Governor Blount made known to Watts the wish of the President that he and the other chiefs visit Philadelphia. He replied that in twenty-one nights (April 27th) they would have a full council at Running Water, and would then let him know what conclusion they had reached.[8]

The council did not meet at Running Water as expected but on the 24th of May, Bob McLemore, a warrior of Watts' party, arrived at the Hanging Maw's with a message from Watts, that the council at Willstown, with the Shawnee ambassadors, had broken up, and that all was straight; he would be up in five nights, with Talotiskee, Bloody Fellow, and other chiefs, and would give the particulars. He neither wrote nor sent the particulars of the proceedings at Willstown, for fear of some mistake.[9]

June 3rd following, McKee informed Governor Blount that Doublehead, the Otter Lifter, and ten or twelve other chiefs from the Chickamauga towns had arrived at the Hanging Maw's, and that Watts was expected that day. They had come at the request of Governor Blount, and, having expressed the most pacific disposition, were expected to proceed to Philadelphia in company with McKee, whom Governor Blount had employed for that purpose, and authorized to provide for their wants by the way.[10]

Having everything arranged to his satisfaction, Governor Blount himself departed for Philadelphia June 7th, leaving Secretary Daniel Smith in charge as acting governor of the Territory.

Hanging Maw, or Scollacutta, the head chief of the Cherokee Nation, at whose house the envoys from the Chickamauga towns were assembling, was one of their old chiefs; he was already a great man when John Watts was a child;[11] he knew Washington when they were both young men and warriors;[12]

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[5] American State Papers, Indian Affairs, Vol. I, p. 452.
[6] American State Papers, Indian Affairs, Vol. I, p. 452.
[7] American State Papers, Indian Affairs, Vol. I, p. 443.
[8] American State Papers, Indian Affairs, Vol. I, p. 447.
[9] American State Papers, Indian Affairs, Vol. I, p. 455.
[10] American State Papers, Indian Affairs, Vol. I, pp. 457-459; Calendar of Virginia State Papers, Vol. VI, pp. 409, 410, 418.
[11] American Historical Magazine, Vol. IV, p. 367.
[12] American State Papers, Indian Affairs, Vol. I, p. 459.

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and got to be known as the Great Warrior of his nation.[13] But he had long been a friend of peace. As far back as 1780, when his towns joined the Chickamaugas in an invasion of the frontiers, he threatened to leave them and take up his residence with the whites;[14] and in turn, the victorious Americans protected his house and property from plunder, even when Chota, the white city, was not spared. When the Old Tassel became principal chief of the Cherokees, Hanging Maw was his associate, and assisted him to preserve peace during the stormy days of the Franklin government. When The Tassel fell the Hanging Maw became his successor. At one time the Creeks fomented so much trouble on the frontiers that he removed to Willstown, but there they called him Virginian, and stole his horse, so he returned to Chota, determined to stand his ground.[15] Governor Blount declares, at this time, that "If there is a friendly Indian in the Cherokee Nation, to the United States, it is The Maw, and he is a very great, beloved man."[16]

During the month of May there were several small parties of Indians committing depredations in the settlements around Knoxville. On the 25th one of these parties killed Thomas Gillum and his son James, in the Raccoon Valley, near Clinch River. Governor Blount ordered Capt. John Beard, with fifty mounted infantry, to give immediate pursuit, his purpose being to punish the offenders to deter like parties of Indians in the settlement from committing depredations, and to pacify the white people on the frontiers.[17] Excitement in the neighborhood was at such a tension that only a favorable opportunity was necessary to cause it to burst out in the most terrible retaliation against the Indians. This opportunity was found in the order given to Captain Beard.

In following the party of Indians who had killed the Gillums Captain Beard claimed that the trail led to the town of Hanging Maw, where the envoys from the Chickamauga towns were gathered, at the invitation of Governor Blount. Though he had been ordered not to cross the Tennessee River, about daylight on the morning of June 12th, 1793, he crossed over to the south bank of that stream, and made an assault on Hanging Maw's town. He killed Scantee, Fool Charley, or Captain Charley and eight or ten others, among whom was William Rosebury, a white man who had an Indian wife and a small family, and Betty, the daughter of Kittigeskee. Among the wounded were Hanging Maw, his wife and daughter, and Betty, the daughter of Nancy Ward, who, it will be remembered, was the Indian wife of Gen. Joseph Martin.

Maj. Robert King, an agent of the government, who had formed a connection with Hanging Maw's daughter, was in the house when it was attacked, and only saved his life by jumping out of the window; an incident that shows some degree of advancement in their dwelling houses. James Orr and Daniel Carmichael, also government agents, were fired upon as they made their escape.

By hard pleading the white men induced Captain Beard to spare the rest of Hanging Maw's family, and not to burn his house.[18] It was reported at the time that Doublehead and Hanging Maw's wife were both killed, the latter while pleading for forbearance and professing her invariable friendship for the white people. But it turned out that neither of them was killed; Hanging

[13] Calendar of Virginia State Papers, Vol. IV, p. 250.
[14] Weeks' "Gen. Joseph Martin," p. 432.
[15] American Historical Magazine, Vol. IV, p. 93.
[16] American State Papers, Indian Affairs, Vol. I, p. 436.
[17] American State Papers, Indian Affairs, Vol. I, p. 455.
[18] Calendar of Virginia State Papers, Vol. VI, pp. 409-10; Ramsey's "Annals of Tennessee," p. 577.

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Maw's wife received a wound from which she recovered; and four years afterward, her husband having died in the meantime, she applied to the government for a pension as his widow, alleging this affair as a ground for her claim.[19]

It was felt that this shocking assault would inevitably bring on a general war, and Secretary Smith immediately wrote to Hanging Maw, Doublehead, and Watts, pleading with them not to be rash, but to go on and see their great father, the President, as he had requested, and assuring them that he would give them satisfaction if they forbore to take it themselves.

The Indians demanded that they be given immediate satisfaction by the arrest and punishment of Captain Beard's party. Doublehead was furious. "I am still among my people, living in gores of blood," he wrote. "We have lost nine of our people that we must have satisfaction for. This is the third time we have been served so. I shall not go from this place until I get a full answer from you." Hanging Maw answered sarcastically that, while Governor Blount was in place nothing happened. "Surely they are making fun of you." "If you are left in the place of the governor, you ought to take satisfaction yourself." "I think you are afraid of these bad men." And to President Washington he wrote that he need not look for them to go to Philadelphia at that time.[20] John Watts answered not a word.

Secretary Smith caused Captain Beard to be arrested and tried before a court martial, but public sentiment was too strong to be resisted, and he was acquitted; and Secretary Smith confessed, to his great pain, that he found it out of the question to punish Beard by law at that time.

Finding the authorities thus powerless to punish the offenders, the patience of the Cherokees gave way, and the latter part of August brought unmistakable evidence of Indian hostility. The settlements were put in a posture of defense. General Sevier was posted at Ish's Station, across the river from Knoxville, with 400 mounted infantry. There were forty men at Knoxville, and a respectable force at Campbell's Station, about fifteen miles west of Knoxville, which was one of the strongest forts on the border.

On the evening of September 24, 1793, John Watts, at the head of a large body of Indians, estimated at a thousand warriors or more, composed of Cherokees and Creeks, crossed the Tennessee River below the mouth of Holston, and marched all night in the direction of Knoxville. They avoided Campbell's Station, passed within three miles of Ish's, and daylight found them in sight of Cavett's Station, eight miles west of Knoxville.

When intelligence of the approaching Indians reached Knoxville, its men, under the leadership of Col. James White, determined to meet them on the ridge, a mile and a quarter west of the town, rather than await them in the blockhouse. Among the brave men who shouldered their rifles and marched out to meet the enemy was the Rev. Samuel Carrick, whose wife lay dead in his house, and her body was left to be committed to the grave by female hands.[21] Colonel White skilfully planned his defense, carefully placed his men in ambush, and patiently awaited the enemy, but they never came.

Colonel Watts had with him some of the most intractable chiefs of the nation, particularly Doublehead. I have already mentioned the difficulty of controlling large bodies of Indians, and expressed the opinion that Watts did

[19] American State Papers, Indian Affairs, Vol. I, p. 621.
[20] American State Papers, Indian Affairs, Vol. I, p. 460.
[21] Sprague's "Annals of the American Pulpit," Vol. III, p. 434.

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not have the force of character to compel obedience to his will. On this occasion the chiefs disputed the question, whether they should press on to Knoxville at once, or stop and destroy every cabin on their way. Doublehead favored the latter. Then the question arose whether they should massacre all the inhabitants of Knoxville, or only the men. Doublehead insisted on the former. The altercation between Doublehead and Vann was long and heated. Vann had a little boy, a captive, riding behind him. Doublehead became so infuriated that he killed Vann's little boy. The result was that, after a march, which for celerity and silence was quite remarkable, they found themselves eight miles from Knoxville at daylight, the hour at which their attack on that town was to have been made.

But they were in sight of Cavett's Station, a blockhouse in which Alexander Cavett and his family of thirteen people resided, only three of whom were gunmen. They abandoned Knoxville and assaulted Cavett's. The three men made a brave resistance. Alexander Cavett, the father, died with bullets in his mouth, which he had placed there to facilitate loading. Five Indians fell, dead or wounded, before their rifles. This checked the assailants and brought on a parley. The Bench, Watts' nephew, who spoke English, agreed with the besieged that if they would surrender, their lives should be spared, and that they should be exchanged for a like number of Indian prisoners. These terms were accepted and the little garrison surrendered. As soon as they left the blockhouse Doublehead and his party fell upon them and put them all to death in the most barbarous manner, except Alexander Cavett, Jr., who was saved by the interposition of Colonel Watts, though he was afterwards killed in the Creek towns. It is but just to add that The Bench, who arranged the terms of capitulation, pleaded, though in vain, for the lives of the captives.

The house was then plundered and burned, and the Indians disappeared.[22] General Sevier, who then lay at Ish's with 400 men, was ordered out by Secretary Smith, to pursue the Indians. Being reinforced until his whole army numbered about seven hundred men, General Sevier took the field and marched rapidly southward until October 14, 1793, when he reached the beloved town of Estanaula. The town was deserted, but as it contained abundant provisions, General Sevier halted here and rested his men. The Indians undertook to surprise his camp at night, but their attack was unsuccessful. From some Cherokee prisoners taken at Estanaula it was learned that the main body of the enemy, composed of Cherokees and Creeks, had passed that place a few days previously, and were making for a town at the mouth of the Etowah River. After refreshing his troops, General Sevier followed the enemy, reaching the confluence of the Oostanaula and Etowah rivers on the evening of the 17th.

The Creeks and a number of the Cherokees had entrenched themselves on the opposite bank of the Etowah, to obstruct its passage. A happy mistake on the part of the guides, Carey and Findleston, saved the day for the whites. They carried Colonel Kelly's forces half a mile below the ford, where he and a few others immediately swam the river. The Indians, discovering this movement, abandoned their entrenchments and rushed down the river to oppose Colonel Kelly. Captain Evans, discovering the error, wheeled, and, turning his horsemen back to the ford, dashed into the river. The Indians at the

[22] Southwestern Monthly, Vol. II, pp. 330-332; Ramsey's "Annals of Tennessee," pp. 580-581.

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ford, who were under the command of the King Fisher, a Cherokee chief of the first consequence, saw their mistake, and returning received Captain Evans' company furiously at the rising of the bank. The engagement was hot and spirited. The King Fisher made a daring sally within a few yards of Hugh Lawson White, afterwards the distinguished jurist and statesman. He and some of his comrades discharged their rifles, the King Fisher fell, and his warriors abandoned the field. The whites lost three men in this engagement.[23]

This campaign ended the war, and closed the military careers of both Colonel Watts and General Sevier.

THE BENCH AND OTHER MINOR CHIEFS

In the preceding narrative relating to the Holston settlements we have considered mainly the greater leaders and larger movements of the Cherokees; but the most intolerable solicitude and suffering of the pioneers was caused by the sudden forays of small parties of Indians, who prowled the woods with stealthy step, appearing and vanishing like frightful phantoms. They skulked in the neighborhood of the lone cabin, and ambushed the men going to and from their work; or, waiting patiently until they were out of earshot, fell upon their defenseless women and children. The first legislative assembly of the Southwest Territory, which assembled at Knoxville in February, 1794, in a memorial to Congress, declared that, since the treaty of Holston in 1791, the Indians had killed, in the most barbarous manner, more than two hundred citizens of the Territory, without regard to age or sex, and carried others into captivity and slavery; robbed them of their stores; destroyed their cattle and hogs; burned their houses and grain; and laid waste their plantations.[1] This enumeration, of course, included the depredations committed on the Cumberland, which, on account of its proximity to the Chickamaugas and Creeks, was at this period the chief sufferer.

There were no depredations committed on the frontiers of the Holston settlement from the treaty of 1791 until the fall of 1792.[2] At that time, it will be remembered, the Spanish incited the Chickamaugas and Creeks to declare war against the United States, which was followed by the invasion of Cumberland and the unsuccessful attack on Buchanan's Station. The Upper towns, as the Overhills were now called, still held the United States by the hand, and were recognized by Governor Blount as a friendly tribe. Some offenses, however, were committed by what the old chiefs called "their bad young men," whom they had no power to restrain, often in retaliation for like offenses committed by lawless white men, hardly less amenable to control. Hanging Maw's friendship for the United States was not questioned, yet in the spring of 1793 his next door neighbor, with a few fellows from the surrounding towns, killed two unarmed young men named Clements, as they left their father's house in search of cattle.

These Indians claimed to be taking satisfaction for the death of the Black Fish and the Forked-Horn Buck,[3] who had been killed on the 12th of the preceding November, while attempting the perpetration of a horrible crime.

[23] Ramsey's "Annals of Tennessee," pp. 584-589; American State Papers, Indian Affairs, Vol. I, p. 469.

[1] Haywood's "History of Tennessee," p. 314.

[2] American State Papers, Indian Affairs, Vol. I, pp. 325-6.

[3] American State Papers, Indian Affairs, Vol. I, pp. 436, 437, 440.

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The Black Fish, of Chota, who had long lived in habits of intimate friendship with the whites, and the Forked-Horn Buck, of Citico, with a small party of warriors, mostly from the Chickamauga towns, attacked the house of Ebenezer Byron, in the Grassy Valley, near Knoxville, in which were two men and their families. The Indians surrounded the house before they were discovered and, forcing open a window, pointed their guns through it, when a well-directed fire from the two white men killed the Black Fish and the Buck. The others fled without firing a gun.[4]

Notwithstanding the fact that their bad young men sometimes joined such marauding parties, the Upper towns were for peace, and refused to take up the hatchet even after Captain Beard's attack on the Hanging Maw's town in June, 1793. But it was not so with the Chickamaugas and Creeks; after Watts' visit to Governor O'Neal in 1792, they dug up the hatchet with great ceremony, and cannot be said to have buried it again until after General Wayne's decisive victory over the northwestern Indians in 1794. While Watts was marching his formidable army against the Cumberland, Lesley, a young half-breed Creek, whose father was a Scotchman, with a few other young fellows from his nation, opened up the war on the Holston. On September 12th they attacked the house of Mr. Gillespie, who lived on the border, killed one of his sons, and carried another prisoner into the nation. The latter was afterwards purchased by James Carey, an agent of Governor Blount's, with the assistance of Chunelah and other chiefs of the Upper Cherokees, for 250 pounds of leather and a horse, equal to $98.30, and returned to his family.[5]

November 5th Lesley's party stole eight horses on Little River. They were traced towards Chilhowee, and the neighboring people, thinking the mischief proceeded from that town, assembled for the purpose of destroying both Chilhowee and Tallassee, an adjoining town, when they were stopped by General Sevier.[6]

In April, 1793, Lesley and his party burned the house of James Gallaher, on the south side of Holston. As they returned from the frontiers, they called on the Hanging Maw and asked for provisions, which he refused, whereupon they shot his dog and departed. They were pursued by a detachment of mounted infantry, who followed their trail across the Tennessee River. The waters having risen suddenly, the scouts had to swim the river on their return, and in doing so John McCullough was drowned. A few days later Lieutenant Tedford's rangers took up the pursuit of Lesley, and in the dusk of the evening fell in with two Indians on horseback, on whom they fired, killing one, who proved to be John Watts' old friend, Noonday, of Tocquo.[7]

Governor Blount apologized to Hanging Maw and Watts for the death of Noonday, who, he said, was killed by mistake for a Creek. Watts' reply illustrated the Indian idea of satisfaction: "I sent your people word of the Creeks being at the Hanging Maw's, and as they returned from the pursuit of them, one of the men got drowned. I suppose that was the reason of Noonday's being killed; and as I wish peace, let both go together—Noonday for the man that was drowned."[8]

These raids of the Creeks so imperiled the Upper Cherokees by drawing the

[4] Haywood's "History of Tennessee," pp. 279, 280.
[5] Haywood's "History of Tennessee," p. 277.
[6] American State Papers, Indian Affairs, Vol. I, p. 326.
[7] Haywood's "History of Tennessee," pp. 294-5.
[8] American State Papers, Indian Affairs, Vol. I, p. 450.

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white people upon them, that the Hanging Maw abandoned his town for a time, but when they mistreated him at Willstown, he returned, and joined the white people in the pursuit and punishment of the Creek marauders. July 24, 1794, a party of Creeks killed and scalped John Ish, while plowing in his field, a short distance from his blockhouse. Hanging Maw sent his son, Willioe, John Boggs, and nine other Cherokees to join Major King and Lieutenant Cunningham in the pursuit of the murderers. They struck the trail in the path leading from Coyatee to Hiwassee, and followed on through Hiwassee to Wococee, without overtaking the offenders, when a runner from Hiwassee informed them that Obongpohego, of Toocaucaugee, on Oakfusgee, one of the party, had stopped at a little village two miles from Hiwassee. Upon receipt of this information they returned to the house where Obongpohego was stopping. After some consultation as to who should take him, the honor fell to Willioe and three of his companions, who seized and tied him, and delivered him in bonds to the United States agent, John McKee, at Tellico Blockhouse, on the evening of July 28th.

The governor at once issued a commission of oyer and terminer for the trial of Obongpohego. Judge Joseph Anderson opened the court, and an indictment was found against him by the grand jury. He confessed the fact, and pleaded in justification that his people had thrown away the peace talks of the United States, and taken up the hatchet. Afterwards the court permitted him to withdraw this plea, and a plea of not guilty was entered. Upon the trial the jury found him guilty as charged in the indictment. Being asked what he had to say why the sentence of the law should not be pronounced against him, he replied that he had nothing to say; he had come out with the intention of killing and stealing, or being killed; he had killed John Ish, and it had been his misfortune to fall into the hands of the whites; he should have escaped from them had it not been for the Cherokees; and should he now be killed, there was enough of his nation remaining to avenge his death. He was sentenced and executed on the 4th of August.[9]

The Creeks demanded satisfaction of the Cherokees for the death of Obongpohego, but their support by the whites enabled them successfully to defend themselves. At the conference at Tellico Blockhouse, November 7-8, 1794, Governor Blount declared it was the duty of the Chickamaugas to serve the Creeks as the Upper Cherokees had; but John Watts, who was always ready with an intelligent answer, replied: "The Upper Cherokees were right in seizing one last summer and delivering him up to you, and in killing two others. They live far from the Creek country, and have the white people to support them, but the Lower towns are but few, live near the Creeks, and too distant from the white people to be supported by them." [10]

Though the Upper Cherokees and Creeks did some mischief on the frontiers of Holston, the Chickamaugas were responsible for much the greater part of it. They had never buried the hatchet from the beginning of the revolution till the death of Dragging Canoe. The peace Watts then concluded did not last six months. Some of their chiefs, however, like The Breath, of Nickajack; The Glass and Captain Charley, of Running Water, and Dick Justice, of Lookout Mountain, did not join in Watts' war of 1792,[11] but they were wholly unable

[9] Haywood's "History of Tennessee," pp. 222-3.
[10] American Historical Magazine, Vol. III, pp. 271-2.
[11] American State Papers, Indian Affairs, Vol. I, p. 278.

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to control the young men, even of their own families. A nephew of The Breath, called the Little Nephew, Towaka, and four or five other young fellows from Nickajack,[12] made repeated raids on the Holston settlements. December 22, 1792, they went to the house of Mr. Richardson, in Jefferson County, lay in ambush many hours on a hill overlooking his door, until he left the house; and in his absence of half an hour massacred his family, consisting of Mrs. Richardson, Mrs. Foster, Miss Schull, and two children. They robbed the house and went off, leaving a war club, to signify that their nation had again taken up the hatchet. A few days later they drove eighteen horses from the Big Pigeon, and wantonly killed several cattle and hogs.[13] The following spring they returned to the same neighborhood. On the 9th of March they formed an ambuscade on a path near Mr. Nelson's house, on the Little Pigeon River, and when his sons, James and Thomas, came out, they shot and scalped them both. This time they got fourteen horses from the Flat Creek settlement.[14]

The most daring and crafty of these Chickamauga bushwhackers was Bob Benge, the son of an Indian trader named John Benge, who married a niece of the Old Tassel, and spent his life in the nation. The Tassel complained to the commissioners at the treaty of Hopewell, in 1785, that, in passing through Georgia, Benge had been robbed of leather to the value of £150 sterling. John McKee saw him, and was befriended by him, near Chattanooga, as late as 1793.[15] His Indian wife had two sons, Bob Benge and The Tail. Only the former of these bore his name; and, through the inaccuracy of the pioneer ear, that had been almost lost, as he appears generally in our Tennessee histories and public documents under the more dignified name of The Bench, by which I shall still call him, though he is celebrated in Virginia tradition as Captain Benge.

His first enterprise in this quarter was undertaken in the summer of 1791. Notwithstanding the treaty of July 2nd, on August 23rd he startled the settlements in the neighborhood of Moccasin Gap, or Clinch Mountain, by a sudden and unexepected assault on the house of the McDowells and Pendletons. Mrs. William McDowell and Frances Pendleton, the seventeen-year-old daughter of Benjamin Pendleton, were killed and scalped; Reuben Pendleton was wounded, and Mrs. Pendleton and a boy of eight years of age were carried into captivity. Three days later, in the same neighborhood, his party appeared at the house of Elisha Farris, about eight o'clock in the morning, killed and scalped his wife, and Mrs. Livingston and her three-year-old child, and mortally wounded Mr. Farris. His daughter, Nancy Farris, a girl about nineteen years of age, they carried off a prisoner.[16] After this bloody raid they made good their escape, without discovery and without punishment.

In the spring of 1792 The Bench again visited the settlements on the upper Holston. April 6th he surprised the house of Harper Ratcliff, in Stanley Valley, about twelve miles from Hawkins courthouse, and not far from the scene of his massacres of the preceding year, killed Mrs. Ratcliff and her three children, and then made off to the mountains. He left behind him three war clubs,

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[12] American State Papers, Indian Affairs, Vol. I, p. 438.
[13] Haywood's "Civil and Political History of Tennessee," p. 281.
[14] Haywood's "Civil and Political History of Tennessee," p. 293.
[15] American State Papers, Indian Affairs, Vol. I, p. 444.
[16] American State Papers, Indian Affairs, Vol. I, p. 331; Haywood's "Civil and Political History of Tennessee," p. 270.

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a bow, and a sheaf of arrows, as a proclamation of war. Capt. James Cooper's company had been ordered out for service in Mero District, but when the murder of the Ratcliff family became known they were directed to range on the borders of Hawkins County; and while they never came up with The Bench, they forced him to retire from that quarter,[17] and his subsequent movements were comparatively harmless, though he was reported to have been in many parts of East Tennessee.

In September The Bench and his brother, The Tail, who lived at Willstown, passed through Hiwassee, declaring that they were going to kill John Sevier.[18] October 2nd, about an hour and a half in the night, they surprised and attacked Black's blockhouse, at the head of Crooked Creek, a branch of Little River, at which a sergeant's command from Captain Crawford's company was stationed. Part of the garrison were sitting out of doors by a fire, all unconscious of danger, when they were fired upon, two of their number, George Moss and Robert Sharpe, being killed and John Shankland wounded. James Paul was killed in the house. The Indians also killed three horses and carried away seven.[19] After this feat they seem to have abandoned the idea of killing General Sevier, and returned to their towns.

The Bench entered upon his next campaign in the very beginning of 1793. His point of destination was his old stamping grounds in Southwestern Virginia, but this time he reached it by way of Kentucky, proceeding so far with Doublehead, beyond question the most cruel and bloodthirsty Indian in the Cherokee nation. January 22nd they fell in with a party of traders, at Dripping Spring, on the trace from Cumberland to Kentucky, killed Capt. William Overall and Mr. Burnett, took nine horses loaded with goods and whisky, and made their escape, though pursued as far as the Cumberland River. It was reported that they cut and carried off the flesh from Captain Overall's bones[20] —a cruel lesson Doublehead imparted to all too apt a pupil.

After the affair at Dripping Spring The Bench took his leave of Doublehead and turned up next on Powell's Mountain, March 31, 1793, where, if we may credit the Virginia writers, he fell in with an old acquaintance. Moses Cockrell was a border ranger on the frontiers of Holston, in Virginia. Famous for his size, activity and handsome person, he was proud of his manhood, and was ambitious to meet the famous Captain Benge, as he called him, in single combat. Perhaps he boastfully predicted the result of such a contest so loudly that it reached the ear of The Bench. At any rate, they met this early spring day on top of Powell's Mountain, in what is now Lee County, Virginia. Cockrell and two companions were wending their way to the settlements, with a number of pack horses loaded with merchandise. The Bench discovered their approach and awaited them in ambush. He instructed his followers not to kill Cockrell, as he desired to prove his personal prowess by taking him captive. At the first crack of the Indian rifles the two companions of Cockrell fell, seeing which their leader dashed down the mountainside, like a deer, with The Bench in close pursuit.

Two miles away, in the valley of Wallen's Creek, was the cabin of a pioneer, in reaching which Cockrell felt lay his only chance of escape. To this

[17] Haywood's "Civil and Political History of Tennessee," p. 274.
[18] American State Papers, Indian Affairs, Vol. I, p. 293.
[19] American State Papers, Indian Affairs, Vol. I, p. 294.
[20] American State Papers, Indian Affairs, Vol. I, pp. 436, 438.

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cabin he made at the utmost limit of his speed. He was handicapped by the weight of $200, specie, in his belt, but by a desperate effort he reached the clearing and leaped the fence surrounding the cabin; but before he had touched the ground The Bench's tomahawk was buried in the top rail of the fence. Seeing that Cockrell had reached the cabin, and not knowing how it might be guarded, The Bench disappeared and rejoined his companions on the mountain.[21]

He remained in the settlement most of the summer, making reconnoisances with the especial view of discovering where negroes might be had; a species of property of which he was uncommonly fond. On the 17th of July he traversed the north fork of Holston for about twenty miles, fired on a man named Williams, and captured a negro woman, the property of Paul Livingston. The latter made her escape after two days' captivity, and returned to her home.[22]

In the spring of 1794, The Bench made his last expedition to the frontiers of Virginia. At that time Peter Livingston lived near the present town of Mendota, in Washington County. His aged mother, the widow of William Todd Livingston; his brother, Henry, and his wife, Susanna, were living with him. His own family consisted of his wife, Elizabeth, and their five children; besides, they had a negro woman, with a young child, and a negro boy about eight years of age.

On the morning of April 6th, the family were about their usual occupations, not having a suspicion that there was an Indian on the frontiers; Peter and Henry had gone to a bárn some distance in the field; the old grandmother was in the garden busying herself about planting the spring vegetables; Susanna-Sukey, they called her—with two of the children was in an outhouse on some errand or other; and Elizabeth, with her nursing infant, a child of two, and one of ten years of age, was in the house engaged with her usual cares. Presently she was alarmed by the furious barking of the dogs. Looking out she saw seven Indians, armed and frightfully painted, approaching the house. Slam! the door is closed and barred. The Indians rush furiously up, try to burst the door, and failing, demand to be admitted. They discharge two guns, one ball piercing the door, but doing no damage. Mrs. Livingston gets down her husband's rifle, puzzles with its double triggers, and finally returns a ball crashing through the door. The Indians retire, surprised at the unexpected defense.

But what is the frightful odor that now reaches the brave mother? Smoke! It fills the room; becomes suffocating. The Indians have fired the house. She throws open the door, preferring the tomahawk to the flames. But she was spared the horrors of a savage massacre. The Indians took her and her three little children and added them to a group of prisoners, which she found, to her inexpressible delight, contained her other two children and their aunt Sukey, the negro woman and her child, the negro boy, and a negro man belonging to Edward Callihan. Mrs. Elizabeth Livingston, in her statement, makes no further mention of her husband's mother; but Haywood intimates[23] and Benjamin Sharpe,[24] a neighbor, expressly states that she was killed. The

[21] Calendar of Virginia State Papers, Vol. VII, p. 108; Summer's "Southwest Virginia," pp. 433-4, quoting Coale's "Wilburn Waters."

[22] Calendar of Virginia State Papers, Vol. VII, p. 108.

[23] "Civil and Political History of Tennessee," p. 327.

[24] "American Pioneer," Vol. II, p. 466.

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Indians were afraid to plunder the house, fearing it had been a man who discharged the rifle, and the whole of its contents was consumed by the flames.

Now there was a hurried retirement to a more secluded spot; a division of spoils; and a packing of bundles by the Indians. This gave time for a most pathetic scene. The captives were some distance in the rear, in charge of two Indians. The quick instinct of the mother discovered that their captors were rather careless about the security of the children. She calls in a soft voice to her oldest daughter—the little girl of ten—gives her the baby, and whispers to her to take them all and run to their neighbor, John Russell's. They leave her with reluctance, the five little tots; they look back over their shoulders; they halt, how can they tear themselves from their mother! She frantically beckons them to go on, though it almost breaks her heart to see them leave her, in their perilous, helpless condition. The Indians wink at their escape, and they disappear.

That evening they passed the Clinch Mountain, and bivouacked at Cooper Creek. The next day they crossed Clinch River at McLean's fish dam, steered northwardly, and camped on the head of Stoney Creek. They did not put out spies or sentries, considering themselves out of danger. The next day they broke camp late, traveled slowly, and halted at the foot of Powell's Mountain. The Bench now felt easy; his manner softened, and his tongue loosened. He communicated freely with his prisoners. He was carrying them to the Chickamauga towns. His brother, The Tail, was hunting in the Wilderness on the way. He had white prisoners there, with horses and saddles, taken in Kentucky. He was coming back next summer and pay old General Shelby a visit, and take his negroes; in fact, he was going to take all the negroes off the north branch of Holston. He sent two hunters ahead to kill game for their sustenance by the way. This was April the 8th.

In the meantime news of the disaster to the Livingstons swept across the frontiers. When it reached Lee Courthouse, court being in session, immediately adjourned. Lieutenant Vincent Hobbs called upon the bystanders for volunteers to make instant pursuit. Thirteen men responded. Do they find the trail and trust to the speed of their horses to overtake the marauders? Not Lieutenant Vincent Hobbs! He is a backwoodsman as well as a soldier. He knows every pass in the mountains. With the unerring judgment of a hunter he dashes forward to Stone's Gap, where the Indians will cross Cumberland Mountain. He reaches the Gap. The Indians have already passed. He takes the fresh trail, comes upon two hunters—the two sent out by The Bench on the 8th—and kills them. The main party has not yet passed. Back to the Gap. Fortunately they are in time. They secrete themselves in ambush, and wait.

The Bench broke camp on the morning of the 9th, crossed Powell's Mountain, and is at this very moment approaching Stone's Gap. He comes within the ambuscade. Bang! Bang! At the first fire The Bench and three of his warriors fall dead. Mrs. Elizabeth Livingston and her guard are some distance in the rear. He orders her to run, which she performs slowly. He attempts to kill her; she breaks the force of the blow with her arm, and, seeing her friends approaching, grapples him. He throws her back over a log, at the same time aiming a blow at her head, which renders her senseless; in which condition she lies for an hour, but finally recovers.[25]

Lieut. Vincent Hobbs sent The Bench's scalp to the governor of Virginia, and the Legislature voted him a silver-mounted rifle for his gallantry.

[25] Calendar of Virginia State Papers, Vol. VII, pp. 111, 112; Summer's "Southwest Virginia," pp. 441-443.

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DOUBLEHEAD

The operations of Doublehead, though simultaneous with the Chickamauga incursions of 1792-3, had no organic connection with them. Self-willed and obstinate, he could not bear the restraint even of a concert of action with the head men of his tribe. Strong and athletic in person, he was famous for his feats of personal prowess. He was a stranger to all the softer and more gentle passions. If he had ever heard a love song in his nation he was unable to repeat it.[1] But by his proud and haughty bearing, his bold, fearless and masterful spirit, and his ready and terrible vengeance, he forced himself to the front rank among the councilors of his nation, though he lived in an outlying town, and in a country to which the Cherokees had no just claim.

We first meet with him in July, 1791, at the treaty of Holston, which, it will be remembered, the Chickamaugas refused to attend. After he had signed the treaty, he begged and obtained the written permission of Governor Blount to hunt on the waters of Cumberland.[2] He seems, however, to have had little use for this permit, as we find him making his fall hunt low down on the Tennessee. He had settled with a party of some forty Cherokees, Northwards, and Creeks, on the south side of the Tennessee River, at the Muscle Shoals about the year 1790. Colonel Meigs thought this settlement was projected by the Cherokees in order to try their title to that portion of the Chickasaw hunting ground,[3] but Doublehead's son-in-law, Col. George Colbert, the Chickasaw chief, assured General Robertson that he settled at the Muscle Shoals by his permission.[4] At the Chickasaw conference in June, 1792, Governor Blount drew their attention to Doublehead's settlement on their land, and asked them to drive him off, or to authorize the United States to destroy his town.[5] But immediately after the Chickasaw conference, Watts formally declared war against the United States, invaded Cumberland with a formidable force, and made his unsuccessful attack on Buchanan's Station, and for the time, Doublehead was entirely forgotten.

Doublehead's hunting party in the fall of 1791, consisted of twenty-eight men, besides women and children. While on this expedition, without any known cause, and in open violation of the treaty of Holston, which he had signed only six months previously, he took seven men of his party and made a memorable scalping excursion up the Cumberland.[6] Near the mouth of the river he fell in with Conrad's salt boat, which he took after killing one man. He then proceeded up the river as far as Clarksville. It so happened that while he was skulking in the neighborhood, January 17, 1792, General Robertson called for Volunteers to act as spies and rangers, and John Rice, notable as the grantee and original proprietor of the tract of land on which the City of Memphis now stands, Robert, William and Valentine Sevier, the only grown sons of Col. Valentine Sevier, and nephews of Gen. John Sevier, John Curtis, and two or three other young men from Clarksville and Sevier's Station, set out to join him at Nashville.

There being a scarcity of horses in the settlement they determined to go up the Cumberland in a canoe. Doublehead, who was watching for just such an opportunity, discovered their movement, and hastily crossing one of the numer-

1 "Transactions of the American Antiquarian Society," Vol. I (1820), p. 317.
2 American State Papers, Indian Affairs, Vol. I, p. 257.
3 American Historical Magazine, Vol. V, p. 73.
4 American Historical Magazine, Vol. V, p. 81.
5 American State Papers, Indian Affairs, Vol. I, p. 285.
6 American State Papers, Indian Affairs, Vol. I, pp. 274-5.

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ous horeshoe bends in the Cumberland, secreted his party on the bank, at a place now known as Seven Mile Ferry. When the boat came round to where they were concealed, they fired a volley into it, killing the three Seviers, Curtis and Rice. Before the Indians could reload, the other members of the party pushed their canoe across the river, and commenced its descent back towards Clarksville, hugging the opposite shore. Doublehead then recrossed the isthmus, intending to intercept them on their return, but this movement being anticipated, the canoe was hastily abandoned and turned adrift. The Indians found and boarded the derelict, scalped the five young men, and carried away their goods and provisions, even to their clothing; the hat, coat, and boots of Curtis being subsequently identified by a trader.[7] A week later three of his warriors killed a man named Boyd in Clarksville, after which he returned to his camp, and was in the neighborhood of New Madrid, March 11, 1792.

On the very day that Doublehead killed the young men on the Cumberland, a delegation of Cherokee chiefs headed by Bloody Fellow, concluded a treaty with Secretary Knox, at Philadelphia, by which their annuity under the treaty of Holston was increased from $1,000 to $1,500.[8] In May the first annual distribution of goods under these treaties was made at Coyatee. The principal chiefs of the Chickamauga town were present, and for the first time in their history, unanimously declared for peace. Doublehead was absent, and his town was not mentioned; but in the following August Governor Blount expressed the belief that he was the only chief of his nation that still held out for war.[9] How much mischief he did during this period is not known, for it is rarely possible to identify the leader of a scalping party on the frontiers; but he is probably responsible for many atrocities charged in a general way to Indians. Haywood says he shed with his own hands as much blood as any man of his age in America.[10] He was with the party that killed Capt. William Overall, at Dripping Springs, dishonored his body by cutting flesh from his bones, and carried his scalp and that of his companion to the nation, and had war dances over them at Lookout Mountain, Willstown, and Turnip Mountain, his party having been enlisted from all of these settlements.[11]

Doublehead was ambitious, and though he was not then considered one of the principal chiefs of the nation, he attended the conference at Henry's Station, February 6, 1793; and when informed by Governor Blount that the President desired a representative delegation of the real chiefs of the Cherokees to visit him at Philadelphia, he repaired with others to the Hanging Maw's, and was present when Captain Beard made his dastardly assault upon the Hanging Maw's Town. This event gave Doublehead an opportunity to assert his leadership. He had been reported killed, but he wrote Secretary Smith that he was still among his people, "living in gores of blood." Nine of his people, some of them first and principal head men, had been killed. He demanded immediate satisfaction for them, without waiting to hear from the President. "This," he said, "is the third time we have been served so when we were talking peace, that they fell on us and killed us."[12]

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[7] Putnam's "History of Middle Tennessee," p. 372; Haywood's "History of Tennessee," p. 341.
[8] American State Papers, Indian Affairs, Vol. I, p. 203.
[9] American State Papers, Indian Affairs, Vol. I, p. 276.
[10] "History of Tennessee," p. 318.
[11] American State Papers, Indian Affairs, Vol. I, p. 438.
[12] American State Papers, Indian Affairs, Vol. I, p. 460.

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In the war that followed he disputed the leadership with Col. John Watts. When Cavett's Station capitulated, it was he and his party who, in violation of the terms of surrender, massacred the prisoners, men, women, and children. Only one escaped; Colonel Watts made Alexander Cavett, Jr., his prisoner, and to save him from the fury of Doublehead's young fellows, gave him to the Creeks, only to be tomahawked and killed by one of their chiefs three days after his arrival in the nation.[13] In this campaign, as we have seen, Chief John Vann had a captive boy riding behind him. Doublehead, picking a quarrel with him, stabbed and killed his little boy. For this Vann dubbed him "Kill-baby," and subsequently so taunted him with it that Doublehead would have killed him had he not saved himself by flight.[14]

After Colonel Watts' forces had been dispersed by General Sevier, and the Upper towns of the Cherokees had declared themselves for peace, Doublehead recruited a party of about one hundred warriors and again moved to his favorite field on the frontiers of Cumberland and Kentucky, and was responsible for all the mischief done in those quarters during the spring of 1794.[15] On the 12th of March he formed an ambuscade near Middleton's Station, on the road from Kentucky to Hawkins' Courthouse, and firing upon the post rider and twelve travelers who were in his company, killed four men, two of them—Elders Haggard and Shelton—being Baptist preachers.[16] And for some years after peace was permanently established the Methodist circuit rider crossed the Wilderness with fear and trembling, rumors still being current that Doublehead was under a curse to be avenged on the white people.[17] In the same month he killed the Wilson family, consisting of eight women and children, except one boy whom he took into his possession.[18]

The first day of April, 1794, found him near Crab Orchard, on the road from Knoxville to Nashville, at a point since called Spencer's Hill, where he secreted his party and lay in wait for the unhappy traveler who might find it necessary to venture across the Wilderness.

At this point let us pause long enough to notice a few incidents in the career of the earliest and most picturesque pioneer of the Cumberland, Thomas Sharpe Spencer. He was a man of giant proportions and herculean strength. A hunter left by Timothy Demonbreun in charge of his camp on the Cumberland, in the fall of 1777, discovered Spencer's tracks, and was so alarmed by their uncommon size, that he fled and did not rest until he had joined Demonbreun at Vincennes on the banks of the Wabash.[19] A few years later, at a general muster two boys became involved in a fight. Old Bob Shaw, who considered himself a mighty man, insisted on letting them fight it out. Spencer, however, was of a different opinion, and parting the crowd right and left, he seized one of the belligerents in either hand, pulled them apart with scarcely an effort, and bade them clear themselves. This Shaw took as a fighting offense, and struck Spencer in the face with his fist. Spencer instantly caught him by the collar and waistband of his trousers, and running a few steps to a ten-rail fence, tossed him over it. This much is on the authority of General William Hall.[20]

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[13] American State Papers, Indian Affairs, Vol. I, p. 634.
[14] Stephen Foster, Southwestern Monthly, Vol. II, p. 331.
[15] American Historical Magazine, Vol. III, p. 297; Haywood, p. 317.
[16] Haywood's "Civil and Political History of Tennessee," p. 318.
[17] Thomas Wilkinson, McFerrin's "History of Methodism in Tennessee," Vol. I, p. 258.
[18] House Journal, Southwest Territory, Aug. 1794, p. 29. (Reprint, 1852.)
[19] Haywood's "Civil and Political History of Tennessee," p. 95.
[20] Southwestern Monthly, Vol. II, pp. 15-16.

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There is a tradition that when Shaw arose and brushed the dust from his clothes, he called out: "Mr. Spencer, if you will be kind enough to pitch my horse over, I will be riding."

But Spencer was not more distinguished by his colossal frame and his marvelous feats of strength than by his heroic self-sacrifice and knightly bearing. He was a Virginian of cavalier stock, and came to Cumberland with a party of adventurers in 1776. All of them except Spencer and John Holliday soon afterwards returned. Two years later Holliday also determined to go back to the settlements, and insisted on Spencer going with him, but he steadfastly refused. When Holliday departed Spencer accompanied him to the barrens of Kentucky, and put him on the path he was to travel; and when Holliday complained that he had no knife, Spencer promptly broke his own, and gave him half of it.[21] So the two friends parted company, Holliday to make the long and perilous journey to the east, and Spencer to return to his solitary home in a large sycamore tree near what is now Castalian Springs. R. E. W. Earle, the artist, measured the stump of his old sycamore, which was still visible at the surface of the ground, about the year 1823, and found it be twelve feet in diameter,[22] quite a commodious residence, even for a man of Spencer's proportions.

Once while hunting with a companion on the waters of Duck River, having killed a deer, as evening approached they found a secluded spot, and kindled a fire to cook their supper. Just as they had put their meat on the fire to roast, a party of Indians who had discovered their camp, crept up within range, fired upon them, and shot his companion dead. Spencer, who was lying on his blanket by the fire, sprang to his feet, caught up the two guns, but did not flee until he had placed the dead body of his friend on his powerful shoulders, when he dashed off through the cane, and so escaped and gave his friend Christian burial.[23]

On another occasion he gallantly saved the life of Mrs. Parker, who had formerly been the wife of Colonel Anthony Bledsoe. They were riding from Greenfield to Station Camp, the residence of her son-in-law, David Shelby, in company with Robert Jones and William Penny. Spencer and Jones were in front, followed by Mrs. Parker, with Penny in the rear. About two and a half miles east of Gallatin a party of Indians fired upon them, killing Jones and wounding Mrs. Parker's horse. Penny instantly wheeled his horse and bolted. Spencer jumped off his horse, passed his arm through the bridle rein, and breaking a switch, handed it to Mrs. Parker, who gave her horse the lash, and got out of range before the Indians could reload. In the meantime Spencer stood behind a tree between the Indians and Mrs. Parker, until he saw her out of danger, when he remounted his horse and made good his escape through a fusillade of bullets, for by this time the Indians had reloaded their guns.[24]

Spencer did not appear to have any fear of Indians, such as other men had, though he was often attacked by them. In the fall of 1780 he encountered an Indian scalping party in the woods, as he was returning to the Bluff with a load of meat. They fired upon him without effect, but got his horses, which were afterwards recovered.[25] Again in May, 1782, he was fired upon and wounded.

[21] Haywood's "Civil and Political History of Tennessee," pp. 94-5; Narrative of General Hall, Southwestern Monthly, Vol. II, p. 15, 122-3.

[22] Haywood's "Natural and Aboriginal History of Tennessee."

[23] Narrative of General Hall, Southwestern Monthly, Vol. II, p. 16.

[24] Narrative of John Shelby, Indian Battles, Murders, Sieges, and Forays in the Southwest, p. 88; Narrative of General Hall, Southwestern Monthly, Vol. II, p. 16.

[25] Haywood's "Civil and Political History of Tennessee," p. 126.

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He, George Espey, Andrew Lucas, and a man named Johnson were out hunting on the headwaters of Drake's Creek. As they stopped to let their horses drink, the Indians made their attack. Lucas was shot through the neck and mouth. He dismounted, however, with the rest, but in attempting to fire, the blood gushed out of his mouth and wet his priming. Perceiving this he desisted and crawled into a bunch of briers. Espey, as he alighted, received a shot which broke his thigh, but still fought heroically. Johnson and Spencer acquitted themselves with incomparable gallantry. Spencer received a shot, but the ball split on the bone of his arm and saved his life. They were finally obliged to give way, and leave Espey, whom the Indians scalped; but they did not find Lucas, who shortly afterwards reached the fort, and recovered from his wound.[26]

In the fall of 1793, Spencer made a journey to Virginia to settle an estate, and receive a legacy that had fallen to him. Having completed his business, in the following spring, he started back to the West, having in his saddle bags $1,000 in gold, besides other valuables. His route carried him by way of Knoxville and Southwest Point. He left the latter place in company with four other travelers and started across the Wilderness, April 1, 1794. Spencer and James Walker were riding together in advance, and when they reached the point at which Doublehead had formed his ambuscade, they received a volley which brought Spencer dead from his horse and wounded Walker. When Spencer fell his horse fled, and made his escape with the travelers in the rear, but his saddlebags coming off, his money and other valuables fell into the hands of the enemy.[27]

This was the last act of open hostility committed by Doublehead. He then hastened to Philadelphia, whither he went with a delegation of Cherokee chiefs, who concluded a treaty with Secretary Knox, June 26, 1794, by which their annuity was still further increased from $1,500 to $5,000. He was treated with the utmost attention during his stay, and loaded with presents on his departure.[28] He returned by way of Charleston, and did not reach home until the latter part of October.[29] Before his return Wayne had won his great victory over the northwestern Indians, August 20, and Major Ore had penetrated to the Chickamauga towns and destroyed Nickajack and Running Water, September 13, which practically ended the Cherokee wars in the Old Southwest.

Let us now notice the conclusion of Doublehead's tempestuous career. He had now reached a commanding position in the councils of his nation. He was present and signed the treaty of Tellico in 1798. He met the commissioners of the United States at Southwest Point in 1801, and refused to allow them to make a road through his nation from Nashville to Natchez.[30] Afterwards the people of Tennessee became clamorous, not only for roads through the Indian territory, but for the acquisition of large bodies of the Cherokee land. September 13, 1806, the General Assembly removed the seat of government from Knoxville to Kingston, appointed commissioners for the purpose of acquiring land at or near Southwest Point, to accommodate the permanent seat of government, and adjourned to meet at that place in 1807.[31] This was done

[26] Haywood's "Civil and Political History of Tennessee," pp. 136, 223.
[27] House Journal, Southwest Territory, Aug. 1794, p. 29; Haywood's "History of Tennessee," p. 318; Southwestern Monthly, Vol. II, p. 16.
[28] American Historical Magazine, Vol. III, p. 356.
[29] American State Papers, Indian Affairs, Vol. I, p. 523.
[30] American State Papers, Indian Affairs, Vol. I, p. 656.
[31] Tennessee Senate Journal, 1806, p. 104.

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in order to give color to the claim made at the treaty of Tellico, that the state might want to fix its capital at that point. The next session of the Legislature did meet at Kingston, organized, and adjourned the same day to Knoxville, and Southwest Point was no longer considered available for the seat of government.

The treaty of Tellico was held in October, 1805. Previously to that time Doublehead had declared himself as unalterably opposed to selling one foot of ground.[32] But when the conference met two treaties were concluded, with his consent, one on the twenty-fifth and the other on the twenty-seventh of October, 1805. By the terms of the treaty of October 25, there were reserved three square miles of land, ostensibly for the purpose of removing thereto the garrison at Southwest Point, and the United States factory at Tellico, but really for the benefit of Doublehead, his friend and adviser, John D. Chisholm, and John Riley, as the price of their influence in securing from the Cherokees the extensive cession of land granted by that treaty. This was accomplished by means of a secret article attached to the treaty, but not submitted to the Senate. This secret article also applied to a small tract at and below the mouth of Clinch River, likewise intended for the benefit of Doublehead; to one mile square at the foot of Cumberland Mountain; and to one mile square on the north bank of the Tennessee River, where Talotiskee lived.[33]

The treaty of October 25 ceded all the Cherokee land north of Duck River, and also the Cumberland Mountain reservation known as the Wilderness. A large part of the nation bitterly resented this sale, but did not at once take any steps to punish Doublehead, who was chiefly responsible for it. Perhaps this was due to the fact that almost immediately after signing these treaties, Doublehead and a party of Cherokee chiefs accompanied Return J. Meigs and Daniel Smith, the commissioners who negotiated them, to Washington, and signed still another treaty with the United States, January 7, 1806, by which they ceded the Cherokee claim to what was really Chickasaw territory, lying between the Duck and Tennessee rivers.

In the summer of 1807,[34] the Cherokees had a great ball play on the Hiwassee River. This was their national sport, and attracted immense crowds. On this occasion there were more than a thousand Indians present, besides the officers from Hiwassee Fort, and numerous traders attracted by the prospect of selling their merchandise. The central figure among the Cherokees was the famous Chief Doublehead. Gen. Sam Dale, of Mississippi, then a Georgian Indian trader, who is authority for the following account of his death,[35] knew Doublehead and called upon him. "Sam, you are a mighty liar," was his greeting. When Dale demanded why he thus insulted him in public, a smile illuminated his grim face as he replied, "You have never kept your promise to come and see me. You know you have lied." He then produced a bottle of whiskey, and invited Dale and the officers present to drink with him. When they had emptied the bottle, he rejected Dale's offer to replenish it, saying, "When I am in the white man's country, I will drink your liquor, but here you must drink with Doublehead."

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[32] American Historical Magazine, Vol. V, p. 76.

[33] Royce's "Cherokee Nation of Indians, 5th Report of the Bureau of American Ethnology" (1883-4), pp. 191-193.

[34] Return J. Meigs, American State Papers, Indian Affairs, Vol. I, p. 754.

[35] "Life and Times of General Sam Dale, the Mississippi Partisan." By J. F. H. Claiborne, pp. 45-49.

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After the game was over a chief named Bone-polisher approached Doublehead and denounced him as a traitor for selling the land of his people. The stolid chief remaining tranquil and silent, Bone-polisher became still more angry, accompanying his abuse with menacing gestures. Then Doublehead spoke, quietly and without agitation: "Go away. You have said enough. Leave me, or I shall kill you." Bone-polisher rushed at him with his tomahawk, which Doublehead received on his left arm, and drawing his pistol, shot him through the heart.

Some time after night, Doublehead, who had been drinking, came in to Hiwassee Ferry, and entered McIntosh's tavern. Among those whom he encountered there was a chief named Ridge, afterwards Major Ridge, a half-breed called Alex. Saunders, and John Rodgers, an old white man who had long resided in the nation. Rodgers began to revile him, much after the manner of Bone-polisher. Doublehead proudly rebuked him: "You live by sufferance among us. I have never seen you in council nor on the war-path. You have no place among the chiefs. Be silent and interfere no more with me." The old man still persisted, and Doublehead attempted to shoot him, but his pistol, not having been charged, missed fire. The light was then extinguished, and at the same instant a pistol shot was fired. When the light was rekindled, Ridge, Saunders, and Rodgers had all disappeared, and Doublehead lay motionless on his face. The ball had shattered his lower jaw and lodged in the nape of his neck.

His friends now set out with him for the garrison, but fearing they would be overtaken, turned aside, and concealed him in the loft of Schoolmaster Black's house. Two warriors of the Bone-polisher clan traced Doublehead by his blood to his hiding place. At the same time Ridge and Saunders came galloping up, shouting the war whoop. Sam Dale and Col. James Brown, of Georgia, followed them. The wounded chief was lying on the floor, his jaw and arm terribly lacerated. Ridge and Saunders each leveled his pistol, but both missed fire. Doublehead sprang upon Ridge and would have overpowered him had not Saunders discharged his pistol and shot him through the hips. Saunders then made a rush on Doublehead with his tomahawk, but the dying chief wrenched it from him, and again leaped upon Ridge. Saunders seized another tomahawk and drove it into his brain. When he fell another Indian crushed his head with a spade.

It is interesting to note that, after the tribe had been removed to the west, Major Ridge was himself executed in the same manner, for a like offense.

THE NICKAJACK EXPEDITION, 1794

It had long been apparent that the Chickamauga towns would have to be destroyed. The strength of their position had attracted to them a party of daring young warriors, mostly Cherokees, who wished a stronghold from which they could make sorties upon the frontiers. Moreover, they were situated at the Creek crossing place, on the Tennessee River, and their people fraternized with the Creek war parties, who used them as a base for their operations against the settlers on the Cumberland and in Kentucky. As early as August 13, 1792, President Washington wrote the secretary of war: "If the banditti, which made the successful stroke on the station at Nashville (Zeigler's) could be come at without involving disagreeable consequences with the

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tribes to which they respectively belong, an attempt to cut them off ought by all means to be encouraged. An enterprise judiciously concerted and spiritedly executed, would be less expensive to the Government than keeping up guards of militia, which will always be eluded in the attack, and never be overtaken [sic] in pursuit."[1]

Again, soon after the battle of Etowah, General Robertson, in a letter to General Sevier, asked when the Lower towns would get their deserts. He said the governor had hinted that it might be next spring, but he feared that would be too late to save the Cumberland settlements, considering their exposed situation, and the little protection they had. He, therefore, urged General Sevier to carry an expedition of fifteen hundred men into the Cherokee country before the ensuing spring.[2]

Nothing came of General Robertson's request, and in the meantime the Indian depredations were renewed and prosecuted with great malignancy. The Territorial Assembly which met at Knoxville in August, 1794, adopted a second memorial to Congress on the subject, and appended to it a list of Indian depredations, which showed that they had killed sixty-seven people, wounded ten, captured twenty-five, and had stolen 374 horses, between February 26 and September 6, 1794.[3]

Many of these depredations were notable. The murder of the Casteel family, near Knoxville, was shocking. About daybreak, April 22, 1794, William Casteel was in his cabin, dressed, and waiting for Anthony Ragan, with whom he was going on a hunt. When Ragan arrived, a few minutes later, he found Casteel's dead body near the fire, where he had fallen from the stroke of a war club, evidently taken by surprise. His wife, aroused by the attack on her husband, seems to have made a desperate resistance. A bloody axe found by her side, a broken arm, and a mutilated hand, all testified to her courageous defence. She was finally despatched with a butcher knife. Four small children were killed and scalped, one of them, a little girl, receiving a stab which pierced through her body and into the bedclothes beneath her. The oldest daughter, Elizabeth, ten years of age, was found weltering in the blood that flowed from six wounds inflicted by a tomahawk. She afterwards showed signs of life, and under Dr. Crosby's treatment finally recovered.[4]

Among the killed on the Cumberland were the two young Anthony Bledsoes, sons, respectively, of Cols. Anthony and Isaac Bledsoe. They were killed near Rock Castle, the home of Secretary Daniel Smith, where they were boarding and going to school. The death of the old pioneer, Thomas Sharpe Spencer, has already been noticed. James R. Robertson, a son of Colonel James Robertson, was killed near his father's house on Cumberland River. Maj. George Winchester, a brother of Gen. James Winchester, and a gallant militia officer, was killed on his way to the County Court, of which he was a member.

The committee of Congress to which the first memorial of the Southwest Territory, adopted February, 1794, was referred, reported to the House of Representatives, April 8, 1794, that the situation of the southwestern frontiers in general, and Mero district in particular, called for the most energetic measures on the part of the Government, and recommended that the President be

[1] Spark's "Writings of Washington," Vol. X, pp. 262-3.
[2] Haywood's "Civil and Political History of Tennessee," p. 387.
[3] Journal of the Legislative Council of the Territory of the United States of America, South of the River Ohio, 1794 (Reprint), pp. 22-25.
[4] Ramsey's "Annals of Tennessee," pp. 592-3.

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authorized to carry on offensive operations against any nation or tribe of Indians that might continue hostile.[5] This report, however, was not acted upon, and the secretary of war wrote Governor Blount, July 29, 1794, that, "With respect to destroying the Lower towns, however vigorous such a measure might be, or whatever good consequences might result from it, I am instructed specially, by the President, to say that he does not consider himself authorized to direct any such measure, more especially as the whole subject was before the last session of Congress, who did not think proper to authorize or direct offensive operations."[6] But the mild tone of the secretary's letter, the well-known attitude of President Washington, and the great anxiety of Governor Blount for the relief of the frontiers, made it manifest that an unauthorized expedition against the Chickamauga towns, if judiciously concerted and spiritedly executed, would not seriously offend either the Government of the United States or of the Southwest Territory.

Early in August, General Robertson received two dispatches from the Chickasaws, one by Thomas Brown, a man of veracity, and the other by a common runner, bringing information that the Creeks and Chickamaugas were "embodying" in large numbers for the purpose of invading Mero District about the 20th of the month. Afterwards he received from some confidential Chickasaws and from Dr. R. J. Waters, of New Madrid, the further intelligence that two attacks would be made simultaneously, one by a party of 100 Creeks, who would drop down the Tennessee River in canoes and fall upon the lower settlements, while a larger force, consisting of three or four hundred Creeks, were to pass through the Chickamauga towns, receive reinforcements from them, and march against Nashville.

The Creek campaign was launched in accordance with the plan outlined. A small party proceeded by river to Mero District, and invaded the lower settlements around Clarksville. The main body also marched, near the time appointed; but the action of Hanging Maw and the friendly Cherokees of the upper towns, in killing two Creeks, and delivering a third over to the territorial authorities, who tried and executed him, August 4, 1794, caused such confusion in the Creek and Chickamauga ranks, that this branch of their expedition was abandoned, only a few small war parties reaching the Cumberland. There were at least three such parties operating in the district about the middle of September, one in Tennessee, one in Sumner, and one in Davidson County.[7]

As soon as General Robertson heard of the purposed Creek-Chickamauga invasion he began active preparations for an offensive campaign, of which every one seemed to be aware, but no one took official cognizance. After despatching Sampson Williams, the old scout, to Col. William Whitley, at Crab Orchard, in Lincoln County, Kentucky, who was expected to take part in the expedition, he proceeded to organize and equip the local militia. Col. James Ford raised a company around Port Royal, which he put under command of Capt. William Miles; Col. John Montgomery raised another in the neighborhood of Clarksville, which he commanded in person; and General Robertson himself enlisted volunteers in the country adjacent to Nashville. They rendezvoused at Brown's Blockhouse, September 6, 1794, and numbered about three hundred and eighty men.

[5] American State Papers, Indian Affairs, Vol. I, p. 476.
[6] Ramsey's "Annals of Tennessee," p. 609.
[7] Robertson's correspondence, American Historical Magazine, Vol. III, pp. 360-362; Vol. IV, pp. 75-77.

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Governor Blount may have received intelligence of the Creek invasion at the same time it was communicated to General Robertson, which induced him to order Maj. James Ore, with his command of about seventy men, to Mero District.[8] Major Ore's orders, which were received August 19, 1794, directed him to range the Cumberland Mountains in search of hostile Indians, but somehow he marched direct to the place of rendezvous at Nashville, and although Governor Blount had reason to anticipate Colonel Whitley's movements, and to apprehend their effect on the border people, he "forgot," Haywood says,[9] to give Major Ore any directions on the subject. In the meantime Colonel Whitley, with about one hundred men, arrived from Kentucky. He set out August 20, 1794, a day made memorable by the victory of General Wayne over the Indians of the Northwest; and if he followed a party of Indians who had been committing depredations on the frontiers of Lincoln County, as reported to General Robertson,[10] it was an opportune coincidence. It happened, therefore, that Major Ore's United States troops, General Robertson's Mero militia, and Colonel Whitley's Kentucky volunteers, all met at Brown's Blockhouse, forming an army of resolute backwoodsmen 550 strong.

The chief command was entrusted to Maj. James Ore, who commanded the only troops in the expedition levied by public authority; thus giving color to the claim of the troops for pay, which was subsequently allowed by the Federal Government. The territorial troops had been strictly forbidden to carry on offensive operations against the Indians, but evading this prohibition, on the ground that it could not be considered otherwise than defensive to strike the first blow, General Robertson ordered Major Ore to march against the Creeks and Chickamaugas who were threatening Mero District, and, if he should not meet with them before he arrived at the Tennessee River, to pass it and destroy the Lower Cherokee towns. Col. John Montgomery was given command of the territorial forces, Col. William Whitley commanded the Kentucky contingent, and Richard Findleston, the friendly half-breed who warned General Robertson of Watts' invasion in 1792, who acted as guide for General Sevier at Etowah in 1793, was engaged to pilot the expedition.

Marching from Brown's Blockhouse, September 8, 1794, the army proceeded along Taylor's trace, by way of the present towns of Murfreesboro and Manchester, to the Cumberland Mountain, crossing which, they reached the Tennessee River about three miles below the mouth of Sequatchie, after dark on the evening of September 12th. Here Findleston volunteered to swim the river, which was about three-quarters of a mile wide, and build a fire on the southern bank to guide the men in crossing. Daniel G. Brown, the brother of Col. Joseph Brown, and William Topp, joined them, and the trio safely made the landing. Then the soldiers began swimming the river, the least expert availing themselves of whatever assistance they could contrive, such as bundles of dry cane and small pieces of wood, and in this way about two hundred and sixty-five men crossed over, without an accident. The others remained on the north side of the river in charge of the horses and impedimenta of the camp. For the purpose of transporting their arms and clothing, they had provided two boats made of ox-hides, to which were added some light rafts, which the men, in their impatience, improvised to expedite their passage. The boats were kept plying

[8] American Historical Magazine, Vol. IV, p. 76.
[9] "History of Tennessee," pp. 409-410.
[10] Ramsey's "Annals of Tennessee," p. 618.

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back and forth all night, and it was after sunrise on the morning of September 13, 1794, before the troops could again be got in motion.

Having crossed the river, they found themselves between the small village of Long Island, on the west, and Nickajack, on the east. Nickajack was situated on the east bank of Nickajack Creek, a short distance above its mouth, and contained about two hundred houses, mostly built of round logs, and covered with boards and bark. Protected on the south by picturesque and rugged mountains, it was surrounded by fields of potatoes and corn, peach orchards, and melon patches, and back of these was a thick growth of cane. Five miles east of Nickajack, nestled in a beautiful little valley, encompassed by friendly heights, lay the Town of Running Water, the most important of the Chickamauga towns. It had been their capital in the time of Dragging Canoe, and contained a council house, sixty or seventy feet in diameter, with a conical roof, covered with bark. The road from Nickajack to Running Water passed a point called the narrows, between the Tennessee River and the overhanging cliffs that jutted down from the mountain, and formed a defile of great strategic strength.

The army, having been formed on the south bank of the river, marched southward up the mountain, intending to get in behind the Town of Nickajack, and strike it from the rear. When they reached the field back of the town, the men were formed into line of battle among the cane, Colonel Whitley commanding the right wing and Colonel Montgomery the left. The two wings were ordered to march so as to strike the river above and below the town. Joseph Brown, one time prisoner in the town, being entirely familiar with the surroundings, was sent with twenty men to guard the mouth of Nickajack Creek below the town, and cut off the retreat of any Indians who might seek to escape in that direction.

Colonel Montgomery's division first sighted the enemy. He discovered two houses standing out in the field, about two hundred and fifty yards from the town. He left a detachment of fifteen men to watch these houses until the firing should begin in the town; and lest the Indians in them should discover the approach of the troops and give the alarm, he ordered his main force to push on with all speed. The corn was growing close around the houses, and concealed their movement from the enemy. Firing commenced near a house on the left of the town, and was returned by the Indians, one of whom was killed. The troops then dashed into the town, but found the houses all vacant and their doors open.

While these movements were taking place, the guard left to watch the houses in the field saw a lithe and graceful Indian maiden pounding hominy in a mortar outside the cabin. In a few moments she was joined by a young warrior who passed his arms around her waist, playfully swung her about, and then assisted her with the pestle. While engaged in this delightful dalliance the firing began in the town, then the crack of a rifle was heard in the cornfield, and the young girl's lover fell dead at her feet. The doors were instantly closed, portholes opened, and the men in the houses prepared to make a desperate defense. The girl undertook to make her escape by flight, but was pursued and captured by the guard, who deeming it unwise to continue the contest, retired with their prisoner, and rejoined the main force in the town. The girl was put into a canoe with the other prisoners, and while she was being rowed down the river towards the crossing place, she sprang head foremost into the river, dis-

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engaging herself artfully from her clothing, which was left floating on the water. She swam superbly, and was fast making her escape. Someone shouted "shoot her—shoot her." But the more gallant spirits, admiring her agility, beauty and boldness, intervened, and allowed the young heroine to escape.

The Indians in the town were taken completely by surprise. Years of security having given them faith in their fastness, they believed their town inaccessible, and when the whites suddenly appeared among them they wondered whether they had fallen down from the clouds, or sprung up out of the earth. As soon as the alarm was given they gathered up such of their effects as they could carry, and fled to the river, hoping to escape in their canoes. When Colonel Montgomery's men, who pressed closely upon them, reached the scene they discovered five or six large canoes in the river, filled with Indians and their goods, while twenty-five or thirty warriors still stood upon the shore. They at once opened fire upon them. By this time Colonel Whitley's division had swept down from the east, cutting off retreat in that direction. Having the Indians now surrounded, the engagement became little better than a slaughter, and hardly a soul on shore escaped.

A few of the Indians in the canoes succeeded in getting away, but many of them fell victims to the deadly aim of the rifle, some of them in their canoes, and others in the waters of their beloved river. Several men tried to kill an Indian who was lying nearly flat in his canoe, only his arms showing as he paddled for his life. Having failed to hit him, Colonel Whitley, who came up at the moment, asked them to let him try. He took deliberate aim, and when he pulled the trigger, the blood was seen to spout from the Indian's shoulder. Joseph Brown, who had been left with twenty men to guard the mouth of Nickajack Creek, heard the firing commence, rushed forward, and, after some fighting in the canebrake, rejoined the main body of the troops. Seeing a canoe floating down the river, he swam out to it, and finding in it the Indian Colonel Whitley had shot, turned him over to ascertain whether he was yet alive, when the Indian seized him and tried to throw him overboard. After a hard struggle, in which the Indian was nearly scalped, he cried, "Enough!" but Brown, in his "wrath," declared it was not enough, and throwing him into the river, one of the men shot him from the shore.[11]

The carnage was awful. No quarter was given to the men, who were killed wherever found. The Breath, whom we have already noticed as the kindly chief of the town, and somewhere between fifty and seventy of his people—some of them, unfortunately, women and children—perished, either on the river bank, in the water, or at their cabins. Nineteen women and children were taken prisoners, among whom were the wife and child of Richard Findleston, the guide. A search of the town disclosed two fresh scalps lately taken on the Cumberland, one by a nephew of the Fool Warrior and the other by a Creek, and a number of old ones, which hung as trophies in the homes of the warriors who had taken them. They also found a quantity of powder and lead, lately arrived from the Spanish Government, and a commission for The Breath. In making the search a Kentucky soldier witnessed a pathetic scene. Entering one of the cabins, he saw an infant, ten or twelve months old, with its bowels protruding from a wound in its abdomen, crawling over the body of its mother, who lay dead

[11] James Collier, "Howe's Historical Collections of the Great West," Vol. I, p. 176, note; Joseph Brown, Southwestern Monthly, Vol. I, p. 77.

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upon the floor. He was horrified at the sight, and as an act of mercy, put his rifle to its head and blew out its brains.[12]

Having burned the Town of Nickajack, Major Ore immediately set out with his forces for Running Water, but news of their presence preceded them, and the warriors of that town made a stand at the narrows, already mentioned. They were advantageously posted behind rocks on the mountain side, but demoralized by the panic-stricken fugitives that fled from Nickajack, they gave way after the exchange of a few rounds, abandoned their town to its fate, and fled to the woods with their wives and children. At the narrows three white men were wounded, Luke Anderson and Severn Donelson, slightly, and Joshua Thomas, mortally. These were the only casualties of the campaign. Major Ore continued on to Running Water, which with all the effects found in it, was burned, and the troops returned to the river, which they recrossed the same day, and joined their comrades on the opposite shore. Having completed their work in a single day, on the following morning they took up the line of march for Nashville, which they reached on the 17th, and were disbanded.[13]

CHICKASAW ALLIES

At the conclusion of the Chickamauga campaign General Robertson liberated a prisoner for the purpose of conveying to Colonel Watts a letter, in which he demanded the return of Miss Collins, a white prisoner, and four negroes that belonged to General Logan, in exchange for the prisoners taken by Major Ore; promised to desist from further hostilities until they had time to come in with a flag of truce, but plainly intimated that, should they not restore the prisoners and bring good assurances of peace, he would soon return and destroy all of their towns.[1] The easy penetration of their fastnesses and the complete destruction of Nickajack and Running Water by Major Ore, and the overwhelming defeat of the northwestern Indians by General Wayne, in which action some of their warriors took part,[2] had broken the spirit of the Chickamaugas, and they were at last sincerely disposed to peace. When Colonel Watts received General Robertson's letter, deeming it unsafe to go to Nashville, on account of the unusual excitement of the settlers, he sought a conference with Governor Blount, which was held at Tellico Blockhouse, November 7-8, 1794. There were present at the conference, besides Colonel Watts, the Hanging Maw, who, as head man of the nation, had been asked to intercede for his refractory children, some minor chiefs, and about four hundred warriors. The issue had already been settled in favor of the whites, and it only remained to bury the bloody hatchet. The conference was conducted in a friendly spirit, and a peace concluded that has never since been broken, and may now be expected to last, in their own picturesque language, as long as grass grows and water runs.

The Creeks, whose only punishment had come from the direction of Georgia, had little fear of an invasion from the Southwest Territory, and were not so easily pacified. In the latter part of September, William Colbert and other Chickasaws informed General Robertson that they still threatened Mero District,

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[12] James Collier, "Howe's Historical Collections of the Great West," Vol. I, p. 176, note.

[13] Compare Haywood's "Civil and Political History of Tennessee," pp. 406-414; Ramsey's "Annals of Tennessee," pp. 608-618; Southwestern Monthly, Vol. I, pp. 76-77; Howe's "Historical Collections of the Great West," Vol. I, pp. 175-177, note.

[1] American State Papers, Indian Affairs, Vol. I, pp. 531, 537.

[2] American State Papers, Indian Affairs, Vol. I, p. 533.

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not in such large numbers, but in small detached parties, which were even more dangerous.[3] Their first victim was Thomas Bledsoe, who was killed near Bledsoe's Station, October 2, 1794. The killing of his father, brother, uncle and cousin, has already been noticed in this history. Several war-parties, appearing in different parts of the district at the same time, gave unusual alarm to the inhabitants. Many of them shut themselves up in the stations, while some, like Col. Isaac Tittsworth, determined to remove their families to safer sections.

Colonel Tittsworth came to Cumberland in 1783, and settled on Persons Creek, near Port Royal. His place was known throughout the neighboring settlements. When Tennessee County was erected in 1788, the court of pleas and quarter sessions was organized at his house. Afterwards he rose to the rank of lieutenant-colonel in the county militia. He had passed safely through the trying decade from 1784 to 1794 suffering no worse misfortune than the burning of his house by the Creeks in 1791. He and his brother, John Tittsworth, now determined to remove their families to Double Licks, in Logan County, Kentucky.

On Wednesday, November 5, 1794, they commenced their journey. The caravan contained the wives and children of the Tittsworth brothers, but neither of the brothers is known to have been with the train. Their route lay through a rich country covered by a magnificent forest. They traveled all day through the wild woods, and as evening drew on, had passed the uttermost limit to the settlement. Nightfall found them, weary from their day's journey, four miles farther in the forest. Here they were glad to make their encampment for the night. Before morning their camp was attacked by a party of Creeks from the Hickory Ground, on the Coosa River. Seven or eight white persons were killed and scalped on the spot; a negro woman was wounded; and three small children, a girl, the daughter of Colonel Tittsworth, and a negro man, were taken prisoners.[4]

Pursuit was promptly made by the neighboring militia. The Indians avoided an engagement, but the militia pressed them so hard that they abandoned all the property taken from the Tittsworths, as well as some of their own. The eagerness of the pursuit, however, was most disastrous for the captives. The little children, being unable to keep up with their captors, were scalped, the Indians holding them by the hair and dragging them along until their heads were entirely skinned. One of them died the following day, and the others were not expected to live, though their fate is not now known.

The Creeks had a camp in the woods near the mouth of the Tennessee River. They carried Miss Tittsworth and the negro man to this place, where they kept them until their return to the Creek nation, about six months later. During her captivity Miss Tittsworth was required to do menial service, such as making fires, bringing water, and pounding meal; was subjected to corporal punishment, and in all respects treated as a slave. The Spanish agent resident in the Creek nation offered a ransom of $400 for her, with a view, he said, of sending her to New Orleans and putting her in school, but the offer was declined. After peace was concluded in 1795, she was restored to her father, after a captivity of ten months.[5]

A party of Creeks from Tuskegee was also doing much mischief in the

[3] American Historical Magazine, Vol. III, p. 362.
[4] American State Papers, Indian Affairs, Vol. I, p. 539.
[5] American Historical Magazine, Vol. III, p. 383.

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district. They were familiar with the country, having made many excursions to it, in one of which they had killed Maj. Evan Shelby. They began their depredations in the vicinity of Colonel Tittsworth's place, on Red River, where they killed Miss Betsy Roberts, on the 12th, and Thomas Reason and his wife, on the 14th of September, 1794. Soon afterwards they moved their operations down to the mouth of the river, where they hoped to break up Sevier's Station.

Col. Valentine Sevier was one of the early settlers of Tennessee County. His father was a Virginian of French extraction, from whom he inherited something of the cavalier spirit, so prominent in the character of his brother, Governor John Sevier. Spare of flesh, with an erect, commanding, soldierly presence, a bright blue eye, and a quick ear, he was at once ardent, brave, generous, and affectionate. He had served his country faithfully, both in the Indian wars, and the War of Independence; had been prominent in the civil affairs of Washington County; took an active interest in the establishment of the State of Franklin, soon after the fall of which in 1788, he emigrated to Cumberland, and erected a station on the north side of Red River, near its mouth, and about a mile from Clarksville. In 1792 Doublehead and his party killed three of his sons, Robert, William, and Valentine, while on their way to Nashville to join General Robertson in the defense of the settlements. He now had a still more severe trial to endure.

About eleven o'clock on the morning of November 11, 1794, when the men were all away from the station except Colonel Sevier and his son-in-law, Charles Snyder, the Indians surprised and made a furious assault on Sevier's Station. The scene was wild and tragic. The screams of the women and the crying of the children were mingled with the roaring of the guns and the yelling of the Indians, while they killed and scalped, robbed and plundered, in frantic confusion. Colonel Sevier, assisted by his wife, successfully defended their own house, but the Indians were in nearly every other building before they were discovered. Snyder, his wife, Betsy, their son, John and Colonel Sevier's son, Joseph, were all killed in Snyder's house, but the colonel prevented the Indians from getting Snyder's scalp. Mrs. Ann King and her son, James, were also killed, and Colonel Sevier's daughter, Rebecca, was scalped and left for dead, but revived and finally recovered. The people of Clarksville heard the firing of the guns, and John Easten, Anthony Crutcher, and two or three other men, who happened to be in the town, ran over to the relief of Colonel Sevier, when the Indians hastily disappeared, having looted the houses and killed the stock.[6] Colonel Sevier abandoned his station and moved over to Clarksville, which place was itself upon the eve of being evacuated, when General Robertson ordered Captain Evans, with a part of his command, to scout on the frontiers of Tennessee County.

After the massacre of Sevier's Station, the Indians retired to the country around Eddyville, Ky., where they waylaid a hunting party, and killed Col. John Montgomery, who has appeared more than once in this history. He was a bold, resolute, and adventurous pioneer. In company with Mansker, Drake, Bledsoe, and others, he explored the Cumberland country as early as 1771. A colonel in the western army under Gen. George Rogers Clark, he went

[6] Anthony Crutcher to William Crutcher, and John Easten to James Robertson, American State Papers, Indian Affairs, Vol. I, p. 542; Valentine Sevier to John Sevier, Ramsey's "Annals of Tennessee," p. 619.

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to Southwest Virginia to enlist recruits for his army, and while there joined Col. Evan Shelby in the destruction of the Chickamauga towns in 1779. He was a signer of the Cumberland compact, and was the first sheriff elected for the district. In 1784 he founded the City of Clarksville, and in 1794 commanded the territorial troops in the Nickajack expedition.

After his return from Nickajack he led a hunting excursion to Eddyville, where his camp was surprised and attacked by the Indians, November 27, 1794. The whites, taken at a disadvantage, retreated, when Col. Hugh Tinnon, one of the party, who was impeded by a wound, asked Colonel Montgomery not to leave him. With the courage and devotion so often found among the pioneers, he kept himself between Colonel Tinnon and the Indians until a bullet from one of their guns took effect in his knee, when, finding him disabled, the Indians rushed upon him and killed him with their knives. John Rains, on his return from Fort Massac, reached Eddyville the day of the tragedy and met Julius Sanders, one of the party, who had escaped, though shot in four places. Sanders said the last he saw of Colonel Montgomery an Indian was stabbing him repeatedly with a huge knife. Next day Rains went with a party, including a son of Colonel Montgomery, and found his body, which they buried where a tree had been uprooted by the storm.[7] Two years later, when Tennessee County gave up its beautiful name to the state—tradition says at the suggestion of Andrew Jackson—it was called Montgomery, in honor of Col. John Montgomery.

At this juncture the Chickasaws made a diversion greatly to the interest of the Cumberland settlers. President Washington, admiring the courage of the Chickasaws, and appreciating the constancy of their friendship for the United States, in the spring of 1794 authorized Governor Blount to invite their great chief, Piomingo, to visit him at the seat of government. The invitation was readily accepted, and Piomingo, with some other Chickasaw chiefs, proceeded to Philadelphia, where they were cordially received, and had an audience with the President July 11, 1794. He gave some of the chiefs commissions as officers of militia, William Colbert heading the list, with the title of major-general; and presented Piomingo with a parchment document setting forth the boundaries of the Chickasaw territory, as described in the Nashville conference of 1792. He also gave them many valuable presents, promised them goods to the amount of $3,000 annually, and with many flattering speeches, sent them off in great good humor.[8]

Having been invited by General Robertson and Governor Blount to make common cause with the Americans, and being honored by President Washington with military commissions, for their services in the Army of the Northwest, the Chickasaws regarded themselves as allies, offensive and defensive, of the United States. Now the Chickasaws, though a small tribe, had never been controlled by prudential considerations in their intercourse with their neighbors, but boldly revenged every injury received, without regarding the consequences that might follow.

Early in January, 1795, General Robertson was informed by runners that Gen. William Colbert, Capt. James Underwood, Captain Muckishapoy, and the Old Counsellors, chiefs of the Chickasaws, with seventy warriors and some women and children, were on their way to Nashville, with five Creek scalps which they had taken near Duck River, from Shotlatoke and four other Creek

[7] Narrative of John Rains, Southwestern Monthly, Vol. II, pp. 266-7.
[8] Haywood's "Civil and Political History of Tennessee," pp. 424-5.

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warriors, who were on their way to kill and plunder the people of Cumberland, as they had often done before. They had surrounded the whole party by night, and killed them in the morning. They said they were the people of the United States, bearing commissions from the President himself, and therefore, felt themselves bound to retaliate on his enemies. They were received with great applause by the people of Nashville, who gave a public entertainment in their honor, escorting them from General Robertson's house with a company of cavalry in uniform. On their part, the Chickasaws held a war dance that night around the scalps of their Creek victims.[9]

By the 5th of March, 1795, they had killed and scalped ten more Creeks. Acts of hostility committed by other Indians seemed to disturb the Creeks more than similar acts of the white people; the killing of two or three Creeks by Hanging Maw created great excitement in the nation; and now the hostile attitude of the Chickasaws produced the greatest commotion among them. They prepared for a vigorous campaign. Their first acts of vengeance were as cruel as they were unnatural. Some of their warriors had Chickasaw wives; these were now killed, and, as the children of the marriage, under their customs, belonged to the wife, they were regarded as Chickasaws, and shared the fate of their mothers. In this respect the Chickasaws showed their superior civilization and humanity; their Creek wives were not only spared, but some of them like Jessie Moniac, the wife of Gen. William Colbert, were held in great honor and esteem.[10]

The Creeks being occupied with their preparations for the invasion of the Chickasaw towns, few depredations were committed in Mero District. The Cherokees and Choctaws tried to preserve peace by urging the Creeks not to make war on the Chickasaws, at least, until they had made friends with the United States. The Chickasaws applied to President Washington for assistance against the Creeks, and General Colbert came to Nashville to await his answer. General Robertson knew that he was not authorized by the Government to enlist troops to aid the Chickasaws in their war against the Creeks, but recognizing the merits of the demand, and appreciating the value of their friendship, he was unwilling to see them extirpated, and determined to encourage by his personal influence the enlistment of volunteers for the defense of their towns. In his loyalty to his old friends, General Robertson was supported by Gen. Daniel Smith, secretary of the territory, and all the leading men of the district. With their approbation, he requested Capt. David Smith to enlist as many volunteers as he could, and set out immediately with General Colbert for the Chickasaw nation. Captain Smith collected such men as he could at once enlist, despatched some of them by water, with provisions for the campaign, and with fifteen men escorted General Colbert through by land to Log Town, where Colbert lived. After their departure General Robertson induced Col. Kasper Mansker and Capt. John Gwin to join in the same enterprise. They accordingly raised thirty-one or thirty-two men, and following Captain Smith, reached the Chickasaw towns May 10, 1795.[11]

The Creeks who had massacred Colonel Tittsworth's family and were still encamped at the mouth of the Tennessee River, attacked and captured one of Captain Smith's boats, as it made its way down the Cumberland River. The

[9] American State Papers, Indian Affairs, Vol. I, pp. 556-7.
[10] Haywood's "Civil and Political History of Tennessee," p. 447.
[11] Haywood's "Civil and Political History of Tennessee," pp. 448-9.

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other was saved by one white man and some Chickasaws, who carried it to Fort Massac, where they disposed of its contents, and continued on to the nation; all the other volunteers who were with the boats returned to Nashville.

On the 28th of May, 1795, a very large body of Creeks appeared in view of Log Town. Meeting with two women who had gone out for wood, they killed and scalped them. Captain Smith proposed a sortie, but General Colbert, thinking the Creeks wished to draw the men out of the fort, so they could get in and kill the women and children, declined to leave his post. A party of the women's kinsmen, however, rushed out upon the Creeks. In the melee that followed one of the Chickasaws was killed, whereupon Smith and Colbert with a small detachment, flew to the relief of the sallying party. On their approach the Creeks retired precipitately. There was much blood on their trail, and many of their arms were left upon the ground, from which it was believed they suffered severely. The Creeks continued in the vicinity until the first of June, killing cattle and taking horses, when they quietly disappeared. The Chickasaws thought they would not return, and were content that Colonel Mansker's troops should go home, which they did about June 7th. General Robertson, who had been sent by Governor Blount on a peace mission to the Chickasaws, was present at this action.[12]

The Creek-Chickasaw war now became the leading question in the South and Southwest. The Creeks, in addition to the large army they were preparing to raise in their own nation, sent emissaries to ask assistance from the Shawnees, against whom the Chickasaws had fought in the armies of St. Clair and Wayne. The Chickasaws, on their part, renewed their solicitations to President Washington, who replied that, to grant them the aid they asked would involve a general war between the whole Creek nation and the United States, which only Congress had power to declare. He told them the commissioners at the Nashville conference had no authority to promise to interfere in the disputes of the Indian nations, except as friends of both parties, in order to make peace between them; that General Robertson had done wrong to tell them he expected the United States would send an army against the Creeks next summer; and that the commissions he had given to the Chickasaw chiefs were expressly confined to operations against the Indians of the Northwest.[13] The Chickasaws were greatly disappointed but never lost their courage. "As what I expected of your assistance is not in your power," Piomingo writes to General Robertson, "I hope I have made good times for you, if I have made bad for myself; if so, you shall hear that I die like a man."[14]

Governor Blount, meanwhile, was exerting all his diplomatic skill to restore peace between the contending tribes. A suggestion of Superintendent Seagrove, after a peace conference with the Creeks at Beard's Bluff, on the Altamaha, in which he advised Alexander Cornell, a son-in-law of the late General McGillivray, and deputy agent for Indian affairs, that he ought to take some of the Creek chiefs and visit Governor Blount at his home, gave Governor Blount the cue he wished. Replying to a letter of Cornell's containing the above information, he acted upon his suggestion, and appointed a conference to be held at Tellico Blockhouse, October 10, 1795.[15] At this conference, which was attended

[12] Haywood, pp. 449-50, 453.
[13] American Historical Magazine, Vol. III, p. 393.
[14] American Historical Magazine, Vol. IV, p. 69.
[15] American Historical Magazine, Vol. III, pp. 379-390.

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by Cherokees, Creeks, and Chickasaws, plans were concerted under which peace was reestablished between the Creeks and Chickasaws before the end of the year.

Not long after the conference at Tellico Blockhouse, an event of supreme importance to the West happened in international affairs. The long, irritating, and humiliating negotiations with Spain, respecting the navigation of the Mississippi River, which were commenced in 1785, and dragged on for ten years, were finally concluded, and a treaty signed, October 27, 1795. By this treaty the southern boundary of the United States was fixed at the thirty-first degree of north latitude, and the navigation of the Mississippi River, from its source to its mouth, was declared to be free to the citizens of the United States. From this time Spain lost interest in American affairs, ceased her intrigues on our western frontiers, and withdrew her support from the Creeks, whose aggressions she had hitherto countenanced, if not actually instigated. Feeling the loss of this support, the Creeks now expressed a desire for peace with the United States, hostilities were at once suspended, and a treaty was concluded with them June 29, 1796. This brought to an end the sanguinary Indian wars, begun in the first days of the Revolution in 1776, which had for twenty years distressed and decimated the people of the Old Southwest.

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CHAPTER XII

THE INDIAN TREATIES

The subjoined compilation of the treaties with the Indians, which are of interest or importance to the student and reader of Tennessee history, is taken from Garrett and Goodpasture's "History of Tennessee," pages 130-137. In making this compilation the gifted authors of that excellent brief history of our state have performed a service not hitherto rendered and one which could hardly be improved upon. For this reason it is inserted in this work and acknowledgment is hereby made. The perusal of the short statements concerning these treaties in connection with the accounts of the Indian wars related in the chapters immediately preceding will be found to be extremely beneficial to a thorough understanding of the history of the Volunteer State, whose early life was affected so much and so seriously by its dealings with the Indians.

THE INDIAN TREATIES

Early Indian Treaties—The first treaty with the western Indians was made in 1721, between Governor Nicholson, of South Carolina, and the Cherokees and Creeks. In April, 1730, a treaty was made between Sir Alexander Cumming, on behalf of North Carolina and the Cherokee Nation, at Nequasse, or Requasse, which was intended to secure the cooperation of that nation against French and Spanish encroachments in the West. At this treaty the crown of the Cherokee nation was brought from Tenasee, their chief town, and presented to Sir Alexander Cumming, with the request to convey it to England and lay it at His Majesty's feet. Six Indian chiefs accompanied Sir Alexander to England on this mission, and concluded an additional treaty at Dover, June 30. In 1732, Governor Oglethorpe, of Georgia, made a treaty with the Creeks. After the conclusion of the treaty, the chief, Tomochichi, and his queen, accompanied Oglethorpe on a visit to London. In 1750, a treaty was made between Colonel Waddell, on behalf of North Carolina, with Atta Culla Culla,[1] or the Little Carpenter, on behalf of the Cherokees, under which treaty Fort Dobbs was built. On November 24, 1755, a treaty was made by Governor Glenn, of South Carolina, with the Cherokees, by which the Cherokees ceded a large tract of territory to the King of England. In 1756, a treaty was made between Col. Hugh Waddell, on behalf of North Carolina, and the Cherokee and Catawba Indians. In 1760, and in 1761, treaties were made with the Cherokees, by authority of South Carolina—the first by Colonel Littleton, and the second by Colonel Grant. In 1763, the treaty of Augusta was made. This treaty was followed, October 14, 1768, by the treaty of Hard Labor. All of the above mentioned treaties have an important bearing on the history of Tennessee as preliminary steps to its settlement, but none of them conveyed title to any land within the limits of the state.

An article in a special council held on Tennessee River, March 1, 1757, con-

[1] Atta Kulla Kulla.

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veys to Capt. Patrick Jack, of Pennsylvania, in consideration of $400, a tract of fifteen miles square south of Tennessee River. In pursuance of this grant a deed was made by Arthur Dobbs, governor of North Carolina, and Atta Culla Culla, or the Little Carpenter, half-king of the Cherokees, on behalf of the Cherokee nation. This deed was confirmed by a general council, held in 1762.

The Treaty of Fort Stanwix—The first general grant of land by the Indians, within the limits of the present State of Tennessee, was made by the Six Nations in the treaty at Fort Stanwix, concluded November 5, 1768. This treaty conveyed a doubtful claim, which was subsequently productive of much controversy, affecting not only the Tennessee settlers but presenting a vexatious question to Congress in the adoption of the articles of confederation.

Treaty of Lochabar—This treaty was concluded at Lochabar, S. C., October 18, 1770. It conveyed lands in Virginia, West Virginia, Kentucky, and Tennessee. A portion of the lands embraced in this treaty lay in Tennessee.

Leases by the Watauga Association and Jacob Brown—In 1772, the Watauga Association leased for ten years, from the Cherokees, lands on the Watauga River. Jacob Brown made a similar lease for lands on the Nollichucky. The boundaries of these two leases are not positively known.

Transylvania Purchase—March 17, 1775, Richard Henderson and eight other persons, organized as the Transylvania Company, concluded a treaty with the Cherokees, at Sycamore Shoals, on the Watauga. For merchandise to the amount of $50,000 they purchased all the lands lying between the Kentucky, Ohio, and Cumberland rivers, and extending eastward along the bank of the Holston to the point where it intersects the Virginia line; thence westwardly along that line to the western boundary of the Lochabar Purchase, and north along that boundary to its intersection with Powell Mountain. The treaty embraced two deeds—known as the "Path Deed" and the "Great Grant." The main portion lay in Kentucky, a small portion in Virginia, and a portion in Tennessee. The legality of this purchase was not admitted by Virginia or North Carolina. It covered a portion of the territory to which the Six Nations had quit claim at Fort Stanwix, and to which the Shawnees had recently quit claim by a treaty in 1775, made with Lord Dunmore, governor of Virginia. The purchase of the Transylvania Company served to extinguish the claims of the Cherokees, but gave rise to a long series of bitter controversies with the authorities of Virginia and North Carolina, and in Congress and the Federal courts. Finally the matter was compromised. Virginia granted the Transylvania Company 200,000 acres of land as compensation for the release of the company's claims.

The North Carolina Legislature, 1783, granted to Landon Carter, the son and heir of John Carter, who did not live many years after this transaction, and to the heirs of Robert Lucas, who was killed in defense of Davidson County, for their expense, trouble and risk in making their purchase of land from the Cherokee Indians, 10,000 acres of land on Clinch River, and in the same act granted Henderson and his associates 190,000 acres, making the whole 200,000 acres.

The Watauga Purchases—During the conference at Sycamore Shoals, in March, 1775, the Cherokees made a deed to John Carter and Robert Lucas, conveying lands extending from Cloud's Creek to Chimney Top Mountain, and embracing Carter's Valley, in compensation for the robbery of Parker and Carter's Store by Cherokee Indians, and in further consideration of the pay-

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ment of a sum of money. Two days later, March 19, a deed was made conveying in fee simple to Charles Robertson, as trustee for the Watauga Association, the lands on Watauga, which had heretofore been leased, in consideration of "the sum of £2,000, lawful money of Great Britain, in hand paid." This deed is recorded in the register's office of Washington County, Tenn., and prescribes the boundaries of the purchase. It is signed by the following Cherokee chiefs on behalf of the Cherokee nation, viz.: Oconostota, Attaculleculy, Tennessy Warrior, Willinawaugh. March 25, 1775, two deeds were executed by the Cherokees to Jacob Brown in consideration of 10 shillings. One deed conveyed to him the tract which he had previously leased, and the other deed conveyed an additional tract, known as Brown's Second Purchase.

Avery's Treaty—July 20, 1777, Commissioners Preston, Christian, and Shelby, on the part of Virginia, and Avery, Sharpe, Winston, and Lanier, on the part of North Carolina, met at Fort Henry, near Long Island, on the Holston, and concluded with the Cherokees a treaty which is known in Tennessee as Avery's Treaty. It confirmed the Watauga cessions made in 1775, and somewhat extended their boundaries.

Treaty of Nashborough—The Treaty of Nashborough with the Chickasaws and Cherokees was made in June, 1783. The Chickasaws ceded a large body of land which coincides very nearly with the cession of the Hopewell Treaty. This treaty was never officially recognized by North Carolina, but was sacredly observed by the Chickasaws, and the official cession was completed by the Treaty of Hopewell.

Treaties Made by the State of Franklin—During the existence of the "State of Franklin," that state made two treaties with the Cherokees—one on the French Broad, near the mouth of Dumplin Creek, May 31, 1785, the other at Coytoy, August 3, 1786. After the collapse of the short-lived state both these treaties were ignored, and the pioneers who had settled the country south of the French Broad and Holston adopted rules of government, and for a time exercised the functions of an independent government.

Treaty of Hopewell or Hawkins' Treaty—The articles of confederation were adopted in 1781 and the control of Indian affairs devolved upon the United States. The first Indian treaty made under Federal authority which conveyed land in Tennessee was the Treaty of Hopewell. The commissioners on the part of the United States were Benjamin Hawkins, Andrew Pickens, Joseph Martin, and Lachlan McIntosh. This treaty is generally known in Tennessee as "Hawkins' Treaty." It was concluded at Hopewell, S. C., November 18, 1785. So far as Tennessee was affected this treaty officially confirmed to the United States the same territory which the Chickasaws had previously granted informally at the Treaty of Nashborough in 1783, making the boundary lines more definite. At the conclusion of the treaty, goods valued at $1,311.10/90, were distributed among the 918 Cherokees present. This treaty was made with the Cherokees, and was subsequently confirmed by the Chickasaws at Hopewell, January 10, 1786.

Treaty of Holston, or Blount's Treaty—William Blount, governor of the Territory south of the River Ohio, and superintendent of Indian affairs, representing the President of the United States at White's Fort, where Knoxville now stands, concluded, July 2, 1791, a treaty with the chiefs and warriors representing the Cherokee nation. This treaty was ratified by the Senate, November 9, 1791, and proclaimed by the President, February 2, 1792. It con-

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tained many stipulations for peace and friendship and for the arbitration of controversies. In consideration of the delivery of certain valuable goods and the annual payment of $1,000, by the United States, the Cherokees renounce all claims to a large tract of land.

Knox's First Treaty—February 17, 1792, at Philadelphia, Henry Knox, secretary of war, concluded with the chiefs and warriors of the Cherokee nation a treaty, which amended Blount's Treaty, by increasing the annual payment to the Cherokees from $1,000 to $1,500.

Knox's Second Treaty—June 26, 1794, Henry Knox, secretary of war, concluded at Philadelphia a second treaty with the chiefs and warriors of the Cherokee nation. By this treaty some disputes were settled in relation to the correct running of the boundary lines, and the annual payment to the Cherokees was increased to $5,000—$50 to be deducted for every horse stolen from the whites by the Cherokees.

First Treaty of Tellico, or Walton's Treaty—October 2, 1798, a treaty was concluded between George Walton and Thomas Butler, commissioners in behalf of the United States, and the chiefs and warriors of the Cherokee nation, in the Cherokee Council House near Tellico. This treaty contained the usual stipulations for peace and friendship, with regulations for intercourse between the whites and the Cherokees. It raised the price of stolen horses to $60. It ceded to the United States certain lands, of which two detached portions lay in Tennessee. The United States agreed to pay for this cession $5,000, and an annuity of $1,000.

Second Treaty of Tellico Block House—Daniel Smith and Return J. Meigs, commissioners on the part of the United States, concluded a treaty with the Cherokees at Tellico Block House, October 24, 1804, by which no land was ceded within Tennessee. The copy of this treaty retained by the United States was lost, in consequence of which the treaty was not ratified for many years. Finally the Indians produced a duplicate copy. Upon this evidence the treaty was ratified, and was proclaimed May 17, 1824.

Chickasaw and Creek Treaties—July 23, 1805, James Robertson and Silas Dinsmoor concluded with the Chickasaws a treaty relinquishing all claims north of Duck River and east of the Tennessee, and all the disputed tracts on Elk River. A tract one mile square on Tennessee River, at the mouth of Duck River, was reserved for Okoye. The consideration for this cession was $20,000, to be paid by the United States to the tribe, and $1,000 each to be paid Colbert and Okoye, and an annuity to Chinnubbe, king of the tribe. In order to extinguish all adverse titles the United States subsequently purchased the claims of the Cherokees to the disputed tracts on Elk River, at which the Chickasaws took offense.

In connection with this treaty with the Chickasaws an amusing correspondence is recorded which illustrates some of the methods used in dealing with the Indians. After examining the accounts, the secretary of war, Henry Dearborn, wrote to General Robertson: "Among other extraordinary articles for an Indian treaty in the woods, for two commissioners, may be noticed raisins, anchovies, cinnamon, nutmegs, pickles, etc., amounting to near $200." To this the commissioners replied that they never sat down to a meal with less than twenty-nine Indians at the table. They added: "When Indians eat, they eat indeed." * * * "One Indian can eat enough at one meal to last him a week. Whoever should see old Puckshunubbe, old Mussulatubbe, old Pushma-

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taha, or a score of these old Falstaffs in the woods at a feast, would suppose they were indeed eating a last meal."

In the same year, 1805, Return J. Meigs and Daniel Smith concluded a treaty with the Creeks by which the Creeks, in consideration of $14,000, released all claims to lands in Tennessee. These lands, being in dispute, were acquired by treaties with the Cherokees.

Third Treaty of Tellico—Daniel Smith and Return J. Meigs concluded a treaty with the Cherokees at Tellico Block House, October 25, 1805, by which a tract of land was ceded, lying in Kentucky and Tennessee. For this cession the United States agreed to pay $14,000, and an annuity of $3,000.

Fourth Treaty of Tellico—Two days later, October 27, 1805, another treaty was concluded between the same parties at the same place. In the former treaty the Indians had reserved several small tracts around spots to which they were especially attached. In order to show the purpose of the parties, and to give a specimen of the form of Indian treaties, this treaty is given below in full, omitting the caption and signatures:

"Article I. Whereas, it has been represented by the one party to the other, that the section of land on which the garrison of Southwest Point stands, and which extends to Kingston, is likely to be a desirable place for the Assembly of the State of Tennessee to convene at (a committee from that body now in session having viewed the situation), now, the Cherokee, being possessed of a spirit of conciliation, and seeing that this tract is desired for public purposes and not for individual advantages, reserving the ferries to themselves, quit claim, and cede to the United States the said section of land, understanding at the same time, that the buildings erected by the public are to belong to the public, as well as the occupation of the same, during the pleasure of the government; we also cede to the United States the first island in the Tennessee above the mouth of Clinch.

"Article II. And, whereas, the mail of the United States is ordered to be carried from Knoxville to New Orleans, through the Cherokee, Creek, and Choctaw countries; the Cherokees agree that the citizens of the United States shall have, so far as it goes through their country, the free and unmolested use of a road leading from Tellico to Tombigbee, to be laid out by viewers on both sides, who shall direct it the nearest and best way; and the time of doing the business the Cherokees shall be notified of.

"Article III. In consideration of the above cession and relinquishment, the United States agree to pay to the said Cherokee Indians sixteen hundred dollars, in money or useful merchandise at their option, within ninety days after the ratification of this treaty.

"Article IV. This treaty shall be obligatory between the contracting parties as soon as it is ratified by the President, by and with the consent of the Senate, of the United States. In testimony whereof," etc.

Dearborn's Treaty—At Washington City, Henry Dearborn, secretary of war, concluded a treaty with the Cherokees, January 7, 1806, which was proclaimed by the President, May 23, 1807. By this treaty the Cherokees ceded to the United States an extensive tract, lying in Mississippi, Alabama, and Tennessee. The portion of this cession lying in Tennessee was south of Duck River. By this treaty the Cherokees also ceded Long Island, in Holston River. In consideration of these cessions, the United States agreed to pay $10,000, and further agreed as follows: "That a gristmill shall, within one year from date hereof, be built in the Cherokee country for the use of the nation, at such place as shall be considered most convenient; that the said Cherokees shall be furnished with a machine for cleaning cotton; and, also, that the

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old Cherokee chief, called the Black Fox, shall be paid annually $100 by the United States during his life."

Robertson and Meigs' Treaty—This treaty was held on Chickasaw Island, in Tennessee River, and was concluded with the Cherokees by James Robertson and Return J. Meigs, September 11, 1807, and was proclaimed April 22, 1808. It was merely an elucidation of former treaties, and made no additional cessions of land. In consideration of concessions made by the Indians on the points in dispute, the United States agreed to pay them $2,000, and accorded them the privilege of hunting in the ceded territory. There was also a secret article that $1,000 and two rifles should be given to the chiefs who negotiated the treaty.

The Capitulation of the Creeks—Following the crushing blow administered to the Creeks at Tohopeka, Gen. Andrew Jackson dictated to them a treaty which was concluded, August 9, 1814. Of the land ceded by the Creeks, no portion was within the limits of Tennessee, but this treaty had an important influence on the history of the state.

Sundry Treaties with the Cherokees—George Graham, commissioner of the United States, concluded two treaties with the Cherokees, March 22, 1816. The first ceded land in South Carolina, for which the State of South Carolina agreed to pay $5,000. The second made no cession of land, but contained important stipulations with reference to boundaries, conceding to the United States the free navigation of all rivers in Cherokee territory, and the right to open and use roads free of charge. For these concessions, and to reimburse the Indians for losses, etc., the United States agreed to pay $25,000.

Gen. Andrew Jackson, Gen. David Meriwether, and Jesse Franklin, commissioners of the United States, concluded with the Cherokees a treaty, at the Chickasaw Council House, September 14, 1816. By this treaty the Cherokees ceded a large tract in Georgia, for which they received $5,000 in cash, and an annuity of $6,000 for ten years. This treaty was ratified by the Cherokee nation, at Turkeytown, October 4, 1816, and was proclaimed, December 30, 1816. By these treaties no cession of land was made within the limits of Tennessee.

Jackson and McMinn's Treaty—This name has been given in Tennessee to the treaty concluded at the Cherokee Agency, July 18, 1817, between Andrew Jackson, Joseph McMinn, and David Meriwether and the Cherokees. By this treaty a tract of land was ceded in East Tennessee, provision was made for a census of the Cherokee nation, and inducements were offered for the removal of the Cherokees west of the Mississippi River. The United States agreed to cede to the Cherokees who should remove, a tract of land, north of the Arkansas River, equal in area to the cessions made by the Cherokees in this treaty, to bear the expense of removal, to give each "poor warrior one rifle-gun and ammunition, one blanket, one brass kettle, or, in lieu of the brass kettle a beaver trap," to pay for all improvements on the real estate left behind, and to have a census of the tribe taken, in accordance with which all who removed west should receive their proportional shares of all annuities granted the tribe by previous treaties. Provision was also made for granting to each head of a Cherokee family residing within the ceded territory a tract of 640 acres, on condition of his becoming a citizen of the United States.

Great Chickasaw Cession—By a treaty made September 20, 1816, the Chickasaws ceded to the United States their title to certain lands in dispute. The great Chickasaw cession was made October 19, 1818. This treaty was concluded

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at the "Treaty Ground east of Old Town" * with the United States commissioners, Isaac Shelby and Andrew Jackson. By this treaty, the Chickasaws ceded to the United States all of what is now West Tennessee, the tract extending into Kentucky between the Ohio and Tennessee rivers. A tract in Tennessee, four miles square, was reserved, including "a salt lick, or springs," near Sandy River. Three other small tracts were reserved to individual Indians on condition that all persons living on these reservations shall be subject to the laws of the United States. In consideration of these cessions, the United States agreed to pay "$20,000 per annum, for fifteen successive years to be paid annually"; and also agreed to pay two debts of the Chickasaws, one to Captain Gordon of $1,115, and one to Captain Smith of $2,000; and further agreed to pay to individual Chickasaws sums amounting to $4,264; and further agreed that all annuities heretofore payable in goods should be hereafter paid in cash. In consequence of some delays in the first payments stipulated in the treaty, Andrew Jackson and William B. Lewis raised the money on their personal credit, and prompt payment was made.

Calhoun's Treaty—February 27, 1819, John C. Calhoun, secretary of war, concluded a treaty with the Cherokees, who ceded various outlying tracts which had not been included in former treaties. Three of these were extensive tracts. The others were tracts of small area, from one to twelve miles square, which had been retained by the Indians as favorite spots for which they felt a special attachment, or a superstitious reverence. It was agreed that these minor cessions were to be sold by the United States, the proceeds to be invested in goods and stocks, the annual income of which should be used for establishing schools for the Cherokees. Many stipulations were made for issuing grants of 640 acres each to individual Indians. The policy of the treaty was to encourage the Cherokees to emigrate west of the Mississippi, and to induce those who remained to abandon their tribal relations, and to become citizens of the United States. This treaty extinguished the title of the Cherokees to all lands in Tennessee, except the tract known as the "Hiwassee District," to which they retained title until December, 1835.

Overton's Treaty—In 1823, a treaty was made with the Chickasaws by Judge John Overton by which the Chickasaws released claim to the small tracts of land which they had reserved in former treaties. One tract, four miles square, included the salt lick on Sandy River. Another tract, one mile square, on Tennessee River, at the mouth of Duck River, was known as "Okoye's Reservation."

Attitude of Tennessee and Georgia—The Cherokees were too weak to engage in war, but were not congenial neighbors. They had learned many of the arts and vices of civilized life, and had, to a great extent, abandoned their roving habits. They did not need large areas of ground, and had gradually sold all their territory in Tennessee except Hiwassee District. The bulk of the nation had been gradually forced down into Georgia. They showed some disposition to become citizens of the United States, and actually made propositions to that effect. The people of Tennessee and Georgia, however, were bent on their removal across the Mississippi. Both states became involved in controversies with the Federal authorities in reference to the Indian relations. The controversy on the part of Tennessee was with reference to the state law directing the sale of disputed reservations. The controversy on the part of Georgia was more

* A few miles east of Old Pontotoc in North Mississippi.

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serious. The United States accepted the cession of the western lands of Georgia in 1802 and agreed to extinguish all Indian titles to lands within the limits of the state. Georgia demanded the fulfillment of the contract. Meanwhile, and before any steps had been taken for the removal of the Indians, Georgia asserted the right to legislate for the entire state, and to execute her laws within the Indian reservations. The United States claimed that the Indians were a distinct organization within the limits of Georgia, and could be dealt with only by Congress under the treaty-making powers. Governor Troupe, of Georgia, gave notice that he would maintain the authority of Georgia, and matters assumed a hostile shape during the latter part of the administration of Monroe and the succeeding administration of John Quincy Adams. Finally, the Cherokee nation, July 26, 1827, adopted a constitution as an independent and sovereign state. The people of Georgia were indignant at this attempt to establish a separate government within the jurisdiction of a sovereign state, and to assert a right which would be treason, if attempted by her own citizens. Her Legislature made what they styled a last appeal to the United States, and expressed a purpose, if this should fail, to take the matter into their own hands.

Abortive Treaties—In 1832, the Indian Territory was laid out west of the Mississippi, and in 1834 Congress made enactments for the definite location of the several tribes which were to occupy it. May 6, 1828, James Barbour, secretary of war, concluded a treaty, and February 14, 1833, Stokes, Ellsworth and Schermerhorn concluded a similar treaty with the Cherokees. Neither of these treaties were contracts, but were a series of offers made by the United States to induce the Cherokees to remove to the Indian Territory west of the Mississippi River. Both treaties were barren of results. February 10, 1834, George Vashon concluded a treaty with the Cherokees similar in character, and offering additional inducements. This treaty was made inoperative by the refusal of President Andrew Jackson to submit it to the Senate.

Treaty of Removal—This treaty was concluded December 29, 1835, at New Echota, Ga., between the Cherokees and Gen. William Carroll and John F. Schermerhorn, commissioners for the United States. By its provisions the Cherokees ceded to the United States all their lands east of the Mississippi River in consideration of $5,000,000. The United States ceded to the Cherokees 15,000,000 acres of land in the Indian Territory, which should never be included in any state or territorial government, and agreed to pay all expenses of removal, to furnish one year's subsistence in their new home, to pay for improvements on their lands, to pay various special funds and annuities, among other provisions to add $150,000 to the existing permanent school fund, and to appropriate $60,000 to pay debts due from the Cherokees to citizens of the United States. It was agreed that all who remained should be subject to the laws of the state within which they resided, and, upon becoming qualified as citizens, should be entitled to preempt 160 acres of land. The treaty contained other important provisions which can not be here recited. March 1, 1836, a supplemental treaty was made, which added $1,000,000 to the obligations of the United States. The Cherokees agreed to remove to the Indian Territory within two years from the ratification of the treaty. By the terms of this treaty, the title of the Cherokees was extinguished to Hiwassee District, their last possession in Tennessee.

The Removal—The large majority of the Cherokees, led by their famous chief, John Ross, were opposed to this treaty, and protested against it. The United States, however, refused to recognize their authority, and concluded the

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treaty with the minority party of the Cherokees, led by the chiefs Major Ridge and Andrew Ross. The Cherokee nation, in full council, in October, 1835, rejected the treaty, but the United States Senate, nevertheless, confirmed it, and President Jackson proclaimed it, May 23, 1836. John Ross went to Washington on behalf of his people, and endeavored to persuade the President and Congress to declare it void. He displayed great diplomatic ability, and created a strong sentiment of sympathy in favor of the Indians. Henry Clay, Daniel Webster, Edward Everett, Henry A. Wise, and other political opponents of President Jackson, warmly espoused the cause of Ross. Previous to his departure for Texas, David Crockett ardently supported Ross. During the two years which had been allowed the Cherokees for removal, strong efforts were used to revoke the treaty, but President Jackson was firm. Many of the Indians removed in small bands before the appointed date. As the time drew near, Gen. Winfield Scott, with a force of United States troops, was ordered to the Cherokee country. He issued an address, announcing that he would enforce their removal in accordance with the terms of the treaty. Ross made application for extension of time, and other indulgences, which were granted. December 4, 1838, the last organized band of Cherokees began their march for the Indian Territory. A number, subsequently enumerated at 1,046, took refuge in the mountains and remained behind. Most of these afterwards joined their comrades in the West. The few who finally remained abandoned their tribal relations, and became citizens of the United States. The total number of the Cherokees who removed West was stated on the rolls of John Ross to be 13,149. Upon reaching their new homes, fierce dissensions arose between the party of John Ross and the Ridge party, which resulted in the killing of Major Ridge. Finally the nation became unified, and made other treaties with the United States by which they secured a large annual income.

The Indian Territory—The Cherokees, Chickasaws, Choctaws, Creeks and Seminoles, known as the "Five Civilized Tribes," thereafter dwelt peaceably and contentedly in the Indian Territory. They became prosperous, industrious, and law abiding. In addition to large revenues derived from the United States for the sale of their eastern lands, they became self-sustaining and wealthy. They owned many negro slaves prior to the general emancipation. They had schools, churches, good governments, and all the appliances of civilization. They are now citizens of Oklahoma.

REVOLUTIONARY AND MILITARY PENSIONERS—LIST FOR TENNESSEE, JUNE 1, 1840

The general pension law of April 10, 1806 (see Annals of Congress, 1805-6, page 1255), extending and enlarging previous acts, provided only for officers, soldiers and seamen, "disabled by known wounds."

This Act became the subject of subsequent debates in Congress, in which the strictness of its requirements was criticized. March 3, 1809, it was amended by an act entitled "An Act Concerning Invalid Pensioners," by which a long list of petitioners were added by name.

Various discussions subsequently arose in Congress leading to amendments. In 1818, in order to render legislation more systematic, standing committees on pensions were appointed in both Houses, Mr. John Rhea of Tennessee being the chairman of the House committee; (Annals of Congress, 1818-19, pages 20,

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291). An Act was passed March 3, 1819, "regulating the payments to Invalid Pensioners."

Notwithstanding the careful limitations and strict administration of these early pension laws, charges were made of extravagance and counter charges of undue severity of construction. The general trend, however, was toward extension of the law and increase of the pension list. At various times committees were appointed to investigate, and officers were required to report. Mr. Calhoun, while secretary of war, reported a complete list of all pensioners then on the rolls. These investigations and reports led to debates, the most extended and acrimonious of which occurred in the Senate in 1830.

The most important acts of legislation between 1819 and 1840, were:

1. The Act of February 4, 1822, reviving and continuing previous acts.

2. The Act of 1836, a general law, which Mr. Calhoun subsequently styled "the permanent law." This Act extended the benefits to the widows of soldiers and sailors.

3. The Act of 1838, which extended the benefits to widows of soldiers and sailors in cases where the marriage had been contracted after the war.

These and other Acts added largely to the list of pensioners, and to the cost of pensions.

February 28, 1839, President Van Buren sent a message to Congress, transmitting a communication from the secretary of war, and recommending that the officers employed to take the census be required to make a return of the names and ages of all pensioners in the United States. A provision in accordance with the recommendation of the President was incorporated in the census law of March 3, 1839.

A special appendix of the census of 1840 gives the entire roll of honor. The following is the title page of this appendix:

A
CENSUS OF PENSIONERS
FOR
REVOLUTIONARY OR MILITARY SERVICES;
WITH THEIR
NAMES, AGES, AND PLACES OF RESIDENCE,
AS
RETURNED BY THE MARSHALS OF THE SEVERAL JUDICIAL DISTRICTS,
UNDER
THE ACT FOR TAKING THE SIXTH CENSUS.

Published by authority of an Act of Congress, under the direction of the Secretary of State. Washington: Printed by Blair & Rives, 1841.

Below is the list of those living in Tennessee, June 1, 1840.

STATE OF TENNESSEE—EASTERN DISTRICT

ANDERSON COUNTY

NAMES	AGES
James Trowell	78
Douglas Oliver	88
William Cross	80
William Patterson	87
Peter Johnson	81
Page Portwood	83
Thomas Brummett	87
J. J. Williams	81

BRADLEY COUNTY

NAMES	AGES
Charles Lain	81
Joseph Lain	83
Sarah Cry	78
Robert McCormack	83
James Hamilton	84
William McAllister, sen.	80
Robert Forrester	80
William Dodd	83
James Sellers	85

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BLOUNT COUNTY

NAMES	AGES
Robert McCay	81
Thomas Hunter	82
James Houston	82
William Tipton	79
James Taylor	82
John Davis	86
Robert Tedford	80
James McKensey	87
Robert Bryant	93
George Haden	91
James Symms	90
George Ewing	80
James Carathers	80 to 90
Robert Rhea	76
William Hamby	97

BLEDSOE COUNTY

District No. 1

John Narramore	79

District No. 2

Chatten D. Pollard	79
John Ford, sen	78

District No. 3

Charles Shurmon	86

District No. 6

Philip Shurmon	82
John Hail	86
Andrew Davis	83

District No. 7

Andrew McDonough	80

District No. 9

Francis Hughs	80

CARTER COUNTY

District No. 1

Charles Moreland	76
James Campbell	80

District No. 3

Jeremiah Campbell	78

Civil District No. 5

Ephraim Buck	49
John Scott	87
Isaac Taylor	84

District No. 6

Solomon Hendrix	86
Andrew Taylor	80

District No. 7

Abner McLeod	44
Elizabeth Carter	75

School District No. 8

John Miller	75
George Emert	83
Richard Kelly	76

District No. 9

NAMES	AGES
Leonard Bowers	80

CLAIBORNE COUNTY

Harman Hopper	78
Richard Harper	76
Andrew Presly	90
Thomas Nun	90
Jesse Webb	63
Thomas Hardy	74
John Ousley	82
Solomon Lewis	90
John Braden	80
John Jones, sen	77
Peter Peck	78
Whorton Nunn	85
Matthew Bussle	93

COCKE COUNTY

William Bragg	75
Peter Wise	89
Darius O'Neal	76
Bartlett Sisk	79
Samuel Yeates	83
Joseph Burke	75
Henry Click	59
Allen Seratt	77

CAMPBELL COUNTY

James Cabbage	83
James McDonald	79
Martha Rogers	75
Dennis Trammel	
Richard Crabtree	76

GREENE COUNTY

Peter Kent	80
John Sexton	79
William Houston	77
George House	78
Thomas Morgan, sen	88
Martin Waddle	80
Nasma Sevier	97
Joseph Dunlap	92
William Sharp	79
Jacob Bruner	76
John Morrison	83
John Gass, sen	83
Azariah Doty	96
John Carter	83
Thomas Bryant	86
Frederick Shaffer	82
John Kesterson	85

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GRAINGER COUNTY

NAMES	AGES
John Tanner	81
Lewis Collins	87
Chapman Poindexter	81
Richard Grantham	85
John Bethel	84
Joseph Yadon	84
James Hines	89
William Clay	80
Thomas Brown	77
Joseph Ellis	77
Adam Cabbage	85
John Hammock	86
Israel McBee	79
Thomas Lay	79

HAMILTON COUNTY

Moses Nelson	41
Robert Martin	84
William Reid	75
James Davis	80
Thomas Palmer	81
Joseph Campbell	86

HAWKINS COUNTY

William Thurman	79
Robert Hensley	81
Mary Beaty	86
Henry Frazier	57
Thomas A. Fletcher	90
Robert Campbell, sen	80
Washington Denham	54
William Molsbey, sen	82
James Simmons, sen	81
Henry Blevins	84
John Hicks	80
Thomas Brooks	80
Wright Bond	87
James Lovin	81
Richard Matlock	79
Notley Thomas	93
John Sowell	80
Momon Lawson	95
Littleton Brooks	90
Seth Manis	78
Alexander Trent	81
Bartlet Belcher	76
Francis Winstead	81
John Rains	81
Abner Gordon	82
Pharaoh Cobb	90
Samuel Riggs	80
Elizabeth Smith	79
Thomas Price	79
Jonathan Long, sen	78
Letitia Rorark	93

NAMES	AGES
John Leonard	82
Daniel Jones, sen	86
William Bussell	77
John Light, sen	76
William Jewell	97
James Morrison	86
Flower Mullins	77
William Skelton	79
Joseph Britton	87

JOHNSON COUNTY

William Wilson	82
James McDaniel	82
Jacob Hood	96

JEFFERSON COUNTY

Northern Division

Stephen McLaughlon	82
John Petty	83
Jacob Maddox	76
Allen Kelley	55
William Murphy	83
Benjamin Bradshaw	82
William Caldwell, sen	80
John McCoy	88
John Hasket	90
Samuel McSpadden	83
Jesse Gammon	75
Spencer Watkins	80
Richard Cheek	79
Tide Lane	78
James Anderson, sen	80
Michael Treace	85

Southern Division

George Turnley	78
John Fain	51
Zaccheus Copeland	76
George Gregory	61
James Fuller	49
John Russell	55
Michael Barnet	80
John Henry	81
Jesse Webb	74
Joel Davis	77
Ely Sartin	55

KNOX COUNTY

David Pinn	80
Philip Titlow	57
Edward Smith	80
Samuel Tarver	80
Thomas Dove	85
Perrin Cardwell	76
Absolom Rutherford	78
Vincent Jackson	95

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NAMES	AGES
Marcus Swadley	80
Thomas Sumpter	76
Joseph Brown	84
Mitchell Childress	90
John Fox	83
David Falkner	83
Joseph Large	84
Edmund Newman	77
James Campbell	83
Harris Gammon	83
John Childress	81
Garnett Smith	78
Jesse Wells	91
Jacob Gallespie	86
Card Cox, sen	77
Luke Stansbury	88
Richard Porterfield	82
Jesse Perry	83
James Crews	86
Robert Johnson	81
John McLemore	85
Abraham Hankins	86

MC MINN COUNTY

Isaac Lane	81
Jno. Honey	79
Will Peters	79
William Norman	76
Spencer Benson	76
Edmond Roberts	83
Elizabeth McNabb	80
James Cunningham	80
John Raney	84
James Riggins	88
Maximilian Rector	82
Henry Matlock	54
Charles Carter	73
William Barnett	79
Simeon Eldridge	78
John Kurtus	85
Benjamin Brown	87
E. Cooper	45

MONROE COUNTY

26th Regiment

Gideon Morgan	65
Henry Stephens	66
Nathaniel Watson	99
Christopher Boston	81
Bergiss Wit	79
William Duggan	49
John Allgood	85

27th Regiment

Thomas Vernon	88
Jacob Patton	83
Thomas Duncan	76
James Montgomery	49

NAMES	AGES
John Pannel	49
John Simms	90
John Denton	81
James McGill	83
Samuel Steel	81

MORGAN COUNTY

Betsey Staples	76
Rebecca Holloway	76
Joseph McPeters	83
Marsha Green	87
Abel Peak	79
Esther Sexton	79
Nathaniel Milton	80
Jonathan Deldine	77
John Howard	73
Ryal Pren	77
John Williams	80
Joseph Patton	78
Joseph Stincuphor	85
Thomas Kindred	81
John Crinshaw	83
Matthew Williams	85

MEIGS COUNTY

John Dyer	80
John Sutton	90

MARION COUNTY

Ransom Smith	81
Ezekiel Stone	83
Letitia Rains	71
Laton Smith	84
William Everett	78
James Morgan	81

POLK COUNTY

William May	75
William Longley	82
Samuel Walker	80
Thomas Towns	89
Samuel Carter	85

RHEA COUNTY

Daniel Broiles	80
James Furgison	81
Thomas Hamilton	80
Thomas McKeddy	86
Mary Reace	23
Harris Ryan	76

ROANE COUNTY

Thomas Landrim	86
James Acree	86
John Baman	86
Adam Miller	83

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NAMES	AGES
David Blackwell	82
Benjamin Chapman	78
Samuel Evans	84
John Hood	78
John Wooddy	81
John McNatt	78
James Allen	81
Edward Wyatt	81
James Akin	80
Robert Liles	81
Thomas Ives	82
Carter Barnard	78
Solomon Gearran	80
Tandy Senter	82
Lard Burns	85
John Cox	82
George Fuller, sen.	83
Nathaniel Orsbourn	89
William Boyd	84
William Moore	82
Benjamin Clark	77
William Hyden	76
David C. Demey	86

SULLIVAN COUNTY

Thomas King	86
David Hughes	82
John Almoney	58
John Grier	79
Thomas Jones	78
Thomas Morrell	80
Joshua Hamilton	79
Elijah Cross	84
Abraham Cross	90
Edward Cox	83
Jacob Bealer	89
Joseph Grey	76
Jacob Hawk	82
George Bushong	48
Jacob Slaughter	84
William Snodgrass	80
Samuel Taylor	85
Thomas Cox	84

NAMES	AGES
Henry Maggot	80
John Hudson	85
Henry Maggot	84
Ankey Godsey	77
William King	88
William Bolen	83
David Childress	78
Benjamin Birdwell	74
William Goad	86
Richard Parkers	55
John Chester	86
John Douglas	76
Robert Tribbett	57
Micajah Adams	81

SEVIER COUNTY

Penelope Porter	77
Lydia Atchley	75
Jacob Layman	78
William Trotter	77
Jeremiah Compton	87
George Parson	79
Daniel Fox	66
John McCroskey	84

WASHINGTON COUNTY

John Crouch	84
Loyd Ford	83
Amon Hale	83
William Ledmon	67
Jeremiah Keys	43
Elizabeth Lacky	80
James Simmons	49
William Slaughter	85
John Thornburg	61
Jacob Brown	91
Hugh Harriss	84
Adam Harman	75
Andrew Hannah	79
Zadoc Freeman	55
Adam Ingle	86
James Sevier	76
Elizabeth Jackson	75
Darling Jones	77

STATE OF TENNESSEE—MIDDLE DISTRICT

BEDFORD COUNTY

Robert Majors	79
Samuel Knox	83
Richard Keel	87
Matt Martin, sen.	77
John Davidson	77
Zadoc Wood	74
John Moore, sen.	80
John Gibbs	81
Horatio Coop	84
Jackson Lisle	78
John Morrison	77
David Ostean	79
John Tacke	86
Jacob Bledsoe	79
Ezekiel Reynolds	80
Abram Hilton	90
James Murry	88
John Williams	79

CANNON COUNTY

John Bynum	83
Enoch Berry	77
John Stephenson	89

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NAMES	AGES
Isaac Eoff	79
Daniel Carroll	77
Hardy Lassetor	88
David Faulkenburg	101
Gisbin Lane	89

COFFEE COUNTY

Isaac Street	78
Morton Jones	91
John Nelson	84
Lewis Taylor	79
Charles Pearson	80
Sterling Pearson	87
George D. Sherrell	77

DICKSON COUNTY

Benjamin C. Waters	92
Abraham Hogins	85
William Willie	90
James Daniel	54
George Clark	94
Christopher Strong	80
John Nesbitt	84
Robert Nesbitt, sen	80
Simon Deloach	57
William James	45
Gideon Carr	90
John Maybourne	97
Isaac Walker	85
Gustavus Rape	77
William Tatorn	80
Mary Thompson	71
Benjamin Darrow	78

DE KALB COUNTY

John Fite	81
Leonard Fite	81
James Saunders	79
Elijah Duncan	90
Elijah Hooton	93
Joseph Rankhorn	81
John Pucket	76
John Bevert	86

DAVIDSON COUNTY

Norvell Lipscomb	84
Perkinson Jackman	77
James Haley	84
Peter Leslie	80
Gideon Johnson	86
James Barnes	79
Nicholas Hale	78
Civil District No. 9	
Cabler Frederick	82
Joseph Vick	78
Civil District No. 10	
NAMES	AGES
John Williamson	79
Civil District No. 11	
John McCutchin	87
Civil District No. 12	
William Watkins	85
Caleb Mason	87
Civil District No. 18	
John Casey	77
Isaiah Alley	91
Civil District No. 19	
Peter Bashaw	78
Benjamin Morgan	78
Civil District No. 20	
William Coats	80
Civil District No. 22	
John McCaslin	90
District No. 23	
Thomas Hickman	78
District No. 24	
Thomas Douglass	84
George Smith	80

FENTRESS COUNTY

Lucy Chapman	70
Andrew Shortridge	85
Anna Flowers	78
Jane Evans	72
Bailey Owen	82
George Chilton	88
George Helm	89
Smith Willis	78
William Dorse	78

FRANKLIN COUNTY

Samuel Handley	89
Enoch Breedon	82
Thomas Wakefield	76
Elihu Berk	75
Patrick McElyea	91
Richard Erwin	30
William Calwell	78
Larkin Ragan	93
Ann Wilson	40
William Jackson	78
William Calwell	78
Jonas Hill	76
Jacob Reynolds	47
Samuel Reynolds	84

GILES COUNTY

Joseph Jones	82
Nathaniel Tatum	79
Henry Goodnight	79
John Jones	90
John Everly	74

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NAMES	AGES
John Ross	89
Thomas Williams	79
Benjamin Cheatham	89
James Tinner	81
Aaron Grigsby	85
John Erwin	85
Richard Jones	77
George Dodson	79
Hugh King	85
Elles Wood	87
John Bradberry	104
James Higgins, sen	89
John Watkins	83
Lester Morris	80
Robert Patterson	83
Samuel Baker	86
Lawson Hobson	86
Thomas Hudson	78
Samuel Watson	79

HICKMAN COUNTY

Elijah Mayfield	80
Josiah Grimett	74
Jordan Milum	90
John Tucker	87
Richard Campbell	82
Richard Nalls	77

HUMPHREYS COUNTY

District No. 1	
John Plant	56
District No. 3	
Simon Steptoe	77
District No. 5	
Josiah Pucket	91
Alexander Anderson	85
District No. 9	
Isaac Hale	78
William Gibson	93

JACKSON COUNTY

District No. 1	
James Cayson	83
Richard Gordon	78
District No. 2	
Thomas Wilkerson	77
District No. 3	
Reuben Graves	79
District No. 4	
William Carlisle	75
Yelvaton Neville	76
District No. 5	
John Wood	92
District No. 9	
Joseph Hawkins	74
Jeremiah Brown	86
District No. 10	
David Phillips	85
Charles Harmon	83
District No. 11	
David Lyles	84
Daniel Ramsey	77
District No. 12	
Michael Saylers	82
District No. 13	
John Henley	89
Peter Crumb	81
Joseph Jared, sen	80
Jacob Newman	75
District No. 15	
William Ferrel	83

LINCOLN COUNTY

District No. 1	
Thomas Davis	81
District No. 2	
John McNott	105
District No. 3	
Samuel Isaacs	82
Josiah Brandon	80
District No. 6	
Thomas Armstrong	85
Aaron D. Gage	82
William Pamplin	77
District No. 7	
William Shaw	82
Districts Nos. 10 & 11	
William George	85
Davis Henderson	49
W. C. Smith	82
Benjamin Rowe	82
Philip Koonce	75
District No. 14	
John Gibson	80
District No. 17	
William Beard	80
District No. 22	
William Brown	70
District No. 23	
John R. Vickers	91
Alexander Forbes, sen	79
Rapel Smith, sen	77

LAWRENCE COUNTY

Wilson Rogers	82
Palmore Kendred	95
Richard Robinson	104
Joseph Spears	80
John Evans	77
Jeremiah Bentley	82
James Waters, sen	88
Wm. H. Redding	81

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MARSHALL COUNTY

NAMES	AGES
Lewis Parham	55
Benjamin Copeland	76
William Martin	81
John Dysart, sen	91
Richard Long, sen	82
James Shaw	69
Robert Walker	86
James Wilson	86
Ezekiel Billington	82
James Bass	83
Sylvester Chunn	86
Robert Cowden	86
Frederick Fisher	78
Shadrack Weaver	74
William Dickson	54
Emanuel McConnell	84
Jacob Lawrance	82
Samuel Hilles	81
William Bingham	84
Elijah Alexander	81
Alexander Ewens	79

MONTGOMERY COUNTY

Benjamin P. Persons	58
Lucinda Pool	75
John Vick	84
James Fentress	77
Alexander Frazier	81
Joseph Ligon[1]	85
Thomas Hackney	88
James Bowers	84

MAURY COUNTY

4th District	
Joseph Haynes	89
9th Civil District	
Zachariah Butler	76
Jacob Biffle	78
10th Civil District	
Samuel Mayers	81
Joel Fagg	88
12th Civil District	
William Gordon	88
James Mitchell	74
14th Civil District	
Jacob Gilliam	79
15th Civil District	
James Love	78
17th Civil District	
Martin True	80
David Dobbins	82
Abner Johnson	81
20th Civil District	
Abraham Parker	77
22d Civil District	
Jacob W. Young	78
23rd Civil District	
James Lockridge	84
James Hardison	81
Elisha Williams	80
David Long	82
24th Civil District	
George Barker	81

OVERTON COUNTY

Samuel Tays	79
Cornelius Carmack	82
William Phillips, sen	91
Jesse Ashlock	84
Abraham Sevier	80
Henry Dillon	80
Benjamin Reader	80
Henry Hoover, sen	86
Joseph Taylor, sen	78
Smith Ferril	80
Andrew Swallow	80
David Gentry, sen	97
George Henderson	81

RUTHERFORD COUNTY

Cornelius Saunders	79
William Burnett	91
John M. Leak	88
George C. Booth	82
John Ealter	81
Joseph Bennett	83
John Bruce	45
Peter Jennings	88
William Mitchell	75
William Leckie	77
A. Miles	91
John Bradly	84
Samuel Rillough	77
Joshua Ford	83
James Saunders	77
John Brown	80
John Stephenson	87
John Barclay	77
Jordan Williford	85
Benjamin Todd	78
Daniel Bowman	82
John Newman, sen	85
Thomas Blanton	78
Stephen White	77
Joseph Newman	81
Timothy Parker	81
George Bruce	81
John Stone	76
Daniel McCoy	89
Nathaniel Winston	73
Sylvania Tucker	84
John Clark	80

[1] Great-grandfather of J. B. Killebrew.

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ROBERTSON COUNTY

NAMES	AGES
John C. Coon	85
Charles Gent	85
James Jones	88
David Jones	86
Martin Walton	79
William W. Walker	25
David Henry	89
Fendal Roland	80
John Zeck	81
Charles Ellison	76
Ann White	81

SMITH COUNTY

Willis Hodges	93
Philip Pope	78
William Denny	47
Isom Beasley	87
Elizabeth Darnes	79
Ann Ford	67
Robin Hayse	46
Berry Gregory	79
William Gregory	76
Francis Cauly	100
Dabney Cooper	84
Henry Wakefield	88
Benjamin Jones	81
Susanna Boon	79

STEWART COUNTY

Thomas French	88
John Ross	88
Benjamin Daniel	87
Alexander Anderson	88

SUMNER COUNTY

Bathl. Stovall	80
Thomas Parrish	80
John Carney, sen	106
Reuben Pruett	80
William Fortune	94
James Gamblin	90
Hudson Thompson	77
William Beard	86
William Bruce	77
James Pond	75
John McMurtry	86
Joseph Jackson	84
Henry Pitt	75
John B. Miller	79
Richard Johnson	80
Elijah Bayles	81
John Sloan	82
John Cleburne	82
Benjamin Haynes	94
William Morris	80

NAMES	AGES
John McClung	80
Albert Hendricks	80
Samuel Cochram, sen	84
William May	85
John McAdams	79
Ezekiel Marshall	82
William Bell	82

WHITE COUNTY

District No. 2	
Patrick Hewet	100
John White, sen	83
Turner Lane, sen	78
John H. Miller	77
District No. 3	
Edward Helton	77
Thomas Hill	84
Elijah Alverson	78
District No. 4	
Thomas Crawley	86
District No. 5	
Burgess Clark	77
George Ailsworth	83
District No. 8	
John Ditty	84
John Ellisson	78
District No. 11	
Thomas Welch	91
District No. 12	
Alexander Cooper	77
Samuel Weaver	78
Henry Marsh	75
William Bertram	81
Isaac Graham	100
John Weaver	78
District No. 13	
Solomon Yager, sen	82
District No. 15	
Thomas Moore	78
Abel Pearson	78
Thomas Shockley	80
Joseph Cummings	78
Jesse Hopkins	78
Samuel Moore	81

WAYNE COUNTY

Benjamin Shaw	75
Richard Copeland, sen	81
Zachariah Goforth	81
Robert Cypert	85
Isaac Horton, sen	81
John Broadway	80

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WILLIAMSON COUNTY

NAMES	AGES
James Potts	81
Benjamin Ragsdale	82
Tapley M. Lightfoot	81
Isaac Ferguson	83
Charles Allen, sen	82
Joshua Pierce	82
Richard Vernon	82
Jacob Grimmer	84
John Secrest	82
William Kennedy	85
Zachariah Smith	81
Robinson Ross	78

20th District

David Ivy	82
Laban Hartley	95
Sherrod Smith	79
John Hall	83

WILSON COUNTY

Samuel Shepard	78
Abednego Rutland	80
Samuel Williams	80
John Crunk	78
John W. Beashamp	33
John Garrison	82
John Gunn, sen	80

NAMES	AGES
Robert Crisswell	80
Nancy Williams	83
George Avery	70
William L. Sypert	45
Thomas Conner	83
John Bonner	76
William Colly	88
Austin Colly	84
Susan Oakley	82
Moses Allen	86
Henry Criswell	80
Jonathan Tipton	85
Charles Blalock	75
William Donald	94
Charles Smith	88
William Teag	78

WARREN COUNTY

Robert Brown	78
Thomas Brown	91
William Bond	75
John Cunningham	93
Samuel Hand	85
Reuben Roberts, sen	80
Robert Carson	87
John Lockheart	83
John Kersy	84

STATE OF TENNESSEE—WESTERN DISTRICT

BENTON COUNTY

William Cockran	73
Samuel Wadkins	80
Thomas Petty	76

CARROLL COUNTY

Elias Miars	83
Thomas Seamore	80
William Matheny	96
Pleasant Henderson	84
John McKenzie	84
Frederick Miller	81
Matthew Sparks	79
Jonathan Montgomery	78
John Chambers	88
Arthur Brown	78
William Whitesides	77

DYER COUNTY

John Given	76
Joseph Scoby	66

FAYETTE COUNTY

Samuel Martin	84
David Blalock	93
Mark Miller	75
James McKee	76
Benjamin Starret	76
John Birdsong	77
Andrew Pickens	86
James Belloat	80
Henry Randolph	84
Charles Turner	75
Hugh Luckey	77

GIBSON COUNTY

Thomas Frazier	81
Thomas May	78
David Hambleton	89
Stephen Richards	75
John Crisp	85
Beverly Williams	57
Thomas Morton	45
James Givens	76
Anderson Davis	50
Josiah Reed	84
Jacob Trout	105
James Bell	79

HARDIN COUNTY

1st District

William Lingo	44
Allegany McGuire	78

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2nd District

NAMES	AGES
Ezekiel Fortner	79

5th District

John Throp	63

7th District

George Ross	79

8th District

Stephen Austin	82
John Perkins	77

9th District

Shadrack Nolen	89

10th District

Richard Strame	77

12th District

Samuel McFerren	79

HARDEMAN COUNTY

Sames Vales	82
Richard Glasgow	87
Jeremiah Doxey	87
John Holiday	78
Elijah Warren	87

HENDERSON COUNTY

Joseph Purviance	78
Nathan Green	80
Archibald McCorcle	81
John Foster	86
Daniel Murphy	78
John Andrews	52

HAYWOOD COUNTY

Westword A. Jones	64
John Maxwell	76
Hemdon Hamilton	82
John Moore	77

HENRY COUNTY

Elias Bowden	77
Daniel Rogers	72
Alexander Craig	85
Polly Simmons	74
Susanna Palmer	77
Matthew Alexander	85
William Powel	74
Joseph Weatherington	82
Matthew Myrick	88
James Haynes	79
Martin Neace, sen	82
William Bunton	73
Robert Ramsey	82
Britton George	102

LAUDERDALE COUNTY

NAMES	AGES
James Barefield	58
Sharrack Elkins	79

MC NAIRY COUNTY

Pugh Cannon	80
Jovan Cox	79
Alexander N. McColler, sen	81
William Barns	75
Robert Moore	78
James Roland	87
John Stewart	83
Daniel Hill	83
Robert Rankin	83
Allen Sweat	81

MADISON COUNTY

Daniel Madding	45
Ann Fenner	73
David Eckleburger	43
Jonas Clark, sen	82
Bradley Medlin	80

OBION COUNTY

Thomas Parker	85

PERRY COUNTY

Philip Rushing	78
Bartholomew Murphey	81
John Tolly	78
William Higginbottom	79
James Kelly	81
John Eply	78
Edward Box	68
William Gibson	92
Richard Rushing	92
John Bregins	67

SHELBY COUNTY

A. B. Shannon	48
William Hope	79

TIPTON COUNTY

Col. Thomas Good	81
William McFerrin	85
Vincent Voss	84
Henry Yarbrough, sen	84

WEAKLEY COUNTY

John Chester	88
Presley Thonton	86

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PERIOD II

CHAPTER XIII

THE ADMISSION OF TENNESSEE AS A STATE AND THE FIRST SERIES OF ADMINISTRATIONS OF JOHN SEVIER

The adoption of the constitution for the State of Tennessee created a profound impression, not only in Tennessee but also in Congress and throughout the United States. Immediately antagonism to the admission of this state sprang up on the part of the federalists who, with reason, feared the republican tendencies of the people of this state.

Governor Blount, as president of the Constitutional Convention, in obedience to its direction forwarded a copy of the constitution adopted to Timothy Pickering, secretary of state of the United States. The messenger was Joseph McMinn, a member of the convention and later, 1815-1821, governor of Tennessee. Blount also notified Pickering that the Territorial Government would cease on March 28th, the date set for the first meeting of the General Assembly, in accordance with writs of election, dated February 6th, which had been issued by the president of the convention to the sheriffs of the several counties, requiring them to hold the first election of members of the General Assembly and governor of the State of Tennessee.

The election was held and John Sevier was elected governor; but Blount's communication to Pickering was not received until February 28th, and was not transmitted to Congress until April 8th, eleven days after the state government had gone into operation. Before that date Gen. Daniel Smith had made his final official report to the Federal Government and Governor Blount had been elected United States senator, had accepted the office and was on his way to Philadelphia where Congress was in session.

The new Legislature convened on March 28th and organized. James Winchester was elected speaker of the Senate and James Stuart, speaker of the House of Representatives.

INAUGURATION OF GOVERNOR JOHN SEVIER

The inauguration of Governor Sevier took place on March 30th: "Both Houses having convened in the representative chamber, the several oaths prescribed were duly administered by the Hon. Joseph Anderson."

The governor then presented to both houses of the General Assembly the following address which was ordered to be inserted in the journals:

"Gentlemen of the Senate and House of Representatives:—The high and honourable appointment conferred upon me by the free suffrage of my coun-

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trymen, fills my breast with gratitude, which, I trust, my future life will manifest. I take this early opportunity to express, through you, my thanks in the strongest terms of acknowledgment. I shall labour to discharge with fidelity the trust reposed in me; and if such my exertions should prove satisfactory, the first wish of my heart will be gratified.

"Gentlemen, accept of my best wishes for your individual and public happiness; And, relying upon your wisdom and patriotism, I have no doubt but the result of your deliberations will give permanency and success to our new system of government, so wisely calculated to secure the liberty, and advance the happiness and prosperity of our fellow citizens."

For United States senators the House nominated William Blount, William Cocke and Joseph Anderson in which nominations the Senate concurred and added the name of Dr. James White, formerly the representative in Congress of the Territory South of the River Ohio. The names of Judge Anderson and Doctor White were withdrawn and Blount and Cocke were elected. A joint committee of which Doctor White was chairman wrote complimentary addresses of notification of election to "citizen" William Blount and "citizen" William Cocke and the new senators replied in a similar vein of good feeling.[1]

William Maclin was elected secretary of state. John McNairy, Willie Blount and Archibald Roane were elected judges of the Superior Court of Law and Equity. Landon Carter was elected treasurer of the districts of Washington and Hamilton, and William Black, treasurer of the District of Mero.

In place of Willie Blount, who declined to serve, W. C. C. Claiborne was elected judge on September 28, 1796; and in place of John McNairy who also declined, Howell Tatum was elected on May 12, 1797.[2]

SITUATION OF THE PEOPLE SOUTH OF THE FRENCH BROAD AND HOLSTON

The peculiar and deplorable situation of the people dwelling south of the French Broad and Holston rivers has already been related; and, although they had formed an association for their own government, they were without perfect titles to their lands which they held by the right of occupancy. This was a condition which appealed strongly to the sympathy of Governor Sevier, and it was one of the subjects which he brought before the Legislature in this short session which adjourned April 23, 1796.

On April 11th, Governor Sevier addressed this message to the Legislature:

"Mr. Speaker and Gentlemen of the General Assembly: Permit me to remark to your honorable body, that our senators are about to proceed to the Federal Legislature. It may not be inexpedient to remind them of the necessity of taking under consideration, the embarrassed situation claimants of land are under, to those lying south of the line concluded on in the treaty of Holston, and now within the Indian boundary.

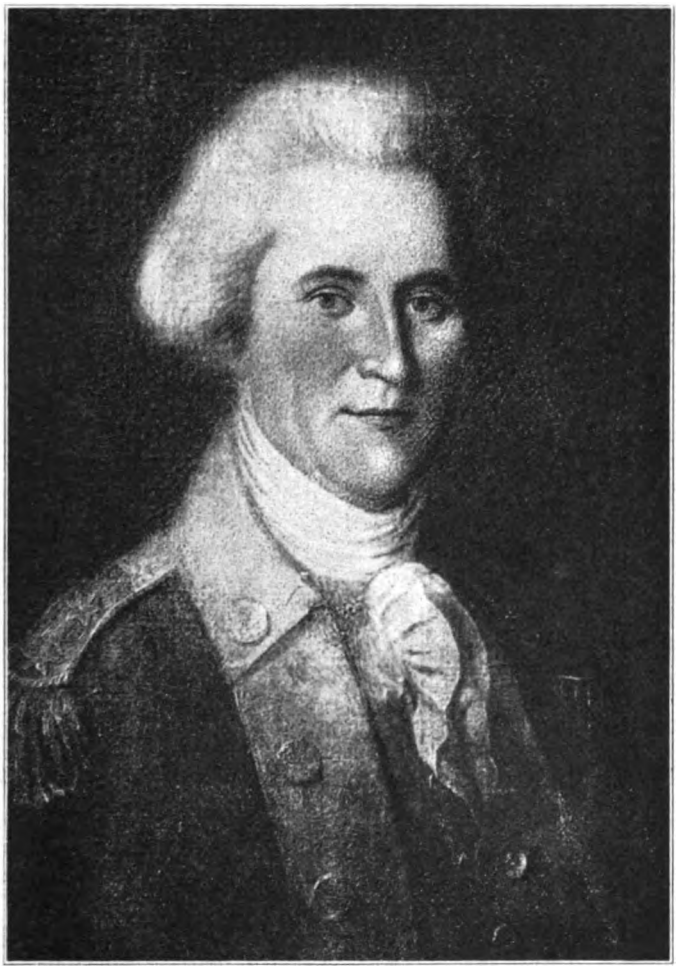
"In my humble opinion, it is a matter of great public importance and particularly interesting to the State and to individuals, to either have the Indian claims extinguished, or the adventurers compensated for those lands.

"I have no doubt that you will take the premises under due deliberation, and give your senators such instructions as you, in your wisdom, may deem necessary and advisable.

JOHN SEVIER."

[1] See Ramsey, pp. 660-662.
[2] See Ramsey, p. 662.

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JOHN SEVIER
Pioneer builder who fought thirty-five battles with the Indians and was victorious in every one

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Accordingly the General Assembly passed a resolution instructing the "Senators and Representatives of this State in the Congress of the United States" to tell that body that measures ought to be taken to relieve the situation.

On April 22, 1796, the day before the adjournment of the Legislature, Governor Sevier sent a message to that body calling attention to the need of protecting the frontiers, of the rapid immigration, and of the fact that the brave officers and privates in the last campaign were still unpaid.

On the next day the Legislature made reply expressing confidence both in the general government and in Governor Sevier.

At this session Tennessee County, which gave up its name in favor of the state, was divided and two new counties, Robertson and Montgomery, were carved out of it.

The Legislature also carved Carter County out of Washington County.

Grainger County, named for Mrs. William Blount, whose maiden name was Mary Grainger, was laid off April 22, 1796.

George Rutledge was elected brigadier-general in place of General Sevier, now governor, and James Winchester, brigadier-general, in place of General Robertson, resigned in consequence of criticisms relative to the Nickajack campaign, and George Conway, major-general. The last named was succeeded by Andrew Jackson.

LEGISLATION OF THE FIRST SESSION

The first act passed was for the purpose of ascertaining the number of judges of the Superior Court of Law and Equity. This is mentioned particularly, because so many writers on historical subjects have given out so many erroneous statements as to what the first act was.

Among the other acts passed at this session was one for establishing a treasury department; one for directing the mode of electing members of Congress, dividing the state into the Holston and Cumberland districts, each being entitled to one representative in Congress; one for providing for appointment by the Legislature of electors for President and vice president of the United States; one for providing payment of salary of the governor amounting to $750 annually; one for compensation for members of the Legislature of $1.75 per day.

Although the General Assembly was in session only twenty-seven days, it performed its legislative functions as if, in truth, Tennessee were already a member of the Union, whereas it was not admitted until June 1, 1796. The governor, too, proceeded to issue commissions to all the civil and military officers in all the counties of the state.

On April 8th, President Washington transmitted to Congress the letter with enclosures sent by Governor Blount to Secretary Pickering, advising him of the action of the Constitutional Assembly, and accompanied the letter with a message reciting the Act of Congress of May 26, 1790, conferring on the Territory of the United States South of the River Ohio all the rights and privileges possessed by the Northwest Territory, including the privilege of adopting a constitution and of forming a state government and concluding with the following paragraph:

"As proofs of the several requisites to entitle the Territory South of the

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River Ohio, to be admitted, as a State, into the Union, Governor Blount has transmitted a return of the enumeration of its inhabitants, and a printed copy of the Constitution and form of Government, on which they have agreed, which with his letters accompanying the same, are herewith laid before Congress."

The application of Tennessee for statehood in the Union became, as was anticipated, a political question. The federalists, who were strongest in New England, feared the influence and the commerce of the lusty young states which might probably be carved out of the Southwest which section was only remotely interested in whale oil and cod-fish, products which the federalists so much wished protected that, ten years before, John Jay had advised that the United States abandon to Spain for twenty-five years the exclusive navigation of the Mississippi in return for their purchase of the favorite commodities of the northeastern seacoast communities.

It is not surprising, therefore, to know that when the subject was referred to an appropriate committee of the House, of which Dearborn was chairman, and that committee made a favorable report ending with these words: "and that the State of Tennessee is hereby declared to be one of the sixteen United States of America," then the opposition was made manifest most vigorously.

Rufus King, chairman of the committee of the Senate, to whom the same subject was referred, made a long report against the admission of Tennessee, on two grounds:

1. That Congress should first declare the whole territory ceded by North Carolina to be one state.

2. That provision be made for an enumeration of the inhabitants under the authority of the Federal Government.

THE ADMISSION OF TENNESSEE

In the meantime the two senators, Blount and Cocke, had proceeded to Philadelphia, then the seat of the Federal Government, but were not admitted to membership in the Senate, because they had been elected before the admission of Tennessee into the Union.

The act which finally passed admitting Tennessee as a member of the Federal Union is as follows:

"An act for the admission of the State of Tennessee into the Union—Approved June 1, 1796.

"Whereas by the acceptance of the deed of cession of the State of North Carolina, Congress are bound to lay out into one or more States, the territory thereby ceded to the United States;

"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the whole of the territory ceded to the United States by the State of North Carolina, shall be one state, and the same is hereby declared to be one of the United States of America, on an equal footing with the original states, in all respects whatever by the name and title of the State of Tennessee. That until the next general census, the said State of Tennessee shall be entitled to one Representative in the House of Representatives of the United States; and in all other respects, as far as they may be applicable, the laws of the United States shall extend to, and have force in the State of Tennessee, in the same manner, as if that State had originally been one of the United States."

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In the House of Representatives the bill for the admission was favored by such strong advocates as Thomas Blount, a brother of William Blount, James Madison and Albert Gallatin. They argued that, as the territory had attained a population of 60,000 free inhabitants and had adopted a constitution and form of government it became a state of the Union and was entitled to all rights, privileges and advantages of statehood. This view prevailed and the bill passed in the House on the 6th of May, by a vote of forty-three to thirty.

On May 26th, the Senate passed a bill, by a vote of fifteen to eight, providing for the erection into a state of the territory ceded to the United States by North Carolina and for an enumeration of its inhabitants. The House proposed an amendment substituting the provisions of their bill, which proposition the Senate declined to accept. At the request of the House conference committees were appointed and on May 31st the Senate receded from their nonconcurrence with the proposition of the House, the effect of which action was the passage of the bill. On the following day, June 1, 1790, it was signed by President Washington, and thus Tennessee became the sixteenth state of the Federal Union, the first member erected out of a territory of the United States.

REASONS FOR AN EXTRAORDINARY SESSION AND A NEW ELECTION OF UNITED STATES SENATORS

Two acts passed by the spring session of the General Assembly caused unexpected difficulties. These were:

Act X, which provided for laying off two congressional districts when but one representative in Congress was allowed to Tennessee; and

Act XI, which provided for the election of four electors for President and vice president, when the state was entitled to but three electors.

Governor Sevier, therefore, found it expedient on July 4, 1796, to summon the General Assembly to convene on the last Saturday of the same month (July 30) that legislation might be had that proper relations with the Federal Government might be established.

The General Assembly met on the day appointed and Governor Sevier sent it a message, calling attention to the need of repealing Acts X and XI of the preceding session and of again electing United States senators.

He also spoke of the admission of the state in the following language:

"I have the pleasure of announcing to you, gentlemen, the admission [3] of the State of Tennessee into the Federal Union, a circumstance pregnant with every prospect of peace, happiness and opulence to our infant State."

The Senate promptly nominated James White, William Blount, William Cocke and David Campbell. Blount and Cocke were again elected.

On August third an Act was passed providing for the election of one representative in Congress, and repealing the Act of the preceding session which authorized the election of two representatives. Under the provisions of this Act Andrew Jackson was elected without opposition as the first representative

[3] The Legislature of 1852 ordered reprinted the Journals of the Territorial Council; of the Convention of 1796; and of the first and second sessions of the General Assembly of Tennessee for 1796. The reader is referred to these for study of the action of Tennessee in the matter of her application for admission to the Union. In the State Library is a volume in which all of these reprints are bound.

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from Tennessee in the Congress of the United States. He was the second officer of this state elected by the votes of the people, Governor Sevier having been the first. Jackson took his seat on December 5, 1796, and distinguished himself in that session of Congress.

On August 16th, the Act providing for the election of four electors of President and vice president of the United States was repealed and, a new Act was passed providing for the election of three electors.

The feeling of resentment against taxation without representation, which has prevailed since colonial times, appeared in the reply of William Cocke to the notification that he had been elected United States senator. It doubtless reflected the temper of the people of the state of that time. It reads as follows:

"Gentlemen: Nothing can be a higher reward for faithful services than the approbation of a free people—I call my country free, because by their Constitution they are so.

"I cannot help mentioning to you, I feel the deepest concern to see our dearest rights invaded by the supreme legislature of the nation. We are by them made subject to the payment of taxes, while we have been unjustly deprived of representation.

"We have been deprived of the use of our property for public convenience, without any compensation being made; and acts in the style of laws have passed, declaring it highly penal to enjoy the free use thereof; such rude attacks on our constitutional rights should be remonstrated against with freedom and firmness.

"I hope our opponents in the Senate of the United States, will be unable to find another quibble whereby to deprive us of an equal share of the representation that shall make the laws by which we are to be governed.

"I am, with great respect, your obedient servant, William Cocke."

They, also, on the last day of the session passed a resolution "that it shall be the duty of the senators and representatives of this state, in the Congress of the United States, to lay a remonstrance of the Legislature before Congress, and endeavor that the object thereof be obtained."

This remonstrance was prepared in behalf of the people who had settled south of the line claimed by the Cherokees as the boundary. This was one of many efforts to have land titles in East Tennessee made clear. The controversy between these settlers and the Indians about the boundary was fraught with imminent danger of precipitating an Indian war and it required the exercise of all of Governor Sevier's diplomacy to keep the settlers patient and the Indians in a peaceable frame of mind.

The State of Franklin had made the treaty of Dumplin and Coyatee in accordance with which the settlers poured in, and, as we have seen, were compelled to form an association for their own government after the collapse of the Franklin regime.

By the treaty of Holston in 1791 the boundary was agreed upon but the line was not run until some time later. In the meantime more settlers came in and pushed ever onward into the Indian territory until some of them had made their homes as far south as the Little Tennessee River, and others had settled in Powell's Valley.

In order to enforce an Act of Congress, passed in May, 1796, "to regulate trade and intercourse with the Indian Tribes, and to preserve peace on the fron-

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tier," two companies of United States troops, commanded by Capt. Richard Sparks and Capt. John Wade, were stationed at Knoxville. This action, involving the requirement that the settlers, who had made their homes within the Indian lands, should withdraw from them, created the utmost excitement in Tennessee and attracted the attention and interest of the whole Union; and, although the Federal officers acted with tact and discretion, the influence of the authorities of Tennessee was necessary to assist in promoting obedience to the law of Congress. The opinions, also, of the far-sighted and conservative elements supported the attitude of the two captains and was reflected by the following statement which appeared in the Knoxville Gazette, which, established by George Roulstone [4] in 1791, had already attained a position of recognized power:

"It (the circular issued by the captains) is so replete with mildness and moderation, that the most obstinate disposition cannot but concur with them in opinion, that it is better to meet the wishes of these gentlemen, than by a perverse conduct compel them to measures which may terminate in unhappy consequences."

A correspondent, who signed himself "Many," also wrote to the same purport. But there were others, notably one who subscribed his communications "Campbell," supposed to be Col. Arthur Campbell, who argued the question ably and urged that the members of Congress from Tennessee "use their industry to have the Act repealed."

Messrs. Blount and Cocke, senators, and Andrew Jackson, representative, became active in the matter, and a resolution was introduced in the Senate that the President of the United States be requested to make a treaty with the Indians to extinguish their title to the lands occupied by the whites but claimed by the Indians. This resolution, however, was rejected.

The intruders were removed and a triangular controversy concerning public lands ensued between Tennessee, North Carolina and the United States which was not disposed of until 1806. Under an Act of North Carolina a land office had been opened in Washington County in 1777, and one in Sullivan County in 1779. Both of these offices were closed in 1781. In 1783 a land office known as John Armstrong's office was opened in Hillsboro, N. C., but was closed in 1784, when that state made the first cession of its western territory. From this time there was no land office in Tennessee for twenty-two years, an anomalous condition which was decidedly detrimental to both public and private welfare.

LAWS OF THE UNITED STATES EFFECTIVE IN TENNESSEE

On January 31, 1797, Congress passed an Act giving effect to the Federal laws within the State of Tennessee. By the second section of this Act, the state was made one district of the United States, called Tennessee District. A District Court was established whose four sessions in each year were to be held alternately at Knoxville and Nashville. By the fourth section of the Act the state was made one collector's district, the office of which was designated to be

[4] This paper was established at Rogersville, in Hawkins County, on November 5, 1791. It was called the Knoxville Gazette, because it was the intention of Roulstone to publish it in Knoxville which Governor Blount had decided to be the seat of his government. See Ramsey, pp. 557-558.

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at Palmyra,[5] the only port of entry or delivery of goods, wares and merchandise, not the growth or manufacture of the United States in the entire West.

THE EXPULSION FROM THE SENATE OF WILLIAM BLOUNT

It may be said that the question of the navigation of the Mississippi River was the undoing of William Blount. He had so much at heart the interests of the people of the Southwest and especially those of Tennessee that he overlooked no opportunity to advance them. In the Constitutional Convention of 1796 it was he who caused the adoption of that section of the Bill of Rights which declared the inalienable right of the citizens of their state to the free navigation of the Mississippi River.

It will be remembered that opposition to the admission of Tennessee was fomented by the federalist partisans in Congress. Their fears of the republican tendencies of Tennessee were amply justified at the next national election (in 1797) when this state ardently supported the republican candidates for President and vice president. In a letter to Governor Sevier dated September 26, 1796, Senator Blount declared it his opinion "that it will be the true interest of Tennessee in particular, and of the Union in general, to promote the interest of Jefferson and Burr for President and vice president." Nevertheless the federalists were victorious and John Adams was elected President.

In the spring and summer of 1797 the relations between the United States and France were greatly strained. There was, indeed, danger of war between these two countries, formerly friends and allies. By the treaty signed in 1783 Great Britain had recognized our right to the free navigation of the Mississippi River. After ten years of harassing controversy Spain had conceded this right in 1795. But France had not conceded it; and it was strongly suspected that, by a secret treaty, France had acquired the Spanish possessions of Florida and Louisiana. In this exigency and out of his abundant patriotism William Blount began to set in motion agencies which he hoped would free his country and especially the western and southwestern sections of it from their intolerable entanglements. Just what his plan was probably never will be known. There is a dearth of information on this point. Indeed, the histories of Tennessee have little to say about this entire episode, generally dismissing it with a careless or perfunctory sentence or two. Its importance, however, is so great as to warrant the use of liberal space for the proper exposition of it. William Blount was the first man expelled from the Senate of the United States. This fact, and his high character, and justice to his memory require a thorough consideration of his conduct which, in some respects, is still mysterious.

Fearing the attitude of France, Blount took steps toward the opening of negotiations with England for the purpose of enabling that country to secure control of the Spanish possessions. It is not at all likely that he contemplated inducing an armed invasion of Florida and Louisiana by any citizens of the United States. However, pending the putting into execution of whatever plan he had in mind he wrote his famous "Carey letter," to James Carey at Tellico Block House, then located in what is now Monroe County, Tenn. This letter

[5] Palmyra is situated on the south side of the Cumberland River at the mouth of Deason's Creek, in Montgomery County. It was laid out by Dr. Morgan Brown, father of the distinguished lawyer and jurist, William L. Brown, and established by legislative authority in 1796. Here, probably in 1802, Doctor Brown built the first iron works operated in Montgomery County. It was a place of great importance in those days.

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is frequently referred to by writers, but it is seldom seen in print. A reading of the full text of the letter is important, because Blount's expulsion was predicated upon its contents. The letter in full is as follows:

"Col. King's Iron Works,[6]
"April 21, 1797.

"Dear Carey:

"I wished to have seen you before I returned to Philadelphia, but am obliged to return to the session of Congress which commences on the 15th of May.

"Among other things that I wished to have seen you about was the business Captain Chisholm mentioned to the British Minister last winter at Philadelphia.

"I believe, but am not quite sure, that the plan then talked of will be attempted this fall, and if it is attempted, it will be in a much larger way than then talked of, and if the Indians act their part, I have no doubt but that it will succeed. A man of consequence has gone to England about the business; and if he makes arrangements, I shall myself have a hand in the business, and shall probably be at the head of the business on the part of the British.

"You are, however, to understand that it is not yet quite certain that the plan will be attempted, and to do so will require all your management. I say will require all your management, because you must take care in whatever you say to Rogers or anybody else, not to let the plan be discovered by Hawkins, Dinsmoor, Byers, or any other person in the interest of the United States or of Spain.

"If I attempt this plan, I shall expect to have you and all of my Indian friends with me, but you are now in good business, I hope, and you are not to risk the loss of it by saying anything that will hurt you until you again hear from me. Where Captain Chisholm is I do not know. I left him in Philadelphia in March, and he frequently visited the Minister and spoke about the subject; but I believe he will go into the Creek Nation by way of South Carolina or Georgia. He gave out that he was going to England, but I do not believe him. Among other things that you may safely do, will be to keep up my consequence with Watts and the Creeks and the Cherokees generally; and you must by no means say anything in favor of Hawkins, but as often as you can with safety to yourself, you may teach the Creeks to believe he is no better than he should be. Any power or consequence he gets will be against our plan. Perhaps Rogers, who has no office to lose, is the best man to give out talks against Hawkins. Read the letter to Rogers, and if you think best to send it, put a wafer in it and forward it to him by a safe hand; or perhaps, you had best send for him to come to you, and to speak to him yourself respecting the state and prospect of things.

"I have advised you in whatever you do to take care of yourself. I have now to tell you to take care of me too, for a discovery of the plan would prevent the success and much injure all parties concerned. It may be that the Commissioners may not run the line as the Indians expect or wish, and in that case it is probable the Indians may be taught to blame me for making the treaty.

"To such complaints against me, if such there be, it may be said by my friends, at proper times and places, that Doublehead confirmed the treaty with the President at Philadelphia, and received as much as five thousand dollars a year to be paid to the Nation over and above the first price; indeed, it may with truth be said that though I made the treaty, that I made it by the instructions of the President, and in fact, it may with truth be said that I was by the President instructed to purchase much more land than the Indians agreed to sell. This sort of talk will be throwing all the blame off me upon the late President, and as he is now out of office, it will be of no consequence how much the Indians blame him. And among other things that may be said for

[6] This was Col. James King, whose iron works was erected at the mouth of Steele's Creek, in Sullivan County, probably in 1784. See "Historic Sullivan," p. 153.

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me, is that I was not at the running of the line, and that if I had been, it would have been more to their satisfaction. In short, you understand the subject, and must take care to give out the proper talks to keep my consequence with the Creeks and Cherokees. Can't Rogers contrive to get the Creeks to desire the President to take Hawkins out of the Nation? for if he stays in the Creek Nation, and gets the good will of the Nation, he can and will do great injury to our plan.

"When you have read this letter over three times, then burn it. I shall be in Knoxville in July or August, when I will send for Watts and give him the whiskey I promised him. I am, &c,

WILLIAM BLOUNT."

This letter fell into the hands of President Adams at a time of great excitement and was, on July 3, 1797, transmitted by him to both houses of Congress. Senator Blount was not in the Senate chamber when the message of the President and the accompanying letter were received and read, but, when he came in, he was asked the question whether he wrote the letter; and, in reply, he said that it was true that he had written Carey a letter but was unable to say whether the copy read in the Senate chamber was a correct one or not, and requested time in which to make an investigation.

On July 4, 1797, the Senate passed the following resolution:

"Resolved, That so much of the Message from the President of the United States of the third instant, and the papers accompanying the same, as relates to a letter purporting to have been written by William Blount, a Senator from Tennessee, be referred to a select Committee to consider and report what, in their opinion, it is proper for the Senate to do thereon; and that the said Committee have power to send for persons, papers, and records relating to the subject committed to them, and that Messrs. Ross, Stockton, Henry, Sedgwick and Read be the Committee."

On July 7, 1797, the Senate voted that Senator Blount might be represented by counsel and be furnished copies of all papers he might wish to have. On the same day he announced that Jared Ingersoll and Alexander B. Dallas would represent him in his trial. On the same day the House of Representatives sent, by Mr. Sitgreaves, one of its members, the following message to the Senate:

"Mr. President, I am commanded in the name of the House of Representatives, and of all the people of the United States, to impeach William Blount, a Senator of the United States, of high crimes and misdemeanors; and to acquaint the Senate that the House of Representatives will in due time, exhibit particular articles against him and make good the same.

"I am further commanded to demand that the said William Blount be sequestered from his seat in the Senate; and that the Senate do take order for his appearance to answer the said impeachment."

Blount was required to give bond in the sum of $20,000, with two sureties for $15,000 each, Thomas Blount, his brother, being one, and Pierce Butler the other, that he might not leave without permission.

Up to this time Senator Blount seems not to have been unduly alarmed, for on July 5th he wrote the following calm letter to the people of Tennessee:

"Philadelphia, July 5th, '97.

"In a few days you will see published by order of Congress, a letter said to have been written by me to James Carey. It makes quite a fuss here. I hope, however, the people upon the Western waters will see nothing but good in it, for so I intended it, especially for Tennessee."

While Blount did not deny his authorship of the Carey letter, he did not

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admit the fact, thus placing the burden of proof upon the Senate committee appointed to make the investigation.

In their report the committee said that they had compared the handwriting of the Carey letter with the handwriting of other letters known to have been written by Senator Blount and that the handwriting of all was the same; that Carey was in the pay and employment of the United States as interpreter to the Cherokee Indians; that Hawkins was the superintendent of Indian affairs for the United States among the Southern Indians; that Dinsmoor was United States agent in the Cherokee nation; and that Byers was one of the agents in the public factory at Tellico Block House, and concluded their report as follows:

"The plan hinted at in this extraordinary letter, to be executed under the auspices of the British, is so capable of different constructions and conjectures, that your Committee at present forbear giving any decided opinion respecting it, except that to Mr. Blount's own mind, it appeared to be inconsistent with the interest of the United States, and he was thereby anxious to conceal it from both. But, when they consider his attempts to seduce Carey from his duty, as a faithful interpreter, and to employ him as an engine to alienate the affections and confidence of the Indians from the public officers of the United States residing among them; the measures he has proposed to excite a temper which must produce the recoil or expulsion of our Superintendent from the Creek Nation; his insidious advice tending to the advancement of his own popularity and consequence, at the expense and hazard of the good opinion which the Indians entertain of the Government, and of the treaties subsisting between us and them, your Committee have no doubt that Mr. Blount's conduct has been inconsistent with his public duty, renders him unworthy of a further continuance of his present public trust in this body, and amounts to a high misdemeanor. They, therefore, unanimously recommend to the Senate an adoption of the following resolution:

"Resolved, That William Blount, Esq., one of the Senators of the United States, having been guilty of a high misdemeanor, entirely inconsistent with his public trust and duty as a Senator, be, and he hereby is, expelled from the Senate of the United States."

The expulsion of Blount took place on July 8, 1797, by a vote of twenty-five to one, Senator Tazewell of Virginia being the only senator present who voted in the negative.

After he was expelled, Blount's bond was reduced to $1,000, with two sureties of $500 each, to insure his presence at the impeachment proceedings set for July 10, 1797. This bond, however, was forfeited as Blount did not appear at the time set, but had left for his home in Knoxville, and the impeachment was not taken up until the next session of Congress. There was a very good reason for this postponement which is told by Doctor Ramsey[7] as follows:

"The Sergeant-at-arms of the United States Senate, James Matthers, soon after repaired to Knoxville, with the purpose of arresting the ex-senator, and of taking him in custody, to the seat of Government. After the service of process upon Blount, the Sergeant-at-arms found it impossible to execute that part of his official duty, which required him to take the accused to Philadelphia. He refused to go. Matthers was treated by the citizens of Knoxville with marked attention and civility. He became, for several days, the guest of Governor Blount, and was hospitably entertained by the State authorities. After some days, wishing to return with his prisoner to Philadelphia, he summoned a posse to his assistance. But not a man could be found willing to accompany him. Whatever foundation there may have been for the impeachment of William Blount, and whatever truth there may have been in the charge preferred against

[7] See Ramsey's "Annals," pp. 699-700.

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him, there was no one in Tennessee who viewed his conduct as criminal, unpatriotic, or unfriendly to the true interests of the State, or the West; and all refused to sanction the proceedings against him. The influence of the Marshal of the District was either withheld or was impotent amongst the countrymen of Blount. The Sergeant-at-arms, convinced of the fruitlessness of further attempt to execute one part of his mission, started homeward. Some of the citizens accompanied him a few miles from town, where, assuring him that William Blount could not be taken from Tennessee as a prisoner, bade him a polite adieu."

The committee of the House of Representatives made its report concerning Senator Blount on December 4, 1797, and submitted the testimony on which it was based. The impeachment trial was begun December 17, 1798.

THE IMPEACHMENT OF WILLIAM BLOUNT

There were five articles of impeachment submitted, which articles the Senate accepted. In substance they charged that William Blount did conspire to set on foot a military hostile expedition against the territory of his Catholic Majesty in the Floridas and Louisiana for the purpose of taking them from Spain and giving them to Great Britain. "William Blount did not appear," but on the next day, December 18th, his counsel appeared and, on the twenty-fourth filed their plea that the Senate had no jurisdiction of the case, inasmuch as it had expelled Blount and he was no longer a member of that body and that by the eighth article of the Constitution it is provided "that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state or district wherein the crime shall have been committed."

On January 3, 1799, Mr. Bayard, chairman of the managers of the impeachment prosecution, filed a replication, which was in substance a demurrer to the plea.

To this replication Messrs. Ingersoll and Dallas, Blount's attorneys, filed a rejoinder.

On January 10, 1799, the Senate sitting as the court of impeachment, heard the debate on the question, "That William Blount was a civil officer of the United States within the meaning of the Constitution of the United States, and, therefore, liable to be impeached by the House of Representatives, and that as the articles of impeachment charge him with crimes and misdemeanors, supposed to have been committed while a senator of the United States, his plea ought to be overruled."

The Senate by a vote of fourteen to eleven sustained the motion of the defense that the Senate ought not to hold jurisdiction of the impeachment and that it be dismissed.

On January 14, 1799, judgment was pronounced by the vice president of the United States, who, as ex-officio president of the Senate, presided over the court, that "The court is of opinion that the matter alleged in the plea of the defendant is sufficient, in law, to show that this court ought not to hold jurisdiction of the said impeachment, and that the said impeachment be dismissed."

Meanwhile, in September, 1797, Joseph Anderson had been appointed as senator from Tennessee to fill out Senator Blount's unexpired term.

POPULARITY OF BLOUNT

Next to John Sevier, William Blount was the most popular man in Tennessee. In "times that tried men's souls" he had proven his patriotism, fidelity

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and ability and devotion to the interests of Tennessee so many times that he had become thoroughly intrenched in the good will of the people of this state. When, therefore, he returned to Knoxville after his expulsion from the United States Senate the people sought for a way in which to show their unswerving belief in him. Gen. James White,[8] the senator from Knox County, sympathizing with this feeling, resigned his seat, which resignation made vacant the speakership of the Senate which he held. William Blount was elected without opposition and, in the subsequent called session of the Legislature of December 3, 1797, was made speaker of the Senate.

Had Blount lived longer, Tennessee would have honored him further; but he was cut off in the prime of his life. His character and ability were never more appreciated than at the time of his death which occurred at Knoxville, March 21, 1800, at the age of fifty-three. A plain marble slab points out his grave near the entrance of the cemetery of the First Presbyterian Church in Knoxville, and on it is this simple inscription only:

"William Blount, died March 21, 1800, aged 53 years."

THE VINDICATION OF WILLIAM BLOUNT

During his lifetime Blount's friends doubtless thought that he needed no vindication; certainly he needed none for his fellow-citizens of Tennessee. Ramsey says:[9]

"Here, he was never censured for the conduct which was made the occasion of the Senate's proceedings against him; and his friends, conscious of his good intentions, never found it necessary to make a public vindication of his conduct. There is, however, in the hands of this Annalist, a vindication of William Blount, made in 1835, by Willie Blount, his younger brother, who was associated with him in most of the transactions of his public and private life, and who succeeded him in the administration of the duties of Governor of Tennessee for many years.[10] His character for candour, truth and impartiality will be nowhere questioned, and the position of no one could have been more favorable for the ascertainment of all the facts he mentions, or the purposes to which he alludes, in the vindication of William Blount. It is addressed to Richard B. Blount, and the other orphan children and the relatives of the deceased."

It is unfortunate that this vindication was not published by Doctor Ramsey, who omitted it "on account of its length," because it was destroyed by fire in 1863 by a federal soldier, together with numerous other documents and papers which Doctor Ramsey had collected for the purpose of writing a second volume of his "Annals of Tennessee."

SKETCH OF WILLIAM BLOUNT BY WILLIE BLOUNT[11]

"I will now speak of William Blount, whom I knew as well as He who created him; and of him, of his love (of) country, and of his devotion to the promotion of its best interests, from pure motives, free from ignoble bias, or selfishness, I hesitate not to say, that he with the light of a good understanding and a knowledge of the condition of the United States, of the Government, of

[8] Father of Hugh Lawson White, and founder of Knoxville.
[9] Ramsey's "Annals," p. 702.
[10] Willie Blount was a governor of Tennessee, 1809-1815.
[11] The original of this sketch is among the Draper MSS. in possession of the Wisconsin Historical Society.

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its policies and measures, of the particular and peculiarly neglected condition of the South and Southwestern section of the Union, and of the actual and starving condition of the four Southern tribes of Indians, had, from his opportunities of ascertaining the condition of the whole of them, possessed as thorough knowledge of that condition as did any man in the U. S. in his day; and I confidently assert, without fear of contradiction, that a better man, and patriot, never lived in any day or time, that (than) he was, and unless it was sinful to do good, he was as safe from any just reproach, as any man ever who lived. Having premised thus much respecting him, will next say, that whilst he was a senator from Tennessee in Congress of the U. S., during the administration of the elder Adams, he for love of country, under all the above mentioned circumstances, as they related to the South and Southwestern sections of the U. S., and as they related to all other above to heads of public considerations, and with the single view on his part of promoting the U. S. interest, with the view of strengthening the interest of the republicans, by getting them more fully represented in the councils of the Union, by opening the Indian country to settlement by a dense American population, and the more fully to exercise the elective franchise in the election of the republican President, more favorable to the growth of the west, S. W. and N. W., as well as with the view of getting a dense American population settled in the country occupied by the four Southern tribes of Indians in their stead, by a removal of those tribes from the east to the west of the Mississippi, and that without expense to Government, whereby all the above alluded to benefits hoped for by the U. S. might accrue to them; as well likewise with the view of bettering the almost forlorn and destitute condition of those tribes by enabling them through a removal to prolong their national character, and to live as they pleased, free from any undue influences; he, from the motives and considerations thus founded in love of country, and in manifestation of a fixed and firm attachment to the U. S. and their political fabric, and to our republican institutions under whose fabric, and from no other motives and considerations whatever, as is well known to the writer of this sketch from frequent conversations with him; he, from such motives and with such objects in view, and no other, and free from any bias of personal aggrandizement of himself, and with no view or intention of removing himself from Tenn., laudably conceived a project, having for object a removal of those four tribes with their own consent, from east to the west of the river Mississippi and there in the far west, to settle them in a comfortable situation, favorable to their hunter state; (Indians being known to ramble, from place to place, and one country to another, and settle wherever they found game to suit them in a wilderness waste, distant from settlements of white people, and being known to do so from time immemorial, without offence to any white civilized nation, they conducting themselves in a peaceable manner, and without violence of conduct in their removal, had a right, according to usage, to remove themselves without offence to anybody or Power) nor was any the least injury contemplated or intended to be done to the Spaniards, who then claimed the waste country west of the Mississippi, but the Treaty between the U. S. and Spain, entered in the year 1795, having stipulated, that both Spain and the U. S. should restrain the movements of Indians within their respective limits and boundaries; a provision of Treaty which William Blount told me he did not recollect, when first he contemplated that project, but it afterwards occurring to his recollection, he before making any overt act for the removal of those tribes, abandoned his contemplated project for their removal; and did so, as he honestly and candidly as well as openly declared, thro' respect for the U. S. and Spain, lest either power should think a removal of those tribes, from the country of one to that of the other, should savor of a violation of that Treaty of amity; and thus, and for that reason of respectful consideration towards the U. S. and Spain, that once contemplated project was abandoned, and no further proposition for a removal of these tribes was ever made by him to them. And could there be wrong in such a project? That Federal Administration, however, having heard of that once contemplated project, after he had abandoned it, caught at that straw, in order, no doubt, to injure the

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reputation of a sensible, active, high-minded, potent republican opponent of that reign of terror; and by its further making a story of "raw head and bloody bones" of that only once contemplated project, never acted on before it was most respectfully abandoned, the Senate proceeded to his expulsion from that body, as if a Senator's conduct beyond the walls of the House, be it good or bad, was cognizable by the Senate; (Why, have we not courts?) also proceeded to get up his impeachment for erroneously alleged high crimes and misdemeanors, as if a Senator or Representative was ever considered, before or since, to be impeachable; charging him by articles of impeachment, with plotting mischief against Spain, through connivance of his project, by the British in concert with him; when, too, neither he, the Legislature, the British Government, its ministers near the U. S., nor anybody else knew of any such plot or concert entered into; and in fact no such plot or concert ever was proposed or intended, as evidenced by a letter from the British Minister in answer to one from the Secretary of State of the U. S., asking a communication of all that he knew of Wm. Blount's conduct in relation to that or any other project of his against the Spanish Government or its Territories; the minister denying any knowledge of such a plot; upon the Senate's receipt of that letter, and upon Wm. Blount's plea, denying the jurisdiction of the Senate, the impeachment was dismissed; but he had been previously ousted from his seat in the Senate, so that body had gotten clear of legislative opposition to its reign of terror objects and aristocratic measures, for suppressing the public interest and to get him out of their way was their great object; after which, and after the dismissal of that before unheard-of impeachment of a member of the Senate for no crime, no more charges for previously alleged and unfounded charges of high crimes and the misdemeanors, or of that raw-head and bloody bones story, trumped up to answer an unhallowed party purpose, ever was heard of any more, either in the Senate or in any court of Judicature, his innocence of any misconduct, either practiced or even contemplated, being apparent. However, as those crooked proceedings against an innocent, virtuous, and patriotic citizen, now and long since in his grave, as are many of that then Federal Senate, and of that reign of terror memory, as these are all over and done with, let the subject rest and may the tear of the recording Angel blot the memory of such illegal, unjust and oppressive proceedings against an innocent man, out of the record of the American Senate. I, knowing his innocence and pure motives, should never have mentioned these particulars, were it not that I am the only living person, to whom all the facts and circumstances relating to the above mentioned once conceived but never attempted project, was ever communicated by the projector; and were it not, from my own reflection, known (knowing) that the facts and circumstances above mentioned were not known even to his orphan children, who never had a knowledge of them, nor of the grounds of his innocence, the most of those orphan children being at the time of his death too young even to recollect the features and manly appearance of their father; and it is, moreover, a justice due in favor of innocence that they should know the amiable and true character of their useful and patriotic father from the pen of their very affectionate friend.

"WILLIE BLOUNT."

"To Richard B. Blount, his sisters and relatives, Clarksville, Tennessee."

The two principal sources of information concerning the expulsion of William Blount from the United States Senate are Ramsey's "Annals of Tennessee," pp. 699-703; and Gen. Marcus J. Wright, who in 1884 wrote a short life of Senator Blount, comprising 142 pages, which was intended as a vindication of a patriotic man who was striving with all his ability and energy to ameliorate the conditions of Tennesseans for whom "the United States was either unable or unwilling to secure the free navigation of the Mississippi River, and in general was little disposed to take notice of their grievances."

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In his preface General Wright says:

"Among the pioneer patriots of the territory south of the Ohio, who asserted the rights of its settlers both in council and in the field, none deserves more grateful remembrance than William Blount.

"After a careful study of his life and character, I do not hesitate to say that in breadth of intellect, deep thought, untiring activity, intrepid perseverance, and broad patriotism he had few equals and no superior among his colleagues.

"He united in his character the gentleman, the soldier, the statesman and the citizen; and all in the most perfect harmony of those qualities which challenge admiration in both public and private life. Defamed and traduced for a brief time in his life by the followers of a strong partisan administration under which his service as senator commenced; expelled from his seat in a manner so hasty and on evidence so slight that its reading now excites wonder, he never failed to retain the fullest confidence of the people of Tennessee, who demonstrated it by placing him afterwards in the highest positions of trust in the State."

To complete the account of this sensational occurrence it is necessary to state: that the famous Carey letter was brought to Philadelphia by a Mr. Byers, of Tellico Blockhouse, and delivered to President Adams about June 20, 1797; that the action of the President was very prompt, if not hasty; that the "prosecution was of the most vigorous character. It was instituted by Mr. President Adams. The attorney-general lent active assistance; the secretary of state was especially vigilant. Mr. Harrison, United States attorney for New York; and Mr. Hoffman, attorney-general for that state, assisted; as did Colonel Hamilton and Governor Jay."

"The Chevalier D'Yrugo supplemented their evidences with the arts peculiar to Spanish intrigue. Not only were all the officials of the Government on the side of the prosecution, but all who hoped for office under Executive favor, contributed to swell the volume of popular clamor. And, finally, the watchful Sitgreaves [12] did not suffer even an anonymous communication or an abusive newspaper article to remain untraced." [13]

Of the large number of witnesses summoned by the committee of prosecution the following were the most important: Dr. Nicolas Romayne, William Davy, Timothy Pickering, Robert Liston (British minister to the United States), James Carey, John Rogers and the Chevalier D'Yrugo.

As showing the genesis of the so-called "conspiracy" the testimony of Doctor Romayne is most important. In his deposition he says:

"* * * that it was understood and agreed by Mr. Blount and himself throughout the whole of their conversations on this subject, that the most favorable state of things for the United States was the possession of Louisiana by Spain; but if it were to pass from their hands, it was deemed by them of great importance that England should possess it rather than France." [14]

Doctor Romayne also testified as follows:

"17. What was the nature and object of the business contemplated between William Blount and you?"

"A. Nothing precise or definite had been agreed on. Much was to depend on the result of Mr. Blount's inquiries and observations, upon which I never received any communication from him. But the general object was to prevent

[12] Chairman of the House Impeachment Committee.
[13] Wright's Life of William Blount, p. 82.
[14] Ibid., p. 43.

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Louisiana and the Floridas from passing into the hands of France, pursuant to the supposed cession by Spain; and to make propositions to the British Government in that view."

"18. What were the propositions intended to be made to the British Government?"

"A. On this head, also, nothing definite had been agreed upon. Had Governor Blount gone to England, he would of course have proposed his own terms; had I gone, I would have received his instructions. This would have been settled in the interview which I proposed between us, had it taken place. Had I gone without seeing him, I should have waited in England for letters from him on the subject."

"19. Was it not understood that William Blount and yourself were to use your personal efforts and influence to prevent the supposed cession of Louisiana by Spain to France from being carried into effect?"

"A. This was certainly our object; and every means, both in this country and in Europe, would, of course, have been employed by us for its accomplishment."

"20. Was it not proposed that Great Britain should send a force into that country for this purpose?"

"A. To ascertain whether they would do this, was the express object of Governor Blount's intended visit to Europe."[15]

After giving all the evidence produced in the case, General Wright states the following conclusions:

"The evidence before the committee shows, and it is fairly admitted, that the ostensible plan of Governor Blount was to cooperate with England in conquering for that power the Spanish possessions in the Floridas and Louisiana. We say 'ostensible plan,' because it may be that he conceived the ulterior design of securing this territory for the United States afterwards. But let this pass as conjecture. There was nothing criminal in the wish that Great Britain should possess this country in preference to Spain, nor was there anything criminal in the purpose of aiding the enterprise, provided he took no unlawful steps in so doing, such as organizing an expedition within the territory of the United States, of which purpose there is nowhere any evidence."[16]

Whatever plan Blount had in contemplation seems to have originated largely in his intimacy with Dr. Nicolas Romayne and Capt. John Chisholm, with the former of whom he took up a land speculation and in the latter of whom he had no confidence, as he considered Chisholm's affair to be "some petty plundering enterprise." But the controlling influence was the unfortunate situation of the western people. Romayne says that when Blount spoke of it he was affected "even to tears." But after Lord Grenville wrote to Mr. Liston, under date of April 8, 1797, Blount seems to have abandoned his plan, whatever it was, for in May he wrote Doctor Romayne, apologizing for not having written, and expressing his esteem, all of which seems to indicate that he regarded the affair at an end.

And Blount's central idea that, in the then marked hostility of France toward the United States, we had much to fear from a cession of the Spanish possessions in this country to the French, was borne out by subsequent events. This phase of our history is given by General Wright as follows:

"The suppression of this enterprise did not settle the vexed question. It continued for years to cause anxiety to our government, and gloomy apprehen-

[15] Wright's Life of William Blount, p. 48.
[16] Wright's Life of William Blount, p. 48.

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sions to our people. In 1797 the secret cession of the country [17] to France was believed to have been already made. The only one now known certainly to have been made was agreed on in the year 1800, but was not made public until 1802. As soon as it became known, President Jefferson wrote to Mr. Livingston, our minister to France, that if that government, under the treaty with Spain, should take possession of New Orleans, the United States must become allies of Great Britain and antagonists of France. The matter created great excitement throughout the country, and in Congress, where a bill was introduced to raise an army to meet the possible contingencies. As a final effort to escape a war, James Monroe was commissioned to join Mr. Livingston, our minister at Paris, and the purchase of Louisiana was made in 1803.

"So important was it to hurry this purchase that both of the contracting parties concurred in a violation of the rights of Spain, who had stipulated in her act of cession to France, that if ever that nation should wish to dispose of the Territory, Spain was to have the preference as a purchaser. Thus was accomplished without war what Mr. Blount and his people so ardently desired, the extinction of the French dominion on our borders, and over our greatest highway."

A great deal has been written and said about William Blount's guilt or innocence in the unfortunate episode of the letter to "Dear Carey." The consensus of Tennessee historians is to deny his guilt and to shield one so greatly and justly beloved in his own state. This is a credit, indeed, to their hearts and patriotic impulse.

But history is not history if it evades the truth, and a historian is not a true chronicler if he permits his sympathy to bribe his judgment. In view of all the facts above, however loath one may be to maintain it, however much one may wish to pass it over, yet the truth of history is plain for the evidence shows from William Blount's own letter, that he was guilty as charged and properly expelled from the Senate of the United States.

It seems almost unbelievable that a man of the experience, breeding, education and knowledge of things just and right, as Blount undoubtedly had, would have been so foolish as to write such a letter at all, especially while an officer of the United States Government and wearing the toga of the Senate of the United States.

It is the veriest tyro of a half-baked statesman's foolish dream, the bald scheming of a cunning, unscrupulous political adventurer, so utterly inconsistent with all that Blount had been and was, as to cause one to wonder if he actually wrote or someone forged it.

The fact that Willie Blount, his half-brother, acknowledges it in a so-called vindication that does not vindicate and an explanation that makes matters worse, because so palpably at variance with the letter itself, is sufficient proof that Blount really wrote it. The latter explanation is almost as calamitous as the letter. Coolly to plot to deceive the Indians and cause them to believe that the Father at Washington, indeed their great Father Washington, had cheated and deceived them, on the ground that "as he is now out of office, it will be of no consequence how much the Indians blame him," is the depth of shortsightedness, a lack of sincerity and justice that seems to proclaim the absence of a higher motive in the very germ cells of his soul. However honorable his intentions and patriotic purposes in behalf of his own state, he has written his own monument of unwisdom, deceit and duplicity, if not downright treason, to the country whose sworn officer he was. Suppose his foolish plan had succeeded and the

[17] The Spanish possession of Louisiana.

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Louisiana Purchase had passed into the hands of the British either by battle or purchase, what would have been the result?

There would have been no Creek war nor Andrew Jackson; no battle of New Orleans and January 8th. But if there had been war, the British already holding New Orleans, the mouth of the Mississippi, and almost one-third of the continent, would have smashed the South and Southwest as she did New England and the North, driven a wedge between them, conquered both ends and the Revolutionary War would have been fought in vain.

Let us honor William Blount as doubtless a well-meaning man, a wise, patriotic territorial governor, but who, given greater honors and opportunities fell into foolish, lamentable and disastrous and unwise ways.

PRINCIPAL EVENTS IN SEVIER'S FIRST THREE ADMINISTRATIONS

After the called session of the Legislature, which convened on July 30, 1796, had passed the acts that placed the state in accord with the Federal Government, as has already been narrated, the regime of Governor Sevier went on without friction and Tennessee progressed and prospered. Sevier was elected governor in 1796, in 1797 and in 1799.

It is true that, after the organization of the state government, there was a change in the aspect of public affairs. Prior to this time power and patronage had been entrusted to one man alone, William Blount. Now they rested in the people alone. And, while Sevier was the most popular man in Tennessee, he was treated with less of the pomp and ceremony which had attended the relations with Governor Blount. With a large element, too, the democratic simplicity which characterized all of Sevier's conduct, both public and private, still further enhanced the esteem in which he was held.

The principal events of Sevier's first three terms as governor, besides those already mentioned, were the following:

On November 9, 1796, Landon Carter was commissioned brigadier-general of Hamilton District and James Winchester, brigadier-general of Mero District. On November 12, 1796, Andrew Jackson was commissioned as the first Representative in Congress from Tennessee.

Tennessee County was divided into two counties: Robertson County, named for Gen. James Robertson, and Montgomery County, named for Col. John Montgomery.

The electoral vote of Tennessee (three votes) was cast for Thomas Jefferson, for president and Aaron Burr for vice president.

The winter of 1796-97 was extremely cold. It is said that at a barbecue given on the ice of the Tennessee River at Knoxville, by United States army officers, "two quarters of a bear were barbecued without melting the ice."

On April 30th, 1797, Louis Philippe, afterwards known as King of France, and his two brothers, sons of the Duke of Orleans, arrived in Tennessee.

"THREE SONS OF ORLEANS"*

The "three sons of Orleans" mentioned in Sevier's journal were Louis Philippe and his younger brothers, Count de Montpensier and Count de Beaujolais. They were descendants of Philip of Orleans, brother of Louis XIV.

* From Tennessee Historical Magazine, Vol. 5, p. 265.

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Upon the extinction or removal of the house of Bourbon the Duke of Orleans would be entitled to the throne of France. Louis Philippe and his brothers were sons of Philippe Egalite, Duke of Orleans, who was guillotined in 1793, during the Terror, by the Jacobins, although as a member of the assembly he had voted for the death of Louis XVI. When very young, Louis Philippe had commanded one of the wings of the army of Dumouriez and was the hero of Jemappes. His brothers were imprisoned with their father in Fort St. Jean at Marseilles. They remained in prison forty-three months. Louis Philippe escaped from France with Dumouriez. Disguised as a lawyer interested in geology and botany, he wandered over many countries of Europe. As "Professor Chabaud," he taught mathematics, French, geography and history at Reichenau, Switzerland, for eight months. Afterward he wandered in Denmark and Norway.

In 1796 the French Directory proposed to the widowed Duchess of Orleans to liberate her two younger sons and give the family their property if they would go to the United States. After much difficulty Louis Philippe was found. A loan was arranged by Gouverneur Morris, United States minister to France, and it was finally repaid.

The three brothers took residence at Philadelphia, where they heard Washington's farewell address and witnessed the inauguration of John Adams. Washington planned their itinerary through the United States. They spent four days with him at Mount Vernon. Thence they came by horseback along the Shenandoah Valley, thence to Abingdon; stopped with James Campbell at the state line, then at Rogersville with Mr. Mitchell; stopped with Joel Dyer on the Holston. On April 28, 1797, they were at Colonel Orr's, "in a rugged country," had dinner at Mr. Bunch's and beds at the home of Mr. Parkins. On April 29 they arrived in Knoxville. The next day they called on Governor Sevier and went to Maryville, an outpost on the Cherokee frontier. At Tellico Blockhouse they were guests of the commander, Colonel Strother, and ate wild turkey for the first time. There the Duke of Orleans began his studies of Indian character and customs. They were guests of the chief, John Watts, at dinner. The Indians played a game of ball for them and the princes offered a prize of six gallons of brandy to the winning side. (The annual game of ball of the Cherokees gave to that region of the country west of Tellico River, where it empties into the Little Tennessee, the name of "Ball Play." It was the site of old Fort Loudon.) They visited the Cherokee village of Tokona, where they saw in the temple the war shields of the three tribes, on which were painted a serpent, a turtle, and a lizard. They smoked a great diversity of tobacco and pipes and ate of many queer dishes.

On May 3, 1797, with Major George Colbert, a Chickasaw half breed, as guide, the princes set out for Nashville. At the junction of the Holston and the Tennessee they were entertained by Judge Campbell. At Southwest Point (now Kingston), they visited the proposed site of a fort and studied the remains of a prehistoric breastwork between the Clinch and Tennessee rivers. They met a squad of soldiers under General Higgins and were urged to travel under protection, but declined. They crossed the Cumberland Mountains into a country teeming with game. They had to swim their horses across Obey River. On May 8 they reached Cumberland River, lined by swamp and cane jungles, near Fort Blount, then about to be rebuilt. They had to eat smoked bear's grease and Indian corn. At Dixon Springs they had coffee and two beds for

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four—themselves and their servant, Baudoin—at the home of Maj. Tilman Dixon. On May 9 they reached Bledsoe's Lick. Near the site of Gallatin they stopped with Edward Douglas. The next day they arrived in Nashville for dinner, put up at Capt. Jesse Maxwell's house and dined at the home of Dr. Henning, an Englishman. It was court week and one bed had to do for three. They stayed in Nashville two days to write their journals and buy a horse. In his journal the Duke mentions Nashville as a little town, much smaller than Knoxville, which had about one hundred houses.

On May 13 they left for Louisville. Learning that it would be well nigh impossible to get good liquors on the road between Nashville and Louisville, they strapped to the neck of the prince of the Bourbons a tin canteen filled with the best of whisky. They spent the first night at Mr. Britton's, keeping to the high ground, noting the conically shaped small depressions in the earth's surface, the rich pasture lands and innumerable flowers. They arrived finally at Bardstown, where the Duke was taken seriously ill. His journal closes there. When Citizen King he sent a clock to the Roman Catholic Church at Bardstown.

In June the princes arrived in Philadelphia, the younger ones in ill health. After wanderings on land and sea, they landed at Falmouth, England, in February, 1800, and settled in a home, Orleans House, Twickenham. Montpensier died in 1807 and was buried in Westminster Abbey. Beaujolais died soon afterward in Malta. In 1830, upon the abdication of Charles X, Louis Philippe became the "citizen king" of France. In 1848 he was compelled to abdicate as a result of his endeavor to render the government independent of the nation. He died in England in 1850.

(See article by Jane Marsh Parker, "Louis Philippe in the United States," Century, September, 1901; Ramsey's Annals, p. 686, quoting from Knoxville Gazette, May 1, 1797.)

William Charles Cole Claiborne was elected Representative in Congress, succeeding Andrew Jackson who was elected to succeed William Cocke as United States Senator. Joseph Anderson was elected United States Senator to fill the unexpired term of William Blount. Cocke County, named for William Cocke, was carved out of Jefferson County. George Conway was commissioned major-general.

The progressive tendency of the people of the new state was in no action more clearly shown than in the passage of the act[18] on October 27th, 1797, for the holding of a fair at Greeneville, Tennessee, on May and November of each year. This was the first legislation of the kind in this state. At the same session, and soon after, a similar act was passed permitting the location of a fair at Knoxville.

In this year (1797), the first newspaper in Nashville was established. It was called the Tennessee Gazette, afterwards the Clarion.

In this year, also, Zachariah Coxe, who, it will be remembered had attempted to establish a colony at Muscle Shoals upon lands bought from the state of Georgia, made another abortive attempt which was frustrated by the United States Government, after he had built a very large boat, impregnable to small arms and well equipped with howitzers and small ordnance

In 1798 laws were passed providing for the appointment of entry takers and surveyors in the several counties, also for fixing the number of state senators at twelve and state representatives at twenty-four, also for regulating the

[18] Acts of 1797, chapter XVIII.

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licensing of attorneys, and requiring all judgments to be rendered in dollars and cents. In this year Andrew Jackson resigned as United States Senator [19] and was elected judge of the Superior Court of Law and Equity.

THE FIRST TREATY OF TELLICO

From the very beginning of Governor Sevier's first term there were three questions of paramount interest to the people of Tennessee. These were (1) the relief for the people who had settled beyond the Indian boundary, those who had crossed what had been called the "experiment line," (2) the disposition of public lands; and (3) the organization and regulation of the militia.

Governor Sevier named General Robertson, James Stuart and Lachlan McIntosh as agents to represent the interests of Tennessee and gave them minute instructions. James Stuart resigned and his place was filled by Gen. James White. The United States commissioners were Col. Thomas Butler and George Walton. Before the treaty was effected Governor Sevier found it necessary to attend in person. The treaty was signed on October 2nd, 1798, by Thomas Butler, George Walton, and a long list of Cherokee chiefs. By this treaty the Indians ceded to the United States lands which afforded much relief to the advanced settlers, and received in payment $5,000 and an annuity of $1,000. The disposition of the public lands in Tennessee was not determined until 1806, when by act of Congress the protracted controversy between Tennessee, North Carolina and the United States was ended.

ORGANIZATION OF STATE MILITIA

By an act of the first Legislature of the state the organization of the state militia was effected in accordance with the requirements of the constitution. Officers of the militia companies were elected by the members of their companies, but the field officers were elected by those voters in their respective counties who were subject to military duty. The field officers elected the brigadier-generals of their respective districts, and the brigadier-generals and the field officers of the state elected the major-general. The governor was to cast the deciding vote in case of a tie for major-general. The casting of this deciding vote by Governor Roane, together with some other causes, produced for a time a deadly enmity between John Sevier and Andrew Jackson.

In 1799 Smith County, named for Gen. Daniel Smith, was carved out of Sumner County, and Wilson County and Williamson County were also created. Legislative acts were passed "to prevent the malicious killing of slaves," "to suppress excessive gaming," "concerning divorces," and "to provide for the election of electors for President and Vice President by a committee of three citizens in each county." The first camp meeting in Tennessee (possibly the first camp meeting in the United States), was held at Cane Ridge, in Sumner County.

In 1799 William Cocke was again elected United States Senator. He was

[19] Eaton in his "Life of Andrew Jackson," p. 19, says: "Becoming tired of political life, for the intrigues of which he declared himself unqualified, and having for two years voted in the minority in Congress, he resigned after the first session, his seat in the Senate. To this measure he was strongly induced, from a desire to make way for General Smith, who, he conjectured, would, in that capacity, be able to render more important services to the Government than himself."

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"one of the strongest men developed in those sturdy times, a man of great natural ability, and who, as orator, has had but few peers in the history of Tennessee."[20]

It may be said that Sevier's first administration laid broad and deep foundations for Tennessee's prosperity at home and her prominence in national affairs for more than half of the succeeding century.

In 1800 there was a remarkable revival of religion at the Red River meeting near Clarksville, led by Rev. James McGrady, from which meeting it is said that the Cumberland Presbyterian Church had its origin.[21] In this year George Rutledge was commissioned brigadier-general for the district of Washington, in place of Landon Carter, deceased.

[20] Sanford's "Blount College and the University of Tennessee," p. 13.
[21] Miller's Official and Political Manual of Tennessee, p. 18.

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CHAPTER XIV

ADMINISTRATIONS OF ROANE AND OF SEVIER (SECOND SERIES)

As the constitution of the state rendered Sevier ineligible for a fourth successive term, he retired and Archibald Roane was elected without opposition to succeed him. The present generation is prone to underestimate Governor Roane. Coming between two series of administrations of John Sevier, it is, perhaps, not strange that he was overshadowed by that Titan. Nevertheless, Roane was essentially a great man among great men. He possessed a much better education than most of his contemporaries, having been college bred, indeed, a man of much erudition and of sound and extensive legal attainments. He was a native of Pennsylvania, came to Washington District after the Revolutionary war, and, when the territorial government was organized, was appointed attorney-general for the district of Hamilton. He was elected one of the first three judges of the Superior Court of Law and Equity in 1796 and retained this position until his election as governor. During the last four years of this period he was associated on the bench with Andrew Jackson and a warm friendship was contracted between these two eminent men.

ADMINISTRATION OF ROANE

The Fourth General Assembly met at Knoxville on September 21, 1801, and adjourned on November 14, 1801. Some of the most important laws passed were: "an act to prevent frauds and perjuries;" "to empower county courts to emancipate slaves;" "to authorize the governor to appoint commissioners to ascertain the boundary line between Tennessee and Virginia;" "to prevent dueling;" "to appoint one attorney-general for the state;" "to prevent the disturbance of public worship;" "providing for the election of members of Congress on the last Thursday and Friday of October." The following new counties were created: Anderson County, named for Senator Joseph Anderson; Roane County, named for Governor Archibald Roane; Claiborne County, named for W. C. C. Claiborne; and Jackson County, named for Andrew Jackson. This was the first geographical district in the Union to be named for Andrew Jackson. Today there are scores of counties, towns and cities in the United States named in his honor. In this respect Washington is the only name which has been more numerously honored, and it is an interesting fact that Washington was so honored for the first time by the settlers on the Watauga and the Nollichucky.

THE GREAT SEAL OF THE STATE OF TENNESSEE

In Roane's administration, too, the great seal of the state was adopted. The early pioneers of Tennessee fully appreciated the dignity of the use of official seals. It is not at all unlikely that the Articles of Agreement of the Watauga Association (1772) contained a provision requiring the use of a seal, because

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such a provision was made by the Legislature of the State of Franklin[1] (1784-1788); it was intended to have one for the Territory South of the River Ohio (1790-1796); and there is a mandatory article in each of the three state constitutions of 1796, of 1834 and of 1870 requiring the official use of a seal by the governor.[2]

In a letter written March 1, 1792, by Gen. Daniel Smith, Secretary of the Southwest Territory, to Thomas Jefferson, then Secretary of State of the United States, General Smith says:

"I have requested Mr. Allison the bearer hereof, a lawyer of reputation, who is on the business and in the confidence of Governor Blount to employ some person to make a seal for this territory, and will thank you to suggest to him a proper device for the same."

There is no evidence, however, that the seal was ever made, for no territorial seal appears on any of Governor Blount's papers.

For many years there has been a romantic tradition that the first seal of Tennessee was made in 1796 by pouring molten lead into a half cymbling and carving the design with a pocket knife. There is no historical basis whatever for a belief in the "cymbling seal."[3]

There is no evidence that any action was taken relative to procuring a great seal until April 29, 1796, when the General Assembly passed an act authorizing the governor to procure a seal for the use of the state. On April 25, 1796, Governor Sevier wrote a circular letter to Senators Blount and Cocke in which he said:

"By an act of the Assembly, the Governor is empowered to provide a seal for the use of the State, and there being no proper artist (in my opinion) in this State competent to the completion of a seal that might be considered and thought sufficient; you will pardon me sir, when I take the liberty to request, that our senators take the trouble on themselves to have a suitable seal made, and provided, at the expence of the State, you will have it in your power among the great number of ingenious mechanics that are to be found in the City of Philadelphia to have such a one made, as will be elegant, comprehensive, and sufficiently expressive, of the purposes and use the same is intended for."

No official great seal of the State of Tennessee, however, was made until 1802. John Sevier was inaugurated governor of Tennessee on March 30, 1796. On all his papers on which a seal appears he used his personal seal. So did Governor Roane until April 24, 1802, when the great seal of the State of Tennessee was used for the first time.

Legislative action looking to the adoption and making of a great seal was inaugurated on September 26, 1801. Committees were appointed by the Senate and the House and the following report made on November 14, 1801, was adopted:

"The said committee report, that the said seal be a circle, two inches and a quarter in diameter, that the circumference of the circle contain the words

[1] At its first session which ended March 31, 1785, it passed "an act for procuring a great seal for this state."

[2] The provisions for a seal in these three constitutions appear as follows:

Article II, Section 15, of the Constitution of 1796, reads: "There shall be a seal of this state, which shall be kept by the governor, and used by him officially, and shall be called 'the Great Seal of the State of Tennessee.'"

Article III, Section 15, of the Constitution of 1834 and Article III, Section 15 of the Constitution of 1870, have the identical wording of the quoted section of the Constitution of 1796.

[3] In the American Historical Magazine for July, 1901, the late Dr. R. L. C. White effectually disposes of this myth.

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THE GREAT SEAL OF TENNESSEE, that in the lower part of said circumference be inserted Feb. 6th, 1796, the date of the constitution of this state; that in the inside of the upper part of said circle, be set in numerical letters XVI, the number of the state in chronological order; that under the base of the upper semicircle, there be the word AGRICULTURE; that above said base, there be the figure of a plough, sheaf of wheat and cotton plant; that in the lower part of the lower semicircle, there be the word COMMERCE, and said lower semicircle, shall also contain the figure of a boat and boatman."

Attention is called to the fact that the wording in the circumference of the circle is required by the report adopted to be "The Great Seal of Tennessee." Yet when the seal was made the wording was found to be "The Great Seal of the State of Tennessee." Doctor White noted the discrepancy and said: "By what authority the extra words were inserted it is impossible now to ascertain, but as they unquestionably improve the dignity of the seal, we need not quarrel with an unknown memory."

Doctor White overlooked the fact that the State Constitution, Article II, Section 15, required the wording "The Great Seal of the State of Tennessee."

The report of the committee appointed to contract for cutting a seal for Tennessee says:

"* * * That they have contracted with William and Matthew Atkinson for the same, in the manner following. The seal is to be cut on steele and well hardened, agreeably to the plan and device reported by the committee appointed for that purpose. And the press is to be made of the following dimensions. The screw to be six and an half inches in length, and two inches in diameter. The box at least four inches; the seal to rise one inch and an half, with half a turn of the screw, and a sufficient spring to throw the screw half round. The whole of the press to be of iron, the width of the press to be eighteen inches, and of a proportionable height, and the said William and Matthew Atkinson, have agreed to keep said press and seal in repair so long as either of them reside in this state, for which they are to receive one hundred dollars. They have also contracted and agreed, that the said work shall be done and delivered to the governor within three months after the rise of this assembly, and that they are not to receive any compensation for the same, until the work is done and the same is received by the governor."[4]

The Atkinsons, however, did not complete the seal and press and deliver them to the governor until April, 1802. In the archives of the state are official papers of Governor Roane, prior to April 24, 1802, none of which has the great seal of Tennessee affixed. But on April 24, 1802, the great seal was used for the first time on the document of which the following is a copy:

"Archibald Roane, Governor of the State of Tennessee,
"To John Maclin, esquire, Treasurer of the Districts of Washington and Hamilton.

"Pay to William and Matthew Atkinson one hundred dollars in full compensation for making the great Seal of the State, and a press to work the same, agreeably to their contract with the Legislature, and this shall be your warrant for so doing.

"In testimony whereof I have hereunto set my hand and caused the great Seal of the State to be affixed at Knoxville this 24th day of April, 1802.

"ARCHIBALD ROANE.

"By the Governor,
Wm. Maclin, Secretary."

Official documents in the archives of the state show that the "Great Seal of the State of Tennessee" made by the Atkinsons was used by each governor from

[4] Senate Journal, p. 165; House Journal, p. 132.

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SEAL USED BY GOVERNOR ARCHIBALD ROANE JUST BEFORE THE GREAT SEAL OF THE STATE WAS MADE.



GREAT SEAL OF THE STATE OF TENNESSEE USED BY ALL THE GOVERNORS FROM ROANE TO HALL INCLUSIVE—THE ONLY GREAT SEAL OF THE STATE EVER AUTHORIZED BY THE LEGISLATURE.



GREAT SEAL OF THE STATE AFTER IT WAS CHANGED IN CARROLL'S ADMINISTRATION, PERHAPS IN 1833; USED BY ALL THE GOVERNORS FROM THIS TIME TO BROWNLOW'S REGIME.



THE GREAT SEAL AFTER IT WAS CHANGED IN BROWNLOW'S ADMINISTRATION.



THE GREAT SEAL IN USE AT THE PRESENT TIME

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Roane to Hall inclusive. After 1829, however, in the second series of Governor Carroll's administrations a different seal was used. By whose authority the new seal was made there are no records to show. A diligent search of the acts and journals of the Legislature for that period has failed to disclose any bill or resolution passed, or even proposed, to make any change in the great seal of the state. Nor can there be found in all the acts and journals of all the Legislatures from 1801 to the present time any authority for making the slightest change in this seal.

The seal used by Carroll in 1833 was only one and three-fourths inches wide. The date February 6 is omitted and the boat, entirely different from the original, is pointed in the opposite direction. There are differences, too, in the details of execution of the engraving, not only of the boat but also of the plow, the sheaf of wheat and the stalk of cotton. The same changed seal was used by the successive governors until the administration of Brownlow, when some of the papers contain the seal first used by Carroll and other papers contain still another seal, nearly as wide as the original seal, being a fraction more than two inches wide. On this third seal also the boat points in the same direction as that of the original seal and yet is very similar to that first used by Carroll. The new Brownlow seal appears on the bonds issued by Brownlow in 1868, also on those issued under Governor Senter in 1869 and on those issued under Governor John C. Brown in 1873. This seal has been used by succeeding governors until the present time.

In 1915, Hon. Hallum W. Goodloe, formerly Secretary of State of Tennessee, and, at that time, private secretary to Governor Thos. C. Rye, placed on the wall of the Governor's outer office a framed article on the Great Seal of the State of Tennessee which had been published June 25, 1910, in the ninety-eighth anniversary edition of the Nashville American. Over the old seal located in this office Mr. Goodloe placed a framed memorandum which reads as follows:

> The Great Seal of the State of Tennessee described in this framed article was placed in the Governor's office by Gov. Rye in 1915 after it was discarded and its stone base removed from the Secretary of State's office, "to make more room." This article from a special edition of the Nashville American in 1910 is supposed to contain the best information obtainable on its history; while a committee report and voucher of A. D. 1803 in the State Archives indicates that this is the original press made at that time.
>
> HALLUM W. GOODLOE,
> Secretary.
>
> On the press, clearly discernible upon close scrutiny, appears the name, presumably of the maker,
>
> GEO. JEFFERYS,
> 39 Ann Street,
> New York.

The old seal, used with this press differs from the seal now in use in size, being only two inches in diameter, and in slight details concerning the engraved parts.

SURVEY OF THE TENNESSEE-VIRGINIA STATE LINE

In 1802, John Sevier, Moses Fisk and George Rutledge were appointed by Governor Roane commissioners for Tennessee in connection with Creed Taylor, General Joseph Martin, and Peter Johnson, for Virginia.

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Sevier gives in a fragmentary way in his diary[5] some information concerning this survey, between Thursday, September 30, 1802, and Wednesday, January 5, 1803. Under the former date he says:

"Thur. 30 * * * Self & Mr. Fisk started for Abingdon, Va., to meet the Commissioners to extend the division lines between States Virginia and Tennessee."

Under the latter date he says:

"Wed. 5 * * * Memo. I settled my account for running the state line &c to the amount of 375 dollars."

THE JACKSON-SEVIER IMBROGLIO

The genesis of the differences between Andrew Jackson and John Sevier which caused so much bitterness between these two great men and which, for a time, was extremely serious undoubtedly harks back to the election of a major-general to fill the vacancy caused by the death, in 1801, of Gen. George Conway, who had been elected major-general in 1797. Indeed, the predicate for some hostility between them was laid at the time of Conway's election when Jackson who attended the election "as a private citizen" felt constrained to criticise Sevier for performing an unconstitutional act in delegating to Joel Lewis some gubernatorial authority, in consequence of which criticism it was said that Sevier wrote Gen. James Robertson that he "did not regard the scurrilous expressions of a poor pettyfogging lawyer and treated them with contempt." Jackson, writing Sevier under date of May 8, 1797, in referring to the language quoted said: "These, Sir, are expressions that my feelings are not accustomed to, and which my conduct through life by no means merits, and which, Sir, I will not tamely submit to." He ended the letter by asking an explanation and a redress for the injury done his character and feelings. Several letters passed between them which showed that Sevier had no desire to harm Jackson in any way and the previous good feeling between them was restored. So that, in 1798, when Judge Tatum resigned as judge of the Superior Court of Law and Equity, Sevier appointed Jackson to fill the vacancy.

There was much feeling over the election of Conway which was reflected in the notice of a contest filed against him. The following letter bearing on this point is in the state archives:

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[5] This diary begins in May, 1790, and continues intermittently until a few days before Sevier's death, twenty-five years later. After Sevier's death it fell into the hands of his son, George W. Sevier, who gave it to Col. J. F. H. Claiborne, who in turn gave it to the State of Mississippi. Some years ago the late Col. W. A. Henderson, of Knoxville, Tennessee, caused a copy of this diary to be made and presented it to the Tennessee Historical Society. The manuscript was carefully annotated by Judge John H. DeWitt, Col. H. M. Doak and the late Judge John Allison and was published serially in the Tennessee Historical Magazine, beginning with the issue for October, 1919. Of this journal Judge DeWitt says: "It is the intimate story of much of his daily private life, the modest notations of his personal concerns, his domestic associations, and, to some extent, his public services. It is a quaint document, full of interesting personalia of bygone folks and reflections of pioneer conditions. It records curious dreams and sets forth prescriptions based on primitive notions of the nature and causes of disease. It pictures Sevier, the farmer and trader, much more than Sevier, the soldier and statesman. * * * These (entries) are generally but the commonplaces of a life that projected with a noble vision, guided by a great destiny and led along an unanswering path of duty * * * It is a privilege to this generation to get these hitherto unnoticed and unpublished gleanings from life and times that are now Homeric in our historical perspective and our patriotic esteem."

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"Knoxville, 8 Mch., 1797.

Sir

Your election like a number of the others is contested, and the complaint, principally is, that Gen. Winchester contrary to law, voted for Major-general at Knoxville in the District of Hamilton, at the same time he was Brigadier of the District of Miro, and they contend was only entitled to have given his vote in his own district; as I have no power to determine contested and disputed elections, it must of course be laid before the next General Assembly for their determination.

I have the honor to be &c.

JOHN SEVIER.

Geo. Conway, Esq.,
Greene County."

General Conway served as major-general for four years until his death in 1801, in consequence of which Governor Roane issued an order that the brigadier-generals and field officers meet on February 5, 1802, for the purpose of electing a major-general to fill the vacancy. The office of major-general was much coveted among the pioneers of Tennessee. It was, therefore, not astonishing that John Sevier, who was at that time out of office and who, by reason of his long military experience was so well qualified to fill it, should aspire to this honor. Nor was it astonishing that Jackson with his character and consciousness of military genius, should have cherished the same ambition. These two and Gen. James Winchester were the candidates and the vote stood as follows:[6]

For Sevier—Washington District, 7; Hamilton District, 4; Mero District, 6; total, 17.

For Jackson—Washington District, 0; Hamilton District, 6; Mero District, 11; total, 17.

For Winchester—Washington District, 3; Hamilton District, 0; Mero District, 0; total, 3.

The votes were counted and the result certified by the Secretary of State on February 16, 1802, and, on the same date, the papers belonging to the entry-taker's office of Washington County were delivered by Maj. John Carter accompanied by the following affidavit made before Willie Blount, J. P.:

"I, John Carter, do solemnly swear that I have delivered all the papers belonging to the entry-office of Washington County, which has been in my possession since the books belonging to the said office were destroyed or stolen, unto William Maclin, a commissioner appointed to receive them, to the best of my knowledge and belief, except one file of papers purporting to be locations, which I have delivered to his Excellency, Governor Roane, which file I found amongst the papers of the said office about the year one thousand, seven hundred and ninety-five, and believe it did not originally belong to the office, but has been fraudulently put in. And do further swear that I do not know of any papers belonging to said entry-office to be in the possession of any other person.

(Signed) JOHN CARTER."

It has been asserted repeatedly that this affidavit was made at that particular time for the purpose of influencing Governor Roane to cast the deciding vote in favor of Andrew Jackson. However that may be, it is a fact that Roane did vote for Jackson and that the latter was thus elected over John Sevier, who was much chagrined and angry.

Later in this year, when the term of Roane approached its end, Sevier became a candidate against Roane, who wished to succeed himself. Jackson

[6] Certificate of William Maclin, Secretary of State, in State Archives

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espoused Roane's cause. In fact he took full charge of Roane's campaign, which he prosecuted with all the dauntless vigor and daring impetuosity which characterized him, and thus the contest was virtually a struggle between Sevier and Jackson; for, while Roane did not lack courage in the least, he was a scholar, a man of letters, retiring in his habits and somewhat diffident.

At the very outset the charges of fraud[7] in land dealings were renewed against Sevier, and became the leading issue of the canvass. Jackson issued a circular letter sometimes called the "Bradford circular," in which he spoke of the high sense of honor of Governor Roane who had been charged with having published a "falsehood against General Sevier, with an intention to destroy his character, prevent his election, and to build his own greatness on the ruin and downfall of his rival."

Jackson then continues:

"Having had a long acquaintance with Governor Roane, having sat upon the same bench with him as a Judge for more than four years, I knew him to be a man of strict truth, I thought him to be ambitious, and my sincere belief is that he would not knowingly promulgate a falsehood against any man to raise himself to the highest pitch of official dignity; added to this knowledge of Mr. Roane, I had seen the documents alluded to, and have received particular information respecting them from Mr. John Carter, entry-taker. A love of truth and respect for the welfare of my country, then compelled me to assert, that the charges stated to be contained in Mr. Roane's letters (for I have seen one of them) were well founded and susceptible of convincing proof:—First, that Carter's books were stolen or by some person destroyed, in or about the year 1795. Secondly, that among papers belonging to the office were found soon after 'a file of papers purporting to be locations, to the amount of 175, of 640 acres each, 165 appears to be for John Sevier, all in the same hand writing, and all dated the 16th of September, 1779, and numbered from 1634 to 1808, inclusive.' "

Jackson then inserted the affidavit of John Carter which has already been given. He then charges John Sevier as the person in whose name the fraudulent locations were made and says:

"I will just add that I have understood from Mr. Carter, that he believed them to be in the hand writing of Mr. Sevier."

Besides charging Sevier with fraud in having lands granted him by North Carolina upon the forged warrants, Jackson also asserted that Sevier was guilty of bribing James Glasgow, Secretary of State of North Carolina, and in corrobation of this assertion furnishes the following letter:

"Jonesborough, 11th November, 1795.

Dear Sir:—

I am highly sensible of your goodness and friendship in executing my business at your office, in the manner and form which I took the liberty to request. Permit me to facilitate the completion of the small remainder of my business, that remains in the hands of Mr. Gordon.

Should there be no impropriety, I should consider myself obliged to have ten pounds inserted in the room of fifty shillings. I have instructed Mr. Gordon to furnish unto you a plat of the amount of three 640 acres, which I considered myself indebted to you, provided you would accept the same, in lieu of what I was indebted to you for fees, etc., which I beg you will accept, in case you

[7] These charges are fully stated in No. 281 of the Robertson correspondence published in the American Historical Magazine, Vol. IV, pp. 374-381. Also see "Genesis of the Jackson-Sevier Feud," by A. V. Goodpasture, published in the American Historical Magazine, Vol. V, pp. 115-123.

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can conceive that the three warrants will be adequate to the sum I am indebted to you. I am with sincere and great esteem, Dear Sir, your most obedient humble servant,

JOHN SEVIER.

Hon. Jas. Glasgow."

Jackson then asks this question:

"Is it possible that any man can believe John Sevier so ignorant as not to know that altering a grant agreeably to his request, so as to make it speak a lie, was a crime of the highest nature?"

Sevier's contemporaries nevertheless did not condemn him on the charges preferred and there is nothing in his character as it has come down to us to make posterity more harsh in its judgment.

Although Jackson conducted the contest with all his restless, eager and dominating leadership, Sevier proved to be too popular and too much beloved to be discredited and he was elected. The vote was, Sevier, 6,786; Roane, 4,923. Sevier's strength was in East Tennessee; Roane's in Middle Tennessee counties.

Before he retired from office, Governor Roane sent a special message to the Legislature, transmitting the papers filed with him by Maj. John Carter. The ensuing investigation continued throughout the session, and, while the House was adverse to Sevier the conclusion was finally reached that the facts as cited by Carter were correct but no fraud was imputed to Sevier nor were his motives called in question.

PERSONAL RENCOUNTERS BETWEEN JACKSON AND SEVIER

While the legislative investigation already referred to was being pushed with the utmost vigor by the opponents of Sevier, headed by John Tipton, Jackson and Sevier met on the public square of Knoxville, where Jackson was holding court, on October 1, 1803. Sevier violently denounced Jackson who replied hotly and it is said that a reflection cast by Sevier upon the reputation of Mrs. Jackson caused Jackson to be almost insane in his anger and he made desperate efforts to reach Sevier, but was restrained by friends.

Phelan's account of the events which followed this sensational meeting is as follows:

"Jackson, seeing his antagonist with a drawn cutlass, and having only a cane himself, prudently yielded to the remonstrances of the bystanders. The next day he sent a challenge.[8] Sevier returned a mocking reply,[9] accepting

[8] In those early days dueling was a somewhat common practice, although the thoughtful considered it extremely reprehensible and "contrary to public policy." So much so, indeed, that in 1801, only five years after the establishment of the state, the Legislature passed an act "to prevent dueling." Nevertheless, then and for many years afterwards it was considered unmanly and cowardly not to accept a challenge from any man of reputable standing.

[9] That the reader may judge for himself whether the reply was "mocking," it is reproduced as follows:

"Knoxville, Oct. 2, 1803.

"Sir, yours today, by Andrew White, Esq., I have received, and am pleased with the contents, so far as respects a personal interview. Your ungentlemanly and gasconading conduct of yesterday, and, indeed, at all other times heretofore, have unmasked you to me and to the world. The voices of the Assembly has made you a judge, and this alone renders you worthy of my notice.

"I shall wait on you with pleasure at any time and place not within the State of Tennessee, attended by my friend, with pistols, presuming you know nothing about the use of any other arms. Georgia, Virginia, and North Carolina are in our vicinity, and we can easily repair to either of those places, and conveniently retire into the inoffending government. You cannot mistake my meaning.

Yours, etc., etc.,

Hon. A. Jackson." John Sevier."

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for any time and place 'not within the State of Tennessee.' Jackson insisted on the meeting taking place in the neighborhood of Knoxville, since the insult had been passed here. Sevier declined. 'I have some respect,' said he, 'for the laws of the state over which I have the honor to preside, although you, a judge, appear to have none.' "

A vigorous correspondence bristling with threats and expletives ensued. It would have perplexed the best special pleader in England or America to determine what point of difference was at issue between them at any given time. Finally, Jackson, in a note dated October 10, 1803, expressed his willingness to meet Sevier at Southwest Point, any time between Tuesday afternoon and Wednesday midday. This proposition Sevier again rejected as not coming within the conditions previously raised. Jackson again agreed to meet him in Virginia. Sevier refused to open the note containing this proposition. Jackson, in pursuance of a previously uttered threat, published Sevier as "a base coward and poltroon—he will basely insult but has not the courage to repair the wound."

Jackson went to Southwest Point,[10] but Sevier did not appear. Returning, he met him and a company of friends. Jackson had prepared a note setting out his wrongs and demanding reparation. Seeing Sevier he sent this forward. Sevier refused to receive it. It was returned to Jackson. Enraged, Jackson charged upon him with his cane. Sevier dismounted. It is said that Sevier's horse ran away with his pistols in the holster. Of course, Jackson would not fire upon an unarmed man. Friends intervened and, after some wrangling, an indifferent peace was patched up between them.

While this quarrel reflects no credit on either of the participants, it must be borne in mind that it was almost inevitable that these two men would clash, for more reasons than one, as they were different in every way—in race, temperament, pedigree, and mentality.

There was a time when these two men ran neck and neck for fame and the esteem of their countrymen; so close was this race that it often hung on a thread, as is proved by the fact that in spite of Jackson's hosility, Sevier, among other honors, was elected by the suffrage of his constituents six times governor of Tennessee in the face of active and bitter opposition of Andrew Jackson. In truth, it may be said, that no other political opponent in Tennessee, except Sevier, was ever able ultimately to escape defeat when Jackson went after him.

Jackson's triumphal career, like that which necessarily follows the pathway of all great men of political and military achievements, was literally lined with the bones of his enemies. It was a perfectly natural process, being a law of nature before it became the law of man. The list is too numerous to insert here. On one end of it was the gentle and beloved Hugh Lawson White, on the other the courageous, lovable, brilliant, but unbalanced David Crockett.

Sevier, alone, seemed to escape ultimate defeat. It is true that in the big thing that counted and which seemed that the hand of Fate was in the making of it—the major-generalship of Tennessee, the deciding vote of which was cast by Governor Roane for General Jackson, Jackson won. But Jackson never seemed to care for the governorship of Tennessee himself, and it is probable that with that keen insight, so deep and so far-reaching, and at times uncannily

[10] In Sevier's Journal, under date of Saturday, October 15, 1803, he says: "Set out early and arrived at Kingston (Southwest Point), & arrived to Breakfast after having a violent dispute with A. Jackson."

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prophetic, as if coming from a higher power, he realized that he had won over Sevier, the one thing worth while, and let it go at that.

There was a big gap, too, in the ages of the two men, and as Jackson swept in, Sevier, naturally, swept out.

The great and primal difference between these two men, and which historians do not seem, heretofore, to have taken into account, was in their pedigrees, their race, their temperament. In horse parlance, their blood lines.

Jackson was a Scotch-Irish Anglo-Saxon, not Irish, for he had not a drop of Celt blood in his veins, but Scotch-Irish, because he came from the Scotch families of Protestants who were settled by King James in Northern Ireland.

Sevier was of entirely different breed. His pedigree was French-Latin. In only one thing did his ideals run parallel with Andrew Jackson—their religion, since the French Huguenots were exiled and persecuted for the same reason that sent the Scotch-Irish to Ireland, and later by the thousands to America.

This difference in the race blood and mentality of the two men, after more than a century has passed, is now plainly evident and easy of analysis. They no longer run neck and neck in history and in fame. Jackson reached the wire and the goal of the extreme four-mile heat; Sevier ran gloriously the first mile and died in the home stretch. A keen analysis of this difference with the results can only be laid to the superiority of the Anglo-Saxon temperament, the sturdiness and bulldog tenacity of old England, the courage and uncanny shrewdness of the Scotch over the volatile and emotional Latin. At last, in what Americans call horse-sense.

Sevier was brilliant, with educational advantages which Jackson never had; was possessed of the French dash, earnestness and love for show and display, as is proved by his immaculate uniforms and swords. But of the true, cold-steel courage and balanced brain of the Anglo-Saxon as illustrated in Andrew Jackson, he possessed it not. This is proved by the incidents quoted above wherein he struck Jackson below the belt when he berated the character of Jackson's wife on the streets of Knoxville and failed to give him the satisfaction that the ethics of the age required.

Colonel Tipton, perhaps, was wiser than future historians have given him credit for, knowing the temperament of John Sevier as he did in the State of Franklin affair.

Tipton, like Jackson, realized what the plain people could not see in this Frenchman's character, the swashbuckling that was not the real thing. It was merciless on Indians and petty foes, as is always its characteristic, and in this John Sevier surpassed all frontier soldiers in killing for pure killing's sake.

His relentless slaughter in his Indian warfare was no credit to him even in that age of cruelty and blood.

How different was Jackson! Called on in a far greater Indian war to save his state and the nation from the knife of the savage, he met them in honorable and dignified battle, utterly crushed them and then bent all his energies toward saving the remnant of this brave people and making just and honorable treaties with them afterwards, in which their condition under the protection of the United States Government was far better than their uncertain tenure as savages.

Would John Sevier, the Latin, ever have thought of bringing a starving, motherless Indian child, Lincoyer, home in his saddle-bag, adopting it, raising it to manhood and starting it in business as did Jackson?

When the Indian, Weatherford, on whose head as the butcher of Fort Mims

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a price was laid, surrendered and begged for mercy—not for himself but for his starving people, was there ever a Latin who ever lived, from Julius Caesar to John Sevier, who would have failed to put him in chains and iron?

God, indeed, made this difference between them. It is not ours. We merely mention it.

Every Tennessean honors and reveres each for what he did, but the historian, as an impartial judge sitting in equity, sifting the evidence not known by others, is bound to admit that Sevier is vastly overestimated both as a soldier and as a man, and none need wonder at the inexorable laws of evolution which operate just as fully in history as in life, and which have placed the crown on Andrew Jackson.

THE ROANE MONUMENT

For ninety-nine years the body of Governor Roane lay in an unmarked grave in Pleasant Forest Cemetery, Campbell Station, Knox County, Tennessee, when the state Legislature appropriated the sum of $500 for a monument to his memory, which monument was unveiled, with elaborate and appropriate exercises, in which Governor Tom C. Rye and other public officials took part, on June 26, 1918. The inscription is as follows:

ARCHIBALD ROANE
1759-1819
Revolutionary Soldier at Surrender of Cornwallis
Member of Tennessee Constitutional Convention 1796
Superior Judge 1796
Supreme Judge 1819
GOVERNOR 1801-1803
Erected by the State of Tennessee, 1918.

LEADING EVENTS IN SEVIER'S SECOND SERIES OF ADMINISTRATIONS, 1803-1809

Notwithstanding the charges of fraud preferred against Sevier, which have already been related, his popularity was not appreciably lessened. In 1805 he was reelected and again reelected in 1807. Just before his term expired in 1809, he was a candidate for United States senator, but was defeated by Joseph Anderson, the incumbent. In 1809, when he again became ineligible for the governorship, he sought the retirement of quiet country life. But his friends wished to confer upon him further honors for the great services he had rendered to the state and the nation; and, consequently, they elected him first a member of the state senate and then a representative in Congress in 1811, and reelected him in 1813 and 1815.

Subjoined is a list of the principal events in Sevier's second series of administrations, some of which are of such importance as to demand more detailed relation which will follow:

In 1803, Stewart County and Dickson County were created; the state was laid off into three congressional districts, Washington, Hamilton and Mero; the boundary line[11] between Virginia and Tennessee, as agreed upon by the commissioners, was confirmed; an act was passed providing for five electoral districts, the voters in which were to choose electors for President and Vice President; an

[11] See chapter on the State Boundary Lines of Tennessee.

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act was passed "to purchase for the State of Tennessee the patent right of Eli Whitney and Phineas Miller, of a machine or new invention for cleaning cotton, commonly called a saw gin;" [12] articles of impeachment against Judge David Campbell were preferred, but he was acquitted.

In 1804 the Legislature passed an act to regulate the laying out of public roads.

In 1805, Aaron Burr visited [13] Tennessee and was entertained at the Hermitage; horse racing in Tennessee was inaugurated at Gallatin.

In 1806, Aaron Burr again visited Nashville; the "Silver Grays" of Nashville tendered their services to General Jackson; land offices were established at Knoxville and at Nashville; Mero District was divided into three districts, viz.: Robertson District with court at Clarksville for Stewart, Dickson and Robertson counties; Mero District with court at Nashville, for Davidson, Sumner, Williamson and Rutherford; the salaries of the Superior Court Judges were fixed at $1,000 per annum, and that of attorney-general at $350 per annum; twenty-seven academies were established, and Davidson Academy was changed to Cumberland College and made the principal college for West Tennessee, a term which at that time was applied to all of Tennessee west of the Cumberland Mountains;[14] on March 1st, a duel was fought between N. A. McNairy and Gen. William Coffee; on May 30th, a duel was fought between Andrew Jackson and Charles Dickinson.

In 1807, the Nashville Bank was incorporated with a capital of $200,000; the following counties were erected: Rhea, Bledsoe, Bedford, Hickman, Franklin, Warren and Maury; Blount College became East Tennessee College (now the University of Tennessee); provision was made for the appointment of two attorneys-general for the state; the first session of the seventh general assembly of Tennessee met at Kingston on Monday, September 21st and adjourned on the same day to meet at Knoxville on Wednesday, September 23rd; William Cocke offered himself as a candidate for governor against Sevier, but realizing the hopelessness of the contest withdrew.

IMPEACHMENT OF JUDGE DAVID CAMPBELL

When the character, standing, patriotism and public services of Judge David Campbell are thoughtfully considered, it does seem strange that articles of impeachment could ever have been preferred against him. Yet he was the first man in the State of Tennessee upon whom such a misfortune was permitted to rest. Naturally it created much excitement throughout the state, which was at the time in a turmoil over the allegations of fraud made by Jackson against Sevier. It has been said that the friends of Sevier trumped up the charge against Campbell with the hope that some stigma in connection with it might attach itself to Jackson, as Campbell and Jackson were friends and associates upon the bench of the Superior Court. However that may be, the account of this sensational affair, as given by Caldwell, covers the case admirably. He says:

"No record of the birth of David Campbell has been found. He was the Chief Justice of the State of Franklin, and was one of the Commissioners sent by Sevier to the Governor of North Carolina seeking an adjustment between the

[12] The bond of $10,000 required by the state to be furnished by Whitney and Miller together with other papers pertaining to this transaction are in the state archives.

[13] See chapter on Historic Spots and Places.

[14] Ibid.

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two States. Some time before Sevier was willing to submit to the restored authority of North Carolina, Campbell accepted the judgeship of the Superior Court of the State for Washington District, and held Court at Jonesboro in February, 1788, but when called upon to issue a bench warrant for the arrest of Sevier, he refused, and the warrant was issued by Judge Samuel Spencer. He was judge of the Territorial Court so long as that Court existed, and a judge of the Superior Court of Tennessee from October 11, 1797, until 1807. He was impeached in 1803, while Superior Judge, upon the charge of receiving a bribe from a litigant, but was acquitted by the Senate by a vote of nine to three. The specific charge was that he had received a bribe of fifty dollars for which he had agreed to secure a favorable decision of a lawsuit. He was prosecuted by Jenkin Whiteside, on behalf of the House of Representatives, and was defended by Edward Scott, John Williams and Robert Whyte.

"Phelan intimates that the acquittal was procured by the friends of Jackson, for fear that a conviction might be favorable to Sevier and injurious to Jackson. This occurred during the bitter contest of 1803 between these two leaders. The account given in Goodspeed's History of Tennessee is not altogether favorable to Judge Campbell. Phelan states in a foot-note that Campbell never recovered from this affair, and that when, in 1809, he and James Trimble were candidates for the judgeship of the Second Circuit, Trimble was unanimously nominated on the first ballot. In 1810 or 1811, Campbell was appointed by the President one of the Judges for the Mississippi Territory, and died there in 1812. No data have been found for an opinion as to his guilt or innocence of the charge on which he was impeached. There seems to be no doubt that he lost popular favor and, it may be, confidence, but upon the other hand he was acquitted and was afterwards appointed to a place of honor and trust. The weight of the evidence seems to be in his favor."[15]

THE JACKSON-DICKINSON DUEL

The apparent cause of the duel between Jackson and Dickinson originated in a horse race arranged for but never run. The real cause originated in reflections reported to have been made by Dickinson upon the character of Mrs. Jackson. General Jackson could and did many times forgive what was said and done in the heat of passion, but slanders upon Mrs. Jackson constituted an unpardonable sin which could be atoned for only by the blood of the offender. Because Dickinson calumniated her whom Jackson loved far more dearly than he did his own life, he killed Charles Dickinson and never repented of having killed him. Those who wish to investigate this affair very thoroughly are referred to Parton's account in his Life of Andrew Jackson, volume I, pages 268-301. There is also a good account in Guild's "Old Times In Tennessee," pages 211-224. In this latter account Dickinson is erroneously called Samuel instead of Charles.

This most famous duel has been written up and written about a good deal, but the personal view, that is the view of Jackson himself and of his family has been but little exploited. This view is given in an article written by Mrs. Mary Emily Donelson Wilcox, a niece of Mrs. Jackson and a daughter of Major Andrew Jackson Donelson, published in Leslie's Magazine about twenty-five years ago, she says:

"It was also while living in that little frame house[16] that the most deplored event of Jackson's life—the Dickinson duel—occurred. He had a store at Clover Bottom (three miles distant) to and from which he daily rode, and in the valley below, where Colonel Donelson planted Tennessee's first corn and

[15] Caldwell's "Bench and Bar of Tennessee," pp. 13-14.
[16] The first Hermitage.

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cotton patch,[17] he had a track noted as the scene of many exciting races. In December, 1805, a race [18] planned between Jackson's horse, Truxton, and Plowboy, owned by Captain Erwin,[19] came off. Charles Dickinson, Erwin's son-in-law, bet heavily on Plowboy, and seeing Truxton forged ahead, screamed, though Mrs. Jackson sat near: 'His horse is gaining, and will win the stake, just as he ran off with and kept another man's wife!' "[20]

"It was said and believed that a political clique, alarmed at Jackson's immense popularity, saw the necessity of getting rid of him, and to accomplish this, prompted Dickinson to pick a quarrel by this and other insulting remarks, sure to be repeated. Dickinson remembered that in the Sevier-Jackson feud the unforgivable, only-to-be-wiped-out-with-blood words were, 'I know of no great service rendered by Jackson unless it be running off to Natchez with Robard's wife.' Dickinson was considered the best shot in the world, while Jackson, known to be a poor marksman, was singularly averse, notwithstanding his numerous frays, to personal encounters. A challenge was sent and accepted, date and place being named for the meeting. Mrs. Jackson, knowing that Dickinson's young wife was with child, implored her husband earnestly to arrange the difficulty if possible. Kissing him goodbye as he rode off with his second, Judge Overton,[21] she said: 'Forget his remarks about me, think only of his wife and babe, and if consistent with honor spare him.' Awaiting his return and noting his pallor and blood-stained clothes, she screamed: 'You are wounded!' 'Yes, only slightly, but Dickinson will insult no more innocent women;' then, remarking her look of dismay, he added: 'I promised you to spare and meant to keep my promise. On the road I saw signs of his skill—hairs cut in two, small circles on trees and fences black with shot, then heard his messages, ' "'Tell Jackson I will snap his life's threads like that hair, will pepper his craven breast with lead like that disk.'" Even when we took our places on the ground and waited for the seconds to give the word, I still intended to fire in the air, but when I felt his bullet plowing through my body and heard him shriek, ' "'Great God, have I missed the d—d scoundrel,'" ' hate of me overpowering even death's agony, the demon in me awoke. I fired and he fell.' Mrs. Jackson, almost fainting, fell on her knees, praying: 'Oh, God, have pity on the poor wife, pity on the babe in her womb.' Years afterwards, Jackson said: 'There never lived a woman in whom the mother instinct so predominated, she would have gathered in her pitying arms every afflicted being. Why, she even wept and prayed for Dickinson's wife and child.' "

The above has been inserted because it represents the commonly expressed opinion of this noted duel. It is not to be wondered that this opinion prevails when members of Jackson's family make such statements. As a matter of fact,

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[17] She doubtless means the first patch of corn and cotton raised after the advent of the Cumberland settlers under Robertson and Donelson. This crop was gathered in the fall of 1780.

[18] In the Impartial Review and Cumberland Repository of March 15, 1806, appeared the following advertisement:

CLOVER BOTTOM RACE.

On Thursday, the 3d of April next, will be run the greatest and most interesting match race ever run in the western country, between General Jackson's horse,

TRUXTON,

six years old, carrying 124 pounds, and Capt. Joseph Erwin's horse,

PLOUGHBOY,

eight years old, carrying 130 pounds. These horses run the two-mile heats for the sum of $3,000. No stud horses can be admitted within the gates, but such as contend on the turf, and all persons are requested not to bring their dogs to the field, as they will be shot without respect to the owners.

[19] In some accounts spelled Ervin.

[20] Bassett, in his "Life of Andrew Jackson," Vol. I, p. 61, says: "In 1805, Jackson's noted horse, 'Truxton,' was booked in a race against Capt. Joseph Ervin's 'Plowboy,' and a forfeit of $800, payable in certain specified notes, was agreed upon if the race was not run. Before the day fixed, the race was cancelled by Ervin, and the forfeit was paid without dispute."

[21] This was Gen. Thomas Overton, not Judge John Overton.

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the race between Truxton and Ploughboy was not run at all, Major Erwin's horse proving to be lame on the day of the race, his owner paying the forfeit.

THE NATCHEZ TRACE

No sooner had the early pioneers of Tennessee become securely intrenched in the possession of the lands they occupied than they began to plan for better means of communication with each other and with the outside world than the old Indian trails afforded. As early as 1787 the Legislature of North Carolina provided for a lottery to be held at Hillsboro, the proceeds of which were to be applied to the cutting of a way from the South end of Clinch Mountain (in what was later Hawkins County) to Bean's Lick. In 1792 the Cherokee Indians agreed that a road might be run through their lands from Washington District to Mero District. In 1794 the Territorial Legislature passed an act for "cutting and clearing a wagon road from Southwest Point to the settlements on Cumberland River in Mero District."

The population of Tennessee increased very rapidly, continuously from its admittance into the Union. Roads in every direction became not merely desiderata, but necessities. Hence, each session of the General Assembly took up the question of "roads" and numerous acts were passed. The roads were provided for between East Tennessee and the Cumberland settlement, one called the Walton Road and the other the North Carolina Road or "Avery Trace." In 1801 the Legislature turned the Walton Road into a pike. During some of those years efforts at road building had the coöperation of the general government, which, in 1801, opened the Natchez Trace. Of this road Park Marshall, probably the best authority on this subject says:

"The Natchez Trace, or Natchez Road, or as it was officially named, the 'Columbian Highway,' has been during the past one hundred and fourteen years a subject of great interest to the people of Tennessee and Mississippi and of more or less interest to the whole country. It was 'cut' and opened under the authority of the United States, after treaties negotiated with the Chickasaw and Choctaw Indians by the famous, or rather notorious, Gen. James Wilkinson, towards the end of the year 1801.[22] The Trace was designed largely for commercial purposes as it had its terminus on the Mississippi in the district of Natchez which was at one time separated from our other disputed possessions, and it furnished a way for the return journey of merchants and traders who descended by water to the lower Mississippi country. Still, it had military advantages. At the time of Jackson's Natchez expedition, which left Nashville January 7, 1813, mainly on flat boats, nearly 700 cavalry under General Coffee traveled the Trace to Natchez; the entire army returned by way of the Trace in the spring. When the British fleet came into the gulf in 1814, Jackson and Coffee were at Pensacola or Mobile, whence they went direct to New Orleans, while Carroll raised an army at Nashville and conveyed it to New Orleans in boats. At this time many squads of volunteers went by way of the Trace as far as Natchez. After the battle the army returned on this road. In fact there are many interesting facts connected with this famous highway, but to detail them here would be a chapter outside of the purposes of this article." [23]

It was at Griner's (sometimes called Grinder) tavern on the Natchez Trace that Meriwether Lewis either committed suicide or was murdered (it is still a mooted question, with the weight of the testimony in favor of suicide) on October 11, 1809. A monument to his memory has been erected on the spot where he died on the Natchez Trace in Lewis County, which was so named in his honor.

[22] American State Papers, Indian Affairs, Vol. V.

[23] "The True Route of the Natchez Trace," in the Tennessee Historical Magazine, Vol. I, No. 3, pp. 173-182. See also chapter on Historic Spots and Places.

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CHAPTER XV

TRIANGULAR CONTROVERSY OVER THE PUBLIC LANDS

EARLY CUSTOMS—ESTABLISHMENT OF RELIGIOUS DENOMINATIONS

When we enter upon a discussion of the public lands of Tennessee, we enter a maze almost as inextricable mentally as the famous labyrinth of Daedalus was inescapable physically. The circumstances connected with the early settlement of Tennessee, and the land laws of North Carolina, led to peculiar complications of title when the western section of North Carolina, after having been ceded to the United States and governed as a territory, was admitted as an independent state of the Union. This complexity is well stated in the preface [1] to Whitney's Land Laws of Tennessee, as follows:

"The law of real property in Tennessee is of a peculiar and complex character, more so, probably, than that of any other state in the Union, except those in which titles are affected by old Spanish grants, as for example Louisiana and Mississippi. This complexity of the law governing land titles in Tennessee was occasioned chiefly by the retention on the part of North Carolina of the right to satisfy the claims of her soldiers for services in the Revolutionary War out of lands, formerly a part of North Carolina, ceded to the United States in 1789, and subsequently constituting the state of Tennessee. By this reservation contained in the 'Cession Act' an incumbrance in favor of North Carolina was created upon the lands destined to become our State, and subsequent legislation looking to the clearing up of land titles and fixing methods of obtaining the same was impeded and handicapped, and the State was from her infancy subjected to a burden which was not cast off until 1846, and the effects of which still extend to and influence the rights to real property in a considerable portion of the State."

It is suggested that the reader now refer to the reservations in the "Cession Act," found on page 145 and especially to that paragraph headed "Secondly." Under that head it is stressed that the lands of the military reservation should inure to the use and benefit of the officers and soldiers of the continental line of the state, and North Carolina assiduously adhered to the protection of this class of beneficiaries and, later, to the benefit of the University of North Carolina, which latter matter will be adverted to subsequently.

But neither the United States nor the State of Tennessee felt the same keen interest in North Carolina's beneficiaries. In fact during the existence of the Southwest Territory there was no legislation at all by the United States on the subject of its public lands. This lack of land legislation was unfortunate for Tennessee, because no provision was made for the support of public schools, academies or colleges, which has been made in behalf of every territory of the United States except Tennessee. In the case of the Northwest Territory, whose form of government was made applicable to the Southwest Territory, the country was divided into townships of six miles square, containing thirty-six lots of one square mile each, of which No. 16 in each township was reserved for the maintenance of public schools therein.

[1] This preface was written by Judge D. M. Key.

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When Tennessee was admitted into the Union it was supposed that, after North Carolina's claims had been satisfied, there would still be ample vacant and unappropriated lands. So that the land question was one of the first matters to come before the General Assembly, and a remonstrance to Congress was drawn up in 1796 with particular reference to the injury and grievances of the citizens of Tennessee in consequence of the line of the treaty of Holston.

In 1799 the Legislature of Tennessee passed an act for the establishment of an office for receiving entries of all vacant lands in the counties of the state. Subsequently, this act was suspended until the following session. Meanwhile, the state's senators in Congress had sent word that the United States claimed the right to dispose of the vacant and unappropriated lands in Tennessee. The Legislature then instructed the senators to claim the right for Tennessee to dispose of these lands and to secure a relinquishment of the claim preferred by the United States.

All along North Carolina had been issuing warrants and perfecting titles to lands in Tennessee under her reservations in the same manner in which she would probably have acted had the cession not been made. The situation was furthermore complicated by the claim put forth by Tennessee that North Carolina had no right to grant lands in Tennessee any longer because of the expiration of the time within which claimants were required to make surveys and procure grants. In 1801 conditions became acute when the Legislature passed an act to prevent North Carolina from surveying and granting lands in Tennessee.

REMEDIAL LEGISLATION

Realizing the deplorable condition of land matters in Tennessee and in an effort to come to an adjustment of the differences with North Carolina, the Legislature, in 1801, passed "an act for the appointment of an agent on the part of this state to go to the Legislature of the State of North Carolina for the purpose of finally settling and adjusting the landed business between the two states and for other purposes;"[2] and, in the first section of the act, "That John Overton, Esquire, be and he is hereby appointed an agent on the part of this state to confer and agree with the Legislature of North Carolina."

In another act (Chapter 81 of the Acts of 1803), Overton's duties are set forth. Overton was successful in his mission and made a compact with the State of North Carolina which was ratified by an act (Chapter 14 of the Acts of 1804), entitled, "An Act ratifying and confirming an act of the General Assembly of the State of North Carolina, entitled, 'An act to authorize the State of Tennessee to perfect titles to lands reserved to this state by the cession act.'" This agreement was made subject to the assent of Congress, which was not only granted but Congress took a long step forward in settling by passing an act approved April 18, 1806, which act is incorporated in an act (Chapter 10 of the Acts of 1806), passed by the Tennessee Legislature entitled, "An Act to ratify and confirm an act of the Congress of the United States of America, entitled, 'An Act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same.'"

[2] Whitney's "Land Laws of Tennessee," p. 54.

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The important provisions of that compact are stated by Garrett and Goodpasture as follows:

(a) Tennessee ceded to the United States the sole and entire disposition of the lands south and west of a line beginning at the place where the main branch of Elk River intersects the southern boundary of the State, and running due north until it intersects the main branch of Duck River; thence down the Tennessee River to the northern boundary of the State, called the Congressional line [3] and exempted the same from taxation until the expiration of five years after the same should be sold.

(b) The United States ceded to Tennessee the lands east and north of the Congressional line, subject to the following conditions:

(1) Tennessee should satisfy all North Carolina land claims out of the territory ceded to it.

(2) It should appropriate 100,000 acres to be located in one entire tract, within the district south of French Broad and Holston and west of Big Pigeon River, for the use of two colleges, one in East and one in West (Middle) Tennessee.

(3) It should appropriate 100,000 acres, in one tract within said limit, for the use of academies, one in each county in the State.

(4) It should, moreover, in issuing grants, and perfecting titles, locate 640 acres to every six miles square in the territory ceded to it, where existing claims would allow the same, which should be appropriated for the use of schools forever.

(5) That the college and academy lands should not be sold for less than two dollars per acre, provided, that the people residing south of French Broad and Holston and west of Big Pigeon River should be secured in their rights of occupancy and preemption at a price not less than one dollar per acre.[4]

The land west of the Congressional Reservation line was known as the Congressional Reservation and also as the Chickasaw Reservation and was transferred to the United States, on October 19, 1818.

The college and academy lands were located south of the French Broad and Holston rivers because that was the only part of Tennessee, at that time, in which North Carolina had not issued warrants, and the purpose was to have the pioneer settlers on these lands pay for them. These pioneers had settled on the lands in question under sanction of the treaties made by the State of Franklin with the Cherokee Indians at Dumplin Creek and Coyatee. As has already been seen they found themselves without protection when, in 1788, the sway of North Carolina over what had been the State of Franklin was restored, and they consequently established and maintained an independent government until the Southwest Territory was formed. Governor Sevier, in a message to the Legislature, in 1806, spoke well of them and invoked the paternal care of the Legislature in their behalf. Hence, the settlers secured the lands at the minimum price of $1 per acre which was probably all that they were worth at that time.

The public schools, however, did not receive the benefit anticipated from the generosity of Congress for the reason that most of the lands fit for cultivation and improvement had already been taken up under the laws of North Carolina, so that, while the Legislature passed an act (chapter 1), in 1806, "directing the division of the state into convenient districts, for the appointment of principal surveyors thereof, and for ascertaining the bona fide claims against the same," and did lay it off into six districts, "exclusive of the district south of

[3] Also called Congressional Reservation Line. See article on the subject in the chapter on Historic Spots and Places.

[4] Garrett and Goodpasture's "History of Tennessee," pp. 152-153.

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the French Broad and Holston," the surveyors of these six districts could locate only 22,705 acres of school lands out of a total of 444,444 acres to which it was estimated that the State was entitled.[5]

HOW THE SETTLERS SOUTH OF THE HOLSTON AND FRENCH BROAD PAID FOR THEIR LANDS

The two colleges and the academies also failed to receive the returns expected from the sales of the lands south of the Holston and French Broad rivers because of the protracted indulgence extended to the settlers in this section by the General Assembly. As has been shown, the rights of occupancy and preemption of these settlers were respected by North Carolina in the act of cession, and they were secured in these rights by the Constitution of Tennessee so far as this instrument was competent to do so. Congress completed that security by providing in the compact of 1806 that those settlers should have titles to the lands claimed by them, not exceeding 640 acres each at a price of not less than $1 per acre. Now note the successive steps of legislation in their behalf extending over a long period of time.

By act of the Legislature passed September 6, 1806, these occupants were permitted to pay for their lands in ten equal annual installments, the first of which was made payable on March 1, 1808, each installment to bear interest from the time it should fall due until paid.

On December 3, 1807, the Legislature passed an act postponing the time of payment of the first installment until March 1, 1809, and granting another year on each succeeding installment.

By the act of April 22, 1809, the Legislature further postponed the payment of the first installment until July 15, 1811.

By act passed on November 8, 1809, the settlers were required to pay only interest at the periods fixed for the payment of the principal.

By an act passed on October 11, 1811, the Legislature gave time for the payment of interest until November 1, 1813. Further relief was extended by an act passed on September 21, 1812, which remitted the interest which had accrued on the installments that were to have been paid in 1810 and 1811.

The occupants secured still further relief in 1813 when the Legislature granted them a suspension of the payment of interest until November 1, 1815, and provided that no interest should accrue on any installment then due.

Similar relief, both as to the suspension of the payment of interest and the accrual of it was granted by the act of October 6, 1815, to operate until November 1, 1817.

On November 12, 1817, the Legislature passed an act suspending the payment of the principal of the debt until the end of the current biennium, and that the interest then due should be paid in three annual installments, and the collection of the interest to become due in 1818 and 1819 should be suspended until the next session of the Legislature.

By an act passed on October 19, 1819, the payment of the principal was suspended indefinitely, and the interest due in 1818 was required to be paid on November 1, 1820, and that for 1819, in November, 1821.

On November 8, 1821, the sales of the land for interest were suspended,

[5] This subject is further discussed in the chapter on History of Education in Tennessee.

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and two-thirds of the interest then due on the purchase money were required by the Legislature to be paid on or before May 1, 1823.

By an act passed on November 15, 1823, the Legislature provided for the remission of one-third of the entire amount of debt and interest remaining unpaid on May 1, 1824, on condition that the occupants paid in seven installments the balance that should be due.

In 1824, considerable payments were made, but, in 1825, the occupants almost unanimously refused to comply with the provisions of the law. It was realized, too, that a resort to legal coercion would not be attended with success, for the section was extensive, the inhabitants numerous, and many of them unproductive, the owners of the land being wholly unable to meet even the most lenient demands for payment. So that little money was realized from the sales of those lands and some of the settlers gave up their holdings and moved elsewhere.

OTHER LAND LEGISLATION

While the legislation mentioned with regard to the lands south of the Holston and French Broad was being enacted, the Legislature was endeavoring by numerous acts during this period to correct the mistakes that had been made, to facilitate the proper adjustment of conflicting claims and to place the land titles of Tennessee upon a secure basis for the future. It is not necessary or expedient to mention all these acts. To discuss them all would require the space of a book itself; but proper understanding of the history of the state requires the mention of the most important of them.

In 1809 Governor Willie Blount was directed by act of the Legislature to sign land grants which Governor Sevier had failed to sign. Subsequent governors were clothed with similar authority.

In 1813 acts were passed for the relief of persons who had lost their grants before they were registered,[6] and for prescribing the duties of surveyors, which duties indeed were subject of much legislation at various times.

In 1817 considerable relief was experienced in granting lands by reason of the treaty concluded between the United States and the Cherokee Indians whereby the title of the Indians was extinguished to part of the lands lying north of the Tennessee River. So an act was passed (Chapter 52, Acts of 1817), "to provide for making entries for lands to which the Indian title has lately been extinguished."

In 1817 also an act (Chapter 158), was passed for the appointment of commissioners, one in East Tennessee and one in West Tennessee, "for the purpose of judging and ascertaining the validity of warrants, and other legal evidences of unsatisfied claims to land within the state."

Because of the inadequacy of suitable lands north and east of the Congressional Line, Congress by an act passed in April, 1818, provided for the satisfaction of North Carolina land claims out of the tract of country in Tennessee lying south and west of this line. The Legislature of this state then passed a very comprehensive act (Chapter 1, Acts of 1819), "making provision for the adjudication of North Carolina land claims, and for satisfying the same, by an appropriation of the Reservation Line." This was followed

[6] Act, Chapter 39, in 1819, was passed to afford similar relief.

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in subsequent sessions by other acts on the same subject and also by legislation seeking to place a limit upon the satisfaction of the North Carolina claims.

But when it seemed as if the end of this prolonged settlement of these claims might be soon reached, further complexity and delay was caused, in 1822, when the North Carolina Legislature passed an act giving to the University of North Carolina warrants for western lands issued for military service to persons who had died without heirs or proof of their heirs. Of these warrants the University of North Carolina transferred 35 per cent to Cumberland College (afterwards the University of Nashville), and 25 per cent to East Tennessee College (afterwards the University of Tennessee).[7]

The memorial of the University of North Carolina to the General Assembly of Tennessee asked that Tennessee secure the lands to satisfy its claims from the territory of the United States within the limits of Tennessee. The memorial of the university to the Congress of the United States also asked that its claim be satisfied out of the same lands. The Legislature of Tennessee refused to accede to the plea of the University of North Carolina.

In 1824, James K. Polk, then a member of the Legislature of Tennessee, became the author of a memorial to Congress asking that Congress make good to Tennessee, for the use of the common schools, the proportion of the public lands within her borders which had been donated for such a purpose to every other territory and state created out of the public domain. His argument was unanswerable, yet Congress would not act and did nothing until 1841, when the state asked and received a mere agency in disposing of these lands. Finally, in 1846, the United States released its title to the lands in the Congressional Reservation on condition that Tennessee should, out of the proceeds, set apart $40,000 towards the establishment of a college in West Tennessee, in accordance with the memorial of the Tennessee General Assembly in 1845-6.[8]

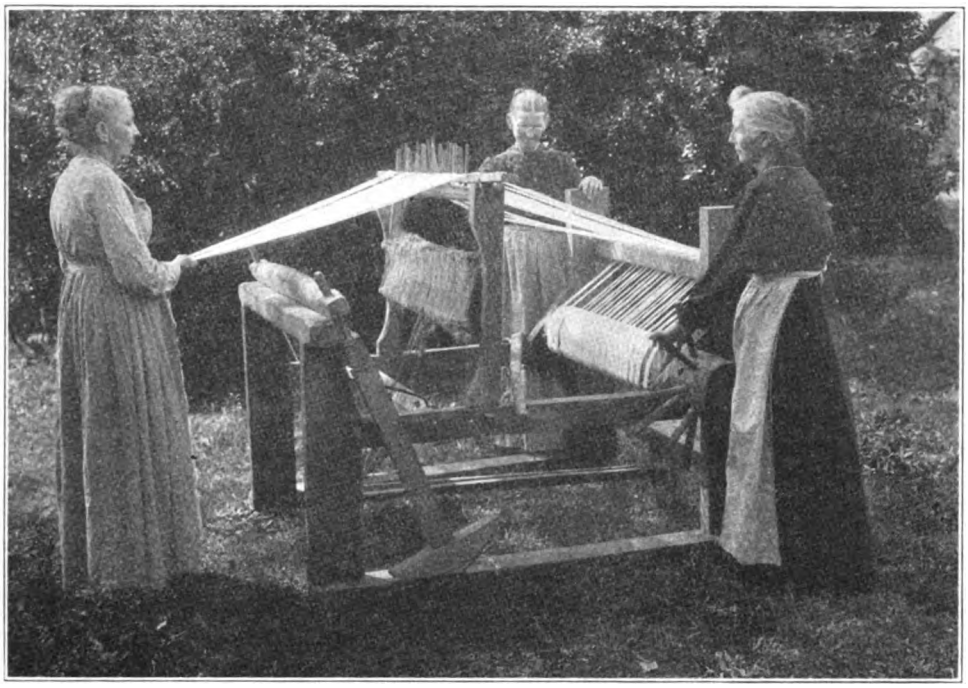
EARLY CUSTOMS

The sterling qualities possessed by the early pioneers of Tennessee constitute an historical fact in which the later inhabitants of this state in all the time to come may take just pride. They were brave, hardy, patient and ambitious; but so were the settlers along the Atlantic seaboard; so were the pioneers, who, in later years, opened up the trans-Mississippi wilderness, and those who seized and held the Pacific regions. Yet the Tennessee backwoodsmen differed essentially from each of these elements and from all other pioneer peoples. They were the sturdiest of all, for their environment compelled them to be so. They were bold, brave, unafraid, but so were the red men whom they encountered; and the long continuance of the conflict with these untamable savages caused the less sturdy to succumb and the strong to become still stronger. The daily menace of the Indians, of the savage beasts, the bear, the panther, the wolf and the rattlesnake, and their isolation from the thickly

[7] The subsequent history in detail of the land matters in connection with these institutions is given in the "Memorials Relative to Public Lands Claimed by the University of North Carolina," published in The American Historical Magazine, Vol. VI, pp. 268-282; in the "Memorial of the President and Trustees of the University of Nashville to the Congress of the United States," published in The American Historical Magazine, Vol. VII, pp. 80-87; and in Sanford's "Blount College and the University of Tennessee," published in 1894.

[8] See "Education and the Public Lands in Tennessee," by A. V. Goodpasture, in The American Historical Magazine, Vol. IV, pp. 210-228.

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HAND-MADE LOOM FOR WEAVING CLOTH



ANCIENT COTTON GIN ANTEDATING THE ELI WHITNEY COTTON GIN

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settled communities of the east caused them to be self-reliant and independent; and these characteristics handed down to their descendants have made subsequent generations of Tennesseans noted in national and international affairs, so that the underlying reason for the appellation of "The Volunteer State," applied to Tennessee, because of the readiness of its people to enlist in just conflicts for country and home, is not far to seek.

Of these backwoodsmen Roosevelt says:

"Their grim, harsh, narrow lives were yet strangely fascinating and full of adventurous toil and danger; none but natures as strong, as freedom-loving, and as full of bold defiance as theirs could have endured existence on the terms which these men found pleasurable. Their iron surroundings made a mould which turned out all alike in the same shape. They resembled one another, and they differed from the rest of the world—even the world of America, and infinitely more the world of Europe—in dress, in customs, and in mode of life."[9]

Of the same backwoodsmen Ramsey says:

"Of other stamina in the character of the Tennessee pioneer, a stern independence in thought, feeling and action, attracts the notice and secures the respect of all who are pleased with simplicity, truth and nature. To these may be added frankness, candour, sincerity, cordiality and the inviolability of a private friendship. He that could be false or faithless to a friend, was frowned out of the backwoods society, and could never again enter it. No perfidy was considered so base, so belittling, and was so seldom excused or forgiven, as the desertion of a friend or ingratitude to a benefactor.[10]

"Ingratum me dixeris omnia dixeris."[11]

When the white man first made his permanent abode in the western lands of Tennessee, he found no roads leading to them, but only trails into and through the regions sought, hence the pack-horse was a necessity. No wagon was seen in Tennessee until 1776[12] and they were not numerous, even the rudest of oxcarts, until many years later.

Because the settlers were far distant from sources of supply, there were few tools and articles of convenience and comfort in living. Luxuries were entirely unknown. Salt, of course, they were forced to have, and, before the home supplies were discovered, was brought from long distances and was most carefully conserved in the family gourd. Coffee and tea could not be obtained and sugar was secured from the sugar maple tree and was used sparingly. Before bloomeries were established, iron was brought at great expense from the furnaces of the east and commanded high prices. For this reason its use at first was restricted to the repairs of plows and other tools and utensils and for nails, hinges and fastenings.

Ramsey speaks of their apparel as follows:

"The costume of the first settlers corresponded well with the style of their buildings and the quality of their furniture. The hunting shirt[13] of the militiaman and the hunter was in general use. The rest of their apparel was in keeping with it—plain, substantial, and well adapted for comfort, use and economy. The apparel of the pioneer's family was all home-made; and, in a whole neighborhood, there would not be seen, at the first settlement of the

[9] "The Winning of the West," Vol. I, p. 142.
[10] "Annals of Tennessee," p. 724.
[11] If you call me ungrateful, you call me everything.
[12] "Annals of Tennessee," p. 714.
[13] Roosevelt says that this was "the most picturesque and distinctively national dress ever worn in America. It was a loose smock or tunic, reaching nearly to the knees and held in at the waist by a broad belt, from which hung the tomahawk and scalping knife."

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country, a single article of dress of foreign growth or manufacture. Half the year, in many families, shoes were not worn. Boots, a fur hat, and a coat with buttons on each side, attracted the gaze of the beholder, and sometimes received censure and rebuke. A stranger, from the old States, chose to doff his ruffles, his broadcloth and his queue, rather than endure the scoff and ridicule of the backwoodsmen." [14]

Judge Jo C. Guild also tells in his characteristic style of the manner of life of the early days, as follows:

"Lands were easily procured at from fifty to seventy-five cents per acre. The axe was heard felling the forest and fields were opened, while, occasionally, the crack of the rifle announced that the stag of the forest had fallen. Here and there was found a happy and contented family, consisting of husband, wife and rosy children. Their wants were few and easily supplied. The men and boys built the cabins, opened the fields, and cultivated the soil, and cared for and attended the stock. The women and girls clothed the family, cooked the meals, and did the housework. All were contented and happy, voluntarily laboring to secure a competency for the household. The pure water, mountain air and daily labor gave health and robust constitutions to all. In those days I never heard of a case of consumption, gout or weak lungs. We had a rattlesnake bite occasionally, and an Indian scare. These were the greatest dangers we encountered. Families in those days were not enervated and ruined by luxuries, what is called high living and fashion. They were clothed at home by their honest labor; the boys in their jeans and copperas cotton, and the girls in their beautiful stripes of cotton and linsey. Dresses were made to fit their persons and develop their natural and beautiful forms." [15]

And Joseph S. Williams speaks of these conditions as follows:

"In a virgin land, teeming with nature's richest verdure, unknown to the ruthless tread of oppression, preserved for countless ages as the chosen hunting-ground of the red men, civilization had come to exercise dominion over it—to found its places of abode. Little did the pioneer settlers think that in less time than man's ordinary span of active life, the march of improvement, the progress of the age, would cover its broad acres. It is not of the present that we would write, but of our country in its infant days, when the ax was a stranger in its giant forests; when the plow-share and the grubbing-hoe were first made bright and dull in preparing—in making it ready for enjoying civilized life—when its greatest need was man." [16]

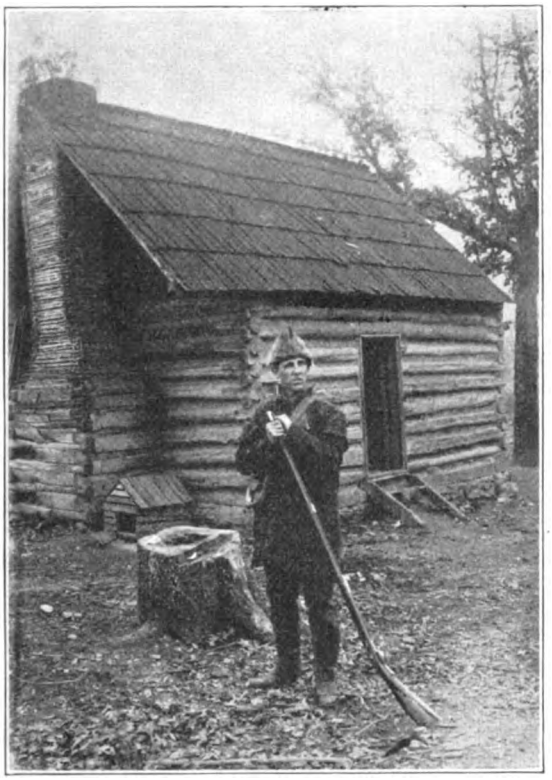
It may be that Guild and Williams depict a trifle too glowingly the beauty and the pleasure of pioneer life and minimize a little its hardships. The call back to Nature and the delight of country existence are the entrancing dreams of urban imagination. Dr. Oliver Wendell Holmes sings fascinatingly:

> "Come back to your mother, ye children, for shame
> Who have wandered like truants for riches and fame;
> With a smile on her face and a sprig in her cap,
> She bids you to feast from her beautiful lap."

It is a pretty enough picture that Nature is a fond mother taking her young affectionately to her rich and ample bosom and nurturing them comfortably with but little, if any, effort on their part. But those who have lived close to wild nature know her for a tyrant, void of pity or mercy, from whom nothing can be wrung without toil and that, too, sometimes at the risk of death. To

[14] "Annals of Tennessee," p. 715.
[15] "Old Times in Tennessee," p. 40.
[16] "Old Times in West Tennessee," p. 32.

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A TENNESSEE PIONEER, HIS CABIN AND LONG FLINTLOCK RIFLE



THE HOME OF A TENNESSEE MOUNTAINEER

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the pioneers of Tennessee, including especially the women and children, life was a long, hard, cruel war against elemental forces. Nothing short of the arts of war, the hazards of strife and heroic courage could have subdued the beasts and the Indians, felled the forests and made the land habitable for the teeming thousands and millions of their descendants who exist in a state of dependence and cultivation. The people of today do not realize what a debt of gratitude they owe to their rugged forbears of Tennessee.

The first lesson, therefore, which the pioneers learned was self-reliance, to provide against frost and famine and foes, or to die. But there were compensations. While the school of nature was crude and harsh, it educated sons and daughters of lion heart. To those who endured came the reward of the most outright independence to be had on earth. No king ever was so irresponsible or absolute as the early backwoodsman of Tennessee.

THE STOCKADE FORT

When a group of families moved out into the wilderness they built for their protection against the Indians a station or rude log fort. The following description of Ridley's Fort on Mill Creek, near Nashville, is applicable to most of the forts of the early days. It was twenty feet square and was built thus:

"Next the ground were six round logs, about twenty-one feet long, laid one upon another, and well mortised; next came a log twenty-four feet long, and a similar one on the other side, all well mortised. In this way a projection even with the floor that divided the upper chamber of the block house from the lower one, was formed beyond the ground tier of logs, upon which an upper wall of round logs was built, after which the building was roofed in. Upon the roof, pieces of wood were fixed for the garrison to step on and put out any fire the Indians might succeed in setting to it with their arrows. Loopholes were made in the logs of the upper room, to enable them to fire at any Indians who ventured to show themselves. There were other loopholes in the projecting part of the floor, whence they could fire down upon their besiegers, if they should attempt to run up to the block house to set fire to it. These block houses were surrounded by strong picket fences, consisting of stout posts set firmly in the ground, the upper ends of the posts being sharpened, to prevent scaling.[17]

"The new-comer, on his arrival in the settlements, was everywhere, and at all times, greeted with a cordial welcome. Was he without a family he was at once taken in as a cropper or a farming hand, and found a home in the kind family of some settler. Had he a wife and children they were all asked, in backwoods phrase, 'to camp with us till the neighbors can put up a cabin for you.' The invitation accepted, the family where he stops is duplicated, but this inconvenience is of short duration. The host goes around the neighborhood, mentions the arrival of the strangers, appoints a day, close at hand, for the neighbors to meet and provide them a home.

"After the cabin is raised, and the new-comers are in it, every family, near at hand, brings in something to give them a start. A pair of pigs, a cow and a calf, a pair of all the domestic fowls—any supplies of the necessaries of life which they have—all are brought and presented to the beginners. If they have come into the settlement in the spring, the neighbors make another frolic, and clear and fence a field for them." [18]

In regard to amusements Judge Guild says:

"In those days we had our rural and innocent amusements. The log-rollings, the corn-shuckings, the house-raisings, and the reapings of the harvest; while

[17] P. M. Bradford in The American Historical Magazine, Vol. I, p. 248.
[18] Ramsey's "Annals of Tennessee," p. 724.

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the ladies and the girls attended at the same time to their cotton-pickings and quiltings; and when the day's work was performed, the yard was swept, covered by the flowers of the forest, and the dance commenced. The old-fashioned Virginia breakdown reel, where twenty couples faced and eyed each other, as they moved through the mazes of the merry dance, while the bow was drawn across the strings of the violin (we called it a fiddle), discoursing sweet music. Then 'the band' would give us 'Jenny, put the kettle on,' 'Molly, blow the bellows strong, we'll all take tea;' then, 'Leather breeches, full of stitches,' and by way of variety, 'Billy in the wild woods,' or 'Nappycot and pettycoat,' and 'The linsey gown, if you want to keep your credit up, pay the money down.' ''

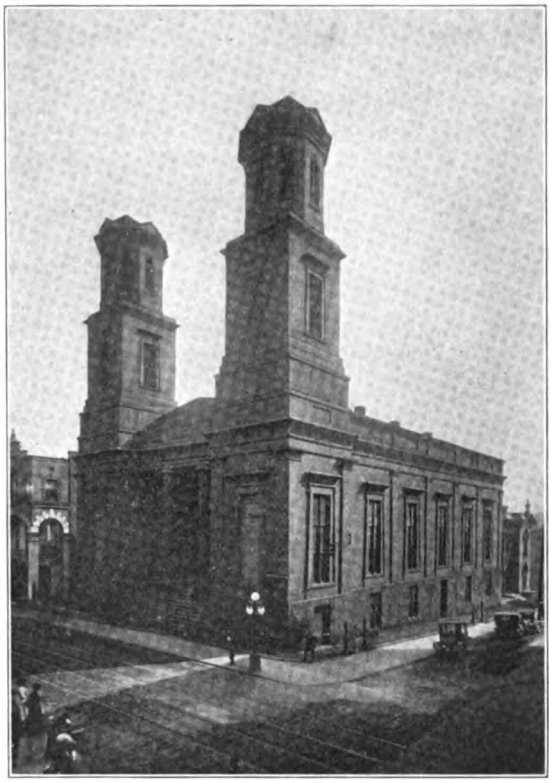
Gradually, as population increased and the facilities for communicating with the outside world by river and by road were more and more made available the conditions and manner of living in Tennessee were changed. With the surrender of New Orleans by Spain and especially following the Louisiana Purchase by President Jefferson new life was breathed into the settlements of Tennessee, sparse though they still were and the influx of population was equalled by the increase of trade. The pirogue gave way to larger boats and shipments of corn, cotton, dried beef, tobacco, whiskey, flax, tallow, hides, skins and furs were sent down the Cumberland, the Tennessee and the Mississippi rivers with guards to protect them from the buccaneers. From New Orleans were brought back farming implements, carpenters' tools, nails and other simple necessities of life which the pioneers could not provide for themselves. Another result of the increase of trade was the increase of money. The puncheon floor had now given way to clean, dry plank floors, the roofs were covered with shingles and there was a gradual increase in articles of furniture. Changes in personal attire were much slower, but they, too, gradually developed.

While the struggle for life was still earnest and vivid, by the year 1800, the settler's aspect of the world had altered. The old days of perfect and noble equality among all were forever past, and while the virile qualities remained the prejudice against the refinements of life was lost; the hunter had been supplemented by the husbandman, the merchant and the manufacturer.

ESTABLISHMENT OF RELIGIOUS DENOMINATIONS IN TENNESSEE

In all probability there has never existed a people more essentially religious than the early inhabitants of Tennessee. As has been seen, they were principally of Scotch-Irish origin and like their ancestors, the Scotch who settled in the north of Ireland and the Scotch of the Highlands of Scotland, were Presbyterians, and carried into the wilderness the rifle in one hand and the Bible in the other. Through them, too, Presbyterianism would have been established impregnably in this state but for schismatic dissensions among themselves, due partly to the fact that communities were so far separated that a regular ministry could not be maintained, even when there were no wars with the Indians, which were almost continuous for many years, and, of course, precluded regularity in community religious service; and, partly, because these people became too democratic for extreme Calvinism with its supreme authority of the clergy, although, in many parts of Tennessee we yet sometimes encounter hair-splitting arguments over points of doctrine, not always restricted to Presbyterians by any means. The differences among the early Presbyterians caused the division into "Old Side" Presbyterians and "New Side" Presby-

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FIRST PRESBYTERIAN CHURCH, NASHVILLE

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terians, according to the strictness or the liberality of their views on doctrinal points.

THE EARLIEST ESTABLISHED CHURCHES AND MINISTERS

Although the Reverend Charles Cummings [19] located in Wolf's Hills (Abingdon, Va.), as early as 1772 and served two congregations along the Holston, including service in what is now Sullivan County, Tennessee, Samuel Doak deserves the credit of having been the first established minister in Tennessee. He has been called the pioneer "preacher-teacher" and began his ministrations at Salem in 1780. He had been licensed by the Hanover Presbytery, preached for a while in Virginia, then removed to the "western country," first to Sullivan County, then to Washington County, purchased a farm and located his church on it. This was probably the first church built in the state. He also built a schoolhouse and established a school which was not only the first in Tennessee but was "the first literary institution that was established in the great valley of the Mississippi." [20]

Doak was soon followed by other Presbyterian preachers, prominent among whom were Samuel Houston, Hezekiah Balch and Samuel Carrick, all of whom, like Doak, had belonged to the Hanover Presbytery. But the Abingdon Presbytery was formed in 1785 and, in 1786, was divided into the Abingdon and the Transylvania Presbyteries, the latter name of which included the Cumberland Settlement, to which Thomas Craighead went in 1785.[21]

The doctrinal schism was very pronounced in the Abingdon Presbytery, in which Charles Cummings, Samuel Doak, Edward Crawford, Joseph Lake, and James Balch held the opinions of the "Old Side," and Hezekiah Balch, John Coussan, Samuel Carrick, Robert Henderson, and Gideon Blackburn were arrayed on the "New Side." Hezekiah Balch was brought before the Presbytery for teaching "Hopkinsianism." That Presbytery, however, accepted Balch's explanations and apology, an action which incensed the "Old Side" ministers so much that they seceded and in 1796 formed the "Independent Presbytery of Abingdon," which, in the next year they disavowed and submitted to the Synod. The differences, however, were irreconcilable and resulted in the division of the Abingdon Presbytery into two Presbyteries, the Abingdon Presbytery and the Union Presbytery, the former including the "Old Side" ministers and the latter the "New Side" ministers.[22]

It was these dissensions which gave an opening to the Methodists and Baptists, the latter of whom, although in evidence on the Holston as early as 1780, did not attain large numbers until years later. The most noted of the Baptist ministers who came about this time, were William Murphy, James Keel, Thomas Murrell, Tidence Lane, Isaac Barton, Matthew Talbot, Joshua Kelly, and John Christian. In the great religious revival which began shortly before the close of the century the Baptists took little part.

The first Methodist preacher in Tennessee was Jeremiah Lambert who was appointed to the Holston circuit in 1783. In 1786, Benjamin Ogden carried Methodism into the Cumberland settlement, where his efforts and those of others were much impeded by a faction called republicans, headed by James O'Kelly,

[19] It was his custom to carry his rifle to the pulpit.
[20] See chapter on Education in Tennessee.
[21] See Davidson Academy in chapter on Historic Spots and Places.
[22] "History of First Presbyterian Church in Knoxville," by Rev. James Park.

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who, by 1795, when William Burk came to the Cumberland Circuit, had succeeded in bringing into his ranks all the traveling preachers and all but one of the local preachers.[23] In 1796, however, much to the gratification of Bishop Asbury, the adherents of O'Kelly were defeated. For a full and well written account of the subsequent growth of this church, reference is here made to the History of Methodism in Tennessee, by Rev. J. B. McFerrin, one of its pioneer preachers. Carr's "Early Times in Middle Tennessee," pp. 175-185, also gives valuable information concerning Methodism in Middle Tennessee.

The extraordinary development of religious feeling, amounting in many cases to ecstasy, was a natural evolution, an irrepressible exhilaration of religious enthusiasm, all the more irresistible because so long repressed. For the long continued wars, especially those with the Indians, the prolonged struggle to establish and maintain homes in the wilderness, prevented the practice of religious observances which those people greatly desired to maintain. Furthermore, the tendency of such conditions is to weaken the fibre of worship, to lower the standard of morality. Scenes of bloodshed, rapine and partisan animosity never make men better, but, on the contrary, coarsen and harden the heart to the appeals of an uplifting conscience. Ramsey speaks of the change as follows:

"But now, war and its influences had ceased, and the quiet of a stable government had given repose to the excited masses. This condition was favourable to the needed reformation, and happily the instruments by whom it was to be effected, were at hand. 'Men of burning zeal, inspired by the lofty theme, and imbued with the power of a boisterous but natural eloquence, came amongst the people, and declared their mission. To most of them it was novel, and, therefore, attractive. Large audiences of sensitive and enthusiastic hearers, were assembled, the fame of the preachers is extended to distant neighbourhoods, other appointments are made, at which thousands will have congregated, some of them having come more than fifty miles.'[24] This created the necessity of what has since been known as 'a Camp-meeting.'"

THE CAMP-MEETING AND GREAT REVIVALS

Authorities differ as to the date and place of the first camp-meeting. Ramsey's Annals, page 731, states explicitly: "The first important camp-meeting on record was held at Cane Ridge, in Tennessee, in the summer of 1799." Flint's "Geography," page 147, also gives Cane Ridge, Tennessee, 1799. Phelan, however, in his "History of Tennessee," page 223, favors Gaspar Creek, Logan County, Kentucky, 1800.

It is very evident, at any rate, that the first camp-meetings to attract widespread attention were held in the north central part of Tennessee and in the south central part of Kentucky. They were the result of a great religious awakening which occurred under the preaching of eminent divines in that section.

The first preacher to arouse the people and to infuse new life and Christian energy into them was Rev. James McGready, who had three congregations in Logan County. His influence grew and his reputation spread until people came from many miles to hear him. Although he was a Presbyterian, no sectarianism entered into his preaching. The wonderful religious excitement aroused by McGready in Logan County extended into Sumner County, where in the summer of 1800, a great revival commenced under the preaching of McGready, William

[23] Finley's Sketches of Western Methodism, p. 46.
[24] Monette.

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McGee, John McGee, Thomas Craighead and others. An attendant at those meetings says:

"Such displays of Divine power as were there seen, I had never before witnessed. Under the preaching of Messrs. McGready and McGee, the people fell down like slain men in battle; and the number that professed religion then will never be known in time."[25]

The great work of revival went on unceasingly day and night, and during its progress was attended by strange and unusual exercises, about which very little has been written by historians. Carr, himself, witnessed these occurrences and quotes from the biography of Rev. Barton W. Stone, who, he says, describes them with correctness and fidelity as follows:

"The bodily agitations and exercises attending the excitement in the beginning of this century were various, and called by various names, as the falling exercise, the jerks, the dancing exercise, the barking exercise, the laughing and singing exercises, and so on. The falling exercise was very common among all classes, the saints and sinners of every age and grade, from the philosopher to the clown. The subject of this exercise would generally, with a piercing scream, fall like a log on the floor or earth, and appear as dead * * *

"The jerks cannot be so easily described. Sometimes the subject of the jerks would be affected in some one member of the body, and sometimes in the whole system. When the head alone was affected, it would be jerked backward and forward, or from side to side, so quickly that the features of the face could not be distinguished. When the whole system was affected, I have seen the person stand in one place and jerk backward and forward in quick succession, the head nearly touching the floor behind and before. * * * Though so awful to behold, I do not remember that any one of the thousands I have seen thus affected ever sustained any injury in body.

"The dancing exercise generally began with the jerks, and was peculiar to professors of religion. * * * The barking exercise, as opposers contemptuously called it, was nothing but the jerks. A person affected with the jerks, especially in his head, would often make a grunt or a bark, from the suddenness of the jerk. * * * The laughing exercise was frequent—confined solely to the religious. * * * The running exercise was nothing more than that persons feeling something of these bodily agitations, through fear, attempted to run away and thus escape from them; but it commonly happened that they ran not far before they fell, where they became so agitated they could not proceed any farther. * * * The singing exercise is more unaccountable than anything else I ever saw. The subject, in a very happy state of mind, would sing most melodiously, not from the mouth or nose, but entirely in the breast. * * * It was most heavenly."

These revival meetings led directly to the camp-meeting. Everybody wished to attend them, but the country was sparsely settled and those at a distance were precluded from attendance unless they came and visited or camped in the vicinity of the place where the services were held. This was done in several isolated cases. At first only one family moved to the country where McGready was holding his meetings. They provided themselves with provisions and a wagon, camped on the way and, when they reached their destination, camped near the church. Thus they were enabled to give their undivided attention to the gospel ministration.

At subsequent meetings more families came in a similar way. This very satisfactory method of overcoming the obstacle of long distance as a deterrent from attendance was observed by McGready, who, prior to the meeting at Gaspar River, in July, 1800, announced that he expected people to camp on the ground.

[25] Carr's "Early Times in Middle Tennessee," p. 67.

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"A vast concourse of people attended, some coming, it is stated, from twenty, thirty, fifty and even a hundred miles. This was the first camp-meeting ever held. The people adapted themselves to the conditions which surrounded them. These meetings spread rapidly over all the Western country, where they were as useful as they were popular."[26]

Speaking of the Cane Ridge camp-meeting which he asserts was the first camp-meeting on record, held in the summer of 1799, Ramsey says:

"At night the grove was illuminated with lighted candles, lamps and torches. The stillness of the night, the serenity of the heavens, the vast concourse of attentive worshippers, wrapped in the deep solemnity which covered every countenance, the pointed and earnest manner in which the preachers, in different portions of the vast concourse, exhorted the people to repentance, faith and prayer, denouncing the terrors of the law upon the impenitent, produced the most awfully solemn sensations in the minds of all. Twenty thousand persons were estimated to be present."[27]

These revivals and camp-meetings attracted the attention of the entire country. So large a number of meetings and so tremendous concourses of auditors required the services of a large number of preachers. The appeal for more ministers was insistent and continuous. Hence, Rev. David Rice, the oldest minister in the Transylvania Presbytery, made a visit to the Cumberland country and, after an investigation, decided that, in the emergency, men who were found to possess good natural ability, and capable of exercising their talents in Christian ministry, should be encouraged to preach the gospel, although they might not be equal to the full requirement of the discipline in the matter of education.

Finally, three earnest, devoted and intelligent men, viz.: Alexander Anderson, Finis Ewing, and Samuel King, were licensed as probationers by the Transylvania Presbytery and were subsequently ordained as ministers of the gospel by the Cumberland Presbytery, which was formed from Transylvania Presbytery, in 1802.

JUDGE JO C. GUILD ON CAMP-MEETINGS

"I have always been in favor of camp-meetings. They bring the people together, who make new acquaintances and revive old associations. They create religious excitement, which is right and proper, and are great pioneers in the propagation of religion. It is a storm, it purifies the atmosphere. It moves upon the waters and harrows up the deep; in its course it fells the most stubborn oak; it is a religious enthusiasm that throttles sin and purifies the soul. All the Churches should unite, and revive this good old custom. * * *

"In ancient times, I have seen at one of those camp-meetings the forked lightning playing over the largest assemblages, and the wild thunder leaping from head to head, and have seen a hundred women with the jerks, the result of religious enthusiasm."

A long contest ensued between the Kentucky Synod and the majority of the Cumberland Presbytery. One of the causes of censure alleged against revivalists in the Cumberland Presbytery was too strong a leaning towards Methodism. The main difference, however, was a licensing of the young men to exhort. There was, also, some difference upon doctrinal points. The Cumberland Presbytery

[26] Garrett and Goodpasture's "History of Tennessee," p. 158.

[27] "Annals of Tennessee," p. 731; see also Bang's "History of Methodism," Vol. II, p. 110; also Monette's "History of the Valley of the Mississippi," Vol. II, pp. 26-29.

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was, at last, dissolved, but the Council (including the majority of the dissentients) appealed to the General Assembly, which then requested the Synod to review its proceedings. Finally, the General Assembly decided with the Synod.

ORGANIZATION OF THE CUMBERLAND PRESBYTERIAN CHURCH

The establishment of the Cumberland Presbyterian Church constitutes a veritable romance of religious sentiment crystallized into an ecclesiastical life which represented the earnest and sincere views of its founders. The following seems to be the best of the short accounts of its organization:

"An effort to a reconciliation with the Kentucky Synod having failed, on the 4th day of February, 1810, in the old log house of Samuel McAdow, in Dickson County, Tennessee, Samuel McAdow, Finis Ewing and Samuel King, regularly ordained ministers of the Presbyterian Church, against whom no charge, either of immorality or of heresy, had ever been made, constituted themselves into a Presbytery, known by the name of Cumberland Presbytery, on condition that no candidate for the ministry should be required to receive and adopt so much of the Confession and Discipline of the Presbyterian Church as teaches the idea of fatality, nor to stand an examination in any other than the English language. Such was the origin of the Cumberland Presbyterian Church. Its name was taken from the old Cumberland Presbytery, which had been named for the Cumberland River, that flowed through its bounds. It celebrated the semi-centennial of the meeting of its first General Assembly in 1880."[28]

Up to 1810 the only churches represented in Tennessee were the Presbyterian, Methodist, Baptist and Cumberland Presbyterian churches. Since that time, most, if not all, of the leading denominations have established churches in this state. The Lutherans came in 1825; the Christians or Disciples in 1826; the Episcopalians in 1827 and the Catholics in 1830.

[28] Garrett and Goodpasture's "History of Tennessee," p. 160.

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CHAPTER XVI

ADMINISTRATIONS OF WILLIE BLOUNT, 1809-1815; THE CREEK WAR; AND BATTLE OF NEW ORLEANS

When, in 1809, John Sevier became ineligible for the second time for election as governor, he became a candidate for the United States Senate but, being unsuccessful, he retired to his home near Knoxville. Judge Joseph Anderson and Jenkin Whitesides were elected United States senators.

Sevier's successor as governor in 1809 was Willie (pronounced Wylie) Blount, the younger half-brother of William Blount. The influence of the name of Blount and his own merits caused him to be reelected without opposition in 1811 and again in 1813. He was on intimate terms with both Sevier and Jackson. He had been private secretary to his brother and had been offered a judgeship on the bench of the Superior Court, but refused it. He was a trustee of Blount College and of Cumberland College and a member of the General Assembly in 1807. His hearty support of Jackson during the Creek war enabled him to bring that fierce conflict to a successful conclusion. On his own responsibility he raised $370,000 for this war at the time of Jackson's most urgent need, and was thanked by the President of the United States, by three secretaries of war, by the General Assembly of the State and by General Jackson, whose friendship he enjoyed until his death in 1835.

The principal events during Willie Blount's three administrations may be summarized as follows:

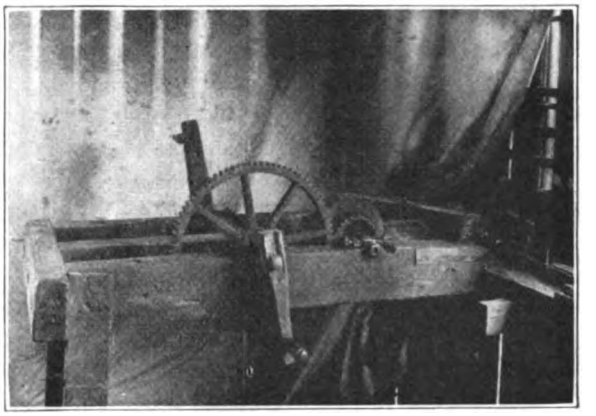
In 1809, the second session of the Seventh General Assembly met at Knoxville; the following counties were erected: Humphreys, Lincoln, Giles; the state was divided into five judicial circuits, as follows: First Circuit, Greene, Washington, Carter, Sullivan, Hawkins, Grainger, Claiborne and Campbell, with William Cocke as judge; Second Circuit, Cocke, Jefferson, Sevier, Blount, Knox, Anderson, Roane, Rhea, and Bledsoe, with James Trimble, judge; Third Circuit, Smith, Warren, Sumner, Franklin, Overton, White and Jackson, with Nathaniel W. Williams, judge; Fourth Circuit, Davidson, Wilson, Rutherford, Williamson, Maury, Giles, Bedford and Lincoln, with Thomas Stuart, judge; Fifth Circuit, Montgomery, Dickson, Hickman, Humphreys, Stewart and Robertson, with P. W. Humphreys, judge; the Superior Court of Law and Equity was abolished and a Supreme Court of Errors and Appeals was established with two judges who were to hold court in conjunction with a Circuit judge at Knoxville, Jonesboro, Carthage, Nashville and Clarksville. The salary of the Supreme judges was placed at $1,500 per annum and of the Circuit judges at $1,000 per annum. Hugh Lawson White and George W. Campbell were the first judges of the Supreme Court.

In 1810 the need for iron which, up to that time, had been acute, was, in a measure, met by the iron works which had been established and which had attained a large measure of prosperity, being valued at $165,800, a great sum in

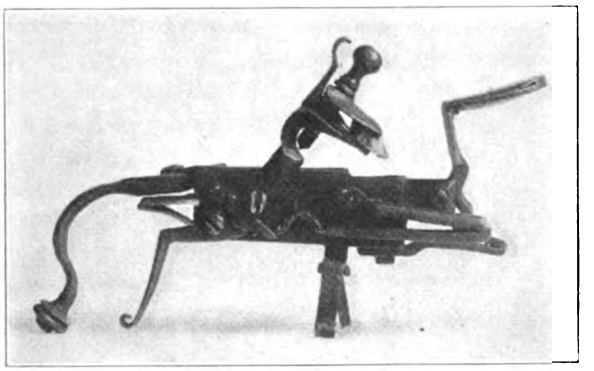
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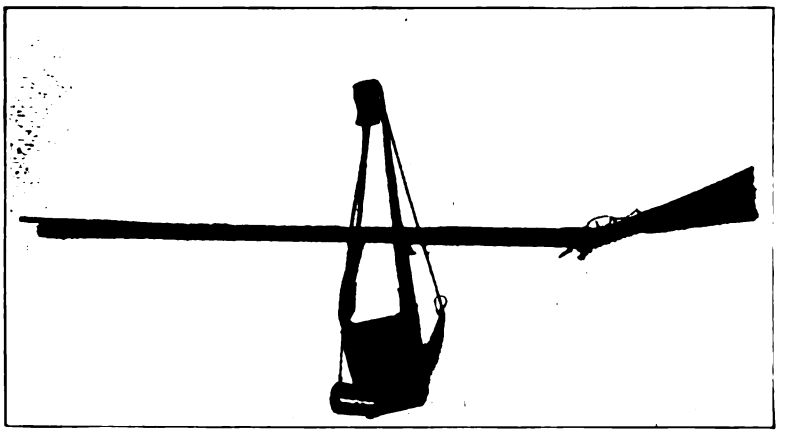
JOHN SELFRIDGE



MACHINE USED FOR BORING FLINTLOCK RIFLES BY JOHN SELFRIDGE



AUTOMATIC FIRELIGHTER OF COLONIAL DAYS —THE FLINTLOCK TINDER BOX



FLINTLOCK RIFLE, POWDER HORN AND SHOT POUCH USED BY ONE OF GEN. COFFEE'S RIFLEMEN AT NEW ORLEANS IN THE WAR OF 1812

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those days. It was in this year that William Carroll, afterwards governor, opened at Nashville the first nail store in the state. The population of Tennessee, as shown by the census of this year was 261,727, including 44,734 slaves. This shows the wonderful strides made by this state in the preceding fourteen years, when, in 1796, it first was made a member of the Federal Union, with a population of 77,263, including 10,613 slaves.

In 1811 a state bank was established at Knoxville with branches at Clarksville, Columbia, Jonesboro and Nashville. Hugh Lawson White was president of this bank until 1827.

The Supreme Court was vested with exclusive equity jurisdiction. Circuit judges were constituted judges of the state, and authorized to interchange ridings (circuits) and were not to be associated on the bench with the Supreme judges. Criminal and civil jurisdiction were restored to county courts and counties were authorized to appoint county solicitors. In the winter of this year occurred the earthquakes which caused the formation of Reelfoot Lake.

In 1812, the Legislature convened in Nashville for the first time on September 12th. The United States having declared war against Great Britain, Governor Blount delivered a spirited and patriotic message to the Legislature and furnished, on requisition of the war department, 2,500 men to engage in the war. The rapid development of Tennessee is shown by the division of the state into six congressional districts and the provision for eight presidential electors. Judge William Cocke was impeached and removed from the office of judge of the First Circuit.

In 1813 the Legislature passed the following important acts: "authorizing the governor to march 3,500 men against the Creek Indians"; "allowing appeals from County to Supreme Court"; "vesting concurrent equity jurisdiction with the Supreme Court in the Circuit Courts"; "changing name of the state treasurers from Mero and Washington to treasurers of East and West Tennessee." Gen. William Carroll was appointed a major general of Second Division State Militia, succeeding Gen. Andrew Jackson, appointed a major general in the United States Army. Governor Blount raised $370,000 on his own responsibility to prosecute the Creek war. General Carroll and Jesse Benton fought a duel in which Benton was wounded. In a fight at the City Hotel, Nashville, between General Jackson, John Coffee and Thomas Hays, on the one side, and Thomas H. Benton and Jesse Benton, on the other side, Jackson was very seriously wounded. John Coffee commanded the Middle Tennessee brigade and John Cocke the East Tennessee brigade in the Creek war.

In 1814 Gen. James Robertson died at the Chickasaw Agency (afterwards Memphis). George W. Campbell was appointed secretary of the treasury by President Madison.

THE WAR OF 1812 AND THE CREEK WAR

As the Creek war was fought during the continuity of the War of 1812, the discussion of both wars should naturally be taken up concurrently. The narrative concerning these wars, however, will be restricted to the part which Tennessee and Tennesseans took in them with a brief preliminary statement for a proper historical setting.

The United States had declared war on Great Britain, and Tennessee had been called upon to furnish its quota. She responded with her usual alacrity

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and, to aid in the defense of the southern frontier against apprehended invasion, Gen. Andrew Jackson, embodied at Nashville a force of 2,070 volunteers, of whom 1,400 were infantry and 760 mounted riflemen. The general staff was composed of Andrew Jackson, major-general; William B. Lewis, assistant deputy quartermaster-general;[1] William Carroll, brigadier inspector; James Henderson, brigade quartermaster; Col. Thomas H. Benton, first aid; John Reid, second aid. The cavalry was commanded by Col. John Coffee.[2]

Jackson broke up his camp at Nashville on January 7, 1813, sending the infantry in thirteen boats down the Cumberland, the Ohio and the Mississippi rivers to Natchez, where they arrived after a tedious and perilous voyage on February 15th. Meanwhile the cavalry (mounted riflemen) under the command of Gen. John Coffee[3] had made the march by way of the Natchez Trace (the Columbian Highway), starting from Franklin on January 19th and reaching their destination a few days before the infantry arrived. Here a month was spent in idleness when an order was received from John Armstrong, secretary of war, requiring General Jackson to discharge his men from service on the ground that the threatened danger of an invasion of Louisiana had passed. This order was dated January 5th, two days before Jackson had started for Natchez and ordered him also "to deliver all the public stores and property in his possession into the hands of General Wilkinson, commander of the Seventh District."[4] "When this order reached his camp," says Eaton, "there were 150 on the sick report, fifty-six of whom were unable to raise their heads, and almost the whole of them destitute of the means of defraying the expenses of their return. The consequence of strict compliance with the secretary's order,[5] inevitably would have been, that many of the sick must have perished, whilst most of the others, from their destitute condition, would, of necessity, have been compelled to enlist in the regular army, under General Wilkinson."

In these circumstances General Jackson assumed the responsibility of disobeying the unreasonable order and determined to retain his men in the volunteer service of Tennessee until they should reach their homes.[6] In carrying out his purpose he was greatly harassed by the interference and the schemes of General Wilkinson and his recruiting officers who desisted their efforts only when Jackson threatened to disgrace them by drumming them out of his camp.

"Refusing to leave behind a single man who had life in him," Jackson took up the line of march through the Choctaw and Chickasaw nations, having seized the wagons which the quartermaster had been ordered to furnish for the transportation of the baggage and the sick, but which he (the quartermaster), through a plan concerted with General Wilkinson, it was thought, had treacherously dis-

[1] In the state archives is the account book of William B. Lewis, assistant quartermaster general, beginning on January 7, 1813, the day when Jackson broke camp at Nashville, and continuing until June 30, 1815. It contains lists of purchases and expenditures together with names of payees and the purpose for which the money was expended. Historically, the importance of this book can hardly be overestimated.

[2] Kendall's "Life of Jackson," pp. 134-138.

[3] In the Coffee Letters published in the Tennessee Historical Magazine, Vol. II, pp. 265-295 are some very interesting accounts relative to the camp at Franklin, the march and camp life near Natchez.

[4] Waldo's "Life of Jackson," p. 55. Eaton's "Life of General Jackson," p. 22.

[5] The date of the receipt of this order is fixed by a letter written by General Coffee to his wife, from Camp Jackson, March 15, 1813, in which he says: "By last mail, which came to hand yesterday, we received orders from the War Department to return home."

[6] Kendall's "Life of Jackson," p. 144.

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missed, and after a fatiguing march of nearly five hundred miles, discharged them near their homes on the 19th and 22nd of May.[7]

It is said that it was on this march Jackson received the sobriquet "Old Hickory," given him by his troops on account of his "toughness" and ability to withstand all weariness and dangers. Eaton tells of his experience on this march as follows:

"To present an example that might buoy up the sinking spirits of his troops, in the long and arduous march before them, he yielded up his horses to the sick, and trudging on foot, encountered all the hardships that were met by the soldiers. It was at a time of year when the roads were extremely bad, and the swamps, lying in their passage, deep and full; yet, under these circumstances, he placed before his troops an example of patience and hardship that lulled to silence all complaints, and won to him, still stronger than before, the esteem and respect of every one."[8]

Upon his arrival at Nashville he reported to President Madison the course he had pursued and the reason for it. The Government fully approved everything he had done, allowed his accounts and the entire expenses were paid out of the national treasury.[9]

THE CREEK WAR

When the Tennessee volunteers who had made the fruitless expedition to Natchez had been discharged, it was confidently expected that their services would not be again required, but their rest was not prolonged. It was soon evident that serious trouble with the Creeks was to be apprehended.

Knowing the English of the present day as we do, it seems positively incongruous that they could have been so inhuman as to arouse the blood-thirsty Indians to war against the border people of the United States. They had employed the Indians during the Revolutionary war and knew the ruthlessness of their warfare. Now, in the War of 1812, not satisfied with sacking and burning defenseless cities and towns along the Atlantic Seaboard, they sought, and successfully, to form a confederacy of the Indians of both the northern and southern tribes to take arms against the whole line of our frontiers at the same time, satisfying their desire for military glory and their vengeance, and enriching themselves with plunder. For the execution of this purpose they selected a most efficient instrument in Tecumseh, the famous chief of the Shawnees. Tecumseh lacked but little of being a great man. He was ambitious, brave, able, eloquent, bold yet crafty, knew thoroughly the ways by which Indians could be influenced, and was, above all, implacable in his hatred of the white man whom it was his keen desire to destroy utterly or to drive from the confines of this continent. Furthermore, his brother "the Prophet," an artful impostor, who posed as having been commissioned by the "Great Spirit" to communicate his mandates and assurances to his red children, had acquired great influence among the Indians of the North. Accompanied, then, by the Prophet and about thirty warriors from the northern tribes Tecumseh set out from the Wabash on his

[7] In the Tennessee Historical Magazine, Vol. II, pp. 295-298, is the complete roll of the Tennessee Cavalrymen in the Natchez Expedition. It is probably the same regiment commanded by General Coffee in the first part of the Creek war. There are no muster rolls of the troops of the Creek war in the archives of Tennessee, but these are preserved in the War Records Office of the War Department at Washington.

[8] Eaton's "Life of General Jackson," pp. 26-27.

[9] Waldo's "Life of Jackson," p. 58; Kendall's "Life of Jackson," pp. 150-152.

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mission to induce the southern Indians to join in the concerted, general attack all along the frontier. With his fervid eloquence and vindictive hatred of the American people, he had soon created in the Creek nation a party favorable to his purpose. And that, too, notwithstanding all that had been done for these Indians by the Federal Government. After the Spanish influence was withdrawn from the Creeks, they became more amenable to the conciliatory policy of the United States. Missions were sent among them, schools were opened for the education of their children, the useful arts and sciences and customs of civilized life were taught them, and, gradually, they were being weaned from the privations and uncertainties of savage life, and agriculture and manufactures were established. Many of their towns were large, with buildings and improvements, insuring comfort and prosperity previously unknown among the Indians. Some of them were wealthy, with large plantations, stock and slaves.

It will be readily understood, therefore, that a strong party among the Creeks withstood the fiery zeal and importunities of Tecumseh. Still his intrigues and discourses moved the more turbulent to such an extent that they could hardly be restrained from rushing to arms incontinently and committing depredations at once on the exposed frontiers. Intestinal strife arose among the different parties in the nation and continued until the party in favor of civilization was overwhelmed by the increasing numbers of those bent on hostilities. Several of the friendly chiefs who were for peace and civilization were murdered in cold blood. As the hostiles gained strength, their atrocities increased, much blood was shed and finally all opposition to war with the Americans was ruthlessly crushed out by arbitrary force.

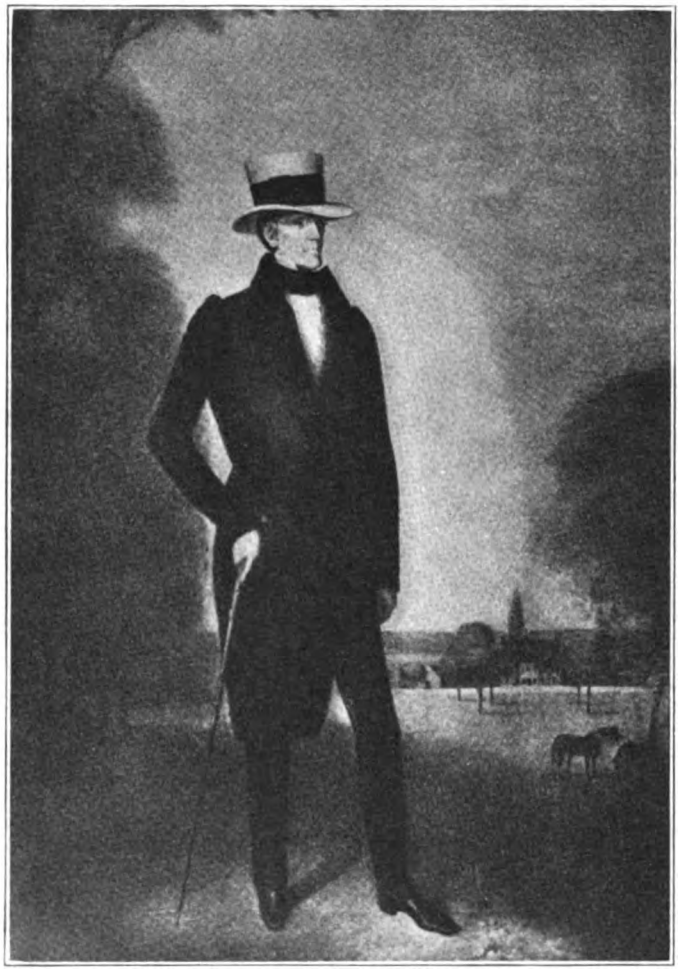
In the meantime rumors became more and more definite that the Creeks had made their preparations and were about to fall upon the defenseless inhabitants of the border; that their first attack would be upon the settlers east of the Tombigbee River. Therefore, many families removed to the nearest forts which were ordered to be strengthened and prepared for resistance. That these apprehensions were not without foundation was proven on August 30, 1813, when, without warning about seven hundred and twenty-five warriors, under the famous chief Weatherford [10] attacked Fort Mims, not far from Mobile, in the Tensaw settlement of Alabama, then a part of Mississippi Territory. Although the garrison made a brave defense, they were overwhelmed by numbers and all of the inmates, troops and civilians, men, women and children were massacred. Monette says that more than two hundred and fifty were slain.[11] Others give still larger numbers.

It was about ten days later that the news of this terrible tragedy was brought to Nashville, at that time the most important town in the Southwest. The utmost indignation at the heart-sickening calamity was aroused and the fires of patriotism were enkindled in every heart. There was no delay. They determined to avenge the wrong, and that speedily and summarily. A meeting of the citizens was held on September 18th, over which Rev. Thomas Craighead presided and made a most eloquent and inspiring speech. A committee was appointed which waited on Governor Blount who thereupon called out 3,500 volunteers, immediately following an act (Chapter I of the Acts of 1813) passed by the Legislature on September 24th and entitled "AN ACT to repel

[10] Monette's "History of the Valley of the Mississippi," Vol. II, pp. 405-406; Eaton's "Life of General Jackson," p. 33; Martin's "Louisiana," Vol. II, p. 316.

[11] William Weatherford, called by the Indians, Red Eagle.

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ANDREW JACKSON
The southern planter in 1835, at age of sixty-eight years

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the invasion of the State of Tennessee by the Creek Indians, and to afford relief to the citizens of the Mississippi Territory and other purposes."

Section I of this act is as follows:

"Section I. Be It Enacted by the General Assembly of the State of Tennessee, That of the militia of the said State, the Governor is hereby authorized to organize and march immediately any number not exceeding three thousand five hundred men, in such proportions of Infantry, Cavalry, Artillery and mounted Infantry, as the Governor and the commanding General deem proper, for the public service, to any place in the Creek nation of Indians or in the Mississippi Territory where said troops may give relief to the citizens of said territory, and repel the invasion of the State of Tennessee by said Indians and their allies."

The fourth section of this act is as follows:

"Sec. 4. Be It Enacted, That each or either of the banks in Tennessee are hereby authorized to lend to the Governor, any sum or sums of money not exceeding three hundred thousand dollars to be used in supplying the aforesaid troops, or for their pay or the purchase of ammunition or arms."

The authority conferred upon Governor Blount was necessary, because the crisis had arisen unexpectedly and there was no authority from the general government for any expenditure for a military expedition against the Creeks. But when intelligence of these actions reached Washington, they were approved and the expenses incident to the operation of the army were assumed by the United States.

This Legislature further showed its patriotism by passing "an act to suspend all proceedings at law against the militia of this state whilst in actual service." [12]

The anxiety felt at this time was accentuated by the fear that Andrew Jackson, major-general of the Tennessee troops, might not be able to command because, but a few days previously, he had been seriously wounded in an affray with the Bentons which took place in the City Hotel in Nashville on September 4, 1813. When the committee waited on him to see whether he would be able to take the field in person Jackson said: "It is no time for a patient to be sick when his country needs his services." [13] He assured them that he would lead the army if he had to be borne on a stretcher.

The announcement that Jackson would command was electrical. It rallied to his standard the chivalry of Tennessee. The utmost enthusiasm prevailed. In a surprisingly short time the troops were mobilized and made their rendezvous at Fayetteville on October 4, 1813. Jackson especially called for those soldiers who had already made the expedition with him to Natchez as well as other patriotic men, saying:

"Already are large bodies of hostile Creeks marching to your borders, with their scalping knives unsheathed, to butcher your women and children; time is not to be lost. We must hasten to the frontier, or we shall find it drenched in the blood of our citizens. The health of your general is restored—he will command in person."

As Jackson's wounds, however, did not permit him to reach Fayetteville on the 4th, he issued a stirring address which was read to the soldiers. The general tenor of it is indicated by the opening sentences which are as follows:

[12] Acts of Tennessee, 1813, Chapter II, p. 4; see also Chapter CXII, Acts of 1813, p. 149
[13] Guild's "Old Times in Tennessee," p. 180.

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"We are about to furnish these savages a lesson of admonition; we are about to teach them that our long forbearance has not proceeded from an insensibility to wrongs, or an inability to redress them. They stand in need of such warning. In proportion as we have borne with their insults, and submitted to their outrages, they have multiplied in number, and increased in atrocity. But the measure of their offenses is at length filled. The blood of our women and children recently spilt at Fort Mims, calls for our vengeance; it must not call in vain. Our borders must no longer be disturbed by the warwhoop of these savages, and the cries of their suffering victims. The torch that has been lighted up must be made to blaze in the heart of their own country. It is time they should be made to feel the weight of a power, which, because it was merciful, they believed to be impotent."

Jackson, with his arm in a sling, arrived at Fayetteville on the 7th. Meanwhile Col. John Coffee, with the men of his command, had been ordered to Huntsville and, on the 8th,[14] word from him reached Jackson that the Indians were on the move, threatening with a large force on the Coosa, the borders of Georgia and of Tennessee. Jackson immediately joined Coffee, established an encampment called Fort Deposit, near Huntsville, and sent Coffee forward with 700 men to feel out the enemy.

GENERAL COFFEE'S MOVEMENTS

General Coffee, in his correspondence, published in Volume II of the Tennessee Historical Magazine, tells of his movements and experiences in this campaign and from it we make the following excerpts:

"Camp Batey near Huntsville (date not given)

"* * * I have been here five days getting things ready to enter the Indian country. Tomorrow morning I shall take up my line of march, shall go from this to Fort Hampton near the mouth of Elk river, from there by way of Colbert's[15] ferry and then on towards fort St. Stephens—our first place of destiny. * * * I have under my command upwards of thirteen hundred men and have been compelled to turn off several hundred others that I could not provide for."

"Camp Coffee, South Side Tennessee,
October 13, 1813.

"* * * We have had plausible intelligence of the enemy intending to come against Madison County, which halted me here untill the facts could be more fully ascertained. * * * Soon after I encamped, there came other news that the whole Creek Nation was moving on this way in one body and would, in all probability, reach us the same night. After we received the information, we prepared, and expected an attack, and continued in expectation two days and nights, when General Jackson, with his army, arrived and joined me which was yesterday. We are now out of any apprehension of being attacked, being strong enough to meet the enemy anywhere we can find them. They will no doubt try to evade a meeting, which they can easily accomplish, as they know the situation of the country much better than we do. The General and the principal part of his army will necessarily detain here a few days preparing for their further march. Tomorrow I shall make a small excursion into the adjoining country with about 600 of my regiment, and return and

[14] Eaton's "Life of General Jackson," p. 40.

[15] A Chickasaw chief, son of a Scotchman, who located among the Chickasaws. Mrs. Dunbar Rowland in her "Marking the Natchez Trace," tells in an interesting way the romantic story of the Colberts.

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move on with the General. The East Tennesseans[16] are in motion and we will all unite before we enter the Creek Nation, when we can be able to drive them out of their country or cut them off if they attempt to support it. Things are fixed in such a train that there can be no doubt of the success of the campaign."

While Colonel Coffee was writing so optimistically in regard to the outcome of the military operations, Jackson was being confronted with a situation and problem with which it required all of his ability, his resourcefulness and his iron determination to cope. The main difficulty was lack of supplies, a difficulty which, in those circumstances, would have shattered the resolution of a less adamantine man.

Jackson's orders were to "act in conjunction with the forces relied on for the expedition or separately as your knowledge of the circumstances may teach the propriety of, first making the necessary arrangements for concert with Major-General Cocke and Colonel Meigs."[17]

Jackson expected that the two forces would unite and, as senior officer, he would have the command.

Jackson's plan of campaign contemplated the establishment of a basis of supplies at Ditto's Landing on the Tennessee; the building of a military road through the wilderness thence to the Ten Islands on the Coosa at which place another fort should be established; thence down the Alabama River system to Fort Stephens, destroying towns and armed forces of the enemy as he encountered them. For the carrying out of this plan he made arrangements with General Cocke for large quantities of bread stuff to be sent down the Tennessee River to Ditto's Landing. He also applied for provisions in other quarters—to Governor Blount, to Colonel Meigs, and to General White, who commanded the advance of the East Tennessee troops. He received assurances from Cocke, White and Meigs and also from the contractors, but when he arrived at Ditto's Landing he was compelled to suspend active and general operations for a short period. Having been informed that the fort of Chinnaby, a friendly Creek chief, near Ten Islands, on the Coosa was threatened, Jackson, on the 13th, gave orders to proceed to that point; and learning of the inability of the contractors to supply him provisions on the march, he discharged them and appointed others on whom he thought he might more safely rely. He also applied, without avail, to men of wealth and influence in that section, and then boldly determining largely to live upon the country he plunged into the wilderness, hoping that the provisions, so earnestly looked for, would in a little while be forwarded to him.

To prepare the minds of his men for an engagement which he foresaw would soon take place, Jackson issued a stirring address, the tenor of which can be understood from the first paragraph, which is as follows:

"You have, fellow soldiers, at length penetrated the country of your enemies. It is not to be believed, that they will abandon the soil that embosoms the bones of their forefathers, without furnishing you an opportunity of signalizing your valour. Wise men do not expect; brave men will not desire it. It was not to

[16] These troops numbering about 2,500 men were under the direct command of Major-General John Cocke, the regular commander of the second division of militia. Both his division and Jackson's were under command of the governor, but otherwise acted separately. Cocke was ordered to cooperate with the Georgia militia and the regulars moving on the hostile Creeks and to protect the towns of the friendly Creeks. See Blount to Cocke, September 25, 1813, Jackson, MSS.

[17] Blount to Jackson, October 4, 1813, and November 17, 1813. Jackson MSS. Meigs was Indian agent resident among the Cherokees.

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travel unmolested, through a barren wilderness, that you quitted your families and homes, and submitted to so many privations; it was to avenge the cruelties committed upon our defenceless frontiers, by the inhuman Creeks instigated by their no less inhuman allies; you shall not be disappointed. If the enemy flee before us, we will overtake and chastise him; we will teach him how dreadful, when once aroused, is the resentment of free men. But it is not by boasting that punishment is to be inflicted, or victory obtained. The same resolution that prompted us to take up arms, must inspire us in battle. Men thus animated, and thus resolved, barbarians can never conquer; and it is an enemy, barbarous in the extreme, that we have now to face."

BATTLE OF TALLUSHATCHEE

When the report reached Jackson at Ten Islands that a large body of Indians were encamped at Tallushatchee, on the south side of the Coosa, about thirteen miles distant, he sent forward Coffee, now made a brigadier-general, to attack and disperse them. The battle, begun soon after sunrise on November 2d, was brief but spirited. The Indians fought with the utmost bravery and desperation, refusing to ask for quarter. They fought until their force was virtually annihilated. Their loss was 186 killed and eighty-four taken prisoner. Coffee lost five killed and forty-one wounded,[18] but did not seem to be impressed with his great achievement, for on November 4th he said in a letter to his wife from Ten Islands, Coosa River, "I have a small scirmish with the Indians and a part of my Brigade, where we killed two hundred and took eighty prisoners."[19]

Nevertheless the battle inspired the army with confidence. Gen. William Carroll said:

"After Tallushatchee we had the measure of the Creeks. All apprehension was dispelled. Every man in Jackson's army was serenely confident that contact with them meant victory for us, under any condition. The brightest spot in the history of that campaign is the setting of its pace by John Coffee and his mounted riflemen of Tennessee at Tallushatchee!"[20]

Jackson's report of the battle, made to Governor Blount on November 4th, is as follows:

"We have retaliated for the destruction of Fort Mims. On the 2nd I detached General Coffee, with a part of his brigade of cavalry and mounted riflemen, to destroy Tallushatchee, where a considerable force of the hostile Creeks was concentrated. The General executed this in style. An hundred and eighty-six of the enemy were found dead on the field, and about eighty taken prisoners, forty of whom have been brought here. In the number left there is a sufficiency but slightly wounded to take care of those who are badly wounded. I have to regret that five of my brave fellows have been killed, and about thirty wounded; some badly, but none I hope mortally. Both officers and men behaved with the utmost bravery and deliberation. Captains Smith, Bradly and Winston are wounded, all slightly. No officer is killed. So soon as General Coffee makes his report I shall enclose it. If we had a sufficient supply of provisions we should in a very short time accomplish the object of our expedition."

BATTLE OF TALLADEGA

At Ten Islands Jackson now built Fort Strother which he made the base of his operations. He had not yet been joined by the East Tennessee troops which

[18] Eaton's "Life of General Jackson," pp. 53-55. Martin's "Louisiana," Vol. II, p. 317. Kendall's "Life of Jackson," pp. 198-199.

[19] Tennessee Historical Magazine, Vol. II, p. 276.

[20] Buell's "Life of Jackson," p. 305.

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under General White were at Turkey Town only twenty miles away, nor had the needed provisions been received. At this juncture he was informed that the friendly Indians in Talladega were threatened by a force of the hostiles numbering about one thousand. Relief for them was so urgent that Jackson, after sending an urgent request to General White to proceed to Fort Strother and guard it in his absence, and also sending more imperative messages for provisions, went forward to Talladega with the utmost expedition.

The battle of Talladega was fought on November 9th and of it General Coffee wrote[21] his wife on November 12th as follows:

"Our party consisted of 2,000 men, commanded by General Jackson in person, the enemy were a little upwards of 1,000 chosen warriors, sent on to meet and intercept our march. By the friendly party we were advised of their approach and position, which enabled us by forced marching, night and day, with our detachment, to meet them thirty miles in advance of our main army. We met them in the morning early, when we surrounded them and in a few minutes put the whole to flight, having killed three hundred of their best warriors on the ground and the most of the balance were wounded. Thus the two first chosen sets of our enemy have been completely cut off and destroyed. We have in the two battles, one on the third, and the other on the 9th instant, killed 500 of the warriors, and wounded at least as many others besides upwards of 100 prisoners of their families now in our possession. In the first battle I lost five men killed and forty some odd wounded; in the latter battle we lost fifteen men killed and eighty-five or six wounded, the most slightly. Upon the whole calculation we shall not lose more than thirty men killed in both battles—whereas the enemy on as fair calculation will have lost 600 killed, counting on such as must die from their wounds. Although we regret the loss of our brave fellows yet the great disproportion is beyond the most sanguine calculations on our part."

In his report of this action Jackson says: "Too much praise cannot be bestowed on the advance, led by Colonel Carroll, for the spirited manner in which they commenced and sustained the attack; nor upon the reserve, commanded by Lieutenant-Colonel Dyer, for the gallantry with which they met and repulsed the enemy. In a word, officers of every grade, as well as privates, realized the high expectations I had formed of them, and merit the gratitude of their country."

By the battle of Talladega[22] all the efforts of the Indians to invade the Tennessee settlements were frustrated and ended. For the next two months, however, Jackson was compelled to remain at Fort Strother to deal with mutinies caused by the claimed termination of periods of enlistment, with lack of supplies and the need of almost a new army.

The beginning of this unfortunate situation developed just prior to the battle of Talladega when it was reported to General Jackson that General White, instead of marching to Fort Strother, was ordered by Gen. John Cocke to proceed in another direction. In consequence of this act and of other charges of failure to cooperate with him Jackson afterwards had General Cocke arrested and tried by court martial which court unconditionally acquitted him.

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[21] Coffee letter in Tennessee Historical Society Collection.

[22] Judge Jo C. Guild in his "Old Times in Tennessee," p. 182, says: "General Coffee, with his detachment of one thousand mounted volunteers, participated in this battle, and contributed largely to the victory achieved on that hotly contested field. He was a giant in stature, finely proportioned, taciturn, with nothing of the braggart about him."

Mr. Robert Dyas, grandson of General Coffee is authority for the statement that Coffee's height was six feet, five inches.

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HUNGER AND MUTINY [23]

The campaign so brilliantly begun, which Jackson wished to push on to a speedy and complete conclusion was now held up by lack of provisions. The soldiers who had displayed such valor in battle were lacking in fortitude, when actual starvation menaced them. Jackson was forced by lack of provisions to return to Fort Deposit where his time was occupied in efforts to secure supplies and to keep his men in good spirits, in neither of which was he successful. It was at this time that he set the army a good example of uncomplaining self-sacrifice, when giving up his own food to the needy, he was found by a soldier, who told him he was nearly starved, busily engaged in eating—Acorns. He divided his supply with the soldier who reported the occurrence to his comrades.

Small supplies from the army contractors reached him from time to time, but not enough to relieve the present want, and still less to remove the apprehensions entertained of the future. As the stringency became more pronounced, mutterings of mutiny were heard and defiance of the commands of their general followed. Finally, the army became an unruly mob, when the soldiers of the militia expressed their determination to go to the settlements for food, if indeed they should not proceed home. On the morning when the militia were to carry their plan into execution, Jackson drew up the volunteers in front of them with orders to prevent the progress of the malcontents. The militia thereupon desisted from their purpose and extolled Jackson's firmness. On the next day, however, the volunteers decided to withdraw and it was the militia under Jackson's command who prevented them from doing so, and the militia continued to remain the more obedient.

Jackson, however, did permit the cavalry to go to the settled parts of the country as they had no forage for their horses, but exacted the pledge that they would return whenever called on.[24]

Jackson then summoned in conference the field and platoon officers, told them the situation frankly and appealed to their patriotism. The militia officers were willing to remain a few days longer, but the officers of the volunteers said they and their soldiers must return. Jackson thereupon ordered General Hall to march his brigade to Fort Deposit, and, after satisfying their wants, to return as an escort to the provisions. He also gave the militia assurances that they might return if the provisions did not arrive in two days, being confident that they would reach him in that time. The stipulated time having elapsed, Jackson, though greatly dejected, took immediate measures for complying with the wishes of the soldiers to whom he had made the pledge. While pondering on the gloomy prospect he lifted up his hands and said, "if only two men will remain with me, I will never abandon this post."

Captain Gordon, of the spies, facetiously remarked, "you have one, general, let us look if we can't find another." He then zealously undertook to enroll

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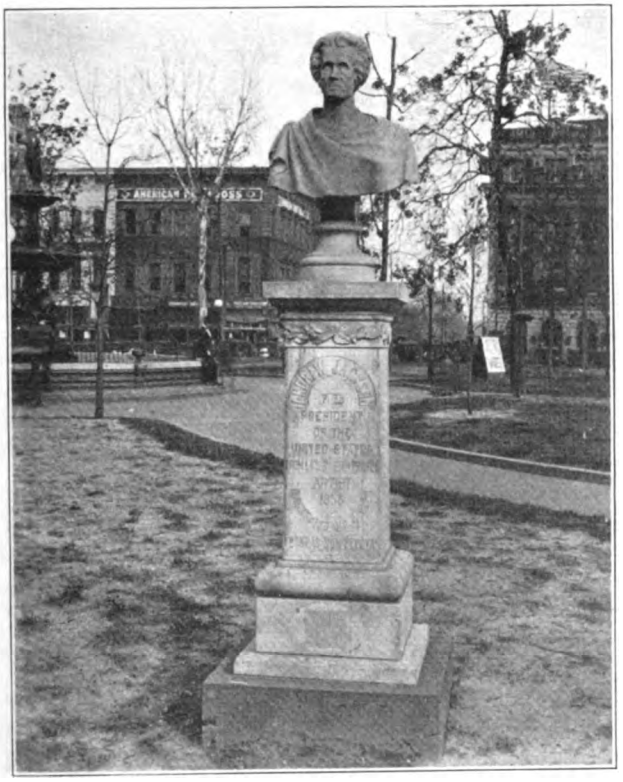
[23] The relation of this episode is in harmony with the account of it given in Eaton's "Life of General Jackson," Chapter III, the four first chapters of which were written by Major John Reid, Jackson's aide-de-camp in the Creek war. After Jackson had become a national figure, there was an insistent demand for a biography of him. That it might be authentic, Jackson placed his papers in Reid's hands. Unfortunately Reid died after having written only a small part of the biography which was completed by John H. Eaton. After Reid's death Jackson's papers went successively into the hands of Amos Kendall and F. P. Blair, and are now in the Library of Congress. This was the first life of Jackson printed.

[24] General Cocke who had finally arrived at Fort Strother with 1,500 men was of no advantage because the term of service of his troops was about to expire.

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TOMB OF GENERAL ANDREW JACKSON, NASHVILLE



MONUMENT TO GENERAL ANDREW JACKSON IN COURT SQUARE, MEMPHIS

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volunteers and finally succeeded in securing 109 who consented to stay and protect the post.

General Jackson, rejoicing that he would not be compelled to abandon his position, set out with the troops for Fort Deposit, but they had proceeded only ten or twelve miles when they encountered the provisions in the form of 150 beeves. This sight, so pleasing to Jackson, was extremely unwelcome to the soldiers, whose faces were now turned toward home. Even after their hunger had been appeased, murmurings ran along the line and broke out in open mutiny. They began to revolt and one company moved off in the direction of home. Jackson pursued them and ordered a few loyal soldiers to form across the road and to fire on the mutineers if they should attempt to proceed. The deserters thereupon returned to the main body. The mutinous feeling, however, permeated the whole brigade which put itself in an attitude of moving away.

"A crisis had arrived, and feeling its importance, he determined to take no middle ground, but to triumph or perish. He was still without the use of his left arm; but seizing a musket, and resting it on the neck of his horse, he threw himself in front of the column, and threatened to shoot the first man who should attempt to advance. In this situation he was found by Major Reid and General Coffee, who, fearing from the length of his absence, that some disturbance had arisen, hastened where he was, and placing themselves by his side, awaited the result in anxious expectation. For many minutes the column preserved a sullen, yet hesitating attitude, fearing to proceed in their purpose, and disliking to abandon it. In the meantime, those who remained faithful to their duty, amounting to about two companies, were collected and formed at a short distance in advance of the troops, and in rear of the general, with positive directions to imitate his example in firing, if they attempted to proceed. At length, finding no one bold enough to advance, and overtaken by those fears which in the hour of peril always beset persons engaged in what they know to be a bad cause, they abandoned their purpose, and turning quietly around, agreed to return to their posts." [25]

Jackson, however, found it impossible to prevent the soldiers from returning home when the terms of their enlistment expired and as these expired in December, 1813, and January, 1814, he found himself soon after the first of the year virtually without an army, because of the failure of Governor Blount to issue a call for additional men when Jackson informed him of the situation developing. Instead of ordering the new levy, Governor Blount wrote Jackson that he doubted his authority to do so and advised him to fall back to the frontier and await the order of the Government. To this letter Jackson made a reply, courteous and respectful, even friendly, but keenly cutting, forceful, patriotic and effective. When his country was in danger, Jackson assumed responsibility. When others weakened under pressure, or stress or seemingly insuperable obstacles, Jackson became stronger and made the obstacles superable. In that letter, besides other things, he said:

"Your country is in danger. Apply its resources to its defense. Can any course be more plain? Do you, my friend, at such a moment as the present, sit with your arms folded and your heart at ease, waiting a solution of your doubts and a definition of your powers? Do you wait for special instructions from the Secretary of War, which it is impossible for you to receive in time for the danger that threatens? How did the venerable Shelby act under similar circumstances, but by no means so critical? Did he wait for orders to do what every man of sense knew, what every patriot felt to be right? He did not, and

[25] Eaton's "Life of General Jackson," pp. 75-76.

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yet highly and justly did the Government extol his manly and energetic conduct, and how dear his name became to every friend of his country."

Like the true patriot he was Governor Blount reconsidered his former position and issued a proclamation calling for 2,500 volunteers. While they were being raised, Jackson sent Major Searcy, Colonel Carroll and Gen. Isaac Roberts to Tennessee and they secured about one thousand men to serve for short periods of time.

The soldiers enrolled by General Roberts became dissatisfied and were allowed by him to leave for home, but were ordered by Jackson to proceed to the army or be arrested. The officers and men of this contingent concurred in ascribing their misconduct entirely to the influence of General Roberts. He was later arrested and sentenced by court martial to be cashiered.

The effusion of blood was narrowly averted when Lieutenant Kerley, who had left with his men, was ordered by Jackson to be arrested. He refused to give up his sword and his men supported him. The arresting party and Kerley's men stood with guns cocked, ready to be discharged, when Jackson ordered Kerley's liberation from arrest, an action which calmed the inflamed minds and made Kerley a devoted friend of Jackson for life.

THE BATTLES OF EMUCKFAU AND ENOTACHOPCO

The recruiting for Jackson's army was necessarily slow, but a force of about nine hundred men was finally assembled at Fort Strother, on January 15, 1814. Having delivered to them one of his stirring addresses, Jackson put his troops in motion to attack the Creeks who had concentrated between Emuckfau and Tallapoosa, about seventy miles to the south. His haste was urgent for a two-fold purpose, to relieve Fort Armstrong, which was threatened with attack, and also to create a diversion in favor of General Floyd who was advancing with an army from Georgia. Jackson realized that a campaign of this kind, with so small a force of untried raw recruits, was extremely hazardous. But he deemed the movement indispensable and, with his accustomed intrepidity, plunged into the Indian country in a venture in which success was the only safety.

On the morning of January 22nd the Indians began the battle with a furious assault. The engagement which ensued was fierce and sanguinary and resulted in a complete and brilliant victory for Jackson.

During this battle General Coffee "was wounded through the body" and was carried from the field in a litter. Yet in his characteristic way he minimized the importance of the wound when, under date of January 30th, he wrote his wife as follows:

"Before this reaches you, no doubt you will have heard of one other excursion we have had in the enemies' country—we returned to this place on the 27th, after a tour of ten days—we advanced 70 miles below this, and on the 22nd and 24th of this month we had four different engagements with the enemy, in all of which we killed upwards of 200 of the Indians—we lost 18 men killed and about seventy wounded—I received a wound myself in my right side, but not dangerous—and your Brother Sandy [26] is no more." [27]

On January 24th, two days after the battle of Emuckfau, as Jackson, in the consciousness that his two-fold object had been attained, was on his return to

[26] Major Alexander Donelson was shot through the head in the Battle of Emuckfau.
[27] Coffee letters in the possession of the Tennessee Historical Society.

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Fort Strother, he was attacked by the Creeks at Enotachopco with great vehemence. Here, at first, a portion of his army was repulsed, but Jackson, with the same gallant and fearless bearing which Washington displayed at the battle of Trenton, rallied his fleeing men, stopped the rout and led his force in a charge which produced ultimately a change from defeat into victory. In this movement he was wonderfully assisted by General Coffee who, although wounded in the battle of Emuckfau, two days previously, when the fight became hot and the tide was turning against Jackson's force, mounted his horse, rushed into the thickest of the conflict and, with Colonel Carroll, aided their commander in rallying his broken and fleeing columns. Had it not been for Jackson's firmness, selfpossession and energetic behavior, however, and his example and authority, the day would have been lost. But "cowards forgot their panic, and fronted danger, when they heard his voice and beheld his manner; and the brave would have formed round his body a rampart with their own." [28]

THE BATTLE OF TOHOPEKA OR HORSESHOE BEND

In the battles of Emuckfau and Enotachopco the Indians had been severely chastised, but probably the greatest good which resulted from these conflicts was the effect produced on the minds of the people at home, among whom recruiting was being conducted in the effort to enroll a force sufficient to terminate the war.

It became necessary again to assemble virtually a new army, because the term of service of those who had taken part in the recent expedition had expired and Jackson had discharged them.

It will be remembered that Governor Blount had issued a call for 2,500 men. These were to serve for three months. He also required Gen. John Cocke to bring into the field, under the requisition of the secretary of war, the quota he had been instructed to raise at the opening of the war. Cocke thereupon mustered into service about two thousand men. The Thirty-ninth Regiment United States army, commanded by Col. John Williams, under orders to march to New Orleans, was directed to proceed to Jackson's headquarters. Judge Hugh L. White, a member of the Supreme Court, was so infused with the spirit of patriotism and with the necessity of sustaining Jackson in this hour of need that he left the bench and went to interview Jackson in the wilderness; and, having learned the situation at first hand, he went, like another Peter the Hermit, through the length and breadth of East Tennessee, preaching the sermon of patriotism and urging the people to take up arms and hasten to the aid of General Jackson.

When Jackson had been reinforced by these various contingents, he had an army of about five thousand effectives.

Having, at last, by strenuous and unremitting exertions, obtained such supplies as he believed would be necessary to enable him to take the offensive, and having quelled mutiny by the execution of a private, John Woods, who had been sentenced by a court martial, Jackson commenced the operations which resulted in the speedy and brilliant termination of the Creek war. On March 14, 1814, he crossed the Coosa River and, on the twenty-first arrived at the mouth of Cedar Creek, where he located a fort, called Fort Williams. After detailing a sufficient force for the protection of the fort and to await the provi-

[28] Eaton's "Life of General Jackson," p. 145.

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sions coming down the Coosa, he crossed the Hickory Ground [29] to the Tallapoosa River and arrived at Tohopeka on the twenty-seventh with about twenty-four hundred men. Here, as he had been previously informed, was assembled, in a bend of the river in the shape of a horseshoe, a force of one thousand or twelve hundred warriors, besides about three hundred women and children.

"They could have selected no place better calculated for defense; for, independent of the advantages bestowed on it by nature, their own exertions had greatly contributed to its strength. Surrounded almost entirely by the river, it was accessible only by a narrow neck of land, of 350 yards width, which they had taken much pains to secure and defend, by placing large timbers and trunks of trees horizontally on each other, leaving but a single place of entrance. From a double row of port holes formed in it, they were enabled to give complete direction to their fire, whilst they lay in perfect security behind." [30]

Jackson, however, perceived at a glance that the Indians had merely penned themselves up for slaughtering. He, therefore, sent General Coffee, with all the mounted men and friendly Indians, to cross the river two miles below, where there was a ford, and to occupy a position on the opposite bank, so as to cut off retreat should the Creeks attempt to escape in that direction. When Coffee announced by a preconcerted signal that he had reached his designated station, Jackson ordered the charge. Meanwhile he had placed his cannon upon an eminence about two hundred yards from the breastworks and had maintained a fire for two hours without doing any appreciable damage to the strong log wall. The details of the battle which ensued are given in Jackson's report [31] to Governor Blount, which follows:

Ft. Williams 31st March 1814.

His Excellency Willie Blount:

Sir:—

I am just returned from the expedition which I advised you in my last I was about to make to the Tallapoosa; & hasten to acquaint you with the good fortune which attended it.

I took up the line of march from this place on the morning of the 24th inst.; & having opened a passage of fifty two & a half miles, over the ridges which divide the waters of the two rivers, I reached the bend of the Tallapoosa, three miles beyond where I had the engagement of the 22d January & at the southern extremity of Newyouka, on the morning of the 27th. This bend resembles, in its curvature that of a horse-shoe, & is thence called by that name among the Whites. Nature furnishes few situations so eligible for defence; & barbarians have never rendered one more secure by art. Across the neck of land which leads into it from the North, they had erected a breast-work, of the greatest compactness & strength, from five to eight feet high, & prepared with double rows of port-holes very artfully arranged. The figure of this wall, manifested no less skill in the projectors of it, than its construction: an army could not approach it without being exposed to a double & cross-fire from the enemy who lay in perfect security behind it. The area of this peninsula, thus bounded by the breast-work, includes, I conjecture, eighty or a hundred acres.

In this bend the warriors from Oakfuskee, Oakchoya, Newyouka, Hellabee, the Fish-ponds, & Eufaula towns, apprised of our approach, had collected their

[29] This was the name of the region between the Coosa and the Tallapoosa which had always been held sacred by the Indians and declared by their prophets to be unconquerable.

[30] Eaton's "Life of General Jackson," pp. 158-159.

[31] This report was found in the building in Clarksville in which Governor Blount had an office. When the building was torn down, this report and many other valuable papers were found. This paper was presented to his nephew, R. T. Quarles, who in turn gave it to the Tennessee Historical Society. The report is in General Jackson's handwriting and the map is a facsimile of the original map drawn by him.

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strength. Their exact number cannot be ascertained; but it is said, by the prisoners we have taken, to have been a thousand. It is certain they were very numerous; & that relying with the utmost confidence upon their strength, their situation, & the assurance of their prophets, they calculated on repulsing us with great ease.

Early on the morning of the 27th having encamped the preceding night at the distance of six miles from them, I detailed Genl. Coffee with the mounted men & nearly the whole of the Indian force, to pass the river at a ford about three miles below their encampment, & to surround the bend in such a manner that none of them should escape by attempting to cross the river. With the remainder of the forces I proceeded along the point of land which led to the front of their breastwork; & at half past ten oclk A. M. I had planted my artillery on a small eminence, distant from its nearest point about eighty yards, & from its farthest, about two hundred & fifty; from whence I immediately opened a brisk fire upon its centre. With the musquetry & rifles I kept up a galling fire whenever the enemy shewed themselves behind their works, or ventured to approach them. This was continued, with occasional intermissions, for about two hours, when Capt. Russell's company of spies & a part of the Cherokee force, headed by their gallant Chieftain Col. Richard Brown, & conducted by the brave Col. Morgan, crossed over to the extremity of the peninsula in canoes, & set fire to a few of their buildings which were there situated. They then advanced with great gallantry towards the breastwork, & commenced firing upon the enemy who lay behind it.

Finding that this force, notwithstanding the determined bravery they displayed, was wholly insufficient to dislodge the enemy, & that Genl. Coffee had secured the opposite banks of the river, I now determined upon taking possession of their works by storm. Never were men better disposed for such an undertaking than those by whom it was to be effected. They had entreated to be lead to the charge with the most pressing importunity, & received the order which was now given with the strongest demonstrations of joy. The effect was such as this temper of mind foretold. The regular troops, led on by their intrepid, & skillful commander Col. Williams, & by the gallant Major Montgomery were presently in possession of the nearer side of the breast-work; & the militia accompanied them in the charge with a vivacity & firmness which could not have been exceeded & has seldom been equalled by troops of any description. A few companies of Genl. Doherty's Brigade on the right, were led on with great gallantry by Col. Bunch—the advance guard, by the adjutant genl., Col. Eitter, and the left extremity of the line by Capt. Gordon of the spies, & Capt. McMurry, of Genl. Johnston's Brigade of West Tennessee militia.

Having maintained for a few minutes a very obstinate contest, muzzle to muzzle, through the port-holes, in which many of the enemy's balls were welded to the bayonets of our musquets, our troops succeeded in gaining possession of the opposite side of the works. The event could no longer be doubtful. The enemy altho many of them fought to the last with that kind of bravery which desperation inspires, were at length entirely routed & cut to pieces. The whole margin of the river which surrounded the peninsula was strewed with the slain. Five hundred & fifty seven were found by officers of great respectability whom I had ordered to count them; besides a very great number who were thrown into the river by their surviving friends, & killed in attempting to pass it, by Genl. Coffee's men, stationed on the opposite banks. Capt. Hammonds who with his company of spies occupied a favourable position opposite the upper extremity of the breastwork, did great execution; & so did Lieut. Bean, who had been ordered by Genl. Coffee to take possession of a small Island fronting the lower extremity.

Both officers & men who had the best opportunities of judging, believe the loss of the enemy in killed, not to fall short of eight hundred, & if their number was as great as it is represented to have been, by the prisoners, & as it is believed to have been by Col. Carrol & others who had a fair view of them as they advanced to the breastworks, their loss must even have been more considerable—as it is quite certain that not more than twenty can have escaped.

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Among the dead was found their famous prophet Monahoee—shot in the mouth by a grape shot; as if Heaven designed to chastise his impostures by an appropriate punishment. Two other prophets were also killed—leaving no others, as I learn, on the Tallapoosa.

I lament that two or three women & children were killed by accident.

I do not know the exact number of prisoners taken; but it must exceed three hundred—all women & children except three or four.

The battle may be said to have continued with severity for about five hours; but the firing & the slaughter continued until it was suspended by the darkness of the night. The next morning it was resumed, & sixteen of the enemy slain who had concealed themselves under the banks.

Our loss was twenty six white men, killed, & one hundred & seven wounded. Cherokees, eighteen killed, & thirty six wounded—friendly Creeks 5 killed & 11 wounded.

The loss of Col. Williams' regt of Regulars is seventeen killed & fifty five wounded; 3 of whom have since died. Among the former were Maj. Montgomery, Leiut. Somerville, & Leiut. Moulton, who fell in the charge which was made on the works. No men ever acted more gallantly, or fell more gloriously.

Of the Artillery company, commanded by Capt. Parish, eleven were wounded; one of whom, Lieut. Gaines, has since died. Lieutenants Allen & Ridley were both wounded. The whole company acted with its usual gallantry. Capt. Bradford, of the 17th U. S. Infantry, who acted as chief engineer, & superintended the firing of the cannon, has entitled himself by his good conduct, to my warmest thanks.

To say all in a word the whole army who achieved this fortunate victory, have merited by their good conduct, the gratitude of their country. So far as I saw, or could learn there was not an officer or soldier who did not perform his duty with the utmost fidelity. The conduct of the militia on this occasion has gone far towards redeeming the character of that description of troops. They have been as orderly in their encampment & on their line of march, as they have been signally brave in the day of battle.

In a few days I shall take up the line of march for the Hickory ground, & have everything to hope from such troops.

Enclosed I send you Genl. Coffee's Brigade report.

I have the honor to be with great respect

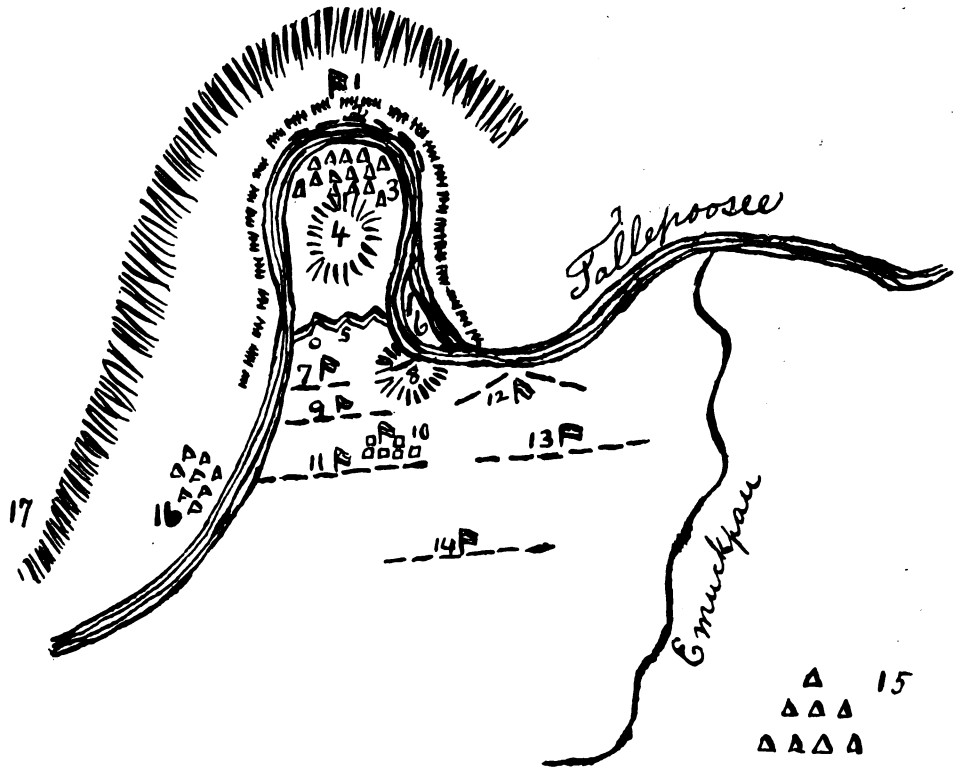
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ANDREW JACKSON.
Major Genl.

General Coffee, in a letter to his wife dated April 1, 1814, gives the following account of his activities:

"I have to announce to you one other victory obtained over our enemy, at the same bend of the Tallapoosey, near where we fought our last battles. We attacked the enemy, on the 27th of last month, the enemy were about one thousand in number, enforted in a bend of the river, with very strong works. I crossed the river with 700 mounted men and 600 Indians and took possession of the other bank to prevent them swimming over the river and escaping—all was executed well, the enemy fought with their usual desperation but we overpowered them, and after cannonading them about two hours, we charged their works by storm, and put the whole to death but a few that hid under the banks of the river—the slaughter was great. We counted 557 dead bodies on the ground besides about 300 that was shot and sunk in the river, making in the whole that we killed from 850 to 900, and took about 500 prisoners, squaws and children. We lost on our part of white men 26 killed and 106 wounded besides 29 friendly Indians and 47 wounded."

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BATTLE OF TEHOPISKA.

1. Coffee Cavalry.
2. Cherokees.
3. Indian Village.
4. High Grounds.
5. Breast Works.
6. Island.
7. Advanced Guard.
8. Hill and Artillery.
9. Regulars.
10. Wagons, Pack Horses and Wounded in center.
11. Colonel Copeland.
12. E. Ten. Militia.
13. Col. Cheatham.
14. Rear Guard.
15. Emuckfau—old battle ground.
16. New Youcau—burnt before.
17. High Hills.
0. That angle at which Montgomery fell.

The frontal attack of Jackson's men was replete with deeds of daring. It is said that Maj. L. P. Montgomery,[32] of the Thirty-ninth Regulars, was the first man to mount the breastworks, where, calling upon his men to follow him, he fell dead with a bullet in his head.

At this critical moment Ensign Sam Houston gave brilliant proof of the rare qualities of bravery and fortitude which characterized that remarkable man. As he sprang upon the parapet, he was wounded in the thigh by an arrow. Nothing dismayed, however, and disregarding this inconvenience, he called upon his comrades to follow him and leaped into the midst of the Indians among whom he soon cleared a space, and his fellow soldiers quickly surmounted the breastworks and drove the enemy before them. Houston then asked a lieutenant of his company to extract the arrow. Two vigorous pulls failed to draw it out.

[32] Lemuel Purnell Montgomery was the son of Hon. Hugh Montgomery and was a young man of rare promise. Montgomery, Alabama, was named in honor of him. He was deemed a model officer and punctilious gentleman. He was so attentive to the wants of his men that he was looked upon almost with idolatrous regard by the soldiers under his command. He was ardent, brave and patriotic, and, before the action said, "If I fall in battle, I hope I shall die gloriously." Claiborne's Notes on the War in the South, p. 41.

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Thereupon, in a transport of pain and impatience, Houston exclaimed, "Try again, and if you fail this time, I will smite you to the earth." That effort was successful, but his flesh was so terribly mangled that he was compelled to seek the services of a surgeon. Jackson, then coming up and perceiving his condition, ordered him not to cross the breastworks again. Nevertheless, the fiery young ensign promptly disobeyed the command and was soon again in the thick of the engagement. Later in the day Jackson called for volunteers to dislodge the Indians who had taken refuge under the overhanging bluffs along the river. Houston, ordering his platoon to follow him, but not waiting for them, rushed to the bank, received two bullets in his right shoulder and was borne away totally disabled.

In this battle Jackson captured the Indian boy Lincoyer, whom he reared at the Hermitage and had him taught a trade in Nashville.

END OF THE CREEK WAR

The defeat at Tohopeka was a disastrous blow to the Creeks, whose power as a nation was completely broken. With their downfall commenced the wane of the red men of America. Never again did the Creeks attempt a stand; for their best and bravest warriors were now slain and the survivors were scattered and disheartened.

Jackson returned to Fort Williams and delivered to his soldiers a congratulatory address of which the first paragraph was as follows:

"You have entitled yourselves to the gratitude of your country and your general. The expedition, from which you have just returned, has, by your good conduct, been rendered prosperous, beyond any example in the history of our warfare: it has redeemed the character of your state and of that description of troops of which the greater part of you are."

Jackson then took the offensive again and proceeded to hunt them in detail. But nowhere would they make a stand, and day by day their chiefs came in begging for peace and friendship. To test them Jackson directed them to bring in Weatherford, confined, that he might be dealt with as he deserved. Weatherford thereupon proceeded to Jackson's camp and made voluntary surrender. When he had not been recognized, he made himself known to Jackson, stood fearlessly in his presence and asked for peace for himself and his people.

Jackson expressed astonishment that a man guilty of so many and great crimes should venture to appear before him saying, "I had directed that you should be brought to me confined; and had you appeared in this way, I should have known how to treat you."

In reply Weatherford [33] said:

"I am in your power—do with me as you please. I am a soldier. I have done the white people all the harm I could; I have fought them and fought them bravely: If I had an army, I would yet fight, and contend to the last, but I have none; my people are all gone. I can now do no more than weep over the misfortunes of my nation."

[33] William Weatherford, the great chief of the Alibamons, the master spirit in the Creek war, was the son of a trader who cast his fortune with the Creek Indians and who married a full-blooded Indian woman. William Weatherford, their son, exhibited the shrewdness of the white man and the cunning of the Indian. He received a good practical education in one of the schools established by the Government among the Creeks. He was tall and commanding in appearance, with "copper color, black hair, high cheek bones, thin lips and nose, cold, piercing black eyes, round bull-dog jaws, a long, hollow, thin foot, clean, bony ankles, and a leg and body the perfection of the sculptor's ideal."

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Jackson was favorably impressed by his manner, but said:

"The terms on which your nation can be saved, and peace restored, have already been disclosed: in this way, and none other, can you obtain safety."

Thereupon Weatherford delivered what is considered one of the most remarkable speeches ever made by an Indian, a speech which indicates that he was of the same superior mind and lofty spirit which animated Logan, the friend of the white people, and Tecumseh, their implacable foe. Said Weatherford:

"I may be well addressed in such language now. There was a time when I had a choice, and could have answered you. I have none now—even hope has ended. Once I could animate my warriors to battle; but I cannot animate the dead. My warriors can no longer hear my voice; their bones are at Talladega, Tallushatchee, Emuckfaw, and Tohopeka. I have not surrendered myself thoughtlessly. Whilst there were chances of success, I never left my post, nor supplicated peace. But my people are gone, and I now ask it for my nation, and for myself. On the miseries and misfortunes brought upon my country, I look back with deepest sorrow, and wish to avert still greater calamities. If I had been left to contend with the Georgia army, I would have raised my corn on one bank of the river, and fought them on the other; but your people have destroyed my nation. You are a brave man: I rely upon your generosity. You will exact no terms of a conquered people but such as they should accede to: whatever they may be, it would now be madness and folly to oppose. If they are opposed, you shall find me amongst the sternest enforcers of obedience. Those who would still hold out, can be influenced only by a mean spirit of revenge: and to this they must not, and shall not, sacrifice the last remnant of their country. You have told our nation where we might go, and be safe. This is good talk, and they ought to listen to it. They shall listen to it." [34]

THE TREATY OF PEACE WITH THE CREEKS

In order to complete his line of fortifications extending from Tennessee through the Indian country to the Mobile basin, Jackson established at the junction of the Coosa and Tallapoosa rivers a fort which was named Fort Jackson.[35] Here, on April 20, 1814, Gen. Thomas Pinckney, major-general of the regular army, arrived and took command and Jackson's army, except such as were needed to garrison the forts, were marched to Fayetteville and mustered out of service.

On May 22nd a notice was sent to Jackson by the war department apprising him of his appointment as brigadier-general and brevet major-general in the regular army. About this time Maj.-Gen. William H. Harrison resigned from the regular army, and Jackson was appointed major-general of the Seventh Military District which included the southern and western division. The appointment of major-general reached Jackson one day after the receipt of notification of appointment as brigadier-general and before he had returned an answer of acceptance or rejection of it.

Having been ordered by the war department to make a treaty with the Creeks, Jackson succeeded, after some difficulty, in the execution of a treaty on August 10th whereby one-half of the territory of the Creeks was exacted as an indemnity for the expenses of the war. It was also stipulated that the Creeks

[34] Eaton's "Life of General Jackson." pp. 177-178.

[35] This was built on the site of Fort Toulouse which was constructed in 1714 by Bienville in order to check the English and to influence the Indians. As it was in the Mobile River basin, it was ceded to the British by the French in 1763, at the conclusion of the French and Indian war.

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should no more listen to foreign emissaries, to hold no communication with British or Spanish garrisons; to guarantee to the United States the right of erecting military posts in their country and the free navigation of their waters; and that no traders or agents should be allowed to pass among them without the consent of the President of the United States.

Col. Benjamin Hawkins was appointed commissioner to assist Jackson.

CELEBRATION OF THE ANNIVERSARY OF THE BATTLE OF TOHOPEKA

On March 27, 1914, under the auspices of an Alabama state commission a preliminary celebration of the one hundredth anniversary of the battle of Tohopeka was held on the field of battle; and on July 4th of the same year a second celebration was held with exercises lasting all day. Governor Emmet O'Neal presided and delivered the address of welcome. Descendants of Gen. John Coffee, Col. John Williams, and Col. Gideon Morgan, all of whom took conspicuous parts in the battle, were present. Mrs. Nora E. Miller, of Dadeville, Ala., gave the site for the monument.

John Trotwood Moore read his poem on Jackson, entitled "By the Eternal."

After the Treaty of Fort Jackson, General Jackson made a congratulatory address to his men, discharged them at Fayetteville and immediately set out for home. Along the entire way he was greeted with the enthusiastic plaudits of a grateful people. At Nashville, he was conducted to the Courthouse where he was welcomed in an eloquent speech by Felix Grundy, after which he was honored by a public dinner and then with heartfelt joy turned to the welcome shades of the Hermitage.

THE NEW ORLEANS CAMPAIGN, 1814-1815

Jackson's brilliant campaign which closed the Creek war so summarily made him the idol of the people, not only of Tennessee but also of the nation. It was reported that the British were sending a large expedition into the southern waters with the avowed intention of taking New Orleans, overrunning the Gulf states and carrying their conquest up the Mississippi River and its tributaries. Jackson's respite at home, therefore, was short.

Not daunted by these extensive preparations, Jackson requested Governor Blount to send him a brigade of volunteers under General Coffee and then hurried to Mobile. He found only the fragment of three regiments throughout the entire Gulf coast. With his accustomed tireless energy he asked for troops from Louisiana and Mississippi as well as Tennessee and made his preparations to meet the enemy wherever he might appear. Pursuant to the call of Governor Blount about two thousand men assembled at Fayetteville, at the head of whom General Coffee marched south on October 5, 1814. He was joined by 800 more on the journey. They reached St. Stephens, about thirty miles above Mobile, on October 23d. Coffee and his troops were then ordered to Pensacola, where Jackson punished the Spanish governor who was aiding the English and giving an asylum to the Creeks who had fled there for refuge. Coffee's soldiers returned to Fort Mims on November 13th and, within a few days, left for Baton Rouge, La., where Jackson had ordered the troops to be concentrated preparatory to their advance to New Orleans.[36]

[36] Martin's "Louisiana," Vol. II, p. 321.

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MILL'S STATUE OF GENERAL ANDREW JACKSON, CAPITAL GROUNDS, NASHVILLE

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The capture of Pensacola by Jackson was one of the most brilliant and characteristic acts of his life. Spain was supposed to be neutral, and yet was permitting the British to use this base, so near to New Orleans and so convenient for attack on any portion of the Gulf Coast. From Pensacola they could strike anywhere—and fatally. Jackson determined to dislodge them, neutrality or not. He wrote passionately and intensely to the secretary of war, showing the importance of the move and asking permission to drive the British out. Between the lines anyone might read that if he did not receive instructions at once, he was going in any way.

From the correspondence it is evident that the Federal authorities thus read it, and nothing so plainly shows the weakness of the administration and the inefficiency and lack of courage of the secretary of war as the fact that though Jackson's letter was written in September, the answer of the secretary of war, declining to permit the invasion of Florida, was not received till after the battle of New Orleans in January.

Its date seems to show that it had purposely been withheld until Jackson had accomplished his object.

Jackson and the authorities of New Orleans had been informed by the pirate Lafitte of the movements of the British fleet, but when Jackson arrived on December 2, 1814, in that city he found that nothing had been done toward the defense of it.

"Jackson had indeed arrived, but never did a defender find so helpless and utterly unprepared a city. The city was a bickering, divided thing, not a fortification, not a battery mounted, not an idea even, and scarcely any law.

"And scared stiff.

"Jackson was both law and order, and in twenty-four hours, by his own calm and intrepid bravery, his own self-assurance and fiery determination, he had the impulsive inhabitants ready to fight to the death."[37]

The British numbered 10,000 or more fighting men, chiefly veterans of the war in the Peninsular, commanded by Sir Edward Pakenham, one of the ablest of the generals of the Duke of Wellington. They were reputed to be equal to the best troops of Europe, and their conduct in America, and afterwards in the battle of Waterloo, indicated that their reputation was not undeserved.

To make his preparations for coping with such a formidable aggregation as was now approaching the shores of Louisiana, while the people of New Orleans were panic-stricken, required all of his decision, fearless tranquillity and boundless energy. Such, however, was his resistless ardor and unbending determination that within two weeks he had overcome the apathy and had animated the people to rise for the defense of their homes.

The temper of Jackson's mind at this time is shown by the following letter which he addressed to Governor Claiborne.[38]

"I regret to hear of the discontents of your people: they must not exist. Whoever is not for us is against us. Those who are drafted must be compelled to the ranks, or punished: it is no time to balance: the country must be defended; and he who refuses to aid, when called on, must be treated with severity. To repel the danger with which we are assailed, requires all our energies, and all our exertions. With union on our side, we shall be able to drive our invaders back to the ocean. Summon all your energy, and guard every avenue with confidential patroles, for spies and traitors are swarming around. Numbers will

[37] John Trotwood Moore in Trotwood's Monthly, Vol. II, p. 481.
[38] William C. C. Claiborne, previously a noted statesman of Tennessee.

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be flocking to your city, to gain information, and corrupt your citizens. Every aid in your power must be given to prevent vessels sailing with provisions. By us, the enemy must not be fed. Let none pass; for on this will depend our safety, until we can get a competent force in the field, to oppose attack, or to become the assailants. We have more to dread from intestine, than open and avowed enemies; but, vigilance on our side, and all will be safe. Remember, our watchword is victory or death. Our country must and shall be defended. We will enjoy our liberty, or perish in the last ditch."

He now sought to collect in sufficient strength the forces necessary to repel the impending invasion.

"And what a motley lot of defenders he found—about eight hundred new troops, regulars, raw and undrilled; Planches' City Battalion, 500; two regiments of state militia, armed with fowling pieces, muskets, old rifles; a regiment of free negroes, or, as Jackson called them, 'free men of colour, and right well did they quit themselves in the fight'—in all, about 2,000 men. Two little men-of-war-armed schooners, the Carolina and the Louisiana, lay in the river.

"But Coffee and his Tennesseans were coming from Pensacola through the woods, and Jackson sent courier after courier to them saying: 'Don't sleep till you reach me or arrive in striking distance.'" [39]

Carroll,[40] with other Tennessee troops were now on the Mississippi. But Carroll had only one gun to ten men until he overtook a boatload of muskets, and with these he drilled his men on the decks of his boat. To him Jackson sent a steamboat up the river with this message: "I am resolved, feeble as my force is, to await the enemy on his first landing, and perish sooner than he shall reach the city."

"Two thousand Kentuckians under Generals Thomas and Adair were also floating down the Mississippi, a ragged, defenseless and almost gunless crowd, without blanket or tents, and only one cooking kettle to every eighty men. And now it was the 14th day of December, and the British had been at the mouth of the river nearly a week."

"On the evening of the 17th, 129 miles from New Orleans, Coffee received Jackson's note. His horses were poor, 300 of his men sick, but in three days he was there; but only with his picked men—800—all that could follow so rapid a march. Here is a description of them: 'Their appearance was not very military. In their woolen hunting shirts of dark or dingy color and copperas-dyed pantaloons, made, both cloth and garments, at home, by their wives, mothers and sisters; with slouching wool hats, some composed of the skins of raccoons and foxes, with belts of untanned deerskins, in which were stuck hunting knives and tomahawks, hair long and unkempt, and faces unshorn.'" [41]

Besides skirmishes of more or less severity, there were three distinct engagements between Jackson's army and the British; the first on the night of December 23, 1814, the second on the morning of January 1, 1815, and the third, generally spoken of as the battle of New Orleans, on the morning of January 8, 1815. In the first two clashes the British were severely punished, and, from the violence of the assaults upon them, the fears of the British had been greatly excited. Historians are generally agreed that Jackson's attack on the night of December 23d, really saved New Orleans, for the English had a fixed idea that the Americans would not fight except when attacked. But their losses on the twenty-third induced caution and caused slower progress, since they

[39] Eaton's "Life of General Jackson," pp. 263-264.

[40] William Carroll, on Jackson's promotion in the regular army, had been appointed major-general of militia and ordered his division to assemble at Nashville on November 19, 1814. He embarked 2,500 men on boats for New Orleans.

[41] John Trotwood Moore in Trotwood's Monthly, Vol. II, p. 482.

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were convinced that Jackson had a large enough force to assume the offensive. This lack of celerity in their movements enabled Jackson to construct a line of strong breastworks, made of mud and earth with a ditch in front, in anticipation of the crucial battle which he knew was inevitable.

THE BATTLE OF NEW ORLEANS

During the week following the engagement of January 1st the two armies had lain facing each other without any decided attempt being made by either. Twice had the British, fighting bravely, attempted to carry out their favorite plans of attack and twice had they failed. Such a condition could not be suffered long to exist. The invincible soldiers of Britain, the pride of England, the boasted conquerors of Europe, could not remain defeated. Their distinguished generals were eager to announce to their country and to the world their signal achievements and to realize the high expectations held at home of the success of this expedition.

Jackson's works meanwhile were strengthened and by the eighth of January were completed on the left bank of the river where the breastworks extended from the river about one mile to the swamp. The ditch in front was flooded with five feet of water from the river.

This part of the line was defended by about three thousand men under Carroll and Coffee. Along the breastworks were distributed twelve cannon of different calibers. On the other side of the river were stationed fifteen guns, with entrenchments occupied by some Louisiana militia and a strong detachment of Kentuckians under General Morgan.

The memorable eighth of January found the contending armies vigilant and determined. After having made careful preparations for several days previously, General Pakenham had the utmost confidence in his ability to carry Jackson's works. He believed that nothing could withstand the calm and determined onset of his men.

Jackson, too, had been "unremitting in exertion, and constantly vigilant, his precaution kept pace with the zeal and preparation of the enemy. He seldom slept: he was always at his post, performing the duties of both general and soldier."[42] It may be said then that both commanders were well prepared for the terrific contest which was to ensue.

The morning of the eighth of January had dawned. Pakenham, after an all night's strenuous preparation, had dispatched Colonel Thornton with a force to attack the fortifications on the west side of the river, and now gave the signals for concert of action by the discharge of two congreve rockets. His whole remaining force moved to attack the works on the east side, in two columns, commanded by Generals Gibbs and Keane, with a front sixty or seventy feet deep. They advanced with a firm and steady pace. "A thick fog that obscured the morning, enabled them to approach within a short distance of our entrenchment, before they were discovered."[43] A dead silence prevailed as they advanced, broken only by the thunder of a great gun on the American breastworks when the British lines were descried through the shifting fog; and again silence as they were again hid from view. The fog lifted again and revealed both divisions which apparently covered two-thirds of the plain of Chalmette. As

[42] Eaton's "Life of General Jackson," p. 365.
[43] Eaton's "Life of General Jackson," p. 366.

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soon they they came within range of the batteries an incessant fire was opened upon them. Yet they continued to advance in excellent order, closing up their ranks as fast as they were rent by the American guns, until they came within reach of the muskets and rifles of Carroll's and Coffee's Tennesseans, when so dreadful was the destruction that the British troops, with all their discipline were instantly thrown into the utmost confusion.[44] When the order to fire was given,

"the breastworks behind which the Tennesseans stood crackled with a withering flame. From left to right it rolled, and back again, as the rear ranks passed loaded guns to the firing line, and at every volley the massed British went down by platoons. On they came, up, up to the very ditch, and then—

"'The ladders! Where are the ladders?'

"Nearly every officer but Gibbs was down. For a moment they stood under the fearful hail, stricken, awed, undecided. The flesh and blood could stand it no longer. Back they began to rush, Gibbs following, begging, commanding." 'They will not follow me,' he shouted, as he met Pakenham. 'Shame! Turn about! This is the road to take!' as he spurred into the flames in front.

"They gathered around him. His right arm hung loose—shattered. His horse fell dead. Scrambling up he mounted a Creole pony; and, forgetting his shattered arm, led them to the charge, Gibbs gallantly leading his end of the line. There was nothing but death and a fiery furnace in front.

"'Hurrah, brave Highlanders!' he shouted to the Highlanders as they came up. He was waving his hat in his left hand. A charge of the grape struck him, and horse and rider went down again. In the next instant Gibbs, too, fell writhing in agony, and Dale lay dead at the head of his regiment.

"Gibbs' column rushed stricken to the rear, or hugged ditch and tree and bush for life. On the right it was almost a repetition of the left. The columns of Keane swept everything before them, stormed and took the breastwork just in the lines, only to die to a man as the Americans poured their fire into the redoubt. Keane fell, shot in the neck and thigh, and gallant 'Wilky,' Lavack and twenty men floundered through the ditch, mounted the breastworks and fell riddled on the top.

"From one end of the mile of American breastworks to the other, it was a galling, ceaseless, crackling blaze of little tongues of fire, save when larger, deeper and bursting, roaring flames shot out from batteries between. Not a man behind those breastworks wavered, and they shot down men as unerringly and coolly as they had before shot beasts.

"It was all over in twenty-five minutes. Seven hundred stone dead and 1,400 wounded British lay on the plain, 500 more captured, and the heart of the rest of them had died in their bosoms."[45]

Monette says:

"A carnage so dreadful, considering the length of time and the numbers engaged, has seldom been recorded in history. Two thousand, at the lowest estimate, pressed the earth, besides such of the wounded as were able to escape. The whole number of killed and wounded from the British forces in front of

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[44] For many years there has been a tradition that, before the battle, Jackson issued orders that his men should withhold their fire until they could see the whites of the enemies' eyes. The Tennessee Division of History of the Department of Education now, however, has evidence that this order was given. This evidence is a part of a statement written by Miss Jennie Williamson, granddaughter of James Fentress (Speaker of the Tennessee House of Representatives, 1814-1823) and is as follows: "My grandfather, the said James Fentress, was a soldier in the War of 1812, and was on General Jackson's staff and with him at the battle of New Orleans. I have heard my grandfather Fentress say he was close at General Jackson's side, and heard the General say, 'Don't fire until you can see the whites of their eyes.' Then he said, 'Fight on, my brave boys. In fifteen minutes the battle will be ours; all hell can't stop us.'"

[45] John Trotwood Moore in Trotwood's Monthly, Vol. II, pp. 539-540.

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Jackson's lines, on the 8th of January, was fully three thousand men. The loss of the Americans was seven killed and six wounded." [46]

WAS THE BATTLE OF NEW ORLEANS A BARREN VICTORY?

On December 24, 1814, a treaty of peace between the United States and Great Britain was signed at Ghent, in Belgium, by representatives of the two countries; but knowledge of this important event did not reach New York until February 11, 1815, nor did President Madison know of it until three days later, more than a month after the battle of New Orleans. The English had had inserted in the treaty a clause to the effect that they did not admit Bonaparte's construction of the law of nations; that they couldn't accept it with regard to any purchase or sale of territory that he had made. They calculated that their expedition would be successful and their forces in possession of New Orleans before news of the treaty could reach America. And had they captured New Orleans, they would have repudiated Napoleon's sale of Louisiana to the United States in 1804, and all the broad region west of the Mississippi known as the "Louisiana Purchase" would have been England's, not ours.

GENERALS GAINES AND WINCHESTER

While General Jackson was gaining deserved applause in the South, Gen. Jas. Winchester and Gen. Edmund Pendleton Gaines were adding to the military fame of Tennessee in the North. General Gaines made a notable and gallant defense of Fort Erie, in 1814, and was promoted brevet major-general and received a gold medal and the thanks of Congress. General Winchester's fame, however, was somewhat dimmed by his reverse and capture at the River Raisin, in 1813.

[46] History of the Valley of the Mississippi, Vol. II, p. 510. For other good accounts of the battle of New Orleans, see Martin's "Louisiana," Vol. II, pp. 375 et seq.; Eaton's "Life of General Jackson," pp. 365 et seq.; Guild's "Old Times in Tennessee," pp. 205-209; Heiskell's "Andrew Jackson and Early Tennessee History," pp. 517-521.

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CHAPTER XVII

ADMINISTRATIONS OF JOSEPH McMINN, 1815-1821

THE SEMINOLE WAR—THE CHICKASAW TREATY—OPENING OF WEST TENNESSEE—ESTABLISHMENT OF MEMPHIS—THE STATE BOUNDARY LINES—TENNESSEE DESPERADOES.

After the successful termination of the second war with England, the governorship of the state, which had heretofore been placed in the hands of three deservedly popular men without a contest, except the memorable contest between Sevier and Roane, became a political prize deemed most desirable. In 1815 there were no less than five aspirants for this office, viz.: Jesse Wharton, Robert C. Foster, Robert Weakley, Thomas Johnson and Joseph McMinn.

Wharton was a United States senator, having been appointed in 1815, to succeed George W. Campbell, who had resigned to become secretary of the treasury in Madison's cabinet. He resigned his seat in the Senate a short time before the gubernatorial election. He was an able man, a lawyer of standing, but objectionable to the friends of Sevier, because of his attitude during the Sevier investigation.

Robert C. Foster had been speaker of the House of Representatives several times, was a man of irreproachable reputation, capable of adorning any high position.

Robert Weakley was one of the very early pioneers, had frequently been a member of the General Assembly and once a member of Congress. Thomas Johnson had been a soldier in the Nickajack Expedition and in the Creek war, a member of the constitutional convention of 1796 and a member of the General Assembly.

The successful candidate was Joseph McMinn, who was born in Pennsylvania and came to Hawkins County, Tenn., before the organization of the Territorial government in 1790. In 1807 he was speaker of the Senate. He was a plain man, without display and announced his candidacy only about a month before the election, and then in response to a "call" signed "your fellow citizens," who asked him not to follow the usual custom of candidates in issuing a circular, and asserting "the modern practice of every office-hunter sticking up his own name as a candidate to be inconsistent with the genuine principles of republicanism."

McMinn was twice reelected governor, having defeated Robert C. Foster in 1817, and Enoch Parsons in 1819.

The principal events of McMinn's three administrations may be summarized as follows:

The General Assembly convened at Nashville on September 18, 1815, and adjourned on November 17, 1815. Governor McMinn was inaugurated on September 27th. On November 29th Parry W. Humphreys was appointed commissioner for Tennessee to settle the boundary line between Tennessee and Kentucky. On December 18th George W. Campbell and John Williams were commissioned to treat with the Cherokee Indians relative to the extinguishment of

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CRAGFONTE, HOME OF GENERAL JAMES WINCHESTER,
ONE OF THE FOUNDERS OF MEMPHIS



OLD MAGEVNEY SCHOOL HOUSE WHICH ONCE STOOD IN COURT SQUARE
Its hewn logs are now covered with boards and it is a residence on Overton avenue, Memphis

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their claims to the lands in the chartered limits of Tennessee. Joseph Anderson was made comptroller of the treasury of the United States.

On August 30, 1816, Andrew Jackson was appointed commissioner to treat with the Cherokees and the Chickasaws relative to the extinguishment of their claims to the lands in the chartered limits of Tennessee.

In 1817 the first session of the Twelfth General Assembly convened at Knoxville, on the fifteenth of September and adjourned on the twenty-fifth of November. About two hundred acts were passed of which the most important seem to be an act "more effectually to suppress the vice of gaming" and an act authorizing the justices of the quarter sessions to elect a quorum from their own body to hold the county courts. The Sixth Judicial District was established, and the state was divided into ten solicitorial districts. Ten banks were incorporated. Gen. John Cocke was appointed commissioner and James S. Gaines, mathematician to run the line between Tennessee and Georgia, conjointly with similar officers appointed by Georgia. The Seminole war broke out and was conducted by General Jackson.

On October 19, 1818, by a treaty made by General Jackson and Isaac Shelby, then governor of Kentucky, with the Chickasaws, all territory claimed by them east of the Mississippi River and north of thirty-five degrees of latitude was ceded to the United States. In the spring of 1818 the first steamboat arrived at Nashville. It was named "General Jackson" and was owned by William Carroll.

On September 20, 1819, the first session of the Thirteenth General Assembly met at Murfreesboro for the first time, and adjourned on November 30, 1819. Governor McMinn was the first governor who recommended, on September 20th, that a state penitentiary be established. Yet he mentioned a fact, worthy of consideration at the present time, "that during a lapse of nearly four years only three sentences of death had occurred in the state, and only one execution." Felix Grundy and W. L. Brown were appointed commissioners for Tennessee to determine the boundary line between this state and Kentucky in conjunction with like commissioners of Kentucky.[1] The Seventh Judicial Circuit and the Eleventh Solicitorial District were established. James Brown and James Winchester ran the boundary line between Tennessee and Mississippi. On June 6th President Monroe visited Nashville. On June 19th the banks of the state suspended specie payments. On October 19th the Tennessee Antiquarian Society was organized with Judge Haywood as president.

By the census taken in 1820 the population of Tennessee was found to be 422,813, of whom 80,097 were slaves and 2,739 were free persons of color. The second session of the Thirteenth General Assembly convened at Murfreesboro on June 26th. Legislation had largely to do with financial difficulties. On July 25th an act was passed to establish The Bank of the State of Tennessee in Nashville with a branch in Knoxville with a capital not to exceed $1,000,000. This session adjourned on July 31st.

THE SEMINOLE WAR

By reason of his brilliant victory in the battle of New Orleans and his expeditions and successful operations at Pensacola, Mobile and in the vicinity of New Orleans prior to the battle, the fame of Andrew Jackson could no longer

[1] See papers in "Tennessee Archives."

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be circumscribed by the narrow boundaries of a state, but he became a national figure, indeed a nation's hero. The ability he had shown in military movements placed him in the very front rank of American commanders of all times. As Roosevelt said of him:

"The American soldiers deserve great credit for doing so well; but greater credit still belongs to Andrew Jackson, who, with his cool head and quick eye, his stout heart and strong hand, stands out in history as the ablest general the United States produced from the outbreak of the Revolution to the beginning of the Great Rebellion."[2]

It was only natural, then, that, when the Seminole war broke out in 1817, General Jackson should be sent to conduct it. He was authorized to call on the neighboring states for such troops as he might need, but the only volunteers he took with him were 1,000 Tennesseans.

For some twenty or twenty-five years previous to this time members of the Creek Confederacy had been withdrawing to the wilds of Florida and, for this reason, had received the name of Seminole, which means separatist or renegade. Their numbers were largely augmented by the accession of fugitives of the war party who fled from the Creek country after the treaty of Fort Jackson. They were protected by the Spanish governor of Florida and by the English and were constantly causing trouble along the borders.

Immediately following the treaty of Fort Jackson settlers entered the ceded lands, and, by the year 1817 several thousand were located on them, many being near the Florida line. Between these settlers and the Indians there were constant clashes, caused by forays made by the Indians in which it was charged that they were aided and abetted by the English agent, Col. Edward Nicholls. Gen. E. P. Gaines, who was the United States commander on the southwestern frontier, was kept busy in his efforts to restrain the Indians and not transgress international law. One of his activities was the sending of a summary command that the chief of Fowltown, suspected of being concerned in atrocities committed, should appear before him. Fowltown was on lands claimed by the United States. When the chief refused, General Gaines sent out a detachment which captured the village and killed four Indians. Proof having been made that the Fowltown Indians were in league with the Florida Indians, Gaines gave orders that the village be burned. The assertion has been made that this was the cause of the Seminole war.[3] It was rather the occasion of the war, not the cause, which was in the relentless hatred which the renegade and fugitive Indians bore toward the white people. Nine days later a terrible act of retaliation took place. Lieutenant Scott, one of General Gaines' officers, with forty-seven persons, soldiers, women and children in a large open boat on the Appalachicola, near the junction of the Flint and the Chattahoochie was attacked from ambush and all, except six men who escaped, were killed or captured; and the prisoners were later butchered in wantonly savage ways.

On receipt of this news the Government sent orders to General Jackson to repair to Fort Scott, which was near the border, to summon troops, if needed, from the neighboring states and to pursue the enemy, if necessary, across the Florida line. In March, 1818, Jackson was on the border with his faithful Tennesseans and drove the Seminoles before him. Jackson was alive to the situation. He believed the time was propitious for seizing Florida. He had

[2] Naval War of 1812, p. 492.
[3] Niles Register, XVI, p. 85.

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already, on January 6, 1818, before he left the Hermitage, suggested as much to President Monroe. In that letter was the following significant paragraph:

"Let it be signified to me through any channel (say Mr. J. Rhea[4]) that the possession of the Floridas would be desirable to the United States, and in sixty days it will be accomplished."

Jackson said that he received the expected assurance from Rhea[5] and he acted accordingly. Monroe, however, later denied having given the assurance, and the controversy, which subsequently arose over Jackson's conduct in the war, finally led to an estrangement between Jackson and John C. Calhoun, who was secretary of war at this time.

Jackson, however, believing that he had the authority from the President, with his faithful Tennesseans,[6] a few regulars, a few Georgia troops and a handful of Indians, crossed the line, driving the Seminoles before him. In a few weeks the war was at an end. Meanwhile Jackson seized St. Mark's, then proceeded to Fort Gadsden where he learned that a force of 500 Indians were at Pensacola fed by the governor, that these Indians had murdered citizens of the United States. Paying no attention to the warning of the Spanish governor, he entered Pensacola on May 24th and the next day attacked Fort Barrancas, where the governor had taken refuge. In two days he captured it and the Spanish officers, civil and military, were transported to Havana. Jackson then set up a new government there.

At St. Mark's Jackson captured Alexander Arbuthnot and Robert Ambrister, had them tried by court martial as emissaries of Great Britain in Florida to stir up trouble for the United States, and, on their being found guilty, had them executed. This action on his part caused criticism of Jackson which has not ceased even to the present day. Fair minded historians, however, can hardly hold Jackson guilty of wrongdoing. He was merely doing his duty, as he saw it, thoroughly and conscientiously and vigorously as was his wont.[7]

THE CHICKASAW TREATY[8]

The settlements of East Tennessee and of Middle Tennessee, as we have seen, had been established with difficulty at the expense of time, of privation, of hardship, of danger and of death. Fortunately West Tennessee was opened up and settled under more pleasant and auspicious conditions. What is now known as West Tennessee is that part of the state between the Tennessee and Mississippi rivers and the northern and southern boundaries. When it was first opened for settlement, it was called the Western District, because theretofore the middle portion had been called West Tennessee. It was not long after this, however, before the three grand divisions of the state received their present designations of East Tennessee, Middle Tennessee and West Tennessee.

It will be remembered that in 1806 Congress passed an Act establishing the so-called Congressional Reservation, the title to all the lands in which was vested in the United States, with the proviso or agreement that if there should not be

[4] John Rhea, a member of Congress from Tennessee, and a devoted friend of Jackson.

[5] John Overton, whose word is not to be doubted, says that he saw the Rhea letter.

[6] These Jackson had enlisted on his own responsibility in the absence of the governor. See Lacock Report, Mil. Affairs, I, 740.

[7] On Feb. 22, 1819, Spain ceded the Floridas to the United States and Jackson was made governor by President Monroe who had fully approved Jackson's course in Florida, including the Arbuthnot and Ambrister episode. Jackson resigned this position within a few months.

[8] For details of this treaty see Chapter XII, paragraph headed "Great Chickasaw Cession."

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land enough north and east of the Congressional Line to satisfy the land warrants issued by North Carolina, in accordance with a reservation in her deed of cession, made in 1790, then such excess might be satisfied out of the Congressional Reservation. By the year 1818 it was clearly ascertained that there were not enough unoccupied lands suited to agricultural purposes north and east of this line to satisfy the outstanding claims of North Carolina. Congress, thereupon, passed an Act on April 4, 1818, authorizing the State of Tennessee to issue grants and perfect titles to lands south and west of the Congressional Line in settlement of these claims.[9]

Possession of these lands, however, could not be secured until the title thereto of the Chickasaw Indians, who claimed possession of them, had been extinguished. While the Chickasaws claimed possession, they actually occupied very little of these lands, using them mostly for hunting grounds. With the exception of a brief period soon after the settlers came to the Cumberland in 1780, when they became hostile on account of the fact that George Rogers Clark had built Fort Jefferson on the Mississippi River, a little south of the mouth of the Ohio, on land claimed by them, they had uniformly been friendly to the white people of the United States and had proven their friendship on numerous occasions. Hence, it was not difficult to arrive at a satisfactory arrangement with them. The Government appointed Isaac Shelby, then governor of Kentucky, and Andrew Jackson to treat with them. After negotiations a treaty was signed on October 19, 1818, whereby the United States purchased from the Chickasaws the title to all their land north of the southern boundary of the State of Tennessee, west of the Tennessee River, south of the Ohio River and east of the Mississippi River. The purchase price was $300,000, payable in fifteen annual installments. This section has since been called variously "The Purchase," "The Chickasaw Purchase," "The Western Purchase," and "Jackson's Purchase."

THE OPENING OF WEST TENNESSEE

In order to facilitate the settlement of the newly acquired lands the Legislature passed an Act on October 23, 1818, only a few weeks after the treaty, the caption of which Act reads:

"An Act making provision for the adjudication of North Carolina land claims, and for satisfying the same, by an appropriation of the vacant land south and west of the congressional reservation line, and for other purposes."

The comprehensiveness of this Act, which was the first Act passed by the Thirteenth General Assembly, may be judged by the fact that it occupies twenty-five printed pages. Besides this, another Act was passed at the same session covering details not provided for in the first Act. This Act established rigid and detailed requirements with regard to the laying off of the lands recently acquired from the Chickasaws into ranges and sections and making proper provisions for obtaining title to the lands. It provided for reservation of lands to satisfy the North Carolina warrants. All the rest was to be thrown open to sale.

Emigrants immediately began to pour in from every direction. Most of them came from Middle Tennessee and East Tennessee, some from North Caro-

[9] United States at Large, p. 416.

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lina, some down the Mississippi River, entering it from the west. Adam R. Alexander settled in what is now Madison County and established a town called, at first, after himself, Alexandria, but later named Jackson. It was for some time the leading town of West Tennessee, and even now is second only to Memphis. Jesse Benton, brother of Senator Thomas Hart Benton, settled at a place called Randolph, when it was established in 1827. It is situated in Tipton County, on the Second Chickasaw Bluff, a little below the mouth of Big Hatchie River and, for many years, was a commercial rival of Memphis. David Crockett settled on the Obion River and made the whole district famous because of his incomparable success in bear hunting and his political contests with Joel Estes, Adam Huntsman, William Fitzgerald and Adam R. Alexander. Many other noted men settled in West Tennessee in these days, such as Jacob Tipton, Henry Rutherford, David Porter, Ezekiel Polk, Joshua Haskell and others.

ESTABLISHMENT OF MEMPHIS

Among the choice sections sought by the newcomers was the extreme southwestern corner of the state. Here, in 1819, Shelby County (named in honor of Isaac Shelby) was erected. This was the first county, lying wholly in West Tennessee, which was carved out of the Chickasaw purchase. The situation was ideal. The land along the Mississippi River was found to be twenty to thirty feet above flood water, and the inland country was fertile and healthful, an excellent country for the support of the large city which far-sighted persons predicted would be located at this point. There are four Chickasaw bluffs along the Mississippi. Here was the fourth or lower Chickasaw bluff, the largest and most pleasing site between St. Louis and Natchez. From very early times it had attracted attention. When DeSoto arrived there in 1541, he found the place occupied by a fierce and warlike tribe of Indians, headed by the "cacique" Chisca. The next mention of this place in history is when the French made their first explorations along the Mississippi River. In 1682 La Salle made his famous voyage down this river and named the country, through which it runs, Louisiana, after King Louis XIV. It is said that he erected a fort at the mouth of Wolf River and named it Fort Prudhomme, after a member of his company.[10]

In August, 1739, Jean Baptiste Le Moyne de Bienville built a large fort adjoining the spot where is now the eastern abutment of the Harrahan bridge and called it Fort Assumption. The upper end of this fort north and adjoining the Harrahan bridge was afterwards also the site of Fort Pickering, built by Capt. Zebulon M. Pike in 1801.

In 1795 Governor Don Manuel Gayoso de Lemos built a fort near the mouth of Wolf River called Fort Ferdinand de Barrancas.

In 1797 Gen. James Wilkinson built another fort named Fort Adams on the site of Fort Barrancas which had been razed.

The French, the Spanish and the United States all saw the military advantages of this point. Afterwards its equally important commercial advantages were seen by far-sighted men long in advance of the establishment of Memphis. Foremost among these was John Overton, of Nashville, who, as far back as 1794 bought the Rice grant for 5,000 acres on the fourth Chickasaw bluff, covering

[10] The location of this fort is a matter of historical controversy. There is rather strong evidence that it was located on the first Chickasaw bluff. See "Fort Prudhomme: Was It the First Settlement in Tennessee?" in Tennessee Historical Magazine, Vol. II, pp. 235 et seq.

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a large part of the present site of the City of Memphis. This grant was issued to John Rice by the North Carolina land office known as John Armstrong's office. Upon his death [11] it became the property of his brother, Elisha Rice, who sold it to John Overton for $500. Overton conveyed a half interest in this grant to Andrew Jackson, who in turn sold his interest before the property was developed. On this tract John Overton [12] laid out the City of Memphis in 1819, and for this reason has been called the father of Memphis.

But there existed still another and equally important grant of land upon the great bluffs known as the Ramsey Grant. In 1783 John Ramsey entered a tract of 5,000 acres of North Carolina western lands. The year following a warrant was issued to him. Some time subsequent to this he assigned a small interest in this warrant to John Overton, and in 1823 grant No. 190 was issued to John Ramsey and John Overton, for a certain 5,000-acre tract of land, beginning at the southwest corner of John Rice's 5,000 acres, on the banks of the Mississippi River. The Rice grant was registered in the recorder's office of Shelby County in 1820, but for some reason never satisfactorily explained, the Ramsey grant was not recorded until 1872.[13]

It is said that the name Memphis was suggested by Gen. James Winchester, to whom Andrew Jackson sold a part of his interest, the reason doubtless being that the new town and indubitably to be metropolis was located on a lordly river similar in many respects to the Nile on which the ancient metropolis of Egypt was situated.

And indeed, the new town did develop by leaps and bounds. In Morris' Tennessee Gazetteer, published in 1834 is found the following item:

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[11] John Rice was killed by a party of Indians under Doublehead on January 16, 1792, as he and some other young men were on their way from Sevier's Station on the Cumberland near Clarksville, to Nashville. At the same time they killed three sons of Col. Valentine Sevier, a brother of John Sevier, and John Curtis. See Ramsey's Annals, p. 597.

[12] John Overton was born in Louisa County, Va., April 9, 1766. He began the practice of law in Kentucky after the Revolutionary war, and in 1789 moved to Nashville. Judge John M. Lea in "Proceedings of the Tennessee Bar Association," 1891, p. 170, says that he reached Nashville in the same month in which Andrew Jackson arrived from East Tennessee to which he had recently come from North Carolina. Between him and Jackson was contracted a friendship which continued unabated throughout their lives, as beautiful, unselfish and strong as the famous friendship of Damon and Pythias, or of David and Jonathan, or of Caesar and Anthony. They occupied the same office and were partners in business matters, although not in law, and this, too, notwithstanding the fact that, at this time, Overton was a federalist and Jackson an uncompromising republican.

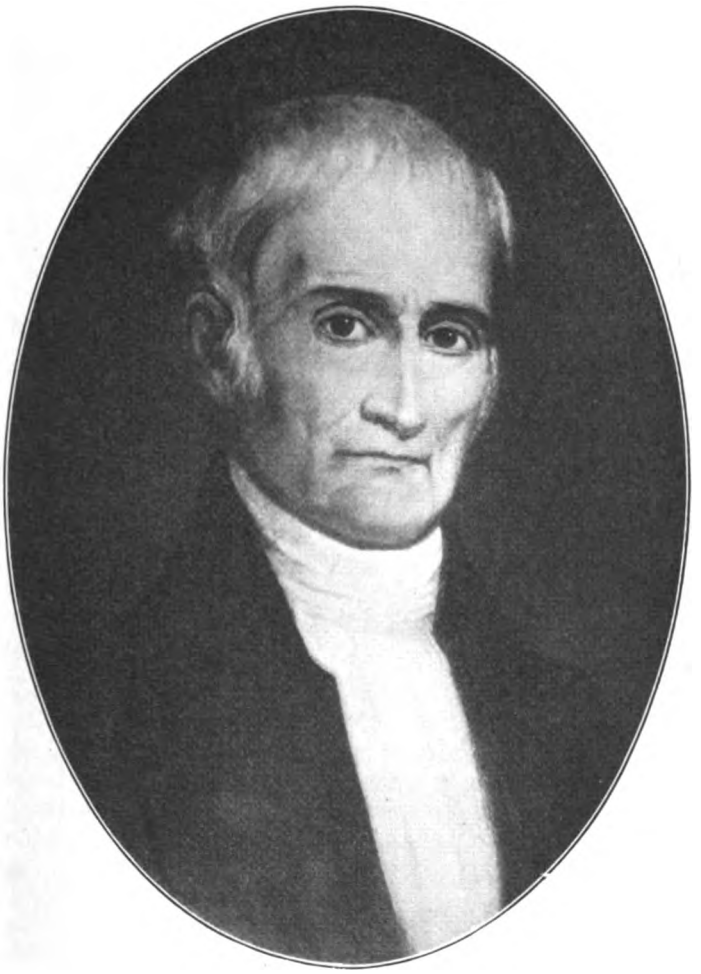
When he came to Nashville, Overton already had achieved the beginning of a fortune and of professional reputation, which in the next fifteen years he largely increased. He recognized from the first the innate greatness of Jackson and he applied himself sedulously to the forwarding of Jackson's interests. He wrote for the press, exerted his influence with legislatures, made speeches and drew resolutions in behalf of his friend; and it is not too much to say that he started Jackson on his brilliant career and throughout it contributed indispensably to its success. And all these things he did of his own volition, without saying one word to Jackson.

He succeeded Jackson on the bench of the Superior Court in 1804 and made a remarkable reputation as a judge. He seems not to have been unusually learned, nor even a brilliant man, but he excelled in sound common sense. His superiority was not academic, but was most manifest in dealing with practical affairs. He did the state a special service by preparing and publishing two volumes of "Reports of the Opinions of the Supreme Court," the first reported cases in the state. He especially rendered invaluable service in shaping the land laws of Tennessee. His earnings were largely invested in wild lands, which have produced fortunes for his descendants.

About the year 1820 he began active efforts to make Andrew Jackson president of the United States. He worked at this task with patience and determination and when Jackson was elected president, in 1828, he rejoiced and was satisfied. Whenever Jackson needed a friend, he was always available, clear-headed, discreet and wise. From his death-bed April 12, 1833, he sent Jackson a message of friendship and admiration. See Caldwell's "Bench & Bar of Tennessee," pp. 77-82.

[13] Phelan's "History of Tennessee," p. 317.

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JUDGE JOHN OVERTON, 1776-1833
Judge of Superior Court and Founder of Memphis

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"Memphis, a post town in Shelby County, situated on the east bank of Mississippi River, one mile above the site of old Fort Pickering at one of the Chickasaw bluffs on the river, commanding a fine view of the surrounding country, and from its relative position to the Western District, and the late Chickasaw purchase, it must undoubtedly become the emporium of one of the finest agricultural districts in the western country. Already it is a place of considerable business, and is improving faster than any town in the state."

THE STATE BOUNDARY LINES

The fixation of the present boundary lines of Tennessee has required a long period of time, has occasionally been inextricably confused, particularly in certain portions of the perimeter, and for the solution of controverted points has employed the ability and experience of some of the most noted men of several states. The history of these lines extends from 1665 to 1816. In the former named year Charles II made a grant in which the line between Carolina and Virginia was designated as "about thirty-six degrees and thirty minutes northern latitude, and so west in a direct line, as far as the South Seas." In 1710 an abortive effort to mark the line was made. In 1728 a part of it was marked. Some time between 1771 and 1775 Col. John Donelson still further extended the line. In 1771 Anthony Bledsoe ran a line by which it was discovered that the settlers of Northeast Tennessee would be in North Carolina upon the extension of the boundary line. In 1778, North Carolina passed "An Act for extending the boundary line between Virginia and North Carolina" and in 1779, "An Act for extending the boundary line between this state and the Commonwealth of Virginia." The Virginia Assembly elected Dr. Thomas Walker and Daniel Smith as commissioners. North Carolina appointed five commissioners, of whom three might act. The three were Richard Henderson, William Bailey Smith and John Williams.

THE WALKER LINE

Walker, Daniel Smith and Richard Henderson were the best known of the commissioners and Walker was a veteran in affairs of the West. After the commissioners of the two states had agreed upon a point of commencement and had made some progress westward, a lack of agreement in regard to the observations upon which the running of the line necessarily depended arose between the two sets of commissioners. Consequently "the two commissions separated, running parallel lines about two miles apart, the line of the Carolina commissioners, generally known as Henderson's Line, being north of the line of the Virginia commissioners, commonly called Walker's Line. The Carolina commissioners continued their line as far as Cumberland Mountain. At this point they abandoned the work, after sending a letter of protest against Walker's Line. The Virginia commissioners continued to Tennessee River, leaving an unsurveyed gap from Deer Fork [14] to the first or east crossing of Cumberland River, a distance which they estimated to be 109 miles." [15]

Walker and Smith made a report to the House of Delegates of Virginia which is printed in Henning's Statutes. Henderson and his fellow commis-

[14] This should be Clear Fork. Haywood and some historians who followed him have made the same error.

[15] W. R. Garrett, in the American Historical Magazine, Vol. VI, p. 26. Henning, Statutes, Vol. 9 (1821), pp. 562-565, note.

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sioners made a report to the governor of their state, which report is published in the State Records of North Carolina, Vol. 14, pp. 353-355. The Virginia Commissioners' report is based largely upon Daniel Smith's Journal.[16]

In 1792 William Blount, territorial governor, attempted to repudiate Walker's Line which had been adopted by both Virginia and North Carolina and announced his intention of maintaining Henderson's line. Nothing further, however, was done until 1802 when John Sevier, Moses Fisk and George Rutledge were appointed commissioners for Tennessee. This commission fixed a line midway between Walker's Line and Henderson's Line and this compromise line was ratified by both states and is the true boundary between the two states. In 1859 the line was re-marked by a joint commission whose acts were rejected by Virginia in 1860 and never confirmed by Tennessee. In 1872 Tennessee refused to comply with the request of Virginia to reopen the boundary line question.

THE TENNESSEE-KENTUCKY LINE

After the controversy with Virginia had been settled in 1803, Tennessee found a still more annoying problem to solve in the adjustment of the line between these two states; for Kentucky, having ascertained that Walker's Line had been run several miles north of 36° 30′, and that Governor Blount had repudiated it, said, "We have no dividing line except the old imaginary line of 36° 30′. Let us move down South, and locate it." Although both states passed various acts concerning this line in session after session no common agreement was arrived at, and, in 1819, Kentucky sent her surveyors, Alexander and Munsell, to run and mark a line on 36° 30′ between the Mississippi and Tennessee rivers. This line, if continued, would have run south of the City of Clarksville and would have lost to Tennessee a large territory and thousands of citizens, besides embarrassing land titles.

In this exigency, following a message of Governor McMinn, the Legislature selected Felix Grundy and William L. Brown as commissioners to visit the Kentucky Legislature and gave them by act the power to consummate an agreement.[17] The second section of the act in question is as follows:

"Sec. 2. Be it enacted, That whatever may be agreed on by the persons hereby empowered on the part of this state, shall be as valid and binding, as (if) the same had been agreed to by the General Assembly of this state, and shall, upon the ratification of the same by the Legislature of Kentucky, forever thereafter, be considered and held the true line of boundary and separation between said states of Tennessee and Kentucky."

Clothed with these powers the two distinguished commissioners entered upon their difficult task. Their ability and address were never more needed and never more conspicuously shown. They actually persuaded a hostile Legislature to appoint a commission, consisting of John J. Crittenden and Robert Trimble, two of her ablest men. "A compromise was effected February 2, 1820. * * * The boundary was to be Walker's Line to the Tennessee River: thence up and

[16] This journal and the map accompanying it are published in the Tennessee Historical Magazine, Vol. I, pp. 48-65. The first entry is August 14, 1779, and the last August 7, 1780. The original manuscripts are among the Draper Manuscripts in the possession of the State Historical Society of Wisconsin. To the student who wishes all possible light in detail upon this survey, Daniel Smith's Journal and Map are indispensable.

[17] This is chapter 67, pp. 104-105 of the Acts of 1819, passed November 25, 1819.

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MAP

Showing the supposed Line between Virginia and the Western Territory of North Carolina, from 1772 to 1779, and the two Tennessee settlements on either side of said line in 1772; and also the limits of the several private purchases from the Indians, by the Watauga settlers, Jacob Brown and Carter and Lucas, in 1775.

Scale of Miles

5 10 20 30 40

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with said river to Alexander and Munsell's Line; thence with said line to the Mississippi; this line to be hereafter marked when demanded by either state."[18]

While these negotiations were pending and for some time before and after them, the utmost interest in the controversy prevailed throughout Tennessee. This interest extended particularly to the Walker Line. A few years previous to this time Gen. Daniel Smith had written a letter in regard to it, and, in response to an insistent demand, the editor of the Nashville Gazette published it in the issue of that paper dated March 1, 1820. It has never before appeared in any Tennessee history. The editor precedes the letter of General Smith with the following explanation:

"Since the return of our commissioners from Kentucky, and the conclusion of our treaty of limits, several references have been made to the letter of Gen. Daniel Smith, and frequent enquiries addressed to this office for it. We have been successful in our endeavors to procure a copy of it, and today lay it before our readers."

Sumner County, Dec. 8th, 1815.

SIR—You have asked of me all the information I can give you respecting the line run in 1779 and 1780, by Dr. Walker and myself, between the state of Virginia and North Carolina. I have no unwillingness to communicate the same.

We began at or very near the place where Messrs. Fry and Jefferson left off theirs in the year 1748 or 1749 on steep rock creek, a branch of Holston river; I say at or very near the place because close to the creek, whatever marks they made had become obliterated by the encamping of hunters or other persons at the place—I did myself, follow their old marked line from the top of the next mountain east of this creek, distant I think, 8 or 10 miles, to within a mile and a half of the creek. The commissioners from North Carolina were Col. Richard Henderson, Col. John Williams and Major William Baily Smith.—We were all agreed that the place of beginning was right and that we set out on the proper course, and as far as I know, continued of that opinion until we arrived in Carter's valley, on the west side of the North Fork of Holston. Then the North Carolina gentlemen expressed a belief that we were in an error. And shortly after, (from what cause I cannot be positive) left us and run another line as I suppose, somewhat more than two miles north of ours, and which they first assented to.

As much the greater part of the expense of marking this line had accrued, and as it appeared to us very material that the southern boundary of the Virginia military donation land should be ascertained, because the country on the Cumberland river about the place called the French Lick, was rapidly filling up with settlers, we concluded to continue the line as we thought right. When we had extended it to the clear fork of Cumberland river, the winter sat in so cold, & the country we had to pass through was so mountaneous and barren, that we believed subsistence could not be procured for ourselves and pack horses: We therefore left this tract of country and travelled down the Cumberland River to a place, a little below the mouth of Fishing creek, where we built canoes in the very hard weather to transport our baggage: after the winter moderated a little we descended the river to the proper latitude, a little above the mouth of Obed's river. From this place, while Dr. Walker went down the river with the baggage; accompanied by our surveyor, I continued on the line, and after giving the surveyor proper directions at the trace leading from Kentucky to the French Lick, I parted with him to meet Dr. Walker as we had appointed at the said lick. Then we proceeded down the river and met the surveyor on its banks about two miles south of the true line, owing as we believed to a change in the variation of the needle, caused by large quantities of iron ore in the neighborhood. We went into the proper latitude, and continued west to the Tennessee

[18] W. R. Garrett in the American Historical Magazine, Vol. VI, p. 33.

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river, then returned back to the Cumberland where we had left it, and continued the line east, intending to pursue that course until it should touch the line run by our surveyor at the place I parted with him. But finding the country one vast extent of open barrens, not furnishing trees to mark, we relinquished the line and commenced our journey home.

On our arrival at the French lick we received a letter from the Governor of Virginia, directing us, as the Spanish Governor Galvez was then conquering the Natchez country and the adjacent parts from the British, to go to the Falls of Ohio to Col. Clark, and apply to him for a guard; descend the Ohio and Mississippi rivers to the proper latitude and there make marks and give all the publicity we could to the claim of Virginia that far south. This duty we performed and then returned home. On our way, we fell in with Col. Henderson, &c. who told us more than once that North Carolina would sanction what we had done.—Whether he made report to that state, and to what purport, we have not been informed. Our report, Dr. Walker handed to the legislature of Virginia, which I understood was properly received and deemed quite satisfactory. This was in the height of the revolutionary war with Great Britain, when business of this kind was deemed of far less consequence than, by every exertion to repel the enemy from the country. This enemy came afterwards to Richmond and as I have understood destroyed many of the public papers and records.

I cannot but observe, that through the Holston part of the country, it has been supposed by many, we had run the line too far to the southward, and from a magnanimous spirit of accommodation, Virginia relinquished her claim to about a mile of Territory. Through the Cumberland country we have been suspected of running the line too far to the northward. Why such suspicions should arise, I know not. Our only desire I well know was to run the line in the proper latitude.

I am sir,

With great respect, &c.

DANIEL SMITH.

(A Copy.)

In 1821 Wm. Steele, for Kentucky, and Absalom Looney, representing Tennessee, surveyed and marked the gap in Walker's Line and their acts were confirmed by both Kentucky and Tennessee.

As, from time to time, disputes in regard to the boundary line continued to arise, enactments were passed by both states, in 1858, creating a joint commission to place stone posts on the line five miles apart and to make other permanent landmarks. In 1859 this commission made a survey and placed the markers definitely indicating the line which gave Tennessee some territory north of 36° 30′.[19] Yet, the state constitution of 1870 adheres to the old northern boundary of 36° 30′, although it safeguards it with the following clause:

"Provided that the limits and jurisdiction of this state shall extend to any other land and territory now acquired by compact or agreement with other states, or otherwise, although such land and territory are not included within the boundaries hereinbefore designated." When the next state constitution is adopted, the error should be corrected.

THE NORTH CAROLINA-TENNESSEE BOUNDARY LINE

The eastern boundary line has been the subject of prolonged controversy, one section of it having been decided by the United States Supreme Court as recently as April 3, 1916. When North Carolina ceded her western lands to the United States, the cession act (Chapter 3 of the Acts of 1789) gave a description of the boundary line between North Carolina and the western ter-

[19] The acts of this commission were confirmed, in 1860, by both Kentucky and Tennessee. The field notes and maps are in the Tennessee Archives.

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ritory, which in a few months became the territory of the United States south of the River Ohio (1790-1796), afterwards (1796) the State of Tennessee. The deed made by the senators of North Carolina, in pursuance of the cession, gives the same description, and so does the Constitution of 1796 (Article 11, Section 32).

Soon after Tennessee was admitted into the Union in 1796, North Carolina appointed a commission to run, mark and permanently establish the boundary line in connection with commissioners from Tennessee. The Legislature of Tennessee, however, took no action in this matter and the commissioners of North Carolina proceeded alone, in 1799, to locate the line from the Virginia state line to Paint Rock on the French Broad River.

A certified copy of their report was asked by Governor Archibald Roane in a letter to Governor James Turner, of North Carolina, under date of December 30, 1802, and on July 10, 1803, the secretary of state of North Carolina transmitted a copy.[20]

In 1805 the Tennessee Legislature passed an act (Chapter 47, Acts of 1805) stating that the North Carolina commissioners had not run the line correctly in accordance with the true intent of the cession act, and appointing two commissioners in locating the true line. Neither state, however, took any steps in the matter at that time.

On July 28, 1820, the Legislature of Tennessee passed an act (Chapter 22, Acts of 1820) the first section of which is as follows:

"Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That the Governor shall be, and he is hereby authorized, to appoint three Commissioners who have been or may be appointed by the state of North Carolina, at such time and place, as may by the said Commissioners, or by a majority of those representing the respective states be agreed on, and with them to settle, run and remark the boundary line between this state and the state of North Carolina, agreeably to the true intent and meaning of the said act of the General Assembly of the State of North Carolina, entitled 'an act for the purpose of ceding to the United States of America, certain western lands therein described,' commonly called the cession act."

In accordance with the provisions of this act, A. Smith, Isaac Allen and Simeon Perry were appointed commissioners of Tennessee. James Mebane, M. Stokes and R. Love, were appointed commissioners of North Carolina. These joint commissioners made the survey and submitted a joint report dated August 31, 1821, which report is in the Tennessee State Archives.[21] The total expense of Tennessee was $1,556, according to the original statement signed by the commissioners, which statement is in the State Archives.

The report of the joint commissioners was approved by act of the Tennessee Legislature (Chapter XXXV of the Acts of 1821) passed on November 9, 1821. It would seem, then, that the unanimous report of the joint commission should be conclusive, yet in 1832 the Legislature of Tennessee passed a resolution requesting the governor to open correspondence with the governor of North

[20] This copy is in the State Archives of Tennessee.

[21] In 1904 Robert T. Quarles, then State Archivist of Tennessee, found in the basement of the Capitol at Nashville two maps, one showing the survey made in 1799 from the Virginia line to the Big Pigeon River in Tennessee; the other from the Big Pigeon River to the Georgia line, surveyed in 1821. These are the original maps made by the Commissioners and are now in the state archives. The former named map was discovered in a barrel of disinfectant and seed cotton. He, also, found the field notes of the survey made in 1799, signed by all the commissioners, but not the field notes for the survey of 1821. However, the map of the survey of 1821 is signed by the commissioners and surveyors of the two states.

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Carolina with reference to the error mentioned in the Act of 1805 (Chapter 47), but nothing was done at that time. Indeed, nothing further seems to have been done until 1885 when the Legislature passed an act (Chapter 80 of the Acts of 1885) appointing William E. Tilson, Frank H. Hannum and David White, all of Unicoi County, to act in conjunction with commissioners of North Carolina to mark the true line. The two sets of commissioners of the two states, however, could not agree, the commission of North Carolina contending that the survey of 1799 made by the commissioners of North Carolina was correct and the commission of Tennessee that it was incorrect.

"This failure to reach an agreement gave rise to a prolonged litigation in regard to the true location of the state line, the dispute being over a wedge-like strip of land setting in at and lying south of the Nolachucky river gorge."[22]

This litigation was finally settled by the Supreme Court of Tennessee in 1915, in the case of McCarty vs. Carolina Lumber Company, 134 Tenn. 35. The decision sustained the survey made by the commission in 1799.

There remained but one short section of the line between the two states still in dispute and that was settled in the United States Court in the case entitled The State of North Carolina, Complainant vs. The State of Tennessee, in Equity. The decision in this case was rendered on April 3, 1916, and recites the fact that the Supreme Court, in 1914, had appointed D. B. Burns, of Asheville, N. C., W. D. Hale, of Maryville, Tenn., and Joseph Hyde Pratt, of Chapel Hill, N. C., commissioners to mark permanently and set monuments on the line in controversy; also that the commissioners had made their report, which was attached, together with notes and map. The attorneys for both states concurred in this report which was confirmed. This report, with notes and map, is in the Tennessee State Archives.

SOUTHERN BOUNDARY LINE OF TENNESSEE

The State of Tennessee, having experienced already some difficulties, perplexities and disputes in the endeavor to establish her true boundary lines on the east and north, sought, in 1817, to forestall controversies concerning her southern boundary line. Accordingly the General Assembly on November 10, 1817, passed an act (Chapter LXVII, Acts of 1817) entitled "An act to run and establish the boundary line between this state, and the State of Georgia." The preamble of this act is:

"Whereas it would greatly tend to the prevention of disputes, to have the boundary line between this state and the state of Georgia ascertained, run and marked, before settlements are made on or near said line by individuals under the authority of either state—Therefore" etc.

This act provided for the appointment of a commission to be composed of a mathematician and a commissioner to ascertain, in conjunction with a commission of the State of Georgia, the true line between these two states and to cause it "to be plainly, distinctly and notoriously marked."

On December 16, 1817, the Georgia Legislature passed a similar act and appointed commissioners. In 1818 the two sets of commissioners met and ran the line as accurately as they were able and furnished a map and diagram of

[22] Judge S. C. Williams' article "North Carolina-Tennessee Boundary Survey (1799)" in Tennessee Historical Magazine, Vol. VI, pp. 46-57.

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the line agreed upon and made their reports to their respective governors. The report of Tennessee commissioners was adopted by the Legislature on October 30, 1819.[23] Attached to this correspondence is the report of John Cocke, who was appointed the Tennessee commissioner. This line was supposed to have been run on the true parallel of 35° of north latitude as found by Camak and Gains, mathematicians representing the two states. They began at the top of Nickajack Mountain, at the supposed corner of the states of Georgia, Alabama and Tennessee and ran east to the point where Tennessee and North Carolina join each other.

On December 18, 1819, the report and maps were adopted by the Georgia Legislature (Acts of Georgia, 1810-1819, p. 1217).

Mr. Camak, the mathematician of the Georgia commission, made further observations and surveys of the Tennessee-Georgia line in 1826 and reported that the line of 1818 was too far south. Yet, for nearly seventy years after that time, Georgia made no effort to dispute the boundary line adopted in 1818.

On October 5, 1887, the Georgia Legislature (Acts of 1887, p. 105) declared that grave doubts existed as to the location of the state line between Georgia and the State of Tennessee, and directed the governor to communicate with the governor of Tennessee to the end that a joint survey might be made. On June 1, 1923, Governor Hardwick of Georgia, wrote Governor Peay of Tennessee, to the effect that Georgia wished a joint commission appointed to determine the line along a part of the boundary.

On April 8, 1889, the General Assembly of Tennessee passed an act (Acts of 1889, p. 499) similar to that passed in 1887 by Georgia, except that in the act of Tennessee a provision was inserted that the survey should begin at the corner point of Georgia and Alabama. The joint commission, however, did not act and the line to this day is according to the report adopted in 1818.

THE CONTROVERSY WITH MISSISSIPPI

By the treaty made with the Chickasaws in 1818 the southern boundary of Tennessee was stated to be the thirty-fifth parallel of north latitude and the southern line of the purchase is described as follows:

"Beginning on the Tennessee river, about thirty-five miles by water below Colonel George Colbert's ferry, where the 35th degree of north latitude strikes the same; thence, due west with said degree of north latitude, to where it cuts the Mississippi river, at or near the Chickasaw bluffs."

By the fifth article of the treaty, the two contracting parties agreed that the line of the south boundary of the State of Tennessee should be ascertained and marked by the commissioners to be appointed by the President of the United States. Gen. James Winchester made the official survey in 1819. A few months previously an official survey had been made by James Brown, who began at the northwest corner of Alabama and ran his line to the lower end of President's Island, about four miles below Fort Pickering. Later the claim was made that the Winchester line had been incorrectly run. The people of Mississippi, especially, thought that the line, if correctly run, would show that Memphis was in the State of Mississippi. Even as late as 1832 the Encyclopedia Americana

[23] In the Tennessee Archives are copies of the correspondence between Gov. Joseph McMinn, of this state, and Gov. Wm. Rabun, of Georgia, showing how the legislation and the actions related were brought about.

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spoke of Memphis as "a town in the northwestern angle of Mississippi, upon a high bluff which used to be called Fort Pickering."[24]

Under date of August 7, 1830, Governor Gerard C. Brandon, of Mississippi, wrote Col. William Carroll, of Tennessee, a letter in which, besides other things, he says: "It is believed by many well-informed persons that the present line between the two states is several miles south of the thirty-fifth degree of north latitude, which is the true boundary."[25]

On February 21, 1831, Governor Brandon again wrote Governor Carroll regarding the boundary line and enclosed a copy of a resolution passed by the Legislature of Mississippi authorizing their governor "to employ some suitable person to ascertain at what point on the Mississippi River the thirty-fifth degree of north latitude crosses the same."[26]

Thereupon, John Thompson made a survey for Tennessee in connection with which he secured the services of John D. Graham, "an experienced and accurate surveyor, with two assistants." In his report dated November 28, 1831, he said that "the present Mississippi line was found distant from Memphis * * * a little more than six miles and a half," which line he further stated was too far north.[27]

On December 2, 1831, Governor Carroll in a message to the Legislature said:

"In October last the Governor of Mississippi appointed a gentleman to ascertain and designate the point on the Mississippi River, where the thirty-fifth degree of north latitude crosses the same, who found it to be about four miles south of the line run by the commissioner[28] of the United States in the year eighteen hundred and nineteen. Since then the same service has been performed in behalf of this State, by Mr. John Thompson, late Professor of Mathematics in the Nashville University, the result of whose observations nearly agree with that of the gentleman from Mississippi."[29]

In 1833, a report of the committee of the House of Representatives, and a report of the committee of the Senate on the boundary line between Tennessee and Mississippi were made but accomplished nothing. The controversy was finally settled and a line run and marked by commissioners[30] of the two states working conjointly in 1837. The following is a copy of a letter[31] written by Governor McNutt, of Mississippi, to Governor Newton Cannon, of Tennessee, which explains the action which closed the dispute:

Executive Department
Jackson, Miss., Feby. 10th, 1838.

His Excellency
Newton Cannon
Sir

I have the honor to acknowledge the receipt of your communication of the 1st instant—

Enclosed you will receive a copy of the act of the Legislature of the State of Mississippi, duly attested, confirming and establishing the boundary line between the states of Tennessee and Mississippi, as run and marked by the Commissioners of those States last year.

[24] Phelan's "History of Tennessee," p. 315.
[25] Carroll Correspondence in Tennessee Archives, State Line Papers.
[26] Tennessee Archives, State Line Papers.
[27] Tennessee Archives, State Line Papers.
[28] General James Winchester.
[29] Tennessee Archives, State Line Papers.
[30] The personnel of the commission was: B. A. Ludlow, D. M. Connely and M. Petrie, for Mississippi, and J. D. Graham and Austin Miller, for Tennessee.
[31] The original is in the Tennessee Archives, State Line Papers.

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I avail myself of this opportunity of congratulating your excellency on the final settlement of this matter, and trust that it will meet with the approbation of the People of both states.

With Great Respect
I have the honor to be
Your Exlys obt servt
A. G. McNUTT.

TENNESSEE DESPERADOES: THE HARPS, TOM MASON, JOHN A. MURRELL, DANIEL CRENSHAW

Among the rugged and honest pioneers whose sterling qualities of rectitude we are fond of admiring, there crept in from time to time disorderly and criminal elements which disturbed social and business relations for a time, until they were suppressed with strong hand. In this class there have been a few whose deeds were so strikingly notorious and so long and shockingly affected the inhabitants of portions of Tennessee that some mention of them, even though a brief one, should be made.

THE HARPS

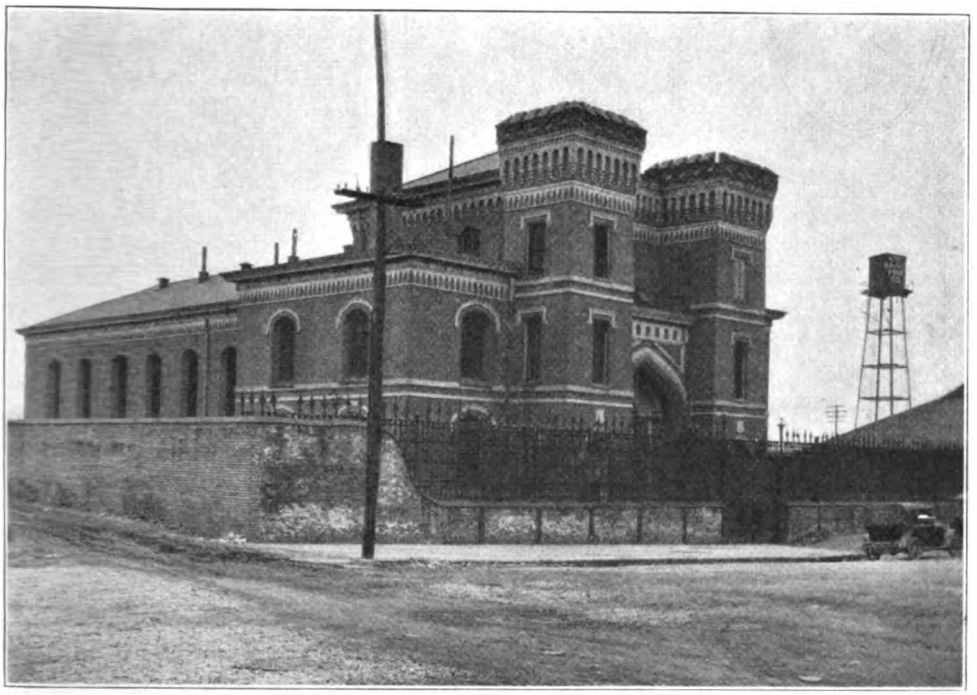
Probab'y the most monstrous of these villains were the Harps, whose deeds of cold-blooded murder, not so much for spoil or plunder as for the gratification of a thirst for killing, and a fiendish delight in the infliction of human woes, caused a thrill of horror to be felt at the mere mention of their names, at the time of their dreadful exploits. They appear in history for the first time in 1797 or 1798 in Knox County to which they came from Georgia, as they represented. One of them, Micajah Harp, was a very large man with a most vicious and ferocious countenance. Because of his size he was called Big Harp. The other, named Wiley, was much smaller and was called Little Harp. Big Harp brought with him a woman, who he said was his wife. But some time after they came Big Harp took another woman named Roberts to live with him at the same time as his wife. Little Harp married a woman named Sarah Rice who came from Sevier County or Blount County.

The Harps had been living in their home in Knox County, four or five miles from Knoxville, a year or more when they began to steal hogs and sheep from their neighbors and, for some time, were undetected. Finally, however, they fell under suspicion, and when some fine horses had been stolen from Edward Tiel, who resided near Knoxville, Tiel and his friends went to the house of the Harps, ascertained that they were absent, followed and captured them. On the return the Harps escaped, and thereupon entered upon a career of inhuman and ruthless murder, which they pursued to an extent which alarmed the inhabitants of that entire section. In their relentless and furious rage they spared neither old nor young, nor sex nor color.

They murdered a young man named Coffey in Knox County; then a man named Johnson, supposed to be a resident of Hawkins County. These tragic deeds aroused the whole community and search for the Harps was made in every direction. They were not at once found, and meanwhile they murdered a man named Ballard, thinking, it was believed, that they were killing Hugh Dunlap, who was very vigilant in trying to arrest them.

Companies were now raised and pursued them vigorously through wild and uninhabited regions, and rewards were offered for the apprehension of them.

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OLD COUNTY JAIL, MEMPHIS



CITY HALL, MEMPHIS

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Taking their women with them the Harps fled through the mountainous regions along the line between Tennessee and Kentucky, occasionally breaking into the settlements and committing horrible and bloody murders as they went. Having passed into Kentucky through Cumberland Gap, they murdered a peddler named Peyton and took his horse and goods. Soon afterwards they murdered a traveller, named Langford, whose body was found a few days later by some drovers. The Harps were pursued, arrested and carried to Danville. They broke jail, however, and escaped, through the connivance of the jailor it was suspected.

The Harps then went to a new region along the Tennessee-Kentucky state line where they renewed their atrocities on a still more extensive scale. They murdered all classes and both sexes without distinction, not alone for plunder which they sometimes secured, but apparently from pure wantonness and love of shedding human blood. It will probably never be known how many human lives they took. Yet the catalogue of the murders it is known that they committed is a long one. They went back and forth between Tennessee and Kentucky, killing as they went. Finally, they killed in its cradle the infant of a Mr. Stegall and then its mother who had prepared breakfast for them. The alarm was given by a man named Williams who had been at Stegall's house, but who escaped and Stegall, a rough character himself, was soon informed. He, Williams, and Thomas Leiper and others began an immediate pursuit, caught up with the Harps, fired upon them and wounded Big Harp. Both the Harps fled in different directions, abandoning their women. The pursuing party, being small, followed Big Harp. Leiper, having a superior horse, soon ascertained that he could overtake him but proceeded cautiously until he was sure Harp's gun was not loaded. He then dashed upon him, fired and wounded Harp. While he was talking to Harp, Stegall came up and cut off Harp's head,[32] took it to the nearest justice of the peace and then to the nearest cross roads where they affixed it to the top of a lofty pole. Little Harp fled to the neighborhood of Natchez where he joined Tom Mason and his gang.

TOM MASON

Mason, or Meason, as he was sometimes called, with whose band Little Harp associated himself, was well known in the southwestern country as a desperate villain. Before going to Natchez, in about 1802, he had lived for several years near Cross Plains, in Robertson County. His gang consisted of himself, his two sons, Tom and John, and seven or eight other men. Mason's band was a great terror to the boatmen and travelers who went through the Indian country, by the capture of whose supplies Mason and his men secured ample provisions for themselves. Mason doesn't seem to have been a bloodthirsty man. As he said, "Money is all I'm after. If I can get that without taking life, I will certainly shed no blood."

Among Mason's first robberies was that of a party of Kentucky boatmen returning home from Natchez. It was a common occurrence for parties to go

[32] Brazeale, in "Life As It Is," pp. 146-147 says: "Stegall took Harp's own butcher knife, which Leiper had compelled him to deliver up, and taking Harp by the hair of the head, drew the knife slowly across the back of the neck, cutting to the bone; Harp staring him full in the face, with a grim and fiendish countenance, and exclaiming, 'you are a G—d d—d rough butcher, but cut on and be d—d.' Stegall then passed the knife around his neck, cutting to the bone; and then wrung off his head, in the same manner a butcher would that of a hog."

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down the Cumberland or Tennessee, down the Ohio and the Mississippi to Natchez, sell their cargoes and boats and return by the Natchez Trace. This road led through the Choctaw and Chickasaw countries which, not being under the jurisdiction of Federal and state officers for a large part of the way, besides being sparsely settled, was a favorite habitat and scene of operations for Mason and his men. The robbery of the party of Kentuckians caused a great sensation, which was shortly afterwards intensified by the robbery of a Colonel Baker, also from Kentucky, and a man of wealth and prominence. He was robbed of a large sum of money and organized a pursuit of Mason and his gang, but abandoned it when, on overtaking the outlaws, they ascertained that they could not successfully cope with them.

Rendered bold by their success in the exploits related above, Mason and his men committed many other robberies and outrages upon travelers through the wilderness and rendered journeys in that section so hazardous that Governor Williams, of Mississippi, offered a reward of $1,000 in gold for the apprehension of Mason, dead or alive. Immediately strenuous efforts were made to arrest Mason; but, having hid his money he crossed the Mississippi River and made his escape. Nevertheless two men, calling themselves Sutton and May, stimulated by the reward offered, brought into Natchez the head of a man representing it to be that of Mason and claimed the reward. Those, however, who were well acquainted with Mason said that the head was not his and thereupon the two men were arrested, tried and hanged. At the time of the hanging two men from Knox County, Tenn., recognized May as Wiley (Little) Harp and identified him by a scar on his breast.[33]

After Mason's band had been dispersed, other desperadoes and outlaws tried to emulate his example, but none of them was so successful as Mason had been and it was not long before the road could be traveled with safety.

JOHN A. MURRELL

After the passing of Mason and his imitators Tennessee was as free from outlaws as could well be expected of a new and border state until after the opening to settlement of the Chickasaw Reservation when the field for brigandage was peculiarly favorable in West Tennessee which was being rapidly populated.

"The state of society was generally rough, and the newly introduced laws frequently failed to command respect. The thief, the robber, the horse-stealer, the negro-runner, the highwayman, the burglar and the counterfeiter profited by the opportunity, and a reign of lawlessness began. But it was frequently tempered by lynch-law, and was overridden at times by superior force. It was the glory and the boast of a native Tennessean to have organized these scattered elements of recklessness and crime into a 'noble band of valiant and lordly bandits,' as Murrell styled his following." [34]

Of the early life of Murrell little is known. It is known, however, that he was born in Middle Tennessee, and perhaps in Williamson County. At any rate he lived in that county not far from Bethesda, about ten miles from Franklin, to which place he moved prior to the year 1827. About this year he left for other fields of activity. His father was a Methodist preacher of good moral character.

[33] The statement made in some accounts that he was identified by a missing toe is erroneous. Guild's "Old Times in Tennessee," p. 99.

[34] Phelan's "History of Tennessee," p. 347.

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After leaving Williamson County Murrell lived for some time in what is now Chester County, West Tennessee. There is a wide divergence of opinion as to what part Murrell played in the depredations and outrages which were committed by the band with which he was identified from this time until it was broken up in 1834-1835. Phelan says:

"The distinguishing feature of his methods was their thoroughness. After the commission of an offense, nothing was stickled at to prevent detection. He knew no degrees in crime, and regarded murder as in no wise more heinous or repugnant than the theft of a watch." [35]

Yet Mr. Park Marshall says: [36]

"Murrell always positively denied that he or his 'gang' ever committed a murder. No charge of murder in any definite form was ever brought to his door." * * * "Yet the prevailing belief in the minds of the people in many parts of the country, and to a great extent locally at the present time, is that Murrell and Crenshaw—particularly Murrell—were the leaders of the greatest band of highwaymen the country has ever known, and could with justice be described as 'the great land pirates of the Southwest.'

"This mistaken notion had its origin in a highly fictional and long since discredited story contained in a small book published by one Vergil A. Stewart, which owing to its sensational character had a large sale and of course a very large number of readers."

Notwithstanding the divergence of the views with regard to Murrell personally and his methods and the character of his crimes, it is a certainty that he and his gang kept West Tennessee, North Mississippi and Eastern Arkansas in a ferment of alarm and distress for several years, especially with the favorite operations of horse-stealing and negro-running. While these hectic affairs were being carried on Murrell married and settled down, apparently at least, on a farm which he bought near Denmark in Madison County, Tenn. In reality it is supposed that he was carrying on the most extensive schemes of rapine and plunder through a sort of committee called the Grand Council of the Mystic Clan, including, it was thought, many men of standing and influence and the ramifications of which were widely spread.

He was living at Denmark when, through the influence of Vergil A. Stewart, he was arrested. It is believed that Stewart was, at one time, associated with Murrell and that he endeavored to bring Murrell to justice to gratify his desire for revenge. Be that as it may, he failed to give the grand jury the name of any prominent man connected with Murrell. Nevertheless Murrell was convicted of negro-stealing in court at Jackson, and was sent to the penitentiary where he remained six years, at the end of which time he was pardoned on account of his failing health. He went to Pikeville and died near there not long afterward.

In his "Historic Blue Grass Line," page 33, Douglas Anderson tells of Murrell having been tried in Nashville on a change of venue, on May 25, 1825, on the charge of having stolen a horse from a widow in Williamson County.

"The verdict and judgment was that Murrell should serve twelve months' imprisonment; be given thirty lashes on his bare back at the public whipping post; that he should sit two hours in the pillory on each of three successive

[35] Phelan's "History of Tennessee," p. 347.

[36] In article entitled "John A. Murrell and Daniel Crenshaw" in Tennessee Historical Magazine, Vol. VI, p. 4.

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days; be branded on the left thumb with the letters "H. T." in the presence of the Court, and be rendered infamous."

Mr. Anderson describes the branding from the statement of an eye-witness as follows:

"At the direction of the sheriff Murrell placed his hand on the railing around the judge's bench. With a piece of rope Horton then bound Murrell's hand to the railing. A negro brought a tinner's stove and placed it beside the sheriff. Horton took from the stove the branding iron, glanced at it, found it red hot, and put it on Murrell's thumb. 'The skin fried like meat.' Horton held the iron on Murrell's hand until the smoke rose two feet. Then the iron was removed. Murrell stood the ordeal without flinching. When his hand was released he calmly tied a handkerchief around it and went back to the jail."

DANIEL CRENSHAW

As a young man, Crenshaw was an associate of Murrell in Williamson County, and, contrary to the accepted belief, seems to have been the leader in the various escapades in which both, from time to time, were engaged. According to Park Marshall, in the article previously referred to, Crenshaw lived on land belonging to the mother of Thomas H. Benton and a large spring near one of the corners of this land was known as Crenshaw's Spring.

Like Murrell, Crenshaw seems not to have practiced murder in carrying out his designs, either alone or in connection with Murrell. He was guilty of various offenses and crimes. In April, 1826, he was convicted of stealing a horse from R. C. Foster, of Williamson County, sentenced to imprisonment for six months and was branded. It is said that after Crenshaw was branded and was still standing on the block he bit the letters from his hand.

John Bell, afterwards the eminent senator in Congress and candidate for President in 1860, was Crenshaw's attorney and, after his client had been convicted in the case spoken of, he withdrew his plea of not guilty in two other cases against Crenshaw and filed in each case a plea of "benefit of clergy" by which device Crenshaw secured immunity from the penalties in a case of forgery and in one of the horse-stealing cases.

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CHAPTER XVIII

ADMINISTRATIONS OF CARROLL, HOUSTON AND HALL

THE ADMINISTRATIONS OF WILLIAM CARROLL, 1821-1827—THE ADMINISTRATION OF SAM HOUSTON, 1827-1829—THE ADMINISTRATION OF WILLIAM HALL, APRIL TO OCTOBER, 1829—THE ADMINISTRATIONS OF WILLIAM CARROLL, 1829-1835—THE CONSTITUTIONAL CONVENTION OF 1834.

In 1821, William Carroll, who had gained great distinction as a general officer in the War of 1812, and especially at the battle of New Orleans, was overwhelmingly elected governor over Col. Edward Ward, his competitor, Carroll having received 31,029 votes and Ward 7,294 votes. Carroll was inaugurated at Murfreesboro on October 1st, and, in his first message to the Legislature satisfied the public that the confidence reposed in his ability had not been misplaced. He recommended rigid economy and retrenchment in domestic relations as a relief from financial embarrassment instead of legislative interposition between debtor and creditor, the establishment of a separate Court of Chancery, the establishment of a penitentiary and the abolishment of the pillory, whipping, branding and other barbarous punishments.

The Fourteenth General Assembly met at Murfreesboro on September 21, 1821. Among the acts passed were:

"To regulate proceedings in forcible entry and detainer"; "Right to sue under the pauper's oath"; "Confirming the boundary line between North Carolina and Tennessee"; "Confirming the line between Kentucky and Tennessee by William Steele and Absalom Looney"; "Concerning champerty and maintenance."

In 1821 Sam Houston's ability and popularity began to be recognized, and he was appointed major-general of the Second Division. The Nashville Whig and the Nashville Clarion were both established. Gen. Andrew Jackson was appointed territorial governor of Florida. The Assembly adjourned on November 17, 1821.

In 1822, the second session of the Fourteenth General Assembly convened at Murfreesboro on July 22d and adjourned on August 24th. The reason for this session was that the state might be laid off into nine congressional districts on account of the increase in population and changes in habitation. The first act passed at this session made the division desired. Another judge, William L. Brown, was added to the Supreme Court. Swords were voted to General Jackson and General Gaines for gallantry in the War of 1812.

In 1823, Carroll was reelected governor without opposition. The Fifteenth General Assembly met at Murfreesboro on September 15th and adjourned on November 29th. The following important acts were passed:

"To preserve the purity of elections, providing that any person treating with spirituous liquors or betting on elections shall be deemed guilty of a mis-

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demeanor"; "An act providing for the registration of wills"; "An act for removing the county seat of McMinn County from Calhoun to Athens"; "Fixing the permanent seat of justice for Henry County at Paris, and incorporating the same."

The Pioneer, the first newspaper published in West Tennessee, was established at Jackson. Andrew Jackson was elected United States senator over the incumbent, Col. John Williams.

In 1824, the governor issued a call for an extra session of the Legislature for the purpose, principally, of correcting a mistake in the act providing for the election of President and vice president, and the mistake was corrected in the first act passed at this session, passed on September 30, 1824. This session convened on September 20th and adjourned on October 22d. Other acts of this session provided for the erection of new counties, and the incorporation of towns; also an act "incorporating a turnpike from Murfreesboro to Nashville," and a joint resolution to entertain General Lafayette [2] at public expense.

In 1825, Carroll was again reelected governor without opposition. The first session of the Sixteenth General Assembly was held at Murfreesboro from September 19th to December 7th. It is interesting to note that the personnel of the Legislature consisted of thirty-eight farmers, twelve lawyers, five doctors and five merchants. On October 2d a resolution passed the Legislature recommending Gen. Andrew Jackson for President of the United States.[3] On October 14th both Houses received General Jackson in ceremonious form. On October 18th he resigned his seat in the United States Senate, and Hugh L. White was elected senator in his stead. John Haywood and Robert L. Cobb were appointed to revise the statutes of the state. A resolution was adopted to remove the seat of government to Nashville. The following important acts were passed:

"Striking attorneys from the roll for failure to pay over funds collected by them"; "Providing that jurors for the trial of slaves shall consist of slaveholders only." The Nashville and Columbia Turnpike Company was incorporated.

In 1826, the second session of the Sixteenth General Assembly was held at Nashville from October 16th to December 11th.[4] During this session a sword was voted to Gen. William Carroll for distinguished services during the War of 1812.[5] The following important acts were passed: "To incorporate the Nashville Insurance Company";[6] "to incorporate Hiwassee Canal Company." The Memphis Advocate, the first newspaper in Memphis, was established. A duel

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[2] Of the historic public reception of Lafayette, Anson Nelson, recording secretary of the Tennessee Historical Society said: "General Lafayette, son and suite, arrived here on the 4th of May, 1825, and were received with the greatest demonstrations of joy. An immense procession was formed, the streets were decorated with arches of evergreens, and patriotic mottoes were inscribed upon them. The General landed on the grounds of Maj. Wm. B. Lewis, above the waterworks where General Jackson and a number of citizens received him, and Governor Carroll addressed him in behalf of the state, tendering him a welcome to Tennessee."

Judge Jo C. Guild in "Old Times in Tennessee," p. 446, says: "About twenty-five thousand people, embracing the beauty and chivalry of the state, assembled at Nashville on the 4th of May, to welcome the nation's guest, and right royally did they extend to him the old-fashioned hospitality of Tennessee."

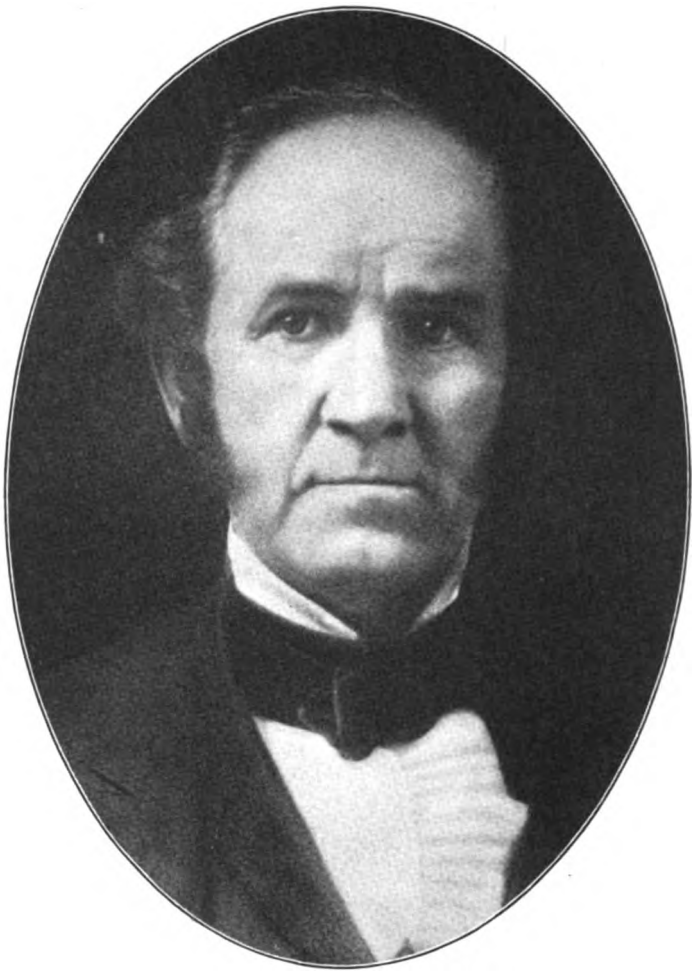
[3] By a union of the forces of Clay and Adams, he was defeated.

[4] Since this time the Legislature has always met in Nashville. In 1843 Nashville was selected as the permanent capital of the state.

[5] This sword is now in the state's historical museum.

[6] This was the first insurance company established in Tennessee.

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SAM HOUSTON
Governor of Tennessee, 1827-1829; Liberator of Texas and President of Texas

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was fought between Sam Houston and Gen. William White, in which General White was badly wounded.

In Carroll's three terms as governor, from 1821 to 1827, he conducted the affairs of the state on sound business principles. He caused the finances of the government to be put on a sound footing by having the affairs of the banks thoroughly examined and requiring them to resume specie payments.

THE ADMINISTRATION OF SAM HOUSTON

In August, 1827, Sam Houston was elected governor of Tennessee. His great popularity at that time is attested by the fact that he received a majority of nearly eight thousand over Newton Cannon and Willie Blount, two men of deservedly high standing. Carroll, having served three successive terms, was ineligible. Houston's popularity was so great that it is said on his accession to the gubernatorial chair he had not a single opponent in the Legislature.

Houston conducted the affairs of the state judiciously along the general lines which had proven so salutary in the administration of his immediate predecessor, and Tennessee continued to grow and prosper.

The Seventeenth General Assembly was held from September 17th to December 15th. Houston was inaugurated on October 1, 1827.

A branch bank of the United States was established in Nashville in 1827.

In 1828 Andrew Jackson defeated John Quincy Adams for the presidency of the United States by an overwhelming majority.

In 1829, Houston became a candidate for reelection and was opposed by General Carroll who had become eligible. This contest was between two popular heroes of the War of 1812, both men of ability and good speakers; both had hosts of friends and the result of the election was considered doubtful. The canvass opened in April, 1829. In January previous Governor Houston had married Miss Eliza H. Allen, a daughter of John Allen, of Sumner County. Her family was wealthy and influential. Her brothers, Campbell Allen and Col. Robert Allen, had distinguished themselves in the War of 1812 under General Jackson. Col. Robert Allen had commanded a regiment in the Creek war, and served in Congress with distinction. He was later a member of the convention which framed the constitution in 1834. Governor Houston's wife was a most estimable lady, yet domestic troubles which, for many years were shrouded in insoluble mystery caused Houston to separate from her soon after the opening of the campaign for governor. Two days later he resigned the office of governor and went into voluntary exile among the Cherokee Indians, the friends of his youth who had moved from East Tennessee to Arkansas. A few years later he emerged to become the leader and the popular hero of Texas, whose independence he won at the battle of San Jacinto, April 21, 1836.

Shortly after the separation of Governor Houston and his wife, Houston wrote his father-in-law a letter of which the following is a copy:

"Dear Sir—The most unpleasant and unhappy circumstance has just taken place in the family, and one that was entirely unnecessary at the time. Whatever had been my feelings or opinions in relation to Eliza at one period, I have been satisfied, and it is now unfit that anything should be adverted to. Eliza will do me the justice to say that she believes I was really unhappy. That I was satisfied, and believed her virtuous, I had assured her last night and this morning; this, however, should have prevented the facts coming to your knowl-

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edge and that of your wife. I would not for millions that it had been known to you. But one human being knew anything of it from me, and that was by Eliza's consent and wish. I would have perished first; and if mortal man had dared to charge my wife, or say aught against her virtue, I would have slain him. That I have and do love Eliza none can doubt, and that I have ever treated her with affection she will admit; that she is the only earthly object dear to me God will bear witness. The only way that the matter can now be overcome will be for us all to meet as though it had never occurred, and this will keep the world, as it should ever be, ignorant that such thoughts ever were.

"Eliza stands acquitted by me. I have received her as a virtuous, chaste wife, and as such I pray God I may ever regard her, and I trust I ever shall. She was cold to me, and I thought did not love me; she owns that such was one cause of my unhappiness. You can think how unhappy I was to think that I was united to a woman who did not love me. That time is now past, and my future happiness can only exist in the assurance that Eliza and myself can be more happy, and that your wife and yourself will forget the past, forget all, and find your lost peace—and you may rest assured that nothing on my part shall be wanting to restore it. Let me know what is to be done.

"Your most obedient,

SAM HOUSTON."

The real cause of the separation of Governor Houston and his wife, which, for so many decades, has been the subject of much speculation and of many unfounded interpretations [8] has at last been ascertained and is given by John Trotwood Moore as follows:

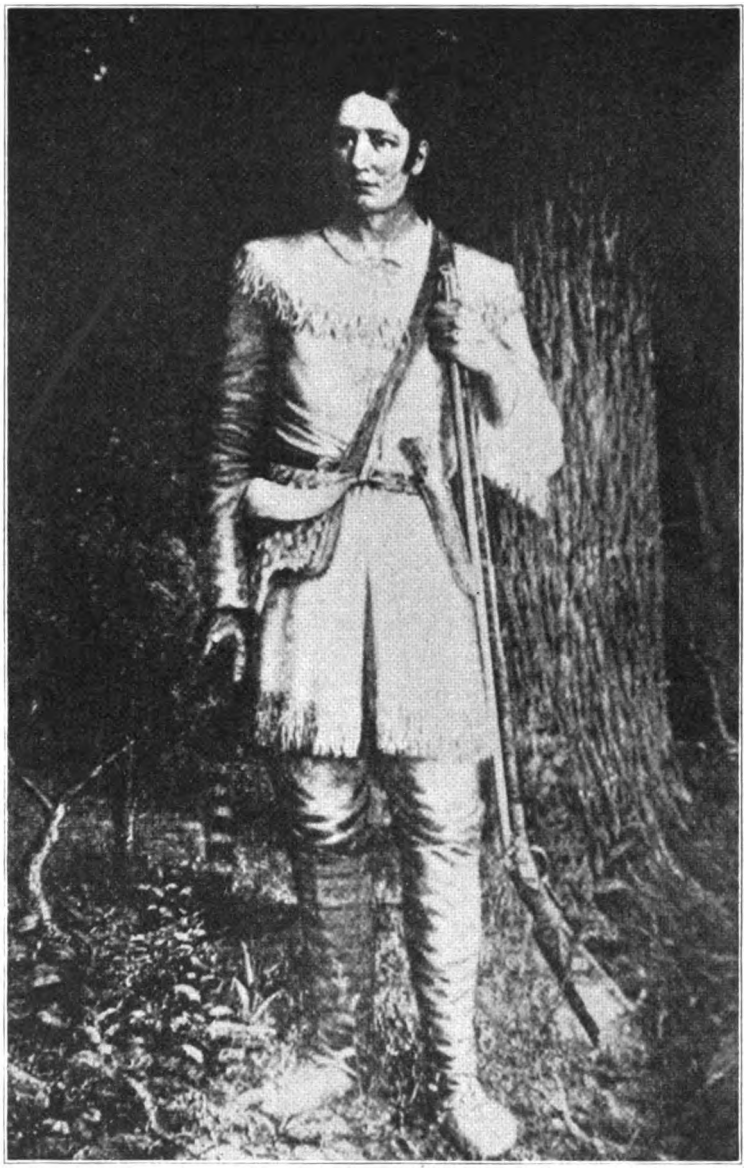
I was born in Marion, Alabama, and grew up there. My family were intimate friends of the Leas. Margaret Lea was the 2nd wife of General Sam Houston. I have been told that General Houston married her in '49 or the early fifties. I think that at this time he was United States Senator from the newly formed state of Texas. His marriage to Margaret Lea was a great social event in the history of our little town. I have been told by my father, the late Judge Jno. Moore, that he was at the wedding and that the following instance occurred there:

Margaret Lea had two brothers, Colonel Sumpter Lea and John Lea. Colonel Sumpter Lea became a very celebrated lawyer in Alabama and was also a colonel in the Confederate Army. John Lea was a prosperous farmer and died at the old Lea place near Marion at a good age. He was a good man but much given to running things his own way and assuming charge of situations relating to other people. After the guests were all assembled for the wedding and just before the ceremony, John Lea took General Houston off alone to a room and told him that now that the General was to be a member of the family the family would appreciate it if he would tell them why he left his first wife. General Houston drew himself up to his full height and told Mr. Lea that if this wedding depended on his telling what he had never told anyone and never expected to tell that he "might call his fiddlers off." Later I learned why General Houston left his first wife as follows:

After the war Colonel Sumpter Lea moved to Birmingham, Alabama, to practice law. About 1887 I was there on a visit to my cousin, Judge William W. Wilkerson, afterwards a very distinguished judge who died on the Alabama bench about 1902. In discussing this matter with Judge Wilkerson, who was interested in historical questions, he told me that lately he had had a talk with Colonel Sumpter Lea, brother of General Houston's second wife Margaret Lea and that Colonel Sumpter Lea gave him the details why Houston left his first wife, Eliza Allen and that Colonel Sumpter Lea said his sister, Mrs. Margaret Lea Houston told him this after General Houston's death, and told him that General Houston told it to her. He said that General Houston said that after being elected Governor of Tennessee in 1829 he married Eliza Allen of Gallatin

[8] Guild's "Old Times in Tennessee," pp. 269-274.

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From painting in the Alamo.

DAVID CROCKETT

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and brought her as his bride to Nashville to live. That several months after his marriage he had occasion to go to the Chickasaw Bluffs in West Tennessee, which is now the city of Memphis, to transact some business relating to the Chickasaw Indian claims; that he had returned to Nashville sooner than he expected and thought he would surprise his wife. He hitched his horse in the rear of his dwelling and went up the back stairs to her room. He found her sitting at a table weeping and reading old love letters which she had failed to destroy, written to her by Dr. Douglas, whom he knew to be an old sweetheart of Mrs. Houston's. From this circumstance and her admission to the fact that she did not love him, he sent her back to her father, resigned his office of Governor and went off to live with the Indians.

Judge Wilkerson told me that Colonel Sumpter Lea had told him this and if I would go with him to Colonel Lea's office he would have him repeat it to me. This we did, but I regret to say the Colonel was out. In a few years both he and Judge Wilkerson died.

WILLIAM HALL, GOVERNOR BY SUCCESSION

When Sam Houston resigned the office of governor, on April 16, 1829, Gen. William Hall, the Speaker of the Senate, succeeded to the governorship by reason of constitutional provision. At the August election, Gen. William Carroll was again elected governor without opposition. At the same time a very strong delegation of congressmen from Tennessee was elected consisting of John Bell, John Blair, David Crockett, Robt. Desha, Jacob C. Isaacs, Cave Johnson, Pryor Lea, James K. Polk and James Standifer. The United States Senators were Hugh L. White and Felix Grundy. From this time on to the outbreak of the Civil war no state had a stronger representation in Congress than Tennessee possessed.

The first session of the Eighteenth General Assembly convened on September 21, 1829. Governor Hall in his message alluded to the unexpected resignation of Governor Houston. He recommended revision of the penal code, the establishment of a penitentiary, a modification of punishments, consideration of internal improvements, education, the unstable currency and usury.

CARROLL'S SECOND SERIES OF ADMINISTRATIONS

Governor Carroll was inaugurated on October 1, 1829. In his message he recommended the closing of the affairs of the Bank of the State,[10] an amendment of the criminal law, establishment of a penitentiary, systems of general education and internal improvements. Important laws were enacted on most of these subjects. The penitentiary bill was passed and a penitentiary built in 1830-1831.[11] An act was passed organizing a board of internal improvement and appropriating $150,000 of which $60,000 was for East Tennessee, $60,000 was for Middle Tennessee and $30,000 for West Tennessee. The beginning of the public schools system[12] of Tennessee dates from the adoption of an act at this session.

In 1830 the population of Tennessee as shown by the Federal census was 684,870. A great sensation was caused this year by the defalcation of Joel Parrish, cashier of the Bank of Tennessee, in the sum of $200,000. In 1829-1830

[10] See chapter on Tennessee in the Banking Business.

[11] This was built in Nashville about one-half mile west of the capitol. It cost a little less than $50,000.

[12] See chapter on Education in Tennessee.

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physicians commenced using quinine in fevers. Dr. Felix Robertson[13] is credited with having first introduced it into Tennessee.

In 1831 Carroll was reelected governor without opposition. The Nineteenth General Assembly convened on September 19th. In his message the governor recommended the winding up of the affairs of the Bank of Tennessee and the use of a part of that capital in the improvement of roads. An act was passed abolishing imprisonment for debt. The insurrection of negroes in Virginia caused a rigorous statute to be passed in relation to slaves and free persons of color. Free persons of color were not permitted to enter Tennessee and owners of slaves were forbidden to emancipate them, unless they were immediately removed from the state.

In 1832 the governor called the General Assembly in extra session on September 3d, for the purpose of dividing the state into congressional districts. The growth of the state made necessary thirteen of these districts.

The charter of the Bank of Tennessee was revoked and the Union Bank of the State of Tennessee was chartered with a capital of three million dollars.[14] The vote in Tennessee for president of the United States was: Jackson, 28,740; Clay, 1436. Tennessee was greatly aroused in this year over nullification. Calhoun's position on this subject had, indeed, created excitement throughout the country. A great union meeting was held in Nashville on December 29, 1832, and Governer Carroll presided. Strong and pointed resolutions were adopted. An act was passed in this year for the establishment of an asylum for the insane.[15]

In 1833 Carroll was again reelected governor without opposition. His popularity was such that other aspirants realized the futility of making a contest with him. In this year a vote was taken upon the question of calling a convention to revise the constitution of the state. There were 90,781 votes given for members of the General Assembly, and 53,639 for a convention, being a majority of 8,122. A census of the free white males above twenty years of age was taken. The first session of the Twentieth General Assembly was held from September 16th to December 2nd. On account of the proximity of the constitutional convention but few general laws were passed at this session. Among them were: "Calling a Constitutional Convention to meet at Nashville in 1834;" several important railroad companies and several banks were incorporated.

THE CONSTITUTIONAL CONVENTION OF 1834

The adoption of the constitution of 1834 marks the end of the second distinct period in the history of Tennessee. The era of the long hunter, of the heroic contender against the savage Indian, of the primitive pioneer in dire need of everything contributing to civilized life ended with the adoption of the constitution of 1796. Then followed the period of the old frontier civilization, gradually

[13] Dr. Felix Robertson was a son of Gen. James Robertson, and was the first white child born in Nashville, was mayor of Nashville and an eminent physician.

[14] The state took $500,000 of the stock of this bank and issued therefor 500 five per cent bonds of $1,000 each.

[15] This was located about one mile from Nashville and was the first charitable institution established and maintained by the state. It was ready for the reception of inmates in 1840; but soon proved to be inadequate. Due to the inspiration of that eminent philanthropist, Dorothea Lynde Dix, it was decided that a new asylum be erected, of ample proportions, on a new and better site. In 1847 the state asylum commissioners purchased a farm about eight miles from Nashville, on the Murfreesboro Pike and erected a large and well arranged asylum, which was opened in 1852. It is known as the Central Asylum for the Insane. The state has also erected the East Tennessee Asylum for the Insane near Knoxville and the West Tennessee Asylum for the Insane, near Bolivar.

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changing from its simple and inartificial conditions, as the state increased in population and wealth. The area of cultivation expanded; the log cabin gave place to the comfortable home, settlements widened; hamlets became towns, towns became cities, new counties were erected, schools, churches and courthouses were built.

Manufactures and commerce, too, were beginning to flourish, wealth accumulated and ambitious plans for private enterprise and public improvement were projected, but were impeded by the clumsy machinery of state government. The constitution of 1796 was outgrown, and by the time of Carroll's second series of administrations the demand for a new constitution suited to the times became insistent and finally irresistible. To William Carroll is due the credit of ushering in what may be called the beginning of the modern period.

A new constitution was demanded especially to improve the methods of levying taxes, electing state officers, avoiding conflicts between the different courts and to promote a good system of internal improvements by permitting the state to assist. The constitution of 1796 had made taxes lighter in proportion upon the large land owners than upon the small ones. This was due to the fact that a large part of the framers of that instrument were large land owners and speculators, as were most of the prominent leaders of that day. Under that constitution, too, only the governor and the members of the Legislature were elected by the people. Carroll and others advocated a change in the constitution to effect reforms in these and in other matters in the government of the state. And Carroll was a particularly warm advocate of internal improvements, demanding that Tennessee should take that commanding position in the march of progress to which she was entitled by her vast resources.

In pursuance of "An act to provide for the calling of a Convention," passed on the 27th of November, 1833, an election was held on the first Thursday and Friday in March, 1834, and the following persons were elected as members:

Carter County—William B. Carter.
Washington County—Matthew Stephenson.
Sullivan County—Abraham McClellan.
Greene County—Robert J. McKinney.
Hawkins County—John A. McKinney.
Jefferson, Grainger, Claiborne and Campbell Counties—Calloway Hodges, Richard Bradshaw and Gray Garrett.
Cocke and Sevier Counties—William C. Roadman.
Knox County—Bradley Kimbrough.
McMinn County—John Neal.
Roane County—James I. Greene.
Anderson and Morgan Counties—John Whitson.
Rhea and Hamilton Counties—William T. Senter.
Bledsoe and Marion Counties—John Kelly.
Washington, Greene, Sevier, Cocke, Blount, Monroe and McMinn Counties—John McGauhey.
Overton and Fentress Counties—Hugh C. Armstrong.
Jackson County—James W. Smith.
White County—Richard Nelson.
Warren and Franklin Counties—William C. Smartt.
Smith and Sumner Counties—John J. White, Robert Allen and Isaac Walton.
Wilson County—Burchett Douglass and Robert M. Burton.
Rutherford County—William Ledbetter and Henry Ridley.
Bedford County—Jos. Kincaid and Jonathan Webster.
Lincoln and Giles Counties—James Fulton, A. A. Kincannon and Thos. C. Porter.

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Davidson County—Francis B. Fogg and Robert Weakley.
Williamson County—Newton Cannon and William G. Childress.
Maury County—Terry H. Cahal and Robert L. Cobb.
Robertson County—Richard Cheatham.
Montgomery County—Willie Blount.
Dickson, Stewart and Humphreys Counties—Jas. Gray and John Montgomery.
Hickman, Wayne and Lawrence Counties—Boling Gordon and Henry Sharp.
Henry County—Peter Kendall.
Carroll County—Ennis Ury.
Henderson County—John Purdy.
Perry, Hardin and McNairy Counties—James Scott and Maclin Cross.
Madison County—Adam Huntsman.
Hardeman County—Julius C. N. Robertson.
Fayette County—West H. Humphreys.
Shelby County—Adam R. Alexander.
Gibson and Dyer Counties—Nelson I. Hess.
Weakley and Obion Counties—George W. L. Marr.
Haywood and Tipton Counties—William H. Loving.

The delegates assembled on Monday, May 19, 1834. General William B. Carter [16] was elected president, Colonel William K. Hill, secretary, and Dr. William I. I. Morrow, assistant secretary. After a laborious session of 104 days the constitution was adopted.[17]

[16] Gen. W. B. Carter was the son of Landon Carter who was secretary of the Jonesboro convention which led to the State of Franklin, and Speaker of the Senate of the State of Franklin. He was the grandson of John Carter, Chairman of the Court of Five of the Watauga Association and, as such, the first judge in Tennessee. Intellectually and physically William B. Carter was one of the striking figures of the time in Tennessee. He served acceptably three terms in Congress.

[17] For the three constitutions adopted by Tennessee, see Appendix.

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PERIOD III

THE PERIOD OF INTERNAL PROGRESS
1834-1870

CHAPTER XIX

FROM CANNON TO JONES

THE ADMINISTRATIONS OF NEWTON CANNON, 1835-1839—THE ADMINISTRATION OF JAMES K. POLK, 1839-1841—THE ADMINISTRATION OF JAMES C. JONES, 1841-1845—THE FLORIDA WAR—THE ORIGIN AND PROGRESS OF THE WHIG PARTY—HISTORY AND DESCRIPTION OF THE CAPITOL—REMOVAL OF THE CHEROKEES.

The new constitution was submitted to the people in an election held on March 5th and 6th, 1835, and was ratified by a vote of 42,666 to 17,691. It should be noted, in passing, that in the ordinance passed by the Convention [1] for the vote on the new constitution, it was provided that only those could vote who were included in the first section of the fourth article as amended. The effect of this action was to disfranchise the free negroes before the adoption of the new constitution. The free negroes would have opposed the adoption of the constitution.

In 1835 William Carroll who was completing his second series of three successive administrations, six years, as governor, and would have been ineligible, had the old constitution been in force, offered himself for a fourth successive term. He was opposed by Newton Cannon, whom Sam Houston had defeated for governor in 1827. Cannon had already had a highly honorable career, although he had been somewhat criticized for having returned home from the Creek war before it was concluded. Nevertheless, he was chosen to succeed Felix Grundy in Congress in 1814 and continued as a member of the national House of Representatives until he voluntarily retired in 1825, with the exception of one term, 1817-1819.

At this time the political lines in Tennessee were drawn taut for or against Hugh L. White, between whom and Andrew Jackson there was friction. Cannon had never been on cordial footing with Jackson and now came out openly in favor of White. Carroll, however, had always been an ardent Jackson partisan. But, notwithstanding Carroll's great personal popularity, his remarkable record as governor and his backing by Jackson, the current of public sentiment in favor of Judge White was too strong to be stemmed and Cannon was elected by a plurality of more than 11,000 votes.

The spirit of progress which had been in evidence in the years immediately preceding the adoption of the new constitution was more vivid than ever now that this instrument provided a means for more facile and rapid progress. This spirit was reflected in the large number of important acts passed at the first

[1] In the state archives is the original journal of the Constitutional Convention of 1834, written with pen and ink. It is in an excellent state of preservation, being substantially bound. It is one of the many precious records in the archives which ought to be saved permanently by being printed.

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session of the Twenty-first General Assembly which was held from October 5, 1835, to February 22, 1836. Among these acts were:

"To fix the first Thursday in August as the day for holding elections for Governor, Representatives in Congress, and members of the General Assembly"; "Establishing a Supreme Court of three Judges"; "Laying off the state into three chancery divisions, called the Eastern, Middle and Western"; "Establishing eleven judicial circuits"; "Fixing the jurisdiction of Justices of the Peace"; "To encourage internal improvements in the State"; "To create the Board of Commissioners of Common Schools for the State, consisting of the Treasurer, Comptroller, and Superintendent of Public Instruction"; "To provide for the election of Treasurer of the State by the Legislature"; "To prohibit lotteries and the sale of lottery tickets"; "To fix the legal rate of interest at six per cent"; "To appoint an Attorney-General for the State, to be elected by the Legislature for six years"; also a joint resolution "Recommending Hugh L. White for President." There were many acts incorporating railroads; many new counties were created; and many cities incorporated.

Tennessee was not represented in the convention which nominated Van Buren at Baltimore in 1835. But the vote of the state, in the absence of a delegation, was cast by a man named Rucker, which fact gave rise to the political expression "to Ruckerize."

In this year James K. Polk defeated John Bell, the incumbent, for Speaker of the National House of Representatives, and was reelected in 1837.

The second session of the Twenty-first General Assembly was called by Governor Cannon for the purpose principally of making "an appropriation to defray, in part, the expense of making the necessary examinations and surveys, in order to ascertain the most eligible route through our State, for the contemplated Louisville, Cincinnati and Charleston Rail Road." It met on October 3d and adjourned on October 26, 1836. The "Pennsylvania Plan" was adopted for the construction of railroads. This plan provided for the state to take one-third of the stock, for which bonds were to be issued after two-thirds were furnished by individuals.

In 1837, Newton Cannon was elected governor by a majority of 17,494 over Gen. Robert Armstrong, who had recently returned from the Seminole war in which he commanded the troops from Middle Tennessee and in which he deservedly gained a high military reputation. Nevertheless, he was a Jackson man, a democrat, and the whigs were in the numerical majority. Hence, in the election, his personal popularity went for naught.

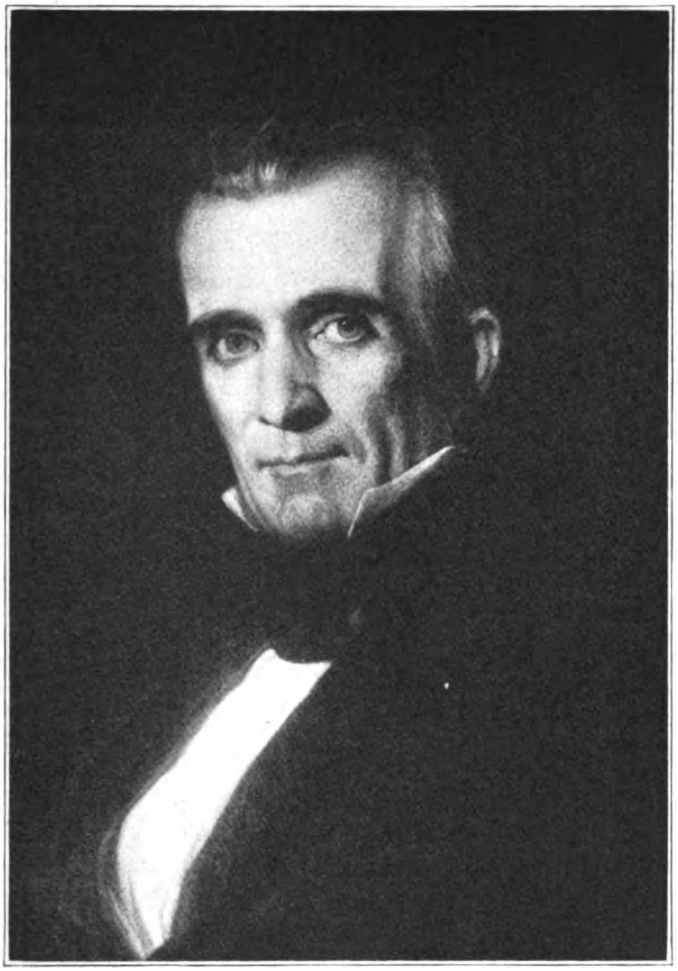
The first session of the Twenty-second General Assembly met on October 2, 1837, and adjourned on January 27, 1838. Three additional judicial circuits were established, making fourteen in all. The following important acts were passed:

"Repealing the law granting license to sell liquor in less quantities than a quart"; "Defining the line run between Tennessee and Mississippi" by commissioners on the part of the two states; "Establishing Register's office at Cleveland for the Ocoee Land District"; "Suppressing the Sale of Bowie Knives"; "Establishing a uniform system of public schools in the state." New counties were erected and many cities were incorporated. Also a number of turnpikes, railroads and academies were incorporated.

Perhaps the most important action taken at this session was the issuance of a charter to the Bank of Tennessee,[3] together with legislation in connection therewith. The capital stock of the bank was five million dollars raised from the state

[3] See chapter on Tennessee in the Banking Business.

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JAMES KNOX POLK
Eleventh President of the United States, 1845-1849

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school fund. The governor was directed to issue bonds aggregating $2,500,000 and $1,000,000 of these bonds were sold at par in New York. "Post notes," redeemable in specie either before or after maturity were authorized. The president of the bank was William Nichol, the cashier was Henry Ewing. The principal bank was established at Nashville and there were two branch banks in each grand division of the state. A very strong board of directors was selected and it was thought that the financial problem of the state had been solved. Nevertheless a great panic took place this year throughout the United States, and Tennessee suffered in common with the rest of the country. In this state specie payments by the banks were suspended and there was considerable depression in real estate and in other values. There was some removal of citizenship, also, particularly to Texas which was regarded with great favor by those who were dissatisfied with their homes for whatever reason. A majority of those who moved were in debt, some insolvent and all hoped to better their condition.

THE CAMPAIGN BETWEEN CANNON AND POLK

The whigs had been successful in the two gubernatorial campaigns of 1835 and 1837, and had supported Hugh Lawson White for president in 1836, carrying the state for him against Martin Van Buren by a majority of nearly 10,000. Hence, the democrats determined to make a supreme effort to recover the state in 1839. As most of the newspapers in the state had become whig papers, the democrats enlarged the Nashville Union into a tri-weekly paper and made Jeremiah George Harris, previously a New Englander, editor of it. They also established E. G. Eastman, another New Englander, as editor of the Knoxville Argus. Both of these men were experienced and brilliant political promoters and writers and were no small factors in achieving victory over strong odds. The most important factor, of course, was the candidate, James K. Polk, who was considered the strongest man whom the democrats could have selected. He was at the time serving his second term as Speaker of the National House of Representatives. He was a man of boundless energy; of great ability, and of spotless character. As soon as Congress adjourned, he entered upon the canvass and, in joint debate with Cannon stumped Tennessee "from Carter to Shelby." Polk was probably the greatest stump speaker whom Tennessee has produced with the possible exception of Isham G. Harris and Andrew Johnson. Cannon was no match for him, was not a popular speaker and alienated many whigs by his hesitation in declaring for Clay against Van Buren. Polk was elected by a majority of 2,616, exclusive of the vote of Shelby County which was not returned.

The principal acts of the Twenty-third General Assembly, which was held from October 7, 1839, to February 1, 1840, were the following:

"To repeal all laws authorizing the state to take stock in internal improvement companies"; "Amending the school law"; also acts were passed erecting several new counties and chartering several cities, and several turnpike companies, railroad companies and academies. A resolution was adopted to fix the state capital at Murfreesboro, but no appropriation was made to cover the expense of removal from Nashville.

A joint resolution was adopted instructing the United States senators from Tennessee to vote against bills to charter national banks, but to vote in favor of the sub-treasury bill. After the passage of this resolution Hugh Lawson White and Ephraim H. Foster, Tennessee's senators, who felt that they could not con-

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scientiously carry out these instructions, resigned and Alex. Anderson was appointed in place of White and A. O. P. Nicholson in place of Felix Grundy, recently deceased, who had been elected in place of Foster. White died on April 10, 1840.

In 1840, a "Great Whig Convention" met at Nashville, over which Ephraim H. Foster presided and Henry Clay[4] made a speech. Much to the disappointment of Andrew Jackson the state went for Harrison and Tyler by more than 12,000 majority.

THE CAMPAIGN BETWEEN POLK AND JONES

In the gubernatorial campaign of 1841 Newton Cannon was eliminated by death, although it is doubtful if he would have been chosen in any event to carry the banner of the whigs. In this emergency the whigs put forward as their nominee James C. Jones, a young man, who had spent most of his life on the farm and whose political experience was limited to one term in the lower house of the Legislature. In the national campaign of 1840, however, he was a candidate for elector on the Harrison and Tyler ticket and made a canvass of his district which gave him considerable reputation as a "rough and tumble" stump speaker. He was by no means the equal of Polk in knowledge of political questions, history or general information; but he was more than Polk's equal in the character of wit, humor and burlesque which he employed and which appealed strongly to his audiences. Hence, as the state at that time was normally whig, he won over Polk in 1841 and again in 1843,[5] his majority in each election being a little more than 3,000.

"THE IMMORTAL THIRTEEN"[6]

In 1841-1842 the Twenty-fourth General Assembly was held from October 4, 1841, to February 7, 1842. The most sensational occurrence at this session was the refusal of the democrats of the Senate to meet with the House for the purpose of electing United States Senators. It will be remembered that Senators Foster and White resigned because they could not conscientiously obey the instructions of the Legislature. The appointments of Anderson and Nicholson expired with the incoming Legislature. In the House the whigs had a small majority. In the Senate there were thirteen democrats and twelve whigs. On joint ballot the whigs would have had a majority. The refusal of the thirteen democrats (called the "Immortal Thirteen") led by Andrew Johnson and Samuel H. Laughlin, to meet with the House caused Tennessee to be unrepresented in the national Senate from 1841 to 1843, as Governor Jones did not make appointments to fill these vacancies.

Acts were passed at this session "To suppress illegal voting" and "to en-

[4] At Nashville a multitude which no man might number, composed of the old adherents of Clay, hung upon his accents, and as he denounced the principles and measures of Jacksonism, rent the air with thundershouts of applause which invaded even the peace of the Hermitage. Baldwin's "Party Leaders," p. 344.

[5] More will be said about these and other gubernatorial campaigns under the head of "The Origin and Progress of the Whig Party" in this chapter.

[6] The names of "The Immortal Thirteen" were: Jno. P. Hardwicke, John A. Gardner, Andrew Johnson, Samuel H. Laughlin, Sackfield Maclin, Barclay Martin, Thos. J. Matthews, John Miller, Robt. W. Powell, Wm. T. Ross, Richard Waterhouse, Richard Warner and Speaker Samuel Turney.

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TOMB OF PRESIDENT JAMES K. POLK ON CAPITOL GROUNDS, NASHVILLE



HOME OF PRESIDENT JAMES K. POLK, NASHVILLE, AS IT WAS BEING DISMANTLED IN 1901

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courage domestic manufacturing." Resolutions were passed in favor of the annexation of Texas and for the repeal of the national bankrupt law.

In 1843, the Twenty-fifth General Assembly was held from October 2, 1843, to January 31, 1844. Acts were passed "Establishing Nashville as the permanent seat of government;" "To provide for thirteen electoral districts, and two electors for the state at large for President and Vice-president to be voted for by the whole state on a general ticket;" "Appointing Wm. Carroll, Wm. Nichol, John M. Bass, Samuel D. Morgan, James Erwin, and Morgan W. Brown, Commissioners of Construction, and providing for the erection of the capitol." Some acts were also passed providing for the erection of new counties and for the chartering of cities.

In 1844, James Knox Polk was nominated at Baltimore on the ninth ballot by the democratic convention and, in the fall, elected president of the United States. The great whig convention of 1844 was held at Nashville and S. S. Prentiss and Albert Pike were the principal orators. Henry Clay carried Tennessee over Polk by 113 votes.

SCHOOL FOR THE BLIND

One of the most worthy and successful of the public institutions of Tennessee is the School for the Blind, located at Nashville. The genesis of this great institution was in a little school for the blind established by Rev. James Champlin[7] at Nashville after he had himself received instruction in the Ohio Asylum for the Blind which he entered in 1842. In order to enlist an interest in his work he gave exhibitions in methods of instructing the blind, one of which was before the Legislature, which was so impressed that it decided to adopt his school as the nucleus of a state institution for the blind and, on January 29, 1844, made an appropriation for its support.[8]

THE FLORIDA WAR

During the second administration of President Jackson and the governorship of Cannon, trouble arose with the Seminole Indians who were making depredations upon the people of Florida and of Georgia. Tennessee was called on by the secretary of war to furnish a brigade of volunteers to assist in punishing the savages. Two regiments were enlisted in Middle Tennessee, the first regiment being composed of two companies each from Maury and Giles counties, and one each from Rutherford, Williamson, Franklin, Lincoln, Madison and Gibson counties; and the second regiment consisting of one company each from Smith, Wilson, Robertson and Dickson counties, and three companies each from Sumner and Davidson counties. These troops were commanded by Gen. Robert Armstrong. The troops from East Tennessee were commanded by Gen. R. G. Dunlap. In all, Tennessee was asked to furnish 2,000 troops and more than 4,000 volunteered.

The troops made rendezvous at Fayetteville in June, 1836, completed their organization and set out for Florida on July 4th. The head of the revolt was

[7] In his book entitled "Early Biography, Travels and Adventures of Rev. James Champlin, Who Was Born Blind, Written by Himself," he relates the fact that he was one of ten children, five of whom, including himself, were born blind.

[8] History and Prospectus, Tennessee School for the Blind, by J. V. Armstrong, Superintendent, pp. 44-45.

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Osceola, a young, dashing chief, a half-breed, athletic and of remarkable resource and address, who made the occasion of the war by treacherously causing the assassination of General Thompson, the United States Agent in connection with the removal of the Seminoles to the Indian reservation west of the Mississippi.

The Tennessee troops fought with great gallantry in several pitched battles with the Indians, including the battle of Wahoo Swamp. This was their last battle for the reason that their term of service expired shortly after it, and they returned home. The war, however, was virtually over because the spirit of the Indians was broken and they had retired far within the Everglades, although they continued hostilities sporadically until 1842.

Judge Jo C. Guild, who was a lieutenant-colonel in this war, says:[9]

"Although the campaign had not been a brilliant one, because of the unfavorable territory in which we had to operate, yet a more patriotic, courageous brigade never left the State of Tennessee. The soldierly bearing of the men was conspicuous both on the march and in battle. By their great courage, their bold and peerless charges, they drove the Indians into the Everglades, far removed from the white settlements, which gave a security to life and property the people of Florida had not enjoyed for a long period. The vigorous manner in which the Tennessee volunteers waged war contributed very much toward inducing upwards of two thousand of the Indians to come in and surrender to General Jesup in 1837, and to go to the reservation provided for them west of the Mississippi."

Guild also gives the following list of prominent men of Tennessee who served with marked distinction in this war: Neill S. Brown, William Trousdale, William B. Campbell, Gen. Robt. Armstrong, Gen. Felix K. Zollicoffer, Russell Houston, Judge Terry H. Cahal, Judge Nathaniel Baxter, Gen. J. B. Bradford, Oscar F. Bledsoe, Col. John H. Savage, Col. J. H. McMahon, Gen. Lee Reed and Jesse Finley, and says: "The brigade has furnished the country four congressmen, eight legislators, three governors, two chancellors, three judges, one member of the constitutional convention of 1870, and two ministers to foreign governments."

THE ORIGIN AND PROGRESS OF THE WHIG PARTY

At the time of the admittance of Tennessee into the Union there were in this state the followers of the two distinct schools of national statesmanship, the Federalists who adhered to the doctrines of Alexander Hamilton and the republicans who adhered to those of Thomas Jefferson. In Tennessee the number of Federalists was negligible; in the nation they were supreme. After the administration of John Adams, however, the Federalist Party had virtually no national power, and even the existence of Federalists as a restraining influence, except in the New England states, was removed by the causes and events of the second war with England, which they said was due to the instigations of "Madison, Grundy, and the Devil." Grundy had been elected to Congress as a war republican and correctly represented all the people of Tennessee, who were very strongly republican.

From this time on there was no organized opposition to the republican (or, as it was called generally in Jackson's regime and altogether since that time, the democratic) party, until after the rivalry arose between Jackson and Clay and

[9] Old Times in Tennessee, p. 138.

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the latter had announced his American system. Yet in Tennessee the democrats held undisputed sway long after Clay's national political secession.

The genesis of the whig party in Tennessee was in the opposition to Andrew Jackson.[10] Every man whom Jackson had ever opposed in Tennessee, except Carroll, eventually became a whig. For many years the opposition to Jackson, feeble at first, was developing. Between the War of 1812 and Jackson's second term as president, his influence was paramount in Tennessee and virtually so in the nation for a long period of time. During this period he accumulated many strong enemies as well as strong and devoted friends. His positive character tended to make men his friends or his enemies. When he became president, naturally he put his friends into the available offices, and, equally naturally, those ambitious men who were not in harmony with him, such as Cannon, Bell, Foster, Gentry, Crockett and Williams, were keen to wrest from him the control of state politics. In the estrangement between Jackson and Hugh Lawson White they saw their opportunity. Jackson was approaching the end of his second term as president and felt himself under a weight of obligation to Martin Van Buren, whom he desired to be his successor. Many of Jackson's friends were opposed to Van Buren, among them Hugh Lawson White. Up to this time a beautiful friendship had existed between Jackson and White. Next to Jackson, White was the most popular man in Tennessee. He was the son of Gen. James White, the founder of Knoxville, and had, as we have seen, rendered material help to Jackson in the Creek war, had been a judge of the Supreme Court of Tennessee, and had been unanimously elected United States senator when Jackson resigned that position in 1825. Such was White's popularity that a movement was set on foot to make him a candidate for the presidency. Jackson became very angry at this movement and sought to placate White's opposition to Van Buren by making him a member of his cabinet, then by offering him a position on the bench of the Supreme Court of the United States, and, finally, by suggesting that he become a candidate for vice president on the ticket with Van Buren. White firmly declined all these overtures. Then Jackson made the fatal mistake of threatening "to make White's name odious," if he should consent to be a candidate in opposition to Van Buren. White was not a man who could be dictated to even by a friend, and still less could he be cowed by a threat. He immediately gave his consent. This was the beginning of the whig party in Tennessee.

John Bell directed White's campaign and called his followers the "undisciplined militia of the party." These were the recalcitrants who voted for Harrison and Tyler in 1840 and for all the whig candidates, state and national, as long as there was a whig party. It was at this time that they began to be called White Whigs, although White never accepted the name for himself.

The period beginning at that time and ending with 1860 represented the very zenith of the greatness of Tennessee. Due to the liberal laws permitted by the new constitution Tennessee progressed in population and wealth until, in a few years, it became one of the greatest and richest states in the Union. Its political prestige, influence and leadership were also acknowledged and kept pace with its material development. The political sky throughout this period was illuminated by the most brilliant stars. Although that rare incomparable luminary, Andrew Jackson, was retiring from active political life and died in 1845, his in-

[10] Those opposed to Jackson were not called whigs until 1834. Previously they were in what was known as the national republican party.

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fluence was strongly felt throughout this period. Hugh Lawson White and Felix Grundy, who both died in 1840, influenced affairs remarkably, but even before their demise there was appearing on the scene a younger set of men scarcely inferior to the titans just mentioned, who formed a galaxy remarkable both for brilliancy and for sound statesmanship and not equalled in numbers by any other state in the Union during the same period.

While the Whigs were defeated in the national election in 1836, White carried Tennessee by a handsome majority; and the Whigs carried every other national election from this time to 1856, with the exception of 1844, when Polk was elected. Even in that year the Whigs carried Tennessee. The most outstanding of the great men who fought the amazing political battles of this period in Tennessee were: James K. Polk, John Bell, Ephraim H. Foster, Bailie Peyton, Spencer Jarnagin, Cave Johnson, Aaron V. Brown, James C. Jones, John Catron, Gustavus A. Henry, A. O. P. Nicholson, Meredith P. Gentry, Emerson Etheridge, William T. Haskell, Andrew Johnson, Isham G. Harris, Thomas A. R. Nelson, William T. Senter, John Netherland, Landon C. Haynes, William Trousdale, William B. Campbell, Neill S. Brown, Robert Hatton and Horace Maynard.[11]

The Whigs, elated with their vote for White in 1836 and the victories of Cannon in 1835 and 1837 went into the campaign of 1839 with great enthusiasm and confidence. Great was their disappointment when Polk won over Cannon in the last named year. Nevertheless, infected with the confidence which throughout the Union animated the followers of Harrison and Tyler, the whigs of Tennessee made their preparations for the campaign of 1840.

About the middle of June it was heralded broadcast that a Whig delegation from Indiana would soon arrive in Nashville with an Indian canoe as a present to the Tippecanoe Club of this city. This was made the occasion of a great political rally by the Whigs. This was the precursor of many political functions, which, together with the activities of the democrats, kept excitement up to an extraordinary degree. As soon as the returns came in, great was the rejoicing of the Whigs and the depression of the democrats.

The great victory achieved by Polk over Cannon in 1839 had made him a prominent candidate for vice president in 1840 and he had been indorsed for this position by Tennessee and several other states; but the Democratic National Convention, which, in that year, was presided over by Gen. William Carroll, of Tennessee, made no choice for that office, and most of the democratic electoral votes were cast for Richard M. Johnson, of Kentucky.

The result of the national election in 1840, in which Harrison and Tyler carried Tennessee by a rousing majority, encouraged the Whigs to believe that they might defeat Polk for the governorship in 1841. The only candidate they had available was James C. Jones, who had made some reputation as a speaker in the presidential campaign in the preceding year.

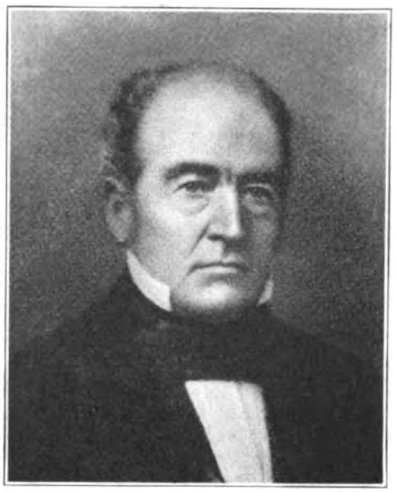
It is said that Polk was the first candidate in Tennessee who suggested that the nominees hold joint debates. He made an ideal debater. He was handsome, with clear-cut features, pale complexion, rather dark, had raven-black hair and piercing, steel-gray eyes. His manner was composed and his style of oratory attractive. He was grave and thoughful, yet quick at repartee and keen in discovering weaknesses in an opponent. Moreover, he was full of humorous anecdotes and pointed illustrations and possessed a power of ridicule seldom equalled. How, then, could Jones win against so doughty an antagonist? Opinions differ.

[11] Sketches of all these appear in that part of this history which is devoted to biography.

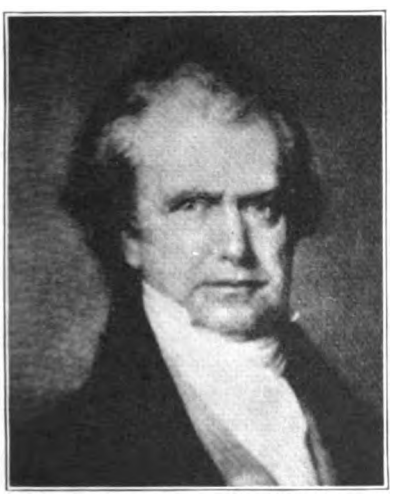
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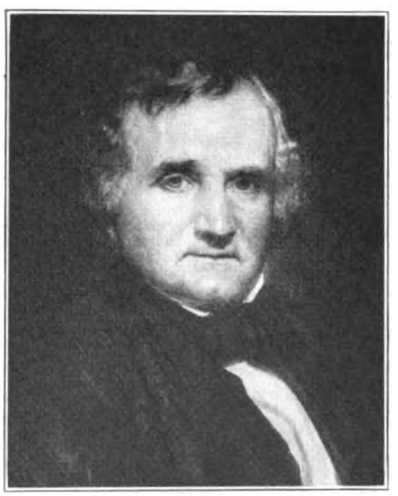
EPHRAIM H. FOSTER, 1794-1845
Celebrated orator, lawyer and statesman



JOHN BELL
Eminent statesman and candidate for President in 1860



FELIX GRUNDY, 1777-1840
Attorney General under Van Buren



JUDGE JOHN CATRON, 1778-1865
Chief Justice of Tennessee. Member of U. S. Supreme Court

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Judge Jo C. Guild speaks of the Polk-Jones debate as follows:

"Governor Polk argued all the questions before the people with his usual great ability, but was promptly met by his wiry and witty opponent everywhere. The Governor had a happy faculty of illustrating his arguments before the people with telling anecdotes, pat and to the point, and Colonel Jones took great pride in anticipating and turning all the jokes in his own favor, which always elicited popular applause." [12]

Judge O. P. Temple gives a more partial view of Jones. In part he says of him:

"Jones had great humor, great power of ridicule, great facility in turning a point against an adversary, imperturbable good temper, strong confidence in himself, a graveyard solemnity of voice and face, and apparent consciousness of mastery in his victory. He was not a statesman in knowledge nor intellect. Yet, on the contrary, he was not a mere political puppet, a clown nor a mountebank, amusing his audience with tricks and grimaces. He had respectable ability, and in a certain sense very superior ability, and could discuss, and did discuss, the questions of the day with clearness and force. His presentation of them was in the most plain, plausible, and fascinating manner. As before stated, but few public speakers I have heard had such an impressive, delightful voice, and none a better one, except Mr. Clay and possibly Mr. Gentry. He spoke with ardor, enthusiasm, and with immense earnestness. He fired his words with great rapidity, and precision, and with a distinct enunciation. As they flowed from his lips there was no hesitation, no halting, the words and sentences following each other without a break or a pause in their rapid current. His voice, at all times clear and distinct, swelled with grandeur when the dignity of the subject demanded it. He was emphatically a dashing, captivating orator, indeed wonderfully so." [13]

But when all has been said, it clearly remains that the authorities have entirely missed the real cause of the victories of Jones over Polk in 1841 and 1843. The real cause was the fact that, in those years, there were more Whigs than democrats in Tennessee. Naturally Polk was defeated. Polk probably polled more votes than any other democrat in Tennessee could have polled at that time.

THE NATIONAL CAMPAIGN OF 1844

After the death of President Harrison, it was the general expectation of the whigs that Tyler would be controlled by Clay; but his independent attitude resulted in a battle royal between Clay and Tyler, and rendered fruitless the Whig victory of 1840. All along Clay was looked to as the undoubted presidential candidate of his party in 1844. There were two issues of prime importance before the country at that time, the Oregon boundary line and the annexation of Texas. To the southern people the annexation of Texas was well-nigh vital and it was supposed that Mr. Clay was sound on that question. Many years before he had inveighed bitterly against Monroe because he had in 1819 made a treaty with Spain in which the boundary line of Texas was placed at the Sabine River instead of the Rio Grande River as Clay contended should have been done. Besides Clay was a southern man and slaveholder.

The southern democrats, too, demanded for a candidate a man who would

[12] Old Times in Tennessee, p. 159.
[13] Notable Men of Tennessee, pp. 250-251.

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favor the immediate annexation of Texas. Martin Van Buren and Lewis Cass were the leading candidates for the presidency and James K. Polk and R. M. Johnson for the vice presidency. Van Buren had the backing of Andrew Jackson, which, although Jackson had retired to the Hermitage, was very powerful. A coterie of southern men, however, having no confidence in Van Buren's soundness on the question of the annexation of Texas, was secretly exerting efforts to bring about the nomination of Polk for President. Polk himself was committed to Van Buren.

On May 3, 1844, Mr. Clay's famous letter taking ground against the annexation of Texas arrived at Nashville.[14] This astounding letter[15] was followed almost immediately by Mr. Van Buren's letter taking the same ground as Mr. Clay. Both letters were published in eleven columns of the Nashville Union, of May 7, 1844. Both were very decidely against annexation, Clay's stand being particularly bold. Van Buren was opposed until certain temporary restrictions were removed. The sentiments of both were alike obnoxious to both parties in Tennessee. When Jackson was first told of Van Buren's letter he exclaimed: "It *is forgery: it must be.* Mr. Van Buren *never* wrote such a letter." Nevertheless, he did write it and lost Jackson's support. In the national democratic convention held at Baltimore on May 27, 1844, Van Buren's opponents succeeded in securing the adoption of a rule requiring the vote of two-thirds of the delegates to secure the nomination. The effect of this rule was to kill Van Buren's chances as, after the publication of his letter against the annexation of Texas, he had no support from the southern delegates and he could not command two-thirds of all without them. Still less could Lewis Cass, the next prominent candidate do so. Therefore, after balloting for these two fruitlessly for seven times, Polk's name was presented, according to previous arrangement,[16] and his nomination was put through with a rush. George M. Dallas, of Pennsylvania, was nominated for the vice presidency.

Immediately after the Baltimore convention the campaign was opened in Tennessee. All the electors and speakers on both sides lined up for the momentous struggle. Judge Jo C. Guild says of it:

"The hardest-fought political battle, the greatest struggle ensued that ever took place in any state in the Union. The battle-cry of the Democracy was Polk, Dallas, and Texas, and Texas was 'the biggest man' of the trio. The state was ablaze with political excitement throughout its length and breadth. Barbecues and great gatherings of the people in each county in the state were of

[14] In a letter to Cave Johnson, dated May 4, 1844, Polk wrote: "Clay's anti-Texas letter reached Nashville last night. If Van Buren will now take ground for annexation, as I hope and believe he will, and the convention shall make a proper nomination for the Vice, the democracy will certainly and beyond all doubt be again in the ascendancy in this state." Polk-Johnson Letters.

[15] This has been called the Raleigh letter, as it was written at Raleigh shortly before Clay's nomination. Later on, in what was called his Alabama letter, with a view of reconciling his friends in the South, he modified his position, saying that he would be glad to see Texas annexed, provided it could be accomplished without war with Mexico and without national dishonor. That letter did much to defeat him.

[16] Gen. Gideon J. Pillow claimed the chief if not indeed the sole credit for the maneuvers by which Polk, the first "dark horse," was nominated. A similar claim was made by George Bancroft, of Massachusetts, the historian, afterwards a member of Polk's cabinet. But Polk's letters to Cave Johnson, written in May, 1844, and published in the Tennessee Historical Magazine, Vol. I, pp. 238-244, show that the possibility of Polk's securing the nomination for president was discussed at the Hermitage, and that this suggestion was transmitted by Polk to his most confidential friend, Cave Johnson. Pillow, also a friend of Polk, seems to have attended to practical details and brought the scheme to fulfillment.

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common occurrence. It was a struggle for the vote of the state worthy the men who made that canvass little less than immortal."[17]

The greatest galaxy of orators that ever stumped the state took part. Among them was John Bell, whose enmity to Polk, because of the latter's twice-won victory over the former for speaker of the lower house in Congress, was fierce and unrelenting. Another was Gustavus A. Henry, known as the "Eagle Orator," which sobriquet he won in this campaign. Others were Neill S. Brown, elected governor in 1847; William T. Haskell, an orator of wit, sarcasm, fiery invective and flowery perorations, moreover, one of the greatest intellects of his time; Ephraim H. Foster, who said of the interest in East Tennessee that "the mountains were on fire;" Meredith P. Gentry, of whom Alexander H. Stephens said that very few "possessed so much political knowledge, or were so ready in debate." All these and many more spoke for Clay. On the democratic side were: Cave Johnson, Aaron V. Brown, A. O. P. Nicholson, Andrew Johnson, who all became still more distinguished subsequently, and many others.

In August, 1844, both parties held at Nashville what were called in those days conventions, popular meetings for the purpose of developing party fervor and drawing into the ranks the undecided.

The Democratic Convention was held on August 17th, and its avowed purpose was to protest against the "disunion of Texas." Its proceedings were characterized by great deliberation and dignity.

The Whig Convention was held on August 21st and was the most elaborate in detail that had ever been held in Tennessee up to that time. Indeed, it surpassed anything of the kind ever held in the Southwest. As Phelan says: "It was a tournament from the pages of Froissart, adapted to modern times and republican conditions."[18] The procession formed upon the public square and moved, a vast parade of approximately six thousand people to Walnut Grove, a popular convention place northwest of Nashville. There were mounted men, men in costumes of the red, white and blue of the Stars and Stripes, beautiful banners, coons, liberty-poles, bands of music, and ladies wearing sashes of blue and white in open carriages. There were delegations from virtually all the neighboring states. Wilson County drew the prize for sending the largest delegation.

Besides the Tennessee orators on this occasion there were two speakers who are among the most remarkable men in the entire history of this country. These were Albert Pike and S. S. Prentiss. Pike's life and career were tinged with the romance and adventure of the early days in the Southwest. He was one of the most brilliant lawyers of his day and one of the most learned of men. In both prose and verse his writings were received with appreciation even in England. Prentiss, in the estimation of Webster the most brilliant of American orators, was at his best and his so-called "courthouse speech" was long regarded as the most remarkable effort of oratory ever delivered in the Southwest. When, suffering from an indisposition to which he was subject, he sank fainting, at the close of his speech, into the arms of Governor Jones, the latter, overcome with emotion, exclaimed "Die, Prentiss, die. You will never have a more glorious opportunity."

Nevertheless, the efforts of the Whigs were in vain. Clay was defeated, although he carried Tennessee by 113 votes.

[17] Old Times in Tennessee, p. 166.
[18] Phelan's "History of Tennessee," p. 419.

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GRADUAL DECADENCE OF THE WHIGS

After the defeat of Clay in 1844 and the great reduction of the Whig plurality in that election in Tennessee, the forces of that party were never again so strong nor their fervor so consuming as they had been during the preceding five or six years, notwithstanding the fact that the whigs were victorious in the gubernatorial races of 1847 and 1851, which were the only ones that they subsequently won. Indeed, both the whig and the democratic campaigns of 1845 indicated a reaction against the fierce partisan zeal of previous years.

In 1845 the contestants for the governorship were Aaron V. Brown, who had been nominated by the democrats and Ephraim H. Foster, the nominee of the Whigs.[19] Brown had been the law partner and warm friend of James K. Polk, had been a member of the Legislature and a representative in Congress from 1839 to 1845. He was an orator and a public speaker of a very high order. He was justly popular in his party which rallied to his standard with zeal and, as the sequel showed, with success.

Foster, however, was no mean antagonist. He was one of the most prominent and successful members of the bar which at that time was one of the most brilliant in the annals of Tennessee at which Felix Grundy, Francis B. Fogg, Henry A. Wise and Bailie Peyton were members. His partner was William L. Brown, who has been called the "greatest legal intellect in Tennessee." Foster had also been United States senator, a colleague of Hugh Lawson White. He accepted the nomination when no other prominent Whig would have it, and he made a brilliant race, weighed down, though he was, with the charge of inconsistency on the tariff and on the Texas question. The position of the Democratic party on the annexation of Texas, which still agitated the people, was more popular than that of the Whig party. Besides, during the contest, Sam Houston made a visit to Tennessee and still further influenced the voters. Brown was elected by a majority of 1,623.

It was in this campaign that Brown delivered his famous Mount Pisgah speech, in which he said:

"Go up with me in imagination and stand for awhile on some lofty summit of the Rocky Mountains. Let us take one ravishing view of this broad land of liberty. Turn your face toward the Gulf of Mexico; what do you behold? Instead of one lone star faintly shining in the far-distant South, a whole galaxy of stars of the first magnitude are bursting on your vision, and shining with a bright and glorious effulgence. Now turn with me to the West—where the setting sun dips her broad disk in the western ocean. Look down through the misty distance to the shores of the Pacific, with all its bays and harbors and rivers. Cast your eyes as far as the Russian possessions, in latitude fifty-four degrees and forty minutes.[20] What a new world lies before you! How many magnificent states to be the future homes of the sons and daughters of freedom! * * * When did mental vision ever rest on such a scene? Moses, when standing on the top of Mount Pisgah, looking over the promised land, gazed not on a scene half so lovely. O let us this day vow that whatever else we may do, by whatever name we may be called, we will never surrender one square acre of this goodly heritage to the dictation of any king or potentate on earth. Swear it! Swear it, my countrymen, and let heaven record the vow forever."[21]

[19] See biographical sketches of the two candidates.

[20] This was a reference to Oregon, claimed by the English as far as the Columbia River, but which the Democratic party declared the United States would hold as far as "fifty-four, forty, or fight."

[21] "Speeches of Aaron V. Brown," pp. 202-203.

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STATE CAPITOL, NASHVILLE

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In 1847 the Whigs were again victorious. Aaron V. Brown was a candidate for reelection and the Whigs nominated Neill S. Brown to oppose him.[22] The Mexican war had not yet been ended and Neill S. Brown criticised the conduct of the war by President Polk, the placing of the Oregon boundary line at forty-nine degrees, instead of "fifty-four, forty or fight," and Governor Aaron V. Brown's Mount Pisgah speech. The election was close and hotly contested, and was won by Neill S. Brown [22] by a majority of 1,368.

In 1849 the tables were again turned when William Trousdale "the war horse of Sumner County," returned from the Mexican war loaded with honors, and was made the Democratic candidate for governor to oppose Neill S. Brown, who was a candidate for reelection and had made a good governor. General Trousdale's services had been too recent to be forgotten and too brilliant to be ignored, and he was elected by a majority of 1,390.

Again, in 1851, the tables were reversed. In that year William B. Campbell who had been the colonel of "The Bloody First" regiment in the Mexican war was nominated by acclamation in the Whig convention. Campbell was one of the noblest characters in the history of Tennessee. He was modest, brave, honest, faithful, prudent and wise. He was elected over Trousdale by 1,660.

Campbell was the last of the Whig governors. The Whigs, however, put up candidates in 1853, 1855, 1857 and 1859, but the Whig party was fast disintegrating and the democratic party had become exceedingly strong in Tennessee. Indeed, many who had formerly been stanch Whigs, including ex-Governor Jones and James Williams, went over to the democratic party.

HISTORY AND DESCRIPTION OF THE STATE CAPITOL

In the Constitution of 1834 provision was made for the establishment of a permanent state capitol by the insertion of the following section:

"The General Assembly which shall sit after the first apportionment of representation under the new constitution, to-wit, in the year one thousand eight hundred and forty-three, shall, within the first week after the commencement of the session, designate and fix the seat of government; and when so fixed, it shall not be removed except by the consent of two-thirds of the members of both Houses of the General Assembly. The first and second sessions of the General Assembly under this Constitution shall be held at Nashville." [23]

The matter was brought up in the Senate at the evening session of the very first day, October 2, 1843. As many misstatements have been made concerning the selection of Nashville for the permanent capital of the state, it is well to give the real history of this interesting and important historical event:

The Senate voted on the permanent site bill (Senate Bill No. 1) on the 4th of October and, after having voted for many places, finally selected Kingston, by a vote of 14 to 13 and sent the bill to the House. On the 6th the House took up Senate Bill No. 1 and, after having voted for many places in substitution for Kingston finally settled on Nashville and sent the bill back to the Senate so amended. On October 7th the Senate finally concurred in the amendment adopted by the House and Nashville thus became the permanent seat of the government of Tennessee. A very strong fight, however,

[22] Both Aaron V. Brown and Neill S. Brown lived in Pulaski, Tennessee, but were not related. John C. Brown, a younger brother of Neill S. Brown, was elected governor in 1870.
[22] See biographical sketch.
[23] Section 2 of Schedule of Constitution of 1834.

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was made by the proponents and opponents of Nashville. No less than twenty-five places were voted for by either the House or the Senate and most of them by both branches. These places were: Knoxville, Nashville, Kingston, Hamilton (Sumner County), Jackson, Carthage, Savannah, Manchester, Murfreesboro, Lebanon, Sparta, Paris, Chattanooga, Carrollsville (Wayne County), Taylorsville (Johnson County), McMinnville, Columbia, Franklin, Harrison (Hamilton County), Charlotte, Monticello (Putnam County), Reynoldsburg, Shelbyville, Smithville, and Woodbury. Some historians have asserted that Kingston was chosen and then reconsidered, and that Nashville secured the prize by only one vote. Neither of these assertions is true. Kingston was selected by the Senate but rejected by the House. Murfreesboro, Columbia and McMinnville were severally selected by the House and later the vote on each of them was reconsidered. Nashville was the only place agreed upon by both houses and the vote in the Senate was 17 for Nashville and 8 against on the final ballot.[26]

The City of Nashville bought for the site of the new capitol what was then known as Campbell's Hill and paid for it $30,000. On December 11, 1843, George W. Campbell transferred it to the corporation and, on the same date, the City of Nashville, by its mayor, Powhatan W. Maxey, transferred it to the State of Tennessee. These transfers were beautifully executed on a single large sheet of parchment.[27] An interesting anecdote is told in connection with this property.

"Many years previous Judge Campbell had sold a cow and a calf to a neighbor, who subsequently, determining to remove from the country, notified his creditor that a rifle gun and that cedar hill was all he had to give for the debt he owed. The Judge accepted the property, thinking that the sum he might be able to sell the gun for would be all he would realize for his cow and calf."[28]

On January 30, 1844, the Legislature passed an act (chapter CCV of Acts of 1843-1844) as follows:

An act to appoint commissioners to superintend the construction of the State House, to direct the labor of the Penitentiary to the erection of the same, and thereby save the people of the state from taxation.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the following persons, to-wit: William Carroll, William Nichol, John M. Bass, Samuel D. Morgan, James Erwin and Morgan W. Brown, be, and they are hereby appointed commissioners, any three of whom shall be a quorum, to

[26] Knoxville was the first capital of the state and so continued until 1807 when the Seventh General Assembly met at Kingston, but adjourned to Knoxville after the first day. Knoxville remained the capital until 1813 when the Legislature met at Nashville for the first time. Nashville continued to be the capital until 1817 when the Legislature met at Knoxville. From 1819 to 1825 Murfreesboro was the capital. Beginning with 1826 Nashville has been continuously the capital. In 1813 the sessions of the Legislature were held in what was called the "old capitol" located on a part of the present site of the Hume-Fogg High School. At the time when Nashville was made the permanent capital, the Legislature was holding its sessions in the Davidson County Courthouse.

[27] In 1921 this sheet of parchment was found in the center of a box of trash in the Archives of the State, having apparently been thrown away as a worthless scrap of paper, which it appeared to be. Upon being opened the treasure was discovered. It was then cleaned, the wrinkles pressed out, put in a frame and is now one of the valuable articles in the state historical museum.

[28] Guild's "Old Times in Tennessee," pp. 480-481.

Governor Jones in his message to the Legislature, in 1845, said: "The corporation of Nashville, with a liberality that has ever distinguished it, tendered the state the beautiful eminence near the heart of the city, known as 'Campbell's Hill,' as the spot on which the capitol might be erected. The Legislature, appreciating the spirit in which the tender was made, readily accepted the offer and the ground has been accordingly conveyed to the state."

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transact business pertaining to the erection of the State House, and other necessary buildings, and it shall be the duty of said commissioners, under the superintendence of the Executive and with his approval, to employ a suitable Architect, whose duty it shall be to procure from other States by visiting them or otherwise, the best and most approved plans for the building of a Capitol; said Architect shall then lay down a plan for the building of said Capitol for this State, which shall be approved of by the commissioners and the Governor, and a copy of said plan shall be deposited in the office of the Secretary of State.

Section 2. Be it enacted, That the Capitol is hereby directed to be built of smooth hewn or cut stone, according to the plan which may be designated and approved as aforesaid; and in order to prepare the materials for that purpose, it shall be the duty of the Agent, or Inspectors of the Penitentiary, under the superintendence and approval of the commissioners, to procure by purchase a Quarry of stone, as convenient to the Penitentiary as may be, having a due regard to the quality of the material.

Section 3. Be it enacted, That it shall be the duty of the Agent and Inspectors of the Penitentiary to employ, under the direction of said Board of Commissioners, in the work of constructing the Capitol, as many convicts in the Penitentiary as can be employed without danger of making the establishment a charge upon the Treasury of the State.

Section 4. Be it enacted, That the Agent and Inspectors of the Penitentiary, shall proceed to collect as soon as practicable, all the debts due the establishment and also to sell all the manufactured articles, now on hand therein, and pay over all sums of money that may thereby come into their hands, into the Treasury of the State, and that out of said sums, there be and is hereby appropriated the amount of ten thousand dollars subject to the order of the commissioners, to aid in the construction of said Capitol; Provided, the Penitentiary be not thereby made a charge upon the Treasury of the State.

Section 5. Be is enacted, That said Board of Commissioners shall make a full statement of all their official acts, to the General Assembly during the first week of each regular session of that Body, and that the members of said Board shall serve without compensation, and that all vacancies occurring in said Board, shall be filled by appointments made by the Governor.

Section 6. Be it enacted, That the ornamental portion of the work may be constructed of Tennessee Marble, under the direction and at the discretion of the commissioners.

D. L. BARRINGER,
Speaker of the House of Representatives.
J. M. ANDERSON,
Speaker of the Senate.

On May 14, 1844, James Woods, Joseph T. Elliston and Allen A. Hall were added to the board of commissioners. As some members died and some resigned, the vacancies were filled by the governor. John M. Bass was made the first chairman of the board and, on March 31, 1849, was appointed president of the board. He held this position until March 31, 1854, when he resigned and Samuel D. Morgan [29] was appointed president and held the position until the completion of the capitol.

"Upon the first appointment of the Commissioners, they were extremely fortunate in securing the services of so distinguished an architect as Mr. Wm. Strickland,[30] of Philadelphia, than whom no man of his profession in the country had a wider or more merited fame." [31]

In 1855, George Dardis, writing of the state capitol, said:

[29] He died June 10, 1880, and was entombed in the wall of the south portico of the capitol.

[30] Strickland began his noted career as an architect on the Capitol at Washington, under La Trobe. He had already been the superintendent of the erection of many public buildings in America and had visited the most renowned edifices in Europe.

[31] Nashville City Directory of 1860-61.

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"The site for this building is, perhaps, the most beautiful in the world. Imagine a hill within the center of a city, rising in every direction to the height of 197 feet above the level of the Cumberland River, at Nashville; four feet of its crest being removed and leaving a plateau of solid limestone for the construction of the building. You look down upon the city beneath your feet, and the prospect beyond, on all sides, presents a distinct amphitheatre of mountain ranges."

Work was begun on the clearing of the site on January 1, 1845, and Mr. Strickland submitted his plans on May 20, 1845. With some changes they were accepted. The most important change was in the erection of the tower. The architect's conception was a Grecian temple, consisting of a Doric basement, supporting on its four fronts, porticos of the Ionic order, taken from the example of the Erectheum on the Acropolis of Athens. The building of the tower was a concession to the commissioners and, in it, Strickland carried out still the design and character of the classic Grecian architecture, for he made it after the order of the famous Choragic monument of Lysicrates.[32]

On Friday, July 4, 1845, the corner-stone was laid in the southeast corner of the building. That was a gala day in the history of the capitol. The exercises began with services in the Baptist Church in charge of the students of Nashville University. A little after 11 o'clock people and organizations congregated in the public square for the parade. There were the military companies, societies, denominations, fraternities, state officers, prominent citizens, and the band. Arrived at the capitol, Hon. Edwin H. Ewing, of Murfreesboro, one of the best speakers in the state, delivered the oration, after which an ode was sung. Then the Masons took charge with impressive ceremonies. The corner-stone is a perfect cube weighing several tons. In a square cavity hollowed in it were deposited a parchment scroll upon which is written a brief synopsis of important events in the history of Tennessee. The following named articles were also deposited: An engraved likeness of Andrew Jackson, the Declaration of Independence, the Constitution of the United States, a map of the City of Nashville, Morris' Tennessee Gazetteer, the American Almanac for 1845, Statistics of Nashville, prepared by Anson Nelson, the coins of the United States, from the cent to the eagle, copies of Nashville newspapers, a jar containing printed matter pertaining to the Odd Fellows, a silver plate on which was engraved a "Statistical account of the Steamboats in the New Orleans and Nashville trade, A. D., 1845."

A square slab, made to fit the space, served as a lid to secure all the contents and cement was insinuated around the edge to seal the stone completely.

The work was carried on steadily, although slowly, until the time of Mr. Strickland's death,[33] April 7, 1854. The greater part of the work had been completed and his son, F. W. Strickland, carried on the rest of the work. The last stone of the tower was laid on July 21, 1855, and the last stone of the lower terrace on March 18, 1859. The building was first occupied by the General Assembly October 3, 1853, and the inauguration of the new capitol was attended with imposing ceremonials.

"The appropriations for building the capitol, made from 1844 to 1859

[32] The Century Dictionary calls this "the finest surviving example of this class of Greek monuments."

[33] His funeral exercises were conducted in the hall of the House of Representatives and he was entombed in a recess of the wall of the north portico.

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aggregate $900,500, but, as the work was done mainly by convict labor, the real cost was in the neighborhood of one and a half million dollars." [34]

The principal dimensions of the capitol can be seen at a glance by an inspection of the following table:

	Feet	Inches
Length	239	3
Length, including terrace at each end, 17 feet wide, and projecting steps, 16 feet, 10 inches	306	8
Width at each end	112	5
Width at each end, including terrace 17 feet wide, at each side	146	5
Width at the center, including side porticos, each 13 feet wide	138	5
Height of Building		
Lower terrace, or pavement	2	0
Upper terrace	8	9
From upper terrace to top of entablature of capitol	64	8
End pediments	13	0
Stonework of tower, above roof of building	79	2
Iron finial ornament, together with tower roof	34	0
Total height	201	7

On each step buttress, on each front of the building is a column, around which are three youthful figures, representing Morning, Noon and Night, the feminine figures representing Morning and Night and the youth holding a torch representing Noon.

The material of the building is stratified limestone impregnated with fossils, generally very hard. It was taken from a quarry, opened by the state, on the grounds of Samuel Watkins about half a mile northwest of the capitol. The interior decorative material is East Tennessee marble.[35]

On the capitol grounds are Clark Mills' famous equestrian statue of Andrew Jackson, unveiled in 1880, President Polk's tomb, removed there in 1893, and the monument of Sam Davis, Tennessee's hero in the War between the States, unveiled in 1909.

REMOVAL OF THE CHEROKEES

At one time the Cherokees laid claim to a vast extent of country, including all of Kentucky, all of Tennessee except the part west of the Tennessee River, the mountainous parts of North Carolina and of South Carolina, and the northern parts of Georgia and Alabama. By treaty they were gradually stripped of most of their extensive domain, to much of which, indeed, their title was very tenuous, and, at the time of the great removal, they could claim and were occupying only the southeastern part of Tennessee, beginning at the site of Fort Loudon, about one-sixth of Georgia, in the northern part, and a small tract in northeastern Alabama. And at all times, as far as records and tradition extend into the past, this was the residence of the Cherokees.

The policy of the United States toward the Indians was always to take from them their lands. This policy was frank and open and, at times, not too scrupulous. As the white population increased, the necessity became more and

[34] In the State Archives are the accounts and expenditures pertaining to the entire works; also "descriptions of the plan, structure and apartments of the State Capitol of Tennessee"; also the full text of the speech delivered by Edwin H. Ewing.

[35] Roberts' "Nashville and Her Trade," 1870, pp. 349-356.

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more apparent that the Indians must be removed to dwelling places farther west. The end was finally sought to transfer them all to the Indian territory west of the Mississippi River. The problem began in the administration of Jefferson and ended with the removal of the Cherokees during Van Buren's administration.

In 1805 President Jefferson, in his message to Congress, spoke of the necessity of teaching the Indians agricultural pursuits, as they could not longer maintain themselves by hunting.

In his first annual message, December 2, 1817, President Monroe said:

"From the Cherokee tribe a tract has been purchased in Georgia and an arrangement made by which, in exchange for lands beyond the Mississippi, a great part, if not the whole, of the land belonging to that tribe eastward of that river in the states of North Carolina, Georgia and Tennessee, and in the Alabama Territory may be acquired."

In his second inaugural address, March 5, 1821, President Monroe also spoke of the need for Congress to provide for the welfare of the Indians; and, on March 30, 1824, he sent a special message to Congress on this subject. On January 27, 1825, he sent a second message to Congress on the same subject.

President John Quincy Adams also sent a special message to Congress on February 5, 1827, in which he wrote sympathetically concerning the necessity that the Government keep faith with the Indians. Both he and President Jefferson were well disposed toward the Indians, but neither of these presidents, nor any of the other presidents accomplished anything constructive relative to the final disposition of the red men. It remained for Andrew Jackson to do what others had failed to do. He was frankly opposed to the Indians. He didn't like them at all; and he clearly saw that the only solution of the problem was the removal of them to some territory west of the Mississippi where all of them might be localized, where they would have good hunting grounds and not be in close touch with the whites, and yet where the United States troops could watch them. Beginning with December 8, 1829, Jackson sent eight annual messages to Congress in which he emphasized this policy.

On July 8, 1817, Gen. Andrew Jackson, Governor Joseph McMinn and Gen. David Meriwether made a treaty with the Cherokees whereby a number of these Indians, estimated at six thousand, emigrated to lands on the Arkansas River. The rest of the Cherokees, a large majority, refused to abandon the abodes of their fathers. From this time until their final deportation the removal of the Cherokees was a cause of strife among themselves, of acrimonious debate in Congress, of annoyance to Tennessee and almost civil war in Georgia.

The Cherokees were the most advanced in civilization of all the Indians. They had a written language, schools, churches, live stock and many good houses, cultivated fields and agricultural implements. They assumed the attitude of an independent nation, and, as such, sought to treat with the United States and to ignore the local laws of Tennessee and Georgia. The State of Georgia was very vehement and insistent in its efforts to assert its governmental requirements and prerogatives over the Cherokees in its limits and matters were fast approaching a condition of chaos when in February, 1835, two delegations went to Washington, each asserting its rights to represent the Cherokee nation. One

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delegation was headed by John Ross,[36] who, for many years had been the principal chief. The other was headed by Maj. John Ridge, who favored the removal on the ground that it would be fatal for the Cherokees longer to oppose the demands of Georgia and of the United States. Ross, also, seeing the futility of further opposition, entered into negotiations with the United States. Finally a treaty was effected in 1835 and, in 1838-1839, the Cherokees took up their march from their ancestral homes to the western lands beyond the Mississippi River. Gen. Winfield Scott,[37] of the United States Army, conducted the removal. Nearly seventeen thousand Cherokees made the journey to the West, some by boat down the Tennessee to the Ohio and thence down to the west side of the Mississippi whence the rest of the journey was made by land. The larger part, however, proceeded overland. They assembled at Charleston, Tenn., and thence proceeded south of Pikeville, through McMinnville to Nashville; thence to Hopkinsville, Ky. They crossed the Ohio near the mouth of the Cumberland and then traveled through Southern Illinois to the Mississippi River. Thence they proceeded southwest through Missouri into the Indian Territory. They left Tennessee in October, 1838, and reached their destination in March, 1839, having suffered much in this hegira, the deaths numbering, it was estimated, sixteen hundred.

[36] John Ross (Kooweskoowe) was born in Northern Georgia about 1790. His home was at Rossville, named after him, and his house still stands about two hundred yards south of the Tennessee state line. Chattanooga, of which Rossville, Ga., is commercially a part, was previously known as Ross' Landing. He was educated at Kingston. From his father, a white man, he inherited ability and trustworthiness and inclinations toward civilized life. He was a friend of John Howard Payne who was his guest for a time, and of many white men of the highest standing. He was a soldier in the Creek war in the service against those Indians and became principal chief of the nation in 1828. At all times he vehemently protested against the removal of the Cherokees. He served in the Civil war on the side of the Confederacy and died in Washington in 1866.

[37] In the Tennessee Archives is an autograph letter of Gen. Winfield Scott calling upon the governor of Tennessee to furnish a quota of troops to assist in the removal.

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CHAPTER XX

FROM AARON V. BROWN TO WILLIAM B. CAMPBELL

ADMINISTRATION OF AARON V. BROWN—THE GREAT COMMERCIAL CONVENTION AT MEMPHIS—THE MEXICAN WAR—THE ADMINISTRATION OF NEILL S. BROWN—THE ADMINISTRATION OF WILLIAM TROUSDALE—THE NASHVILLE CONVENTION—THE ADMINISTRATION OF WILLIAM B. CAMPBELL—INTERNAL IMPROVEMENTS.

The session of 1845-1846 of the Twenty-sixth General Assembly was held at Nashville from October 6, 1845, to February 2, 1846. Among the important acts passed were the following: "To incorporate the School for the Deaf and Dumb at Knoxville"; "To incorporate the Tennessee School for the Blind at Nashville"; acts to incorporate the Nashville and Chattanooga Railroad, the Memphis and Charleston Railroad and the Mississippi Railroad Company; several new counties were erected and many towns incorporated.

THE GREAT COMMERCIAL CONVENTION AT MEMPHIS

Although the meetings at Memphis in 1845 are generally spoken of as commercial conventions, their proceedings were mostly concerned with transportation problems. Again, there were two of these meetings, one held on July 4, 1845, the other on November 12, 1845. Reference is generally made to the latter as the "great convention."

The call for the meeting of July 4, 1845, was in the name of the "Western and Southwestern Convention." Delegates appeared from Tennessee, Mississippi, Louisiana, Arkansas, Illinois and Pennsylvania. "The matters proposed were (1) the removal of the snags in the great western rivers and the building of lighthouses on the coast of Florida, (2) the connection of the Great Lakes and the Mississippi by a ship canal to be built by the general Government, (3) a general system of defenses for the Southwest and the Northwest with the requisite number of ship yards and naval stations, besides the navy yard and depot at Memphis, (4) the completion by the Federal Government of the military road from Memphis through Arkansas to the frontier, (5) the establishment of a general system of levees, (6) certain and speedy mail conveyance utilizing steamboats and ships of war, (7) the maintenance of marine hospitals.[1]

These and some other subjects were discussed and the proceedings were commented on widely by the press of the country.[2] But it was agreed that by reason of the imperfect notice given for the July meeting, another session should be called for November 12 and that all the western and southwestern states, and Western Pennsylvania and Virginia should be represented. Invitations were issued to many prominent men, among them John C. Calhoun, who was chosen president of the convention and took a conspicuous part in its deliberations.

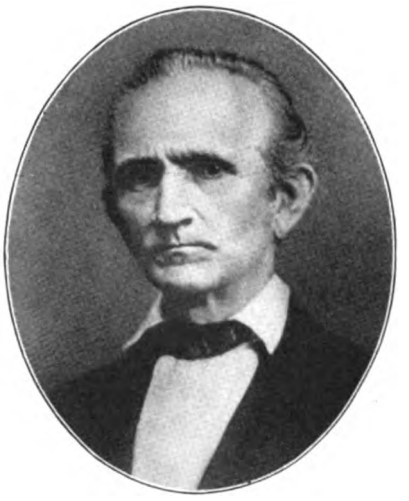
[1] St. George L. Sioussat's "Memphis as a Gateway to the West" in the Tennessee Historical Magazine, Vol. III, p. 83.

[2] Notwithstanding this fact and the fact that Niles' Register gave a summary, historians generally have nothing to say concerning this meeting and the still more important one of Nov. 12, in the same year.

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AARON V. BROWN
Governor of Tennessee, 1845-1847



NEILL S. BROWN
Governor of Tennessee, 1847-1849



JUDGE JOHN McNAIRY
Pioneer builder of the state



JOHN HAYWOOD, 1753-1826
"Father of Tennessee History"

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According to notice the convention assembled on November 12, 1845, in the Methodist Church in Memphis. It far surpassed the meeting of July 4, both in personnel and in the number of states represented. Before adjournment it was believed that nearly seven hundred delegates were present. The states and territories represented were: Alabama, Arkansas, Illinois, Iowa Territory, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas,[3] and Virginia.

The address of Calhoun stated the object of the meeting to be the development of the resources of the western and southwestern states. He and the other speakers touched upon the then delicate topic of how far the general Government could go in internal improvements. The discussion which followed covered the entire range of subjects concerning the transportation and commercial problems of the West and Southwest and of improvements that ought to be undertaken. Twenty resolutions covering these subjects and objects were finally adopted.

As the result of the convention Sioussat says:

"After it had done its work there appeared all over the Southwest a renewed activity in the building of railroads. Nashville held a railroad meeting within ten days after that of November at Memphis, and the Assembly gave a charter for the Nashville and Chattanooga Railroad. Other cities to the southward were stimulated to like activity, particularly Natchez, Vicksburg, and New Orleans. To these as to Memphis, the annexation of Texas and the territory gained by the treaty of Guadaloupe Hidalgo[4] extended the possibility of putting into effect the connection with the Pacific coast."[5]

THE MEXICAN WAR[6]

Although President Polk did not wish war and thought there would be no war with Mexico, nevertheless the annexation of Texas and the perfidy of Santa Ana precipitated the conflict. In Tennessee the enthusiasm for the war knew no bounds. On May 26, 1847, Governor Brown, upon notice from the war department called for three regiments of volunteers, one of cavalry and two of infantry, comprising 2,800 men. Thirty thousand volunteers responded. Because of the large number of volunteers and their eagerness to serve, rules were laid down for the guidance of the four major-generals of the state in deciding what companies should be received from their respective divisions. The Union and Planters' Banks advanced the funds necessary for financing the mustering in of the troops. By June 3 twelve companies had been organized into one regiment and formed the First Regiment of Tennessee Volunteers. They included the "Harrison Guards" and the "Nashville Blues," two famous companies. Gen. William B. Campbell, of Smith County, was elected colonel; Gen. Samuel R. Anderson, of Sumner County, lieutenant-colonel; R. B. Alexander, of Sumner County, first major and Major Farquharson, of Lincoln County,

[3] The annexation of Texas to the United States had been ratified by the Texas Convention on July 4, 1845.

[4] The treaty made between the United States and Mexico at the conclusion of the Mexican war.

[5] St. George L. Sioussat's "Memphis as a Gateway to the West" in Tennessee Historical Magazine, Vol. III, p. 113.

[6] In the state archives are very complete rosters of most of the regiments from Tennessee which took part in the Mexican war. Capt. C. E. Myers, of Cookeville, ninety-two years old at this time (1922), is, so far as known, the only surviving soldier of this war living in Tennessee.

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second major. The rendezvous for the troops of Middle Tennessee was Camp Taylor, about two miles down the Cumberland River from Nashville.

The senior class of the Nashville Female Academy, of which Dr. C. D. Elliott was the principal, presented a splendid flag[7] to the regiment in the presence of an immense concourse of people. This flag went through the war and was the first American flag hoisted as a signal of victory on the heights of Monterey. Upon its return riddled with bullets it was returned to the academy as a trophy. Some years subsequently Doctor Elliott presented the flag to the Tennessee Historical Society in the presence of an immense throng at Watkins Park, Nashville. This regiment is known as the "Bloody First" because of its gallantry and the heavy losses it sustained. The survivors of this regiment returned in June, 1847.[8]

In 1847 President Polk commissioned William Trousdale[9] colonel of infantry in the United States Army. He was assigned to the Third Division of the army, commanded by Maj.-Gen. Gideon J. Pillow,[10] another gallant Tennessean. He was in all of the engagements fought by General Scott from Vera Cruz to the City of Mexico and, for "gallant and meritorious conduct in the battle of Chapultepec" was made brevet brigadier-general by President Polk.

In 1847 another call was made on Tennessee for more troops and the response was again generous. Two more full regiments and a battalion of six companies were enrolled from Tennessee. They went by river to New Orleans, thence to Vera Cruz by sea. They were formed into a brigade and marched to Mexico City after it had been captured. G. R. McClellan was the colonel of the Fifth Tennessee Regiment, which was mustered into service November 10, 1847, and discharged July 20, 1848, at Memphis.

Many Tennesseans[11] of all ranks distinguished themselves and it may be justly said that the reputation of this state, already the very highest in military annals, was still further enhanced by the heroic achievements of its sons in the Mexican war.[12]

ADMINISTRATION OF NEILL S. BROWN[13]

In 1843, Aaron V. Brown defeated Neill S. Brown for Congress, but the canvass made at that time by the two Browns, both from Pulaski, but not re-

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[7] This flag bore the motto "Weeping in solitude for the fallen brave is better than the presence of men too timid to strike for their country."

[8] In the Tennessee Historical Magazine, Vol. I, pp. 129-167, are published the Mexican War Letters of William Bowen Campbell which gave an excellent account of his experiences and those of his valiant men. Colonel Campbell's simple command which became famous was, "Boys, follow me."

[9] Colonel Trousdale was twice wounded at the battle of Chapultepec yet would not leave the field.

[10] General Pillow distinguished himself at the siege of Vera Cruz and was one of the commissioners appointed to receive the surrender. He was wounded both at Cerro Gordo and at Chapultepec. His trial and acquittal on the charge of insubordination and his powerful speech in his own defense aroused national interest.

[11] Capt. Wm. B. Allen, a young man of high standing and bright future, was killed at the battle of Monterey. At Lawrenceburg stands a monument erected in his memory and of those other heroes who lost their lives in Mexico.

Lieut. Col. John A. Savage was wounded while leading an attack upon the Mexican fortification at Molino-del-Rey.

Col. Wm. T. Haskell and Col. B. F. Cheatham were also conspicuous for daring, brilliant and meritorious conduct.

[12] The American army was withdrawn when, on July 4, 1848, President Polk issued a proclamation of peace.

[13] See biographical sketch.

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lated, made them famous, and each became a leader in his party. In 1845 Aaron V. Brown defeated Ephraim H. Foster, the whig candidate, for governor. As the state election of 1847 approached, there was active rivalry for the whig nomination between Meredith P. Gentry, Gustavus A. Henry and Neill S. Brown. Finally Brown was chosen for the race and secured revenge for his defeat for Congress in 1843. The race, however, was close, his majority over Aaron V. Brown, the democratic candidate, being only 1,015 votes.

The Twenty-seventh General Assembly held its session of 1847-1848 from October 4, 1847, to February 7, 1848. The following important acts were passed:

"To incorporate the Mobile and Ohio Railroad"; "To incorporate the East Tennessee and Virginia Railroad"; "To incorporate the Tennessee Central Railroad"; "To establish the State Hospital for the Insane" (now the Central Hospital for the Insane); "To incorporate the New Orleans and Ohio Telegraph Company." [14]

By act of the Legislature (Chapter 169, p. 273, of the Acts of 1847-1848), the governor was required to indorse bonds of the East Tennessee and Georgia Railroad Company. This was the beginning of state aid to railroads in Tennessee.

In 1848, Zachary Taylor, whig, carried Tennessee over Lewis Cass, democrat, by a majority of 6,288 votes.

ADMINISTRATION OF WILLIAM TROUSDALE [15]

The elections of 1848 and 1849 showed clearly the effects of the popular enthusiasm for the heroes of the Mexican war. Zachary Taylor, a whig, was elected President in 1848. Yet, in Tennessee, Trousdale, a democrat, was elected governor, over Governor Neill S. Brown, whig, a candidate for reelection, who had made a good executive, and notwithstanding the fact that the two parties were of approximately even strength in the state.

General Trousdale, known familiarly as "the War Horse of Sumner County," had a notable military career. While yet a boy, he had left school to enlist in the Creek war in which he bore himself bravely and well. He served in the Florida war, of 1836, in which he added to his excellent reputation. He was one of the veritable heroes of the Mexican war. Yet he did not care for military glory. He went into service only to serve state and nation. His purity of character and innate modesty, together with his deeds of valor [16] made him an irresistible candidate even though he could not cope as a speaker with the brilliancy which characterized Governor Neill S. Brown, with whom he canvassed the state in joint debate. After an exciting contest, Trousdale was elected by a majority of 1,390 votes. He made a good governor and, during his incumbency, Tennessee grew in population and wealth and steadily pushed forward her public improvements.

The Twenty-eighth General Assembly held its session of 1849-1850 from October 4, 1849, to February 11, 1850. The following important acts were passed:

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[14] The first telegraph company chartered in Tennessee. The first telegraph dispatch received in Tennessee announced the result of the presidential vote in 1848.—Miller's Manual, p. 37.

[15] See biographical sketch.

[16] In this campaign he was affectionately named "the veteran of three wars."—Nashville Union, April 20, 1849.

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"To establish branches of the Bank of Tennessee at Clarksville, Columbia, and Chattanooga"; "To incorporate the Nashville and Louisville Railroad"; "To incorporate the McMinnville and Manchester Railroad"; "To incorporate the Henderson and Nashville Railroad."

The incorporation of these railroads and of turnpikes shows the continuously beneficial influence of the state's aid and influence in internal improvements.

Neill S. Brown was appointed minister to Russia.

THE NASHVILLE CONVENTION OF 1850

The admission of Texas into the Union and the new territory acquired from Mexico by the treaty of Guadalupe Hidalgo presented in acute form for immediate determination the ever recurring question of the extension of slavery. The activities of the abolitionists which began about 1820, but which did not assume threatening proportions for twenty or twenty-five years thereafter, had now become a force to be reckoned with or soon would be. Hence, the pro-slavery men of the South deemed it advisable, before it might be too late, to take counsel together for the protection of their interests. Under the leadership of Calhoun the defenders of slavery and of the principles of states rights with the fundamental doctrine of the right of secession had, in the eyes of the Unionists, assumed a sinister attitude. This was clearly stated in a letter written by Cave Johnson to James Buchanan, on January 20, 1850, shortly before the Nashville Convention. In it were the following significant sentences:

"I begin to fear that there is a settled determination with the extreme men of both the great political parties to dissolve the Union and it will require much prudence and wisdom among the moderate men to resist successfully their nefarious projects. I have been shocked of late to hear cool calculation entered into to show the great advantage which the South and Southwest would obtain by the establishment of a Southern Confederacy and securing free trade with England * * * Unluckily since the death of Jackson and Polk we have none in the South with influence and courage enough to oppose it. Our legislature, it is understood, will sanction the convention and support or authorize the appointment by the governor of delegates and pass strong resolutions, not less strong than those of Virginia." [17]

On April 13, 1850, a call was issued by the Nashville Union for a meeting to be held on the first Monday in May to elect delegates to represent Davidson County at the convention. Among the signatures was that of Maj. A. J. Donelson who had just returned from his service as minister to Prussia. At the meeting in May, Donelson was chosen president, doubtless for the purpose of offsetting the use of Andrew Jackson's name in hostility to the convention. The whigs, however, gained control of the meeting and a resolution opposing the convention was adopted.

Nevertheless, Nashville was selected as the meeting place for the convention which was scheduled to be held on June 3, 1850. It was attended by about one hundred and seventy-five delegates from seven of the southern states [18] and assembled in McKendree Church. The meeting was presided over by Judge W. L. Sharkey and continued in session from June 3 to June 12, inclusive.[19]

[17] Johnson-Buchanan letters in the possession of the Pennsylvania Historical Society.

[18] Virginia, South Carolina, Florida, Alabama, Arkansas, Mississippi and Tennessee.

[19] The Republican Banner and Nashville Whig, the Daily Union and the Nashville American furnished daily stories from which almost all subsequent accounts have been made up. Of these Herndon's "The Nashville Convention of 1850" is one of the best.

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On Saturday, the eighth, resolutions and an address were adopted favoring the Compromise Bill then pending before Congress, which both whigs and democrats interpreted according to their own predilections.

When the Compromise Bill passed in August, the southern intransigents decided that the action of Congress justified a second session of the convention. Accordingly they reassembled on November 11, 1850, shorn of numbers and strength and in an atmosphere decidedly hostile. The meetings, which continued for seven days, were held in the Christian Church and were in the control of the South Carolinians. One of the delegates, Cheves, urged immediate secession, but the conservative elements, including the Tennesseans especially, succeeded in moderating the resolutions, which, nevertheless, expressed forcefully the southern, pro-slavery, states rights view of the national dilemma. The session, notwithstanding, was a failure. Not even the South was yet ready for secession.[20]

THE ADMINISTRATION OF WILLIAM B. CAMPBELL [21]

William Bowen Campbell was a man whose name and fame deserve to be kept in perpetual remembrance. Meredith P. Gentry said of him in a public speech:

"Although Tennessee is rich in noble sons, though, like the mother of the Gracchi, she can proudly point to her children and say with truth, 'these are my jewels'; yet, in my opinion, she has not within her broad limits a nobler son than William B. Campbell. In integrity and honor, in nobility and truth, in courage and patriotism; in all that constitutes a high, noble and manly character, he has no superior."

In 1851, Campbell was nominated by acclamation by the whigs as their candidate for governor. In accepting the nomination, Campbell said:

"I accept with a pledge to my friends of a heart devoted to the union of these United States, and to the honor and prosperity of my native State."

Although Governor Trousdale was, at that time, the most popular and influential man of the democratic party in Tennessee, Campbell defeated him by a majority of 1,660 votes. In this campaign he was signally aided by Thomas A. R. Nelson, the brilliant speaker from East Tennessee, one of the greatest orators whom this state has produced. As a governor, Campbell was able, firm, impartial and honest. At the end of his term he was asked to be a candidate again but declined. He was the last Whig governor of Tennessee.

During his incumbency the General Assembly was in session from October 16, 1851, to March 1, 1852. The following important acts were passed:

"To establish a branch of the Bank of Tennessee at Athens"; "to regulate the business of banking (the free banking Act)"; "To submit an amendment to the constitution to provide for the election of judges and attorneys-general by the people"; "To provide for twelve electors for president and vice-presi-

[20] The Nashville convention was of much greater importance than has generally been realized, because of its influence on the politics of both state and nation. The student who wishes to make a more thorough investigation than is here afforded is referred to St. George L. Sioussat's article entitled "Tennessee, the Compromise of 1850, and the Nashville Convention," originally published in the Mississippi Valley Historical Review for December, 1915, and reprinted in the Tennessee Historical Magazine for December, 1918.

[21] See biographical sketch.

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dent"; "To establish a system of internal improvement."[22] The following railroads were incorporated: The Louisville and Nashville, Nashville and Northwestern, Memphis, Clarksville and Louisville, and the Edgefield and Kentucky.

In 1852, the whigs carried Tennessee in the presidential election by a majority of 1,880 votes. On August 10 of this year a duel was fought between John L. Marling, editor of the Nashville Union and Gen. Felix K. Zollicoffer, editor of the Nashville Banner, both being wounded.

INTERNAL IMPROVEMENTS

State aid to private corporations engaged in the work of promoting internal improvements was a popular idea in Tennessee from the years immediately following the admittance of the state into the Union until, in reconstruction times, the state debt had become so large and onerous that this form of economic scheme was stopped by provision[23] of the constitution of 1870. There are four forms of improvements which have received aid from the state, viz.: public roads, waterways, turnpikes and railroads. Of these by far the greatest amounts of money have been expended in aid of railroads.[24]

Even as far back as the year 1787, when Tennessee was a part of North Carolina, that state provided for a lottery to be held at Hillsboro, the proceeds to be applied to cutting a way from the south end of Clinch Mountain (later in Hawkins County) to Bean's Lick. Also, on October 26, 1799, the Legislature passed an act to mark out the Walton Road[25] over the Cumberland Mountains from Southwest Point (now Kingston) to the mouth of Caney Fork where Carthage now stands. The Legislature provided the money to do the work. Afterwards, in 1801, the Legislature required the governor to incorporate an association of citizens under the name of the Cumberland Turnpike Company to keep the road in repair and with authority to collect tolls. This was the first charter granted by the state for individual profit.

With a rapidly increasing population facilities to travel were a necessity in this new country. Hence, in 1804, an act was passed by the State Legislature to empower the county courts to lay off public roads, establish ferries and determine where bridges should be built.

RIVER NAVIGATION

The action of New York in providing for the Erie Canal gave a tremendous impetus throughout the country for waterway transportation. In Tennessee it stimulated efforts for two great projects, one a scheme of Governor McMinn to unite the waters of the Tennessee and Mobile rivers by a canal eleven miles in length, from the Hiwassee River to the Conasauga, the latter being the only stream in Tennessee whose waters reach the Gulf of Mexico without passing through the Mississippi River. The other was a plan advocated by Governor Cannon to save several hundred miles by uniting the waters of the

[22] This was known as the Omnibus Bill.

[23] Article II, Sec. 31, reads: "The credit of this state shall not be hereafter loaned or given to or in aid of any person, association, company, corporation, or municipality; nor shall the state become the owner, in whole or in part, of any bank, or a stockholder with others in any association, company, corporation, or municipality."

[24] At the beginning of the war the total state debt exclusive of the Confederate loan, was $20,408,000 of which $14,841,000 had been incurred by issuance of bonds to railroads.

[25] Named for Capt. Wm. Walton.

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Tennessee and the Mississippi rivers by a canal about thirty miles long from the Tennessee to the head of navigation of the Big Hatchie. Neither scheme was carried out, but the latter was alive as late as 1893, when a report of the route surveyed was made to Governor Turney. "In 1825 Robert H. Dyer was loaned $3,000 for three years for the purpose of cutting a canal from the Forked Deer to the Mississippi." [26]

TURNPIKES

Efforts in regard to internal improvements, however, prior to the adoption of the constitution of 1834, were for the most part sporadic, although, when Carroll, who was a friend to such efforts, became governor in 1821, more systematic endeavors were made. In 1823 a standing committee on internal improvements was appointed by both houses of the General Assembly. However, the difficulties in the way of carrying into operation the general desire for internal improvements were well-nigh insuperable. Even the attempt to encourage private investment in turnpike stock at this time failed.

But when John Loudon Macadam, the Scotch engineer, invented his system of macadamizing roads, a new impetus was given to the previous almost abortive attempts for the improvement of the transportation of the state. This impetus began to be felt in Tennessee in 1829, when the Legislature chartered the Franklin Turnpike Company [27] to receive subscriptions to the amount of $75,000 to build a turnpike from Nashville to Franklin. This was the first of a number of turnpikes incorporated at that session. The ambition for good roads which had been aroused can be understood from the fact that on January 14, 1830, a resolution [28] was passed, the first sentence of which reads: "The State of Tennessee has it in contemplation to make a state turnpike road on the M'Adam (sic) plan, from the Virginia line to the Mississippi River, provided she can obtain the adequate funds." It goes on also to express the hope that aid might be extended by the United States.

THE PLAN OF 1829

On January 2, 1830, the General Assembly passed an act [29] providing, for the first time, for a systematic plan of internal improvements in Tennessee. This act provided for the appointment of six commissioners, "two east of the Cumberland Mountain, two west of said mountain, and two west of the Tennessee River." For carrying out the provisions of this act $150,000 of the unappropriated funds from the sale of the lands in the Hiwassee district were set apart. It was apportioned as follows: $60,000 for East Tennessee, $60,000 for Middle Tennessee, $30,000 for the Western District. In 1831 another commissioner was added to those for East Tennessee and the three were made a

[26] Phelan's "History of Tennessee," p. 278. In his message to the Legislature in 1829, Governor Carroll said: "In many parts of our country the great work of internal improvements is advancing with astonishing rapidity. The New York canal is in successful operation. The Pennsylvania Canal, 400 miles long, is nearly finished. The Baltimore Railroad, the Chesapeake Canal, the canal uniting the waters of Lake Erie with those of the river Ohio, and numerous other improvements of less magnitude, but of great value to the internal trade of the country, are in a state of vigorous progression, and will in a few years be entirely completed. With these bright examples before us does it become Tennessee to be idle?"

[27] Chapter CCV of the Acts of 1829, p. 159, passed December 31, 1829.

[28] Number XXI, Acts of 1829, p. 299.

[29] Chapter LXXV of the Acts of 1829, p. 103.

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separate board for the purpose of improving the navigation in the Tennessee and Holston rivers and their tributaries. Also, in the same year a board of improvement was established for the mountain section,[30] of Middle Tennessee; and the county courts of the counties west of the Tennessee River[31] were directed to appoint three persons, residents of the individual counties, to be boards of county commissioners of internal improvement.

The plan of 1829, however, fell far short of what had been hoped of it. Contrary to general expectation but comparatively little support was extended by private citizens and some local jealousies were aroused.

INTERNAL IMPROVEMENTS FOLLOWING THE ADOPTION OF THE CONSTITUTION OF 1834

There was inserted in the Constitution of 1834 a section[32] which proved most stimulating. It reads as follows:

"A well regulated system of internal improvement is calculated to develop the resources of the State and promote the happiness and prosperity of her citizens; therefore it ought to be encouraged by the General Assembly."

The building of a few miles of railway by the Baltimore and Ohio Railroad which was begun in 1828 turned the attention of progressives in all parts of the country to the possibilities of rail transportation. Tennessee was not backward. In 1831 the General Assembly seems to have chartered the "Memphis Railroad Company," although it does not appear among the acts of that year, because in 1833 an act[33] was passed entitled, "An act to amend an act passed on December 17, 1831, entitled 'an act to incorporate the Memphis Railroad Company, to that of the Atlantic and Mississippi Railroad Company, and for other purposes.'"[34]

In 1831, also, the enthusiasm of Tennessee for railroads was stimulated by a convention held at Abingdon, Va., in August, for the purpose of considering the feasibility of constructing a railroad from Lynchburg to Knoxville, concerning which Gen. Richard G. Dunlap, chairman of the house committee on internal improvement of the Tennessee Legislature reported favorably in December.

THE PENNSYLVANIA PLAN

On February 19, 1836, was passed an act[35] entitled, "An act to encourage internal improvement in the state," which is commonly known as the "Pennsylvania Plan." The outstanding features of this plan are stated in the initial part of the first section of this act as follows:

"Section 1. Be it enacted by the General Assembly of the State of Tennessee, That in all cases where any joint stock company has been or may hereafter be incorporated by the Legislature of this State, for the purpose of constructing any work or works of Internal Improvement, by means of railroads or McAdamized turnpike roads, within the limits of the same, and two-thirds

[30] Chapter XLIII, Acts of 1831, p. 62.
[31] Chapter XLIV, Acts of 1831, p. 64.
[32] Article XI, Miscellaneous Provisions, Sec. 9.
[33] Chapter XLIX, Acts of 1833, p. 56.
[34] The date when this act was passed is omitted, but the act preceding it was passed November 4, 1833, and the act following it was passed on November 30, 1833. This railroad was to run from Memphis to Pulaski, there to connect with another road to be built from Florence, Ala.
[35] Chapter XXII of the Acts of 1836, p. 108.

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of the capital stock of such company or companies shall have been subscribed by individuals or other incorporated companies, and in the opinion of the Governor, Comptroller, Treasurer and Secretary of State, shall be well secured, it shall be the duty of the Governor to subscribe, on behalf of the State, for the remaining third of such capital stock, and to execute bonds of the State, with the Seal of the State affixed, and payable twenty-five years after the execution thereof to the President and Directors of such companies, or their assignees, bearing an interest of five and one-quarter per cent per annum."

By act [36] of the Legislature passed January 19, 1838, the state was required to subscribe for one-half of the stock of railroad and turnpike companies. By section 25 of this act the aggregate liability of the state is limited to $4,000,000. "Under the operation of this law, $66,666.66⅔ were issued to the Nashville, Murfreesboro, and Shelbyville Turnpike Company, $125,000 to the La Grange and Memphis Railroad Company [37] with a lateral branch to Somerville, $45,000 to the Gallatin Turnpike Company." [38] By the first section of this same act "The Bank of Tennessee" [39] was chartered. This was the strongest banking institution ever conducted in the state and its purpose was "to raise a fund for internal improvements, and to aid in a system of education."

The first actual railroad construction in Tennessee was the work done by the Hiwassee Railroad Company which secured a charter in 1836 to build a railroad from Knoxville to the southern boundary of the state.[40] This road [41] was surveyed and ground broken in 1837. In 1848 the charter was amended and the name of the corporation changed to East Tennessee and Georgia Railroad Company. It was completed from Chattanooga to Knoxville in 1856 and to Bristol in 1858. It was afterwards known as the East Tennessee, Virginia and Georgia Railroad. It is now a part of the Southern Railway system.

By the year 1839 it was realized that charters of incorporation involving state aid had been too readily granted and that projects of no importance to the state at large had sometimes been undertaken for the purpose of obtaining state aid. Therefore, on January 25, 1840, an act [42] was passed "That all laws authorizing the governor of this state to subscribe for stock on behalf of the state in any company, incorporated or to be incorporated for the purpose of constructing any works of internal improvement, be and the same are hereby repealed." A board of commissioners was provided for in the bill to pass upon the completion of the work already begun. All such companies were rigidly investigated for, as Governor Polk said in his message in 1841: "Indeed, our whole internal improvement system, as at present organized, is so very defective as to demand your anxious and unremitting consideration."

Nevertheless, while the state was wrestling with this problem, railroads, as a means of transportation, had passed beyond the experimental period and the popular desire for progress, both in state and nation turned with enthusiasm more and more towards railroads and less towards canals and the navigation of rivers. The main lines of railroads which were subjects of discussion in the newspapers and in financial circles were, a road from Nashville, one from

[36] Chapter CVII, Acts of 1837-1838, Sec. 21, p. 163.
[37] This road was not completed.
[38] Phelan's "History of Tennessee," p. 282.
[39] The Fourth Bank of Tennessee. See chapter on Tennessee in the Banking Business.
[40] In the archives of the state are the reports of the railroad companies and turnpike companies extending through the years when they were aided by the state and subsequently.
[41] This project was put on foot through the influence of Senator John A. Reagan, afterwards postmaster-general of the Confederacy and later one of the most distinguished citizens and officials of Texas. He was born in Sevier County, Tenn.
[42] Chapter I, Acts of 1839-1840, p. 1.

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Memphis to some point in Virginia, one from Memphis to Charleston, S. C., and one from Charleston, through East Tennessee to Cincinnati and Louisville.

The Nashville and Chattanooga Railroad was the first railroad operated in Tennessee. To Dr. James Overton, more than to any other man, should the credit be given for establishing this vitally important road. After he had become thoroughly informed on the subject of railroads, he called a public meeting at the courthouse in Nashville and communicated the fire of his own enthusiasm to his auditors. At the session of the Legislature in 1845 he brought up the subject, and Robt. Y. Hayne, the great orator of South Carolina, who was visiting in Nashville, was invited to address the General Assembly on the importance of connecting Nashville with the South Atlantic. His speech was eloquent and impressive and the Legislature granted a most liberal charter to the Nashville and Chattanooga Railroad Company. The City of Nashville endorsed the bonds of the company to the amount of $500,000 and many large individual subscriptions to its stock were made. Under the able management of its president, Vernon K. Stevenson, it was completed in 1853.[43]

The most ambitious and conspicuous of the railroad schemes in which the people of Tennessee became interested in those days was the Charleston, Cincinnati and Louisville Railroad. For several years it was a matter of interstate negotiation and, while the governor was directed to subscribe $650,000 to the enterprise in behalf of the state, and $32,000 in bonds were issued, nothing came of it except added enthusiasm for railroad construction. Eventually, most of the bonds were returned and the subscription cancelled.

The great commercial convention at Memphis in 1845, as we have already seen, still further intensified the "railroad mania," and the immediate outgrowth of this meeting was the projection and construction of the Memphis and Charleston Railroad. The most prominent men of Tennessee, Georgia and South Carolina became the earnest advocates of this road. Among them John C. Calhoun, of South Carolina, and ex-Governor James C. Jones, of Tennessee, who for a year had canvassed with brilliant success the territory through which the road was to run and who became president of the company. The City of Memphis subscribed $500,000. Contracts for building the road were let in 1851 and the first track was laid on April 1, 1852. Through the arduous efforts of Sam Tate who had been persuaded to accept the presidency the road was completed on March 27, 1857. A great celebration in honor of the completion of the road was held at Memphis at which the so-called "marriage of the Atlantic and Mississippi" took place. This ceremony consisted of pouring a barrel of water from the Atlantic Ocean into the Mississippi River. The completion of this road was an almost epochal event in the history of Tennessee and the entire Southwest and the stimulating effect of it on commerce and industry was immediate, great and far-reaching.

By act [44] of the Legislature passed on February 4, 1848, the governor was required to endorse and guarantee the bonds of the Nashville and Chattanooga Railroad Company and of the East Tennessee and Georgia Railroad Company. But, as this plan was not satisfactory, its provisions were repealed so far as the East Tennessee and Georgia Railroad Company was concerned by act [45] passed on January 30, 1850, providing that the state should issue its bonds to

[43] The first passenger train on this road was run as far as Antioch on April 13, 1851, and the first through train to Chattanooga on January 18, 1853.

[44] Chapter CLXIX, of Acts of 1847-1848, Sections 2 and 8, pp. 272 and 273.

[45] Chapter XLII, of Acts of 1849-1850, Sec. 11.

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pay for rails and equipment as sections were completed. The principal disadvantage of these plans was that the state was not properly nor conveniently protected. Hence, an act [46] was passed on February 11, 1852, which was comprehensive, applied to all the railroad companies and, at the same time would protect the state. This act was entitled "An act to establish a system of internal improvements in the state," but it applied to railroads only. Under the operation of this act the greater part of the state debt was contracted. By its provisions the railroads with bona fide subscriptions were entitled to $8,000 of the 6 per cent bonds of the state for each mile of road, to cover cost of rails and equipment, when they should have prepared certain sections of the roadbed. These bonds constituted a first lien or mortgage on the road and its franchises and equipment. This act worked well and, but for the war and the conduct of the so-called "Brownlow regime" would have resulted in great advantage to the entire state. Under this act and its amendments the amount of bonds issued to railroads was approximately $14,000,000. The total amount of bonds issued to railroads before the war was $14,841,000. Between April, 1866, and December, 1868, $14,393,000 of bonds were issued for railroads, and $113,000 for turnpikes. After the adoption of the Constitution of 1870, which, as has already been said, put a stop to state aid of internal improvements, the burden of such works devolved mostly upon private enterprise, for the constitution also contains the following safeguard: [47]

"But the credit of no county, city or town shall be given or loaned to or in aid of any person, company, association or corporation, except an election be first held by the qualified voters of such county, city, or town, and the assent of three-fourths of the votes cast at said election secured; nor shall any county, city, or town become a stockholder with others in any company, association or corporation, except upon a like election, and the assent of a like majority."

THE STATE HIGHWAY DEPARTMENT

Although the provision in the Constitution of 1870, already referred to, put a quietus upon state aid to projectors of internal improvements, interest in them has never been abated. Especially has the need for good roads been deemed of paramount importance. Some counties have been extremely diligent in their efforts for good roads; others inexcusably negligent of them. Long ago it was realized that the state ought to have a good system of roads throughout all sections; but it was as recently as 1913 that a start in this matter was made by the passage of an act [48] entitled "A General Enabling Act authorizing counties in this state, through their quarterly courts, to issue bonds for highway purposes," etc.

The beneficial effects of this act were immediately apparent, but it could not work speedily enough nor generally enough, so, in 1915, an act [49] was passed establishing a state highway department. The importance and comprehensiveness of this act are indicated by its caption which reads:

"A Bill, to be entitled, An Act establishing a Highway Department, creating a State Highway Commission prescribing the powers and duties of the State Highway Commission, providing for the designation and adoption of a State Highway plan of the State, creating a highway fund, and apportioning

[46] Chapter CLI, of the Acts of 1851-1852, p. 204.
[47] Article II, Section 29.
[48] Chapter 26 of the acts of the first extra session of the General Assembly of 1913.
[49] Chapter 100 of the Acts of 1915, p. 256, passed May 11, 1915.

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the proceeds thereof to the respective counties and the Highway Department, and applying the proceeds of the registration of motor vehicles, amending Section 6, of Senate Bill 296, Chapter 8, of the Acts of the 59th General Assembly [50] and acquiring rights of way therefor, by exercising of the power of eminent domain."

In 1917, the Legislature passed an act [51] entitled "An Act to authorize the Treasurer and Comptroller to receive certain funds from the United States Treasury to credit same to certain projects and to disburse same through the State Highway Department when ordered by the United States Department of Agriculture."

At the same session Senate Joint Resolution No. 28 [52] was passed stating "The state highway commission is hereby requested and directed to map out and formulate a system of state and federal highways and report same back to the next regular session of the General Assembly."

In 1919 the Legislature passed an act [53] amending the Act of 1913, enabling counties to receive state aid for roads and bridges in the proportion of one-third to be furnished by the state highway department to two-thirds to be furnished by the county.

On April 15, 1919, a still more comprehensive act [54] was passed, creating a state highway department, to be composed of three persons to be chosen by the secretary of state, state comptroller and state treasurer by and with the consent of the governor, one from each grand division of the state and prescribing the duties of this department and its officers and the rules and regulations by which it must be guided.

In 1921, section 18 of this act, referring to dealers and service vehicles, was amended,[55] but with this exception the act adopted on April 15, 1919, is the statute from which the state highway department derives its powers and performs its duties.

One important part of its functions is its cooperation with the United States Department of Agriculture "in conformity to an act of the Sixty-fourth Congress, approved July 11, 1916, entitled, 'An act to provide that the United States shall aid the state in the construction of rural post roads and for other purposes.'"

The following statistics of its activities have been furnished by Hon. W. T. Testerman, secretary of the state highway department: *

SUMMARY OF STATUS OF FEDERAL AID ROAD AND BRIDGE CONSTRUCTION IN TENNESSEE TO AUGUST 15, 1922.

1. Total Federal Aid allotted to Tennessee, 1917-1922.....$ 7,875,830.22
2. Total value Federal Aid Road and Bridge Contracts let to June 20, 1922 (including 10% Engineering and Contingencies) $15,453,000.00
3. Total value Federal Aid Road and Bridge Projects submitted to U. S. Government, Bureau of Public Roads, to June 20, 1922, but not contracted .....$ 1,036,000.00

[50] That of 1915.
[51] Senate Bill No. 123, Chapter No. 58, of the Acts of 1917, p. 127, passed March 27, 1917.
[52] Acts of 1917, p. 568.
[53] Chapter 175, Senate Bill No. 692, of the Acts of 1919, p. 643.
[54] Chapter 149, Senate Bill No. 442, Acts of 1919, p. 546.
[55] By Chapter 165, of the Acts of 1921, p. 434, passed on April 9, 1921.
* After the passage of the Reorganization Bill by the Legislature in 1923, Governor Peay appointed J. G. Creveling, Jr., Commissioner of the Department of Highways and Public Buildings.

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4. Total value of all Federal Aid Road and Bridge projects submitted to U. S. Government, Bureau of Public Roads, contracted and not contracted $16,464,866.72
5. Total value completed Federal Aid Road and Bridge contracts, including 10% Engineering and Contingencies..... $ 4,205,473.49
6. Total value Federal Aid Road and Bridge contracts not completed, including 10% Engineering and Contingencies..... $10,572,390.26
7. Total value completed work in uncompleted Federal Aid Road and Bridge contracts, including 10% Engineering and Contingencies ..... $ 4,431,739.86
8. Total value of all construction on Federal Aid Road and Bridge work to date, including 10% Engineering and Contingencies ..... $ 8,637,213.35
9. Total number Federal Aid Road and Bridge Contracts let..... 77
10. Total number Federal Aid Road and Bridge Contracts completed... 23
11. Total mileage Federal Aid Road contracts let..... 596.58
12. Total mileage Federal Aid Road contracts completed to June 20, 1922..147.6
13. Total mileage completed road in unfinished Federal Aid Road contracts, June 20, 1922 ..... 80.23
14. Total mileage completed Federal Aid road, June 20, 1922..... 227.83
15. Percentage completion uncompleted Federal Aid Road and Bridge projects, June 20, 1922 47

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CHAPTER XXI

TENNESSEE IN THE BANKING BUSINESS

This chapter was written by Judge Robert L. Morris, of Ridgetop, Tenn. It is, so far as known, the only complete and comprehensive exposition of this most difficult, complicated, important and least understood phase of the history of this state. Judge Morris is the highest living authority on this subject, as he has made a long and deep study of it, involving much research, and was the especial chancellor called upon to try much of the important litigation which concerned the winding up of the affairs of the Bank of Tennessee.

At the time the State of Tennessee was admitted into the Federal Union, June 1, 1796, in the gradual evolution of the banking business, a convertible paper currency had come to be the accepted theory of finance.

This evolution had been slow and halting and made progress only as intercourse among nations grew and the demands of commerce and travel became insistent for a money token or medium of exchange.

Prior to about 600 B. C., trade in the ancient world was almost entirely barter. About that time in Lydia, a gold producing country in the west of Asia Minor, the first recorded coins were minted.

Britain, in the time of Caesar, used iron bars of fixed weight for coin.

Finally with the advance of civilization and the growth of commerce and trade the Bank of Sweden, in 1640, invented the bank note, then and up to the adoption of our constitution known and designated as bills of credit. In 1694 the Bank of England was founded and grew out of a government loan; its present charter dating from the "Peel Act" of 1844. It was from the beginning a bank of issue and has two branches in the City of London and nine in the "provinces."

The finances of France and Germany were all likewise organized on the central bank idea with branches. The Banque De France was founded in 1800 by Napoleon. The German central bank is the Reichsbank. These banks are in large measure privately owned, but governmentally controlled and chartered for given periods of time; but unlike our own experiments in a central national bank, their charters are always renewed.

Banking in Tennessee and in other states of the Union were so intercorrelated and interwoven with each other and with the finances of the general government that it becomes necessary at times to make mention of matters pertaining to the banking business in the United States and the several states.

The money of our Federal Constitution was gold and silver, the unit of value being the dollar. But this instrument denied to the several states the right to coin money or issue bills of credit in their own names, although the constitution itself did not in so many words provide that the national Government might do so.

With the establishment of the general Government there immediately arose

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two schools of finance, one favoring a bank of the United States, national in character and extent, which, with the branches would furnish a uniform currency for the people and generally do the banking business of the country and that of the Government.

The other denied the right of Congress under the constitution to charter a bank with power to issue a paper currency and insisted the United States alone had such authority and could much better provide a currency for general use; that the attempt of the general Government to do so was an invasion of the state rights, and tended to the formation of a strong central Government which was not intended or desired.

Under the first federal compact a very few state banks of issue had been founded which were not interfered with by the adoption of the constitution; but among members of the federalist party, particularly by Alexander Hamilton, the first secretary of the treasury, they were regarded as undesirable and experimental.

Burdened with the necessity of providing revenues for the new Government and the proper adjustment of its tangled finances the outgrowth of a long war, Mr. Hamilton immediately took steps for the creation of a Bank of the United States.

In an able paper he reported to Congress the necessity for such a bank and recommended the enactment of a law for the purpose of establishing one.

Such a bill, after some debate, was duly enacted by Congress and sent to President Washington for his approval. He referred it to his attorney general, Edmund Randolph, for his opinion as to its constitutionality. He decided that Congress had no constitutional right to enact such a bill, but, notwithstanding this opinion, after due deliberation President Washington approved it.

It began operation in 1791. Its charter was limited to twenty years and was allowed to elapse in 1811, owing to the opposition of those desirous of establishing state banks of issue. Coincident with the lapse of the charter of the first Bank of the United States, the State of Tennessee by act of its General Assembly November 11, 1811, created a state bank under the name and style of "The Bank of the State of Tennessee" and located it at Knoxville, with authority to establish branches at Clarksville, Columbia and Jonesborough, and other places if desired, also, to consolidate with the Nashville Bank and make that a branch. This latter was the first bank established in Tennessee with authority to issue a paper currency and was chartered by the Legislature of the state on November 26, 1807, but not without opposition from those who favored the idea of a central United States Bank, and who succeeded in limiting its charter to January 1, 1818, its capital stock $200,000, in shares of $50 each, and a provision that its assets at no time should exceed $400,000, inclusive of its capital stock. It was likewise restricted to one-half of one per cent on loans and discounts for thirty days, and a refusal to pay its notes in current coin of the United States subjected it to suit and recovery of a penalty equal to one-half of the debt as damages, and the cost of the suit.

The state was allowed for a period of two years to subscribe for 300 shares of its capital stock, of which privilege it seems never to have availed itself.

The first board of directors of this bank consisted of George M. Deaderick, Wm. Tait, W. Jackson, John H. Smith, George Poyzer, Wm. Eastin, Alex. Porter, Sr., Joseph Park and Wm. Wright.

It is interesting to note that punishment for the first offense of counterfeiting

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notes of this bank was a fine of not less than $50, thirty-nine lashes on his bare back, not less than three hours in the pillory, and to be imprisoned not less than twelve months. For the second offense he was to suffer death without the benefit of clergy. This latter benefit no inhuman Legislature would now think of denying to a criminal condemned for any offense whatsoever.

The charter of this bank was renewed from time to time, it was allowed to establish its branches, was authorized to consolidate with the first Bank of Tennessee on the joint vote of the two boards of directors, which, however, was never done; was, by act of November 16, 1813, allowed to increase its capital to $400,000 and the charter was extended to the end of 1838. By 1845 it had ceased to do business. By act of November 17, 1813, the treasurers of East and West Tennessee were authorized to invest moneys derived from sales of public lands south of the French Broad and Holston rivers in the stocks of the Nashville Bank and the Bank of Tennessee and faithfully keep the principal and interest for the use of the colleges and academies of the state. By a later act moneys derived from the sales of public lands between the Big Pigeon and the Tennessee River were likewise added.

At a very early date the state began to accumulate a school fund which was freely used in the banking business. Thus by Act of 1809 three commissioners, namely Thomas Emmerson, John Crozier and Thomas McCory, were instructed to take college and academy funds and loan them out at a rate not exceeding 15 per cent nor less than 6 per cent, but the policy of investing this school fund in bank stock was further extended by act of November 22, 1817, which compelled the treasurers of East Tennessee and West Tennessee to collect and to invest all college and academy moneys in the stock of the Bank of Tennessee, or preferably to buy the stock on the market at par. The aggregate of these funds at that time did not exceed $10,000.

The capital of the "Bank of the State of Tennessee," so called, was fixed at $400,000 in shares of $50 each and the state was authorized to subscribe to an amount not exceeding $20,000, with the right reserved to sell it after ten years. The bank was forbidden to issue notes for a less denomination than $5. Its charter was for a period of thirty years. Its indebtedness was limited in amount to double that of its paid-in stock, but most singularly money placed on deposit was not to be regarded as part of this debt. Still another provision required that any indebtedness in excess of the legal limit thus fixed should in case of insolvency be paid by the board of directors permitting such excess.

In order to reduce competition in the banking business within the confines of the state and to reserve the field for the use of its own banks of issue, an attempt was made to shut out all foreign banking corporations by incorporating in its Revenue Law, passed November 17, 1815, a privilege tax of $50,000 each year they continued to do business, while state banks were required to pay only 10 cents on every $100 of stock actually paid in. This act was subsequently repealed.

Owing to the difficulties of finance growing out of the war with England and acting under the leadership of President Madison, Congress, in April, 1816, rechartered the Bank of the United States, with a capital stock of $35,000,000, of which the Federal treasury held $11,000,000. Of its twenty-five directors the President of the United States appointed five. The Government received in return for the charter thus granted the sum of $1,500,000. It was permitted to issue a paper currency equal to the amount of its capital which was

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made receivable by the United States for all debts and redeemable in specie on demand. Congress pledged itself to create no other bank while its charter lasted. It was due to expire in 1836. The Supreme Court of the United States in the case of McCullock vs. Maryland (1819), sustained the authority of Congress to charter the bank, holding that, while the constitution gave no express authority to do so, there was such authority by implication.

The courts at an early date also decided that the several states could charter private banks authorized to issue bills of credit not necessarily redeemable in specie, and that the state itself could become a stockholder in such banks by use of public funds. On the score of constitutional authority and legality of action by the Federal and state governments on the chartering of banks of issue there was a practical stand-off but the question as to whether a more uniform and desirable currency could be better handled by the general Government or by the several states was still an open one and bitterly contested.

In fact, during the entire nineteenth century, economic thought as related to finance was in a state of flux. Says Mr. H. Parker Willis in his history of "American Banking," "the nineteenth century was a rich period of banking experience and an immense number of banking systems were tried, theory after theory was taken up, applied and discarded. In matters of practical banking, methods were almost revolutionized."

The currency question was a matter of frequent debate in Congress and out of it.

Several distinct systems of banking were tried out in the first half century of our national life. Among others, the New England system coupled with its "Suffolk System of Redemption"; the bond-secured system of New York; the State Bank system, of banks owned and operated by state governments and a so-called credit system of banking.

Of these Tennessee tried out the free banking, or bond-secured system, and that of banks owned and operated by the state, of which mention will be made later.

The states of South Carolina, Ohio and Indiana, like Tennessee, had the central bank system in imitation of the United States Bank; of these that of Indiana, established in 1834, was the most successful, as the parent bank did not itself issue any currency but supervised and regulated the issues of its branches. The public men of Tennessee and its delegates in Congress were not laggards in the consideration and discussion of these principles of finance and banking. While the Second Bank of the United States was running its ill-starred course, the several states of the Union were busy experimenting in different kinds of banking systems "the result of all which was the accumulation of a great fund of experience as to the best way in which not to conduct banking."

Tennessee up to 1817 had chartered as many as fifteen banks of issue with an aggregate capital of $5,800,000, which included that of the Bank of the State of Tennessee. These banks were authorized to issue $10,000,000 in paper for a population of 300,000 people then composing the state. Other states were pursuing a like course causing undue expansion of credit and great speculation, with the necessary sequence in the panic of 1817-1819, and the suspension of specie payments by all the banks, except those of some of the New England states.

The Bank of the State of Tennessee suspended specie payment on June 29,

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1819, the Nashville Bank on June 22, 1819, all other banks of the state doing likewise. Owing to financial troubles and the general collapse in business the country over, Governor Joseph McMinn convened the Legislature of the state in extraordinary session at Murfreesboro, the then seat of government, to consider the situation of affairs and adopt such measures of relief as might be proper and necessary.

In his message to the Legislature he dwelt upon "the calamities, distresses and embarrassments of the people" and made several recommendations of a somewhat radical character, among others the following: The establishment of a central loan office with branches in each county of the state to handle $300,000 of state treasury certificates. In accordance with the recommendation a bill was forthwith introduced in the Legislature to carry it into effect. It had run the gauntlet of the Senate and House committees and been passed on its third reading in spite of a long and very able paper of protest against its passage signed by Pleasant M. Miller, Henry Bradford, and others.

Things were in this situation when public remonstrance arose against its passage. The citizens of Davidson and Sumner counties, through their representatives, presented memorials against its passage and one point made and stressed was that the proposed state treasury certificates would be "bills of credit" in the sense of the United States Constitution and consequently a violation of its interdict against any state of the Union being permitted to issue such; also that its provisions were inexpedient and would be ruinous in their consequences. The memorial from Davidson County set out in haec verba the oath taken by each member of the Legislature to support the Constitution of the United States as well as that of the state, and that to vote for the bill as presented would be a violation of this oath and an act of perjury. This memorial was signed, among others, by General Jackson and his protege, Col. Edward Ward, on the motion of Adam Huntsman and David Wallace, members of the House. This memorial was sought to be laid on the table until January 1, 1821. They alleged that General Jackson and Colonel Ward had been active in getting it up, that its language was not sufficiently decorous and proper; that General Jackson, at Nashville and in the presence of members of the Legislature, had, "in the most indecorous manner, stated that any member who voted for it would perjure himself, that if it was made a law twelve honest jurymen upon oath would convict those who voted for the measure of perjury."

These vehement protests, nevertheless, had their due effect; a redraft of the measure was made and the first exclusively state-owned central bank and branches was established in Tennessee under the name of the "Bank of the State of Tennessee." This act passed July 26, 1820. Its preamble recites that "whereas, it is deemed expedient and beneficial to the state and the citizens thereof to establish a bank on the funds of the state for the purpose of relieving the distresses of the community and improving the revenue of the state, therefore," etc.

The main or present bank was located at Nashville with a branch at Knoxville with 4/10 of the capital. The capital stock was placed at $1,000,000 and authority given the bank to issue notes from $1 up to $100 in denomination. The control and direction of affairs of this bank by the Legislature of the state was of the most intimate character even to the dictation of individual loans in a few instances, as was also that of the Bank of Tennessee, established in 1838, and fully justifies the assertion of Mr. Wilson in his "History of the American Peo-

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ple," that "the state banks were everywhere notoriously tainted with political partisanship and recognized engines of party supremacy."

Wm. Carroll, who followed McMinn as governor of the state, belonged to that school of finance which favored a uniform national currency, the issue of a central United States Bank, and was opposed to the use of the state funds in the banking business, and so warned the Legislature in his message. He proposed an investigation of the affairs of the recently established state bank and sought to curtail its activities as much as possible. By an act of 1826, passed at his instance, the Bank of the United States was allowed to establish a branch in Tennessee, which it did in 1827, at Nashville.

The charter of this First State Bank of Tennessee was due to expire the first day of January, 1843, but it did not live so long. By act of the Legislature of November 13, 1821, each bank in the state except the Bank of Tennessee, was required to resume specie payment on or before the first Monday in April, 1824, under penalty of forfeiting its charter. None of these banks had been required to maintain a specie reserve and the security of the note-holders was most inadequate. The Bank of Tennessee, owned by the state, by act of November 15, 1821, was authorized to issue paper money in multiples less than $1. This was known as shin-plaster currency.

The period of banking in Tennessee for the decade of 1816-1826 was a most unhappy one. Shin-plasters, of course, drove out the use of silver change. It was charged that some of the banks sold their gold and silver at a premium of 30 per cent while their own notes were at 40 per cent discount. If true, a most palpable swindle. In 1828 the notes of the Fayetteville Bank and the Farmers & Mechanics Bank at Nashville were worth only 25 cents on the dollar. This condition of affairs ultimately led to the chartering of two banks; one, the Planters' Bank, the other, the Union Bank, each with large capital, and in each of which the state became a large stockholder. They were authorized to establish branch banks in various towns of the state. In their charters greater precautions were taken to guard the interests of the note holder and they were required to report periodically to the Legislature.

The Union Bank was chartered October 18, 1832, with a capital of $3,000,000, shares $100 each, the state subscribing for 5,000 shares for which it paid in the bonds of the state at par and the state was given five directors out of fifteen. Under Governor Carroll's administration, by an act passed at a called session of the Legislature, 1832, the affairs of the Bank of the State of Tennessee were required to be wound up and any money remaining after payment of its debts to be deposited in the Union Bank. This latter bank began operations in March, 1833, and paid dividends at the rate of 8 per cent up to January 1, 1836, and for the year 1836 paid 12 per cent, but in common with other banks of the country suspended specie payments in May, 1837, though still solvent.

By Chapter 34 of the called session of the Legislature of 1833, the Planters' Bank was chartered with a capital of $2,000,000 and the state became a large stockholder. By act of February 19, 1836, the superintendent of public instruction was required to redeem all notes then outstanding of the Bank of Tennessee, established in 1820. This first venture of the state in a bank all its own, as appears from the report of a joint committee of the Senate and House made to the Legislature, December 8, 1837, resulted in a loss to the state of $505,641.88. The state had first and last paid in as capital of the bank $1,119,387.54.

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In the meantime while the State of Tennessee was busy trying to solve its financial and economic problems one of its greatest citizens, Gen. Andrew Jackson, was busy at the seat of general Government finding ways and means to put out of existence the Bank of the United States which had been rechartered in 1816 under President Madison, and whose secretary of the treasury at a later date was another honored son of Tennessee, Geo. W. Campbell.

General Jackson may be said to have been ultra "states right" in his views. He was against all internal improvements by the general Government as he was opposed to its doing a banking business and issuing a paper currency. Whether right or wrong, his action in seeking to destroy the United States Bank was destined to have a most lasting influence upon the currency of the country and upon the life and general welfare of all the people. The effect of destroying this bank was to place upon the states the whole burden of providing a stable and uniform currency. That he was right in seeking to destroy a great central banking institution that even then was wielding a wide political influence almost all will agree. Especially so, as an enlightened and wholly efficient banking system now demonstrates that no such institution is needed. That he was wrong in thinking the states could of themselves provide a satisfactory, stable, and uniform currency for the people all will agree. No one expresses this idea better than Daniel Webster, possibly the greatest statesman of the nineteenth century—who, in a speech in the United States Senate on the sub-treasury bill and one to reestablish a United States Bank, delivered, September 28, 1837, said, among other things:

"The office of paper currency is, 1st, the supplying of a sound and convenient currency of equal credit all over the country and everywhere, equivalent to specie. 2nd, giving important facilities to the operations of exchange. Government exists not for its own ends but for the public utility. It is an agency established to promote the common good by common counsels, its chief duties are to the people. Money is a hinge on which commerce turns."

Following in a later address made March 12th, 1838, he argued that Jackson's veto of the bill for extending the charter of the Bank of the United States "was the original source of all the disorders of the currency." In the speech in September, 1837, concerning a suitable currency he said, "State banks could not perform a national part in the operation of commerce * * * they may be very useful in their spheres but you can no more cause them to perform the duties of national institutions than you can turn a satellite into a primary orb, they cannot maintain a currency of equal credit all over the country. We may erect banks on all the securities which the wit of man may devise, we may have capital, we may have funds, we may have bonds and mortgages, we may have the faith of the state, we may pile Pelion on Ossa, they will be state institutions after all and will not be able to support a national circulation."

In this same address he announced a fundamental principle of banking that, if the states, particularly Tennessee, had heeded and made it a part of her banking laws, would have saved numerous disasters and consequent loss and suffering to her people—namely, "the true criterion by which to decide the excess on a convertible paper currency is the amount of that paper compared with the gold and silver in bank * * * that a certain fixed proportion between specie and circulation should be maintained without regarding deposits on one hand or notes payable on the other."

It is not correct or true to say that Jackson's veto of the bill renewing the charter of the Bank of the United States, the order withdrawing the deposits of the Government from that bank, or his specie circular were the primary or

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efficient causes of the panic of 1837 that prevailed over the entire country. The workings of fundamental economic laws were the primary and efficient cause. Such panics were periodical in the history of the country and usually occurred at intervals of twenty years. These panics "in part were due to unwise banking and the undue extension of credits upon improper or inadequate security."

A widely diffused and uncontrolled system of banking necessarily invited and permitted great speculation and improper extension of credits.

The resultant depression in trade and business following the panic of 1837 producing great distress and hardships with the people, many broken banks, and the wiping out of values as is usual in such periods, brought to the surface many financial doctors, some of them with quack remedies which utterly ignored the fundamental laws of supply and demand, and of hard labor and close economy.

New York State answered the call by the enactment in 1838 of its "Free Banking" or bond system of banking which subsequently became the model for the National Banking system of the United States, which, coupled with a previous law called the Safety Fund System, requiring each bank to pay in 3 per cent of its capital as a joint fund to make good the liabilities of any insolvent bank—afterwards modified to take care only of notes in circulation, made a most excellent system of banking with the exception of a lack of elasticity in times of stress.

Out of the welter of collapsed business; suspension of specie payments by the banks; and liquidation of others, the State of Tennessee answered the call by again embarking on the tempestuous sea of finance with a state owned and politically controlled central state bank, and branches, which in the evolution of time and untoward circumstance proved to be her last and final venture of that character. The General Assembly of 1837-38, by act of January 19, 1838, chartered this new bank and recited as follows:

"That a bank shall be and is hereby established in the name and for the benefit of the State to be known under the name and style of 'The Bank of Tennessee,' and the faith and credit of the state are hereby pledged for the support of said bank and to supply any deficiency in the funds hereinafter specifically pledged, and to give indemnity for all losses arising from such deficiency."

The act creating this bank was entitled "an act to establish a state bank to raise a fund for the internal improvements and to aid in the establishment of a system of education," for both of which due provision was made in the act itself. The new constitution of 1834 had declared in favor of a system of internal improvements in the state, and for a permanent school fund that was to be inviolate under all conditions and circumstances as to both principal and interest.

The limitations of this article do not permit of a detailed history of this bank nor of the numerous acts of the Legislature subsequently passed in regard thereto.

Its capital was placed at $5,000,000; to provide for one-half of this the state issued $2,500,000 of bonds bearing interest at 6 per cent. The other half was made up of the whole of the common school fund, proceeds of the sale of "The Ocoee lands," the surplus revenue allotted to the several states under an act of Congress, and for the balance, in the language of the act, "A sum shall be

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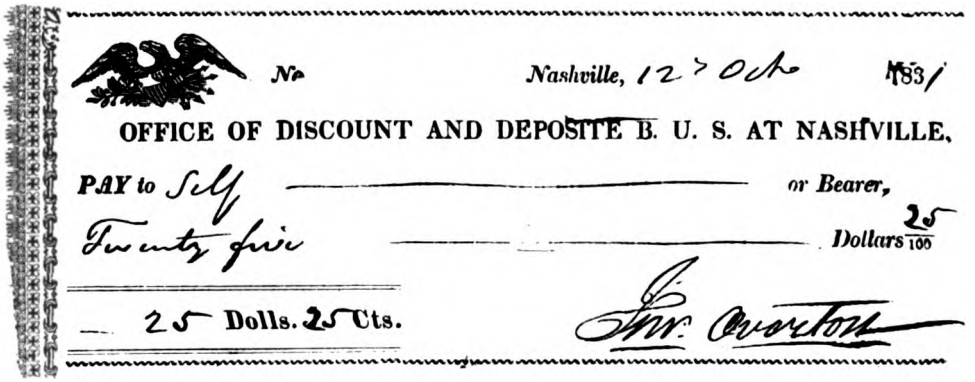
raised in specie or funds convertible into specie, at par value, on the faith of the state, sufficient to make the whole capital $5,000,000."

For the common school fund thus used either state bonds or a certificate of indebtedness was to be issued to the superintendent of public instruction. The governor was authorized to nominate and appoint twelve directors, one-third of whom were in no case to be merchants, subject to the confirmation by the General Assembly. The charter nominally ran for thirty years, or until the first of January, 1868. The directors were to hold for two years only and until their successors were nominated and confirmed. Under this arrangement the management and policies of the bank were controlled by the Legislature and that in turn by the political party that happened to be in power. The total amount of indebtedness was limited to double the amount of the capital stock exclusive of money on deposit. The notes of the bank were made receivable by all tax collectors and other public officers in all payments for taxes or other moneys due the state. The bank was required to furnish monthly statements of the condition of the parent bank and branches to the comptrollers and publish quarterly in some newspaper in the state the condition of the bank and its branches. Its discounts were to be distributed as far as practicable among the several counties of the state according to their voting population.

Notwithstanding its political control, the bank seems to have had, on the whole, able management. Its first president was Wm. Nichol, a retired merchant and capitalist of Nashville. The first cashier was Henry Ewing. A most able and capable president and manager was the Hon. Cave Johnson, of Clarksville, Tenn., who did not hesitate to clash with the State Legislature upon some of its measures.

At the outbreak of the Civil war of 1861-5, Granville C. Torbatt was the bank's president.

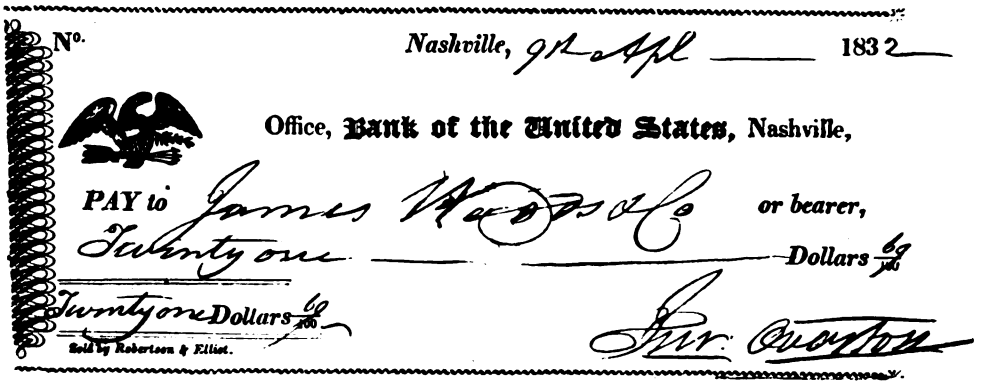
The Union and Planters banks were prosperous and very ably managed at all times and their notes were at par. In 1837 Matthew Watson, an excellent financier, was president of the Planters Bank while John M. Bass was president of the Union Bank. A branch of the Bank of the United States was maintained at Nashville up to 1835 and later.



Matters in the banking business ran pretty smoothly for some time after 1843. When the banks in Tennessee resumed specie payment, great progress was made in trade and commerce and values of every sort in Tennessee grew and expanded. Currency was in abundance to support every legitimate enterprise. The provisions of the charter of 1838 regarding the capital of the Bank

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of Tennessee were never in fact carried out. The first report, in 1839, showed the capital to be $2,148,706. The report to the Legislature of 1859 showed the capital stock to be $3,186,421.65. The first report showed the state had only issued $1,000,000 of bonds instead of the $2,500,000 as promised. Governor Harris' message to the Legislature of 1857-8 showed that after nineteen years



of operation the bank had realized less than 6 per cent upon the actual cash capital. It was the opinion of the Hon. Cave Johnson, sometime president of the bank, who, except during the panic of 1857, favored the winding up of the affairs of the bank, that the state should either do all the banking done in the state, or none at all. The Legislature of 1857-8 added its stock in the Union Bank, $664,494, and its stock in the Planters Bank, $232,700, to the capital of the Bank of Tennessee.

On February 12, 1852, the Legislature of the State of Tennessee passed "An act to authorize and regulate the business of Banking." This act was known as the Free Banking System or bond system and was modeled largely on the Free Banking Laws of New York. Banks organized under this were allowed to issue paper currency after first placing in the hands of the comptroller of the state, state bonds or bonds endorsed by the state, worth 100 cents on the dollar in gold or silver if sold. The currency thus issued not to exceed the value of the bonds so deposited. Three-fourths of all bonds deposited to be state bonds. This provision was later modified.

This act was amended by the Legislature of 1855-56; among other things, it was provided that should the bonds deposited as security for circulation decline below par in the City of New York, as shown by the sales of the stock, and remain so for thirty days, additional bonds were to be deposited to make good the par value of those already deposited.

By an act of March 1, 1856, it was provided the circulation of no bank or any of its branches should exceed its discounts more than $2,000 within any six months computing from January 1st and July 1st. The Bank of Tennessee was excepted from this provision.

By an act of January 28, 1858, the Free Banking System was repealed so far as to deny any future organizations under it. By the same act banks which had suspended specie payments, as they all had during the panic of 1857, including the Bank of Tennessee, were required to resume on or before November 1, 1858, and all banks and brokerage concerns were forbidden under heavy penalty to pay out for circulation the notes of any bank not chartered by the State of Tennessee. The banks were also forbidden to sell or dispose of any

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gold or silver at a premium, or the notes of any bank whatsoever at either a premium or discount, or while suspended to sell exchange upon any place in the United States for a higher premium than two per cent, or to pay any dividends. The banks were required to accept these and other provisions under penalty of having their charters forfeited. It was also declared that the business of trading and trafficking in the notes of other suspended banks was not a privilege possessed by any bank and was a violation of its charter.

By section 7 it was forbidden that any bank or its branches should issue, emit or pay out any bank note not on its face payable upon demand at the counter where issued, emitted or paid out.

This act was an aftermath of the panic of 1857 and a sharp challenge to the banks against practices thought inimical to trade and business, and the good of the people.

Section 7 above quoted was no doubt intended to correct a practice of the Planters and Union banks, which, at that time, made the bulk of their circulation payable in the City of New Orleans and a small part in the City of New York, intending thereby to facilitate the use of bills of exchange in the cotton, sugar and molasses trade. The late Joseph W. Allen, of Nashville, handled the business of these banks for several years in New Orleans where an office was maintained.

These bank reforms made by the Legislature of 1857-58 did have the effect of improving the credit of the state. Its bonds, which had been selling as low as 65 to 70 cents on the dollar, were brought up to 90 and 92 cents on the dollar.

A further aftermath growing out of conditions in banking developed by the panic of 1857 was seen in the race between Isham G. Harris, the candidate of the democratic party for governor, and John Netherland, the candidate of the whig party. The democrats insisted upon additional bank reforms to those of 1857-58:

"1st, That a specie basis should be provided for bank circulation
"2nd, That in all bank charters the power to change, modify, or abolish should be reserved
"3rd, That stockholders shall be made individually liable for all debts of the bank just as persons in mercantile and other pursuits are."

The whig party in banking business usually held to the principles of the old federalist party.

The lowering clouds of an approaching civil war probably prevented the democratic party from carrying into effect some of these reforms, but the Thirty-third General Assembly of 1859-60, which was the last to assemble before the storm broke, did make some genuine reforms in the banking business, built upon an experience of fifty years and more. A general statute on the subject was enacted on February 6, 1860, whereby it was provided that banks might be organized with a capital not less than $300,000 nor more than $3,000,000, all of which capital was to be paid in specie "without evasion or defalcation." They were not allowed to exceed in currency circulation two for one, the aggregate of its specie funds consisting of coin, the notes of specie paying banks and sight exchange, to keep a registry of the numbers, denomination and amount of notes intended for circulation, to pay ½ of 1 per cent on capital as taxes. A supervisor of banking was provided for at a salary of $3,000 to be paid by the banks, who was to be nominated by the governor and confirmed by the Senate, for a term of two years.

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John W. Richardson, senator from Rutherford and Williamson counties, on March 7, 1860, introduced a bill to repeal the act establishing the Bank of Tennessee and to wind up its affairs, which, had it passed, would have saved the state probably two millions of dollars and more. He supported the bill with a very able address showing the bad effects of the political management that had been given it, and that no set of officials interested in the affairs of the bank only to the extent of their salaries, could or would manage it successfully. He reviewed the entire history of the state banking in Tennessee and showed how they had never answered the purpose for which they were intended and created, etc.

The bill failed of passage by a vote of 15 to 7.

Distress, poverty and a general stagnation in business following the recent panic, bore heavily upon the people, and their complaints were audible. An extra session of the Legislature was convened. Governor Harris, in his message, January 7, 1861, said:

"The idea of freeing a people from pecuniary distress by legislation is to my mind an impossibility."

Nevertheless, much legislation was enacted looking to that end. The banks were allowed to suspend specie payment without penalties until July 1, 1862. The stay law on money judgments was increased to twelve months.

To relieve the pecuniary distress of the people as stated by an act of January 31, 1860, the Bank of Tennessee was "instructed" and the Planters and Union banks "requested" in extending their lines of discount to equalize their accommodations to all sections of the population proportionately in each banking district of the state.

Following the opening gun of the great Civil war at Fort Sumter, Governor Harris again convened his Legislature in a second extra session and sent in his message April 25, 1861. By act of June 27, 1861, it was enacted that "if in the opinion of the governor and military and financial board it was deemed expedient," treasury notes to the amount of $3,000,000 were authorized to be issued as a fund to assist the state in her military operations. By act of July 1, 1861, the banks of the state were authorized to receive and pay out Confederate treasury notes. The Bank of Tennessee was required to reverse its policy of diminishing its circulation "as detrimental to the public interests, and to increase their circulation so as to answer the public want," but not to exceed $2 for one of paid-in capital stock.

This mandate was obeyed by the bank and a large issue of notes was made, subsequently known as the "Torbett" or "New issue."

By act of May 6, 1861, an issue of $5,000,000 of state bonds was provided, for the purpose of raising, organizing, and equipping a provisional force and for other purposes. The banks were authorized to invest their means in them and they did. The public faith and credit of the state was pledged for their payment. A sales tax, the first of the kind in Tennessee, of ½ cent on sales of merchandise, and property tax of 8 cents on $100 of property, assessed annually, were provided to create a fund for the payment of these bonds.

By resolution of February 10, 1862, the seat of government might be removed. By act of March 15, 1862, any bank of the state was authorized to remove its assets and do business in other states when in danger. It was under the authority of this act that the Bank of Tennessee removed its assets and did business in one or more states composing the Southern Confederacy.

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The Bank of Tennessee threw its fortunes with the Southern Confederacy. The assets of the bank with the retreat of Gen. Albert Sidney Johnston's army from Bowling Green and the fall of Fort Donelson, were removed to the City of Memphis where, likewise, the seat of government for the state was removed.

With increasing jeopardy and chance of capture by the Federal forces they were removed south. The last days of the Confederacy found these assets under the protecting wing of Gen. Dick Taylor's army at Cuba Station, near Meridian, Miss. General Taylor was in command of military operations in the Southwest and his army was among the last to surrender. A truce was agreed upon between him and the Federal commander, General Canby, after the surrender of General Lee, and pending developments as to the fate of the Army of Tennessee under Gen. Joseph E. Johnston.

Into his camp drifted a number of members of the Confederate Congress who sought his advice as to what to do. He said to each of them that the war was practically over, the cause of the Confederacy had failed, and to go home and make good citizens of themselves. Governor Harris, who was in camp with the officials of the Bank of Tennessee assisting in guarding its treasures, he advised to leave the country for awhile, in view of the enmity of those in authority whom he would meet should he return to Tennessee. He was loath to leave the country, said General Taylor, as he regarded himself in honor bound to look after the bank's funds which included several hundred thousand dollars in gold. In this emergency and to relieve Governor Harris of his self-imposed responsibility and to permit him to go away as he had advised, he besought General Canby to furnish a guard and permit the bank's fund to be returned to Nashville, Tenn., also the bank officials accompanying them. This he most obligingly did. General Taylor naively adds in his book entitled "Destruction and Reconstruction":

"Upon arriving at Nashville the official in charge of these valuable assets was promptly imprisoned for his faithfulness."

Speaking of this fund in gold, General Taylor says:

"that although a considerable amount of gold was near our camps and safely guarded yet it is doubtful if our limited means would have sufficed to purchase a breakfast."

As to what became of this gold after it reached Nashville will be presently stated.

The Thirty-fourth General Assembly of Tennessee met at Nashville, April 3, 1865. Governor Wm. G. Brownlow, in his message, recommended the winding up of all state banks and the adoption of the National Banking System. By act of June 9, 1865, all coin of the Bank of Tennessee was directed to be invested either in United States bonds or State of Tennessee bonds subject to future legislation. They were invested in 7-30 United States bonds. This coin fund with coupons amounted to $618,250 at the second session of the Assembly begun in October, 1865.

By an act passed February 16, 1866, the Bank of Tennessee was put into liquidation and the president and directors were ordered to make an assignment in trust of all assets including the United States bonds mentioned above, which were to remain in the hands of the treasurer of the state as a part of the common school fund. This fund was placed at $1,500,000 as had been deter-

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mined by a former Legislature, and was to be given priority in the deed of trust over all other creditors of the bank.

In accordance with this act a deed of trust was executed, Mr. Samuel Watson, a gentleman of high character and integrity, being made trustee. In the administration of this trust he sought the advice and protection of the Chancery Court of Davidson County, Tenn., by a bill in chancery filed in his name against D. W. C. Senter, governor, the treasurer of the state, a banking corporation, located at Memphis, Tenn., known as the Tennessee National Bank, managed by one —— Ritter, A. J. Fletcher, secretary of state; G. W. Blackburn, comptroller, and others, creditors of the bank. The bill, among other things, alleged that the school fund, which was a part of the capital of the bank and composed in part of the 7-30 United States bonds mentioned above, which had been purchased with assets of the bank brought back from the Confederacy, consisting of coin, had been sold in New York City at a high premium by the then treasurer of the state, R. L. Stanford, or John R. Henry, in 1866 or 1867, and the proceeds either loaned to the defendant Ritter or deposited in his bank.

Governor Senter, in his answer to this bill, disclaimed any knowledge of the proceeds of these bonds and what became of them. As a matter of fact, this Tennessee National Bank was a mushroom affair and soon went to the wall—such possibly being the intention when it was organized—and neither the trustee, Mr. Watson, nor the state realized anything from it or from its manager Ritter, of this large fund, composing so valuable a part of the common school fund of the state, a fund which the officials of the bank and Governor Harris had carefully guarded through all the vicissitudes of the Southern Confederacy and its beleaguered armies.

Samuel Watson, trustee, in his report to the Chancery Court at Nashville, showing the administration of his trust up to October 1, 1873, said:

"In winding up the Bank of Tennessee I have managed it as a business institution, appointing no one as agent or attorney who was not faithful and an efficient business man. I have taken the responsibility of disregarding Sec. 7 of the Act for winding up the bank. This section required me to bring suit against all officers of the bank who drew pay for services after May 6th, 1861, and all others to whom any means of the bank went to aid the Confederacy.

"To have carried out the provisions of this section would have made a wreck of the Bank by the hostility it would have excited and by the heavy expenses that would have been incurred from costs and lawyers' fees. My disregarding this section saved thousands upon thousands of dollars to the Bank." (Signed) S. Watson, Trustee.

This report of the assets of the bank coming to the hands of the trustee showed, among others:

Bills and notes	$2,143,892.79
State bonds	$ 106,000.00
Confederate assets such as Confederate notes, State war loans and other Confederate securities, all of which were then stored in the vaults of the bank, amounted to	$8,052,061.81

Of the bills and notes there were paid $737,027.80 leaving unpaid $1,405,-351.99, some still in the hands of the attorneys for collection.

Debts due on the Confederacy were laid by for some years, as worthless, under a Supreme Court decision. But this decision was later reversed and some attempt was made for the collection but without success. The circulation

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of the bank, both the old and new issue not consumed by debtors to the bank in payment of their debts, were taken in by the state in payment of taxes.

In 1862, as a war measure, the United States Government, like the Confederacy, began to issue treasury notes which were made a legal tender, and subsequently known as "greenbacks" due to their color. But this not proving satisfactory and being desirous of a market for her bonds then freely issued to carry on the war, the National Banking Act was passed by Congress February 25, 1863, later more fully perfected by act of June 4, 1864. It was, as previously stated, modeled on the New York System of banking. Banks created under it were required to purchase Government bonds as a basis of credit for their circulation.

This was followed by the act of March 3, 1865, which placed a tax of 10 per cent upon all state bank issues and required them, if desiring to do business as banks of issue, to qualify under the Federal law.

Thus the exigencies of war developed a currency system, national in character, uniform and of equal value in every state, thereby settling forever the questions that so agitated the public mind in the first half of the nineteenth century regarding a safe and satisfactory currency. After the enactment of the law there were no more banks of issue in Tennessee.

Mr. H. Parker Willis in his "History of American Banking," says: at the opening of the Civil war there were more than sixteen hundred kinds of bank notes in circulation. It is safe to say that of these Tennessee furnished her full quota.

At the adoption of the Federal Reserve System, which went into effect December 23, 1913, there were, in round numbers, 18,000 state banks in existence, none of them banks of issue.

In this good year of 1922, a report of R. N. Sims, secretary of the National Association of Supervisors of State Banks, shows that Tennessee has 470 banks with a capital of $22,779,057.17. That on March 10, 1922, there were in the United States 30,499 banks of which 22,302 were state banks of discount and deposit and 8,197 national banks, in round numbers with a capital, surplus and undivided profits of $6,534,000,000.

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CHAPTER XXII

FROM JOHNSON TO HARRIS

ADMINISTRATIONS OF ANDREW JOHNSON, 1853-1857—POLITICAL SIGNIFICANCE OF THE NATIONAL ELECTION OF 1856—ADMINISTRATIONS OF ISHAM G. HARRIS, 1857-1861—INFLUENCE IN TENNESSEE OF THE NATIONAL ELECTION OF 1860.

ADMINISTRATIONS OF ANDREW JOHNSON, 1853-1857

In 1853 the opposing candidates for governor were Andrew Johnson, democrat, and Gustavus A. Henry, Whig. Johnson, who had already been a member of the State Legislature and of Congress, was very desirous of securing the nomination, because the Whigs had gerrymandered his district, making it Whig instead of democratic. But the democratic leaders of the state were opposed to Johnson, both then and always, with a few exceptions, and the delegates from Middle Tennessee to the nominating convention were favorable to Hon. Andrew Ewing,[1] an eminent lawyer and a man of the purest and exalted character. Unfortunately, Ewing had at some time in the past carelessly assented to a remark by a man, now unknown, that Johnson ought to be made governor as a rebuke to the Whigs for arranging his district so that the democrats in it were in a minority. Ewing had no intention of committing himself to Johnson, but the latter learned of the thoughtless expression and so skilfully availed himself of it that, in the very convention which was about to nominate Ewing that scrupulous gentleman arose and said that his sense of delicacy forbade his being any longer a candidate and withdrew in Johnson's favor. Thereupon Johnson was nominated. Yet, in 1857, Johnson aided in electing Nicholson senator over Ewing.[2]

Gustavus A. Henry, the Whig candidate, was "decidedly the most delightful orator as well as one of the most elegant men in the state."[3] He was a schoolmate of Jefferson Davis at Transylvania University and, in the War between the States, became a senator in the Confederate Congress. He was known as the "Eagle Orator," a title which his contemporaries, without exception, say he richly deserved.

The two candidates canvassed the state in joint debate. When they spoke at Knoxville the following good-humored passage, which has become almost classic, took place between them:

Johnson, in his closing rejoinder, said: "They call my competitor 'The Eagle Orator.' The eagle is a bird of prey. Where is his prey? I see no blood on his beak, I do not feel his talons in my flesh." "No," said Henry, as quick as thought, "the eagle is a royal bird and never preys on carrion."[4]

After a closely contested race Johnson defeated Henry by 2,250 votes.

[1] Father of Judge Robert Ewing, of Nashville, and father-in-law of Henry Watterson.
[2] Temple's "Notable Men of Tennessee," p. 379.
[3] Ibid., p. 380.
[4] Ibid., p. 380.

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The General Assembly, for 1853-1854, held its session in the new state capitol, the first session ever convened there, from October 3, 1853, to March 6, 1854. The following important acts were passed:

"To establish a State Agricultural Bureau"; "To provide for the election of three Supreme Judges and one Attorney-General for the State, and other judges and attorneys-general by the vote of the State." "To create the office of State Librarian." The following railroads were incorporated: Mississippi Central and Tennessee, the Mississippi and Tennessee, and the Nashville and Knoxville. An amendment requiring that judges and attorneys-general be elected by the people was adopted as a part of the state constitution.

In 1855 Meredith P. Gentry was nominated by the Whigs to oppose Johnson. He was also supported by the new party called the American, or "Know-Nothing" party. Gentry had been for a long period a distinguished member of Congress, in which John Quincy Adams declared him to be the greatest natural orator. He was brave and brilliant. "His oratory consisted in the condensation of noble thought, presented in the boldest, most striking language, and in an irresistible manner."[5]

As was customary, the two candidates arranged for a canvass of the state in joint debate and the first discussion took place at Murfreesboro, a Whig county. As there was much excitement, armed men flocked to the meeting expecting there would be a "difficulty." Johnson, however, was not to be intimidated. He arraigned the American party for its signs, grips, passwords, oaths, secret conclaves, midnight gatherings, narrowness and proscriptiveness. His boldness was amazing. He even charged that the members were sworn to tell a lie when they first entered the order. With all the emphatic bitterness of which he was master, he said: "Show me a know-nothing, and I will show you a loathsome reptile on whose neck every honest man should put his feet." He finally exclaimed that they were "no better than John A. Murrell's clan of outlaws." His charge was followed instantly by many voices crying, "It's a lie, it's a lie," accompanied by the cocking of pistols and then ominous silence. For a short time Johnson stood unmoved, gazing around calmly, and then deliberately resumed his speech.

Johnson was reelected by a majority of 2,156. The Thirty-first General Assembly held its session of 1855-1856, from October 1, 1855, to March 3, 1856. A number of corporations to construct internal improvements were chartered, consisting mostly of railroad, turnpike, mining, and manufacturing companies.

POLITICAL SIGNIFICANCE OF THE NATIONAL ELECTION OF 1856

For several years the question of the extension of slavery in the territories had cast its ominous shadow over national politics. The abolitionists kept up their agitation incessantly. The ultra radicals among this element, with fanatical zeal, demanded immediate and forcible surrender of an institution which was protected by the constitution itself. Others, not so radical, were dissatisfied with the Kansas-Nebraska bill and with the fugitive slave law and broke away from the existing parties. For these radical elements there was no refuge except in a new party. Hence, the founding of the republican party. This party had no strength or standing in Tennessee before the War between the States.

[5] Ibid., p. 385.

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But there was a third element which did receive some consideration in this state. That was the American, or know-nothing party. For twenty or twenty-five years there had existed a strong feeling of nativity, crystallized in the expression "America for Americans," a sentiment directed against foreigners and especially against Roman Catholic foreigners. In 1841 a state convention in Louisiana established the American republican party, afterwards called the Native-American party. This movement rapidly spread over the country, was temporarily obscured by the Mexican war and slavery agitation, but broke out more energetically when immigration increased so greatly in consequence of the upheavals in Europe in 1848 and the discovery of gold in California. In 1852 the know-nothing party was founded. At first it was a secret oath-bound organization and when its members were asked on what the order was based and what it stood for, they answered, as their oath required, "I don't know." Hence the name "know-nothing." The movement spread rapidly. Many whigs joined the know-nothings. By 1854 they had become very strong and in 1855 they carried a majority of the Northern states and some Southern states. In 1856 they nominated former President Millard Fillmore for President and Maj. Andrew Jackson Donelson,[6] of Tennessee, for vice president.

The republican party nominated John C. Fremont,[7] of California, for president and William L. Dayton, of New Jersey, for vice president. The democratic party nominated James Buchanan, of Pennsylvania, for president and John C. Breckinridge, of Kentucky, for vice president.

Buchanan carried Tennessee by a majority of 7,519.

ADMINISTRATIONS OF ISHAM G. HARRIS [8]

After the expiration of his second term as governor, Andrew Johnson realized the ambition, which he had long possessed, of a seat in the United States Senate. He was succeeded as governor by Isham G. Harris, the candidate of the democratic party, which had now gained permanent ascendancy in Tennessee. Robert Hatton was the candidate of the whigs and Americans. The two competitors began their joint canvass of the state at Camden on May 25, 1857. They were foemen worthy of each other's steel. Both were good speakers, able, brave and gallant. It may be, indeed, that they were too spirited, for, at Fayetteville, the debate became so warm that it culminated in physical violence. It is said that Harris struck Hatton and that the blow was promptly returned. They were separated by their friends by whom the difficulty was adjusted, and the canvass continued without further personal violence until they stopped through exhaustion late in July. In the election in August, Harris was victorious by a majority of 11,371.

The Thirty-second General Assembly held its session of 1857-1858 from October 5, 1857, to March 22, 1858. Governor Johnson, in his message, recommended an amendment to the constitution of the state, inhibiting any future Legislature from creating a debt without submission to the people. The following important acts were passed:

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[6] Private secretary of President Andrew Jackson, and later minister to Prussia.

[7] Fremont was a Southerner by birth, having been born in Savannah, Ga., on January 1, 1813. In 1837 he worked in the mountains of Tennessee as an engineer surveying the proposed railroad from Charleston to Cincinnati. He was a son-in-law of Senator Thomas Hart Benton, of Missouri.

[8] See biographical sketch.

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"To repeal the free banking law"; "To reduce all laws on the subject of exempting property from execution and attachment into one"; "To create the mechanics' lien law"; "To abolish military duty."

During this administration the statute laws of the state were codified. Judge William F. Cooper made the plan and arrangement of the work which justly takes rank with the best of American codes. Other eminent lawyers of Tennessee who have had an adequate conception of the genius of our laws and have been willing to devote their valuable time to the reduction of these laws into a system are John Haywood, Robert L. Caruthers, A. O. P. Nicholson and Return J. Meigs.

In 1857 Gen. William Walker,[9] called "The Grey-Eyed Man of Destiny," made his last visit to Tennessee. Two years later his romantic career was ended by a firing squad.

HARRIS VERSUS NETHERLAND

In 1859 Harris was pitted against John Netherland, the last candidate for governor of this state ever presented by the Whigs. Netherland was very popular. He possessed keen and ready wit, geniality, good-fellowship and hearty, old-fashioned manners. While he was a good speaker, he was no match for Harris in the joint debates of their state canvass and Harris was reelected by a majority of 8,031 votes.

The Thirty-third General Assembly held its 1859-1860 session from October 3, 1859. In his message to the Legislature Governor Harris recommended that the liabilities of the state, incurred mostly by lending money to internal improvement companies, be no further increased. The following important acts were passed:

"To repeal the law establishing foreign banking agencies in Tennessee"; "To abolish the office of State Geologist"; "To establish a conventional rate of interest, not to exceed ten per cent"; "To compel railroads to keep within the rates of freight as set forth in their charters"; "To ratify and confirm the line run between Kentucky and Tennessee"; "To repeal State aid granted railroads not under contract."

On November 18, 1859, a sensation was caused by the killing of G. G. Poindexter, editor of the Nashville Union, by Allen A. Hall, editor of the Nashville News.

INFLUENCE IN TENNESSEE OF THE NATIONAL ELECTION OF 1860

Throughout the entire period of Governor Harris' second term Tennessee shared the national gloom, uncertainty and anxiety. Forebodings of evil oppressed every heart. John Brown had, in 1859, made his raid into Virginia with the purpose of inciting the negroes to insurrection. He was captured and executed. But his deed, coupled with the rising tide of abolitionism in the North aroused deep resentment in the South. The presidential election of 1860 intensified the feeling. The democrats, long victorious, in the national democratic convention for nominating candidates for President and vice president, held at Charleston, broke up into two warring factions, one of which subsequently nominated Stephen A. Douglas for President, and the other nominated John C. Breckinridge for the same office. The republicans nominated Abraham

[9] See account of this remarkable man in the chapter on Historic Spots and Places.

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Lincoln for President. They were hopeful and progressive. But there were many men in the South, as well as in the rest of the country, who would not follow either of the democratic factions and were strongly opposed to the policies of the republicans. A new party, called the Constitutional Union party, was formed by these elements who held their convention at Baltimore on May 9, 1860, and nominated John Bell, of Tennessee, for President, and Edward Everett, of Massachusetts, for vice president. Sam Houston, of Texas, and previously of Tennessee, was Bell's principal competitor for the nomination. The platform of this party consisted of a single resolution declaring in favor of the Union, the constitution and the enforcement of the laws. Bell, however, carried only the states of Tennessee, Kentucky and Virginia, although New Jersey cast three votes for him. The vote in Tennessee was: John Bell, 69,274; John C. Breckinridge, 64,709; Stephen A. Douglas, 11,350; Abraham Lincoln, no votes.

The election of Lincoln was regarded generally by the people of the South as placing them at the mercy of a party hostile to their institutions and interests. On December 20, 1860, only a few weeks after the election, South Carolina passed an Ordinance of Secession and the crisis so long feared was at hand.

Gen. Isham G. Harris was an ardent secessionist and lost no time in taking steps which he hoped might result in causing Tennessee to withdraw from the Union. He called an extra session of the Legislature to meet on January 7, 1861, "to consider the present condition of the country."[10] When the Legislature convened he suggested in his message that the question of calling a convention be submitted forthwith to the votes of the people and observed:

"Before your adjournment, in all human probability, the only practical question for the state to determine will be whether or not she will unite her fortunes with a Northern or Southern Confederacy; upon which question, when presented, I am certain there can be little or no division in sentiment, identified as we are in every respect with the South."

Immediately followed news of the secession of Mississippi, Florida, Alabama and Georgia and the repulse of the Star of the West at Charleston. The excitement was intense and the Legislature, strongly pro-Southern in sympathy, provided,[11] on January 19th, for an election at which the people should vote on the question of holding a convention and should elect delegates to serve in case the convention should be held, "to adopt such measures for vindicating the sovereignty of the state and the protection of its institutions as shall appear to them to be demanded."

The Legislature then passed (January 31) an act[12] repealing the act abolishing military duty and the following important resolutions: Inviting Hon. L. P. Walker, of Alabama, and Thomas J. Wharton, of Mississippi, to address the Legislature; providing for the election of delegates to the General Convention of the Southern States; asking the President of the United States and the authorities of the Southern States to "reciprocally communicate assurances" of their peaceable designs and saying that if the governor of New York should send armed forces into the South for the purpose of coercion, "the people of Tennessee, uniting with their brethren of the South, will, as one man,

[10] Senate Journal 33d General Assembly for first extra session of 1861, p. 15.
[11] Senate Journal 33d General Assembly, first extra session, 1861, pp. 6 et seq.
[12] Chapter 12 of the Acts of the General Assembly for first extra session of 1861, p. 27.

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resist such invasion of the soil of the South at any hazard and to the last extremity."

Nevertheless, the people of Tennessee, were not yet ready to secede. They proved the integrity of this statement by their votes on February 9th, the day appointed for the election. The vote for the convention was 57,798; against the convention was 69,675. The vote for delegates who favored secession was 24,749; for delegates who favored union, 88,803.

The situation was entirely changed by the outbreak of actual hostilities in April. After the firing on Fort Sumter, April 12, 1861, secession became popular and irresistible. To President Lincoln's call for troops Governor Harris, on April 18th, replied: "Tennessee will not furnish a single man for coercion, but 50,000, if necessary, for the defense of our rights and those of our southern brothers."

Upon the governor's call the Legislature convened in the second extra session of this year on April 25, 1861. In his message he said that President Lincoln had "wantonly inaugurated an internecine war upon the people of the slave and non-slave holding states," and urged the passage of ordinances of secession and of joining the Confederacy "in such manner as shall involve the highest exercise of sovereign authority by the people of the state" and that opportunity be given for "a fair and full expression of the popular will on each of these propositions separately." [13]

Anticipating prompt action by the Legislature in passing an ordinance of secession and possible criticism, Governor Harris said: "Under existing circumstances I can see no propriety for encumbering the people of the state with the election of delegates to do that which it is in our power to enable them to do directly for themselves. The most direct, as well as the highest, act of sovereignty, according to our theory, is that by which the people vote, not merely for men, but for measures submitted for their approval or rejection. Since it is only the voice of the people that is to be heard, there is no reason why they may not as readily and effectively express themselves upon an ordinance framed and submitted to them by the Legislature as if submitted by a convention." [14]

Henry W. Hilliard, the agent of the Confederacy, who was on the ground at that time, wrote to Secretary Toombs:

"The object of the governor in recommending separate ordinances is to secure beyond all possibility of doubt the speedy secession of Tennessee from the government of the United States. * * * The first proposition will be ratified by an overwhelming popular vote. As to the second, which provides for the admission of Tennessee as a member of the Confederate States, there will be decided opposition, for many desire to establish a middle confederacy, formed of the border states, as they are termed. You will readily comprehend that personal considerations influence opinion to some extent in regard to this measure. * * * A great change has taken place in public sentiment here within a few days, and the feeling in favor of our government rises into enthusiasm. * * * By existing laws the governor has no authority to send troops beyond the limits of the state, but the legislature will authorize him to order them to any point, and in anticipation of this, or under the pressure of affairs, Governor Harris is now sending troops into Virginia. * * * Our

[13] Governor's Message in Acts of the 33d General Assembly, Second extra session, 1861, pp. 1-11.

[14] Ibid., p. 8.

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Constitution is highly approved, and the conduct of our government inspires respect and admiration." [15]

Governor Harris in his message also recommended "the passage of a law raising, and thorough organization of an efficient volunteer force for immediate service." [16] In response the Legislature adopted the following resolution (Senate Resolution No. 10), which was offered on April 26:

"Resolved by the General Assembly of the State of Tennessee, That the Governor of the State be, and he is hereby authorized to order immediate organization of all the regiments and companies tendered to him in the State: that they be drilled by their respective officers, and held in immediate readiness for service in the State, if necessary, or to assist any of our sister Southern States in the present revolution, in defense of liberty and justice." [17]

On May 1, 1861, the Legislature passed the following resolution (Senate Resolution No. 18):

"Resolved by the General Assembly of the State of Tennessee, That the Governor be, and he is hereby authorized and requested to appoint three commissioners on the part of Tennessee, to enter into a Military League with the authorities of the Confederate States, and with the authorities of such other slaveholding States as may wish to enter into it, having in view the protection and defence of the entire South against the war that is now being carried on against it." [18]

A. O. W. Totten, Gustavus A. Henry and Washington Barrow were appointed the commissioners for this purpose, and, on May 7, 1861, met Henry W. Hilliard, the accredited representative of the Confederate States and perfected this league, which was ratified by the Legislature on the same date.[19]

On May 6th, the Legislature passed an act (Chapter 3) entitled, "An Act to raise, organize and equip a provisional force, and for other purposes." [20] This act provided for the raising and equipment of a force of 55,000 volunteers by the governor of the state and for the issuance of $5,000,000 of bonds to carry out the provisions of the act.

On the same day (May 6, 1861) the Legislature passed an act [21] (Chapter 1) entitled, "An Act to submit to a vote of the people a Declaration of Independence, and for other purposes." This act embodied the recommendations of Governor Harris, and called the people to vote on June 8, 1861, on the following ordinances:

1. "Declaration of Independence and Ordinance Dissolving the Federal Relations between the State of Tennessee and the United States of America." [22]

2. "An Ordinance for the Adoption of the Constitution of the Provisional Government of the Confederate States of America." [23]

The first ordinance carried by a vote of 104,913 for and 47,238 against. The second carried by a vote nearly as large. East Tennessee was the only section of the state in which both ordinances failed to carry.[24]

Meanwhile, Governor Harris had raised most of the troops authorized by the Legislature and the state was filled with soldiers. The sentiment of the

[15] Official Records of the Union and Confederate Armies, Series I, Vol. III, part II, p. 76.
[16] Acts 33d General Assembly, 2nd extra session, 1861, p. 9; also Senate Journal, 2nd extra session, 1861, p. 11.
[17] Senate Journal, 2nd extra session, 1861, p. 17.
[18] Ibid., p. 35.
[19] Acts of 2nd extra session, 1861, p. 21.
[20] Acts of 2nd extra session, 1861, p. 21.
[21] Ibid., p. 15.
[22] Ibid., p. 16.
[23] Ibid., p. 18.
[24] Middle Tennessee was for the South by approximately 58,000 to 8,000, and West Tennessee by 29,000 to 6,000.

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people was overwhelmingly—and generally enthusiastically—for the Confederacy and the war spirit ran high.

This was true everywhere except in East Tennessee. Here, on May 30, 1861, a Union Convention met at Knoxville and adjourned to meet at Greeneville, June 17-20th. At this meeting a committee was appointed to ask the consent of the General Assembly that the counties of East Tennessee and those of Middle Tennessee so desiring might form a separate state.[25] This committee consisting of O. P. Temple, John Netherland, and James P. McDonald, presented their memorial to the Legislature on June 18th. It was referred to a joint committee which reported on June 29th, advising that no action be taken on it; and with reason, for on that very date (June 18th) Governor Harris had sent a message to the Senate and House of Representatives advising them that the people of Tennessee had "dissolved their connection with the Government of the United States and by the adoption of the Provisional Constitution of the Confederate States of America, had made Tennessee a member of that Government,"[26] and on June 24, 1861, had issued a formal proclamation declaring the dissolution of the tie which bound Tennessee to the United States of America.

[25] Official Records of the Union and Confederate Armies, Series I, Vol. III, part I, p. 168.
[26] Senate Journal, 2nd extra session, 1861, p. 103.

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CHAPTER XXIII

TENNESSEE IN THE WAR BETWEEN THE STATES—CONFEDERATE ADMINISTRATION OF ISHAM G. HARRIS

It will be remembered that the Legislature passed an act empowering the governor to place the state on a war footing. Under the provisions of that act the following named military officers of the Army of Tennessee were appointed: Gideon J. Pillow and Samuel R. Anderson, major-generals; Felix K. Zollicoffer, Benjamin F. Cheatham, Robert C. Foster, (III), John L. T. Sneed, and William R. Caswell, brigadier-generals. The staff of officers were: Daniel S. Donelson, adjutant-general; V. K. Stephenson, quartermaster-general; R. G. Fain, commissary-general; William Williams, paymaster-general; Paul F. Eve, surgeon-general; W. H. Carroll, inspector-general; James D. Porter, W. C. Whitthorne, Hiram S. Bradford, and D. M. Key, assistant adjutant-generals. Later many other officers were appointed. A military and financial board was also appointed consisting of Neill S. Brown, James E. Bailey, and W. G. Harding.

General Pillow established headquarters at Memphis, and speedily organized the "Provisional Army of Tennessee" in regard to which Governor James D. Porter said: "Before the close of the year 1861, the official records of the office of the secretary of state show seventy-one regiments of infantry, twenty-two batteries of artillery, twenty-one regiments of cavalry, nine battalions, and enough independent companies and partisan rangers to have constituted eight full regiments."[1] Forthwith, with feverish haste were established mills and factories for the production of powder, guns, percussion caps and military stores of every description. Nashville and Memphis became great centers of supplies, not only for Tennessee but for the entire Confederacy. On July 31, 1861, the "Provisional Army of Tennessee" with all its stores and equipment was transferred to the Confederate Government and became a part of the army of Maj.-Gen. Leonidas Polk, in command of Department No. 1, of the Confederate States, with headquarters at Memphis. The Thirty-fourth General Assembly was the only General Assembly of Tennessee held while this state was a member of the Confederate States of America. The session which was held soon after the election of Brownlow in 1865 is also called the session of the Thirty-fourth General Assembly in the acts for that year. As the Harris Confederate Legislature is, in strict consecution, the thirty-fourth, it would seem necessary or at least convenient to call that of 1865 the Brownlow Legislature. Between these two Legislatures Tennessee was ruled by Andrew Johnson as military governor.

As members of the Confederate Congress had been elected on August 1st, the Legislature was considered a Confederate Legislature. It met on October 7, 1861, organized eleven congressional districts, adjourned from December 21,

[1] "Confederate Military History," Vol. VIII, Tennessee, by Jas. D. Porter, pp. 3-9.

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1861, to January 20, 1862, and adjourned on February 15, 1862, to meet in Memphis on the call of the governor, as Nashville was threatened with capture by the Federals. It met, pursuant to the governor's call, at Memphis on February 20, 1862, and adjourned sine die on March 20. Before it adjourned, however, it passed the following important acts:

"To constitute all white male population between eighteen and forty-five a reserve military corps"; "To provide nurses for sick soldiers"; "To authorize the Bank of Tennessee to issue 'change' notes"; "To authorize the Bank of Tennessee to remove their locations in case of danger from invading enemy"; "To provide for families of indigent soldiers"; "To establish an ordnance bureau."

While the events previously narrated in this chapter were taking place, thousands of Unionists in East Tennessee were enrolling themselves in the Federal Army and others followed later. Naturally fierce passions were aroused between the partisans of the Confederacy and those of the Union which became more intense as the war progressed. The Confederate authorities established the line of the Cumberland River and at first held possession of the entire state, which thereafter became a battle-ground for the contending forces, until the Confederate forces withdrew their army from Chattanooga under Bragg, after the battle of Missionary Ridge, on November 25, 1863, and the Atlanta campaign began. The struggle for Tennessee, however, was renewed, when Hood made his famous dash for Nashville near the close of 1864, which resulted in his disastrous defeat in the battle of Nashville, on December 15 and 16, 1864.

EARLY MILITARY OPERATIONS

The first campaign of the war in which Tennessee troops took part was that organized by General Polk for the relief of Missouri. On July 28, 1861, he sent General Pillow with 6,000 men to New Madrid where he was joined in a few days by Gen. B. F. Cheatham with 3,000 more. On account of a lack of equipment and transportation the campaign for the redemption of Missouri was abandoned and the troops were transferred to Hickman and Columbus, Ky., which latter named place was strongly fortified. The occupation of these places elicited a strong protest from Governor Harris, who had undertaken to have observed the neutrality of Kentucky. Both the Federal and Confederate governments desired military possession of Kentucky, the Federal authorities, to prevent the secession of the state and to use it as a basis for the invasion of the South, the Confederate authorities to encourage secession, to secure recruits for their armies and to use the Ohio as a line of defense. Kentucky wished her "neutrality" to be respected, but neither side respected it. A Union recruiting camp was established near the very center of the state and Gen. Robert Anderson, who commanded at Fort Sumter, when it was captured, was placed in command of the Department of Kentucky.

On September 10th, Gen. Albert Sidney Johnston, who had been assigned to the Confederate Department of the West, promptly established the "Line of the Cumberland." This line extended from Columbus, on the Mississippi, to Mill Springs, on the Upper Cumberland, in an almost directly east line, and thence southeast to Cumberland Gap, which was fortified. The center was at Bowling Green, Ky. The left wing was commanded by General Polk, the cen-

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ter by Gen. S. B. Buckner and the right by Gen. George B. Crittenden. Gen. John B. Floyd commanded at Russellville and General Clarke at Hopkinsville. Fort Henry, on the Tennessee, and Fort Donelson, on the Cumberland were strongly fortified. The first clash was at Belmont, Mo., opposite Columbus, where General Grant, on November 7, 1861, attacked the Confederate forces and, although at first successful, was finally defeated through the gallant attack of General Cheatham in his rear.[2]

ACTIVITIES IN EAST TENNESSEE

From the very day when Tennessee seceded, the attention of both statesmen and military men had been directed to East Tennessee, because this district was of great strategic importance. While the Federal Government sent some supplies and arms into this part of the state, the action of the Confederates was much more prompt and energetic. In August, Gen. Felix K. Zollicoffer was designated to reclaim this section and he promptly exerted his best endeavors to do so. His efforts were impeded by the Union sympathizers, whom, in turn, he has been charged with having treated with harshness and brutality. Doubtless "much can be said on both sides." Having been a printer in Knoxville some years previous, he knew the East Tennesseans and held them in check with a firm military hand. They did not tamely submit, but resorted to bushwhacking and the destruction of property.

THE BRIDGE BURNERS [3]

On November 8, 1861, the country was startled by the burning of the bridges in East Tennessee. This plan, long held secret, was conceived by William Blount Carter, of Elizabethton. He submitted his scheme to Mr. Lincoln who warmly sanctioned it. It was also approved by Secretary Seward and General McClellan. The plan was "to burn, on the same night, nine bridges between Stevenson, Ala., and Bristol, thus rendering useless 265 miles of railroad, and interrupting the communications between Tennessee and Virginia."[4] On the appointed night, five bridges were burned. James Keilan, the guard, by an heroic defense, saved the bridge at Sweetwater. The bridge-burners worked with the utmost secrecy and "few of them were ever found out by the public." Nevertheless, six were arrested, tried by court-martial and convicted. Of these, five were hanged by Col. D. Ledbetter,[5] acting under instructions from Judah P. Benjamin, Confederate secretary of war. President Davis pardoned the sixth. Many other Union men were suspected of complicity in this scheme or of harboring similar designs against other bridges. Some of them were imprisoned and others escaped and joined the Union army. The bitterness of feeling already existing in East Tennessee was immensely intensified by the circumstances attendant upon the burning of these bridges and the severe repressive measures taken for the prevention of like attempts.

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[2] On December 6, 1861, the Confederate Congress passed resolutions of thanks to Generals Polk, Pillow and Cheatham and their officers and men "for the glorious victory achieved at Belmont * * * whereby the reduction of Columbus was defeated, and the contemplated descent of the enemy down the Mississippi River effectually stayed."

[3] Temple's "East Tennessee and the Civil War," pp. 366-387, 388, 393, 418.

[4] Temple's "East Tennessee and the Civil War," p. 379.

[5] Spelled by Temple as Leadbetter.

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THE BATTLE OF MILL SPRINGS OR FISHING CREEK [6]
DEATH OF GENERAL ZOLLICOFFER

When General McClellan was made commander of the Federal forces in November, 1861, he appointed his personal friend, Gen. Don Carlos Buell, to the command in Kentucky. Under him Gen. George H. Thomas advanced to break, if possible, the Confederate right wing, commanded by Gen. Felix K. Zollicoffer, who had charge of the advanced force of Gen. George B. Crittenden. The Confederates were entrenched, but, on learning of the near approach of the Federals, in their eagerness to fight, left their entrenchments and, exhausted by a night march over bad roads, encountered Thomas' men, who were rested, but a little while before the commencement of the action on January 19, 1862. Nevertheless, they put up a spirited fight, and it was only after a battle of three hours, in which General Zollicoffer was killed, that they retired defeated to Beech Grove. During the night Crittenden withdrew to the South side of the Cumberland.[7]

The facts concerning the fall of General Zollicoffer are in dispute. Governor Porter said:

"General Zollicoffer, under a fatal misapprehension rode up and ordered Colonel Cummings to cease firing, believing that the attack was upon one of his own regiments. He then advanced as if to give an order, and was killed just as he discovered his mistake."

Col. R. M. Kelly, in his comprehensive article in Battles and Leaders of the Civil war, gives this version: General Fry, a Federal officer, advanced through the smoky atmosphere to get a better view of the enemy and "encountered a mounted officer whose uniform was covered with a water-proof coat. After approaching till their knees touched, the stranger said to Fry: 'We must not fire on our own men.' Fry said: 'Of course not. I would not do so intentionally'; and he began to move toward his regiment, when turning he saw another mounted man riding from the trees who fired and wounded Fry's horse. Fry at once fired on the man who had accosted him, and several of his men, observing the incident, fired at the same time. The shots were fatal, and the horseman fell dead. * * * It was soon ascertained that it was Zollicoffer himself who had fallen."

The death of Zollicoffer cast a gloom over the state. He was able, distinguished in civil and political life and popular with both Confederates and Unionists. In reporting his death General Crittenden said: "In counsel he had always shown wisdom and in battle braved dangers, while coolly directing the movements of his troops."

CAPTURE OF FORT HENRY AND FORT DONELSON

After the defeat of the Confederates at Fishing Creek, Tennessee became the great battle-ground of the West. Fort Henry on the Tennessee and Fort Donelson on the Cumberland were the first points to be attacked by the Federals. They were only twelve miles apart and protected the navigation of the two rivers. Brig.-Gen. Lloyd Tilghman was in command at Fort Henry with a force of

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[6] Also sometimes called the Battle of Logan's Cross Roads.

[7] Davis' "Rise and Fall of the Confederate States," Vol. II, Chapter XVI; Porter's "Military History of Tennessee," Chapter II; "Campaigns of the Civil War," Vol. VII; Smith's "History of Kentucky," p. 621; "Battles and Leaders of the Civil War," Vol. I, pp. 387-392.

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2,610 men. On February 4, 1862, Gen. U. S. Grant, with an army of 16,000 men, and a fleet of seven gunboats advanced to the attack which was begun by the gunboats under command of Flag Officer A. H. Foote. Soon the guns of the fort were disabled except a few thirty-two pounders. Realizing that the successful defence of the fort was impossible, General Tilghman, on the 6th of February, ordered Colonel Heiman, the second in command, to lead the main body of the defenders to Fort Donelson, while he and the soldiers who manned the guns remained. The location of the fort was unfortunate and the force entirely inadequate for defence. Yet General Tilghman and his little force of 66 men held out gallantly [8] for more than two hours, during which they disabled two of Foote's gunboats. He then surrendered, after he realized that the main force had retired safely and after seven of his eleven guns had been disabled. This was the first battle in the war which was fought on Tennessee soil.[9]

FORT DONELSON [10]

The surrender of Fort Donelson marks the first great military blunder made by the Confederates in the Western field of the war. Grant, able commander as he undoubtedly was, was lucky. His luck at this crucial time was probably the tide in his affairs which, taken at the flood, led on to fortune. On the morning of February 12, 1862, Grant moved his troops from Fort Henry across the narrow neck between the two rivers and invested Fort Donelson. He had at first about 15,000 men and was subsequently reinforced until, according to his own estimate and the Federal statistical records, his aggregate force was 27,000, besides Foote's fleet of six gunboats. General Buell stated it to be between 30,000 and 35,000, and General Buckner, in his report, said that it exceeded 50,000. The total Confederate force is variously estimated from 11,738 to 20,000, commanded by Gens. Gideon J. Pillow, Simon B. Buckner, Bushrod R. Johnson and John B. Floyd, the last named in chief command.

The investment of Fort Donelson was complete by the afternoon of the 12th, and, on the 13th, Gen. Bushrod Johnson repulsed an attack [11] on his left wing, and other attacks subsequently in the day were gallantly defeated. On the 14th, the main attack was made by the Federal gunboats which were disabled and forced to retire. On the 15th, the very day before the surrender the offensive was taken by the Confederates and the tactics and the fighting by the southern troops were brilliant and successful. Then arose a misunderstanding among the Confederate generals which resulted disastrously. Gen. Albert Sidney Johnston had telegraphed General Floyd: "If you lose the fort, bring your troops to Nashville, if possible." But the road which had been opened for the retreat of the garrison was unfortunately abandoned. General Floyd turned the com-

[8] Foote said in his report that it "was defended with the utmost gallantry."

[9] See "The Defense of Fort Henry" in "Battles and Leaders of the Civil War," Vol. I, pp. 368-372. This article was written by Capt. Jesse Taylor, Confederate States of America, commander of the artillery company at Fort Henry.

[10] See article by John Trotwood Moore in Trotwood's Monthly for August, 1906. It begins: "There is always a fool at one end of a failure.

"But in this case there were several—enough to make the failure very complete—on one side, and Simon-pure horse luck on the other.

"The luck, of course, fell to Grant, for never was any general so lucky."

Also, see article by Gen. Lew Wallace, United States Volunteers, entitled "The Capture of Fort Donelson," in "Battles and Leaders of the Civil War," Vol. I, pp. 398-428.

[11] "Memoirs of U. S. Grant," Vol. I, p. 300.

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mand over to General Buckner and departed. General Buckner announced his intention to surrender. But Forrest, then a colonel, refused to surrender and, with his cavalry and a few other soldiers marched out undisturbed. In the article in Trotwood's Monthly, already referred to in footnote, Mr. John Trotwood Moore gives this version:

"But there was one man who did not surrender and who never meant to surrender, and from that hour the star of his fame began to rise.

"'No, I'll be damned if I do!' he shouted, and calling his cavalry around him, in the early mist of that bitter cold morning, he marched out of Fort Donelson untouched and unmolested. His name was Forrest, the same genius that the head of the British army[12] said was one of the two great captains of the Civil war; the same man whom Jefferson Davis misjudged and misclassed to the end of the war, as a backwoods raider."

Buckner seemed obsessed with the necessity of surrendering, notwithstanding the fact that Grant's right wing, under General McClernand, had been driven from the field and the Confederate troops were in excellent spirits over their successful defense. He ordered Col. John C. Brown, afterwards a general and later governor of Tennessee, to send a messenger, under a flag of truce, to General Grant with a letter proposing an armistice with a view to surrender. Colonel Brown selected as the bearer Maj. N. F. Cheairs, of Maury County, who told Mr. Moore of his experiences in carrying out his command. On the morning of the 16th he sought the Federal line, but found no pickets or guards. When he neared the Federal camp, he ascertained that General Grant was four miles in the rear. He would not deliver the communication to anyone but Grant, so he was conducted by an escort in search of him. Everywhere he noticed the Federal regiments were retreating and, when he finally found him and delivered the dispatch, he, Major Cheairs said:

"In spite of his training and efforts to control himself, when he read the dispatch, I saw he was surprised and astonished. He became agitated, pulled out his watch quickly and looked at the time.

"He rode hastily back to General Smith,[13] talked earnestly with him and wrote and handed me the dispatch that made him famous and his name a household word among his people.

" * * * It was a great dispatch, showing Grant's wonderful quickness in seeing into a situation—that as badly demoralized as he was, the other fellow was more so; that the man who had just sent him that message was brave and honest, but too small for the big thing he was up against; that now was his own chance for the most effectual bluff of history, and he arose to the occasion with a brilliant dispatch and a brilliant bluff.

" 'Hdqrs. Army in the Field,

" 'Camp nr. Donelson, Feb. 16th, 1862.

" 'Gen. S. B. Buckner, Confed. Army,

" 'Sir: Yours of this date, proposing armistice and appointment of commissioners to settle terms of capitulation is just received. No terms except unconditional and immediate surrender can be accepted.

" 'I propose to move immediately upon your works.

" 'I am, sir, very respectfully,

" 'Your obt. svt.,

" 'U. S. Grant, Brig. Gen.' "[14]

"Major Cheairs carried Grant's dispatch to Buckner, who immediately accepted it."

[12] General Wolseley.

[13] Brig. Gen. Chas. F. Smith in command of the Federal Second Division.

[14] A facsimile of this dispatch can be found in "Memoirs of U. S. Grant," Vol. I. p. 312.

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The Federal loss in killed and wounded was 2,331 and the Confederate loss, 15,067 of whom about 1,420 were killed and wounded.[15]

EFFECTS OF THE SURRENDER OF FORTS HENRY AND DONELSON

While the losses of the Confederates at Fort Henry and Fort Donelson were severe in killed, wounded, prisoners, supplies, arms and ammunition, the direct results which followed constituted a very serious, if not irreparable, blow to their cause. The strong line of the Cumberland was broken, Kentucky was lost, as was the certain possession of Middle and West Tennessee. Gen. Albert Sidney Johnston, deeply disappointed, was compelled to retreat.

Forrest, with his cavalry and the infantry that accompanied him, reached Nashville on the morning of Tuesday, Feb. 18, 1862, and reported to General Floyd, who then commanded the city, where the wildest excitement and conditions of disorder prevailed. The panic was not confined to the civilians, but officers and soldiers also seemed to have lost their heads over the disaster at Fort Donelson and the report that General Buell was approaching from the direction of Bowling Green. In the confusion and hurry of leaving Nashville before the arrival of the Federals, the vast supplies which had been gathered at that point for the use of the Confederate army were not shipped to the South, but were abandoned. The city was dominated by an unruly and vicious mob which respected neither public nor private property, nor even human life. Wagonloads of material were being stolen and carried away for private use. Forrest was commanded to take charge of the public commissary and, with his customary coolness and intrepidity, he did so and speedily brought some order out of the chaos, and actually saved much ammunition and supplies, while for twenty-four hours Buell was in Edgefield, just across the river, before he entered Nashville, as Forrest was leaving.

On Feb. 29, Columbus was abandoned and the Confederate troops fell back and made a stand for a short time for the protection of the Mississippi at New Madrid, Island No. 10, and Tiptonville. Under the pressure of a strong Federal force commanded by General Pope, and a fleet commanded by Commodore Foote they were forced to retreat and, at Tiptonville, a force of about 3,000 men, under Gen. W. W. Mackall, surrendered on April 8, 1862.

General Johnston decided to concentrate his forces at Corinth, Miss., the junction of the Mobile and Ohio Railroad and the Memphis and Charleston Railroad. For this purpose he evacuated Middle Tennessee with the troops under his immediate command and ordered to the place of rendezvous the troops that had been at Columbus, Pensacola and Mobile. He reached Corinth on March 24.

General Grant, meanwhile, was moving on the same point and a strong Federal force was concentrated at Pittsburg Landing, on the Tennessee River, near the Mississippi state line, where General Grant arrived and took command on March 17. General Buell, who had occupied Nashville on Feb. 24, after leaving an adequate guard, began his march via Columbia, Tenn., to effect a junction with Grant. His army numbered approximately 40,000 men.

Upon the arrival at Corinth, Johnston organized his army as follows: Gen. G. T. Beauregard second in command, Gen. Braxton Bragg chief of staff and in

[15] "The army was surrendered under a delusion * * * it could have marched out on the night of the 15th or morning of the 16th of February without any obstacle or opposition." Wyeth's "Life of Forrest," p. 60.

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immediate charge of the Second Corps, Gen. Leonidas Polk in command of the First Corps, Gen. W. J. Hardee in command of the Third Corps, and Gen. John C. Breckinridge in command of the Reserve Corps.

THE BATTLE OF SHILOH OR PITTSBURG LANDING [16]

General Johnston's plan in the attack about to be made on the Federal army at Pittsburg Landing was to drive it back to the river, to capture it there, then to cross the Tennessee and give battle to Buell, known to be advancing to assist Grant—the sort of plan carried out by Napoleon in his campaign in Italy. His eagerness to attack after his concentration at Corinth was, in all probability, attributable largely to the criticisms and censure heaped upon him for his loss of Fort Donelson, Nashville and Clarksville with their enormous stores and great strategic importance and the voluntary abandonment of the great region between the Cumberland line and the line of northern Mississippi and Alabama. Even President Davis, his ardent friend and admirer, felt constrained to write him a letter on March 12, 1862, in which he said:

"We have suffered great anxiety because of recent events in Kentucky and Tennessee. And I have not been a little disturbed by the repetition of reflections against yourself. I expected you to have made a full report of events precedent and consequent, to the fall of Ft. Donelson. In the meantime I made for you such defense as friendship prompted and many years' acquaintance justified."

Johnston, therefore, prepared himself as speedily as possible and left Corinth on April 3d to attack Grant. Unfortunately for his plans hard rains set in rendering the roads almost impassable, so that he was not in position to attack until nearly night of the 5th. Nevertheless, incredible as it may seem, although Grant must have known of the contemplated movement and of the actual march, for it took nearly three days for the Confederates to cover the distance of twenty miles from Corinth to Shiloh, Grant was surprised. He did not know that Johnston's entire army was on foot to attack him, and when the attack was launched at dawn of April 6, 1862, he was at Savannah, miles away and across the river. An unbiased view of this mooted question compels the candid acknowledgment that not only were Grant and his army surprised, but that, on the first day of the battle they were thoroughly beaten and, had not Johnston fallen and Buell come up with reinforcements late in the afternoon of the sixth, the Union army would have been disastrously defeated and possibly captured.

The Federal troops, however, were not so taken by surprise that they did not maintain a strong fight. In no sense did their surprise amount to panic. Grant's troops made a stout resistance, but retired slowly from the firing of the first gun by Hardee who commanded the advance until the fall [17] of Johnston at two

[16] For detailed accounts of this battle see article by U. S. Grant, entitled "The Battle of Shiloh," in "Battles and Leaders of the Civil War," Vol. I, pp. 464-486; also, Gen. Don Carlos Buell's article, "Shiloh Reviewed," in "Battles and Leaders of the Civil War," Vol. I, pp. 487-539; also, article of Col. Wm. Preston Johnston, son of Gen. Albert Sidney Johnston, entitled "Albert Sidney Johnston at Shiloh," in "Battles and Leaders of the Civil War," Vol. I, pp. 549-568; also, "The Campaign of Shiloh," by Gen. G. T. Beauregard, in "Battles and Leaders of the Civil War," Vol. I, pp. 569-593; also, "Confederate Military History," Vol. VIII, Tennessee, by James D. Porter, Chapter III; also article by John Trotwood Moore, entitled "The Road to Shiloh," in Trotwood's Monthly for November, 1906.

[17] Johnston's wound was not necessarily fatal. A minie ball had cut an artery in his leg and had his surgeon, Dr. D. W. Yandell, been present he could easily have saved his life. But Johnston had commanded Doctor Yandell to establish a hospital for the wounded Federal prisoners. His compassion and humanity resulted in his death. Johnston said: "These men were our enemies a moment ago; they are our prisoners now. Take care of them."

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o'clock p. m., when the Federal troops were driven from the field in confusion, many of them having sought shelter below the river bank. Gen. J. R. Chalmers, who was in the advance of the Confederate army at the close of the day, in a published letter said: "One more resolute movement forward would have captured Grant and his whole army." That movement was not made. Beauregard had succeeded to the command and a lull in the conflict ensued for an hour or more after Johnston fell. It was fiercely renewed, however, about half past three o'clock and resulted in the surrender of Federal Gen. B. M. Prentiss.

Beauregard, at the rear, suffering from severe sickness and not fully understanding the situation, recalled his troops from the heights they had won which commanded the Federal landing, and, in the morning found that advantageous position occupied by Buell's 20,000 fresh troops. Gen. Lew Wallace had also come up 5,000 or 6,000 strong. In the face of the Federal army with nearly 30,000 fresh troops there was no hope of success. The Confederates retired slowly and sullenly, shattered but not overthrown.

The force with which Johnston began the attack has been variously estimated at 40,000 to 50,000 men. The force of Grant, in the first day of the battle, was likewise estimated from 32,722 to 41,153. Grant also had a fleet of no less than 153 steamers, including 14 men-of-war.[18] The Confederate loss in killed, wounded and missing was 10,699. The Federal loss was 13,573.

General Grant,[19] in his article entitled, "The Battle of Shiloh," already referred to in a footnote, said: "Shiloh was the severest battle fought at the West during the war, and but few in the East equaled it for hard, determined fighting." And again he said: "No such contest ever took place on this continent in importance of results; but few have taken place in the history of the world."

Tennessee was represented on all parts of the field and in all commands, and her reputation for courage and fidelity was not only sustained but enhanced by the conduct of her sons. Among them were: Generals Cheatham, Bushrod Johnson, Polk, Clark, Stewart and Russell; Colonels A. K. Blythe (a Mississippian but a noble son of Tennessee), D. H. Cummings, Preston Smith, A. J. Vaughan, Jr., C. D. Venable, A. W. Campbell, O. F. Strahl, Hill, Maney, Russell, Bate,[20] Stephens, Looney, Martin; Maj. John F. Henry; Captains Marsh T. Polk and John Sutherland, J. B. Freeman, G. G. Persons, E. M. Cheairs, Bankhead, York, Rutledge.

Forrest, with his regiment of cavalry, added renown to the reputation which he had recently achieved at Fort Donelson and Nashville, and was severely wounded.

Governor Isham G. Harris, after the abandonment of Nashville, pushed enlistments and the production of military supplies with all his untiring zeal and ability. Nor did he refrain from military service himself. When Johnston had concentrated his army at Corinth, Governor Harris reported to him and was assigned to duty as aide-de-camp. In his report of the battle General Beaure-

[18] In all American history, up to the World war, there has been no fleet comparable to that which carried the Federal army up the Tennessee River.

[19] The charge that Grant was drunk at the beginning of the battle has been refuted by Mrs. W. H. Cherry, at whose house he was breakfasting at the opening of the conflict. Her letter, on this subject, written to T. M. Hurst on December 6, 1892, was published in the American Historical Magazine for January, 1902. In it she said: "I believe General Grant was thoroughly sober." And again she said he "never appeared in my presence in a state of intoxication."

[20] Afterwards General Bate and later governor of Tennessee and United States senator.

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gard says of him: "Gov. Isham G. Harris, of Tennessee, went upon the field with General Johnston, was by his side when he was shot, aided him from his horse, and received him in his arms when he died. Subsequently the governor joined my staff and remained with me throughout the next day, except when carrying orders or employed in encouraging the troops of his own State, to whom he gave a conspicuous example of coolness, zeal and intrepidity."

The withdrawal to Corinth was without pursuit. Grant said that the roads were too bad and the soldiers were exhausted.

HALLECK AND BEAUREGARD AT CORINTH

Soon after the battle of Shiloh, General Halleck came from headquarters at St. Louis and assumed command. He concentrated at Pittsburg Landing all the available troops he could summon, including the army of General Pope which had invested Fort Pillow with the exception of two regiments which were left to continue the siege. In a short time he had an army of 100,000 men and advanced cautiously towards Corinth. In the meantime Beauregard had been largely reinforced also and put forth outposts as if to contest the field with Halleck, but when the latter had closely approached Corinth, Beauregard evacuated the place on May 30th, and retreated south. This movement compelled the abandonment of Fort Pillow on June 1st; and on June 6th, Commodore Davis destroyed the small Confederate flotilla at Memphis, captured and occupied the city.

All of West Tennessee, which was intensely Confederate, was in the hands of the Federals, whereas East Tennessee, which was intensely Union, was in the hands of the Confederates. During the following year Grant, whose prestige had been somewhat impaired by Shiloh, remained in West Tennessee, where he did little.

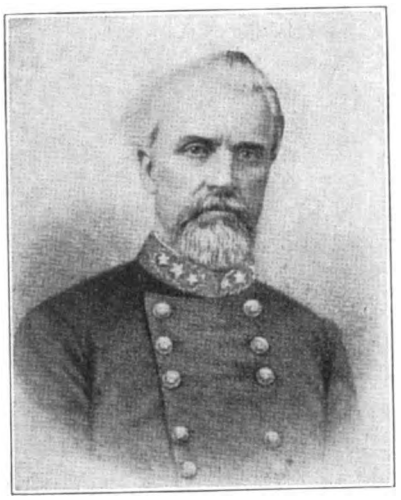
OPERATIONS OF GENERAL BRAGG

On June 17, 1862, Gen. Braxton Bragg was placed in command of that gallant army known afterwards as the Army of Tennessee and General Beauregard remained in command of the department. The army was concentrated at Tupelo, Mississippi. Fearing that Buell, who had command of the Army of the Ohio, might seize Chattanooga (a thing which, in fact, he had been sent out by Halleck, to do), Bragg, by great efforts and the delay of Buell in repairing railroads, anticipated the latter and occupied that strategic place.

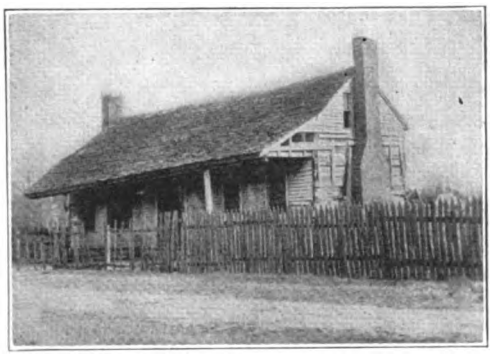
RAIDS OF MORGAN AND OF FORREST

At this time began the series of brilliant raids by the cavalry leaders of western armies in Kentucky and Tennessee, which proved to be so harassing and expensive to the northern cause and so encouraging and helpful to the southern cause. This branch of service, too, was very popular. The boys and young men of Kentucky and Tennessee, the greatest nursery of blooded horses in America, were at home in the saddle and Forrest and Morgan were names to conjure with. The main forces of the Federals were concentrated in large armies, and the important towns were held by comparatively small garrisons. With a spirit and brilliancy never surpassed and never in any other war carried

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GEN. NATHAN BEDFORD FORREST



HOUSE WHERE GENERAL FORREST SPENT HIS EARLY LIFE NEAR HERNANDO, MISSISSIPPI

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out so extensively and successfully, the Confederate cavalry swooped down upon Middle Tennessee, captured garrisons and supplies, cut the communications of the great Federal armies, impeded their movements, disconcerted and altered their plans, and reanimated the drooping spirits of the adherents of the southern cause.

Early in May Col. John H. Morgan entered Middle Tennessee and, after performing some brilliant exploits along the line of the Nashville and Decatur Railroad, now a part of the Nashville Railroad system, particularly at Pulaski, captured Lebanon on July 5th. While resting here, he was attacked and defeated, but moved into Kentucky where he won a spirited fight at Cave City and then retired to Chattanooga for recuperation.

Meanwhile, Col. Nathan Bedford Forrest, by a secret and rapid march with 1,300 mounted men, moved on Murfreesboro,[21] which was defended by a garrison of 1,765 men under command of Gen. T. T. Crittenden. Forrest reached his objective on July 13, 1862, his forty-first birthday, and captured it on the same day with its entire garrison, four cannon, and a large quantity of supplies. This performance was considered by General Wolseley, commander-in-chief of the British army, as one of the most remarkable achievements of his career. He said: "His operations that day showed a rare mixture of military skill and what is known by our American cousins as 'bluff', and led to the surrender of the various camps attacked. It was a brilliant success, and as it was Forrest's first great foray, it at once established his reputation as a daring cavalry leader, to be dreaded by all Federal commanders of posts and stations within his sphere of action."

He also set free some citizens who were being held as prisoners on account of their sympathy with the rebellion, six of whom had been condemned to death.

Forthwith the Federal General Nelson, with an overwhelming force, sought to capture Forrest, who skillfully eluded him and, on September 3rd joined General Bragg's main army at Sparta on its way to invade Kentucky.

The immediate result of the capture of Murfreesboro was relief from the strong pressure of the Confederates in Northern Mississippi and Alabama by the withdrawal of troops to Middle Tennessee.

While Forrest was making his sensational movements Gen. John Morgan was also performing brilliant feats in Kentucky and in Tennessee north of Nashville where he had been sent by Bragg to destroy the Louisville and Nashville railroad so as to impede General Buell as much as possible. After his raid into Kentucky, Morgan captured Gallatin, destroyed the nearby railroad bridge and tunnel, captured Colonel Boone at Hartsville and defeated Gen. R. W. Johnson, who had been dispatched against him and captured a portion of Johnson's command.

THE INVASION OF KENTUCKY

While the Army of Tennessee was yet at Tupelo, a small division had been sent therefrom to Gen. E. Kirby Smith who, at that time, commanded the department of East Tennessee and later he was further reinforced by the brigades of Gen. P. R. Cleburne and Preston Smith. His army was then called the Army of Kentucky. On Aug. 16, 1862, Bragg left Chattanooga, crossed the

[21] See Wyeth's "Life of Forrest," Chapter V; also "Campaigns of Lieut.-Gen. N. B. Forrest," by Jordan and Pryor, Chapter V.

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Cumberland mountains and entered Middle Tennessee. The Confederate plan was for Gen. E. Kirby Smith to advance into Kentucky from East Tennessee and for Bragg to enter it from Middle Tennessee, that a junction of the two armies be effected in Kentucky and that Louisville be captured and, possibly, the war be carried into other states north of the Ohio.

Upon reaching Middle Tennessee, Bragg learned that Buell's army was at Nashville which was strongly fortified. Bragg, therefore, having made only a demonstration against Nashville, passed by and on September 13th was at Glasgow, Ky.

In the meantime Gen. Kirby Smith had met a Federal force at Richmond, Ky., and had gained a decisive victory. Gen. Wm. Nelson, the Federal commander, was wounded and Gen. M. D. Manson, second in command, was captured. The Confederates captured 4,303 prisoners, 9 pieces of artillery, 10,000 stand of small arms and large quantities of supplies. General Smith then advanced and occupied Lexington on Sept. 2nd. The people of Cincinnati were very much alarmed, but Smith made no attempt on that city although he threatened it with a force, for he was waiting to join Bragg, who, with the main army and a long wagon train, was racing across the state with Buell for the possession of Louisville. Bragg, having the shorter line, might have won, but he did not put forth the effort necessary. He contented himself with capturing Munfordville, with 4,267 prisoners, 10 pieces of artillery and a quantity of arms, munitions and supplies, and with offering battle to Buell, who, after reaching Louisville had moved out with the avowed intention of driving Bragg out of the state. As Buell had been largely reinforced, Bragg was greatly outnumbered and was slowly retreating when he was overtaken at Perryville,[22] where a bloody but indecisive battle was fought on Oct. 8, 1862. The conflict was begun between the Union left wing, under General McCook and the Confederate right wing under General Polk.[23] Of the latter, however, only one division, the Tennessee division, under General Cheatham, was present. General Polk was in command, as General Bragg had gone to Frankfort, the capital, to witness the inauguration of the secessionist governor, Howes.

The ceremonies, however, were interrupted by the booming of the cannon which announced the beginning of the battle.

General Buell's losses are stated as 4,241 and those of Bragg as 3,212. General McCook in his report said it was the "bloodiest battle of modern times, for the number of troops engaged on our side."

It had been hoped by the Confederates that on the arrival of Bragg in

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[22] See article entitled "Bragg's Advance and Retreat," by Col. David Urquhart, Confederate States of America, a member of General Bragg's staff, in "Battles and Leaders of the Civil War," Vol. III, pp. 600-609; also "Confederate Military History," Vol. VIII, by James D. Porter, pp. 49-55.

[23] Colonel Urquhart tells of a peculiar incident in which General Polk figured, near the end of the battle. Says he: "About dark, Polk, convinced that some Confederate troops were firing into each other, cantered up to the colonel of the regiment that was firing and asked him angrily what he meant by shooting his own friends. The colonel, in a tone of surprise, said: 'I don't think there can be any mistake about it. I am sure they are the enemy.' 'Enemy! Why, I have just left them myself. Cease firing, sir. What is your name?' rejoined the Confederate general. 'I am Colonel ——— of the ——— Indiana. And pray, sir, who are you?' Thus made aware that he was with a Federal regiment and that his only escape was to brazen it out, his dark blouse and the increasing obscurity happily befriending him, the Confederate general shook his fist in the Federal colonel's face and promptly said: 'I will show you who I am, sir. Cease firing at once!' Then, cantering down the line again, he shouted authoritatively to the men, 'Cease firing!' Then reaching the cover of a small copse, he spurred his horse and was soon back with his own corps, which he immediately ordered to open fire."

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Kentucky, thousands of sympathizers with the Southern cause would join his army and that Kentucky itself would become a member of the Confederacy. The expected enlistments, however, were not secured. Realizing the fact of this disappointment and knowing that he was badly outnumbered, Bragg withdrew, but he did so deliberately and unmolested. Buell, who was not present at the battle of Perryville, was severely censured for his bad management at this point and for his subsequent dilatory pursuit of Bragg, which enabled the latter to withdraw with all the captured stores, arms and more than 12,000 prisoners.

On the whole Bragg's campaign had been a success and, at the end, he was in front of Nashville with his army in good form, and stronger than when the campaign began. Cumberland Gap had been retaken and the Confederates were in undisputed possession of East Tennessee.

FORREST BEFORE NASHVILLE

A short time before the battle of Perryville, General Forrest, who had rendered valuable service in the Kentucky campaign in harassing Buell's army, was ordered to Tennessee to recruit and organize cavalry in Middle Tennessee. He reached Murfreesboro on October 1st and proceeded to carry out his instructions. There were in existence near Nashville at that time a number of independent companies and battalions, that had been formed under the partisan ranger law which had recently been passed by the Confederate Congress. Without a general commander, but with a concerted agreement some of these companies established camps on the turnpikes leading out from this city and established a veritable blockade. Gen. J. S. Negley was occupying Nashville with a small force. On October 7th, he marched out and attacked a force of 1,700 of these rangers at Lavergne. He had nearly surrounded them when, in panic, they fled from camp with almost no resistance. This precipitate flight became known as the "Lavergne races." At this juncture General Forrest came to the rescue and pursued the Federals back to Nashville. This particular service, coupled with the fact that he was now so well known as a dashing cavalry leader, enabled Forrest to enlist almost all of these rangers and many others, so that by November 1st, he had a force of about 3,500 mounted men, every one of whom was devoted to his leader.

On October 28th, General Breckinridge arrived at Murfreesboro with the advance of Bragg's army. Forrest proceeded to Lavergne, where he was joined by Hanson's brigade of 3,000 men. On November 6th, with Breckinridge's consent Forrest advanced to capture Nashville, but, even while he was preparing to launch his assault, after having driven in the Union pickets, he received orders from General Breckinridge, under peremptory instructions from General Bragg, forbidding the attack.

BATTLE OF STONE'S RIVER OR MURFREESBORO [24]

After the Kentucky campaign Gen. W. S. Rosecrans was placed in command of the Federal Army of the Cumberland, vice General Buell, who had been relieved. Rosecrans concentrated at Nashville and, after long preparation began

[24] See "Bragg's Advance and Retreat," by David Urquhart, Colonel, Confederate States of America, in "Battles and Leaders of the Civil War," Vol. III, p. 600; also, "The Battle of Stone's River," by G. C. Kniffin, lieutenant colonel, United States Volunteers, in "Battles and Leaders of the Civil War," Vol. III, pp. 613-632; also, "Confederate Military History," Vol. VIII, Chapter V.

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his advance on December 26, against Bragg's army at Murfreesboro, where the latter had established headquarters on Dec. 2, 1862. General Polk commanded the center at Murfreesboro; General McCown commanded the right at Readyville; and General Hardee the left at Triune and Eagleville. As Forrest had been sent to West Tennessee and Morgan to Kentucky, Gen. Joseph Wheeler was made chief of cavalry and commanded the outpost at Lavergne. Rosecrans advanced with General Crittenden commanding the center, General Thomas the right wing and General McCook the left wing.

The reason why Rosecrans marched out and forced a battle at this time was, no doubt, the fact that Bragg's army had been weakened by the withdrawal from it of a large force. Gen. Joseph E. Johnston comments on this matter in his article entitled "Jefferson Davis and the Mississippi Campaign." He says:

"The detaching of almost a fourth of Gen. Bragg's army to Mississippi, while of no present value to that department, was disastrous to that of Tennessee, for it caused the battle of Murfreesboro. General Rosecrans was, of course, soon informed of the great reduction of his antagonist's strength, and marched from Nashville to attack him. The battle, that of Stone's River or Murfreesboro, occurred on the 31st of December, 1862, and the 2d of January, 1863, and was one of the most obstinately contested and bloody of the war, in proportion to the numbers engaged. The result of this action compelled the Confederate army to fall back and place itself behind Duck River, at Manchester, Tullahoma, and Shelbyville."[25]

Although most accounts state that the battle began on December 31st and lasted three days, it really began on the afternoon of the 30th, for Colonel Urquhart says:[26] "On Tuesday, December 30, Rosecrans was in our front, a mile and a half away. At twelve o'clock artillery on both sides was engaged. At three o'clock the Federal infantry advanced and attacked our lines." Night, however, soon intervened and quiet prevailed. At daylight on the 31st the conflict was renewed and at night the Confederates were masters of the field, with the Federal right wing routed. During the night, too, Rosecrans withdrew his left wing to a more advantageous position and, on the following morning the Confederates occupied the abandoned ground. Throughout the first of January neither commander deemed it wise to order an attack; and, up to noon on the second, quiet prevailed with the exception of some cannonading. At that time Bragg determined to dislodge the force opposite his right. For this purpose the best troops were carefully selected—Hanson's, Preston's, Gibson's, and Hunt's brigades with Cobb's and Wright's batteries—all placed under the command of General Breckinridge. A gun fired at four o'clock was the signal for the attack. The charge then made, generally spoken of as Breckinridge's Charge, was one of the fiercest and most gallant in the annals of warfare. The ardor of the southern soldiers, indeed, was so intense and their action so impetuous, irrestrainable and, in contact with the Federals, so irresistible that they were carried beyond their objective, the crest of the hill which they were ordered to take, hold and entrench. And their push beyond support proved the ruin of the well planned manoeuvre. The Federal batteries that had been massed now opened upon them and drove the Confederates back with terrible slaughter, nearly 2,000 men, it is estimated, having been killed or wounded in this attack. It was nearly half of the force which made the assault.

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[25] "Battles and Leaders of the Civil War," Vol. III, p. 475.
[26] "Battles and Leaders of the Civil War," Vol. III, p. 605.

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STATUE OF GENERAL FORREST IN FORREST PARK, MEMPHIS

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The result of this charge which began so brilliantly and ended so disastrously was the determination on the part of Bragg to fall back on Tullahoma. However, he remained at Murfreesboro on the third, on which there was little fighting and effected his evacuation without molestation on that night. Dr. Deering J. Roberts, of Nashville, who was a surgeon in Bragg's army, said recently that, through the kindness of Col. E. W. Cole, president of the Chattanooga Railroad, he was enabled to save a large number of wounded men from being captured by the Federals. Colonel Cole furnished him cars partly filled with sacks of flour and meal and, on these he (Doctor Roberts), placed the wounded who were quickly carried away to safety.

According to General Rosecrans' report the Federal effective force was 46,940 and the number engaged in battle 43,400; their loss 9,552 killed and wounded and 3,717 [27] captured—a total of 13,249.[28]

According to General Bragg the Confederate force present for duty on the first day of the battle was 37,712; their total loss in killed, wounded and missing was 10,266. Bragg reported that he captured 6,273 prisoners, 30 pieces of artillery, 6,000 stands of small arms and a large amount of property.

While both sides claimed the victory, the severe losses and the retreat of the Confederates were felt with especial keenness by the Tennesseans, who at that time constituted nearly one-third of the army and many of whom fought and died almost in sight of their own families.

Before the battle and during the progress of it General Wheeler and General Wharton made most daring and successful raids, in one of which General Wheeler passed entirely around the Union army, made many captures of prisoners and horses and mules, destroyed much property and interrupted Rosecrans' communications. General Wheeler hoped to capture the Federal ammunition train. In this, however, he was foiled by the precautions of Gen. Gates P. Thruston (then captain), who was in command of the train, and, in disobedience of orders, changed the location of his train from Lavergne to a point six miles nearer Murfreesboro. If this train had been captured, the retreat of the Federal army would have been necessary.[29]

FORREST IN WEST TENNESSEE

After Forrest had effected the very successful recruiting in Middle Tennessee, which has already been related, he was ordered on December 10th to West Tennessee. This section of the state had been in undisputed possession of the Federals ever since the battle of Shiloh and to an ordinary officer the assignment would have been disheartening, but Forrest was not an ordinary officer. Taking the woefully inadequate force of 2,100 men allowed him, of whom only about 1,500 were effectives, and insufficiently supplied with arms and ammunition, he crossed the Tennessee River near Clifton, cleverly evading the Union gunboats which were patrolling it.

Arrived on the scene of action he proved a veritable paladin in war, a flaming meteor whose course could not be predicted nor followed, a real "wizard of the saddle," carrying terror and destruction in his path. The amazing rapidity of his movements dazzled and confounded the Federals. General Grant telegraphed the War Department at Washington: "I had timely notice of the

[27] Bragg's counted list of Federal prisoners was 6,273.
[28] Official Records, Series I, Vol. XX, Part I, pp. 188-217.
[29] Garrett and Goodpasture's "History of Tennessee," pp. 219-220

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advance of Forrest on the road, in the neighborhood of Jackson, and took every means to meet it." Yet, on Dec. 18th, Gen. J. C. Sullivan telegraphed Grant from Jackson: "My cavalry was whipped at Lexington today. Colonel Ingersoll taken prisoner. The enemy reported to be from ten to twenty thousand." [30] On the next day Grant was informed that "the enemy are advancing in force, and the station on Columbus (road) eight miles from here (Jackson), was attacked at daylight and the station house burned, the guard of eighty-seven men captured, and the road at switch destroyed." A few minutes later word was received that the bridges on the Corinth Road twelve miles south were burned and that a large force had crossed going towards the railroad leading to Bolivar. At this time a part of Forrest's troops were armed with the old-fashioned flintlock musket.

Holding the Union troops within their breastworks at Jackson expecting an assault, Forrest, leaving only a small line of skirmishers to keep up the semblance of impending assault, silently left and, dividing his forces, captured Humboldt and Trenton with many prisoners and supplies besides destroying much property of the Federals. At Rutherford Station he captured two companies of Union soldiers and at Kenton station Col. Thomas J. Kinney, with his command surrendered. On Dec. 23rd, Forrest captured Union City with 106 Union troops without firing a gun. On the same day he crossed the Kentucky line and in his report on Dec. 24th, he said: "We have made a clean sweep of the Federals and roads north of Jackson."

Turning south he captured Dresden on Dec. 26th. His force of only 2,000 men was now exhausted and Forrest's efforts were directed to extricating them from the encircling Federals. He had succeeded in employing many troops of Grant's forces and in preventing the reinforcement of Rosecrans at Murfreesboro and had prevented the reinforcement of the Union army marching on Vicksburg. Forrest had defeated Colonel Dunham at Parker's Cross Roads on Dec. 31st, when, at the moment of victory, he was assailed in the rear by General Sullivan with a strong force. Forrest, however, skillfully extricated his men from seemingly inextricable disaster after a spirited fight. And, while General Sullivan was telegraphing that he had met Forrest and "routed him with great slaughter," and that "Forrest's army is completely broken up. They are scattered over the country without ammunition," Forrest was crossing the Tennessee River unmolested with his men in compact organization and full of fight. He took position on the left flank of the army, first at Mount Pleasant and later at Columbia, where his men and horses enjoyed a well deserved rest, and where Gen. Earl Van Dorn soon arrived and assumed command.

HOW BRAGG WAS FORCED FROM MIDDLE TENNESSEE

After the battle of Murfreesboro, Bragg established his line along Duck River from Tullahoma to Columbia, Shelbyville and Tullahoma being strongly fortified and defended. Rosecrans' line extended from Murfreesboro to Franklin. For nearly six months the hostile armies faced each other without forcing a general battle, while Rosecrans was making preparations for driving Bragg from Middle Tennessee. During this time the principal military activities in this field were the following:

In the latter part of January, Gen. Joseph Wheeler, who had been made

[30] It was a part of Forrest's strategy to cause the rumor to spread throughout the country that he had with him a very large number of troops.

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chief of cavalry, ordered General Forrest to proceed with 800 men to the Cumberland River to interrupt the navigation of that stream. At Palmyra General Wheeler caught up with him and advocated an attack on Dover. Forrest advised against it, but was overruled and the attack was made. A disastrous defeat resulted and the expedition was abandoned, the force returning to Columbia on February 17th. From this place General Van Dorn marched out on March 4th and on the 5th met a Federal force under Colonel Coburn at Thompson Station. After a spirited engagement Colonel Coburn [31] surrendered his infantry, numbering about two thousand two hundred men, but the cavalry, numbering about eight hundred, escaped. General Forrest, smarting under the defeat at Dover, brilliantly distinguished himself in this encounter.

On March 25th, Forrest, who had been assigned to independent outpost duty at Spring Hill, passed in the rear of Franklin, where there was a large body of Federal troops, captured the garrison at Brentwood and the Harpeth stockade, taking 758 prisoners and many wagons, horses and mules.

PURSUIT AND CAPTURE OF STREIGHT'S RAIDERS

Admittedly one of the most brilliant feats of the entire war was Forrest's pursuit and capture of the force of Col. Abel D. Streight who had been sent by General Rosecrans to attempt the capture of Rome, Ga. It "reads like a romance," said Gen. Lord Wolseley.

Pursuant to his orders, Colonel Streight left Rosecrans' army with a force of about two thousand picked men, proceeded by steamer to Palmyra on the Cumberland, thence by road to Fort Henry, and thence by boat again up the Tennessee to Eastport, Miss., where he met Gen. G. M. Dodge, to whom Rosecrans had said: "Nothing should for a moment arrest his progress." Having concerted their plans which provided that General Dodge should keep the Confederates of Northern Alabama and vicinity too busy to attempt to impede Colonel Streight or to send assistance to an impeding force, the Federals left Eastport on the afternoon of April 21. On April 26, after General Dodge had driven back the Confederate General Roddey, Colonel Streight marched out of Tuscumbia on his famous raid. Forrest, who had been sent by Bragg to Roddey's assistance, learned this fact and, having made his preparations as speedily as possible, started in pursuit with about 1,200 men and caught up with him at Sand Mountain where he suffered a slight repulse and lost two guns [32] and whence Streight pushed on toward Rome with Forrest still in fierce pursuit. A running fight ensued. Almost without rest Streight pressed on, and almost without rest Forrest strove to catch him.

It was on the second of May, during this heartbreaking race, that Emma Sanson [33] wrote her name imperishably in history. The dedication of Wyeth's Life of General Nathan Bedford Forrest briefly explains her remarkable exploit. It reads as follows:

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[31] Among the prisoners was Maj. W. R. Shafter who, in the Spanish-American war became commander-in-chief in the campaign against the Spanish at Santiago.

[32] Forrest removed from his command Lieut. A. W. Gould who had charge of these guns and Gould's later effort at reinstatement and Forrest's refusal caused Gould to attempt to kill Forrest and, in the struggle, he lost his own life. See chapter on "Historic Spots and Places."

[33] This famous exploit has been commemorated in John Trotwood Moore's poem, "Emma Sanson," in a splendid monument erected at Gadsden, Ala., and in a portrait of the heroine in the State Library at Nashville, presented by the Daughters of the Confederacy.

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To
EMMA SANSON

A WOMAN worthy of being remembered by her countrymen as long as courage is deemed a virtue, who rode with General Forrest in the engagement at Black Creek May 2, 1863, and by guiding his men to an unguarded ford enabled him to capture Colonel A. D. Streight and his entire command, this volume is dedicated as a token of admiration and respect.

From the time when Forrest had caught up with Streight at Sand Mountain on April 30th for four days was the exciting chase continued, interspersed with almost continuous fighting and with almost no sleep for the determined men on either side until, on May 3rd, Streight surrendered near Rome, Ga., his entire force of 1,466 men, which number was increased a few hours later by the surrender of another detachment, the total number surrendered being about 1,700. Forrest's force had so dwindled that at the surrender his entire force was not more than 600.

BRAGG RETIRES TO CHATTANOOGA

Having matured his plans and made his preparations slowly and carefully, Rosecrans, on June 20, 1863, deemed himself ready to proceed against Bragg. His army numbered more than 50,000 effectives and Bragg's about 44,000.[34] By making a feint against Shelbyville, where Bragg was well fortified and hoped the battle would take place, and simultaneously forcing a passage on his left through Hoover's Gap which success enabled him to threaten to outflank Bragg around the latter's right wing, Rosecrans accomplished his purpose. Bragg thought it of paramount importance for him to fall back and protect Chattanooga which he reached on July 7th.

Knoxville and East Tennessee were, at that time, held by General Buckner and were in possession of the Confederates until September 2, 1863, when they were forced out by Gen. A. E. Burnside and joined Bragg near Chattanooga. On September 8, 1863, Bragg abandoned Chattanooga and took position from Lee and Gordon's Mills to Lafayette, Ga. On September 9th the Federals occupied Chattanooga and advanced to face Bragg with a line forty miles long from wing to wing.

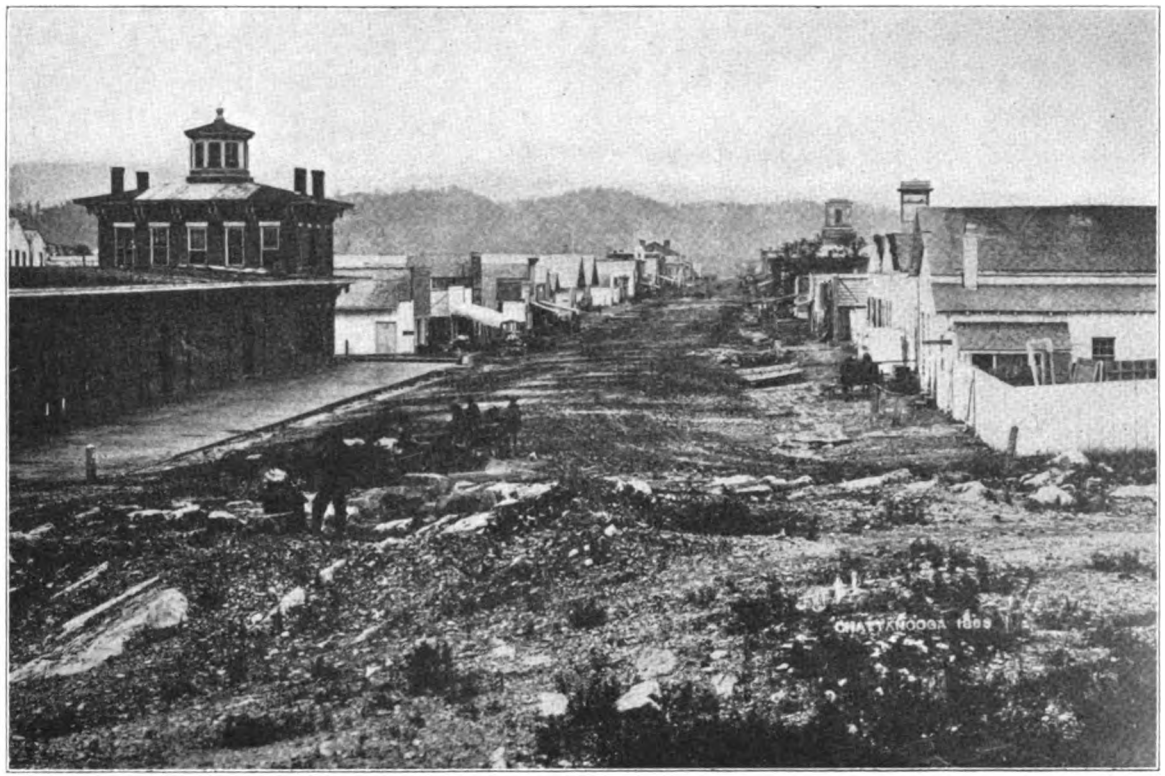
THE BATTLE OF CHICKAMAUGA [35]

"The barren victory of Chickamauga" was the greatest battle fought in the West during the Civil war and in it more Tennessee organizations were united on the field than had been the case in any previous battle. In fact, the main body of the army of General Bragg consisted of the very flower of Tennessee

[34] Col. Gilbert C. Kniffin in "Battles and Leaders of the Civil War," Vol. III, p. 635.

[35] See "Confederate Military History," Vol. VIII, Chapter VII; also, the following articles in "Battles and Leaders of the Civil War": "Chickamauga—the Great Battle of the West," by Daniel Hill, Lieutenant General, Confederate States of America, Vol. III, pp. 638-662; "General Polk at Chickamauga," by his son, Cap. W. M. Polk, Vol. III, p. 662; "The Crisis at Chickamauga," by Gates P. Thruston, Brevet Brigadier General, United States Volunteers, Vol. III, p. 663; also, "Reinforcing Thomas at Chickamauga," by J. S. Fullerton, Brevet Brigadier General, United States Volunteers, Vol. III, p. 665; also, under the head of "Historic Highways of the South" in the Taylor-Trotwood Magazine for September, 1907, the article entitled "The Barren Victory of Chickamauga," by John Trotwood Moore; also Official Records, Vol. XXX, Parts I, II, and III; also Davis' "Rise and Fall of the Confederate States," Vol. II, pp. 427-434; Lindsley's "Military Annals of Tennessee," pp. 693-695; also, Wyeth's "Life of Gen. Nathan Bedford Forrest," Chapter XI.

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CHATTANOOGA IN 1863

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troops, who fought with a valor never surpassed by any other troops on any field. This battle was fought on September 19th and 20th, 1863, about twelve miles southeast of Chattanooga. Bragg's total effective force was 47,321; that of Rosecrans was 67,548 of whom 64,321 were engaged in the battle. On the 18th, Bragg issued his order for battle to begin at daylight on the 19th. Gen. D. H. Hill said: "Had this order been issued on any of the four preceding days, it would have found Rosecrans wholly unprepared for it." Be that as it may, it seems that neither Bragg nor Rosecrans was sufficiently near the scene of fighting to take advantage of mistakes and to order the movements of troops to the best advantage and that the battle was fought as circumstances dictated by the several corps commanders.

In accordance with Bragg's plan the Confederate right under Polk opened the battle and pressed Thomas so hard that he asked for reinforcements which were given him from the Federal right wing, which was thereby weakened and, moreover, a gap was made, through which Longstreet,[36] in command of the Confederate left, immediately moved, shattering and driving back in confusion the entire Federal army, except Thomas' command. For this stubborn and successful defense Thomas has been spoken of as the "Rock of Chickamauga," and the "Savior of the Union Army." He held his position until dark, and even made a counter charge with the bayonet when his ammunition failed. Under cover of darkness he retreated to Chattanooga.

General Forrest, who had performed his customary wonderful work in protecting the flank of Bragg's right wing sent word of the demoralization of the Federals and urged that they be followed and attacked, but Bragg refused, saying he had no supplies. Bragg's loss was not officially reported, but from the best estimates was not much less than that of the Federals, which was 16,170. Bragg also captured 54 pieces of artillery, many thousands of small arms and great quantities of ammunition.

On May 11, 1898, monuments to the memory of the Tennessee soldiers who fought and died on the field of Chickamauga were unveiled by officials of this state with impressive ceremonies. John Trotwood Moore wrote the dedicating poem which he read on that occasion, as follows:

REUNITED

By steel-sheathed ship and iron sun,
And forts that frown on a crouching sea,
Like a reef-split wave in the mad ebb's run,
Like the rock-stopt foam from a driven lea,
They have halted their butchering lines of red,
For a star-flung banner has published a ban:
Let the past be past; let the dead be dead,
Now and forever American!

It has girdled the depths of the deep heart's blood,
It has tied our links in a white heat fire,
And the Blue has come with the old-time flood,
And the Gray stands firm in the old-time ire.
And starving eyes, whence Hope has fled,
Laughed out in the light as the message ran:
Let the past be past; let the dead be dead,
Now and forever American!

[36] Longstreet had come to Bragg from the army of Northern Virginia with 5,000 or more men only a short time before the battle.

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Oh, valorous Gray, in the grave of your fate!
Oh, glorious Blue, in the long dead years!
Ye were sown in sorrow and harrowed in hate,
But your harvest today is a nation's tears!
For the message you left through the land has sped
From the lips of God to the heart of man:
Let the past be past; let the dead be dead,
Now and forever American!

Ex-Governor James D. Porter presented the monuments. The concluding paragraph of his address was as follows:

"Twenty-one commanding officers of Tennessee regiments conspicuous upon this field, distinguished everywhere, fell within a year. They fell leading their regiments in the forefront of the battle. Not many States can show such a roll of honor; no State can mourn the loss of so many distinguished sons. To them and to their brave comrades of every rank who fell with them and upon this memorable field, the State dedicates these monuments. We want the stranger who comes to know that Tennessee renders them homage and honor. In our own hearts and in the hearts of our descendants the memory of their noble deeds will outlive marble and monumental brass."

Gen. A. P. Stewart,[37] who had been selected to represent the secretary of war, made a most happy address in which occurred the following remarkable paragraph:

"Our cause was a righteous one. I will ask a question and answer it—why did we fail? Gentlemen of the North, the South failed, not because you were right and we were wrong, or because we were right and you were wrong, and not because of your heavy batteries. The reason we failed was simply because Almighty God had need of this Union. He wanted to preserve it that He might accomplish his designs. Since the war I have accepted the result as a Divine will."

FORREST'S QUARREL [38] WITH BRAGG AND TRANSFER TO MISSISSIPPI

On September 30th, while Forrest was pursuing Burnside's force near Charleston, Tenn.,[39] he received an order from Bragg to turn over his troops to General Wheeler. He refused to obey the order in a letter to Bragg in which he accused him of "duplicity and lying," and said he would see him in person in a few days. He did see him. When Forrest, accompanied by Dr. J. B. Cowan entered his tent, Bragg offered his hand which Forrest refused to take and then denounced him as follows:

"I am not here to pass civilities or compliments with you, but on other business. You commenced your cowardly and contemptible persecution of me soon after the battle of Shiloh, and you have kept it up ever since. You did it because I reported to Richmond facts, while you reported damned lies. You robbed me of my command in Kentucky, and gave it to one of your favorites—men that I armed and equipped from the enemies of our country. In a spirit of revenge and spite, because I would not fawn upon you as others did, you drove me into West Tennessee in the winter of 1862, with a second brigade I had organized, with improper arms and without sufficient ammunition, although I had made repeated applications for same. You did it to ruin me and my

[37] It was General Stewart's troops who, in the battle of Chickamauga, made the celebrated attack on General Reynolds and came so near flanking General Thomas.

[38] This episode is given in full detail in Wyeth's "Life of General Nathan Bedford Forrest," pp. 264-267.

[39] At this time Forrest defeated Federal forces at Charleston, Athens, Sweetwater, Philadelphia and Loudon.

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GENERAL THOMAS' HEADQUARTERS, CHATTANOOGA



GENERAL ROSECRANS' HEADQUARTERS, CHATTANOOGA

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career. When in spite of all this I returned with my command, well equipped by captures, you began again your work of spite and persecution, and have kept it up; and now this second brigade, organized and equipped without thanks to you or the government, a brigade which has won a reputation for successful fighting second to none in the army, taking advantage of your position as the commanding general in order to further humiliate me, you have taken these brave men from me. I have stood your meanness as long as I intend to. You have played the part of a damned scoundrel, and are a coward, and if you were any part of a man I would slap your jaws and force you to resent it. You may as well not issue any more orders to me, for I will not obey them, and I will hold you personally responsible for any further indignities you endeavor to inflict upon me. You have threatened to arrest me for not obeying your orders promptly. I dare you to do it, and I say to you that if you ever again try to interfere with me or cross my path it will be at the peril of your life."[40]

Bragg took no official notice of the incident. Forrest did not transfer his troops nor did he resign. The Confederate government wished him to go to the West, but Bragg opposed the transfer until October 13, 1863, when he wrote to President Davis that he had withheld his approval because he deemed "the service of that distinguished officer necessary with this army. As that request can now be granted without injury to the public interests in this quarter, I respectfully ask that the transfer be made."

THE SIEGE OF CHATTANOOGA[41]

Military men generally agree that had Bragg pursued the broken and fleeing Federal army immediately after the Battle of Chattanooga, as General Forrest had urgently recommended through General Polk, he would have broken it irretrievably or captured it and Chattanooga, too. But, instead of attacking them vigorously on their retreat, he allowed them to retire without molestation, and several days later occupied Lookout Mountain and Missionary Ridge, between which two heights he constructed a line of trenches and earthworks and halted there inactive for nearly two months. At any time during the early days of this period Bragg could probably have taken Chattanooga by assault, but he seems to have preferred to try to take it by capitulation because of lack of supplies and bent his efforts to destroy the Federal lines of communications. But on October 16th Rosecrans was superseded by Thomas in command of the Army of the Cumberland, and the military division of the Mississippi, consisting of the departments of the Cumberland, Ohio and Tennessee, was created with Gen. U. S. Grant in command. Grant arrived in Chattanooga on October 24th and, with an army largely reinforced and with restored lines of communication, was soon ready to assume the offensive.

When Grant learned that Bragg had sent Longstreet with 20,000 men to attack Knoxville, he believed that the opportune moment had arrived and, on November 24th and 25th, he broke the Confederate lines on Lookout Mountain and Missionary Ridge and drove the Confederates back to Dalton, Ga. In

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[40] Reported by Dr. J. B. Cowan to John A. Wyeth.

[41] See "Battles and Leaders of the Civil War," Vol. III, pp. 679-730, for articles by Gen. U. S. Grant, Capt. S. H. M. Byers, United States Volunteers, Gen. W. F. Smith, United States Army, Gen. H. M. Cist, United States Volunteers, Gen. J. G. Fullerton, United States Volunteers; also, "Confederate Military History," Vol. VIII, Chapter VIII; also, article entitled "Chattanooga," by John Trotwood Moore, under "Historic Highways of the South," in Taylor-Trotwood Magazine for October, 1907.

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these actions Bragg lacked the valuable services of Longstreet, Forrest and Polk.

Bragg had preferred against Polk charges of disobedience of orders at Chickamauga and, on September 29th, had suspended him from command. President Davis, however, "after an examination into the causes and circumstances," ignored the action of General Bragg and assigned Polk to the command of the department of Mississippi and Louisiana.

On December 27th, Bragg was superseded in the command of the Army of Tennessee at Dalton, Ga., by Gen. Joseph E. Johnston. Early in May, 1864, the Federal forces advanced and the Atlanta campaign began. A few weeks prior to this time (viz. on November 27, 1863) Sam Davis was executed as a spy at Pulaski, Tenn. A detailed account of this tragic occurrence is given in the chapter on Historic Spots and Places.

OPERATIONS IN EAST TENNESSEE

On November 4, 1863, Longstreet[42] with 20,000 men, as has already been stated, was detached from Bragg for a campaign against Burnside with the special object of capturing Knoxville. Longstreet drove the Federals back from Loudon, Lenoir and Campbell's Station[43] and invested Knoxville on November 17th. The siege of this place, however, was raised on December 4, 1863, as, in accordance with Grant's design,[44] Longstreet learned that Grant had dispatched Sherman from his army after the battle of Missionary Ridge, and another force from Decherd, under General Elliott and ordered a third force from Cumberland Gap to cooperate with the other two for the relief of Burnside.[45] Longstreet moved his headquarters to Morristown and continued to hold that part of East Tennessee. Longstreet remained throughout the winter within a short distance of Knoxville, as Sherman and his army had been ordered back to the region of the Hiwassee River. On December 10th, Burnside, who had been relieved at his own request, left the state and was succeeded by Gen. John G. Foster. Near the opening of spring General Foster, whose wounds prevented his taking the field in person, was succeeded by General Schofield.

A few spirited engagements took place: at Maynardsville on December 3rd; at Mossy Creek, on December 24th and December 29th; at Dandridge, on January 20, 1864; at Dibrell's Hill, on January 28th; and at Shook's Gap, on February 20th. Most of the conflicts were between the cavalry, who were compelled, by the difficulties of transportation, to live on the country. Both sides, in separate roving detachments, scoured the land in search of supplies and became constantly entangled. There was no concerted campaign on either side, there could be none, and the accounts of those who took part in those daring and perilous adventures are thrilling in the extreme. There were innumerable skirmishes, individual conflicts, hazardous chances, captures

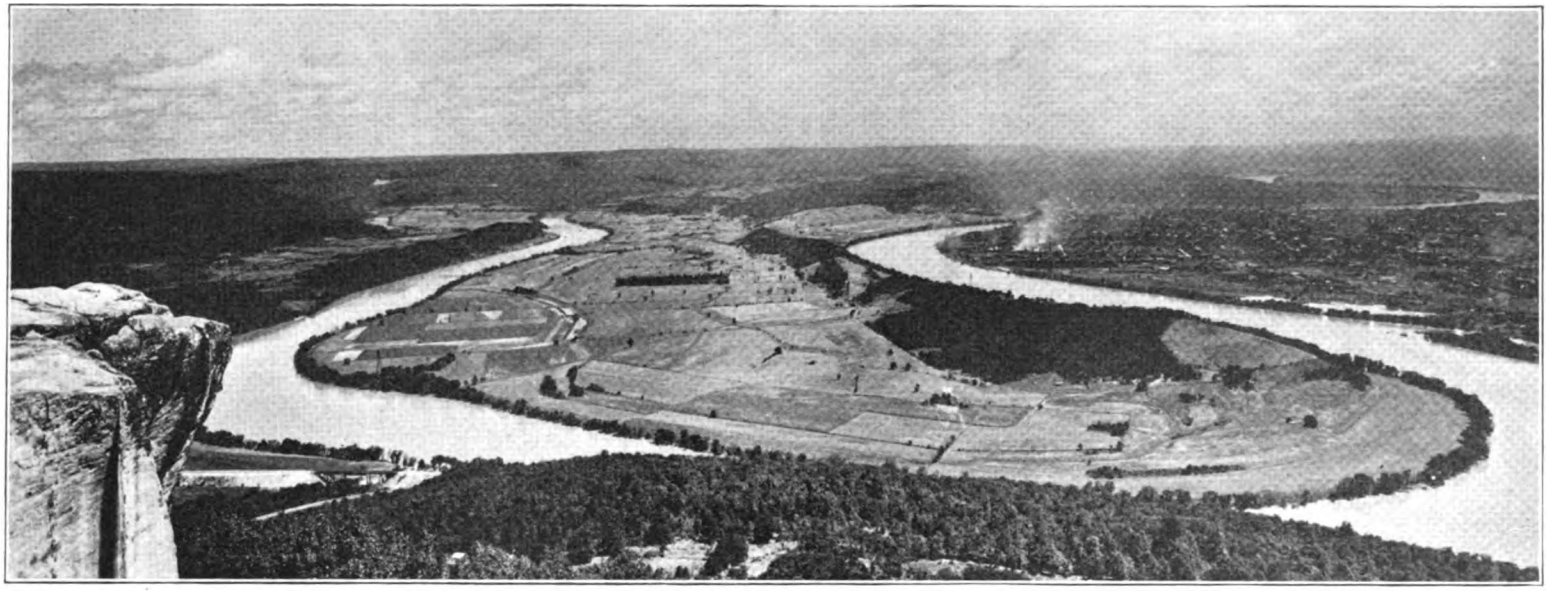
[42] In a carefully prepared address delivered at Knoxville at a reunion of Confederate and Federal soldiers, held in October, 1890, General Longstreet said that he was opposed to the expedition to Knoxville; that it was ordered by Jefferson Davis and General Bragg.

[43] The birthplace of Admiral David Glasgow Farragut. When a boy he lived with his father in Knoxville—Temple's "East Tennessee and the Civil War," p. 489 footnote.

[44] "Grant's Memoirs," Vol. II, p. 94.

[45] Before leaving, Longstreet made an ineffectual assault on Fort Sanders at Knoxville. Said E. J. Sanford of the scene outside the fort: "The dead, the dying and the living were piled on top of one another in the moat, an indiscriminate and helpless mass."

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MOCCASIN BEND FROM LOOKOUT MOUNTAIN

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and escapes which, in the reading or relation of them take on something of the glamour and romance of the times of King Arthur. Naturally, too, the conditions afforded opportunities for lawless characters to commit depredations, which met with reprobation and punishment by the honorable men on both sides.

As a result of these conditions the country became destitute and much suffering resulted which was partially relieved at Knoxville, but not enough could be done there, because the Federal army itself was short of supplies.

In the spring of 1864 the Confederate army was withdrawn into Virginia and the entire territory of Tennessee passed into possession of the Federal authorities.

FORREST'S OPERATIONS IN TENNESSEE IN 1864

Tennessee, however, was not permitted to remain in undisputed possession of the Union forces. After General Bragg had finally acquiesced in the detachment of General Forrest, the latter was sent from Atlanta on November 7, 1863, to his "new field of duty." His command consisted of 271 [46] effectives all told, and Gen. Joseph E. Johnston, in assigning Forrest to his new command in West Tennessee, said: "He will, on arriving there, proceed to raise and organize as many troops for the Confederate service as he finds practicable."

The conditions in West Tennessee which faced Forrest were arduous enough to dishearten a less self-reliant, resourceful and aggressive commander; for this section was occupied by a large Federal force under command of General Hurlbut and Forrest's expedition must have been regarded as a "forlorn hope." Nevertheless, it led to perhaps the most brilliant period of Forrest's military career, attracted to him the attention of the whole world and fixed upon him the admiration of the South and, at least, the respect of the North as "The Wizard of the Saddle."

Arrived at Okolona, Miss., Forrest was disappointed by the paucity of promised reinforcements which consisted of about 250 men under Col. R. V. Richardson. Subsequent accessions raised his effective force to less than seven hundred men with whom he made his first campaign of about thirty days, during which he "recruited a force of 3,000 men within the enemy's lines, evaded General Hurlbut, who attempted to encompass him with a force of 25,000 men, fought five battles—Jack's Creek, Estenaula, Somerville, Lafayette, and Collierville—threatened Memphis, crossed the Wolf River on the bridge built by his pursuers on their way to capture him, and finally passed on their fortified line of the Memphis and Charleston Railroad, and reached the Confederate lines, having inflicted on his pursuers a loss of about two hundred men, and bringing out a long train of wagons laden with supplies, besides a great number of horses, mules and cattle. For this feat he was rewarded by the appointment of major-general." [47]

Among the valuable assistants whom Forrest had in this important enterprise were Col. Tyree H. Bell, a man of dauntless courage, ability and of great influence in that section, Col. A. N. Wilson, John F. Newsom, R. M. Russell and Lieut.-Col. D. M. Wisdom, and the indispensable Capt. John W. Morton with two pieces of artillery.

[46] Official Records, Vol. XXXI, Part III, p. 646.
[47] Garrett and Goodpasture's "History of Tennessee," p. 226.

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As the result of Forrest's efforts and success in West Tennessee, the Confederate secretary of war, on January 24, 1864, directed him to organize the troops he had enrolled so that it may be said that Forrest's brilliancy and rapidity in arms not only damaged the Federal units, impaired their morale and deprived them of valuable arms, ammunition and stores, but also created for him a small army within the Federal lines surrounded by soldiers of the Sixteenth Corps of the Union army.

FORREST'S FURTHER OPERATIONS IN TENNESSEE AND MISSISSIPPI

Forrest made his headquarters in Northern Mississippi from which region he proceeded on his brilliant campaign which resulted in victories over the Federals at West Point [48] and Okolona, although Forrest, as usual, was greatly outnumbered and prevented the junction of Sherman and Gen. W. S. Smith whom Grant had placed in command of the cavalry to neutralize Forrest's activities.

On March 15, 1864, Forrest started northward after about two weeks of inactivity. On March 20th, he reached Jackson, Tenn. On March 25th he captured Union City with about five hundred men and a considerable amount of supplies besides $60,000 in cash.[49] On March 26th he attacked Paducah, Ky.[50] In the first week in April a demonstration was made in the direction of Columbus. On April 12th Fort Pillow was captured.

THE TRAGEDY OF FORT PILLOW

The so-called "massacre" of Fort Pillow has caused so much controversy not only in Tennessee but also in all parts of the United States and General Forrest has been so unjustly criticized on account of it, that the truth of history requires a clear recital of the facts. Fort Pillow was located on the Mississippi River about forty miles north of Memphis and, at the time of the capture of it, was defended by a garrison of 557—295 white troops and 262 colored troops—and six field pieces. Having given out the information that he was about to attack Memphis and having caused some demonstrations to be made in that direction, Forrest with about one hundred and twenty men made a night march of forty miles against Fort Pillow which was reached and attacked on the morning of April 12, 1864. A little after 3 P. M. Forrest demanded surrender under flag of truce. The charge has been made against Forrest that during the pending of the question of surrender under the truce, Forrest moved some of his troops, and, without explanation, this act of his would have been reprehensible, for he did move them. The reason for the movement, however, was that a boat loaded with Federal soldiers came down the river and, disregarding the flag of truce, was apparently seeking a landing place near the fort and Forrest had an undoubted right to meet this threatened accession by the proper readjustment of his forces. When the Federals refused to surrender, Forrest ordered the assault.

As to the "massacre," imagination has magnified the severe and bloody fighting into almost an inhuman butchery of unarmed men. As a matter of fact the Confederates had to cross a wide and deep ditch and climb a steep

[48] Wyeth's "Life of Gen. Nathan Bedford Forrest," Chap. XIII.
[49] Official Records, Vol. XXXII, Part I, p. 503; Wyeth's "Forrest," p. 328.
[50] Ibid., 329.

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embankment before they could even reach the fort, and then they had to fight bravely to overcome the fierce resistance. The Federals fought bravely, but they lacked the experience of Forrest's troopers and the leadership of such a remarkable military genius. Of the 557 defenders, 331 were killed or wounded and 226 were marched away as prisoners to Mississippi.

This was the first occasion on which the negro troops came prominently into notice in conflict with their late masters.

"There can be little doubt, however, that it was the heavy loss of life—the unusually large proportion of killed and wounded to the number of soldiers engaged, which led to the report of the Committee of Congress, and caused this engagement to pass into history as the 'Fort Pillow Massacre.'" [51]

FORREST'S RAID INTO WEST TENNESSEE IN AUGUST, 1864

After Forrest returned to Mississippi from the expedition into Tennessee and Kentucky which has just been related, General Sherman, who was trying to defeat Gen. Joseph E. Johnston's army in the Atlanta campaign, said "that devil Forrest" must be kept busy so that he couldn't interfere with his communications. Hence strong forces were sent against him which did keep him busy in fields outside of Tennessee and gave him the opportunity of winning the brilliant victories of Brice's Cross Roads, of Harrisburg and of other fields of conflict. As such campaigns, however, do not immediately pertain to Tennessee history, this narrative will pass over them to the consideration of Forrest's next campaign in Tennessee which was that remarkable and romantic campaign in which he penetrated the Federal lines, entered Memphis [52] and nearly captured the Federal commanders, General Washburn and General Hurlbut.

It was the 18th of August when Forrest, learning that the Federals had started South from Memphis with a strong force, left Oxford, Miss., for his daring assault on Memphis. For this assault he made most careful preparations. The house in which General Washburn was sleeping was to be surrounded as the most important object of attack. An hour before daylight he gathered his officers about him and gave them specific instructions. Notwithstanding the strong force which held the city and the fort which guarded it, Forrest's men did get into Memphis, did surround Washburn's house, from which he escaped in his night clothes by a rear exit, did search the Gayoso Hotel where General Hurlbut generally slept (fortunately for him he slept elsewhere that night), and did then withdraw from Memphis. Upon reaching Hernando, Miss., Forrest made the following report: "I attacked Memphis at 4 o'clock this morning, driving the enemy to his fortifications. We killed and captured 400, taking their entire camp, with about three hundred horses and mules. Washburn and staff escaped in the darkness of the early morning, Washburn leaving his clothes behind."

FORREST'S RAID INTO NORTHERN ALABAMA AND MIDDLE TENNESSEE

Soon after the successful attack on Memphis which has just been related, Forrest wrote a letter to President Davis in which he suggested that he (For-

[51] Wyeth's "Life of Gen. Nathan Bedford Forrest," p. 367. In Chapter XIV of this book is a complete refutation of the charges against Forrest.

[52] See chapter on "Historic Spots and Places."

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rest) should best be sent on an expedition against General Sherman's connections. Although Davis had heretofore not acted upon this suggestion and Sherman had prosecuted his campaign against Atlanta with steady, if slow, success, his rear not being disturbed, the Confederate President at last realized the importance of delegating Forrest to attempt this service. Orders accordingly were given and Forrest made the raid from September 16 to October 6, 1864, which, had he done nothing else during the war would have marked him as a military prodigy. Gen. Richard Taylor, a brother-in-law of President Davis, had become the commander-in-chief of that department to which Forrest was attached. Of this expedition General Taylor said:

"Moving with great rapidity, he crossed the Tennessee River, captured stockades with their garrisons, burned bridges, destroyed railways, reached the Cumberland River below Nashville, drove away gunboats, captured and destroyed several transports with immense stores, and spread alarm over a wide region. The enemy concentrated on him from all directions, but he eluded or defeated their several columns, recrossed the Tennessee River, and brought off 1,500 prisoners and much spoil. Like Clive, nature made him a great soldier, but he was without the former's advantages."

Forrest crossed the Tennessee River on September 21st, his objective being Athens, Ala. There on September 24th, he captured the Federal fort and garrison of 1,300 officers and men, wagons, horses, stores, arms, ammunition and artillery. On the 25th he captured Sulphur Branch Trestle with 973 prisoners and numerous supplies. He then pushed north, captured blockhouses and troops on Elk River, drove the Federal forces into Pulaski and, as they were strong and well fortified, he pushed on to Fayetteville, whence he sent a force to tear up the rails on the Nashville and Chattanooga Railroad north of Tullahoma and to cut the telegraph wires, and another force to do the same things south of Tullahoma. He was deterred, however, from attacking Tullahoma by the rapid concentration of Federal forces at that place, and having detached a force to tear up the railroad track from Huntsville to Decatur, he proceeded north and captured Spring Hill where he tapped the telegraph wires and gained valuable information. Twelve miles from Columbia he captured four blockhouses and burned three railroad bridges. Deeming that Columbia was too strong to be attacked, he proceeded south towards the Tennessee River by way of Lawrenceburg and reached Florence on October 5th. Before Forrest could place his entire force across the river the Federal troops in overwhelming strength entered Florence, but Forrest by utilizing an island in the river and ferry boats succeeded in transferring his entire force safely to the southern bank.

A Federal force which crossed the river in pursuit was repulsed at Eastport by Col. D. C. Kelly, one of Forrest's ablest and bravest officers.

In his official report Forrest said: "During the expedition I captured eighty-six commissioned officers, sixty-seven government employes, 1,274 noncommissioned officers and privates, 933 negroes, besides killing and wounding in the various engagements about one thousand more, making an aggregate of 3,360, being an average of one to each man I had in the engagements."

Forrest's loss was forty-seven killed and 293 wounded.

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FORREST'S JOHNSONVILLE EXPEDITION [53]

The effect of the raid in northern Alabama and Middle Tennessee was the partial crippling of Sherman's connections and the determination of the Federals to establish a depot of supplies at Johnsonville on the Tennessee River. It was determined, therefore, that Forrest should make an attack on this point without delay. All the necessary preparations having been made, the advance under Colonel Bell started from Corinth on October 16, to Jackson, Tenn., whence it proceeded to the Tennessee River where Forrest took possession of Paris Landing and Fort Heiman which, about five miles apart, were fortified and commanded the river. By the capture on October 29, of the Mazeppa [54] which was allowed to pass between the masked batteries, Forrest's men were bountifully supplied with blankets, shoes, clothing and other necessities. The Undine and the Venus were also captured and armed by the Confederates. These constituted what was called "Forrest's Navy" and his troopers became for the time sailors. General Forrest knowing that Capt. John W. Morton,[55] his accomplished young chief of artillery, knew how to handle guns, selected him to command the fleet, but at Captain Morton's request, a separate officer, familiar with boats, was put in charge of each vessel. This is said to be the only instance in American history of gunboats being captured by cavalry.

The navy then proceeded against Johnsonville, but encountered a fleet of Federal gunboats that disabled the two vessels of Forrest which were destroyed by their crews who escaped by swimming to shore. Forrest then moved his artillery to the river bank opposite Johnsonville and destroyed the fleet of Federal gunboats, transports and barges there, and set on fire the warehouses and files of army stores. The Confederates then withdrew. Forrest in his official report said: "I captured and destroyed four gunboats, fourteen transports, twenty barges, twenty-six pieces of artillery and $6,700,000 worth of property and captured 150 prisoners. General Buford, after supplying his own command, turned over to my chief quartermaster about nine thousand pairs of shoes and 1,000 blankets. My loss during the entire trip was two killed and nine wounded." The assistant inspector general of the United States Army, after an inspection, reported the destruction of property at Johnsonville to be $2,200,000.[56] On November 5th, Forrest began his march to join Hood at Florence, Ala.[57]

HOOD'S CAMPAIGN IN MIDDLE TENNESSEE [58]

The Atlanta campaign had ended. General Johnston had been superseded by General Hood, who had crossed the Chattahoochie with the design to draw

[53] See Wyeth's "Life of Forrest," Chap. XIX, and "The Capture of Federal Gunboats at Johnsonville by Forrest's Cavalry," by John Trotwood Moore in Taylor-Trotwood Magazine for November, 1907.

[54] The capture of this boat was accomplished by a most daring deed performed by Private W. C. West, who, when the boat, crippled by the shots, was taken by the pilot to the east shore, crossed on a piece of driftwood and captured it single handed with a twenty-two caliber six shooter.

[55] Captain Morton said to Forrest: "General, I can handle your guns on land, but I am not familiar with naval fighting."

[56] Official Records, Serial Number 77, "Forrest's Report," pp. 870-872; Ibid., Report of Assistant Inspector General, pp. 860-863; "Confederate History," Vol. VIII, Chapter XII; "Campaigns of Lieut. Gen. N. B. Forrest," Chap. XII.

[57] Forrest was placed in command of all the cavalry of Hood's army in this campaign.

[58] See "Confederate Military History," Vol. VIII, Chap. X; "Historic Highways of the South," by John Trotwood Moore, in Trotwood's Monthly for January, 1906; also chapter on "Historic Spots and Places."

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Sherman out of Atlanta and force him to attack the Confederates in position. Sherman pursued as far as Gaylesville, Ala., and then returned to Atlanta. Hood continued north to Dalton, thence to Gadsden and thence to Tuscumbia. On November 15, 1864, Sherman swung loose from his connections and began his famous march through Georgia to the sea.

On November 21, 1864, Hood crossed the Tennessee River, and proceeded north with Nashville as his objective. On November 29th, he crossed Duck River three miles above Columbia. General Thomas, who had been appointed to oppose Hood's movement, made his headquarters in Nashville and General Schofield had command of the force in the field immediately in front of Hood. His purpose was to delay Hood as long as possible that the Federals might have time to concentrate sufficient forces at Nashville. As Schofield fell back fighting at various points Hood endeavored to defeat disastrously or to capture Schofield's army. An opportunity to do the one or the other was lost at Spring Hill from which place Schofield retreated to Franklin, where, on November 30, 1864, Hood attacked a strongly entrenched position and was checked with terrible slaughter. The Federal loss was 2,326. The Confederate loss was 4,500,[59] according to the report of General Hood. In this lamentable battle, in the center of the homes of many of the combatants on the Confederate side, five general officers were killed, viz.: Major General Patrick Cleburne, and Brigadier Generals Gist, Adams, Strahl and Granbury. Prominent officers who were wounded were: Maj. Gen. John C. Brown,[60] Brigadier Generals Carter, Manigault, Quarles, Cockrill and Scott. After the battle the people of the vicinity, irrespective of affiliations, organized themselves into corps of relief to alleviate the sufferings of the wounded and to facilitate the search by relatives and friends for those who were killed or missing.

Col. John McGavock, whom none knew but to love nor named but to praise, on a part of whose estate the battle was fought, opened his house for a hospital and saw that the dead received decent sepulture on a site adjoining his family burial ground and, in his will, devised the land to be used forever as a Confederate cemetery.

THE BATTLE OF NASHVILLE[61] AND THE END OF THE WAR

At midnight following the battle of Franklin the Federal forces withdrew to Nashville. They were immediately followed by Hood who closely invested the city and fortified his position with trenches and redoubts. On December 2, General Bate was sent with a small force to occupy Murfreesboro, but found it held by General Rousseau with about eight thousand men. Hood then sent Forrest who besieged the place with his accustomed vigor and, being so engaged, did not take part in the battle of Nashville.

The weather was bitterly cold and inclement and the Confederate soldiers, insufficiently clothed, some even being without shoes,[62] suffered intensely. Yet there was no complaint. The battle was delayed not only by meteorological conditions but also by the fact that Thomas thought himself not properly prepared. Finally, however, the temperature moderated and Thomas had received

[59] Official Records, Serial Number 93, pp. 32-59, 652-663.
[60] Governor, 1871-1875.
[61] See chapter on "Historic Spots and Places."
[62] The writer has had this statement from several participants in this battle, one of whom said that his feet were wrapped in rags. Others covered their feet with raw hide taken from animals freshly slaughtered.

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OLD MILITARY PRISON IN CHATTANOOGA USED BY BOTH FEDERALS AND CONFEDERATES, 1861-1865

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sufficient reinforcements. So he offered battle and in a two days' fight on December 15 and 16, 1864, decisively defeated Hood and drove him south. The idea prevails in some quarters that Hood's army was not only defeated but was also disintegrated and dispersed. Nothing could be further from the truth. The Confederates, it is true, were driven from the field in some confusion late in the afternoon of the sixteenth, but Gen. Stephen D. Lee commanded the rear guard and made a successful resistance near Franklin to the pursuing Federal cavalry and held the enemy in check until the army was safe at Columbia.

On this campaign the effective Confederate force was 33,393; the Federal force amounted to 75,153.[63]

On the retreat General Lee was wounded and the command of the rear guard devolved upon General Forrest.

Nor is the charge true that the Confederate soldiers "sought every opportunity to fall out by the wayside and desert their cause." While they had the greatest temptation to desert that could assail the human heart—love for home and kindred—with the devotion of martyrs to a sacred cause, they passed with sad hearts the homes of thousands of their number and the desertions, according to Hood's report, aggregated only 300 for the whole army.

They reached the Tennessee River at Bainbridge on Christmas Day and completed their crossing in two days. Tennessee was no longer a battle ground.

The Confederate army reached Tupelo, Miss., intact on January 23, 1865. General Hood was relieved and Gen. Richard Taylor assigned to the command. After a few days of rest the troops of Lee's, Stewart's and Cheatham's corps were moved by rail to South Carolina and were surrendered with Gen. Joseph E. Johnston's army on April 26, 1865. On May 9, 1865, General Taylor surrendered the last troops remaining organized east of the Mississippi River, including the Tennessee cavalry which had been formed into a division and placed under the command of Gen. William H. Jackson, had borne an important part in Forrest's operations and had achieved a deserved reputation for the performance of brilliant exploits.

To each surrendered soldier was issued a certificate of parole and to each officer a written parole with the following wording:

"I, the undersigned, prisoner of war, belonging to the Army of the Department of Alabama, Mississippi, and East Louisiana, having been surrendered by Lieut. Gen. R. Taylor, Confederate States Army, commanding said department, to Maj. Gen. E. R. S. Canby, United States Army, commanding Army and Division of West Mississippi, do hereby give my solemn parole of honor that I will not hereafter serve in the armies of the Confederate States, or in any military capacity whatever, against the United States of America, or render aid to the enemies of the latter, until properly exchanged in such manner as shall be mutually approved by the respective authorities."

This parole was approved by Gen. E. S. Dennis, commissioner for the United States, and Gen. W. H. Jackson, commissioner for the Confederate States, the former of whom appended this statement: "The above named officer will not be disturbed by the United States authorities as long as he observes his parole, and the laws in force where he resides."

TENNESSEANS IN OTHER STATES

Tennesseans also served in other states, always with fidelity and many times with distinction. In the victory of Chickasaw Bayou, Miss., over General Sher-

[63] Official Records, Serial Number 93, pp. 52-55, 663.

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man, on December 29, 1862, the brigade of Gen. John C. Vaughn acted a notable part. That of General Gregg performed brilliantly at Raymond, Miss., on May 12, 1863. The troops of Gen. A. W. Reynolds and Gen. John C. Vaughn served in the Vicksburg campaign. The First Tennessee Heavy Artillery, commanded by Col. Andrew Jackson, Jr.,[64] sustained the severest fighting at Port Hudson, La.

At the very first call for troops for service in Virginia, the brigade of Gen. Daniel S. Donelson and that of Gen. Samuel R. Anderson were sent into that state in July, 1861, and served under Gen. Robert E. Lee in the Cheat Mountain campaign. Later Donelson's brigade was sent to South Carolina and Anderson's brigade was attached to the army of Stonewall Jackson. With the exception of the First Tennessee regiment which was ordered back to Tennessee, this brigade participated in the campaigns of the Army of Northern Virginia under the commands, successively, of General Anderson, Gen. Robert Hatton, Gen. J. J. Archer, Gen. H. H. Walker and Gen. Wm. McComb. Its reputation was not surpassed by that of any other brigade in that army of splendid courage, endurance and gallantry. It distinguished itself especially in Pickett's famous charge at Gettysburg and in defense of "the angle" near Spottsylvania Court House.

Gen. Bushrod R. Johnson's brigade served with distinction in the Southwest and took part in the battle of Chickamauga. Having been attached to the corps of Longstreet, it participated in the siege of Knoxville, retired with Longstreet into Virginia in the spring of 1864, and was engaged in the battle of Drewry's Bluff, May 16, 1864. For his services in this battle Johnson was promoted to the rank of major general. He was succeeded by Col. John S. Fulton, one of whose officers, Lieut. F. M. Kelso, with seventeen men captured a Federal force of more than four hundred in the fighting about Petersburg. When Colonel Fulton was killed on June 30, 1864, he was succeeded by Col. John M. Hughes. This brigade was conspicuously engaged in the battle of "the crater," July 30, 1864.

At the beginning of 1865 the Tennessee contingents under Lee, which had become much reduced because of the severe fighting, were combined in one brigade commanded by Brig. Gen. Wm. McComb. This brigade, like all in Lee's army during the final operations, was in a battle nearly every day. It was among the troops surrendered at Appomattox Court House, April 9, 1865.

Dibrell's brigade, theretofore a part of Forrest's cavalry, was attached to Gen. Joseph E. Johnston's army in the Atlanta campaign. In this campaign both General Dibrell and Col. Baxter Smith greatly distinguished themselves.

TENNESSEE ENLISTMENTS IN THE WAR

While the statistics as to the enlistment of Tennesseans in the Confederate service may not always be accurate, it is a recognized fact that this state fully maintained her proud title of "The Volunteer State." Almost every available man took part on one side or the other. Many counties furnished more than they had voters. More than one hundred and fifteen thousand Tennesseans served in the Confederate army and 31,092 were enrolled in the Federal army, besides 7,000 who enlisted in other states, mainly from Kentucky. There were

[64] This was Andrew Jackson III. His son, Andrew Jackson IV, is now living in Los Angeles, Calif.

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also twenty thousand one hundred and thirty-three negro troops from this state. These were enrolled into the service of the United States direct.

The men who enlisted in the Union army were mostly from East Tennessee, which was consistently opposed to secession. But the rest of the state was overwhelmingly for disunion and, in the conflict, never swerved in loyalty to the Confederacy. As a matter of fact the families on both sides stanchly aided the government which they advocated and patiently endured the most distressing deprivations as the warring forces brought poverty to their firesides and robbers in uniform swept away their crops, their stock and their household effects. In those trying times the old men and women, the children and the servants, generally faithful slaves, dedicated themselves to the service of the husbands, sons and brothers, soldiers in the field. No difficulties dimmed the ardor of their service, no theft caused a diminution of patriotic zeal. And when the hour of surrender came the defeated sustained their supremest affliction of all with the same heroism which had carried them stout-hearted and brave through four years of fratricidal war, and then enabled them to take up again the burden of rehabilitation and to accomplish results under the most untoward conditions which have made them the marvel and the admiration of the world.

BATTLES AND COMMANDERS

The battles, skirmishes and armed conflicts of varied character and between forces of different sizes, which took place on the soil of Tennessee, are given by statisticians at figures ranging from 296 to 774, according to the methods employed in computing them, some including small skirmishes and others excluding them.[65] All agree, however, that Tennessee ranks next to Virginia in the number of conflicts fought on her soil.

The officers from Tennessee of high rank in the Confederate army were:

Lieutenant-generals—Nathan Bedford Forrest and Alexander P. Stewart.

Major-generals—William Brimage Bate, John Calvin Brown, Benjamin Franklin Cheatham, Daniel S. Donelson, W. Y. C. Humes, Bushrod R. Johnson, John Porter McCown, Cadmus M. Wilcox.

Brigadier-generals—John Adams, Geo. W. Gordon, Wm. A. Quarles, Samuel R. Anderson, Robert Hatton, James E. Rains, Frank C. Armstrong, Benj. J. Hill, Preston Smith, Tyree H. Bell, Alfred E. Jackson, Thos. Benton Smith, Alexander W. Campbell, Wm. H. Jackson, Oscar F. Strahl, Wm. A. Carroll, Wm. McComb, Robert C. Tyler, John C. Carter, George Maney, Alfred J. Vaughan, H. B. Davidson, Joseph B. Palmer, John C. Vaughn, Geo. G. Dibrell, Gideon J. Pillow, Lucius M. Walker, John W. Frazer, Lucius E. Polk, Marcus J. Wright, Felix K. Zollicoffer.

The officers from Tennessee of high rank in the Federal army were: Major-generals by brevet—Samuel P. Carter, Joseph A. Cooper, Alvan C. Gillem; brigadier-generals—Wm. B. Campbell, Andrew Johnson, James G. Spears; brigadier-generals by brevet—James P. Brownlow, Wm. J. Smith, Geo. Spalding.

In the Confederate navy the great outstanding figure is Matthew Fontaine Maury, whose international reputation as the greatest of naval scientists was

[65] "The Confederate Military History," Vol. VIII, p. 253, says there were "296 battles, combats and skirmishes" fought in Tennessee, yet Vol. XII of this work gives a list of 774 battles and skirmishes. Miller's "Manual," pp. 45-47, gives lists aggregating 408.

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acquired prior to the war. The following officers distinguished themselves in active Confederate naval service: Lieuts. W. P. A. Campbell, W. W. Carnes, H. M. Doak, Jno. W. Dunnington, Geo. W. Gift, Geo. A. Howard, Thos. Kennedy Porter, A. D. Wharton, John F. Wheless.

Admiral David Glasgow Farragut, who gained for himself and for the Federal navy undying fame, was a Tennessean, born at Campbell's Station, Knox County, July 5, 1801.[66]

Samuel P. Carter served with distinction both in the navy and in the army. He was withdrawn from the navy in 1861 and made a brigadier-general of volunteers.[67]

[66] and [67] See biographical sketch.

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CHAPTER XXIV

ANDREW JOHNSON, MILITARY GOVERNOR

It will be remembered that the state government, which, under Governor Harris, had been controlled by the secessionists since the time when Tennessee had withdrawn from the Union and had joined the Confederacy, had fled to Memphis after the fall of Fort Donelson (February 16, 1862). On March 20, 1862, it adjourned sine die and Governor Harris went to Mississippi where he joined the Confederate army and served on the staff of Gen. Albert Sidney Johnston. On February 22, 1862, General Grant proclaimed martial law in West Tennessee. On March 3, 1862, President Lincoln appointed Andrew Johnson military governor of Tennessee with the rank of brigadier-general of volunteers. This appointment was couched in the following brief wording:

War Department, March 3, 1862.

To the Hon. Andrew Johnson:

Sir: You are hereby appointed Military Governor of the State of Tennessee, with authority to exercise and perform within the limits of the State, all, and singular, powers, duties and functions, pertaining to the office of Military Governor, (including the power to establish all necessary offices and tribunals, and suspend the writ of habeas corpus) during the pleasure of the president, or until the loyal inhabitants of that state shall organize a civil government in conformity with the Constitution of the United States.[1]

EDWIN M. STANTON, Secretary of War.

This was a position which demanded in the highest degree, discrimination, knowledge of men, good judgment, tact and firmness. Johnson's great assets were a brilliant, incisive mind and insatiable ambition. Accompanying the appointment were instructions which said:

"It is obvious to you that the great purpose of your appointment is to reestablish the authority of the Federal government in the state of Tennessee, and provide the means of maintaining peace and security to the loyal inhabitants of that state until they shall be able to establish a civil government. Upon your wisdom and energetic action much will depend in accomplishing the result. It is not deemed necessary to give any specific instructions, but rather to confide in your sound discretion to adopt such measures as circumstances may demand. Specific instructions will be given when requested. You may rely upon the perfect confidence and full support of the department in the performance of your duties."[2]

His friends and foes alike agreed that, in accepting the trust reposed in him, he brought to the problem the qualities of loyalty to the Federal government, fearlessness, aggressiveness, self-reliance, willingness to accept responsibility, resourcefulness and an intimate knowledge of the political factors and peculiar conditions in Tennessee.

He began his administration with a proclamation, published later as an "Address to the People." In it he referred to the happiness and prosperity

[1] & [2] Official Records, Series I, Vol. IX, p. 396; Stanton Papers, March 4, 1862, Library of Congress.

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of the people of Tennessee while it was a member of the Federal union and contrasted it as it had been with its condition at the time of the proclamation, saying that the state government had disappeared and the state was in ruin. "The executive," said he, "has abdicated, the Legislature has dissolved, the judiciary is in abeyance. * * * The archives have been desecrated; the public property stolen and destroyed; the vaults of the state bank violated and its treasuries robbed, including the funds carefully gathered and consecrated for all time to the instruction of our children. In such a lamentable crisis, the Government of the United States could not be unmindful of its high constitutional obligation to guarantee to every state in the Union a republican form of government." His main desire and purpose were to restore Tennessee to the Union. He therefore said: "To those especially who in private, unofficial capacity have assumed an attitude of hostility to the Government, a full and complete amnesty for all past acts and declarations is offered, upon the one condition of their again yielding themselves peaceful citizens to the just supremacy of the laws. This I advise them to do for their own good, and for the peace and welfare of our beloved state."

The tenor of the entire proclamation was strikingly conciliatory. In one place he said: "No merely retaliatory or vindictive policy will be adopted." His enemies, however, did not believe in his sincerity and the secessionists were infuriated. Plots were formed against his life; he was dubbed "arch-traitor" and strenuous efforts were made to apprehend him and make him answer for his "crimes."

For the actual execution of his plans for restoration he was authorized to use the United States army whose commanders in Tennessee had been directed to aid him in the performance of his duties and to detail for him a "governor's guard" to act directly under his orders. For military authority and prestige he was made a brigadier-general. His office was established in the capitol which was protected by cannon and, together with its grounds, was called Fort Johnson. For his assistants he appointed Edward H. East, secretary of state; Joseph S. Fowler, comptroller; Horace Maynard, attorney-general, and Edmund Cooper, private secretary and confidential agent.[3]

With the design of having in authority only those who were friends of the Union, he immediately proceeded to deal with such secessionists as were within his reach. The oath of allegiance was tendered to the mayor, Richard B. Cheatham, and the City Council of Nashville, who refused to take it. Johnson promptly declared their offices vacant and filled them by appointment pending an election. All municipal officers, including the members of the board of education and school teachers were required to take the oath. On March 29, 1862, ex-Mayor Cheatham was arrested for disloyalty and uttering treasonable and seditious language against the Government of the United States. Other prominent secessionists were also arrested, including ex-Governor Neill S. Brown, Judge Jo C. Guild and the president and cashier of the Union Bank of Nashville. Warrants were also sent to the military commanders in the state who were empowered to use their discretion in making arrests.

Military supervision was then extended over the press. Some papers were suppressed, their plants seized and houses closed.

Johnson also laid his strong hand upon the clergy. On June 17th, six ministers, who had been summoned before him and asked to take the oath, re-

[3] Nashville Union, April 27, 1862.

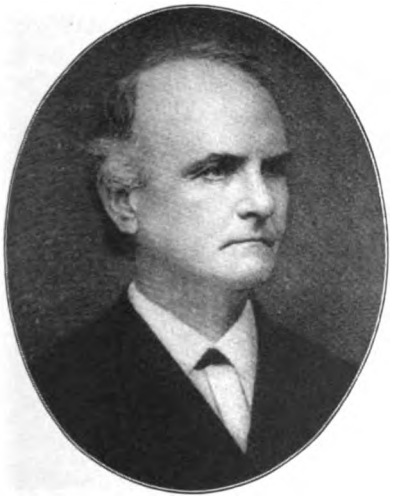
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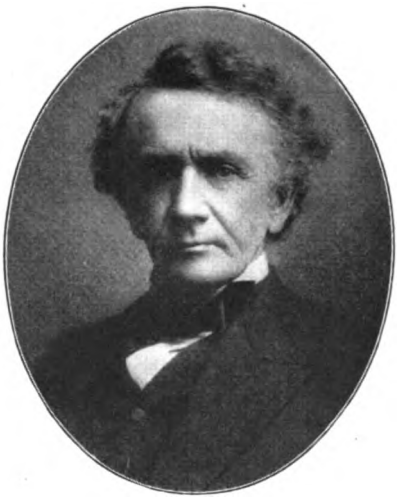
ANDREW JOHNSON



TOMLINSON FORT, SR.



W. F. COOPER
Eminent jurist commissioned to codify laws of Tennessee



COLONEL A. S. COLYAR
Prominent editor and lawyer

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fused to do so. Five of them were immediately thrust into prison. Later they were sent south to the Federal lines.

Among the most important duties of the governor, as he conceived it, was the restoration of civil law; but such were the conditions in 1862 that he could make only the slightest progress to this end. County and circuit courts were opened for business at some points in Middle Tennessee, but could not function satisfactorily because of constant conflict as to jurisdiction with the military tribunals which were under the direct control of the generals of the army. There were therefore few courts for civil and criminal cases until 1864. In Memphis, however, from the spring of 1863 civil and criminal law was administered by a commission of citizens, created by the commanding general.

The governor was assisted not a little in his efforts by cooperation of the Union sympathizers who arranged a series of mass meetings. The most important of these was the one that assembled at Nashville on May 12, 1862[4] pursuant to a call issued by prominent Union men who favored "the restoration of the former relations of this state to the Federal Union." Ex-Governor Wm. B. Campbell was the chairman of this meeting and made a cordially conciliatory speech which outlined Johnson's official policy at that time and was probably inspired by the governor who was also present and made an address.

As a test of public opinion, an election was held on May 22, 1862, for a judge of the Circuit Court and Turner S. Foster, a man with an open record in favor of secession, was elected. Johnson gave Foster his commission, then arrested and imprisoned him and appointed his defeated opponent to perform the duties of the office.[5] Because of this check and because the governor was now fully occupied with military matters all reconstruction measures were, for a time, abandoned. All that Johnson had accomplished up to this time was the restoration of order and the intimidation of Confederate sympathizers in Nashville by force.

When the Confederate troops retreated south followed by the Federal troops, Johnson was in an agony of alarm at the exposed situation of Nashville, and when occasionally this city was threatened by some Confederate force, his anxiety reached almost the bounds of panic. His military suggestions made in the stress of such circumstances, in fact almost all his military suggestions, were resented by the Union commanders and conflict of authority ensued. But Johnson had enough influence with Lincoln and Stanton to cause them to require the Union generals to justify their policy, when it conflicted with that of the military governor. In the controversies he had with Generals Halleck, Buell and their subordinates Johnson's personality loomed large. As he thought the fate of the state was at stake, all his native vigor, courage and pugnacity were aroused. He did not brook opposition nor delay. On the other hand the generals viewed the governor's meddling with ill-concealed anger or contempt. Johnson's wrath was particularly directed against General Buell, whom, at one time, he stigmatized as a traitor, and Buell, in turn, despised Johnson. Yet, in the investigation into Buell's conduct, which was made later, the commission sided with Johnson.

Johnson also quarrelled with General Nelson and General Negley and especially virulently with Captain Greene, the assistant adjutant-general, who first alienated Johnson's good will by sending to the front troops which Johnson said

[4] Nashville Union, May 13, 1862.
[5] Nashville Union, September 20, 1862.

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were needed for service in Nashville. This action was followed by friction in other matters and finally Johnson secured Greene's transfer. And military men were not the only men to feel Johnson's imperious disfavor. He fell into a violent altercation with John Lellyett, the postmaster of Nashville, a gentleman of high character who positively refused to follow Johnson's lead. Yet the postmaster was soon removed and was numbered among the victims of Johnson's animosity.

When Rosecrans succeeded Buell, it was decided that a program of greater repression of Confederate sympathizers would be inaugurated. This policy was stated by the Nashville Union of November 30, 1862, "to draw a line between its friends and its enemies, and give protection where it finds allegiance." To establish this distinction a certificate of protection was issued to persons of known loyalty to the Union and to such others as gave bond to "keep the peace, and afford neither aid nor comfort to the enemies of the Government of the United States." This was called the noncombatant parole. Johnson appointed commissioners in the various counties to administer the oath and take the bonds, also one to accompany Rosecrans' army for the same purpose.

It was still impossible, however, to harmonize the functions of civil and military administration, and Johnson and Rosecrans soon fell out. Johnson objected to Rosecrans' new police system and the army detective police under Colonel Truesdail, a capable but, as generally believed, unscrupulous officer, called by Johnson "a base and unmitigated Jesuitical parasite."[6]

Mild measures having proved inefficient to accomplish what he was seeking, Johnson bore down more and more heavily and caused a number of persons to remove north of the Ohio River. He also carried out with assiduity the provisions of the confiscation act whereby the property of Confederates was seized and rented or leased.

LINCOLN'S EMANCIPATION PROCLAMATION

On September 22, 1862, President Lincoln issued his preliminary proclamation, declaring that the slaves in those states which, on January 1, 1863, should be in rebellion against the United States should be forever free. From the operation of it, however, Tennessee was excepted. Historians generally say that this exception was made at Johnson's request. Blaine, in his "Twenty Years of Congress," Vol. I, p. 446, says: "I can find no categorical confirmation of this statement, but it seems to have been generally believed that Johnson was behind the measure." Yet, whatever Johnson's connection with it, is it not more reasonable to suppose that this exception was made in consequence of the contract, never abrogated, which existed between the United States and the State of North Carolina, when the latter ceded her western lands (Tennessee) to the United States? Under the fourth condition is the following explicit language: "Provided always, That no regulations made or to be made by Congress shall tend to emancipate slaves."

Johnson undoubtedly knew of this contract and his idea was that as, according to his theory, the seceding states had never been out of the Union, the people in their sovereign capacity, should voluntarily emancipate their slaves. In Tennessee this theory was reduced to practice in 1865.

The considerate treatment of Tennessee by Lincoln in the matter of slavery

[6] Nashville Union, October 29, 1862.

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did, at any rate, help the Union cause in this state. But the success of the Federal troops administered a still more vigorous tonic.

CARUTHERS ELECTED GOVERNOR

Nevertheless, the secessionists were by no means inactive or discouraged even in matters of civil government. In May, 1863, a proclamation was made by Governor Isham G. Harris and, on May 23d, a call was published in The Rebel, announcing that a convention would be held at Winchester, Franklin County, on June 17th, to select candidates for governor and a general congressional ticket. Said the call: "It is more important that this duty should be performed now than at any other previous period in our history. We must exhibit to the enemy our unalterable firmness of purpose and determination to preserve and perpetuate our free institutions." As the Union armies largely dominated the state, no regular method of naming delegates was possible. Therefore the convention was in no sense representative. Resolutions endorsing Governor Harris were adopted and Governor Harris himself addressed the meeting. As Harris had served three consecutive terms he was ineligible to be a candidate at this time. In seeking for a suitable man for the nominee, leading members turned to Gen. Wm. B. Bate, who was stationed at Wartrace with Bragg's army. He declined in the following characteristic telegram:

"Wartrace, June 17, 1863.

"To Messrs. Galloway, Rice, Winchester, Brown and Others:

"Gentlemen: In reply to your telegram of today, I beg to state that, however flattering the honor you suggest, and to which I am not insensible, there is a duty that rises above it. As a son of Tennessee and a Southern soldier, I would feel dishonored in this hour of trial to quit the field. No, sirs, while an armed foe trails our soil, and I can fire a shot or draw a blade, I will take no civic honor. I had rather, amid her misfortunes, be the defender than the Governor of Tennessee. Let me exhort to harmony.

"Respectfully,

"W. B. BATE."[7]

On receipt of this telegram the convention nominated Judge Robert L. Caruthers who was too old for active service in the field. But he never assumed the office. For the Confederate Congress were nominated, J. B. Heiskell, W. G. Swann, A. S. Colyar, J. P. Murray, Henry S. Foote, E. A. Keeble, James McCullom, Thos. Menees, J. D. C. Atkins, John V. Wright and D. M. Currin.

On July 1, 1863, a convention of Union men also was held, this one at Nashville. The call was signed by Horace Maynard, W. G. Brownlow, John Lellyet and others and summoned "those who desire to maintain the state government in connection with the Federal Union as it stood prior to the rebellion and the war." Suggestions to elect a governor and a Legislature came to nothing. In fact the convention seems to have accomplished nothing but an exposition of the lack of harmony among the unionists. At this time it is evident that the civil power in the state of both secessionists and unionists was virtually dead.

The Confederates, however, in some way, did elect Judge Caruthers governor and their representatives were admitted to the Confederate Congress at Richmond. This was on the regular day for the state elections, August 4, and, on that same date, the unionists who were opposed to Johnson, headed by Emerson Etheridge, endeavored to hold an election for governor. Although all the

[7] Marshall's "Life of William B. Bate," pp. 64-65.

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preliminary legal actions were lacking, an election was held in two or three counties and about two thousand five hundred votes were cast for W. B. Campbell whom, thereupon, the Etheridge following declared to be elected governor, and Etheridge actually went on to Washington and urged President Lincoln to recognize Campbell as governor and to instate him.

PROGRESS OF REORGANIZATION

Up to the time, November 24 and 25, 1863, when Bragg was driven into Georgia, Johnson had been compelled, sorely against his will, to defer to the military policy of the generals. Now, however, that the Confederate troops were out of the state never to return, except for the sporadic and short-lived campaigns of Forrest and Hood, Johnson thought his time had come to put into practical form his ideas of reconstruction. And, in so doing, while still disposed to be conciliatory, he was determined that the secession leaders should be punished. "Many humble men," said he, "the peasantry and yeomanry of the South, who have been decoyed, or perhaps drawn into the rebellion, may look forward with reasonable hope for an amnesty. But the intelligent and influential leaders must suffer. The tall poppies must be struck down."

Lincoln's policy was embodied in his proclamation of amnesty and reconstruction issued December 8, 1863, in which he offered amnesty to all except certain specified classes that had taken part in the rebellion and purposed to restore all their property rights except slaves and in cases where third persons had intervened and had acquired rights, on condition of their taking an oath thenceforward to "support, protect and defend the Constitution of the United States and the Union of the states thereunder." Also a number of persons not less than one-tenth of the voters in the state, at the presidential election of 1860 could, after taking the amnesty oath, form a state government which would be recognized as the true government of the state. In the furtherance of his plan, Lincoln sent an agent into Tennessee, about the middle of January, 1864, with blanks and instructions to enroll citizens who would take the oath.

Lincoln's magnanimous views, however, found little sympathy in the mind of Johnson who contended that the voters "should be put to the severest test." On January 21, 1864, a mass meeting assembled in Nashville, at which Johnson gave his views on the restoration of state government. This speech was afterwards issued in pamphlet form.[8] Having received many messages of commendation of his speech from all parts of the state Johnson issued, on January 26th, a proclamation for an election of county officers on the first Saturday in March. In this proclamation he said: "It is not expected that the enemies of the United States will propose to vote, nor is it intended that they be permitted to vote, or hold office." Voters were compelled to subscribe to the following stringent oath:

"I solemnly swear that I will henceforth support the Constitution of the United States and defend it against the assaults of all its enemies; that I will henceforth be and conduct myself as a true and faithful citizen of the United States, freely and voluntarily claiming to be subject to all the duties and obligations, and entitled to all the rights and privileges of such citizenship; that I ardently desire the suppression of the present insurrection and rebellion

[8] Entitled, "Speech of Governor Andrew Johnson on the Restoration of State Government." A resumé of this speech is given in Hall's "Andrew Johnson, Military Governor of Tennessee," pp. 114-118.

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against the government of the United States, the success of its armies and the defeat of all those who oppose them, and that the Constitution of the United States, and all laws and proclamations made in pursuance thereof, may be speedily and permanently established and enforced over all the people, and territories thereof; and further, that I will hereafter aid and assist all loyal people in the accomplishment of all these results. So help me God."

This oath and other tests prescribed made voting difficult and rendered Johnson still more unpopular in the estimation of many Unionists. Yet the storm of abuse poured upon him only steeled Johnson's resolution. The election which fell on March 5th was declared "a serious farce." The total vote was probably between 40,000 and 50,000, so that, while there were difficulties, scandals and troubles of various kinds connected with it, an actual start was made toward civil government in Tennessee.

The most serious discord occurred in East Tennessee. On April 12th T. A. R. Nelson, at Johnson's suggestion, issued a call for a convention [9] at Knoxville at which evidences of hostility to Johnson soon developed. A movement to detach East Tennessee as a separate state developed some strength but finally collapsed before Johnson's determined opposition. The meeting finally adjourned after a most acrimonious discussion. But Johnson and his friends held another mass meeting of their own on the day after the adjournment.

Judge Oliver P. Temple, who took an active part in the proceedings of this meeting, has given an interesting account [10] of it. The subjoined excerpt from his "Notable Men of Tennessee" seems worth while as showing the manner in which Johnson's subtle mind reacted:

"The mass meeting was gotten up on the suggestion and for the benefit of Governor Johnson. Of course he was the chief speaker. It may be of interest to many persons to know how meetings of this kind were generally managed by old politicians. The resolutions were dictated by Mr. Johnson himself, and written by his private secretary, Wm. A. Browning. They were then taken to Wm. G. Brownlow and he was requested to read and offer them as his own. He approved them and was willing to offer them as his own, but owing to the partial loss of his voice, he could not read them, and suggested that I be requested to read them. When this was communicated to Governor Johnson, he said it was a good suggestion, that the gentlemen named were both old-line Whigs, and in that way he would secure their influence with that party, which constituted a majority of the loyal people. Accordingly he sent a messenger to me requesting me to read his resolutions, which I agreed to do, reserving the right to make an explanation when doing so. When the meeting was called to order, I was called on, as if I had never heard of them before, to read some resolutions which Mr. Brownlow wished to offer. This I did, and then explained that I did not agree with the plan for reorganization of our State Government.

"When Mr. Johnson arose to speak, he said, as if he had known nothing that was to take place, that he had listened with great interest to the resolutions offered by his friend, Mr. Brownlow, and he took great pleasure in saying they met his hearty approval. No doubt the resolution which declared that the meeting had 'full confidence in the integrity and patriotism of Andrew Johnson, Military Governor of the State,' did meet with his hearty approval and gave him great pleasure!"

On the third of May a call was issued to the Union men of the state to meet in the several divisions on May 30th, and elect delegates to the national con-

[9] This was the third meeting of the Knoxville-Greeneville Convention, which met first in May, 1861.

[10] Temple's "Notable Men of Tennessee," pp. 408 et seq.

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vention at Baltimore. There was grave doubt whether the five delegates elected by Tennessee would be given seats in the Baltimore Convention. But they were given seats largely, perhaps, because of the fervid plea made by Wm. G. Brownlow, who, in his argument took the same ground maintained by Johnson that this state was not out of the Union and had never been out of the Union. This principle was clinched when Andrew Johnson was nominated by that convention for vice president, because, of course, no man could be a candidate for that office who came from a state out of the Union. This was in accordance with the contention of Charles Sumner that "a state pretending to secede from the Union" must be regarded as a rebel state subject to military occupation until admitted into the Union by the vote of both houses of Congress.

During the summer and fall of 1864, Johnson busied himself with the restoration of the courts and made some progress in various parts of the state. This work, however, of necessity, proceeded slowly and was interrupted by Forrest's raids and, finally, by Hood's Nashville campaign.

On September 5, 1864, a convention, called by the Union State Committee, preparatory to the national presidential election in November of that year, was held at Nashville. A violent storm of abuse and accusation arose in it between the administrationists and their opponents. Finally, the governor's henchmen gained control and resolutions were passed favorable to his views. It is thought that he dictated, if he did not indeed write the resolutions and especially the requirements for voting. These were that the voter must conform to the requirements of the state constitution to be entitled to the elective franchise, and also to have voluntarily borne arms in the service of the United States in the war, must register at least fifteen days before the election and must subscribe to the following oath:

"I solemnly swear that I will henceforth support the Constitution of the United States and defend it against the assaults of all its enemies; that I am an active friend of the government of the United States; that I sincerely rejoice in the triumph of its armies and navies and in the defeat and overthrow of the armies, navies, and all armed combinations in the interest of the so-called Confederate States; that I will cordially oppose all armistices or negotiations for peace with rebels in arms, until the Constitution of the United States and all laws and proclamations made in pursuance thereof shall be established over the people of every state and territory embraced within the National Union; and that I will heartily aid and assist the loyal people in whatever measures may be adopted for the attainment of these ends; and further, that I take this oath freely and voluntarily and without mental reservation. So help me God." [11]

On October 7th, while the convention was yet in session, Governor Johnson issued a proclamation appealing to the "loyal people" of the state and warning the disloyal of the danger of delay.

On the 30th of September he issued a second proclamation affirming his desire to cooperate with the "laudable efforts" of the convention and stating that voters must take the oath exactly as worded in the resolutions and outlining the necessary election machinery which must be set up.

The peace democrats of Tennessee were much disturbed, indeed they felt outraged at the resolutions adopted, the oath and Johnson's promised cooperation, which would tend to disfranchise most of them and render eligible to vote only the adherents of the National Union party. So they sent a deputation to

[11] This is the so-called "iron-clad oath."

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Washington to see Lincoln and make a vehement protest to him against the arbitrary proceedings of the radicals; but they obtained no satisfaction from him and finally told him that the McClellan ticket in Tennessee would be withdrawn.

For several weeks preceding the election political conditions in Tennessee were very exciting. A McClellan meeting at Nashville on October 21st was broken up by Union soldiers, and a Lincoln and Johnson meeting in Nashville on October 24th was extremely turbulent. A negro torchlight procession was held and "shots were freely fired." The election, itself, on November 8th was, so far as Tennessee was concerned, a mere form. The result was predetermined. Only a few scattering votes went for McClellan. The majority for Lincoln and Johnson was over 8,500.

By joint resolution Congress rejected the electoral vote of Tennessee on the ground that the state had "rebelled against the Government of the United States, and was in such condition on the 8th day of November, 1864, that no valid election for electors of President and vice president of the United States, according to the Constitution and laws thereof, was held on said day." [12] President Lincoln acquiesced in this action.

REORGANIZATION EFFECTED

On November 12, 1864, a call was made by the East Tennessee Union executive committee for a convention to be held in Nashville on December 19th "to form a ticket to be run for a constitutional convention" by the pro-Union men of the state. Hood's invasion, of course, which ended with the battle of Nashville on December 15 and 16, 1864, made it impossible for the convention to be held on the date scheduled. So it was postponed to January 8, 1865. As the 8th fell on Sunday, the convention [13] met on the 9th, attended by more than five hundred delegates. The usual friction developed between the conservative and the radical elements. But a cessation of the strife was brought about by a speech by Johnson on the 12th. The conservatives were beaten and knew it and many departed for their homes. Those members of the convention who remained [14] adopted a report that two constitutional amendments be submitted to the people, providing for the abolition of slavery and prohibiting the Legislature from reviving it. The radical schedule, which was also approved, repealed Section 31 of the state constitution, the Ordinance of Secession adopted on May 6, 1861, and the League with the Confederate States, adopted on May 7, 1861, declared void all acts of the Harris government since May 6, 1861, ratified Governor Johnson's acts, provided for an election on February 22, 1865, at which votes might be cast by the people for the ratification of these amendments and by the people for the ratification of these amendments and schedule, and provided for another election on March 4, 1865, for the election of a governor and members of the General Assembly. A resolution was also adopted requiring

[12] Congressional Globe, 38th Congress, 2nd Session, pp. 522, 533, 534, 711.

[13] Temple in his "Notable Men of Tennessee," p. 409, says: "It was a misnomer, however, in the graver sense of the word, to designate this meeting as a convention. It was simply a mass meeting. The call said: 'If you can not meet in your counties, come upon your own personal responsibility.' Every man therefore attended who wished to do so. A part of the state was still held by the Confederates, and a representation from all of it was not possible."

[14] This report was adopted when the convention had been reduced to 274 delegates.

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all voters to take the oath (called the "iron-clad oath") adopted in the convention of September 5, 1864.

The result of the popular election could easily be forecasted. On February 22, 1865, the amendments [15] and schedules were ratified by a vote of 25,293 to 48. Only twenty-seven counties sent in returns, but President Lincoln's 10 per cent requirement was complied with by a large margin.

On February 25, 1865, Governor Johnson issued a proclamation announcing the people's verdict on the plan (which was essentially his own) and declaring the amendments to be a part of the constitution. It was in a sense a prediction and a valedictory. In his closing paragraph he said:

> "A new era dawns upon the people of Tennessee. They enter upon a career guided by reason, law, order, and reverence. The reign of brute force and personal violence has passed away forever."

In view, however, of the turbulence which characterized the Brownlow regime, now about to begin, one can not be strongly impressed by Johnson's ability as a prophet.

GOVERNOR BROWNLOW [16]

Almost immediately Johnson resigned his office of military governor and left for Washington, where he was sworn in as vice president on March 4, 1865, the very date of the election of his successor.

As the candidate for governor only one man, William G. Brownlow, commonly spoken of as Parson Brownlow, was considered or could be considered, as the administration and its newspapers were openly determined in their preference for him. Brownlow was, perhaps, the most strikingly original personality in the state at that time, not even excepting Johnson himself. But he seems to have possessed few qualifications for the office of governor except the one qualification which was of paramount importance in the view of the administration, namely, intense, unswerving, self-sacrificing devotion to the Union. Being bitter, narrow-minded, and extravagant in action and expression, he was not considered by the conservative element in the state as a suitable man, as governor, to allay strife and bring about a peaceful coordination of the divergent and suspicious elements in Tennessee which would make for the best interests of all.

Brownlow and the convention ticket received in the state election on March 4th, 23,352 votes against 35 scattering. A hiatus, however, developed in the government, as Johnson had resigned and Brownlow could not be inaugurated until the Legislature should convene on the first Monday in April. It was expected by many that President Lincoln would appoint Brownlow to succeed as military governor, but the mantle of Johnson was not destined to fall upon the shoulders of Brownlow, for Lincoln permitted E. H. East, the secretary of state, to perform the gubernatorial functions until the new civil officers were qualified.

[15] The language of the amendments was as follows: Section 1. That slavery and involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, are hereby forever abolished and prohibited throughout the state.

Section 2. The Legislature shall make no law recognizing the right of property in man.

[16] See biographical sketch.

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CHAPTER XXV

RECONSTRUCTION

THE BROWNLOW REGIME—THE KU KLUX KLAN AND THE LOYAL LEAGUE—THE STATE DEBT—ADMINISTRATION OF GOVERNOR SENTER

The General Assembly met on the first Monday in April, 1865, and promptly ratified [1] the thirteenth amendment (the abolition of slavery) of the Federal Constitution then pending. When Brownlow was inaugurated governor on April 6th, civil government was again restored in Tennessee and the dark days of reconstruction began. It may be said in passing that some historians assign as the limits of reconstruction in this state the period beginning with the withdrawal of General Bragg from Tennessee and ending when the democratic party regained full control in 1870. The period from 1863 when the Confederate forces left Tennessee to the election of Governor Brownlow has been covered in Chapter XXIV. So that that part only of the broader period and the part which, strictly speaking, pertains to reconstruction more properly, remains to be related.

To understand adequately the atrocities of that reconstruction period which soon ensued, one must first understand the attitude of mind of the returned Confederate soldiers and that of inveterate and faithful Unionists in whose hands was the government of Brownlow, and, particularly, that of Brownlow himself. Lee had surrendered on April 9, 1865, Lincoln was assassinated on April 14, the Confederate soldiers began to reach their homes soon afterwards and events had so shaped themselves that Governor Brownlow and his Legislature were afforded a brilliant opportunity for the speedy return of the people to the occupations and the orderly habits of times of peace. No one can tell more eloquently and justly than Henry W. Grady of the return of the Confederate soldier and of his depth of feeling for his home and country. He says:

"Let me picture to you the foot-sore Confederate soldier, as buttoning up in his faded gray jacket the parole which was to bear testimony to his children of his fidelity and faith, he turned his face southward from Appomattox in April, 1865. Think of him as ragged, half-starved, heavy-hearted, enfeebled by want and wounds, having fought to exhaustion, he surrenders his gun, wrings the hands of his comrades in silence, and, lifting his tear-stained and pallid face for the last time to the graves that dot old Virginia hills, pulls his old gray cap over his brow, and begins the slow and painful journey.

"What does he find—let me ask you who went to your homes eager to find in the welcome you had justly earned, full payment for four years' sacrifice—what does he find when, having followed the battle-stained cross against overwhelming odds, dreading death not half so much as surrender, he reaches the home he left so prosperous and beautiful? He finds his house in ruins, his farm devastated, his slaves free, his stock killed, his barns empty, his trade destroyed, his money worthless, his social system, feudal, in its magnificence, swept away, his comrades slain, and the burdens of others heavy on his shoulders. Crushed by defeat, his very traditions are gone."

[1] Joint Resolution No. IX of the Acts of 1865, adopted April 5th.

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This was, in general, the situation with the Confederate soldier of Tennessee. He was prepared to accept the arbitrament of war and to keep his parole in spirit and in truth. He cherished no hostility to his fellow citizens who had adhered to the Union and were now in control of state affairs. It was both to his interest and his desire that the state administration be conducted for the peace, happiness and prosperity of all.

Governor Brownlow and the Legislature, however, took a different view of his mind and purposes. "They looked upon him as a red-handed enemy to order, ready at any moment to overturn the existing order of things and to do all sorts of ferocious acts. In this he was to be curbed by the most stringent and rigid means at their command."[2]

Lieut.-Gen. Richard Taylor, brother-in-law of Jefferson Davis, said:[3]

"The land was filled with widows and orphans crying for aid, which the universal destitution prevented them from receiving. Humanitarians shuddered with horror and wept with grief for the imaginary woes of Africans; but their hearts were as adamant to people of their own race and blood. These had committed the unpardonable sin, had wickedly rebelled against the Lord's anointed, the majority."

Judge O. P. Temple, a personal friend and political associate of Brownlow, says:[4]

"The administration of Governor Brownlow was stormy and tempestuous beyond anything in our political history. There was something in the man, but, infinitely more in the times, that marked this as the troubled period in our civil history. Had the times been quiet, had those lately in insurrection and their new allies, who were recently recruited from the Union ranks under the guise of Conservatives, showed a more charitable spirit, his administration would have been as mild as that of those preceding the Civil war, for when not factiously opposed or assailed he was most conciliatory and peace-loving. On the contrary, he was opposed with ruthless vindictiveness, and all the worst elements of society, thrown upon the surface by a four years' war, arrayed themselves in opposition to his administration."

As has been stated, Brownlow was inaugurated on April 5th and issued his message to the Legislature on April 6th. In this document he strongly condemned secession and recited the evils it had inflicted; called attention to the proposed thirteenth amendment and recommended its ratification; called attention to the ravages of guerrillas, and suggested increased severity of laws for their punishment; suggested that a force of militia be organized and placed at the disposal of the governor; called attention to the decrease of revenue of the state and the great state debt, yet favored an increase of salaries; recommended that the common schools be reorganized and that an agricultural college be established; favored the winding up of the affairs of the state bank, and the establishment of the national bank system; called attention to the necessity of restricting suffrage; and recommended the election of senators and representatives to Congress.

Taken all in all it was a very remarkable paper, was couched in trenchant, unmistakable language and outlined closely the course of legislation actually pursued. It ended with this significant sentence: "The interests of the state and the just rights of the people should be sacredly and vigilantly guarded no matter who suffers ruin and disgrace."

[2] Ira P. Jones in "Noted Men of the Solid South," p. 179.
[3] "Destruction and Reconstruction," p. 236.
[4] "Notable Men of Tennessee," p. 319.

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The first session of this General Assembly continued from April 3rd to June 12th. Although attention will later be adverted particularly to certain acts, the legislation effected at this session will, for convenience be summarized as follows: Acts were passed, "To increase compensation of judges to $3,000"; "To punish guerrillas"; "To punish horse-stealing by hanging"; "To establish the eighth chancery district"; "To suspend the statute of limitation from May 6, 1861, to January 1, 1867"; "To limit the elective franchise to unconditional Union and soldiers of the Union army"; "To establish a claim agency in Washington City for Tennessee"; "To apportion the representation in the United States Congress"; "To accept lands from the United States for benefit of College of Agriculture." A number of mining, railway and manufacturing companies were incorporated. A joint resolution[5] was passed offering a reward of $5,000 for the apprehension of Isham G. Harris, and another on account of the death of President Lincoln. A rather remarkable bill presented at this session but which failed of passage was a bill requiring women to take oath of allegiance to the United States before they could obtain a marriage license.

The so-called "guerrilla act" (Chapter IV) was entitled "An act to punish all armed prowlers, guerrillas, brigands and highway robbers, and for other purposes." This act was passed to restrain and punish the lawless elements which, following upon war, naturally availed themselves of the opportunity to rob and kill the defenseless. It was passed on May 17, 1865, before the civil government had begun to function efficiently and before the formation of the Ku Klux Klan.

THE ELECTIVE FRANCHISE ACT

From the beginning of his administration it is said to have been the declared intention of Governor Brownlow and the radical wing of his party to disfranchise all who disagreed with them in their political views. The passage, therefore, of the act entitled "An Act to Limit the Elective Franchise" (Chapter XVI of the Acts of 1865) on June 5, 1865, was not at all unexpected. Under this act the right to vote was limited to unconditional Union men, including those from other states who had been in Tennessee six months,[6] to white citizens conscripted by force into the Confederate army, and to voters in the elections of November, 1864, February, 1865, and March, 1865, who were known to be true friends of the United States Government. Rebels, and all who had aided them in any way, office holders or agents under the Confederate Government, and refugees from Federal lines into the Confederate States were debarred from voting for fifteen years. All other persons were excluded for five years. Any voter might be challenged by an admitted voter (described in section 1), in which case the judge of the election should administer the iron-clad oath.[7] Registration certificates were to be issued by the County Court clerks.

The files of the Nashville papers in 1865-66 indicate that the elections which

[5] Joint Resolution No. XXXIV, Acts of 1865.

[6] This provision secured the franchise to that class known as "carpetbaggers"—those who came from the North after the war for the purpose of profiting from the misfortunes of the South, those, who, impecunious, with nothing but their carpetbags, constantly and designedly stirred up the negroes against the whites, those whose advent and activities caused countless and unutterable woes to a helpless people until the post bellum military rule in this section was ended.

[7] This oath is given the preceding chapter.

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took place under the provisions of this act were not satisfactory to the faction in control.

DISPOSITION OF THE GENERAL GOVERNMENT TOWARDS TENNESSEE

When Brownlow was inaugurated, Congress, under the influence of Lincoln, seemed disposed to pursue a liberal, if not a generous, policy in connection with the restoration to the Union of the seceded states. But after the assassination of Lincoln, Congress, feeling free to exercise its own pleasure, immediately displayed a desire and intention to carry out more drastic measures. Some members favored the immediate reinstatement of Tennessee. Others, however, violently opposed doing so and, consequently, the readmittance of this state was delayed more than a year.[8]

Tennessee's senators and representatives, also, were refused seats in Congress. Moreover, some of the most radical elements in Congress wished to impose on Tennessee the full rigors of the military government under which the other Southern states were groaning. At length, however, in May, 1866, a bill was introduced by Thaddeus Stevens to admit Tennessee on condition that she enfranchise all her citizens by January 1, 1867.[9] This bill was so amended that the only requirement imposed was the ratification of the Fourteenth Amendment.

On June 19, 1866, Governor Brownlow called the Legislature in extra session convened on July 4, and a proposition to submit the amendment to the people of the state was defeated. The amendment was then adopted on July 19.[10] On July 23, 1866, Congress passed the following joint resolution [11] which restored Tennessee to the Union:

RESTORATION OF TENNESSEE TO THE UNION—1866

Thirty-ninth Congress—First Session

Joint Resolution Restoring Tennessee to Her Relations to the Union

Whereas, In the year eighteen hundred and sixty-one the government of the State of Tennessee was seized upon and taken possession of by persons in hostility to the United States, and the inhabitants of said State, in pursuance of act of Congress, were declared to be in a state of insurrection against the United States; and, whereas, said State government can only be restored to its former political relations in the Union by the consent of the law-making power of the United States; and, whereas, the people of said State did, on the twenty-second of February, eighteen hundred and sixty-five, by a large popular vote, adopt and ratify a Constitution of government whereby slavery was abolished, and all ordinances and laws of secession and debts contracted under same were declared void; and whereas, a State government has been organized under said Constitution, which has ratified the amendment to the Constitution of the United States abolishing slavery, also the amendment proposed by the Thirty-ninth Congress, and has done other acts proclaiming and denoting loyalty; therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Tennessee is hereby restored to her former proper, practical relations to the Union, and is again entitled to be represented by Senators and Representatives in Congress.

Approved July 24, 1866.

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[8] Congressional Globe, 1865.

[9] Congressional Globe, July, 1866, pp. 4102 and 4106.

[10] By joint resolution No. 5, Acts of 1866. Extra Session of the Thirty-fourth General Assembly.

[11] Acts of Congress, 1866.

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In many respects Tennessee is the most strikingly unique among all the states of the Union. It was the first state to enter the Union from territory of the United States. It was the last state to withdraw from the Union, the first state to abolish slavery (which was done voluntarily) and the first state to reenter the Union.

SECOND SESSION OF BROWNLOW'S LEGISLATURE

The second session of the General Assembly in Brownlow's regime continued from October 2, 1865, to May 28, 1866. In his message [12] notwithstanding the fact that the "Franchise Act" had caused immense irritation, Brownlow extolled the virtues of it; he also congratulated the people upon the suppression of the rebellion; recommended no mercy to the leaders; urged that Congress had no right to fix the qualifications of a voter within a state; that the time had not come for negro suffrage in Tennessee, and recommended the colonizing of the negroes in Texas or in Mexico.

Acts were passed on the following subjects: "Granting aid to railroads"; "To wind up and settle the business of the Bank of Tennessee"; "The Disfranchisement Act"; "To lease out the penitentiary"; "To repeal the 'Free Banking Act' "; "To establish a metropolitan police district and to provide for the government thereof." A large number of companies were incorporated for railroads, mining, manufacturing and other purposes. A joint resolution was passed declaring that death should be inflicted on Jefferson Davis, James M. Mason, R. M. T. Hunter, Robert Toombs, Howell Cobb, Judah P. Benjamin, John Slidell, Robert E. Lee and John C. Breckinridge.

The breach between the two wings of the Republican party in Tennessee, which had been manifest with considerable virulence at times during the preceding session of the Legislature, had now widened until it had passed beyond all hope of reconciliation. But Brownlow was not at all shaken. Any opposition made him but the more determined. Although the franchise law passed at the first session had caused much irritation because of its stringency, Brownlow asserted that the public welfare required a thorough revision of the suffrage laws. The radicals under Brownlow's direction proposed an amended franchise bill which would exclude from voting not only Confederates and Confederate sympathizers, but many Union men also. This bill was opposed by the Conservatives in every way possible and, for a while, they succeeded in postponing final action by a daring scheme. Twenty-one of them resigned and thereby a quorum was prevented and no legislation could be effected until an election could be held, which was held and the bill [13] was passed on May 3, 1866. The principal additional feature in the amended bill was the provision (section 2) that the governor should appoint a commissioner of registration for every county to issue certificates in place of the county court clerks, and that all applicants for registration certificates should be required to prove their loyalty by two competent witnesses and to take the test oath.

On May 1, 1866, a serious riot between the whites and blacks took place in Memphis, and this occurrence led to the passage of what was known as the Metropolitan Police Act,[14] which, while intended for Memphis, applied to Nashville and Chattanooga also.

[12] Senate Journal, 1865-1866, pp. 4-26.
[13] Chapter XXIII of Acts, 1866.
[14] Chapter XXXV of Acts of 1866, passed May 14.

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When the Legislature convened in extra session on July 4, 1866, the question of a quorum again arose. Congress had submitted the Fourteenth Amendment to Tennessee for ratification shortly before when the Legislature was not in session. Brownlow had, therefore, issued a call on June 19, 1866, for an extra session and strong opposition in the Lower House immediately developed seeking to defeat ratification by preventing a quorum. On the first roll-call there were fourteen votes less than the necessary two-thirds. In order to enforce a quorum, warrants of arrest were issued by the House of Representatives for six members whose seats were declared vacant and they were expelled.[15] Two others were arrested but not expelled. Another representative, Pleasant Williams, of Carter County, was arrested by Captain Heydt, special sergeant at arms, and confined in the capitol. He was ordered to be released upon habeas corpus by Judge Frazier of the Criminal Court of Davidson County. But Judge Frazier's authority in the premises was denied by the Legislature which commanded[16] him to appear before the House of Representatives to answer such charges as might be brought against him because he had granted the writ of *habeas corpus*. Subsequently Judge Frazier was impeached and convicted. When, however, the Conservatives came into power, the disabilities of Judge Frazier were removed by the Constitutional Convention of 1870.

The ratification of the Fourteenth Amendment was finally effected on July 19, 1866, when the speaker declared a quorum present. The legality of the ratification, however, is thought to be questionable as two members who were brought in forcibly refused to vote and the speaker declared no quorum to be present. An appeal was taken from this ruling and it was reversed. The House then voted and the amendment was declared ratified.

The Fifteenth Amendment, however, never was ratified by Tennessee. This was a logical sequence to the Fourteenth Amendment and was submitted to Tennessee in 1869 just before the close of the radical era. The Legislature in 1867 had passed an Act[17] conferring suffrage upon the negro. It was known, however, that the whole question would be considered by the Constitutional Convention which had just been called. The Legislature therefore referred the matter to the committee on Federal Relations, from which it was never reported.

SECOND SESSION OF THE SO-CALLED THIRTY-FOURTH GENERAL ASSEMBLY OF THE BROWNLOW REGIME

During Brownlow's administration the Legislature was in almost constant session. It was only a short time after the adjournment of the extra session, called for July 4, 1866, when the Legislature convened again—this time on November 5, 1866—and continued sitting until March 11, 1867. Among the Acts passed the following named deserve special mention: "To issue state bonds in aid of certain railroads," (This has been called the "Omnibus Bill"); "To disfranchise all who had fought on the Confederate side in the civil war of the rebellion;" "To provide for the reorganization of the common school system, making each civil district a school district, with three directors, and providing for the election by the people of a State Superintendent of Common Schools, to

[15] Joint Resolution No. XIII, adopted July 24, 1866.
[16] House Resolution, No. IV, adopted July 17, 1866.
[17] Chapter XXVI, Acts of 1866-7, p. 26, passed on February 25, 1867.

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be elected for two years at the same time and in the same manner as the governor, and giving him the power to appoint County Superintendents of Public Schools. What was known as the Brownlow Militia Law was also passed.

On Feb. 25, 1867, the act was passed giving the negroes the right to vote and authorizing the governor to appoint election commissioners for each county who had the power of appointing judges and clerks of election. The passage of this act but added to the turbulence of Brownlow's regime and public feeling ran high. This feeling was strongly manifested in the convention held in Nashville on April 16, 1867, by the Conservative Union party, when Emerson Etheridge was nominated as a candidate for governor against Brownlow, who, on Feb. 22, 1867, had been nominated by the Republicans. Etheridge was one of the strongest and most versatile men in the state at that time. He was fearless and eloquent, and pressed his canvass with great power and bitterness. Brownlow was afflicted with the palsy and could not take the stump. Such hopes, however, as the Conservatives cherished were blasted by Brownlow's proclamation issued on July 1, 1867, warning County Courts not to interfere in the appointment of judges and clerks of election, and ordering the militia, under the name of the State Guard, to be stationed in "rebellious localities to enforce the franchise law." As was to be expected Brownlow won by a vote of 74,484 to 22,548 for his opponent.[18]

BROWNLOW'S SECOND ADMINISTRATION

The first session of the Thirty-Fifth General Assembly met on October 7, 1867, and adjourned on March 16, 1868. Notwithstanding the tempestuous experiences of his administration just ended, Brownlow's message to the Legislature breathes a bolder and more confident optimism. He had triumphed over his enemies; they were prostrate, although not yet fully conquered. As he said: "We lacked neither unscrupulous enemies to concoct falsehoods, nor candid friends to lend them credence and to deplore our lack of discretion. Yet against these adverse influences, after a most thorough and exhaustive discussion before the people, they have sustained the government by majorities approaching to unanimity. I recall your attention to these facts, not for partisan purposes, nor in a spirit of exultation, but as a basis for our future action in executing the popular will.[19]

Further on [20] in the same message he offers the following recommendation in regard to Isham G. Harris:

"I advise the immediate repeal of the offer of a reward of $5,000 for the arrest and return of Ex-Governor Isham G. Harris. My opinion with regard to active, original secessionists, and the punishment due to them has undergone no change. But no man has been punished for treason yet, from Jefferson Davis down; and the pro-rebel policy of the President warrants the conclusion that none will be punished. Besides, in Tennessee, during the late canvass, there were worse men upon the stump than Harris ever was, openly proclaiming treason and sedition, and inspiring the people with seditional malice. I advise the repeal of this offer from two other considerations—first, that of humanity towards the family of Harris; and next, but not least, that of economy on the part of the State. The State is liable to be called upon at

[18] "Why the Solid South," Chapter VII, "Reconstruction in Tennessee," by Ira P. Jones, p. 198.
[19] House Journal, 1867-68, p. 29.
[20] Ibid., p. 41.

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any day, for this reward, and in return, she would have nothing to show for the outlay."

In accordance with Brownlow's recommendation, the Legislature, on November 11, 1867, passed an act,[21] entitled "An Act to Repeal the Joint Resolution [22] offering a reward for Isham G. Harris."

Brownlow ended this message with the following words:

"Destiny and events, God and history, have assigned to Tennessee an important position in the great work of restoring the Union. Let us act well our part, and, under Providence, perform the great but agreeable work of fraternity and love, and loyalty, towards the race of man."

One of the first of the important matters which came before the Thirty-fifth General Assembly was the election of a United States Senator to succeed Senator David T. Patterson, the son-in-law of Andrew Johnson. Brownlow became a candidate. His competitors were Horace Maynard, Col. William B. Stokes, and Gen. Joseph A. Cooper. When Brownlow announced his candidacy, Maynard withdrew from the race and Brownlow was elected easily. Brownlow, however, remained in the discharge of his duties as governor until the latter part of Feb., 1869, when he resigned and was succeeded as governor by D. W. C. Senter, the Speaker of the Senate. Brownlow was sworn in as United States Senator on March 4, 1869, a day made doubly joyful to him by the retirement of President Andrew Johnson.

THE KU KLUX KLAN AND THE LOYAL LEAGUE

Brownlow was doubtless sincere in his belief that his second administration would be more calm and peaceful than the first had been. The physical condition of Tennessee was rapidly improving. The desolation caused by war was disappearing. Crops had been made for two successive years. Fences had been repaired. Farm machinery and tools had been supplied. Farm animals had multiplied. All these things had wrought wondrous changes and exhibited a power of recuperation astonishing in itself and possible only in a state possessing a rich soil and an industrious people. Yet words can hardly describe the turbulence and seething strife, which, bad enough in the unsettled months immediately following Lee's surrender, now reached the very apex of disorder, the utmost condition of unstable government short of anarchy.

This condition is related in an interesting way by Marshall S. Snow in an article published in the St. Louis Republic, Feb. 28, 1913. Mr. Snow, a young man who had never before been out of New England, came to Tennessee in 1866, as the principal of the Nashville high school. In this article is the following paragraph:

"The state was in the iron grasp of the Brownlow regime. No one could vote unless he could show at the polls a certificate signed by a commissioner and supported by the sworn testimony of two well-known Union men stating that the intended voter had never in any way been disloyal to the Union. That barred out about all the citizens of Nashville. This interesting document was illustrated with a portrait of the iron-clad Governor Brownlow. Nashville was controlled by that excrescence of the departed Northern army known familiarly

[21] Chapter VI of the Acts of 1867-68, p. 6.
[22] This Joint Resolution had been adopted on May 1, 1865.

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as 'carpetbaggers,' and with a few honorable exceptions the name was well applied to those who governed the city, and finally, when the time of the overthrow approached, looted the treasury and stole away."

In those days President Johnson was having his famous conflict with Congress, and Brownlow had sided with Congress and against Johnson with all the virulence of which he was capable. Lincoln bore no malice toward the South and, in his speech of April 11, 1865, the last speech he ever delivered, he showed clearly that the southern people should be readily forgiven and brought again into the Union with the least possible further humiliation. Many leading men of the North had the same feeling, among them being Secretary Seward and General Grant, and even General Sherman, fierce and remorseless fighter as he was, said:

"I perceived that we had the unbounded respect of our armed enemies. * * * I am sure that at the close of the Civil war the Confederate Army embraced the best governed, the best disposed, the most reliable men of the South; and I would have used them in reconstruction instead of driving them into hopeless opposition."

When Andrew Johnson became President, at first he was violently hostile to the leaders of secession. But, in a few weeks, a change occurred in him and he became as mild and lenient toward them as Lincoln ever was in his policy. Historians generally ascribe this change in Johnson's attitude to the influence of Seward, but it is not unreasonable to believe that the democratic principles which had always been uppermost in his mind had again swayed him with partisan zeal. Be that as it may, Congress was not pleased with Johnson's attitude and, under the leadership of Thaddeus Stevens made war upon Johnson, and he upon Congress until his abortive impeachment resulted.

Brownlow not only antagonized Johnson so far as reconstruction plans affected Tennessee, but joined in with the radical elements, became their leader and protagonist and connived at the acts of the carpetbaggers, if indeed he did not assist them in their nefarious undertaking. That he permitted the passage of the act conferring the elective franchise on the negroes at that time surprised even the negro-lovers of the North.

James G. Blaine says on this point:

"The truth was that the republicans of the North, constituting, as was shown by the elections of 1865, a majority in every state, were deeply concerned as to the future and fate of the colored population of the South. Only a minority of the republicans were ready to demand suffrage for those who had been recently emancipated, and who, from the ignorance peculiar to servitude, were presumably unfit to be entrusted with the elective franchise. * * * The great mass of the republicans stopped short of the demand for the conferment of suffrage on the negro. That privilege was indeed still denied him in a majority of the loyal states, and it seemed illogical and unwarrantable to expect a more advanced philanthropy, a higher sense of justice from the South than had been attained by the North."[23]

It was known of all men that after emancipation of the slaves an effort would be made to confer upon the negro the elective franchise. In Tennessee the radicals anticipated the action of Congress and, on Feb. 25, 1867, passed an act[24] permitting negroes to vote. In preparation for any acts of disorder which might

[23] "Twenty Years of Congress," Vol. II, p. 92.
[24] Chapter XXVI, Acts of 1866-67, p. 26.

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attend the passage and enforcement of the negro franchise act, the radicals had passed "An Act [25] to Organize and Equip a State Guard, and for other purposes." The language of this extraordinary act is as follows:

"Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the Governor is hereby authorized and empowered to organize, equip and call into active service, a volunteer force, to be known as 'Tennessee State Guards,' to be composed of one or more regiments, from each Congressional district of the State: Provided always, that said Tennessee State Guards shall be composed of loyal men, who shall take and subscribe the oath prescribed in the Franchise Act. [26]

Sec. 2. Be it further enacted, That the Governor shall be Commander-in-Chief. Any number of said force shall be subject to his order, when, in his opinion the safety of the life, property, liberty, or the faithful execution of law, require it: to be organized, armed, equipped, regulated and governed by the Rules and Articles of War, and the revised Army Regulations of the United States, so far as applicable; and shall receive pay and allowances, according to grade of rank, as provided for the United States Army, while in actual service to be paid out of any money in the State Treasury not otherwise appropriated; Provided, that the organization provided for in this Act, shall not be armed and equipped until called into actual service."

Thus was Brownlow given *carte blanche*. On the very next day a joint resolution [27] was passed, "That our Senators in Congress be instructed, and our Representatives be requested, to use their efforts to secure the quota of arms from the General Government to which the State of Tennessee is entitled by law, * * * and to secure one of the forts in the vicinity of Nashville, as an arsenal for the depository of the aforesaid arms."

The stage now having been set for the important event, on Feb. 25, 1867, the Legislature passed an act [28] which enabled the former slaves to vote. It was entitled "An Act to Alter and Amend an Act passed May 3, 1866." The right of the negro to vote was conferred by the first section of this act which is as follows:

"That every male inhabitant of this State, of the age of twenty-one years, a citizen of the United States, and a resident of the county wherein he may offer his vote, six months next preceding the day of election, shall be entitled to the privilege of the elective franchise, subject to the following exceptions and disqualifications."

Those disqualifications applied to the ex-Confederate soldiers and to those who had assisted the Confederacy in any way, but not to the negroes and Union partisans and sympathizers. As a voter the negro was safe. He was protected by Governor Brownlow with his State Guard and he was directed by the carpet-baggers who used him for their own selfish purposes. The negro race has always been attracted by the marvelous and mysterious, and their proclivity for joining societies was utilized by the carpet-baggers and radicals in the establishment of the Loyal League and the Union League of America. Under the manipulation of these "friends," the newly enfranchised voters were soon enrolled in the organizations and bound, as was generally understood, by a solemn oath to vote the Republican ticket, at all elections and for all purposes during their entire lives.

[25] Chapter XIV, Acts of 1869-70.
[26] The so-called "iron-clad oath."
[27] No. LXXXIII, Resolutions of 1866-67, p. 299.
[28] Chapter XXVI, Acts of 1866-67, p. 26.

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In the spring of 1867, immediately following the conferment upon the negro of the right to vote, the radical newspapers of Nashville, Memphis and Knoxville began to be filled with reports of outrages committed upon negroes and Union white men. When investigated these reports were found to be either untrue or greatly exaggerated. Nevertheless, they served to throw the radicals into a state of intense excitement. Indeed, the leaders of this faction professed to believe that another "insurrection" was threatened. At any rate Brownlow lost no time in organizing the State Guard.

Backed up by Brownlow with his guard many of the negroes, freed and allowed to vote and to hold office,[29] while their former masters could not do so, and spurred on by the carpet-baggers and scalawags,[30] became uncontrollable and, emboldened by immunity and opportunity, committed many misdemeanors and crimes. The better class of whites stood aghast and helpless at their further impoverishment and, for a time, maintained generally a sullen and bitter silence. Such a condition of intimate civic affairs could not long continue. The oppression [31] became too intolerable. There might, indeed, have been an uprising, as Brownlow feared, had not relief come through an unexpected force, the Ku Klux Klan.[32] This organization was started by a coterie of young men in Pulaski, Giles County, Tennessee, in May, 1866. It was designed by them wholly for amusement. For many years it was known to but few who were the originators of the "Invisible Empire." Mrs. Alice Breene Rogers, in a recent communication to the Nashville Banner, says:

"I have found a niece of Capt. John C. Lester, living in Nashville, Mrs. W. J. Irvine. Captain Lester was one of the originators of the Ku Klux Klan and Mrs. Irvine has a copy of the history of the organization written by her uncle many years ago. Among her treasures are pictures of the five men most active in directing the operations of the Klan in its early days: Gen. John C. Brown, Col. Hume R. Feild, Capt. John C. Lester, Laps D. McCord and J. T. Crowe. As soldiers, statesmen and citizens, their records are memorably bright. All of them are sons of the old South, linked in the close affection which grows from common names and kindred blood, from similar privileges and equal protection. Perhaps, the fact that the white-robed brotherhood which they called into existence for the preservation of all that meant home to them in this devastated land, was shrouded in mystery, has, in some measure, prevented the generations which have followed them from making proper acknowledgment of the greatness of their genius in forming and directing the Ku Klux Klan, whose achievements surely will some day shine as the finest beads upon the rosary of a nation which their chivalry, patriotism, benevolence and loyalty made possible."

The fantastic costumes of the Klan and its secret and mysterious movements, aroused the curiosity of the negroes, impressed them with awe and frequently with fear, and proved most serviceable for repressing the turbulent elements among them. The amusing features of the initiation, the signals and signs

[29] This right was granted by an Act entitled, "An Act to Remove All Disabilities for Holding Office, and Sitting on Juries, on Account of Race or Color."

The first section of this Act reads as follows: "That, from and after the passage of the Act, there shall be no disqualification for holding office, or sitting on juries, on account of race or color."

This Act was passed on January 31, 1868.

[30] This term was applied to those ex-Confederates and other Southerners who joined the thieving gangs among the radicals for the plunder to be secured.

[31] The negroes had been still further encouraged in their misdeeds by the passage, on March 12, 1868, of an Act (Chapter LXVI, Acts of 1868, p. 84), entitled, "An Act to Inflict Penalties Upon Common Carriers and Their Agents, for Violations of Law, in Making Unjust and Illegal Distinctions, Based on Color, Race and Previous Condition."

[32] For an account of the origin and progress of the Ku Klux Klan, see chapter on "Historic Spots and Places."

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recommended it to the spirited youths who had just returned from the war, so that by 1868 it had spread from Tennessee to all the states of the recent Confederacy and, instead of being merely an instrument of repression of bad negroes, it became greatly perverted. Its officers lost control of its members and of their actions. It never was a military organization, as was alleged by Brownlow, and, undoubtedly, many of the crimes and outrages committed in its name were those of persons who used their disguises to gratify personal spite or to avenge private griefs or wrongs.

By the spring of 1867 it became an avowedly partisan organization, and by the spring of 1868 it was very powerful in Tennessee. Brownlow thought it was high time for his hands to be strengthened. So, on February 1, 1868, he had an act [33] passed entitled "An Act to Amend 'An Act for the Protection of Sheriffs, and other Civil Officers of the State,' passed June 7th, 1865; and for other purposes."

This new law provides that a sheriff, instead of being restricted to his own county in raising his force "may recruit said county Guards by the employment of any loyal citizens of this state."

Brownlow also had passed on March 16, 1868, an act [34] entitled "An Act to Organize and Equip a State Guard, and Regulate the Governor's Staff."

By these and other laws which we have already discussed Brownlow was empowered to call out the state guards and to summon the county guards or the county police at his discretion. The reasons for all these devices to uphold the governor's power and authority do not distinctly appear. It may be that he wished to divert popular attention from other crimes against the public welfare, or that he was vain because he had triumphed over enemies, or that he really feared the Ku Klux Klan and another insurrection. Be that as it may, a crisis was reached in his judgment, when S. M. Arnell, framer of the franchise law and member of Congress from the Eighth District, telegraphed him as follows:

"Columbia, Tenn., June 14, 1868.

To Governor W. G. Brownlow:

The Ku Klux searched the train for me last night, pistols and rope in hand. Empower me to call upon the military here, if necessary, in your name, to suppress all armed and masked parties in this vicinity. I propose to fight it out. S. M. ARNELL."

Brownlow sent this dispatch to General Thomas at Louisville and asked him to furnish troops for Lincoln, Marshall, Obion, Dyer, Gibson and Fayette counties.

On June 18, 1868, Thomas replied in part:

"The State of Tennessee, being in the full exercise of all the civil functions of a state, the military authority of the United States cannot legally interfere except in aid of support of the civil authority. For these purposes, troops have been sent to various localities at your request. These details, together with the present demand for troops to assist the U. S. officers in collecting the revenue, have so exhausted the force at my command as to prevent the complying with your request to send companies to the counties named."

Despairing of securing any Federal troops, Brownlow now had recourse to an extra session of the Legislature. The call for this extra session was made by proclamation, dated July 6, 1868, and the date set was July 27, 1868. His message was couched in most violent language as the following excerpt indicates:

[33] Chapter XXXIII, Acts of 1868, p. 34.
[34] Chapter LXX, Acts of 1868, p. 90.

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"As members of the Legislature, you were assured by leading conservatives in their respective counties, and doubly assured by the leading rebel journals of the state, there would be no necessity for any troops whatever, and that law and order would be strictly observed. It turns out that the rebellious elements of the state were at that time secretly arming themselves and perfecting a military organization known as the Ku Klux Klan, composed of ex-rebel soldiers and those who were in sympathy with them; thus violating their paroles at the time of their surrender, and violating the laws of the state, and plotting and planning mischief in every respect. These men have been arming and organizing for a year past, with an eye to the overthrow of the State Government; and, ultimately, to carrying the state in the presidential election."

Speaking further of the Ku Klux Klan, he said:

"This dangerous organization of ex-rebels now ramifies almost every part of the eleven states that once constituted the Southern Confederacy, and has already grown into a political engine of oppression so powerful and aggressive as to call forth in opposition, several notable military orders."

To cope with the situation he says:

"I recommend, most emphatically, that these organized bands of assassins and robbers be declared outlaws by special legislation, and punished with death wherever found."

In regard to the political disabilities under which the greater part of the best elements of the state were suffering, he said:

"I have been appealed to by prominent men of both political parties, to urge upon you the propriety of removing political disabilities formerly imposed upon a large class of rebels. The conduct of that class of people has been, and it still is, such, that I do not feel justified in making this recommendation."

The violent language employed by Brownlow in this message aroused the greatest anxiety among the democratic leaders of the state, who feared that, if Brownlow's recommendations were enacted into laws, civil war would indeed ensue. Consequently a meeting was held in Nashville on August 1, 1868, and a memorial to the Legislature was drawn up by the following named men, all of whom had been generals in the Confederate army: N. B. Forrest, B. F. Cheatham, W. B. Bate, J. C. Brown, Bushrod Johnson, Gideon J. Pillow, W. A. Quarles, S. R. Anderson, G. G. Dibrell, and George Maney.

They protested against the charge of hostility to the state government; said that the state did not need a military organization; that such a measure might bring about collisions rather than conserve the harmony of society; that they trusted such laws might be enacted as would remove all causes of the disturbance of society. "For," said they, "when it is remembered that the large mass of white men in Tennessee are denied the right to vote or to hold office, it is not wonderful or unnatural there should exist more or less dissatisfaction among them. And we beg leave respectfully to submit to your consideration that prompt and efficient action on the part of the proper authorities, for the removal of the political disabilities resting upon so many of our people, would heal all wounds of our state, and make us once more a prosperous, contented and united people."

Many petitions also for the repeal of the franchise law were presented to the Legislature. One of them, presented by Judge Shackleford, of the Supreme Court, was signed by nearly four thousand citizens.

While these petitions and the memorial were still before the Legislature, Governor Brownlow sent in a special message, accompanied by a letter and draft of an "ordinance" prepared by Judge John M. Lea, which he, Brownlow, was induced to submit to the consideration of the Legislature, because of

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the high regard he had for the author personally and the confidence he reposed in Judge Lea's integrity and patriotism. Judge Lea's plan was to confer the right of suffrage upon "every man, white or colored, of the age of twenty-one years, being a citizen of the United States, and a citizen of the county wherein he may offer his vote six months next preceding the day of election." Strong opposition developed to action on the subject at this session and it was laid on the table.

While the Legislature was in session, a convention of extreme radicals was held in Nashville which endorsed Brownlow and opposed the repeal of the franchise law.

Also, petitions against the passage of the military bill were presented from all parts of the state. Finally, on September 10, 1868, the Law of 1867 was reenacted, and an act entitled "An Act to Preserve the Public Peace." [35] This was followed on the same day by an act, entitled "An Act to Enforce the Laws of the State." In addition to the provisions of previous laws the governor was empowered "to declare martial law in any county or counties of the state, for the protection and safety of the citizens thereof."

Senate Joint Resolution Number XXXII [36] also authorized the appointment of a committee of three "to wait upon his Excellency, Andrew Johnson, President of the United States of America, and place fully before him the present condition of affairs in this State, and urge upon him to take steps to give protection to the law-abiding citizens of the State."

Without delay this committee proceeded to Washington and presented an address to the President. They returned with assurances from General Schofield that the power of the United States would be employed "wherever and so far as it may be necessary to protect the Civil Government of Tennessee against lawless violence and to enable the Government to execute the laws of that State and protect its law-abiding citizens."

This extra session adjourned on September 14, 1868, and, on the 16th, Governor Brownlow issued a proclamation against the Ku Klux Klan, reciting the action taken by the Legislature and calling upon all the good and loyal people of the state in every county to raise companies and report to him at Nashville; that he was going to put down armed marauders whatever might be the cost. This proclamation, however, did not meet a ready response. So he followed it with another of similar purport on January 20, 1869. This produced more fruitful results. Volunteers came in sufficient numbers to enable Gen. Joseph A. Cooper to issue "General Order No. 1," issued at Nashville, in which he assumed command of all the Tennessee State forces in the field.

On February 20, 1869, Governor Brownlow issued his last proclamation, in which he said that there were then 1,600 state guards in Nashville; in which he proclaimed martial law in and over the counties of Overton, Jackson, Maury, Giles, Marshall, Lawrence, Gibson, Madison and Haywood; and directed General Cooper "to distribute these troops at once, and continue them in service until we have unmistakable evidence of the purpose of all parties to keep peace."

As we have already seen, Governor Brownlow was elected to the United States Senate for the term beginning March 4, 1869. Accordingly, on Feb-

[35] Chapter II, of the Acts of the Extra Session of 1868, p. 18.
[36] Adopted September 1, 1868.

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ruary 25, 1869, he resigned as governor and was succeeded by D. W. C. Senter, of Grainger County, who was speaker of the Senate.

The Legislative Session of 1868-69 met on November 9, 1868, and adjourned on March 1, 1869. The following named important acts were passed at this session: "To establish an agricultural college";[37] "To allow railroads to redeem their indebtedness in bonds, amended to allow them to redeem in bonds of any series"; "To elect Supreme Judges on the fourth Thursday in May, 1869."[38]

CIVIC MISDOING AND THE ALDEN RING

The disorders rampant in the state were matched by the misrule in the cities where a veritable "carnival of crime and corruption" prevailed. Conditions were similar in all cities but in Nashville the rule of the so-called "Alden Ring" became historically notorious and deserves mention in this history, because its acts were so closely interwoven with the affairs of the state at large.

In 1867, a carpetbagger named Alden, who, like other adventurers in these stormy times, had come to Tennessee and had become commissioner of registration at Nashville, had by the aid of Brownlow's militia, been elected mayor of Nashville. He filled the council with his political henchmen, most of them non-property holders, filled the offices with men of his own type and entered upon a course of open and systematic public plunder which astounded even the Brownlow administration. The city treasury was seized and soon looted. The tax rate was enormously increased. When returns from the collection of taxes were insufficient to satisfy the greed of the ring, checks, warrants and due bills were made out in the name of the city, payable to bearer or to fictitious persons and were sold to street shavers of notes for any price they would bring. Bonds were also issued and, as the evidences of indebtedness increased, the prices declined.

The second election of Alden in 1868 could hardly be called an expression of the popular will. Alden dominated as before and conditions became more intollerable constantly. Ruin faced a helpless public. Relief was finally sought through the courts; but, on December 7, 1868, Chancellor Shackelford rendered this decision:

"I am of the opinion that the complainants are not entitled to the injunction or the receiver prayed for, and the application is therefore refused."

It seemed now as if the ring was thoroughly intrenched and that the people were helpless. But there was a man who had the courage, the ability and the initiative to bring an end to this corrupt and outrageous rule. That man was Col. A. S. Colyar, editor of the Union and American. He made a thorough examination of the city's books and records in May, 1869. At a mass-meeting of the citizens held soon after, he made startling disclosures in regard to the extravagance and corruption he had unearthed; and, on June 1st, he filed a bill at Gallatin before Chancellor Charles Smith. This bill was brought "in the name of the State in the relation of 466 citizens in behalf of them-

[37] This was an Act accepting the provisions of an Act of Congress providing for the distribution of public lands to the states, the sales of such lands to be used for the establishment of agricultural schools or experiment stations. This was the nucleus of the present splendid agricultural department of the University of Tennessee.

[38] This was the first step towards restoring the judiciary to its former status.

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selves and others against the mayor, and the city council, the city treasurer, revenue collector, and others." It prayed that no more checks be issued; that the city officers be compelled to account for money; and that a receiver be appointed."

In the bill the allegation was made that $1,323,668 in checks had been issued, of which $769,000 were emitted without authority of law, and that much of the rest had been put out for illegal purposes.

Chancellor Smith granted the prayer of the petitioners and John M. Bass was appointed receiver. The deposed officials applied in July for a dissolution of the receivership, but the application was refused. The receivership, however, was not of long duration. In August, the regular city election occurred and the affairs of Nashville were then again placed in the hands of its ordinary and reputable citizens, headed by K. J. Morris, as mayor. The members of the gang of plunderers packed their carpetbags and departed to other fields and Nashville had to pay every evidence of debt issued in its name by the "Alden ring."

THE STATE DEBT

The Legislature which began its session on October 4, 1869, and adjourned on March 5, 1870, received a legacy of debt which worried the people and succeeding legislatures for thirteen years before it was settled on a permanent basis.

Up to 1838 there was no state debt. In that year, as has already been related, the state incurred its first indebtedness by subscribing its bonds to railroad and turnpike companies. At the outbreak of the war the entire state debt was $20,408,000 as follows:

Bonds issued to railroads	$14,841,000
Bonds issued to the Union Bank and the Bank of Tennessee	3,000,000
Bonds issued to Turnpikes	1,323,000
Bonds issued for building the Capitol	1,166,000
Bonds issued for Agricultural Bureau	30,000
Bonds issued for purchase of Hermitage	48,000
	$20,408,000

From April, 1866, to December, 1868, during the Brownlow regime, the state debt was increased $21,647,000 making a total state debt of $42,055,000 on January 1, 1869.

The reckless extravagance and the indifference to the object and extent of the expenditures which characterized the Brownlow administrations are not at all astonishing when one considers the elements in whose hands the government was held. The members of the Legislature and officials were mostly from the mountains of East Tennessee, the negroes and the carpetbaggers. According to the general belief of that period, most of them were regarded as knowing nothing of the financial conditions and necessities of the state and caring less; and many were looked upon as directly approachable corruptly for their support of measures. The state's aid, in bonds, to railroads and turnpikes, was upon a scale of liberality theretofore unheard of. All that seemed to be required was the presentation of a bill and it would go through without regard

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to its purpose or merit. And the lobbies of the capitol swarmed with persons who were employed to secure legislation.[39]

At the end of the war, the railroads, like all other interests, especially those of an industrial character, were in a thoroughly demoralized condition. From the first arrival of the Federal troops the railroads had been seized and used. They had also been used by the Confederate troops in such parts of the state as from time to time they had controlled. Through the exigencies and agencies of war much of the rolling stock had been destroyed, some rails had been removed and many bridges and buildings burned. These must of course be restored at once. Hence, as soon as the restored government was in working order, the officials and representatives turned to the government for financial relief. This was obtained through the passage of bills (one of which was known as the "Omnibus Bill"), which were ostensibly based on the Act of 1852. Under the provisions of these bills bonds to the aggregate amount of $14,393,000 were issued. The scandals which attended the passage of these bills are clearly set forth in the following extract from the Report of the Committee of Investigation appointed by the Legislature of 1879: "Many corporate presidents, agents and representatives came to Nashville to attend the sittings of the Legislature. All known influences were used upon the supposed representatives of the people. From the pulpit to the bagnio, recruits were gathered for the assault on the treasury of the State. Fine brandy by the barrel was on hand to fire thirst and muddle the brain, and first-class suits of clothing to capture the vanity or avarice of the gay or needy. Money, the proceeds of the bonds issued by the State, for specific purpose to these men, was here in abundance, and it was used."

After reciting some specific examples, the report continues: "They got bonds for roads that had never been surveyed and located. One railroad president says that he had great influence with the Governor, that another railroad president wanted bonds and desired his services with said governor, that he got them, that, in addition to pay directly for his services and influences with the governor, he was to have control of a portion of the bonds obtained to use as margin in stock speculations in New York. They got 885 bonds in New York. This man of influence with the Governor further says that he and the other president were partners in stock speculation, and used the bonds obtained from the state in these speculations."

When the Democrats again secured control of the state, the settlement of the state debt, which had been so largely increased during the Brownlow regime,

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[39] Ira P. Jones, in his "Reconstruction in Tennessee," pp. 212-213, says: "Before the close of the last of the four sessions of this Assembly, a moral stench seemed to arise from the State Capitol. Many of the well disposed persons elected on the general ticket, who were present in April, 1865, failed to answer to roll-call on the 11th of March, 1867. Of this class there were twelve senators and thirty-two representatives, whose places were filled by less worthy men. The first elected comptroller (Hackett) seemed to be entirely incompetent and inefficient. Until about the beginning of 1866, all business of the state was transacted with a looseness and a general lack of attention to systematic methods that could not fail of disastrous results. When a new comptroller of sense and integrity was found, he was hampered by the financial legislation, which, against his remonstrances, continued to overwhelm the treasury with burdensome appropriations and increased bonded obligations until December 7, 1867, when it culminated in numbers of grants to railroads, known as the "Omnibus Bill." They were equally unfortunate in the selection of a treasurer (Stanford). His depository of part of the school fund, a bank in Memphis, controlled by a man named Rutter, inflicted a loss of above a hundred thousand dollars. The penitentiary became a prey for private profit at the expense of the state. The warden, a carpetbagger (J. S. Hull), was suspended by legislative resolution, for corruption in office, and a month later was allowed to resign.

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became an apple of political discord which retarded the regeneration and progress of Tennessee. Three factions developed; one, including some of the prominent leaders of the state, desiring that the credit of the state be maintained by paying the bonds in full; a larger number, fearing that the state, because of demoralized business conditions, could not meet its obligations in full, favoring an agreement with the bondholders whereby the debt might be scaled without any dishonor being inflicted upon the state; the third faction favoring open repudiation on the ground that the bonds were illegally issued, because the precedent conditions laid down in the Act of 1852 and its amendments had not been complied with.

In 1837, a funding act[40] was passed by the Legislature. This act provided for the funding of all past due bonds and coupons into new bonds, payable in forty years and redeemable in two years. In the act was a provision that only "bonds legally issued should be funded." Nevertheless the state officials funded all bonds presented. This law, however, was not a success. The state could not meet the interest on the bonds and the situation was rendered still more distressing by a succession of bad-crop years.

On January 1, 1877, the arrears of interest alone amounted to $1,570,646, with no prospect that the state would be in a position to pay within the near future. The bondholders, therefore, saw that they must make some kind of a compromise with the state or run the risk of losing all. Their communications on the subject to the governor were transmitted to the Legislature which, on January 26, 1877, adopted a resolution[41] that the governor be requested to communicate by telegrams or by letters, with the gentlemen holding securities of the state, mentioned in his message, and with others holding bonds of the state, and request them to submit, at the earliest day possible, through him, to this General Assembly, any proposition or propositions of adjustment and compromise which they may desire."

In consequence of this resolution a committee of the Legislature met the bondholders and this agreement was made: "That arrearages of interest to July 1, 1877, be added to the bonds and that new ones be issued, made to bear interest at six per cent, and to fall due in thirty years." It was, of course, expected that the Legislature would ratify this agreement; but, on the contrary, they not only rejected it but they reduced the rate of taxation from forty cents to ten cents on the hundred dollars and, thus, made the payment of interest on the public debt absolutely impossible.

On January 22, 1879, a committee was appointed to investigate and report upon the state debt.[42] Acting on the report of this committee, the Legislature passed an act[43] on March 31, 1879, entitled "An Act to settle the bonded debt of the State." By this act provision was made for an issue of bonds bearing four per cent interest to be exchanged for outstanding bonds with accrued interest at the rate of fifty cents on the dollar. It was not to become a law, however, unless approved by a vote of the people and by two-thirds of the bondholders. The bondholders were willing enough but the measure was defeated at the polls.

There seemed now no prospect of a settlement of the State debt at any time in the near future, if ever. It became the chief issue in the gubernatorial cam-

[40] Chapter XXIV, Acts of 1873, p. 34, passed March 15, 1873.
[41] House Joint Resolution, No. X, Acts of 1877, p. 239.
[42] Senate Joint Resolution No. XII, Acts 1879, p. 322.
[43] Chapter CCIV, Acts 1879, p. 247.

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paign of 1880, which was an eventful year in Tennessee as well as in national politics. Because of a split in the Democratic party, a Republican, Alvin Hawkins, was elected. He was favorably disposed toward the bondholders and so was the newly elected Legislature.

On April 5, 1881, the Legislature passed a bill [44] entitled "An Act to compromise and settle the bonded indebtedness of the State of Tennessee." This act provided for the funding of the outstanding debt at par, the new bonds (called "Compromise Bonds"), to bear interest at the rate of three per cent and the coupons to be receivable for taxes. This bill was signed by the governor on the next day, April 6, 1881, and went into immediate effect, but, on a test case, the courts decided that the law was unconstitutional on the ground that the Legislature could not make a valid contract in which the coupons should be receivable for taxes for ninety-nine years.

Warned by the political disaster which had attended the dissensions in 1880, the Democrats became united in 1882 and Gen. W. B. Bate was elected Governor. On March 15, 1883, the Legislature passed an act [45] entitled "A Bill to settle the amount of the public debt of the State, fix the rate of interest thereon, provide for the funding thereof, and the compensation of the officers of the State therefor," in accordance with a plan outlined by Governor Bate in his message to the Legislature. By the provisions of this act the State was to pay in full the bonds held by Mrs. Jas. K. Polk and all bonds held by educational, literary, and charitable institutions in the state; it was to pay in full, less war interest, the state debt proper; in compromise of the rest of the debt, known as the railroad debt, the state was required to pay one-half of the principal and accrued interest by issuing therefor bonds of the state bearing interest at the rate of three per cent per annum: This act settled definitely all the vexatious questions pertaining to the debt of the state which had been the bone of political contention for so many years. From time to time since, the bonded debt has been reduced until, on October 5, 1922, it amounted to only $15,623,000.

BROWNLOW PAPERS IN THE STATE ARCHIVES

In the archives of the state are thousands of papers, documents and records pertaining to the Brownlow regime, which thoroughly illuminate that dark period in the history of Tennessee, and which have proven of incalculable value in the preparation of this period of our history. As time goes on the value of them to students and historians will be tremendously increased. They show the dominating influence of Brownlow at all times and in all circumstances. The correspondence indicates that virtually nothing governmental was done without Brownlow's prior consent, and that reports of all important actions in every part of the state were forwarded to him immediately after the occurrence of them. The letters from the sheriffs of the various counties and from private friends of Brownlow in regard to the rioting in Memphis and the lawless actions of desperate men in all sections present a gruesome composite of the terrible conditions of these times. Some of these papers also show heartrending cases in the courts as late as 1867, 1868 and 1869 relating to crimes and misdemeanors which were committed during the war. Some of them show that father had turned against son for deserting the Confederacy and vice versa and very many denote a disordered state of society existing in every section; indeed, in every county.

[44] Chapter CLXXIII, Acts 1881, p. 279.
[45] Chapter LXXXIV, Acts of 1883, p. 76.

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These papers show that, with the almost autocratic power which Brownlow possessed, there was no situation which he hesitated to meet.

The general condition, may, perhaps, be understood a little better after reading the two following letters which, while not depicting the bloody occurrences related in some of these papers, afford a view of political affairs which seems to have been characteristic of most counties and sections in the State:

Richland Valley, Weakley County, Tennessee, April 10, 1867.

A. J. Fletcher,
Secretary of State,
Nashville, Tennessee.

Dear Sir,

I have the honor to inform you that I heard one of the most violent speeches, on Monday, the first day of this month, delivered by Em. Etheridge,[46] in relation to the parties now in Tennessee. He is severe against Brownlow, and the members of the Union League. He is creating considerable excitement in this county. I am conscious it will be at the risk of my life to commence registering voters under the late Franchise Law without some force to keep in subjection a portion of unprincipled men, but I will not flinch from my duty. We have one of the greatest political battles to fight next August that has ever taken place in Tennessee, and we must prepare to meet it bravely. We have six councils of the U. L. A.[47] in our county doing well. I think in a few weeks every Union man in reality will belong to the U. L. A. I would (like?) to have all the information necessary in relation to registering under the late act. * * * I do not know that any person will attempt to raise a company in our county. Etheridge is counseling against it. Therefore it would be dangerous to attempt it without some protection. Say to Governor Brownlow we need some protection especially in registering voters. * * *

Yours truly,
A. H. WALKER.

Ashland City, Tenn., June 3, 1867.

To His Excellency, W. G. Brownlow,
Governor of Tennessee.

Permit the undersigned to communicate a few items to Your Excellency concerning our political situation in Cheatham County.

On Saturday, the 1st inst., there was a general meeting of the republican men of our county at this place for the purpose of appointing delegates to the convention in Nashville on the 8th inst.

The notice of this meeting was generally known in the county and it was reported that Doctor Wood, col'd, from Nashville would be here to address the people, which brought a considerable number of colored people, as was generally expected. The conservatives are not generally pleased at the idea of radicals meeting and consulting together here in this manner and so on Saturday morning an anonymous letter was found at the door of the post office addressed to us, on opening and reading which we found was a prompt and imperative insulting, invective and threatening demand on us to desist immediately from our purpose of meeting or public speaking here—that we had cock-crowed as long as was sufferable—denounced us in low flung terms and threatened us and our party with some sort of chastisement, or to cause a sudden stop to our further political proceedings. We proceeded, however, to organize for business—held our convention, and went to the grove where Warren Jordan, Esqr., of our county was called to the stand, and proceed(ed) in a calm, dignified and respectful (manner) to discuss the general questions of political import, offering in the outset to divide time with any gentleman who wished (to) speak on the other side. He had been speaking but a little while until he

[46] Emerson Etheridge, who had been brought out as a candidate against Brownlow.
[47] The Union League of America.

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was interrupted, and insulted by a young man named Brinkley. The Commissioner of Registration being present arose and politely asked him to be quiet a while, that if he wanted to say anything, he should have the stand when Jordan got through. Brinkley thereupon cursed and abused the Commissioner in particular and the radicals generally. About this time appearances looked somewhat riotous as many arose seizing their pistols and making ready for action. Brinkley was gotten off by some one and the audience seated again. The speaker resuming his speech continued a while, when another young man by the name of Lowe [48] commenced abusing the speaker, telling him that this was his last time in the stand—cursed the Union men and negroes, threatening vengeance on all who might chance to differ in his opinions. Nothing serious resulted. The speaker continued, but it was seen that some of the conservative audience rather approved this conduct in these young men by remaining silent or assuming a hostile attitude. The speaking closed and our League members (consisting of about 150 whites and colored) repaired to the Council Room and proceeded to business. Brinkley followed to near the house and stood in the street and publicly cursed, abused the Brownlow clique and nigger Leagues—finally with revolver cocked he went in the house ordering the dispersion of the crowd. He soon retired, and, being joined by others, promenaded the streets hurrahing for Jeff Davis and the Confederacy, threatening us and the party. They loitered in and about the town until a late hour in the night, often discharging their pieces, at what object we can not say. These young rebels are beyond a doubt encouraged in their conduct and backed by older and more mature men. The object is to stop Radicalism here. It is very obnoxious and unpalatable to rebels, and they are resolved by all means practicable to check the progress of free speech and independent action of the Union men in this county.

The writer then recited the fact that they had been devoted to the Union cause and its principles and asked for protection or for authority to organize a military company, otherwise, he said, "we are candid to admit that we have poor encouragement to risk our lives, reputation and efforts further." The same situation prevailed quite generally throughout the state. In Tennessee, at least, carpetbag-and-negro domination was "obnoxious" and was fast being relegated. The quietus was finally given to this bizarre and abnormal rule when D. W. C. Senter was elected governor over Col. W. B. Stokes in 1869.

ADMINISTRATION OF GOVERNOR SENTER

The resignation of Brownlow, as governor, and the succession of DeWitt Clinton Senter to the gubernatorial chair were occurrences more than ordinarily pleasurable to thousands of Tennesseans. Among them were many Union men, previously followers of Brownlow, who had experienced a change of opinion with regard to the franchise act. This change was expressed by A. J. Fletcher, secretary of state (1865-1870), as follows: "Our mistake was that we made the franchise law sweeping and perpetual, offering no hope or inducement to the ex-rebel to become loyal. The man who is disfranchised in a republic is not apt to feel that it is his government, or to take pride or interest in it, nor apt to make a useful or even law-abiding citizen of it. I do not feel comfortable in a state where half of the people and two-thirds of the taxpayers are publicly degraded by law, without motive to be proud of the state and government."

No sooner had Senter been installed in the governor's chair than his more

[48] The text at this point has the following words through which the pen has been run: "and was a guerilla here in time of the war."

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liberal policy became apparent and immediately brought fruit. In March, 1869, only a few weeks after the resignation of Brownlow, the Grand Wizard of the Ku Klux Klan issued his order terminating the existence of that organization. In it he said that the objects for which they had labored had been accomplished; that they had afforded protection to families; that they had removed the fear which many had had for the safety of their persons and property; and that the time had arrived when their services were no longer needed; they were therefore commanded to burn all their regalia and other evidences of their existence and quietly to disband.

Nevertheless the name Ku Klux Klan continued to be used by unknown persons and their "outrages" were mentioned in newspapers as late as 1872.

The demonstrations of the Loyal League disappeared simultaneously with the disbandment of the Ku Klux Klan, and soon afterwards the state guard was dismissed.

With the passing of these two organizations and the removal to Washington of Senator Brownlow the people of Tennessee looked to the future with renewed hope. They realized, too, that much depended upon the outcome of the forthcoming election in August of a governor and members of the Legislature. Governor Senter was, naturally, a candidate to succeed himself. While he was a republican, he had been a member of the Secession Legislature of 1861 and was suspected of having inclinations favorable to the "ex-rebels." His competitor for the nomination was Col. W. B. Stokes, representative of the Third District in Congress. Stokes, also, at the beginning of the war had identified himself with the secession movement, but had deserted it and had become, after the war, one of the most extreme and bitter radicals. During the war he served creditably as colonel of a Tennessee regiment in the Union army.

The radical convention met in Nashville on May 20, 1869. It was called to order by Thos. Cates, chairman of the central committee, a Stokes man. The convention broke up over a contest to seat a friend of Governor Senter as temporary chairman of the convention, in which a hand to hand contest among the delegates resulted. The convention adjourned in disorder, and in the second meeting on the following day, the disgraceful scenes of the first were repeated. It finally adjourned in the utmost confusion. Both candidates were nominated by their friends who met in separate places.

Of this convention the Nashville Union and American, of May 21, 1869, said:

"The so-called Radical State Convention, the most disgraceful, profane, and vulgar assemblage of men ever congregated in the state to consider public affairs, came to an abrupt termination yesterday, after an ineffectual attempt of two days to organize. It simply dissolved. It could not even adjourn. It had no chairman, no secretary, and could not even transact any business. It met as if by chance, and dispersed from necessity. It was an agglomerate discord, an inflamed mob filled with mean whisky and meaner passions. It was a meeting of mortal enemies under the guise of friendship to decide the spoils of misdeeds and crimes. They quarrelled and fought, and called each other liars and thieves, and all manner of epithets. Such a congregation of vulgar elements, so fierce, so bitter, and so reckless, was never seen before in this section of the Union."

Beginning at Nashville on June 5th the two candidates canvassed the state in a joint debate which was distinguished for its personalities and lack of dig-

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nity and decorum. Governor Senter declared "that the time has come, and is now, when the limitations and disabilities which have found their way into our statute-books, as the result of the war, should be abolished and removed, and the privilege of the elective franchise be restored, and extended so far as to embrace the mass of the adult population of the state."

Colonel Stokes stated his position as follows:

"When the killing of Union men ceases, the hellish organization of Ku-Klux is abandoned, and the laws are observed, then I am willing to entertain a proposition to amend the state constitution so far as to allow the disfranchised to come in gradually, by providing that the Legislature may by a two-thirds vote remove the disabilities of those who petition, and come well recommended by their loyal neighbors."

The real issue of the campaign was universal suffrage or continued disfranchisement of the most numerous as well as the best element in the state, which was represented by those who had sided with the Confederacy. The Confederates, naturally desirous of regaining the elective franchise, assured Governor Senter that they would support him, if they were allowed to vote. This was easily arranged by Senter who had control of the same machinery which Brownlow had employed so successfully, including especially the appointment of the registrars of the election.

The election was held on August 5, 1869, and, notwithstanding the high feeling which prevailed, passed without any serious conflicts or disturbances of the peace. According to Miller's "Manual of Tennessee," page 170, Senter received 120,333 votes and Stokes, 55,036 votes, a majority of 65,297 votes in favor of Senter—the largest majority ever received by a candidate for governor of Tennessee. The large vote cast, 175,369, in comparison with the vote of 96,584 in the gubernatorial election two years before was accounted for partly by a decision of the Supreme Court in May, in the case of State vs. Staten, 6th Cold: 235 from Gibson County, declaring unconstitutional the acts of the Legislature authorizing the executive to set aside and annul registration of voters in which he might discover frauds and irregularities. This decision restored the franchise to a very large number whose certificates had been annulled by Governor Brownlow.

Immediately after the election Stokes and his friends applied to President Grant, alleging fraud, but Grant turned a deaf ear to their entreaties. Congress, to which they also appealed, passed a resolution thanking Grant for his refusal to interfere with affairs in Tennessee. The fact is that in all parts of the country it was recognized that the "carpetbag" governments of the South were full of corruption and incompetence and imposed upon the southern states intolerable burdens of debt. The feeling was becoming general that there should be universal amnesty in order that the best and most capable people of the South should return to the management of their own affairs.

The Legislature, which was elected at the same time as Governor Senter and upon the same platform, was democratic for the first time since 1861. Thus the Confederate element in the state, led by Gen. John C. Brown, regained control of Tennessee.

The first session of the Thirty-sixth General Assembly met October 4, 1869, and adjourned March 5, 1870. The following named important acts were passed at this session: "Requiring voters to vote in the district in which

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they reside''; ''Repealing all laws granting state aid to internal improvement''; ''Providing for lease of the penitentiary''; ''Funding the floating debt''; ''Calling a constitutional convention, to be voted for on the third Saturday in December, 1869, and to meet on the second Monday in January, 1870''; ''Repealing the law requiring candidates to take an oath.'' A joint resolution was also passed rejecting the Fifteenth Amendment to the Constitution of the United States.

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PERIOD IV

The Period of Modern Times—From the Adoption of the Third Constitution, in 1870, to the Present Time

CHAPTER XXVI

FROM JOHN C. BROWN TO ROBERT L. TAYLOR

THE CONSTITUTIONAL CONVENTION OF 1870—THE ADMINISTRATIONS OF GOVERNOR JOHN C. BROWN—THE ADMINISTRATIONS OF JAMES D. PORTER—THE ADMINISTRATION OF GOVERNOR A. S. MARKS—THE ADMINISTRATION OF GOVERNOR ALVIN HAWKINS—THE ADMINISTRATIONS OF GOVERNOR W. B. BATE—"THE WAR OF THE ROSES"—ADMINISTRATIONS OF ROBERT L. TAYLOR

The outstanding feature of the work of the Legislature in the early days of its session in 1869 had been the efforts of the members and of the governor to keep their pledges to restore the franchise to the majority of the white voters who had been disfranchised. The problem proved to be perplexing because, in 1865, the Radical Convention had adopted amendments by virtue of which the Legislature in 1866 and 1867 had passed the disfranchising acts. It is true that those acts could have been repealed, but as the questions involved were of a constitutional character it was thought that they ought not to be handled by the Legislature. An Act [1] was therefore passed which authorized the people to call a convention to make a new constitution for Tennessee. The first section provided,

"That every male person not convicted and rendered infamous for crime, of the age of twenty-one years, being a citizen of the United States, and a citizen of the county where he may offer his vote six months next preceding the day of election, is hereby authorized to assemble on the third Saturday in December, 1869, at the several places of holding elections in the several counties and vote for or against calling a convention to amend, revise or form and make a new constitution for the state; and no certificate or other qualification than the foregoing, shall be required by the judges holding said election."

Provision was also made for the election of seventy-five delegates to the Convention, which shall convene in Nashville on the second Monday in January, 1870, in case of a majority vote in favor of the convention.

The election resulted in a majority of 40,500 in favor of holding the convention.

The second Monday in January, 1870, was the 10th and on that day the distinguished body of delegates assembled. It was probably the most intelligent assemblage of representatives elected in Tennessee for any purpose since the Constitutional Convention of 1834. The people had, for the most part, selected their best and wisest men. The convention was called to order

[1] This was Chapter CV of the Acts of 1869, p. 118, passed on November 15, 1869, and entitled, "An Act to Authorize the People to Call a Convention, and for Other Purposes."

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by Judge A. O. P. Nicholson, one of the greatest jurists of his time and, later, chief justice of Tennessee. Upon his suggestion Bolling Gordon, the only delegate present who had been a member of the Convention of 1834, was made temporary chairman. Gen. John C. Brown was made permanent president. General Brown was universally loved and respected. He had risen to prominence in the Civil war, in which he achieved deserved fame and he had been a leader in the movement to restore the elective franchise. He was a younger brother of Neill S. Brown, governor of Tennessee, 1847-49, who was also a delegate to the convention.

The convention was, politically, democratic, and ex-Confederates predominated. The character of the members was a guarantee that its action would be conservative.

The Constitution of 1834 was admirably adapted to the conditions prevailing in Tennessee at that time and for many years later. Even at the time of the outbreak of the war society had not outgrown it. In 1870 old systems had been destroyed and new ones had not yet been established. Tennessee was prostrate, its people were impoverished; its future uncertain. It seemed best to make as few changes as possible—only those known to be necessary. The real object of the convention is stated by Joshua W. Caldwell [2] as follows:

"The truth is that the convention was a political expedient, designed to restore to citizenship and to the mastery of affairs, the majority of the white voters of the state, who had been disfranchised by a minority party which the war had placed in power. If certain minor constitutional changes were advocated, the wish to secure them was not an important factor in promoting the convention." [3]

The suffrage question was the predominant question before the convention. Not only was restoration of the franchise sought for the disfranchised but they must determine what should be done relative to permitting the negroes to vote. On this question the minority report of the suffrage committee said:

"We hold that the negro race is the lowest order of human beings, incapable in themselves of a virtuous intelligence, or free government; and for the truth, we appeal to history, and challenge the world to show a single exception. We hold that the inferiority of the negro to the white man, in race, color and capacity for permanent, well-ordered government has been fixed by Him who 'doeth all things well,' and whose natural or revealed law has never been violated by any human government without disaster and confusion."

This report probably represented a large majority of the delegates. Vindictiveness or a sense of proper retribution for evils suffered might have caused less wise and patriotic men to repudiate and repeal the amendments adopted in 1865 which, indeed, they thought were legally adopted. But, surrendering their convictions for the good of the state, they incorporated into the constitution the following provision with regard to suffrage:

"Every male person of the age of twenty-one years, being a citizen of the United States, and a resident of the state for twelve months, and of the county wherein he may offer his vote, for six months next preceding the day of election, shall be entitled to vote for members of the General Assembly, and all

[2] Caldwell's "Constitutional History of Tennessee," p. 147.

[3] Caldwell ("Constitutional History of Tennessee," p. 150), quotes Judge Nicholson as having said: "Let us be careful; let us do no more than is absolutely necessary. In ten years all this must be done again."

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civil officers of the county or district in which he resides, and there shall be no qualification attached to the right of suffrage, except that each voter shall give to the judge of election, where he offers to vote, satisfactory evidence that he has paid the poll taxes assessed against him for such preceding period as the Legislature shall prescribe, and at such time as may be prescribed by law, without which his vote cannot be received."[4]

Besides the suffrage provision but few changes were made from the Constitution of 1834. The principal changes were the following: It was provided that "the militia shall not be called into service except in case of rebellion or invasion, and then only when the General Assembly shall declare by law that the public safety requires it."[5]

The bill of rights was amended so that "the writ of habeas corpus shall not be suspended, unless when, in case of rebellion or invasion, the General Assembly shall declare the public welfare requires it."

To remedy the abuse of too frequent sittings of the Legislature which had been in almost continuous session during Brownlow's regime, the regular sessions were made biennial and it was provided that no member "shall be paid for more than seventy-five days of the regular session, or for more than twenty days of an extra or called session."

They also created a homestead exemption and delegated to the Legislature the power to pass general laws, for the organization of private corporations, and state aid to internal improvement companies was prohibited.[6]

After having completed their work[7] the members of the convention proceeded to the capitol and placed the new constitution in the hands of Governor Senter, by whom it was placed before the people, who, on March 25, 1870, ratified it by a vote of 98,128 to 33,872.

A large part of the activities of the second session of the Thirty-sixth General Assembly, which met on May 9, 1870, and adjourned July 11, 1870, was devoted to enacting laws necessary for carrying into effect the provisions of the new constitution. Acts were passed defining the qualifications of voters, providing for elections and redistricting the state. It was provided that all males of twenty-one years of age could vote.[8] It was provided that the governor and members of the General Assembly should be elected on the second Tuesday in November, 1870, and thereafter, every two years, on the first Tuesday after the first Monday.[9]

The act entitled "An Act to Reorganize and Regulate Common Schools,"[10] proved to be very unfortunate. Its object was laudable, it is true; that is, the repeal of the law of 1867, known as the "Brownlow School Law"; but while that law, obnoxious as it was in many sections of the state, was repealed, the maintenance of the public schools was remanded to the several counties and the cause of public education suffered until 1873 when was passed the famous act which started the present educational system of Tennessee.

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[4] Journal of the Constitutional Convention of 1870.

[5] This was adopted probably for the reason that Brownlow had acted arbitrarily in suspending the writ of habeas corpus and had proclaimed martial law.

[6] The following is the wording: "The credit of this state shall not be hereafter loaned or given to or in aid of any person, association, company, corporation, or municipality; nor shall the state become the owner, in whole or in part, of any bank, or a stockholder with others in any association, company, corporation, or municipality."

[7] On February 23, 1870.

[8] Chapter X, Acts of 1870, p. 25, passed June 1, 1870.

[9] Chapter XV, Acts of 1870, p. 31, passed June 10, 1870.

[10] Chapter LXIV, Acts of 1870, p. 99, passed July 7, 1870.

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The third session of the Thirty-sixth General Assembly met December 5, 1870, and adjourned February 6, 1871. It was concerned principally with an investigation into frauds in railroads and school funds and investigation of the condition of the state debt.

A recrudescence of the Ku Klux Klan "outrages" was complained of by Governor Senter in the latter part of his administration and he sought to induce the Legislature to give him power to suppress them. When he was unsuccessful in this effort, application was made to Congress to reconstruct the state. This movement, however, likewise failed.

In the judicial elections held in August, 1870, in conformance to the act [11] passed June 16, 1870, six judges, two from each grand division of the state, were elected to compose the Supreme Court. Of this court, the distinguished jurist and former senator, Alfred O. P. Nicholson was made chief justice.

With the adoption of the constitution of 1870 [12] and of the statutory laws necessary to effectuate it, the reconstruction period in Tennessee came to an end.

THE ADMINISTRATION OF GOVERNOR JOHN C. BROWN

The prominent part taken by Gen. John C. Brown in the affairs of Tennessee after the war and especially the distinguished services performed by him in securing the franchise for ex-Confederates and as chairman of the Constitutional Convention singled him out as preeminently the man to head the democratic ticket in the gubernatorial race in 1870. He was nominated in the Democratic State Convention in the summer of that year. His republican competitor was the Hon. William H. Wisener, a veteran whig in ante-bellum days, and able and distinguished republican after the war. Following a brilliant canvass, General Brown was elected by a vote of 78,979 to Wisener's 41,500. This was the first general election after the adoption of the new constitution, and, although it was held in November, 1870, Governor Brown was not inaugurated until October 10, 1871, at the expiration of Governor Senter's full term of two years, so that Governor Brown's first term embraced a period of only one year and three months.

The first session of the Thirty-seventh General Assembly met on October 2, 1871, and adjourned December 16, 1871. The previous Legislature had paved the way for the political reorganization of the state along democratic lines. Economic questions, especially the state debt, occupied the main attention of the new administration. The state comptroller reported that the indebtedness of the state had reached the enormous sum of $41,863,406.69, of which $31,300,417.14 had been incurred in extending state aid to railroads and turnpikes. Of the rest $4,819,544.26 represented the state debt proper, and $4,075,028 bonds indorsed by the state, and interest to January 1, 1872.

The following named important acts were passed: "To authorize railroads to consolidate"; "To establish a bureau of immigration of three commissioners appointed by the governor"; "To create the office of state geologist"; "To create the office of superintendent of prisons"; "To establish a bureau of agriculture"; "To apportion the state into senatorial and representative districts."

[11] This is Chapter XXIV, Acts of 1870, p. 42, entitled, "An Act to Organize the Supreme Court of Tennessee in Pursuance of Article VI, Sections 2, 3, and 5, and of Section 2 of the Schedule of the Constitution of this State."

[12] A copy of this Constitution will be found in the Appendix.

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Gen. Joel A. Battle was appointed superintendent of prisons; J. M. Stafford, state geologist; William Morrow, treasurer and ex-officio superintendent of public instruction, with J. B. Killebrew, assistant superintendent; Green Sawyer, Archer Cheatham and Daniel F. Carter, inspectors of the penitentiary; C. W. Charlton, commissioner of immigration; James White, road commissioner for East Tennessee; Hiram F. Cummins, road commissioner for West Tennessee.

Governor Brown called an extra session of the Legislature to meet on March 12, 1872, and adjourned on April 1, 1872. The reason for this action the governor stated in his proclamation as follows:

"By an Act of the Congress of the United States, approved February 2, 1872, there has been apportioned to the State of Tennessee, nine representatives in said Congress; and * * * it is proper, before the next regular session of the General Assembly, that the state should be redistricted in conformity with said Act of Congress; and * * * there are other matters of public interest which require legislation," of which he mentioned twelve in addition to the matter of redistricting the state. Only twenty-one acts were passed, several of which pertained to railroad matters.

After the passage of the act "to Apportion the Representation in the Congress of the United States,"[13] politics in Tennessee became acute. Andrew Johnson, Horace Maynard and Gen. B. F. Cheatham made a joint canvass of the state for congressman for the state at large. Andrew Johnson had, on March 4, 1869, left the presidency and immediately laid his plans for another office. He observed that the term of his friend, Hon. Joseph S. Fowler, as United States senator, was about to expire (in 1869) and that Fowler was a candidate for reelection. Notwithstanding the fact that Senator Fowler had saved Johnson from conviction in the impeachment trial, Johnson did not hesitate to become a candidate against him. The contest was exciting and bitter. The democrats were in a majority in the Legislature, but were divided. Finally Henry Cooper was nominated over Johnson by four votes. In this contest, Edmund Cooper, at one time private secretary of Andrew Johnson, voted for his brother and, by so doing incurred the bitterest enmity of Johnson who never forgave him.

Johnson's next effort was to be elected to the National House of Representatives, in 1870, from the district which he had represented years before. But he was defeated in the nominating convention by James White.

He was now, in 1872, in the joint debate with Maynard and Cheatham exerting the utmost efforts of his great ability, influence and experience to win over Maynard and Cheatham; but to no avail. For the first time in his long career the "People's Andy" went down in defeat by a vote of the people of Tennessee. Maynard received 80,822 votes; Cheatham 63,976; Johnson, 37,902.

In this same year Governor John C. Brown, democrat, and A. A. Freeman, republican, canvassed the state in joint debate seeking election as governor. Each received the normal vote of his party, Brown's vote being 97,700, and Freeman's 84,089.

The first session of the Thirty-eighth General Assembly met on January 6, 1873, and adjourned on March 25, 1873. Governor Brown, in his message to the Legislature, recommended the funding of the state debt and, by so doing,

[13] Chapter VII, Acts of the Called Session of the Thirty-Seventh General Assembly (1872), p. 28.

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aroused some opposition to his financial policy. Nevertheless, he had sufficient influence to secure the passage of the acts he wished; and his wisdom and ability were shown by the fact that during his two terms the bonded indebtedness of the state was reduced from $41,863,406.69 to a little more than $20,000,000; that a large floating debt was liquidated; that an act[14] was passed to fund the state debt at par; that the credit of the state was restored and the payment of interest on the bonds was resumed; and that an act[15] was passed "to establish and maintain a uniform system of public schools." This last named act and the one for funding the state debt were the most important of Governor Brown's administration. There was much opposition to both, and, strange as it now seems, it was directed most strenuously against the educational bill. It cost the governor loss of cherished friends and engendered at the time very bitter feelings. But Governor Brown placed the interests of the state above all personal considerations and succeeding generations will bless his memory for his courage, constancy and exalted wisdom in establishing the school system which is in operation at the present day. The state superintendent of public instruction, Hon. John M. Fleming, put the system into efficient execution.

In 1873, cholera and yellow fever visited Tennessee and caused serious disturbances in both social and business circles.

On March 27, 1873, Cornelius Vanderbilt made a donation of $500,000 "to found an institution of learning." This was the beginning of Vanderbilt University.[16]

In May, 1875, The Tennessee Historical Society, which had been established in 1849, was reorganized with the following notable men for its officers: Dr. J. G. M. Ramsey, president; Judge John M. Lea, vice president; Gen. G. P. Thruston, corresponding secretary; Anson Nelson, recording secretary; J. S. Carels, treasurer; Dr. J. B. Lindsley, librarian.

Governor Brown declined to be a candidate for reelection in 1875 and retired to private life with the confidence and esteem of the people of the state.[17] He had made a good, wise and able executive at a time of vital importance to Tennessee, which represented a turning point in her history. Irretrievable and disastrous errors could have been made and doubtless would have been made by a man less competent, honest and far-seeing. To him Judge James D. Richardson paid the following tribute:

"Governor Brown sustained himself and received the applause of his followers in these canvasses, and won the reputation of being one of the very best stump speakers our state has ever produced. * * * With a wise statesmanship, he grasped the situation, and with a firm hand he struggled to maintain the honor and credit of the state. Much bitterness of feeling was engendered in the politics of Tennessee by this vexed question, and it was years thereafter before a settlement was effected."

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[14] Chapter XXIV, Acts of 1873, p. 34.

[15] Chapter XXV, Acts of 1873, p. 39.

[16] Dr. Chas. F. Deems is authority for the following statement by Commodore Vanderbilt of the reasons which actuated him in making the donation: "I concluded to do this because I fought the South when the South was in rebellion. I gave a vessel worth a million to show my views on that subject; and now I am willing to give a larger amount of money to show these people who have been subjugated that the northern men do not bear animosity."

[17] The Nashville home of Governor John C. Brown was at the corner of Eighth Avenue. Recently was found in it a pamphlet, being a reprint of Governor Brown's speech in this campaign as it appeared in the Chattanooga Times. This has been given to the State Archives by Hon. W. L. Mitchell, formerly state shop and factory inspector.

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THE ADMINISTRATIONS OF JAMES D. PORTER

When, in 1874, the second administration of Governor John C. Brown was soon to end and he had declined to be a candidate for reelection numerous democrats in all parts of the state were extremely desirous of securing the nomination, for a nomination by the Democratic State Convention insured an election. Accordingly, when the Democratic State Convention met at Nashville on August 10, 1874, twelve candidates were placed before it and Jas. D. Porter, of Paris, Henry County, was nominated.

The Republican State Convention met at Chattanooga, September 16, 1874, and nominated Horace Maynard who was justly ranked as one of the ablest republicans in the state, moreover, was a man of many years' experience in the politics of Tennessee. He had been elected to Congress seven times from the second district and once, as we have seen, from the state at large.

Porter and Maynard made a joint canvass of the state and it is but just to say that the former lost nothing in reputation and prestige in the contest with so redoutable an antagonist. It is proper to state, also, that, in 1874, the democrats were greatly aided by the political condition prevailing throughout the country. The republicans were apathetic whereas the democrats were aggressive and confident. In Tennessee not only was the democratic candidate for governor successful, but there were only eight republicans elected to the Legislature. The vote was 105,061 for James D. Porter; 55,847 for Horace Maynard; and 222 for B. F. C. Brooks, greenbacker.

The Thirty-ninth General Assembly met on January 4, 1875, and adjourned on March 24, 1875. Governor Porter was inaugurated on January 18, 1875. The Legislature organized by electing Thos. H. Paine, speaker of the Senate and Lewis Bond, speaker of the House. It was this General Assembly which elected ex-President Andrew Johnson to the United States Senate on the fifty-fifth ballot. The contest for this honor was extremely acrimonious and exciting. Most of the old line democrats fought Johnson with the utmost determination. Ex-Governor John C. Brown and Gen. Wm. B. Bate were both candidates against him. Both of these were gentlemen of the highest standing. Both had splendid military records; and both had numerous and ardent friends who flocked to Nashville and exerted their influence in behalf of their favored candidate and especially against Johnson. In turn Johnson fought his enemies in this contest with all of his accustomed courage and iron will. He even captured some of the members of the opposition by the exercise of that subtle diplomacy of which he was acknowledged to be a master. It is said that he was even skillful enough to induce General Forrest to withdraw his opposition and to depart to his home in Memphis. Never did Johnson's wonderful power to control men appear to more conspicuous advantage than it did in this contest, which shook the State of Tennessee from center to circumference. The enemies he had made in forty tempestuous years were concentrated against him to encompass his downfall. But bold, defiant and unshaken he withstood their assaults and emerged triumphant. It is said to have been the proudest moment of his life when, by the change of one vote to him, Johnson was elected.[18] He died the following July.

The fight over the state debt, which had been such a disturbing factor in the preceding administration was continued in Porter's term. The democrats

[18] In his "Notable Men of Tennessee," pp. 442-443, O. P. Temple says that to secure this one necessary vote Johnson made a pledge which he afterwards violated.

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were divided on this issue. One wing urged that a large part of the debt was fraudulent and especially that part of it created during the Brownlow regime. The other wing maintained that even if a part of the debt were fraudulent the credit and good name of the state required that all debts should be paid which had been incurred by recognized authority of the state. The very first act (Chapter I, of the Acts of 1875), passed on January 20, 1875, repealed the funding act of 1873, but the fight on this issue continued and the governor repeatedly urged the Legislature to make a final readjustment of the state debt and to provide for paying the interest on the bonds.

Other important acts passed were: "To authorize the appointment of coal-oil inspectors"; "To declare the mode of valuing railroad property for taxation"; "To establish a bureau of immigration"; "To provide for the organization of corporations." A resolution[19] also, was adopted proposing an amendment to the constitution of the state providing for extending the term of the governor from two to four years, and other amendments in harmony with this, and still other amendments the object of which was to facilitate the government and progress of the state. These amendments were not adopted.

On March 8, 1875, the Legislature passed an act[20] authorizing the governor to appoint commissioners to treat with the State of Kentucky for that portion of said state lying north of Lake County, Tenn., and known as Madrid Bend. The governor appointed Benton McMillin and E. E. Westbrook as the commissioners with power to purchase the tract for such sum as they might deem reasonable. An inspection of the map shows that the people of the section in question would be much better served if they were attached to Lake County, Tenn.; that, to reach their county seat in Kentucky, they have to cross the Mississippi River twice. Nevertheless, the State of Kentucky refused to part with this land.

The year 1876 was a presidential year and the elections, both the national and state, throughout the Union, were hotly contested. The Democratic State Convention met at Nashville in August and was presided over by Judge James D. Richardson. Governor Porter was unanimously nominated for a second term. The republicans made no nomination but most of them voted for Hon. Dorsey B. Thomas, the independent candidate. The result of the election was as follows: James D. Porter, 123,740; Dorsey B. Thomas, independent, 73,695; Geo. Maney, republican, 10,436; W. F. Yardly (colored), republican, 2,165.

The regular session of the Fortieth General Assembly met on January 1, 1877, and adjourned March 27, 1877. It organized by the election of Hugh M. McAdoo, speaker of the Senate, and E. F. Taliaferro, speaker of the House. In this year Isham G. Harris was elected United States senator to succeed Henry Cooper; and James E. Bailey to succeed Andrew Johnson, deceased.

The following named important acts were passed: "To repeal the conventional rate of interest"; "The four-mile law";[21] "To create a state board of Health."[22]

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[19] Senate Joint Resolution No. LXXXIV, Acts of 1875, p. 329, passed March 23, 1875.

[20] Chapter XXI, Acts of 1875, p. 22.

[21] This Act (Chapter XXIII of the Acts of 1877, p. 37, passed March 19, 1877), prohibited the sale of intoxicating liquors within four miles of an incorporated institution of learning, except where such sale was protected by the charter of an incorporated town and is of unusual importance because it was the first step in the series of acts which ultimately resulted in the "Bone Dry Law."

[22] This Act (Chapter XCVIII, Acts of 1877, p. 120, passed March 26, 1877), was passed in consequence of the terrible ravages of yellow fever which prevailed in the Southwest. In the next year, 1878, this disease raged fiercely in West Tennessee. The powers of this Board have since been enlarged and it has been of wonderful benefit to the state.

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The first extra session of the Legislature, met on December 5, 1877, in obedience to the proclamation of Governor Porter, dated November 6, 1877, "to consider the recommendation made by the arbiters[23] at the conference held at New York in March, 1877, to adjust the state debt by the issuance of new 6 per cent bonds at the rate of 60 per cent of the total amount of principal and past-due interest."

This session adjourned sine die on December 11, 1877, at the suggestion of the governor, who informed the Legislature that he had received assurances that the bondholders would be willing to accept settlement on the basis of 50 cents on the dollar instead of 60 cents. Hence, he called them to meet in the second extra session on December 12, 1877. This session adjourned on December 28, 1877, without having accomplished the purpose for which it had been called.

Governor Porter was a warm friend of public education. In these times it seems incongruous that any one at any time could have been opposed to popular education and free public schools. Nevertheless, there was a strong opposition in the state and, in the Legislature, during Governor Porter's administration. It crystallized in a bill which was passed abolishing the office of county superintendent of schools. But it was nullified by a pocket veto. This was the last serious effort against the system of public schools which was established in 1873, under Governor John C. Brown. The cause of public education was greatly advanced by the wise administration and broad vision of State Superintendent Leon Trousdale. Under his direction teachers' institutes were used as popular agencies. A State Board of Education was also created. The Peabody Normal College was established and Governor Porter was made a member of the Peabody Board of Trust.

Yet, interested as Governor Porter was in matters of education and of other activities which characterized his successful administrations, he felt that the state debt deserved first and most serious consideration. In his last annual message to the Legislature in 1879, just before the inauguration of Governor Marks, his successor, he said: "The settlement of this debt is paramount to all questions of legislation that can engage the attention of the General Assembly; it involves the honor and good name of the state, the credit and honor of every one of its citizens; it is a liability that was voluntarily contracted, and whether it was wisely created or not, can not now be a question. I hold and have always believed that in the light of moral and legal duty, as a question of commercial honor and of state pride, the best settlement of the question for Tennessee would be to pay the entire debt according to the terms of the contract."

THE ADMINISTRATION OF GOVERNOR ALBERT S. MARKS

The Democratic State Convention met in Nashville on August 15, 1878. As Governor Porter declined to become a candidate for reelection, the aspirants for the gubernatorial seat were numerous. There were Col. John M. Fleming and Hon. A. Caldwell from East Tennessee; John H. Savage, A. S. Colyar, and John V. Wright from Middle Tennessee; and John A. Gardner, from West Tennessee. The name of Judge A. S. Marks had, it is true, been mentioned from

[23] These were a legislative committee, composed of John H. Savage, G. W. Martin, Jesse Arledge, W. E. Travis, and Lewis Sheppard, who conferred with a committee of the bondholders.

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time to time. But he made a speech in the convention, in which he declared that he was not a candidate and then returned at once to his home in Winchester. Nevertheless, when the delegates could not agree on one of the avowed candidates, they nominated Marks without his knowledge or consent.

The Republican State Convention also met at Nashville, one week later, August 22, 1878. Only forty-nine of the then ninety-four counties were represented. Emerson Etheridge was nominated for governor, but declined the nomination and the Republican Executive Committee three weeks later substituted the name of Dr. E. M. Wight, of Chattanooga.

In this year, for the first time in the history of the state, the greenback party came into the field with a candidate for governor, although in 1874, B. F. C. Brooks, a greenbacker, received 222 votes for governor. But by 1878, their strength had been so increased that they held a convention, at Nashville, on August 29, 1878, in which were delegates from twenty-one counties, and Judge E. H. East was nominated by acclamation. When Judge East declined, Hon. Lewis B. Tillman, Sr., of Bedford County was selected. In about ten days he also withdrew and was succeeded by Col. R. M. Edwards, who remained in the race to the end.

Doctor Wight made no canvass of the state, but Judge Marks did. The votes reflected the confidence of the democrats and the lack of enthusiasm of the republicans. The result was: A. S. Marks, 89,958; E. M. Wight, republican, 42,284; R. M. Edwards, 15,155. Governor Marks was inaugurated January 16, 1879.

The regular session of the Forty-first General Assembly was held from January 1st, to April 1st, 1879. The Legislature organized by the election of John R. Neal, speaker of the Senate, and Henry P. Fowlkes, speaker of the House.

Important acts were passed on the following subjects: "To establish taxing districts"; "To give laborers a lien on crops"; "To change the name of East Tennessee University to the University of Tennessee"; "To settle the debt of the state at '50-4,' and to submit said settlement to the people."

This last named act represented the action of the Legislature after a hot fight, and was rejected by the people by a vote of 75,755 adverse to 46,704 in favor of it.

J. W. Caldwell says of Governor Marks: "His term of office covered a disturbed period in the history of Tennessee, and of the democratic party especially. The state debt question had been for several years threatening the harmony of that party.

"The position of Governor Marks on this vexed subject was clearly defined, but he did not seek renomination in 1880, for the reason that he believed that some one should be chosen who had no prominent connection with the question. He favored what was known as the fifty and four plan of settling the state debt, but that plan was defeated, and he then assented to the settlement at fifty and three. Indeed, he was the leading spirit in the convention of 1882, and probably did more than any one else to bring the two wings of the party together."[24]

The state debt question, still unsettled, was still the paramount issue in the gubernatorial campaign of 1880. The democratic party was hopelessly divided on it into two warring factions, one composed of "State Credit" democrats and the other of "Low Tax" democrats. In the state convention, which

[24] Caldwell's "Bench and Bar of Tennessee," p. 350.

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met in Nashville on August 10, 1880, these factions drew still farther apart. The "State Credit" faction nominated Hon. John V. Wright, of Maury County, for governor, and the "Low Tax" faction nominated Hon. S. F. Wilson,[25] of Sumner County. Judge Alvin Hawkins, of Carroll County, was nominated by the republicans, and Col. R. M. Edwards again headed the greenback party in the fight.

In this year the republicans were making an aggressive campaign for Garfield and Arthur and the republican party in Tennessee were stimulated by this fact and also by the schism in the democratic ranks in Tennessee. They therefore rallied around Hawkins with all their strength and elected him.[26] The vote was as follows: Alvin Hawkins, republican, 103,564; John V. Wright, state credit democrat, 78,783; S. F. Wilson, low tax democrat, 57,080; R. M. Edwards, greenbacker, 3,459.

In this year Horace Maynard, of Tennessee, was appointed postmaster general of the United States by President Hayes, and D. M. Key was appointed United States district judge for East Tennessee and Middle Tennessee.

ADMINISTRATION OF GOVERNOR ALVIN HAWKINS

After an able and dignified canvass of the state Hawkins was elected governor in November, 1880, and was inaugurated January 17, 1881. The regular session of the Forty-second General Assembly was held from January 3, 1881, to April 7, 1881. It organized by the election of Geo. H. Morgan, speaker of the Senate and H. B. Ramsey, speaker of the House.

The personnel of both Senate and House was more numerously republican than usual. In the Senate there were fifteen democrats and ten republicans; and, in the House, there were thirty-seven democrats, thirty-seven republicans and one greenbacker, who held the balance of power.

One of the first things to require the attention of the Legislature was the election of a United States senator to succeed Senator Jas. E. Bailey who had been elected in 1877 to fill the unexpired term of Andrew Johnson. In the contest that ensued when no candidate could secure votes enough to obtain the coveted prize, some personal and political friends asked Governor Hawkins to permit the use of his name as a candidate. Hawkins had made his campaign for governor on a "state credit" platform. Hence, some of the "low tax" democrats were willing to vote for him for United States senator in order that Geo. H. Morgan, speaker of the State Senate might succeed him. But Hawkins, realizing the situation, refused to become a candidate, saying that he felt it to be his duty to the people who had elected him governor to serve them in that capacity and "not place the affairs of the state in the hands of the enemies of its credit and good name." The final result[27] was the election of Howell E. Jackson, democrat, to the United States Senate, which result was brought about by the votes of some republicans when they realized that they could not elect one of their own party, concerning which matter Jackson said: "Party politics would be robbed of much of its bitterness and partisan feeling if this frank and manly course were oftener pursued on both sides."

[25] Now (1923) presiding judge of the State Court of Civil Appeals.

[26] Hawkins and McMinn are the only minority governors of Tennessee.

[27] On the twenty-fourth ballot, Robt. L. Taylor, who, less than two years before, in 1879, while yet a young man, had obtained a brilliant victory over Maj. A. H. Pettibone, in a republican district, received forty-eight votes. Sixty votes were necessary to elect.

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The settlement of the state debt was still the paramount question before the Legislature. In his first biennial message [28] to that body Governor Hawkins advocated a settlement that would be just to the creditors and, at the same time honorable to the people of Tennessee. An act [29] was passed on April 5, 1881, which, as we have already seen in the discussion of the state debt in the preceding chapter, settled the debt dollar for dollar in full with 3 per cent interest, but it was set aside by a decision of the Supreme Court of Tennessee.

The first extra session of this General Assembly was held from December 7th to December 26th, 1881. In was called for the purpose of arranging the apportionment for members of the General Assembly.

The second extra session, however, which was held from April 6th to April 26th, 1882, was called to consider no less than forty-one distinct matters, the most important of which were: Redistricting the state into ten congressional districts. Tax amendments and assessments. Public roads. Supreme Court dockets. The rest of the business pertained principally to local affairs.

On the very last day of the second extra session, April 26, 1882, Governor Hawkins issued a proclamation calling for a third extra session to convene on the next day, April 27th. It remained in session until May 22nd. Although ten items were mentioned in the call and some other legislation was effected, the greater part of the time of the session was devoted to the first item, "The compromise and settlement of the bonded indebtedness of the state."

The decision of the Supreme Court of the state in regard to the unconstitutionality of the act of April 5, 1881, had been but recently rendered and, while the governor, together with many others of all shades of political affiliation, was deeply disappointed, he sent to the Legislature on April 10, 1882, a vigorous message in which he pressed upon them the importance of settling the state debt. In it he said:

"Tennessee can no longer afford to disregard her most solemn obligations or trifle with the rights of her creditors. If she would restore confidence, reestablish public and private credit, induce capital and immigration to come within her borders, if she would have her vast resources developed, and her waste places built up, if she would have her children educated, and her people become active, hopeful, thrifty and contented, if she would enter the highway to prosperity, wealth and grandeur which lies at her feet, she must meet her obligations in such a manner as becomes a proud state." [30]

There was prolonged discussion regarding the state debt, but on May 19, 1882, an act [31] was passed entitled "An Act to Compromise and Fund the Bonded Indebtedness of the State of Tennessee." This act funded the debt of the state into bonds at 60 cents on the dollar, with graded interest of 3 per cent, for two years, 4 per cent for the next two years, 5 per cent for the next two years, and 6 per cent thereafter.

At the beginning of his administration, Governor Hawkins appointed Dr. W. S. Doak, state superintendent of public instruction. Doctor Doak was a grandson of Dr. Samuel Doak. Dr. W. S. Doak died in office in 1882.[32]

[28] House Journal, 1881, pp. 472-478.

[29] Chapter CLXXIII, Acts of 1881, p. 279.

[30] House Journal, Third Extraordinary Session of the Forty-second General Assembly, 1882, p. 34.

[31] Chapter IV, Acts of Third Extraordinary Session, p. 6, 1882.

[32] He was the only state superintendent of public instruction who has died in office. He was succeeded by G. W. S. Crawford. Both of these eminent superintendents materially advanced the cause of education. During their term Col. Leon Trousdale established the first teachers' institute in the history of the state. This was a summer school of high grade, held at the University of Tennessee.

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ADMINISTRATIONS OF GOVERNOR WM. B. BATE

As has already been seen, the dissensions in the democratic party were responsible for the election of Governor Hawkins, and were responsible also for the stormy period of Hawkins' administration, because, while Hawkins' party was in a minority in the Legislature, the numerically superior democratic contingent was divided into hostile and warring factions which made it difficult to secure legislation that was beneficial to the people, creditable to the General Assembly or honorable to the great State of Tennessee. At this critical juncture, when the political situation looked very dark for the democratic party, Gen. Wm. B. Bate was nominated in the Democratic State Convention to lead what was looked upon as a forlorn hope. Although, naturally, General Bate was not desirous of this nomination, he unhesitatingly accepted it, entered upon a thorough, vigorous and intelligent campaign, brought the several ranks into unity, gained their undivided support and won a glorious victory.

The Republican Convention nominated Governor Hawkins for reelection. The greenbackers nominated John R. Beasley; and the extreme state credit wing of the democratic party, known as the "Sky Blues,"[33] nominated J. H. Fussell. The vote was as follows: Bate, 120,637; Hawkins, 93,168; Beasley, 9,660; Fussell, 4,814.

The Forty-third General Assembly organized by the election of B. F. Alexander, speaker of the Senate and W. L. Ledgerwood, speaker of the House.

Governor Bate was inaugurated on January 15, 1883, and on February 8, 1883, sent a strong message[34] to the Legislature in regard to a settlement of the state debt. This was one of the most thorough and able of the governors' messages in the history of the state; and, as we have seen in the preceding chapter, paved the way for the passage of an act[35] which proved to be the final adjustment of this vexatious question. The act provided for the payment of the "state debt proper" which was admitted by all to be valid. That payment was to be in full including principal and accrued interest, except the interest which had accrued during the Civil war. It consisted of the following items:

Capitol Bonds	$493,000
Hermitage Bonds	35,000
Agricultural Bonds	18,000
Union Bank Bonds	125,000
Bank of Tennessee Bonds	214,000
Bonds Issued to Turnpike Companies	741,000
Hiwassee Railroad Bonds	280,000
East Tennessee and Georgia Railroad Bonds	144,000
Memphis & LaGrange Railroad Bonds	68,000
Total	$2,118,000

It was provided that the remainder of the indebtedness, of which it was charged a part was tainted with fraud, another part illegally issued, and still another part had equitable offsets, should be funded into bonds covering one-half of the principal and accrued interest, that these bonds should bear

[33] These were bolters from the Democratic State Convention which was held in June, 1882, who were unwilling to accept the plank in the platform adopted for the settlement of the state debt.

[34] House Journal, 1883, p. 311.

[35] Chapter LXXXIV, Acts of 1883, p. 76.

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interest at 3 per cent, payable in thirty years, but redeemable after five years at the option of the state. Of these bonds there were five classes as follows:

Ante-war Railroad Bonds	$ 8,583,000
Post-war Railroad Bonds	2,638,000
Funded under Act of 1866	2,246,000
Funded under Act of 1868	569,000
Funded under Act of 1873	4,867,000 [36]
Total	$18,903,000

While, of course, the State Debt Act was the most important act passed at this session, another act of great importance was also passed. This was called the railroad bill [37] and was entitled, "A Bill to be entitled, An Act to provide for the regulation of railroad companies, and persons operating railroads in this state; to prevent discrimination upon railroads in this state; and to provide for the punishment for the same; and to appoint a railroad commission." The first commission appointed were Col. John H. Savage, J. A. Turley, and Gen. George W. Gordon.

The excellent work done by the Department of Education for a number of years was continued during this administration under the efficient direction of Hon. Thomas H. Paine. The teachers' institutes which had done so much good as professional agencies were popularized and helped greatly in gaining favor for the public school system. General Bate was renominated for governor by the democrats in 1884.

The passage of the State Debt Act and of the Railroad Commission Bill, both of which had been recommended by Governor Bate, made him very unpopular with the "sky blue" element and a few others. So that the republicans thought that with the assistance of this faction and of the railroad influence they might with a strong candidate be successful in the forthcoming election. With the hope, therefore, of defeating Governor Bate and of destroying the railroad commission the republicans nominated Judge Frank T. Reid, of Nashville, as their candidate for governor. Reid was an ex-Confederate soldier, well thought of, a bright, keen, cultivated man and a fine speaker. He had been elected judge as a republican over a democrat.

Bate and Reid canvassed the state in joint debate. Both candidates acquitted themselves well on the stump. They covered almost the entire state with the railroad commission as one of the leading issues. Governor Bate faced the issue boldly, maintained that he was right and upheld the men whom he had appointed as members of the railroad commission who were now the democratic candidates. They were, however, defeated by approximately five thousand votes; but such was the strength and personality of Governor Bate that he was not only reelected but he came within a few hundred votes of securing as many votes as were cast in Tennessee for Grover Cleveland for President.

The vote cast was as follows:

For governor, Bate, democrat, 132,201; Reid, republican, 125,246; Buchanan, greenbacker, 549. For railroad commissioners, democrats—John H. Savage, 115,416; G. W. Gordon, 115,692; J. A. Turley, 115,714. Republicans—W. W. Murray, 120,708; A. M. Hughes, 120,667; M. J. Condon, 120,768.

[36] This sum plus $1,790,000, which was included in the state debt proper, makes up the sum of $6,657,000 which was funded by Act passed in 1873.

[37] Chapter CXCIX, Acts of 1883, p. 271, passed March 29, 1883. This law was repealed in 1885.

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GENERAL W. B. BATE, 1826-1905
Governor, 1883-1887. United States Senator, 1887-1905

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The administration of Governor Bate measured up fully to the confidence reposed in him by people of all shades of political belief, and historians are united in declaring that his services as governor are conspicuous among the achievements of the ablest occupants of the gubernatorial chair of this state.

The Forty-fourth General Assembly held its regular session from January 5 to April 9, 1885. It organized by the election of C. R. Berry, speaker of the Senate, and J. A. Manson, speaker of the House. Among the important acts passed at this session were those for the following purposes: "To erect a hospital for the insane in West Tennessee"; "To repeal the Railroad Commission Act"; "Appointing William E. Tilson, F. H. Hamner, and David White, commissioners to ascertain the true boundary line between North Carolina and Tennessee"; "To establish taxing districts of the second class"; "To provide for the redemption of 'post-notes' of the Bank of Tennessee"; "To organize and incorporate an independent militia"; "To appropriate $10,000 to exhibit the state's products at the New Orleans Exposition."

A strong and successful effort was made to repeal the Railroad Commission Act. The repeal act was passed on March 28, 1885, was vetoed by the governor on April 3, 1885, and was passed over his veto on the same day.

On May 16, 1885, Governor Bate issued a proclamation summoning the General Assembly to meet on Monday, May 25, 1885, the reason for this action being that "the regular session of the Forty-fourth General Assembly of Tennessee adjourned under conditions which have worked a hardship in some departments of the public service, and if not remedied by proper and needed legislative enactments, will further and more seriously embarrass the state government in meeting necessary expenses, and likewise force a suspension of certain public improvements, the early completion of which demands additional legislation to render available the public funds already invested, and to secure to the public the benefits intended by such improvements."

Among the acts passed were those on the following subjects: "To allow convicts good time in diminution of their sentences"; "To divide the state into judicial and chancery districts as are now existing."

After retiring from the governorship in 1887, General Bate was elected United States senator for the term beginning March 4, 1887, and retained this office by continual reelections until his death March 5, 1905.

The late Senator E. W. Carmack, the colleague of Senator Bate, delivered a notable address of respect to the memory of William B. Bate, in the United States Senate, on January 17, 1907. In it he said:

"He was elected governor at a time when the refunding of the state debt followed as a result of the settlement which was an issue in this campaign. An incident in connection with this shows the extreme punctiliousness of his sense of duty. The law required that the new bonds issued should be signed by the governor. When it was proposed to prepare a stamp by which the facsimile of his signature might be placed upon the bonds he insisted upon an exact compliance with the letter of the law and of undergoing the immense physical labor and writing the signature upon each with his own hand. In all his career this same nice and self-exacting sense of duty governed his public and his private conduct.

"After his second term as governor came his election to the Senate. It was a battle of the Titans in which he prevailed. Intellectual giants like ex-Governor Marks and ex-Congressman John F. House contended with him in friendly and chivalrous rivalry; and yielded him the palm without bitterness as to a victor worthy of their steel. * * *

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"In his service here he was faithful, industrious, diligent, a close student of the business of the Senate, having a clear understanding of the questions of the day, and when he chose to do so he presented his views with great ability, learning, and power. A speech on the tariff question in the early years of his service showed him to be a profound student of national taxation, and his speech upon what, in our part of the country, was usually denominated the 'Force bill,' was liberally quoted from one end of the land to the other.

"But above all other qualities, he bore among his associates here a reputation for honor and integrity that was without a stain. No suspicion of an unworthy motive was ever imputed to any act of his. No man here or elsewhere ever felt one moment's doubt as to the absolute rectitude of his intentions." [38]

ADMINISTRATIONS OF ROBERT L. TAYLOR

The year 1886 was memorable in the history of Tennessee and also in the history of the Taylor family. That year for the only time in the history of the state witnessed the novel sight of two brothers running as opposing candidates for governor of Tennessee. The Republican State Convention met in Nashville on June 16, 1886, and nominated Hon. Alfred Alexander Taylor as the republican candidate for governor. On August 11-12, 1886, the Democratic State Convention met at Nashville and nominated Hon. Robert ("Our Bob") Love Taylor, as the democratic candidate for governor.

The brothers made a joint canvass of the state and their speeches were essentially political. While, at times they indulged in pleasantry they refrained from personalities. This campaign is known in Tennessee history as the "War of the Roses," after the famous British "War of the Roses," when all England was rent in twain by the strife between the houses of York and Lancaster. Robert L. Taylor wore a white rose and was triumphant by the vote of 126,151 to 109,837.

In an interview published in the Nashville Tennessean, on January 17, 1923, the day after the inauguration of his successor, Austin Peay, Governor Alfred A. Taylor, governor from 1921-1923, gave the following explanation relative to the difference in political belief of the two brothers:

"How did it come about that you and your brother chose different political parties?" he was asked.

He was ready to reminisce.

"Well," he began, "that was a long time ago. It started before the war. In the days of the whigs and democrats.

"Our father was a whig leader, a member of the Thirty-third Congress from our district, and it was natural that I should have been a whig.

"Col. Robert Love, a lawyer and landowner who lived near us was close kin of our father's. They were brothers' and sisters' sons. He was a democrat.

"Our father thought so much of Colonel Love that when another son was born he gave him his name, Robert Love Taylor. Of course Colonel Love was very much interested in Bob, since he was his namesake, and liked to give him presents—suits of clothes and dollars and such.

"He and our mother's brother, who was a democrat and one of the electors for the state at large in 1860, made Bob say early—when he was a little chap—that he was a 'dimmycrat.' And Bob stuck to it. They shaped his politics.

"And that's why we fell out; because I was a whig and he was a 'dimmycrat.'

"Our father owned a great estate, with a great many negroes. He had twenty or thirty hired hands, white men, besides. When Bob and I were boys

[38] Marshall's "Life of Wm. B. Bate," pp. 265-267.

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we would work in the cornfield with the negroes and the white hands. And we'd cause them to lose a lot of time in their work.

"When we'd get to the end of a row we'd stop work for a while and get under the shade trees. Bob and I would start a debate on the merits of the two parties. The white men were interested in politics, and the negroes loved Bob's jokes; they would urge us on and we'd debate for the whole afternoon.

"These debates were perpetual, and so we sought for information on politics. Because of it, when we got grown we knew politics from one end to the other. We studied the party platforms, and we read all the speeches congressmen and senators made. Our father subscribed to the National Intelligencer, published at Washington, which had most of the speeches made in Congress.

"Then the democrats took Bob and had him make stump speeches all over the district, while the republicans took me. The first thing we knew he was nominated for Congress because of a split in the republican party. The split was over me. I had the republican nomination for Congress by instruction, but at the convention three delegates sold out for $33\frac{1}{3}$ and a suit of clothes apiece and another man was nominated by one and a quarter votes.

"Well, I and my crowd wouldn't stand for such corruption, so we went to the democratic leaders and told them we would support a good clean man if they would nominate one. I didn't have any idea they would nominate Bob, but they went to his office and told him he was to be nominated for Congress.

HIS FIRST JOINT DEBATE

"I never will forget the first joint debate of that campaign. It was at Bristol, and 10,000 people were there to hear Bob speak against Pettibone, his distinguished opponent. Nobody knew anything about Bob, and the democrats were frightened out of their wits. Pettibone spoke first, and his speech frightened the democrats more. Then Bob got up. All the politics he had learned in our cornfield debates came to him, and then he began to tell his jokes at Pettibone's expense. The audience just shouted. Pettibone got mad and Bob had him beaten right there. The same thing was repeated all over the district. Bob overcame a regular 7,000 majority and won by 850 votes."

Since the year 1835, when Governor William Carroll ended his second series of three administrations, only one governor has succeeded in being reelected after having retired. This one exception was Robert L. Taylor, who, after having served as governor from 1887 to 1891, was again elected and served as governor from 1897 to 1899. This fact speaks volumes for the popularity of this governor. It is doubtless true, as has been repeatedly said by many of his admirers, that he was the best beloved man who ever lived in Tennessee. And it may be added that no man who over lived in this state made so many people happy in his lifetime.

Robert Love Taylor was born in Happy Valley (Watauga Valley), on July 31, 1850, a region made historic, as we have seen, by the earliest permanent settlers in the state and by their descendants even to the present day. "Our Bob" spent most of his boyhood "seeing visions and dreaming dreams" on the banks of the Watauga River, whose beauty has been eloquently described by his uncle, Landon C. Haynes, as follows:

"I was born in East Tennessee on the banks of the Watauga, which, in the Indian vernacular means 'beautiful river,' and beautiful river it is. I have stood on its banks in my childhood and looked through its glassy waters and have seen a heaven below, and then looked up and beheld a heaven above, reflecting like two mirrors, each in the other, its moon and its planets and trembling stars. Away from its banks of rocks and cliffs, hemlock and laurel, stretches a vale back to the distant mountains as beautiful and as exquisite as

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any in Italy or Switzerland. There stand the great Unakas, the great Smoky Mountains, among the loftiest in America, on whose summit the clouds gather of their own accord even on the brightest day."

The Taylor family is one of the oldest and most prominent in East Tennessee. Andrew Taylor, the great-great-grandfather of Robert and Alfred Taylor came to what is now East Tennessee (then a part of North Carolina) in the days of the Revolution. Col. Nathaniel Taylor, son of Andrew Taylor was colonel of a Tennessee regiment under Andrew Jackson at the battle of New Orleans and was afterward made a major-general of Tennessee militia as a reward for gallant and meritorious conduct in that battle. James P. Taylor, son of Gen. Nathaniel Taylor was attorney-general of the First Judicial Circuit from 1814 to 1816. He married Mary Carter, daughter of Landon Carter. Nathaniel Green Taylor, son of James P. Taylor, was one of the most distinguished and brilliant of East Tennessee's sons. He was educated at Washington College and at Princeton. He married Miss Emma Haynes, daughter of David Haynes and sister of the famous Landon C. Haynes. Before the war he was a whig and was a member of Congress from 1853 to 1857. During the war he was a stanch Unionist, whereas his brother-in-law, Landon C. Haynes, was a Secessionist and a member of the Confederate Congress. In 1865, Nathaniel G. Taylor was again elected to Congress from the First District and was afterwards appointed Indian commissioner by President Johnson.

It is seen, therefore, that Robert Love Taylor was descended from a long line of soldiers, statesmen and orators. The gifts and graces of oratory he inherited he increased by assiduous cultivation and training. As a consequence, he went into the gubernatorial office with special equipment for service and success.

His great gifts of mind and heart, of optimism and good will, were never more manifest than in his inaugural address,[39] delivered January 17, 1887. In it, besides many other striking utterances, he said:

"The times seem ripe for the development of Tennessee. The progressive spirit of the age demands it; the onward march of the New South requires it; necessity will force it. It may be consummated in the near future. Great thoroughfares will be carved through the unusual treasure fields of the state; labor and capital will unlock the dark and silent chambers of the slumbering coal and iron; they will call them forth into the glorious light of day, to meet and embrace in the nuptial fires of a thousand furnaces! New-born towns and cities, teeming with population and wealth, with multiplied machine shops and factories, will be the offspring of their union; all the arts, industries, and trades will flourish; agriculture will receive fresh momentum; the energies of the people will be aroused into full activity, and a new era of growth and prosperity will be established throughout the length and breadth of the state. * * *

"The animosities of the war are dead. The causes that precipitated that war are dead. Slavery is forever dead. If the South sinned, she has sought to make amends. If she was wronged, she has freely forgiven. Tennessee, today, offers the hand of friendship to all her sister states of the Union and opens wide her gates of welcome to all."

The first, or regular, session of the General Assembly convened on January 3, 1887, and adjourned on March 29, 1887. It organized by the election of Z. W. Ewing, speaker of the Senate, and W. L. Clapp, speaker of the House. It was

[39] House Journal, 1887, pp. 217-220.

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this General Assembly which elected Gen. W. B. Bate to the United States Senate for the first time.

As we have already seen, the "Four Mile" law was passed in 1877. The authorities of the University of the South, at Sewanee, Tenn., were largely responsible for the passage of this law, as they wished to have the sale of intoxicants prohibited within four miles of their institution. But the passage of this law so encouraged the prohibitionists of the state that they kept up their agitation with increasing vehemence until they succeeded in having an amendment[40] to the state constitution submitted to a vote of the people in 1887. This amendment was defeated by a vote of 145,197 to 117,504.

In 1888, after a long and spirited contest in the Democratic State Convention, Robert L. Taylor was nominated as a candidate for governor and, after a hard-fought battle with his republican competitor, was triumphantly elected. The vote was as follows: Robt. L. Taylor, democrat, 155,888; Samuel W. Hawkins, republican, 139,014; J. C. Johnson, prohibitionist, 6,843.

The Forty-sixth General Assembly convened on January 7, 1889, and adjourned on May 7, 1889. It organized by the election of Benj. J. Lea, speaker of the Senate, and W. L. Clapp,[41] speaker of the House.

Governor Taylor was inaugurated for the second time on January 23, 1889, and his inaugural address[42] breathes the same genial and helpful optimism which characterizes his previous inaugural address.

EDUCATION

The strong tendency, already noted in the administration of Governor Bate, with regard to improvements in the public school system, was still more marked in Taylor's administration, especially in the increased number of high graded schools established by municipalities. In 1888, the Public School Officers' Association was organized under call of Hon. Frank M. Smith, state superintendent of public instruction and has held annual meetings ever since. It has proven a very valuable factor in the system of public schools.[43] In 1889, the National Education Association held its annual meeting at Nashville. The Tennessee Industrial School, which had been assisted by the state by virtue of an act entitled, "An Act for the benefit and protection of orphan, helpless or abandoned children,"[44] was taken over by the state by an act[45] entitled, "An Act to accept a surrender of the charter, and a donation to the state of the property of the Randall Cole Industrial School, to provide for its management as a state institution, and to make an appropriation for its improvement." This institution had been founded and maintained by Col. E. W. Cole, of Nashville. It has year by year increased in scope and usefulness and is today one of the most efficient and valuable institutions in the state.

[40] This was effected through a Joint Resolution adopted March 30, 1885 (see p. 349, Acts of 1885), providing to add to article 11 of the State Constitution, Section 18, as follows: Sec. 18. No person shall manufacture for sale, as a beverage, any intoxicating liquors whatever, including wine, ale and beer. The General Assembly shall, by law, prescribe regulations for the enforcement of the prohibition herein contained, and shall thereby provide suitable penalties for the violation of the provisions hereof.

[41] He was the only speaker of the House honored with a second term since Frederick W. Huling in 1833.

[42] Senate Journal, 1889, pp. 131-134.

[43] See Tennessee School Reports for 1890 and 1891.

[44] Chapter 15, Acts of 1885, p. 57.

[45] Chapter 165, Acts of 1887, p. 286.

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THE HERMITAGE ASSOCIATION AND THE SOLDIERS' HOME

At the death of Andrew Jackson, on June 8, 1845, his estate passed into the hands of his adopted son, Andrew Jackson, Jr. In 1856, the adopted son sold 500 acres of the farm to the State of Tennessee for $48,000 and moved to a plantation in Mississippi. After the Civil war broke out, Governor Isham G. Harris requested him to return and become the custodian of the Hermitage. He did so, and died there in 1865. His widow, Mrs. Sarah Yorke Jackson, and her sister, Mrs. Marion Adams, were permitted to retain their residence there. Mrs. Jackson died in 1887, several years after the death of her sister.

On March 29, 1889, the Legislature passed a bill [46] entitled, "An Act for the benefit of disabled and indigent ex-Confederate soldiers of Tennessee." Four hundred and seventy-five acres were donated as a home for "maimed and disabled Confederate soldiers with honorable records," and an appropriation of $25,000 was made for the erection of suitable buildings. The management was placed in the hands of nine trustees, two from East Tennessee, two from West Tennessee and five from Middle Tennessee, to be appointed by the governor, "upon the recommendation and indorsement of the organization and incorporated body, known as the Association of Confederate Soldiers, Tennessee Division." An appropriation of $10,000 was made for carrying out the purposes of the act. The appropriations for this laudable care have been gradually increased until that made by the Sixty-second General Assembly (1921) aggregated $23,400, besides $300 per capita for maintenance and $75 per capita for burial expenses.

By the provisions of section 10 of this act the residence and twenty-five acres surrounding it were reserved, and by an act [47] entitled, "An Act to conditionally convey to a board of trustees for the Ladies' Hermitage Association twenty-five acres of the tract, including the mansion house and tomb of Gen. Andrew Jackson," this historic mansion passed into the care of the Ladies' Hermitage Association, which has done a wonderfully unselfish, patriotic and efficient service to the state.[48]

THE PENITENTIARY LEASE SYSTEM

In 1889, the state leased the convicts in the penitentiary to the Tennessee Coal, Iron and Railroad Company for a period of six years. Permission was given to this company to sub-lease the convicts for work in various mines and guards were employed by the lessees to prevent the escape of the convicts. The free miners of the state were incensed at the operation of this system that brought convict labor which was cheap into competition with free labor, enabling the corporations to dictate the price of labor to the free miners and to impose upon them unjust and unlawful regulations.

On February 11, 1890, Governor Taylor issued a proclamation convening the General Assembly in extraordinary session on February 24, 1890, to consider twenty-eight matters set out in the call, of which the following were the most important: the laws relating to elections, assessment laws and to provide for the adoption of a history of Tennessee to be taught in the public schools.

[46] Chapter 180, Acts of 1889.

[47] Chapter 239, Acts of 1889, passed April 5, 1889.

[48] For a complete and charming account of the activities of this association, see "Preservation of the Hermitage," by Mrs. Mary C. Dorris.

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Suitable laws were passed in regard to elections and assessment and taxation, whereby the progress of the state was promoted.

After retiring from the governorship in 1891, Governor Taylor went on the lecture platform where his peculiar and pleasing personality and genius brought him instant success. In an interview in the Nashville Tennessean of January 17, 1923, ex-Governor Alfred A. Taylor speaks interestingly of this episode as follows:

NEW STORY ABOUT "BOB"

The ex-governor confesses readily that he would rather talk on the career of his famous brother than on any other subject.

"You want something about Bob that never has been told before?" he asked the young man who was interviewing him.

"Yes."

"Well, I guess you know Bob's famous lecture, 'The Fiddle and the Bow.'"

The interviewer did know it, very well.

"Bob made $75,000 out of that lecture, and he certainly needed it."

"After he went out of the governor's office he went to Chattanooga to practice law with Frank M. Thompson, who is state attorney general now. Bob didn't have a penny when he came out of the governor's office—which is to his credit—and he owed some bills, grocery bills and such as that.

"The climate at Chattanooga didn't agree with him. He had malaria, because of the low elevation. I was in Congress then, and just before I started back to Happy Valley, I remember, I got a telegram from him saying he wanted me to meet him in Bristol. We met there—and he looked like death on a pale horse. He told me his financial troubles, and told me that he couldn't stay in Chattanooga and keep his health. He had had cases in Chattanooga, but a lawyer's fees come after his work is completed, and he had no money. He asked my advice.

SPURNED STAGE CAREER

"'Well, Bob,' I said, 'you are a natural comedian, and could make a big success on the stage, but if you were to go on the stage—particularly after having been governor—the family would have fits. The best thing I can suggest is that you go on the lecture platform.'

"He said he couldn't write a lecture at Chattanooga, because he had no privacy there. So I asked him to come home with me, which he did.

"He started work, and he tried all sorts of subjects for his lecture, but none of them pleased him. One day when we were sitting in the house an old gentleman by the name of Tyler, who had been a schoolmate of our father's at Washington College and at Princeton, came riding by. 'Is the Governor in?' he asked me. I said he was, and called Bob. 'Well,' Mr. Tyler said, 'I want to shake hands with the son of my old college roommate, Nat Taylor; I want to shake hands with the young man who fiddled himself into Congress and then fiddled himself into the Governor's office.'

"The old man got on his horse and rode up the valley. Bob stood looking after him, and then he hit his hand with his fist and said, 'Alf, I've got my lecture. It's the Fiddle and the Bow.' So he started work, and in three weeks had finished. We gave a dinner and tried it out on some of the big laughers of the community. One of them rolled out of his chair and fell on the floor. We thought he'd had a stroke of apoplexy.

"Bob did his work on a little island in the Nolachucky River, just in front of my house.

"Fifty yards from the house, at the edge of a grove of beeches and oaks and locust trees the bank of the river is perpendicular and steep, and at the foot of the little cliff is a plot of green grass. Just opposite that green spot is the beautiful little island where Bob worked on his lecture."

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CHAPTER XXVII

FROM BUCHANAN TO COX

THE FARMERS' ALLIANCE—ADMINISTRATION OF GOVERNOR JOHN P. BUCHANAN—ADMINISTRATIONS OF GOVERNOR PETER TURNEY—THIRD ADMINISTRATION OF GOVERNOR ROBERT L. TAYLOR—TENNESSEE CENTENNIAL EXPOSITION—TENNESSEE IN THE SPANISH-AMERICAN WAR—ADMINISTRATIONS OF GOVERNOR BENTON MCMILLIN—THE TENNESSEE CENTRAL RAILROAD—ADMINISTRATION OF GOVERNOR JAMES B. FRAZIER—TENNESSEE AT THE LOUISIANA PURCHASE EXPOSITION AT ST. LOUIS—ADMINISTRATION OF GOVERNOR JOHN I. COX.

THE FARMERS' ALLIANCE

For the first time in the history of Tennessee an organization of farmers became a factor in the gubernatorial race of 1890. For many years prior to this time a feeling had been growing among the farmers that their interests had been neglected by national and state governments. Sporadic attempts had been made to organize them under various designations, such as "Grangers" and "Wheels." These various organizations were secret societies and none but their own members were admitted to their meetings. A similar movement had simultaneously been going on among the laboring men. Finally, a union of various societies and orders was effected and the organization was known as the "Farmers' and Laborers' Union," which was popularly called the Farmers' Alliance. In Tennessee it was composed mostly of democrats and principally affiliated with the democratic party. Its president was John P. Buchanan, a great-grandson of Maj. John Buchanan, the founder of Buchanan's Station,[1] one of the early pioneer forts. He had been a young private in the Confederate army in which he acquired a good record for bravery and reliability. After the war he returned to the farm and was, at this time, conspicuous as a democratic leader, having been a delegate to conventions and having served two terms in the General Assembly. In the Democratic Convention of 1890, he was a candidate for governor. His candidacy was strongly opposed on the ground that he was officially connected with a secret organization which had some tenets inconsistent with the creed of the democratic party. Jere Baxter and Josiah Patterson, father of the late Governor Malcolm R. Patterson, were also candidates for the democratic nomination. Jere Baxter was the son of Judge Nathaniel Baxter, one of the ablest jurists of his day, and was recognized in railroad and business circles as a strong, energetic, broad-minded and progressive business man. Josiah Patterson was also a jurist and was acknowledged to be one of the ablest men in the state. He was, a little later, member of Congress from the Tenth Congressional District of Tennessee. After a prolonged contest, a compromise platform was adopted and Buchanan was nominated as the democratic candidate.

[1] For an account of this station, see chapter on Historic Spots and Places.

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The republicans nominated Hon. Lewis T. Baxter, a son of the previous Judge John Baxter, and at that time a prominent attorney of the Nashville bar. They made no joint canvass of the state and the campaign was rather listless until Governor Robert L. Taylor enlivened it by taking the stump in behalf of the democratic ticket. Buchanan was elected over Baxter by a handsome majority. The election returns were as follows: John P. Buchanan, democrat, 113,549; Lewis T. Baxter, republican, 76,081; David C. Kelly, prohibitionist, 11,082.

The Forty-seventh General Assembly convened on January 5, 1891, and adjourned on March 30, 1891. It organized by the election of W. C. Dismukes as speaker of the Senate and Thos. R. Myers as speaker of the House. Governor Buchanan was inaugurated on January 19, 1891. His high mindedness was indicated in his utterances in his inaugural address[2] from which the following quotation is made:

"With the eternal principles of right and justice as guides, you can walk boldly in the pathway of duty, in the fear of God and without fear of man. In whatever will make our fields more productive, our manufactures more numerous, our business more prosperous, the investments of our capital more secure, the rewards of labor more remunerative and just; in whatever will lighten and equalize the burdens of taxation, make stronger the State Government, benefit and elevate the masses of the people, you will have my hearty sympathy and best efforts."

Among the important acts passed were the following: "To set apart the first Monday in September of each and every year as a legal holiday, to be known as Labor Day"; "To create a Bureau of Labor Statistics, and to provide for the inspection of mines"; "Giving assistance to Peabody Normal"; "For the benefit of indigent and disabled soldiers of the late War between the States"; "An amendment to the act adopted March 6, 1873"; "To establish and maintain a uniform system of public schools."

Of these acts the one known as the Confederate Pension Bill was the direct result of the act adopted in 1889 establishing the Confederate Soldiers' Home, although the idea of pensioning deserving soldiers of Tennessee was by no means new. The Confederate Pension Bill was strongly advocated by Governor Buchanan and by many others, among whom it is said that former Federal soldiers made the most eloquent speeches in advocacy of it. The first section of the act states "that the comptroller, attorney-general of the state, and three ex-Confederate soldiers, to be suggested by the Tennessee Division of Confederate Veterans, appointed by the governor, and hold their office for two years, without pay, shall constitute the 'Board of Pension Examiners.'" The second section provides "that only disabled soldiers, Federal and Confederate, that enlisted from the State of Tennessee in Tennessee regiments, or citizens of this state at the time of their enlistment in regiments of other states, who are now residents of this state; or citizens of other states who enlisted in Tennessee or other states, but who are now and have been citizens of this state for one year, shall be entitled to the benefits of this act."

The state appropriated $60,000 per annum to provide pensions under this law. In 1899 the annual appropriation for this purpose was increased to $100,000. At present (1923), the state is expending approximately $980,000 per annum for Confederate pensions to 5,552 pensioners, of whom 2,411 are men

[2] Chapter 64, Acts of 1891, p. 150. See, also, Chapter 93 ibid., p. 210.

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and 3,141 widows of soldiers. There are now (1923) only about seven thousand five hundred living Confederate soldiers in the state.

LEGISLATION FOR SCHOOLS

At this session was passed the act[3] previously referred to to amend the act passed March 6, 1873, entitled, "To establish and maintain a uniform system of public schools." This act is generally called the "Secondary School Law."

It divided the public schools into two classes, called the primary schools and the secondary schools, elevated the standard of public schools, extended the curriculum and introduced, as a required study, in every primary school, the teaching of the History of Tennessee and the Constitution of the United States.

The Legislature also appropriated $1,500 to pay the expenses of holding summer institutes for teachers.[4]

MINING INSURRECTIONS

Notwithstanding the poise, dignity and reputation for equitable dealing which characterized Governor Buchanan, his term was one of the stormiest known in the history of Tennessee since the adoption of the Constitution of 1870. This condition was brought about by a conjunction of circumstances for which Buchanan was in no way blamable. It will be remembered that for some years Tennessee, as well as many other states, had leased its convicts and that during the preceding administration (in 1889) this state had made a contract with the Tennessee Coal, Iron and Railroad Company whereby the state convicts were leased to this company for a period of six years; and also that the free miners were very much irritated. In his first message[5] to the General Assembly he spoke feelingly of the State Penitentiary which he said was "not sufficiently large to accommodate the prisoners, and is lacking in the proper sanitary conditions needful for the preservation of health * * * "that instead of being a place of reform it is a school of crime." He therefore favored the construction of a new penitentiary. He also said that while the lease system presented some objectionable features yet that "in the ruin, desolation, and indebtedness incident to the Civil war, the lease system[6] has been the best solution of this vexed question which they (the Southern states) have yet been able to reach. It would be injurious to criminals, as well as injustice to taxpayers, to keep convicts in idleness." He said further that it was not practicable for the state, at that time, to employ all the convicts on public works in which they would not come in competition "with honest labor." The conclusion was obvious that the lease system must be continued for a while.

Prior to July, 1891, the mines worked by convict labor were at Tracy City, Inman, Oliver Springs, and Coal Creek. The Tennessee Coal Mining Company

[3] Chapter 132, Acts of 1891, p. 295.

[4] In his first message to the Legislature, Governor Buchanan said: "Among the potent agencies devised by the officers of the public schools for the improvement of public instruction, none has been more useful than the Teachers' Normal Institutes."

[5] See Senate Journal, 1891, p. 152.

[6] The lease system in Tennessee began in 1867 when a contract was made with Ward & Briggs at 40 cents per day for each convict. They established shops in the penitentiary which the convicts worked. The convicts, dissatisfied, burned a part of the shops in 1867. The lessees then refused to pay for the labor of convicts and claimed damages for their losses. The state thereupon paid the damages and canceled the contract. On December 1, 1871, the state made a lease to Cherry, O'Connor & Co., which continued until January 1, 1884, when the Tennessee Coal, Iron & Railroad Company became the lessees. Under the lease system the penitentiary brought in a revenue of more than $100,000 a year.

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worked its mines at Briceville, Anderson County, with free labor. At this place a strike occurred because of a dispute between the workmen and the company with regard to a "check-weighman," and the use of "scrip." Thereupon, early in July, 1891, the company leased some convicts and put them to work in their mines. Soon after, in the night of July 14th, the stockade was seized by a mob of about three hundred men, the guards were overpowered and the warden was compelled to remove the convicts who were taken to Knoxville. Two days later Governor Buchanan arrived at Briceville with two companies of militia which had been called into service. In a conference with the miners the governor appealed to their patriotism and advised them to seek an adjustment of their grievances through the law, not by violence. He assured them, too, that the law would be obeyed whatever "the cost of blood or treasure." He caused the convict miners to be returned to the stockade and reached the capitol on the 18th.

Hardly had he returned to Nashville when a more determined insurrection broke out. Fearing this the governor had instructed the State Adjutant General Henry H. Norman, a strong and influential official, to proceed personally to Briceville, but before his arrival, a determined mob of about one thousand armed miners had assembled at Briceville and Coal Creek and again had compelled the removal of the convicts from the stockades. The governor thereupon, on July 20th, ordered Brig. Gen. Samuel T. Carnes, commander of the State Guard, to mobilize his troops at Knoxville. On the following day, such was his efficient expedition, that the following organizations were at the rendezvous: the First Regiment, 250 men, commanded by Capt. Chas. Robinson; the Second Regiment, 250 men, commanded by Col. A. R. Taylor; the Third Regiment, 200 men, commanded by Lieut. Col. J. P. Fyffe. However, on the arrival of the governor at Knoxville, a delegation of the miners and others met him and assured him that the miners would submit and would refrain from further acts of violence. The convicts were returned to their stockades and the members of the State Guard were ordered to their homes.

AN EXTRA SESSION CALLED

In ordering out the State Guard Governor Buchanan had undoubtedly overstepped his authority, but he justified his action on the ground of necessity. Realizing now that there might be a recrudescence of the labor troubles at any time, he determined to call the General Assembly in extraordinary session that he might be clothed with power to cope with the situation should another insurrection arise. Accordingly, on August 7th, he issued a proclamation for the convening of the Legislature on August 31, 1891. The first matter in the call was "to pass such statutes as will enable the executive to comply with the requirements of the Constitution, 'that he shall execute the laws,' and to this end to create and place at his disposal such force, civil or military, or both, as will be sufficient for that purpose." He also asked appropriate legislation with regard to the penitentiary, the criminal laws, the use of scrip, the election laws and a few other matters of less importance. The governor's message,[7] a very able document, covered all phases of these matters and contained a complete account of the "Briceville trouble." The Legislature, which was in harmony with the governor, passed acts: Requiring railroad, mining or manufacturing cor-

[7] Senate Journal, Extraordinary Session, August 31-September 21, 1891, p. 7.

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porations to pay their employes in lawful money of the United States;[8] "to provide for the maintenance of the national guard of the State of Tennessee, or army of Tennessee, in times of peace;"[9] "to invest the governor of the state with power to repel invasion and suppress insurrections, mobs, or other like unlawful assemblages";[10] making a felony the "hindrance, interruption or interference in any way with the working of convicts or workhouse prisoners";[11] a uniform ballot law,[12] and a very comprehensive revenue law.[13]

The legislation effected seemed generally satisfactory to all interests except the miners who thought that the laws which pertained directly or indirectly to their affairs would not bring speedy enough relief. Hence, on October 30th and 31st, but a few weeks after the adjournment of the extra session they resorted to a third insurrection. They overpowered the guards at Oliver Springs, Coal Creek and Briceville, destroyed the stockades, and turned the convicts loose. The convicts were not recaptured until December, when the stockades were rebuilt and the convicts again placed in them. The mines in which the insurgent workmen had been employed were guarded by a special company, organized for the purpose, under the advice of General Carnes. On January 1, 1892, this company was placed in "Fort Anderson" near the mines, under command of Capt. Kellar Anderson.

No further outbreak occurred until the summer of 1892, when the fourth insurrection broke out on August 13th. This began at Tracy City, Grundy County, where an armed mob of miners forced the warden to remove the convicts. On August 15, 1892, there was a similar occurrence at the Inman mines in Marion County. These two mines were far separated from the region of the former insurrections and no military force was stationed near them.

Only a few days later the convicts at Oliver Springs were again released by a force of miners, and on August 18, 1892, the miners sent a committee to Captain Anderson to demand a surrender of the fort. In an endeavor to pacify the miners and to bring about peace, Captain Anderson went to Coal Creek Station and was discussing the situation with some of the leaders when a shot from Walden's Ridge brought on general firing from both the fort and the force outside. Captain Anderson meanwhile had been taken by friends into the neighboring hills for safety until early on the following morning when he was brought into the lines of the guard. The desultory firing was followed by an attack on the fort which was repulsed by the garrison.

Upon information of these events, Governor Buchanan, on August 17th, instructed Adjutant-General Norman to telegraph General Carnes to mobilize his brigade, and to proceed to relieve Fort Anderson and suppress the insurrection. Of this brigade the Third Regiment, under the command of Col. Cator Woolford, upon leaving the cars at Knapps on the 18th, marched to a point on Walden's Ridge about a half mile opposite Fort Anderson, where at dawn they were attacked and driven from the hills with a loss of three men killed. On the same day the First Regiment, under Col. J. L. Fox, and the Second Regiment, under Col. A. R. Taylor, together with a posse of 150 men armed with Winchester rifles, all under the command of General Carnes, arrived at

[8] Chapter 5, Acts of Extraordinary Session, August 31-September 21, 1891, p. 18.
[9] Chapter 7, ibid., p. 21.
[10] Chapter 8, ibid., p. 22.
[11] Chapter 13, ibid., p. 31.
[12] Chapter 21, ibid., p. 21.
[13] Chapter 25, ibid., p. 50.

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Coal Creek in the morning and entered the town unopposed by the miners, who fled. While there were about two thousand miners engaged in the attack on the fort, the casualties were few. Only three dead miners were found and 175 were arrested. Some of them were tried and convicted and many others left the state. The Second Regiment was held at Coal Creek until October 30, 1892, when, on recommendation of its commander, Col. A. R. Taylor, its soldiers were sent home. The garrison of the fort was retained in service there, as a safeguard until 1893, when it was relieved from duty by Governor Turney.

During Governor Buchanan's administration the interest on $469,000 worth of bonds was reduced from 6 per cent to 4 per cent by refunding.

Governor Buchanan's last message [14] to the Legislature, delivered January 9, 1893, was another very able document. Some of the recommendations embodied in his first message had not been carried out and these he particularly stressed, such as the construction of a new penitentiary and the abolition of the convict lease system. He also discussed at length the methods of prison management which were in vogue in other states and strongly urged that the state account system of labor be speedily put into operation in Tennessee. He also called attention to the need of a new constitution, saying: "The present constitution has been in force since 1870. That it is inadequate to meet the requirements of the present day is manifest. I believe that the time has come when the initial step looking toward holding a convention for the purpose of revising it should be taken." He also said: "There are many reasons too numerous to mention which make this work of revising the constitution both necessary and desirable, in order to place our fundamental law upon a plane in keeping with the progress and spirit of the times."

ADMINISTRATIONS OF GOVERNOR PETER TURNEY

When the Democratic State Convention met in Nashville on August 9, 1892, considerable opposition developed to the renomination of Governor Buchanan who was a candidate. He finally withdrew his name from consideration before the convention and announced that he would be an independent candidate. In the ensuing election he received the populist vote. Judge Peter Turney, chief justice of the Supreme Court of Tennessee at the time, was nominated in this convention. One of the delegates was Arthur Handly Marks, son of ex-Governor Marks, a very brilliant young man who died only a few weeks later. When the name of Peter Turney was placed before the convention young Marks seconded the nomination as follows:

"Mr. Chairman and Fellow Democrats: Speaking for Franklin County, whose red-clay hills today swell with mother's pride, I second that nomination. We know the man that you have named. He is all a Tennessean and a democrat. He springs from that sturdy, pioneer stock which, if democracy had not existed, would have invented it in Tennessee. Invited by their own bold hearts, they crossed the mountains and here in the virgin freedom of the wilderness they founded this state in that liberty which is democracy. We are wedded to its doctrines. Andrew Jackson did the wooing and in the name of the volunteer state married our destiny to it forever. In the executive chamber below us the portrait of our great sponsor hangs on the wall, scanning with stern scrutiny the democracy of each succeeding governor. Peter Turney is the man who can sit easy in that searching presence.

"He sums within himself the ideal Tennessean and democratic citizen. Born

[14] House Journal, 1893, pp. 35-60.

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on a farm, and himself a farmer, he has crowned that noble calling with the ripest learning of the law. In war his courage made him a leader, and in peace his justice made him a judge. Learned without pedantry; strong yet gentle; stern yet merciful, not with a thorn of arrogance in all the roses of his form, the man is so great that honors would grow humble when they touched him, did he not bear them with such grace as makes them more worth the wearing. He is a Roman in every inch of his noble person, in every impulse of his noble heart. For thirty-five years he has walked in the public presence, and not an eye has marked a single swerving step in all that stately march. This son of hers, in whose rearing she has honored this state, Franklin County, at your bidding, proudly gives for Tennessee to honor."

Hon. G. W. Winstead was nominated by the republicans and Hon. E. H. East by the prohibition party. After a contest characterized by much bitterness, Turney was elected.[15] The vote was as follows: Peter Turney, democrat, 126,348; Geo. W. Winstead, republican, 100,577; J. P. Buchanan, populist and independent, 29,918; Edward H. East, prohibitionist, 4,906.

The Forty-eighth General Assembly convened on January 2, 1893, and adjourned on April 10, 1893. It was organized by the election of Hon. W. C. Dismukes, speaker of the Senate, and J. A. Trousdale, speaker of the House. Mr. Dismukes is the only man in the history of Tennessee since the election of Edward Ward, in 1817, who has served two terms in succession as speaker of the Senate.

On account of the ill health of Governor Turney, the inauguration ceremonies took place at his home in Winchester, on January 16, 1893, in the presence of a joint committee of the Senate and the House, members of the Supreme Court and other state officials and many citizens of the state.[16]

Governor Turney's first message [17] to the Legislature, delivered on January 26, 1893, was brief, covering only the following matters: the Intermediate Court bill, salaries of Supreme judges, coal-oil inspection, the penitentiary question, registration law, road law and stock at large. The salient points of Governor Turney's first administration are so well covered in a résumé by Garrett and Goodpasture that it is difficult to see how the account can be improved upon. They say:

"Early in his administration, Governor Turney dismissed the State Guard from active service in the mining districts. April 4, 1893, he approved the final act [18] of the Legislature, providing for the erection of a new penitentiary, with workshops, stockades, etc., and the purchase of farming lands and mining lands, looking to the abolition of the convict lease system.

"Under this law, a Building and Purchasing Committee was appointed. In 1895, a permanent Prison Commission was created. In 1894, 9,000 acres of mining lands were purchased in Morgan County, known as the Brushy Mountain tract. Upon this tract was erected a new branch prison, which was completed January 1, 1896.

"A tract of farming land of 1,175 acres was purchased for the location of the main prison, and about 2,200 acres of farming land [19] adjacent were leased for a term of years. On this farm, seven miles from Nashville, an eligible site was selected and the building of the main prison was begun.

[15] At the time of his election Turney was the oldest man (sixty-five years of age) to serve as governor of Tennessee and this distinction remained his until the inauguration of Governor Alfred A. Taylor in January, 1921, when he was seventy-two years of age.

[16] See Senate Journal, 1893, p. 94; also Senate Joint Resolution, No. 20, Acts of 1893, p. 460.

[17] Senate Journal, 1893, pp. 152-155.

[18] Chapter 78, Acts of 1893, p. 96.

[19] A few years ago this land was bought by the state from Nat. Baxter, Jr.

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"January 1, 1896, the contract by which the convicts were leased to the Tennessee Coal, Iron and Railroad Company expired, and the state was free to adopt a more humane policy. The state mines at Brushy Mountain were already in operation by convict labor. As soon as the main prison should be completed, the new system in all the departments of the penitentiary could be put in operation.[20]

"During this administration, the contest with the railroads and other moneyed corporations, which had for many years been an irritating factor in state politics, was waged with increased bitterness.

"During Governor Turney's first term of office, educational affairs were under the efficient supervision of Frank M. Smith, who was succeeded at the beginning of Governor Turney's second term by Hon. S. G. Gilbreath, an able officer. Important legislation was enacted. A law was passed increasing the powers of the Board of Education of municipal corporations. Another law provided for the examination of County Superintendents of Public Instruction, and increased the powers of the State Board of Education. Several important enactments were made, regulating the financial management of the system, providing for more frequent reports, etc. The appropriation to the Peabody Normal College was increased to $20,000, and the Chair of American History was established, to be devoted to instruction in American history, and especially to the history of Tennessee, and to the collection and publication of historical material."

In 1894, the democrats again selected Peter Turney as their candidate. The republicans nominated Col. H. Clay Evans; and the people's party chose Hon. A. L. Mims as their candidate. Colonel Evans ranked among the ablest and most attractive speakers in the republican party of Tennessee. He entered at once upon a thorough and vigorous canvass arousing much enthusiasm by the clearness and directness with which he discussed state issues. The democrats, on the other hand, put forth little effort, relying upon their normal majority in this state. The result was that when the returns came in it appeared that Evans had been elected by the following vote: Peter Turney, democrat, 104,356; H. Clay Evans, republican, 105,104; A. L. Mims, populist, 23,088. Governor Turney, however, contested the election, saying in his petition to the Forty-ninth General Assembly, on January 10, 1895, that he had been informed "that H. Clay Evans received the highest number of votes cast. I am also reliably informed that this result is due to gross and fraudulent disregard and violation of law, and that an investigation will establish the fact."

On February 5, 1895, the Senate and the House met "in joint convention relative to vote for governor." In this convention was considered the able and exhaustive protest of H. Clay Evans which was spread upon the minutes. The speaker of the Senate, Ernest Pillow, then opened the certified returns. After the call of the roll of the counties, all persons not members or officers were requested to retire. The report of the tellers gave the returns as already stated. Thereupon a joint committee (five from the Senate and seven from the House) was appointed on the governor's election. The evidence, reports and accounts of proceedings occupy more than one hundred and ten pages of Senate Journal for 1895. Maj. E. B. Stahlman and Col. A. S. Colyar were attorneys for H. Clay Evans, and Judge J. J. Turner was attorney for Governor Turney. Finally, on May 3, 1895, the majority report which favored Governor Turney, was adopted by a vote of 70 to 57. The revised returns were stated to be as follows: Peter Turney, 94,794; H. Clay Evans, 92,440; A. L. Mims, 23,088. The following resolution was then adopted: "Resolved that Peter Turney, having

[20] See Biennial Report of John H. Trice, Superintendent of Prisons, 1896, and Report of Prison Commissioners, 1896.

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received the highest number of votes at the election in November last, has been elected and shall be governor of Tennessee." The president of the Senate thereupon declared Peter Turney duly and constitutionally elected governor.

On May 6, 1895, Governor Turney issued a proclamation for an extraordinary session of the General Assembly on May 27, 1895, because, as he said, the regular session had expired, "leaving important and vital matters of legislation undisposed of." The legislation required pertained particularly to the prison affairs, to appropriations, to revenues, the calling of a Constitutional Convention and making an appropriation for the Tennessee Centennial Exposition.[21] After passing bills on most of these subjects and some others, this extraordinary session adjourned on June 17, 1895.

Again, on August 14, 1896, Governor Turney, by proclamation, called the General Assembly in extraordinary session on September 7, 1896, "to provide a sufficient assessment of property and privileges, the increase of privileges, and such other assessment as may be legitimate and proper to take care of the credit of the state and meet its indebtedness and expenses." Acts were passed on the following subjects: appropriations, to provide for the election of delegates to a Constitutional Convention and to authorize the people to vote on a Constitutional Convention.

THE THIRD ADMINISTRATION OF GOVERNOR ROBT. L. TAYLOR

It will be remembered that Governor Robt. L. Taylor, after the completion of his second term as governor, went upon the lecture platform in which sphere his success was instant and very great. He found this field much more congenial and infinitely more profitable than that of politics. In it he said he could "think and dream in peace, safe from the sickening sting of unjust criticism; safe from the talons of some old political vulture; safe from the slimy kiss and keen dagger of ingratitude."

But this life of joy and peace, of poetry, music and "visions and dreams," was destined to be interrupted. The democratic party in Tennessee was in dire need of a strong candidate for governor and Robert L. Taylor seemed the very man for this emergency. He was appealed to and demurred, but, when the matter was placed before him as a duty to the party, he consented. His republican opponent was the Hon. Geo. N. Tillman, of Nashville. They met only once in joint debate and then each went his own way in presenting his canvass. The election returns were as follows: Robert L. Taylor, democrat, 156,228; G. N. Tillman, republican, 149,374; A. L. Mims, populist, 11,971; Josephus Hapwood, prohibitionist, 2,894.

The Fiftieth General Assembly convened January 4, 1897, and adjourned on May 1, 1897. It organized by the election of John Thompson, speaker of the Senate, and Morgan C. Fitzpatrick, speaker of the House. On January 5th, the Hon. G. N. Tillman presented a petition for a contest of the returns in the gubernatorial election. On January 16th, however, he abandoned the contest, because, he said, a law had been enacted since his notice of a contest requiring a contestant to enter into a bond in the penal sum of $25,000. "I have determined," said he, "not to assume so large a liability as a bond of $25,000, enforceable at the will of the joint assembly of the Legislature. I think such an act is deserving of the severest condemnation."

[21] The state appropriated $50,000 for this purpose.

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Governor Taylor was inaugurated on January 21st. The great outstanding event of the first year of this administration was, of course, the Tennessee Centennial Exposition which was held for six months beginning May 1, 1897. In his address to the Legislature, on January 29th, Governor Taylor spoke as follows concerning it:

"Here, at the beginning of a new century of our existence as a state, I am sure that it ought to be the pride of every patriotic Tennessean to join in the great movement to celebrate the birthday of our proud commonwealth. The great Centennial Exposition, which will be open to the world on the first of May next, has been inaugurated to commemorate the state's natal day; and surely the state itself should preside on that great occasion of rejoicing. It will not only be an occasion of festivity and rejoicing, but it will bring millions of wealth within our borders, and open up a new era of progress and development. I, therefore, recommend that your honorable bodies make a generous appropriation in order that the state may take her proper place on this great occasion, and exhibit to the world, with pride and credit, her own products and resources."

During the continuance of the exposition, Governor Taylor received officially the numerous visiting delegations from the different states and from foreign governments and on all of those occasions his speeches were veritable models of propriety and good taste and, moreover, were expressed most felicitously. Every citizen of Tennessee who experienced the privilege of listening to him at such times was invariably rendered proud of his state and of her gifted and brilliant governor who always seemed to know indubitably exactly what to say and how to say it to make the best possible impression upon the audience. Day after day he was compelled to make these addresses, each entirely different from all the others, and each a gem in itself—all in all, one of the most wonderful achievements in the history of oratory.

THE TENNESSEE CENTENNIAL EXPOSITION

The underlying inspiration of the Tennessee Centennial Exposition was pure patriotism. It was the desire to commemorate Tennessee's admittance into the Union, which occurred on June 1, 1796. It may be well here to rehearse briefly, what has already been related in this history, that the first Constitutional Convention of Tennessee convened on January 11, 1796; that it completed its work on February 6th; that the first General Assembly met on March 28th, elected its United States senators and enacted some laws; and that Congress, on May 31st, passed the bill admitting Tennessee into the Union, which bill was approved by President Washington on June 1st, the last day of the session. We have seen the difficulties with which the early pioneers were forced to contend, the growth of the state, rapid at times and slow at others, but always advancing until, notwithstanding the ravages of war and the deterrents of reconstruction it had reached, in 1890, a proud eminence with a glorious history. About that time the close proximity of the centennial year of the state's nativity caused thoughtful men and women to begin considering and planning how this monumental event might be fittingly celebrated.

It was Douglas Anderson, the litterateur, then a member of the Nashville bar, who was the first to give public expression to the idea which developed into the Tennessee Centennial Exposition.

In a letter published in the Chattanooga News, on August 10, 1892, he said:

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"Tennessee will be one hundred years old on June 1, 1896. Tennesseans should celebrate the occasion by holding a Centennial Exposition. They should do this because, being a patriotic people, they love and revere the memory of their brave ancestors who suffered privation, endured great hardships, and endangered their scalps for the benefit of their descendants."

Later, Laps D. McCord published a communication on the same subject. But little attention seems to have been paid to either of these communications at the time, although subsequent developments showed that it was good seed sown.

In the fall of 1893, Capt. W. C. Smith brought the subject before the Nashville Commercial Club. A general committee was appointed of which Hon. J. M. Head was made chairman and a call was issued for a state convention to be held in Nashville on June 19, 1894. It was held in the Senate chamber at the Capitol and Col. W. A. Henderson, of Knoxville, was appointed chairman. Permanent organization was effected with Judge R. P. Morgan, of Memphis, as permanent chairman. A well-thought-out plan was reported by a committee appointed for the purpose. The board of directors met on July 10, 1894, a form of charter was adopted and on July 24th by-laws were adopted. All the directors were required to take stock in the Exposition Company, which was capitalized at $300,000. A strong executive committee was appointed whose activity was marvelous. They literally evolved the nucleus of the gigantic enterprise within a few months. On September 25th it was decided to invoke the aid of the Federal Government in "furthering the Tennessee Centennial Exposition." The Davidson County Court was petitioned for help and lent its credit to the enterprise to the extent of $50,000. During the next six months much difficulty was experienced in the effort to secure finances and friction developed among the promoters of the exposition so that it became necessary to reorganize the Exposition Company. On July 23, 1895, the following officers were elected: Maj. John W. Thomas, president; V. L. Kirkman, vice president; W. A. Henderson, second vice president; John Overton, Jr., third vice president; W. P. Tanner, treasurer; Frank Goodman, auditor. Major Thomas selected Chas. E. Currey as secretary and Maj. E. C. Lewis as director general. When nominating the latter before the executive committee, Major Thomas said:

"After carefully considering the selection of a director general, I would suggest a man of pleasing address, competent to fill and discharge the duties of the position, a man of general information, with executive ability, good judgment, sterling integrity, and unsullied reputation. I take pleasure in presenting the name of Maj. E. C. Lewis."

It is not too much to say that the great success of the exposition is due to the tireless energy, creative force, dauntless courage and resourcefulness of those two able and patriotic men, Maj. John W. Thomas and Maj. E. C. Lewis.

After the election held for the purpose on October 10, 1895, the people of Nashville authorized a subscription of $100,000 to the enterprise. Following this action subscriptions poured in rapidly and soon the Exposition Company had sufficient resources to proceed without further interruption.

It had been originally intended that the Centennial Exposition should open on May 1, 1896, or, at any rate, some time in 1896; but the management quickly realized that that year, being a presidential election year, was not propitious for the holding of the exposition; so it was wisely concluded to postpone the opening until May 1, 1897.

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PARTHENON, CENTENNIAL PARK, NASHVILLE

The only exact reproduction of the Parthenon on the Acropolis, at Athens, now in existence in the world

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In the admirable history of the Tennessee Centennial Exposition, edited by Herman Justi, is the following statement which concisely and truly summarizes the excellence of the administration of this remarkable enterprise:

"The Tennessee Centennial Exposition ran its full course without a single serious casualty, without the slightest suspicion of fraud, and without the faintest approach to scandal of any kind. Its affairs were managed with such skill, economy and honesty that, at its close, it was singled out by the press of the country as a wholesome example to be kept always before the eyes of the public, and to be impressed on the minds of all who were entrusted with public office."

The Centennial Park, in Nashville, was selected as the site of the exposition and it was formally dedicated, on June 1, 1896, with suitable ceremonies. The exposition was opened brilliantly on May 1, 1897, with more than ten thousand persons in the parade, notwithstanding the severity of the storm of rain which continued without cessation. The grounds were beautiful, the buildings and exhibits attractive and varied. The United States Government Building, the state buildings, the buildings for manufactures, agriculture, scientific, social, art and educational purposes were all excellent; but of all, the Parthenon surpassed in nobility and attractiveness. This building was used for the art exhibit and now, rebuilt with stone, is the only complete reproduction of the original Parthenon on the Acropolis of Athens that now exists in the world. The Erectheum of the Acropolis was the model for the history building.

The prominence given to history was one of the most gratifying features of the exposition. Gen. G. P. Thruston was chairman of the history committee and Mr. Robt. T. Quarles, afterwards the first Archivist of the state, was the superintendent of the building in which was installed what has generally been admitted to have been the most remarkable collection of historical relics ever exhibited. These were supplied principally by the Tennessee Historical Society, other historical organizations, Daughters of the American Revolution, the Ladies' Hermitage Association, Colonial Dames, United Confederate Veterans, Daughters of the Confederacy, Grand Army of the Republic, and many individual contributors.[22]

The effect of the Centennial Exposition on the history of the state was most remarkable. No other single event in its entire annals, up to 1919, has done so much to stimulate the interest of Tennesseans in the unique and wonderfully varied and romantic history of their own state. The establishment of the Antiquarian Society by Judge John Haywood, in 1820, and of the Tennessee Historical Society, in 1849, had done much to arouse the interest of Tennesseans in their history. Just before the opening of the exposition Dr. R. L. C. White published in the Nashville American a remarkable production entitled "A Centennial Dream," in which were 100 questions on Tennessee history and a prize was offered for correct answers. Another prize contest held a little later was entitled "A Century of Errors," and Judge John H. DeWitt, now the president of the Tennessee Historical Society, won the first prize of $100.

These contests and the American Historical Magazine published as the organ of the Chair of History of the Peabody Normal College and the Tennessee Historical Magazine, the publication of the Tennessee Historical Society—all these have been valuable factors in the promotion of interest in Tennessee history. It is not doubted, however, that the Tennessee Historical Committee, established

[22] See the American Historical Magazine, Vol. III, pp. 3 et seq.

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by the state in 1919, will ultimately prove the most powerful factor of all in promoting and maintaining a keen and abiding enthusiasm in everything pertaining to the history of the Volunteer State.*

OTHER IMPORTANT EVENTS IN THE THIRD ADMINISTRATION OF GOVERNOR ROBT. L. TAYLOR

Among the important acts passed at the regular session of the Fiftieth General Assembly were those on the following subjects: the assessment laws, regulation of building and loan associations, sale of cigarettes prohibited, coal combines prohibited, constitutional convention submission, railroad commission created, to regulate insurance companies, for the protection of schools and colleges for females (known as the "Johnnie Bill").

On July 8, 1887, Senator Isham G. Harris' death [23] saddened the entire state. Hon. Thomas B. Turley, of Memphis, was appointed by Governor Taylor to fill the vacancy pending the next meeting of the Legislature. This was a very suitable appointment as Mr. Turley had been Senator Harris' law partner and was considered as being one of the ablest lawyers in Tennessee. The General Assembly recognized Turley's fitness by electing him to fill Harris' unexpired term.

The new state penitentiary near Nashville was completed and formally occupied on February 12, 1898, and the system of prison reform and state account was put into operation with gratifying results.

During this administration the state contest with the railroads reached an acute stage. An act [24] was passed, April 7, 1897, entitled:

"An Act to create a Railroad Commission in the state and define its duties and powers; to prohibit extortion, unjust discrimination and undue or unreasonable preferences by railroad companies and other persons operating railroads in this state; in their charges for the transportation of freight and passengers; to secure just and reasonable rates and charges for all such service; and to impose penalties and to provide adequate civil remedies for, and punish violations of, this Act, and to secure the due execution and enforcement of its provisions and all lawful orders, rules and regulations of the said Railroad Commission."

The governor appointed E. L. Bullock, Newton H. White, and Frank M. Thompson to serve until the induction of the next administration. DeLong Rice was appointed secretary of the board. The railroads brought suit in the Federal courts to resist the assessment of their property made by the commission and an injunction was granted.

In the election of 1899, N. W. Baptist, Thomas L. Williams and J. N. McKenzie were elected railroad commissioners. Frank Avent was appointed by them as secretary of the board.

On December 29, 1897, Governor Taylor issued a proclamation for an ex-

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* Since this paragraph was written the Tennessee Historical Commission has been abolished and its work is now being performed by the History Division of the Department of Education.

[23] The committee appointed by the House of Representatives of Tennessee drafted to his memory resolutions of unusual excellence which will be found in full in Senate Journal of the Extraordinary Session of 1898, pp. 116-121. In it appears the following significant and succinct paragraph: "He knew little of books, but much of men. He was sagacious. He was wise. He had the resistless and self-sustaining power which is born of the union of courage and will."

[24] Chapter 10, p. 113, of the Acts of 1897, passed March 24, 1897.

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traordinary session of the Legislature, giving as his reason that "various matters of public interest, requiring immediate legislation, are apparent, creating extraordinary occasion for the assembling of the Legislature of the state." Among these matters he stressed particularly two, the enactment of laws relative to the assessment of railroad, telephone and telegraph property, devoting no less than five paragraphs, under as many different numbers, to separate phases of this subject. He also suggested legislation for the benefit of the City of Memphis, which wished to protect itself against the menace of yellow fever. A few other matters of comparatively less importance were adverted to.

The Legislature convened on January 17, 1898, and, on the same day, the governor transmitted his message to both houses, a well conceived, serious, thorough and able paper, in which the railroad assessment question was discussed fully and impartially.

After suitable legislation had been effected, this session adjourned on February 5, 1898.

TENNESSEE IN THE SPANISH-AMERICAN WAR

For upwards of one hundred years Spanish misrule in Cuba had evoked the condemnation of American citizens. An uprising of the Cubans in 1895 had been suppressed by Spain with great severity. Death and destruction, sorrow and suffering were the lot of the Cubans and the rights of American citizens in Cuba were not respected by the Spanish. The feelings of hostility between the people of Spain and those of the United States, so long existent, became irrepressible as time passed and the woes of the Cubans were not lessened. Early in President McKinley's administration Congress had voted $50,000 for the relief of the Cubans. This action still further alienated Spain and the United States; and when the United States battleship, Maine, was blown up in the harbor of Havana, on February 15, 1898, with a loss of 266 men, it did not require the gift of prescience to foretell that war would ensue. Formal declarations of war were issued by Spain and by the United States on April 24th and 25th, respectively.

In Tennessee the utmost enthusiasm for the war was manifest from the very first—the undying spirit which fittingly gave to Tennessee the name of the "Volunteer State." She furnished her full quota of troops and many others volunteered their services. The United States Government accepted four regiments from Tennessee. Of these the First Tennessee, commanded by Col. William Crawford Smith, was the only regiment which was engaged in active fighting. This regiment was sent first to San Francisco and thence to the Philippine Islands. Its record there for heroic daring in the war against Aguinaldo was an enviable one. In an engagement in front of Manila, Colonel Smith died on the firing line, overcome by the intense heat, and Lieut.-Col. Gracey Childers was promoted to colonel and commanded with distinction. All the officers of this contingent took an honorable part in the service. Among the officers were the following well-known names: Maj. Frank Cheatham, son of the gallant Confederate general of the same name; Major, afterwards Col. Albert Bayless; Judge Clem J. Jones, who pulled down the Filipino flag of Aguinaldo; and Maj. W. C. Whitthorne. Among the valuable historical relics collected by the Tennessee Historical Commission for inclusion in the State Historical Museum in the new Memorial Building in front of the state capitol in Nashville, is a

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Filipino flag captured at the taking of Fort Malete, on the shore of Manila Bay, on February 5, 1899. This was donated by Oscar Glenn, of Columbia, Tenn.

The Second Tennessee Regiment was commanded by Col. Kellar Anderson and the Third Tennessee by Col. J. P. Fyffe. Both of these officers, it will be remembered, served with distinction in the campaign to suppress the insurrection of the miners during Governor Buchanan's administration. The Fourth Tennessee, commanded by Col. George Leroy Brown, with Harvey H. Hannah as lieutenant-colonel, served for a short time in Cuba, but arrived too late to meet the enemy in battle.

According to the Register of the Navy of the United States, the following officers from Tennessee served in the navy during the war:

In the naval service: Com. Washburn Maynard, Lieut.-Coms. Albert G. Berry, Valentine S. Nelson, Robert M. Doyle, William B. Caperton (now admiral), Charles C. Rogers; Lieuts. Thomas F. Ruhm, Albert Gleaves (now admiral), Albert L. Key, Edwin H. Tillman, Joseph J. Cheatham, Robert F. Lopez, William H. McGrann, David Van H. Allen, Ridley McLean; Ensigns Charles K. Mallory, Dudley W. Knox, Henry C. Mustin; Surgeon Charles T. Hibbett; Asst. Surgeons Will T. Arnold and Jas. C. Pryor.

Commander Maynard, of the Gunboat Nashville, fired the first shot in the Spanish-American war. Lieut. Thos. F. Ruhm was the constructor in charge of the building of the Oregon and the Olympia.

The First Tennessee Regiment was the last regiment to reach home after the Spanish-American war had ended. They arrived at Nashville on November 29, 1899, and were given a royal welcome. A breakfast and a banquet were given in their honor by the ladies. In a grand parade they were escorted to the Tabernacle (now called the Ryman Auditorium) where they were greeted enthusiastically by an immense audience. The meeting was presided over by John Wesley Gaines, and eloquent addresses were delivered by Governor McMillin, by J. M. Head, mayor of Nashville, and by Tully Brown, the last of whom represented the soldiers of Tennessee in previous wars as well as in this.

ADMINISTRATION OF GOVERNOR BENTON MCMILLIN

In 1898, the democratic party still needed a strong candidate for governor, for the republicans, elated by their success in the national election of 1896, and irritated and disappointed by the defeat of H. Clay Evans and G. N. Tillman, their candidates for governor in 1894 and 1896, were strong and aggressive. The choice of the democrats, Benton McMillin, was a happy one. For the preceding twenty years he had been a member of Congress from the fourth district of Tennessee, and, in that position, had performed notable service for this state and had gained a great reputation for himself, as a statesman and as a faithful public servant. He had been a member of the House committee on ways and means for fourteen years and was a member of the committee on rules at the time his service ended. At the time of his retirement, he had a longer record for continuous service in the national House of Representatives than any other democrat possessed. He was the author of the first income tax bill passed by Congress.

The republican candidate for governor was James A. Fowler, who was the republican presidential elector for the state at large in 1896. His greatest strength was naturally in East Tennessee, which is normally strongly repub-

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lican, and in which he was born and educated. The election took place on November 8, 1898, and resulted in a pronounced victory for McMillan by the following vote: Benton McMillin, democrat, 105,640; James A. Fowler, republican, 72,611; Newton Richardson, populist, 1,722; W. D. Turnley, prohibitionist, 2,411; A. B. Woodward, 1.

The Fifty-first General Assembly convened on January 2, 1899, and adjourned April 24, 1899, after a long and useful session of seventy-seven days. It organized by the election of Seid Waddell, speaker of the senate and Joseph W. Byrns, speaker of the House. Important acts were passed on the following subjects besides others: Assessment, creating board of pardon, providing for inspection of coal oil, creating office of inspector of shops and factories, reorganizing courts, creating and defining powers and duties of park commissioners, providing for text-book commission and establishing a uniform system of text-books, railroads, schools, creating sinking fund to liquidate funded state debt, taxes, Virginia-Tennessee line.

Governor McMillin was inaugurated on January 16, 1899, and immediately began his great work of placing Tennessee in a better condition. The results which he achieved testify eloquently to his ability, patriotism and wisdom.

In his message to the Senate and House of Representatives, delivered only four days after his inauguration, he suggested legislation on many subjects. The first subject he discussed was education and in regard to one phase of it he wrote one sentence which led directly to the enactment of the Uniform Text-Book Law.[25] That sentence was as follows:

"I am persuaded that there are very few things of daily occurrence, in which the people have to submit to a more extortionate charge, than in the purchase of school books for our common schools. * * * I call it to your attention so that if there be a remedy, you may apply it, and insure to the children of the state books at a reasonable price."

It is said that the "remedy," the Uniform Text-book Law, was suggested by Morgan C. Fitzpatrick, the state superintendent of public instruction. Mr. Fitzpatrick also suggested two other laws of prime importance, viz.: an increase from $1,500 to $2,500 annually in the appropriation for the holding of teachers' institutes; and the County High School Law, which enabled any county to establish a complete system of schools within its own borders.

Since then the Uniform Text-book Law has been amended several times, but as constituted at that time the state text-book commission was composed of the governor, the state superintendent of public instruction, and three members of the state board of education named by the governor. A sub-commission also was provided which was required to examine all books offered for adoption and to report upon the merits of them to the text-book commission.[26]

When the official circular giving a list of books adopted, the prices of them and the regulations for handling them, was issued by Superintendent Fitzpatrick

[25] Chapter 205, Acts of 1899, p. 423, passed April 4, 1899. The caption is as follows: "An Act to create a state text-book commission, and to procure for use in the public free schools in this state a uniform series of text-books; to define the duties and powers of said commission, and other officers; to make appropriation for the carrying into effect this act, and to provide punishment and penalties for the violation of the same."

[26] The text-book commission was composed of the governor, Morgan Fitzpatrick, Thos. H. Paine, Prof. A. D. Wharton, Chas. D. Douglas. The sub-commission consisted of Prof. Wharton S. Jones, Prof. Chas. Mason, Prof. F. M. Bowling, Prof. J. G. Stimson, and Prof. W. N. Billingsley.

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on August 25, 1899, it was ascertained that a large economy [27] had been effected. The short time between this date and September 1, 1899, when the adoption went into effect, caused a little delay in some places and the adoption was resisted by some cities; but, on the whole, the law went into effect promptly and uniform state adoption of school textbooks has prevailed ever since in this state.

WHAT GOVERNOR MCMILLIN ACCOMPLISHED FOR THE FINANCES OF TENNESSEE

In his first message [28] to the Legislature, already referred to, Governor McMillin said:

"The bonded indebtedness of the state consists of $16,455,200. Our floating debt is $850,000. The interest we pay on our bonded debt is $542,426 per annum."

Governor Taylor had recommended the establishment of a sinking fund with which gradually to pay off the bonded state debt, which, as we have seen, was adjusted in Governor Bate's first term and new bonds issued. The state treasurer, Mr. E. B. Craig, also recommended a sinking fund. On January 26, only six days after Governor McMillan issued his message, the Legislature passed an act [29] entitled "An Act to create a sinking fund for the liquidation and retirement of the funded debt of the State of Tennessee, and to provide for the custody, control, use, application and disbursement thereof."

Governor McMillin also accomplished the following economic reforms: The fee system of coal-oil inspectors was abolished and the inspectors were paid salaries; reforms were effected in the judiciary system whereby the state revenue was increased; a tax of one-tenth of one per cent was imposed on the issuance of charters to corporations; the new penitentiary system, under the excellent management installed turned into the treasury a handsome profit; an adjustment was effected by the state administration with railroad, telephone and telegraph companies, whereby suits pending in the state and Federal courts were compromised equitably and the payment of the taxes which had been held up still further helped the financial condition of the state.

By these reforms and adjustments and the exercise of economy which, nevertheless, did not impair the functioning of the state government in all the lines of progress, Governor McMillin succeeded in putting Tennessee on a much better basis than had existed since the war between the states. At the end of his administration, the entire floating debt had been paid and more than one million dollars of the bonds had been retired.

In 1901, the democrats again nominated Benton McMillin as their standard bearer and the republicans nominated John E. McCall. Judge McCall was a strong man with a clean and honorable record. He was a native Tennessean, was graduated from the University of Tennessee, had been assistant district attorney for the Western District of Tennessee and a member of the 54th Congress, 1895-1897. It was believed by many that the race would be close; but McMillin had proven to be so good a governor that he won by a large majority. The vote was as follows: Benton McMillin, 145,708; John E. McCall, 119,831; R. S. Cheves, 3,364; H. J. Mullens, 1,176; Chas. H. Stockell, 257.

The Fifty-second General Assembly convened on January 7, 1901, after a session of seventy-nine days. It organized by the election of E. B. Wilson,

[27] In his message to the Legislature, January 9, 1901, Governor McMillin said "the saving to the people would be about a quarter of a million dollars."

[28] Senate Journal, 1899, pp. 133-146.

[29] Chapter 8, Acts of 1899, p. 12.

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speaker of the House of Representatives and Newton H. White, speaker of the Senate. The governor's message [30] submitted to the Legislature on January 9, 1901, was a very able paper evincing a thorough knowledge of the condition and needs of the state and how to meet them. The first subject he took up was, as was the case two years previously, education. Other subjects were: paying the state debt, taxation of personal property, revenue and assessment bills, economy, uniform textbooks, improvement of the capitol, settlement between the United States and Tennessee,[31] state line settlement,[32] Ladies' Hermitage Association, Soldiers' Home, the national guard, land grants, parks and preservation of forests, age of consent, charitable institutions, cigarettes, Industrial School, Pan American and South Carolina expositions, trusts, agriculture, manufactures, the penitentiary, fruit tree inspection, railroad taxation, comptroller's report, the preservation of free institutions. Much legislation suggested by Governor McMillin was enacted at this session so that the state was in a far better condition at the end of his administration than at the beginning of it.

TENNESSEE CENTRAL RAILROAD

After his defeat for the democratic nomination for governor in 1890, Col. Jere Baxter, who had made and lost several fortunes in spectacular enterprises in which his genius shone brilliantly, conceived the idea of building an independent line of railroad from the West through Nashville to the East, making connection with trunk lines at each terminal. He had no capital and his credit was limited, but his ability and his courage were great. The reasons why he undertook that enterprise which, in the circumstances, was hazardous and onerous in the extreme, were given by Colonel Baxter himself in his newspaper interview in the Nashville American, of April 26, 1903, in which he explained why he had resigned the presidency of the Tennessee Central Railroad which he had built under so great difficulties. The following paragraph from that interview gives the crux of his reason:

"For more than a decade I have been struggling arduously and constantly against difficulties and obstacles which can never be fully known to any but myself to build a railroad through the coal measures of the Cumberland Plateau to the capital of the state and to relieve the people of the state from the blighting effects of a railroad monopoly permeating its entire length and breadth and entrenched especially in its central, most populous and richest division, by the construction of an independent line of transportation giving access to the great markets of the country and inviting the investment of capital in the development of the State's marvelous and unsurpassed resources."

On May 27, 1902, the first train over the Tennessee Central arrived in Nashville and its advent was fittingly and publicly celebrated. The Manufacturers Record of Baltimore, in an issue in June, 1902, had the following to say in regard to this event:

"When, with boom of cannon, blare of trumpets and pageantry of militia and all the organizations of the city, there was recently celebrated in Nashville

[30] House Journal, 1901, pp. 15-35.

[31] This grew out of the seizure by the Government of the railroads of Tennessee during the Civil war and of bonds of Tennessee held by the United States in trust for certain Indian tribes.

[32] This was regarding the long-standing controversy between Virginia and Tennessee as to the boundary line between the two states.

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the arrival of the first train over the Tennessee Central, the occasion took the form of a most enthusiastic demonstration by the people of Tennessee's capital of their joy over the advent of an additional railroad system. The road for which Col. Jere Baxter has battled so long and so valiantly was welcomed as no community has welcomed a like enterprise for years, and a huge mass-meeting was held to give voice to the enthusiastic approval of the people. The governor of the state, the mayor of the city, as well as many of those eminent citizens of St. Louis who have, by their financial aid made possible the completion of the road, were present to share in the glory of the occasion and to pay tribute to the zeal and indomitable will of the founder of the enterprise."

The Tennessee Central now extends from Hopkinsville, Ky., to Harriman, Tenn., and has a mileage of approximately three hundred miles.

ADMINISTRATION OF GOVERNOR JAMES B. FRAZIER

In 1902, the democratic candidate for governor was James B. Frazier, of Chattanooga. Mr. Frazier was one of the leading lawyers of the state, a strong party man, clean, able and one of Tennessee's best speakers. It was his father, Judge Thomas N. Frazier, who, during the Brownlow regime, had the courage to grant a writ of habeas corpus upon application of Mr. Williams, of Carter County, who had been arrested and confined in the capitol. The Legislature refused to acknowledge Judge Frazier's authority and he was impeached and convicted. Judge Frazier had been a refugee to Nashville from East Tennessee and had been appointed Judge of the Criminal Court of Davidson County, by Andrew Johnson, when he was military governor. He was a conscientious citizen, a good lawyer, and an upright judge. The Constitutional Convention of 1870 removed from him all the pains and disabilities from which he suffered in consequence of his conviction on impeachment. He was subsequently elected by vote of the people to the same position from which he had been deposed and served the full term of eight years.

James B. Frazier's republican opponent in the race was Judge H. T. Campbell,[33] generally referred to as Judge Henry T. Campbell, of Carter County, who came from a noble ancestry and was supposed to represent the full republican strength in the state. However, it was an "off" year in politics and the vote for all candidates was light. The result of the election, November 8, 1902, was as follows: James B. Frazier, democrat, 98,902; H. T. Campbell, republican, 59,007; R. S. Cheves, prohibitionist, 2,193.

The Fifty-third General Assembly convened on January 5, 1903, and adjourned on April 16, 1903, after a session of seventy-six days. It organized by the election of L. D. Tyson, speaker of the House, and Ed T. Seay, speaker of the Senate.

Governor Frazier was inaugurated on January 20, 1903, and transmitted his message[34] to the Legislature on January 23rd. The excellent condition of the state was set forth as follows:

"It is a matter of congratulation that peace and orderly government prevail within our borders, that a reasonable degree of health and prosperity has blessed

[33] Hon. Sam W. Hawkins, who nominated Judge Campbell in the Republican State Convention, June 18, 1902, said: "The man I am about to name was at the age of twenty-four made attorney-general at his home, and at the end of eight years was elevated to the bench and served there eight years, and during all that time no man was turned away without full justice. He is a strong man morally and intellectually, and is well fitted to meet the democrats in debate."

[34] House Journal, 1903, pp. 99-120.

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our people, and that the state's fiscal affairs are in a healthful and sound condition. For this fortunate condition of the state's affairs great credit is due to your and my predecessors in office and to those who have had the management of the fiscal affairs of the state for the past several years, as well as to the people who have patriotically paid the taxes which have made the condition possible."

In the message he ably discussed the same subjects which Governor McMillin had handled so well, with the addition of some others which sound statesmanship indicated ought to be considered and acted upon.

Like Governor McMillin, Governor Frazier perceived clearly the necessity of improving the conditions of the public schools of the state. "In this age," said he, "of civilization and intelligence and of close and sharp competition in every line of human endeavor it is impossible to overestimate the subject of public education to the people of Tennessee." His recommendation to the General Assembly for progress along educational lines resulted in the passage of an act,[35] on February 12th, entitled, "A Bill to be entitled, 'An Act to provide for the disposition of the surplus remaining in the treasury at the end of each year by appropriating it to use for scholastic purposes in the State of Tennessee,' etc." Governor Frazier appointed as state superintendent of Public Instruction, Capt. Seymour A. Mynders, who proved to be one of the most efficient superintendents Tennessee has had. Under his wise administration and with an increased public school fund the educational interests of the state made great advances.

An Act, which, in the light of later events, was significant of progress toward state-wide prohibition was an act [36] "to prohibit the sale of intoxicating liquors as a beverage" in towns of not more than five thousand inhabitants hereafter incorporated." The Anti-Saloon League, the W. C. T. U. and the Committee of One Hundred, organized at Nashville, exerted the weight of their influence in favor of this law and, from that time on, were very active in their opposition to the liquor interests.

TENNESSEE AT THE LOUISIANA PURCHASE EXPOSITION

Another mark of the progressive spirit that characterized this administration was the passage of the bill [37] making an appropriation of $40,000 to enable Tennessee to be fittingly represented and its resources and products displayed at the World's Fair held in St. Louis, Mo., in 1904. The purpose of the act is shown by the following wording in section 1: "For the purpose of paying the expenses of the selection, purchase, preparation and installation and care of such objects and things as may be necessary to make a creditable exhibit of the resources of the State of Tennessee and for transporting such objects and things to and from the said exposition at St. Louis, Missouri, and all other contingent and necessary expenses incident to making said exhibit." A commission of ten [38] men and three ladies was, in accordance with the provisions

[35] Chapter 105, Acts of 1903, p. 199.

[36] Chapter 2, Acts of 1903, p. 5, passed January 26, 1903. This was commonly known as the Adams Bill.

[37] This was Chapter 251, Acts of 1903, p. 582, passed April 10, 1903.

[38] The personnel of this committee was: Hon. Ben F. Dulaney, Hon. E. Watkins, Hon. J. M. Shoffner, Hon. Jno. W. Fry, Hon. Thos. W. Neal, Prof. A. M. Soule, Hon. Jno. E. McNutt, Hon. E. C. Lewis, Hon. Hu C. Anderson, Hon. G. D. Raine, Mrs. J. P. Smartt, Mrs. Mary C. Dorris, Mrs. A. S. Buchanan.

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of the act, appointed by the governor. The governor was ex-officio chairman, B. A. Enloe was appointed secretary and D. F. Wallace, Jr., assistant secretary. Mr. Wallace and Mr. A. P. Foster traveled in all sections of the state and secured a large part of the exhibits. Mr. Foster also wrote a book on the resources, commerce, products and advantages of Tennessee, of which a large edition was published by the commission and distributed gratuitously at the exposition. Mr. Foster was also superintendent of horticulture for the state at the exposition.

Tennessee had remarkably fine exhibits in minerals, agriculture, horticulture, forestry, and education, besides special exhibits of tobacco, copper and coal. Some manufacturers and breeders of live stock and poultry also made exhibits separate from those of the state. Tennessee exhibitors won 218 awards for exhibits in the different departments, 52 having been secured in the horticultural department alone. The Thruston collection in the section of anthropology also was one of the most notable at the exposition.

Unfortunately the Legislature made no appropriation for the erection and maintenance of a Tennessee State building at the exposition. Therefore, patriotic men and women interested themselves to secure the means privately to bring about that desideratum. An organization was formed, subscriptions were obtained and the state building erected. It was a reproduction of the Hermitage, and was placed in charge of Mr. Will T. Hale and Mrs. Rachel Jackson Lawrence, the granddaughter of Andrew Jackson. In it many important official and social functions took place during the progress of the exposition.

THE STATE MINING LAW

One of the most comprehensive and thorough laws passed during Frazier's administration was the mining act [39] approved by the governor on April 15, 1903, entitled "A Bill to be entitled an Act to provide for the regulation and inspection of mines in the State, and for the safety, welfare and protection of persons employed therein, and providing for penalties for violations of this Act." It is believed that this bill was drawn by R. A. Shiflet, state mine inspector, at the suggestion of Governor Frazier. Certainly it showed great breadth of thought and of investigations in other states and guaranteed thenceforth to the miners every safeguard to protect their lives and health and gave to the mine operators more frequent and thorough inspections, thereby stimulating them to conduct more intelligently the operations of their properties. It was of great assistance to Governor Frazier when, in February, 1904, he went to Coal Creek to see the miners who were on a strike which threatened to become serious. Governor Frazier's firmness and appeals to their sense of fairness and public-spiritedness, with the irresistible force of his eloquence, readily put an end to all troubles complained of. In regard to the mining law Governor Frazier said later: [40]

"Prior to 1903 there had been a number of disastrous explosions in the coal mines of the state, resulting in great loss of life and property. Upon investigation, I became convinced that these explosions could be largely, if not entirely, prevented by proper mining laws, and by frequent and rigid inspections. Upon my recommendation a carefully prepared and comprehensive mining act was

[39] Chapter 237, Acts of 1903, p. 520.
[40] Message to General Assembly, Senate Journal, 1905, p. 26.

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passed, providing for two assistants to the Chief Mine Inspector, and for frequent and thorough inspections. It is gratifying to note that not an explosion of any consequence has occurred, and not a life has been lost from that cause in the mines of the state since said law went into operation."

REELECTION AND RESIGNATION OF GOVERNOR FRAZIER

In 1904, Governor Frazier was again nominated by the democrats to succeed himself. His republican opponent this time was Hon. Jesse M. Littleton, who was born on a farm in Roane County, Tennessee. From early youth both he and his brothers gave evidence of the ability which blazed the way for their distinguished careers. Jesse Littleton began his career along business lines; then became successively a newspaper reporter, a lawyer, president of the Winchester Taxing District, mayor of Winchester, circuit judge of the Chattanooga Circuit, republican candidate for governor, and mayor of Chattanooga. He and Governor Frazier stumped the state in joint debate and Frazier was elected, as was expected. The vote was as follows: Jas. B. Frazier, democrat, 131,503; Jesse M. Littleton, republican, 103,409; John M. Ray, socialist, 1,109.

The Fifty-fourth General Assembly convened on January 2, 1905, and adjourned on April 17, 1905. It organized by the election of John I. Cox, speaker of the Senate, and of W. K. Abernathy, speaker of the House. In his biennial message to the Legislature on January 3rd, Governor Frazier discussed ably the following topics: Education, the state finances, the penitentiary, coal lands, prisoners, reformatory, criminal insane, Louisiana Purchase Exposition, bureau of immigration and statistics, state equalization board, mining laws, national guard, carrying concealed weapons, fire insurance, the capitol, Confederate pensions, soldiers' home, Confederate cemeteries.

On January 11, 1905, Gen. Wm. B. Bate was reelected United States senator and, on March 9, 1905, died.[41] On March 22nd, the Legislature, being still in session, elected Governor Frazier to serve Bate's unexpired term and Frazier thereupon resigned on March 27th. By this action, in accordance with the provision of Article III, Section 12 of the State Constitution, Hon. John I. Cox, speaker of the Senate, automatically became governor and took the oath of that office on the same day. Hon. E. Rice was elected to succeed Cox as speaker of the Senate.

During Governor Frazier's administration $615,500 of the bonded debt of the state was paid.

ADMINISTRATION OF GOVERNOR JOHN I. COX

With the exception of some rioting by striking miners at Whitwell and Tracy City, the administration of Governor Cox encountered no difficulties. It continued upon the same general lines which had been so successfully pursued by the preceding administration. Governor Cox made few changes among

[41] In transmitting to the General Assembly the news of General Bate's death, Governor Frazier paid this beautiful tribute to him: "In the death of Senator Bate the state loses one of its ablest and purest sons and the nation one of its wisest and most patriotic statesmen. Senator Bate served the people of Tennessee long and faithfully. As a soldier, amid the red glare of battle, he was the personification of chivalric courage. As governor of this Commonwealth he was able, honest and faithful to every obligation. As senator in the halls of Congress, he was wise, conservative and patriotic. In every walk of life Senator Bate stood upon the high plane of purest and noblest citizenship. In all his long career of public service he never once wavered in his devotion to duty and in his absolute fidelity to the interests of the people who honored and trusted him."

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the state officials and earnestly endeavored to conduct the affairs of the state according to the dictates of sound business principles and efficiency. Special attention was given to school matters,[42] to payments on the state debt,[43] and to the enforcement of the quarantine laws against yellow fever. Due largely to the governor's interest also the appropriation for pensions to old soldiers was increased.

THE STATE FLAG

During the administration of Governor Cox a state flag was adopted on April 17, 1905, in pursuance of the following act of the General Assembly:

Chapter 498. An Act to designate, adopt and declare a flag, or banner, for the State of Tennessee.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That a flag or banner is hereby designated and adopted and declared to be the flag or banner of the State of Tennessee, which flag or banner shall be of the following design, colors, and proportions—to wit:

An oblong flag or banner in length one and two-thirds times its width the large or principal field of same to be of color red, but said flag or banner ending at its free or outer end in a perpendicular bar of blue, of uniform width, running from side to side—that is to say, from top to bottom of said flag or banner—and separated from the red field by a narrow margin or stripe of white of uniform width; the width of the white stripe to be one-fifth that of the blue bar; and the total width of the bar and stripe together to be equal to one-eighth of the width of the flag. In the center of the red field shall be a smaller circular field of blue, separated from the surrounding red field by a circular margin or stripe of white of uniform width and of the same width as the straight margin or stripe first mentioned. The breadth of diameter of the circular blue field, exclusive of the white margin, shall be equal to one-half of the width of the flag.

Inside the circular blue field shall be three five-pointed stars of white distributed at equal intervals around a point, the center of the blue field, and of such size and arrangement that one point of each star shall approach as closely as practicable without actually touching one point of each of the other two around the center point of the field; and the two outer points of each star shall approach as nearly as practicable without actually touching the periphery of the blue field. The arrangement of the three stars shall be such that the centers of no two stars shall be in a line parallel to either the side or end of the flag, but intermediate between same; and the highest star shall be the one nearest the upper confined corner of the flag.

Section 2. Be it further enacted, That this Act shall take effect from and after its passage, the public welfare requiring it.

. . . . . .

This flag was designed by LeRoy Reeves, of the Third Regiment, Tennessee Infantry, who gives the following explanation:

"The three stars are of pure white, representing the three grand divisions of the state. They are bound together by the endless circle of the blue field, the symbol being three bound together in one—an indissoluble trinity. The large field is crimson. The final blue bar relieves the sameness of the crimson

[42] Of the state superintendent of public instruction he said: "The state is to be congratulated on having at the head of its public school system Supt. S. A. Mynders. With his training in the public schools, his great energy and love for the cause of education, he has aroused the greatest interest in education ever known in the history of the state. His administration has improved the mode of teaching, increased the number of attendance in the schools and the days of school in each year. No greater work could be done for the future development of our state, no greater security could be given for law and order and good citizenship."

[43] During Cox's administration state bonds amounting to $1,874,200 were paid.

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field and prevents the flag from showing too much crimson when hanging limp. The white edgings contrast more strongly the other colors."

In 1906 Malcolm R. Patterson, who had just served three consecutive terms in Congress as the representative from the 10th District of Tennessee, opened his campaign for the democratic nomination for governor. To promote Patterson's success and Cox's defeat, the friends of Patterson established at Nashville a campaign paper, named The Tennessee Lancet, in the columns of which the record of Cox, prior to his term as governor, was fiercely assailed. In the democratic convention many turbulent scenes were witnessed, and, finally, Patterson secured the coveted nomination. His republican opponent was the experienced, active, able and clean H. Clay Evans, but Patterson won the fight by the following vote: Malcolm R. Patterson, democrat, 111,856; H. Clay Evans, republican, 92,804; John M. Ray, socialist, 879.

In December, 1906, the state purchased the tract of land in Bledsoe, White and Van Buren counties known as the Herbert Domain, covering an area of 11,000 acres and costing $12 per acre. It was supposed to have large deposits of coal and very valuable forests. In 1907 the prison commission was empowered to build a railroad to the domain but the great expense, aggregating, it is supposed, about one million dollars, has so far deterred the construction of the road.

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CHAPTER XXVIII

FROM PATTERSON TO RYE

ADMINISTRATION OF GOV. MALCOLM R. PATTERSON—DEVELOPMENT OF TEMPERANCE AND PROHIBITION IN TENNESSEE—DEATH OF SENATOR E. W. CARMACK—THE INDEPENDENT MOVEMENT—ADMINISTRATION OF GOV. BEN W. HOOPER—ADMINISTRATION OF GOV. T. C. RYE.

The Fifty-fifth General Assembly convened on January 7, 1907, and adjourned on April 16, 1907. It organized by the election of E. G. Tollett, speaker of the Senate, and John T. Cunningham, Jr., speaker of the House. Governor Patterson was inaugurated January 17, 1907. In his message delivered to the General Assembly on January 23, 1907, he discussed the following subjects: state debt, revenue, appropriations, judicial salaries, public buildings, Confederate pensions, state guard, agriculture, education, State University, Peabody Normal School, public roads, game, fish, forestry, temperance legislation, emergency fund to protect against contagious disease, pure food law, election laws, party nominations, free transportation to public officials, insurance laws, uniformity of assessment, back tax assessors, publicity, state auditor, bank examiners, jurors and challenges in criminal cases, juvenile reformatory and other questions relating to the penitentiary, taxation.

Besides much other legislation acts were passed on the following subjects: The "anti-spit" law, to create a state board of elections, to create a board of education for each county, to develop the Herbert Domain, to provide for per capita distribution of school fund,[1] to establish a court of chancery appeals, to create commissioners of elections in every county, the Cox labor law, to establish department of immigration, to extend the Four Mile Law, forestry law, to prohibit gambling on horse races, to provide a mansion for the governor, to create a state highway commission,[2] to suppress "night-riders," the pure food law, to create a state reformatory for boys, to increase appropriation for soldiers' pensions.[3]

Patterson's administration was remarkable for many things—for the large number of new laws enacted, for the able handling of the state's affairs by the governor and other state officers, including the continuance of the fiscal policy which resulted in still further reducing the bonded indebtedness of the state, in the advancement of the state along so many lines of progress; and yet, notwithstanding that situation so encouraging in so many respects, there was an amazing restlessness and dissatisfaction in some social and political and industrial matters which at times bade fair to lead to conditions akin to chaos.

Such was particularly the case with the so-called "night riders." These lawless men operated principally in the tobacco regions of Northern Tennessee

[1] Commonly called the "Chestnut Bill."

[2] Sometimes called the "Tollett Highway Commission."

[3] Soldiers' pensions were increased to $300,000 per year and widows' pensions to $125,000 per year.

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and Southern Kentucky and their actions originated in dissatisfaction with the tobacco trust, to fight which they made agreements among themselves. Those who refused to enter into the agreements were visited at night by the "night riders," armed, masked and mounted men, by whom their tobacco plant beds were destroyed and sometimes the recalcitrants were punished in various ways. Sometimes the victims resisted and homicides occurred. It was also asserted at the time, not without plausibility, that this organization of "night riders" was used by evil minded men for accomplishing private revenge in matters entirely disconnected with the tobacco industry. The depredations of the "night riders" finally became so menacing that the Legislature was constrained to pass two acts. One of them [4] was entitled "An Act to preserve the public peace," the first section of which reads as follows:

"That any person or persons who shall wilfully prowl or travel or ride or walk through the country or towns of this state to the disturbance of the peace or to the alarming of the citizens of any portion of the state, or for the purpose of damaging or destroying property, or for the purpose of intimidating or terrorizing any citizen or citizens of this state, or for the purpose of causing through threats or intimidation or other improper means any citizen or citizens of this state to do or not to do any unlawful thing shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than $50 or more than $100 and imprisoned in the county jail for not less than six months or more than twelve months, said imprisonment to be within the discretion of the judge trying the case."

The other act [5] is sufficiently explained by its caption which is as follows:

"An Act to prevent the damaging or destroying tobacco plant beds, tobacco crops, growing or otherwise, or any other crop or crops, growing or otherwise, and aiding and abetting the same; and to fix the penalty for the violation of this act."

These laws, while salutary, did not immediately put an end to the maraudings of the "night riders." For some years previous there had been violent disputes and suits in regard to lands bordering on Reelfoot Lake and the right to fish in that lake. A land company in seeking to protect its rights was thought, correctly or incorrectly, to be endeavoring to deprive the fishermen of their rights. In October, 1908, Col. R. Z. Taylor and Quentin Rankin, both of Trenton and both lawyers, who were suspected of being in the employ of the Land company, were seized by masked men, supposed to be "night riders," and taken to the shore of Reelfoot Lake. Mr. Rankin was hung and shot but Colonel Taylor escaped. Governor Patterson immediately abandoned his canvass for reelection, called out a part of the state guard and had some of the "night riders" arrested and tried. Eight were convicted, six of whom were condemned to death and two to serve twenty years each in the penitentiary. On appeal to the Supreme Court the cases were remanded to the lower court for a new trial, and those accused of murder finally received no punishment.

DEVELOPMENT OF TEMPERANCE AND PROHIBITION IN TENNESSEE

The most potent cause of restlessness in Tennessee, at that time, however, was the struggle on the liquor question. It had been brewing for many years;

[4] Chapter 427, Acts of 1907, p. 1456, passed April 11, 1907.
[5] Chapter 529, Acts of 1907, p. 1780, passed April 15, 1907.

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it continued through Patterson's administration in which, and in Hooper's administration following, it became acute and finally was settled by the adoption of the Eighteenth Amendment to the Constitution of the United States in 1919. For a proper understanding, therefore, of certain phases of the history of the state in this administration and the administrations of the three succeeding governors, it is desirable that at least a brief survey of the development of temperance and prohibition in Tennessee be made here.

The first prohibition law in Tennessee was an act [6] passed by the Legislature of North Carolina, on December 29, 1785, entitled "An Act to Prevent the Distillation of Spirituous Liquors for the Time Therein Mentioned in the County of Davidson."

One reason, probably the paramount one, for this action was the necessity to conserve grain for the population, so rapidly increasing. It must be remembered that the prices for intoxicants in those days were very low. Even in 1796, according to John Sevier's diary,[7] a quart of brandy cost only one shilling and three pence and a gallon of brandy only five shillings.

On November 18, 1823, the Legislature passed an act [8] entitled, "An Act regulating the manner of granting Licenses to Innkeepers, and to restrain Tippling houses," the first part of the first section of which is as follows:

"No county court in this state shall hereafter grant a license to any person whatever to keep a public inn or house of entertainment unless the person applying for such license shall first prove in open court by the testimony of creditable witnesses that the person applying has a good moral character, and that he, she, or they are provided with bedding, stableage and house room for the accommodation of travelers and lodgers, and in no case shall such license be granted if the court should be of the opinion that the retailing of spirituous liquors is the principal object in obtaining such license."

The passage of this act constituted the first feeble beginning of the fight against intemperance in Tennessee, and no notable progress was made in it until 1829 when, on August 31st, the Nashville and Davidson County Temperance Society was organized and made auxiliary to the American Temperance Society.[9] The influence on society of that organization may have been reflected in Governor Carroll's message [10] to the General Assembly in 1831, when he said:

"It is a source of melancholy regret that three-fourths of the unhappy inmates of prisons acknowledge that the too frequent use of ardent spirits was the leading source of the commission of crimes for which they were convicted. Nor is it less the subject of regret that nine-tenths of the pauperism arises from intemperance. Is there no remedy for this alarming evil which cuts off so many citizens in early life, and brings so much sorrow and misery on innocent families? I answer then that there is. Pass a law prohibiting the county courts from granting to any one, a license to retail spirituous liquors, unless he be a man of known character for honesty, whose business is that of an innkeeper, with suitable accommodations for travelers; and punish with severity those who violate the law. Little hesitation should be felt in adopting this course, especially as it is well known that drunkenness, theft, robbery, gambling and murder generally have their origin in the grog shops of our towns and villages. When

[6] The State Records of North Carolina, Vol. XXIV, p. 771.
[7] See Tennessee Historical Magazine, Vol. V, p. 187.
[8] Chapter XXXIII, Acts of 1823, p. 41.
[9] National Banner, October 10, 1829; Tennessee Historical Magazine, Vol. V, p. 142.
[10] House Journal, 1831, p. 13.

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we see the wise and the virtuous everywhere uniting their influence for the suppression of intemperance, and when we consider its destructive effect upon the peace and morals of society, it is surely our duty to aid in counteracting its influence."

In 1838 was passed the first state-wide prohibition law,[11] the second section of which reads as follows: "That hereafter all persons convicted of the offense of retailing spirituous liquors shall be fined at the discretion of the court, as in the other cases of misdemeanor." This law remained in force for eight years.

In 1846 a law [12] was passed, "That it shall and may be lawful for any person or persons to vend or sell spirituous or vinous liquors by any quantity the purchaser may desire," with certain conditions and restrictions which were very stringent. Among these restrictions may be mentioned the fact that the retailer of liquors was required to make oath that his stock of liquors did not amount to more than $250; all the partners and agents also had to make oath and a violation of the oath was punishable as perjury; also no liquor could be sold to slaves without written permission of their owners; also that gambling should not be permitted on the premises and, if it should occur, information would be given to the grand jury.

In 1846, also, was established in Tennessee the Grand Division of the Sons of Temperance and the Grand Division of the Sisters of Temperance.

The first law passed by the Legislature after the Civil war was entitled "An Act to prohibit the sale of intoxicating liquors near institutions of learning." [13]

In 1887 an amendment to the Constitution prohibiting the sale of liquors in the state, was defeated by more than twenty-seven thousand votes, yet the vote cast for prohibition, 117,504, was large enough to show a strong sentiment for prohibition even at that early date.

In 1887 the Law of 1877 was broadened to apply to "any schoolhouse, public or private," whether in session or not.

The Legislature of 1899 passed an act [14] which allowed all incorporated towns in the state with a population not more than two thousand inhabitants, to surrender their charters and to secure new charters which prohibited the sale of liquors within their borders.

In 1903 this law was amended by an act [15] making it apply to towns of not more than five thousand inhabitants.

In 1907, by act [16] of the Legislature, this law was extended to all cities and towns in the state. It is known as the "Pendleton Law" because it was introduced and earnestly advocated by Senator I. L. Pendleton, of Davidson County. Under this law all but four towns in the state, namely, Nashville, Memphis, Chattanooga, and Lafollette, surrendered their charters and reincorporated as "dry" towns.

By 1908 the liquor question had gotten into politics as a burning question. Senator E. W. Carmack, who had been defeated by Robert L. Taylor in the primary election of 1906 for United States senator, came out as a candidate

[11] Chapter XXX, Acts of 1838, p. 186, passed January 26, 1838.
[12] Chapter XC, Acts of 1846, p. 154.
[13] Chapter XXIII, Acts of 1877, passed March 19, 1877. This is known in history as the "Four Mile Law," and by this act applied to incorporated institutions of learning.
[14] Chapter 221, Acts of 1899, p. 474.
[15] Chapter 2, Acts of 1903, p. 5.
[16] Chapter 17, Acts of 1907, p. 81.

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for governor against Patterson in 1908 and was defeated. He then became the editor of the Nashville Tennessean and led the fight against the liquor plank in the democratic platform. While Patterson was reelected, the differences among the democrats over prohibition caused a split in their ranks and inaugurated the "Independent movement" which resulted in the election of Ben W. Hooper in 1910.

When the Legislature convened in January, 1909, the first law passed [17] prohibited the sale of intoxicating liquors "within four miles of any schoolhouse, public or private, where a school is kept, whether the school be then in session or not, in this state." It was vetoed by Governor Patterson on January 19, 1909, for the following reasons:

"1. As a democratic governor, I feel it a duty and a sacred obligation to sustain the platform of the democratic party, which distinctly states the doctrine of local self-government; and this doctrine directly opposes, defies, and destroys it.

"2. As the governor of all the people, holding my commission from the majority, I protest in their name against an act which will set aside and hold for naught their recorded will.

"3. I veto this bill because experience has taught the lesson, without a single exception, that no arbitrary prohibition law was ever obeyed, and that its enaction brings no settlement of the question, but rather leaves it like a burr on the body politic to irritate and inflame."

He also mentioned six other points on which he disapproved the measure, viz.: The mistaken notion of morality, that it was an intemperate measure, that it would make weaklings of men, that it would teach duplicity and evasion, that it would bring women into political strife, and that he protested in the name of "an indignant, protesting, and outraged people."

Nevertheless, there were enough members in both houses of the General Assembly, who said they had been instructed by their constituents to vote for such a bill, to pass it over the governor's veto on January 20, 1909. It was provided that this law go into effect on July 1, 1909. On that date the saloons were de jure dismantled and passed out of existence. Such was the actual fact for a short time, but gradually many of them were again reestablished and conducted their business in defiance of the law. De Facto saloons were almost as much in evidence in the large cities as before and there was bitter complaint, strife and controversy throughout the state which condition was reflected in the sessions of the General Assembly, where one faction complained of the prohibition law and the other faction of the non-enforcement of the law. No legislation, however, was effected to mitigate the conditions complained of until the second extra session of the General Assembly of 1913 passed twelve acts in regard to liquor, all of which legislation centered around two acts called "The Jug Bill" [18] and "The Nuisance Bill." [19] The first section of the former declares "That it shall be unlawful for any person, firm or corporation to ship, carry, transport, or convey any intoxicating liquor into this state, or from one point to another within this state, for the purpose of delivery, or to deliver the same to any person, firm, company or corporation within the state, except as hereinafter provided." The principal exceptions

[17] Chapter I, Acts of 1909, p. 3, passed January 13, 1909.
[18] Chapter I, Acts of Second Extra Session of 1913, p. 659.
[19] Chapter II, Ibid., p. 665.

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were those permitting a person to transport one gallon for personal use and transportation for sacramental purposes."

"The Nuisance Bill" declared that the business of selling intoxicating liquors and places where they were sold were public nuisances and could be abated "upon the relation of ten or more citizens and freeholders of the county wherein such nuisances may exist," when the police or other officials would not act.

In 1915 an act[20] was passed, called the "Ouster Law," entitled "An Act to provide for the removal of unfaithful public officers, and providing a procedure therefor," which doubtless originated in the irritation caused by non-enforcement of the liquor laws, but which wisely applied to all public officers who wilfully misconduct themselves or prove derelict in the performance of their sworn duties.

In 1919, by Senate Joint Resolution No. 1,[21] the Eighteenth Amendment to the Constitution of the United States was adopted by the General Assembly in the following words:

"A joint resolution ratifying an amendment to the Constitution of the United States prohibiting the manufacture, sale, or transportation of intoxicating liquors within, the transportation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes, and giving to Congress and the several states concurrent power to enforce the same by appropriate legislation."

OTHER EVENTS IN GOVERNOR PATTERSON'S ADMINISTRATION

During this administration Tennessee for the first time bought a home for its chief magistrate. This provision was made by an act[22] entitled "An Act to provide for the securing of a Governor's mansion to be used and occupied by the Governor of the State, and to make an appropriation therefor," in which the reason is given out that "the prominent position of Tennessee in the sisterhood of states, the exalted office of governor, and every consideration of state pride demand that such provisions be made for the state's chief executive officer." The sum of $35,000 was appropriated and a commission consisting of the governor, a member of the Senate and a member of the House was appointed to negotiate the purchase and furnishing of the mansion. A suitable home, located on Seventh Avenue (Vine Street), Nashville, only a half block from the Capitol grounds, was purchased from John M. Gray, Jr., and in it the successive governors of Tennessee have lived until 1922, when, with the neighboring structures it was razed to make room for Tennessee's new Memorial Building and Capitol Annex.

Another mark of progress in this administration was the passage of the "Pure Food and Drugs" Act.[23] The caption indicates its purpose and scope as follows: "An Act to be entitled 'An Act to prohibit the manufacture or sale of adulterated or misbranded food or drugs affecting the health of the people in the State of Tennessee, and to provide for the enforcement of the same.' "

This was the first step in the establishment of the State Food and Drugs Department which was effected during the administration of Governor Hooper.

[20] Chapter II, Acts of 1915, p. 20, passed January 28, 1915.
[21] Adopted January 13, 1919, Acts of 1919, p. 821.
[22] Chapter 38, Acts of 1907, p. 132, passed February 12, 1907.
[23] Chapter 297, Acts of 1907, p. 1005, passed April 4, 1907.

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THE PATTERSON-CARMACK CAMPAIGN

In 1908 Governor Patterson was a candidate to succeed himself and Senator E. W. Carmack, who, in 1906, had been defeated in the primary for United States senator by ex-Governor Robt. L. Taylor, became an aspirant for the democratic nomination for governor. A primary election[24] for the gubernatorial nomination was ordered by the state democratic committee and the two candidates stumped the state in joint debate. As the leading issue between them was the liquor question, which at that time had reached an acute stage in the consideration as to whether Tennessee should have state-wide prohibition, and as both candidates were men of unusual ability, both splendid speakers, skillful in debate and quick in repartee, the keenest interest attended the campaign, not unmixed with apprehension that those two doughty and spirited opponents might some time come into personal encounter.

The joint debate between Governor Patterson and ex-Senator Carmack[25] was opened at Chattanooga, April 16, 1908. Patterson stood for local option on the liquor question and Carmack for state-wide prohibition. For four hours the two candidates laid the issues before their fellow democrats and submitted their claims to political preferment. This debate was truly a battle of giants. The crowd packed the Chattanooga auditorium to its capacity. Interest was at fever heat, but though the lines of partisanship were so closely drawn, there was not one disorderly act. There were frequent interruptions, however, and occasionally an over-zealous admirer attempted to aid and suggested his favorite. In a general sense this meeting was repeated wherever they spoke in joint debate.

In that contest Patterson appeared as a ready debater, cool and deliberate, knowing what he wished to say and how to say it. He did not strain for effect by highly seasoned sentences, but he made his impression by the force of his logic, his earnestness, honesty and boldness. He was, moreover, dignified and never stooped to low arts and methods calculated to appeal to the lower passions and the prejudices of the thoughtless.

Carmack had already won an enviable reputation as a speaker. He had a remarkable vocabulary and command of language. He was ready in retort and aggressive in criticism. He was assertive, sometimes explosive, always brilliant and fond of invective. His admirers were legion and they thought him invincible. His speech at Chattanooga, opening the campaign, can be found in full in the Nashville American for April 17, 1908.

The primary election was held on June 27, 1908, and Patterson won by a majority of 7,137. The republicans nominated Hon. Geo. N. Tillman as their candidate and in the ensuing election in November, 1908, Patterson was re-elected governor by the following vote: Malcolm R. Patterson, 133,166; Geo. N. Tillman, 113,233; W. A. Weatherhall, 1,422.

DEATH OF SENATOR CARMACK

Soon after the primary in which he had been defeated by Governor Patterson, Senator Carmack became the editor of the Nashville Tennessean.

[24] The primary plan adopted was published in the Nashville American of April 12, 1908, in which issue also will be found Governor Patterson's speech on the opening of his campaign at the Vendome Theater, Nashville, April 11, 1908.

[25] Austin Peay, of Clarksville, now governor of Tennessee, was Patterson's campaign manager, and George H. Armistead, of Franklin, was Carmack's campaign manager.

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Through that newspaper he continued his fight for prohibition and was much gratified when the election returns indicated that a sufficient number of members of the Legislature had been elected to insure the passage of a state-wide prohibition law. About the same time it was rumored that the former ill feeling which it was said had existed between Governor Patterson and Governor Cox had been removed. For this reconciliation Senator Carmack gave credit to Col. Duncan Cooper, an intimate friend of Governor Patterson, who became much incensed at some things which Carmack said in his editorials, especially in an editorial entitled "Across the Muddy Chasm," published on November 8, 1908, and in another entitled "The Diplomat of the Zweibund." On the afternoon of November 9, 1908, Colonel Cooper and his son, Robin Cooper, encountered Senator Carmack on Vine Street (Seventh Ave.) in Nashville and Carmack was killed and Robin Cooper was wounded. The Coopers were tried and convicted and the case was appealed to the Supreme Court which affirmed the verdict relative to Colonel Cooper, who was thereupon pardoned by Governor Patterson. The Supreme Court remanded the case of Robin Cooper to the Criminal Court for new trial, where it was finally nolle prossed.

In the trial of the case the speeches made by the able attorneys for the prosecution and the defense were so remarkable as to attract universal attention and to warrant the insertion here of the following article written by M. W. Connolly, which appeared in the Nashville American of February 4, 1910:

THREE GREAT SPEECHES

BY M. W. C.

The case of the Coopers against the state on appeal to the Supreme Court has passed over for final consideration and adjudication. What the five justices will do is, of course, beyond the reach of legitimate surmise. The court en banc heard the arguments and have now the briefs of both sides and the record in their keeping, and in due time will hand down their decision, which will be accepted as their honest conclusions after toilsome and patient investigation. The issues must be left to them wholly and exclusively.

The case has been a remarkable one throughout, and comment on at least one phase of it is permissible. It produced three great speeches. Great speeches are not uncommon in impartial lawsuits. The uncommon thing about the speeches in this case is that each of these three speeches was great, the greatest thing being matter only for taste or sentiment. In lawsuits great and small it usually happens that one lawyer outstrips all the rest, erecting a standard, which no one else in the case may approach. In the hearing just ended such was not the fact. The speeches in this case may be looked upon as forming a master sonata in three movements, each differing from the other, yet each splendid to a dazzling perfection in its theme and execution. Then, too, three gentlemen of eminent abilities, trained in the same school of thought, inured to the same forensic conflicts, accustomed to the same juridical or jurisprudentical proceedings, and arguing the same case, will necessarily maintain much similitude; and, while contending and representing opposing sides, like gladiators in the arena, will preserve in a large measure symphonic unity. This is what happened in the lawsuit just argued.

* * * * *

Judge Anderson, the speaker who occupied the time of the court the first day, enjoyed an advantage that was denied the other counsel, and especially is this true of General Wright. He had tried the case in the lower court, had heard the witnesses, was familiar with the details down to the minor details, knew the geographical situation, the streets, the houses, and the entire mise en scene. Every fact and feature of the drama was a familiar picture to him, and his

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recital of the testimony, as he interpreted it, was easy, cogent and plausible to convincing. Passing with composure from event to event along the long and sometimes sinuous history of the case, he deftly cast aside the immaterial and cognate. He was talking to judges who, like himself are lawyers, and he presented his facts and arguments with a directness and simplicity that was true eloquence unadorned.

In presenting the law applicable to the case, he seemed to be entirely at home. It was an open book to him. While not dogmatic he was never tentative. He was always sure of his approaches, and the judges on the bench apparently realized the fact. His was a great speech and delivered without apparent effort. And here it may be observed that the advantage enjoyed by Judge Anderson by reason of his familiarity with the facts and law in the case was minimized in some degree by the fact that he had argued it once before. This may seem paradoxical. Be it so. Every speaker and writer knows that there is a warmth and ardency about original composition or other creative effort that is inspiring and filled with urge and propulsive power than can never be invoked on a repetition of the effort.

* * * * *

Attorney General Cates occupied the attention of the court on the second day. He alone represented the state, and had to cover the entire ground from beginning to end. His duty was to defend the verdict of the jury and the findings of the court below. He had to present the testimony of the witnesses for the state and argue its consistency and credibility. He had to argue the testimony presented by the defense and show where to his mind and according to the theory of the state, this testimony was unfirm, conflicting, unreliable and inconsistent with the facts as he understood them. He had to argue the legal points raised which would be raised by opposing counsel. He had to see to it that no weak spot in his defense was left to attract vigilance of counsel for the appellants. All this and these he had to do in one-half the time allowed the other side, and that he did so with remarkable force and lucidity, with remarkable ability and effectiveness, is admitted by everyone. Nor was his progress wholly unobstructed by thwarts and trammels. It is shrewdly suspected that there were certain things in the record that would not have been there had he tried the case in the lower court. General Cates showed himself to be not only a logician, but a speaker of rare eloquence. The writers of old would have said that the bees had kissed his lips. His classic features and, indeed, his presence, his graceful gestures and excellent modulated voice gave dramatic effect to his utterances. He is in no wise theatrical. Frequently he leaps away from a mere rehearsal of law and fact to soar on the wings of some splendid apostrophe, or he rises to burst forth in flowers of rhetoric; but he is never volatile or tenuous; there is always "body" in what he says. His effort was splendid as well as strong, and its strength could not be concealed even by the rich and lush foliage of choice fruit that draped it.

* * * * *

For the Appellants, Gen. Luke E. Wright, of Memphis, closed the case. General Wright is not as young as he was some thirty years ago, when he measured swords with the greatest lawyers of the day, among the greatest being his own honored father, the late Judge Archibald Wright. He has frequently been where the steel flashed and where the friction of mind upon mind brightened the intellect, until it flamed in coruscant brilliancy. Apparently more subdued, but really holding his reserve forces better in hand, he approached the task set for him with almost Fabian deliberation. He took no steps forward without first making sure that his foot would rest on firm ground. He knew of the case only from the record placed in his hands, and it was remarkable to witness his familiarity with the material points in the voluminous 4,000 pages, a volume greater than "Les Miserables." He indulged in short sentences and frequent pauses. He does not seek to bring about a cataclysm or a sudden destruction of the edifice of the opposition. He attacks it stone by stone, and while the superficial observer is led to suppose he is making little progress, in

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less than a little while the pillars have tumbled from plinth to pedestal, the friezes had fallen and the walls have collapsed in ruin. He accomplishes his purpose before the less alert know what he purposes, and he is not satisfied with mere destruction. He insists on total annihilation. Seldom in a court of law was a question more convincingly and forcefully handled than was General Wright's presentation of the "physical facts" connected with the unfortunate homicide. By argument, by suggestion, by sympathy he led the minds of his hearers along with him into the very goal of his own contention, and there was no escape from it, for a time, at least. The picture he presented to the mind's eye was unforgetably vivid, and the plausibility of his arguments disarmed doubt. In this incident he surely scored a triumph of skill.

Another feature of his speech which was noteworthy was in reference to the finding of a pistol scabbard in an overcoat pocket. In this the speaker found himself in a most delicate predicament. He was walking over a volcano on a bridge of ashes, and only a supremely skillful pedestrian would have escaped falling through. Yet he got his points to the court and to the cognoscente by saying practically nothing. It was a test of address and adroitness to which few lawyers are ever subjected.

* * * * *

On the whole, it must be said that this famous case, about which so much has been said and written, and over which so much feeling has been expended, has ended for the present in a meeting of three great lawyers who argued the issue with moderation and courtesy, without any manifestation of passion, and without abstracting one jot or tittle from the opportunities which occasion offered for a display of acumen, skill, intellectual dexterity and eloquence.

The Fifty-sixth General Assembly convened on January 4, 1909, and organized by the election of Wm. Kinney, speaker of the Senate, and Hillsman Taylor, speaker of the House. On January 11, the governor transmitted to the Senate and the House a special message on the liquor question in which he embodied the same arguments he had used in his recent political campaign, but all to no effect on the Legislature, which, as we have seen, passed a state-wide prohibition act (the first one of the session) only two days later, and, when he vetoed it, passed it promptly over his veto.

Besides the legislation on the liquor question, important bills were passed on the following subjects: education, including appropriation for the agricultural and industrial normal school for negroes, which has developed so remarkably and has been an instrument for much good; an appropriation of $250,000 for the Geo. Peabody College for Teachers which institution has prospered continuously under the administration of Dr. Bruce R. Payne, who has served without interruption from that time to the present (1923); the general education bill and no less than nineteen special education bills; assessments, banks, bonds to prohibit bucket shops, bad checks, to create the Department of Game, Fish and Forestry, to establish a compulsory system of primary elections, to create a state board of embalmers, to create boards of fair trustees, food sanitation, to create geological survey of state, to organize the national guard of Tennessee, roads, to provide a State Highway Commission, amending act creating State Board of Elections.

THE GENERAL EDUCATION BILL

Of all the important acts mentioned in the preceding paragraph, the one on education called the General Education Bill, deserves the most unstinted praise. The bill was introduced by Mr. Stewart, of Cannon County, was sup-

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ported ardently by State Superintendent of Public Instruction Hon. R. L. Jones, and, indeed, by prominent and influential men of all shades of political belief and partisan affiliation. The caption of this act [26] explains its breadth and its wisdom can be discerned. It is as follows:

"An Act to provide for the improvement of the system of public education of the State of Tennessee—that is to say, to establish a general education fund by appropriating thereto annually twenty-five per cent of the gross revenue of the state; to provide for the apportionment of this fund and specifying what part shall be apportioned to the several counties of the state on the basis of scholastic population; what part shall be used to equalize more nearly the school facilities of the several counties, and the conditions on which this part shall be apportioned; what sum shall be used to assist in paying salaries of county superintendents, and on what conditions; what part shall be used to encourage and assist in the establishment and maintenance of public county high schools, and on what conditions; and providing for the grading and inspection of high schools; what part shall be used for the establishment and maintenance of school libraries and on what conditions; what part shall be used for the establishment and maintenance of three normal schools for white teachers, one in each grand division of the state, and one agricultural and industrial normal school for negroes, and providing for the location, establishment, and control of said schools; and what part shall be apportioned to the University of Tennessee and its various stations."

CONTROVERSY OVER THE ELECTIONS ACTS

The elections acts were passed by the General Assembly, all of which were opposed by the regular democrats. On February 25, 1909, a resolution had been passed providing for a joint session to nominate and elect members of the primary boards of election commissioners as provided for in Chapter 102, passed February 12, 1909, and passed over the governor's veto on February 19. On the next day it was ascertained that thirteen members of the Senate were absent. Of these twelve were democrats and one a republican. It was ascertained that they had gone to Hopkinsville, Kentucky, in order that the election law might be rendered futile. Nevertheless, the matter of putting the law into effect was accomplished and, realizing that further absence was useless the absentees returned. This precedent of absenteeism was followed in 1911 by a contingent of fusionists in the House of Representatives.

THE INDEPENDENT MOVEMENT

During the period of pronounced and successful opposition to the liquor traffic in Tennessee and especially during that part of it covered by Governor Patterson's second term as chief executive, there had developed a faction among the democrats that could not subscribe to the liquor plank in the democratic platform of 1908. Among them were three judges of the Supreme Court and two judges of the Court of Civil Appeals who, in 1910, were candidates for reelection and refused to enter the primary ordered by the democratic state committee, because, it has been stated, they believed that this committee was dominated by Governor Patterson, and that Patterson, so it was construed by some, had sought to intimidate them into rendering a decision in favor of Colonel Cooper. Be that as it may, their attitude was the occasion for the calling of a mass meeting in Nashville which organized the independent fac-

[26] Chapter 264, Acts of 1909, p. 907, passed April 20, 1909.

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tion, nominated the five judges referred to, and split the democratic party for the ensuing four years. With the help of the republicans who put out no ticket, the independents elected their candidates for the judiciary by a majority of more than forty thousand.

Elated by their success, the independents held a convention of their own on September 14, 1910, and endorsed the candidacy of Ben W. Hooper, who, on August 16, 1910, had been made the republican nominee for governor. Soon afterwards Governor Patterson, who had been put forward by the democrats (the regulars) as their gubernatorial candidate for the third time, in an effort to harmonize the discordant elements in the party, withdrew from the race. The democratic state committee also resigned and a state convention was called to reorganize the party on a basis that would be satisfactory to both factions. This convention appointed a new state democratic committee and nominated Senator Robt. L. Taylor for governor. The platform adopted was silent on the liquor question. Senator Taylor made a splendid campaign and aroused the enthusiasm and admiration of his auditors, as he had always done. He proved himself the same peerless campaigner as in many former races, but the coalition opposed to him was too strong. He was defeated for governor by the following vote: Ben W. Hooper,[27] 133,074; Robt. L. Taylor, 121,694; Seth McCallen, 1,707.

ADMINISTRATION OF GOVERNOR BEN W. HOOPER

The Fifty-seventh General Assembly convened on January 2, 1911, and organized by the election of N. Baxter, Jr., speaker of the Senate, and A. M. Leach, speaker of the House. It adjourned on July 7, 1911, after a stormy session of 145 days. From the very beginning it was realized that there would be a fierce fight between regulars and the coalition of independents and republicans. The regulars wished to secure the repeal or amendment of the prohibition and election laws passed in 1909 and the republicans and independents wished them to remain without change or, if changed, to be made even more stringent. Charges of corruption were made by both factions at the very outset. The temper of both is indicated by the following excerpt from an editorial in the Nashville Tennessean of January 3, 1911, the next day after the Legislature convened:

"It is not a new thing in Tennessee to see bribe givers plying their nefarious avocation, for during the past few years they have infested the capital city like a loathsome brood of vultures seeking whom they may devour, but during all this time until now they have been cautious and skillful. They have covered their trail of slime with decorum and circumspection, but now in the hour of desperation these defilers and desecraters of the public virtue and public honor parade themselves in open defiance of decency and seek to buy the servants of the people.

"Let the debaucher beware!"

No less than eight contests were filed in the House and one in the Senate. At first a constitutional quorum was not present in the House because some

[27] Tennessee has had only five republican governors. Brownlow was made governor by war conditions; Senter by a union of conservative republicans and ex-Confederates; Hawkins and Hooper by splits in the democratic ranks, and Alfred A. Taylor, by his own popularity, the popularity of his brother, Robert L. Taylor, plus some dissatisfaction with politics advocated by Governor Roberts.

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members-elect did not present themselves to be sworn in. On January 5, 1911, the striking regulars issued a statement addressed "To the People of Tennessee," in which they said in substance that if the contests were decided in favor of the fusionists the latter would have a majority in the House and a majority on joint ballot. This manifesto was signed by thirty-seven members-elect of the House who had not been sworn in. At last, however, the warring factions came to an understanding, thirty-four of the thirty-seven recalcitrants were sworn in on January 10th and all the contests were withdrawn. On the same day was begun a strong contest to elect a successor to Senator Jas. B. Frazier, whose term would soon expire. This contest continued until January 23, 1911. Many ballots were taken and, from time to time, many prominent men voted for, including the incumbent, Senator Frazier, ex-Governor Benton McMillin, Hon. Hal. B. Haynes, G. T. Fitzhugh, Col. B. A. Enloe, Hon. Jas. R. Wooldridge, Newell Sanders, Col. L. D. Tyson and Hon. K. D. McKellar. On January 19th, Colonel Enloe came within three votes of securing the coveted prize. On January 23d, Enloe's name was withdrawn and Hon. Luke Lea was nominated and elected. This was a victory for the fusionists. The fight by the Fusionists for law enforcement and by the regulars for modification of what they considered too stringent legislation was now on. Preparatory to this contest the Anti-Saloon League held a state convention in Nashville on January 23 and 24, 1911, and shortly the anticipated conflict in the Legislature ensued. The brunt of the fight, of course, fell upon Governor Hooper.

Hooper's inauguration took place on January 25, 1911, and, in his inaugural address he left no doubt as to his attitude on law enforcement. A part of what he said on this subject follows:

"In our patriotic ambition to witness the material development and progress of our state we must not forget that civic righteousness is the essential foundation of genuine and lasting civic greatness. In this connection it must be known that our state can not command the respect of the people at home or abroad so long as any law is ignored and flagrantly violated in an organized and systematic way, with the tacit approval of public officials whose sworn duty it is to enforce it. The isolated offense of an occasional bootlegger is a small matter, but the open, public and unhindered sale of whisky in the saloons of our cities in violation of the law is organized anarchy and can not be tolerated by the self-respecting citizens of a sovereign state."

In his appointments, Governor Hooper, although a republican, having in mind the fact that he was elected by the combined votes of the republicans and independents, selected both republicans and democrats for the positions at his disposal. Of the democrats he appointed Dr. Gus W. Dyer, a member of the faculty of Vanderbilt University, as State Superintendent of Public Instruction. There was, however, so much feeling against Doctor Dyer for the part he had taken in the election of Governor Hooper, that the Senate rejected his appointment by a vote of twenty to twelve. Two months later the Senate confirmed the appointment of Prof. J. W. Brister, a member of the faculty of the George Peabody College for Teachers, as State Superintendent of Public Instruction.

An unexpected alignment of contending forces appeared in the race before the Legislature for state treasurer. DeLong Rice had been nominated by the regulars for this responsible position, but when the election came on in the General Assembly, it became evident to his friends that he could not win and his name was withdrawn. After a spirited contest Hon. G. T. Taylor was

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elected through a coalition of the Regulars and a few Republicans over Hon. Reau E. Folk, who had served as state treasurer continuously from 1901 to 1911. After this Mr. Rice was appointed custodian of the national park on the battle field of Shiloh, which position he still retains.

Up to April, 1911, it was agreed by the partisans of both factions that harmony was "a consummation devoutly to be wished," but both sides asserted that harmony, gained by surrender of the principles and policies in behalf of which they had gone to war, would be a mockery and a sham. Hence, in Tennessee at that time, there was strife and bitterness and factional differences resulted in animosities and hatreds.

Such was the situation when on April 12, 1911, the elections bill, an amendment of the elections act of 1909, was passed amidst stormy scenes in the House, some of the republicans and independents joining the regulars in bringing about this result. The next day thirty-four fusion members left for Decatur, Ala., to preclude the passage of the bill over the governor's veto which was anticipated. On the day of their departure they issued a statement addressed "To the People of Tennessee" in which they sought to justify their action on the ground, in part, that the defection of five votes from their ranks to the columns of the regulars was in violation of pledges usually held the most sacred both to their constituents and to their fellow members and that, therefore, the only course left was to break a quorum and preserve the will of the people. The absentees returned on June 23rd and the work of the Legislature proceeded with a quorum in the House. It was understood that their return was secured by assurances from the regulars that they would not seek the repeal or amendment of the laws pertaining to liquor and to elections. As a matter of fact every one was tired of the legislative turmoil and it was hoped by most persons that tranquillity might reign on the basis of the status quo.

BRISTOL TO MEMPHIS HIGHWAY

Notwithstanding the tempestuous career of the Fifty-seventh General Assembly, besides the maintenance of the laws pertaining to elections and to liquor a number of important acts were passed. At the very outset of the session and before Governor Hooper's inauguration, Governor Patterson sent a special message [28] to the Legislature, the first paragraph of which is as follows:

"On my recommendation, the Acts of 1909, Chapter 561, passed May 1, 1909, approved May 1, 1909, was passed by the last Legislature, providing for a State Highway Commission, whose duty was to consider the general subject of improving our public road system and to make report to the General Assembly. Acting under authority of this law, I appointed the Hon. E. C. Lewis, of Nashville, as chairman; the Hon. W. J. Oliver, of Knoxville, and the Hon. H. W. Brennan, of Memphis, as the other members of the board."

He also attached and made a part of his message the report of this committee which was able and comprehensive, and, while it did not result in legislation at this session, it did arouse a sentiment favorable to good roads throughout the state and led directly to the formation on January 19, 1911, of the Bristol to Memphis Highway Association with that whole-souled enthusiast, Geo. A. Gowan, as president. This was designated to be a model or demonstration road.

[28] See Senate Journal, 1911, p. 21.

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IMPORTANT LAWS OF GOVERNOR HOOPER'S FIRST TERM

In his biennial message [29] to the Legislature sent on January 18, 1911, Governor Patterson discussed with his accustomed ability the following topics: education, agriculture, good roads, labor, health, juvenile reformatory, criminal laws, penitentiary, election laws, constitutional amendments, Federal income tax, and prohibition laws, and concluded with the following words:

"My successor is not of my political faith, but he will be the governor of Tennessee, and, as such, will represent all our people.

"No friend of mine will embarrass him in the discharge of his duties, which I know will be heavy and often embarrassing; nor will his motives be causelessly or recklessly assailed by any one who claims my regards, for both the person and the office of governor of Tennessee should be safe from the detractor and defamer."

For reasons which have already been given fewer general laws were passed during Governor Hooper's first term than had been the case in recent years. And no laws at all were passed during the first month of the session of the Fifty-seventh General Assembly. The first act [30] was passed on February 2, 1911, and was for the benefit of the Confederate Soldiers' Home. This was followed on February 7, by two acts which were popular with all factions, viz.: Chapter 6, which appropriated $520,000 "for the benefit of indigent and disabled soldiers of the late war between the States," and Chapter 7, which appropriated $210,000 "to provide relief for the dependent and indigent widows of soldiers who served in the Civil war."

On February 8th an act [31] was passed appropriating $50,000 for the erection of buildings and purchase of equipment for the Tennessee Reformatory for Boys. This was consequent upon recommendations of Governor Patterson who, in his biennial message [32] of 1911, said:

"I have strongly recommended to two previous Legislatures the establishment of a Juvenile Reformatory for the detention and care of the youthful criminals of the state. The last Legislature appropriated the sum of $10,000 to this purpose, and I appointed a commission under authority of law to take charge of this fund and to proceed with the work of establishing the reformatory. They found, however, that the sum appropriated was only sufficient to buy a tract of land, which was to be used as a farm, but entirely insufficient to build and equip an institution for the care of this class of unfortunates."

Governor Patterson had also recommended [33] in his message of 1911 the establishment of a "Tuberculosis Hospital, where the greatest plague that afflicts mankind may be studied and controlled, and in order that patients suffering from this dread malady may not be forced to go to other states for relief." Acting on this recommendation the Davidson County delegation introduced a bill "to authorize cities and municipalities, or a board of hospital commissioners within cities or municipalities, to purchase property without the corporate limits and erect and equip buildings for tuberculosis hospitals." This bill [34] was passed on February 2nd and has proven extremely advantageous.

Chapter 11,[35] passed on February 9, 1911, permitted municipalities or coun-

[29] Senate Journal, 1911, pp. 67-82.
[30] Chapter 1, Acts of 1911, p. 17.
[31] Chapter 5, Acts of 1911, p. 22.
[32] Senate Journal, 1911, p. 70.
[33] Ibid.
[34] Chapter 9, Acts of 1911, p. 27.
[35] Acts of 1911, p. 30.

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ties to issue and sell bonds for the purpose of purchasing sites and erecting and equipping buildings for the state normal schools.

Chapter 53,[36] passed on June 26, 1911, amended the Pure Food and Drugs Act of 1907 so as to protect the public more thoroughly against the manufacture and sale of adulterated food and drugs, constituting a law which has been most beneficial to the people of this state.

Chapter 20,[37] established a law to secure the married working women payments of the wages, salary, or other compensation due for their services.

Chapter 36,[38] raised the age of consent from eighteen to twenty-one years.

Chapter 57,[39] protects child labor, making it unlawful to employ any child under fourteen years of age in any business or service which interferes with his attendance at school, except conditionally in agricultural or domestic service, and protecting children at work in factories, mines and quarries.

Governor Hooper strongly favored many if not all of these laws. In his biennial message to the Legislature, sent on February 1, 1911, he discussed the following subjects: public schools, the juvenile reformatory, the state penitentiary, the agricultural department, public roads, Confederate pensions, the National Guard, anti-pass bill, election laws, fellow-servants' bill, divorce, initiative and referendum, refunding the state debt, inspection of state banks, investigation of state mines and penitentiary, factory inspection, jury commission law, junketing committees, the temperance laws.

In his vetoes of acts which he did not approve, Governor Hooper sometimes used language, not merely plain and to the point, but positively scathing. For example, in his veto of Senate Bill No. 546, the General Assessment Bill, which was passed over his veto on July 6, 1911, he said:

"No more cunningly devised scheme was ever concocted for fleecing the people and piling up graft than this most iniquitous amendment to an already iniquitous law. It simply means a return to the conditions that existed when there was a revenue agent in each county and the people revolted."[40]

Nevertheless, he seems to have preserved his good humor to the very end, for in his last message sent on the final day of the session, July 7, 1911, he said:

"Permit me now, in the closing hours of the session, to felicitate each member upon whatever acts of disinterested public service he may have performed, and to commend the loyal and patriotic devotion to principle and constituency that has been exhibited by many of you. * * * Each member of the Senate and House will carry with him my sincere good wishes for his future happiness and success."

DEATH OF SENATOR ROBERT L. TAYLOR

After a brief illness of but a little more than two weeks, on March 31, 1912, the serene and beautiful spirit of Senator Taylor passed to the other shore. In making announcement of the sad event Col. R. M. Gates, the correspondent of the Memphis Commercial Appeal, wrote:

"Washington, D. C., March 31. 'Our Bob' is dead. Upon every hearthstone in Tennessee this simple announcement will fall with the weight of a

[36] Acts of 1911, p. 98.
[37] Ibid., p. 45.
[38] Ibid., p. 70.
[39] Ibid., p. 108.
[40] Senate Journal, 1911, p. 988.

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personal sorrow, and in thousands of homes within the borders of other states it will receive the spontaneous tribute of a tear. * * * Death stilled his good and noble heart, in a room which overlooked a little park whose reviving symbols of life and resurrection and message of gladness to mankind he was wont to interpret in eloquent tongue."

A committee of twelve senators and eighteen members of the House of Representatives were appointed to accompany his remains from Washington to Nashville by special train. On April 4th the cortege passed from the railway station to the state capitol, through crowds that lined the streets, and the casket was placed in front of the speaker's stand "in the sombre-shadowed hall of the House of Representatives, where he had three times taken the oath of office as governor, and within whose walls he had known defeat and victory in achieving his senatorial ambition," and where it was said by the guardsmen that 60,000 persons passed to gain a view for the last time of Tennessee's most beloved son of all time.

Accompanied by the same official escort the casket was then taken to Knoxville where funeral exercises were held in the Auditorium. An unusual circumstance of this occasion was the fact that five ex-governors of the state were present as honorary pallbearers. Those were Governors Malcolm R. Patterson, Benton McMillin, J. B. Frazier, John I. Cox, and John P. Buchanan.

DeLong Rice, who was an intimate friend of his for many years, said:

"On July 31, 1850, Heaven loaned to Earth the spirit of Bob Taylor and charged him with a glorious mission—to interpret to men the mystic messages of Nature.

"He heard and understood the tongueless tattle of brooks and rivers—the thunder—spoken language of the storm. He caught the sylvan stories of the forest that whispers with the borrowed breath of vagrant winds. He learned the jagged dialects of thorns and thistles and the sweet vernacular of flowers that woo the air with the wordless speech of fragrance. He led us to the trysting places of silent blooming things, where timid violets rest in the arms of caves that croon with songs of birds; where the wild honeysuckle, pink-gowned princess of the woods, blows breath of dreams in the faces of the enamored hills.

"With the magic of his words he opened our ears to melodies that sing in all the sounds that din the world. From a single blast of the hunter's horn he evolved the merry music of the chase; he saddened the landscape with the mournful notes of a dove, and wrapped the vague beauty of the evening twilight hour in the mellow harmonies of distant bells.

"With eyes that conned the mute mysteries of trooping worlds he read far-away signals of love that twinkle from the fields of space and warmed of souls before the sun-kindled fires that burn on the cloud-hills of dawn. He played on keys that sound beyond the ken of flesh and blood, and thrill the senses of the spirit."

There has never been another character like him in Tennessee history nor will there ever be.

"But," as his brother Alfred A. Taylor, said of him, "he has passed into the shadowy mysteries that obscure and deepen the starless night of death. He has escaped from the chrysalis of mortality and now lives in the immortality of the spirit. And yet he is near us and about us still; for his words of love and his kindly deeds of service, quickened, as planted seeds, by the tears of sorrow, spring immortal from his grave into perennial bloom to hallow his dust and to bless the living with their glory and their fragrance. And the angel Memory lifts the veil of the Past and we see him face to face as he was,

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and call him 'Our Bob'; we hear the music of his magic voice and we thrill at the pressure of his hand. And on the mere of mortal life, that narrow boundary line that divides the Hither side from the Beyond, the angel Mercy has planted a cross, and above it the angel Hope has set the Morning Star of Bethlehem; and the angel Faith lifts another veil and we catch a faint gleam of another Sunrise and the low murmurings of a silvery surf that beats on another shore; and we hear the ripple of ineffable music from the river of harmony that flows eternal from another orchestra and another choir; and then our spiritual eyes glimpse him, transfigured, glorified, redeemed, and clothed with the radiant beauty of immortal youth; and as the shining curtain gently falls he smiles and beckons us; and then our rapt souls join in that sweet old refrain,

'Nearer, My God, to Thee!' "[41]

THE GUBERNATORIAL CAMPAIGN OF 1912

In 1912 the State of Tennessee reflected in a general way the political conditions which prevailed throughout the country. The democrats were united, enthusiastic, hopeful of victory with Woodrow Wilson as their national standard bearer. The republicans were rent and despondent, Taft being the candidate of the conservatives and Roosevelt the candidate of the progressives or "Bull Moose" party. So, in Tennessee, Benton McMillin, stanch, reliable, able and popular, was the gubernatorial candidate of the regulars on a platform which declared against state-wide prohibition. Moreover, Senator Luke Lea had led another movement for harmony in the democratic party and a majority of the members of the state committee of the independents had agreed to a harmony plan and announcement was made that the democratic party was reunited again.

Governor Hooper, being in favor of President Taft, was naturally antagonized by the progressives in Tennessee, who brought forward, as a candidate for governor, Hon. William F. Poston, an attorney of Crockett County, of excellent character and ability, who had served the republican party long, well and faithfully. He was supported by Roosevelt who came into Tennessee and opposed Hooper's reelection with all the force of his tremendous personality. Hooper's race was made on virtually the same platform as before with state-wide prohibition and law enforcement as the planks most stressed.

The campaign was a strenuous one and the result was in doubt on the day of election, but Hooper won by the continued support of the rank and file of the independents who still refused to be harmonized. The vote was as follows: Ben W. Hooper, republican, 124,641; Benton McMillin, democrat, 116,-610; Wm. F. Poston, progressive, 4,483; C. G. Harold, socialist, 3,053.

GOVERNOR HOOPER'S SECOND TERM, 1913-1915

The Fifty-eighth General Assembly convened on January 6, 1913, and organized by the election of Newton H. White, speaker of the Senate and W. M. Stanton, speaker of the House. One of the first matters which engaged the attention of this Legislature was the election of the United States senators. After the death of Senator Robt. L. Taylor, in the previous spring, Governor Hooper had appointed Hon. Newell Sanders, of Chattanooga, to succeed Senator Taylor until the meeting of the next General Assembly.

In the interim there was much speculation as to who would be elected by

[41] "Life and Career of Senator Robert Love Taylor," pp. 352-353.

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the Legislature to succeed both Senator Taylor and Senator Frazier, whose term would expire on March 4, 1913. For Senator Frazier's successor the aspirants finally were reduced to Judge John K. Shields, who, at that time, was Chief Justice of Tennessee, and Hon. Charles T. Cates, attorney-general of the state, both of whom were from Knoxville. On the seventh ballot, taken on January 23, 1913, Judge Shields was elected by the close vote of sixty-nine to sixty-one on joint ballot. On January 24, 1913, W. R. Webb, of Bellbuckle, was elected United States senator to fill out the unexpired term of Robt. L. Taylor. His principal competitor for this honor was Hon. M. T. Bryan, of Nashville.

On January 16, 1913, Governor Hooper transmitted to the Legislature his biennial message [42] in which he discussed the following subjects: inspection of state banks, interest on state funds, Confederate pensions, anti-pass law, express companies, shop and factory inspection, fellow-servants' law, workmen's compensation law, headlight bill, an act to forbid legislators practicing before departments of state government, state auditing department, the divorce evil, compulsory primaries, corrupt practices act, agricultural department, immigration bureau, state geological survey, water power conservation, state board of health, pure food and drugs department, capitol annex, governor's mansion, free libraries, public education, compulsory education, refunding state debt, Tennessee reformatory, Bristol to Memphis highway, public roads, the state prisons, penal legislation, state board of charities, state board of examiners of nurses, and appropriations. He ended this long and well-considered paper as follows:

"I trust that the record of this General Assembly may be creditable to its members and the state. I bespeak the cooperation of each individual legislator, and assure him of my earnest sympathy and support in every movement that promises good for Tennessee."

And it was expected that harmony would prevail, for it was thought that the fusionists were in control. There was at the start a well-working coalition of republicans, independents and the Shelby County delegation. It is true that this delegation favored a modification of the liquor laws and the election laws. But it was understood that they would not press their wishes in these respects upon the Legislature so long as Governor Hooper and his adherents remained quiescent upon them. When, however, the latter began urging more stringent legislation (called at the time "force bills") on liquor and elections, the Shelby delegation went over to the regulars and trouble ensued. The fusionists who, with the Shelby delegation, had had a majority in the Legislature, had now become a minority faction, and could not prevent the passage of an act repealing the election law and they feared, with reason, that the prohibition laws would be repealed. These laws had been strengthened by the passage of a law by Congress, which had been introduced by Senator Webb, to prevent the shipment of liquor from wet states to dry states. The operation of this law in Tennessee they had sought to fortify by the passage of additional laws. But the Shelby delegation changed its alignment, and consequently on April 1, 1913, in order to thwart the repeal of the liquor laws, and the passage over the governor's veto of the amendment to the election law, a sufficient number of republicans and independents in the House, to break a quorum, left the state and went to Middlesboro, Ky., notwithstanding

[42] House Journal, 1913, pp. 56-83.

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the fact that on March 28th the Legislature had passed an act[43] "to make it a crime for any member of the General Assembly of the State of Tennessee to wilfully obstruct the transaction of the business of said General Assembly by absenting himself from its sessions." Probably they believed that Governor Hooper would veto this act. At any rate he did so,[44] but it was passed over the veto on April 3, 1913. On April 3, also, the absconders issued a statement to the people of Tennessee, reciting the reasons which actuated them in taking their filibustering action, and saying they intended staying where they were "until every man in Tennessee is guaranteed the right to cast his vote and have it counted right and until Tennessee is assured of no further retrogression." This statement was signed by nineteen members.

While the absconded members were still recalcitrant, the remaining members of the Legislature were proceeding to pass laws even though they did not possess a constitutional quorum of the House for the transaction of business. Indeed, from April 14, to June 19, 1913, the House possessed a constitutional quorum, only on one roll call, on the final passage of the General Appropriation Bill, April 11, 1913, when nine of the absentees returned and enabled the House to act legally in the passage of that bill. On June 19th the House again had a constitutional quorum when some of the absentees returned on the appeal of Governor Hooper, in a special message sent on June 17th, for the passage of a bill to give the state funding board power to make a short time loan so that the state might not default in the payment of interest on its bonds which would be due on July 1, 1913. On June 19th he still further emphasized the exigency in a message and, on roll call eighty members were found to be present. On June 21, 1913, an act[45] was passed embodying the desired legislation. With the exception of these three days, June 19 to 21, the House thenceforward possessed no constitutional quorum to the very end of the session, August 23, 1913, when it adjourned, after continuing for 202 days.

THE EXTRA SESSION OF 1913

On August 29, 1913, Governor Hooper issued a proclamation summoning the General Assembly to meet on September 8, 1913. He asked them to act on no less than sixty-one subjects of general legislation and 148 subjects of local legislation. Of these matters of a general nature he stressed: appropriations, which had not been provided for at the regular session, law enforcement measures, back taxes, railroad passes and other favors from public service corporations to public officials. On the law enforcement question, he also sent in a special message on September 9, and another on September 22d. No legislation, however, was effected at this session, or law enforcement on liquor matters and the fight was carried into the second extra session which was called for October 13, 1913, by a proclamation issued by Governor Hooper on September 30, 1913. His proclamation was devoted entirely to the necessity for legislation on law enforcement and amendments to the refunding law. In it he said that "a majority of both the Senate and the House proved the enact-

[43] Chapter 38, Acts of 1913, p. 99.

[44] He vetoed the Act on two grounds: (1) that it was unconstitutional, and (2) that it was contrary to public policy and the interests of the people. See House Journal, 1913, p. 751.

[45] Chapter 51, Acts of 1913, p. 156.

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ment of certain legislation to terminate the nullification of laws now prevalent in several communities of the state, but the majority in the House failed to reach a vote on any of these measures." The sequel showed that he was right for only three days after the Legislature convened, viz.: on October 16th, three [46] law enforcement and anti-liquor bills were passed, and on the next day the refunding bill was passed. Then, after a session of only five days this extra session adjourned.

IMPORTANT LAWS ENACTED IN 1913

Because of the filibustering tactics pursued during the greater part of the regular session of 1913, and the turbulence which characterized many of the meetings surpassing in bitterness, vituperation, anathema, charge and countercharge even the many times disorderly session of 1911, not so many bills were considered as was common and as the public welfare demanded. Nevertheless, some of the laws enacted were of supreme importance.

One bill on which all factions could and did unite was chapter 23,[47] which amended the education act of 1909 by appropriating 33⅓ per cent of the gross revenues of the state "for the improvement of the system of public education of the State of Tennessee," instead of 25 per cent as it had been theretofore.

Other important acts in regard to education were: Chapter 4,[48] authorizing county boards of education to consolidate schools, and Chapter 9,[49] called the "compulsory school law," "to regulate and require the attendance of school children upon schools in the State of Tennessee."

The banking act [50] was another very important law whose scope is indicated by its caption as follows: "Creating a Banking Department of the State of Tennessee, and through this department regulating, examining, controlling, and supervising banks and banking and liquidation of banks; providing means and agencies for carrying out the provisions hereof, and providing penalties for violations of this act." Chapter 2,[51] created the office of state auditor. Chapter 8 [52] provided for "the indeterminate sentence of persons convicted of crime, and to authorize and regulate the paroling of prisoners so sentenced," and has proven a salutary as well as a merciful provision.[53] Chapter 11 created a state department of workshop and factory inspection, provided for the appointment of a chief inspector and deputy inspectors of workshops and factories and provided for the division of the state into inspection districts. The result of the passage and enforcement of this law has been a wonderful improvement in the sanitary conditions and protection against fire and accidents to employes in the factories of the state.

In harmony with this law was the act [54] creating a workmen's compensation

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[46] Two of these were called respectively the "Anti-Shipment" or "Jug Bill" and the "Nuisance Bill." The nuisance law was contested at Memphis, on April 1, 1914, and sustained.

[47] Acts of 1913, p. 51.

[48] Ibid., p. 7. The bonds were authorized to provide for transportation of pupils residing too far from the schools to attend without transportation.

[49] Ibid., p. 19. This law required children between the ages of eight and fourteen years to attend school for eighty days in each year.

[50] Chapter 20, Acts of 1913, p. 192.

[51] Acts of 1913, p. 3.

[52] Ibid., p. 15.

[53] Ibid., p. 26.

[54] Chapter 43, Acts of 1913, p. 120.

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commission consisting of five members to investigate and report to the next General Assembly.

By House Joint Resolution No. 49,[55] the Legislature ratified the amendment to the Constitution of the United States providing that United States senators shall be elected by the people of the several states.

A law which had been much needed for many years, called the "Blue Sky Law,"[56] was passed on September 27, 1913. It was entitled "An Act to provide for the regulation and supervision of investment companies and providing penalties for the violation thereof." This law has saved the investors many thousands, possibly millions of dollars.

THE GUBERNATORIAL CAMPAIGN OF 1914

Early in 1914 the state democratic committee declared for the maintenance and enforcement of the prohibition and election laws. It was predicted by many that all democrats would get together on the same platform and that past differences would be forgotten in the effort to secure success for the democratic party in the forthcoming election.

On April 21, Hon. Tom C. Rye, of Paris, Tennessee, announced his candidacy for the democratic nomination for governor, "assuming," as he said, "that the representatives of the party in convention assembled on the 27th of May will adopt a platform in keeping with the declaration of the state executive committee for the maintenance of the present election laws, fairly administered, the temperance laws, and declare for their rigid enforcement and the enactment of other laws that may be necessary for their enforcement."

On the next day the independents held their state convention in Nashville and renominated for governor Ben W. Hooper, who had already been renominated by the republicans. Even at this time the defections from the ranks of the independents were noticeable. But the enthusiasm for Governor Hooper seemed unabated, and in the platform he was strongly commended and planks were adopted in regard to prohibition, elections and a free judiciary similar to those in preceding independent platforms.

Before the democratic state convention held in Nashville on May 27-28, 1914, Hon. Tom C. Rye, of Henry County, and Hon. T. R. Preston, of Hamilton County, were the principal contestants for the gubernatorial nomination. After a spirited contest, Rye was nominated on the ninth ballot and, while it was remarked at the time that he failed to receive a single vote from four large counties in the state, the nomination was generally pleasing. The platform adopted declared, as had been forecast, for temperance and law enforcement, saying, "We are opposed to the repeal of any of the temperance laws now in force, and we pledge the democratic party to their maintenance and to such additional legislation as may be necessary to insure their rigid enforcement."

On this crucial point there was no difference between the democrats on the one side and the independents and republicans on the other. Hence, many of the independents came back to the democratic fold. Some, however, did not do so, openly declaring their disbelief in the sincerity of the democrats. The result of the election, nevertheless, was a reunited democratic party in Tennessee

[55] Acts of 1913, p. 272.
[56] Ibid., p. 500.

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which stood solidly behind Rye who was elected by the following vote: T. C. Rye, 137,656; Ben W. Hooper, 116,677; J. N. Lotspeich, 1,671.

ADMINISTRATION OF GOVERNOR TOM C. RYE

The Fifty-ninth General Assembly met on January 4, 1915, and organized by the election of Hon. Hu C. Anderson, speaker of the Senate and Hon. Wm. P. Cooper, speaker of the House. On account of the death of Speaker Anderson, Hon. A. E. Hill, who had been speaker pro tem, was elected speaker on March 9, 1915.

Before the inauguration of Governor Rye, on January 15th, Governor Hooper sent in four messages to the Legislature, one biennial message and three special messages. In his biennial message transmitted on January 5th, he discussed the following subjects: the state prisons, parole law, convict labor, the Baxter Farm, convicts on roads, insurance department, agricultural department, pure food and drugs, health department, state geological survey, banking department, auditing department, department of game, fish and forestry, charitable institutions, workshop and factory inspection, adjutant general's office, mining department, educational department, Tennessee Industrial School, cost of charitable institutions, the state's finances, budget system, Tennessee's per capita expenses and economy.

In his special message,[57] transmitted on January 6th, he discussed the following subjects: anti-pass law, fellow-servants law, legislators practicing before departments, laws of taxation, the prerogatives of the governor, state highway department, amendments to criminal laws, Sunday baseball, power for auditor and board of state charities, passenger fare litigation, constitutional convention and legislative apportionment, lynching, San Francisco Exposition, the back tax investigation, fee bill, state deposits, workmen's compensation, election laws, corrupt practices act, compulsory primaries, force and fraud in elections, compulsory service as election officials, woman's suffrage.

On January 12th, he sent in a special message[58] on the subject of the enforcement of the prohibition laws of the state, in which message he discussed the question in his bold and trenchant style and gave a history of the prohibition movement from 1909 to the time of his writing and suggested the passage of laws to meet the situation then existent.

On January 14th, he sent to the Legislature a special message[59] on the state debt in which he discussed the modern aspects of the debt from the year 1883, its history since that date and the urgent desirability that the members of the Legislature aid in every movement for the successful refunding of the debt, "regardless of party affiliations."

Governor Rye in his inaugural address[60] spoke of the principles and pledges made by the platform on which he had made his campaign and said:

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[57] Senate Journal, 1915, p. 36.

[58] Ibid., p. 87.

[59] Senate Journal, 1915, p. 120.

[60] Governor Hooper declined to take part in the inaugural exercises, saying, in substance, that he was not piqued but that he had been inaugurated on January 25, 1911, and that by reason of the fact that his successor was inaugurated on January 15th he was unjustly deprived of ten days in office. Governor Rye's friends, however, pointed to the following sentence in Sec. 5 of Article VII of the Constitution: "The term of office of the governor and other executive officers shall be computed from the fifteenth of January next after the election of the governor." The episode caused much talk at the time throughout the state.

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"Let us, here and now, resolve that a new precedent shall be established in Tennessee politics by discarding and repudiating the idea that platforms are made for campaign purposes alone—or, in other words, to 'get in on.'" He also said in the same address: "We enter upon the important and exacting duties of a new year and new administration with an empty treasury, in the midst of a great business depression occasioned by what seems to be a needless, bloody war in the old world."

He entered upon his duties with a scrupulous conscientiousness which went far toward making his administration successful. His fidelity and devotion to duty are reflected in his state papers, his public addresses and in his private conduct. They are clearly discernible in his very first biennial message in which he discussed the following subjects: The state's finances, state tax commission, state debt, economy in administration, examination of offices and departments, state board of control for penal, reformatory, and charitable institutions, law enforcement measures, anti-pass and fellow-servants law, workmen's compensation act, legislative abscondence, the fee system, deficiencies in appropriations, compulsory primary elections, publicity of campaign funds, prison contracts and mining, highway legislation, Torrens land title law, rural credit and cooperative associations, white slave traffic, censors for moving pictures, pistol carrying, state department of archives and history, office of mine inspector, weekly deposit of state funds, public schools, agricultural department.

It is not too much to say that this message was an able, thorough and well-nigh complete state paper, which met the requirements of the commonwealth at that time and specifically and emphatically set forth the principles and policies of the democratic party of the state.

Many important bills were passed, including acts on most of the subjects on which the democratic platform had made pledges and which had been recommended by the governor in his biennial message.

THE OUSTER BILL

Probably the most important bill passed during this session was the so-called "Ouster Bill."[61] The caption, however, is "An Act to provide for the removal of unfaithful public officers, and providing a procedure therefor."

It has been called the most drastic and far-reaching law enforcement bill ever enacted by any constitutional government. In his message to the Legislature Governor Rye said:

"There can be no difference of opinion upon a question of law enforcement, and no state can prosper as it should whose citizens tamely submit to the open nullification and disregard of the laws of the land. * * *

"I recommend the passage of a law conferring upon some court of competent jurisdiction the power to speedily remove state, county and municipal officers who refuse and wilfully neglect to discharge their duties as such officers in enforcing existing laws."

Considerable opposition developed as to the bill itself and especially to section 3 which reads as follows:

"That the petition or complaint shall be in the name of the State of Tennessee, and may be filed upon the relation of the attorney-general of the state

[61] Chapter 11, Acts of 1915, p. 20, passed January 28, 1915.

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or the district attorney for the state, or the county attorney in the case of county officers and of the city attorney, or the district attorney for the state, in the case of municipal officers, and in all cases it may be filed without the concurrence of any of said officers upon the relation of ten or more citizens and freeholders of the state, county or city as the case may be upon their giving the usual security for costs."

The greatest opposition was made to the provisions permitting "the relation of ten or more citizens" on the ground that the law would be abused, a danger which has not been borne out by results.

An outcropping of the agitation caused by the "Night-riders" appeared in the passage of Chapter 15[62] "to protect those holding farm products from interference on the part of the night-riders, and other lawless persons on the sale and delivery of same."

BOARD OF CONTROL

In his biennial message[63] to the Legislature Governor Rye also said: "I recommend to your bodies the enactment of a law creating a Board of Control for Penal, Reformatory, and Charitable Institutions, controlled by the state." He proceeded to make a full and forceful exposition of his views on this subject, the result of which was the passage of chapter No. 20,[64] the object of which was to secure by uniform and systematic management the highest degree of economy in the administration of the institutions of the state. In accordance with the provisions of that act the board of control took over the supervision of the following named institutions: The Tennessee School for the Blind, The Tennessee School for the Deaf and Dumb, The Tennessee Industrial School, The Central Hospital for the Insane, The Eastern Hospital for the Insane, The Western Hospital for the Insane, The Tennessee Reformatory for Boys, The Tennessee State Penitentiary.

EDUCATIONAL MATTERS

An amendment was made to the General Educational Bill of 1909 which provided for the establishment and maintenance of the Tennessee Polytechnic Institute[65] at Cookeville, Tennessee. Chapter No. 73[66] provided that educational institutions may own and operate demonstration farms. Chapter No. 93[67] provided for more nearly equalizing the common schools. Chapter No. 116[68] reorganized the state board of education, increased the number of members of the board from six to nine members, consisting of three members from each of the grand divisions of the state appointed by the governor who was also to name the chairman but who was not to be a member of the board himself. This board was also authorized to elect the state superintendent of public instruction. The Agricultural and Industrial Normal School for Negroes was also established at Nashville.

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[62] Acts of 1915, p. 36.
[63] Senate Journal, p. 134.
[64] Acts of 1915, p. 44.
[65] Chapter No. 35, Acts of 1915, p. 101. By Chapter No. 155, the Board of Trustees of the University of Dixie were empowered to sell or donate their grounds and buildings. Those furnished the home for the Tennessee Polytechnic Institute and additions have since been made.
[66] Acts of 1915, p. 200.
[67] Ibid., p. 245.
[68] Ibid., p. 329.

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IMPORTANT LEGISLATION ON VARIOUS SUBJECTS

Chapter 44 [69] was entitled "An Act to provide for the preliminary examination of all persons who may hereafter desire to practice medicine, surgery, osteopathy, or any other form of the healing art, in the State of Tennessee; to create a state board of preliminary examination, and to define its powers and duties."

By chapter 45 [70] a state commission of public printing was established.

By chapter 100 [71] a state highway department was established and a state highway commission of six was created.

By chapter 105 [72] fraudulent advertising was made a misdemeanor.

Chapter 110 [73] authorized the people to decide by vote whether they would call a constitutional convention.

Chapter 121 [74] created the office of divorce proctor in each of the large counties of the state.

Chapter 124 [75] was enacted "to prevent back or re-assessment of real and personal property which has been assessed by the regularly assessing authorities."

By chapter 131 [76] the office of state fire prevention commission was created.

By chapter 152 [77] the state department of game and fish was created.

Chapter 169 [78] is a most thorough and comprehensive act providing for the regulation and inspection of mines in Tennessee and for the safety, welfare and protection of persons employed therein.

What is known as the "Bad Check Law" [79] was drawn by Hon. W. B. Marr, a member of the Legislature from Davidson County, and has been the means of preventing much fraud entailing loss by the use of spurious checks. By House Joint Resolution No. 61 [80] the second Sunday in May of each year is appointed and set apart as "Mother's Day," an action which reflected the noblest impulses of every member and their constituents.

The movement to secure votes for women, which began to attract marked attention in 1911, when the first league of women voters was organized in Nashville, a movement which had gained strength in the intervening years, came to a climax when House Joint Resolution No. 16 [81] was adopted on May 14, 1915. It was proposed by this resolution "That Article III, Section I of the Constitution of the State of Tennessee be amended so as to read as follows:

"Every person of the age of twenty-one years, being a citizen of the United States, and a resident of this state for twelve months, and of the county wherein he or she may offer his or her vote for six months next preceding the day of the election, shall be entitled to vote for members of the General Assembly and other civil officers for the county or district in which he or she resides," etc.

[69] Acts of 1915, p. 123, passed March 30, 1915.
[70] Ibid., p. 127, passed March 30, 1915.
[71] Ibid., p. 256, passed March 11, 1915.
[72] Ibid., p. 309, passed March 14, 1915.
[73] Ibid., p. 314, passed May 12, 1915.
[74] Ibid., p. 336, passed May 14, 1915.
[75] Acts of 1915, p. 344, passed May 15, 1915.
[76] Ibid., p. 371, passed May 6, 1915.
[77] Ibid., p. 423, passed May 13, 1915.
[78] Ibid., p. 462, passed May 17, 1915.
[79] Chapter 178, Acts of 1915, p. 527, passed May 12, 1915.
[80] Acts of 1915, p. 593, adopted May 7, 1915.
[81] Acts of 1915, p. 575.

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The rest of the resolution refers to the requirement of the poll tax, military duty by male citizens and the enactment of proper election laws.

The agitation for equal suffrage began early in the session in January and was prosecuted vigorously. The amendment adopted was to be submitted by the next Legislature to a vote of the people.

For some time prior to this session Mr. Duke C. Bowers, a wealthy business man and philanthropist of Memphis, had been conducting an active and skillful campaign advocating the abolishment of the death penalty in Tennessee except in case of rape. During the regular session of this General Assembly he and his assistants and those who favored such legislation were extremely ardent in the cause and sedulously endeavored to influence the members of the Legislature. They were not successful in securing the passage of their bill, however, until March 27, 1915.[82] This law was repealed in 1919.[83]

The "Anti-Tippling Bill"[84] was passed March 24, 1915, and all subsequent attempts to amend or repeal it have been successfully resisted.

On February 6, 1915, Gen. Charles T. Cates, former attorney-general of the state, and Gen. Frank M. Thompson, state attorney-general entered into an agreement with Gen. T. W. Bickett, attorney-general of North Carolina whereby the following committee was selected to run a new line between Tennessee and North Carolina in the Slick Rock section of the Great Smoky Mountains: W. D. Hale, of Tennessee; D. B. Burns, of North Carolina; and Joseph Hyde Pratt, of the University of North Carolina. Of these Tennessee selected the first, North Carolina the second, and these two selected the third. This action was the result of a suit between North Carolina and Tennessee in the Supreme Court of the United States, in which suit North Carolina was successful. It involved a valuable tract along a part of the state line.

In the enactment of the important laws passed at this session it should be said that most of the legislation advocated in the democratic platform was effected. The most noteworthy exceptions were the primary bill, the anti-pass bill and the fellow-servants' bill, which were fought fiercely and successfully by a determined opposition. In the next session, however, a compulsory primary law was passed. There was a very strong desire that an anti-pass bill be passed. On this subject the governor said in his message,[85] January 18, 1915:

"There are two subjects of legislation about which all parties agree and have agreed in their platform declarations and public utterances of candidates for some time past; I refer to the fellow-servants' and anti-pass laws."

And again in his message,[86] of March 4, 1915, he said:

"It must be remembered that the democratic party is solemnly pledged to enact a law against the issuance or use of free railroad passes and also to the passage of a fellow-servants' law."

The press of the state quite generously favored the passage of an anti-pass law and expressed their sentiments from the very beginning of the session. Assertions were made that the railroads had issued thousands of passes to members of the Legislature or upon their requests. According to the Bristol-Herald-Courier there were 18,000 passes so issued in 1913 alone.

[82] Chapter 181, Acts of 1915, printed in Vol. II, p. 5.
[83] Chapter 4, Acts of 1919, p. 27.
[84] Chapter 185, Acts of 1915, printed in Vol. II, p. 10.
[85] Senate Journal, 1915, p. 143.
[86] Ibid., p. 311.

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The reason why the workmen's compensation law was not passed was asserted to be because of the business conditions of that time, the opposition having taken the ground that the passage of it would add burdens on the manufacturer which in some cases would be ruinous.

IMPEACHMENT OF EDGINGTON AND ESTES

Notwithstanding the salutary effects which followed the passage of the Ouster Law, complaint was frequently made that officials in some of the larger cities were guilty of corrupt practices. Finally, charges were made of official misconduct against Judge Jesse Edgington, judge of Division I of the Criminal Court of Shelby County and against Z. Newton Estes, attorney-general for Shelby County. Therefore, on March 11, 1916, Governor Rye issued a proclamation [87] convening the General Assembly in extraordinary session on March 21, 1916, for the purpose of inquiring into the official conduct and fidelity of Circuit and Criminal Court judges and district attorneys for the state, "and especially into the conduct and fidelity of Judge Edgington and General Estes, and, if the facts should warrant, to remove or to impeach either or both of them."

Accordingly the Legislature convened on March 21st, and on that date adopted House Resolution No. 2,[88] which provided that nine members of the House be appointed by the speaker to take proof for the purpose of presenting to the House articles of impeachment against Judge Edgington and General Estes.

Witnesses were summoned, proof was taken, and, on March 29th, Edgington and Estes were impeached by the House. The vote was unanimous with regard to Edgington and there was but one negative vote in the case of Estes. The following named members of the House were appointed a prosecuting committee in the case of Edgington, viz.: Clyde Shropshire, of Davidson County; Edward E. Creswell, of Sevier County; and R. A. Ashley, of Dyer County.

The personnel of the committee appointed to prosecute Estes was: Hoyte T. Stewart, of Cannon County; Lewis Emerson Elkins, of Gibson County; and Lon A. Scott, of Hardin County.

Edgington was tried first on twenty-nine articles of impeachment presented to the Senate sitting as a court. The trial began on April 24th and ended June 16, 1916, when Edgington was convicted on eight of the charges, was removed from the bench and was deprived of the right to hold office.

The Estes trial was begun on June 16th, immediately at the conclusion of the Edgington case, but after the twenty-five articles of impeachment presented by the House of Representatives had been read a recess was taken until July 5th. On July 27th Estes was convicted and removed from office but it was decreed "that this judgment shall not extend or go further than removal from office—that is to say, the said Z. Newton Estes is not disqualified from hereafter holding office in Tennessee." [89]

An effort was made also to oust J. A. Riechman, sheriff of Shelby County, but in an opinion issued by Chancellor Heiskell on April 3, 1916, he was declared not guilty of official misconduct.

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[87] Acts of Extraordinary Session of 1916, p. 23.
[88] Ibid., p. 49.
[89] Impeachment Proceedings, State of Tennessee vs. Z. Newton Estes, p. 128.

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GUBERNATORIAL CAMPAIGN OF 1916

On March 13, 1916, Governor Rye made an announcement of his candidacy for reelection, in which announcement he said:

"In making this announcement, I am assuming that the party I have the honor to represent will take no backward step, but will adopt a platform declaring for needed progressive legislation and at the same time strictly adhere to the principles of the party, as announced by the last convention."

It was generally conceded that Governor Rye had exercised his authority with wisdom and moderation, that he had attended to the duties of his office quietly but firmly, and that he had carried out his pledges to the people. For this reason he had no difficulty in securing the democratic nomination.

The republicans nominated Hon. John W. Overall, of Liberty, De Kalb County, a strong and deservedly popular man with an excellent record, having been United States marshal for the district of Middle Tennessee three separate terms, delegate to various republican national conventions, and having high standing in the business world. The returns were: Tom C. Rye, 146,758; John W. Overall, 117,817; L. D. Wiles, 2,066.

There was also a spirited contest for United States senator this year. In the democratic primary, K. D. McKellar won the nomination over Senator Luke Lea and ex-Governor Patterson. McKellar also defeated ex-Governor Hooper, the republican candidate for United States senator by more than 24,000 votes.

LEGISLATION OF GOVERNOR RYE'S SECOND TERM

The Sixtieth General Assembly convened on January 1, 1917, and organized by the election of Clyde Shropshire, as speaker of the House of Representatives, and W. R. Crabtree, as speaker of the Senate. Two days later Governor Rye read his biennial message [90] to the two houses in joint convention and it is worthy of note that this was the first time in the history of the state when a governor appeared in person to deliver his message to the Legislature. In the message he considered the following subjects: state debt, revenue and appropriations; democratic platform, 1914; the financial condition of the state treasury; the fee system; budget commission; enlarging the power of state auditor, uniform book-keeping.

It was hoped and believed that this session of the Legislature would be harmonious and would enact many much-needed laws, for there was nothing of a specially political character to come before it and there was no factional contention that was likely to disturb the serenity of its deliberations. To be sure there were still violations of the liquor laws and these laws were made still more stringent by the enactment of seven laws which were designed to supplement and render more efficient the prohibition laws already on the statute books. Four of these were passed very early in the session, being chapters 2, 3, 4, and 5.

The absent voters' bill [91] also passed early. This was an act "to enable voters, required by their duties to be absent from their voting precincts on the day of election, to vote by registered mail."

[90] House Journal, 1917, pp. 15-36.
[91] Chapter 8, Acts of 1917, p. 12, passed January 18, 1917.

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This law was strongly favored by traveling men and others, who, heretofore, had been deprived of the right to vote through necessary absence from home on the day of election.

Chapter 9 [92] provided that the closed season on migratory game birds conform to the closed season provided under the Federal regulations for the protection of migratory birds.

For many years, beginning, indeed, shortly after the adoption of the Constitution of 1870, sporadic efforts had been made looking to the holding of another convention for the framing of a new constitution adapted to the changed conditions and requirements of the state. Hence, many patriotic and progressive citizens hailed with delight the passage of the act [93] "to authorize the people to decide by vote whether they will call a constitutional convention, and to provide for the submission of said question to the voters of the state and the announcement of the result." July 28, 1917, was the date set for the election and in the five months preceding that time strong efforts were made to secure a favorable sentiment and vote. Some of the ablest and best speakers in the state made many addresses on the subject and the press generally was heartily in favor of the new constitution. Nevertheless it was defeated principally by the large negative vote of the rural regions.

Another important measure [94] established the office of the state dairy commissioner and defined his duties.

The act [95] establishing the Tennessee Commission for the Blind was a notable eleemosynary achievement. Its importance is shown in its caption which states that it is "A Bill to provide a register of the blind persons within the state; to provide a school or schools for training and employing blind persons, including temporary subsistence and to provide for the sale of products of the training workshops; to provide for the appointment of the officers and agents and for their compensation; to provide for the appointment of a commission and for their expenses, and to appropriate funds for the work of the commission and to regulate the disbursements thereof."

For many years the state had been criticized for the maintenance of its system of leasing its convicts to manufacturers. Labor leaders were especially vehement in their denunciation of this system, saying that it brought free labor in disadvantageous competition with convict labor and gave manufacturers who employed convict labor an unfair advantage. The long cumulative protests finally attained their reward by the enactment of a law [96] entitled "An Act to abolish the system of contracting or leasing the labor of convicts to manufacturers; declaring the policy of the state with reference thereto and empowering the Tennessee Board of Control to give to the present contractors for convict labor in manufactories, the six months' notice required by law for the termination of the contracts now in existence and providing that the notice shall be given so that the present contracts will be made to terminate not later than April 1, 1919."

One of the most important bills from a financial point of view was the measure which purposed the placing of county officers upon salary instead of allowing them fees. Under the previous system the state was deprived of much rev-

[92] Acts of 1917, p. 21.
[93] Chapter 23, Acts of 1917, p. 42, passed March, 1917.
[94] Chapter 30, Acts of 1917, p. 60, passed March 8, 1917.
[95] Chapter 34, Acts of 1917, p. 73.
[96] Chapter 46, Acts 1917, p. 98.

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enue justly due it, by allowing the fees that should have been paid into its treasury to enrich county officials who thus in many cases received excessive pay for their services. The object of the bill introduced was to correct the anomaly and to apply the rules of good business sense. This bill was strongly urged by the governor [97] and became Chapter 47,[98] whose caption is mainly as follows: "An Act to be entitled, 'An Act fixing the salaries of certain county officials in the state, to-wit: The several clerks and masters of the Chancery Courts, clerks of the various County and Probate, Circuit, Criminal and Special courts, county trustee, register of deeds and sheriffs; to provide for the disposition of the fees of their offices; to fix the salaries of said offices and to provide for the payment thereof.'" The rest of the caption pertains to the assistants, office expenses, etc.

The salaries were determined according to the population of the counties, for which purpose the state was divided into five classes, the highest salary in class one being $6,000 a year, and the highest in class five being $2,000 a year.

The appropriation for pensions for Confederate soldiers was increased to $900,000 per annum.[99]

The legal holidays were declared to be: January 1st and 19th; February 22d; July 4th; First Monday in September; December 25th; Good Friday; Decoration Day; and all days appointed by the governor of the state or by the President of the United States as days of fasting or thanksgiving, and "all days set apart by law for holding county, state, or national holidays and the period from noon to midnight of each Saturday which is not a holiday, is made a half holiday, on which holidays and half-holidays all the public offices of the state may be closed and business of every character, at the option of the parties in interest or managing the same, may be suspended.[100]

Another act for which a strong fight had been unsuccessfully made during the previous session of the Legislature was the "Compulsory Primary Law."[101] By this act all party nominations, whether for members of the General Assembly, or for governor, or railroad commissioners, or for representatives and senators in the United States Congress are compelled to be made in party primaries in order to secure the placing of the names of candidates upon the official ballots of the state.

Chapter 131 [102] was passed "to ratify the action of the state game warden in creating 'The Appalachian Fish and Game Preserve No. 1,'" consisting of the counties of Sevier, Blount, Monroe, and Polk (mountain counties on the eastern border of the state), and to cooperate with the forestry department of the United States Government in the protection of wild game, fish and birds in the Appalachian region, where the United States had purchased tracts of land for the purpose of establishing a national forest preserve to protect the timber and game and for use as a park.

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[97] Acts of 1917, p. 100.

[98] In his biennial message he said: "If there is one good reason for continuing the system of allowing the clerks of courts, and other county officers in the more populous counties, to receive, for their own use and benefit, all the fees which it is their duty to collect, I have failed to hear it." And again, "We can not have a just financial system so long as we have a rotten, iniquitous, corrupting fee system."

[99] Chapter 82, Acts of 1917, p. 263.

[100] Chapter 86, Acts of 1917, p. 267. To the holidays herein designated was added February 12th, Lincoln's birthday, by Chapter 28, Acts of 1919, p. 74; also November 11th, to be known as "Victory Day," by chapter 34, Acts 1919, p. 83.

[101] Chapter 118, Acts 1917, p. 338.

[102] Acts of 1917, p. 399.

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Another extremely commendable act[103] was that "to establish a general budgetary system for the State of Tennessee, to create a budget commission (and) prescribe its duties."

Again, as in previous sessions, a fruitless effort was made to pass an anti-pass bill. Indeed, an anti-pass bill was among the first bills introduced, but interest in it noticeably abated when, about the same time, it was declared to be the policy of the railroads not to issue "constituent" passes, that is, passes to the constituents of members of the Legislature upon the request of such members. Passes to members of the Legislature, however, would still be honored.

Another important bill which failed of passage but which commanded much attention both of the members of the Legislature and the citizens of the state at large was the "woman's suffrage bill," proposing to give women the right to vote in municipal and presidential elections. A foundation, however, was laid for favorable action on the amendment to the Constitution of the United States giving women the elective franchise, which action was taken in 1919.

[103] Chapter 139, Acts of 1917, p. 412.

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CHAPTER XXIX

TENNESSEE IN THE WORLD WAR—SERGEANT ALVIN C. YORK

TENNESSEE IN THE WORLD WAR

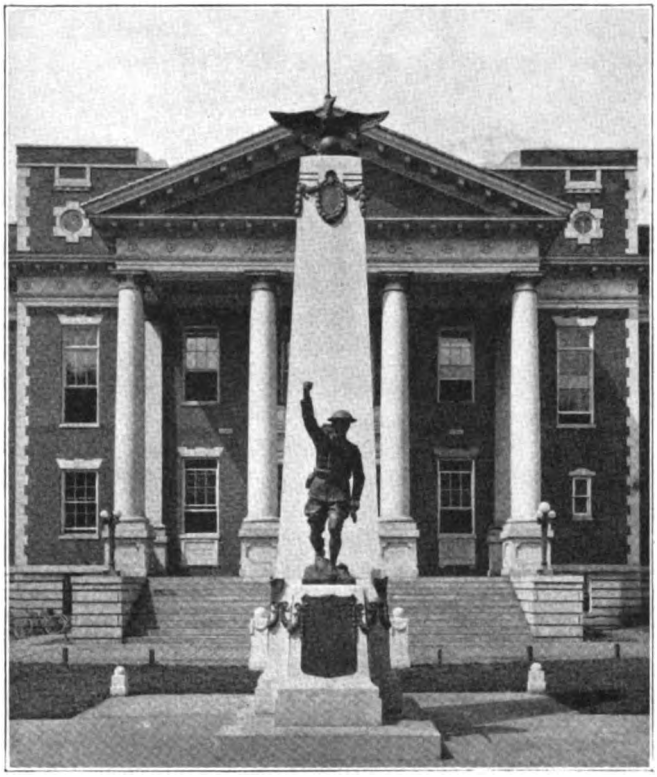
The manhood of Tennessee has ever been avid of military glory. This pronounced penchant was proven at King's Mountain in the Revolutionary war, in all the sanguinary wars with the Indians, at the battle of New Orleans, in the War of 1812, in the Mexican war when Tennessee acquired the proud sobriquet of "The Volunteer State," in the War between the States, in the Spanish-American war, and, recently, in that most terrible of all wars, the great World war.

When the World war began in August, 1914, notwithstanding the fact that the United States was neutral, the imagination of large numbers of adventurous youths in America was fired to such an extent that they enrolled themselves for service in the armies of Canada, England and France. Among these were some from Tennessee. But when this country, forced by the deeds of Germany which had horrified mankind and especially by the ruthless sinking of vessels on which peaceable Americans were traveling, had declared war against the Imperial German Government by resolution approved April 6, 1917, the utmost enthusiasm for the conflict prevailed throughout the United States in which enthusiasm no state surpassed Tennessee. There was virtually no pro-German sentiment in this state. Every member of Congress from Tennessee supported the joint resolution favored by President Wilson and supported him and the administration in all the measures needed to raise an army, drill it and transport it across the Atlantic for service in France.

In Tennessee thousands of men, of all ages, did not wait to be summoned, but responded at once as volunteers, as became loyal sons of The Volunteer State. The first question which confronted the Wilson administration was whether this country should follow in the footsteps of France and England and summon to arms and war work every available person or should rely upon volunteers. Conscription was not popular. In the Civil war reliance was had upon voluntary enlistments on both sides until necessity forced the draft. In the debates in Congress all phases of this question were developed. In the end it was decided that the burdens of war should be distributed as equitably as possible. In May, 1917, Congress passed the "selective draft" law compelling the registration of all men between the ages of twenty-one and thirty inclusive and providing for the selection of soldiers by lot from the millions thus enrolled. When the call came to Tennesseans, they were ready, gave up everything that men hold dear and left their homes for the camps on fire with patriotism and zeal for service. Most of them wished to cross to Europe at once.

The men and women, and even the children of Tennessee, who could not become soldiers, gave proof of their loyalty by service for the Government at home. They laid aside their ordinary pursuits and gave time and money to the

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MONUMENT ERECTED BY THE 117TH INFANTRY, 59TH BRIGADE, 30TH DIVISION, AT KNOXVILLE, WITH THE NAMES OF 453 OFFICERS AND MEN KILLED IN THE WORLD WAR IN BELGIUM AND FRANCE

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furtherance of the cause. Tennessee largely over-subscribed her allotment in every Liberty Loan campaign and contributed millions more than she was asked to contribute to the Red Cross, the Salvation Army, the Y. M. C. A., the Knights of Columbus and to other agencies, each of which was thoroughly organized in every county in the state.

The U-boat warfare of the Germans was so unremitting and remorseless, "spurlos versenkt" (to sink without a trace), being an expression much used in connection with their efforts, that it was recognized by our Government at the very beginning that the transportation of our troops to France would be attended with much danger. The activities of the German submarines and their success in the destruction of vessels may, indeed, have been influential in their disregarding the danger of the United States entering the war against the Germans in the thought that our Government would not dare to transport large numbers of men, and in any event they thought it impossible for our troops to be trained and transported in time to help the allies win the war. The direction of the transportation of American troops to France was placed in the hands of Rear Admiral Albert Gleaves, a native of Tennessee, whose genius was so transcendant that, during the first year of the war, he placed nearly two million soldiers on the soil of France with a loss of only three hundred lives. This is justly considered one of the greatest achievements in warfare that the world has ever known.

Since the war a fine oil painting of Admiral Gleaves was placed in the Tennessee State Library for the Hall of Fame of the state.

When the American troops were placed on the battle line beside the French and English armies, Tennessee soldiers were among the first to be sent to the front. There they conducted themselves with such courage and brilliancy that they received not only the praise of their own officers but also that of the French and English commanders.

The Government organized Tennessee by the appointment of Rutledge Smith, of Putnam County, as disbursing officer and chairman of the National Council of Defense and made him a major of infantry. This was preeminently a case of the right man in the right place. So efficient did he prove in the induction of men into the service and in the performance of the multifarious duties incumbent upon him that he was placed in charge of all the southern states south of the Ohio and east of the Mississippi as far as the Potomac River. In Tennessee alone he superintended the enlistment of approximately one hundred thousand men.

W. E. Myer, of Smith County, was placed in charge of Federal Fuel Administration. Lee Brock, of Davidson County, was made chairman of the Fair Price-Committee, and Percy Maddin, of Davidson County, was placed in charge of the Legal Advisory Board. All these were most admirable selections and the work they performed, ably and unselfishly, proved the wisdom of the appointment in each case.

The Tennessee troops were diffused in all the branches of our military and naval forces and entered into the aeroplane service, too. The principal divisions in which they served, however, were the following: The 30th Division, the 27th Division, the 1st, 2nd, 3rd, 4th, 26th, 28th, 32nd, 42nd, 56th, 7th, 8th, 29th, 30th, 31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, 84th, 85th, 86th, 87th, 88th, 89th, 90th, 91st, and 92nd Divisions.

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Tennessee troops, like the troops of other states, were used wherever the needs of the movement were greatest. It is impossible, therefore, to give within the limits of one chapter an account of the valiant services performed by all the contingents in which there were boys from this state. The fighting operations of most of the Tennesseans, however, were in the battles of St. Mihiel, and the Argonne Forest. While several divisions of American troops, most of them containing Tennesseans, were stationed elsewhere under British or French command, the St. Mihiel and Argonne battles stand out most prominently so far as the American forces are concerned, because they were fought in American sectors, under American leaders and largely by American troops. Twenty-four out of the twenty-nine divisions of American troops which had battle experience engaged in one or both of these great offensive operations, and in both Tennessean troops took a glorious part.

THE THIRTIETH DIVISION

The Thirtieth Division, dubbed the "Old Hickory" Division in honor of Andrew Jackson, was composed of National Guard troops of North Carolina, South Carolina and Tennessee, increased by some thousands of selective draft troops from the states of Indiana, Illinois, Iowa, Minnesota, North Dakota, North Carolina, South Carolina and Tennessee. On August 17, 1918, this division took over the entire sector occupied by the Thirty-third British Division. This was known as the Canal Sector. The Thirtieth Division included the Fifty-ninth and Sixtieth brigades, in both of which were Tennessee troops, and both of which assisted in breaking the Hindenburg Line. The Fifty-ninth Brigade was commanded by Gen. Lawrence D. Tyson, of Knoxville, who went to Camp Sevier at the head of all the Tennessee National Guard troops. He commanded this brigade through all its period of training at Camp Sevier, in all its operations overseas and until it was mustered out of service in April, 1919. General Tyson was awarded the Distinguished Service Medal by General Pershing for his skillful leadership during the battle activities of the brigade and a large number of medals, crosses and citations were bestowed upon officers and men under him.

The attack upon this part of the line began on September 29, 1918, at 5:50 A. M. Most of the companies became confused in the thick fog but made good progress, in which operations the One Hundred and Seventeenth Infantry, under Col. Cary F. Spence, covered itself with glory. On October 8th the Fifty-ninth Brigade renewed its offensive which was taken up by the Sixtieth Brigade two days later. The Fifty-ninth also started the great drive of October 17th which was taken up by the Sixtieth on the 18th.

For distinguished leadership in action Colonel Spence was cited by General Pershing and 129 men under his command received medals and decorations. The One Hundred and Seventeenth Infantry also shared equally in the ten citations conferred upon the whole Thirtieth Division by the English and Australian High Command. Major-General Lewis, commander of the Thirtieth Division, decorated the colors of the regiment for participation in the following engagements: Canal Sector, July 6 to August 30; Ypres-Lys Offensive, August 31 to September 2; Somme Offensive, September 20 to October 20.

In its attack of September 29th the Thirtieth Division, on a front of 3,000 yards, captured the entire Hindenburg System of that sector and advanced

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farther, capturing the tunnel system with the German troops in it and took the towns of Bellicourt, Nauroy, Riqueval, Carriere, Etricourt, Guillaine Ferme and Ferme de Riqueval, advanced 4,200 yards, defeated two enemy divisions and captured forty-seven officers and 1,434 men, besides field pieces, machine guns and small arms in large numbers.

THE FIFTY-FIFTH FIELD ARTILLERY BRIGADE

The regiments destined to form the Fifty-fifth Artillery Brigade arrived at Camp Sevier after it was opened about September 1, 1917. The First Tennessee Field Artillery Regiment, commanded by Lieut.-Col. Luke Lea, arrived there on September 11th and became the One Hundred and Fourteenth Field Artillery. Soon after arrival Lieutenant-Colonel Lea was promoted to colonel of this regiment. The First Tennessee Infantry, commanded by Col. Harry S. Berry, reported at Camp Sevier on September 9th, and was changed to One Hundred and Fifteenth Field Artillery. Troop D, Tennessee Cavalry, commanded by Capt. Ambrose Gaines, reported at this camp on September 6th and was changed to the One Hundred and Fifth Trench Mortar Battery.

This Brigade was made a part of the Thirtieth Division but was detached from it on reaching France and sent to Camp Coetquidan, where a large field artillery school was being conducted by the American Expeditionary Forces. On August 20, 1918, it moved from this camp to the Toul Sector and took part in the St. Mihiel offensive, the Meuse-Argonne campaign and in the Woevre, where it was when the Armistice was declared on November 11th, in all of which operations the conduct of both officers and men was in keeping with the highest traditions of Tennessee heroism. After the Armistice it went forward to the German border, where it remained until January 8, 1919, when orders were received for its removal and return to the United States. On its arrival in this country its units received rapturous welcome. The One Hundred and Fourteenth Field Artillery paraded in Knoxville, Chattanooga, Nashville and Memphis. With the exception of eleven days the Fifty-fifth Field Artillery Brigade was on the firing line from August 27, 1918, until the Armistice.

THE ONE HUNDRED AND FOURTEENTH MACHINE GUN BATTALION

The One Hundred and Fourteenth Machine Gun Battalion was organized and commanded during its period of training and its operations at Ypres by Maj. James P. Fyffe, of Chattanooga. It was attached to the Thirtieth Division and took part in the operations of that celebrated division near Ypres and in breaking the Hindenburg Line. The captain of Company A was Bruce Douglas; of Company B, D. N. McMillin; of Company C, Elsworth Wilson; of Company D, Edward B. Cantey.

SECOND TENNESSEE INFANTRY

The Second Tennessee Infantry was organized largely through the efforts of Col. James A. Gleason, of Knoxville. It was organized with Charles B. Rogan, adjutant general of Tennessee, as colonel, and James A. Gleason, as lieutenant-colonel. This regiment was sent to Camp Sevier for training. Soon after its arrival reorganization of various units took place and the Second Tennessee became a part of the Fifty-ninth Depot Brigade. On October 22, 1917,

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it was distributed in several different commands, most of them being assigned to regiments of the Sixtieth Brigade.

THE SECOND CORPS ARTILLERY PARK

A number of Tennessee boys were enrolled in the Second Corps Artillery Park, known as an artillery auxiliary unit. It was not attached to any division but was placed where its services were most needed. Its work, therefore, was almost continuous from the time when it arrived in France on July 21, 1918, until the Armistice was signed. It took part in the Aisne-Marne offensive, including the tremendous fighting in the famous Chateau-Thierry district; also in the St. Mihiel drive, in the Oise-Aisne offensive and in Argonne Forest. It was three times cited for valuable results accomplished by it.

TENNESSEE IN THE NAVY

Several thousand Tennessee boys cast their lot with the navy in the World war and wrote equally splendid records in the history of naval warfare as their brothers achieved on land. For nineteen months they stood guard with the English at the mouth of the Kiel Canal where the German fleet was hidden, or hunted the seas upon destroyers and cruisers and chasers in search of hostile submarines or manned the transports and convoy vessels in moving our men across the Atlantic, and in doing so achieved, under Admiral Gleaves, the astounding achievement of placing 2,000,000 men in France with the loss of only 300.

Nor were the navy's activities confined to the sea. No branch of the service showed more sterling qualities of steadiness and heroism than did the Marine Corps. Their deeds at Belleau Wood, at Bouresches, at Soissons, at St. Mihiel and in the Argonne Forest have been told in song and story.

TENNESSEE IN AVIATION SERVICE

The fascination of flying drew many Tennesseans into the air service who possessed strong nerves and hardy constitutions. Because of a lack of planes, our airmen did not become factors of importance until the last two months of the war. American flyers received their first real chance in April, 1918, when about thirty-five American planes were assigned to one sector. Their success was so immediate and pronounced that more planes were turned over to the Americans and the sector was widened. In August, 1918, the first American planes came into use and by November there were forty-five complete squadrons. The first large air operation in which our squadrons took part was the St. Mihiel offensive. American aviators constituted about one-third of the total force employed and they gave a splendid account of themselves. We also had fifteen balloon companies in operation. The American supremacy in the air during the two days of the attack was very pronounced. The enemy planes were kept on the ground mostly, whereas ours penetrated far behind the German lines, locating their reserves, ammunition dumps and many constructions and directing the long range artillery fire.

In the operations in the Argonne Forest which followed, the American aviators were put to a severe test, as many of the English and French aviators

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had been withdrawn to other fields. Fighting, therefore, for the control of the air was bitter, but our forces, having been increased by the receipt of more planes, gained the supremacy, although losses were heavy. Had the war continued the Americans in a few months would have been superior to any other nation, both in number and equipment. Of the Tennessee aviators, Lieut. Edward Buford, of Nashville, became an "ace," and Lieut. McGhee Tyson and Lieut. Claude O. Lowe lost their lives. Lieutenant Tyson, son of Gen. L. D. Tyson, was killed in a flight off the French coast and Lieutenant Lowe was killed in the smash of his plane at Arcadia, Florida.

THE POWDER PLANT

During the World war the Government established a plant for making powder at Hadley's Bend on the Cumberland River near Nashville.

This site was selected by Secretaries Baker, Lane and Houston after they had examined many other promising locations. This enterprise cost the United States more than eighty million dollars and, at one time, employed more than forty-two thousand persons. A town, named Jacksonville, in honor of Andrew Jackson, whose home, the Hermitage, is near by, was established and still exists, although its population is now small. After the war the plant was sold to the Nashville Industrial Association. The E. I. Du Pont de Nemours Company, which conducted the Government powder plant during the war, has recently bought a large tract from the Nashville Industrial Corporation on which to erect a $4,000,000 fibre silk plant.

THE TENNESSEE HISTORICAL COMMISSION

For the purpose of collecting, preserving and publishing material relative to the history of Tennessee, the Tennessee Historical Commission was created in 1919 and its duties were specifically outlined in Chapter 74 of the Acts of 1921.

These duties included specifically the collection for preservation in the Archives of Tennessee "the individual records of the Tennessee soldiers, sailors, airmen and marines who saw service in the great World war."

Twenty-five prominent men and women appointed by the governor constituted the commission and John Trotwood Moore was made chairman.

By the Reorganization Bill of 1923, this commission was abolished, but the work it inaugurated is being carried on by the History Division of the Department of Education.

PROVISION FOR MARKING THE PLACE WHERE THE HINDENBURG LINE WAS BROKEN

In view of the importance of the achievement of the Thirtieth Division in breaking the Hindenburg Line, the subjoined Senate joint resolution was passed by the Legislature of 1921 and General Tyson and Colonel Spence have since performed the task imposed upon them thereby:

SENATE JOINT RESOLUTION NO. 53.

(By Mrs. Worley)

Whereas, in the great World war the soldiers of Tennessee upheld the reputation of The Volunteer State for courage, patriotism and devotion to duty, whether in camp or on the line of battle, and

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Whereas, the State and Nation in gratitude for their courage and sacrifices and in order that future generations and historians may know the true part played by Tennessee troops in the gigantic struggle, in order that correct historical data shall be collected now while those who participated in it are alive, and the records are available, and

Whereas, one of the greatest drives of the war was waged in the final efforts of the Allies and American troops to break and to penetrate the so-called impregnable Hindenburg line, and

Whereas, the records show that this line was broken by the troops of the 30th or Old Hickory Division, composed of troops chiefly from the States of Tennessee, North and South Carolina, as per the following extract from the report of Marshal Sir Douglas Haig, Commander of the British forces, in a dispatch dated January 7, 1919, as follows:

"North of Bellenglise, the 30th American Division (Maj. Gen. E. M. Lewis) having broken through the deep defenses of the Hindenburg Line, stormed Bellicourt and seized Nauroy on their left, the 27th American Division (Maj.-Gen. O. F. O'Ryan) met with very heavy enfilade machine gun fire, but pressed on with great gallantry as far as Bony, where a bitter struggle took place for the possession of the place."

Thus the highest British authority testified to the fact that the 30th Division and not the 27th Division, as claimed by some, were the first to penetrate the Hindenburg Line.

Now, therefore, be it resolved by the Senate of the State of Tennessee, the House concurring, That since this great historical achievement is by some disputed, and since there is a world honor which will be more highly prized as the years go by and is not now fully substantiated by permanent markers, not fully known by historians, and since it is known that Brig.-Gen. L. D. Tyson, commanding the Tennessee troops, and Col. Cary F. Spence, commanding the 117th Infantry, are preparing to visit the location of the Hindenburg Line in France, with a view of establishing the truth of the historical statement above, and since funds will be provided for the erection of a monument on the Hindenburg line by veterans of the 30th Division,

Now, therefore, be it resolved, That Gen. L. D. Tyson and Col. Cary F. Spence are hereby appointed a committee by the General Assembly of Tennessee to visit France, without expense to the State, and to make such investigations as they may deem desirable and necessary to establish the facts in the case and to establish the points where the marker or markers shall be placed so as truthfully to establish the part that the Tennessee troops played in the breaking of the Hindenburg Line near Bellicourt and Nauroy, France, and there is hereby appropriated out of any funds in the Treasury not otherwise appropriated the sum of $500 to supplement the funds being raised by the veterans of the 30th Division for the placing of a marker or markers as above set out, and that said sum be placed at the disposal of Gen. L. D. Tyson, and to be paid on warrant of the Comptroller on vouchers approved by General Tyson.

And be it further resolved, That the Director of Archives and History of the State of Tennessee be instructed to secure from General Tyson the true facts in regard to the part played by the Tennessee troops in the action above set out, and that the said Director of Archives and History shall write and have published by the State Historical Committee a correct history of the entire part played by Tennesseans in all the battles of the World war which shall be written without extra cost to the State.[1]

Adopted April 9, 1921.

W. W. BOND,
Speaker of the Senate.
ANDREW L. TODD,
Speaker of the House of Representatives.

Approved April 7, 1921.
A. A. TAYLOR, Governor.

[1] Acts of 1921, p. 646.

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THE TENNESSEE MEMORIAL BUILDING

After the war had ended and our heroic boys had returned home, seemingly simultaneously in the minds of all the question arose: How shall Tennessee fittingly pay tribute to the valor of her sons who took part in that cataclysmic struggle, and especially, how shall it establish a suitable memorial for those who made the supreme sacrifice?

After many suggestions had been made, it was decided that a memorial building should be erected facing the state capitol. For this purpose the state, the City of Nashville, and the County of Davidson united in this tribute of love and respect. Land between Capitol Boulevard and Seventh Avenue and the Capitol Boulevard and Sixth Avenue, and between Cedar Street and Union Street was bought. The buildings thereon were razed and the memorial building will be erected on the western part of the property and a beautiful park will be constructed fronting it on the east.

In connection with the memorial building there will be a capitol annex for the use of state departments which can not be accommodated in the capitol and which now occupy scattered buildings and offices. It is expected that the memorial building will be completed in about two years, that is, some time in 1925.

The following is a list of the brave Tennesseans who received distinguished honors for heroic conduct in the World war:

Abele, Herbert A., First Lieutenant, Distinguished Service Cross, 624 Mississippi Avenue, Memphis, Tenn.

Adkinson, Joseph B., Sergeant, Medal of Honor, Atoka, Tenn.

Adler, J. O., Major, Distinguished Service Cross, Chattanooga, Tenn.

Alsup, Julian W., Private, Distinguished Service Cross, 528 N. 2nd Street, Nashville, Tenn.

Anderson, Leonard, Corporal, Distinguished Service Cross, Hillsboro, Tenn.

Anthony, Harold B., Supply Sergeant, Distinguished Service Cross, 1122 Sharpe Avenue, East, Nashville, Tenn.

Arrants, William R., First Lieutenant, Distinguished Service Cross, Decatur, Tenn.

Barnwell, Frank H., Second Lieutenant, Distinguished Service Cross, 1732 Peabody Avenue, Memphis, Tenn.

Barnett, Cecil E., Private, Distinguished Service Cross, Pittsburgh Landing, Tenn.

Bassi, Joseph, Private, Distinguished Service Cross, 415 Beal Avenue, Memphis, Tenn.

Beaty, Leslie, Private (1st cl.), Distinguished Service Cross, Jamestown, Tenn.

Bell, Joe, Sergeant, Distinguished Service Cross, 1104 Cummins Street, Memphis, Tenn.

Blackburn, Walden E., Corporal, Distinguished Service Cross, R. F. D. No. 2, Bellbuckle, Tenn.

Blair, George A., Captain, Distinguished Service Cross, Knoxville, Tenn.

Bowman, Silas E., Private, Distinguished Service Cross, Erwin, Tenn.

Boyd, Richard H., Second Lieutenant, Distinguished Service Cross, Knoxville, Tenn.

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Boyd, Theodore E., Second Lieutenant, Distinguished Service Cross, Ashland City, Tenn.

Brinkley, Amiel W., Captain, Distinguished Service Cross, 1468 McLemore Avenue, Memphis, Tenn.

Brooks, Elbert E., Private, Distinguished Service Cross, Trezevant, Tenn.

Brookshire, Albert B., Sergeant, Distinguished Service Cross, Paris, Tenn.

Brown, Berlin Wesley, Sergeant, Distinguished Service Cross, Tellico Plains, Tenn.

Brown, Lester, Private, Distinguished Service Cross, 535 North Academy Street, Murfreesboro, Tenn.

Buck, B. B., Brigadier General, Distinguished Service Cross, 806 Jefferson Avenue, Memphis, Tenn.

Cable, Robert B., First Sergeant, Distinguished Service Cross, Maryville, Tenn.

Cagle, Thomas G., Private (1st cl.), Distinguished Service Cross, Lenoir City, Tenn.

Cannon, Clarence F., Sergeant, Distinguished Service Cross, Lenoir City, Tenn.

Cardwell, Henry Warren, Corporal, Distinguished Service Cross, Normandy, Tenn.

Carr, John M., Sergeant, Distinguished Service Cross, 1802 Jefferson Avenue, Knoxville, Tenn.

Carter, Paul D., Second Lieutenant, Distinguished Service Cross, 955 Fifth Avenue, Knoxville, Tenn.

Cates, Clifton B., Captain, Distinguished Service Cross, Tiptonville, Tenn.

Cinamon, Archie, Private, Distinguished Service Cross, Rodgersville, Tenn.

Clark, William L., Private (1st cl.), Distinguished Service Cross, Fountain City, Tenn.

Cooper, William N., Private, Distinguished Service Cross, 1824 Grand Avenue, Knoxville, Tenn.

Coram, Claude A., Private (1st cl.), Distinguished Service Cross, Knoxville, Tenn.

Costner, Oley, Private, Distinguished Service Cross, London, Tenn.

Cotton, Orvil L., Corporal, Distinguished Service Cross, Buntoin, Tenn.

Cox, Omar Clark, Sergeant (1st cl.), Distinguished Service Cross, Lafollette, Tenn.

Cross, James, Second Lieutenant, Distinguished Service Cross, Helmwood, Tenn.

Cross, Willie, Private, Distinguished Service Cross, Jefferson City, Tenn.

Daniels, William H., Private, Distinguished Service Cross, R. F. D. No. 3, Rutledge, Tenn.

Davis, Edgar C., First Lieutenant, Distinguished Service Cross, Louisburg, Tenn.

Diggs, Benjamin W., Private (1st cl.), Distinguished Service Cross, Oliver Springs, Tenn.

Dobbs, Lain, Sergeant, Distinguished Service Cross, Mitchellville, Tenn.

Dozier, Carmon, Private (1st cl.), Distinguished Service Cross, Yorkville, Tenn.

Dudderar, Marshall B., Sergeant, Distinguished Service Cross, 1613 Hawthorne Street, Chattanooga, Tenn.

Dudley, Mack, Private (1st cl.), Distinguished Service Cross, R. F. D. No. 3, Dickson, Tenn.

Duncan, Charles B., Captain, Distinguished Service Cross, 315 Ninth Avenue, South, Nashville, Tenn.

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Duncan, Basil E., Private (1st cl.), Distinguished Service Cross, Route 13, Jonesboro, Tenn.

Eckel, William H., Second Lieutenant, Distinguished Service Cross, 2524 Jefferson Avenue, Knoxville, Tenn.

Edwards, Garrett, Sergeant, Distinguished Service Cross, R. F. D. No. 1, Kittyton, Tenn.

Ellis, Nathaniel Watson, First Lieutenant, Distinguished Service Cross, Tellico Plains, Tenn.

Engle, Joseph C., Sergeant, Distinguished Service Cross, 553 South Park Way, Memphis, Tenn.

Epley, Bruce, Sergeant, Distinguished Service Cross, Newport, Tenn.

Frierson, Meade, Jr., Captain, Distinguished Service Cross, 513 Broadway, Nashville, Tenn.

Folsom, Lynn H., First Lieutenant, Distinguished Service Cross, Elizabethton, Tenn.

Fontaine, Hugh L., First Lieutenant, Distinguished Service Cross, 1839 Overton Park Avenue, Memphis, Tenn.

French, Henry, Private (1st cl.), Distinguished Service Cross, Maynardsville, Tenn.

Fritz, Leonard B., Private, Distinguished Service Cross, Laurel Bloomery, Tenn.

Gilliam, Rexie E., First Lieutenant, Distinguished Service Cross, 110 Walnut Street, Chattanooga, Tenn.

Goodwin, Robert Hazen, Sergeant, Distinguished Service Cross, Bristol, Tenn.

Hatcher, Samuel H., Private, Distinguished Service Cross, Route 2, Walland, Tenn.

Hill, Frank Y., First Lieutenant, Distinguished Service Cross, Knoxville, Tenn.

Hilliard, Grover C., Sergeant, Distinguished Service Cross, R. F. D. No. 4, Dover, Tenn.

Hobbs, Avis T., First Lieutenant, Distinguished Service Cross, Lebanon, Tenn.

Horne, William T., Private (1st cl.), Distinguished Service Cross, 906 East Main Street, Knoxville, Tenn.

Howard, Charlie, Corporal, Distinguished Service Cross, Lafollette, Tenn.

Hutson, George R., Private, Distinguished Service Cross, 525 North Broad Street, Knoxville, Tenn.

Igou, Paul, Sergeant, Distinguished Service Cross, Farleigh Street, East, Chattanooga, Tenn.

Jerry, Barney, Corporal, Distinguished Service Cross, Bigfoot Branch, Memphis, Tenn.

Johnson, Henry, Private (1st cl.), Distinguished Service Cross, Creston, Tenn.

Jones, Herbert J., Second Lieutenant, Distinguished Service Cross, Dresden, Tenn.

Jones, James T., Corporal, Distinguished Service Cross, 1505 East Fifth Avenue, Knoxville, Tenn.

Karnes, James E., Sergeant, Medal of Honor, 2501 North Broadway Avenue, Knoxville, Tenn.

Karnes, James Ernest, Sergeant, Distinguished Service Cross, 2501 North Broadway, Knoxville, Tenn.

Kohlwyck, Oren C., Private, Distinguished Service Cross, Humboldt, Tenn.

Leach, John W., First Lieutenant, Distinguished Service Cross, Knoxville, Tenn.

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Lemert, Milo, First Sergeant, Medal of Honor, Crossville, Tenn.
Leonard, John W., Lieutenant-Colonel, Distinguished Service Cross, 303 Kirby Avenue, Chattanooga, Tenn.
Lewis, Frank Nelson, Captain, Distinguished Service Cross, 1224 Exchange Building, Memphis, Tenn.
Lilliard, David W., Captain, Distinguished Service Cross, Etowah, Tenn.
Lowe, William O., Second Lieut., Distinguished Service Cross, Fountain City, Tenn.
Lowe, Thurman, Sergeant, Distinguished Service Cross, Boma, Tenn.
Lunsford, Bedford B., Corporal, Distinguished Service Cross, Mount Vernon, Tenn.
Lynch, Roland D., Private, Distinguished Service Cross, R. F. D. No. 2, Elbridge, Tenn.
Lyons, Douglas M., Second Lieutenant, Distinguished Service Cross, Fort Henry, Tenn.
Manier, Will R., Jr., Captain, Distinguished Service Cross, 1800 Acklen Ave., Nashville, Tenn.
Mason, Zelna, Private, Distinguished Service Cross, Memphis, Tenn.
McKiddy, Zona, Private, Distinguished Service Cross, Knoxville, Tenn.
Miller, George F., Sergeant, Distinguished Service Cross, Dyersburg, Tenn.
Miller, Hobart, Private (1st. cl.), Distinguished Service Cross, Jacksboro, Tenn.
Mingle, Claude L., Private, Distinguished Service Cross, R. F. D. 8, Knoxville, Tenn.
Mitchell, John A., First Lieutenant, Distinguished Service Cross, Livingston, Tenn.
Moody, Rolf, Captain, Distinguished Service Cross, Box 201, Knoxville, Tenn.
Morison, James H. S., First Lieutenant, Distinguished Service Cross, Cumberland Gap, Tenn.
Mottern, Virgil C., Sergeant (1st cl.), Distinguished Service Cross, Jonesboro. Tenn.
Murrian, John H., First Lieutenant, Distinguished Service Cross, R. F. D. 6, Ross Place, Knoxville, Tenn.
Nowlin, George A., First Sergeant, Distinguished Service Cross, Route 3, Crosby, Tenn.
Packett, John W., Corporal, Distinguished Service Cross, Lenoir City, Tenn.
Plemmons, Russell L., Corporal, Distinguished Service Cross, Lenoir City, Tenn.
Potter, Walter, Private, Distinguished Service Cross, Dayton, Tenn.
Pruitt, Pink S., Private (1st cl.), Distinguished Service Cross, Moscow, Tenn.
Quinn, Jim, Second Lieutenant, Distinguished Service Cross, Memphis, Tenn.
Reece, B. Carrol, First Lieutenant, Distinguished Service Cross, Butler, Tenn.
Richmond, Clarence L., Private, Distinguished Service Cross, Cleveland, Tenn.
Richards, J. N. C., Captain, Distinguished Service Cross, Sewanee, Tenn.
Ridley, James A., First Lieutenant, Distinguished Service Cross, Murfreesboro, Tenn.
Rives, John S., Private, Distinguished Service Cross, Mulberry, Tenn.
Roberts, Sewell K., Private, Distinguished Service Cross, 7 Park Drive, Chattanooga, Tenn.
Sackett, Dayton S., First Lieutenant, Distinguished Service Cross, Greenfield, Tenn.
Sanderfer, Paul C., Sergeant, Distinguished Service Cross, Trenton, Tenn.

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Segraves, Charles, Lieutenant, Distinguished Service Cross, Chattanooga, Tenn.
Sellers, Cecil G., First Lieutenant, Distinguished Service Cross, 350 Stonewall Place, Memphis, Tenn.
Shannon, Fred B., Sergeant, Distinguished Service Cross, Chattanooga, Tenn.
Sharpe, Robert E., Second Lieutenant, Distinguished Service Cross, Chattanooga, Tenn.
Short, Gilbert D., Private, Distinguished Service Cross, Jackson, Tenn.
Slover, Robert, Corporal, Distinguished Service Cross, Coal Creek, Tenn.
Smith, Charlie, Private (1st cl.), Distinguished Service Cross, Copperhill, Tenn.
Spears, George W., Corporal, Distinguished Service Cross, Lenoir City, Tenn.
Srygley, Ela M., First Lieutenant, Distinguished Service Cross, 16 Academy Place, Nashville, Tenn.
Starkey, Joseph, First Lieutenant, Distinguished Service Cross, 501 Chamberlain Avenue, Chattanooga, Tenn.
Stewart, George L., Sergeant, Distinguished Service Cross, Erwin, Tenn.
Strange, George F., Private (1st cl.), Distinguished Service Cross, Box 132, Springfield, Tenn.
Stripling, Walter B., Corporal, Distinguished Service Cross, Oliver Springs, Tenn.
Swaggerty, Allie, Sergeant, Distinguished Service Cross, Knoxville, Tenn.
Talley, Edward R., Sergeant, Medal of Honor, R. F. D. No. 1, Russellville, Tenn.
Taylor, William C., Sergeant, Distinguished Service Cross, Route 1, Blountville. Tenn.
Taylor, Oscar, Sergeant, Distinguished Service Cross, Jonesboro, Tenn.
Thompson, Charles W., Sergeant, Distinguished Service Cross, Knoxville, Tenn.
Thompson, John W., Corporal, Distinguished Service Cross, Mount Pleasant. Tenn.
Thurman, Litten T., Sergeant, Distinguished Service Cross, Crossville, Tenn.
Tillery, James M., Sergeant, Distinguished Service Cross, 938 North Central Ave., Knoxville, Tenn.
Timothy, James S., Second Lieutenant, Distinguished Service Cross, 206 Woodlands, Nashville, Tenn.
Tucker, Louis J., Private, Distinguished Service Cross, 1201 Mississippi Avenue, Memphis, Tenn.
Tune, Horace R., First Lieutenant, Distinguished Service Cross, Shelbyville. Tenn.
Vaughn, Joe H., Sergeant, Distinguished Service Cross, Bon Aqua, Tenn.
Vinton, Thomas W., First Lieutenant, Distinguished Service Cross, Bank of Commerce, Memphis, Tenn.
Walker, Hubbard J., Private (1st cl.), Distinguished Service Cross, Fruitland, Tenn.
Ward, Calvin John, Private, Medal of Honor, 749 First North Street, Morristown, Tenn.
Weaver, Jesse Frank, Private, Distinguished Service Cross, R. F. D. 1, Finger, Tenn.
Weems, James Frederick, Private, Distinguished Service Cross, Baileytown, Tenn.
White, John B., Private, Distinguished Service Cross, Milligan College, Tenn.
Whitson, Robert Kenneth, Captain, Distinguished Service Cross, Union City, Tenn.

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Wiles, George L., Private, Distinguished Service Cross, R. F. D. 2, Newmarket, Tenn.

Wilkinson, Thaddeus R., Sergeant, Distinguished Service Cross, Capleville, Tenn.

Wilson, Josephus B., First Lieutenant, Distinguished Service Cross, Athens, Tenn.

Wilson, Shug, Private, Distinguished Service Cross, Wilder, Tenn.

Wilson, Thomas J., Private, Distinguished Service Cross, 1501 East Thirteenth Street, Chattanooga, Tenn.

Wright, Clarence S., Corporal, Distinguished Service Cross, Kingston, Tenn.

Wright, Joe D., Corporal, Distinguished Service Cross, Lenoir City, Tenn.

Woodard, Willie L., Private, Distinguished Service Cross, Ripley, Tenn.

York, Alvin C., Corporal, Medal of Honor, Distinguished Service Cross, Pall Mall, Tenn.

Younger, Raleigh L., Second Lieutenant, Distinguished Service Cross, R. R. 1, Columbia, Tenn.

SERGEANT ALVIN YORK

Among all the heroes who performed remarkable achievements, the great, outstanding figure not only among the Tennessee troops but also among all the troops of the American Expeditionary Forces, was Serg. Alvin C. York, of Pall Mall, Fentress County, Tenn. He had the honor of performing the greatest deed accomplished by any individual soldier. So noteworthy was his achievement that it made him a national hero. A newspaper man who interviewed York gives the following account direct from the sergeant himself:

VIVID ACCOUNT OF YORK'S ACHIEVEMENT

"York was on the extreme left of the advance, his platoon being the support platoon of the left assault company.

"'We were losing a lot of men,' he said. 'See that little rise just where the slope of the hill comes down? Well, it looked like we couldn't get beyond that. The line just seemed to melt away when it reached there.'

UNDER CROSS FIRE

"This was due to the fact that boche machine guns on the hill—now known as York's Hill—had the Americans enfiladed. Therefore Sgt. Harry M. Parsons, formerly an actor who was in command of the platoon, was ordered to advance with his men and cover the left flank. The fire was too hot in the valley, so they skirted the foot of the hill in order to gain some protection.

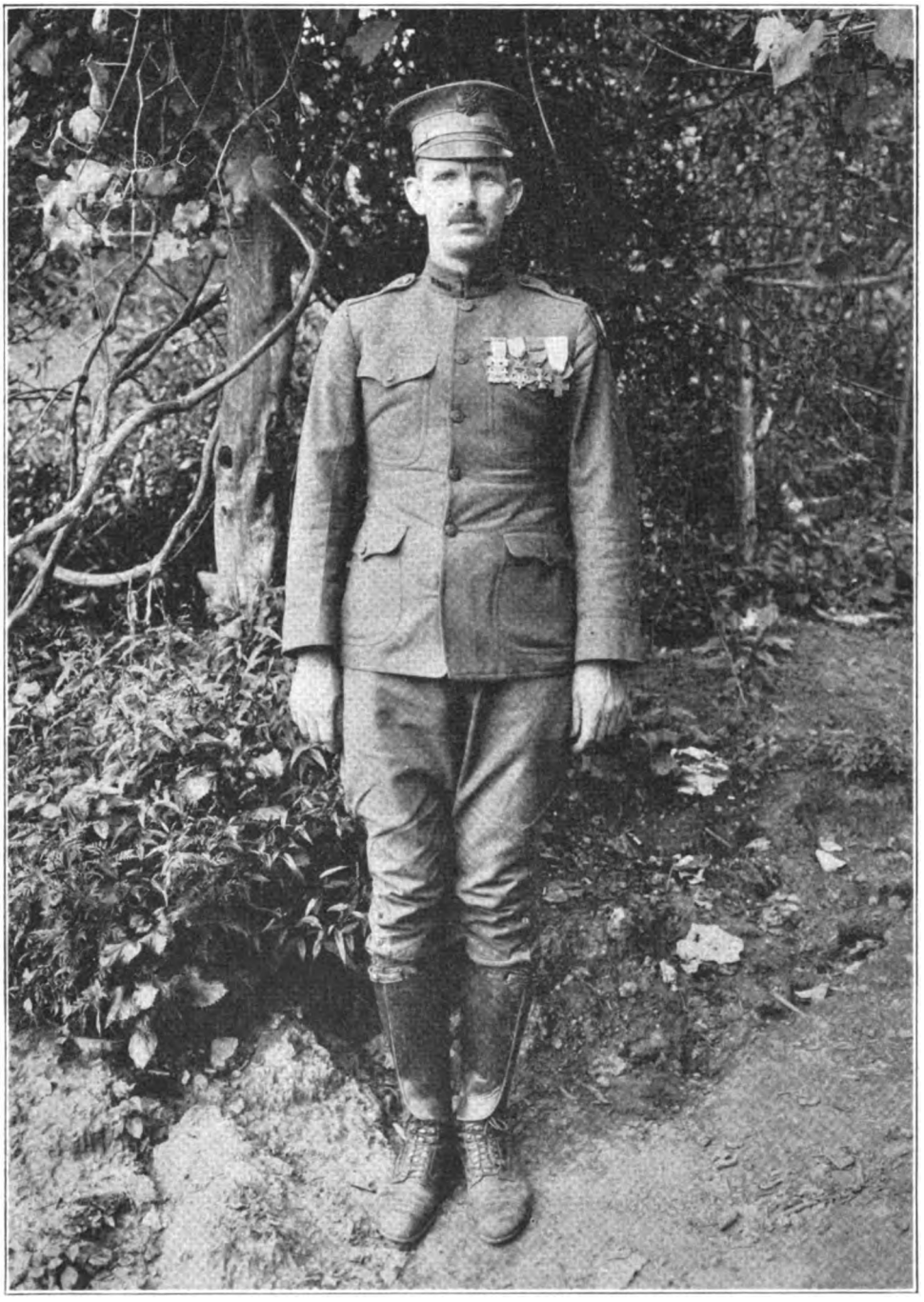
"Parsons ordered Acting Sgt. Bernard Early to take two squads and put the enemy machine guns out of action. That was when the real business began. Early had under him sixteen men, including Corporal York.

"It was a clear day. There had been mists in the valley and shrouding the hills just after dawn, but they had lifted, so that the movements of the Americans were perfectly visible to the enemy along the ridges. As the little party started up the hill, which they proposed to clear of boches, machine guns peppered them from the Cornay Ridge at their backs; but the trees and brush were very thick and they escaped beyond observation without losing a man. The nests they were after lay on the other side of a slope; the boches were firing at the infantry in the valley, and were wholly unconscious of the detachment bent on circling round behind them.

"The Americans went stumbling upward through the leafy jungle.

"About two-thirds of the way up they came upon an old wide trench, prob-

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SERGEANT ALVIN YORK
Greatest Hero of the World War

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ably built by the French early in the war. They entered this and followed it. The clamor of the fight on the other side of the hill now grew less.

"The trench led over the crest. Going warily in single file, now stopping to listen and make sure that no enemy lurked near, now moving with painful caution, lest they be heard, the detachment penetrated upward through the dense woods and began to descend the other slope. Sergeant Early was in the lead. Until wounded he directed all the operations; his behavior throughout the entire affair was of the highest order.

A SHRIEKING BEDLAM

"Still they saw no Germans. They could hear firing off at their right, they could hear it ahead; but not a sign of the enemy did they see. Finally they debouched upon a path, and there in the wet earth were fresh footprints.

"Which way had we better take?" whispered Sergeant Early to Corporal York.

" 'Let's right-oblique,' answered the mountaineer; and they right-obliqued and went downward along the path.

"Suddenly they espied two Germans ahead of them in the path. Both wore the Red Cross brassard, and both started to run at the first glimpse of the Americans. Some shots were fired and one stopped. He surrendered; the other disappeared.

" 'It looked like a battle was coming,' said York, 'so we went into skirmish order!'

"They scattered out amid the riot of brush and pushed forward. Presently the leaders of the party arrived at the stream, and there on the other side were about twenty or thirty Germans, gathered near a small hut that was evidently some kind of P. C. At any rate several officers were holding a conference and a number of the men were squatted on the ground apparently about to eat.

"The Americans instantly let fly. A few of the enemy returned the shots, but the majority dropped guns and equipment and threw up their hands, shouting 'Kamerad!'

"What had happened? How came the enemy behind them?

" 'Don't shoot!' ordered Sergeant Early. 'They're going to surrender.'

"Surrender they did, the whole outfit, including the major in command of the battalion.

" 'What are you? English?' he asked.

" 'Americans,' answered York.

" 'Good Lord!' said the major.

"Early's detachment now made preparations to take them out. But before they could move all hell broke loose. Along the steep slope of the hill facing them, not thirty yards away, was machine gun after machine gun, snugly placed in fox holes, but pointing in the other direction. The boches manning them swung these guns round and opened up a fusillade on the attackers. The valley became a chattering, shrieking bedlam. Some Heinies on a hill far to the rear of the Americans sensed a new menace and opened up wildly against their own position, but their fire was many yards high and merely seared the tops of the trees.

"At the first blast of fire every Heinie prisoner dropped flat on his stomach and hugged the ground. The Americans followed their example but six were killed.

"Nine hundred and ninety-nine thousand nine hundred and ninety-nine men out of a million would have considered the situation hopeless. The millionth man was Corp. Alvin C. York. The second elder was down on his haunches amid the brush picking off the boches as fast as he could shoot. From this moment the battle became all York's.

"Six of the detachment were killed almost immediately after the machine guns opened up; three were wounded, including the sergeant in command. York and seven privates remained.

"He never thought of surrender. His problem was to make the enemy give up as quickly as possible and he kept yelling to them to 'Come down!'

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"Bang! Bang! 'Come down!' York would shout, precisely as though the surrender of a battalion to an individual soldier were the usual thing—and I really believe he regards it that way, provided the soldier be an American.

"'Somehow I knew I wouldn't be killed,' he said. 'I've never thought I would be—never once from the time we started over here.'

"At the first crack of the machine guns on the slope opposite him York dropped to earth. He was in a narrow path leading toward the emplacements. Directly in front lay the boche prisoners, groveling in fear of their comrades' fire. The machine guns were less than thirty yards away and were blazing straight down. Their stream of fire mowed off the tops of the bushes as though they had been cut with a scythe.

"And then the second elder got going on his own account. Sighting as carefully as he was wont to do in the turkey matches at home in Tennessee he began potting the boches in their fox holes and the boches who were behind trees, and the boches who were firing at him from the shelter of logs. And with every shot he brought down an enemy. No, I am wrong; he showed me a crease on a tree bole later and confessed his belief that he had missed that one.

"'You never heard such a clatter and racket in all your life,' he said. 'I couldn't see any of our boys. Early and Cutting had run along toward the left in front of me just before the battle started, but I didn't know where they were.'

SHOT THE WHOLE BUNCH

"'If I'd moved I'd have been killed in a second. The Germans were what saved me. I kept up close to them, and so the fellers on the hill had to fire a little high for fear of hitting their own men. The bullets were cracking just over my head and a lot of twigs fell down.'

"'Well, I fired a couple of clips or so—things were moving pretty lively, so I don't know how many I did shoot—and first thing I knew a boche got up and flung a bomb about the size of a silver dollar. It missed and wounded one of the prisoners on the ground, and I got the boche—got him square.'

"'Next thing that happened, a lieutenant rose up from near one of them machine guns and he had seven men with him. The whole bunch came charging down the hill at me—like this. They held their guns like this.'

"'I had my automatic out by then and let them have it. Got the lieutenant right through the stomach and he dropped and screamed a lot. All the boches who were hit squealed just like pigs. Then I shot the others.'

"'You killed the whole bunch?'

"'Yes, sir. At that distance I couldn't miss.' He killed this detachment before they could charge twenty yards downhill—eight men.

"'As soon as the Germans saw the lieutenant drop, most of them quit firing their machine guns and the battle quieted down. I kept on shooting, but in a minute here came the major who had surrendered with the first bunch. I reckon he had done some shooting at us himself, because I heard firing from the prisoners and afterward I found out that his pistol was empty.

"'He put his hand on my shoulder like this and said to me in English: "Don't shoot any more, and I'll make them surrender." So I said "All right," and he did so and they did so.'

"As York himself would phrase it the battle now quieted down, and the boches descended from their positions on the hill. They came in droves; their arrival swelled the number of prisoners to ninety.

"As they toiled up the hill the major tried to engage York in conversation.

"'How many men have you got?' he inquired.

"'I got aplenty,' returned the second elder grimly, and made him step faster.

"It was impossible to see where they were going, on account of the thick brush, but York knew that the direction was right to bring them out on the side of the hill where the Americans ought to have established a post of command by this time. A hundred yards or more, and they were challenged. They stumbled upon another boche machine-gun nest. York thrust the major in

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front of him, covered the crew with his pistol and ordered them to surrender. They abandoned their weapons and equipment and joined the prisoners.

BACK TO SAFETY

"During the journey back they flushed several more nests. In one the crew offered resistance.

"'I had to shoot a man there,' remarked Corporal York regretfully. 'When we hit the next nest and I got ready to settle them if they didn't give up, the major tapped me on the shoulder and said: "Don't kill any more and I'll make them surrender." And he did.'

"On the far slope of the hill York heard a loud challenge of 'Halt!' and perceived a bunch of doughboys about to fire. He shouted to them that he was bringing prisoners, and they permitted him to approach. The men were part of a detachment that had taken up position in the old abandoned trench York and his party had followed earlier in the day.

"'I certify that I personally counted the prisoners reported to the P. C. of the Second Battalion, Three Hundred and Twenty-eighth Infantry, by Corp. Alvin C. York, Company C, Three Hundred and Twenty-eighth Infantry on October 8, 1918, and found them to be 132 in number.—Jos. A. Woods, First Lieut., Asst. Div. Inspector.'

"After reporting there York had to take his prisoners farther back. Their route lay through the valley for some distance, and a boche lookout on a knoll atop Cornay gave the range to his artillery. A few seconds and shells began bursting close to the column. The prisoners yelled and squealed and some of them attempted to scatter. The Americans herded them back into line and York broke the whole column into a run, which was sustained until they got beyond the shelling.

JUST A PLAIN MIRACLE

"The German major was about the gloomiest officer on the continent of Europe that night; not even Ludendorff felt half so bad. Here he had surrendered to a handful of the enemy; the rest of his command had been put out of action by one lone redhead!

"There on the scene of the fight at the foot of York's Hill are six graves where our dead lie buried. Simple wooden crosses mark them, and at the head repose the helmets, rifles, and belts of the soldiers who gave their lives. Close beside their last resting place purls a tiny stream, and over the wooded hills broods a cathedral bush.

"We stood long beside the graves in silence. At last I said: 'I cannot understand, even now, how you came out alive.'

"York replied, simply but earnestly: 'We know there were miracles, don't we? Well, this was one. I was taken care of—it's the only way I can figure it.'"

THOSE WHO MADE THE SUPREME SACRIFICE

The Division of History of the Department of Education, continuing the work begun by the Tennessee Historical Commission, has collected the names and records of those who lost their lives in the World war. To facilitate this work a mother chairman was appointed in each county and they have, with few exceptions, done a work for which the State of Tennessee owes them a debt of gratitude. Through their efforts and those of the History Division of the State the subjoined list has been compiled. Necessarily, it is incomplete. But it is hoped that those who see this list and note the omission of any man who lost his life in the war will promptly communicate the fact to the History Division of the State, in care of the Capitol, Nashville, Tenn.

That the Tennessee soldiers were brave is attested by the fact that out of an enlistment aggregating nearly one hundred thousand, more than four thousand lost their lives and many thousands were wounded.

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TENNESSEE GOLD STAR LIST

OFFICERS

Abel, Lieut. Wm. H.
Aden, Lieut. Bernard H.
Armstrong, 1st Lieut. Henry G.
Atlee, 1st Lieut. Frank H.

Bailey, 1st Lieut. Oliver W.
Bell, 1st Lieut. Julius E.
Blanchard, 1st Lieut. Merrill
Bohannan, 1st Lieut. Shirley D.
Boice, Lieut. Charles H.
Boone, 1st Lieut. John G. (chaplain)
Boyd, 2nd Lieut. Richard H.
Brasher, Capt. Lawrence A.
Bratten, 1st Lieut. Clyde O.
Brewer, Lieut. James C.
Brown, 1st Lieut. A. Stuart
Brown, 2nd Lieut. Robert S.
Browne, 2nd Lieut. Rolla
Bruce, Capt. Roy
Buchanan, 2nd Lieut. Robert G.
Bushsong, 2nd Lieut. William

Calhoun, 1st Lieut. Paul C.
Cameron, 1st Lieut. Alvin H. (Col.)
Cammon, Lieut. James
Carter, 1st Lieut. Grover
Clark, Lieut. Chas. Wm. Loaring
Clements, Capt. Paul
Costen, 2nd Lieut. Charles B.
Crane, 1st Lieut. Leoline O.
Crow, Lieut. James R.

Dunbar, Capt. Merritt
Duncan, Capt. Charles B.

Earle, 1st Lieut. Patrick B. W.
Eckel, 1st Lieut. William H.
Everett, 1st Lieut. James D.

Finley, 1st Lieut. Neal B.
Frank, Lieut. James E.
Frank, Capt. Leonard
Frazier, Capt. Harry L.
Frazier, 2nd Lieut. Hilary
Frierson, Capt. Meade, Jr.
Fritts, Capt. Fred W.
Fry, 1st Lieut. Clarence N.

Gafney, Capt. Joseph F.
Garnsey, Lieut. Cyrus, Jr.
Gentry, 2nd Lieut. Rouda
George, Capt. Wm. C.
Gilbreath, 2nd Lieut. Robert B.
Gillespie, Lieut. Gordon
Gilmore, Capt. Robt. T.
Goddard, 1st Lieut. Thos. W.
Gohlson, Capt. Samuel
Graham, 1st Lieut. Richard H.
Grayson, 1st Lieut. Clifford B.
Gregory, 1st Lieut. Hugh T.
Grider, 1st Lieut. Jno. McGavock
Griffiths, Lieut.-Col. Richard

Hamer, 2nd Lieut. Thomas M.
Harper, 1st Lieut. Milton L.
Harris, 2nd Lieut. Hobert
Hart, Capt. Leonard K.
Harvey, Major Harry A.
Hazelhurst, Major Jas. N.
Henderson, Lieut. F. N.
Hinkle, 2nd Lieut. Ben. P.
Houk, Capt. Elmer E.
Houston, 1st Lieut. Raymond F.
Hunt, 2nd Lieut. Jesse P.

Jeffries, Capt. Henry M.
Johnson, 2nd Lieut. James Abel
Jones, 2nd Lieut. Herbert J.
Journey, 2nd Lieut. James Britt

Kearney, 1st Lieut. Thos. E.
Kennedy, 2nd Lieut. Chester H.
Kinney, 2nd Lieut. Charles L., Jr.
Kirkpatrick, 2nd Lieut. Richard F.
Koeger, Lieut. Harry A.

Lacy, 1st Lieut. Frank V.
Latham, 1st Lieut. Frank S., Jr.
Lewis, Capt. Frank N.
Lewis, Capt. Orville E.
Lewis, Lieut. Samuel
Linch, 1st Lieut. Ballard C.
Little, Lieut. Walter M.
Littleton, Capt. Augustine B.
Lodor, 2nd Lieut. James C.
Lones, Capt. Emerson J.
Long, Lieut. George W., Jr.
Long, 2nd Lieut. Jacob F.
Lowe, 1st Lieut. Claude O.
Lyons, 2nd Lieut. Douglas M.

McCalla, Lieut. Richard P.
McFarland, 1st Lieut. Noah M.
McNett, 1st Lieut. Frank E.
Manier, 1st Lieut. Emmett M.
Mitchell, 2nd Lieut. Robert F.
Mitchell, Lieut. Thos. A.
Mitchie, Brig. Gen. Robert E. Lee
Monk, Capt. Charles E.
Montgomery, Lieut. Frank
Moody, Capt. Rolfe
Morehouse, 1st Lieut. Levi S.

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Newell, 2nd Lieut. James McC.
Newland, Lieut. L. W.
Norris, 1st Lieut. Norwin B.
Norton, Lieut. John E.

Ohls, 2nd Lieut. William A.
O'Neal, Lieut. J. S.
Orr, 1st Lieut. Samuel K.
Overton, 1st Lieut. John Williams

Perkins, Lieut. Robert E.
Pigue, 1st Lieut. James A.
Price, 2nd Lieut. Charley E.
Puryear, 1st Lieut. George W.

Read, Lieut. George, Jr.
Reaveley, Lieut. Edward E.
Reed, 2nd Lieut. Lonus
Reese, Capt. Isaac, Jr.
Reilly, 1st Lieut. Geary Evans
Richards, Capt. N. C.
Robb, 2nd Lieut. Joseph Park
Rockwell, 2nd Lieut. Kiffith Y.
Rogers, Capt. George C.
Rosenthal, 2nd Lieut. Jos. H.

Sage, 1st Lieut. Abner
Seymour, Capt. Harry A.
Simm, 1st Lieut. Francis R.
Smith, 2nd Lieut. Tillman H.
Stanley, 2nd Lieut. Fernie E.
Stephens, 1st Lieut. Clay G., Jr.
Stephens, Brig.-Gen. John E.
St. John, 2nd Lieut. Alvin M.
Stribling, 2nd Lieut. Roy
Stuart, 1st Lieut. Edward S.
Summers, 1st Lieut. David K.

Tate, 1st Lieut. Thos. S.
Taylor, 1st Lieut. Herbert J.
Thompson, Lieut. Hugh S.
Timothy, 2nd Lieut. Christopher S., Jr.
Timothy, 1st Lieut. James S.
Trezevant, 2nd Lieut. Roy H.
Tyson, Lieut. Charles McGhee

Underwood, Capt. Robert B.

Vitatoe, Lieut. Jesse Arthur

Wade, Capt. Edie B.
Wagner, 1st Lieut. Matthias M.
Ware, 1st Lieut. Baxter
Ware, 1st Lieut. Ernest A.
White, 2nd Lieut. William A.
Wilson, 1st Lieut. Josephus B.
Witherspoon, 1st Lieut. Edwin E.
Wooten, 2nd Lieut. James C.

Yarbrough, 1st Lieut. Walter S.
Yeager, 2nd Lieut. Garrick H.

PRIVATES

Abbott, James F.
Abernathy, Isaiah (Col.)
Ackley, Earl R.
Acklin, Christopher C., Jr.
Acuff, James T.
Acuff, John F.
Adams, Clark (Col.)
Adams, Douglas
Adams, Ellis D.
Adams, James
Adams, John W.
Adams, Joe
Adams, Lewis B.
Adams, McKinley (Col.)
Adams, Reese
Adamson, Robert
Adcock, Thomas D.
Aden, Hugh
Adkerson, Robert U.
Adkison, Barney A.
Agnew, Herman G.
Ailor, Lillard E.
Akard, Wm. P.
Aken, John
Akin, Ewell W.
Albertson, Charles H.
Albright, Elmer
Alexander, Bundy
Alexander, Ernest J. (Col.)
Alexander, Horace L.
Alexander, John Trimble
Allbritton, Elmo (Col.)
Allen, Charlie (Col.) (Jefferson Co.)
Allen, Charles (Col.) (Obion Co.)
Allen, Eugene M.
Allen, Fred B.
Allen, Israel
Allen, James M.
Allen, Jesse E.
Allen, John Q.
Allen, John W.
Allen, Lavator
Allen, Leslie
Allen, Louis (Col.)
Allen, Monty
Allen, Obey L.
Allen, Tip M.
Alley, Bruce R.
Allison, Arthur T.
Allison, Jesse
Allison, Joseph P.
Allison, Stephen C.
Allman, Ike (Col.)
Allred, Everett
Alsup, Joseph E.
Amyx, Riley S.
Anderson, Charles L.
Anderson, Edgar B.

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Anderson, Henry C.
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Anderson, William L.
Andes, James Cowan
Andrews, James (Col.)
Angel, Henry F.
Angel, Victor L.
Anthony, Elmer L.
Anthony, H. B.
Anton, Thomas
Archer, John W.
Archer, Sam
Ardwell, Donald E.
Armes, Thos. W.
Arms, James H.
Armstrong, Fred (Col.)
Armstrong, Henry Guion
Armstrong, John W.
Armstrong, Walter R.
Arnett, John
Arnold, Bryan
Arnold, Charlie
Arnold, Edward E.
Arnold, Jesse N.
Arnold, James
Arnold, Robert E.
Arnold, Seguine A.
Arterburn, Elzie
Ary, Hubert L.
Ashe, John B.
Ashley, Robert H.
Ashworth, Edward
Ashworth, Richard
Aslinger, Calvin
Atchison, Mose (Col.)
Atchley, Amos
Atkins, William
Atwell, Dollan B.
Austin, Amos L.
Austin, Fred Clay
Austin, William
Ayers, Sidney S.

Baber, Frank W.
Baburek, Charles
Bachman, Jos., Jr.
Bacigalupo, Anthony W.
Bacon, Arthur N.
Bacon, Roy C.
Baggett, George S.
Bailey, Frank H.
Bailey, Hobart M.
Bailey, Jesse
Bailey, Sam
Bains, Walter C.
Bain, Cecil C.
Baird, Charles Roy
Baird, Millard
Baker, Claude A.
Baker, George N.
Baker, John R.
Baker, Joseph W.
Baker, Roy E.
Baker, Wilber C.
Balentine, Johnnie (Col.)
Ball, Evans
Ballard, William A.
Banholzer, Albert A.
Baninster, Augustus R.
Banks, Ellis M.
Banks, Wilkie S. J. (Col.)
Barbee, Eddie (Col.)
Barbee, Peter
Barber, Leonard L.
Barber, Lunda M.
Barber, Robert
Barcroft, William L.
Barker, Alvis Martin
Barker, Coleman (Col.)
Barksdale, Todd (Col.)
Barnes, John S.
Barnes, Luke
Barnes, Raymond E.
Barnett, Fred
Barnett, Lester Akin
Barnhill, Sidney (Col.)
Barr, James L.
Barr, John W.
Barrett, Cherry M.
Barrett, Claude A.
Barron, Hubert
Barry, Sidney F.
Bartlett, John L.
Barton, Charlie L.
Barton, Gentry Smith
Baskin, William H.
Basye, William T.
Bates, Clint
Bates, John M.
Bates, John P.
Battle, Alexander
Baxter, Henry S.
Baxter, John (Cocke Co.)
Baxter, John (Maury Co.)
Bayless, Joseph A.
Bayless, William T.
Bean, Bedford S.
Bear, Joseph
Beard, Tommie L.
Beasley, Frank H.
Beasley, Herman O.
Beatty, Erwin
Beaty, James R.

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Beaty, Wayne S.
Beavers, Morris
Beckman, Cleon V.
Bedford, Oscar
Bell, Charles E.
Bell, Edward (Col.)
Bell, Fred T.
Bell, Herbert
Bell, James M.
Bell, Leonard
Benford, Ernest (Col.)
Benick, John
Bennett, Charlie (Col.)
Bennett, DeWitt
Bennett, Leander A. (Col.)
Bennett, Samuel F.
Bennett, William C.
Bentley, John L.
Berry, Hobert M.
Berry, Lucian T.
Berry, Philip M.
Berryhill, William R.
Beshears, James I.
Bevill, Robert
Bewley, Jesse
Biggs, Hugh D.
Biles, Claude L.
Binkley, George R.
Binkley, William M.
Bishop, Lafayette
Bishop, Robert Taylor
Bishop, William
Bivens, James E.
Black, James W.
Black, John W.
Black, Leonard
Blackburn, Lonnie Lee
Blackwell, William F.
Blackwood, Fred
Blair, Charley
Blair, James W. (Col.)
Blalock, Harvey
Blalock, James M.
Blankenship, Dan Moses
Blansett, William J.
Blazor, Victor
Blevins, William
Blocker, Basil Otie
Bloodworth, John W.
Blount, Clyde
Board, George (Col.)
Boccia, Clemente
Bogart, Lemuel H.
Buchanan, Harry R.
Bolden, Cleveland (Col.)
Boles, Ralph E.
Bolling, Edward L.
Bolton, Samuel H.
Bond, Frank Nelson
Bond, Lewis T.
Bonner, Oscar M.
Booker, Howard L. (Col.)
Boone, Charles E.
Booth, William H.
Boren, Samuel L. (Col.)
Boruff, Lee Houk
Boswell, Daniel T.
Boulton, Wallace F.
Bowden, Virgil
Bowers, Samuel M.
Bowling, Edward W.
Bowling, William L.
Bowman, Albert A.
Bowman, Elbert
Bowman, George
Boyce, Leonard H.
Boyd, Berry
Boyd, Harley
Boyd, Lake C.
Boyd, William H.
Boyer, Charles Otto
Boyer, Walter E.
Boyland, James H. (Col.)
Bracey, Walter L.
Bradford, Nathaniel (Col.)
Bradford, Paul S.
Bradley, Ernest H.
Bradley, Forrest
Bradley, Sam Waldo
Bradshaw, John W.
Brady, Fred W.
Bragg, Thomas G.
Brakefield, Joseph D.
Branan, Jesse
Branch, Leslie (Col.)
Brandon, Carl D.
Brann, Cayce F.
Brannon, John J., Jr.
Brasher, Wilson
Brasier, John Carney
Branzendine, Al
Breeden, Lawrence
Brewer, Alva McK.
Brewer, Jesse S.
Brewer, Leonard T.
Brewer, Nathan
Brewer, Robert A.
Brewer, Robert L.
Brewer, Tipton J.
Brewington, Fred
Briggs, Archibald L.
Briley, Macy Lee
Brison, Oscar
Brison, Walter C.
Britt, William
Britton, William E. (Col.)
Broadwell, Charlie C.
Brock, Robert L.
Brooks, Alfred

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Brooks, Weaver R.
Brookshear, William E.
Brown, Alexander
Brown, Bud (Col.)
Brown, Campbell S.
Brown, Charlie A.
Brown, Dock
Brown, Ezra A.
Brown, George E.
Brown, Harry
Brown, James (Col.)
Brown, James A.
Brown, John F.
Brown, John W.
Brown, John W. (Col.)
Brown, Lon
Brown, Louis (Col.)
Brown, Martin C.
Brown, Robert T.
Brown, Sydney H.
Brown, Tom (Col.)
Brown, Walter (Col.)
Brown, William
Brown, William Herbert
Browning, John W.
Browning, William L.
Broyles, Cecil C.
Broyles, Jesse
Broyles, Robert F.
Bruce, Tom
Brumley, Herman L.
Brummitt, Luther J.
Bryan, William
Bryant, Cleveland (Col.)
Bryant, George D.
Bryant, James H.
Bryant, Vraden
Bucey, Henry C.
Buchanan, Claude (Col.)
Buchanan, Elsie
Buchanan, Frederick (Col.)
Buck, Charles E.
Buck, Homer
Buckingham, Joshua (Col.)
Buckner, Clyde I.
Bumpus, Isaiah (Col.)
Bunch, Joseph
Bunn, Paul A.
Bunyon, Joseph C.
Burch, Jas. M.
Burchfield, D. H.
Burchfield, John Henry
Burchfield, William R.
Burdet, Francis Joseph
Burdine, Ballard (Col.)
Burdock, Robert
Burger, Horace
Burgess, Charles
Burgess, Robert T.
Burgess, Urious I.
Burk, Ernest
Burke, Frank E.
Burkett, John R.
Burkey, Edgar C.
Burkhart, Bruce
Burkhart, Walter Wesley
Burks, Etherl E.
Burks, Foster N.
Burks, Thomas C.
Burlison, Sherl
Burnett, Luther L.
Burnett, Mack
Burnett, Thomas H.
Burnley, Lee (Col.)
Burns, Essex
Burns, George H.
Burns, Lee
Burns, Robert C.
Burrell, Carlton (Col.)
Burtis, Governor (Col.)
Burton, Albert C.
Burton, H. H.
Busey, Henry C.
Bush, Albert Franklin
Bush, Alexander (Col.)
Bush, Eath
Bush, Juel
Bush, William C.
Butler, Clarence F.
Butler, Fletcher W.
Butler, Lyman C.
Butler, Martin Alvin
Butler, Tillman
Butts, Bethel
Byars, Pleasant V.
Byram, James M.
Byrd, Dan H.
Byrd, Ed M.
Byrd, Wade Hampton

Cabe, John R.
Caddis, William P. (Col.)
Cagle, Thomas G.
Cain, Thomas M.
Caldwell, Dandridge W.
Caldwell, George H.
Caldwell, Joseph H.
Caldwell, William S.
Calhoun, Gus B.
Callahan, Benjamin F.
Camp, Lafayette
Campbell, Alex
Campbell, Ernest J.
Campbell, Fred R.
Campbell, Harrison
Campbell, Willard
Campbell, William
Campbell, William C.
Campbell, William W.

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Camper, David K.
Canada, Thomas Ray
Cannon, Joseph K.
Cannon, Walter G.
Cantrell, Huly McC.
Cantrell, Jas.
Cantrell, John E.
Carden, James E.
Cardwell, Donald Eugene
Carlock, Albert A.
Carlyle, William C.
Carnahan, William
Carne, John Boyd
Carney, Andrew J.
Carney, Everett F.
Carothers, Harland
Carpenter, Ernest
Carpenter, James
Carpenter, Robert B.
Carr, Elisha
Carr, John M.
Carr, Will Roscoe
Carrick, George W.
Carroll, Edward L.
Carroll, Rush (Col.)
Carson, Joseph E.
Carter, Alonzo
Carter, Cleveland (Col.)
Carter, Ernest C.
Carter, Grover C.
Carter, Hugh
Carter, James L.
Carter, John Buford
Carter, Ola Kyle
Carter, Overton (Col.)
Carter, Sanford G.
Carter, Walter O.
Carter, William
Cartwright, Clem (Col.)
Carver, Rock
Casey, John
Cassiola, Sam M.
Cate, Ashley J.
Cate, Floyd M.
Cate, Thomas C.
Cates, Henry C.
Cates, John G.
Cathey, Elijah (Col.)
Cathey, George
Caton, Arthur E.
Catron, Guy (Col.)
Caudill, James E.
Cavin, Charlie A.
Cawood, Fred.
Caylor, Grayson
Chamberlain, Mike
Chambers, Angus
Chambers, William A.
Chambliss, Bruce S.
Chandler, Floyd
Chandler, Grover C.
Chaney, Elder
Chappell, Elmer
Charles, Ollie
Chatham, Lewis E.
Chatham, Ophelia (Col.)
Cheat, Vince R.
Cheatham, Kirby H.
Cheers, Esau (Col.)
Chenoweth, Carl C.
Chenoweth, Rufus W.
Cherry, John
Cherry, Lexie
Cherry, Stone F.
Chest, William O.
Chewning, Arthur Wm.
Childers, Howard D.
Childress, Murrow
Chiles, Frank G.
Chiles, Walter (Col.)
Chilson, Carl A.
Chitwood, William
Choate, James
Choate, Stephens D.
Chord, Alton L.
Chrisman, Amos
Christian, Claude R.
Christian, Paul H.
Christian, Zollie D.
Christmas, Lewis (Col.)
Christopher, Culess D.
Christopher, Reubin T.
Civils, John W.
Clabo, Hugh C.
Clabo, Robert P.
Clark, Buford
Clark, Charlie
Clark, Charlie A.
Clark, Floyd B.
Clark, George R.
Clark, Harden E.
Clark, Henry M.
Clark, Jas. A.
Clark, John W.
Clark, Prichard
Clark, William Oscar
Claxton, William H.
Clayton, Grover C.
Clayton, Lebert L.
Clayton, Virgil A.
Cleghorn, Frederick A.
Cleghorn, William R.
Clemens, Edward E.
Clement, Hugh Tillman
Clement, Riley Franklin
Cliburn, Edison P.
Clifford, Robert B.
Clifton, Fred
Clifton, Neal G.

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Climer, Calvin C.
Climer, Riley J.
Clinton, Clennie
Clinton, John
Cloud, George W.
Cloys, Hugh A.
Cluck, Britton
Cochran, Frank B.
Cochran, Lee
Cochran, Wilson C.
Cocke, Robert S.
Cockrell, Frank T.
Cockrum, Lawrence W.
Cocks, James E.
Coffman, Paschel (Col.)
Cogdill, Benjamin J.
Cohen, Albert, Jr.
Coker, Ulysses
Colboch, Bruce M.
Cole, Emmett
Cole, James W. (Col.)
Cole, LeRoy
Cole, Simon
Coleman, Hubert
Coley, Lester H.
Collins, Charles G.
Collins, Claude S.
Collins, Fred
Collins, Gordon B.
Collins, James A.
Collins, James E.
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Collins, Robert (Col.)
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Colville, Osborne Lindsay
Colwell, Alvin
Colwick, Will
Combs, James F.
Combs, Sherman
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Compton, John Fred
Compton, Porter E.
Condrey, Thomas W.
Congdon, Warren A.
Conger, Hamilton
Connell, Claude W.
Conry, James
Cook, Charles E.
Cook, Robert
Cook, Sherman (Col.)
Cooley, James R.
Cooney, Aloysius B.
Coop, George P.
Cooper, Charles E.
Cooper, Earl R.
Cooper, Frank H.
Cooper, Gus A.
Cooper, Hampton
Cooper, Joseph C.
Cooper, Lloyd C.
Cooper, Oscar (Col.)
Cooper, Pleas H.
Cooper, William F.
Cooper, William N.
Cooper, Winfred A.
Corbin, Samuel F.
Corey, Henry
Cornelius, Charles E.
Corum, Don D.
Cotter, John P.
Cousins, Lee
Covington, Dewey A.
Cowan, Joseph
Cowan, Winslow Edwin
Cowans, Brownlow (Col.)
Cox, George T.
Cox, Hunt
Cox, John Mayberry
Cox, William Thomas
Crabtree, Sewell J.
Craft, Austin (Col.)
Craig, Frank R.
Crank, Guilford L.
Crank, Waldow I.
Crawford, Charlie G.
Crawford, John H.
Crews, Elliott A.
Crews, Hubert B.
Crim, William M.
Cripps, William H.
Crisp, Samuel
Crisp, Walter
Crittenden, Chester D.
Crofford, John A., Jr.
Crofford, W. H.
Croft, William G. (Col.)
Cross, Comer
Cross, Isaac
Cross, Roger H.
Crossnoe, Robert E.
Crowder, Ernest J. (Col.)
Crowder, John (Col.)
Crumbliss, Claude D.
Crumley, William R.
Crunk, William H.
Crusenberry, Robert
Cudworth, Joseph H.
Culp, Charlie
Cummings, Jack (Col.)
Cummings, James D.
Cummings, Jesse
Cummings, Wade
Cummings, William
Cuneo, Aldino Francis
Cunningham, Benjamin
Cunningham, James D.
Cunningham, Wilsie P.
Cupp, Oscar P.
Cupples, Curry C.

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Curtain, Robert E. (Col.)
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Curtis, Thomas A.
Cutrell, Albert B.
Cutshall, Albert D.

Dalton, William E.
Daly, John H. (Col.)
Daniel, James R.
Daniel, Marion J.
Daniels, Bernie
Daniels, William E.
Darety, John H.
Daugherty, James D.
Daugherty, Robert
Davenport, Cornelius G.
Davidson, Ward
Davis, Abe J.
Davis, Albert (Col.)
Davis, Charlie (Col.)
Davis, David
Davis, Donald M.
Davis, Eugene
Davis, Francis
Davis, Frank H.
Davis, Henry Porter
Davis, Homer (Col.)
Davis, Huffman
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Davis, Joseph (Col.), Hamilton Co.
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Davis, Oliver L.
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Davis, Sawyer (Col.)
Davis, Solomon (Col.)
Davis, Tommie D.
Davis, Thomas L.
Davis, Thurman
Davis, Wallace H.
Davis, Wesley
Davis, William (Col.) Shelby Co.
Davis, Willie (Col.) Davidson Co.
Davis, William F.
Davis, Will L. (Col.)
Dawn, John R.
Daws, Harrison
Day, Ethelbert
Day, Lafayette
Day, Norman M.
Dayton, John (Col.)
Dayton, John Hooper
Dean, James L.
Dean, Martin (Col.)
Deberry, Colonel
Decker, George W.
Deere, Jesse L.
Deffenbaugh, Elmer H.
Delias, Marcus N.
Delius, Clinton F.
Deloach, Walter
Dement, Clay W.
Deming, Hardeman D.
Dempsey, Thomas Earl
Dennis, John, Jr.
Dennis, Joseph
Dennis, Judson W.
Denson, Fred (Col.)
Dent, Grover C.
Denton, Guilford
Denton, John Lucas
Dever, Chaplain John A.
Dickey, Arthur W.
Dickson, Earl S.
Dickson, Richard H.
Dillard, George G.
Dillard, Wince (Col.)
Dinwiddie, Green
Disbonnett, Curtis E.
Dishman, Charles
Dismukes, George R.
Divens, John T. (Col.)
Dixon, George L. (Col.)
Dobbs, Houston
Dobbs, Walter T.
Dobson, James T.
Dockery, John
Dockins, Mental P.
Dodd, Connie Lee
Dodin, James
Dodson, Edward O.
Doggett, Ahmid (Col.)
Doles, Logan
Donahoo, John (Col.)
Donald, Benjamin F.
Donaldson, George R.
Donaldson, James H.
Donati, Joseph
Doney, John D.
Donahue, William J.
Dorsey, Mayfield
Dotson, Emanuel (Col.)
Dougherty, John
Douglas, Abner B.
Douglas, Arthur B.
Douglas, Eugene, Jr.
Doward, George W. (Col.)
Dowell, Carlos Boyd, Sr.
Downing, Robert
Doyle, John Carroll
Dozier, Tobe
Drake, William L.

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Dubose, William (Col.)
Dudderar, Marshall B.
Dudney, George H.
Duggan, Roscoe H.
Dugger, William S.
Dunavan, James M.
Dunaway, Fred L.
Dunaway, Lewis G.
Dunbar, Henry Clyde
Dunbar, Merritt
Duncan, Charles T.
Duncan, Samuel H.
Dunkin, Stanley (Col.)
Dunlap, Dallas (Col.)
Dunmon, James C.
Dunn, Robert T.
Dunn, William B.
Dunnagan, Sam R.
Dunnavant, Robert H.
Durham, F.
Duscall, H. I.
Dyer, Beryl
Dyer, Glenn H.
Dyer, John W.
Dyer, Robert L.
Dyer, Samuel C.
Dykes, Robert A.
Dykes, Sanders
Dyson, Richard (Col.)

Eads, Walter
Earle, Charles L.
Earle, Jackson C.
Earls, Eugene
Earps, Elbert A.
Eason, Paul M.
Eastridge, James
Eaton, Charles William
Eatmon, William M.
Eaves, Eldee
Eckles, George H.
Edenton, Charles (Col.)
Edge, Floyd
Edminston, Wilmer W.
Edmonds, Marion Emmett
Edmondson, Finley
Edmondson, Homer K.
Edmondson, John K. (Col.)
Edmondson, Marvin E.
Edwards, Charles C.
Edwards, Garrett
Edwards, Levi (Col.)
Eison, Hosie
Elam, Linsey
Elbon, Benjamin W.
Elihue, Patrick (Col.)
Ellery, James Elry (Col.)
Elliot, Anderson
Elliott, Holice Clinton
Elliott, Richard H.
Ellis, Bunn W.
Ellis, Fife Vaughn
Ellis, James (Col.)
Ellis, John W.
Ellis, Nash (Col.)
Ellison, Ernest N.
Ellison, Major G.
Elrod, Chester F.
Ely, Ernest
Ely, Robert L.
Elza, Grover
Emerson, Hobart E.
Emert, Lon E.
Empson, Robert T.
England, Zummer
Enloe, Luna Wesley
Epperson, Frank
Erby, Allie D.
Erwin, Byrd R.
Erwin, Louis S.
Escue, Maynard W.
Esslinger, Trice H.
Estes, Idol
Etheridge, Morris
Evans, Arthur G.
Evans, Earl
Evans, Ed
Evans, Eldee
Evans, Joseph H.
Evans, Lester N.
Evans, Luther
Evans, Richard C.
Evans, Thomas A.
Evans, Thomas J.
Evans, William T.
Everett, Raymond E.
Evitts, William J.
Ewing, Abraham Lincoln, Jr. (Col.)
Ewing, James (Col.)
Ewton, Dallas P.
Ezell, William M.

Fagg, Auls
Fagin, Walter
Falls, Edward
Fansler, Claude
Faris, William B.
Farlow, Charles J.
Farmer, Fred
Farmer, Herbert
Farmer, Toby
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Farrell, Cecil O.
Farris, Wm. Dean
Fasio, Lewis
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Feezel, Meek
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Fernandez, Pack D.
Ferreter, James
Ferris, Ernest
Field, Millard R.
Field, Thomas C.
Fields, Dennis E.
Fields, Henry (Col.)
Filson, John W.
Findley, Joel L.
Fine, John F.
Finley, Joseph T.
Finney, John H.
Fish, Wm. McKinley
Fish, Charlie T.
Fisher, Everett
Fisher, Randall D.
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Fitch, Edwin L.
Fitzgerald, Walker S.
Fitzhugh, John Young
Fitzhugh, Luther
Flatt, James L.
Flatt, Sidney
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Fleenor, Thedford H.
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Fleming, Willard
Fleming, Robert (Col.)
Flenniken, John J.
Fletcher, Dan
Fletcher, John W.
Fletcher, Robert N.
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Flowers, Earl
Flowers, Martin L.
Floyd, Azle B. (Col.)
Floyd, James C.
Fly, Ernest
Fly, Homer (Col.)
Fly, Prentis
Fly, Richard (Col.)
Flynn, Clarence C.
Fogg, James M.
Follis, William Everett
Ford, Brady (Col.)
Ford, Charles Joseph
Ford, Jesse B.
Ford, Robert R.
Ford, Sam (Col.)
Ford, Virgil
Fore, Birdo
Forester, Jodie C.
Forrest, Alfred C.
Forrester, John W.
Forsythe, William A.
Fort, Daniel C. (Col.)
Foster, Edgar
Foster, Enoch S.
Foster, Jack
Foster, James B.
Foster, Robert C.
Foster, Roland M. (Col.)
Foster, Walter McD.
Foster, William E.
Foutch, James M.
Fowler, Alvin (Col.)
Fowler, Roscoe (Jefferson Co.)
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Fowlkes, Benjamin M.
Fowlkes, Willie (Col.)
Fox, Daniel
Fox, John O.
Fox, Thomas G.
France, William F.
Francisco, James I., Jr.
Frazier, Alfred
Frazier, Collins (Col.)
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Frazier, James A.
Frazier, Walter R.
Free, Charlie C.
Freeman, Everett
Freeman, James M.
Freeman, Joshua
Freeman, Thomas J. (Col.)
Freeman, William T.
Freeze, Lawrence
French, Davis
French, Marshall T.
Friedman, James H.
Frierson, Watts (Col.)
Frith, Thomas R.
Fritz, William
Froines, Hans P.
Frost, Elvin
Frost, Oscar
Frost, Robert L.
Fryar, Guy D.
Frye, John W.
Fuggitt, John W.
Fulcher, William P.
Fulkerson, Joseph
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Gammon, James
Gann, Bert Davis
Gann, James
Gann, William
Gardner, Eugene
Gardner, James (Col.) Blount Co.
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Gardner, Roy
Gardner, William L.
Garland, James L.
Garmon, John H. (Col.)
Garmon, Joseph
Garner, Elbert O.
Garretson, Teddy
Garrett, Elijah Oren
Garrett, George W.
Garrett, William M.
Garrison, John
Garrison, William
Gatlin, Joshua O.
Gatlin, Landon
Gattis, William
Gavin, Samuel (Col.)
Gawlet, Ross
Gay, Rankin D.
Gaynor, Edwin B.
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Gentry, Audie F.
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George, Allie (Col.)
George, Howard
George, Ike (Col.)
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Gerard, George R.
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Gerlach, Bennie A.
Gholston, James (Col.)
rdina, Frank
Gibbons, Arthur W.
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Gibson, Herbert D.
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Gilbreath, Archie (Col.)
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Gilchrist, Luther F.
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Gill, Louis (Col.)
Gill, Theo. H.
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Gillespie, Guy B.
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Gilliam, Ernest P.
Girdner, Curtis
Givens, Curtis (Col.)
Givens, Samuel O.
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Goff, William A.
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Goins, Ollie
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Gooch, Clarence C.
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Gotthardt, William O. (Col.)
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Graham, Elmer (Col.)
Graham, William Perry
Granberry, James (Col.)
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Green, Neil
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Gregory, Schuyler
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Griffin, Herbert L.
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Grigsby, Melbane E.
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Grimsley, Earl D.
Grindstaff, John E.
Grissom, James B.
Grissom, Sam
Groner, Lena Floyd
Grooms, Wallace H.
Grubb, William Allen
Grubbs, Charles W.
Grumley, William R.
Gudger, Floyd H.
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Gulley, Henry
Gunn, Ivory (Col.)
Gunnels, Louis
Gunter, Hugh Wiley
Gurley, Andrew J.
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Gurley, Thomas
Guth, Fred C.
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Gwaltney, Pleasant D.
Gwyn, James
Haas, Doss B.
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Hackett, Charles H.
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Haddock, Dolphie
Hagan, Wallace L.
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Haile, Max
Hair, Luther G.
Haire, Daniel S.
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Hamby, Samuel M.
Hamilton, Armstead E. (Col.)
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Hammons, Ernest (Col.)
Hampton, Oscar
Hampton, Thurman (Col.)
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Haney, Senter
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Harlon, Zebulon (Col.)
Harlow, William B.
Harmon, Claude L.
Harper, Albert S.
Harper, Harvey L.
Harper, Walter R.
Harrel, Archer B.
Harrington, David A.
Harris, Clarence T.
Harris, Grady
Harris, Milton
Harris, Nelson (Col.)
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Harris, Samuel E.
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Harrison, Clarence (Col.)
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Harrison, Oscar B.
Harrison, Thomas M.
Harrison, Thomas O.
Hart, Johnnie (Col.)
Hart, Porter
Hart, Samuel H.
Harvey, Abraham (Col.)
Harvey, Aubrey E.
Harvey, Mark
Harvill, James A.
Harwell, Howard Lee
Hassell, Matthew C.
Hassell, Nathan (Col.)
Hasting, Walter R.
Hastings, Eddie H.
Hastings, James W.
Hatfield, Clarence (Col.)
Hatfield, Lester M.
Hathaway, Fred S.
Hathcock, James E.
Hathcock, Robert
Hatmaker, Harvey
Hawk, Valdria D.
Hawkes, Edgar
Hawkins, Carl D.
Hawkins, Gordon E.
Hawkins, Joseph
Hawkins, Marvin (Col.)
Hawkins, Ross
Hawks, Closie
Hawks, Thurman E.
Hay, Marcus S.
Hayes, John B.
Hayes, William J.
Haynes, John W.
Haynes, Leroy B.
Hays, Leon
Hays, Robert A.
Hays, Thomas C.
Hays, William C.
Hayton, Joseph K.
Haywood, Eli R.
Hazel, Norman L.
Hazzard, John Cosby
Head, John W.
Head, Martin B.
Heaton, Walter H.
Hefley, James B.
Heggie, Donald
Helft, Loftin E.
Hellard, Jesse H.
Hellem, Benjamin (Col.)
Helton, Lee R.
Hembree, George S.
Henderson, Otis L.
Henderson, Robert J.
Hendriex, Daniel C.
Hendrix, Roby
Hendrix, Roy T.
Henley, John
Hennessee, William
Henning, Samuel E.
Henry, Ernest B.
Henry, John S.
Henry, William R.
Hensley, Walter
Herbison, Ellet T.
Herman, Fred B.
Herriman, William S.
Herrington, Clinton E.
Hestand, Clyde F.
Hester, Taylor D.
Hibbett, Charles Y.
Hice, Benjamin F.
Hickerson, Thomas
Hickey, Callie M.
Hickey, David C.
Hickey, Ed H.
Hickey, Lee L.
Hickman, Claude D.
Hickman, Horace
Hickman, William P.
Hicks, Arthur W.
Hicks, Charles
Hicks, Charles L.
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High, Benjamin S.
Highett, Robert M.
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Hill, Henry (Col.)
Hill, Horace J.
Hill, James R.
Hill, John H.
Hill, Price E.
Hill, Richard
Hill, Rufus
Hill, Samuel M.
Hillard, James (Col.)
Hillis, Alfred
Hilton, Charlie A.
Hindman, James Robert
Hindman, Thomas Jehu
Hinds, Arthur
Hinds, Arthur J.
Hines, Joseph (Col.)
Hines, Wiley
Hinkle, James T.
Hinkle, Lee
Hinkle, Porter
Hinson, Commodore
Hinson, Stewart
Hipps, Noah G.
Hirt, Horace (Col.)
Hitchcock, Albert L.
Hitner, Fred
Hittson, Hence H.
Hodge, George A.
Hodges, Johnnie
Hodges, Leighton (Col.)
Hodges, Thomas A.
Hoeft, Lofton E.
Hogan, Sutton
Hoge, Herbert
Hoge, Samuel B.
Holcombe, Lynn S.
Holden, Edward
Holden, Elbert A.
Holden, Robert N.
Holder, Doak
Holdham, August B.
Holdway, Benjamin
Holiday, Lee (Col.)
Holland, Grover B.
Holland, Hurlbert R.
Hollis, John G.
Hollis, Joseph F.
Hollomon, Chester C.
Hollowell, Hobert
Hollowell, James E.
Holman, Charles J.
Holman, Wilson D.
Holston, James F.
Holt, Esther C.
Holt, Henry (Col.)
Holt, Hobert M.
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Holt, Melvin
Holt, W. E.
Holt, William H.
Holton, Lee R.
Honeycutt, John G.
Honeycutt, Oscar C.
Hooker, Virgen (Col.)
Hooper, Orbitt P.
Hooten, Wilson L.
Hoover, Houston
Hoover, William
Hopkins, Harrison
Hopkins, Marshall N.
Hopkins, Wilson G.
Hopson, Claude
Horn, Albert M.
Horton, Ernest (Col.)
Horton, Flavors (Col.)
Horton, Henry (Col.)
Houk, Isham N.
House, James (Col.)
House, James E.
House, William H. (Col.)
Housley, Joseph L.
Houston, Carl (Col.)
Houston, Henry (Col.)
Houston, William (Col.)
Houts, Loyd
Hovey, George E.
Howard, Benjamin L.
Howard, Flury
Howard, Henry
Howard, Philip
Howard, William (Col.)
Howell, Carmack M.
Howell, Charles C.
Howell, Guy
Howell, Walter
Howell, William L.
Howlett, H. F.
Howze, Marvin N.
Huckaby, Eugene W.
Huddleston, Asberry (Col.)
Huddleston, Corbett A.
Hudgens, Hobart
Hudgins, George
Hudgins, Samuel L.
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Hudiburgh, Alva J.
Hudson, Charles N.
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Huey, DeWitt T.
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Hughes, General B.
Hughes, Harvey
Hughes, Otto J.
Hughes, William B.
Hughett, Robert M.
Hulsey, Thomas W.
Humphreys, George
Humphreys, James
Humphreys, William J.
Hunigan, George B.
Hunt, George T.
Hunt, Jesse G.
Hunt, John (Col.)
Hunt, Oscar (Col.)
Hunt, William (Col.)
Hunt, William Calvin (Madison Co.)
Hunt, William C., Jr. (Shelby Co.)
Hunt, William D.
Hunter, Cleveland (Col.)
Hunter, Conrad
Hunter, David F.
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Hunter, Luke Duly
Hunter, Shellie (Col.)
Hurlbut, Allen
Hurst, Miles
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Hutchinson, Shannon (Col.)
Hutton, John B. (Col.)
Hyde, George
Hyde, Gilliam H.

Ingle, James W.
Ingram, Charles L.
Ingram, Edward
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Ingram, Peter
Inlow, James L.
Irons, John R (Col.)
Isbell, Warnie
Isley, Sam
Ivey, William L.
Ivy, Elbert C.

Jackson, Buford W.
Jackson, George L.
Jackson, Harrison B.
Jackson, James I.
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Jacobs, Luther D.
Jacobs, William
Jacobs, Wilton B.
James, Harrison
James, Hugh S.
James, Pleasant
James, Robert S.
James, William
Jamison, Ellis
Jamison, Leslie U.
Janes, Johnnie R.
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Jarrett, Matt (Col.)
Jean, Homer L.
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Jeffers, Clovis
Jenkins, Clarence A.
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Jenkins, William B.
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Jett, Adrian O.
Jillson, John W.
Jobe, Andrew K.
Johnson, Andrew J.
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Johnson, Daniel W.
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Johnson, Ernest R.
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Johnson, Frank R.
Johnson, George
Johnson, George (Col.)
Johnson, Gilford T.
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Johnson, James H. (Col.)
Johnson, James L. (Col.)
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Johnson, John (Cocke Co.)
Johnson, John (Tipton Co.)
Johnson, John H.
Johnson, Joseph
Johnson, Lawrence W.
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Jones, Champ L.
Jones, Charley (Col.)
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Jones, Edward L.
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Jones, Frank
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Jones, William A. (Weakley Co.)
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Jordan, Major (Col.)
Jordan, Thomas R.
Jordan, Walter Perry (Col.)
Joyner, Roy E. (Col.)
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Judkins, Aubrey G.
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Keaton, Matthew D.
Keck, Carben A.
Keck, James L.
Keeling, Joseph
Keen, Joseph
Keenam, Homer
Keener, William H.
Keesee, Arthur L.
Keezel, William A.
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Kell, Elmer Harold
Kelley, John J.
Kelley, Stephen L.
Kellow, James A.
Kelly, Arl B.
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Kendall, William B.
Kendrick, William (Col.)
Kennedy, Abe L.
Kennedy, Arthur (Col.)
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Kerrigan, Frank A.
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Ketchem, James
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Key, Sam
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Kibert, Arthur V.
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Kiestler, Robert L.
Kietbeza, John S.
Kilgore, George
Kilgore, John I.
Kilgore, Leonard
Killgore, Felan W.
Kilpatrick, Clarence T.
Kilzer, Grover C.
Kimbel, Ashley
Kimbel, Harvey L.
Kimbrough, Charley C.
Kimes, F.
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Kirk, Ernest (Col.)
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Kirwin, Thomas M.
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Knight, Stephen
Knight, William J. (Col.)
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Knott, Charles I.
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Knox, W. N.
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Koger, Victor H.
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Koonce, Curtis H.
Koonce, Theo.
Koontz, Floyd T.
Kosminski, Robert R.
Kuntz, Joseph C.
Kuss, Xavier Tilford
Kyle, Joseph W.
Kyle, Levere
Kyle, Seth E.
Kyle, Warren

Lambert, Connie
Lacey, Charles S.
Lacy, Charles A.
Lake, Benjamin (Col.)
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Lamber, Lofton G.
Lamberson, Sam
Lambert, Connie
Lambert, Robert A.
Lambert, Walter G.
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Lane, Buford
Lane, Edd
Lane, Edward W.
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Lane, Odell
Lane, Solomon (Col.)
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Langford, John Alexander
Langford, Stephen E.
Langford, Thomas
Lanier, William H.
Lanier, William I.
Lankford, Clayton J.
Lankford, William Q.
Lannom, Claude
Lannom, Coy
Lantrip, Spencer
Largent, Edward
Lark, William G. (Col.)
Larree, Jerry
La Rue, Floyd S.
LaSater, Woodford
Lasley, William
Laster, Horton
Latham, James A.
Lato, Robert
Laugherty, Allison L. R.
Lawlah, William (Col.)
Laws, Orvall
Lawson, Bud
Lawson, Elsie
Lawson, Ira M.
Lawson, Luke
Lawson, William McK.
Lawson, William P.
Lay, William J.
Layne, James H.
Layne, Owen B.
Leach, Thurman J.
Leach, William H.
Leaman, George
Ledbetter, Homer P.
Ledbetter, James
Ledbetter, John H.
Ledbetter, Oliver
Ledbetter, Shirley L.
Ledbetter, Walter R.
Ledford, Dewey A.
Ledford, James L.
Ledford, William M.
Lee, Arthur
Lee, Bishop M.
Lee, James S.
Lee, Louis E.
Lee, Marvin H.
Lee, William (Col.)
Lee, Wisdom (Col.)
Lee, Worley
Lefever, Claude
Leffew, Louis E.
Legge, Blonnie V.
Lehning, Henry
Lemert, Milo
Lemmons, Joseph C.
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Lett, Bernie

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Lewis, Joseph (Col.)
Lewis, Joseph W.
Lewis, Lawrence D.
Lewis, Lee
Lewis, Lonnie M.
Lewis, McKinley (Col.)
Lewis, Tipton
Lewis, William Benton
Lewis, William H.
Lifsey, Thomas E.
Light, Elihue (Col.)
Light, Harry
Light, William
Lindsey, John W.
Lineberger, Erroll W.
Liner, Lee L.
Liner, Oscar R.
Linginfelter, Ernest R.
Linkous, James F.
Lisenby, James S.
Little, Alexander (Col.)
Little, Le Roy V.
Littleton, James L.
Livingston, Ralph L.
Lockhart, Edward H.
Lockhart, James N.
Loden, James Mack
Logan, William C.
Logue, Robert G.
Loller, Willie
Lomax, Fred E.
Lomenick, Paul
Long, Albert
Long, Bratcher H.
Long, Claude
Long, James C.
Long, Jesse H.
Long, John
Long, John C.
Looney, George
Looney, John (Col.)
Loop, Estell William
Losey, Fred R.
Lott, June (Col.)
Louallen, Walter N.
Louvierre, Jerry
Love, Fred D.
Love, Presley L.
Love, Stanley (Col.)
Lovelace, Alcey M.
Loveless, Patrick
Lovell, Effie
Lowe, Eugene A.
Lows, Roger L.
Lowery, Homer M.
Lowery, John W. (Col.)
Lowry, Charles (Col.)
Lowry, Joseph (Col.)
Loy, William
Luibel, John E.
Luna, George
Lunsford, Bedford B.
Lusk, Harvey
Luther, Richard M.
Luttrell, Ernest
Luttrell, Hugh
Luttrell, James Louis
Lyell, Justin O.
Lyle, Fred T.
Lynch, Enoch
Lynch, Roy L.
Lynn, Roy E.
Lyons, Milford

McAdoo, Robert E.
McAlister, Sherman
McAlister, William R.
McAmis, Clarence
McBride, Herchell C.
McCain, Vancy F.
McCalahan, Frank C.
McCall, Frank
McCallie, Thomas Crane
McCampbell, Arthur L.
McCarter, Morris E.
McCarty, Samuel A.
McCathrion, John H. (Col.)
McChee, J.
McCord, Alton L.
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McClanahan, Harvey H.
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McFarland, Robert G.
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McFeeture, Carter D.
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McGuire, Samuel
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McIsaac, James
McKay, William R.
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McKinney, Edgar L.
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McMillan, David H.
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McNeese, Walter E.
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McRae, W. W.
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Magness, Thomas H.
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Mains, Joseph R.
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Malone, John
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Maloy, Robert
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Marchead, Joseph H.
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Marine, Leonard F.
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Marks, Arthur (Col.)
Marks, William C.
Marks, William G.
Marlin, Marion H.
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Marshall, James
Martin, Almond C. (Col.)
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Martin, Jodie H.
Martin, Roy
Mason, Francis Arthur
Mason, Hobert (Col.)
Mason, Joseph M.
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Massengill, W. A.
Massey, Horace (Col.)
Massey, Luther (Col.)
Massey, Paul E.
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Matherly, Ralph B.
Mathis, Edward L.
Mathis, Henry (Col.)
Mathis, Robert
Mathis, William A.
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Mays, Pinkney (Col.)
Meadlock, Rogers (Col.)
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Meeh, John C.
Meek, William R.
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Melton, Milbern
Mentloir, Charles
Meroney, Clyde
Merritt, Drennan
Merrow, Flavious J.
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Messer, William H.
Mezinge, E.
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Milam, Lonnie W.
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Miller, Elmer H.
Miller, George F.
Miller, Harry
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Miller, James W.
Miller, Lacy E.
Miller, Lon Hayes
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Miller, W. L.
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Mills, Cegie DeWitt
Millsaps, Hollins A.
Milton, Thomas
Minchie, William M.
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Miracle, Harvey
Mishler, John Herbert
Mitchell, Ace
Mitchell, Gallion (Col.)
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Mitchell, Nile
Mitchell, Orville T.
Mitchell, Thomas A.
Mitchell, W. W.
Mocker, Lambert H.
Moffitt, Luther B.
Moffitt, Milburn
Molsbee, Samuel K.
Monroe, Joseph S.
Montgomery, Claude K.
Montgomery, William A.
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Moore, Clarence (Col.)
Moore, Elijah
Moore, Elzy Van
Moore, Emmett H.
Moore, George A.
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Moore, George W.
Moore, Hagan
Moore, Homer
Moore, Hugh T.
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Moore, William F.
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Moreland, Thomas W.
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Morris, Cleo
Morris, Harry D.
Morris, John H.
Morris, Johnnie L. (Col.)
Morris, Leonard W.
Morris, Matthew W.
Morris, Mereda E. Lee
Morrow, Charles W.
Morrow, Emmett C.
Morton, Clyde C.
Morton, Mikie M.
Moseley, Austin H.
Moser, Anan Lester
Mosley, James
Moss, Charles L.
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Murphy, John M.
Murphy, Paul (Col.)
Murphy, Phinheg
Murphy, Riley O.
Murray, Jos. (Col.)
Murray, Tonnie
Murrell, James (Col.)
Myers, David R.
Myers, George
Myers, John F.
Myers, Murphy J.
Myers, Sam E.
Myers, William
Myers, William P.
Mynatt, Burlie G.

Nabors, Lem B.
Naill, J. C.
Nance, Joseph
Nanney, Louis E.
Nathan, James
Neal, A.
Neal, Herman
Neal, Royal (Col.)
Neal, Thomas J.
Nearn, Alford L.
Neblett, Bradford (Col.)
Neblett, John Buford
Neely, John Kilmer
Neisler, Samuel
Nelson, James M.
Nelson, Thomas L.
Nesbitt, Athie H.
Nesbitt, Walter F.
Nettles, Dan A.
Newberry, Ernest (Gibson Co.)
Newberry, Ernest B. (Shelby Co.)
Newbill, Cassie
Newbill, Robert L.
Newman, Ralph B.
Newman, Walter
Newman, William R.
Newport, Clifford
Nicely, Richard
Nicholas, James J.
Nichols, Benjamin
Nichols, George (Col.)
Nichols, Herbert C. (Col.)
Nichols, John H. (Col.)
Nichols, Ralph
Nichols, Robert A.
Nichols, Samuel R.
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Nicholson, Charles (Col.)
Nippers, Claud Lord
Nivens, Robert T.
Nixon, Rile Horace
Nixon, Thomas (Col.)
Nixon, William
Nolen, Edward
Nolen, Frank Hardin
Nollner, John H.
Norris, James B.
Norris, James G.
Norris, John
Norton, John A.
Norton, John F.
Norvell, Cornelius W.
Nuble, Casa A.
Nunley, Andrew D.
Nunley, Arnett

Oakley, Frank C.
Ogle, Arlie H.
Ogle, George A.
Ogle, Samuel A.
O'Guin, Jasper C.
Oldham, Anthony (Col.)
Oldham, Daney L.
Oldham, Hugh A.
Oliver, Norman
Oliver, Relmer V.
Oliver, William E.
Olney, Guy R.
Omohundro, John T.
O'Neal, Grady (Col.)
O'Neal, Homer J., Jr.
Ooten, Sam (Col.)
Ormsby, Thomas F.
Orr, Alfred
Orr, Charles (Col.)
Orr, Curtis
Orr, Lew
Orren, Frank
Orrick, Jasper H.
Osborne, William
Ott, David
Ottinger, Herman
Outlaw, George D.
Outlaw, Grover B.
Outlaw, William (Col.)
Overall, James Elmo
Overholser, Joseph W.
Owen, William L.
Owens, Charlie (Col.)
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Ozment, Clifford R.

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Parham, Herbert B.
Para, Elmer F.
Parham, John L.
Park, Anson Jay
Parker, Charles
Parker, Elias Homer
Parker, Fred T.
Parker, James
Parker, James R.
Parker, John T.
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Parker, Rom V.
Parkey, William C.
Parks, Budd
Parks, Harrison (Col.)
Parks, Joseph
Parks, Morris
Parks, Robert S.
Parks, Theron
Parks, William (Col.)
Parks, William
Parrott, Earl C.
Parvin, Ordley
Pate, George
Patrick, Elihu (Col.)
Patterson, Elam
Patterson, Charles C.
Patterson, Joseph H.
Patterson, Malcolm C.
Patterson, Sawyer
Patterson, Thomas Albert
Patton, Edward (Col.)
Patton, Edward T.
Patton, Harris
Patton, Joseph W.
Patton, Joseph H.
Paul, James
Payne, Albert C.
Payne, Charles
Payne, Charles J.
Payne, DeWitt (Col.)
Payne, Herbert L.
Payne, James (Col.)
Payne, James M.
Payne, Paul
Payne, William M.
Pearson, Lewis F.
Peay, Herman G.
Peck, Velmer Pryor
Peeler, Howard E.
Peeler, William Edgar
Peeler, William Edward
Peevyhouse, Paul
Penick, Hylary R.
Penland, Douglas
Penn, Ernest L.
Penney, Clifford D.
Peoples, Frederick Lee
Perdue, John W.
Perkins, Blaine
Perkins, W. F.
Perry, Alex W.
Perry, Bailey H.
Perry, Corbitt
Perry, Ross B.
Persley, James (Col.)
Peterson, Cary G.
Petrus, Richard H.
Petty, John (Col.)
Pharis, George
Phebus, William H.
Phelps, Wallace C.
Phelps, Walter Reese
Phibbs, Eugene R.
Phillips, Claude B.
Phillips, Dawn
Phillips, Henry E.
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Phillips, Irving B.
Phillips, Jacob D.
Phillips, James (Col.)
Phillips, John E.
Phillips, Lawrence
Phillips, Moses (Col.)
Phillips, Onva K.
Phillips, Ulysses E.
Phillips, William
Phillips, William T.
Philpott, Everett
Phipps, Thomas M.
Pickey, Frank B.
Pickle, Charles
Picklesimer, Samuel D.
Pickney, Louis E.
Pierce, Thomas
Pirtle, Robert W.
Pitman, Daniel
Pitts, William (Col.)
Plemons, Garrett W.
Plunk, Ebenezer N.
Poe, James H.
Poff, James
Poindexter, George A.
Poindexter, William (Col.)
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Pope, Archie
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Powers, Charles J.
Powers, Col Condie
Powers, James G.
Powers, Talmadge
Powers, William H.
Presswood, Ira E.
Preston, James (Col.)
Preston, Thomas
Prevat, Andrew (Col.)
Prewitt, John H.
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Pritchard, Fred M.
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Pritchett, Lee
Propes, Grover C.
Prosser, Roy
Pryor, Cordell
Pryor, I. Reams
Puckett, Alvin W.
Puckett, William E.
Pugh, Monroe (Col.)
Pugh, Horace C.
Purham, George (Col.)
Purkey, William

Qualls, Waco
Quigley, Robert C.

Ralph, Thomas E.
Ramsey, Dexter W.
Ramsey, William F.
Randall, Carleton H.
Randle, William (Col.)
Randolph, Bynum
Randolph, Gilbert
Raper, Horace
Ratledge, William
Ray, Frank A.
Ray, Herman
Ray, Jacob (Col.)
Ray, James
Ray, Leroy
Ray, Mack
Ray, William B.
Rayburn, John J.
Rayburn, William H. (Col.)
Raymer, Claude C.
Reagan, M. Lee
Reagan, Robert
Record, Harry (Col.)
Reddick, John W.
Reddin, Cordie L.
Reed, Andrew Dewey
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Reed, Floyd
Reed, Frank
Reed, James Andrew
Reeder, Nathan
Rees, Bynum
Reese, John V.
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Reese, Pleasant F.
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Reeves, Clinton
Reeves, Homer
Reichwein, William A.
Reimer, Henry
Reinholds, Herman
Reneau, James L.
Reneau, Jesse
Renfro, William W.
Renneau, Sam W.
Reynolds, Andrew
Reynolds, Brownlow (Col.)
Reynolds, John
Reynolds, Richard
Rhea, George W.
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Rice, Benjamin H.
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Rich, Charles H.
Richards, Samuel
Richardson, Claude F.
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Riggins, Herbert H.
Riley, Benjamin H.
Riley, Earl H.
Ring, Frank M.
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Rockwell, Kiffin Yates
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Rogers, Yates K.
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Ruffin, James Fentress
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Russell, Artress (Col.)
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Russell, Frank R.
Russell, James H.
Russell, Pleasant
Rutledge, Benjamin F.
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Ryan, James

Saddler, William K.
Sadler, Haskell
Sain, Calvin (Col.)
Sain, Charlie Frank
Saks, Joseph
Sales, Lonnie
Salmon, Maurice Rivers
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Sampley, Ransom E.
Samsil, Bennie
Sanders, Earl C.
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Sands, Robin
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Sanford, Robert
Sangster, John E.
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Saterfield, Buster (Col.)
Satterfield, James (Col.)
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Saulter, Quiller (Col.)
Sawyer, Joseph (Col.)
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Scannerhorn, William A.
Scard, Henry Venson
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Schubert, William
Scoggins, James L.
Scott, John C.
Scruggs, Frank W.
Seals, Thomas L.
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Sewell, James
Sexton, Fred
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Shire, Lawrence
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Shockley, Robert
Shoemaker, Samuel O.
Shores, William L.
Short, Liburn L.
Short, William
Shumate, William D.
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Sigler, Lester T.
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Sills, Mitchel C.
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Silvernail, Lou A.
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Simons, Bennie (Col.)
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Sirey, William
Sisk, Hubert C.
Skaggs, Andrew Donnie
Skeen, Estle R.
Skeeton, D.
Skerritt, John R.
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Slaton, Roscoe M.
Slaven, Jesse
Sliger, Terry
Small, Irwin
Small, Mack (Col.)
Smallwood, Bruce S.
Smart, John
Smiddy, Louis
Smith, Alonzo K.
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Smith, Andrew J.
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Smith, Charles
Smith, Charles E. (Washington Co.)
Smith, Charles E. (Hamblen Co.)
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Smith, Marvin H.
Smith, Moody (Col.)
Smith, Natham (Col.)
Smith, Russell S.
Smith, Sam B.
Smith, Samuel H.
Smith, Simi (Col.)
Smith, Stacy
Smith, Thomas J.

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Smith, Vester (Col.)
Smith, Willard G.
Smith, William (Col.) Rutherford Co.
Smith, William (Col.) Robertson Co.
Smith, William H.
Snapp, Peter
Snelson, Zeb
Snider, Dan W.
Snyder, James B.
Snyder, Robert
Soard, Henry Venson
Somerville, William A.
Sooley, James R.
Sparks, Elry
Sparks, Loney E.
Sparks, Verdie B.
Sparks, William E.
Spear, Amos
Spears, Roger W.
Speck, Thomas G.
Spencer, Boston (Col.)
Spencer, John C.
Spencer, Robert L.
Spicer, Ulyses
Spire, William J., Jr.
Spitzer, Allen
Spitzer, Preston A.
Spivy, Ozro B.
Spivy, Thomas B.
Springer, Ernest (Col.)
Springer, John
Sprouse, Jesse
Spruill, Martin Luther
Stack, Robert F.
Stallings, Thomas K.
Standridge, Arthur
Standridge, John E.
Stanfield, George
Stanley, James H.
Stanley, Sherman
Stansbury, Charles E.
Starke, Eugene E.
Starnes, Charles W.
Starnes, Olean F.
St. Clair, George F.
Steadman, Erie
Steed, William E.
Steel, Romie
Steele, Edward E.
Steelman, James D.
Stegall, Clifford
Stegall, Jerry G.
Stehlin, William P.
Stennett, Earl
Stephens, Alfred W.
Stephens, John E.
Stephens, Milton G.
Stephens, William H.
Stephenson, L. W.
Sterling, George S.
Sterling, Robert L.
Stevens, Charles L.
Stevens, Robert M.
Stevenson, Charles (Col.)
Stewart, Charles W. (Col.)
Stewart, George L.
Stewart, Virgil A.
Stiner, Monroe
Stinnett, Westley I.
St. John, Benjamin F.
Stokes, Frank
Stone, Duncan M.
Stone, Taylor C.
Stotts, Joseph H.
Stout, Blan S.
Stout, Fred A.
Stout, Isaiah (Col.)
Stover, Major M.
Stratton, William
Street, Edward N.
Strong, Sercey (Col.)
Struck, Albert L.
Stuart, Boyd E.
Stuart, Hugh A.
Stuart, Olin D.
Styke, Edward Clyde
Sudduth, Noonan C.
Sullivan, Homer
Sullivan, Wylie
Sumler, Alvin H.
Summers, Thomas R.
Summers, William H.
Sumner, John
Surratt, Homer L. (Col.)
Surratt, Oscar
Sutton, John M.
Sutton, Raymond B.
Sutton, Thomas
Swack, Walter E.
Swafford, George R.
Swanger, William K.
Sweet, John
Sweet, Roy L.
Swift, Arthur (Col.)
Swift, Felix (Col.)
Swift, Herman
Swiney, Alex
Sykes, Albert (Col.)
Sykes, Troy R.

Tacker, Thomas J.
Taliaferro, Charles
Tallent, John P.
Talley, Lawrence McK
Talley, Milton
Tarleton, Julius Berry
Tate, James
Tate, Johnnie C.
Tate, Robert
Tate, Charles (Col.)

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Tatum, Preston
Taylor, Aretus G.
Taylor, Barney G.
Taylor, Edward
Taylor, Frederick T. (Col.)
Taylor, Howard A.
Taylor, James H.
Taylor, John (Col.)
Taylor, John G. (Col.)
Taylor, John N.
Taylor, Joseph S.
Taylor, Leonidas
Taylor, Louis (Col.)
Taylor, Robert
Taylor, Roy (Col.)
Taylor, Sam (Col.)
Taylor, Sulvale
Taylor, Thompson
Taylor, Waman (Col.)
Taylor, William A.
Taylor, William B.
Taylor, William T. V.
Teague, David
Teague, James W.
Tearan, Charles (Col.)
Teeter, Harvey S.
Temple, Jesse W.
Temple, John J.
Terry, Paul
Terry, William Reed
Thomas, Aaron (Col.)
Thomas, Fred L.
Thomas, Herman (Col.)
Thomas, John (Col.)
Thomas, Wesley N. (Col.)
Thomason, James Jack
Thompson, Sergeant
Thompson, Eddie (Col.)
Thompson, Ephriam
Thompson, Ezra B.
Thompson, George H.
Thompson, Harry (Col.)
Thompson, Henry
Thompson, Jesse J. (Col.)
Thompson, Johnnie F.
Thompson, John W., Jr.
Thompson, Levi
Thompson, Robert (Col.)
Thompson, Roy A.
Thomson, Raymond
Thornton, Albert
Thornton, Anderson (Col.)
Thornton, Carl E.
Thornton, Dock
Thrweat, Eugene (Col.)
Tidwell, Ellis
Tidwell, George L.
Tidwell, Henry R.
Tillery, James M.
Tillison, Jahue
Tillman Spencer (Col.)
Timothy, Otis
Tims, Horace A.
Todd, Ernest R.
Todd, Grover C.
Todd, Henry M.
Todd, Lee
Tolls, A. Henry
Toomey, Edison L.
Toon, Clyde
Toone, Walter (Col.)
Torian, James A.
Townsend, Harrison
Townsley, John E.
Towry, Willey St.
Toy, David
Trainum, Major Hugh
Tramel, Rufus E.
Trammell, Harry B.
Tranham, James C.
Traughber, Adron L.
Treadway, Edward
Trent, Leonard T.
Trentham, Richard Z.
Trew, Bryant S.
Tribble, Joseph
Trice, William (Col.)
Tripp, George W.
Trousdale, George H.
Trudel, Carl
Tubbs, Ira N.
Tucker, Edward C.
Tucker, Harry C.
Tucker, Jesse (Col.)
Tucker, Louis Jack
Tucker, Ross C.
Tune, John R.
Tunnell, Coy C.
Turbeville, James W.
Turbeville, Robert E.
Turner, Alexander
Turner, Birdie McKinley
Turner, Isaac
Turner, Reubin H.
Turner, Sherman H.
Turney, Peter, Jr.

Uhles, John Herman
Ulin, James V.
Ulrey, David D.
Umbarger, David T.
Underwood, Alvie R.
Underwood, Charles L.
Underwood, Von C.
Upchurch, Herbert
Upton, John E.
Utley, William (Col.)

Vanatta, Jasper W.
Vance, Graham

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Vanderbrook, Newton
Vandeventer, Grant
Van Meter, David M.
Van Pelt, Emmitt L. (Col.)
Van Winkle, Arthur G.
Vaughan, Thomas M.
Vaughn, Dock T.
Vaughn, James (Col.)
Vaughn, Joseph A.
Vaughn, Oscar (Col.)
Vaughn, Samuel (Col.)
Vaughn, Sterling
Vernon, Charlie
Vestal, Rex B.
Vickrey, Joseph Clarence
Vickery, Earl W.
Victory, Grady (Col.)
Visage, Jacob
Volner, Murray A.
Voyles, Tilman T.

Waddle, James A.
Wagoner, Dallas C.
Waggoner, Henry G.
Wainwright, Richard (Col.)
Wair, Lawrence A.
Waitman, George E.
Walborn, John E.
Walker, Charles Alber
Walker, Claude T.
Walker, Edward E. (Col.)
Walker, Fagin (Col.)
Walker, Finis
Walker, Fred
Walker, John
Walker, John H. (Col.)
Walker, Robert P.
Walker, Shannon
Walker, Virgil L.
Wall, John W.
Wallace, Nicholas E.
Wallace, Robert O.
Wallace, Spencer
Waller, Bert
Waller, Clifford O.
Walsh, Edward J.
Walton, Jefthro (Col.)
Walton, Lycurgus M.
Wampler, Albert
Ward, Ervie L. (Col.)
Ward, John B.
Ward, John H. (Col.)
Ward, Joseph R.
Ward, Luther
Ward, Raymond
Ward, William McKinley
Ward, William V.
Warden, John T.
Wardle, Harry W.
Ware, Zennie (Col.)
Warner, Carlos
Warr, Fair B.
Warren, Herman (Col.)
Warren, James E.
Warren, John W.
Warren, Joseph B.
Warren, Joseph E.
Warren, Millard F.
Warren, Robert B.
Washburn, Jeff
Washington, Allen (Col.)
Washington, Drew
Washington, Frank (Col.)
Wasserman, Dan
Waterson, Henry
Watkins, Allen (Col.)
Watkins, Archie
Watkins, John W.
Watkins, Paul V.
Watkins, Roy
Watkins, Thomas (Col.)
Watson, Frank E.
Watson, George
Watson, Reubin J.
Watson, Sim
Watson, Willard C.
Watwood, John W.
Weakley, Mack (Col.)
Weakley, Robert
Webb, Charles
Webb, Frank G.
Webb, Henry L.
Webb, Horace H.
Webb, Robert P. (Col.)
Webb, Ulva (Col.)
Weber, Carl L.
Weber, John W.
Weir, Benjamin Z.
Weissinger, William J.
Weitz, Edgar D.
Welch, Mark
Welch, Thomas C.
Wells, Charles
Wells, Charles (Col.)
Wells, Oscar
Wells, Walter B.
West, George E.
West, James M.
West, Jodie Willie
West, Raleigh T.
West, Roe
West, Thomas R.
Wester, Arthur
Westmoreland, Aaron (Col.)
Whaley, Austin R.
Wheeler, Calvin M.
Wheeler, James M.
Whetstone, William M.
White, Alpheus N.
White, James H.

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White, John H. (Col.), Davidson Co.
White, John H. (Col.), Davidson Co.
White, Melvin E.
White, Sam
White, Will
White, William H.
White, William M.
Whiteaker, Charles
Whiteford, Corlice (Col.)
Whitfield, Floyd E.
Whitley, John L.
Whitmore, James D.
Whitson, Lester A.
Whitson, Uncus (Col.)
Whitwell, Peter T.
Whitworth, John W.
Wilbur, Charles H. (Dr.)
Wilburn, Anderson A.
Wilcoxson, Jesse C.
Wiley, Edd C.
Wiley, Jonas L.
Wilhoite, George H.
Wilhoite, Thomas R.
Wilkes, Charles H. (Col.)
Wilkes, David B.
Wilkes, John R.
Wilkes, Robert (Col.)
Wilkins, John E.
Wilkins, Mose (Col.)
Wilkinson, Joseph W.
Willhite, Mack
Williams, Abe (Col.)
Williams, Andy D. (Col.)
Williams, Claude C.
Williams, Claude M.
Williams, Clifton L. (Col.)
Williams, Daniel H.
Williams, Don S.
Williams, Edgar O.
Williams, Fred L.
Williams, George H.
Williams, Hiram
Williams, Horace F.
Williams, Jack
Williams, James (Col.) Shelby Co.
Williams, James (Col.) Shelby Co.
Williams, James G. (Col.)
Williams, John (Col.)
Williams, Leon (Col.)
Williams, Lonnell
Williams, Louis A.
Williams, Lloyd
Williams, Luther S.
Williams, Peter
Williams, Pleasant M.
Williams, Rothsey E.
Williams, Van
Williamson, Lusky (Col.)
Williamson, Samuel (Col.)
Williamson, Savannah A. (Col.)
Willis, Nelson
Willocks, Hobert D.
Willoughby, Benjamin F.
Wilsford, Robert
Wilson, Clarence (Col.)
Wilson, David H.
Wilson, David L.
Wilson, Ernest (Col.)
Wilson, Harry B.
Wilson, Henry S.
Wilson, Hubert H.
Wilson, James W.
Wilson, John O. (Col.)
Wilson, John R.
Wilson, Joseph
Wilson, Obie Lee
Wilson, Orvine
Wilson, Ray
Wilson, Samuel C.
Wilson, William A.
Wilson, William M.
Winchester, George (Col.)
Windham, Brown F.
Winfrey, Herman H.
Wing, Douglas E.
Winkler, Benton W.
Winkler, Joyce
Winton, Fate
Wiseman, William J.
Wix, Buford L.
Wix, John McKinley
Wofford, John
Wohlford, Sam
Wolfe, Elbert
Womac, Claude
Womble, John J.
Womble, William H. (Col.)
Wood, Archie B.
Wood, Frank G.
Wood, James F.
Wood, Robert A.
Woodall, Edward T.
Woodard, Selkirk
Woods, James S.
Woods, Miles
Woods, Tommie (Col.)
Woods, William N.
Woodson, Larry C. (Col.)
Woodward, John
Woody, Elbert J.
Woodyard, Luther B.
Workman, Thomas
Worley, Charles G.
Wortham, Ernest M.
Wright, Aubrey C.
Wright, Daniel
Wright, James S.
Wright, James Y.
Wright, Meedard
Wright, Richard M.

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Wright, Robey Glenn
Wright, Roy B.
Wright, W. H.
Wright, William M.
Wright, Will W.
Wyatt, Richard
Wyatt, Walter H.
Wylie, Otis R.
Wymer, Karl G.
Wynn, Albert H.
Wynne, Eugene
Wynne, Gordon
Wyrick, George R.

Yancy, Bertram B.
Yarbrough, Carl Houston
Yarbrough, Clarence B.
Yates, James M.
Yaudell, Edgar L.
Yearwood, John D.
Yokley, Hume S.
York, James (Col.)
York, Jasper
York, Toben
York, Wiley A.
Young, Edgar L.
Young, Frank (Col.)
Young, George
Young, George J.
Young, James R.
Young, Professor (Col.)
Young, Rufus
Young, William E.
Youngblood, Roy
Younger, Charles E
Younger, Charlie E.

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CHAPTER XXX

FROM A. H. ROBERTS TO AUSTIN PEAY

ADMINISTRATION OF GOVERNOR A. H. ROBERTS—ADMINISTRATION OF GOVERNOR A. A. TAYLOR—ELECTION OF GOVERNOR AUSTIN PEAY

ADMINISTRATION OF GOVERNOR A. H. ROBERTS

Throughout the year of 1918 until Armistice Day, November 11th, all Tennesseans were engrossed in cooperative World war activities. Some were engaged in drives for Liberty Loan Bonds and War Savings Stamps, others in work for the maintenance of the Red Cross, the Y. M. C. A., Knights of Columbus, the Salvation Army and other organizations. As a result the political campaigns lacked much of the zest and absorbing interest which usually characterize such contests in the state. Nevertheless the three aspirants for the democratic gubernatorial nomination, Austin Peay, of Montgomery County, Judge A. H. Roberts, of Overton County, and Clyde Shropshire, of Davidson County, had come out as candidates early in the spring. Each candidate conducted his campaign without any joint debates and the result of the primary election on August 1st, was as follows: Albert H. Roberts, 64,191; Austin Peay, 51,971; Clyde Shropshire, 5,251.

The republican nominee for governor was Judge H. B. Lindsay, of Campbell County. Judge Lindsay came from one of the best and most influential families of East Tennessee and had an excellent record, having been a member of the Tennessee Legislature in 1887, attorney-general of the Sixteenth Judicial Circuit, United States district attorney for the Eastern District of Tennessee, and chancellor for the Second Division of Tennessee.

Judge Roberts won by the following vote: A. H. Roberts, 98,628; H. B. Lindsay, 59,519.

There was also a contest between Judge John K. Shields, the incumbent, and ex-Governor Tom C. Rye, for the democratic nomination for United States senator, in which Judge Shields won by a comfortable margin.

The Sixty-first General Assembly convened on January 6, 1919, and organized by the election of Andrew L. Todd, speaker of the Senate, and Seth M. Walker, speaker of the House of Representatives.

The first business brought before the Legislature was the matter of ratification of the Eighteenth Amendment [1] to the Federal Constitution (the prohibition amendment). Governor Roberts himself, in a special message on the second day of the session, placed it before the members saying:

"I confess a desire upon my part to have this important matter enjoy the distinction of being the first public business to receive your attention, and for this reason I make it my first official communication with your Honorable Body."

[1] This amendment was passed by the United States Senate on August 1, 1917, and by the House of Representatives on December 17, 1917.

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The amendment in question was ratified in this state by Senate Joint Resolution No. 1,[2] prepared, it is said, by Governor Rye, adopted on January 13, 1919.

Governor Rye's second message,[3] and his last, was transmitted on the same day and was devoted exclusively to the financial condition of the state. He treated exhaustively of the fiscal affairs of Tennessee from 1907 to the date of his message. So ably did he discuss this subject that Governor Roberts in his first message, transmitted the day after his inauguration, began as follows: "Since my predecessor, Governor Rye, has gone exhaustively into the recent financial history of Tennessee, and has stated clearly and accurately the present deplorable condition of state finances, it is not deemed advisable to restate the facts set forth so fully in his message, to the present session." A careful reading of this document will well repay students and investigators of the financial history of that decade.

Governor Roberts was inaugurated on January 15, 1919, in the hall of the House of Representatives. Four ex-governors were present: Frazier, Rye, Hooper and Buchanan. The inaugural address was brief and to the point and was along the lines of financial and business reform.

He declared that the unjust distribution of the tax burden was the weak spot in our state structure; that the lack of proper laws, bad methods of tax collection and incompetent officials were factors in the unsatisfactory and inefficient revenue system of Tennessee; that the burden must be made to bear equally on all property owners of the state. He urged the Legislature to lay aside, for the time being, minor and local measures and to concentrate attention and action on the pressing financial problems.

His plan of remedy was a sliding scale of tax rates framed so that the rate would decrease as the assessment increases, only the sum necessary to meet current expenses being positively fixed. He said this plan had been tried in other states and had proved its efficiency every time.

For years it had been known that the tax burden of the state had been unjustly distributed, that many counties of the state by low assessments had evaded their proportionate share of the common obligation, but the movement to correct the evil seems to have originated with the Davidson County Court which, on April 3, 1918, discussed this question and said in substance that the four large counties of the state nearly conformed to the state law in assessments, but that the other counties did not; hence that these four counties bore the larger part of the burden of taxation. The state comptroller, upon being appealed to, said he had no authority to interfere in the making of assessments by the several counties, that it would be officious for him to do so, and that the attorney general of the state, whom he consulted, said the same thing, that the matter must be handled by the Legislature which could pass a law lodging in some one the power to correct the errors of tax assessors.

In his message Governor Roberts spoke in no uncertain tones. Among other things he said:

"Our taxing system is among the weakest and worst of any state in the Union. The inherent weakness and vice in the present system are found in the utter lack of any adequate means or method for equalizing taxes among

[2] Acts of 1919, p. 821.
[3] House Journal, 1919, pp. 14-39.

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various classes of property and the different localities." He recommended the passage of a new inheritance tax law, of a law conferring upon the Railroad Commission the power to tax express companies, the Pullman Company, transportation companies of various kinds, such as the Standard Oil Co., the Armour Packing Co., and others and said: "I do not believe it is at all necessary for this Legislature to create a separate and independent tax commission."

The first three acts passed constitute the notable tax legislation of this session. They embody the ideas of Governor Roberts on the subject of taxation as disclosed and recommended in his first message.

Chapter 1 [4] is entitled, "An Act to enlarge, increase and supplement the duties and powers of the railroad commission of the State of Tennessee; to constitute said commission a state board of equalization; to provide the means and agencies for the ascertainment and equalization of the value of all forms of property; so that taxes thereon shall be equal and uniform throughout the state; to direct county courts and municipalities as to the time of fixing tax rates."

This act provided for a chief tax statistician whose term of office should be six years; that the chairman of the railroad commission should be chairman of the state board of equalization and that the chief tax statistician should be clerk.

Chapter 2 [5] is "An Act to provide rates of taxation upon property in the State of Tennessee."

Chapter 3 [6] is "An Act authorizing and directing the assessment for taxation for state, county, and municipal purposes by the railroad commission of the State of Tennessee, the properties of railroad companies, telephone companies, telegraph companies, sleeping car companies, freight car companies, street railroad companies, interurban railroad companies, express companies, pipe line companies, power companies, gas companies, electric light companies; providing the means and methods of such assessment and for the collection of taxes; to increase and fix the salaries of the railroad commissioners."

This act imposed on the railroad commission the duty of assessing for state, county and municipal purposes all corporations that had not been previously assessed by them. The assessments made by them were equalized by the state board of equalization, provided for in Section 10 of the act, composed of the governor, the state treasurer, and the secretary of state.

REPEAL OF THE BOWERS LAW

At the time of the passage of the Bowers Law abolishing the death penalty for murder in 1915, there were many who doubted the wisdom of this act. In the four years succeeding its passage many more joined the dissentients and so strong were they at the beginning of the Sixty-first Session that the act was repealed by Chapter 4, Acts of 1919, page 27.

EDUCATIONAL LEGISLATION

By Chapter 11,[7] the state board of education was made to consist of nine members appointed by the governor, three from each grand division of the state,

[4] Acts of 1919, p. 1, passed January 22, 1919.
[5] Acts of 1919, p. 11, passed January 22, 1919.
[6] Ibid., p. 13, passed February 7, 1919.
[7] Acts of 1919, p. 37.

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with the governor and the state superintendent of public instruction ex-officio members. But a long step in advance in the educational history of Tennessee was made by the enactment of the so-called "direct tax bill."[8] In Section 6 of this act provision is made "that a tax of five (5) cents on each one hundred dollars of taxable property is levied * * * for the purpose of improving the elementary schools of this state, which tax shall be in addition to the state tax for school purposes now provided by law."

Section 7 of the act provided that the receipts from this tax should be distributed principally as an equalizing fund so that the counties most needing assistance should receive it.

MARRIED WOMAN'S EMANCIPATION LAW

The purpose of Chapter 126[9] called the "married woman's emancipation act" was that married women might possess the same rights with regard to property which unmarried women possess and to extend to them the statutes of limitation and to exempt to them a homestead. Concerning this law Mrs. Alex. Caldwell, president of the Tennessee Federation of Women's Clubs, said: "By the enactment of this law married women became responsible human beings. They could own and enjoy and dispose of their property and enter into contracts in reference thereto as though they were not married. They also acquired the right to sue and be sued."

THE STATE MEMORIAL BUILDING

After the great World war was ended and our brave boys who had so signally maintained the name and fame of the Volunteer State in foreign lands, had returned, the desire naturally arose to erect in honor of them a memorial that would be a real reminder of the services of those who responded to the call of their country, who gave up home and all other interests to answer the call. Many of them had made the supreme sacrifice; more of them had been wounded and hundreds of them distinguished themselves on the battle field.

It was realized that this memorial should be one in which not only the soldiers, their relatives and descendants but also every citizen, would always take pride.

It was insisted that within this memorial hall there should be the record of every man who responded to the call, with special tablets and data for the Gold Star boys, including mementoes, souvenirs, and historical relics, and where, also, the state could locate an historical museum to be assembled under the direction of the Tennessee Historical Commission and assemble collections of portraits, statues, memorials and relics of the distinguished citizens of Tennessee who participated in other wars or who rendered distinguished public service.

In regard to this memorial Governor Roberts, in a special message,[10] transmitted on February 3rd, said that the people of Tennessee "will expect you to erect a memorial in keeping with the contributions and sacrifices they have made."

Most of the Tennessee soldiers returned in the spring of 1919, while the

[8] Chapter III, Acts of 1919, p. 285.
[9] Acts of 1919, p. 406.
[10] House Journal, 1919, p. 270.

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Legislature was in session, and were rapturously greeted. In all the large cities of the state parades took place. Patriotism was at its very apex. So that it was not at all difficult to pass a bill providing for a suitable memorial. This act [11] in question provided for a threefold concert of action of the state, of the City of Nashville and of Davidson County. Davidson County furnished $400,000, the City of Nashville, $600,000, and the state $1,000,000. For a site for the memorial and a capitol annex combined, the property was secured between Cedar Street, Seventh Avenue, Union Street and Capitol Boulevard. For a park the property bounded by Capitol Boulevard, Cedar Street, Sixth Avenue and Union Street, was bought. The work of erecting this memorial building and arranging the surroundings in accordance with the provisions of this bill is now (1923) in progress.

THE WORKMEN'S COMPENSATION ACT

The central purpose of compensation legislation is to make a business carry as part of its operation the expense incident to injuries suffered by employes in the course of their work and to enable them to secure speedy settlement for their injuries under prescribed schedules without resorting to courts of law. Wisconsin was the first state which enacted such a law, in 1911, and so popular and just did such legislation seem that, in 1919, there were thirty-seven states in this country which had workmen's compensation laws. The United States Government itself, in 1916, placed all Federal civil employes on a compensation basis.

The workmen's compensation bill [12] of Tennessee was carefully and thoroughly prepared under the direction of the Federation of Labor and occupies no less than thirty-two pages of the acts, and while not unnaturally some opposition to its passage developed, mainly by manufacturing interests, it was finally passed on April 12, 1919, near the end of the session.

STATE HIGHWAY COMMISSION

In harmony with the progressive spirit which characterized many members of this Legislature an act [13] was passed "establishing a highway department, creating a state highway commission, providing for the designation and adoption of a state highway plan for the state, creating a highway fund and providing for apportioning the proceeds thereof to the respective counties."

By the proponents of this bill the argument was made, in substance, that agriculture is the foundation on which Tennessee must develop her growth and prosperity, and that this prosperity will build up her cities, increase her factories, employ her labor, and make her, in every sense, a great state; but that good roads are an essential factor in bringing about agricultural prosperity; that, of all taxes in Tennessee the tax paid to bad roads is by far the largest and that every cent of it is wrong, burdensome and apprehensive. The statement was made that for the year 1918 alone bad roads cost Tennessee $20,000,000 on transportation of agricultural products alone, not counting timber, minerals, manufactured articles and other things.

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[11] Chapter 122, Acts of 1919, p. 357.
[12] Chapter 123, Acts of 1919, p. 369.
[13] Chapter 149, Acts of 1919, p. 546.

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OTHER IMPORTANT LAWS ENACTED AT THIS SESSION

On January 30, 1919, the Legislature passed an act[14] "to designate an Arbor and Flower Day, for the State of Tennessee, to encourage a closer study of our natural resources among the children and people of this state, and to beautify and make more attractive all public, school and home grounds, that the minds of all may be impressed with the importance of a greater knowledge of nature and the conservation of her beautiful gifts to man." The first Friday in April of each year was designated as Arbor, Bird and Flower Day.

By Chapter 16[15] the second Sunday in May of each year was designated as Mother's Day.

Chapter 28[16] declared the twelfth of February, of each year, a legal holiday to be known as "Lincoln Day."

Chapter 34[17] designated the eleventh day of November, of each year, a legal holiday to be known as "Victory Day."

Chapter 46[18] is known as the "Inheritance Tax Law" of Tennessee.

Chapter 50[19] provided for the seizure and destruction of intoxicating liquors possessed in violation of any law of this state.

Chapter 58[20] repealed Chapter 20 of the Acts of 1915, which created the State Board of Control.

Chapter 76[21] abolished the Department of History and Archives and transferred its possessions and activities to the state librarian.

Chapter 82[22] removed the disabilities of Judge Jesse Edgington who, it will be remembered, was impeached and convicted in 1916 and was disqualified from holding office. A strong fight was made against the passage of this act, but the tide was turned in his favor by the presentation of the condition of health of his mother.

Chapter 96[23] provided for a state police force, sometimes called the "state ranger system."

Chapter 103[24] granted to the United States, "all right, title and interest in and to all lands of the state lying within twenty miles of the Tennessee and North Carolina boundary line, for the creation of national forests and the preservation and protection of the navigability of navigable streams."

Chapter 138[25] authorized the people "to decide by vote whether they will call a Constitutional Convention."

Chapter 139[26] granted women the right to vote for electors of President and vice president of the United States, and for municipal officers." This measure was vehemently and persistently opposed, but finally passed largely

[14] Chapter 15, Acts of 1919, p. 43.
[15] Acts of 1919, p. 44.
[16] Ibid., p. 74.
[17] Ibid., p. 83.
[18] Ibid., p. 118.
[19] Ibid., p. 152.
[20] Acts of 1919, p. 172.
[21] Ibid., p. 200. It is a peculiar fact of history that this department was never created either by act or resolution of the Legislature. See pamphlet entitled "Tenn. Dept. of Library, Archives & History," published by the Tennessee Historical Commission.
[22] Acts of 1919, p. 209.
[23] Ibid., p. 231.
[24] Ibid., p. 253.
[25] Ibid., p. 516.
[26] Ibid., p. 519.

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through force of the argument that it must prevail because it is a natural right, a necessary evolution of democracy.

Chapter 142 [27] provided for a uniform series of textbooks for the public schools and created a state textbook commission of six members of whom the state superintendent of public instruction should be chairman.

By Senate Joint Resolution No. 12,[28] the Tennessee Historical Committee was created, "whose duty it shall be to collect, compile, index and arrange all data and information relating to the part Tennessee has played in the great World war." This duty was extended by Senate Joint Resolution No. 76,[29] to include data and records relative to all wars in which Tennessee has taken part and the history of the state from all points of view.

On April 6, 1919, a sword was presented to Admiral Gleaves, to purchase which the funds were raised by the ladies of Nashville under the leadership of a commission of which Mrs. Edward Buford was chairman, the purpose being an acknowledgment of "his wonderful achievement in conveying with the ships of the American Navy, under his command, hundreds of transports bearing more than two million American soldiers to the shores of France, without the loss of a single soldier."

The following lines, written at the time by John Trotwood Moore, well express the sentiments of all Tennesseans concerning Admiral Gleaves:

STONEWALL OF THE SEA

Sampson, Schley and Phillips
And blest the ties that be,
Gleaves who blocked the hell-sharks' path—
Our Stonewall of the sea!

THE GUBERNATORIAL CAMPAIGN OF 1920

At the beginning of Roberts' administration it was predicted that he would have no competitor for the democratic nomination the following year. Nevertheless, early in the spring of 1920, three prospective candidates appeared to contest with Roberts for the coveted honor. Of these General L. D. Tyson, who had enhanced his already high reputation by a splendid record in the World war, for some time considered a persistent demand that he run. Finally, in an article published in the press on April 28, 1920, he said:

"When the Democratic Convention meets in June, it will be embarrassing to the party if the state administration is not endorsed. * * * I prefer to sacrifice my personal interest for the welfare of the party and will not enter the race."

On April 24, 1920, Governor Roberts made announcement of his candidacy for reelection. In his statement he summarized the work of various departments of the state government, giving statistics comparing his administration with prior administrations in the point of results attained.

He declared, when signs of radicalism appeared in Tennessee, the Law and Order League was organized to uphold the authorities. He mentioned the bill

[27] Acts of 1919, p. 524.
[28] Ibid., p. 829.
[29] Ibid., p. 881.

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passed by the Legislature of 1919, empowering the governor to make use of the state military forces in quelling disturbances and labor troubles. He told of the part the state military forces played in the strike at the plant of the Carter Shoe Company in Nashville and during the street railway troubles in Knoxville.

He told of the creation of a State Tax Commission whose duties were imposed on the State Railroad Commission and of the saving to the state that was effected thereby and enumerated many other activities of the state which had improved during his incumbency as governor.

He also endorsed equal suffrage.

Col. W. R. Crabtree, of Chattanooga, who had been speaker of the Senate and was well known and popular throughout the state, remained in the race as Governor Roberts' sole competitor for the democratic nomination. The Democratic Convention of June 8th endorsed Governor Roberts' candidacy, but Colonel Crabtree called the endorsement a "singed cat" affair. This convention declared for a repeal of the Public Utilities Act and for an amendment of the tax law, both of which were acts much cherished by Governor Roberts. It also condemned Senator Shields for his record on the treaty of peace and League of Nations.

In the primary election on August 5, 1920, Governor Roberts defeated Colonel Crabtree for the democratic nomination, and Alfred A. Taylor defeated Jesse Littleton for the republican nomination.

THE EXTRA SESSION OF 1920

It will be remembered that at the regular session of the Legislature in 1919, an act was passed giving the women of Tennessee the right to vote for municipal officers and for President and vice president of the United States. Tennessee was the first state in the South to pass such a law and the women of Tennessee who favored equal voting privileges for women were much encouraged. Early in the spring the rumors that for some time had been persistent that the governor would call an extra session of the Legislature became more pronounced.

On March 18th the Democratic Executive Committee decided that there should be two women on the state committee as delegates to the National Democratic Convention at San Francisco.

On the preceding day an executive committee of republican women of Tennessee was formed to make a drive in the coming elections.

And on May 4th and 5th a jubilee of women voters was held in Nashville.

It was strongly desired by the women leaders of the state that an extra session be called to ratify the nineteenth amendment to the Constitution of the United States, giving to women the elective franchise. Furthermore, they contended, a special session was needed to define the status of women in voting, that they should have the same qualifications as men.

Mrs. Guilford Dudley, one of the most prominent and able of the equal franchise leaders stated, on March 12th: "We have learned from Governor Roberts that the Constitution of Tennessee bars the subject of ratifying the Federal suffrage amendment. Therefore, that a called session of the Legislature be resorted to in order to meet the legal requirements in the premises."

Governor Roberts' attitude was shown in the fact that on August 7, 1920,

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he did summon the Legislature in extraordinary session on August 9th, and the first item in his proclamation was:

"To take action upon the amendment of the Constitution of the United States, proposed by the Congress, giving women full right of suffrage, being the proposed nineteenth amendment to the Federal Constitution."

The second item was to fix the legal status of women and the third to prescribe the qualifications of women for suffrage.

There were 142 items in the first proclamation, besides twenty others in the supplemental proclamation issued on the next day.

FIGHT FOR RATIFICATION OF THE NINETEENTH AMENDMENT

No sooner had the members of the Legislature convened in the extraordinary session than a tremendous conflict was staged on Article No. 1. This was brought before them by Senate Joint Resolution No. 1, which was presented in the Senate on August 10, 1920.

There was no delay in the action of the Senate by which the amendment was ratified on August 13, 1920, by a vote of twenty-five to four.

It was well known, however, that there would be a keen conflict in the House. The debates on both sides were vigorous, unrelenting, sometimes bitter. Those who opposed ratification pleaded that the state constitution stood in the way. This argument was denied by those favoring ratification.

The alignment on the question, however, was not according to political affiliation. As a matter of fact both the national democratic platform and the Tennessee democratic platform had planks favoring ratification and there were both democrats and republicans on both sides. The general ratification committee was headed by Miss Charl Williams, vice chairman of the National Democratic Committee.

The proponents argued that Tennessee had a great opportunity to achieve imperishable distinction as thirty-five states had already ratified the amendment and only one state more was needed to make up the required two-thirds of all states; that Tennessee is a progressive and enlightened commonwealth where justice and chivalry are living forces and not merely empty words and dead forms; that both political parties, both of state and nation, favored it, as did both presidential candidates, and the governor of Tennessee; that the Volunteer State must not fail to put the capstone on this monument to American justice and liberty.

Before the vote was put it was figured that there was a tie in the House. On August 18th, the passage of the amendment was made possible by the change of vote of Harry T. Burn, of McMinn County, whom his mother, Mrs. J. L. Burn, had written: "Vote for suffrage and don't keep them in doubt." After a stormy scene and amid much excitement the result of the vote was announced to be fifty in favor of amendment and forty-six opposed.

The joy of suffragists was equaled only by the disappointment of their opponents, who, nevertheless, did not concede defeat. They immediately made application to Judge Frank Langford, of Nashville, for an injunction to restrain Governor Roberts, Secretary Stevens, and Speakers Todd and Walker from certifying the ratification of the amendment to Bainbridge Colby, secretary of state of the United States and a temporary injunction was granted.

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However, under a writ of supersedeas obtained by Hon. Frank Thompson, attorney general of the state, from Judge Lansden, chief justice of the State Supreme Court, the injunction was dissolved and Governor Roberts, on August 24th, sent the certification on to Secretary Colby, by whom, on August 26, 1920, a proclamation was issued declaring that the woman suffrage amendment was "to all intents and purposes a part of the Constitution of the United States."

On the same day Mrs. George Fort Milton, Tennessee state chairman of the League of Women Voters, issued a request to all the mayors of Tennessee cities to issue a proclamation declaring Saturday, August 28th, a day of celebration "by ringing of bells and sounding of whistles in every avenue of life, business, church and school at 12 o'clock, noon."

Some members of the Legislature, however, were still unreconcilable and thought themselves undefeated. After a motion to reconsider the action whereby the suffrage resolution had been adopted had been made and while it was still pending, thirty-eight members of the House, who opposed ratification, went, on August 21st, to Decatur, Ala., notwithstanding the fact that in 1913 the Legislature had passed an act making willful absence for the purpose of breaking a quorum, a felony.

Besides a large number of acts of local importance, this session also passed the following general laws in addition to Chapter No. 1:

Chapter 17, authorizing additional pensions to Confederate soldiers;

Chapter 18, fixing the powers of the State Board of Equalization;

Chapter 12, to provide for registration of voters.

THE GUBERNATORIAL RACE BETWEEN GOVERNOR ROBERTS AND COL. ALFRED A. TAYLOR

The year 1920 was a year of political topsy-turvy. Throughout the country the tide set in strongly following the national conventions. In Tennessee the democratic candidates were adversely affected as was the case in other states. Besides, in Tennessee, there were many democrats who objected to Governor Roberts on various grounds. Some complained that his tax law was unjust. Others said he had had too much power conferred upon him. Others inveighed against his highway commission. Still others asserted that he had inadvisedly injected politics into penal and charitable institutions and into public school matters. Moreover, he had a falling out with union labor leaders.

Governor Roberts, however, denied that he was hostile to labor. He asserted, on the contrary, that he was decidedly a friend of labor and of the laboring man. At the same time he said that the right to labor where a man wills and for whom he wills was fundamental, as was also the right to conduct a business as the owner desires.[30]

Governor Roberts in his speeches and otherwise strongly stressed and defended his tax measure and also emphasized his law enforcement record. He said: "I am willing to lay my political life on the altar of Tennessee: I am willing to abide by the decision of the people as to whether Tennessee will go on record for law and order or be ruled by the mob."

In speaking of the constructive work of his administration he also called especial attention to the fact that the old system of leasing the state convicts had

[30] The labor dissatisfaction was further augmented by the street car strike which began in Nashville, August 23, 1920.

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been discontinued and that the state asylums for the insane had been converted into hospitals instead of prisons; also that provision had been made that a part of the earnings of every prisoner should be used for the support of his family.

Both Roberts and Taylor were late in getting into the field. Their headquarters were established the latter part of September, when predictions were made that Tennessee would go democratic by 50,000 majority. But what the candidates lacked in time they made up in intensity. Although there was no joint debate, the interest in the campaign reached the highest pitch.

Colonel Taylor was a campaigner of great ability and long experience, an unusually captivating speaker and he drew large audiences wherever he went. His tours were rendered still more attractive by an excellent quartette of his sons who rendered popular songs and contributed no little to the entertainment of Taylor's audiences.

Both candidates covered almost the entire state in their speaking appointments and, while some wise ones asserted that they were not astonished at the result, most persons were absolutely astounded when the result of the vote was announced to be: A. A. Taylor, 229,143; A. H. Roberts, 185,890—the largest vote ever recorded in Tennessee in a gubernatorial race.

This tremendous majority secured by the candidate of the republican party, which normally has been and is the minority party in Tennessee, was caused by four outstanding factors: first, the personal popularity of Colonel Taylor; second, the love which all classes of citizens bear to the memory of his brother, Robert L. Taylor; third, the influence of the national election which carried even Tennessee into the republican column; and fourth, the unpopularity of Governor Roberts with the elements which have already been mentioned.

The Legislature, however, was safely democratic and many predictions were made that Taylor would experience difficulty in securing such legislation as he might favor, and such proved to be the case in many particulars.

ADMINISTRATION OF GOVERNOR A. A. TAYLOR

The Sixty-second General Assembly convened on January 3, 1921, and organized by the election of W. W. Bond as speaker of the Senate and Andrew L. Todd as speaker of the House. On the next day Governor Roberts transmitted his biennial message [31] in which he discussed the following subjects: law and order, abscondence of legislators, agriculture, state highways, child welfare, education, taxation and economy. He discussed taxation with thoroughness and ability and maintained his views with regard to it which have already been stated.

On June 10th, Governor Roberts sent in a special message to the Legislature, suggesting that the one hundredth anniversary of the birth of Nathan Bedford Forrest, on July 13, 1921, be duly celebrated and that a suitable sum be appropriated "to mark his birthplace and bear witness to the love, admiration and veneration in which Tennessee holds him and his memory."

On January 15, 1920, Governor Taylor was inaugurated in the hall of the House of Representatives with impressive and patriotic ceremonies. His inaugural address was worthy of even his exalted reputation. It was eloquent

[31] House Journal, 1921, pp. 13-29.

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in its simplicity and appropriate in its appeal for cooperation. He also alluded to the influence in the election of the memory of the lamented Bob Taylor in the following words:

"As for me I cherish no higher ambition than by your sympathetic cooperation I may become as acceptable as a brother predecessor whose face I looked on for the last time in this very hall, and whose spirit worked so effectively to aid in securing my elevation to this exalted position."

Only three days later Governor Taylor transmitted to the Legislature a strong message [32] which was devoted to the question of taxation alone and in which he recommended the creation of a state tax commission, bi-partisan, to be composed of one member from each grand division of the state.

Less than two weeks later, January 28th, he recommended the repeal of the Public Utilities Law, passed in 1919,[33] and, in a special message [34] on March 7th he stated that by the creation of a central tax commission there would be a reduction of expenses to the state.

He also sent in a strong special message [35] on education, on March 8th, and one [36] concerning the bill then pending, to levy a tax of one-tenth of a mill on all taxable property for aid to agricultural fairs.

IMPORTANT LEGISLATION OF THE GENERAL ASSEMBLY OF 1921

Although Governor Taylor was not successful in securing the passage of acts on some of the subjects which he recommended to the Legislature, the following named important general bills were enacted:

Chapter No. 44,[37] which provided $15,000 for the purchase of Andrew Johnson's tailor shop at Greeneville and for the appropriation of $250 per year for the care and maintenance of it.

Chapter No. 48,[38] which provided for the purchase of property on the north, east and west sides of the capitol and for the creation of a commission, consisting of the governor, the chief justice, comptroller, secretary of state and state treasurer to acquire for the state, property so situated. For this purpose $100,000 was provided by authorizing the issuance and sale of bonds of the state in this sum.

Chapter No. 73,[39] entitled "An Act making July 13th, being the birthday of Nathan Bedford Forrest, a legal holiday."

Chapter No. 74,[40] entitled "An Act to provide for the collection, preservation and publication of material relative to the history of Tennessee, including the military records of its citizens; to define further the powers and duties of the Tennessee Historical Committee, and to provide for filling vacancies therein; to provide for marking battle fields and other historic places within the state and for a Historical Museum; and to appropriate the sum of $10,000 annually for carrying out the provisions of this Act."

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[32] House Journal, 1921, p. 142.
[33] Ibid., p. 280.
[34] Ibid., p. 384.
[35] Ibid., p. 554.
[36] Ibid., p. 850.
[37] Acts of 1921, p. 63.
[38] Ibid., p. 68. In pursuance of the provisions of this act some of the property has been secured.
[39] Acts of 1921, p. 120.
[40] Ibid., p. 121.

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After two years of most important work successfully performed, the Tennessee Historical Committee was abolished by the Reorganization Bill in the session of 1923 and its functions were transferred to the department of education under Commissioner P. L. Harned.

Chapter 83,[41] provided for an appropriation of $5,000 to assist in compiling and publishing a history of the Thirtieth Division American Expeditionary Forces.

Chapter No. 89 [42] authorized counties to establish and maintain county departments of health.

Chapter 98 [43] was entitled "An Act to define, regulate and license real estate brokers and real estate salesmen; to create a State Real Estate Commission, and to provide a penalty for a violation of the provisions thereof."

Chapter No. 104 [44] is known as the "Mother's Pension Fund Act." It provides for the levying of a tax for the purpose of making provision for the partial support and training of the children of widows or of wives of convicts, or of unmarried mothers or of mothers who have been deserted by their husbands.

Chapter No. 107 [45] conferred upon the State Railroad and Public Utilities Commission additional powers and duties including the fixing of fees to be paid by each public utility company.

Chapter No. 113 [46] was an act "to provide means and agencies for the equalization of property assessments for taxation in the State of Tennessee; to create the office of State Tax Commissioner and a State Board of Equalization." It also provided that "the present chief tax statistician shall become the first state tax commissioner," by virtue of which provision A. V. Louthan became *ipso facto,* the first state tax commissioner. This law became one of the burning issues in the gubernatorial campaign of 1922.

Chapter No. 118 [47] was an act "for the improvement of the system of public schools of Tennessee by providing for the apportionment and distribution of all school funds of the state already provided by law" and especially "to provide additional revenue for the elementary schools of the state."

Chapter No. 120 [48] was also an act designed for the benefit of education "by creating in each county a County Board of Education."

Chapter No. 129 [49] provided for "pensions for those colored men who served as servants and cooks to the Cenfederate army in the War between the States, 1861 to 1865."

CHARGES AGAINST CAPT. T. F. PECK

Senate Joint Resolution No. 10 provided for the appointment of a committee of five "to investigate and report to the Senate upon the charges filed this day by Senator John C. Houk against Capt. T. F. Peck, nominee by the governor for commissioner of agriculture of Tennessee, opposing his confirmation by the Senate." Investigation of the charges was made and Captain Peck was exonerated and was confirmed as commissioner of agriculture.

[41] Ibid., p. 138.
[42] Ibid., p. 149.
[43] Ibid., p. 172.
[44] Ibid., p. 205.
[45] Ibid., p. 217.
[46] Acts of 1921, p. 263.
[47] Ibid., p. 291.
[48] Ibid., p. 299.
[49] Ibid., p. 351.

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THE CLABO CASE

On April 9, 1921, the Legislature adopted Senate resolution No. 19, the first paragraph of which recited the fact that "a member of the Senate, E. N. Clabo, has been indicted in the Circuit Court of Davidson County, Tenn., upon the charge of accepting a bribe in connection with the performance of his duties as a senator." The second paragraph stated that "numerous statements and charges of corruption and improper influences in connection with the legislation and business of both houses of the present General Assembly have appeared in the public press." The rumors of such corruption and the direct charges against Senator Clabo demanded a thorough investigation. For this purpose the speaker of the Senate was directed to appoint four members of the Senate who, together with himself as chairman, should make the investigation.

The Legislature adjourned on April 10th and the Senate committee began its work on April 18th, and after a sensational investigation reported to the governor on May 15, 1921, that Senator E. N. Clabo, of Sevier County, was guilty of having accepted a bribe and recommended that the evidence be delivered to the criminal authorities of Davidson County to be used in the trial "under the indictment of Senator Clabo for this offense now pending in the Criminal Court of Davidson County." A change of venue was granted on application of Clabo's counsel and the case was transferred to the Williamson County Circuit Court at Franklin, where it was tried before Judge J. C. Hobbs, in January, 1922. The trial began on January 4th, and on January 11th Clabo was acquitted.

The general impression in regard to the Legislature of 1921 is unfavorable. It left an unpleasant taste in the mouth of the public. It contained, it is true, men of ability and character in each House, but they were, in many instances, swept aside by leaders less scrupulous and of more reckless tendencies.

The governor, too, from time to time, sought to check the waste and extravagance and called the attention of the members to the need of economy, but his appeals went for naught and his vetoes were overridden.

This Legislature is unique in one respect in the annals of Tennessee—that is, in the holding of an official Sunday session so entered in its journal. Other sessions have gone over into Sunday, it is true, but the clocks were turned back and the journals showed the business transacted as of Saturday.

In concluding this account of the administration of Governor A. A. Taylor it may be said that he stood stanchly for the rights of the laboring man and that he strove earnestly, loyally and ably for betterment in taxation, agriculture and education.

THE OUTSTANDING FEATURE OF GOVERNOR TAYLOR'S ADMINISTRATION

In commenting on what was accomplished by Governor Taylor, his private secretary, Hon. A. L. Garrison, writes as follows:

"While Governor Taylor's entire administration was conducted in a statesmanlike manner, without fear, favor or partiality, equal justice being meted out to high and low, rich and poor, black and white, alike; yet there is one outstanding feature, which, had it not been handled by a master mind, would have cost the state and individuals an expenditure of several hundred thousand

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dollars, and the sacrifice of human lives in all probability, and which might easily be overlooked by the masses, were it not especially pointed out.

"During the spring and summer of 1922, labor troubles developed in many localities, and these disturbances were not confined to any particular section, but were prevalent in each grand division of the state. Nor were they allied with any particular industry, but affected mining, manufacturing, and transportation, with a tendency to paralyze the business activities of the commonwealth. Distress signals were heralded from Washington, Claiborne, Unicoi and Knox counties in the east to Grundy, Sequatchie, White and Davidson counties in the middle division, and thence to Madison, Shelby and other counties in the west.

"Governor Taylor was importuned, cajoled, even threatened, to act on behalf of the state. Such actions would be immediately followed by similar tactics from the other side of the controversy. Through these trying times, the governor's broad, deep and resourceful mentality worked out a policy that saved the needless expenditure of public funds and the wanton sacrifice of human lives. It was made clear to him, after listening to the arguments of both sides, that it was neither safe, sane nor wise to place too much confidence in the reports made by either the operators or workmen, it being perfectly human for interested persons to color them in favor of the side represented. Hence he decided to procure reliable information for himself regarding the situation, and, for this task, secured the services of a prominent officer in the World war, a man broad in intellect, rich in experience, and absolutely dependable.

"This man, unknown and unheralded, visited the troubled localities, and ascertained the causes precedent to the effects, finding often that the real facts revealed the truth that neither the employers nor employes were wholly to blame for the attitudes they had assumed, and that when brought together, they could soon arrive at an amicable and equitable settlement of all differences.

"It was further discovered that in some instances the trouble was brought about by parties not directly interested, but acting through selfish or personal motives.

"Hence, while his administration as a whole, and in numerous particular instances, deserves the hearty commendation of the people, this feature alone stands out with vivid distinctiveness to those who look upon his efforts as chief executive, without discriminating criticism."

THE GUBERNATORIAL AND THE SENATORIAL CAMPAIGN OF 1922

Hardly had the Sixty-second General Assembly adjourned, when plans began to be made furthering the aspirations of prospective candidates for office in the election of November, 1922. Naturally, the democrats of the state were dissatisfied with Governor Taylor and chagrined with the overwhelming defeat of 1920. The democratic party of the state had much at stake. In the face of an adverse majority of more than forty thousand (40,000) in the previous gubernatorial election they must rescue Tennessee from the regime of a governor who was personally popular and for whom many democrats had voted. Moreover, besides a governor they must elect a democrat for railroad commissioner, a democrat for United States senator and a General Assembly safely democratic. Yet the democrats, at least the well-informed leaders, began the campaign with few, if any, misgivings, for they knew that political history in Tennessee, since the war between the states, had shown that the united democracy in this state has a decided majority. They knew that this fact has held good uniformly

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with the exception of the result in the presidential election of 1920. That result, too, was undoubtedly strongly affected by the factional bitterness that had arisen among the democrats in the state incident to the war made on Governor Roberts. According to precedent, therefore, it was reasonable to suppose that with internal indifference reconciled and with proper efforts put forth in behalf of popular candidates success would ensue in the next election.

Gen. Harvey H. Hannah was the first democrat mentioned for governor, and, strangely enough, the suggestion was made by a paper outside of Tennessee, the Daily Press of Paragould, Ark., in July, 1921.

It was known, of course, that Hon. Austin Peay would be a candidate for the democratic nomination for governor. In December, 1921, General Hannah challenged Mr. Peay to a joint discussion. On December 8, Mr. Peay replied in an open letter of declination in which he said:

"My candidacy for governor is solely directed to the relief of the people from burdensome taxation and to a business administration in simplicity and economy of all institutions and affairs of the state.

"These are not matters for the fustian and rivalry of political debate. My views and plans for this needed relief can best be presented to the people in plain and uninterrupted discussion."

At this time ex-Governor Benton McMillin, who had been United States minister to Peru, and later, minister to Guatemala, was suggested by some of his friends as an excellent man to serve the state again as governor. He returned to Tennessee early in 1922, and the demand that he become a candidate was renewed, and, although at first he seemed disinclined to do so, the insistence became so pronounced that late in the spring he yielded.

Gen. L. D. Tyson was also urged, but finally declined definitely.

On January 21, 1922, Senator L. E. Gwinn, of Covington, who had achieved an excellent record as a member of the Sixty-first General Assembly, and was well liked throughout the state, announced his candidacy and his platform. He was the youngest and least known of the four democratic candidates for the gubernatorial nomination. He made a clean race, and although defeated, won a definite position of honor and respect before the people.

Mr. Peay's platform was announced on March 6, General Hannah's on April 8th, and Governor McMillin's on May 26th.

Senator Gwinn delivered his opening campaign speech at Dyersburg on May 1st; Senator Hannah delivered his at McMinnville on May 13th; Mr. Peay delivered his at Gallatin on May 27th, and Governor McMillin delivered his at Murfreesboro on June 17th.

From this time on the campaign progressed with constantly increasing vehemence and interest, but with all, it was remarkably clean and no charges of corruption with it, or with the election which ended it were ever made.

Austin Peay was victorious by the following vote: Austin Peay, 63,940; Benton McMillin, 59,922; Harvey H. Hannah, 24,062; L. E. Gwinn, 15,137.

THE SENATORIAL RACE

Early in 1922 many prominent men were suggested as candidates for United States senator to succeed Senator K. D. McKellar. Among them were Senator McKellar, himself, Thetus W. Sims, Noah Cooper, G. T. Fitzhugh, ex-Governor M. R. Patterson, and Dr. Gus W. Dyer. Of these McKellar, Fitzhugh, Cooper, and Sims made the race.

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By midspring both McKellar and Fitzhugh had their campaigns well under way, although the latter made his formal opening speech at Jackson as late as May 20, and the former made formal announcement of his candidacy on June 2nd.

Fitzhugh, ignoring the other candidates, invited McKellar to join him in joint debate, which invitation Mr. McKellar emphatically declined.

Cooper issued a broadcast challenge which no one accepted.

While there was some bickering and acrimony among the adherents of McKellar and Fitzhugh, yet speaking generally little criticism can be made upon the conduct of the campaign. In it McKellar was materially assisted by the endorsement of the state federation of labor.

In this contest the vote in the primary election in August was as follows: K. D. McKellar, 102,692; G. T. Fitzhugh, 47,627; Noah Cooper, 9,480; Thetus W. Sims, 619.

In this primary election Hon. Porter Dunlap was nominated for state railroad and public utilities commissioner from West Tennessee to succeed Col. B. A. Enloe, who, on June 2nd had announced that he would not be a candidate for reelection, on account of ill health. Mr. Dunlap's candidacy was most popular, both because he had been acceptably tried as state treasurer from 1915 to 1919, and also because of his splendid character, high sense of honor, lofty patriotism and fidelity to his party. He received a vote of 90,719.

During these campaigns serious charges were made against W. J. Hale, the president of the State A. & I. Normal for negroes, which charges entered into the gubernatorial campaign to a considerable extent. In February, Prof. Hale was charged with extortion at the expense of the trainees of the school, and the State Board of Education and the Veterans Bureau took issue with each other over the matter. General Hannah espoused the contention of the Veterans Bureau and was very caustic in his criticism of the State Board of Education which had exonerated Hale in resolutions adopted on February 10th. Hannah said they had whitewashed Hale. Prof. Hale resigned and the trainees, vocational students to the number of 212, were sent to other schools.

MUSCLE SHOALS

During this period extraordinary interest was taken in Tennessee in Henry Ford's effort to secure and develop the Government's plant at Muscle Shoals. Although located in Alabama, Muscle Shoals means much to Tennessee and all Tennesseans were and are in favor of Ford's bid. Great pressure was brought to bear on Congress, on the President and on Secretary Weeks, all to no avail. Even Governor Taylor headed one of the delegations which went to Washington in behalf of Ford's offer to the Government. Concerning this offer Ford himself said: "We didn't make the Government a selfish proposition; it was an industrial philanthropy which we offered, an offer based on a desire for great public service."

THE PEAY-TAYLOR RACE

From the very first it was a certainty that Governor Taylor could have the republican nomination for governor to succeed himself if he wished it. Indeed, no other name was suggested for this honor. Early in the year it was rumored

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that he had an ambition to become United States senator. But he soon put that rumor to rest by declaring that if he should run for any office it would be for that of governor.

At the meeting of the State Republican Executive Committee on January 25, 1922, Taylor's administration was strongly indorsed. A paragraph in one of their resolutions read as follows: "Governor Taylor's stand for reorganization of the state government by the abolition of useless offices and the consolidation of departments for economy and efficiency in administration has the endorsement and approval of the people, and if put into effect would lessen the burden of taxation."

On the point of "consolidation of departments" both candidates were of one mind, but in many other respects they differed materially. There was no joint debate. Each aspirant conducted his campaign according to his own ideas, paying but little attention to the other. Governor Taylor's family quartette and "Old Limber" figured pleasantly and his speeches drew great crowds.

Austin Peay also drew great crowds. He did not possess the prestige of Governor Taylor as an orator nor his long experience in politics, but his deep earnestness, his patriotism, his belief in his solution of pending problems of state and his unselfish desire for service in embodying his convictions in Tennessee's fundamental law for the good of all the people made a favorable impression wherever he went. The tide began to set in his direction, stronger and yet stronger as election day approached until on the eve of that day his election was assured. The only question was as to the size of his majority.

In this campaign the democrats were also helped by the fights among the republicans for the loaves and fishes of federal patronage and office.

The official returns of the election of November 7, 1922, were as follows: Austin Peay, democrat, 141,002; A. A. Taylor, republican, 102,586.

GOVERNOR PEAY'S ADMINISTRATION

The Sixty-third General Assembly convened on January 1, 1923, and organized by the election of Eugene J. Bryan, speaker of the Senate, and Frank S. Hall, speaker of the House. Most of the members of this Legislature had been elected upon the platform on which Governor Peay had stood and were in hearty accord with the principles and proposed legislation which he advocated. Hence, besides the organization of the two houses, and the introduction of a few bills, virtually nothing was done by the Legislature until after the inauguration of the new governor, which event took place at the Ryman Auditorium in Nashville on January 16, 1923.

In view of the new plans which it was understood would be put into effect by the new governor relative to the administration of the state's affairs, this inauguration was deemed to be an occasion of more than usual historic importance. For this reason and also because of Governor Peay's personal popularity the auditorium was crowded. The ceremonies were attended by the retiring governor, A. A. Taylor, and ex-governors, Frazier, McMillin, Patterson and Rye, by both houses of the Legislature in joint session presided over by Speaker Bryan of the Senate and by hundreds of distinguished men and women from all parts of the state. Both the speech of the retiring governor and that of the incoming governor were very happy. In the speech of the latter was the

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following paragraph which was a propitious augury of the character of the administration which was about to begin.

"I am determined to be the governor of the people, without distinction of class and to administer the trust with justice and courtesy to all. Let us forsake the bitterness of the past; the future beckons us with inviting arms. Its course is laid and its goal is bedecked with inviting trophies. My prayer is to Providence for strength and vision to keep my faith and to win the race."

THE REORGANIZATION BILL

The new governor lost no time in setting in motion the legislative machinery for the redemption of the pledges which he and the democratic members of the General Assembly had made to the people. Most of those pledges were redeemed by the passage of the Reorganization Bill, which was not only the main, outstanding piece of legislation of that session, but was veritably revolutionary in the changes and reforms which it effected. In the preparation of that tremendous bill Governor Peay had the valuable assistance of Mr. A. E. Buck, of the Bureau of Municipal Research, of New York City, a man of great ability and long experience in matters of this nature.

The title of this bill was "An Act to reorganize the administration of the state in order to secure better service and thorough coordination and consolidation, to promote economy and efficiency in the work of the government, creating and establishing certain departments and offices and prescribing their powers and duties; abolishing certain offices, boards, commissions and other agencies and repealing conflicting acts and parts of acts."

By this act the sixty-four departments, bureaus, commissions, boards and other separate offices of the state were combined into eight great departments, as follows:

1—The department of finance and taxation.
2—The department of agriculture.
3—The department of highways and public works.
4—The department of education.
5—The department of institutions.
6—The department of public health.
7—The department of insurance and banking.
8—The department of labor.

Immediately certain state officers who, through the operation of this law, were automatically removed before the expiration of the terms for which they had been appointed by the previous governor, applied to the courts for an injunction to restrain their successors, who were appointed by Governor Peay from occupying their offices, and a temporary injunction was granted. This injunction was dissolved by Chancellor John Aust, of Davidson County, whose opinion was affirmed, on appeal, by the state supreme court.

At the time of this writing it is too early in the present administration for proper historic perspective of current state events, but the consensus of opinion throughout the state with the exception of some malevolent critics of Governor Peay is that he is sincerely endeavoring to work out a better system of administration of the state's affairs and that the reorganization and consolidation effected will, in the course of time, result in great good to the state, in the saving of expenses and the gaining of greater efficiency.

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Concerning what has already been accomplished by his administration, Governor Peay, in a speech which he delivered before the Nashville Chamber of Commerce, on May 4, 1923, spoke as follows:

"I am not here to talk politics nor to make a speech. It is well known that I am not a speech maker. For three and one-half months I have been on the job. It has been a grueling task. No man can appreciate the ordeal of a governor who has not tried it. Steadfastly I have pursued my duty without looking to the right or the left. Often I have wondered if it was not a fatuous and mistaken undertaking. If there is appreciation you seldom hear it, but always the barking of the small and the mean rings in the ears.

PUBLIC TO BE TRUSTED

"In the largest and broadest way I have earnestly met the responsibility which a great people confided to my care. The public can be trusted and its judgment is seldom wrong. Its sentiment may occasionally be hot and strong and sometimes it may be wrong but truth in time is unerring and will prevail. You represent the intelligent, patriotic thought of the state. At your urgent invitation I am here to briefly report. The people put me in charge of their business. Political parties and public men deserve rebuke and censure unless they suit their actions to their words. Neither candor nor honesty is possible in another course. Take the record and examine it. Whatever of blame is mine; whatever of credit I accord to the Legislature: Let me say that the Sixty-third General Assembly was the best within memory. It was composed of high minded, worthy and patriotic men. They set themselves with zeal to remedy deplorable conditions. They failed in some things on which our judgments differed but on the whole it set the record in this state. With few exceptions, I predict that its membership will be returned by the people.

PLEDGES ARE RECEIVED

"We came into power on these pledges:

"First, Reorganization of the administrative system looking to economy and efficiency. How was the pledge redeemed? By the passage of what is known as the Reorganization Bill which was promptly contested by deposed officials in the courts and sustained. Every citizen interested in his government should read this bill. It is the best piece of legislation which has gone on our statute books in many years. The system which this law supplanted was cumbersome and archaic. The government was administered through sixty odd bureaus, boards and commissions. It functioned without any centralized direction and control. The duplication and overlapping of administration and expense were ruinous in cost and destructive of efficiency.

"No private business would have tolerated the old system for a day. The governor is now the responsible head of the state government. He is in constant touch with the agencies and affairs of the state. The talk of power and politics is nonsense. He needs the power and should have it to execute the will and orders of the people who elect him to be the governor of the state. Politics flourished under the old system to better advantage. There were more appointments and greater latitude to hide political expense.

"If the present system was administered for politics instead of efficiency it would be immediately seen. For that matter politics adhere in all government which is popular in character. The responsibility is with the people. If they elect politicians they can expect politics. This law is progressive and is functioning with fine results and it is the best legislation enacted in any southern state in many years. I selected eight outstanding men to administer it and they are doing it to the credit and honor of our state.

"I am glad in this connection to quote from a letter received this morning from the Municipal Research Bureau's expert who advised and assisted during the legislative session, without a penny's cost to the state, the following comparison between the expenditures of the last and the next biennium to settle

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all questions as to whether we have economized in state expenditures and he files the items to show the accuracy of his figures:

"'A reduction of $1,547,217.11 has been made in the operating costs of the state government for the next biennial period. Of this amount, $147,515.89 is the result of economies on the part of the 1923 Legislature, and $177,746.04 is an estimated reduction in the cost of operating the state judicial system. When these two items have been deducted from the total reduction there remains $1,221,955.18, which amount is a reduction in the administrative or departmental cost of the state government. This latter amount is the result of Governor Peay's program of administrative reorganization and economy, and it enabled the Legislature to reduce the state tax from 36 cents to 30 cents on the hundred dollars. Further reductions in the cost of the government should result during the next two years from the application of the business methods instituted by the reorganization plan.'

TAX DEPARTMENT CLEANED UP

"We promised to reorganize the state tax department, and it has been done. The people demanded a change. The former administration was a failure from beginning to end. It established a tax machine which was a combination of ignorance and autocracy. You have only to read the newspaper which fathered the old tax machine to understand how well that pledge to the people has been kept.

"The highway department has been thoroughly reorganized. No reformation in Tennessee was ever so needed. The special auditor who is investigating that department said to me a few days ago that if this administration accomplished no more for the people, that it had saved millions of dollars to them in the reorganization of this department. I am proud of the man who heads this department. He is a great engineer with an immense store of common sense and his honesty is outstanding and intense. Give to Creveling the time and money and he will give you a highway system which will be his monument for all time. He is Tennessee's big asset today.

"You have heard them talk about the back-tax machine for years. Where is it now? Scrapped forever. We have wiped it out root and branch. The people said do it, and I made the race for governor to do it, and it has been done. It did not dominate this Legislature. It is no more than an evil memory.

LAND TAX REDUCED

"We repealed the 8 per cent law and the sliding scale. It was promised and it was done. A reduction of a million dollars in the land tax was promised. They said it could not be done and was a mere canard to deceive the people. All will see when their next taxes are paid. We reduced the tax rate from 36 to 30 cents, and we are preparing for a cut in land assessments of 20 per cent on the whole. The reduction in property tax will be more than a million dollars.

"We promised the people there would be no bond issues without a popular vote. The Legislature adhered to this rule with scrupulous fidelity. I watched this policy with great interest. Nobody can doubt its wisdom. It will stop waste and extravagance. The practice of piling debts on cities and counties and going to the Legislature for bonds to pay them had become intolerable. The people will derive a great advantage from that policy.

"We promised less legislation. The people were tired of laws and more laws. The last Legislature made a good record in this respect. It only enacted 122 general statutes and several of those were repealing acts.

COST OF LEGISLATION LESS

"The last Legislature cost some $70,000 less than its predecessor. It was a clean, wholesome, working body. You will find in the next acts much thought-

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ful and helpful legislation. I urged in the campaign a restoration of the right of contract over utilities to cities and I did my utmost to restore home rule to the people.

"While I failed, such was not my fault. I did my best and if the people can reverse the attitude of their own representatives on this matter I am ready to assemble the Legislature in extra session. Some business men took exception to the excise tax. When they investigate they will be satisfied. It is sound and scientific in principle. It will prevail in all states in a few years. Something had to be done to restore our balance. We were running behind annually about a million dollars. Our farmers were being taxed to the limit. They were entitled to relief. They had to have it.

"Ours is an agricultural state. I am glad to say that I have had the farmer in my mind in all that has been done. He must prosper or our country will despair. He feeds and clothes us. All classes of human industry now appreciate the necessity of fostering agriculture. Big brained men of business, I appeal to you to join hands with the farmer in making Tennessee a happy and prosperous people, making a reality of the seal and motto of our state which link commerce and agriculture in an indissoluble partnership."

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CHAPTER XXXI

HISTORIC SPOTS AND PLACES

EAST TENNESSEE—MIDDLE TENNESSEE—WEST TENNESSEE

EAST TENNESSEE

The eastern grand division of the state is the cradle of Tennessee history. In a sense, indeed, it may be said to be the cradle of the history of the entire Southwest, for, from this section ambitious and adventurous men and women have gone into every state in the regions south and west of Tennessee, beginning with the very earliest days of their history, and have been large and sometimes predominant, factors in their establishment and development.

Middle Tennessee was settled and built up almost entirely by the hardy pioneers from East Tennessee; and West Tennessee, in turn, was developed by the people from Middle Tennessee and East Tennessee.

The people of East Tennessee themselves came principally from Virginia and North Carolina. The very first communities in this section were established by Virginians who thought, at the time of their coming, that they were still within the boundaries of the Old Dominion. The earliest of these communities was The Watauga Settlement, started by William Been in 1769 or 1770. The second was The Carter's Valley Settlement, established by Parker and Carter in 1771. The third was The Nollichucky Settlement, crystalized around the store of Jacob Brown which was opened for trade with the Indians in 1772.

From these three communities developed the strong, hardy, virile and ambitious people of East Tennessee. They were a resolute, fearless and strong-minded people, impatient of restraint, courageous in danger, uncomplaining in the endurance of hardships which they incurred in the expectation of bettering their fortunes. They were mostly of the Anglo-Saxon race.

Although they safeguarded their settlements by a ten-year lease from the Indians, and afterwards bought the land for a price which the Indians thought extravagant, they found that the savages did not at all respect contracts and treaties, that they had no honesty and knew little of moral law or duty. Some of the whites, too, were not impeccable and were "land-greedy." The inevitable result was clashes between whites and Indians. Hence, the whites resorted to the establishment of forts or stations, each with a garrison to protect the settlers from the assaults and thefts of the Indians. These stations, too, many of them located near the Indian frontier, became, in turn, the nuclei of settlements.

In regard to these stations, Ramsey says, page 370:

"During the formation and defense of all these stations, a volume would not contain the instances of Indian outrage and aggression perpetrated against the property and lives of the inhabitants, nor the heroic and soldierly conduct of the brave frontiermen, in protecting themselves, repelling invasion, pursuing and chastising the savages, inflicting a just retaliation with vengeful

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A GARDEN PARTY OF THE FIFTIES

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severity upon the cruel Cherokees, in their distant villages and the seclusions of the mountains. Boys became men—women turned soldiers—assisting in defense of the family and the home. Vigilance and heroism, and fearlessness and energy, characterized the entire population. Could a diagram be drawn, accurately designating every spot signalized by an Indian massacre, surprise or depredation, or courageous attack, defense, pursuit or victory by the whites, or station, or fort, or battle field, or personal encounter, the whole of that section of country would be studded over by delineations of such incidents. Every spring, every ford, every path, every farm, every trail, every house, nearly, in its first settlement, was once the scene of danger, exposure, attack, exploit, achievement, death."

THE FIRST CAPITOL OF TENNESSEE

In December, 1789, the State of North Carolina passed an act intrusting their senators in Congress to make a deed to the United States covering that part of North Carolina which is now Tennessee, provided the United States should accept the cession with the conditions stipulated in the act. On April 2, 1790, Congress accepted the cession and what is now Tennessee became the Territory of the United States South of the River Ohio. On June 8, 1790, President Washington commissioned William Blount governor of this territory. Governor Blount speedily organized the counties in the territory and established the government both of the counties and of the territory.

In 1792 Governor Blount located the capitol in Knoxville, which had been founded in 1791 by Gen. James White, Knoxville was named for General Henry Knox, secretary of war in Washington's cabinet. At the time it was selected as the capital of the territory, however, the place was known as White's Fort. The capitol was located on Second Street, now Hill Avenue, about one hundred yards from Market Street, now Gay Street. In 1794, when the Territorial Legislature met for the first time, its sessions were held in this building. In it John Sevier was sworn in as governor of the State of Tennessee on March 28, 1796, although it was not admitted into the Union until June 1, 1796.

In that venerable two-story long building all the sessions of the state Legislature were held from 1796 until 1813 except in 1807 when the Seventh General Assembly met at Kingston but adjourned to Knoxville after two days. From 1813 to 1817 the capital was in Nashville. The session of 1817 was held in the old capitol building in Knoxville. This was the last session held in Knoxville.

FIRST PRESBYTERIAN CHURCHYARD IN KNOXVILLE

In Ramsey's Annals, page 374, is the statement:

"Tradition says that the lot on which the First Presbyterian Church now stands, was the place first cleared by them" (James White and James Conner, the first settlers in Knoxville).

At any rate the spot is hallowed by time and by the interment therein of many persons famous in the history of Tennessee. Among them are Gen. James White, William Blount, Hugh Lawson White, William McClellan, Rev. Thomas Nelson, Abner Baker, Rev. Stephen Foster and Col. John Williams, besides many others of more or less enduring fame.

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On the headstone over the grave of General White is the tribute: "An Active and Industrious Member of this Church." He gave the land for the church and gained a fortune from his real estate holdings in Knoxville. In 1791 he laid off the site of the future city and first built a stout fort called White's Fort. He was father of Hugh Lawson White, judge, United States senator and candidate for President of the United States against Martin Van Buren in 1836.

William Blount was the efficient and patriotic governor of the Territory of Tennessee South of the River Ohio, had been previously a member of the United States constitutional convention and was the first United States senator from Tennessee. By his side is his wife, Mary Grainger Blount, in honor of whom the County of Grainger and the City of Maryville were named.

Rev. Thomas Nelson was a teacher for children in the early days of Knoxville and was so beloved that the women of that city, a few years after his death, contributed money to erect a tombstone to his memory with an inscription paying due tribute to his worth as a teacher.

Rev. Stephen Foster was one of the first teachers in East Tennessee College, originally Blount College, now the University of Tennessee. He was considered an authority on the battle of King's Mountain.

Col. John Williams was one of the great men in the early history of Tennessee. He was a large contributing factor in winning the battle of Horseshoe Bend and gallantly came to the help of Jackson, then at Fort Strother, by procuring from the secretary of war a change of instructions which made his regiment available to Jackson. Yet in the mutations of politics it was deemed necessary in 1823, by the faction in opposition to Williams who was then United States senator, that he be defeated for reelection. So strong was he, however, that Andrew Jackson was the only man in the state who could defeat him; and it was with great reluctance that Jackson permitted the use of his name and was elected United States senator at that time. He was born in Surry County, North Carolina, January 29, 1778, and died near Knoxville, August 10, 1837.

THE HOME OF WILLIAM BEEN AND BEEN'S STATION

The date of William Been's advent into Tennessee is a matter of dispute among historians. The date generally given is 1769. Garrett and Goodpasture, however, say, on page 49, "In 1769 or 1770, William Been, originally from Pittsylvania County, Virginia, penetrated as far south as the Watauga, and erected a log cabin at the mouth of Been's Creek, where his son Russell, the first native white Tennessean, was soon afterwards born." In a footnote they say: "William *Been* signed his name as given in the text. His son Russell * * * signed his name Russell *Bean*."

The early settlers who came from Virginia thought they were still in Virginia. Of those settlers Ramsey says, page 94:

"Of those who ventured farther into the wilderness with their families, was Capt. William Bean. He came from Pittsylvania County, Va., and settled early in 1769 on Boone's Creek, a tributary of Watauga, in advance of Carter and others, who soon after settled upon that stream. * * * Capt. Bean had hunted with Boone, knew his camp, and selected this as the place of his settlement on account of its abundant game. His cabin was not far from

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Watauga. He was an intrepid man, and will be mentioned hereafter. Bean's Station was afterwards settled by him."

Some writers of historical articles assert that Bean's cabin was the first structure built by white men in the State of Tennessee. Nothing could be farther from the truth. As far back as 1682 LaSalle, when making his famous voyage of discovery down the Mississippi River (according to Martin's North Carolina, Vol. I, p. 176), built a cabin and a fort which he called Prudhomme, made a treaty with the Indians and established a trading post. Judge J. P. Young, of Memphis, who obtained his information from French sources, says no trading post was established. However, the Frenchman, Charleville, did establish a trading post in 1710, on the Cumberland River where Nashville now stands.

Again, in 1756, Fort Loudon was built at the head of navigation on the Little Tennessee River, nearly 150 miles in advance of any white settlement.

Also in 1770, Jas. Robertson visited the country on the Holston and found there Honeycut living in a hut. How long Honeycut was there, whether he preceded or followed Been, neither history nor tradition tells us.

In any event these historic facts do not derogate one iota from the just fame which attaches to the name of William Been who was the forefront of the advance guard of civilization west of the Alleghany mountains. As Heiskell says in his Andrew Jackson and Early Tennessee History, Vol. I, p. 20:

"When William Bean planted his cabin in 1769 on Boone's Creek near its junction with the Watauga River, he never dreamed that his humble habitation was to become a land-mark in the future State of Tennessee that would never fade from the record of the State, nor that he as the actual first settler of the State would be as immortal as the State itself. The cabin was planted one hundred and forty years ago, and today, Tennessee with a population of two and a quarter millions, teaches its school-children the story of William Bean and his cabin, and gives him that lofty place in its annals that is ever accorded to first settlers of cities and states."

BLOUNT COUNTY

Blount County was formed in 1795 from Knox County and named for Governor Wm. Blount. Its county seat, Maryville, was named for Mary Grainger Blount, wife of Governor Wm. Blount. The settlement of this county began in 1785 and the early settlers were much harassed by the Indians. Nine places in this county have been deemed worthy of being commemorated by historical markers. These places are as follows:

1. McGaughey's Fort. Although McGaughey's Fort was in Sevier County (established in 1794), it was on the line of the old Indian War Trail which extended through Blount County, and was a great protection to the early settlers in this county, especially to those along Boyd's Creek Valley, whence they crossed the ridge dividing that stream from Ellejoy.

The country around this fort was the scene of many encounters with the Indians, among the most romantic of which was the narrow escape of W. H. Cunningham and the family of Andrew Creswell which took place in 1793.

McGaughey's Fort was established prior to 1785, being, of course, contemporaneous with the advent of the early settlers and was located where the Village of Seymour now stands. See Ramsey's Annals, pp. 578 and 590.

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2. McTeer's Fort. Hon. Will A. McTeer gives the following account concerning McTeer's Fort:

"McTeer's Fort was situated on Ellejoy Creek. This is a place where numerous springs of cold water come bubbling up along the stream and for some distance on the sides. There was a flat bottom along down the stream for some distance, and shaded with forest trees, the indications are, which are beyond doubt true, that it was a great stopping place with the Indians before the advent of the whites, because a more beautiful camping ground than it was then, would be hard to find anywhere. It was claimed by the old people that Robert McTeer was the first white man to spend a night in that locality, and he procured a grant from North Carolina for a large tract of land including these camping grounds.

"About 1790, under the entanglement regarding the treaties and the trouble between the people of the western territory and the old state, this grant was found to be defective, and he procured a grant after this from Tennessee. The fort was built on a little rise where it commanded a good view of approaches, and, connected with it, Robert McTeer erected the first mill built in that locality.

"The whites were troubled a great deal with the Indians by stealing, raiding and annoying. From this fort Cunningham went out to fields east of this place, was attacked by the Indians who dragged him into a cane brake, and there mutilated and scalped him, leaving him for dead. The whites sallied out, met the Indians, fired on them, killed one while another was traced a considerable distance by the blood. And from this fort the Campbell family started intending to go to either McCroskey's or McGaughey's, and in near two miles from the fort were waylaid and massacred, their bodies being found lying dead, and were all buried in the same grave. This grave is near Eusebia Presbyterian Church, and the spot has been conveyed to Eusebia Cemetery. A fund was raised about ten years ago, and a monument erected on this grave.

"From the place of this fort there was a branch of the Indian War Trail, crossing Chilhowee mountain at what is known as Millstone Gap, and leading on to the Indian town in Tuckaleechee. After the whites came into the territory, that was a place of considerable importance, at which Colonel Christian with his command, and afterwards General Sevier on one of his excursions, stopped over and camped. It is now a considerable burgh and center for a prosperous country community."

Ramsey says, page 369, that McTeer's station "soon became the nucleus of an excellent neighborhood of intelligent, worthy and patriotic citizens, emigrants principally from the valley of Virginia, who brought with, and diffused around them, republicanism, religion, intelligence and thrift. They were, for several years, annoyed and harassed by Cherokee incursions. The proximity of their settlement to the fastnesses of the adjoining mountains, made it necessary, constantly, to guard their frontier. While one worked in the field, another acted as a scout or a sentinel. They were often driven into stations, and twice had to leave their farms and cabins, and fall back, for a short time, upon the older settlements. But gaining, year after year, additional strength by new emigrations, they gradually extended the settlements down the valley of Elijah and Naill's Creek. Henry's, McTeer's, McCullock's, Gillespie's, Craig's, Kelly's, Houston's, Black's, Hunter's, Bartlett's, Kirk's, Ish's, and others, were, soon after, the nuclei of settlements."

3. Gamble's Fort was in a beautiful and strong situation at the bend of Little River below the river gap in Chilhowee Mountain. This was established probably as early as 1785. In 1792 it was a strong station having a lieutenant, William Reagan, and thirteen men, and was kept strong because it was situated near the great war trail and also on the line between the war trail and the Tuckaleechee town.

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From the very first there was much trouble with the Indians (Cherokees) in the way of incursions and stealing, with occasional attacks on the settlers when they ventured out. In 1793 the situation was acute. At this time the government of the United States, under President Washington, was endeavoring to effect a treaty with the Indians and the Territorial government and the settlers were forbidden to make invasions of the Indian territory howsoever strong the provocation to do so might be. The policy of the government was not to allow the passions of the Indians to be inflamed.

The Indians quickly realized the situation and took advantage of it. On January 22, 1793, they killed and scalped John Pates on Crooked Creek. On January 29, they stole three of William Davidson's horses from Gamble's Station, and on February 26, they stole ten horses from Cozby's Creek. These aggressions caused the spontaneous assemblage of the militia at Gamble's Station. They were keen to march to the Indian towns and to inflict severe retaliation upon the savages. So incensed, indeed, were the people of this settlement and vicinity that Governor Blount sent Colonel Kelly to them in an effort to pacify them. He also issued a proclamation requiring the citizens to refrain from invading the Indian territory. Blount finally went in person to Gamble's Station to make a personal appeal to the settlers in the effort to preserve peace; and, in this, he was aided by Col. Jas. White, the founder of Knoxville. To the same end he also ordered a company of cavalry to range from the Holston River to the Little River. Quiet was finally restored.

4. Craig's Fort was situated where Maryville, the county seat of Blount County, now stands. It was located on a bluff above a large flowing spring, where the Sevierville road (now Main street) crosses Pistol Creek. It was a beautiful and strong position. This station was a leading stronghold, and many casualties occurred there and near it. It was built in 1785.

In April, 1793, a party of 500 Indians attacked the place. As the approach of them was learned in time, the women and children were sent out along the creek where there was a thick undergrowth of privet and shrubbery about two miles northwest of the fort and there they remained concealed until the fight was over. There was no casualty among the whites and the Indians carried away their dead and buried them to keep the white men from seeing them. At this time there were 280 men, women and children at this station, who lived in much discomfort in the inadequate and congested quarters.

5. Burnt Station, or Gillespie's Fort, named for William Gillespie, was situated on Little River near Rockford. It was probably built about 1785. At that time the boundaries of Brown's settlement extended on the west down the Nollichucky River, below the mouth of Big Limestone Creek, and as that neighborhood was the weakest and the first exposed, a fort was built at Gillespie's and a garrison was stationed in it.

In 1776, the Cherokees, under old Abraham of Chilhowee, invaded the settlements hoping to surprise and annihilate Gillespie's Station. But, being apprised of the pending attack, the little garrison prudently abandoned the fort and withdrew to Watauga.

On October 15, 1788, a party of Cherokees and Creeks numbering two hundred or three hundred, commanded by John Watts, attacked Gillespie's Station and twenty-eight persons were killed and several were carried away as prisoners. In a letter left signed by the Indian chiefs and addressed to Mr. John Sevier, and Joseph Martin, and to you, the Inhabitants of the New State

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the first sentence is: "We would wish to inform you of the accident that happened at Gillespie's Fort, concerning the women and children that were killed in the battle." The Indians burned the fort which was afterwards, on this account, called Burnt Station.

6. Ish's Fort was established in the early days of the settlement, about 1785, where Louisville now stands. It was one of the most important stations in the county, having, in 1792, a garrison of eight men in charge of Sergeant Matthew Karr.

Many encounters with the Indians took place here and in the vicinity of the fort and many white people were killed and wounded. In 1793 the Indians surprised a man named Ish in a clearing, shot and killed him. He was buried where he fell and that interment was the beginning of burial grounds which are still used for that purpose.

General Sevier was at Ish's Fort, expecting to intercept a large body of Indians, who, according to report, were on their way to attack White's Fort. The Indians, however, traveled a route farther north and, learning of General Sevier's whereabouts, became alarmed, massacred the Cavet family and returned without attacking Knoxville. The firing at Cavet's could be distinctly heard at Ish's where preparations were made for an immediate pursuit, and an invasion of the Indian country. Captain Harrison with his company of light horse set out for the trail of the Indians who, it was ascertained, had abandoned their attack on Knoxville.

The daring inroad of almost the entire available force of Cherokees and Creeks, under John Watts, went far to convince the authorities of the Territory and President Washington that it was no longer safe or wise to continue the past policy of limiting the action of the country to defensive warfare only against the Indians. Accordingly, starting from Ish's Station, Sevier struck a sudden and destructive blow at the very heart of the Indian nation at Etowah (now Rome, Ga.). This was the last military service rendered by Sevier and the only one for which he ever received compensation from the government.

7. Hunter's Fort was located on Nine Mile Creek about 1788 at a place since known as Baker's Creek, ten miles southwest of Maryville. Following upon the massacre of the Kirk family, on Little River, in 1788, the militia under command of Colonel Sevier, assembled at Hunter's Fort to the number of several hundred. Thence they followed the Indians to their towns and severely punished them.

8. Houston's Station was one of the forts on the advanced frontier and one of the most important in the county. It was located probably before 1785, on Nine Mile Creek, about six miles south of Maryville.

In 1785 Houston's Station was occupied by the families of Col. James Houston, McConnell, McEwen, Sloane and Henry. Colonel Houston, the commander, was a man of great courage and determined will and of marked intelligence. He was of the same stock as Gen. Sam Houston. At this fort one of the most desperate battles with the Indians was fought in 1785. Ramsey in his Annals, pages 370-371, gives the following account of it:

"It was attacked by a party of Indians, one hundred in number. They had, the day before, pursued the survivors of the Citico massacre, in the direction of Knoxville, many of whom they had killed. Elated with their preceding successes, they determined, on their return, to take and murder the

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feeble garrison at Houston's. A vigorous assault was made upon it. Hugh Barry, in looking over the bastion, incautiously exposed his head to the aim of an Indian rifle. He fell, within the station, fatally wounded, having received a bullet in his forehead. The Indians were emboldened by this success, and prolonged the conflict more than half an hour. The garrison had some of the best riflemen in the country within it, and, observing the number and activity of the assailants, they loaded and discharged their guns with all possible rapidity. The women assisted them as far as they were able. One of them, Mrs. McEwen, mother of R. H. McEwen, Esq., of Nashville, and since the wife of the Senior S. Doak, D. D., displayed great equanimity and heroism. She inquired for the bullet moulds, and was engaged, busily, in melting the lead and running bullets for different guns. A bullet from without, passing through the interstice between two logs of the station, struck the wall over near her, and rebounding, rolled upon the floor. Snatching it up, and melting and moulding it quickly, she carried it to her husband and said: 'Here is a ball run out of the Indian's lead; send it back to them as quick as possible. It is their own; let them have it in welcome.' ''

In 1784 the State of Franklin had been formed and John Sevier, who had been chosen governor in 1786, adopted the policy of penetrating into the enemy's country in order thereby to cause the immediate return of the marauding Indians and also to punish them. Houston's Station was made the rendezvous for his troops. The expedition was eminently successful and, as a result, few attacks were made on the whites for some time.

9. Site of the home of the Kirk family. The Kirk family lived on Little River, not far from Houston's Fort. The horrible murder of this family by the Indians is told in detail by Haywood, page 181, and following, and has been condensed by Ramsey, pages 410 and 411 as follows:

"In the month of May, 1788, Kirk lived with his family on the southwest side of Little River, twelve miles South of Knoxville; whilst he was absent from home, an Indian by the name of Slim Tom, known to the family, came to them and requested to be supplied with provisions, which they gave him, and he withdrew; having seen who were there, and the situation they were in with regard to defense, he soon after returned from the woods with a party of Indians, and fell upon the family—massacred the whole of them, eleven in number, and left them dead in the yard. Not long afterwards, Kirk coming home, saw his dead family lying on the ground; he gave the alarm to the neighborhood, and the militia assembled under the command of Colonel Sevier, to the number of several hundred; they met at Hunter's Station, on Nine Mile Creek, which runs into Holston on the South side; thence they marched under the command of Colonel Sevier to the Hiwassee River, and early in the morning came upon a town which had been burned in 1779."

The account goes on in considerable detail relating the movements of this expedition which resulted in the killing of some Indians and the capture of others, who, though prisoners, were killed, in Sevier's absence, by young Kirk, the son of the Kirk whose family had been massacred.

MIDDLE TENNESSEE

Important circumstances have conjoined to render Nashville of interest and importance historically. Its history, too, is tinged, as is much of Tennessee's history, with romantic episodes which render the study of it replete with fascination.

The real history of Nashville begins with the year 1780, when James Robertson and John Donelson, representing Richard Henderson who bought in

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1775 the Transylvania region, including much of Kentucky and of Middle Tennessee as far south as the Cumberland River, established at the Great French Lick, a settlement which, at first (May, 1780), was called Nashborough and, in 1784, by Act of the General Assembly of North Carolina, was called Nashville. It was named for General Francis Nash, of North Carolina, who, in 1777, was killed at the battle of Germantown.

The government of the new settlement was embodied in Articles of Agreemen, called the Cumberland Compact, written by Richard Henderson and signed by the heads of all the families, of whom only one had to make his mark. This government, like the one at Watauga, and the one at the Kentucky settlements, was a free, independent government before the United States was formed. It was called the Government of the Notables.

DEVELOPMENT OF A REMARKABLE PEOPLE

Beset by the perils of a wilderness, including savage beasts and still more savage red men, the people, men, women and children, developed traits of sturdy character which not only worked out for them their own salvation but have left their impress on succeeding generations even to the present time. Naturally historical occurrences have developed and leaders arisen whose homes and the scenes of whose exploits are to be found in the midst of our activities of today. Some of these historic spots, in the kaleidoscopic changes of events, have been lost sight of, or are known, sometimes very intangibly, by tradition alone. It is one of the objects of the Nashville Automobile Club by the aid of the Tennessee Historical Commission and of many other historical and patriotic and public-spirited organizations, who have united for the purpose, to see that all the important historical spots and places in Tennessee are properly commemorated by suitable markers. In this departure the start has been made at Nashville. It is desired that the brief inscriptions on the markers be supplemented by a somewhat more extended account of why the various spots and places marked are so distinguished. In the following record, these descriptions are not arranged chronologically, but are grouped according to locality, for convenience of the sightseers.

DAVIDSON COUNTY

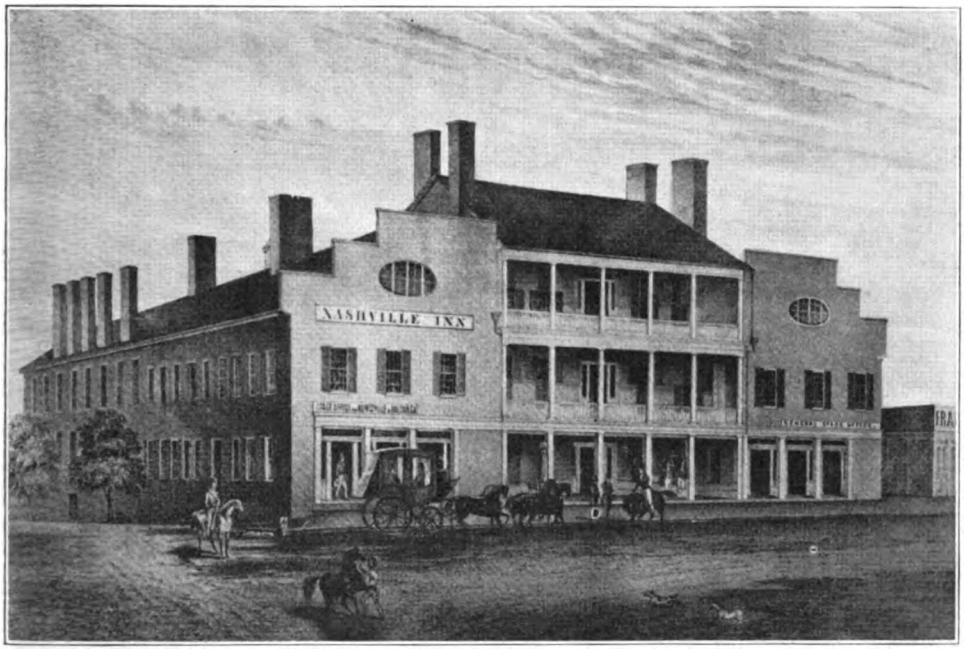
ANDREW JACKSON'S LAW OFFICE

About 1795 Andrew Jackson had his law office at 311 Union Street, Nashville. On the building at that number the Tennessee Historical Commission purposed to place a marker with the following wording:

"In this building Gen. Andrew Jackson had his law office. He held more offices of trust and honor than were ever held by any other citizen of the republic.

Public Prosecutor (Attorney General), U. S.,	1790
Member First Constitutional Convention of Tenn.,	1796
First Representative from Tenn. in the National Congress,	1796
Twice elected U. S. Senator from Tenn.,	1797 and 1823
Judge of the Superior Court of Law and Equity,	1798
General Tennessee Militia,	1802

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NASHVILLE INN, BUILT IN 1783; BURNED IN 1856

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Conqueror of the Creeks,	1813-1814
Major General of the U. S. Army,	1814
Won Battle of New Orleans, January 8,	1815
Governor of Florida,	1821
Twice Elected President of the United States,	1828 and 1832

"He resigned more offices than were ever held by any other citizen of the republic.

"The only President except Washington who appointed, during his administration, the entire Supreme Court Bench of the United States.

"The only President who paid all the national debt.

"BY THE ETERNAL"

HEADQUARTERS OF GENERAL THOMAS

The present home of the Hermitage Club, at 211 Sixth Avenue, North, was the headquarters of General Thomas, Federal commander at the Battle of Nashville, December 15th and 16th, 1864. Immediately after the Battle of Franklin, which took place on the 30th of November, 1864, General Hood, in command of the Confederate forces, pushed on and closely invested Nashville. General Thomas was not yet quite ready for battle and freezing weather impeded his movements. Hence, he delayed in giving battle and his delay exasperated the Federal military authorities who had no adequate conception of the situation and who urged upon Thomas immediate action. When day after day passed without battle, the Federal war department threatened to relieve General Thomas of his command. In fact, General Grant sent General Logan to supersede Thomas and Logan was en route to Nashville when he received word that the Battle of Nashville had been fought and that Thomas had been victorious.

From this place it is said that General Grant issued his first orders after he had been appointed commander-in-chief of the Union forces.

POLK PLACE

The marker placed at the southwest corner of Union Street and Seventh Avenue serves to indicate the residence of two of the most eminent figures in Tennessee history, Felix Grundy and James K. Polk.

Felix Grundy was born in Berkeley County, Va., September 11, 1777. He moved to Pennsylvania and thence to Kentucky where he studied law and became chief justice of Kentucky in 1807. This position he resigned in the same year and went to Nashville where he lived until his death, December 19, 1840. During his career in Tennessee he became one of the most noted lawyers and statesmen of a period of great men. In 1829 he became United States senator and again in 1832. In 1838 he became attorney-general of the United States. This lot was owned by Grundy from 1816 to 1840.

This property was bought by James K. Polk in 1846, but was occupied by him as a home for only two months immediately before his death in 1849. He was first buried in the Old City Cemetery while the Polk Tomb, of which William Strickland was the architect, was being built upon the front of this lot. To this he was removed. This tomb remained in the yard of the resi-

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dence until 1893, when it was removed to the grounds of the capitol, following impressive ceremonies. There repose the remains of both President Polk and Mrs. Polk with suitable inscriptions on the four sides of the tomb.

THE STATION ON THE BLUFF

The voyage of John Donelson and his party down the Tennessee River, and up the Cumberland, is one of the most thrilling in history, surpassing the quest of Jason for the Golden Fleece. In its political and historical consequenees, it was one of the eventful occasions in the life of this nation, being of equal importance to the settlement of Jamestown or the landing at Plymouth Rock.

After Robertson and his party crossed the Cumberland River on the ice in December, 1779, they decided to locate the settlement on the bluff between First and Second avenues, North, formerly known as Front and Market streets respectively, and just north of the foot of Church Street, formerly called Spring Street, because of the existence on the bluff of a fine spring, which also was a reason for locating on that spot. At first they had only small tents of skin which they protected somewhat by the branches of the abundant cedar trees which they fastened in the ground. In a few weeks, however, they had built a rough log cabin; then two more. These cabins were built in a line, with the doors opened towards the river and the back of each faced Second Avenue. There were no openings in the back. Around the houses enclosing about a half acre was a stockade in the shape of a parallelogram of which the long sides were parallel with the river. A two-storied blockhouse and a strong gate were built where Second Avenue now crosses Church Street. A path was soon worn from the station to the lick to which the pioneers went every day for game for food.

The first marriage at the station was in the summer of 1780 between Miss Susan Drake and Capt. James Leiper who was killed in the Battle of the Bluffs.

THE BATTLE OF THE BLUFFS

The early settlers of Nashville had many encounters with the Indians. The most noted of these conflicts, the one which, for a time, threatened the very existence of the infant community, was the Battle of the Bluffs. This battle took place on April 2, 1781. Some Indians concealed themselves on the height where is now the Independent Life Building, corner of Fourth Avenue and Church Street, while the main force was located along Wilson's Spring Branch, south of Broadway and between what are now Second Avenue, South, and Fourth Avenue, South. A few of the Indians along the branch appeared in sight and seemed to dare the white men to come out of the fort. A party of twenty-one white men on horseback attacked these Indians; and then the Indians who were hidden on the height dashed down and cut off the retreat to the stockade. Meanwhile, the horsemen had dismounted and were fighting on foot. The firing and the shouting frightened the horses which ran away toward the French Lick. The horses were followed by the Indians who had come in the rear of the whites; and simultaneously Mrs. James Robertson turned loose the dogs which had been barking frantically. True to their training the dogs attacked the Indians and by this diversion enabled the white men to gain safety behind the defenses. Of the party of twenty-one who sallied forth five were killed and five wounded, but the station was saved.

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THE HOME OF WILLIAM WALKER

At the northeast corner of Fourth Avenue, North, and Commerce Street was the home of William Walker, the "Grey-Eyed Man of Destiny," born May 8, 1824. In his day there was no Commerce Street and Fourth Avenue was known as Cherry Street. His home was an unimpressive two-storied brick house, torn down, with the exception of one room, only a few years ago.

Of the many famous men who have lived in Nashville, not one, it is believed, had so bizarre and spectacular a career as did William Walker. He was a student, a doctor, a traveler in Europe, a newspaper man, a lawyer, a colonist, a military man, president at different times of two different republics, a statesman and a filibuster, and yet he died at the age of 36. It is said he was cold, unapproachable and lacking in magnetism; yet he had in high degree the power of commanding the unrewarded devotion of men.

His father, James Walker, was a Scotchman, at first a merchant, then president of the Commercial Insurance Company. His mother's name was Norvell, probably Scotch, also.

He was graduated from the University of Nashville in 1838 and from the Medical College of the University of Philadelphia in 1843. After traveling in Europe, he became an editor in New Orleans; then went to California where he fitted out a colonizing expedition to Sonora, Mexico. It was not successful. He next prepared his famous movement into Nicaragua. Long before his arrival among them, the Nicaraguans had a superstition that their country would be freed from oppression by a grey-eyed man. In Nicaragua he became in succession commander-in-chief of the army, and, on July 12, 1856, president of the Republic of Nicaragua. The four other Central American states, however, antagonized him and, with the assistance of Captain Davis of the United States navy, compelled his surrender and withdrawal.

Walker made four other expeditions, on the last of which, directed at Nicaragua through Honduras, he found himself with a small force confronted with the Hondurans on land and a British warship on the water. He surrendered to the British; was delivered to the Hondurans and executed by them on September 12, 1860.

It has has been said of Walker that he was "as calm as Lee, as earnest as Stonewall Jackson, as tenacious as Grant," and no braver man ever took more desperate chances.

HOME OF JOHN BELL

John Bell was born near Nashville on February 15, 1797, and for many years made his home at what is now 413 Broadway. He was a member of the House of Representatives of Congress from 1827 to 1841, having been elected for the first term over Felix Grundy. He was speaker of the House 1834-1836, having defeated James K. Polk for that position by one vote. In the two succeeding congresses he was defeated for speaker by Polk. In 1841 he was appointed by President Harrison secretary of war but resigned in a few months. From 1847 to 1859 he was a member of the United States Senate and was a distinguished figure in that body of which Henry Clay, Lewis Cass, Salmon P. Chase, Stephen A. Douglas, John J. Crittenden, William Pitt Fessenden, Charles Sumner, Judah P. Benjamin, Jefferson Davis and Andrew Johnson

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were members. In 1860 he was nominated at Baltimore for President of the United States on the "Constitutional Union" ticket with Edward Everett, of Massachusetts, for vice president.

Of John Bell, Phelan says: "He possessed an intellect of extraordinary vigor, broad in its scope and catholic in its sympathy." And again, in connection with Jackson's support of Grundy against Bell: "Jackson had offended the ablest mind which Tennessee has ever produced, after his own and Andrew Johnson's."

Concerning Bell's career in the United States Senate, Phelan says: "Here was the proper arena for the display of his talents. Here his eminent abilities, his melodious rhetoric, the philosophic bent of his virile mind, the serene dignity of his bearing, and the perspicuous quality of his logic shone with unclouded brightness."

THE HUME-FOGG HIGH SCHOOL

On the northeast corner of Broadway and Eighth Avenue was located the first high school of Nashville. It was opened to pupils in February, 1855. The name of that school is the Hume-Fogg High School, so named in honor of two men whose names are imperishably connected with the history and with the educational interests of Nashville and of Tennessee, viz.: Alfred Hume and Francis Brinley Fogg.

Anson Nelson, recording secretary of the Tennessee Historical Society, for many years beginning with 1856, gives the following account of the establishment of this school in Guild's "Old Times in Tennessee," page 489:

"In 1850-51 a few citizens agitated the question of establishing a system of genteel and elevated free schools, which finally aroused the board of aldermen, who, in the spring of 1852, selected Alfred Hume, long an eminent private teacher in Nashville, to visit various cities in which public schools were in operation, to see how they worked. He did so, and made a report to the aldermen and the public on the 26th of August. The city then bought the lot on the corner of Spruce and Broad streets, to erect a building. The cornerstone was laid on the 19th of May, 1853, Dr. W. K. Bowling being the orator of the day. The house then and now known as the Hume Building, was completed in 1854, and formally opened for pupils on the 26th of February, 1855."

Francis B. Fogg was born in Connecticut in 1795 and arrived in Nashville in 1818 where he studied law under Felix Grundy. He became one of the leaders of the bar of Tennessee and was prominent in the promotion of education, and contributed whatever he could to make society better and happier. The following paragraph from Chew's "History of Nashville," page 444, shows his connection with the Hume-Fogg School:

"After the war, upon reopening the schools in 1865, the Hume Building was found insufficient to accommodate the pupils of that district; and consequently a wooden building was purchased which had been built by the United States authorities on South Vine Street, and had been used for a mess hall during the war. This building was removed to the Hume lot and fitted up for a schoolhouse, and used several years; and finally in its stead the new brick building which now adorns that location was erected, and was first occupied in January, 1875. It is called the 'Fogg School,' in honor of Francis B. Fogg, who was the first president of the board of education."

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THE OLD CAPITOL BUILDING

On Broadway, occupying a part of the site now covered by the Hume-Fogg High School, was the old Capitol Building of Tennessee where the sessions of the state Legislature were held in 1813-1817. Old pictures represent it as a small, plain, unpretentious building sitting back from the street with a walk leading to the steps of the front door and a little ell jutting from its eastern side.

Prior to 1812 the sessions of the Legislature had been held in the old Capitol Building in Knoxville with the exception of two days in 1807 when it convened at Kingston. The second session of the Ninth General Assembly was held at Nashville, September 7, 1812. In 1817 the session was held at Knoxville. From 1819 to 1825 Murfreesboro was the state capital. Since October 16, 1826, all the sessions of the Legislature have been held in Nashville, which by Act of the General Assembly in 1843 was declared to be permanent capital.

THE SOUTH FIELD

Originally the South Field was a part of the tract of 240 acres given to Davidson Academy by the State of North Carolina, in 1785, for the support of that institution. It was often spoken of as the Common and was unoccupied land immediately south of the present site of the Custom House in Nashville. It was there that the soldiers encamped and drilled. It was there that LaFayette and Jackson reviewed the military organizations when the former visited Nashville in 1825. LaFayette arrived on May 4th and was the guest of General Jackson at the Hermitage. Governor Carroll had issued a proclamation inviting the militia organizations of the state to assemble at Nashville to assist in paying a fitting tribute of respect to the gallant visitor. In "Old Times in Tennessee," Judge Jo C. Guild says: "About four thousand men, armed and equipped, and commanded by proper officers, responded to the invitation of the governor, and encamped in South Nashville, which was then a broad common. General Jackson and Governor Carroll visited our camps frequently, and renewed their acquaintance with companions in the Indian wars and that of 1812."

DAVIDSON ACADEMY

No. 700 Second Avenue, South, marks the block which was the site of the University of Nashville established in 1825, previously, beginning in 1806, Cumberland College, and originally Davidson Academy. On December 29, 1785, the General Assembly of North Carolina passed "an act for the promotion of learning in the County of Davidson." James Robertson and Rev. Thomas B. Craighead were mainly instrumental in securing the passage of the act. This act provided for the donation to the academy of 240 acres of land. This land was located just south of the land laid off for the Town of Nashborough the year previous. It extended south from Broadway and from the river to the west line of Tenth Avenue, west of the Terminal Station. It included the "South Field," which was that part of the tract south of the Custom House. The academy was supported by the rents from its land, from the revenue derived by conducting a ferry just above the wharf at the foot of

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Broadway, and the payment of tuition, at first four pounds, then five pounds, payable in corn or other valuable products. In 1803 the college land was laid off in streets, and lots of one acre each were sold. This was the beginning of the Town of South Nashville. During the presidency of Philip Lindsley, the University of Nashville became the most noted educational institution for higher learning in the entire Southwest. It is said that at one time no less than thirty-seven of its graduates were members of Congress.

In 1875 the Peabody Normal College was established as the literary department of the university and the institution was then known as the University of Nashville and Peabody Normal College. It is now known as the George Peabody College for Teachers and is located on the Hillsboro Pike. The old grounds in South Nashville were sold to Vanderbilt University for its medical department.

EDWARD EMERSON BARNARD

A marker has been placed at the home of Edward Emerson Barnard, the famous astronomer, 1919 Patterson Street, Nashville. Barnard was born in Nashville, December 16, 1857, and while yet a lad, evinced a keen interest in astronomy and made astronomical observations with a telescope of his own make. In 1881 he discovered his first comet. In succeeding years he discovered so many comets that he became admittedly the foremost as a comet observer among living astronomers. In 1883 he was awarded a fellowship in Vanderbilt University and was thus enabled to devote all his time to his favorite science. While at Vanderbilt he won seven times the Warner prize of $200 offered for the discovery of each new comet. He has discovered no less than sixteen comets, many nebulae and double stars. In 1888 he was offered and accepted a position in Lick Observatory and there made many astonishing discoveries which aroused great attention in the scientific world. He was the first to photograph the Milky Way. His other wonderful achievements, great and valuable as they were, have been overshadowed by his discovery of the fifth moon of Jupiter, which discovery he made at Mt. Hamilton, on the night of September 9, 1892. His telegram of September 11, 1892, to R. P. Calvert, announcing his great discovery, is in the archives of the Tennessee Historical Society. In recognition of the value of this discovery, hitherto unsuspected by astronomers, he was awarded the Lalande gold medal of the French Academy of Science, 1892, and the Arago gold medal of the same institution in 1893. He has also been awarded the Janssen prize of the French Astronomical Society, the gold medal of the Royal Astronomical Society, of Great Britain, and the Bruce gold medal of the Astronomical Society of the Pacific.

In 1895, Barnard again excited the surprise of the scientific world by his discoveries regarding the dimensions of the asteroids.

His remarkable achievements have placed him on the very pinnacle of contemporary astronomical accomplishment and his name will be inscribed with those of the greatest astronomers of all time.

NATCHEZ TRACE ROAD

On October 24, 1801, a treaty was made by the United States with the Chickasaw Indians, and, a few weeks later, one with the Choctaws, providing

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for opening a wagon road from Nashville to Natchez. These treaties were effected by General Wilkinson who placed Capt. Robt. Butler and Lieut. E. Pendleton Gaines in charge of the work, with ten companies of soldiers and several Indian guides. The work was completed in several months. It ran, for the most part, with the Chickasaw trail.

The road was officially called the Columbian Highway. It began at Duck River ridge in Williamson County. It ran through Maury County to Gordon's Ferry in the edge of Hickman County, through the center of Lewis County, through Northwest Lawrence County and East Wayne County. It crossed the Tennessee River at Colbert's Ferry.

In the summer of 1802 the road was completed from the north end into Nashville, and ended at Centennial Park near Cockrill's Spring.

A marker for this road has been placed in Centennial Park and another at a point on the Hillsboro Road where the Natchez Trace crosses it.

THE GRAVE OF CHARLES DICKINSON

At 3729 Harding Road has been placed a marker indicating that the grave of Charles Dickinson is 300 yards south of the location of the marker. Dickinson was mortally wounded in a duel with Andrew Jackson, which was fought near Adairville, Ky., on May 30, 1806.

BELLE MEADE

The place on which Belle Meade stands has been historic ground ever since Joseph Dunham built there his fort in 1783, as a defense against the attacks of the Indians. Joseph Dunham came to the Cumberland settlement from the Watauga where he was one of the signers of the Watauga agreement.

It was John Harding, however, who laid the foundation for the future greatness of Belle Meade and gave his name to the beautiful Harding Pike. John Harding came to Tennessee from Virginia in 1779 and established Belle Meade in 1803. His son, William G. Harding, brought Belle Meade into its world-wide reputation as a nursery of superior horse flesh; and, in his declining years, his son-in-law, Gen. William H. Jackson, a gallant Confederate officer, carried on the work of his distinguished predecessor.

Belle Meade was one of the oldest and most famous thoroughbred breeding establishments in America. General Harding always spoke of his horses as "The Royal Family." Among them were Priam, sire of Crucifix, winner of the purses of 1,000 guineas and 2,000 guineas, Bonnie Scotland, Great Tom, Sovereign, John Morgan; the mares Gamma and Mariposa; Iroquois, the only American horse that ever won the English Derby; Luke Blackburn, Proctor Knott, the Commoner, and Enquirer, whose greatness has been fittingly commemorated by a monument erected at Belle Meade by the Cincinnati Enquirer.

In Belle Meade many celebrated personages have been entertained, among them Grover Cleveland and his bride; Theodore Roosevelt, who founded there the Boone-Crockett Hunting Club; President Benjamin Harrison and many others. At one time Judge J. M. Dickinson, secretary of war in the cabinet of President Taft, was the owner of Belle Meade.

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THE NASHVILLE FEMALE ACADEMY

Early in 1816 twenty-five of the most prominent men of Nashville associated themselves together for the purpose of establishing a great institution for the education of girls and young women. In the charter of incorporation, issued by the Legislature on October 3, 1817, the institution was called the Nashville Female Academy. This was one of the first institutions of the kind in the entire United States. Only a few years previously three schools of the kind had been established in New England; and, in Tennessee alone, three had been incorporated, the oldest of which was Fisk's Female Academy, at Hilham, Overton County, incorporated in 1806.

During its existence of more than half a century probably no school of the kind ever wielded so much influence in the United States; certainly none in the South. The first principal was Dr. Daniel Berry, of Salem, Mass., and, under him, the school was opened in 1817.

The buildings of the academy were located on the north side of Church Street, just east of what is now Tenth Avenue. They had a front of 180 feet on Church Street and extended back 280 feet and most of them were two stories in height. "They were so constructed as to give sunlight access to every room and were so connected by porticoes as to afford easy communication without exposure in inclement weather." The grounds comprised one entire square of five acres. In 1862 the school was suspended because the premises were occupied by Federal soldiers. When the operation of the academy was resumed in 1865 buildings on Broadway, near Ninth Avenue, were rented under the name of Lanier Female Academy. Soon after, however, under the management of Rev. D. C. Elliott, the school was relocated in the old academy buildings and so continued until 1878 when the property was sold to W. M. Duncan.

FRENCH LICK AND FORT

For many years prior to the advent of James Robertson and John Donelson and their parties in 1780 the Great French Lick had been known to white men Although known to the Indians for many ages, this lick was first visited by white men in 1710 when some Frenchmen came up the Cumberland River from the Ohio and discovered it. In 1714 it was visited by Charles Charleville, then a boy about fifteen years old. Near the spring they found a mound and on it the logs of a rude fort left by the Shawnees, after whom they called the river the Shauvanon. The Indians generally called it the Warioto or Wasioto. The name Cumberland was given it by Doctor Walker in honor of the Duke of Cumberland.

The Lick or Spring was located in Sulphur Spring Bottom or Sulphur Dell, north of the State Capitol and a little southwest of the Howe Ice Factory and directly south of the baseball park.

In the early days the water of this spring was salt impregnated with sulphur and from the spring ran a branch to the Cumberland River. This branch now runs through a large pipe laid underground.

Round about the spring the ground was beaten hard by the hoofs of buffalo, deer, elk, bear and other wild animals, and to it converged paths made by these animals, extending to every point of the compass.

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NASHVILLE FEMALE ACADEMY
Established in 1816; closed in 1877



BELLE MEADE, NASHVILLE

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In the mound near it were found the graves of a prehistoric race that long antedated the Indians. Since that time many other graves and relics of those people have been found in the vicinity of Nashville, and in other parts of Tennessee.

FREELAND STATION

On the site of Warioto Mills, 1400 Eighth Avenue, North, was Freeland Station, one of the first forts in the settlement of Nashville. Here on January 11, 1781, was born Felix Robertson, the first white child born in Nashville. James Robertson, then a colonel, had just returned from Kentucky with a supply of ammunition and news of the outside world, including an account of the great victory of King's Mountain. Hence, many visitors were on hand on the 15th to congratulate Robertson, hear him talk and secure powder and bullets. At midnight Robertson discovered an Indian's arm reaching through the gate and pushing the gate aside. A crowd of Indians noiselessly followed; but Robertson gave the alarm and the Indians, in a fierce fight, were held at bay. They were finally driven off in the direction of Fisk University with the help of pioneers from the Bluffs who had heard the firing. At daylight they were followed by Captain Rains and his "gunners" out the main buffalo path towards the west. The Indians numbered about fifty and the white men eleven.

HOME AND FORT OF JAMES ROBERTSON

On a road running north from the Charlotte Pike beginning about three hundred yards west of the bridge over Richland Creek, was the home and fort of James Robertson. This was built in 1797 and was well situated on rising ground about a quarter of a mile from the pike, then a rude road or trail. He was unquestionably the Father of Middle Tennessee. Of him Ramsey says in his "Annals of Tennessee," page 665: "Besides the civil and political positions which General Robertson occupied, as already mentioned, in the Watauga Association, in the Legislature and Convention of North Carolina, the Territory, and the State of Tennessee, he was deputy superintendent on the part of the United States, for the Chickasaw and Choctaw tribes; and was several times appointed to treat with the southern Indians, for a relinquishment of their claims to land in the Southwest. Previous to and at the time of his death, General Robertson was the United States agent to the Chickasaw nation. A detail of his acts in behalf of his country, and an enumeration of his sufferings, by personal exposure, in the wilderness, in the field of battle, in the besieged fort and the assaulted station, in losses of relatives and of private property, would fill a volume. He was faithful to his God, his country, and his fellow men. The memory of no one is held in greater esteem and veneration, than that of James Robertson."

MANSKER'S STATION

A few days after James Robertson and his companions had located the Great Lick, Gasper Mansker and his small party joined them in a camp "convenient to the Lick." Mansker had organized and led the "Long Hunters" through the Cumberland Country in 1770. He had probably discovered Man-

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sker's Lick at this time. His station, however, was not permanently established until 1780, when John Donelson and his family lived there with him, after abandoning Donelson's Station at Clover Bottom. They also lived there in 1785, when Colonel Donelson was assassinated while returning from Kentucky.

Mansker's Station was located at Mansker's Lick, a fine sulphur spring on Long Hollow Pike near Goodlettsville, which was formerly called Mansker's Post Office. A trace led from Nashborough to Mansker's Lick. On April 1, 1780, an order was issued that a road be made between the two places, and the road was laid off along the trace but was not cleared until the next year. Robert Cartwright, who had held numerous important civil offices under the colonial government in Virginia and who was a Revolutionary soldier, was appointed by the county court to oversee this work. It is now, for the most part, the Gallatin Pike.

SPRING HILL MEETING HOUSE

When James Robertson secured the passage of the act establishing Davidson, he also secured the services of Rev. Thomas B. Craighead, a Presbyterian preacher and a graduate of Princeton in 1775. Mr. Craighead was made the president of Davidson Academy and decided to live at Haysborough, a station about five miles from the Bluff on the trace to Mansker's Station. There he built his home and a church called the Spring Hill Meeting House. The Spring Hill Cemetery is still there. There Davidson Academy was opened in the fall of 1786 and was taught by Craighead for fifteen years. In 1798 it was decided to change the location of the school and it was finally thought best to place it on its own land "on the hill immediately above Nashville and near to the road leading to Buchanan's Mill." That hill, called for many years "College Hill," was between Second and Third avenues, South, and Franklin and Peabody streets. The change was made in 1801. Davidson Academy was then enlarged and became Cumberland College in 1806, and the University of Nashville in 1825.

HOME OF JESSE BENTON

Jesse Benton, brother of Col. Thomas H. Benton, lived for many years in Nashville and resided in the house now occupied by Dr. L. G. Noel, about two miles out on the Granny White Pike. Due to a misunderstanding between Andrew Jackson and Thomas Benton, growing out, in part, of the fact that Jackson was second to William Carroll in his duel with Jesse Benton, an estrangement occurred between Jackson and Colonel Benton who had theretofore been warm friends. This feeling of enmity was accentuated by the reports of busy tale bearers, who finally told Colonel Benton that Jackson had said that he would horsewhip Benton on sight.

On September 4, 1813, they met at the old City Hotel and Jackson was seriously wounded by Jesse Benton. Afterwards Jackson and Colonel Benton became stronger friends than ever and Benton ardently and continuously and ably defended Jackson in the United States Senate; and finally, after several years of strenuous effort, succeeded in having the Senate's resolution of censure of Jackson expunged. On his deathbed Jackson said, "Tell Colonel Benton that I was grateful to him even to my dying day."

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LEALAND

On the Granny White Pike, but a short distance north of the site of Granny White's Tavern, is the famous historic home of the Leas. This home was established by Judge John M. Lea, who married the daughter of John Overton, the intimate life-long friend of Andrew Jackson, the most noted judge of his day and the principal founder of the City of Memphis.

Judge Lea was a scholarly and successful lawyer, judge, mayor of Nashville, president of the Tennessee Historical Society and noted philanthropist. For many years it was the hospitable abiding place of many celebrated men. During the Battle of Nashville, December 15 and 16, 1864, it was the headquarters of General Hood.

The larger part of Lealand, and that upon which the residence is located, is a portion of the original estate of John Overton, and has been in the possession of the family for more than a century.

Thomas H. Benton, at one time, lived on an eminence in the rear of the present dwelling house and read law with Judge Overton. He knew Granny White well and immortalized her in several of his speeches in the United States Senate. The old lady was very thrifty, and on one occasion he compared the general government to her, holding tightly to what she had and always grasping for more.

GRANNY WHITE TAVERN

Granny White came into Tennessee from North Carolina in 1808 and, after spending a few years in East Tennessee where the excellence of her cakes gained for her a widespread reputation and enough money to move still farther west, she came to the Cumberland Settlement and, about 1812, established her tavern at the point on the road where it crossed the Knobs. It was the most noted inn between New Orleans and Louisville, and was famous for cleanliness and good cooking. Although the Natchez Trace did not go nearer than five miles of Franklin another road from the Trace went to that town and the route between the two places past Granny White's Inn was popular in the early days. On January 25, 1850, the Granny White Turnpike Company was incorporated and a good pike was built from Nashville to the Williamson County line. It was completed in 1855.

HOME OF JUDGE JOHN HAYWOOD

The date of the birth of Judge John Haywood is a matter of historical dispute. It was probably in 1753, although the Southwestern Law Journal and Reporter for June, 1844, which contains a well written sketch of Haywood's life, gives it as March 16, 1762. For his education both in general studies and in the law he was indebted mostly to his native strength of mind and assiduous application. Such were his ability and tireless industry that by the year 1794 he was elevated to the bench of the Superior Court of Law and Equity of North Carolina, having already been attorney-general of that state. In 1807 he came to Tennessee and located his home on the Nolensville Pike, about seven miles from Nashville, where he lived until his death in 1826. He was a judge of the Supreme Court of Tennessee from 1816 to 1826.

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Although extremely busy necessarily as a brilliant lawyer and a profound jurist, he nevertheless found time to write some remarkable books, among them "Civil and Political History of Tennessee," "Natural and Aboriginal History of Tennessee," and "The Christian Advocate." He is justly considered the "Father of Tennessee History."

One of his contemporaries said of him: "Judge Haywood was a fine genius and a most powerful and unrivaled advocate. In tact and eloquence—such eloquence as reaches the heart and convinces the judgment—he had no equal in Tennessee. He was often employed with and against the late Felix Grundy in the most critical cases, and it would not be saying too much, perhaps, to say that as an orator he was equal, if not superior, to that distinguished advocate. Both had been on the supreme bench of their respective states, and both came to Tennessee preceded by the most brilliant reputation. Both were men of great learning and attainments, but in all the learning which pertained to his profession Judge Haywood stood far in advance of his great rival."

BUCHANAN STATION, PIONEER FORT BUILT IN 1780

On September 30, 1792, Buchanan Station was attacked about midnight by a band of Creeks and Lower Cherokees numbering supposedly three hundred or more. They were first discovered by an outpost who gave the alarm and the fifteen gunmen in the fort repulsed them with considerable loss.

During the assault Mrs. Buchanan and other women played the part of soldiers, firing repeatedly and molding bullets. The calmness of Mrs. Buchanan has "pointed morals and adorned tales" ever since that exciting occasion.

The Indian chief, Chiachattalla, who led the attack, was killed.

A marker has been placed on the site of the fort where the Nashville, Chattanooga & St. Louis Railway and Elm Hill Pike crosses Mill Creek.

CLOVER BOTTOM RACE TRACK

Near the bridge on the Lebanon Pike where it crosses Stone's River and extended on both sides of the pike was Clover Bottom Race Track owned by Andrew Jackson, who stood at the head of patrons of the turf for twenty years. Of him the Spirit of the Times said: "No man could have been more perfectly enraptured with the manliest of sports, or with the high-mettled racer than the Hero of the Hermitage."

He owned some of the finest horses of his day. Among them were Truxton, Pacolet, Greyhound, Doublehead, the Opossum filly and Indian Queen. On this track took place the famous races between Truxton and Capt. Joseph Erwin's Plowboy, in the fall of 1805 and on April 3, 1806.

BURR'S LANDING

In his "Life of Andrew Jackson," Volume 1, pages 309 and 311, Parton says that Aaron Burr visited Andrew Jackson on May 29, 1805, and on August 6, 1805. Putnam, in his "History of Middle Tennessee," page 579, says that Burr visited Tennessee twice in 1806; that the last time he arrived at Nashville was on December 20, 1806, after he had been arrested and discharged in Kentucky. His departure was announced as follows:

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"December 27th: Colonel Burr embarked from this place for New Orleans on Monday last, with two large flat-boats which did not appear to be loaded."

These boats were built on Stone's River, at Clover Bottom, near the bridge, under the direction of Andrew Jackson who had made with Burr a contract which was filed in court at Natchez, Miss.

JOHN DONELSON'S FARM, CLOVER BOTTOM RACE TRACK AND BURR'S LANDING

Where the Lebanon Turnpike crosses Stone's River the student of history finds much to interest him. Here John Donelson located his farm, within one week after his party reached the Bluff on April 24, 1780. Here he put in a crop of corn and a half acre of cotton—the first cotton produced in Middle Tennessee. Here he built a fort on May 1, 1780; and here, while, late in November, 1780, Capt. Abel Gower's party, who had come in two boats for the purpose, were gathering Donelson's crop of corn and cotton, all but three of the party, one white man and two negroes, were massacred by the Indians who had lain in ambush near the small island below the bridge. The white man and one of the negroes escaped to Bluff Station. "The other negro or mulatto," says Putnam, "was a free man, known as Jack Civil. He surrendered to the Indians, went with them to the Chickamauga towns, near Lookout Mountain, and then with the pirates and outlaws who settled the place on the Tennessee River, which later acquired notoriety as Nicka-Jack, or Nigger-Jack, unquestionably so named after this mulatto."

CONFEDERATE SOLDIERS' HOME

In 1856 the Legislature of Tennessee passed an act authorizing the purchase from Andrew Jackson, Jr., of 500 acres of the Hermitage farm for which the sum of $48,000 was paid. In 1889 the Legislature passed the Confederate Soldiers' Home Bill whereby appropriation was made for the erection of the buildings now used for the Soldiers' Home and assigning to the home the possession of all the Hermitage farm except the Hermitage mansion and twenty-five acres surrounding it.

The shadows are growing long in the lives of these heroes whose declining days are made comfortable by this noble philanthropy.

TULIP GROVE

In 1832 Andrew Jackson employed the architect, Joseph Reiff, who was also the architect for the Hermitage, to draw plans for a residence for A. J. Donelson. The house was located on the Lebanon Pike, adjoining the Hermitage Church, and only a short distance from the Hermitage. At that time A. J. Donelson was private secretary to President Jackson. A. J. Donelson, named for Andrew Jackson, was the son of Samuel Donelson, but, when a very small boy, was brought to the Hermitage and was reared and educated by General Jackson. He was educated at the University of Nashville and at the United States Military Academy. He held with distinction many positions of high honor, among them minister to Prussia, and was nominated, in 1856, candidate for vice president of the United States, on the Native American ticket, with Millard Fillmore for President.

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He was held in great affection by Andrew Jackson who, upon his death, willed to him the sword presented to him by the State of Tennessee, with this injunction: "That he fail not to use it when necessary in support and protection of our glorious union, and for the protection of the constitutional rights of our beloved country, should they be assailed by foreign enemies or domestic traitors."

THE HERMITAGE

In the year 1804, Andrew Jackson was living in his comfortable two-story brick house at Hunter's Hill, about three miles from the spot where the Hermitage was created. Because of a financial obligation, Jackson sacrificed this splendid property and, in the same year, built the first Hermitage which was a two-story log house having one large room below and two rooms above. He also built some other log structures near it and lived there in comfort, if not in luxury. He was living in this log house when he entertained Aaron Burr in 1805. This was his home when the Battle of New Orleans was fought, January 8, 1815. It continued to be his home until 1819, when he built a brick house on the present site, the brick having been manufactured on the place. This house was burned in 1834, when he was serving his second term as President of the United States, and was rebuilt in 1835.

Jackson died at the Hermitage, June 8, 1845. He willed the entire estate to his adopted son, Andrew Jackson, Jr.

In 1856, Andrew Jackson, Jr., sold 500 acres of the farm to the State of Tennessee for $48,000 and moved to Mississippi.

When the Civil war came on, acting on the invitation of Governor Isham G. Harris, Andrew Jackson, Jr., returned to the Hermitage and became the custodian of it. He died there in 1865, but his wife, Mrs. Sarah Yorke Jackson, continued to live there until her death in 1887.

In 1889, the Ladies' Hermitage Association was organized and has had charge of the Hermitage since that time.

THE HERMITAGE CHURCH

While the Hermitage is, next to Mount Vernon, of the greatest historical importance to all America, the Hermitage Church is by no means lacking in intrinsic interest. General Jackson gave the ground and built the church in 1823, out of the great love he bore to Mrs. Jackson, who was a most pious Presbyterian. After the church was built, Mrs. Jackson urged the general to join it, but he declined for the time being as he said that his enemies would charge that he did so for political effect. He promised to join as soon as he was "out of politics." He did join in 1843.

In 1913, the Tennessee Legislature gave two or three acres surrounding the church to its trustees and a manse was built for the pastor.

In the summer of 1923 the centennial of its establishment was fittingly observed.

MARKERS ON THE BATTLEFIELD OF NASHVILLE

When Hood invested Nashville immediately after the battle of Franklin, which took place on November 30, 1864, he found the Federal forces under

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THE HERMITAGE, NASHVILLE



HERMITAGE CHURCH, NASHVILLE

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Thomas well protected by a line of fortifications extending from one bend of the Cumberland River to another, completely enclosing the City of Nashville. Until recent years both the Federal lines and the Confederate lines could be followed with ease and certainty from end to end. Now trenches and salients are discernible at only a few points.

A map of the battlefield of Nashville was drawn a few years ago by Wilbur F. Foster, major engineer corps, Confederate States of America. Major Foster took part in the battle, being attached to Stewart's Corps and has located the most important points in both the Confederate and Federal lines. These points and others of interest in connection with the battle of Nashville were designated by markers erected in 1912 by the Nashville Industrial Bureau and the Nashville Battlefield Association working in cooperation.

In "The Battle of Nashville," pages 36-41, written by W. E. Beard in 1913, are the following descriptions of these markers:

MARKER NO. 1

The location of a Federal salient and main battery in the outer defenses on December 15, 1864. The marker is located on the crest of a hill between the Belmont Boulevard and the Hillsboro Turnpike. This salient was the pivot on which the Federal right was swung against the troops of Gen. A. P. Stewart, holding the Hillsboro Road. Reached by the Belmont Heights car line, and a walk up the hill by way of Linden Avenue.

MARKER NO. 2

The Federal works of the outer defenses crossed the Hillsboro Turnpike at this point. Remains of the works may still be seen on the west side of the road. The marker is located just south of the limits of St. Bernard's Academy. This part of the Federal line was held by the Fourth Corps, then commanded by Gen. Thomas J. Wood, a Kentuckian, who was made a major general for distinguished services at Nashville. The marker is at the terminus (1913) of the Broadway and Hillsboro car line.

MARKER NO. 3

Marker No. 3 fixes the location of Redoubt No. 1, the salient angle of the Confederate left. It is located on Noel's hill, about two hundred yards east of the Hillsboro Turnpike. It is accessible by way of the Broadway and Hillsboro car line and a walk from the terminus, or by tramping over the field from Marker No. 5.

MARKER NO. 4

The location of a battery in the Confederate line defended by the troops of General Loring. The marker is located on the private property of O. F. Noel, in front of a residence facing an old boulevard of other days, an extension of the present Belmont Boulevard, and is accessible by walking from the terminus of the Belmont Heights car line.

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MARKER NO. 5

The site of the old Montgomery House, the ruins of which were a landmark on the Confederate advance line when the battle began. According to newspaper accounts of the battle the Montgomery house was burned about 1862. The Confederate advance was here heavily attacked by Beatty's division of the Fourth Army Corps about 1 P. M., December 15, and the hill taken. The marker stands at the top of the hill and is reached by the Belmont Heights car line and a walk up Cedar Lane.

MARKER NO. 6

This was the location of the Confederate advance line on Granny White Turnpike prior to the battle. The marker is at the mouth of the lane north of Tennessee Central Railroad. Accessible by walk from the Belmont Heights car line or the Glendale Park car line.

MARKER NO. 7

The Confederate works cross the Granny White Turnpike at this point and vestiges of them running, at a sharp angle with the road, are still visible. Marker No. 7 is located a few paces south of the E. T. Noel home. Reached by the Glendale car line and a walk west from Clifton Station through Clifton Avenue to the Granny White Turnpike.

MARKER NO. 8

A Redoubt in Gen. Stephen D. Lee's line standing in a meadow just north of James E. Caldwell's residence. The mounds of earth west of the Franklin Turnpike are easily visible from that highway. The marker is reached by the Nashville Interurban car line.

MARKER NO. 9

The point where the Confederate line (Lee's) crossed the Franklin Turnpike on December 15th. Marker No. 8 is visible from No. 9, directly to the southwest. Reached by the Nashville Interurban car line.

MARKER NO. 10

Fort Negley, the main point in the fortifications of Nashville, thrown up in the fall of 1862, under the direction of Maj.-Gen. James S. Negley, of Pennsylvania, with the aid of his chief engineer (later brigadier-general), James St. Clair Morton. During the Civil war, Fort Negley was a large complex work, having within it two casements, protected with railroad iron, and bomb proof. The guns of Fort Negley and its neighbor, Fort Casino, opened the battle of Nashville at daybreak December 15, 1864. Reached by the Glendale car line and a walk east on Bass Street to the boulevard.

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MARKER NO. 11

Fort Casino, the present site of the city reservoir. This fort was erected at the same time as Fort Negley, and the marker stands on the west side of the Glendale car line at the reservoir grounds gate. The city reservoir, costing $345,525.21, was completed August 24, 1889, its capacity being 50,000,000 gallons. On the night of November 4, 1912, the wall of the east basin gave way at midnight, releasing 25,000,000 gallons of water which rushed like a mountain torrent down the hillside, doing $45,000 damage to property. Not a life was lost, however.

MARKER NO. 12

Fort Morton, located on a hill northwest of Fort Casino and named in honor of James St. Clair Morton, a native of Philadelphia, a West Pointer. In 1860 Morton was selected to explore the Chiriqui country in Central America and test the practicability of a railroad route across the isthmus. In building the defenses of Nashville, Morton swooped down upon barber shops, kitchens and even churches, according to a history of the Army of the Cumberland, gathering in negro laborers to shovel the earth. The works he built made Nashville, during the war, one of the most strongly fortified cities in the country. Morton also built the defenses of Murfreesboro. The marker is at the head of Central Avenue, two blocks west from Fall School, which is on the Glendale car line.

MARKER NO. 13

The site of Fort Houston, the marker being located on the lawn bordering the former residence of Maj. E. C. Lewis, 119 Sixteenth Avenue, South. To make way for this fort the handsome home of Russell Houston, a strong Unionist, had to be destroyed—hence its name. The marker is reached by Belmont cars, the stop being Division Street and Sixteenth Avenue.

MARKER NO. 14

The site of a lunette, or a small open work, occupied by the remnants of Granbury's Confederate brigade, 300 strong, when Steedman made his attack on the Confederate right, December 15th. Located in the rear of the present James S. Robinson home. It is reached by the Nolensville car line, and a walk east on the lane from Woody Crest Station.

MARKER NO. 15

The point where Cheatham's line, the Confederate right on the first day of the battle, crossed the Nolensville Turnpike. Reached by the Nolensville car line, the stop being about one hundred yards south of Melrose Avenue, the street leading to the crest of Rain's Hill (Marker No. 18).

MARKER NO. 16

An angle in Cheatham's line on the first day of the battle. It stands on what is now Peachtree Street, a short distance east of the Nolensville car line and very near Marker No. 15.

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MARKER NO. 17

One block away from No. 16, and almost due north, Cheatham's line is further marked by No. 17 (located on Valeria Street). Remains of the Confederate works, much sunken, can be easily seen. Reached by the Nolensville car line.

MARKER NO. 18

Rains' Hill, a commanding eminence in the Confederate line on December 15th. It overlooks the Nolensville Turnpike, is a couple of hundred yards west of the road and three and a half miles from the city. Reached by the Nolensville car line and a walk west on Melrose Avenue and thence on Cline Avenue.

MARKER NO. 19

A famous place in the suburbs of Nashville is Melrose, the old home of Aaron V. Brown, governor of Tennessee, 1845 to 1847, and postmaster-general in Buchanan's cabinet. On the morning of December 15th the Confederate works ran about two hundred yards south of the historic residence. Melrose continues to be one of the show places about Nashville, and is now the property of W. S. Bransford. It is reached by the Nashville Interurban car line, the stop being at the Tennessee Central crossing, and a walk east through what is known as Berry's lane. The marker is located within the Melrose grounds.

MARKER NO. 20

Fort Gillem, a Federal work in the interior defenses in 1864, named for Gen. Alvin C. Gillem, who was a native of Jackson County, Tenn., and a West Pointer. For a period in 1863 he was provost marshal of Nashville, and from June, 1863, to August, 1864, was charged with guarding the Nashville & Northwestern Railroad, now a division of the Nashville, Chattanooga & St. Louis Railway, leading to Memphis. General Gillem's son and namesake entered the Spanish-American war as a captain in the First Tennessee Regiment, United States Volunteers, which saw service in the Philippines, where he rose to the rank of major. Later he entered the United States Army. Jubilee Hall of Fisk University, one of the country's notable negro schools, now occupies the site of Fort Gillem. The hall was built from the proceeds of tours made by the Jubilee Singers of the university over the world, singing old plantation melodies. They were heard and remembered by many of the crowned heads of Europe. Reached by the Jefferson Street car line, the marker being adjacent to the handsome hall.

WILLIAMSON COUNTY

HILLSBORO TURNPIKE

This turnpike is almost on the same line as was the original Natchez Road, constructed from Nashville to Natchez in 1801-1802. The line of the Natchez Trace in Williamson County was mostly in the hilly ground west of the turnpike. At the Village of Forest Home, two miles south of the bridge over Big

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Harpeth River, and near the junction with the Del Rio Pike from Franklin, a large inscribed stone has been erected indicating that the Natchez Trace was a few hundred feet immediately west from that point.

Continuing south to the Village of Hillsboro, or Leiper's Fork, one may see on his right a residence built on the foundations of the home of Thomas H. Benton, whose parents owned several thousand acres of land in that section. At the age of thirty-one years Benton emigrated to Missouri, from which state he served thirty years in the United States Senate.

About two and one-half miles further south is Cunningham's bridge, where the Natchez Trace ascended the Highland Rim; this bridge is over Garrison Fork, so named because there was a garrison of United States soldiers there over a century ago. The pike ends at this bridge, but the dirt road continues through the hills and crosses Duck River Ridge at about 5 miles; Duck River Ridge was the boundary between the Cherokees and Chickasaws from 1783 to 1805.

The Hillsboro Pike is a free road to within about a quarter of a mile of Hillsboro; thence to the Cunningham bridge it belongs to the South Harpeth Turnpike Company, and has on it one toll gate.

THE FRANKLIN TURNPIKE AND THE FRANKLIN AND SPRINGHILL TURNPIKE

These pikes, the one a continuation of the other, constitute the direct road from Nashville to Columbia through Williamson County. It is expected that they will become a part of the Jackson Highway and be free roads within a short time. The Franklin and Springhill Pike is the line of the original Military Road or Jackson Highway.

Four miles north of Franklin is a gap in the hills through which the Franklin Turnpike runs; this is Holly Tree Gap, so known since a date previous to the year 1800. In olden times this was considered a dangerous place as a number of robberies and murders took place there; it is also the gap that General Forrest urged General Hood to seize and thus cut off Schofield's army instead of attacking it in front of Franklin.

Three miles further north this pike is joined by an extension of the Granny White Turnpike.

Upon the approach to Franklin several wartime forts may be still seen a short distance to the east; the largest of these overlooks Big Harpeth River, and is 800 or 900 feet long, was heavily armed; was built in 1862, and for a long time was the Federal advance fortress, commanded by Gen. Gordon Granger, with a force of 8,500 men and 24 pieces of artillery.

The Village of Brentwood is the northern and Franklin is the southern terminus of this pike. Franklin being the northern and Springhill the southern terminus of the Franklin and Springhill Turnpike.

Franklin is the county seat of Williamson County; it was created in October, 1779; its population as given by the census of 1920 is 3,123; it has, however, close-in suburbs, which really make its population approximately four thousand; it has three banks with $300,000 capital; it owns the waterworks system, a gravity system, which cost about $110,000; it has a first-class fire department, 50,000 feet of granitoid sidewalks, and has recently spent $60,000 on street improvements. It has a modern public and high school, the

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buildings and furniture of which are valued at $75,000, with 800 pupils. The town assessment is $2,700,000, and the tax rate is 75 cents on the $100.

It is chiefly known to history because of the great battle which was fought there on November 30, 1864. The main lines of the Federal breastworks extend from the south side of the town to the northeast side, touching Big Harpeth River at both of its bends, and are within the present town limits. The lines are not now visible except as to the forts north of the town. In the battle, the Confederates were commanded by General Hood, and suffered 6,000 casualties; the Federals were commanded by General Schofield and suffered 2,500 casualties. The Confederates had five generals killed, namely, Cleburne, Granbury, Strahl, Adams, Gist; and Carter was mortally wounded.

On the right of Columbia Avenue—which with Main Street is the link between the two turnpikes through the town—is an old brick residence, the famous Carter House; this is 60 feet north of the Federal inner entrenchments and is 264 feet from the main entrenchments. One hundred yards west of the pike and in the main line is where the noted Locust Thicket stood; while 100 feet further out and 240 feet east of the pike is the site of the Cotton Gin, where the fighting was most severe.

The battle lines, spots where noted officers were killed, etc., will be marked by Mr. W. W. Courtney, who participated in the battle.

Two miles south of Franklin are the Winstead hills, on one of which was General Hood's headquarters during the battle.

Just south of the Winstead hills is a brick two-story house, the Harrison house. Here there was a fight in September, 1864, the Confederates being commanded by Gen. Joe Wheeler, who afterwards became a major general in the United States Army, and commanded the cavalry in Cuba during the war with Spain. The Confederate General Kelly was killed, and the Federal Col. James Brownlow, a son of Governor Brownlow, wounded.

Nine miles south of Franklin, and a few hundred yards west of the Franklin & Springhill Pike, is the Village of Thompson Station. A very severe battle was fought here in 1863, Generals Van Dorn and Forrest commanding the Confederate forces and Colonel Coburn the Federal. The Federals sustained 1,500 casualties, and the Confederates 350; General Shafter, who during the war with Spain commanded the army in Cuba, being among the captured Federals.

The residence of John H. Eaton, who was a senator from Tennessee, and was secretary of war under President Andrew Jackson, still stands in Franklin; a large old brick on Main Cross Street or Third Avenue, alongside the Nashville Interurban Railway.

The two largest additions to Franklin were both made in 1819, one by Felix Grundy, called Hincheyville, the other by John Bell, called Belltown. Both of these gentlemen became national characters and both practiced law in Franklin.

THE CARTER'S CREEK TURNPIKE

This is a public road; it runs straight out Main Street from Franklin and joins the Columbia free road at Dark's Mill, about twenty miles south of Franklin and about eight miles north from Columbia.

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THE WILSON PIKE

This is a toll road, and runs from Brentwood on the north to the Village of Arrington on the south.

Brentwood was the scene of a small encounter between General Forrest and the Federals, when, in 1863, he captured a large wagon train and 900 men, with the loss of but two wounded.

This pike runs through territory which still shows evidences of large Indian cities or villages; probably more Indian pottery and relics have been discovered along this pike than in any other section of Middle Tennessee.

It bisects the Fifteenth Civil District, which has the distinction of having had every male between the ages of eighteen and thirty-five to volunteer during the Mexican war. Lots were drawn to ascertain who should remain at home to take care of the women and old men.

THE NOLENSVILLE PIKE

This is a toll road, and extends from the Davidson County line on south to the Marshall County line, passing through the villages of Nolensville, Triune, College Grove, Kirkman.

In 1861, during the Civil war, the Confederate cavalry and a few companies of infantry occupied the Village of Nolensville, while the main body under General Cleburne was camped near College Grove.

The first fighting on the wings of the armies preceding the Battle of Murfreesboro took place at Triune, which was headquarters of Gen. Gordon Granger, after he had left Franklin and was concentrating with the main Federal Army moving towards Murfreesboro. The high hill near Triune was strongly fortified, and was once attacked by Forrest with artillery; this hill for a long time was used as a signal station between Franklin and Murfreesboro.

THE LEWISBURG TURNPIKE

This is now a free road. It passes within a few hundred yards of the Confederate Cemetery, where are buried 1,492 Confederate soldiers who were killed at the Battle of Franklin. A macadam roadway leads from the turnpike to the cemetery; the cemetery is about one mile south of Franklin. All of the graves are marked with granite head stones, there being a large monument for each state giving the number of dead by states. The ground was given by the late Col. John McGavock, and the State of Tennessee now contributes $200 annually to its upkeep.

MAURY COUNTY

FIRST LOG COURT HOUSE OF MAURY COUNTY

Maury County was named in honor of Maj. Abram Maury, of Williamson County, out of which Maury County was carved by act of the General Assembly passed November 16, 1807. Originally Maury County included parts or the whole of Lewis, Lawrence, Giles, Marshall and Bedford counties. It was de-

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clared in the act to be a part of the Mero District which embraced all of Tennessee at that time west of the Cumberland Mountains.

Following the organization of the county, courts were established and, at first, were held in private houses. The first house so used was that of Col. Joseph Brown, where the session of 1808 was held on December 21st, at Columbia. The building used was a small log structure which stood on the east side of the Square near East Market Street. The commissioners of Columbia were required by the Act of 1807 to contract for the building of a court, prison and stocks. The first building was built of brick, within the Square and was completed in 1810. While the new court house was in process of erection, court met in the market house.

THE GENERAL GREENE TRACT

In recognition of his patriotism and services in the Revolutionary war the State of North Carolina gave Gen. Nathanael Greene 25,000 acres to be located in the unappropriated western lands belonging to that state. In 1782 Absalom Tatum, Isaac Shelby, Anthony Shelby and Anthony Bledsoe were appointed commissioners to lay off these lands for General Greene given "as a mark of the high sense this state entertains of the extraordinary services of that brave and gallant officer."

They were also appointed to lay off lands for the satisfaction of services rendered by officers and soldiers of the regular army (called the Continental Line) who had been paid in depreciated scrip, which, under the act, was to be exchanged for the lands; and also, to examine the claims to preemption rights by settlers on the Cumberland, prior to June, 1780.

As there was fear of attack by the Indians they were allowed a guard or military escort of not more than one hundred, who were also to be paid in lands for their services. In 1783, the commissioners performed the duties assigned them and located the 25,000 acres of land donated to General Greene in Maury County, being among the best, if not indeed the very best, lands in the entire state. Ramsey says, page 491: "The present had been richly deserved, and, on the part of the state, was munificent. It embraced some of the best lands on Duck River—perhaps the best in Tennessee."

COL. JOSEPH BROWN

Of all the romantic stories of life in the early days of Tennessee history, few, if any, are infused with more interest than that of Joseph Brown. After the Revolutionary war, his father, Col. James Brown, who had been an officer of the Continental Line from North Carolina, together with his wife and nine children and some others, started from the Holston, in May, 1788, by water for the Cumberland settlement, the voyage successfully made by John Donelson in 1779-1780.

Near Nickajack Cave the Indians attacked the boat and the father, two sons and three sons-in-law were killed. Joseph Brown and two sisters were held in captivity for nearly a year at Nickajack. Ramsey, pages 508-517, gives a detailed account of his residence among the Cherokees, of his release by Sevier and that of his mother and sister who had been marched away a distance of 200 miles.

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At the time of his capture an old squaw made the prophecy that, unless the boy were killed, he would some day lead an army against the Cherokees. Six years later, when twenty-three years old, he served as a guide for Major Ore's expedition which destroyed the Indian towns of Nickajack and Running Water, which were near the present site of Chattanooga. See Putnam, pages 304-308.

Ramsey, page 614, quoting "Willie Blount's papers" as authority, says that Andrew Jackson took part in this expedition as a private under Major Ore and rendered valuable service. Col. Joseph Brown, however, in a letter to A. W. Putnam, dated March 30, 1858, and published in the American Historical Magazine for July, 1900, says:

"Relative to your inquiry Genl. A. Jackson was not on the Nicojack campaign; but if my memory serves me he at that time had something to do in the contractor's business, for his brother-in-law Mr. Samuel Donnelson came to our camp a day or two before we started, and Mr. Reed of Sumner County was there and neither of them had ever been beat in a foot race, and Donnelson observed that he was in bad fix to run for he had been gathering beeves the day before; but still he was willing to run to gratify the company; and did run and was beat five or six feet; but Sandy Donnelson did go and was wounded at Nicojack a younger brother. So I know that Jackson and the Donnelsons done all they could for the protection of the country, altho' I presume Dr. Ramsey had been roughly informed on that subject."

ST. JOHN'S EPISCOPAL CHURCH

In Trotwood's Monthly for December, 1905, appeared the first instalment of "Historic Highways of the South." This instalment is entitled "St. John's Church, Ashwood, Tenn." The following initial paragraphs of the article are illuminating:

"In 'The Banner of the Cross,' a Philadelphia paper, a writer, whose name is unknown, wrote, in 1842, the first description of the now famous chapel, St. John's Church, on the pike leading from Columbia, Tenn., to Mount Pleasant.

"In this country, upon the road leading from Columbia to Mount Pleasant, and about six miles from the former place, in a grove of majestic and towering oaks, may be seen a neat brick church of simple Gothic architecture; its interior plain and appropriate and capable of seating 500 persons.

"It has just been completed and as the result of the joint liberality of Bishop Polk and three of his brothers, who, with a spirit worthy of commendation and imitation, have devoted a portion of the wealth with which God has blessed them to his service.

"Without aid from abroad, these gentlemen have erected and paid for this edifice and presented it, together with a plot of about six acres of land, to the diocese. The lot has been selected from an eligible portion of the Bishop's plantation, within a few hundred yards of whose mansion the church stands."

The church was erected in 1841. Here, Leonidas Polk did his first preaching, and by his activity and ability arose to the rank of bishop. At the outbreak of the war, because of his education at West Point he was commissioned a general in the Confederate Army, and when he was killed by a cannon ball on Pine Mountain, Ga., he was a lieutenant-general.

The cemetery of St. John's Church is consecrated and historic ground. Here rests the Rt. Rev. Bishop Otey. But its most sacred fame was received during the War between the States. Mr. Moore says in the article referred to: "When

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Hood's army invaded Tennessee after the fight around Atlanta, in November, 1864, the route of the army lay along this pike in the march to Nashville. The army had been marching over the poor lands of the barrens, the hills of Georgia and the barrens of the Highland Rim, and when it entered Middle Tennessee, in the garden spot of which sat this little church, Gen. Patrick R. Cleburne, who had won great fame as a dashing fighter, raised his hat at the restful beauty and quietness of St. John's and remarked: 'If I am killed in the coming battle, I would like to be buried yonder.' In a few days occurred the bloody battle of Franklin, in which not only Cleburne, but Generals Gist, Strahl, Granbury and Adams—five of the greatest field officers of Hood's army, were killed, and all were buried in the beautiful cemetery at St. John's. Years afterwards, one by one, their remains were exhumed and carried, with fitting honors, to their former homes, where monuments had been erected to their memories."

PRESIDENT POLK'S BOYHOOD HOME

James Knox Polk, eleventh President of the United States, was born in Mecklenburg County, North Carolina, November 2, 1795. In 1806, his father, Samuel Polk, came to Tennessee and settled in Maury County. His grandfather, Ezekiel Polk, and other relatives, located, at about the same time, in the same neighborhood. Ashwood cemetery is the Polk family burying ground. Here are buried all the Polk family who died in the vicinity, and here, also, were buried the bodies of Generals Cleburne, Granbury, Gist and Stahl, who were killed at the Battle of Franklin, November 30, 1864, and that of General Carter, who died of a wound received in the same battle.

Ezekiel Polk was a man of note in North Carolina, before he came to Tennessee. In Maury County he was a wealthy land owner and noted for his charitable deeds. His son, Samuel Polk, was a farmer and a surveyor. In his boyhood James Knox Polk worked upon his father's farm, but, being of weak physique, he was made a clerk in a store and continued at this occupation until he began attending Murfreesboro Academy. So marked was his ability and so assiduous his application that, in a little more than two years, he was prepared to enter the sophomore class of the University of North Carolina. His record as a student was superb and he graduated in 1818 with first honors. It is said that while in college he never missed a single recitation nor neglected a duty. In his long career in Congress he was never absent from the House a single day. He was the first college graduate to become governor of Tennessee.

In 1819 he entered the law office of Felix Grundy, became acquainted with Andrew Jackson, whose political protege and ardent admirer he was. In 1820 he was admitted to the bar. In 1822 he became chief clerk of the State Senate. In 1823 he was elected a member of the State House of Representatives. In 1825 he became a member of Congress and was fully launched on his remarkable political career.

With the exception of a little more than the last two months of his life, which were spent in the house in Nashville which he had purchased from the estate of Felix Grundy, he lived in Columbia throughout his boyhood and up to the time he left for Washington to begin his term as President of the United States. In Columbia, in a little frame building, was his law office, but it was little used by him for the practice of his profession; for, from 1825 when he

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was first elected to Congress he was continuously in office except during the four years of the governorship of James C. Jones, 1841-1845.

Polk was a member of the House of Representatives of Congress from 1825 to 1839. In 1835 and again in 1837 he was elected speaker of the House, defeating John Bell, also of Tennessee, each time. In 1839 he was elected governor of Tennessee. In 1841 and in 1843 he was defeated for the governorship by James C. Jones.

Polk's elevation to the Presidency was not so fortuitous as many have supposed; and his administration was able and clean. When the true history of this remarkable man is written and his true deserts are fairly set forth, he will be considered one of our very strongest presidents. Even Schouler, the historian, by no means too partial to Polk, says of him: "The crown jewels which Polk's strong policy bequeathed to his country, were of priceless worth —Oregon, and all that splendid spoliation of Mexico, whose chief of hidden treasures was California." * * * "The strong traits of Polk's administration have already been outlined. It was unquestionably an administration of strong achievements; and all doubts may be dismissed concerning the efficiency of the man who was at the head of it. Bancroft's testimony as a cabinet officer is confirmed by that of Buchanan, who, spontaneously and in private, held Polk up in later years as a model President in various respects; as one who maintained influence among his counsellors by his great reticence, his disposition to keep himself uncommitted on important points of policy until the time should arrive, and his determination not to have the chieftains of embittered factions with rival ambitions about him, but to keep all working steadily for the glory and success of his administration. He ascribed Polk's success in public measures, more than anything else, to his regard for the vital principle of official unity in action. And this premier has recalled another trait in Polk's management of affairs which he, of all advisers, was the proper one to discern—all important questions with foreign nations were drawn to himself as far as possible, so that they should be settled at our capital and under his immediate supervision."

PERSONAL ENCOUNTER BETWEEN GENERAL FORREST AND LIEUT. A. W. GOULD

In the engagement on Sand Mountain, on April 29, 1863, between Forrest and Streight, General Forrest was not satisfied with the manner in which the artillery was handled, in consequence of which two pieces had been captured from the Confederates. He severely blamed Lieut. A. W. Gould, the officer in command, and, without pressing charges against him, had him transferred to another battery. Gould resented this action as an unjust reflection on his courage and while Forrest was in Columbia in May, 1863, in a moment of rashness, determined to seek satisfaction from Forrest. He, consequently, secured an interview with Forrest, and withdrew with him to the hall of the house occupied as an office by the quartermaster.

As Forrest and Gould walked side by side, Forrest had in his hand a pocket knife which he had been idly twirling. The lieutenant, in an excited manner, insisted upon being reinstated. But Forrest refused to discuss the matter, saying that his decision was final. At that moment the lieutenant drew a

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pistol. Dr. John A. Wyeth, in his "Life of General Nathan Bedford Forrest," page 224, gives the following account:

"Although Forrest was watchful and exceedingly quick, before he could grasp the weapon which was being drawn and pointed toward him, it was discharged when the muzzle was nearly in contact with his body." It inflicted a dreadful wound from which Forrest himself expected to die.

Wyeth continues: "With his left hand (Forrest was left-handed) he grasped the right hand of his assailant, in which the pistol was held, and thus prevented a second shot. Deliberately with the right hand he carried the penknife to his mouth, and holding the handle between his fingers, with his teeth he opened the largest blade and quickly thrust it into the abdomen of his assailant." The lieutenant dropped his pistol and ran and Forrest sought a physician, who told him his wound was probably mortal. At this, Forrest seized a pistol and rushed into the street, but desisted in these efforts when assured that the latter was already dying.

Two days later when the young officer was sinking rapidly, he asked that General Forrest come to him, if possible. Forrest acceded to the request and was carried to the lieutenant's room. Gould took Forrest's hand in both of his and said, "General, I shall not be here long, and I was not willing to go away without seeing you in person and saying to you how thankful I am that I am the one who is to die and that you are spared to the country. What I did, I did in a moment of rashness, and I want your forgiveness."

It is said that Forrest forgave him freely and "wept like a child."

GEN. FELIX ZOLLICOFFER

Felix Kirk Zollicoffer was born in Maury County, Tenn., on May 19, 1812. His grandfather, George Zollicoffer, was a Swiss. After receiving an academic education he entered upon printing and newspaper work and became one of the most eminent editors of his day. After having been connected with enterprises in Knoxville, Tenn., and Huntsville, Ala., he became editor and publisher of the Columbia Observer at Columbia. In 1835 and in 1837 he was elected state printer. In 1840 he supported James C. Jones for governor against James K. Polk. In 1841 he became associate editor of the Nashville Banner. While editor of the Banner he fought a street duel with Jno. L. Marlin, editor of The Union, over a controversy concerning President Fillmore. This duel occurred on August 20, 1852, on Cherry Street (now Fourth Avenue), at the post office, which was then between the present location of the transfer station and Cedar Street. Both were seriously wounded. From 1843 to 1849 he was state comptroller, which position he resigned to become state senator. In 1850 he built the suspension bridge at Nashville. In 1853 he was elected to Congress and served for six years thereafter. In July, 1861, he entered the Confederate Army as a brigadier-general. When the Federal troops were endeavoring to enter East Tennessee through Cumberland Gap, General Zollicoffer was sent to oppose them and in the battle of Fishing Creek was killed on January 19, 1862.

While living in Nashville, General Zollicoffer's home was in the building on Sixth Avenue, North (then High Street), now occupied by the State Department of Geology and the State Mining Department.

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DAVIS FORD

In November, 1864, Hood's army invaded Tennessee. Hood's objective was Nashville which he hoped to capture and then press on to the Ohio. Before him was General Schofield, retreating to join General Thomas at Nashville, and Hood's great desire was to capture or crush Schofield before the union with Thomas could be effected.

On November 20, 1864, Hood crossed the Tennessee River at Florence, Ala. In his book, "Advance and Retreat," Hood says: "I had hoped by a rapid march to get in the rear of Schofield's forces, then at Pulaski, before they were able to reach Duck River. But * * * the Federals at Pulaski became alarmed and by forced marches day and night, reached Columbia, upon Duck River, just in time to prevent our troops from cutting them off. * * * The two armies lay opposite each other during the 27th. The Federals having entrenched, I determined not to attack them in their breastworks if I could possibly avoid it, but to permit them to cross undisturbed to the north bank of Duck River that night, as I supposed they would do; to hasten preparations, and endeavor to place the main body of the Confederate army at Spring Hill, twelve miles directly in the rear of the enemy, and about midway upon the only pike leading to Franklin; to attack as the enemy retreated and put to rout and capture, if possible, their army which was the sole obstacle between our forces and Nashville—in truth, the only barriers to the success of the campaign."

Fortune seemed to favor Hood in the matter of crossing Duck River. There were several fords by which he might have crossed, but the Federals had discovered them also and had stationed troops to defend them with the exception of one, the old Davis Ford, formerly of importance when the turnpike from Nashville to Columbia was opened and used in the '30s. But in the '50s it was supplanted by other roads and the Davis Ford had been abandoned and forgotten. At this ford Hood crossed November 29, 1864, and much to the surprise and consternation of the Federals, was unopposed and was soon almost in the rear of the enemy.

DEATH OF GEN. EARL VAN DORN

Earl Van Dorn was born near Port Gibson, Miss., September 17, 1820. He graduated at West Point in 1842 and served in Texas in 1845-1846, in Mexico in 1847 and in the Seminole war in 1849-1850. When the War between the States broke out, he entered the Confederate service and rose rapidly from colonel to brigadier and major general. On May 8, 1863, he was fatally shot by a Doctor Peters, over a private grievance, in the brick building which is now a part of the Branham and Hughes School, at Spring Hill, Tenn. The untimely end of this courageous, active and skillful officer was considered a severe loss to the Confederate cause.

RESIDENCE OF MAJ. N. F. CHEAIRS

In this house on the morning of November 30, 1864, Generals Cleburne, Strahl, Gist, Granbury and Adams ate their breakfast. All of them were killed in the Battle of Franklin which began in the afternoon of that day and con-

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tinued until long after dark. The importance of these five general officers and of General Carter, who was mortally wounded, can be understood by an inspection of the personnel of the general officers of Hood's army.

DUTY'S STERN DEMAND

Dr. W. W. Gist in an article entitled, "The Battle of Franklin," published in the October, 1920, number of the Tennessee Historical Magazine, gives the following illustration of duty's stern demand: Sam Jones used to give an illustration like this in one of his stirring sermons to show the stern demand of duty. When our line was first broken and the Confederate flag could be seen inside our works, Hood was naturally led to think that the advantage gained was greater than it was. He summoned an aid to him and said: "My compliments to General Cleburne and tell him to take those works at all hazards."

The aid dashed into the smoke of battle and soon returned and said, "General Cleburne is dead, sir."

"My compliments to General Adams and tell him to take those works at all hazards."

Again the aid returned with the message, "General Adams is dead, sir."

"My compliments to General Gist and tell him to take those works at all hazards."

A third time the aid came back and said, "General Gist is dead, sir."

"My compliments to General Strahl and tell him to take those works at all hazards."

The aid returned in a short time to announce that General Strahl was wounded.

ZION PRESBYTERIAN CHURCH

The original settlers in the Zion Church neighborhood came from South Carolina. They were led by John Dickey who brought with him about twenty families. Some of them arrived in 1807 and others in 1808. They bought 5,000 of the 25,000 acres given Gen. Nathanael Greene by the State of North Carolina and paid at the rate of three dollars per acre. This was considered a good price in those days as the price of the lands assigned to the colleges and academics of the state was fixed at two dollars per acre, except in the case of the settlers occupying the lands, who were required to pay only one dollar per acre.

The first thing done by these colonists was the erection of a church. A spot was selected which was thought to be approximately the center of their tract and on it a rude log church was built in 1807, and is supposed to have been the first church erected in Maury County.

Samuel Frierson and William Frierson were the first preachers in this church; but, before long came Rev. James N. Stephenson, who had been pastor of the church in the Williamsburg District of South Carolina, from which many of them had come.

In 1814 or 1815 the log structure was replaced by a brick church, which, in turn, was succeeded by another edifice in 1831.

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GILES COUNTY

THE KU KLUX KLAN

In May, 1866, the Ku Klux Klan was organized in Pulaski, Giles County, Tenn. When the war ended, those young men of this city, who had escaped death in the ranks of the Confederacy, returned home to a period of enforced inactivity, whose tediousness they proceeded to relieve by the establishment of an organization for amusement. A few of them met in the office of a prominent attorney and one of them said: "Boys, let us get up a club or society of some description." The suggestion was discussed with enthusiasm and the following evening was appointed for another meeting with a larger attendance.

The origin of the name is the Greek word Kuklos, a band or circle. This was corrupted to Ku Klux, and Klan was naturally added for alliteration. Each member was required to provide himself with an outfit consisting of a white mask for the face, with orifices for the eyes and nose; a tall, fantastic card-board hat, so constructed as to increase the wearer's apparent height; a gown or robe of sufficient length to cover the entire persons and a small whistle with which by means of a code of signals agreed upon, they held communications with one another.

The first home of the Klan was in the ell of a handsome brick residence regarded by the negroes as haunted which stood on the brow of a ridge running along the western outskirts of the town. The ell was of wood, consisted of three rooms, from one of which a stairway led to a large cellar beneath. No other house stood near. In December, 1865, the brick portion of the house was demolished by a cyclone, but the ell remained. Around the ruins were the limbless trunks of trees which had once been a beautiful grove. Standing like sentinels, they presented, especially at night, a gruesome and spectral scene. The place was, however, most suitable for a "den" and the Klan appropriated it.

In May, 1867, notwithstanding the hostility of the state and Federal authorities, a secret convention was held in the Maxwell House, Nashville, and a written constitution, called "the prescript," was adopted and the Ku Klux Klan became avowedly a partisan organization.

In March, 1869, when it was thought that its important work was done and that there was no further need of its services, the Grand Wizard issued his edict terminating its existence.

BIRTHPLACE OF GOVERNORS JOHN C. BROWN, NEILL S. BROWN

Governor John C. Brown was born January 6, 1827, at the home of his father, Duncan Brown, about fifteen miles southeast of Pulaski, Tenn. The Duncan Brown farm was located on the old state road in the Bethany neighborhood. This stage road begins at Tarpley's Shop, branching from the Ellston Pike, which it nearly parallels. On a hill to the left of the road traveling from Pulaski stood the house, destroyed by a storm a few years ago, in which Governor John C. Brown was born.

Governor Neill S. Brown was a brother of Governor John C. Brown and was born on April 18, 1810, in a house about one-half mile nearer Pulaski.

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Duncan Brown, father of both these governors, emigrated from North Carolina in 1809.

Neill Brown began his education at the age of seven, earning the money to pay for his schooling. When a young man he taught school for money to continue his studies. For two sessions he attended the Maury County Manual Labor Academy. In 1833 he began the study of law; the next year was admitted to the bar and began practice at Pulaski. In 1835 he removed to Texas but soon returned and distinguished himself in the war with the Seminole Indians. In 1837 he became a member of the State Legislature and was strongly launched in politics. He was a whig, a supporter of Hugh Lawson White against Jackson and a Presidential elector on the Clay ticket in 1844. In 1847 he became governor of Tennessee at the age of thirty-seven, the youngest governor of this state up to that time. In 1850 he was appointed U. S. Minister to Russia. In 1870 he was a member of the constitutional convention, over which his brother presided. He died in 1886.

John C. Brown was educated at Jackson College, Columbia, from which he graduated in 1846. In 1848 he began the practice of law with his brother, then governor of the state. He was a whig and made an ardent and brilliant campaign of the state in behalf of the Bell and Everett ticket in 1859. He opposed secession, but went with the state into the Confederacy. He enlisted as a private in the Third Tennessee Infantry, was soon elected captain and later colonel and brigadier general and major general. He was wounded three times. He was elected to the Legislature in 1869 and became the moving spirit of the Constitutional Convention of 1870 of which he was chairman. He was governor of Tennessee from 1871 to 1875. He died in 1889.

FORT LILLY

A high hill just north of Pulaski was fortified during the Civil war, and since that time has been known locally as Fort Hill. It was called Fort Lilly by the Federals at the time the fort was built, in honor of Colonel Lilly who was in command of the work and the fortification. The Pulaski Water Company now owns the hill, and the reservoir is located where the old fort stood. Remains of the fort, however, are plainly visible in earthworks around the top of the hill.

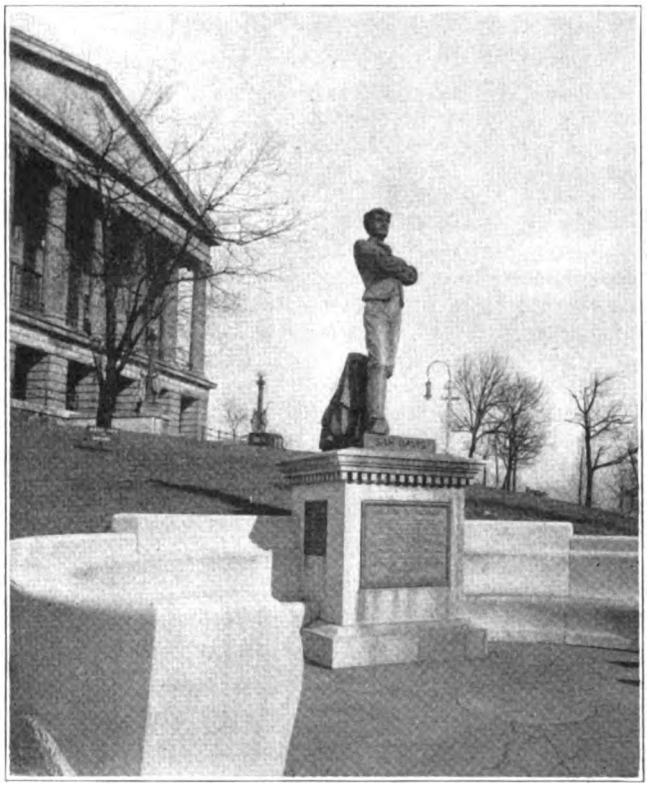
HEADQUARTERS OF GEN. G. M. DODGE

In the fall of 1863 a Federal army of about sixteen thousand men was stationed at Pulaski, under the command of Gen. G. M. Dodge. This was the Sixteenth Army Corps which had been moved from Corinth. The special duty was assigned him of keeping the L. & N. Railroad open between Nashville and Decatur. He was much disturbed by the efficiency of the Confederate scouts and determined to put a stop to their operations. To this end he ordered the Seventh Kansas Cavalry (the noted "Kansas Jayhawkers") to make a complete patrol of the region. It was soldiers of this command who, in scouring the country, captured Sam Davis with important documents on his person.

SAM DAVIS

Mr. S. A. Cunningham, editor of the Confederate Veteran, prepared and read before the Tennessee Historical Society a comprehensive paper on Sam

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SAM DAVIS MONUMENT ON CAPITOL GROUNDS, NASHVILLE

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Davis, which paper was published in the American Historical Magazine for July, 1899. A large part of the information about this southern hero, which herewith follows, was derived from this source.

Samuel Davis was born October 6, 1844, near Smyrna, Tenn. His parents came from Virginia. Upon a tablet of a beautiful marble monument erected by his father in the garden of his home are the words: "He laid down his life for his country. He suffered death on the gibbet rather than betray his friends and his country."

Sam Davis enlisted as a private in the First Infantry of Tennessee and made so good a record that, in 1863, he was selected as a member of a company of scouts under the leadership of Capt. H. B. Shaw, whose command was organized under the personal direction of Gen. B. F. Cheatham. Captain Shaw, disguised as an herb doctor and traveling under the name of Coleman, was captured, and on November 19, 1863, Davis and others were captured. Joshua Brown, who was in jail with Davis says:

"After we had been in Tennessee about ten days, we watched the Sixteenth Army Corps, commanded by General Dodge, move up from Corinth to Pulaski. We agreed that we would leave for the South on Friday the 19th of November, 1863. A number of our scouts had been captured and several killed. We were to start that night, every man for himself; each of us had his own information. I had counted almost every regiment, and all the artillery in the sixteenth Corps, and had found out that they were moving on Chattanooga. Late in the afternoon we started and ran into the Seventh Kansas Cavalry, known as the 'Kansas Jayhawkers,' and when we learned who had captured us we thought our time had come. We were taken to Pulaski, about fifteen miles away, and put into jail. Davis was one of the number. I talked with him over our prospects of imprisonment and escape, which were very gloomy. Davis said they had searched him that day and found some important papers upon him, and that he had been taken to General Dodge's headquarters. They had also found in his saddle-seat maps and descriptions of the fortifications at Nashville and other points, and an exact report of the Federal Army in Tennessee."

They also found his pass signed "By order of General Bragg, E. Coleman, Captain Commanding Scouts," and a letter written by E. Coleman to Col. A. McKinstry, provost marshal, Army of Tennessee, Chattanooga, giving valuable information about the Federal forces.

General Dodge gave the following account of his interview with Davis:

"I took him in my private office, and I told him that it was a very serious charge brought against him; that he was a spy, and from what I found upon his person he had accurate information in regard to my army, and I must know where he obtained it. I told him that he was a young man, and did not seem to realize the danger he was in. Up to that time he had said nothing, but then he replied in the most respectful and dignified manner: 'General Dodge, I know the danger of my situation, and I am willing to take the consequences.'

"I asked him then to give me the name of the person from whom he got the information; that I knew it must be some one near my headquarters, or who had the confidence of the officers of my staff, and repeated that I must know the source from which it came. I insisted that he should tell me, but he firmly declined to do so. I told him that I would have to call a court-martial and have him tried for his life and, from the proofs we had, they would be compelled to condemn him; that there was no chance for him unless he gave the source of his information. He replied: 'I know that I will have to die, but I will not tell where I got the information, and there is no power on earth

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that can make me tell. You are doing your duty as a soldier, and I am doing mine. If I have to die, I do so feeling that I am doing my duty to God and my country.' "

General Dodge immediately called the court-martial which sentenced him to die by hanging on November 27, 1863.

After Davis reached the gallows, General Dodge still had hopes that he might reveal the name of the "traitor in his camp," when death was staring him in the face, and sent Captain Chickasaw to say to him: "It is not too late yet." But then, even in his last extremity Davis turned and said:

"If I had a thousand lives, I would lose them all here and now before I would betray my friends or the confidence of my informer."

This noble sentiment, nobly expressed is inscribed upon the beautiful monument by Zolnay erected to his memory on the grounds of the Capitol at Nashville.

HALF WAY HOUSE

The Half Way House was a stand and inn in stage coach days. The place was on the main line of travel between Nashville and Huntsville. As its name implies it was about half-way between these two cities. Here the horses were always changed and travelers stopped at the inn for dinner. The place is on the Bee-Line Highway, just west of Lynnville, the home of C. H. Witt, and his venerable mother who lives there with him.

FIRST COURTHOUSE OF GILES COUNTY

On the fourteenth of November, 1809, Giles County was established by act of the Legislature and so named in honor of Governor Wm. B. Giles, of Virginia. The act which established the county also established a Circuit Court to be held the second Monday in June and December, and a Court of Pleas and Quarter Sessions, to be held on the third Monday in February, May, August and November, and provided that the first courts should be held at the house of Lewis Kirk, who lived in a log cabin on the bank of Richland Creek, about two hundred yards above the Louisville & Nashville Railroad station. The first County Court was held on the third Monday in February, 1810, when the magistrates were sworn in and county officers elected or appointed.

Thomas H. Benton, later the famous United States senator from Missouri, called "Old Bullion," was attorney for the plaintiffs in the first two cases on the civil docket in the Circuit Court.

GOVERNOR AARON V. BROWN

Pulaski has furnished three governors of Tennessee, all by the name of Brown. Neill S. Brown, governor, 1847-1849, and John C. Brown, governor, 1871-1875, were brothers. They were not related to Aaron V. Brown, governor, 1845-1847, who was born in Virginia, August 15, 1795. He was graduated at Chapel Hill, N. C., in 1814, and was valedictorian of his class. His father moved to Tennessee in the same year and Aaron V. Brown entered upon the study of the law in the office of Judge Trimble, at Nashville. He later moved

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to Giles County and was a partner of James K. Polk until 1825. He and Polk were devoted friends up to the time of Polk's death in 1849.

He was a member of the State Senate, 1821-1825, and of the House of Representatives, 1831. He was a member of Congress, 1839-1845, and retired in the latter named year to become candidate for governor. His opponent was Ephraim H. Foster, a whig, and one of the strongest men in the state. The contest was exciting and close but Brown won. Two years later he was defeated by Neill S. Brown.

During his incumbency the war with Mexico broke out and Governor Brown called for volunteers to make up Tennessee's quota of 2,800. Thirty thousand responded, but only four regiments were accepted.

The School for the Blind, at Nashville, and the School for the Deaf and Dumb, at Knoxville, were incorporated during his administration. In 1847 the East Tennessee and Virginia Railroad, now a part of the Southern Railway System, was chartered.

Governor Aaron V. Brown was postmaster-general in the cabinet of President Buchanan. He died March 8, 1859.

THE CONGRESSIONAL LINE

The establishment of the so-called Congressional Line was made by act of Congress approved April 18, 1806. It was the settlement of a controversy over the right to dispose of public lands.

When North Carolina deeded to the United States, in 1790, the lands which then became the territory south of the River Ohio, and, in 1796, the State of Tennessee, she reserved the right to have validated the land warrants she had issued and the right to issue further land warrants in liquidation of obligations to her soldiers in the Revolutionary war.

When Tennessee came into the Union in 1796, it was supposed that, after satisfying the North Carolina reservation, there would be ample lands vacant and unappropriated. But such proved not to be the fact. North Carolina had issued warrants for more than eight million acres and many of the claims overlapped.

The matter of controversy between Tennessee and North Carolina was accentuated when the United States, in 1799, claimed the right to dispose of all the vacant and unappropriated lands in the state. Tennessee then asked the general government to relinquish its claim.

Meanwhile, North Carolina industriously continued to issue land warrants to lands in Tennessee. Tennessee then denied the right of North Carolina to issue land warrants in this state on the ground of expiration of the time within which claimants were required to make surveys and procure grants, and in 1801 passed an act to forbid North Carolina surveying and granting lands in this state.

In 1803, the Legislature appointed John Overton an agent of Tennessee for the purpose of negotiating a friendly agreement between the two states which had by that time become inconvenient and sometimes distressing. The result of his efforts was a mutual agreement that Tennessee should perfect titles to lands reserved to North Carolina, subject to the assent of Congress.

Congress assented to the agreement and passed an act, approved April 18,

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1806, which made several provisions regarding the disposition of lands in Tennessee and settled the triangular controversy.

By this compact Tennessee ceded to the United States the sole disposition of the lands south and west of a line beginning at the place where the main branch of Elk River crosses the southern boundary of the state; thence running due north until it reaches the main branch of Duck River; thence down Duck River to the military line; thence west, with the military line, to the Tennessee River; thence down the Tennessee River to the northern boundary of the state. This line was called the Congressional Line.

By this compact Tennessee acquired all the lands north and east of the Congressional Line subject to satisfaction of the North Carolina claims, and to the appropriation of lands designated for educational purposes.

A marker has been placed at Pulaski, which is on the Congressional Line, to commemorate an act fraught with such importance not only to the people of that day, but also to succeeding generations.

OLD INDIAN RESERVATION LINE

For many years Gen. James Robertson had desired to secure the relinquishment of the Chickasaw claim to Middle Tennessee. In May, 1805, he met Silas Dinsmore, Indian agent, who had been instructed to associate himself with General Robertson in a conference for a treaty with the Indians. The conference continued from day to day until, on July 23, 1805, the Chickasaws gave these two United States commissioners a quitclaim and entire relinquishment of their title to all lands from a point on the Ohio River to the mouth of the Tennessee, up the Tennessee to the mouth of Duck River, up Duck River on the left bank to the Columbian Highway (more commonly known as the Natchez Trace), thence along this road to the dividing ridge between Duck River and Buffalo River, thence eastwardly along this dividing ridge to the great ridge between the Buffalo and the Tennessee rivers, near the source of Buffalo; thence in a direct line to the Tennessee River, near the "Chickasaw Old Fields," the eastern point of the claim of the Chickasaws on the Tennessee River; thence northwardly to the ridge separating the waters of the Tennessee from those of the Cumberland, including the waters which run into Elk River; thence along the great ridge to the beginning, reserving one mile square on the Tennessee at the mouth of Duck River for O-Ko-Ye (or Tis-shu-mas-tubbe), one of the Chickasaw chiefs.

The United States paid for this grant $20,000, mostly in goods which had been brought to the treaty ground by Mr. Dinsmore; also $1,000 each to Colbert and O-Ko-ye, and an annuity of $100 to Chin-nubbe, the king of the nation.

The Indian Reservation Line established by this treaty ran through a portion of Giles County and is commemorated by a marker placed on the line about three miles northwest of Prospect Station.

LATITUDE HILL

After the war of the Revolution, North Carolina decided to pay the officers and soldiers of her "continental line" with lands in her domain west of the Alleghany Mountains. In 1782 she passed an act appointing Absalom Tatum, Isaac Shelby and Anthony Bledsoe commissioners to lay off these lands and also

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the 25,000 acres of land given to Gen. Nathanael Greene. The governor was authorized to appoint a guard of not more than 100 officers and men to accompany them, for protection against the attacks of the Indians, especially the Creeks and Cherokees.

Early in 1783 the commissioners with their guard and with many of the Cumberland settlers traveled south, crossed Duck River near the mouth of Flat Creek and crossed Robertson's Fork, so named by Elijah Robertson, and Richland, so named by James Robertson, and down Bradshaw to within one and one-half miles of the mouth where a hard rain raised Elk River so that it could not be forded. They then went down the river to the point where the McCutchen Trace crossed it and, on a high bluff on the north side of the river, took their astronomical observations to ascertain the thirty-fifth degree of north latitude which was, and is, the southern boundary of Tennessee. The observations were taken by Gen. Daniel Smith, who calculated that the party was about three miles from the boundary. As the river could not be forded, they intended to make a canoe and send some of the party across and on to the boundary; but finding signs of Indians, they concluded to desist from the attempt. They marked a number of trees on the hill with the names of those present and the date and turned back. Since that time the place has been called "Latitude Hill."

So far as is known the people in this party were the first white men who explored the region later known as Giles County.

PISGAH CAMP GROUND

In the early years of the nineteenth century a wave of religious enthusiasm swept over Tennessee. Giles County was quickly and strongly affected. Camp meetings were held in various places in Tennessee for the benefit of those who came from a distance. Entire families thus attended religious meetings, camping in the vicinity sometimes for weeks.

Regarding the Pisgah Camp Ground, Hon. W. B. Romine says: "In 1811 a camp meeting was held in the valley near Pisgah, Giles County. Next year the camp ground was located on the little plateau on top of Pisgah Hill and camp meetings were held there regularly till the Civil war. That was one of the most famous camp grounds in all this part of the country. There were more than a hundred cabins, or camps, and great crowds of people gathered there from miles around. Bishop Robert Paine, one of the great men of the early Methodist Church, made a public profession of religion in a camp meeting at this camp ground."

BISHOP ROBERT PAINE

Robert Paine, bishop of the Methodist Episcopal Church, was born in Person County, N. C., November 12, 1799. He attended school near Leesburg, N. C., and later studied at the school of Dr. D. C. Weir and Professor Alexander near Lynnville, Tenn. He joined the Methodist Episcopal Church, October 9, 1817, and was ordained deacon and elder in 1821. He then became successively a missionary preacher, presiding elder of the Nashville district and president of La Grange College, Ala., 1830-1846.

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At the Louisville conference of 1844 he was a leader in the movement for a division of the church, North and South.

He was the presiding officer at the first general conference of the Methodist Episcopal Church, South, held at Petersburg, Va., in 1846, and at that time was elected bishop.

During the embarrassments incident to the Civil war, he contributed ably to the support of the church. The honorary degree of A. M. was conferred upon him by the University of Nashville, and that of D. D. by Wesleyan University. He was the author of "Life and Times of Bishop McKendree," published in 1859. He died at Aberdeen, Miss., October 18, 1882.

MOUNT MORIAH CHURCH

Concerning this church Mr. Romine says:

"A protracted meeting was held at the home of one of the neighbors. At the close of the meeting it was agreed that a church would be organized. As the meeting had been a union, neighborhood meeting, it was agreed that the new congregation should decide for themselves what church the new organization would affiliate with. When the time came to decide, the congregation named the church Mount Moriah, and voted to join the Cumberland Presbyterian church, which had just been organized by certain members of Cumberland Presbytery refusing to abide by the order of the Synod dissolving Cumberland Presbytery. Thus Mount Moriah became the first church organized as a Cumberland Presbyterian church. All the churches of Cumberland Presbytery had been organized as Presbyterian churches."

BLEDSOE'S FORT

In 1771 Isaac Bledsoe discovered the lick which was given his name, located at what is now known as Castalian Springs, in Sumner County, Tenn. In the fall of that year he and other hunters explored the Lower Cumberland while hunting for game, formed a station camp on Station Camp Creek, north of Pilot Knob, also in Sumner County, included later in Fairview, once called "the finest country home in Tennessee," when owned by Isaac Franklin.

Other hunters at the same time discovered Drake's Pond, Drake's Lick and Mansker's Lick, and the party remained in this section hunting and exploring until August, 1772.

The fame of this beautiful and productive section spread and, in 1776, "allured by the flattering accounts they had received of the fertility of the soil and of the abundance of game which the country afforded," Thomas Sharp Spencer and others decided to visit it. They made a small clearing and built a few cabins about a half mile west of Bledsoe's Lick. In 1878 they planted some corn, the first corn planted by men of the Anglo-Saxon race in Middle Tennessee and probably the first planted west of the Alleghany Mountains. Most of the party returned to the settlements after planting the corn. Spencer and Holliday remained until 1779.

Col. J. G. Siseo, in "Historic Sumner County," page 15, says: "The curtain of history rises on Sumner County in the year 1779, when a settlement of a dozen families was formed near Bledsoe's Lick."

Most historians give the year 1778 as the date of this settlement. For example, Ramsey, page 193, says: "A settlement of less than a dozen families was

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formed, 1778, near Bledsoe's Lick, isolated in the heart of the Chickasaw nation, with no other protection than their own courage, and a small stockade inclosure."

Colonel Sisco continues: "The winter of 1779-80 brought many new settlers. The tide had set in, and it continued to flow, despite the many dangers and hardships which the people had to encounter. The first settlers came chiefly from the Watauga, North Carolina and from Virginia, though a few came from Pennsylvania and South Carolina. Many of these hardy men were fresh from the battle fields of the Revolution, and brought with them the rifles and the muskets with which they had helped to win independence for their country. Better than rifles and muskets, they brought with them strong and vigorous minds, strong and healthy bodies, a love of freedom, undaunted courage and a determination to conquer dangers and difficulties and build new homes for their descendants or die in the wilderness. And many did die in the struggle. But their efforts were successful, and we owe it to their memories to mark their last resting places, to keep their graves forever green and to keep in mind their heroic deeds and unselfish sacrifices."

BRECKINRIDGE'S CHARGE AT THE BATTLE OF STONE'S RIVER (MURFREESBORO)

The battle of Stone's River, or Murfreesboro, which was fought December 31, 1862, to January 2, 1863, was one of the most stubbornly contested conflicts of the war, and one of the bloodiest, too, in proportion to the numbers engaged. Learning that Bragg had been weakened by the detaching of almost one-fourth of his army for service in Mississippi, General Rosecrans marched out from Nashville to attack him. A preliminary conflict took place on the afternoon of December 30th, but night soon interposed and put an end to it.

At daylight of the thirty-first both armies were fiercely engaged and so continued with varying fortunes for three days. On the morning of January 2d, General Bragg, thinking (according to the statement of Col. David Urquhart, a member of his staff) that the quiet prevailing among the Federal forces portended a retreat, determined to dislodge the force opposite his right wing and gave orders to that end.

Colonel Urquhart ("Battles and Leaders of the Civil War," p. 607), continues: "* * * our best troops were carefully selected. Hanson's, Preston's, Gibson's, and Hunt's brigades, with Cobb's and Wright's batteries were placed under Major-General Breckinridge. A gun fired by one of our batteries at 4 o'clock was the signal for the attack. After a fierce fight we carried the hill. The orders were to take its crest, and there remain intrenched. General Breckinridge endeavored to execute this order, but the commanders of the brigades engaged could not restrain the ardor of their men, who pushed on beyond support. The Federal batteries that had been massed on the other side of the stream now opened on them and drove the Confederates back with terrible slaughter, fully 2,000 of our men being killed and wounded in this attack. At 10 o'clock P. M. the news of this disastrous charge, led by the élite of the Confederate Army, cast a gloom over all."

Col. G. C. Kniffin (Federal), of General Crittenden's staff, says in "Battles and Leaders," pp. 630, 631, that "Breckinridge, against his earnest protest, was directed to concentrate his division and assault." After giving the details of the brave and, at first, successful charge, Colonel Kniffin says:

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"In all, fifty-eight pieces of artillery played upon the enemy. Not less than one hundred shots per minute were fired. As the mass of men swarmed down the slope they were mowed down by the score. * * * Hanson was mortally wounded, and his brigade lost over 400 men; the loss in the division was 1,410."

SHY'S HILL

On the second day of the battle of Nashville, December 15 and 16, 1864, Shy's Hill was held by Gen. W. B. Bate, afterwards governor of Tennessee, 1883-1887, and United States senator, 1887, to the day of his death, March 9, 1905.

It was at Shy's Hill that occurred the break in the Confederate line which meant the loss of the battle, and the downfall of the Confederacy. No better account of this important historical event has been written than that of W. E. Beard, page 28 of his booklet entitled "The Battle of Nashville." It is as follows:

"The break came at 4 o'clock in the afternoon on Shy's Hill overlooking the Granny White Pike. It was at a point in the Confederate works where the line turned from facing the city to the extreme left. It was subjected to a heavy cross-fire from the artillery of McArthur's and Couch's divisions which tore the works to pieces, even the stone wall on the Overton Lea place across the Granny White Pike being demolished. Screened by the fire of Couch's guns McMillen's brigade of McArthur's division formed in a hollow in front of Shy's Hill to attack General Bate's weakened line. General Thomas himself witnessed the preparation of the various commands to charge on the Confederate left in unison.

"'McMillen's men, the 114th Illinois, 93d Indiana, 10th Minnesota, the 72d Ohio, and the 95th Ohio, rushed forward, and on a single signal Cox's division started on a run for Field's position and the Federal cavalry assailed the knobs in the rear anew. Bate's line on Shy's hill, shot to pieces by cannon balls, gave way. Col. William Shy of the 20th Tennessee died fighting to the last on the hill which has since borne his name. Thomas Benton Smith, 'the Boy General,' one of Bate's brigadiers, was captured and afterwards, it has been charged, slashed over the head with a sabre, the wound permanently impairing his mind. H. R. Jackson, another brigadier in Bate's line, was captured."

BAKERDON

Near Port Royal, in Montgomery County, is Bakerdon, the home of Willie Blount, governor of Tennessee, 1809-1815. He was a half brother of William Blount, governor of the Territory of the United States South of the River Ohio.

Willie Blount was born probably in 1768 (the date is somewhat in dispute). Little is known of his early life, but he came to Tennessee in 1791 and became private secretary of Governor William Blount. He held this position until 1796 when Tennessee became a state. When the state was organized, he was elected by the Legislature one of the Superior judges.

He was an ardent supporter of General Jackson during the Creek war, 1813-1814, and, under legislative sanction, raised by his own efforts $370,000 to support Jackson's army in the field, for doing which he was thanked by President Madison, three secretaries of war and by the General Assembly of Tennessee.

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He was a member of the Constitutional Convention of 1834, and died September 19, 1835. The Legislature voted to erect a monument to his honor at Clarksville, Tenn., where he is buried.

FORT BLOUNT

For the protection of travelers between East Tennessee and Nashville and of the Cumberland settlers a fort was erected near Gainesboro and named Fort Blount, after Governor William Blount. The date of the erection is uncertain, but it was certainly prior to 1797; for John Sevier, in his diary, under date of Thursday, May 4, 1797, when he was on a trip to the Cumberland country says: "Thur. 4 Rained in the morng. Brak, at Anderson's. pd. Expenses 4/6. Crossed Fort Blount to the Cumberland river pd. 1/6. Lodged at Peter Turneys. rained much in the night."

It is probable that Fort Blount was constructed within a few years after 1788, because, according to an article on "The Old Road," by Col. W. E. McElwee, published in the American Historical Magazine for October, 1903, page 348, "* * * on the twenty-fifth of September (1788) a company of soldiers had escorted the first body of emigrants from Clinch River to the Cumberland settlement, among whom were the family of General Davidson, the family of Judge John McNairy and others." Previously immigrants had come by way of Cumberland Gap and Kentucky.

And the fort would have hardly have been constructed or, at least named Fort Blount, before 1790, because it was in that year that President Washington appointed William Blount governor of the Territory of the United States, South of the River Ohio.

On page 353 of the same article, Colonel McElwee says:

"The road began at the fort near Southwest Point, at the big spring, since known as the Clark Spring, where a ferry had been established by Norris Clark. The road passed through the valley of Post Oak Springs and ascended the mountain at what has since been known as Kimbrough's Gap. Near the present town of Crossville it intersected with the old North Carolina road, which it practically followed to a fork, where one road led to Fort Blount and the other to Cumberland River. Walton took the road leading to the river, where he established a ferry, known as 'Walton's ferry.' The road then kept on the north side of the Cumberland to near Nashville, where he established another ferry."

Judge A. V. Goodpasture says: "Afterwards the name of Fort Blount was changed to Williamsburg, and it was made the county site of Jackson County. Still later the county site was removed to Gainsboro."

Michaux in his "Travels to the Westward of Alleghany Mountains," published in 1802, on page 263, says:

"We arrived on the 19th at Fort Blount, built on the river Cumberland, seventy miles from Nashville." On page 257 Michaux says: "Fort Blount was constructed about eighteen years ago, to protect the emigrants, who came to settle at that time in Cumberland, against the savages, who made incessant war upon them, to remove them, but a peace having been concluded, and the population being greatly augmented, they are incapacitated from doing them any further injury, and the fort has been destroyed. At present there is a good plantation on the spot, which belongs to Capt. Sampson Williams, with whom Mr. Fiske usually resides."

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WEST TENNESSEE

MEMPHIS AND VICINITY

The material for the wording of the markers placed in and near Memphis has been furnished largely by Judge J. P. Young, of Memphis, chairman of the Shelby County Historical Committee. The information concerning the history of the places marked embodied in this record has been supplied principally by Judge Young and the excellent history of Memphis by J. M. Keating. Separate mention is made of other authorities consulted.

CHISCA MOUND

Chisca Mound is a large Indian mound erected by a colony of the Quapaw tribe of the great Akansea branch or genus of the North American Indians, on the Fourth or Lower Chickasaw Bluff, where the City of Memphis now stands. This mound is 25 feet high with base dimensions 155 by 180 feet. It stands near the Mississippi River in the southern part of the city. DeSoto approached the river from the east side of this mound on May 8, 1841; but it is said that he did not see the "Father of Waters" there. He was confronted by Chisca, the chief or cacique of the settlement who, with 4,000 warriors, kept him at bay for several days. Being unable to overcome this formidable army of savages with his small force reduced by conflicts with the Natchez Indians, he negotiated an armistice with Chisca and moved a short distance northeast to obtain a supply of maize or Indian corn.

THE POINT OF CROSSING

Both the point from which DeSoto first saw the Mississippi River and the point from which he made his crossing are matters of dispute among historians. Andrew Elliott's journal says DeSoto reached the Mississippi River in latitude thirty-four degrees ten minutes. Belknap says within the thirty-fourth parallel. McCullough says twenty or thirty miles below the mouth of the Arkansas River. Martin's "Louisiana" says a little below the lowest (fourth) Chickasaw Bluff. Mettal's "Travels in Arkansas" says at the lowest Chickasaw Bluff. Justin Winsor in the "Narrative and Critical History of America" says that "there is a very general agreement on the lowest Chickasaw Bluff."

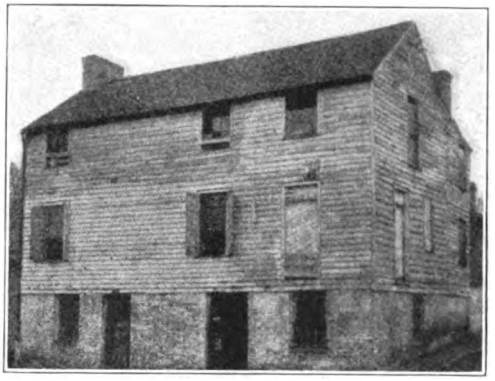
Bancroft says:

"The Spaniards were guided by natives to one of the several crossing-places, probably at the lowest Chickasaw Bluff, not far from the 35th parallel of latitude. The arrival of the strangers awakened curiosity and fear. A multitude of people from the other side of the river, painted and gaily decorated with great plumes of white feathers, the warriors standing in rows with bows and arrows in their hands, the chieftains sitting under awnings as magnificent as the artless manufacturers of the natives could weave, came rowing down the stream in a fleet of two hundred canoes, seeming to the admiring Spaniards 'like a fairy army of galleys.' They brought gifts of fish, and loaves made of the fruit of the persimmon. The boats of the natives were too weak to transport horses; almost a month expired before barges, large enough to hold three horsemen each, were constructed for crossing the river. At length, at the end of May, the Spaniards embarked upon the Mississippi, and were borne to the western bank."

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OLD BELL TAVERN, MEMPHIS



RAWLINGS INDIAN TRADING POST, MEMPHIS



CHISCA MOUND, AN OLD INDIAN MOUND IN DE SOTO PARK, MEMPHIS

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Of this crossing Judge Young says:

"On May 21st, DeSoto went to see the great river. This was near the mouth of Wolf River and approximately about the site of the present Shelby County jail, the most historic spot about Memphis. Here the first white men saw and crossed the Mississippi River, which DeSoto did on June 18th, 1541, after building four barges or piraguas, with which to carry his little army over, a feat accomplished in six hours."

SITE OF THE FIRST FRENCH FORT, FORT PRUDHOMME

In 1673 the French began their explorations along the Mississippi River. In 1682, LaSalle made his famous voyage down the Mississippi, claimed for France the country through which it ran and named it Louisiana after King Louis XIV. At the mouth of Wolf River at the Chickasaw Bluffs he built a fort which he named Prudhomme. The first building in Tennessee erected by white men was built at that time on that spot by the French.*

At the eastern end of the Harrahan Bridge were afterwards built Fort Assumption and Fort Pickering. Fort Ferdinand de Barancas and Fort Adams were built near the mouth of Wolf River, where Fort Prudhomme had been. Judge Young has furnished the historical facts regarding the last named four forts.

FORT ASSUMPTION AND FORT PICKERING

In August, 1739, Jean Baptiste Le Moyne de Bienville, at that time the French Governor of Louisiana, in prosecuting a war against the Chickasaw Indians, sent a large force to the lower Chickasaw Bluff under Buisonniere and De Longueil, who, on the feast of the Ascension, in the middle of August, 1739, built a large fort adjoining the eastern abutment of the great Harrahan bridge across the Mississippi River. This fort was garrisoned by 1,200 French soldiers and 2,400 Indian allies and occupied by Bienville until March, 1740. It stood a short distance above the Chisca Mound and extended north to the Harrahan bridge or a little farther. At that time the French claimed the entire Mississippi Valley, under its seizure by LaSalle April 9, 1682, and, up to that time no English settlement had been made in what is now Tennessee. The upper end of Fort Assumption north and adjoining the Harrahan bridge was afterwards also the site of Fort Pickering, built by Capt. Zebulon M. Pike, in 1801.

THE POINT AT WHICH GOVERNOR GAYOSO SEIZED THE EAST BANK OF THE MISSISSIPPI RIVER—FORT FERDINAND DE BARANCAS

The same point at which DeSoto first saw and crossed the river, at the lower Chickasaw Bluff, was selected by Governor Don Mannual Gayoso de Lemos, Spanish governor of Louisiana, as a site for a fort on territory of the United States, after an alleged purchase from Wolf's Friend, a Chickasaw chief. There he built Fort Ferdinand de Barancas and raised the flag of Spain, May 31, 1795, thus claiming for Spain the territory east of the Mississippi River. It is well known now that this fort stood on the site of the present Shelby County jail, on city lots numbers 420-421-422 and 423. It is also given sometimes as Fort San Ferdinand (or Ferdinando) de Barancas.

* The location of Fort Prudhomme is not certain.

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COMING OF THE AMERICANS—FORT ADAMS

On May 20th, 1797, Gen. James Wilkinson sent Capt. Isaac Guion with a detachment of the Third United States Infantry to descend the river from Fort Washington (Cincinnati) and take possession of the lower Chickasaw Bluff and Fort Ferdinand. Captain Guion arrived at the bluff on July 20, 1797, and found that the Spanish commander of Fort Ferdinand, Captain Beauchamp, had just dismantled the fort and had withdrawn across the river. He immediately built another fort on the same site and named it Fort Adams for President John Adams. He then raised the American flag, the first United States national colors ever unfurled aggressively on the banks of the Mississippi River.

THE OLD BELL TAVERN

Judge Young gives the following account of the Old Bell Tavern:

"One of the oldest landmarks in Memphis, contemporary with the laying out of the town, or perhaps a little older, was the Old Bell Tavern at the southeast corner of Chickasaw, now Front Street, and Toncray's Alley, a little south of the County jail and of the site of the two forts, Ferdinand de Barancas and Adams. There has been some controversy about when this old building was first erected, but it was undoubtedly here when Mr. Lawrence prepared his map of the town about to be founded by John Overton, Andrew Jackson and James Winchester in 1819. It was then the only place where visitors could be entertained except under tents, and the statements of the earliest settlers, who survived to the forties and fifties concurred in saying that the town was laid off in this primitive building. It was constructed by setting four large cedar posts in the ground for corners, placing stringers between and nailing the weather boarding to these, the planks being obtained from the sides and tops of demolished 'flat-boats,' as the covered flats or batteaux plying the river were then called. All concurred in saying that it was the oldest surviving house in Memphis."

Keating in his "History of Memphis," page 189, says:

"The winter of 1831-2 was very severe, and the poor suffered so much for want of fuel that the famous Bell Tavern, which had long been conspicuously identified with the growth of the Chickasaw Bluffs, was almost stripped, and so much damaged that it was never again used by the travelling public. 'They, poor sufferers, burned first the fences, after which the different additions and out-houses,' and finally part of the weather-boarding. It was built in 1823 and was the second tavern, the first having been built on Auction street by 'Squire McMahon in 1821. Colonel Samuel R. Brown was the first proprietor of the Bell Tavern, which was so named from the bell suspended in its small cupola, and which called its guests to their daily meals."

THE ISAAC RAWLINGS INDIAN TRADING POST

Concerning this famous establishment, Judge Young says: "One of the oldest landmarks in Memphis was the trading post of Isaac Rawlings. Mr. Rawlings came to the Chickasaw Bluff as a settler, with the troops of General Andrew Jackson during the New Orleans campaign and settled on Bayou Gayoso, at what was then called Anderson's Bridge, at the intersection of the two Indian trails, now known as Alabama and Jackson streets. About 1820 he opened Commerce Street, and erected this primitive structure between Main and Second streets as laid off in the new town, which was notable when it was

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TABLET ON HOUSE OCCUPIED BY PRESIDENT JEFFERSON DAVIS



RESIDENCE OF CONFEDERATE PRESIDENT JEFFERSON DAVIS, MEMPHIS

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destroyed by fire a few years ago, as the oldest surviving commercial building in the city. His traffic was principally with the Chickasaw Indians as there were then no other accessible white settlements in West Tennessee.

Heiskell, in his "Andrew Jackson and Early Tennessee History," page 133, says: " 'Old Ike' Rawlings, one of the strongest and most virile characters in the history of the state. There were three business houses in Memphis at that early date, Winchester and Carr, Henderson and Fern, and Isaac Rawlings, and the rivalry was intense between Isaac Rawlings, 'Old Ike,' and Winchester and Carr, Winchester being Marcus B. Winchester, the first mayor of Memphis, one time postmaster and president of the first bank organized in the city."

Phelan in his "History of Tennessee," page 326, says of Isaac Rawlings:

"This singular and almost grotesque figure made one of the best mayors who ever presided over Memphis from M. B. Winchester to D. P. Hadden. He was long known as the model mayor. Rawlings was vain, stubborn, self-willed, and imperious, impatient of contradiction and conservative to a fault. But he was also honest, clearminded, law-abiding, determined to be obeyed, and economical. He took the duties of his position in earnest, and rigorously enforced the law, preserved order, looked after the disbursement of the public funds with scrupulous care, and was remarkably energetic."

THE RESIDENCE OF GENERAL N. B. FORREST

Lieut.-Gen. Nathan Bedford Forrest, called the "wizard of the saddle," because of his wonderful military exploits, resided for several years before the War between the States at No. 85 Adams Street (old numbers). The present street number is 189 Adams.

General Forrest was born in Marshall County, Tenn., July 13, 1821. In 1843 he joined his uncle in business in Hernando, Miss., where he remained until 1857, when he removed to Memphis where he engaged in real estate and slave business. Wyeth, in his "Life of General Nathan Bedford Forrest," page 22, says of this period of Forrest's career:

"Nathan Bedford Forrest had not resided long in Memphis before he had made a favorable impression upon the citizens of the new community in which he had cast his lot. He was, without opposition, nominated and elected a member of the Board of Aldermen of this thriving and rapidly growing city, was reelected several times to the office, and finally resigned just before the outbreak of the Civil war, in order to attend more closely to the cultivation of cotton. Within the last ten years of his business career he had at various times invested in purchases of valuable uncleared cotton lands along the Mississippi River, and among these were two extensive plantations in Coahoma County, in Mississippi. In 1859 he closed out his real estate and slave business in Memphis and devoted his time entirely to looking after the interests of his plantations. On a scale of such magnitude did he now engage in this enterprise, and with such success, that from his various properties in 1861 there was yielded to him one thousand bales of cotton, or approximately $30,000, as an annual income.

" The Mayor of Memphis said of Forrest: 'While he was an official of the city he never offered a resolution in the board on any subject, no matter how unpopular it might be at first, that he did not stick to it and work at it until he carried it triumphantly through.' "

THE HOME OF PRESIDENT JEFFERSON DAVIS

After being released on May 15, 1867, from Fortress Monroe, on bail signed by Horace Greeley and others, Mr. Davis, by his two years' imprisonment,

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broken in health and also in fortune, visited New Orleans, his former home near Vicksburg, England and France and, on his return in 1869, took up his residence in Memphis, where he established a home at No. 129, now 251, East Court Avenue, where he lived until 1874. He settled down to work as the president of a life insurance company, but the panic of 1873 caused the business to fail. After entering into several other commercial enterprises in New Orleans, he took up his residence at Beauvoir, Miss., in 1878, and lived there until his death in 1889.

THE RESIDENCE OF GENERAL C. C. WASHBURN

One of the famous exploits of Gen. N. B. Forrest, was the capture of the City of Memphis, then heavily garrisoned by Federal troops, on August 21, 1864, by a surprise attack with about 1,500 cavalry. Memphis was the home of many of Forrest's command; and hence the enthusiasm for that attempt was very great. Forrest's main object was to secure the withdrawal of Federal Gen. A. J. Smith from Northern Mississippi on the ground that Memphis was in serious danger of capture by the Confederates. Another object was the capture of the Federal commander at Memphis, Gen. C. C. Washburne, whose residence, as Forrest knew, was at 206 Union Street. By this bold attempt Forrest was entirely successful in stopping Smith's invasion of Mississippi and, while he did not capture General Washburne, he did capture other Federal officers and soldiers.

Forrest's troopers, pushing through the Federal encampments south of the city, rode to General Washburne's residence without halting. The general was caught literally napping, but when the shouting troopers ran up the front and the rear steps, he escaped from a basement window in his night clothes, leaving his wife, uniform, hat, boots, saber and private papers in the hands of the daring assailants. Regarding this occurrence, Gen. S. A. Hurlbut, who had recently been succeeded by General Washburne, remarked: "They superseded me with General Washburne, because I could not keep Forrest out of West Tennessee, but Washburne cannot keep him out of his bedroom."

After Forrest with his prisoners withdrew from Memphis and reached Hernando, he reported as follows:

"I attacked Memphis at four o'clock this morning, driving the enemy to his fortifications. We killed and captured four hundred, taking their entire camp, with about three hundred horses and mules. Washburne and staff escaped in the darkness of the early morning, Washburne leaving his clothes behind."

THE IRVING BLOCK FEDERAL PRISON

The Irving Block, opposite the east side of Court Square, was used as a Federal prison in the Civil war, both for military and for civil prisoners. It was crowded, badly ventilated and not adapted for prison purposes. Many dark crimes and abuses of the laws of war were committed in this building in which, not only prisoners of war, but also many noted men and women of Memphis were confined. These abuses became so infamous that the prison was abolished early in 1865 by President Lincoln through a commission sent by him to Memphis to make investigation.

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OLD FEDERAL PRISON TABLET, STANDING IN COURT SQUARE, MEMPHIS, OPPOSITE BUILDINGS THAT WERE USED AS PRISONS.

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RAISING OF THE UNION FLAG ON THE CAPTURE OF MEMPHIS IN THE CIVIL WAR

When Memphis was captured on June 6, 1862, the United States Post Office and Customs House was at the northeast corner of Jefferson and Third streets and is now known as the Woman's Building. According to the account given by Judge Young, Medical Cadet Charles R. Ellet, son of Colonel Ellet, commander of the Federal ram fleet, which had defeated the Confederate vessels, was put ashore from the ram Monarch with a flag of truce to demand the surrender of Memphis. The young man, however, first went alone to the Post Office Building and raised the Union flag over the top of the building, the first Federal flag raised in that city during the Civil war. While on the roof, he was fired on by George W. L. Crook, of Memphis, but did not seem alarmed at the attack.

In Keating's "History of Memphis," page 512, is the following account:

"The city of Memphis being thus by the fate of war uncovered to the enemy, was taken possession of by Commander Davis, who landed a party of sailors from the flagship 'Benton,' under command of a naval officer who marched them to the post office on the corner of Third and Jefferson streets where the national flag was hoisted. A great crowd, composed mainly of those who in the morning had witnessed the naval engagement from the bluff, accompanied the sailors who stood the chaffing, and ran the gauntlet of threats with steadiness and in silence. There was no attempt at assault made, but as the flag was being hoisted a young man by the name of Crook, an insurance agent, who was afterwards killed in the Confederate service, fired a pistol shot at the little group standing on the roof of the high building, but it did not reach its intended destination. The ball struck the top of the house and fell harmless."

THE HOUSE IN WHICH GENERAL FORREST DIED

At the close of the war Forrest endeavored to rehabilitate his sunken fortune by diligent work on his plantation and by building a railroad from Selma to the Mississippi River. This latter enterprise, however, was a failure on account of the panic of 1873.

His health became seriously impaired several years before his death. On page 622 of Wyeth's "Life of General Nathan Bedford Forrest," General John T. Morgan, who had been acting for some years as Forrest's legal advisor, says that, on one occasion, General Forrest spoke to him as follows:

"General, I am broken in health and in spirit, and have not long to live. My life has been a battle from the start. It was a fight to achieve a livelihood for those dependent upon me in my younger days, and an independence for myself when I grew up to manhood, as well as in the terrible turmoil of the Civil war. I have seen too much of violence, and I want to close my days at peace with all the world, as I am now at peace with my Maker."

On October 29, 1877, General Forrest died at the residence of Col. Jesse A. Forrest on Union Street, Memphis.

His death created a profound impression throughout the country and evoked expressions of sympathy, admiration and respect. Among the many tributes paid to his memory none, perhaps, surpasses in beauty of thought that expressed by Lord Wolseley, at that time commander-in-chief of the British army:

"Forrest had fought like a knight-errant for the cause he believed to be that of justice and right. No man who drew the sword for his country in

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that fratricidal struggle deserves better of her; and as long as the chivalrous deeds of her sons find poets to describe them and fair women to sing of them, the name of this gallant general will be remembered with affection and sincere admiration. A man with such a record needs no ancestry."

KEY CORNER

One of the most important of the historic spots in West Tennessee is known as "Key Corner." Concerning this point Col. R. Z. Taylor of Trenton, Tenn., in a letter to Hon. Hallum Goodloe, dated July 28, 1921, says:

"'Key Corner' is the initial point from which Henry Rutherford made many surveys, connecting them back by their calls to Key Corner. Said surveys covered a considerable part of Lauderdale, Crockett and Haywood counties.

"'Key Corner' was the southwest corner of a survey of 5,000 acres in the name of Martin Armstrong, Jr., the N. W. corner of a 3,000 acre survey for Griffith Rutherford and the N. E. corner of a 5,000 acre survey for Benj. Smith. These surveys are signed by Henry Rutherford and dated Sept. 1st and 2nd, 1785.

"The beginning corner, which constituted the 'Key' was described as follows: 'On the Forked Deer River, beginning at a large leaning sycamore marked H. R., and black gum, on the east bank of the river, near the mouth of a small branch, and at foot of the first bluff from the mouth of said river; said Smith, Griffith Rutherford's and Martin Armstrong's corners.'"

Henry Rutherford, son of Gen. Griffith Rutherford, after whom Rutherford County, Tenn., was named, was born in Rowan County, N. C., on August 17, 1762, became a surveyor and came to Nashville in 1785. With his party he descended the Cumberland, the Ohio and the Mississippi to a small stream emptying into it which the Indians called Okeena, but which the surveying party named Forked Deer. In the American Historical Magazine for July, 1900, is an article on Henry Rutherford, written by Hon. P. T. Glass. On page 227 of that number he says:

"It is claimed that the name given this stream (Forked Deer River) originated in this way: That some member of the party killed, near their camp on its banks, a large buck with horns of a peculiar shape, and it was decided to call the river Forked Deer, and it was so referred to in Rutherford's surveys. Here the beginning point, known as the 'Key Corner,' was marked on a leaning sycamore standing on the south bank of the river, on which he cut the letters H. R., and a large key, to indicate it as the key to all his Forked Deer surveys. This was the beginning corner of four of his locations; the first of 3,000 acres in the name of Griffith Rutherford, his father; the second of 5,000 acres for Benjamin Smith; the third for Benjamin Smith, of 5,000 acres; and the fourth for Martin Armstrong, of 5,000 acres."

During his first visit to West Tennessee he located more than 365,000 acres of land, of which 13,500 acres were for himself. He located 6,000 for his father and 5,000 for his brother John. He also located in the same region numerous tracts for the Blounts, John Carter, Henry Clark, John Estes, E. Harris, W. Hughlett, George Doherty and others.

West Tennessee was opened for settlement by a treaty with the Chickasaws, October 19, 1818. In 1819 Rutherford settled there about three miles east of Key Corner and, after a long and useful career, died there on May 20, 1847.

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CHAPTER XXXII

EDUCATION IN TENNESSEE

THE MELUNGEONS—TENNESSEE DIVISION, UNITED DAUGHTERS OF THE CONFEDERACY —TENNESSEE WOMAN'S CHRISTIAN TEMPERANCE UNION

EDUCATION IN TENNESSEE

The cause of education in this state has been from the beginning dear to the hearts of the people. The development of educational interests, and particularly of public education has been slow and, at times, beset with opposition which was temporarily insuperable. It is a mistaken idea that the early settlers of Tennessee were illiterate. The education of most of them was not extensive, but there were few who were not fairly grounded in the education of the times. Of the one hundred and ten who signed the Watauga petition in 1776 only two signatures were made by mark; and of the two hundred and fifty-six who signed the Cumberland Compact only one signed by mark. They wrote with quill pens, yet in the archives of the state are numerous papers and documents left by the pioneers in which the chirography is entitled to be called calligraphy so beautifully formed is every letter.

Indeed, the people of North Carolina, from which most of them came into East Tennessee, did themselves believe in education as was shown by their legislature in behalf of popular and higher education. The influence of the University of North Carolina, established in 1789, upon Tennessee in the early days was very great. At this institution were educated President James K. Polk, Judge A. O. P. Nicholson and many others.

When, therefore, Dr. Samuel Doak came to Tennessee in 1778 or 1780, the exact date not being determined, he found the people receptive to education and religion which in the early days went hand in hand. In the first settlement of Tennessee the dominant element was Presbyterianism. The four prominent educators of pioneer times in Tennessee, Samuel Doak, Hezekiah Balch, Samuel Carrick and Thomas B. Craighead, were all Presbyterian ministers and all of Scotch-Irish descent.

Doak established the first school in Tennessee which is believed to have been the first school west of the Alleghany Mountains.[1] He called it Martin Academy after the governor of North Carolina and started it in 1780 in a plain building erected on his farm near Jonesboro. It was chartered in 1783 by the State of North Carolina. It was again chartered in 1785 by the State of Franklin, and in 1795, it was incorporated by the Southwest Territory as Washington College, at Salem, Washington County.

[1] Jno. Allison's address before the Tennessee Press Association on "East Tennessee a Hundred Years Ago," p. 8. Phelan, in his "History of Tennessee," p. 233, quotes Monette as saying that Doak's Academy was "the first literary institution established in the Great Mississippi Valley."

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In 1785 Davidson Academy was established by act of the Legislature of North Carolina called "an act for the promotion of learning in Davidson County." At the first meeting of the trustees in 1786, Rev. Thomas B. Craighead was elected president. In 1803 it was rechartered as Davidson College: in 1806, as Cumberland College; and in 1825, as the University of Nashville.

On September 3, 1794,[2] the ninth day of the first regular session of the First Territorial Assembly, a charter was granted to Greeneville College, whose first president was Rev. Hezekiah Balch, and whose name is now Greeneville and Tusculum College.

On September 6, 1794,[3] a bill for the establishment of———————— College in the vicinity of Knoxville was passed on first reading and, on September 10, 1794, as "a bill to establish Blount College," was passed on third reading. In this act Rev. Samuel Carrick was named as its president. In 1807 the name of Blount College was changed to East Tennessee College. In 1840 its name was again changed to East Tennessee University.[4] In 1879, it was changed to the University[5] of Tennessee.[6]

THE COMPACT OF 1806

When the reader of history learns that the State of Franklin made no expression in favor of education in its constitution, and it is believed rejected such a provision proposed by Samuel Doak and, furthermore, when he learns that the first constitution of the state is likewise silent upon the subject of education, he is amazed, and can not understand this apparent indifference. The mystery, however, is solved when the explanation is made that both of these constitutions were based upon the constitution and laws of North Carolina with only necessary changes and both inherited the parent state's policy of non-interference in matters of education. The interest of the people in education, nevertheless, was keen and militant.[7]

Little, however, of a statutory nature was done for the furtherance of education in Tennessee until April 18, 1806, when Congress passed an act which was the result of a tripartite agreement between the United States, Tennessee and North Carolina, whereby the Federal government extended to Tennessee the same bounty in the way of public lands for educational purposes as had been granted to Ohio and at the same time endeavored to settle a long standing dispute over the right of issuing grants to vast tracts of unappropriated lands in Tennessee. Unfortunately, the munificence of the general government was not handled to the best advantage.

Previous to this time the schools of Tennessee were private enterprises sustained by fees for tuition. Now, the state sought to assist schools through the revenue derived from the sales of public lands. The history of education in Tennessee, therefore, becomes at this point commingled with the history of land

[2] Journal of the Legislative Council of the Territory of the United States of America, South of the River Ohio, p. 11.

[3] Ibid., p. 18.

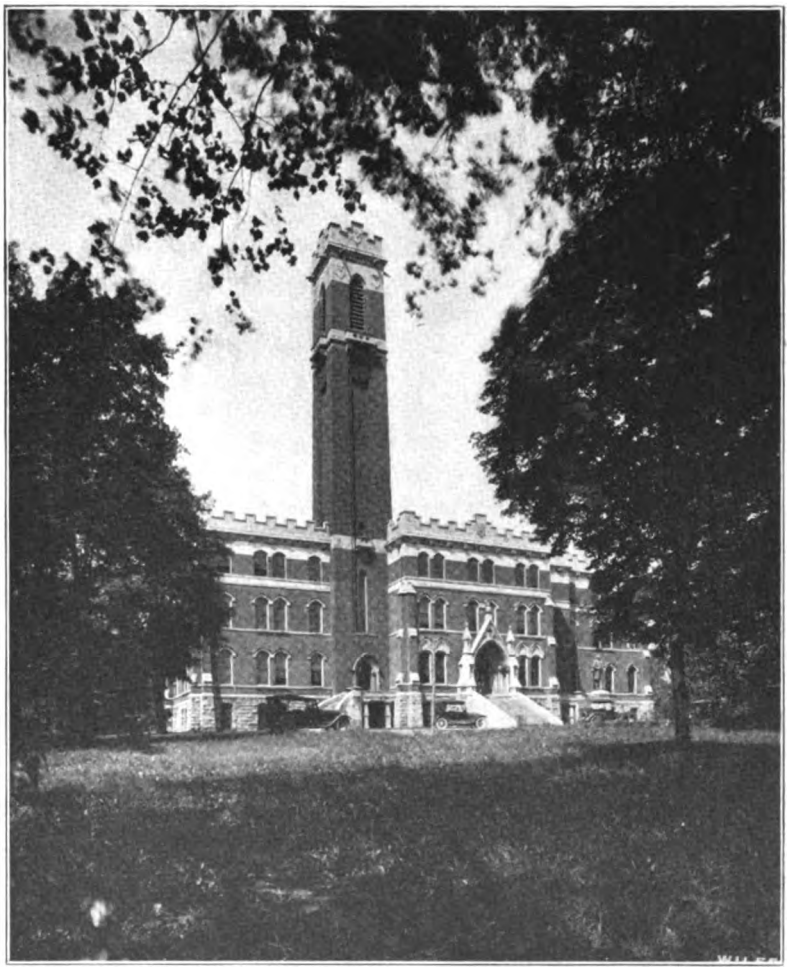
[4] Acts of 1839 to 1840, p. 186.

[5] Acts of 1879, p. 88.

[6] The State University was placed on a strong foundation in 1869 when it received $396,000 from the sale of land received by Tennessee from the National Government. It was further strengthened in 1887 when Congress made an annual appropriation of $15,000 for an Agricultural Experiment Station. This, by Act of 1890, was increased $1,000 a year until it reached $25,000 per year. For an excellent account of the history of this institution, see Sanford's "Blount College and the University of Tennessee."

[7] Ramsey's "Annals of Tennessee," p. 727.

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MAIN BUILDING AT VANDERBILT UNIVERSITY

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legislation, as Phelan says: "The history of the common schools is, in the main, the history of the public lands in Tennessee, and the history of the public lands in this state is the history of confusion."[8]

As more than three hundred acts of the Legislature have been passed in regard to the relation of the state school lands to the public lands, and as this history has already gone rather thoroughly[9] into a discussion of the most important of these acts, only sufficient sketching will be given to this compact and its consequences as is necessary to preserve the continuity of the narration.

This compact required Tennessee to set apart 100,000 acres of land for two colleges, one in East Tennessee and the other in West Tennessee, and 100,000 acres for establishing one academy in each county and made other provisions which will be told of subsequently. The East Tennessee college selected was Blount College, now the University of Tennessee, and the West Tennessee college was Cumberland College, previously Davidson Academy, and later, 1825, the University of Nashville.[10]

By act of the Legislature passed on September 13, 1806, twenty-seven academies were incorporated, one for each county then in existence, all of which were recipients of so much of the Academy Fund as could be made available. These academies were not sufficient for the educational needs of the state and were supplemented by seminaries and private schools. Their funds, too, were insufficient and had to be supplemented by private subscriptions.

The act required that the academy and college lands were not to be sold for less than two dollars per acre unless they were already occupied, in which case the occupants were permitted to perfect their rights at one dollar per acre. The settlers generally gave notes which they failed to meet and for years there was a bitter fight between the colleges and academies and the settlers.

Another provision of this Act was that 640 acres were to be set aside for the support of common schools in every thirty-six square miles wherever possible. According to the estimate this reservation should have yielded about 450,000 acres, but in 1823 a memorial of the Legislature showed that only 22,705 acres had been realized. Hence, the funds derived for public schools were small and, it is said, there was at times much irregularity in the methods of making the sales and in handling the proceeds.

THE BEGINNINGS OF POPULAR EDUCATION IN TENNESSEE

Although the constitution of 1796 made no provision for education, the successive governors constantly called attention to the civic necessity of education. The Legislature, occasionally heeding these reminders, passed various acts looking to the promotion of higher education. The first tax for educational purposes was levied under an act passed in 1815 "to provide for the education of orphans of those persons who had died in the service of their country." The act provided "that it shall be the duty of each County Court in the state at each and every court after the first day of January, 1816, to lay such a tax upon all taxable property as shall be sufficient to educate the

[8] "History of Tennessee," p. 233.

[9] See pp. 313-318.

[10] In 1851 it established a medical college which is now located in Memphis, as a part of the University of Tennessee Medical Department. The war caused its literary department and its military school, established before the war, to be closed. In 1875 the Peabody Normal College was established as its literary department. It is now the George Peabody College for Teachers. Montgomery Bell Academy, once a part of the University of Nashville, is a flourishing preparatory school.

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poor orphans who have no property to support and educate them and whose fathers were killed or have died in the service of their country in the late war." The use of the expression "poor orphans" was most unfortunate for the good cause.

Perhaps the germ of the public school system, as differentiated from the academy system, was developed by an act passed in 1817 which was intended to prevent the public school fund from going to the support of the academies. This germ began to develop in 1821, when the counties of Warren and Franklin were directed by the Legislature [11] to have school commissioners appointed by their county courts to rent or lease school lands for the benefit of schools on such lands. In 1822, other counties were granted the benefits of the provisions of this act. In 1823, was passed the first general school act.[12] Besides other provisions, it required that a board of five commissioners be elected by the County Court in each county which commissioners were authorized to employ teachers and to educate the poor gratuitously. One unfortunate result, which, of course, was not intended, was the development of what was called "the pauper system," which prevailed in Tennessee for many years. This system was accentuated by the fact that in many cities the private schools were very efficient, and public sentiment was so in favor of them that self respecting parents felt it their duty to make every sacrifice to keep their children out of the public schools. In 1825, the provisions of this act were elaborated but the principal efforts of the Legislature were made in a memorial to Congress that the state might provide for its public schools out of the lands south and west of the Congressional Reservation Line.[13] In 1827, a general state school system was elaborated.[14] This act made as a part of the common school fund all sources of income previously appropriated to it, and all the capital and interest of the new state bank except one-half of the principal already received, and the proceeds from the sale of the lands of the Hiwassee District. In 1829 an act[15] was passed requiring that the County Court should lay out school districts and estimate their population. The public school system really dates from this time. Acts were also passed in 1831, 1833 and 1834, which added somewhat to the size of the public school fund.

THE INFLUENCE ON EDUCATION OF THE CONSTITUTION OF 1834

"The great work of the constitutional convention of 1834 was the adoption of an article describing the common school fund, declaring it a perpetual fund, and directing the Legislature to take definite steps to secure it by the appointing of a Board of Commissioners." [16]

This article is Article XI, Section 10, and its importance suggests a reading of it and Section 11 in the Constitution of 1834, which will be found in the Appendix.

By this constitution the permanent school fund was tied up as firmly and fully as could be done by fundamental law.

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[11] Chapter LXVII, Acts of 1821, p. 75.
[12] Chapter LXIX, Acts of 1823.
[13] Chapter LXXVI, Acts of 1825.
[14] Chapter LXIV, Acts of 1827.
[15] Chapter LIV, Acts of 1829, p. 87.
[16] A. P. Whitaker's "Tennessee Public Schools, 1834-1860," in Tennessee Historical Magazine, Vol. 2, p. 5.

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On February 19, 1836, a bill [17] was passed providing for a superintendent of public instruction and for a board of commissioners for the common schools in accordance with the provisions of the new constitution.

This board consisted of the state superintendent of public instruction, the state treasurer and the state comptroller. Soon after the passage of this bill, the General Assembly elected as the first state superintendent of public instruction, Col. Robt. H. McEwen, a man of good ability, extensive influence and a progressive spirit. His administration was still further facilitated by the passage, on January 24, 1838, of an act [18] entitled "an act to establish a system of common schools in Tennessee."

Meanwhile, the entire state school fund had been invested in the capital stock of the Bank of Tennessee, and thereafter was inextricably connected with it. When this arrangement was made, it was provided that the bank should pay to the board of commissioners $100,000 a year as interest on this fund.

The first report of Superintendent McEwen for the year 1838 to 1839, gives a view of the educational conditions of the state. It showed that a satisfactory situation had not yet been reached in the educational affairs of the state; that, in the language of the report made in 1837 by the legislative committee, of which Washington Barrow was chairman, "the subject of education has never yet received in Tennessee that attention which it so richly merits."

In consequence of rumors that Superintendent McEwen had mismanaged the school fund of the state, an investigation was made by the Legislature, as the result of which it was charged that there was due the state from him a balance of $121,169.05, either misappropriated or not properly accounted for. He was allowed, however, to complete his term in office when Robt. P. Currin was elected his successor. Finally, the litigation against McEwen was compromised, McEwen being required to pay $10,797.86. In his report,[19] dated October 8, 1839, McEwen made a strong defense of his use of the school fund in which he said, no doubt truly, that he had "experienced much difficulty, not only from the confused and scattered condition of that fund, but from the pecuniary embarrassments of the country." In 1844, the office of state superintendent of public instruction was abolished by the Legislature and the duties of that officer devolved upon the state treasurer without additional compensation. This was done on the recommendation of Governor James C. Jones that it be abolished "if the duties of this office are to extend no further than the mere collection of the fund and a biennial report."

The harm done to the cause of education by this message of Governor Jones was very great and evidently he saw the evil situation for in his message to the Legislature, dated October 10, 1845, he said: "The fearful want of education among our citizens is no longer to be disguised. * * * The greatest obstacle to be overcome and perhaps the only formidable difficulty in the way of success is the want of a sufficient fund." And this "want" was real enough, for the average annual income of the school fund for the years 1839-1847, as shown by the report of the comptroller for 1847, was only $117,500.

On April 19, 1847, a common school convention was held at Knoxville and a memorial to the Legislature was adopted recommending the appointment of a board of education for each county whose duty it should be to examine ap-

[17] Chapter XXIII, Acts of 1835-1836.
[18] Chapter CXLVIII, Acts of 1837-1838.
[19] Appendix to House Journal of 1840.

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plicants and to grant licenses to teachers; the publication of a monthly state educational journal; the appointment of a superintendent of public instruction, and the taxation of property for the support of schools.[20] The memorial spoke also of the illiteracy of the state as shown by the census of 1840. And the census of 1850 showed that educational conditions were worse than they had been ten years before.

During the decade, 1850 to 1860, four acts were passed for the improvement of the public school system. The first of these, passed in 1852, authorized the district school commissioners to employ female teachers on the same terms that were made with male teachers.[21]

On February 28, 1854, a very important act was passed entitled "an act to establish a system of common schools in Tennessee."[22] By a provision of this act taxation for the support of the common schools was for the first time in the history of the state put into effect. The step had been strongly urged by Andrew Johnson in his message to the Legislature in 1853. In it he said: "At the present period and for a long time past, our common schools have been doing little or no good, but on the contrary have, in many instances and in many parts of the country, been rather in the way than otherwise, preventing the people from getting up and having schools at their own responsibility and expense. * * * If we are sincere in what we profess for the cause of education, we should, without hesitation, provide means to accomplish it. There is one way, if no other, that the children of the state can be educated, which is obvious to all, and that is, to levy and collect a tax from the people of the whole state, or to authorize the County courts separately to do so in their respective counties, in such manner as may be deemed by them most acceptable to the people, sufficient in amount, when added to our present school fund, to give life and energy to our dying or dead, system of common school education."[23]

The Legislature in the act adopted both of the methods suggested by the governor.

On February 16, 1856, an act[24] was passed to secure better instruction by introducing some uniformity into the method of examining and licensing teachers.

On February 28, 1856, an act[25] was passed repealing Section 10 of Chapter 47, Acts of 1841-1842, requiring at least twenty pupils to entitle a school to receive a share of the school fund and reducing the minimum number to twelve.

The four referred to which were passed during the decade of 1850 to 1860, while salutary, lacked much of statutory requirement to meet the situation and the War between the States put a quietus upon all efforts in this direction.

ASPECTS OF EDUCATION IMMEDIATELY AFTER THE WAR

No sooner had the war ended than those who had the interests of education at heart began to make plans for the establishment of a worth-while system. Even as early as July, 1865, while yet the state was in the throes of reconstruction, the Tennessee State Teachers Association was organized with Rev. Thomas W. Humes, president of the East Tennessee University, as president,

[20] Goodspeed's "History of Tennessee," p. 428.
[21] Chapter CXXXIII, Acts of 1851-1852, p. 188.
[22] Chapter LXXI, Acts of 1853-1854, p. 140.
[23] House Journal, 1853-1854, pp. 455-457.
[24] Chapter 105, Acts of 1855-1856, p. 117.
[25] Chapter 114, Acts of 1855-1856, p. 117.

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and passed resolutions favoring free public schools. In October, 1865, a bill was introduced in the Legislature for the "Reorganization, Supervision, and Maintenance of Free Common Schools." It did not pass, however, until March 5, 1867. This law [26] in the circumstances was remarkably able and wise. It was based on the old law with the following additional provisions: State and county superintendents; the levy of increased state school tax; authority for school districts to levy a tax for school purposes (this provision was later declared by the courts to be unconstitutional); extending the benefit of public education to both white and black children, to be taught in separate schools.

The law of 1867 paved the way for the law of 1873, from which the present system dates.

In August, 1867, Gen. John H. Eaton, Jr., was elected state superintendent of public instruction and experienced many difficulties. Concerning them he said, in 1869:

"The provisions of the former school code related only to schools for whites and made the treasurer of the state also superintendent of public instruction.

"There had been no superintendent of the state schools under the new law —1867; therefore, I turned to the state treasurer for reports but found none, neither any records save a bundle of old letters. Seeking information of leading men prominent in state affairs in the past, I failed to find any one who could tell me in detail how the former system operated in its various provisions from district commissioner to state treasurer. It was apparent that there had been no report exacted from each official to the state of the discharge of his responsibilities. The scholastic population was reported to the state and the state fund for distribution was apportioned and paid out to the trustees of the county. The state did not know and could not tell whether a dollar was expended as the law required, whether it was used for public or private purposes, or a child taught or not. The provisions of the code appear to have been a dead letter in all respects during the war, after the reorganization of the state government till the passage of the new law. Under the statutes nothing was done save some collections of portions of the school tax for the entire year previous to my appointment in October, 1867. Seeking information as I could, I met exceedingly diverse expressions of opinion. The revenue officers of the state assured me that they had no money in the treasury; that there having been no schools in operation to call for the money it has been, in the state's distress, used like other revenue to liquidate the indebtedness of the state."

From the foregoing statements the inference might be made that there had been little real interest in education in the state. Such a conclusion, however, would be radically erroneous. The thirty years covered by the period immediately prior to the war were the most brilliant in the history of Tennessee. We have already noted what a galaxy of remarkable public men this state possessed in those years. The people of Tennessee were highly intelligent. Tennessee itself was one of the most important states in the Union, being fifth in population in the United States. As an evidence of the excellence of its educational work, it need only be stated that from the University of Nashville alone twenty-eight graduates became members of Congress.

As a matter of fact, in proportion to population, Tennessee had very many and very excellent institutions of learning but they were outside the public schools.

On July 8, 1870, was passed an act [27] entitled "An Act to Reorganize and

[26] Chapter XXVII, Acts of 1866-7, p. 33.
[27] Chapter LXIV, Acts of 1870, p. 99.

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Regulate Common Schools." This law took the place of the law of 1867 and was vastly inferior to it. Concerning it, Hon. John M. Fleming, when state superintendent of public instruction, in 1875, said in his report:

"The school law of 1867 was supplanted by that of 1870, which virtually remitted the whole subject of popular education to the several counties without imposing any obligation on them to take action in the premises. All state taxes levied upon property for school purposes were repealed and a tax retained upon polls of only 50 cents. The law of 1870 was not inspired by hostility to the public schools but was manifestly believed to be the best that the temper of the public mind and the disordered financial condition of the state would then admit."

Immediately upon the passage of the law of 1870, patriotic citizens began to suggest ways of offsetting the great misfortune and handicap which had thereby been placed on the State of Tennessee. Naturally the teachers took the lead in this movement. In December, 1870, the State Teachers' Association held a meeting at which Dr. Barnas Sears, former president of Brown University, and at that time agent of the George Peabody Fund, who was present by invitation, agreed to pay the salary of an officer to canvass the state in advocacy of an efficient state public school system. Dr. Wm. Morrow, state treasurer and ex-officio state superintendent of public instruction, agreed to appoint as his assistant for this purpose any person selected by the State Teachers' Association. Col. J. B. Killebrew was unanimously chosen and entered upon the work with great vigor and keen intelligence. His report to the Legislature was ordered printed, was widely circulated and produced a tremendous effect for good to the cause. It did much to pave the way for the enactment of the law of 1873, on which our present school system is based.

THE SCHOOL LAW OF 1873

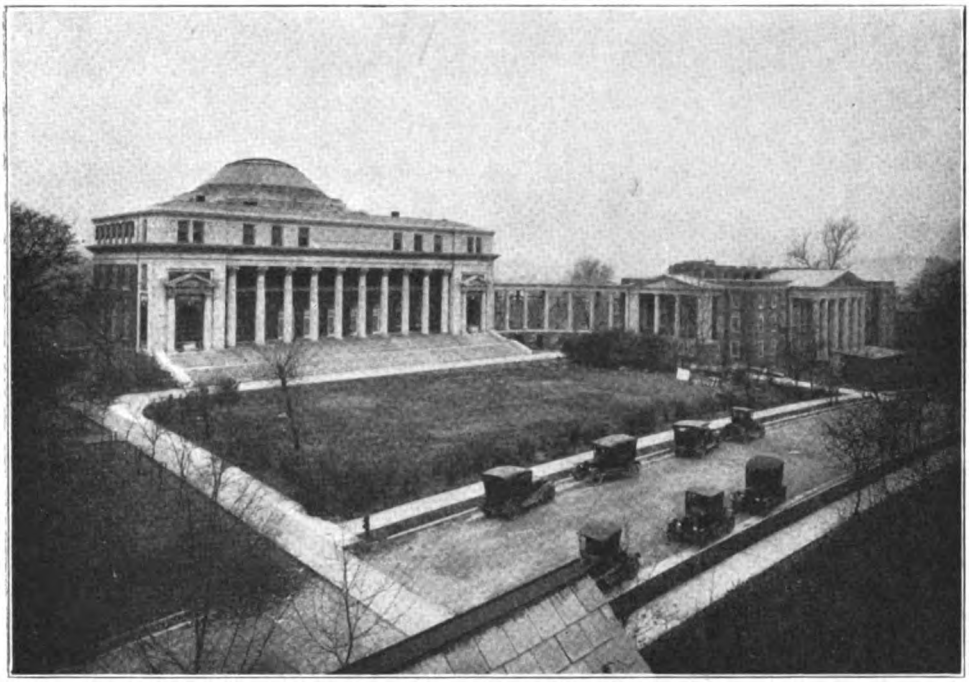
It is not too much to say that the school law, passed on March 6, 1873,[28] was an epoch-making law. It is entitled "An Act to establish and maintain a Uniform System of Public Schools." It was drafted and recommended by a committee of the State Teachers' Association of which S. Y. Caldwell was chairman. It provides for county and state superintendents of public instruction and combines state, county and district systems. It provides for city superintendents wherever necessary and that separate schools be organized and conducted for colored children.

In Section 34, it was provided "that the permanent school fund of the state shall be the $1,500,000 ascertained and declared by Section 946 of the Code, and recognized by the constitution of the state to be the permanent school fund. To this shall be added the interest which has accrued on the same and not been paid by the state, amounting, on the first of January, 1873, to $1,012,500. For this $2,512,500 a certificate of indebtedness shall be issued, signed by the governor under the Great Seal of the State and deposited with the comptroller of the treasury and which on its face shall show the purpose for which it is issued: and shall provide for the payment of the interest thereon, at the rate of 6 per centum, payable semi-annually, on the first day of July and the first day of January of each year commencing on the first day of July, 1873."

When the shortcomings and defects of previous school laws and the business

[28] Chapter XXV, Acts of 1873, p. 39.

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SOCIAL RELIGIOUS BUILDING OF GEORGE PEABODY COLLEGE FOR TEACHERS

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and social conditions of 1873 are considered, it is surprising how excellent this law is. Best of all, perhaps, it was basic. It furnished a sane, thoughtful and stable foundation which could be built upon safely in subsequent years. It gave at once a tremendous impetus to the cause of education and teachers were in great demand. On March 23, 1875, the Legislature passed an act entitled "An Act to provide for the establishment, and to prescribe rules for the government of a normal school, or schools in the State of Tennessee in connection with the public school system thereof." [29]

It provided no money for such a school, but authorized the State Board of Education to receive contributions for such a purpose. The grounds and buildings of the University of Nashville were offered and $12,000 a year was furnished by the Peabody trustees. On December 1, 1875, the Peabody Normal College was opened with Dr. Eben S. Stearns as its president.

In Governor Porter's second administration an effort was made to abolish the office of county superintendent of schools. A bill to this effect was passed but was nullified by a pocket veto. No other serious effort has ever been made against the system established in 1873. The teachers' institutes, which were also established at this time, have been a wonderful stimulant to good results in teaching.

From this time on, each governor has made recommendations in favor of education. Each legislature has contributed to its upbuilding and the state tax has constantly been increased until one-third of the total revenues of the state are devoted to her educational interests.

FURTHER EDUCATIONAL DEVELOPMENTS

By the year 1880, such progress had been made in the sentiment in favor of public schools that only ten counties in the state failed to levy a property tax for schools. In the first report of Superintendent Thos. H. Paine, dated June 30, 1883, he says: "In the general prosperity which a bountiful Providence has vouchsafed to the people of Tennessee during the last year, the cause of education has fully shared. Personal visitation and observation together with the evidence furnished by the reports of county superintendents have satisfied me that the interest in favor of our system as fixed by the Act of 1873, and Acts amendatory thereof, is steadily increasing and assuming a more intelligent and well defined form of action. Active opposition to the system has almost ceased, and universal recognition of the fact that the state should maintain 'a uniform system of public schools' is nearly assured. The growth of population continually requires additional educational facilities; but our increasing wealth at the same time supplies the means for meeting the new demands so that our school interests are steadily keeping pace with the general progress of the state."

On March 21, 1891, a decided step forward was taken in the passage of an act,[30] establishing secondary schools as well as primary schools. This law was enacted in accordance with the recommendation of Governor Buchanan who expressed the wish to expand the curriculum but not to impair "the efficiency

[29] Chapter XC, Acts of 1875, p. 126. The following is the personnel of the State Board of Education appointed to carry this law into execution: E. H. Ewing, of Rutherford; S. Watson, Dr. J. B. Lindsley and L. G. Tarbox, of Davidson; R. W. Mitchell, of Shelby; and J. J. Reese, of Knox County.

[30] Chapter 132, Acts of 1891, p. 295.

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of elementary instruction, which is, and always must be, the foundation of every good school system."

By this time almost every incorporated town in the state had established a well organized system of city schools through the election of a board of education and the levy of a corporate tax for school purposes.

The curriculum was still further extended by the passage, on April 22, 1899, of "An Act to empower County courts to provide for establishing county high schools; to levy taxes and make appropriation for their support; to appoint county boards of education for managing them."[31] Under this act county high schools have been established in most of the counties in the state and these counties have a complete course of study.

On April 4th, of this same year, another very important act,[32] was passed, entitled "To create a state textbook commission, and to procure for use in the public free schools in this state a uniform series of textbooks; to define the duties and powers of said commission, and other officers; to make an appropriation for the carrying into effect this act and to provide punishment and penalty for the violation of the same."

This law has now been in effect for twenty-four years and has demonstrated the foresight and wisdom of those who urged its passage.

Since this time legislation in favor of the public schools has been largely along the lines of increased appropriations which has enabled a lengthening of the school term and has caused better teachers to enter and remain in the service. For example, in 1909, the Legislature set aside 25 per cent of the gross revenue of the state for school purposes, and, in 1911, increased this appropriation to 33⅓ per cent. In 1917, a tax of 5 cents on the $100 worth of property was levied by the Legislature for the support and maintenance of the State University and, while, in 1919, the Legislature reduced this levy to 2 cents under the operation of the Sliding Scale Act, the Legislature of 1921 increased it again to 5 cents. And again in 1919, the Legislature levied a special tax of 5 cents on the $100 worth of property for the elementary schools of the state, and in 1921, increased it to 8 cents.

In 1911 the Legislature passed a compulsory school law, requiring that all children between the ages of eight and fourteen years attend school at least four months in each year. This law has largely increased the attendance of our schools. County boards of education also were authorized to transport pupils to and from school in cases where the distance from their homes to the school was too great for them to walk.

IMPORTANT EDUCATIONAL INSTITUTIONS

Among the very large number of private institutions for higher learning in the state, the following named deserve special mention:

Vanderbilt University, located at Nashville.

University of the South, located at Sewanee.

Cumberland University, located at Lebanon.

Southwestern Presbyterian University, located at Clarksville.

Union University, located at Jackson.

University of Chattanooga, located at Chattanooga.

[31] Chapter 279, Acts of 1899, p. 671.
[32] Chapter 205, Acts of 1899, p. 423.

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George Peabody College for Teachers, located at Nashville.
Carson and Newman College, located at Jefferson.
Christian Brothers College, located at Memphis.
Ward-Belmont College, located at Nashville.
Washington College, located at Salem.
Greeneville and Tusculum College, located at Tusculum.
Lincoln University, located at Harrogate.
Maryville College, located at Maryville.
Hiwassee College, located in Monroe County.
Bethel College, located at McKenzie.
Milligan College, located at Milligan.
David Lipscomb College, located at Nashville.
Trevecca College, located at Nashville.
King College, located at Bristol.
Middle Tennessee College, located at Murfreesboro.
Soule College, located at Murfreesboro.
Martin College, located at Pulaski.
Sullins College, located at Bristol.
Winchester Normal College, located at Winchester.
Burritt College, located at Spencer.
Howard College, located at Gallatin.

For the higher education of negroes:
Fisk University, located at Nashville.
Walden University, located at Nashville.
Roger Williams University, located at Nashville.
Meharry Medical College, located at Nashville.
Knoxville College, located at Knoxville.

The educational institutions of the state are the following:

The State University, located at Knoxville, provides general academic instruction of a high order, requiring for entrance to its Bachelor's course fifteen units and for graduation therefrom the usual four years of college work. It maintains medical and dental departments at Memphis. The law and engineering departments are at Knoxville. Here also is the Agricultural and Mechanical College, an integral part of the State University. The college farm is within a few miles of the city. The state has recently voted the university a large appropriation for building purposes and handsome structures have been erected on the college campus at Knoxville and also at the Agricultural Experiment Station near by. The maintenance funds of the university have also been largely increased in recent years.

The East Tennessee Normal School is located at Johnson City. The city gave $75,000 to secure its location there. Washington County contributed the same amount, and one of Johnson City's public-spirited citizens donated a site estimated at $75,000.

The Middle Tennessee Normal School is located at Murfreesboro. Here also generous donations on the part of the city and county were made, amounting to $180,000. A splendid campus of 100 acres was secured and a plant extensive and admirably equipped has been provided.

The West Tennessee Normal School is located near Memphis, in Shelby

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County. That city and county made appropriations aggregating more than four hundred thousand dollars to secure the school.

The Tennessee Polytechnic Institute is located at Cookeville, where adequate grounds and buildings were provided by local and state funds.

The Agricultural and Industrial Normal School for negroes is located at Nashville, the Davidson County Court having made a generous appropriation of $80,000 for its establishment there.

All of these schools are under the control of the State Board of Education, and the state has made reasonable provision for their maintenance.

The General Assembly of 1919 authorized the issuance of $600,000 of bonds for these state schools and additional dormitories, and other necessary buildings are now in process of construction.

The George Peabody College for Teachers, a professional institution for the training of teachers, principals, superintendents and other educators, is located at Nashville. It has been endowed by the trustees of the Peabody fund, has received generous additional support from the State of Tennessee, County of Davidson and City of Nashville. It functions for the whole South, and thousands of its graduates are occupying responsible educational positions in every part of the country.

The city schools of Tennessee are equal to the best in the country. The large cities—Memphis, Nashville, Chattanooga and Knoxville—are well provided with excellent buildings, modern courses of study, trained teachers, and every facility for first-class school work.

The county high schools have rapidly increased in number during the last few years under the stimulus of the state supplemental appropriation. They are operated under special tax levied by the county, together with the state subsidy. There are now 544 county high schools in the state—182 of them being standard first-class schools with a four-year course of high school work. Agriculture and domestic science are taught in all first-class high schools, and in about fifty such schools these subjects are being carried on under the Smith-Hughes Law.

The state system of elementary schools covers every county. The county is the unit of school administration and the schools under the control of a county superintendent and a county board of education.

THE MELUNGEONS

In the mountains of East Tennessee lives a distinct race, a race as different from all the other races on the Western Hemisphere as the Negro is different from the Indian. Moreover, this race is found nowhere else in America. It is the race of the Melungeons, a mysterious race, few in numbers, whose origin is open to speculation. For many years they were thought to be Indians, or a mixture of Indians and white people, whereby probably originated their name, Melungeon, which means a mixture.

So far as is known they were first found in Hancock County on Newman's Ridge, soon after the Revolutionary war. Now they are settled in several counties, although still most numerous in Hancock County. They are about the same color as mulattoes, but their hair is straight and they have intermarried with the Caucasian race to a limited extent.

Judge Lewis Shepherd, who has made a close study of the Melungeons ex-

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tending over a long period of time, says that in a case at law in which he represented a Melungeon girl, a question arose whether the Melungeons have negro blood in their veins. He says: "It was shown by tradition and the reputation prevailing among these people 'from the time whereof the memory of man runneth not to the contrary,' that they were descendants of the ancient Phoenicians, who built the City of Carthage and produced the great general, Hannibal. They removed from Carthage and after a time they settled in Morocco, whence they crossed the Strait of Gibraltar and settled in the southern part of Portugal, whence came the celebrated Phoenician general, Othello, who was immortalized in Shakespeare's great play the 'Moor of Venice.' They were not tainted with negro blood, for the women of Carthage sacrificed their long raven colored hair to be plaited and twisted into cables for the ships engaged in the Punic wars.

"A colony of these Moors crossed the Atlantic before the Revolutionary war and settled on the coast in the northern part of South Carolina. They multiplied rapidly and by their industry and energy they accumulated considerable property. The South Carolina people, however, would not receive them on terms of equality. They refused to recognize them socially and would not allow their children to go to school with them. In fact, they believed they were free negroes and treated them as such. By the laws of South Carolina a per capita tax was levied against free negroes and the tax authorities continually harassed them by efforts to collect the tax. Under this rigid proscription of the proud people of Carolina, their condition became intolerable and so they emigrated in a body and settled, after a long and wandering journey through the wilderness, in Hancock County, Tennessee."

In 1890 or 1891, Miss Will Allen Dromgoole wrote of the Melungeons, or Malungeons, as she spells the word, in the Arena. In part she said: "When John Sevier organized the State of Franklin, there was living in the mountains of East Tennessee a colony of dark-skinned, reddish-brown complexioned people, supposed to be of Moorish descent, who affiliated with neither whites or blacks, and who called themselves Malungeons, and who claimed to be of Portuguese descent. They lived to themselves exclusively and were looked upon neither as Indians or negroes. All the negroes ever brought to America were slaves. The Malungeons were never slaves, and until 1834, enjoyed all the rights of citizenship; even in the convention which disfranchised them they were referred to as 'free persons of color,' or 'Malungeons.'"

And again she said: "The Constitutional Convention (of 1834) left these most pitiable of all outcasts; denied their oath in court and deprived of the testimony of their own color, left utterly helpless in all legal contests, they naturally, when the state set the brand of the outcast upon them, took to the hills, the isolated peaks of the uninhabited mountains, the corners of the earth, as it were, where, huddled together they became a law unto themselves, a race indeed separate and distinct from the several races inhabiting the State of Tennessee."

Melungeons are also found in Rhea County where they are quiet and orderly. They are, to a considerable extent, illiterate and are mostly engaged in farming. While most authorities believe that the word Melungeon is derived from the French melange, a mixture, others think that it was originally malangeon, the first part, malan, being derived from the Greek word, malan, meaning black. Other spellings are Melangins, and Melungins, with the accent on the second syllable, and the g hard, as in give.

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TENNESSEE DIVISION UNITED DAUGHTERS OF THE CONFEDERACY

Tennessee has the distinction of being the state in which the United Daughters of the Confederacy was organized. It is therefore necessary in writing a history of the Tennessee division, to give a brief sketch of the general organization, its conception, its personnel, and wonderful growth.

All over the South, in '61-'65, relief societies were formed by the women of the Confederacy for the purpose of caring for sick and disabled Confederate soldiers. There seems to be no special date marking the beginning of this loving service, which will cease only when every Confederate soldier has answered the last roll call. Then will his descendants, to the third and fourth generations, find the now splendidly organized band of Southern women "Carrying on" in the historical and educational work of the South that they may know "The Story of the Glory and the Glory of the Story of the Men who wore the Grey."

Of these relief societies in Tennessee we find that the earliest had as its leader, Mrs. Felicia Grundy Porter, of Nashville. Following this was the Monumental Association, the Ladies' Auxiliary to the Confederate Soldiers' Home, Southern Mothers, and the Ladies' Memorial Association, which is still an active organization caring for the graves of the Confederate dead wherever located.

Mrs. Caroline Meriwether Goodlett was the first to conceive the idea of consolidating the work of all Confederate women and called a meeting in Nashville, September 10, 1894, for the purpose of organization.

To this call Georgia, Tennessee and Texas responded, and the name "National Daughters of the Confederacy" was adopted, and the following constitution was drafted:

CONSTITUTION OF THE NATIONAL DAUGHTERS OF THE CONFEDERACY

(Organized September 10, 1894)

A distinguished lawyer says:

"The interpretation of the duties of a President is to protect the Constitution under every and all circumstances. When changes are to be made, it must be by the voice of this body alone, and no one, whether President or otherwise, has the power to take from or add to it.

ARTICLE I

Name

Section 1. The survivors of Confederate soldiers and sailors in the United States of America, as are now or shall hereafter be organized into local associations or bodies concurring, are hereby united and embraced in one general organization, and the form for the union of such components shall be that of a federation of subordinate bodies.

Sec. 2. The name or title of the federation shall be National Association of Daughters of the Confederacy.

ARTICLE II

Objects

Section 1. The objects and purposes of the Federation shall be social, literary, historical, monumental, benevolent, and honorable in every degree, without any political signification whatsoever. Pursuant with the mandates of such purposes it is the endeavor—

1. To unite in the Federation all bodies of Southern women now organized or that may hereafter be formed.

2. To cultivate ties of friendship among our women whose fathers, brothers, sons, and in numberless cases mothers, shared common dangers,

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sufferings, and privations; and to perpetuate honor, integrity, valor, and other noble attributes of true Southern character.

3. To instruct and instill into the descendants of the people of the South a proper respect for and pride in the glorious war history, with a veneration and love for the deeds of their forefathers which have created such a monument of military renown, and to perpetuate a truthful record of the noble and chivalric achievements of their ancestors. All with the view of furnishing authentic information from which a conscientious historian will be enabled to write a correct and impartial history of the Confederate side during the struggle for Southern independence.

Sec. 2. All divisions shall be numbered consecutively according to their dates of entering into this Federation, and shall retain the number at time assigned them, thereby making the enumeration an actual record of the relative organization of all bodies as divisions of the Daughters of the Confederacy.

Sec. 3. Divisions shall require of applicants for membership therein proofs that they are descendants of those who have honorably served in the army or navy of the Confederate States. For which proof an application blank will be furnished, and which must be submitted to a Committee on Credentials, and their report shall be balloted upon by the members, three black balls rejecting.

ARTICLE III

Officers

A President, who shall preside at all meetings. In her absence the senior Vice President present shall preside.

A Vice President for each of the Southern States.

A Recording Secretary.

A Financial and Corresponding Secretary.

A Treasurer.

All these elected for one year, or until their successors are elected and qualified.

ARTICLE IV

Finance

A Committee of Finance shall be composed of five members, to which shall be referred all matters of receipts and expenditures.

ARTICLE V

Monuments

A Committee on Monuments and Cemeteries, appointed by the Vice President of each State, of which committee the Vice President of each State shall be Chairman, shall consist of five members, to which shall be referred all matters relating to monuments to Southern War dead, the care of Confederate cemeteries, and isolated graves of those who gave their lives to the Confederacy.

ARTICLE VI

Representation

All Chartered Divisions, wherever located, shall have the right of representation in the Legislative Council of the Federation. All Divisions shall be entitled to one vote for every twenty-five members.

ARTICLE VII

Powers

Section 1. The Federation shall have power to design, make, and use a common seal, together with a seal for Divisions, and such badges for a special identity as it shall determine; and may alter and change any device and inscription thereon, and prescribe conditions governing use of the same.

Sec. 2. The use of the name, seal, and badges of the Federation for business purposes is expressly prohibited.

Sec. 3. The Legislative Council shall have power to alter and amend this Constitution, by a two-thirds vote of the delegate representation, on call of

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the Divisions, in regular session assembled, and by a majority vote may adopt by-laws for the additional government of the body, and enact rules and regulations for the general advantage of members.

ARTICLE VIII

Insignia—Seals

Section 1. The seal of the Federation shall be a reproduction of the great seal of the Confederate States of America, except the inscription, "Daughters of the Confederacy" on the outer rim.

Sec. 2. The seals for Divisions shall be of same design, except as to name and dates.

Sec. 3. All official documents emanating from the headquarters of the Federation shall bear the impress of its great seal.

Sec. 4. Each charter or parent Division shall procure the designated seal and stamp its official communications with an impression thereof; and documents without an imprint of the Division seal will not be considered official.

ARTICLE IX

Badges

The badge to be worn shall consist of a representation of the Confederate flag (stars and bars), white, blue, and scarlet enamel, surrounded by a laurel wreath, with letters, "D. C." under flag; on ends of ribbon bow tying wreath with dates " '61-'65"; this to be worn as throat pin or breast ornament.

How obtained—Such badges can be obtained only on voucher of President of Division, countersigned by President of State Division.

ARTICLE X

Certificate of Membership

Certificate of membership must be given each member, signed by President of Charter Division, President and Secretary of Subdivision.

MRS. J. M. CLARKE,
MRS. J. B. LINDSLEY,
MRS. ANN SNYDER,
MRS. GEORGE CUNNINGHAM,
Committee.

Assisted by Maj. J. P. Hickman

Mrs. C. M. Goodlett was elected president and Mrs. Jno. P. Hickman, secretary.

The second meeting was held in Nashville, March 30, 1895, with representatives from Georgia, Tennessee, North and South Carolina and Texas in attendance.

This second meeting approved and indorsed the proceedings of the former meeting and issued a call to all southern women to unite.

At the third meeting, held in Atlanta, November, 1895, Virginia, Kentucky, Florida and Maryland had fallen in line.

At this meeting, Mrs. Jno. C. Brown of Nashville, wife of our gallant Maj. Gen. Jno. C. Brown, was made president.

The name was changed, dropping the word National and using only United Daughters of the Confederacy. The constitution was amended to meet the needs of the growing organization, each state being allowed to form its own division as a part of the general society.

The growth has been phenomenal and the United Daughters of the Confederacy is one of the largest organizations of women in the world, its membership now numbering over seventy-five thousand.

The five objects of the organization are: Memorial, historical, educational, benevolent and fraternal.

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The Tennessee division, with its wonderful heritage of being the pioneer in this great work, has now 3,502 earnest southern women who are willing to give of their strength, time and money that this great work shall continue in memory of their brave and loved defenders.

It is truly wonderful the good that has been accomplished.

The memorial work done by the Ladies' Memorial Association and the United Daughters of the Confederacy in Tennessee is evidenced by thirty-two Confederate monuments erected in memory of the southern soldier.

Union City, Obion County, erected the first and the others are as follows: McMinnville, Public Square; Memphis, Forrest Monument, Forrest Park; Nashville, Mount Olivet Cemetery; Franklin, Public Square; Murfreesboro, Public Square; Paris, Courthouse yard; Shelbyville, Willow Mount Cemetery; Gallatin, Trousdale Place, near Public Square; Knoxville, Bethel Cemetery; Knoxville, Fort Sanders; Jackson, Court Square; Covington, Court Square; Dyersburg, Courthouse yard; Pulaski, Courthouse yard in memory of Sam Davis; Columbia, Rose Hill Cemetery; Bolivar, Courthouse yard; Clarksville, Greenwood Cemetery; Shiloh Battlefield, near Shiloh Church, in memory of Bate's Regiment; Chattanooga, Confederate Cemetery; Memorial Arch and Gate to Cemetery; Chickamauga, National Military Park, three monuments; Chickamauga Park, Private Battery Monument to Carne's Battery; Lebanon, Cedar Grove Cemetery; Fayetteville, Courthouse yard; Trenton, Public Square; Ripley; Lewisburg; Mount Pleasant; Brownsville.

The historical work, consisting of the preservation of Confederate and southern history in all its purity, with the purpose to keep ever in our minds, and transmit to our children and all future generations that spirit of Truth and Justice that animated the men of the South in '61-'65.

The educational work of the Tennessee division is referred to with pardonable pride, as we have available to the youth of our state, descendants of Confederate soldiers, two scholarships in the University of Tennessee amounting to $3,332, endowed as a memorial to two of our great Tennessee heroes, Gen. Felix K. Zollicoffer and Gen. William B. Bate. In addition to this we have fifteen division scholarships amounting to $1,827, and twenty-one chapter scholarships totaling $1,815.

The site has been purchased, and part of the funds are in hand for the erection of a Confederate Memorial Hall on Peabody Campus, which will serve as a dormitory for girls of Confederate lineage, while they are receiving their education at Peabody College.

The benevolent work is the happy privilege that is never neglected—the care of the indigent Confederate soldier and his family and the happiness and welfare of the veterans in the Confederate Soldiers' Home in Nashville.

As a fraternal organization the Tennessee Division, United Daughters of the Confederacy has worked in great harmony, keeping ever before them the sacred and beloved cause for which their united effort has always stood and by which so much has been accomplished.

In a history of the Tennessee division issued some years ago, by a committee composed of Mrs. Wm. Hume, chairman, Mrs. C. M. Goodlett, and Miss Susie Gentry, the following names are given as those who were pioneers in the Confederate work in Tennessee: Capt. M. S. Cockrill, Dr. W. J. McMurray, E. R. Richardson, Maj. R. H. Douglass, Col. Jno. Overton, Gen. Wm. B. Bate, M. A. Spurr, Maj. Jno. P. Hickman, Mrs. Jno. C. Brown, Mrs. Geo. Lewis, Mrs. Geo.

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N. Fall, Mrs. James Y. Leigh, Misses Medora and Alice Cheatham, Mrs. M. H. Clift, Mrs. W. M. Pilcher, Mrs. E. W. Foster, Mrs. J. P. Hickman, Mrs. Ross Handley, Mrs. W. B. Maney, Mrs. M. P. Dozier, Mrs. J. B. Lindsley, Mrs. Ann Snyder, Mrs. S. A. Gaut, Mrs. R. H. Dudley, Mrs. Isabella Clark, Mrs. John Overton, Mrs. M. K. Burrus, Mrs. Doctor Gooch, Miss Mollie Claiborne, Mrs. Mary Paul McGuire, Miss Sallie Brown, Mrs. Joe Bigson, Mrs. Robert S. Hollins, Mrs. W. T. Hardison, Mrs. Annie Lytton, Mrs. Jno. Lewis, Miss White May, Mrs. Lucy Orr, Mrs. Judith Pilcher, Mrs. Rebecca Porter, Mrs. Robert Riddle, Miss Kate Shields, Mrs. T. M. Steger, Mrs. T. P. Allison, Mrs. Fletcher Baxton, Mrs. Jno. K. Breast, Mrs. Jennie C. Buntin, Mrs. Rachael Craighead, Mrs. Sarah Helen Clark, Mrs. R. L. Cave, Mrs. Jno. W. Childress, Mrs. Mark Cockrill, Mrs. M. C. Davis, Mrs. A. C. Dyas, Miss Dyas, Mrs. K. Polk Gale, Mrs. T. L. Herbert, Mrs. Horace H. Lurton, Mrs. Wm. L. Nichols, Octavia Z. Bond, Mrs. S. G. Walter White, Mrs. M. I. DuPree, and many others.

Mrs. Hume's history gives honorable mention of Mrs. Mary Bradford Johns, a heroine during the battle of Nashville; Mrs. Sarah Gordon Law of Memphis, the only president of southern mothers; Mrs. James Thomas and Mrs. Bostick, great workers during the war; Mrs. Col. McGavock, of Franklin, devoted to the Confederate soldiers after the battle of Franklin; Mrs. Lucy Russell, of Paris; Mrs. Musidora McCorry, of Jackson; Mrs. Matthew McClung, of Knoxville.

The officers of Chapter No. 1, Nashville, the first chapter to be organized, were Mrs. John Overton, president; Mrs. W. J. McMurray, first vice president; Mrs. J. C. Gaut, second vice president; Mrs. Wm. Hume, third vice president; Miss Nellie Ely, recording secretary; Mrs. H. N. Snyder, corresponding secretary; Mrs. Nat. Gooch, treasurer; Mrs. W. B. Maney, sergeant at arms.

The writer regrets that limited space will not permit the names of all the splendid women who have served the United Daughters of the Confederacy in a private or official capacity, but it will be possible only to give the presidents and places of meetings.

Nashville, September 10, 1894, Mrs. C. M. Goodlett, president.

Nashville, March 30, 1895, Mrs. C. M. Goodlett, president.

These were the organization meetings before Tennessee became a separate division. Presidents of the Tennessee division are as follows:

Meeting held in Nashville, January 21, 1897, Mrs. S. F. Wilson, first vice president, presiding; Chattanooga, October 7, 1897, Mrs. Frank A. Moses, first vice president, presiding; Jackson, May 11, 1900, Mrs. J. T. McCutcheon, second vice president, presiding; Lebanon, May 8, 1901, Mrs. T. J. Latham, president; Nashville, May 14, 1902, Mrs. T. J. Latham, president; Clarksville, May 6, 1903, Mrs. T. J. Latham; Paris, May 11, 1904, Mrs. W. G. Oehmig; Chattanooga, president; Knoxville, May 7, 1905, Mrs. W. G. Oehmig, president; Memphis, May 2, 1906, Mrs. A. B. White, Paris, president; Columbia, May 15, 1907, Mrs. A. B. White, president; Chattanooga, May 13, 1908, Mrs. M. B. Pilcher, Nashville, president; Jackson, May, 1909, Mrs. M. B. Pilcher, president; Clarksville, May 11, 1910, Mrs. H. H. Sanson, Knoxville, president; Nashville, May 10, 1911, Mrs. H. H. Sanson, Knoxville, president; Dayton, May 8, 1912, Mrs. Harriett Holland, Jackson, president; Knoxville, May 14, 1913, Mrs. Harriett Holland, president; Trenton, May 13, 1914, Mrs. Herbert Leech, Clarksville. president; Murfreesboro, May 12, 1915, Mrs. Herbert Leech, president; John-

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son City, May 11, 1916, Mrs. J. Norment Powell, Johnson City, president; Memphis, May 9, 1917, Mrs. J. Norment Powell, president; Nashville, May 8, 1918, Mrs. Birdie A. Owen, Jackson, president; Knoxville, May 14, 1919, Mrs. Birdie A. Owen, president; Jackson, May 12, 1920, Mrs. Bennett D. Bell, Nashville, president; Clarksville, May 11, 1921, Mrs. Bennett D. Bell, president; Chattanooga, May 12, 1922, Mrs. Wm. McDonald Goodman, Knoxville, president.

There are now in the Tennessee Division Chapters at the following places:

Brownsville, Chattanooga (two chapters), Clarksville, Cleveland, Collierville, Columbia (two chapters), Covington, Dayton, Dickson, Dover, Dresden, Dyersburg, Fayetteville, Franklin, Gallatin, Harriman, Humboldt, Jackson, Johnson City, Knoxville (two chapters), Lebanon, Lewisburg, Linnville, Memphis (six chapters), Monteagle, Mount Pleasant, Morristown, Mulberry, Murfreesboro, Nashville (five chapters), Paris, Pulaski, Ripley, St. Elmo (two chapters), Savannah, Sewanee, Shelbyville, Springfield, Spring City, Spring Hill, South Pittsburg, Stanton, Sweetwater, Trenton, Union City, Whiteville, and Erwin with the following children's auxiliaries:

The Tennessee division has not ignored the importance of training the children to take their places in this great work.

Chattanooga, Auxiliary Gen. A. P. Stewart Chapter; Cleveland, Auxiliary Jefferson Davis Chapter; Dyersburg, Auxiliary John Lauderdale Chapter; Jackson, Auxiliary Musidora C. McCorry Chapter; Memphis, Auxiliary Mary Latham Chapter; Memphis, Auxiliary General Forrest Chapter; Morristown, Auxiliary Sam Davis Chapter; Nashville, Auxiliary Nashville Chapter No. 1; Nashville, Auxiliary Mary F. Hughes Chapter; Shelbyville, Auxiliary Agnes L. Whitesides Chapter; Stanton, Auxiliary Joe Wheeler Chapter; St. Elmo, Auxiliary Frances M. Walker Chapter; Knoxville, Auxiliary Knoxville Chapter.

The Tennessee women who have held the high office of president-general are: Mrs. Jno. C. Brown and Mrs. Alexander B. White.

On the roll of our gifted writers in the Tennessee division we find Mrs. Annie Booth McKinney, of Knoxville; Mrs. Octavia Z. Bond, Columbia; Mrs. Elizabeth Fry Page, Nashville; Miss Will Allen Dromgool, and Charles Egbert Craddock, of Rutherford County; Mrs. John Temple, of Jackson; Mrs. Jas. H. Watson, of Memphis; Miss Bettie Garland, of Clarksville; Mrs. Virginia Boyle, of Memphis; and Mrs. Beatrice Stevens of Dyersburg.

For much of the information in this sketch I am indebted to Mrs. Wm. Hume, and I will, in closing, use a quotation from the pen of this venerable lady of the Old South: "History shows that the remembrance of a Nation's glory stimulates in successive generations truer patriotism and nobler effort. Standing as we do near the summit of the first century of Tennessee's history, we contemplate with pride the glory of the past, and look with confidence to the prospect of the future."

TENNESSEE WOMAN'S CHRISTIAN TEMPERANCE UNION

The National Woman's Christian Temperance Union was organized at Cleveland, Ohio, in November, 1874, and was the outgrowth of the crusade against the saloon that was started in Hillsboro, Ohio, in 1873. The fire did not catch as readily in the southern states as in the northern, but at the first national convention, Mrs. J. C. Johnson, of Memphis, was elected vice president for

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Tennessee. At that time there were no local unions in the state, but in March, 1876, a union was organized in Memphis. Later other unions were organized, notably one in Nashville in the home of Judge and Mrs. E. H. East. Frances Willard was visiting some of the southern states at this time and was the inspiration of this organization.

On account of opposition and indifference the unions were not very active, but the seed was being sown that later was to bear fruit. Each year at the national convention Mrs. Johnson was elected vice president for Tennessee, and through her earnest, consecrated efforts made possible the state organization that was effected October 25, 1882, at Nashville. Mrs. Johnson was elected president of the state union but lived only six months after her election to this office.

At the second state convention, which was also held at Nashville, there were reported four unions and thirty members, but these few had been active in legislative matters and the organization was slowly claiming the attention of the public. At this convention, which was especially notable on account of the distinguished guests, viz.: Mrs. Margaret Bottome, Hannah Whitall Smith, Mrs. Mary Wadsworth and Mrs. Sallie Chapin, Mrs. Ella Harrison, wife of Judge Harrison, of Nashville, was elected state president. Mrs. M. A. Allen and Mrs. Douglas Walworth, of Memphis, went that year as delegates to the National Convention at Detroit, Mich.

At the state convention held at McKenzie in 1884, Mrs. Lide Meriwether was chosen as the Moses to lead the temperance hosts. She was a leader who commanded the attention and admiration, not only of the members of the organization, but of the entire state. Polished, versatile, witty, she was equal to any and all occasions. It is related that when Grover Cleveland was President, and his sister, Miss Rose Elizabeth, presided at the White House, Mrs. Meriwether attended a reception given by the President and Miss Cleveland. When Mrs. Meriwether was introduced to Miss Cleveland, the latter exclaimed: "Let now thy servant depart in peace for I have seen Lide Meriwether."

At the convention of 1883, the following resolution was passed: "Whereas, the Legislature at the last and preceding session imposed a heavy tax on liquor dealers and passed stringent laws looking to the prevention of the sale of liquor to minors and habitual drunkards, from which, together with what is known as the 'Four Mile Law,' great good has resulted—Resolved, that we, the women of the Woman's Christian Temperance Union of Tennessee in convention assembled, pledge ourselves to use whatever influence we may have, individually or collectively, to prevent the repeal of these laws and to secure through legislation the accomplishment of prohibition by submitting the question to the people at a time when no other issue is before them."

The first year, under the leadership of Mrs. Meriwether, the work took on new life. In less than six months thirty-seven unions were organized and the resolution, passed by the convention in 1883, was never lost sight of. Year by year the great objective was, an amendment to the constitution prohibiting the sale and manufacture of liquor. Both democratic and republican parties were appealed to, to declare in their platforms for the submission of the amendment to the people. Both parties agreed to do so. The amendment was to go before the people, the election to be held September 29, 1887. All through that hot, trying summer the women worked. Days of prayer were observed; workers were sent out all over the state; literature was distributed; women forgot

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the age-old traditions and customs and on election day went to the polls to work and pray. The liquor forces with their money, much of it sent in by northern liquor men to control the negro vote, won the day and the amendment was lost. One colored man, a young teacher, said to a Woman's Christian Temperance Union woman, "What are we to do? My poor deluded people are made their own executioners by the very people who claim to have been our Moses. We had better have died in the wilderness than to have been delivered unto this."

During this campaign the Woman's Christian Temperance Union grew rapidly so that by the convention of 1887, 210 local unions and 109 Young Women's Unions had been organized and the Loyal Temperance Legion had a membership of 3,000. The ministers were much more friendly and the churches were being offered for our lecturers and organizers. Alas and alack! The defeat of the amendment quenched the ardor of many who had done valiant work during the campaign and there was a falling away in membership. However, the women who had been in the fight for years stood by. The work was reorganized and put on a firmer and more enduring basis.

In 1886, work among the negroes was begun, their first convention being held in Memphis, September 21, 1886. The attendance was small but the interest manifested was fine. Mrs. C. H. Phillips, of Memphis, was president, and unions were organized in Memphis, Claybrook, Pinson, Dresden, Ripley, McKenzie, Newbern, Tullahoma, Union City, Paris, Middleton and Pocahontas.

The Legislature of 1887 was petitioned to pass a law requiring the teaching, in all the schools of the state supported wholly or in part by public money, the effects of alcohol and narcotics on the human system. Such a law was already in effect in more than half the states of the union and the Tennessee Woman's Christian Temperance Union had been working several years to create sentiment for such a law. They failed at this time but after years of patient, persistent labor success crowned their efforts, and in 1895 the law was written on the statute books. To Mrs. Emily M. Settle is due much of the credit for this law. For eight years she climbed the long steps to the capitol to appear before the Legislature in the interest of the bill. If the Woman's Christian Temperance Union had done nothing else the securing of this law would have been ample recompense for all their years of hard work. Mrs. Mary H. Hunt, national superintendent of scientific temperance instruction was present during the session of the Legislature and rendered valuable assistance in securing the law. As she so prophetically said: "The star of hope of the temperance reform hangs over the schoolhouse—and the boys and young men who were taught in our schools the nature and effects of alcohol, later grown to manhood, made possible our state and national prohibitory laws."

The Woman's Christian Temperance Union was instrumental in securing a law against the sale of impure literature and they worked valiantly to secure a law raising the "Age of Consent" from ten to eighteen years. Like the Scientific Temperance Instruction Law, this was not done in a day; but the Legislature of 1893 did raise the age to sixteen and subsequent legislatures advanced the age limit until it is now twenty-one.

The Woman's Christian Temperance Union did splendid work in helping to secure a reform school for juvenile offenders and they also sought to have a reformatory work house for women offenders and also for police matrons in the city courts. Year after year the legislatures were petitioned in behalf of these measures and any one but Woman's Christian Temperance Union women

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would have given up. But it is characteristic of the women of this organization that they know no defeat. "No call for retreat can be blown from the bugle of right." Defeated at one point they calmly began work along another line of approach to the same objective and usually won out.

In this brief history it is not possible to go into detail; only the high points can be touched. For thirteen years Mrs. Lide Meriwether was the honored and beloved leader. But waning physical powers compelled her to relinquish the office of president and at the convention held in Chattanooga in 1897, Mrs. Annette A. Gibson, who had served for a number of years as recording secretary and who had already made for herself a place in the work of the state, was elected president and held the office for two years (1897 to 1899).

Almost from the beginning of the state organization there was a woman living near Fayetteville, the wife of a retired physician and successful farmer and the mother of eight children, who was deeply interested in the temperance work. She held various offices in the state organization, superintendent of purity, of narcotics, of the press, unfermented wine at the sacrament, etc., and later state corresponding secretary. In all these offices she gave her very best, so when, at the Clarksville Convention in 1899, Silena Moore Holman was called upon to take charge of the dwindling hosts of the Woman's Christian Temperance Union, she was not an untried leader. At that convention, which was held in the Hebrew Synagogue—because none of the Protestant churches would allow the convention to be held in their houses of worship, twelve delegates were present, representing twenty-two unions with a membership of approximately 250. Somehow that convention was the turning point in the life of the organization. Before the close of the year the number of unions had increased to thirty-nine with a membership of 511. The next year saw a like increase and everyone took heart and went to work.

It was at the 1899 convention that the "Open Door" was made the official organ of the state organization, and Mrs. Mary C. Baker, one of the Lord's anointed, was made editor, and most efficiently and faithfully did she administer the office of editor until, in 1921, on account of ill health, she was compelled to give up active work but was continued as corresponding editor.

It is practically impossible to give a history of the Woman's Christian Temperance Union without speaking of other efforts that were constantly being made for the outlawing of the legalized liquor traffic. Up to 1899 the Four-Mile Law had stopped the retail selling of liquor in the smaller towns and villages, but in every county there was one or more towns in which liquor could be legally sold. In 1899 the Legislature passed a law permitting the towns of 2,000 and under to surrender their charter and reincorporate without the saloon. In 1903 the law was extended to towns of 5,000 inhabitants, and in 1907 to towns of 150,000 inhabitants. By the time the Legislature of 1907 had adjourned there were only four cities in the entire state in which liquor could be legally sold. Whenever a bill was before the Legislature to extend the benefit of the Four-Mile Law the Woman's Christian Temperance Union, by petitions, letters, personal work and every other way possible, did all they could to secure the passage of the bill, and when the elections were held in the towns to decide whether the changes should be made or not, the women were very active in securing a favorable vote.

While the women of the Woman's Christian Temperance Union rejoiced over the benefits of the Four-Mile Law they never for one moment lost sight of the

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one great purpose of the organization, state and national prohibition of the liquor traffic. At the state convention that met in Columbia in 1907, the following resolution was unanimously adopted: "We, the Woman's Christian Temperance Union of Tennessee, believe that our state is now ready for absolute prohibition. Believing this, it is our purpose to make a strong and determined effort to secure a law prohibiting the manufacture and sale of liquor in our state at the next meeting of the Legislature. To this end we urge our women everywhere to keep this question constantly before their people; to hold public meetings; to secure good speakers and to do everything possible to bring about such a state of public sentiment that only men in favor of this measure will be sent to the next session of the Legislature."

The Woman's Christian Temperance Union does not for one moment claim all the honor of securing this statewide law. Other organizations and individuals gave fully of time and effort and no one organization working alone could have succeeded. But to the Woman's Christian Temperance Union does belong the credit of initiating the campaign and also of being a leading factor in the battle royal that was waged.

Mrs. Holman had proved her ability as a leader and she threw herself and all her God-given power and ability into the fight for a statewide law. To the women over the state she became known as "General Holman" and never did any general have a more responsive, devoted following than had Mrs. Holman in the women of the Woman's Christian Temperance Union. From state headquarters thousands of letters were sent out to ministers and others asking cooperation. Hundreds of thousands of pages of literature were sent broadcast over the state. Speakers and workers were sent into every town and village and men and women were enlisted for service. Petitions asking for statewide prohibition were sent to every nook and corner of the state and when the Legislature of 1909 convened these petitions with thousands and thousands of names of men and women began to pour in to the members of the Legislature. When the statewide bill was to have a hearing before the legislative committee, women from all over the state went to the capitol and filled the galleries of the House of Representatives where the hearing was to be held. When the bill came before the House the next day the galleries and every available space was filled with women and men who breathlessly awaited the roll call. When the bill passed by a majority vote, prayers of thanksgiving went up from hearts surcharged with joy. The next day the scenes were repeated in the Senate and the bill became a law written upon our statute books.

The Woman's Christian Temperance Union did its part in securing the enactment of laws necessary for the enforcement of our statewide law, and year after year speakers and workers were sent into practically every community in the state, keeping alive temperance sentiment and creating a demand for the enforcement of our prohibition law.

From the beginning of the organization women from the different sections of the state have backed up the efforts of the state officers and are deserving of mention in this history of the work. In the early days Mrs. M. L. Wells, of Chattanooga; Mrs. E. J. Roach, of McKenzie; Mrs. Georgia Mizell, Nashville; Mrs. M. F. Reynolds, Union City; Miss Nannie McCormack, Knoxville; and Mrs. A. M. Shook, Tracy City, were among those most prominent in the state work. Among the early state officers we find the names of Mrs. Nat Baxter, Nashville; Mrs. E. E. Loomis, Chattanooga; Mrs. W. S. Abernathy, Memphis;

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Mrs. E. H. East, Nashville; and Mrs. Emily M. Sutle, Nashville. Later we find Mrs. Cenia A. Patton, Jonesboro; Mrs. J. E. Dosser, Knoxville; Mrs. J. A. Manly, Harriman; Mrs. Mattie G. Shook, Winchester; Mrs. Bettie M. Donelson, Nashville; Mrs. T. H. Thayer, Harriman; and Mrs. T. H. McCallie, Chattanooga.

For four years Mrs. S. J. Dosser, of Knoxville, and Mrs. E. W. Pentecost, Chattanooga, were associated with Mrs. Holman as state officers. At the Lebanon Convention in 1904, Mrs. Leida Gaines Ransom, of Nashville, was elected corresponding secretary, and Mrs. Elizabeth Davis Collins, of Winchester, treasurer. Mrs. Minnie Kerr Gilbert was elected recording secretary in 1901, and is the oldest officer, in point of service, in the state. Mrs. Collins ranks second.

The names of Mrs. E. L. Saxon, Miss Lillie O'Daniel, Mrs. Florence Ewell Atkins, Mrs. W. C. Hagan, Mrs. Leila Owen Stratton, Mrs. Rose Nipher, Mrs. Mary Jewett Telford and Mrs. Lem Gilreath are written, not only on the pages of this history, but in the hearts of men and women who have listened to their message as they carried it into almost every town and village in the state.

Sixteen years Silena Moore Holman led the White Ribbon Army of Tennessee and then, on September 18, 1915, the grim reaper came and "Life's fitful dream" was over. Her body lay in state at the home in Fayetteville, and from far and near came men and women to pay a last loving tribute to one who had served, not only her state, but her nation. Mrs. Holman was a remarkable woman. She was one whose highest ambition had been to serve her fellowman and her intellect was so keen and her grasp upon the affairs of the state and nation so wonderful that her counsel was sought, not by women alone but by men as well. Ex-Senator W. R. Webb, of Bellbuckle, classed her as a "real statesman." Almost her last words were, "Tell the women to go forward with the work."

At the Martin Convention in 1915, which met shortly after Mrs. Holman's death, Mrs. Mary P. Bang, of Nashville, a woman of unusual ability and one who had been identified with the work for years as departmental superintendent and corresponding secretary, was elected president, and Mrs. Minnie Alison Welch, of Sparta, was chosen as vice president. Mrs. Estelle McMillan Knox, who had been vice president for several years, was made state corresponding secretary and served most efficiently for four years. During Mrs. Bang's administration and largely through her efforts, Mrs. Holman's portrait, painted by Mrs. Willie Betty Newman, was presented to the State of Tennessee and hangs in the library at the State Capitol. Governor Rye, in receiving the picture for the state, paid a beautiful tribute to Mrs. Holman. "It is proper for the state to place it among the galaxy of statesmen, warriors and jurists. Has she not led the greatest army that ever marched to battle in civilization? Has she not given a complete system of law for the establishment of temperance? She has stormed the citadel of King Alcohol and conquered. I accept the gift in the name of the people of Tennessee, but especially in the name of the mothers."

When America entered the World war in 1917, the Woman's Christian Temperance Union was already organized for war work, for under the department of "Work Among Soldiers and Sailors," the women had for years been ministering to Uncle Sam's "boys." They helped to equip the ambulance sent over by the National Woman's Christian Temperance Union, also the field kitchens and stereomotographs. They supported French and Belgian orphans. Made thousands of comfort kits for the boys in the army and navy. The state president,

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Mrs. Welch, was secretary of the Council of Defense and the members of the local unions invested over two hundred and twenty-two thousand dollars in Liberty Bonds and War Savings Stamps and contributed over twelve thousand five hundred dollars to the work of the Red Cross, and all this in addition to the work done in the Red Cross rooms where it was said that the Woman's Christian Temperance Union had more members at work than had any other woman's organization.

Under Mrs. Bang's leadership, both as president and as superintendent of the department of legislation, fine work was done in petitioning the State Legislature in behalf of the Bone Dry Bill, and also the National Congress in the interest of National Constitutional Prohibition. Hundreds and thousands of letters and telegrams were sent to the Legislature and to Congress.

At the Bristol Convention in 1917, Mrs. Minnie Alison Welch of Sparta, a young woman full of enthusiasm and energy and an abiding faith in the high purpose of the organization, was elected president and is still—in 1922—the efficient, capable leader. Mrs. Grace W. Robins of McKenzie was elected vice president at this convention. Under Mrs. Welch's administration the war work was continued and enlarged upon and much has been done through the legislative department. The Mothers' Pension Bill has become a law; splendid work has been done in the Conservation of Child Life; petitions in the interest of the suffrage bill were sent in by the unions, also much work done in behalf of the Anti-Cigaret Law. The Woman's Christian Temperance Union has furnished instructors for the State Normals who teach the teachers how to teach scientific temperance; have helped in arranging the programs for Frances Willard, or Temperance Day, which was secured through the efforts of the organization for the schools of the state, and has cooperated with other organizations in anti-tuberculosis and other state-wide needs.

The work among the young people is under the efficient management of Mrs. Myra A. Tandy, and Mrs. Rose Nipher is the capable and zealous state secretary of the Loyal Temperance Legion.

At this time—1922—the state officers are as follows: Mrs. Mary P. Bang, honorary life president; Mrs. Minnie A. Welch, president; Mrs. Grace W. Robins, vice president; Mrs. Amanda Neal Wheelock, corresponding secretary; Mrs. Minnie Kerr Gilbert, recording secretary; Mrs. Elizabeth Davis Collins, treasurer.

Through its "do everything" policy the organization will continue its services to humanity and its aggressive warfare against the liquor traffic and help to hasten the day when the kingdoms of this world shall become the kingdom of our God and His Christ, and the white flag of prohibition shall float side by side with the national colors of every land.

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CHAPTER XXXIII

COUNTIES OF TENNESSEE *

Politically, Tennessee is divided into three grand divisions, East Tennessee, Middle Tennessee, and West Tennessee. The counties of East Tennessee are: Anderson, Bledsoe, Blount, Bradley, Campbell, Carter, Claiborne, Cocke, Cumberland, Grainger, Greene, Hamblen, Hamilton, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, Marion, McMinn, Meigs, Monroe, Morgan, Polk, Rhea, Roane, Scott, Sequatchie, Sevier, Sullivan, Unicoi, Union, Washington—34.

The counties of Middle Tennessee are: Bedford, Cannon, Cheatham, Clay, Coffee, Davidson, Dekalb, Dickson, Fentress, Franklin, Giles, Grundy, Hickman, Houston, Humphreys, Jackson, Lawrence, Lewis, Lincoln, Macon, Marshall, Maury, Montgomery, Moore, Overton, Perry, Pickett, Putnam, Robertson, Rutherford, Smith, Stewart, Sumner, Trousdale, Van Buren, Warren, Wayne, White, Williamson, Wilson—40.

The counties of West Tennessee are: Benton, Carroll, Chester, Crockett, Decatur, Dyer, Fayette, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Lake, Lauderdale, Madison, McNairy, Obion, Shelby, Tipton, Weakley—21.

East Tennessee

ANDERSON COUNTY

Anderson County, named in honor of Judge Joseph Anderson,[2] was created by act of the General Assembly, November 6, 1801. It was formed from parts of Knox and Grainger counties. It lies partly in the valley of East Tennessee and partly on the Cumberland plateau. It contains about four hundred and fifty square miles.

Settlements began in this county about the year 1800 principally by David Hall, Wm. Tunnell, Isaac Coward, Wm. Hogshead, Jno. Chiles, Joseph Hart, Thos. Hart, Joseph Black, Joshua Frost, Collins Roberts, Jno. Garner, Aaron Slover, Jno. Gibbs, Robt. Ross, Jno. Wilson.

The Court of Pleas and Quarter Sessions was organized on December 15, 1801, at the house of Jno. Denham, Sr. The justices of this court were: Hugh Montgomery, Wm. Underwood, Frederick Miller, Jas. Grant, Jno. Kirby, Wm. McKamy, Jos. Sinclair, James Butler, Wm. Standifer and Solomon Massingale. Wm. Hogshead, who began practice about 1802, was the first lawyer of the county.

The county seat was first named Burrville, in honor of Aaron Burr. By act of the Legislature, in 1809, the name was changed to Clinton in honor of DeWitt Clinton. The site of Clinton was first owned by Jno. Leib and the

* Reproduced from "Counties of Tennessee," published by the Department of Education, Division of History, State of Tennessee.

[2] One of the three judges of the Southwest Territory and successor to William Blount as United States senator, when the latter was expelled from the Senate.

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lands surrounding it were settled by a colony of Germans, among whom were John Clodfelter, Geo. Bumgartener and John Leinart. Besides the Germans there were: Jno. McWhirter, Jno. Sutherland, Stephen Bradley, Richard Luallen, James Kirkpatrick, Robt. Kirkpatrick and those mentioned above.

The greater part of the wealth of Anderson County is in its coal and timber lands. Many large mines are in operation.

Statistics of Anderson County: Population 1920, 18,298. Assessed valuation of taxable property, 1921, $8,701,767. Area, about 360 square miles. Number of farms, 1,677. Railway mileage, 78. County drained by Clinch and Powell rivers. Its valleys are very fertile. Staple products: Wheat, corn and oats. Live stock industry is very flourishing. County seat, Clinton, about twenty-two miles northwest of Knoxville; population, 1,409. Has churches, schools, weekly newspaper; 2 banks, enterprising mercantile establishments, several flourishing mills, and other industries. Coal Creek has a population of 1,204. Scholastic population of county, 6,512; high schools, 7; elementary schools, 55.

BLEDSOE COUNTY

Bledsoe County was named in honor of Abraham Bledsoe and was created out of Roane County by act of the Legislature on November 30, 1807. The original county seat was known as Old Madison, six miles from Dunlap and fifteen miles from Pikeville, the present county seat. The first court in the county was held at the residence of a Mr. Thomas. The country surrounding Pikeville is a fine agricultural region. There have been three colleges in or near Pikeville, the People's College, Bledsoe College and Sequatchie College, the first named of which was chartered in 1871. Sequatchie College was chartered in 1870. Mineral springs, iron ore and coal are abundant.

Statistics of Bledsoe County: Population, 1920, 7,218. Assessed valuation of taxable property, 1921, $4,368,308. Area, 300 square miles. Number of farms, 1,060. Railway mileage, 15. Drained by Sequatchie River and tributaries. Surface somewhat mountainous. Live stock, fruits and grain crops are principal products. Pasturage excellent. Large areas of fine timber. Corn, oats and wheat are successfully grown. Coal and limestone abound. Pikeville is the county seat; population, 488. Churches, schools and weekly newspaper, bank and flourishing business establishments. Scholastic population, 2,946; high schools, 2; elementary schools, 38.

BLOUNT COUNTY

Blount County is one of the oldest counties in the state, having been erected by the Territorial Legislature on July 11, 1795. It was named for Wm. Blount who was, at that time, the governor of Southwest Territory. It was carved out of Knox County. Its county seat, Maryville, was named for Mary (Grainger) Blount, wife of Governor William Blount. Its early settlers came principally from Virginia and North Carolina, among them was the mother of Sam Houston who settled near Maryville, in 1806. The settlement of the county really began in 1785, although pioneers had come in some years previously. Among the early settlers were the Bogles, McCroskeys, McCullochs, Boyds, Cunninghams, Tiptons, McGaugheys, and McMurrays. As we have already seen, they were greatly harassed by the Indians.

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The Court of Pleas and Quarter Sessions was organized on the second Monday in September, 1795, at the house of William Weaver. Early lawyers were John Lowery, Samuel Glass, John Wilkinson, John Garner and Enoch Parsons. Parsons was defeated for governor, in 1819, by McMinn. Maryville College, one of the best institutions for higher learning in the state, was founded by Rev. Isaac Anderson.

Statistics of Blount County: Population, 1920, 28,800. Assessed valuation of taxable property, 1921, $25,370,192. Area, 614 square miles. Number of farms, 2,601. Railway mileage, 98. Drained by the Holston and Little Tennessee rivers, the former navigable for boats. Surface mountainous with fertile valleys, which abundantly produce wheat, corn, oats, fruits, and live stock. Blount County has more pure-bred Aberdeen-Angus cattle than any county south of the Ohio River, and many fine herds of pure-bred Poland China hogs. Over six hundred silos in the county. Forests of oak and pine. Marble and iron are mined. County seat, Maryville, on railroad; population, 3,739. Has fine schools, two weekly newspapers, three banks, fine churches, and many flourishing industries. Alcoa and Townsend are other prosperous towns. Alcoa has a population of 3,358. Aluminum plant, hosiery mill, foundry, casket factory, three woodworking factories, and tannery, are among the leading industries of the county. B. R. Kramer is president of the Maryville-Alcoa Chamber of Commerce. Private schools of county are Maryville College, Maryville Polytechnic, and Friendsville Academy. Scholastic population, 10,079; high schools, 2; elementary schools, 86.

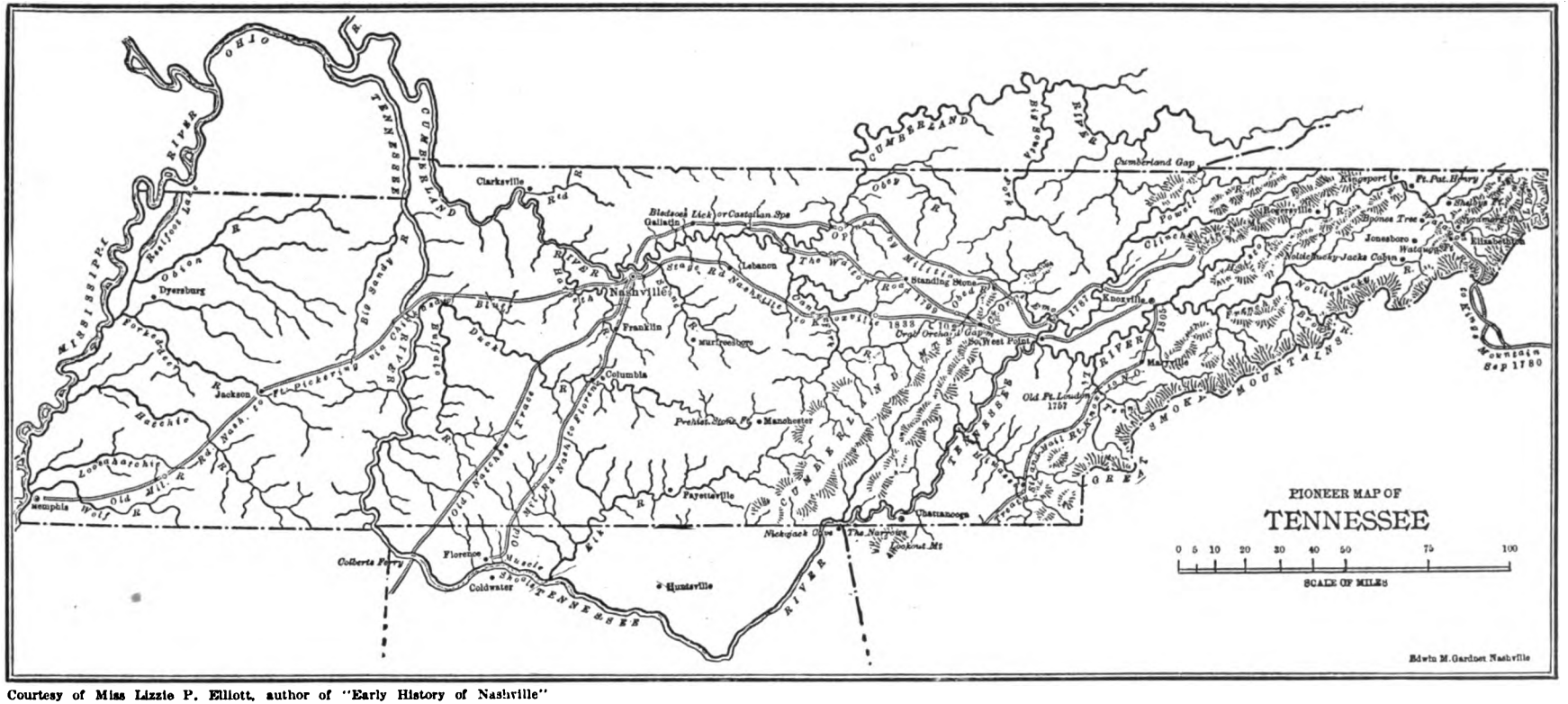
BRADLEY COUNTY

Bradley County, named in honor of Col. Edward Bradley, of Shelby County, was established by act of the Legislature in 1835. The surface of the county is made up of long valleys running from northeast to southwest with ridges between them. In it is a vast amount of water power, a part of which has been harnessed for commercial use in the Ocoee hydro-electric plant established by the Tennessee Power Company.

The entire section of which this county is a part was the scene of many bloody battles with the Indians in the early pioneer days. In 1819, an agency known as the Cherokee Agency, was established on the present site of the City of Charleston, following a treaty with the Cherokee Indians and Return J. Meigs was appointed the first agent. He held this position until 1823, when he was succeeded by Joseph McMinn who, in 1821, had completed his third successive term as governor. McMinn died in 1824 and was succeeded by Hugh Montgomery. Simultaneously with the establishment of the Indian agency, Lewis Ross, brother of John Ross, the famous Cherokee chief, established a store at the agency and remained there until the removal of the Indians in 1838. His wife was a Miss Holt from Virginia. Will T. Hale says:

"Previous to 1832 several white men were married to Cherokees or half breeds throughout the section. Encroachments were made by the whites in 1832, leading the Indians to believe they would have to abandon their lands. For a consideration some of them proposed to cede their holdings. Chief John Ross and a large following opposed this movement. Major Ridge, his son John, Elias Boudinotte, James Starr, Wm. Rodgers, John Rodgers, and John Watkins, Jr., were in favor of the cession, and in 1834, without the sanction of Ross, ceded the lands to the United States. A feud resulted. The first victim was Walker, a well educated half breed, who, in 1824, had married

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Courtesy of Miss Lizzie P. Elliott, author of "Early History of Nashville"

PIONEER MAP OF TENNESSEE

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Miss Emily J. Meigs, a daughter of Return J. Meigs, who lived on a farm just north of the present Cleveland.

"Surveying the Ocoee district was begun in 1837. In Nov., 1838, Luke Lea was made entry taker, his office being opened at Cleveland. For the first four months the price of land was $7.50 per acre; in the next few months the price was reduced, until in 1841 it sold at one cent per acre. Settlers came in rapidly.

"One of the first preachers was Dr. J. B. McFerrin. Judge Chas. J. Keith, in 1836, organized the first court. Among the first lawyers were Geo. W. Rawles, Monroe Campbell and Levi Trewhitt."

Statistics of Bradley County: Population, 1920, 18,652. Assessed valuation of taxable property, 1921, $11,461,376. Area, 280 square miles. Number of farms, 1,836. Railway mileage, 35. Drained by Hiwassee River and tributaries. Surface hilly and well timbered and soil fertile. Wheat, corn and live stock are the leading products; and the county is rapidly coming to the front in fruit growing, especially apples, peaches and strawberries. Soil and climate well adapted to all kinds of fruits. Cleveland, county seat, is on the Southern Railway, twenty-nine miles northeast of Chattanooga; population, 6,522; well supplied with churches and schools; has a large woolen mill and trousers factory, stove foundry, coffin factory, electric light plant, four banks, two weekly newspapers, and a large number of flourishing mercantile establishments. Charleston, Tasso, and McDonald are other towns of Bradley County. Scholastic population of county, 6,936; high schools, 6; elementary schools, 53.

CAMPBELL COUNTY

Campbell County was erected on September 11, 1806, out of Anderson and Claiborne counties and was named for Col. Arthur Campbell. Powell's Valley,[3] famous in the early annals of the state, runs through the entire county on the eastern side. The Court of Pleas and Quarter Sessions was organized at the house of Richard Linville on the first Monday in December, 1806. Settlements had been made, however, ten or more years previously. The site of Jacksboro, the county seat, was owned by Hugh Montgomery, one of the earliest pioneers. His son, Maj. L. P. Montgomery,[4] was killed in the battle of Tohopeka, or Horseshoe Bend in the Creek war.

William Lindsay built the first iron furnace in the county. This was for George Baker. But later he built others which were very successful for that time.

Statistics for Campbell County: Population, 1920, 28,265. Assessed valuation of taxable property, 1921, $12,919,026. Area, 488 square miles. Number of farms, 1,892. Railway mileage, 89. Drained by Clinch River and tributaries of Cumberland River. Surface mountainous and covered with fine forests. Staple products: corn, oats and grass. Well adapted to live stock industry, which is increasing in importance. Rich coal deposits are found in county. Jacksboro, county seat, has a population of 638, and is thirty-three miles from Knoxville. Coal mines are in operation near Jacksboro. Has general stores, churches, schools, a bank, and weekly newspaper. Lafollette, with a population of 3,056, is a flourishing town, with mining industries, banks,

[3] North Carolina gave Richard Henderson 190,000 acres in this valley as a reward for his colonization services.

[4] Montgomery, Ala., was named for him.

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weekly newspaper. One of the largest iron furnaces in the South is in operation there. Jellico City, with a population of 1,878, is another flourishing town in the county. Scholastic population of county, 11,005; high schools, nine; elementary schools, eighty.

CARTER COUNTY

Carter County was the first county erected by the first General Assembly of Tennessee in April, 1796, before the state was admitted into the Union, June 1, 1796. It was taken from Washington County, the oldest county in the state, and was named for Landon Carter, son of John Carter. The county seat, Elizabethton, was named in honor of his wife, Elizabeth. William Been, the first permanent settler, and other pioneers located on or near the Watauga River in this county. In this valley homes were established by Valentine Sevier, Sr., father of John Sevier, by James Robertson and by Jas. P. Taylor, grandfather of Robert L. and Alfred A. Taylor. It is said that James P. Taylor was one of the greatest orators of his time as well as eminent as a lawyer. His brother-in-law was Thomas D. Love, for whom Robert Love Taylor was given his middle name.

The Court of Pleas and Quarter Sessions was probably organized on July 4, 1776, at the home of Samuel Tipton. The justices of the peace present were: Andrew Greer,[5] Landon Carter, Nathaniel Taylor, David McNabb, Lochonal Campbell, Guttredge Garland, John Vaught, Joseph Lands, and Reuben Thornton.

Statistics of Carter County: Population, 1920, 21,488. Assessed valuation of taxable property, 1921, $7,993,976. Area, 298 square miles. Number of farms, 2,717. Railway mileage, eighty-three. Drained by Watauga River. Surface mountainous with fertile valleys and well timbered. Corn, oats, grass, and live stock are the staple products. An abundance of iron ore is found in the county. Elizabethton, the county seat, has a population of 2,749. Has three banks, a weekly newspaper, grist, saw, and woolen mills, good churches and schools; iron works in vicinity. Scholastic population of county, 7,712; high schools, thirteen; elementary schools, forty-nine.

CLAIBORNE COUNTY

Claiborne County was erected on October 29, 1801, and was named for Wm. C. C. Claiborne.[6] It was formed from Grainger and Hawkins counties. The Court of Pleas and Quarter Sessions was organized at the house of John Owens, on December 7, 1801, at which time the following named justices of the peace, appointed by Governor Roane, were qualified: Isaac Lane, Joseph Webster, William Trent, James Chisum, Abraham Lenham, John Wallen, Matthew Sims, John Vanbibber, William Rogers, George Read, C. Newport, Jno. Casey, Joseph Nations and James Renfro. The courts were held at the houses of magistrates until 1804 when a small courthouse was erected. Cumberland Gap, famous in history, is in this county. Through this gateway in the mountains, the pioneers of the early days passed from Virginia, North Carolina and East Tennessee into Kentucky. The first officers of this court were: Walter

[5] Father of Joseph Greer, the King's Mountain messenger.

[6] One of the first judges of the Superior Court and one of the first representatives in Congress from Tennessee.

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Evans, clerk of the court; John Hunt, sheriff; Ezekiel Craft, register; Luke or Lew Boyer, or Bowyer, solicitor; Nathaniel Austin, ranger; John Sumpter, constable.

The Circuit Court was organized in April, 1810, by William Cocke.

The first settlements in the county were made at Big Spring, near Sycamore Creek, in 1794-1795; in Powell's Valley and along Clinch River.

Tazewell, the county seat, was laid out probably in 1802 or 1803, when the first house in this place was erected. The first merchant was William Graham, who erected the first church.

On October 14, 1802, Bishop Asbury preached "at Hunt's at Claiborne Courthouse."

Statistics of Claiborne County: Population, 1920, 23,286. Assessed valuation of taxable property, 1921, $8,549,141. Area, 472 sq. mi. Number of farms, 3,022. Railway mileage, 37. Drained by the Powell and Clinch rivers. Surface generally mountainous and covered with timber. Soil in valleys very fertile. Wheat, corn, oats and grass are staple products, and the live stock industry is flourishing. Iron, zinc and lead ores are found in the county, and coal is also mined. Tazewell, the county seat, has a population of 424. Other towns in the county are New Tazewell, Lone Mountain, Hoop, and Hartranft. Tazewell has a bank, schools, churches, and a weekly newspaper. Scholastic population, 8,994; high schools, 2; elementary schools, 100.

COCKE COUNTY

Cocke County was erected on October 9, 1797, and named in honor of William Cocke.[7] It was carved out of Jefferson County. The first settlements were made along the Nollichucky River in 1783. Among the early settlers were: George McNutt, John McNabb, John Gilliland, Wm. Lillard, Samuel Odell and Daniel Adams. For the first ten years the Indians gave them much trouble. The first church was organized by the Baptists in 1794, about a year after the Indian depredations ceased. Eminent lawyers of the early days were: Thomas Gray, William Garrett and Tilghman A. Howard, the last named of whom moved to Indiana and became a well known general in the Civil war.

Statistics of Cocke County: Population, 1920, 20,782. Assessed valuation of taxable property, 1921, $11,402,158. Area, 458 sq. mi. Number of farms, 2,800. Railway mileage, 48. Drained by the French Broad and Nollichucky rivers. Smoky Mountain extends along the southeastern border of the county, and this section is covered with timber. Soil in valleys is very fertile. The staple products are corn, wheat, grass, and live stock. Newport, the county seat, is on the Southern Railway, 50 miles east of Knoxville; has a population of 2,753, several churches and schools, two weekly newspapers, two banks, cotton and flour mills, and a canning establishment the largest of its kind in the south. Scholastic population of county, 6,652; high schools, 1; elementary schools, 86.

CUMBERLAND COUNTY

Cumberland County was erected in 1856 from parts of White, VanBuren, Bledsoe, Rhea, Roane, Morgan and Putnam. It was named for the Cumberland Mountains, on whose crest it lies, and they, as well as the Cumberland

[7] He and William Blount were the first United States senators from Tennessee.

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River, were named by Dr. Thomas Walker in honor of the Duke of Cumberland. The first county court was held at Crossville, the county seat, located near the center of the county.

The fruits and vegetables of this county, as well as the mountain counties generally, possess peculiar excellences of freedom from insect pests as well as beauty and flavor. As early as the founding of the county itself this fact was known and J. W. Dodge, who lived near Crossville, took many prizes for his apples.

Statistics of Cumberland County: Population, 1920, 10,094. Assessed valuation of taxable property, 1921, $5,232,844. Area, nearly 800 square miles. Number of farms, 1,267. Railway mileage, 58. Situated centrally upon the Cumberland Plateau, at an average elevation of nearly 2,000 feet, it is drained by the affluents of both the Cumberland and the Tennessee rivers. The surface is gently undulating, generally covered with timber. Luxuriant native grasses make it one of the best counties in the state for grazing cattle. There are many deposits of coal in the county and several mines are in operation. Land excellently adapted to truck and fruit growing. Soil especially suited to Irish potatoes. Crossville, the county seat, with a population of 948, is on the Tennessee Central Railway. It has good churches and schools, a bank, a weekly newspaper, and is the center of rapidly developing coal and timber industries. Scholastic population of county, 3,855; high schools, 1; elementary schools, 59.

GRAINGER COUNTY

Grainger County was the second county created by the first Legislature on April 22, 1796. It was named in honor of Mrs. William Blount, whose maiden name was Mary Grainger. It was formed from Hawkins and Knox counties. The county seat is Rutledge, named for George Rutledge, a prominent pioneer. Some of the pioneers were Col. James Ore,[8] the Senters, Crabtrees, Hendersons, Taylors, Johnsons, Bassetts, Lebons, Lowes, Jarnagins, and Tates. Settlement began about 1784.

The county seat was not located until 1801 when the courthouse was erected. But the county court was organized on June 13, 1796 (less than two months after the county was created), at the house of Benjamin McCarty, with the following named magistrates appointed by Governor Sevier: Thomas Henderson, Elijah Chisum, James Blair, John Estes, Phelps Read, Benjamin McCarty, James Moore, John Bowen, John Kidwell, John Sims, William Thompson, and Major Lea.

Statistics of Grainger County: Population, 1920, 13,369. Assessed valuation of taxable property, 1921, $5,980,954. Area, 300 sq. mi. Number of farms, 2,257. Railway mileage, 47. Drained by Clinch and Holston rivers, has a high ridge surface called Clinch Mountain. County is well timbered; soil in valleys very fertile. Corn, oats, wheat, grass and live stock are the staple products. Fine iron ore deposits are found in the county. County has ample railway mileage. Tate Spring and other noted mineral springs are in this county. Rutledge, the county seat, is near the base of Clinch Mountain, about 33 miles northeast of Knoxville, and has a population of about 600, two banks, schools, churches, weekly newspaper, and flourishing business establish-

[8] He commanded the expedition from the Cumberland settlements against the Indians at Nickajack Cave and Running Water in 1794.

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ments. Other towns are Washburn, Noeton and Idol. Scholastic population of county, 4,480; high schools, 5; elementary schools, 56.

GREENE COUNTY

Greene County was created by the State of North Carolina from a part of Washington County in April, 1783, and was named in honor of Gen. Nathanael Greene.[9] Settlements were begun in 1778, or earlier. Some of the early settlers were: Anthony Moore, who located near Henderson's Station, Daniel Kennedy, and Henry Earnest, who was greatly interested in the establishment of the Methodist Church named Ebenezer, said to be the first organization of this sect in the State of Tennessee. It was located on the Nollichucky River.

On the third Monday in August, 1783, the Court of Pleas and Quarter Sessions was organized at the house of Robert Carr, near the Big Spring, in Greeneville. The magistrates present were: Joseph Hardin, John Newman, George Dougherty, James Houston, Amos Bird and Asahel Rawlings.

From the very beginning much attention was paid to education. Greeneville College, founded by Hezekiah Balch, was chartered in 1794, and Tusculum College was established in 1818, by Dr. Samuel Doak. Some Quakers settled in this county, many of whom became greatly interested in emancipation of slaves.

Statistics of Greene County: Population, 1920, 32,824. Assessed valuation of taxable property, 1921, $20,501,539. Area, 580 sq. mi. Number of farms, 5,313. Railway mileage, 31. Drained by Nollichucky River and Lick Creek. Surface partly mountainous and well timbered. Valleys are very fertile. Staple products are corn, wheat, oats, grass, tobacco and live stock. The tobacco industry has developed rapidly in the last few years, a fine quality of burley being produced. The Southern Railway intersects the county. Fine deposits of limestone and iron are found in the county. Greeneville, the county seat, has a population of 3,775, and is on the Southern Railway. Greeneville is a large tobacco market with six large warehouses, four banks, hosiery mill, chair factory, two wagon factories, tobacco factory, stemmery and redrying plant, one of the largest proprietary medicine concerns in the south, three flour mills and other industries; a weekly and daily papers. Other towns are Baileytown, Mosheim, Chuckey, and Midway. There are several commercial organizations, including the Burley Association, C. H. Bewley, secretary; Rotary Club, J. H. Rader, secretary. Greene County has 300 miles of pike roads and 200 miles of graded roads. The county is very progressive in educational matters, having five Presbyterian mission schools, Tusculum College, and private schools in Greeneville. The public school system is said to be one of the finest in the state. Scholastic population of county, 12,895; high schools, 8; elementary schools, 100.

HAMBLEN COUNTY

Hamblen County was created on May 31, 1870, and was named for Hezekiah Hamblen. It was formed from parts of Grainger, Jefferson, and Hawkins counties. The first settlement in what is now Hamblen County was made by

[9] North Carolina also gave him 25,000 acres of land, located in Maury County.

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Robert McFarland and Alexander Outlaw in 1783. They located at the "bend" of the Nollichucky.

One of the historic spots in this county is "Hayslope," the handsome old home of one of the pioneer settlers, Col. James Roddey, one of the signers of the First Constitution of Tennessee. The Town of Russellville is built on a tract of land awarded Colonel Roddey for services in the Battle of King's Mountain, and was named for his second wife, Miss Russell.

Morristown was named for the Morris family of whom three brothers, Gideon, Daniel and Absalom, settled near it, having gone thither from their former home on the Watauga.

Through the territory now included in Hamblen extended the stage road from Knoxville to Abingdon, Va., which road was constructed as early as 1792-1793; and along this road most of the settlers located, among them William Chaney, Thomas Daggett, Phelps Read, Richard Thompson, Isaac Martin, and John Crockett, father of David Crockett.

On October 3, 1870, the county court was organized in an old storehouse in Morristown. The magistrates present were: S. P. Hixon, L. D. Milligan, L. F. Leiper, C. L. Gregory, George McFarland, R. M. Hamblen, A. J. Donelson, Alexander Williams, Jonathan Noe, G. W. Carmichael, C. J. Burnett, D. S. Noe, R. P. Sharp, William Felkner, S. M. Heath, James Hale, W. B. Ninnie, S. J. Couch, I. P. Haun, and Samuel Smith.

Statistics of Hamblen County: Population, 1920, 15,056. Assessed valuation of taxable property, 1921, $11,184,675. Area, 150 square miles. Number of farms, 1,564. Railway mileage, 31. Drained by the Holston and French Broad rivers. The surface is undulating and the soil fertile. The Southern Railway intersects the county. Principal products are grass, fruit, live stock and poultry. It is one of the best fruit counties in the eastern section of the state, and the poultry industry is also of large proportions, Morristown, the county seat, being one of the largest poultry markets in the South. Morristown, on the Southern Railway and the Holston River, has a population of 5,875, has splendid churches and schools, daily and weekly newspapers, three banks, manufacturing establishments, and prosperous mercantile concerns. Scholastic population of the county, 5,416; high schools, 5; elementary schools, 35.

HAMILTON COUNTY

Hamilton County was erected out of Rhea County by act of the Legislature passed on October 25, 1819, which provided "that the territory southwest of Rhea and south and east of Bledsoe and Marion counties, should constitute a county by the name of Hamilton, in honor and to perpetuate the memory of the late Alexander Hamilton, Secretary of the Treasury of the United States." The act recites the boundaries of the new county which, of course, were somewhat changed when James County was carved out of portions of Hamilton and Bradley counties in January 27, 1871. On April 14, 1919, however, an act[10] was passed abolishing James County and transferring to Hamilton the territory formerly embraced in James.

About half of the County of Hamilton, when first formed, and all of the county on the left bank of the Tennessee River lay within the territory of the

[10] Private Acts of 1919, Chapter 695, p. 2129.

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Cherokee nation. The Indian title was extinguished by a treaty concluded between the United States and the Cherokees on December 29, 1835.

The county seat was first established at Dallas, but by an election in 1840, the seat was transferred to Harrison, named after Gen. William H. Harrison, subsequently elected President. By an election in November, 1870, the county seat was transferred from Harrison to Chattanooga.

Prof. J. B. Brown, State Superintendent of Public Instruction 1921-1923, in an article published in the Nashville American on June 26, 1910, said of Hamilton County besides other things:

"The topography of the county is exceedingly varied. The larger portion toward the northwest is mountainous and wild, while the remainder, about two-fifths, is for the most part lowland, lying in the valley of the Tennessee River or of some of its tributaries from the northwest. Walden's Ridge and Raccoon Mountain occupy a small portion of the western border. Missionary Ridge, rising to a height of 500 feet above the valley; Walden's Ridge 1,500 feet, and Lookout Mountain to a maximum height of 1,700 feet above the low water in the Tennessee, are the chief elevations of the county. The climate of Hamilton County averages 42 degrees in winter, 72 degrees in summer, and sixty degrees in spring and autumn.

"The geology of the county is very simple but very interesting from an economical point of view. Many formations are present in the county, some of the strata belonging to the very early formations. Limestone predominates, existing in many forms. The coal and iron deposits are most important. Coal is found in great abundance in Raccoon Mountain, Walden's Ridge and Lookout Mountain.

"The natural products of the forests are greatly varied. The oak, the most abundant growth, is found throughout the county; other kinds of timber that grow plentifully are the ash, black walnut, beech, birch, cherry, cedar, hickory, maple, and white and yellow poplar. The short-leaf yellow pine is also found in some portions of the county. Clover and different varieties of herd's grass grow luxuriantly. The leading crops are corn, wheat, potatoes, broom corn, sorghum—all of which grow to perfection in this climate.

"Garden vegetables and horticultural products of all kinds, except some varieties of the grape, find here a congenial soil and atmosphere.

"It is believed to be true that the first settlers of this county were Scotchmen, who came here immediately after the close of the Revolutionary war. Many of them married Indian wives and were incorporated into the Cherokee Nation. The name of Daniel Ross is one of the very first associated with the history of Hamilton County. Others are Robert Patterson, Patrick Martin, William Lauderdale, and Charles Gamble, who became the first sheriff.

"Others who belonged to a later period are Haston Poe, Asahel Rawlings, James Cozby, John Russell, Joseph Rogers, David Beck, John Brown, John Taylor, Nimrod Moore, Jackson Jenkins, Jonathan Springer, D. R. Rawlings, William Walker, and Crispian Shelton."

CHATTANOOGA

The country around Chattanooga was occupied by the Cherokee Indians until the year 1837, when a post office was first established at that point which was then called Ross' Landing after either Chief John Ross [11] or his brother who established a store there. In that same year a town was laid off and divided into lots and the name Chattanooga was given to it. It was incorporated as a town in 1841 and as a city in 1851.

The meaning of the name Chattanooga has been a mooted question for many years. Most historians and others say it means "Eagle's nest." In the Chatta-

[11] The house occupied by John Ross still stands in Rossville, a suburb of Chattanooga.

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CHATTANOOGA FROM THE AIR, 1922

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nooga Daily Times of July 1, 1903, appeared an article written by Miss Zella Armstrong on the origin and meaning of the word Chattanooga. In it she said:

"In a correspondence with Hon. Joshua Ross, concerning his distinguished uncle, Chief John, who left his impress deep upon this historic country, I inquired what could be learned among the living Cherokees upon this subject. Promptly came the answer, and it forever clears the romance and the mystery from our 'eagle's nest.' Says Mr. Ross: 'My own impression is that Chattanooga is derived from a Creek Indian word, as "Creek Path" is not many miles distant. I find in the living Creek language "Chat-to-to-noo-gee," the literal meaning of which is "rock coming to a point; a cliff or bluff, or overhanging rock," as is found at the point of Lookout Mountain.'"

The University of Chattanooga, in which all the people of this city take so just a pride, was started as the East Tennessee Wesleyan College at Athens, in 1867. Later it was called Grant University and still later the University of Chattanooga which has a college of arts and sciences and a school of law.

The many points of interest and scenic grandeur in and around Chattanooga attract thousands of visitors and tourists from all parts of the country. The most noted of these are: Chickamauga National Military Park, Missionary Ridge, Orchard Knob, National Cemetery, Confederate Cemetery, Lookout Mountain with its $100,000 cable incline 4,750 feet long, Signal Mountain and Walden's Ridge.

Statistics of Hamilton County: Population, 1920, 115,954. Assessed valuation of taxable property, 1921, $140,321,440. (Hamilton County now includes the territory formerly embraced in James County, the latter having been abolished by act of the General Assembly.) Area, 785 square miles. Number of farms, 2,480. Railway mileage, 146. Drained by the Tennessee River and tributaries. The county has a varied and fertile soil, well adapted to the growth of all kinds of crops, including the different grains, grasses, fruits and vegetables. Truck farming is carried on extensively in the vicinity of Chattanooga, and there is a large business in the shipment of early vegetables to the northern markets. The length of the growing season makes it possible for the truck farmer to grow as many as three crops in one year on the same ground, and a ready and convenient market is found at good prices. Large shipments of strawberries are made every year. There is a profitable business in poultry and dairying. The staple products are corn, wheat, oats, fruits, cattle and hogs. The county is traversed by the Nashville, Chattanooga & St. Louis Railway, the Southern Railway, the Cincinnati Southern, and there are other roads entering from the South. The county has a fine system of public highways. Lookout Mountain is situated in the southern part of the county, and is famed for its magnificent scenery and historic interest. Chickamauga National Park is near, as is Missionary Ridge. All of these were battle grounds during the Civil war. Chattanooga, the county seat, with a population of 57,895, is one of the most progressive cities in the South and is located on the Tennessee River at the base of Lookout Mountain. Its river and railroad connections furnish first-class transportation facilities. Ten railroads enter the city. Chattanooga has many large manufacturing industries, two daily newspapers, several banks of large resources, and all the business interests of a large city. Scholastic population of county, 35,887; high schools, 14; elementary schools, 94. Information will be furnished by the Chamber of Commerce, Chattanooga, Tenn.

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HANCOCK COUNTY

Hancock County was erected on January 7, 1844, and was named for John Hancock. It was formed from portions of Hawkins and Claiborne counties. On account of some constitutional objections [13] it was not organized until 1846 when a commission was appointed to have the county resurveyed so that the rights of other counties might not be interfered with. The personnel of that commission was: A. P. McCarty, Anderson Campbell, Richard Mitchell, William Nichol, of Hawkins County, and James Ritchie, James Fulkerson, John Farmer, Marshall Brewer, and Alexander Bates, of Claiborne County. These commissioners were also authorized to organize the county. Sneedville was selected as the county seat and was named for John L. T. Sneed, the eminent lawyer who successfully defended the suit brought against the new county for running its line within twelve miles of Rogersville, the county seat of Hawkins County. The first court was held at the house of Alexander Campbell.

Settlements began as early as 1795. Some of the early pioneers were: William McGee, John Ray, Enos Matthias, William McCully, Daniel Slavins, John Givins, Alexander Treat, Solomon Mitchell, John Amis, and Lincoln Amis. Of the early settlers, M. E. Testerman says: "The county was settled largely by immigrants from Virginia and North Carolina, and many of these were of the very best blood of the world, and no county in the state, population and area considered, has in the same length of time produced more men of worth and note than Hancock."

Hancock was one of the first counties in the state to establish a system of public schools, for which its people have always responded generously. This is one of the few counties in the state in which Melungeons [14] dwell.

Statistics of Hancock County: Population, 1920, 10,454. Assessed valuation of taxable property, 1921, $2,733,197. Area, 260 square miles. Number of farms, 1,820. Railway mileage, none. Drained by the Clinch River. Its surface is partly mountainous and covered with a fine growth of timber. It is rich in all kinds of minerals, including iron ore, lead, zinc, marble, granite, ochre, phosphates, coal and silver. Corn, wheat, oats and live stock are staple products. Sneedville, the county seat, has a population of about five hundred and is located on the Clinch River, fifty miles northeast of Knoxville. It has good churches, schools, bank, newspaper, and flourishing business houses. Scholastic population, 3,833; high schools, 1; elementary schools, 49.

HAWKINS COUNTY

Hawkins County was formed from Sullivan County by the State of North Carolina in 1786, while the State of Franklin was concurrently functioning. It was named for Benjamin Hawkins, who, as United States senator conjointly with Senator Samuel Johnston, executed, on February 25, 1790, the deed which transferred what is now Tennessee to the United States. Its early settlers came principally from North Carolina and Virginia, with some from Pennsylvania and a sprinkling from New England. The first settlements were made

[13] The constitution of the state prohibited the establishment of a new county whose line encroached within twelve miles of the county seat of the county from which any of the territory of the new county was taken.

[14] For an account of these strange people, see Chapter XXXII.

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JOHN ROSS HOUSE AT ROSSVILLE NEAR CHATTANOOGA

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in Carter's Valley about the time of the first settlements on the Watauga. Prominent among them were the Kincaids, Loves, Longs, Mulkeys, Carter and Parker, who established a store; Robert Lucas, Thomas Amis, who came about 1781 and built a stone house, a store, a blacksmith shop, a distillery, a saw mill and grist mill and kept a tavern; William Cocke, who settled at Mulberry Grove about 1780; Joseph McMinn, governor of Tennessee, 1815-1821; Peter Parsons, Orville Bradley, John A. McKinney, Pleasant M. Miller and Samuel Powell.

From the first they took a great interest in education. Notable teachers in the early days were: John Long, 1783; William Evans, 1784; James King, 1786; Samuel B. Hawkins, 1796.

Rogersville, the county seat, was established by the State of North Carolina, this being one of the last acts of the Legislature of that state prior to the act of cession in 1789. It was named for Joseph Rogers, the first settler at that place. The old Rogers tavern was one of the most famous taverns of the early days. Andrew Jackson and other notables made it their stopping place.

The Knoxville Gazette, the first newspaper published in Tennessee, was first issued in Rogersville by George Roulstone in 1791. The Railroad Gazette, the first newspaper devoted exclusively to internal improvement published in the United States, was established at Rogersville, in 1832.

Statistics of Hawkins County: Population, 1920, 22,918. Assessed valuation of taxable property, 1921, $12,741,069. Area, 490 square miles. Number of farms, 3,314. Railway mileage, 51. Drained by the Clinch River. Its surface is hilly and valleys very fertile. The county is covered with a growth of fine timber, including hardwoods, common to the South. Minerals found are iron, zinc, lead, barites, magnesia, iron pyrites, salt, marble. Corn, wheat, oats, grass and live stock are staple products. Fruit growing is developing into a profitable industry in the county. Poultry and dairy products are important industries. The Southern Railway passes through the southern portion of the county. The county has good roads, and many fine mineral springs. Rogersville, the county seat, on the Southern Railway, has a population of 1,402. Has good churches and schools, banks and newspapers, and many prosperous business establishments. Scholastic population of county, 9,620; high schools, 5; elementary schools, 95.

JEFFERSON COUNTY

Jefferson County was erected on June 11, 1792, by Wm. Blount when governor of the Territory South of the River Ohio. It was formed from portions of Greene and Hawkins counties and was named in honor of Thomas Jefferson. The first settlers came in 1783. Among them were: Robert McFarland, Alexander Outlaw, Thos. Jarnagin, James Hill, Wesley White, James Randolph, Joseph Copeland, Robert Gentry, James Hubbard, Matthew Wallace, James Roddye, Richard Rankin, Thomas Snoddy, Parmenas Taylor, Hugh Kelso, Adam Meek, and George Doherty, most of whom were prominently identified with the early history of Tennessee.

Dandridge, established in 1793, was selected for the county seat and the first Court of Pleas and Quarter Sessions was organized at the house of Jeremiah Matthews with the following magistrates in attendance: Alexander Outlaw, James Roddye, John Blackburn, James Lea, Joseph Wilson, Josiah Wilson, Andrew Henderson, Amos Balch and William Cox.

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The oldest church is the Hopewell Presbyterian Church, established in 1785.

Among the interesting records of Jefferson County is the record that, on October 22, 1805, David Crockett was licensed to marry Margaret Elder. However, after all the arrangements had been made Miss Elder refused to marry him. But it seems that the wound was not irremediable, for, on August 12, 1806, a license was issued to him to marry Polly Findley.

Statistics of Jefferson County: Population, 1920, 17,677. Assessed valuation of taxable property, 1921, $11,052,203. Area, 310 square miles. Number of farms, 2,209. Railway mileage, 22. Drained by the Holston and French Broad rivers. Surface marked by high ridges and fertile valleys. It has a fine timber growth, including the hardwoods. Iron ore and limestone are found in paying quantities. Wheat, corn, oats, grasses, fruits and live stock are staple products. The Southern Railway intersects the county. The county seat lies three miles north of the French Broad River. It has a population of 439, and is a flourishing town with good schools, churches, banks, newspaper, and commercial and manufacturing enterprises. Other towns are Mossy Creek and Jefferson City. Scholastic population of county, 6,555; high schools, 4; elementary schools, 66.

JOHNSON COUNTY

Johnson County was erected in 1836 out of a part of Carter County and was named in honor of Cave Johnson. It is the extreme eastern county of the state and is famous for its beautiful mountain scenery. F. C. Dougherty, in his article published in the Nashville American, of June 26, 1910, says:

> "Have you been up in Johnson, 'The Land of the sky,'
> Where a banquet of glory is spread for the eye,
> And the breezes that float o'er mountain's tall peak,
> Give back the invalid the rose to his cheek?"

The first settlement was made in 1770, or possibly a little earlier, as some investigators think that one Honeycut, whom James Robertson found on Roane Creek, near its confluence with the Watauga River, on his exploration trip from North Carolina, had preceded William Been.

At an early period Nathaniel Taylor also came to Roane Creek where he established iron works. He was an ancestor of Alfred A. Taylor and Robert L. Taylor and Taylorville, the first county seat, was named for him. Some years after the war between the states, Roderick R. Random, then state senator, succeeded in having the county seat changed to Mountain City.

The first session of the County Court was held on May 2, 1836, with the following magistrates: John Ward, Thomas Johnson, A. L. Wilson, Jared Arendill, J. W. Warren, Joseph Robinson, James W. Wright, A. Wilson, James Brown, Jesse Cole, Levi Heath, M. M. Wagner, John Dugger, Sr., and Philip Shull.

Statistics of Johnson County: Population, 1920, 12,230. Assessed valuation of taxable property, 1921, $4,037,685. Area, 340 square miles. Number of farms, 1,672. Railway mileage, 18. Watauga River drains a part of the county. Surface mountainous with fertile valleys. Grazing fine for sheep and cattle. Large part of the county is covered with a fine growth of timber. Corn, wheat, oats and grasses are staple products. Iron ore is found in the county. Moun-

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tain City, the county seat, has a population of 724, and is a flourishing town with good schools and churches, banks, weekly newspaper, and prosperous commercial establishments. Scholastic population of county, 4,067; high schools, 1; elementary schools, 42.

KNOX COUNTY

Knox County was erected on June 11, 1792, out of Greene and Hawkins counties and was named in honor of Gen. Henry Knox, secretary of war in Washington's cabinet. On the 16th of the same month, says Ramsey:[15]

"James White, John Sawyers, Hugh Beard, John Adair, George McNutt, Jeremiah Jack, John Kearns, James Cozby, John Evans, Samuel Newell, William Wallace, Thomas McCulloch, William Hamilton, David Craig, and William Lowry, presented a commission from Gov. Blount, appointing them Justices of the Peace for Knox county, and appeared before the Honourable David Campbell, Esq., who, in the presence of Gov. Blount, administered to each of them an oath to support the Constitution of the United States, and also an oath of office.

"Charles McClung also produced a Commission from the Governor, appointing him Clerk of Knox County, and he was in like manner qualified.

"Thomas Chapman, also, as Register.

"June 25.—Robert Houston, in like manner, commissioned and qualified as sheriff. * * *

"The first court held, was on the 16th of July, 1792. Present—James White, Samuel Newell, David Craig, and Jeremiah Jack. James White was appointed Chairman."

The following eminent men in the history of Tennessee were qualified and admitted to the practice of law in this court: Luke Bowyer, Alexander Outlaw, Joseph Hamilton, Archibald Roane, Hopkins Lacy, John Rhea and James Reese.

Knoxville, the county seat of Knox County, was founded, named and laid out in 1791. The date of the contract between James White, the founder of Knoxville, and the commissioners on behalf of the purchasers of lots was October 3, 1791. But it was not until February, 1792, that much improvement was undertaken and June 11, 1792, is the date of the founding of Knoxville. Before the contract was made with the purchasers of the lots and the naming of the town as Knoxville, this place was called White's Fort, which was a frontier stronghold.

There were two eminent men, named James White, in early Tennessee history, and, as they were contemporaneous for a time, they are frequently mistaken for each other even by historians.

One of these notable characters was Dr. James White, of Davidson County, who was chosen as the territorial representative in Congress, and the other was Gen. James White, founder of Knoxville and father of Hugh Lawson White.

General White donated the land upon which was located Blount College,[16] the First Presbyterian Church and the adjoining cemetery.

When Wm. Blount received his commission as governor of the Southwest Territory, on August 7, 1790, he immediately left for the scene of his future activities, and, in the autumn of that year, made his residence at the home of William Cobb, in the fork of the Holston and Watauga rivers. Here were

[15] "Annals of Tennessee," p. 568.

[16] Named in honor of Governor Wm. Blount, chartered in 1794, later named East Tennessee University and now the University of Tennessee.

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his court and his capital until 1792, when he made Knoxville the capital of the territory.

When Tennessee became the sixteenth state of the Union in 1796, Knoxville was made the capital. Section 1, of Article X, of the first constitution of the state, adopted in 1796, reads: "Knoxville shall be the seat of government until the year one thousand eight hundred and two." It continued as the capital, however, until 1807, when the Seventh General Assembly met at Kingston, but adjourned to Knoxville after two days. Knoxville remained the capital until 1813 when the Legislature met at Nashville for the first time. The only time subsequently when Knoxville was the capital was when the Legislature met there in 1817.

Statistics of Knox County: Population, 1920, 112,926. Assessed valuation of taxable property, 1921, $119,642,106. Area, 612 square miles. Number of farms, 3,969. Railway mileage, 120. Drained by the Tennessee and its tributaries. The farms are very rich and productive along these streams and in the other valleys. Improved valley lands range between $50 and $150 per acre. Fine macadamized roads reach every section of the county. Lands around Knoxville are well adapted to truck farming. All kinds of early vegetables are grown and find a ready market and are shipped north. Knoxville, the county seat, with a population of 77,718, is one of the most enterprising and flourishing cities in the state, is the seat of the State University and there are many other fine schools. It has many manufacturing and industrial establishments, splendid banking institutions and a large jobbing trade with the eastern section of the state and with Kentucky and other states. Many fine marble quarries are operated in the vicinity of Knoxville, the quality of the marble being such that it is in demand all over the country. Railroads entering the city are the Southern, the Louisville & Nashville, and the Knoxville, Sevierville & Eastern. Knoxville has two daily newspapers and several class publications. The scholastic population of the county is 42,995; high schools, 15; elementary schools, 101.

LOUDON COUNTY

Loudon County was erected on May 27, 1870, from parts of Roane, Monroe, and Blount counties and was named in commemoration of Fort Loudon which, in turn, was named for the Earl of Loudon, commander-in-chief, in 1756, of the British forces in America and governor of Virginia. It lies on both sides of the Tennessee about twenty-nine miles southwest of Knoxville. This county was established in accordance with especial provisions embodied in Section 4, of Article X, of the Constitution of 1870.

Early settlers were Henry Bogard, Jacob Gardengill, John Browder, Benjamin Prater, William B. Lenoir, James Blair, William Blair, Jesse Eldridge, and Simeon Eldridge.

The Presbyterians erected the first church in this county. Its pastor in 1823 was Dr. Isaac Anderson, a teacher of Sam Houston.

Statistics of Loudon County: Population, 1920, 16,275. Assessed valuation of taxable property, 1921, $10,018,424. Area, 256 square miles. Number of farms, 1,396. Railway mileage, 29. Drained by the Little Tennessee River. Surface is hilly but soil fertile. There is a fine timber growth in the county. Good opportunities in the county for marble and furniture industries. The

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FARRAGUT CABIN, KNOXVILLE

Removed from original site at Lowe's Ferry about eight miles from Knoxville to Chilhowee Park during National Conservation Exposition

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county is intersected by the Southern Railway. Loudon, the county seat, has a population of about 1,000, is a flourishing town on the Southern Railway and the Tennessee River, and has splendid schools, churches, weekly newspaper, manufacturing establishments, and stores, bank, etc. Lenoir City, with a population of 4,210, has several manufacturing establishments, including car works, and is a prosperous town. Scholastic population of the county, 5,488; high schools, 4; elementary schools, 38.

MCMINN COUNTY

McMinn County was created on November 5, 1819, out of lands ceded by the Cherokee Indians to the United States in that year, and was named for Joseph McMinn, who was governor at that time.

McMinn, Monroe and Bradley counties embraced the largest and best portions of the land thus ceded.

"A new judicial circuit was established in lower East Tennessee, composed of seven counties, of which McMinn was one, and the Hon. Charles F. Keith, then a leading lawyer of Jefferson County, Tennessee, was elected the first judge, and held the first Circuit Court in the county, at the house of John Walker, in the town of Calhoun, on the Hiwassee River, fourteen miles southwest from Athens, the present county seat, on the first Monday of March, 1820." [17]

Maj. John Walker was part Cherokee and laid off the town of Calhoun on land allotted him and named it for John C. Calhoun. In 1821-1822 the Town of Athens was laid off and, in 1823, the courts of the county were moved there. Noted members of the Athens bar were: Return J. Meigs, Spencer Jarnagin, Thomas Campbell, later clerk of the House of Representatives in Congress, and J. W. M. Brazeale, the historian.

Early settlers in McMinn County were: A. R. Turk, E. P. Owen, John Cowan, George Colville, and Eli Sharp.

After he had served his third successive term as governor, McMinn was appointed agent to the Cherokee Indians and, on his death, was buried in the yard of the Presbyterian Church at Calhoun which was built in 1823.

A pretty romance is told of the marriage of Miss Emily Meigs, daughter of Return J. Meigs, to the son of John Walker. The young man was very handsome but as he had Cherokee blood, her father opposed the union. So they eloped. But, as he was a Cherokee chief, he was compelled to placate his people by espousing an Indian girl, named Nancy Bushyhead. He was murdered by two Indians as he was returning from the council which decided upon the Cherokee cession.

John H. Reagan, postmaster-general of the Confederacy, who also achieved renown in Texas, and Senator John T. Morgan, of Alabama, were natives of McMinn County.

Statistics of McMinn County: Population, 1920, 25,133. Assessed valuation of taxable property, 1921, $11,063,543. Area, 452 square miles. Number of farms, 2,654. Railway mileage, 56. Drained by the Hiwassee River and tributaries. Fine growth of timber and soil very fertile in the valleys. The Louisville & Nashville and Southern railways intersect the county. Corn, wheat, oats, grasses are staple products. The county has a fine system of public highways.

[17] Killebrew's "Resources of Tennessee," p. 580.

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Athens, the county seat, has a population of 2,580, and is on the Southern Railway fifty-five miles northeast of Chattanooga and fifty-five miles from Knoxville. It has a fine electric light plant, splendid churches and schools, including a branch of the University of Chattanooga, two newspapers, flour mill, two box factories, roller mill, hosiery mills, table and chair factory, two planing mills, concrete tile plant, etc. Etowah, with a population of 2,516, is on the main line of the Louisville & Nashville Railroad sixty miles south of Knoxville. It is headquarters of the Atlanta Division of the Louisville & Nashville Railroad. This town is fourteen years old and has had the most remarkable growth of any town in the state. Etowah has two banks, one newspaper, fine electric light plant and water plant, manufacturing and commercial establishments, and is in a rich agricultural section. Scholastic population of the county, 8,858; high schools, 6; elementary schools, 97. Other towns in McMinn: Riceville, Calhoun, Niota, Englewood, each of which has a bank.

MARION COUNTY

Marion County was erected in 1817 out of the Cherokee lands and was named for Gen. Francis Marion. It was organized in 1818 at the town of Liberty which remained the county seat until 1820 when it was removed to Jasper.

Marion County is noted for its mineral springs and for its coal and iron deposits.

Statistics of Marion County: Population, 1920, 17,402. Assessed valuation of taxable property, 1921, $12,448,090. Area, 500 square miles. Number of farms, 1,037. Railway mileage, 68. Drained by the Tennessee and Sequatchie rivers. Surface broken by high ridge running parallel with Cumberland Mountains. Soil is fertile and there is a fine timber growth. Staple products are corn, wheat, cotton, oats, hay and live stock. Coal is mined in considerable quantity. Jasper, the county seat, with a population of 728, is situated on the Sequatchie River and the Nashville, Chattanooga & St. Louis Railway, and has good churches, schools, weekly newspaper, and prosperous business establishments. South Pittsburg, with a population of 2,356, and Whitwell are other flourishing towns. Scholastic population of county, 6,981; high schools, 3; elementary schools, 58.

MEIGS COUNTY

Meigs County also was carved out of the territory ceded to the United States by the Cherokees in 1819. It was erected by act of the Legislature in 1836 and named for Return J. Meigs. This treaty is frequently spoken of as the Hiwassee Purchase. Meigs County was formed from parts of Rhea, Roane, Hamilton and McMinn counties.

Some romantic interest attaches to this county in connection with Sam Houston as it is supposed to have been the home of Chief Jolly of the Cherokees who adopted Sam Houston and with whom Houston spent much time when a boy. It is a tradition that the chief's home was on Jolly's Island at the mouth of Hiwassee River.

Under the treaty of 1819 the country north of Hiwassee River was opened to settlement and was attached to Rhea County until 1836. As the Tennessee

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River then divided Rhea County, an unsuccessful effort to create a new county had been made some years previously. Hon. Miles Vernon was a resident of what is now Meigs County and, being a member of the state Senate, became an active and finally successful advocate of the creation of the county desired. The act, as originally passed by the Senate, named the new county Vernon, in honor of Senator Vernon, and the county seat Reagan, after James Reagan, senator from McMinn County. The House of Representatives, however, changed these names and, during the discussion the name Dekalb was suggested for the county; but finally agreement was arrived at on Meigs for the county, and Decatur, in honor of Commodore Stephen Decatur, for the county seat.

The act which created the county was approved January 21, 1836, and the first County Court was organized on May 2, 1836, at the house of John Stewart, three miles north of the present county seat, which was later located by commissioners appointed by the Legislature on May 16, 1836. This action took place at the residence of James Lillard and the site itself was on land donated by him and by Leonard Brooks. Money for erecting the first county buildings was raised by the sale of lots, and the expense in connection with the sale was $49.50, of which $1.50 was for "liquor furnished by West at divers times."

Statistics of Meigs County: Population, 1920, 6,077. Assessed valuation of taxable property, 1921, $2,056,327. Area, 200 square miles. Number of farms, 935. Railway mileage, none. Drained by the Tennessee and Hiwassee rivers. Hiwassee River and valley lands are very fertile. Corn, wheat, oats, hay and live stock are staple products. Decatur, county seat, has a population of 142, and has a weekly newspaper, bank and flourishing commercial establishments. Scholastic population of county, 2,072; high schools, 1; elementary schools, 32.

MONROE COUNTY

Monroe County was erected in 1819 out of the Hiwassee Purchase and was named for President Monroe. At the time of the cession and for a long period of time previously the territory now in this county contained the old Indian towns of Chota, Tellico, Citico and Toqua. Fort Loudon was erected in 1756 at the junction of the Tellico and Little Tennessee rivers. This was the first structure erected in Tennessee by Anglo-Americans.[18]

In 1825, at public sale of lands, the first sheriff, John McCroskey, and James Montgomery bought farms and the son of the latter, M. J. C. Montgomery, was the first man in the United States to saw slanting fence posts.

Among the first settlers were: Samuel McSpadden, William Williams, William Ainsworth, Michael Carroll, William Bradley, James Axely, William Neal, Daniel Heiskell, Rev. Robt. Sneed, Hugh H. Gregory, Alexander Biggs, Pressly Cleveland, Finley Gillespie, and Iredell Wright. Joseph B. Heiskell, who became attorney-general of the state, studied law under Gillespie. Judge D. M. Key,[19] also, was born in this county.

The first court was held at Morgantown (now in Loudon County). The next court was held at Henderson's, three miles east of Madisonville, the present county seat, which was named for President Madison, and was established

[18] Ramsey's "Annals of Tennessee," pp. 51-53, 66, 85.
[19] Postmaster-general in President Hayes' cabinet.

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probably in 1822, although some authorities say the site "was selected and a town platted in 1827."

Henderson & Johnson established in 1832, at Madisonville, an enterprise for the publication of "Dr. Gunn's Domestic Medicine," which enterprise attained somewhat large proportions for that day. It also published a few other books.

The enterprising Town of Sweetwater had its beginning in 1852 in which year Newton Haun erected its first building.

The notable historical institutions of learning of the county are: Bolivar Academy, established following the compact of 1806; Hiwassee College, chartered in 1847, of which Dr. Robert Doak was the first president, from which many able men have gone forth; and Sweetwater College, of which the eminent Dr. J. L. Bachman was the head for more than twenty-five years. About twenty years ago it was converted into the Tennessee Military Academy, a large and flourishing institution.

Besides the notable men already mentioned Monroe County has produced the following who have been or are now eminent in various lines of endeavor: Gideon Morgan, Gen. John C. Vaughn, who had a noteworthy record in the Confederate army; John L. Hopkins, an attorney; Prof. S. G. Gilbreath, state superintendent of public instruction under Governor Turney, and now superintendent of the East Tennessee State Normal School, at Johnson City; Dr. J. H. Brunner, for many years president of Hiwassee College.

Statistics of Monroe County: Population, 1920, 22,060. Assessed valuation of taxable property, 1921, $11,916,448. Area, 580 square miles. Number of farms, 2,474. Railway mileage, 40. Monroe County joins North Carolina. Drained by Tellico and Little Tennessee rivers. The eastern portion is mountainous and covered with valuable timber. The soil is fertile, the principal products being corn, wheat, potatoes, grasses and live stock. The county has a good system of graded roads and a good mileage of hard surface roads. Iron ore, copper, barites and gold are found in the mountainous portions of the county. In the Coker Creek territory gold is found in places and quartz ledges and has been successfully mined, $80,000 having been taken off less than one acre. The Louisville & Nashville and the Southern Railway enter the county. Madisonville, the county seat, has a population of 850, is on the Atlantic Division of the L. & N. forty-five miles from Knoxville, and has two banks, one weekly newspaper, flouring mills, lumber plant, good schools and churches. Sweetwater, on the Southern Railway, has a population of 1,972, one weekly newspaper, two banks, barites mill, flour mill, planing mill, woolen mill, good schools and churches, and flourishing mercantile establishments. Tennessee Military Academy is located at Sweetwater. Tellico Plains has a population of 1,220, two banks, two lumber manufacturing plants, one tannic acid plant, roofing slate plant, and several stores. Scholastic population of county, 8,034; high schools, 4; elementary schools, 80.

MORGAN COUNTY

Morgan County was erected in 1817 from Roane County and was named for Gen. Daniel Morgan. The first county seat was at Montgomery. Later Wartburg was selected. It is said that the first settler was Samuel Hall who located in 1807 about seven miles northeast of Wartburg. Other early comers

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were: Martin Hall, Joseph Stonecipher, Benjamin Stonecipher, Michael Stonecipher, Ezra Stonecipher, John M. Staples, Elijah Reese, Titus England, John Freels, Royal Price, William Shoemaker, Matthias Williams, Ephraim Davis, Morgan Hendricks, John Webb, Littleburg Brient, Lewis Rector, John Craig, and Basil Human.

Wartburg, the county seat, was settled by an enterprising and thrifty colony of Germans, who proved to be industrious and intelligent and did much for the material and educational interests of the county. The first term of the County Court was held in January, 1818.

Morgan County contains great wealth in timber and coal; but most of the land suitable for cultivation is in the valleys.

The state possesses coal lands at Petros, the mines of which are worked by the convicts of the branch prison at that place.

That unique settlement called the Rugby colony was established in the northwestern part of the county. Its first name was The Board of Aid to Land Ownership when it was organized by Boston people in 1877 and was changed three years later to Rugby colony when the celebrated English author, Thomas Hughes, and other English capitalists became interested. Mr. Hughes opened the colony on October 5, 1880. They bought large tracts of land also in Scott and Fentress counties.

Morgan County statistics: Population, 1920, 13,285. Assessed valuation of taxable property, 1921, $7,724,137. Area, 448 square miles. Number of farms, 1,251. Railway mileage, 61. Drained by Emory and Obed rivers. Its surface is hilly and well timbered with oak, chestnut and pine. Corn, grasses and live stock are staple products. Fruit growing is a paying industry. Large deposits of coal are found in the county. The Cincinnati Southern Railway intersects the county. Wartburg, the county seat, has a population of about five hundred, has a weekly newspaper, bank and general stores. Scholastic population of county, 4,453; high schools, 4; elementary schools, 51.

POLK COUNTY

Polk County was created on November 28, 1839, from parts of McMinn and Bradley and named for President (then Governor) James K. Polk. The county seat "to be called Benton in honor of the Hon. Thomas H. Benton, a senator in the Congress of the United States," was selected by vote of the people on February 8, 1840.

Settlements were made in 1836, the first town being Columbus, where the County Court met on May 4, 1840. In August, 1840, the court met for the first time at Benton, which had been laid out on the McKamy farm. The Federal road from Knoxville to Cassville, Ga., passed through Polk County. Among the early settlers were: W. W. Biggs, Nelson Lawson, Abraham Lillard, Thomas Jones, R. W. McClary, Early Boyd, William Higgins, Michael Hildebrand, A. R. Stephenson, and John N. Taylor.

Ocoee Academy, a school for boys, was established at Benton, in 1844.

In mineral resources Polk is one of the richest counties in the state. In 1850 copper was discovered in the Ducktown basin, a low grade copper, but of unknown depth and seemingly in inexhaustible quantities. Mixed with the ore is sulphur and, for years, the fumes thrown off in the process of reduction destroyed vegetation for many miles around and caused a suit to be entered

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by the State of Georgia against the State of Tennessee. Only a few years ago, however, the method of saving the sulphur fumes and, with them, of producing sulphuric acid, a valuable by-product, has eliminated the former destruction of all vegetable growth. One of the most remarkable exhibits made by the State of Tennessee at the World's Fair at St. Louis was the copper ore furnished by the Tennessee Copper Company which exhibit was secured for the state by Mr. A. P. Foster. The Ducktown Company is another very large corporation engaged in the production of copper. But copper, although the most valuable, is not the only mineral found in Polk County. No less than one hundred different minerals have been discovered in it, among them ten kinds of iron ore, gold, lead, graphite, lithograph stone, garnet, sulphur, granite, sandstone, quartz, manganese, limestone, talc, fluorspar, slate and marble.

Statistics of Polk County: Population, 1920, 14,243. Assessed valuation of taxable property, 1921, $16,883,592. Area, 400 square miles. Number of farms, 951. Railway mileage, 68. Drained by Hiwassee and Ocoee rivers. The surface is mountainous and well timbered. Grazing for cattle and sheep is abundant. Extensive copper mines are operated in the county by the Ducktown Copper Company and the Tennessee Copper Company, the output being large. Lead is also found in the county, and there are large quarries of gray limestone. Corn, wheat, grass and live stock are the principal products. The Louisville & Nashville Railroad traverses the county. Benton, the county seat, with a population of 525, is on the L. & N. three miles south of the Hiwassee River. It has good schools and churches, a weekly newspaper, bank and general stores. Ducktown is the seat of the copper industry, and has a population of 3,500. Copper Hill is another flourishing town. Scholastic population of county, 5,431; high schools, 3; elementary schools, 41.

RHEA COUNTY

Rhea County was erected on December 3, 1807, from Roane County, and named for John Rhea,[12] a member of Congress from Sullivan County, Tennessee, from 1803 to 1823. The Cherokees had relinquished their claim to the lands in the county by treaty in 1805.

In January, 1808, the first County Court was organized at Big Springs, in the home of William Henry, about three or four miles north of Dayton. James Campbell was elected chairman; Daniel Rawlings, clerk; Miller Francis, sheriff; Thomas Woodward, coroner; Alex. Ferguson, register; Joseph Brooks, trustee; Thomas G. Brown, ranger; William Brown, solicitor. The justices at the time of organization were: James Campbell, Jonathan Fine, Abraham Howard, John Henry, Joseph Brooks, Daniel Rawlings, and William Long.

On February 12, 1812, a committee, appointed to select the county seat met at the home of Judge David Campbell and chose Washington at the head of Spring Creek. The site for the courthouse was on a grant of land owned by Richard G. Waterhouse, but Judge Campbell, having a claim upon a part of the grant, made a deed to the commissioners. The first courthouse was built in this year. The first Circuit Court was held in 1810.

[12] It was John Rhea's testimony which exculpated Andrew Jackson in his controversy with the Monroe administration over his authority to enter Florida in the Seminole war.

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Dayton, the present county seat, was previously Smith's Cross Roads, and grew to a town of 3,000 inhabitants in three years after a company of English capitalists, headed by Sir Titus Salts, located great iron furnaces in Rhea County in 1884.

Famous educational institutions of Rhea County are: Mars Hill School, afterwards changed to Tennessee Academy; Lorraine School; Tennessee Valley College; Dayton Masonic College; Dayton University.

Early settlers were: James C. Mitchell, teacher of Hopkins L. Turney, father of Governor Peter Turney; John Hackett, a famous land speculator; John Locke, cashier of the loan office of the old Bank of Tennessee; James Roddye, the Cash family, Heiskells, Capt. J. H. Johnson, Captain Cawood, the Robinsons, Holloways, Frank Marsh, and the Foust brothers.

Statistics of Rhea County: Population, 1920, 13,812. Assessed valuation of taxable property, $8,947,220. Area, 360 square miles. Number of farms, 1,201. Railway mileage, 32. Drained by the Tennessee River. Surface partly mountainous. Cattle, corn, wheat, grass and fruits are staple products. There has been remarkable development and advance in the cultivation of small fruits, a large annual business being done in the shipment of strawberries. This county is noted for its fine apples. Coal and iron ore are found in the county, and there are fine forests of marketable timber. The county is traversed by the Cincinnati Southern Railroad. Dayton, the county seat, has a population of 1,701. It is on the Cincinnati Southern Railroad, thirty-eight miles from Chattanooga. It is a flourishing town, with good business houses, churches, schools, weekly newspapers, banks, and several manufacturing establishments. Spring City and Grand View are flourishing towns with good schools. Scholastic population of county, 5,246; high schools, 4; elementary schools, 50.

ROANE COUNTY

Roane County was erected November 6, 1801, and was formed from Knox County. It was named for Judge Archibald Roane, governor, 1801-1803. After the Hiwassee Purchase, Roane County was extended on the south side of the Tennessee River and Morgan County was taken from it.

On November 30, 1793, a blockhouse was completed by John Sevier at Southwest Point, a station established in 1721, near Kingston, which was of great service to travelers and settlers as a protection against the Indians.

Capt. W. E. McElwee, of Rockwood, is authority for the following statement concerning the early history of this section: "In 1799 the Legislature then in session in Knoxville passed an act, 'To establish a town to be named Kingston, on the lands of Robert King, near Southwest Point, in Knox County—to be laid out under the direction of David Miller, Alexander Carmichael, George Preston, John Smith, William L. Lovely, and Thomas N. Clark.' Later a petition was sent to the Assembly to create a new county, with Kingston for the county seat. This was done November 6, 1801. It was named in honor of Archibald Roane. There were in the county 275 men capable of bearing arms, organized into six companies. Only eight men were unable to sign their names to the muster rolls. Forty-two of them had been Revolutionary soldiers, among them Captain Walker, who had commanded the bodyguard of Light Horse Harry Lee."

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The road running from the Clinch River to the Cumberland settlements, built in 1785, passed through Roane County. When Knoxville became the capital of the Southwest Territory in 1792, the road was extended to that point. In 1822 it became a twice-a-week state route, running through the main street of Kingston. At that time Kingston was a very important point. Its inns were stopping places for Jackson, Sevier and other noted men of those days. On Monday, September 21, 1807, the Legislature met at Kingston, but adjourned to meet at Knoxville on Wednesday, September 23d.

Early settlers were: Dr. Daniel Rather, Thomas C. Childress, William French, David Patton, Thomas Brown, quartermaster for the garrison at Southwest Point; Gen. John Brown, owner of extensive lands, and William Brown, an eminent lawyer. Gen. John Brown was the first sheriff of Roane County. The Court of Pleas and Quarter Sessions was organized on December 20, 1801, at the home of Hugh Beatty, at which time the following magistrates were qualified: William White, Samuel Miller, Hugh Nelson, Paul Harlson, Zacheus Ayer, George Preston, William Campbell, James Preston, Isham Cox, William Barnett, George McPherson, and Abraham McClelland.

Early lawyers were: John Purvis, James McCampbell, W. C. Dunlap, J. W. Brazeale, J. Y. Smith, and I. Hope.

Soldiers from this county in the Creek war and the War of 1812 were: John Loyd, Daniel Wester, Uriah Allison, Tom Margrave and John Morrison. Sam Houston was a clerk in a store in Kingston when he enlisted as a soldier in the Creek war.

Rittenhouse Academy was one of the twenty-seven academies established in Tennessee in accordance with the terms of the compact of 1806. It educated many prominent men and women. For many years its principal was a Prussian of high birth, named H. W. von Aldehoff. He married a sister of Judge James Sevier, a grandson of John Sevier. Afterwards he established a celebrated school on Lookout Mountain and later moved to Dallas, Texas.

Statistics of Roane County: Population, 1920, 24,624. Assessed valuation of taxable property, 1921, $14,239,879. Area, 450 square miles. Number of farms, 1,687. Railway mileage, 89. Drained by Tennessee River and tributaries. Surface mountainous and covered with fine forests of timber. Soil fertile in valleys and river bottoms. Mineral resources are iron ore, coal and building stone. Staple products are corn, wheat, grass and live stock. Fine county for orchards and vineyards. The strawberry industry has been developed in the county. The county has a fine system of public highways. Kingston, the county seat, with a population of 516, is a flourishing town with good schools, churches, bank and weekly newspaper. Harriman, with a population of 4,019, has fine schools and churches, banks, newspapers, and several manufacturing establishments. Rockwood, with a population of 4,652, is an iron and coke center and gives employment to a large number of people in these industries. It has fine schools and churches, banks, weekly newspaper and manufacturing establishment. Scholastic population of county, 8,618; high schools, 5; elementary schools, 57.

SCOTT COUNTY

Scott County was erected on December 17, 1849, out of parts of Anderson, Campbell, Fentress and Morgan counties, and was named for Gen. Winfield S.

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Scott. It was surveyed by Sampson Stanfield. By the act creating it a board of commissioners was appointed consisting of Wm. Titwood, W. W. Cotton, Wm. Massengale, Drury Smith, John Tipton, Wm. Rich, Thos. Lawson, Wm. Carney, and J. W. Kerns. This board appointed the following committee to locate the county seat: Isaac Reed, Baily Buttram, Jas. Litton, Riley Chambers, and Henry Massengale. They located the county seat at Huntsville, named in honor of a hunter of the early days whose name was Hunt.

The first election was held on March 2, 1850, and the following officers were elected: John Lewallen, sheriff; Allen McDonald, County Court clerk; John L. Smith, Circuit Court clerk; Isaac Reed, trustee; Riley Chambers, register.

The first court was held in July, 1850, by Judge Alexander and Attorney-General David H. Cummings.

The first courthouse was erected in 1851 and was used until 1874, when a new courthouse was built. This, in turn, was superseded by the third which was built in 1906.

Statistics of Scott County: Population, 1920, 13,411. Assessed valuation of taxable property, 1921, $7,170,922. Area, 620 square miles. Number of farms, 1,344. Railway mileage, 70. Drained by the tributaries of the Cumberland River. Surface hilly and covered with fine forests. Staple products are corn, grass and live stock. Considerable attention is given to the production of small fruits. Fine fire clay deposits are found. Huntsville, the county seat, with a population of about five hundred, has good schools, churches, a weekly newspaper, and flourishing business establishments. The chief town in the county is Oneida, on the Cincinnati Southern Railroad, with a population of 943. A railroad is being extended from Oneida into Fentress County. Helenwood is another flourishing town. Scholastic population of county, 5,411; high schools, 5; elementary schools, 61.

SEQUATCHIE COUNTY

Sequatchie County was erected in 1857, out of Hamilton County, and was named for Sequatchie Valley and the Sequatchie River. It is traversed by the Sequatchie Valley which is very fertile. This county is rich in deposits of coal and iron. The county seat is Dunlap.

Statistics of Sequatchie County: Population, 1920, 3,632. Assessed valuation of taxable property, 1921, $2,168,407. Area, 250 square miles. Number of farms, 339. Railway mileage, 14. Drained by the Sequatchie River and intersected by the Sequatchie Valley. Soil in the valleys is very fertile. One of the best grape producing sections in the South. Fine hardwoods are found. Mineral resources are limestone, coal and iron ore. Corn, wheat, oats, grass and live stock are staple products. Fine grazing lands for cattle. Traversed by the Nashville, Chattanooga and St. Louis Railway. Dunlap, the county seat, has a population of 1,465, and is a flourishing town with good schools, churches, business establishments, and a weekly newspaper. Scholastic population of county, 1,584; high schools, 1; elementary schools, 13.

SEVIER COUNTY

Sevier County was erected by the Territorial Assembly, on September 27, 1794, out of Jefferson County, and was attached to the district of Hamilton.

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It was named for John Sevier as was the county seat, Sevierville. The settlement of Sevier County began in 1783, when pioneers built a fort on Dumplin Creek and soon held a friendly conference with the Cherokee Indians. Maj. James Hubbard, whose family in Virginia had been murdered by the Shawnees, and who was an implacable enemy of all Indians, attended and attempted to intimidate the Cherokees. His efforts were thwarted by Capt. (afterwards General) James White.

Among the early settlers were: William Cannon, Jacob Huff, Samuel Blair, Allen Bryant, Peter Bryant, Joshua Gist (judge of the Supreme Court of the State of Franklin), Thomas Bucking, who built the first brick house in the county eight miles south of Sevierville, and Isaac Thomas, a giant.

After the collapse of the State of Franklin, in 1788, the people who had been permitted by the Indians to locate in the region south of the French Broad River, which included what is now Sevier County were ignored by the governor of North Carolina. Being technically trespassers upon the lands of the Indians, in their emergency they set up a government of their own which was the fourth independent government established in the State of Tennessee. This government continued until 1792 when Jefferson County was organized by Governor William Blount.

Sevierville was laid off in 1795. Only a few sessions of the court were held before the admission of the state into the Union. The first court after that event was held on July 4, 1796. The following magistrates were present: Samuel Newell, Joshua Gist, Joseph Wilson, Andrew Cowan, Jesse Vance, Robert Pollack, Peter Bryant, M. Lewis, John Clack, Robert Calvert, Adam Wilson, James Riggin, Alexander Montgomery, Jesse Griffin, Isom Green, James P. H. Porter and Lewis Renan.

The first white child born in the county was Nancy Rogers, who married James P. H. Porter. Her name was bestowed on Nancy Academy, for the establishment of which the Legislature in 1813 authorized the holding of a lottery. Geo. W. Pickle, state attorney-general and reporter, was a resident of Sevierville in 1869.

Statistics of Sevier County: Population, 1920, 22,384. Assessed valuation of taxable property, 1921, $8,840,827. Area, 560 square miles. Number of farms, 3,450. Railway mileage, 36. Drained by the French Broad River. Surface mountainous and partly covered with fine timber. Soil in valleys is rich and fertile. Fine limestone is quarried in the county. Staple products are wheat, corn, grass and live stock. Grazing for live stock is abundant. Sevierville, the county seat, with a population of 776, is on the Little Pigeon River and the Knoxville, Sevierville and Eastern Railroad, thirty miles from Knoxville. It had good schools, churches, two weekly newspapers, banks and general stores and manufacturing establishments. Scholastic population of county, 8,503; high schools, none; elementary schools, 99.

SULLIVAN COUNTY [20]

Sullivan County, the second county formed in Tennessee, was created by the State of North Carolina in 1779, after a survey had shown that it was in this state and not in Virginia as had theretofore been thought. It was named

[20] A large part of the facts herein stated are taken from "Historic Sullivan," by Oliver Taylor.

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for Gen. John Sullivan. With the exception of a small strip, Sullivan County was not, therefore, a part of Washington District when this district was created, but at that time was claimed by Virginia and was recognized as a part of that state.

Among the early settlers were John Rhea, Gen. Geo. Rutledge, who commanded a company at King's Mountain, Gen. Geo. Maxwell, Col. David Looney and Richard Netherland, the Kings, Thomases, Dulaneys, Delaneys, Rutledges, Massengills, Snodgrasses, Snapps, Taylors, Senekers, Coxes, Bachmans, Bushongs, Andersons, Easleys, Cowans, Pyles, Bookers, Akards, Odells, Fains, Gaineses, Rollers, and Crosses.

The claim is made by the people of Sullivan that the first permanent settlements in what is now Tennessee were made by John and Thomas Sharpe in 1765, who located in the Holston Valley and soon thereafter Joseph Martin, who had been with Dr. Thomas Walker on his early pathfinding expedition, made his home near Kingsport, and that Thomas Henderson, John Womack, and the father of David Crockett came soon afterward.

In 1771, Evan and Isaac Shelby came, built a fort and opened a general store where the City of Bristol now stands, partly in Virginia, partly in Tennessee.

Near the present site of Kingsport was Fort Patrick Henry, named, of course, for the American patriot and orator, who was governor of Virginia at the time. From this fort John Donelson and his fellow argonauts sailed on their long and perilous journey down the Tennessee on December 22, 1779. Near here, too, was fought the Battle of Island Flats, on July 20, 1776, against the Cherokee Indians under Chief Dragging Canoe, in which the Indians were routed with severe loss. In this battle distinction was won by Capt. James Shelby, Lieut. Robt. Davis, Robert Edmiston, John Morrison and Isaac Shelby. The last named, a volunteer, without authority gave an order which was obeyed, and was the means of gaining the victory.

Early educational institutions were King's College at Bristol; Jefferson Academy and the Masonic Institute at Blountville. Dr. J. D. Tadlock was for many years the learned and beloved president of King's College. Among other leading educators may be mentioned: George Wilhelm, Archimedes Davis, J. H. Catron, Dr. A. J. Brown, Rev. T. F. Summers, Rev. John King, Rev. W. B. Gale, J. H. Seneker, Wm. Daily, and James Snapp.

Among the brilliant legal lights should be given the following: Wm. Blount, Wm. Cocke, John Netherland, Matt Haynes, Wm. Deaderick, C. J. St. John, and John Fain.

Statistics of Sullivan County: Population, 1920, 36,259. Assessed valuation of taxable property, 1921, $25,577,079. Area, 410 square miles. Number of farms, 3,314. Railway mileage, 51. Drained by the Holston river and the head waters of the Tennessee river. Fine forests of timber. Soil is fertile. Fine deposits of iron ore, and limestone. Staple products are fruits, wheat, corn, oats, grasses, live stock, poultry, eggs and butter. Blountville, the county seat, is nine miles southwest of Bristol and has a population of about 400, and it has good schools and churches, bank and flourishing business establishments. Bristol is in the center of a territory rich in mineral deposits. The Tennessee section of the city has a population of 8,047 and is 131 miles from Knoxville. It is an up-to-date city with all modern conveniences. Five railroads enter the city, including the Southern, and the Norfolk & Western. Bristol has large

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lumber interests, a large tannery, and a large number of manufacturing establishments. A large iron furnace is located here. The city has daily and weekly newspapers, fine schools and churches, and good hotels and mercantile establishments. Kingsport, with a population of 5,692, is a new industrial town in Sullivan County. It is only a few years old, and before and during the World war it employed several thousand in the various industries, which include a dye plant, cement plant, brick making plant, a printing plant, and several other industries. During the war some of the plants were used in the manufacture of munitions. Some of the plants are now closed down. Scholastic population of county, 11,463; high schools, 6; elementary schools, 77.

UNICOI COUNTY

Unicoi County was erected on March 19, 1875, out of Washington and Carter counties, and was named for the Unicoi mountain. The name "Unicoi" means White. Section 16 of the act creating this county says: "that for the purpose of organizing the county of Unicoi, Wm. Tillson, Esq., Chas. Bean, Josiah Sams, James V. Johnson, Wm. McInterf, David Bell, Franklin Hannum, Richard N. Norris, and Thos. Wright shall be, and they are hereby appointed commissioners on the part of the several fractions in which they reside."

Unicoi County was attached to the first judicial court.

The first county court was organized on January 3, 1876, with the following named magistrates present: Henry McKinney, A. E. Briggs, D. T. O'Brian, B. W. Woodward, M. C. Burchfield, Isaac Gilbert, Alexander McInturf, G. F. Tompkins, James M. Norris, R. B. Hensley, R. L. Rowe, Alexander Masters, J. M. Anderson, Wm. Parks, G. Garland, J. S. Yader, Wm. McInturf, and Baptist McNabb.

The county seat was first named Vanderbilt, which name was retained until 1879 when it was changed by the Legislature to Ervin. By an error the post-office department of the government spelled it Erwin, which spelling it still retains.

Early settlers were: Jesse Brown, Enoch Job, Richard Deakins, Geo. Martin, Wm. Lewis, Jas. Acton, Jonathan Webb, Robert Hampton. In the early days, like most of the early pioneers of East Tennessee, they suffered much from the Indians. The first church was Baptist, established probably in 1785.

Unicoi County is rich in timber and mineral resources.

Statistics of Unicoi County: Population, 1920, 10,120. Assessed valuation of taxable property, 1921, $4,590,561. Area, 196 square miles. Number of farms, 811. Railway mileage, 21. Drained by the Nollichucky River and intersected by Carolina, Clinchfield & Ohio Railway. Surface mountainous. Cotton, corn, oats, grasses and live stock are the staple products. Erwin, the county seat, with a population of 2,965, is 15 miles south of Johnson City and is a flourishing manufacturing town, one of the principal industries being the production of chinaware. Erwin has good schools, churches, a weekly newspaper and flourishing business establishments. Scholastic population of county, 3,163; high school, 1; elementary schools, 33.

UNION COUNTY

Union County was erected on January 3, 1850, out of parts of Grainger, Claiborne, Campbell, Anderson and Knox, and the following named men were

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appointed commissioners who organized the county: Wm. T. Carden, John F. Huddleston, Ezra Buckner, and Wm. Colvin, of the county of Grainger; Malcijah Nash, J. G. Palmer, and John Sharpe, of Claiborne County; Isaac C. Dyer, Meril Hill, and Hazell Hill, of Campbell County; James W. Turner, Allen McCoy and A. L. Carden of the County of Anderson; and Henry Graves and Henry G. Roberts of the County of Knox.

But the organization of the county was delayed, for the people of Knox County, not relishing the loss of that part of the county which was to be taken into the new county, entered suit and secured an injunction against its acting as a county. Horace Maynard, who, at that time was a member of Congress from the first Tennessee district, which embraced the proposed new county, defended the suit for Union County in prolonged litigation which was finally decided in favor of Union County in 1853.

Because of the valuable services rendered by Mr. Maynard in this litigation, the county seat was named Maynardsville; the first county court was organized there on February 6, 1854, with the following named magistrates present: Elijah Evans, John Lowry, Wm. Calvin, G. B. Carden, Wm. Needham, J. G. Palmer, Jacob Turner, Calvin B. Howard and Enoch Branson. Complete organization of the county was effected in 1856.

This county is rich in deposits of iron ore, marble, lead and zinc.

Statistics of Union County: Population, 1920, 11,615. Assessed valuation of taxable property, 1921, $3,877,437. Area, 220 square miles. Number of farms, 2,060. Railway mileage, 7. Drained by Clinch and Powell rivers. Surface mountainous and partly covered with fine timber. Fine deposits of iron, zinc, lead and marble are found in the county. Corn, oats, wheat, live stock and dairy products are staple. Maynardsville, county seat, has a population of about 500, and has good schools, churches, bank and flourishing business establishments. Scholastic population of county, 4,187; high schools, 6; elementary schools, 49.

WASHINGTON COUNTY

Washington County was erected[21] by the General Assembly of North Carolina, in November, 1777. It was formed from Washington District which had been detached from Wilkes and Burke counties and included all the present State of Tennessee, although a part of it, as we have seen, was thought at the time to belong to Virginia. This county has the distinction of being the first political division in the United States which was named in honor of George Washington. From it all the other counties in Tennessee have been carved. It is, therefore, the oldest county in the state and was the theatre of the important events which occurred in its early history.

At this session of the Legislature, provision was also made for opening a land office in Washington County, permission being given that each head of a family might take up six hundred and forty acres, his wife and his children one hundred acres each, all at the rate of forty shillings per hundred acres. The facility with which settlers might obtain lands caused a large influx of pioneers immediately, although no wagon road had been opened across the mountains.

[21] Chapter XXXI of the Laws of North Carolina, Iredell's Revisal, p. 346. By this Act the County of Washington was "declared to be part of the District of Salisbury."

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At least eight years prior to the formation of this county, permanent settlers had taken up their abodes on the Watauga, as we have seen. The Watauga Association was formed in 1772 and Henderson's Purchase of the Transylvania Country was made from the Indians by treaty signed in 1775 on the Watauga.

John Carter, who had been chairman of the court of the Watauga Association, appointed colonel of Washington County.

The county was organized on February 23, 1778, with the following named magistrates in attendance: John Carter, chairman, John Sevier, Jacob Womack, Robert Lucas, Andrew Greer, John Shelby, George Russell, Wm. Been, Zachariah Isbell, John McNabb, Thomas Houghton, William Clark, John McMahan, Benjamin Gist, John Chisholm, Joseph Willson, Wm. Cobb, Jas. Stuart, Michael Woods, Richard White, Benjamin Wilson, James Robertson, and Valentine Sevier. On the next day the officers were elected as follows: John Sevier, clerk; Valentine Sevier, sheriff; James Stuart, surveyor; John Carter, entry-taker; John McMahan, register; Jacob Womack, stray-master; and John McNabb, coroner.

The first courthouse was built by Charles Robertson. Andrew Jackson lived in Jonesboro when he first came to Tennessee and boarded with a Mr. Chester.

Jonesboro, the oldest town in the state, was selected for the county seat. It was named for Willie (pronounced Wylie) Jones, who had shown himself friendly to the Watauga settlers when they had sent delegates to Halifax, N. C., to see the governor. Jonesboro was laid off in 1779. The first and the last legislatures of the State of Franklin met at Jonesboro. Many noted men have lived in this historic place. Among them: David Nelson, author of "The Cause and Cure of Infidelity," B. F. Lundy, publisher of an abolition paper, W. G. Brownlow, before he moved to Knoxville, Landon C. Haynes, uncle of Robert L. and Alfred A. Taylor, Judge T. A. R. Nelson, and Chief Justice J. W. Deaderick.

Statistics of Washington County: Population, 1920, 34,052. Assessed valuation of taxable property, 1921, $24,687,316. Area, 344 square miles. Number of farms, 2,865. Railway mileage, 59. Drained by the Nollichucky, Watauga and Holston rivers. Surface diversified with mountains and valleys, with forests of fine timber. Mineral resources, iron ore and building stone. Intersected by the Southern Railway, and other railways are the Carolina, Clinchfield and Ohio and the East Tennessee & Western North Carolina. Jonesboro, the county seat, has a population of 815, is on the Southern Railway, and has fine schools, churches, newspaper, banks, iron foundry, and several manufacturing establishments. Johnson City has a population of 12,442 and has a large number of manufacturing establishments. It is the seat of the National Soldiers' Home and the East Tennessee Normal. It has daily and weekly newspapers and is one of the flourishing cities in East Tennessee. Scholastic population of county, 10,247; high schools, 10; elementary schools, 60.

Middle Tennessee

BEDFORD COUNTY

Bedford County was erected on December 3, 1807, out of Rutherford County and was named for Thomas Bedford. It was organized in 1808. Early settlers were: Clement Cannon, Philip Burrow, Freeman Burrow, William

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McMahon, Matt Martin, Barkley Martin, Mrs. Mary Scruggs, William Hix, Robert and Henry Hastings, "Sally" Sailors, Joseph Tillman, James Reagan, David Floyd, Thomas Gibson, and Cuthbert Word. The two Martins and five of their brothers served seven years under George Washington.

Several thousand acres of land in Bedford County were issued by North Carolina to the officers and soldiers of the Continental Line. Others were issued for the State of Tennessee. Among the latter was a grant to Andrew Jackson for land near Fall Creek.

In 1808, the county was organized at the home of Mrs. Payne near the head of Mulberry Creek. In 1809, the Legislature passed an act providing for the appointment of a committee consisting of John Atkinson, William Wood, Barthel Martin, Howell Dandy and David McKissack to locate a county seat within two miles of the center of the county. Afterwards, John Lane and Benjamin Bradford were added to the committee. The home of Amos Balch, two or three miles southeast of Shelbyville, was the county seat temporarily. It was permanently located at Shelbyville,[22] in May, 1810, on land donated by Clement Cannon. Shelbyville was incorporated on October 7, 1819.

The first courthouse was erected in 1810 or soon afterwards. The first chancery court was held in 1836. Prominent lawyers of the early days were: Archibald Yell, who was governor of Arkansas, 1840-1844. William Gilchrist, I. J. Frierson, William H. Wisener, Henry Cooper, Hugh L. Davidson and Thos. Whitesides.

Early physicians were: Doctors J. G. Barksdale, Grant Whitney, James Kincade, Frank Blakemore, G. W. Fogleman, and John Blakemore.

Famous schools were: Salem Academy, established at Bellbuckle in 1820; the Martin School at Fairfield, in 1828; the school of Rev. Geo. Newton, started near Wartrace in 1815 or 1816; Dixon Academy, established in Shelbyville in 1820; the Webb School at Bellbuckle; the Brandon Training School at Wartrace; and the Tate School at Shelbyville.

Probably the earliest church was Salem built about 1807 near Shelbyville. Rev. John Brooks "rode circuit" in this county.

The war record of Bedford County is remarkable. It furnished a full company in the War of 1812, which took part in the battle of New Orleans. Its captain was Barrett and some of the members were: John Farrer, Wm. Hazlett, James Gowan, Michael Womack, Jno. L. Neil, James, Philip and William Burrows, John Casteel, Wm. Wood, "Sally" Sailors, Robt. Fergison, Wm. P. Finch, Jno. Pool, Andrew Mathus, Townsend Fugett, Wesley Rainwater, Benjamin Webb, Martin Hancock, J. L. W. Dillard, John Murphey, Moses Pruitt, and James Scott. It furnished a full company under Captain Hunter in the Second Seminole war. In this company were: Lewis Tillman, William Wood, Albert Snell, John Hudlow, John Stone, Standards, Thomas, and Abraham McMahon. In the war with Mexico it furnished a company under Capt. E. W. Frierson. In the war between the States it furnished troops to both the Federal and the Confederate armies in almost equal proportions.

Statistics of Bedford County: Population, 1920, 21,737. Assessed valuation of taxable property, 1921, $17,532,014. Area, 550 square miles. Number of farms, 3,340. Railway mileage, 25. Drained by Duck River and tributaries. Traversed by Nashville, Chattanooga & St. Louis Railway. Farms are in a fine

[22] Named for Col. Isaac Shelby.

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state of cultivation, and staple products are corn, wheat, cotton, grasses and live stock. Shelbyville, the county seat, has a population of 2,912 and is on a branch of the N. C. & St. L. Railway. It has an electric light plant, water works, cotton factory, a hub and spoke factory, foundry, saw mills, planing mills, and other manufacturing enterprises, with good banks, churches and schools, and two newspapers. Other prosperous towns are Bellbuckle, Wartrace, Normandy, Flat Creek and Unionville. Scholastic population of county, 7,403; high schools, 5; elementary schools, 74.

CANNON COUNTY

Cannon County was erected on January 21, 1836, out of Warren, Coffee, Wilson and Rutherford counties and was named for Newton Cannon, who was governor at that time, and who appointed a commission of five members to establish the lines between Cannon and the adjoining counties and to lay off a public square at Danville which was the name of the county seat until it was changed to Woodbury in honor of Gen. Levi Woodbury.

Henry D. McBroom and his brother owned most of the land on and adjacent to the public square of Woodbury and the former gave every alternate lot around it to those who would put up a structure on it. He also owned the only hotel or inn at that time. He later built the Dillon Hotel which was an historic structure. It was burned in 1907.

At the time the county was organized the only store in Woodbury (Danville) was that of Henry Wiley.

Among the early pioneers were: Henry D. McBroom, Wm. Hollis, John Wood, Henry Ford, Wm. Mears, Usibel Stone, Benj. Allen, Geo. St. John, Wm. McFerrin, Joshua Barton, Archibald Stone, Asa Smith, Elijah Stephens, Wm. Preston, Sr., Walter Wood, Benjamin Cummings, Sr., Warren Cummings, Wm. Cummings, Sr., John Stone, Andrew Melton, Alexander McBroom, Wm. James, John Wood, James Todd, Benjamin Hale, Jno. Haley, Archibald Hicks, Gideon Rucker, Lonis Jetton, Gabriel Elkins, James Avent, and Lemuel Moore.

The first County Court met in May, 1836, at the tavern of Henry D. McBroom, with the following named magistrates in attendance: Thomas Powell, Allen Haley, Joseph Simpson, Blake Sedgley, Isaac Finley, Jas. L. Essary, Isaac W. Ellidge, John Pendleton, I. M. Brown, Elijah Stephens, F. L. Turner, C. C. Evans, John Melton, Samuel Lance, Wm. Bates, John Martin, Wm. B. Foster, John Frazer, Martin Phillips, Lemuel Moore, Reuben Evans, Jas. Goodwin, Peter Reynolds, Jas. Batey, Joel Cheatham and Jonathan Fuston. The following named officials qualified at this meeting: Samuel J. Garrison, county court clerk; Geo. Grizzle, sheriff; Alex. F. McFerrin, register; Job Stephens, trustee; Alexander McKnight, coroner; Henry H. Clifton, ranger; Wm. Stone, entry-taker; Hugh Robinson, surveyor. A committee of six consisting of Hugh Robinson, James Clark, Arch Stone, Wm. Bates, John B. Stone, and Jno. Brown, was appointed to lay off town lots.

Statistics of Cannon County: Population, 1920, 10,241. Assessed valuation of taxable property, 1921, $4,248,639. Area, 280 square miles. Number of farms, 1,992. Railway mileage, none. Drained by numerous small streams. Surface hilly and rolling and soil very fertile. Corn, wheat and live stock are staple products. Woodbury, the county seat, has a population of 278, and is a flourishing town with good schools, churches, bank, weekly newspaper and pros-

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perous mercantile establishments. Scholastic population of county, 4,560; high schools, 7; elementary schools, 34.

CHEATHAM COUNTY

Cheatham County was erected on February 28, 1856, out of parts of Davidson, Robertson, Dickson and Montgomery counties and was named in honor of Nathaniel Cheatham, speaker of the Senate at this time. Early settlers located along the streams. Benjamin Darrow located his home near Sycamore Mills about 1790. About the same time John Hyde and Howard Alley settled near Pleasant View. In 1796 a settlement was made at Ashland City by Robert Heaton and Braxton Lee. For the protection of the settlers against the Indians a blockhouse was erected at Half Pone.

The first county seat was held at Sycamore Mills on May 15, 1856, when the following magistrates qualified: W. L. Gower, chairman; B. F. Binkley, J. M. Lee, F. L. Hooper, Jesse Hooper, N. Crockett, J. L. Majors, R. T. Gupton, W. W. Williams, A. J. Bright and R. L. Weakley. Samuel Watson, the first county judge, qualified on the first Monday in June, 1856. For the county seat land was bought at Ashland from Mr. Lennox. The County Court held its sessions at Forest Hill, a short distance south of Ashland, until November, 1857, when its session was held for the first time at Ashland.

On December 8, 1859, Ashland became an incorporated town under the name of Ashland City, but through negligence of county officials the charter was forfeited. It was incorporated again with E. Dozier as mayor about fourteen years ago.

To Prof. A. S. Link is due, in no small measure, the great interest which the people of this county take in education. He founded Ashland Institute in 1880, and after one year was joined by R. S. Turner. Professor Link established the Link School at Thomasville in 1902. In 1859, Millwood Academy was opened at Sycamore by Professors Marvin and Lawrence. In 1884, Pleasant View School was opened by Prof. W. I. Harper. In 1868, the Sycamore Powder Mills bought the entire machinery of the Confederate works at Augusta, Ga., and moved it to Sycamore where it produced an important output until 1904.

At the narrows of the Harpeth River, Montgomery Bell carried on the manufacture of iron for many years.

Statistics of Cheatham County: Population, 1920, 10,039. Assessed valuation of taxable property, 1921, $4,840,766. Area, 400 square miles. Number of farms, 1,449. Mileage of railway, 28. Drained by Cumberland River and tributaries. Surface rolling and generally fertile. Has a fine growth of timber. Corn, tobacco, wheat and live stock are staple products. The Nashville, Chattanooga & St. Louis railways traverse the county. Ashland City, the county seat, has a population of 649, is on the Cumberland River and the Tennessee Central Railway, and has good schools and churches, a bank, newspaper, and several prosperous business establishments. Scholastic population of county, 3,413; high schools, 3; elementary schools, 58.

CLAY COUNTY

Clay County was named in honor of Henry Clay. It was erected December 7, 1870, from nearly equal parts of Jackson and Overton counties. Celina was

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selected for the county seat over Butler's Landing and Bennett's Ferry. Celina is located at the mouth of Obed River and for many years has been one of the most important trading and shipping points on the upper Cumberland.

In that part of Clay County taken from Overton County, and in Overton County, John Sevier located 57,000 acres of land on the visit to which he refers in his diary, a copy of which was secured by the Tennessee Historical Society only a few years ago. After his death, in 1815, his widow moved to the Dale, known later as the Clark place in Clay County. From there she moved to Alabama where she died. Her remains were removed to Knoxville last year and now repose beside those of her distinguished husband.

Statistics of Clay County: Population, 1920, 9,193. Assessed valuation of taxable property, 1921, $3,571,848. Area, 217 square miles. Number of farms, 1,605. Railway mileage, none. This county borders on Kentucky and is drained by the Cumberland and its tributary, Obed River. Its surface is hilly, and the soil of the river bottoms is very fertile. It has fine forests of timber. Corn, tobacco, wheat, oats and live stock are staple products. Celina, the county seat, has a population of 420. It is on the Cumberland River and has good schools and churches, a bank, a weekly newspaper, and a number of prosperous mercantile establishments. Scholastic population of county, 3,077; high schools, 4; elementary schools, 45.

COFFEE COUNTY

Coffee County was organized on May 2, 1846, and was originally composed of Warren, Franklin and Bedford. It was named in honor of Gen. John Coffee. By act of the Legis'ature passed on January 8, 1836, the following named commissioners were appointed to run the boundary lines of the new county and to locate the county seat, viz.: Hugh Davidson, Alexander Blakely, David Hickerson, Thomas Powers, Wm. Bradshaw and Lecil Bobo. They selected a site on the lands of James Evans and Andrew Haynes, who, on March 1, 1836, donated two hundred acres to the county for this purpose. In March, 1836, also, the following named men were elected magistrates from the ten civil districts into which the county had been divided, viz.: Adam Rayburn, John G. Walker, Alfred Ashley, John Lusk, Larkin Burnham, Robert S. Rayburn, Alexander Downey, James Yell, Gabriel Jones, William Hodge, Johnson Garrett, Josiah Berry, John Charles, Wm. Montgomery, Wade Stroud, Lecil Bobo, John W. Camden, Jesse Wooten, Jas. M. Arnold, and Wm. Holmes.

Their first session was on May 2, 1836, at the Baptist meeting house on the site of Manchester. John W. Camden was made chairman and the following officers qualified: Daniel McLean, county court clerk; John Bell, sheriff; James A. Brantley, register; Moses F. White, trustee; and Wm. P. Harris, coroner.

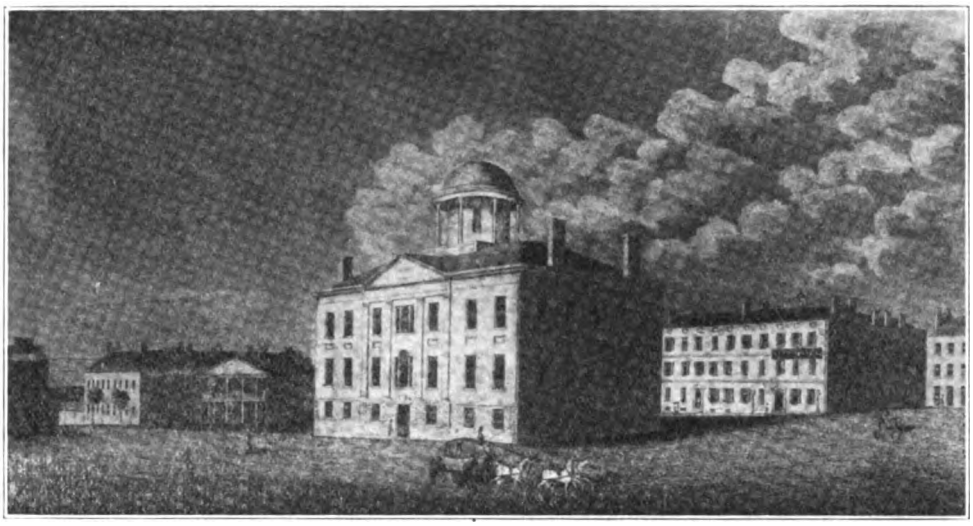
The sessions of the county court were held in the log house used by the Baptists as a church until 1837, when a courthouse was erected.

The circuit court was organized in June, 1836, with Samuel Anderson as a judge and James Whiteside, attorney general. Its sessions were held in the log house of a private citizen.

It is said that Manchester, the county seat, was named for Manchester, England, because it was thought that the Coffee County capital would, in time, be famed like its imagined prototype, for its iron manufactures.

Near Manchester, in the forks of Duck River, is what is known as Stone Fort.

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DAVIDSON COUNTY COURTHOUSE, NASHVILLE
Built in 1803; burned in 1856



DAVIDSON COUNTY COURTHOUSE, NASHVILLE, 1870

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evidently a fortification of some prehistoric race. It encloses an area of thirty-seven acres and from its walls of loose stones covered with earth have grown trees of great age.

Statistics of Coffee County: Population, 1920, 17,344. Assessed valuation of taxable property, 1921, $9,405,734. Area, about 350 square miles. Number of farms, 2,314. Railway mileage, 29. This county is situated at the western base of the Cumberland Mountains, and is traversed by the Nashville, Chattanooga & St. Louis Railway. The soil is a mixture of loam and sand, with a good clay subsoil, and is easily worked. Fruits and vegetables can be produced in great abundance. Tobacco cultivation is becoming extensive. Staple products are wheat, corn, oats, tobacco, live stock. The county is drained by Duck River and tributaries. Manchester, the county seat, has a population of 1,114, is on the north fork of Duck River and on the N. C. & St. L. Railway. It has churches, schools, banks, two weekly newspapers, waterworks, and many prosperous business establishments. Tullahoma, on the main line of the N. C. & St. L. Railway, has a population of 3,479, has fine schools and churches, banks, a weekly newspaper, an electric light plant, and numerous manufacturing establishments and prosperous stores. Scholastic population of county, 5,812; high schools, 3; elementary schools, 61.

DAVIDSON COUNTY

Davidson County was created by act of the Legislature of North Carolina, approved October 6, 1783. It originally included most of the territory west of the Cumberland Mountains now included in Middle Tennessee. It was named for Gen. Wm. Lea Davidson, concerning whom Mr. Hugh Davidson of Shelbyville, says: "Gen. Wm. Lea Davidson was killed at Cowan's Ford, N. C., February 1, 1781, while resisting the advance of British troops commanded by Colonel Hall. Davidson County, N. C., Davidson College, Davidsonville and Davidson River were named in his honor. Also, Davidson County, Tennessee, and Davidson Academy. His widow, who was Miss Mary Brevard, a daughter of John Brevard, came with her family at a very early date to near Nashville, and experienced the dangers and privations of pioneer life."

"It was believed by General Davidson's friends and relatives in North Carolina, that he was killed by a renegade Tory, Frederick Hager, as his body was pierced by a bullet from what was considered a small bored gun at that time and Hager was known to carry such a gun at that time. After the Revolutionary war, Hager, together with several others of his renegade class, fled to Tennessee. About 1811, John Davidson and Hugh Davidson came out from Buncombe County, N. C. The first settled on "Union Ridge" and the latter about two miles up Duck River from Normandy. Hager hearing of these two Davidsons, fled again, this time to the wilderness of Arkansas, to a point on the Arkansas River now known as Six Post, where he finished his miserable existence, leaving a large family.

"Gen. Wm. Lea Davidson was a first cousin of Maj. Wm. Davidson, 4th N. C. Reg. Cont. Line. From Maj. Wm. Davidson descend the Davidson family and the Hons. George N. and Abram Tillman, of Nashville."

When the County of Davidson was formed, the county seat was named Nashborough, after Gen. Francis Nash, of North Carolina, who was killed in the battle of Germantown. The name was changed to Nashville by act of the

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North Carolina Legislature in 1784. In this year the first courthouse was built of hewn logs, was eighteen feet square with a lean-to of two feet.

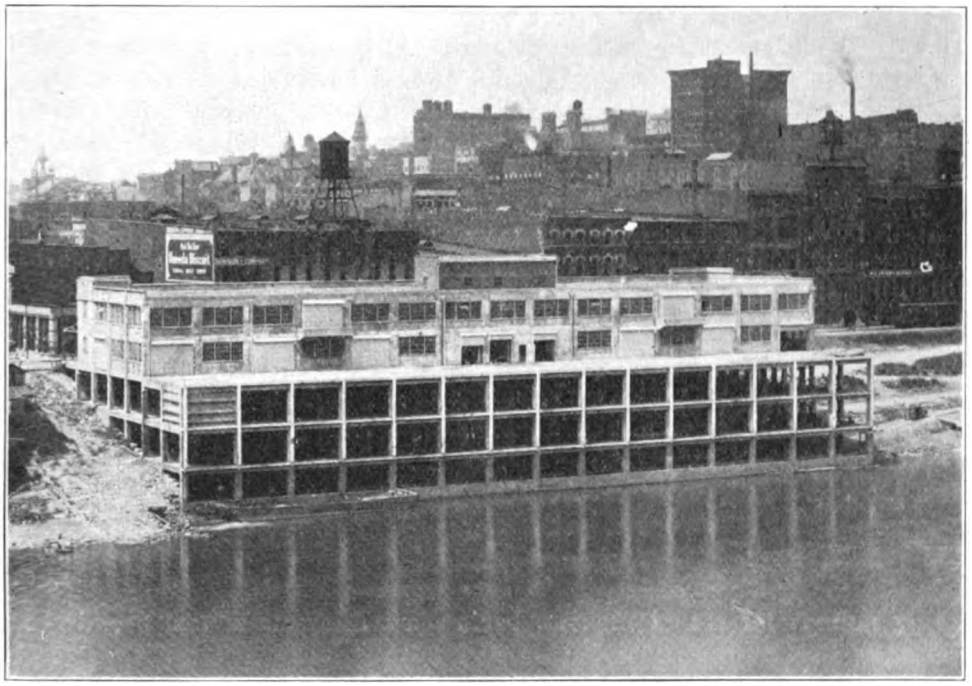
For account of historic spots and places in Davidson County, see Chapter XXXI. For further history, see the main narrative.

Statistics of Davidson County: Population, 1920, 167,815. Assessed valuation of taxable property, 1921, $197,134,968. Area, 508 square miles. Number of farms, 3,051. Railway mileage, 150. Drained by the Cumberland River and tributaries. Its surface is gently undulating and in some sections is well timbered. Soil fertile and well adapted to diversified agriculture. The county successfully produces 67 different field crops and fifty-four varieties of garden vegetables. Ten varieties of berries are grown in the county, and more than a dozen varieties of other fruits. The county has a fine system of free turnpikes. Staple products are corn, wheat, cotton, oats, grass, fruits and live stock. Dairying industry has increased largely in last few years. Nashville, the county seat and capital of the state, has a population of 118,342. It is situated on the Cumberland River, which is navigable below Nashville to the Ohio, and above Nashville to Point Burnside, Ky., a distance of about 350 miles, during a part of the year. Government locks and dams make the river navigable for all the year as far as Carthage, and it is expected that the system will be completed to Point Burnside. Besides the river, Nashville has excellent transportation facilities in the Louisville & Nashville, the Nashville, Chattanooga & St. Louis and the Tennessee Central. The city has splendid streets and owns its electric light and water plants. The city has nearly one hundred miles of electric railway and two interurban lines reaching towns in adjoining counties. Nashville is one of the largest jobbing centers in the South, supplying a large territory in Tennessee and adjoining states. It is a large manufacturing center, its industries giving employment to many thousands of wage earners. It is one of the largest hardwood lumber markets in the United States, and its milling interests are larger than those of any other southern city. It is a large boot and shoe market and engages largely in the manufacture of these articles. Its daily newspapers have wide circulation and large influence. Its book and periodical business is the largest of any city in the South, and it is the second largest religious publication center in the United States. It is a financial center, its banks having combined assets of $60,000,000. Clearings for 1921 amounted to $845,509,813.12. Its public schools are as good as those of any city in the country, and its other institutions of learning, including Vanderbilt University, Peabody College for teachers and Ward-Belmont School for young women have made it famous in all the branches of learning. Information will be furnished by the Chamber of Commerce of Nashville. Scholastic population of county, 50,835; high schools, 17; elementary schools, 86.

DE KALB COUNTY

DeKalb County was erected in 1837 out of parts of White, Warren, Cannon, Wilson and Jackson, and was named for Baron DeKalb, an officer in the Revolutionary war, who had fallen at Camden, New Jersey. The act creating this county provided that the first court should be held at the house of Bernard Richardson, near Smithville, which was chosen for the county seat and named for John Smith Bryan, who was commonly called "Smith." The committee

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BRYAN TERMINALS ON THE CUMBERLAND RIVER, NASHVILLE

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appointed to select the county seat was: Thomas Durham, Joseph Banks, Thos. Allen, Watson Cantrell and Joseph Clark.

Bernard Richardson gave to the county fifty acres for the county seat, a part of which was laid out in lots which were sold at public sale.

On March 5, 1838, the county was organized with the following named magistrates in attendance: Lemuel Moore, chairman; Reuben Evans, Joseph Turney, Thomas Simpson, John Martin, Watson Cantrell, David Fisher, Wm. Scott, Samuel Strong, Henry Burton, Martin Phillips, John Frazier, Joel Cheatham, Jonathan Fuston, Peter Reynolds and James Batey.

A. J. Marchbanks was the first circuit judge, and B. L. Ridley the first chancellor.

The first settlement in DeKalb County was made in 1797 by Adam Dale, who came from Maryland and located on Smith's Fork Creek near Liberty, and erected there the first mill in the county.

Other early settlers were: Thomas Whaley, Josiah Duncan, Henry Burton, Thomas West, William and John Dale, James and William Bratton, William and George Givan, the Walkers, the Pruitts, Jacob and Abraham Overall, Robin Forester, Reuben Evan, Matthew Sellers, Benj. Blades, Nicholas Smith, Benj. Garrison, Jesse Allen, Martin Phillips, Britton Johnson, Giles Driver, Levi Bozarth, David Taylor, P. G. Magness, Zachariah Lefever, John Wooldridge, Bernard Richardson, William Adcock, Wm. Floyd, John Vantrease, Jonathan and Stewart Doss, E. Turner, James Goodner, Edmund Turner, Wm. Grandstaff, Thomas Simpson and Wm. Wright.

Statistics of DeKalb County: Population, 1920, 15,370. Assessed valuation of taxable property, 1921, $7,497,060. Area, 310 square miles. Number of farms, 2,792. Railway mileage, none. Drained by the Caney Fork River. Surface hilly in part and well covered in timber. The soil is fertile and the staple products are corn, wheat, and live stock. Splendid fruit growing section. Has some deposits of zinc and clay. Smithville, county seat, has a population of 687, good schools and churches, a weekly newspaper, bank, flourishing stores, flouring mill and spoke and handle factory. Alexandria has a population of 510, has good schools and churches, bank and prosperous business establishments. Liberty is another thriving town in DeKalb County. Scholastic population of county, 4,728; high schools, 5; elementary schools, 71.

DICKSON COUNTY

Dickson County was erected on October 3, 1803, out of part of Robertson and Montgomery counties, and was named for William Dickson, a member of Congress, representing the Mero District. Its first settlements began about 1793 when a large body of land was granted by the State of North Carolina to Robert Bell and described as being located on Jones Creek. In February of the same year the Cumberland Furnace, the earliest furnace in the West, was started by James Robertson, by whom it was sold to Montgomery Bell. All deeds were proven before Andrew Jackson, one of the judges of the Superior Court of Law and Equity.

The first County and Circuit courts were held at the home of James Nesbit, on Barton's Creek, a few miles from Charlotte. It was organized by the following named magistrates: Montgomery Bell, William Doak, Sterling Brewer,

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Wm. Russell, Gabriel Allen, William Teas, Samuel Harvey, Richard Napier and Jesse Croft.

In 1804 the Town of Charlotte, named for Aunt Charlotte Robertson, one of the early settlers, was laid off by a man named Ash, who reserved the central lot for a courthouse. In 1806 it became the county seat. Tracy Academy, a noted educational institution, was established there about 1830. Between 1810 and 1812 the county buildings were completed, and, for the next twenty or twenty-five years, Charlotte was a place of much importance. From 1819 to 1821 the Supreme Court held regular sessions there.

Early settlers in this county were: John Nesbit, Montgomery Bell, Richard Napier, Abraham Caldwell, and Hudson Johnson.

On May 12, 1810, the Cumberland Presbyterian Church was organized at the home of Rev. Samuel McAdoo, near the present City of Dickson, and its centennial celebration was fittingly observed in 1910.

In consequence of the effort made, fifteen or twenty years ago, to move the county seat from Charlotte to Dickson, the county now has a courthouse at each of these towns and two Circuit and Chancery courts, an arrangement which has proved eminently satisfactory.

In 1897 an effort was made to establish a Socialist Colony in this county, which effort attracted nation-wide attention. J. A. Wayland, of Greencastle, Indiana, located a company at Tennessee City, and established there a periodical entitled The Coming Nation. Dissension arose and Wayland went away but those of the colony who remained secured a site on Yellow Creek, at the noted Adam's Cave, six miles north of Tennessee City, where, under new leadership, they began operating again, continued the publication of The Coming Nation, and named the enterprise The Ruskin Colony. Dissensions, however, again arose, a legal battle ensued, and the effort ended in disaster. The remnant of the colony removed to Waycross, Ga. Ruskin Cave and the site of the former colony are now the property of the Ruskin Cave College Company.

Statistics of Dickson County: Population, 1920, 19,342. Assessed valuation of taxable property, 1921, $7,617,329. Area, 620 square miles. Number of farms, 2,544. Railway mileage, 49. Drained by Cumberland River and its tributary, Harpeth. Surface undulating, partly covered with forest. Soil is fertile and the staple products are corn, wheat, tobacco and live stock. Charlotte, the county seat, has a population of 200, is twelve miles from the N. C. & St. L. Railway and has good schools and churches, a bank and flourishing stores. Dickson, on the N. C. & St. L. Railway, is a town of 2,263 population, and has excellent schools, churches, a weekly newspaper, manufacturing establishments, banks, and stores doing large business. Scholastic population of county, 6,488; high schools, 4; elementary schools, 79.

FENTRESS COUNTY

Fentress County was erected in 1823 out of Overton and Morgan counties and was named for James Fentress, speaker of the House of Representatives for five consecutive terms, from 1814-1823. Jamestown, the county seat, was named for his praenomen. Before this action it was called Sand Springs. In 1827 John M. Clemens, father of Samuel Clemens (Mark Twain), was a lawyer

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residing in Jamestown and the Obedstown of the "Gilded Age" was the Jamestown of that time, now familiarly known as Jimtown.

The first court was held at Three Forks of the Wolf River. The first courthouse [23] was built in 1828 and Jamestown was incorporated in 1837.

Among the first settlers were: Conrad Pile, Pearson Miller, Arthur Frogge, John Riley, and Moses Poor.

Obey's River, or Obed River, is said to have been named for one of the long hunters, Obediah Terrill.

This county was the home of the notorious Federal bushwhacker, "Tinker Dave" Beattie, and of Calvin Logston, who, with others, perpetrated cruel and bloody deeds in reconstruction times, and also of Marsha Millsaps, who, in 1843, was charged with being a witch, and of "Old Man" Stout who, in 1835, was accused of practicing witchcraft.

As is well known, this county is the home of the famous Sergeant Alvin C. York, whose wonderful exploit in the World war is familiar to everybody. History will record him as Fentress County's most illustrious citizen of all times.

Statistics of Fentress County: Population, 1920, 10,435. Assessed valuation of taxable property, 1921, $3,639,378. Area, 510 square miles. Number of farms, 1,214. Railway mileage, 25. Drained by Obed, Clear Fork and Wolf rivers, tributaries of the Cumberland, and by Clear Creek, a tributary of the Tennessee. Eastern three-fourths of county is high tableland. Northern portion is the Wolf River valley, a fertile farming section, where is situated the farm given to Sergeant Alvin C. York, World War hero. Coal mines are operated in the western and eastern parts of the county and there are large areas of undeveloped coal lands. Plateau and the mountain sides are covered with fine timber. Natural grasses make fine grazing for cattle. Jamestown, county seat, has a population of about seven hundred, is a growing town, with good schools and churches, manufacturing establishments, prosperous stores, bank, etc. Fentress County is the only county in Tennessee, thus far, to produce crude oil in paying quantities. Jamestown, county seat, has been made historic as the Obedstown of Mark Twain's "Gilded Age." Mark Twain's father at one time lived in Fentress County, owning large areas of land. The first American soldier wounded in France was from Fentress County, as was the World war's greatest hero. Scholastic population of county, 3,612; high schools, 3; elementary schools, 56.

FRANKLIN COUNTY

Franklin County was erected on December 3, 1807, from Warren and Bedford counties and was named in honor of Benjamin Franklin. The county seat was named Winchester for Gen. James Winchester. The site of Winchester was purchased from Christopher for $1. No courts, however, were held in Winchester until 1814. The first County Court was held at the home of Maj. Wm. Russell in 1808.

According to tradition the earliest settlers were: Maj. Wm. Russell, and Jesse Bean, both of whom arrived about 1800.

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[23] The plan for this courthouse was made by Mark Twain's father, who was the first Circuit Court clerk of Fentress County and by far the largest land owner. It is said that he was the Si Hawkins of the "Gilded Age."

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A large number of men eminent in the history of the state have been citizens of Franklin County. Among them may be mentioned: Judge Nathan Green, Thomas Fletcher, Edward Venable, Hopkins L. Turney, and his son, Governor Peter Turney, Dr. F. J. Campbell, A. S. Colyar, Governor A. S. Marks, Thos. Gregory, and Governor Isham G. Harris. The most famous educational institution of learning in the county and one of the most famous in the United States, is the University of the South, founded in 1857 by Bishop Leonidas Polk at Sewanee. Besides this, however, two other notable institutions were established in this county—the Winchester Normal, founded in 1878, and the Mary Sharpe College, founded in 1850.

Statistics of Franklin County: Population, 1920, 20,641. Assessed valuation of taxable property, 1921, $14,207,894. Area, 570 square miles. Number of farms, 2,230. Railway mileage, 63. This county is drained by the Elk River and numerous small streams. Surface is hilly or table lands with a fine growth of timber. Staple products are corn, wheat, tobacco, cotton, hay and live stock. The N. C. & St. L. Railway intersects the county. Winchester, the county seat, with a population of 2,203, is on a branch of the N. C. & St. L. Railway, eighty-five miles from Nashville, and has good schools and churches, a weekly newspaper, banks, manufacturing establishments and flourishing stores. Dechard, with a population of 815, is another flourishing town with good schools and churches and prosperous business establishments. Scholastic population of county, 7,691; high schools, 3; elementary schools, 74.

GILES COUNTY

Giles County was erected on November 14, 1809, formed from a part of Maury County, and named in honor of Governor Wm. B. Giles,[24] of Virginia, at the suggestion of Andrew Jackson. For the county seat a site was selected as near the center of the county as practicable and it was named Pulaski, in honor of Count Pulaski, of Poland, who had espoused the American cause in the Revolutionary war, and was killed at Savannah in 1779.

The act establishing this county appointed James Ross, Nathaniel Moody, Tyree Rhodes, Gabriel Bumpass, and Thomas Whitson commissioners to select the county site and sell lots, reserving two acres for the public square on which the courthouse and stocks should be erected. The site selected was on the land "South and West of the Congressional Reservation Line" and, consequently, being Indian land, title to it could not be given until the restriction was removed on November 14, 1812.

The act establishing the county provided also for organizing a Circuit Court to be held on the second Monday in June and December, and also a Court of Pleas and Quarter Sessions, whose first session was held on the third Monday in February at the home of Lewis Kirk, when the following named officers qualified: German Lester, clerk; James Buford, sheriff; James Westmoreland, register; and Nelson Patterson, chairman.

The first Circuit Court was held probably in June, 1810. Thomas H. Stewart was judge, James Barry, clerk, and Amos Balch, attorney-general.

William Crawson and others made the first permanent settlement probably

[24] He was a senator in Congress at the time Tennessee sought admittance into the Union and was an earnest and influential advocate of her admission when strong opposition developed.

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in 1805, near the mouth of Richland Creek. Some pioneers who settled on the lands south and west of the Reservation Line were repeatedly ejected by the United States soldiers stationed at Fort Hampton on Elk River, who destroyed their houses, crops and fences.

The first water power mill was established by Nathaniel Moody in 1809, on Robertson Creek. In 1810, Lewis Brown built the first horse power mill. Daniel Allen built a powder plant a little later, the saltpetre being obtained from a cave in Maury County. Lester Morris had the first cotton gin in 1810.

Early lawyers were: John Minns, W. H. Field, W. C. Flournoy, John H. Rivers, Governor Aaron V. Brown, Adam Huntsman, Governor Neill S. Brown, Robert Rose, Alfred Harris, Lunsford M. Bramlett, and Davidson Netherland.

Educational institutions of importance: Pulaski Academy, chartered November 30, 1809; Martin College, and Massey School.

Probably the first church established was by the Baptists in 1808, followed in 1809 by the Methodists and in 1810 by the Presbyterians.

It was in Giles County that Sam Davis was captured on November 20, 1863; and he was executed at Pulaski.

At Pulaski the Ku Klux Klan was organized by John C. Lester, Jas. R. Crowe, John Kennedy, Calvin Jones, Richard R. Reed, and Frank O. McCord.

For an account of the historic spots and places in the county see Chapter XXXI.

Statistics for Giles County: Population, 1920, 30,948. Assessed valuation of taxable property, 1921, $21,651,634. Area, 656 square miles. Number of farms, 5,299. Railway mileage, fifty-three. Drained by Elk River and Richland Creek. This county borders on Alabama, and its surface is undulating, with some sections well timbered. The soil is very productive, and it is one of the few cotton producing counties in Tennessee. Corn, cotton, fruit and live stock are staple products. County intersected by the L. & N. Railroad. Pulaski, county seat, has a population of 2,780, and is on the L. & N. Railroad, eighty-one miles from Nashville. It is a flourishing town with two weekly newspapers, strong banks, fine churches and schools, and flourishing manufacturing and business establishments. Pulaski ships 8,000 to 10,000 bales of cotton annually. Lynnville, with a population of 552 is another flourishing town. Scholastic population of county, 10,264; high schools, eleven; elementary schools, 106.

GRUNDY COUNTY

Grundy County was erected on January 29, 1844, from parts of Coffee and Warren counties, and named for Felix Grundy, who, together with Samuel B. Barrett and others had been dealing extensively in the mountain lands of that section. The act which created this county appointed Adrian Northcutt and William Dugan, residents of that part of the county taken from Warren, and John Burrows and Alfred Braley, residents of that part taken from Coffee, commissioners to organize Grundy County. The act also designated Beersheba Springs as a place for holding first courts.

The first County Court organized on August 6, 1844, with the following named magistrates in attendance: Adrain Northcutt, John Fults, Wm. Dugan, Ambrose Killian, Robert Tate, Isaac Campbell, Stephen M. Griswold, Jas. Lockhart, John Burrows, Thos. Warren, and Daniel Sain.

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The following officers, who had been elected on July 8, 1844, qualified: Philip Roberts, sheriff; Reuben Webb, county court clerk; Abraham Jones, register; John Burrows, trustee. The court then elected Stephen M. Griswold, entry-taker; Wm. S. Mooney, surveyor; and Richard M. Stepp, coroner.

Beginning with the next session the courts were held continuously at the house of Jesse Wooten until October, 1848, when the county seat was established at Altamont. Later, Tracy City was made the county seat.

Tracy City was the first home of the great Tennessee Coal, Iron & Railway Company, now located near Birmingham. It was established by the late A. S. Colyar.

A large colony of Swiss located near Altamont has done much for the material progress of the county.

Statistics of Grundy County: Population, 1920, 9,753. Assessed valuation of taxable property, 1921, $2,691,248. Area, 325 square miles. Number of farms, 563. Railway mileage, 30. Drained by numerous small streams. The surface is from 1,800 to 2,200 feet above sea level. County well adapted to the live stock industry, having fine grazing lands. Staple products are corn, hay, fruits, and live stock. Tracy City, the principal town, has a population of 2,669, and is the center of large coal and iron industries. Large deposits of these minerals are found. Tracy City has good schools and churches, furnace, manufacturing establishments, and stores. It is on a branch of the N. C. & St. L. Railway. Altamont, the county seat, has a population of 114 and is a flourishing town. Scholastic population of county, 3,590; high schools, 4; elementary schools, 31.

HICKMAN COUNTY [25]

Hickman County was erected on December 3rd, 1807, from a part of Dickson County and was named in honor of Edmund Hickman, a surveyor, who, in 1785, together with James Robertson, and Robert Weakley, came to survey entered lands on Pine River. On that trip Hickman was killed by the Indians near the mouth of Defeated Creek on Duck River, within a mile of the present city of Centerville, the county seat.

The first permanent settlement was made by Adam Wilson, on Pine River, in 1817. In 1819, the county was organized. The commissioners appointed to run and mark the lines of the county were: David Love, Joel Walker, John S. Primm, and Joseph Lynn.

The first county seat was Vernon (chosen in 1810), which was succeeded by Centerville, located in 1822, on land donated by John C. McLemore and Charles Stewart. The act which created the county provided that a court of Pleas and Quarter Sessions should meet on the first Monday of January, April, July and October at the house of Wm. Joslin on Pine River. The first justices of the peace were: Thos. Petty, Wm. Wilson, Jam. Miller, Robert Dunning, and Alexander Gray. Wm. Wilson was chairman of the first session of the court. He was father of the first white child (James Wilson, born on December 27, 1806), born in Hickman County. This court elected the following officers: Wm. Phillips, sheriff; John Easley, trustee; Bartholomew G. Stewart, register; Joseph Lynn, ranger; and Wm. Stone, clerk.

[25] The facts in this sketch were obtained largely from Spence's "History of Hickman County."

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Statistics of Hickman County: Population, 1920, 16,216. Assessed valuation of taxable property, 1921, $7,718,790. Area, 640 square miles. Number of farms, 1,928. Railway mileage, forty-six. Drained by Duck River. Soil fertile and well adapted to the live stock industry. Staple products are wheat, corn, oats, grasses and tobacco. Phosphate deposits are found in the county and there are fine beds of iron ore. Centerville, the county seat, has a population of 882, with good schools, churches, weekly newspaper, bank, wagon factory, saw mill and prosperous mercantile establishments. Scholastic population of county, 5,253; high schools, six; elementary schools, ninety-three.

HOUSTON COUNTY

Houston County was erected on January 21, 1871, from parts of Dickson, Humphreys, and Stewart counties, and was named in honor of Sam Houston. The act provided for a part of the County of Montgomery to be included, also, subject to the vote of the people of the part in question. But these people voted against inclusion in the new county.

The first County Court was held in the Union Church, in Erin, on April 3, 1871. N. McKinnon was the chairman. On April 21, 1871, Arlington was selected as the county seat, and the courthouse was completed about a year later, and the County Court convened in it on May 6, 1872. In 1878, Erin became the county seat.

The first officers of the county were: J. S. Lee, clerk; J. J. Pollard, court clerk; R. C. Rushing, sheriff; J. W. Hall, trustee; S. T. Allen, trustee; C. S. Humphreys, register.

The first Circuit Court met on April 4, 1871.

The early settlements began about 1798 or 1799, when Henry Edwards and his family located at Stewart Station. Other pioneers followed in the next few years. One of them was the father of Judge Jo C. Guild, who speaks interestingly and affectionately of the people of Houston County in his book "Old Times in Tennessee." Other pioneers were Dred Boone, a relative of Daniel Boone, Daniel Buchanan, a man of tremendous strength, and Doctor Marable. It is said that William Murrell, a brother of John A. Murrell, taught school in what is now Houston County between 1820 and 1830.

Statistics of Houston County: Population, 1920, 6,212. Assessed valuation of taxable property, 1921, $3,111,066. Area, 210 square miles. Number of farms, 724. Railway mileage, twenty. Drained by the Cumberland and Tennessee rivers. Surface hilly and soil fertile. Some sections well covered with timber. Staple products are corn, tobacco, grass, and fruits. Erin, the county seat, with a population of 855, is near the Cumberland River, twenty-eight miles from Clarksville. It has good churches and schools, a weekly newspaper, bank, and manufacturing establishments. Scholastic population of county, 2,454; high schools, one; elementary schools, thirty.

HUMPHREYS COUNTY

Humphreys County was erected on October 19, 1809, out of part of Stewart County and was named in honor of Parry W. Humphreys, a judge of the Superior Court of Law and Equity, 1807-1809, who held the first court in this county.

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The act creating the county provided that the first court should be held at the house of Samuel Parker, Jr., on Trace Creek, about two miles from Waverly.

The first county seat was established in 1816, at Reynoldsville, which was named for John B. Reynolds, then a representative in Congress. The Supreme Court, also, at that time, held its sessions in Reynoldsville for that division of the state. The site of the county seat was on fifty acres of land donated by Alexander Brevard. When Benton County was erected in 1835, largely from territory previously included in Humphreys, the county seat was moved to Waverly, which was named for Scott's Waverley novels. The site of Waverly was donated by Davis Childress and the survey was made by Isaac Little in 1836.

Probably the first settlement in the county was made by Moses Box, in 1800, at a point on Trace Creek, but development was slow on account of the depredations of the Indians.

Humphreys has been conspicuous in all of the wars in which Tennessee has taken part and, in the War between the States, furnished more soldiers than it had voters. It was at Johnsonville in this county where Forrest captured the Federal gunboats and destroyed $5,000,000 worth of Federal property.

Statistics of Humphreys County: Population, 1920, 13,482. Assessed valuation of taxable property, 1921, $7,514,498. Area, 420 square miles. Number of farms, 1,805. Railway mileage, twenty-seven. Drained by the Tennessee and Duck rivers. Fine timber in some sections. Its surface is partly hilly, but the land along the rivers is very fertile. This is the largest peanut producing county in the state, and this is an important industry. Other staples are wheat, corn, cotton, grasses and live stock. The Nashville, Chattanooga & St. Louis Railway traverses the county. Waverly, the county seat, has a population of 1,054, with good churches, schools, weekly newspaper, general stores, and manufacturing establishments. McEwen is another flourishing town in Humphreys County, and has a population of 635, with good schools, churches, bank, newspaper and business houses. Scholastic population of county, 4,817; high schools, four; elementary schools, seventy-one.

JACKSON COUNTY

Jackson County was erected in 1801 from a part of Smith County and was named in honor of Andrew Jackson, who, at that time, was a judge of the Superior Court of Law and Equity, having, since 1796, resigned both as a member of the House of Representatives and as a member of the Senate of the United States.

Early settlers came in soon after the establishment of Nashville, and, as the Indians were a menace, a fort, named Fort Blount, after Governor Wm. Blount, was erected in this county, on the Cumberland River, as a protection for the settlers and travelers.

Gainesboro, the county seat of Jackson County, named for Gen. Edmund Pendleton Gaines, was established in 1817, and incorporated in 1820.

Statistics of Jackson County: Population, 1920, 14,955. Assessed valuation of taxable property, 1921, $5,981,662. Area, 280 square miles. Number of farms, 2,403. Railway mileage, none. Drained by Cumberland River and tributaries. Surface hilly and well covered with timber. Soil along the river and in the valleys very fertile. Staple products are corn, wheat, tobacco, grass

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and live stock. Splendid county for fruit growing. Gainesboro, the county seat, has a population of 351, and is near the Cumberland River. It has good schools and churches, one bank, a weekly newspaper, and flourishing stores. Granville is another flourishing town in the county. Scholastic population of county, 6,022; high schools, four; elementary schools, sixty.

LAWRENCE COUNTY

Lawrence County was erected in 1817 out of part of Hickman and Maury counties and named in honor of Capt. James Lawrence, of the Chesapeake, who, when mortally wounded, said to his men: "Don't give up the ship."

The earliest settlement was made near Henryville on the Big Buffalo River, and soon were established (about 1815) a grain mill, a distillery and a Primitive Baptist Church. From this time population increased rapidly and, in a few years, Lawrence became one of the most enterprising of the pioneer counties of the section. Prominent among the early settlers were: The Parkes family, the Striblings, Sykes brothers, Simmses and Bentleys.

Soon after the county was organized David Crockett arrived and lived there for several years. He became a member of the County Court and of the building committee which erected the first courthouse. Having gotten in debt, he sold his lands and moved to West Tennessee. Last year a splendid monument was erected to his memory in Lawrenceburg.

Lawrenceburg was chartered on November 23, 1819. In the years preceding the Civil war, Wayland Springs was noted as a resort for health and pleasure.

Lawrence County is justly proud of its record in war. On the public square of Lawrenceburg stands a monument to those who lost their lives in the Mexican war, the only memorial of the kind, it is believed, in the State of Tennessee. It was erected in 1849 and the state contributed $1,500 toward the cost of it.

Statistics of Lawrence County: Population, 1920, 23,593. Assessed valuation of taxable property, 1921, $11,386,098. Area, 676 square miles. Number of farms, 3,590. Railway mileage, sixty-two. Drained by tributaries of the Tennessee River. Surface diversified and well timbered. Good deposits of iron ore and phosphate are found in the county. Staple products are corn, wheat, cotton, oats, grass and live stock. Lawrenceburg, the county seat, has a population of 2,461, and is a flourishing town, with good schools, and churches, two weekly newspapers, banks, manufacturing establishments, general stores, and electric light plant. Scholastic population of county, 8,375; high schools, one; elementary schools, sixty.

LEWIS COUNTY

Lewis County was created on December 23, 1843, from parts of Hickman, Maury, Lawrence and Wayne counties and named in honor of Meriwether Lewis,[26] who with Wm. Clark conducted the famous Lewis and Clerk expedition to Oregon in 1803-1806.

[26] On October 11, 1809, he either committed suicide or was murdered at Grinder's Tavern on the Natchez Trace, about eight miles from Hohenwald, while he was on his way to Washington from St. Louis in Louisiana Territory of which he had been appointed governor. In 1848, the State of Tennessee erected a monument to his memory on the spot where he was buried. This monument, about twenty-five feet high, in an obscure place, is now neglected, in a bad condition and forgotten by almost everybody.

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A Mr. Dobbins and Robert Grinder, who established a tavern, were among the first settlers, about 1807.

The first county seat was Newburg, which was supplanted by Hohenwald, after the latter place had become prominent on account of the work and enterprise of a colony of Swiss who located there. Hohenwald was named by these colonists and means high forest.

Lewis County is not blessed agriculturally as most of the counties of Tennessee, but it has valuable deposits of phosphate and iron which are adding materially to its wealth.

Statistics of Lewis County: Population, 1920, 5,707. Assessed valuation of taxab'e property, 1921, $3,147,871. Area, 280 square miles. Number of farms, 537. Railway mileage, thirty-four. Drained by several small streams, tributaries to Duck River. Intersected by a branch of the Nashville, Chattanooga & St. Louis Railway. Staple products are peanuts, corn, wheat, oats, grass and live stock. Iron ore, oxide of iron, and ochre are found in the county. Hohenwald, the county seat, has a population of 742, a weekly newspaper, two banks, fine schools and churches and flourishing business houses. Scholastic population of county, 2,089; high schools, one; elementary schools, thirty-six.

LINCOLN COUNTY

Lincoln County was erected on November 14, 1809, from a part of Bedford County and was named for Gen. Benjamin Lincoln who performed great services in the Revolutionary war.

By the act which created this county, John Whitaker, Sr., Wright Williams, Eli Garrett, Littleton Duty and Jeffe Woodruff were appointed commissioners to secure 100 acres of land near the center of the county for a county seat to be named Fayetteville. They bought the land for $700 from Ezekiel Norris, who, in 1806, had settled on Norris Creek on his grant of 1,280 acres.

The act also provided that the sessions of the Court of Pleas and Quarter Sessions should be held at the house of Brice M. Garner until a place should be provided in Fayetteville. The first session was held on February 26, 1810. The magistrates were qualified by Oliver Williams, and Thomas H. Benton acted as clerk pro tem. Both of these men were from Williamson County. At this session Brice M. Garner was elected County Court clerk. Thomas Stewart was elected judge of the Circuit Court, and James Bright, clerk.

Notable men of the early days were: Archibald Yell and Joseph Greer, the latter of whom, a giant in stature, carried to Congress at Philadelphia the news of the battle of King's Mountain.

Statistics of Lincoln County: Population, 1920, 25,786. Assessed valuation of taxable property, 1921, $18,596,485. Area, 540 square miles. Number of farms, 4,367. Railway mileage, sixty-two. Drained by Elk River. Soil is very fertile in a large portion of the county. Leading crops are corn, wheat and grass. The live stock industry is flourishing in this county. Fayetteville, the county seat, has a population of 3,629, and is one of the best towns in this section of the state. It has electric light and water systems, two weekly newspapers, four banks, fine schools and churches, and several manufacturing establishments. Petersburg, Flintville, Elora and Mulberry are other towns in the county. Scholastic population of the county, 8,021; high schools, twenty-two; elementary schools, fifty-five.

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MACON COUNTY

Macon County was erected on January 18, 1842, from parts of Smith and Sumner counties and was named for Nathaniel Macon, of whom Thomas H. Benton said: "He spoke more good sense while getting in his chair and getting out of it than many delivered in long and elaborate speeches."

The first County Court appointed Britton Holland, William Dunn, Samuel Sullivan, Eason Howell, and Jefferson Short as commissioners to hold an election to select a county seat. The place selected was on land of John B. Johnson on the dividing ridge between the Cumberland and Big Barren rivers and was named Lafayette in honor of the Marquis de Lafayette.

The first County Court met at the house of William Dunn and Patrick Ferguson was chairman of it. The first county officers were: King Kerley, sheriff; Wm. Weaver, register; Daniel O. Pursley, trustee; Wm. Blackmore, county surveyor; David Claiborne, coroner.

The first constables were: Thomas A. Meador, George White, Edward Barbee, Ensley Wilmore, B. Y. Turner, Bennett Wright, and James G. Stone.

The first justices of the peace were: Anderson Bratton, Wm. Roberson, Charles Simmons, Haylum Pursley, Taylor O. Gillum, Jefferson B. Short, Ichabod Young, Jacob J. Johnson, Lewis Meador, Wm. Roark, Jas. J. York, James Patterson, and James Henderson.

The first courthouse was built in 1844. The first Circuit Court was held in May, 1842, at the house of Wm. Dunn, and was presided over by Judge Abraham Caruthers.

Statistics of Macon County: Population, 1920, 14,922. Assessed valuation of taxable property, 1921, $4,308,877. Area, 450 square miles. Number of farms, 2,743. Railway mileage, none. Drained by tributaries of Cumberland and Big Barren rivers. Its surface is generally uneven and well timbered. Staple products are corn, wheat, tobacco, grass and live stock. Good gardening and truck growing section. Lafayette, the county seat, has a population of 547, good schools and churches, flourishing business establishments, a weekly newspaper, and one bank. Red Boiling Springs, a noted health resort, is in this county. Scholastic population, 5,128; high schools, two; elementary schools, fifty-nine.

MARSHALL COUNTY

Marshall County was erected February 26, 1836, from parts of Lincoln, Bedford and Maury, to which was added a part of Giles in 1870. It was named in honor of John Marshall, chief justice.

The first County Court was organized on October 3, 1836, at the house of Abner Houston with the following justices of the peace in attendance: Wm. McClure, Thos. Ross, Wm. Wilkes, Peter Williams, Thos. Wilson, David McGahey, James Adams, Geo. Cunningham, Jas. V. Ewing, John Field, Adam Miller, Joseph Cleek, Ephraim Hunter, Asa Holland, Jas. Patterson, Jason Sheffield, Sherwood Dunnigan, and Andrew Laird. The following officers were elected: Jno. R. Hill, sheriff; Martin W. Oakley, county court clerk; John W. Record, trustee; John Elliott, register; Joseph McCord, coroner; Isaac H. Williams, ranger; Hugh McClelland, surveyor.

By the act which created the county, Richard Warner, Wm. Smith, Holman

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R. Fowler, Geo. W. McBride, and Wm. D. Orr were appointed commissioners to select the county seat to be named Lewisburg in honor of Meriwether Lewis. Abner Houston gave fifty acres for the county site. Lewisburg was incorporated on December 16, 1837.

Early settlers were: Asa Fonville, in 1807, and Jas. Patterson, in 1808. Wm. McClure, in 1809, the Becks, Wallaces and Allens. Gen. Nathan Bedford Forrest, who was born near Chapel Hill, was a descendant of the Becks. Capt. Andrew Patterson, who commanded a company at the battle of New Orleans, made a settlement near Chapel Hill about 1800.

The first Circuit Court was held at Abner Houston's house in November, 1836, Judge Edmund Dillahunty, presiding.

The first Chancery Court was established in 1836, Lunsford M. Bramlett, chancellor.

The first postmaster was John Hatchett. The first paper published was the Marshall Democrat in 1847. The second was the Lewisburg Gazette, in 1848.

The first church was Bethbersi, organized June 1, 1810, by Rev. Samuel Findley, Presbyterian. The first minister was Rev. John Gillespie.

Statistics of Marshall County: Population, 1920, 17,375. Assessed valuation of taxable property, 1921, $13,927,210. Area, 377 square miles. Number of farms, 2,560. Railway mileage, sixty. Drained by Duck River. Northern part of the county is generally level; southern portion hilly with valleys that are fertile. Staple products are corn, oats, wheat, fruit, and live stock. A branch of the Nashville, Chattanooga & St. Louis Railway passes through the county, and it is also intersected by the Lewisburg & Northern, a branch of the Louisville & Nashville. Lewisburg, the county seat, has a population of 2,711, fine schools and churches, two weekly newspapers, two banks and flourishing manufacturing and commercial establishments. Chapel Hill, Farmington and Cornersville are other towns. Scholastic population, 5,671; high schools, nine; elementary schools, forty-five.

MAURY COUNTY

Maury County was erected November 24, 1807, from a part of Williamson County, and was named in honor of Maj. Abram P. Maury. It is one of the best counties in the state. From an agricultural point of view no county in the state is superior to it.

The first County Court was held at the house of Col. Joseph Brown, about three miles south of Columbia. He was licensed to keep an "ordinary" and gave bond to furnish "good, wholesome and clean lodging and diet for travelers, stabling with hay, oats, corn, fodder and pasturage, as the season of the year may require, and not to suffer or permit gambling, nor on the Sabbath day permit any person to tipple or drink more than necessary!"

The magistrates of this first court were: John Dickey, John Miller, Wm. Gilchrist, Wm. Frierson, Isaac Roberts, John Spencer, John Lindsey, Joshua Williams, James Love, Lemuel Pruett, and William Dooley. Peter R. Booker was appointed solicitor. Joseph Herndon was the first resident attorney admitted to practice.

The commissioners appointed by the Legislature in 1808 to select the county seat were: Joshua Williams, William Frierson, Isaac Roberts, John Lindsey,

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and Joseph Brown. They selected Columbia, which was incorporated in 1817. The first physicians were Doctors O'Reilly and Estes. Later physicians were: Doctors DePriest, McNeil, Sansom, McJimsey and Graves.

The first paper, The Western Chronicle, was founded in 1811, by James Walker, who married a sister of President Polk, in 1813.

The early settlers in Maury County came from North Carolina and Virginia. Attention to this county was brought early and particularly because of the location there of the 25,000 acres given Gen. Nathanael Greene, on account of his services in the Revolutionary war.

One of the earliest colonies, however, came from South Carolina, in 1807 and in 1808, led by John Dickey and settled in the Zion Church neighborhood. Besides Dickey prominent settlers were: Moses Frierson, James Blakeley, William Frierson, Eli Frierson, James Armstrong, Thomas Stephenson, Nathaniel Stephenson, "Old Davy" Matthews, Samuel Witherspoon, John Stephenson, James Frierson, P. Fulton, Alexander Dobbins, Moses Freeman, the Flemings and Mayes. They built a church, which served also as a schoolhouse, in which the minister, Reverend Henderson, was a teacher. At one time James K. Polk was one of his pupils.

Not far from Mount Zion was the Polk settlement. From the first settlers, in 1807, Wm. Dever and his sister, Wm. Polk bought their 5,000-acre grant. He divided the estate among his four sons: Bishop Leonidas Polk, Lucius P. Polk, George N. Polk and Rufus K. Polk. This became known as the "Polk neighborhood." Near it was the home of Gen. Gideon J. Pillow.

Another prominent settlement was the Spring Hill community which was started about 1808-1810, by Abram Hammond, Colonel Russell, Nathaniel Cheairs, James Black and others. James Black was the grandfather of Col. Henry Watterson, and father-in-law of Judge Stanley Matthews, of the United States Supreme Court.

Few counties have been so prolific in prominent, noted and great men. Among them were President James K. Polk, Gen. Felix K. Zollicoffer, General Ewell, Stanley Matthews, Matthew Fontaine Maury, Henry F. Cooper, A. O. P. Nicholson, Wm. Fields,[27] Bishop Leonidas Polk, Bishop Otey, Gideon J. Pillow, Terry H. Cahal, Wm. Polk, Thos. Wrenne, Maj. James Holland, Dr. Samuel Mayes, Jas. Armstrong, a member of Lee's Legion, David Matthews, who served under Gen. Francis Marion, Gen. Richard Winn, Edward Ward Carmack, and many others.

For the history of many spots and places in the county, see Chapter XXXI.

Statistics of Maury County: Population, 1920, 35,403. Assessed valuation of taxable property, 1921, $29,694,070. Area, 596 square miles. Number of farms, 3,728. Railway mileage, 102. Drained by Duck River. Land is very fertile, and is one of the richest agricultural counties in the state. Staple products are corn, wheat, oats, hay, fruits and live stock. The dairying industry is extensive, the county having some of the finest herds in the state. There are immense phosphate deposits in the county which have been worked for years. Columbia, county seat, has a population of 5,526, is on the Duck River and has two railroads. It is the seat of Columbia Institute for Girls and Columbia Military Academy and has a fine system of public schools, splendid churches, daily and weekly newspapers, four banks, several manufacturing establishments, mills, etc. It is one of the largest mule markets in the country. Mount Pleasant,

[27] The compiler of the famous "Scrapbook."

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the center of the phosphate mining industry, has a population of 2,093, and has good schools and churches, two banks, a weekly newspaper, cotton mill, two creameries and prosperous manufacturing and mercantile establishments. Other prosperous towns are Culleoka and Spring Hill. The latter place has excellent private schools. Scholastic population of county, 11,352; high schools, thirteen; elementary schools, 100.

MONTGOMERY COUNTY

Montgomery County, named for John Montgomery, was erected in 1796, when Tennessee County gave up its name to the state and its territory was divided into Montgomery and Robertson County. Its first permanent settlement was made by Moses Renfroe and his company when they left Col. John Donelson's colony on April 12, 1780, as they were on their way up the Cumberland to the great French Lick (Nashville). Renfroe ascended the Red River to the mouth of Person's Creek where he built Renfroe's Station (sometimes called Red River Station). Among these settlers were Moses, Isaac, Joseph and James Renfroe, Nathan and Solomon Turpin, Isaac Mayfield, James Hollis, James Johns, and a widow named Jones.

On account of the fear of an Indian attack they left the station for the Bluff (Nashville), and at Battle Creek were attacked and twenty persons killed. The earliest stations in this county were Prince's, Clarksville, and Nevill's. Francis Prince and James Ford were the leaders at Prince's. Col. James Ford was probably the most striking figure in the county at that period. John Montgomery and Martin Armstrong laid off the land and made the plan of a town on the north bank of the Cumberland just above the mouth of Red River and entered the land in 1784. They named the town Clarksville, in honor of George Rogers Clark. In 1785 the Legislature of North Carolina established the Town of Clarksville and named in the act the following commissioners: John Montgomery, Anthony Crutcher, Wm. Polk, Anthony Bledsoe, and Lardner Clark. This was the second town established in Middle Tennessee.

In 1788 a tobacco inspection was established at Clarksville, the first in the state. In the same year Tennessee County, out of which Montgomery County was carved, was established, and a Court of Pleas and Quarter Sessions was held at the house of Isaac Titsworth, on Person's Creek for the first and second sessions. For the third session it met at the house of Wm. Grimbs: and all subsequent sessions were held at Clarksville, where, on the public square, a rude, log courthouse was built.

The earliest inhabitants of Clarksville were: John Montgomery, Anthony and William Crutcher, Amos Bird, Geo. Bell, Robert Nelson and Aeneas McAllister. In 1794-1795 there were, John Easton, Daniel James, James Adams, Wm. Montgomery, Philip Gilbert, Robert Dunning, Hugh McCallum, Benjamin Hawkins, and Andrew Snoddy.

Soon after Clarksville was established George and Joseph B. Medill, from South Carolina, built a fort on Red River between Prince's and Clarksville.

The first and most important settlement on the south side of the Cumberland was Palmyra at the mouth of Deason's Creek. It was the first port of entry in the West, a fact which indicates its importance at that time. It was laid out by Dr. Morgan Brown, father of the eminent jurist, Judge Wm. L. Brown, and was chartered in 1796. From 1780 to 1795 the people suffered

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much from the Indians who were instigated by the Spanish. Prominent among their deeds of horror were the Titsworth Massacre in 1794; the murder of John Dier and Benj. Lindsey in 1793; the heroic death of John Montgomery in 1794; the murder of Maj. Evan Shelby, brother of Isaac Shelby, in 1793; the ambushing and killing of three sons of Col. Valentine Sevier, brother of John Sevier, and of their two companions in 1792; and the sanguinary attack on Colonel Sevier's station in 1794.

Most of the early inhabitants of Montgomery County came from North Carolina, South Carolina, Virginia and Pennsylvania. Among those from North Carolina were Haydon Wells; James, Charles and Duncan Stewart, Anthony and William Crutcher and Robert Nelson. Among those from South Carolina were: James Ford, Francis, William and Robert Prince, Geo. Bell, Geo. Nevill, Joseph B. Nevill, and Dr. Morgan Brown. From Virginia, via Watauga were: Evan and Moses Shelby, Valentine Sevier, John Montgomery, John H. Poston. From Pennsylvania were: James Elder and Aeneas McAllister.

Schools began in the county immediately after the Indian atrocities ended. Mrs. Gibbs and Mrs. Hise opened a school for young ladies at Clarksville in the thirties. In 1837 the Female Academy was opened. There was also a Male Academy. The greatest institution of all, however, was the Southwestern Presbyterian University.

Clarksville, also, has been the home of many literary lights, among them: Father Ryan, Wm. A. Peffer, later a United States senator from Kansas, Martha McCulloch Williams, Elizabeth N. Gilmer ("Dorothy Dix"), Judge C. W. Tyler and Prof. G. F. Nicholassen.

Statistics of Montgomery County: Population, 1920, 32,265. Assessed valuation of taxable property, 1921, $19,207,350. Area, 540 square miles. Number of farms, 4,121. Railway mileage, eighty-three. County borders on Kentucky and is intersected by the Cumberland River. Its surface is undulating and partly timbered. Its soil is fertile and it is one of the best tobacco producing counties in the state. Fine limestone and iron ore deposits in the county. Staple products are tobacco, corn, wheat, oats and live stock. The county is traversed by L. & N. and the Tennessee Central Railroads. Clarksville, the county seat, has a population of 8,110. It is on two railroads and the Cumberland River. It is an up-to-date city with all conveniences, a large tobacco market, has fine schools and churches, daily and weekly newspapers, several manufacturing establishments, and is a jobbing center for a large territory. New Providence, St. Bethlehem, Palmyra, and Carbondale are other towns in the county. Scholastic population in the county, 10,332; high schools, six; elementary schools, ninety-six.

MOORE COUNTY

Moore County was erected on December 14, 1871, "out of portions of Lincoln, Franklin, Coffee and Bedford counties, to be called the county of Moore, in honor of the late Gen. Wm. Moore," who was one of the early settlers of Lincoln County, a soldier of the War of 1812, and a member for several terms of the General Assembly.

This county was established in violation of a provision of the constitution which requires that each county shall have not less than 275 square miles. The reason was that one of its lines was laid out less than eleven miles from

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the courthouse of Lincoln County, which promptly demanded enough of the territory of the new county to place the boundary line at the proper distance thus reducing the area of Moore County to 160 square miles.

The first settlements were made about 1800, by pioneers from North Carolina and Georgia. David Crockett, attracted by the game, once lived here, on the head waters of East Mulberry Creek. Thos. Roundtree, one of the first settlers, owned the land on which Lynchburg is situated. He laid off the town about 1820 and it was incorporated in 1841.

Moses Crawford, one of the first settlers, is authority for the statement that there was in the early days a den of thieves near Lynchburg and that "stealing was as common as going to church." It became necessary, therefore, to have a vigilance committee to maintain law and order. Offenses were punished at the whipping post. A small, weakly man named Lynch, who was living there, was so frequently chosen to wield the lash that in time the place was called Lynchburg, so tradition says.

The first County Court met at the house of Tolley and Eaton, in Lynchburg, in June, 1873, and in the same year Lynchburg was selected as the county seat.

In the early days camp meetings were held at the camp grounds. Enoch's camp ground, four miles northeast of Lynchburg, was a famous meeting place of the Methodists in those times.

Statistics of Moore County: Population, 1920, 4,491. Assessed valuation of taxable property, 1921, $1,900,629. Area, 170 square miles. Number of farms, 846. Railway mileage, none. It is drained by Elk River and its surface is hilly and partly covered with timber. Soil fertile and principal products are corn, wheat, oats and live stock. Lynchburg, county seat, has a population of 365, good schools and churches, a weekly newspaper, two banks, and flourishing business establishments. It is noted as a mule market. Scholastic population of county, 1,600; high schools, one; elementary schools, twenty.

OVERTON COUNTY

Overton County was erected in 1806 from a part of Jackson County and was named in honor of Judge John Overton, the most intimate friend of Andrew Jackson. The earliest settlers were Col. Stephen Copeland and his son, "Big Joe" Copeland. Other early settlers were: John Goodpasture, father of the distinguished jurist, Judge Jefferson D. Goodpasture, Capt. Jesse Arnold, Capt. Simeon Hinds, father of the learned chemist and teacher, Dr. J. I. D. Hinds, of Lebanon; Benjamin Totten, father of Judge A. W. O. Totten; Moses Fisk, Judge Alvin Cullom, Adam Huntsman, and some descendants of John Sevier.

The first court was held at a place called later James' Store, about five miles north of Livingston. In the year 1807 the Town of Monroe was laid off and selected as the county seat. Soon Livingston became a rival for the honor of being the county seat and a lively animosity arose between the two towns. Finally in an election in 1833, Livingston was victorious by a small majority.

The oldest town in the county is Hilham, founded in 1805 by Moses Fisk. It was there that the Fisk Female Academy was located, the first school distinctly for girls, chartered in the South, and one of the first in the entire United States.

Alpine Institute founded in 1821 by Dr. John L. Dillard, has had a remarkable career and is a flourishing institution today. Five governors have taught in it, including its most efficient president, Gov. A. H. Roberts.

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Statistics of Overton County: Population, 1920, 17,617. Assessed valuation of taxable property, 1921, $4,471,888. Area, 376 square miles. Number of farms, 2,714. Railway mileage, thirty. Drained by Obed and Roaring rivers, tributaries of the Cumberland. Its surface is hilly and its soil very fertile. Fine grazing lands for cattle and sheep. Staple products are corn, wheat, hay and live stock. The county is well timbered and there are good deposits of coal. Livingston, the county seat, is the terminus of the Tennessee, Kentucky & Northern, a short line extending from the Tennessee Central, and has a population of 1,215. It has good schools and churches, two weekly newspapers, two banks and several manufacturing establishments, and is a flourishing town. Scholastic population of county, 6,597; high schools, six; elementary schools, eighty-four.

PERRY COUNTY

Perry County was erected on November 14, 1821, from a part of Hickman County and was named in honor of Commodore Oliver H. Perry. It embraced at first the territory now in Perry and Decatur counties.

The first County Court was organized on the first Monday in January, 1820, at the house of James Dickson, on Lick Creek, when Joseph Brown was chosen chairman and the following magistrates qualified: James Dickson, Joseph Brown, William Holmes, William Britt, John L. Houston, Enoch Hooper, Oswald Griffin, a Mr. Nunn, and Green B. Newsom. The following officers were elected: William Harmon, clerk; Aaron Lewis, trustee; John A. Rains, register; Jacob Harmon, ranger; Mark Murphy, coroner; West Wood, sheriff.

The county seat was established in 1871, at Perryville, on the west side of the Tennessee River. This remained the county seat until 1846 when the Tennessee River was made the boundary line and the western part was erected into Decatur County.

In the early days Perryville was a political and business center of importance. David Crockett, Andrew Jackson, Sam Houston, James K. Polk, and others, visited it.

For two years after the division the courts of Perry County were held at Harrisburg, now Bethel, three miles south of Linden, which was selected as a county seat in 1848 by a majority of six votes. In the same year the first courthouse was built of logs.

The first school in the county was on Tom's Creek, taught by Ferny Stanley in 1820. The first steamboat, the General Greene, arrived in 1819. The first merchant was John Yates, who had a store on Tom's Creek in 1819. John Tracy built the first water mill on Cedar Creek, in 1820.

The first Circuit Court was held at James Dickson's, on Lick Creek, in 1820 Judge Humphreys presided.

The first church was built in 1821, on Lick Creek, by the Primitive Baptists, and the first ministers who held services there were Rev. William Hodge and Rev. Samuel Akins.

Statistics of Perry County: Population, 1920, 7,765. Assessed valuation of taxable property, 1921, $3,379,600. Area, 420 square miles. Number of farms, 1,235. Railway mileage, none. Drained by Tennessee River and tributaries. Surface diversified by high ridges and rich valleys, and portions of it well timbered. It is one of the principal peanut-producing counties of the state

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Other staple products are corn, wheat, buckwheat and live stock. Linden, the county seat, has a population of about 500 and is a town of good schools and churches, and flourishing business establishments. It is thirteen miles from the Tennessee River and eighty miles from Nashville. Scholastic population of county, 2,546; high schools, three; elementary schools, forty-eight.

PICKETT COUNTY

Pickett County was erected in 1879 from parts of Overton and Fentress counties and was named for H. L. Pickett, a resident of Wilson County. Its early history is the history of the counties from which it was taken.

Statistics of Pickett County: Population, 1920, 5,205. Assessed valuation of taxable property, 1921, $1,188,975. Area, 240 square miles. Number of farms, 935. Railway mileage, none. Its surface is hilly, and it is well watered by Obed and Wolf rivers. Some sections covered with fine timber. Staple products are corn, wheat, oats, grass and live stock, Byrdstown, the county seat, has a population of 125, and has good schools and churches, a bank, and flourishing business houses. Scholastic population of county, 1,914; high schools, none; elementary schools, thirty.

PUTNAM COUNTY

Putnam County was erected on February 1, 1842, from parts of White, Overton, Jackson, Smith and DeKalb counties and was named in honor of Gen. Israel Putnam, of the Revolutionary war.

In accordance with the provisions of the act creating this county, the County and Circuit courts were established and their officers were elected and functioned until 1844 when an injunction restraining the officers from performing the duties of their offices was applied for and was granted. February 11, 1854, however, Putnam County was reestablished largely through the efforts of Major Cooke, after whom Cookeville, the county seat, was named. He was one of the most prominent citizens of the county and, at the time, was an influential member of the State Senate. The way for the reestablishment of the county was facilitated by the decision of the State Supreme Court that after the organization of the county was complete and the original commissioners had performed their duty, it was not within the jurisdiction of the courts of justice to enjoin the civil officers from proceeding in their official duties.

The commissioners named in the reorganization act located the county seat and laid off the town which was named Cookeville. Monticello was a competitor for this honor. This commission was composed of Joshua R. Stone and Dr. Green H. Baker, of White County; Austin Morgan and Maj. John Brown, of Jackson County; Wm. Davis and Isaiah Warthon, of Overton County; Wm. B. Stokes and Bird S. Rhea, of DeKalb County; and Benj. A. Vaden and Nathan Ward, of Smith County.

Putnam County furnished many gallant officers in the War between the States. Among them were: Sidney S. Stanton, John B. Vance, Harvey H. Dillard, Holland Denton, Walton Smith, S. H. McDearmon, John H. Quarles, W. B. Carten, S. J. Johnson, Rison Robinson, C. J. Davis, S. G. Slaughter, Wm. Ensor, Abraham Hord. Gen. Alvin C. Gillem, one of the three general officers furnished the Union Army from Tennessee, was a Putnam countian.

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Monterey (called in the early days Standing Stone) and Bloomington Springs are noted summer resorts. There are important deposits of coal, phosphate, lithograph stone, sandstone, and petroleum.

Statistics of Putnam County: Population, 1920, 22,231. Assessed valuation of taxable property, 1921, $9,784,713. Area, 430 square miles. Number of farms, 2,983. Railway mileage, forty-nine. Drained by tributaries of the Caney Fork and the Cumberland. Its surface is undulating and partly covered with fine timber. County well adapted to stock raising and fruit growing. Staple products are corn, grass and live stock. Fine coal deposits are found in the mountain section of the county. The Tennessee Central Railway traverses the county. Cookeville, the county seat, has a population of 2,395, and has fine churches and schools. It is the seat of the Tennessee Polytechnic Institute. It has fine electric light plant, water system, weekly newspaper, two banks, several manufacturing establishments, prosperous stores, and is the jobbing center for a considerable territory. Monterey, on top of a mountain, has a population of 1,445, and is the center of the spoke and handle and stave industry for that section. It has good schools and churches and prosperous business establishments. Algood and Baxter are other towns in the county. Scholastic population of county, 7,739; high schools, five; elementary schools, seventy.

ROBERTSON COUNTY

The creation of Robertson County was synchronous with that of Montgomery County, both having been erected from Tennessee County on April 9, 1796. It was named in honor of James Robertson.

The first settler in this county was Thomas Kilgore. In 1776 or 1777 he lived for some time in a cave on the south fork of Red River, near what is now the Village of Cross Plains. After spending about a year here, he returned to his family in North Carolina and took part in the battle of King's Mountain. On his return he was accompanied by Moses Maulden, Ambrose Maulson, Samuel Mason, Josiah Hankins and several others with their families. They arrived toward the latter part of 1780 and built a fort, called Kilgore's Fort or Kilgore's Station, on Kilgore's land. After a few months, however, they abandoned the station because of the depredations of the Indians. Kilgore returned later and lived there until his death at the age of 108.

From Tennessee County, of which Robertson was a part, the delegates to the Constitutional Convention of 1796 were Thomas Johnson, James Ford, William Fort, William Prince and Robert Prince. The original constitution is in the handwriting of William Fort, who was considered the best penman among the delegates.

On July 18, 1776, the first County Court organized at the house of Jacob McCarty, with the following named magistrates present: William Fort, chairman; Benj. Menees, Wm. Miles, Isaac Phillips, Bazil Boren, Martin Duncan, John Phillips, James Crabtree, and Zebulon Hart. Samuel Donelson was made county solicitor. The next term of the court was held at the house of Benj. McIntosh, and this continued to be the place of meeting until July, 1798, when it met at the store of Geo. Bell, where Springfield now is. When the courthouse was built in 1799 the sessions were held there.

In April, 1796, thirty acres were donated to the county by Archer Cheatham

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for a county site. In 1798 twenty acres more were bought from Thomas Johnson and Springfield became the county seat.

Early physicians were Drs. Levi Noyes, Clark, B. Bell, and Archie Thomas.

The Circuit Court was organized on April 10, 1810. It was presided over by Judge Parry W. Humphreys. The first lawyer was Thornton A. Cook. Other early lawyers were: W. H. Dortch and W. W. Pepper.

According to tradition Wm. Black taught the first school which was on Sulphur Fork. About 1805 Thomas Bowles and John Edwards taught at Springfield, and, in the next year, according to N. W. True, Liberty Academy was established at Springfield. This became a noted school and many prominent men were educated there. It existed about seventy-five years and was then sold to some negroes who used it for a church.

Early churches were the Red River Missionary Baptist Church, the first, 1791, the Cane Ridge Presbyterian Church, 1793, where some of the services of the Great Revival of 1800 were held and Mount Zion. A large camp ground was maintained also.

This county was the home of the so-called Bell witch about whom hair-raising stories were told, and also of the octoroon Elijah Cheek. It was also the scene of some of the startling exploits of the Night Riders a few years ago.

Statistics of Robertson County: Population, 1920, 25,621. Assessed valuation of taxable property, 1921, $17,859,694. Area, 536 square miles. Number of farms, 4,002. Railway mileage, twenty-six. Surface hilly and well covered with timber. Soil fertile. Tobacco is one of the principal products, this county being one of the largest producers in the state. Other staple products are wheat, corn, oats and live stock. Springfield, the county seat, has a population of 3,860, and is a flourishing town. It is one of the chief tobacco markets of the state. Springfield is on the L. & N. Railroad and is thirty miles from Nashville. It has fine schools and churches, two weekly newspapers, four banks, and manufacturing establishments. Adams, Green Brier and Cedar Hill are other towns. Scholastic population of county, 9,393; high schools, nine; elementary schools, seventy-four.

RUTHERFORD COUNTY

Rutherford County was erected on October 25, 1803, from Davidson and was named in honor of Gen. Griffith Rutherford, of North Carolina. It was organized on January 3, 1804.

Uriah Stone, who discovered Stone's River, in 1766, explored it as far as Old Jefferson in Rutherford County. The famous Indian chief, Black Fox, had a camp near Murfreesboro and the old Indian war trace from Nashville to Chattanooga passed through this county.

Early settlers were: Sam Wilson, who located at Wilson's Shoal on Stone's River; Wm. Adkinson, Thos. Nelson and Thos. Howell, near Stewart Creek; Robt. Overall, on Overall Creek; Nimrod Menifee, near the Federal cemetery; Col. Robt. Weakley, Robt. Bedford, Col. Richard Ransom, Rev. Jas. Bowman, Charles Ready, Thos. Rucker, Richard Saunders, and Capt. Wm. Lytle, the last named being the owner of the land on the site of Murfreesboro.

On August 3, 1804, the commissioners, John Hill, Frederick Barfield, Mark Mitchell, Alexander McBride, and Peter Legrand, selected a county seat. Through the influence of Col. Robt. Weakley and Robt. Bedford they selected

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Jefferson, known now as Old Jefferson, on land between the forks of Stone's River. The first court was held at the house of Thomas Rucks, on January 3, 1804, and the first courthouse erected in 1804-1805. Parry W. Humphreys was made county solicitor. Thos. H. Benton tried his first case at Jefferson.

On October 17, 1811, the Legislature directed that a county seat be determined and named and appointed seven prominent land owners to select a site of sixty acres, centrally located. A struggle ensued between rival factions. The site was first called Cannonsburg in honor of Newton Cannon, governor 1835-1839, but, by an amendment to the Act of 1811, it was called Murfreesborough in honor of Col. Hardy Murfree, who led the advance at the battle of Stony Point, and was incorporated on October 17, 1817. The first mayor was Joshua Haskell, who resigned and was succeeded by Joseph Wendell. Lawyers of early days were: S. R. Rucker, J. R. Martin, Charles Ready, S. A. Laughlin, W. Brady, Samuel Anderson, John Bruce, Joshua Haskell, and P. W. Humphreys. Early physicians were Drs. Jam. Mooney, J. King, Henry Holmes and P. Yandell.

The Tennessee Legislature held its sessions in Murfreesboro from 1819-1826, its meetings being in the courthouse.

Important educational institutions: Soule College, originally Soule's Female Academy, founded in 1825; Old Union University, chartered February 5, 1842; Tennessee College, Anderson's School for Boys and the Middle Tennessee Normal School.

Murfreesboro has been the home of two great literary celebrities: Dr. Samuel P. Baldwin, author of "Armageddon," and Miss Mary N. Murfree (Charles Egbert Craddock), whose lamented death occurred recently.

Statistics of Rutherford County: Population, 1920, 33,059. Assessed valuation of taxable property, 1921, $25,441,330. Area, 580 square miles. Number of farms, 5,254. Railway mileage, thirty-four. Drained by Stone's River, a tributary of the Cumberland. Its surface is undulating and the soil fertile. Portions of the county are well timbered. Staple products are corn, cotton, wheat, sorghum, peas, clover and grass. It is one of the best live stock counties in the state. Murfreesboro, the county seat, has a population of 5,367, and is on the N. C. & St. L. Railway, thirty miles from Nashville. It has fine public and private schools, and is the seat of the Middle Tennessee Normal. It has splendid churches, two weekly newspapers, several manufacturing establishments and prosperous stores. Christiana, Fosterville, Smyrna and LaVergne are other towns in the county. Scholastic population of county, 14,367; high schools, fifteen; elementary schools, 100.

SMITH COUNTY

Smith County was erected in 1799 from a part of Sumner County and was named in honor of Gen. Daniel Smith, a pioneer surveyor, secretary of the Southwest Territory and United States senator succeeding Andrew Jackson.

The early settlers were mostly from North Carolina and Virginia, some of them via East Tennessee. They raised cotton, corn, tobacco and hemp. Wm. Walton was the first settler, having located, probably in 1787, on what was afterwards the site of Carthage. Other early settlers were: Daniel Burford, Richard Alexander, Peter Turney, Wm. Saunders, Tilman Dixon, Micajah Duke,

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Wm. McDonald, Wm. Goodall, Armstead Flippin, Jas. Hodges, Geo. T. Wright, Arthur S. Hogan, the Gordons, Smiths and Fites.

On December 16, 1799, the first session of the Court of Pleas and Quarter Sessions was held at the house of Tilman Dixon on the site of Dixon Springs. The following named magistrates were present and qualified: Garrett Fitzgerald, chairman; Wm. Alexander, Jas. Gwinn, Tilman Dixon, Thos. Harrison, Jas. Hibbetts, William Walton and Peter Turney. The last named was the father of Hopkins L. Turney and grandfather of Governor Peter Turney. The oath was administered by Moses Fisk, who was appointed clerk, pro tem. Amos Lacey was chosen constable. During its first years this court had its meetings sometimes at the house of Major Dixon and sometimes at Wm. Saunders', then at Fort Blount, then at Colonel Walton's. But in 1804, the county site was established at the place where Carthage now stands, which was laid out on the land of Col. Wm. Walton, who built the road, called after him, the Walton Road, from the junction of the Caney Fork and the Cumberland across the mountain, along which road he erected houses for the entertainment of travelers. The courthouse was completed in 1805, and in March, 1806, the court was held in it.

The Circuit Court held its first session, it is thought, in 1810, with Judge N. W. Williams, presiding. The Chancery Court held its first term in May, 1825, and was presided over by Judge John Catron, chief justice of the state, 1831-1835, and then member of the United States Supreme Court. Among the prominent members of its bar were: Robert L. Caruthers, elected governor in 1863, and his brother, Abraham Caruthers; Wm. B. Campbell, governor, 1851-1853; Wm. Cullom, Samuel M. Fite, James B. Moore, Jordan Stokes, John D. Goodall, Andrew McClain, A. A. Swope, E. L. Gardenhire, and Sam Turney.

Smith County furnished for the War of 1812, two companies whose captains were respectively, Robertson and James Walton; four companies for the war with Mexico, commanded by Capts. William Walton, L. P. McMurry, Don Allison, and John D. Goodall; and twelve companies for the Confederate Army.

Pioneer ministers were: David P. Timberlake, David Halliburton, John Page, Jesse Moreland, and John Maffit.

Important educational institutions were the Geneva Academy and the Female Academy.

Statistics of Smith County: Population of 1920, 17,134. Assessed valuation of taxable property, 1923, $13,652,578. Area, 368 square miles. Number of farms, 2,908. Railway mileage, twenty-seven. Drained by the Cumberland and its tributary, the Caney Fork. Surface hilly and well covered with timber. Staple products are corn, wheat, oats, tobacco and hay. It is one of the best live stock counties in the state. Carthage, the county seat, is on the Cumberland River and the terminus of a branch of the Tennessee Central. It has a population of 920, has good schools and churches, a weekly newspaper, one bank, manufacturing and mercantile establishments. Large shipments of tobacco are made from Carthage. Dixon Springs is another prosperous town in the county. Scholastic population of county, 6,832; high schools, two; elementary schools, seventy-two.

STEWART COUNTY

Stewart County was erected on November 1, 1803, from a part of Montgomery County and was named in honor of Duncan Stewart, an energetic and

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prosperous farmer. At that time this county included a vast domain extending west to the Tennessee River and south to the Alabama line. After the Chickasaw purchase was made, October 19, 1819, the jurisdiction of this county for a while extended to the Mississippi River and covered more than twelve hundred square miles, more than one-fourth of the entire state.

The earliest settlers arrived about 1795, mostly from North Carolina. Among them were: Geo. Petty, Samuel A. Smith, Britton Sexton, James Andrews, Samuel Boyd, and Elisha Dawson. They settled on or near the site of Dover. About 1800, Duncan Stewart arrived with a large number of immigrants from North Carolina, among them were: John Kingins, Christopher Brandon, Joseph Smith, Tillman Sexton, and Ethelred Wallace. In 1809 and 1811, John Wofford and James Wofford came. From Virginia came: James Scarborough, Sr., Jas. Scarborough, Jr., Davis Andrews, and Ebenezer Rumphelt; other pioneer families were, the Lewis, Gorham, Weaks, Parchman, Walter, and Akers families.

Most of the settlers from North Carolina had grants of land for services in the Revolutionary war. For several years they suffered much from the depredations of the Indians.

On November 1, 1803, the Legislature passed an act in which a commission was appointed to select the county seat. The county was organized on March 12, 1804, at the house of George Martin, near Bald Island, by the following named magistrates: Thomas Clinton, Joshua Williams, Wm. Allen, and Geo. Petty.

In 1805, thirty acres were bought of Robt. Nelson and a county seat laid out. Although the act creating the county specified that the name of the county seat should be Monroe, it was, nevertheless, called Dover. It was incorporated in 1836.

Among the early lawyers who practiced at Dover were: Nathaniel McNairy, Jesse E. Rice, H. C. Roberts, Jas. Roberts, Percy W. Thompson, Aaron Goodridge, E. P. Petty, J. B. Reynolds, J. W. Wall, C. M. Brandon, J. W. Rice, M. Brandon, Jesse L. Harris, J. O. Shackleford, Peter Lynch, Hiram Valentine, John Reddick, Wm. Fitzgerald, West H. Humphreys, Geo. W. Marr.

Early physicians were: Doctors Brunson, Huling, Cato, Outlaw and Roberts.

Probably the first school was taught by John Ferrell in 1806. Alexander Coppage was a noted teacher of 1826. In 1840, McDougal opened a "Male and Female Academy."

The Baptists established the first church, probably in 1803.

From 1854 to 1856, a servile insurrection, probably the only one in the history of Tennessee was fomented in this county, supposedly by white preachers. The plan was for the negroes to overcome their masters on a certain day and then to leave for Ohio where they expected to be free. In December, 1856, the plot was discovered by the vigilance committee. Six of the leaders were hanged and many were whipped.

Stewart County was for more than fifty years the center of the iron industry of Middle Tennessee.

Statistics of Stewart County: Population, 1920, 14,664. Assessed valuation of taxable property, 1921, $5,620,099. Area, 500 square miles. Number of farms, 2,612. Railway mileage, five. Drained by the Cumberland River which intersects the county. The Tennessee River flows along the western border

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of the county. Its surface is hilly and partly covered with timber. Soil fertile. A large amount of export tobacco is grown. Other staple products are corn, wheat, oats and live stock. Several iron mines have been worked in the county. The Louisville & Nashville Railroad passes through the county. Dover, the county seat, has a population of about five hundred and has good schools and churches, a weekly newspaper, two banks, and flourishing business houses. Scholastic population of county, 5,576; high schools, one; elementary schools, sixty-three.

SUMNER COUNTY [28]

Sumner County was erected on November 17, 1786, by act of the Legislature of North Carolina. It was formed from a part of Davidson County and was named in honor of Gen. Jethro Sumner, a gallant officer in the Revolutionary war. It was the second county formed in Middle Tennessee.

Cisco says, "the curtain of history arises on Sumner County in the year 1779, when a settlement of a dozen families was formed near Bledsoe's Lick," now Castalian Springs. Before this day, however, Thomas Sharp Spencer and others had come into the Cumberland country, and, in 1777, had built a number of cabins about one-half mile west of Bledsoe's Lick, and in 1778 had planted some corn. This was the first agricultural effort made by men of the Anglo-Saxon race in Middle Tennessee.

Col. Isaac Bledsoe built a fort or station about a quarter of a mile west of Bledsoe's Lick, and his brother, Col. Anthony Bledsoe, built a fort two and one-half miles north of the Lick, and called it "Greenfield."

Asher and others built a fort a little southeast of Gallatin. Forts were also built by John Morgan, Maj. Jas. White, Colonel Sanders, Jacob Zeigler, Capt. Jos. Wilson, ancestor of Judge S. F. Wilson, of the State Court of Chancery Appeals, Kasper Mansker, Hamilton, and others.

Among the early settlers were: Col. Isaac Bledsoe, Col. Anthony Bledsoe, Robert Desha, Jordan Gibson, Henry Loving, Wm. Morrison, John Morgan, John Sawyer, Robt. Steele, Jacob Zeigler, Henry Ramsey, Wm. Hall, Hugh Rogan, David Shelby, Geo. D. Blackmore, Jas. and Geo. Winchester, Robt. Peyton, Jos. Wilson, Michael Shafer, Jas. Hayes, Chas. Morgan, Gabriel Black, John Carr, Robt. Brigham, Chas. Campbell, Wm. Crawford, Edward and Elmore Douglass, Jas. Franklin, Richard Hogan, Robt. and David Looney, Geo. Mansker, Benjamin Kuykendall, Thos. Sharp Spencer, John Peyton, Jas. McCain, Benj. Porter, John Withers, Jno. Hamilton, Jno. Latham, Wm. Snoddy, Jas. Cartwright, Jas. McCann, John and Joseph Byrns, Jas. Trousdale, Benj. Williams, Jno. Edwards, Samuel Wilson, John Hall, Wm. Montgomery, Edward Hagan, Gen. Daniel Smith, Wm. Frazier, Benj. Sheppard and Redmond D. Berry, who introduced Kentucky bluegrass and brought from North Carolina his blooded horse Gray Metley.

The first court of Sumner County was held on the first Monday in April, 1787, at the house of Jno. Hamilton, at Station Camp Creek, about five miles from Gallatin. The members of that court were: Gen. Daniel Smith, Maj. David Wilson, Maj. George Winchester, Isaac Lindsey, Wm. Hall, John Hardin, Joseph Kuykendall, Col. Edward Douglass, and Col. Isaac Bledsoe, David

[28] The historical facts in the sketch of this county have been taken largely from Cisco's "Historic Sumner County."

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ROCK CASTLE, THE HOME OF GENERAL DANIEL SMITH

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Shelby, son-in-law of Col. Anthony Bledsoe, was appointed clerk. John Hardin, Jr., was appointed sheriff, and Isaac Lindsey, ranger.

On April 20, 1796, the Legislature of Tennessee passed an act appointing commissioners to select a site for the seat of government. Those commissioners were: Wm. Bowen, Jno. Wilson, Isaac Walton, Geo. D. Blackmore, and Hugh Crawford. The act also appointed the following trustees to purchase the land selected by the commissioners: Henry Bradford, David Shelby, and Edward Douglass. Section 3 of this act provided that the town should be called "ca Ira," which name was corrupted into "Cairo" and it was so incorporated on November 5, 1815. On October 2, 1797, this act was repealed and another act passed appointing another commission to select the county site, to buy land, erect a courthouse, prison and stocks.

This act also was repealed on October 26, 1799, and Sumner County was reduced to its constitutional limits. On November 6, 1804, an act was passed by the Legislature to provide for county seat and buildings and that the town should be called Gallatin, in honor of Albert Gallatin, secretary of the treasury of the United States.

In February, 1802, the site of Gallatin was purchased from Jas. Trousdale. The courthouse was completed in 1803.

The Circuit Court was established in 1810, and the Chancery Court in 1836. The sessions of the Court of Pleas and Quarter Sessions were held in the homes of various citizens until the courthouse was erected. The first session of the court after Tennessee was admitted into the Union was held in the house of Ezekiel Douglass, in July, 1796. It was composed of the following members appointed by Governor Sevier: Wm. Cage, Stephen Cantrell, Jas. Douglass, Edward Douglass, James Gwyn, Wetheral Lattimore, Thos. Masten, Thos. Donald, Jas. Pearce, David Wilson, Jas. Winchester and Isaac Walton. Probably from eighty to one hundred persons in Sumner County were killed by the Indians. An academy for girls was incorporated November 3, 1837. It was succeeded by the Howard Female Institute in 1856. Joseph S. Fowler was a teacher in this school. After the war he became a senator of the United States from Tennessee. The claim has been made that it was his vote which saved Andrew Johnson from being convicted when impeached.

Rock Castle, the home of Gen. Daniel Smith, was very celebrated in the early days and is still standing at Hendersonville; also Cragfont, the home of Gen. James Winchester.

Early ministers from the county were: Jno. Gwynn, Jas. McGhee, Bishop McKendree, John Page, Methodists; John Wiseman, Baptist; William McGhee, Presbyterian.

Statistics of Sumner County: Population, 1920, 27,708. Assessed valuation of taxable property, 1921, $21,557,328. Area, 536 square miles. Number of farms, 4,585. Railway mileage sixty-two. Sumner is one of the finest stock raising and agricultural sections in the state and is intersected by the Louisville & Nashville Railroad, borders on Kentucky, and is bounded on the south by the Cumberland River. Portions of it are well timbered and it is a fine county for fruit growing. Phosphate deposits are found in the county. It has a good system of highways. Staple products are corn, wheat, tobacco, hay and live stock. Gallatin, the county seat, is on the Louisville & Nashville Railroad and is thirty miles from Nashville, and has fine schools and churches, two weekly newspapers, two banks, and prosperous manufacturing and mercantile

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establishments. Gallatin has a population of 2,757. Portland is another prosperous town. Scholastic population of county, 9,672; high schools, thirteen; elementary schools, eighty-three.

TROUSDALE COUNTY

Trousdale County was erected in 1870, from parts of Sumner, Macon, Smith and Wilson counties, and was named in honor of Wm. Trousdale, governor, 1849-1851.

The first court was held in the Methodist Church at Hartsville on the first Monday in September, 1870. The following named magistrates were present: Jas. R. DeBow, chairman; Chas. McMurray, and Jas. R. Jefferies. Hartsville was chosen as the county seat in an election held in the following November. The Circuit Court held its first term in September, 1870, Judge W. H. Williamson, presiding.

The following chancellors have presided over the division of which Trousdale County is a part: Chas. G. Smith, Horace H. Lurton, afterwards a member of the United States Supreme Court, B. J. Tarver, and Geo. H. Seay.

The Lauderdale, Donoho, Sewell, Cunningham, Mill and Caruthers families were early settlers in this county. Albert Gallatin Donoho was the first white child born near Hartsville, in 1798. Like the people in all the neighboring counties the early settlers here suffered much from the atrocities of the Indians.

The section afterwards known as Trousdale County sent a company to the Mexican war under command of Capt. R. A. Bennett and Lieuts. J. M. Shaver, Patrick Duffy and King Kirby.

Among its distinguished officers in the War between the States were: Col. James Bennett, Capt. Wm. Barksdale, Maj. G. Lowe, Capt. H. C. Ellis, and Col. Wm. J. Hale.

The battle of Hartsville was fought on December 7, 1862. The Federal garrison, after an hour's fight, surrendered to the Confederates under Gen. John Morgan.

Statistics of Trousdale County: Population, 1920, 5,996. Assessed valuation of taxable property, 1921, $5,369,678. Area, 166 square miles. Number of farms, 876. Railway mileage, eight. Drained by Cumberland River and tributaries. Surface hilly with rich valleys, and splendidly adapted to stock raising. Staple products are corn, wheat, tobacco, hay and live stock. Hartsville, the county seat, is on the Cumberland River and the terminus of a branch of the Louisville & Nashville Railroad. It has a population of 1,023 and has good schools, churches, a weekly newspaper, two banks, and prosperous business establishments. Scholastic population of county, 1,734; high schools, one; elementary schools, twenty-five.

VAN BUREN COUNTY

Van Buren County was erected in 1840, from parts of White, Warren and Bledsoe counties and named for Martin Van Buren, who was president at that time. The first court was held on April 6, 1840, at Spencer, named for Thos. Sharp Spencer.

Burritt College, at Spencer, was established in the '50s, with accommoda-

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tions for 250 students. Its influence on education in this section has been incalculable.

Statistics of Van Buren County: Population, 1920, 2,624. Assessed valuation of taxable property, 1921, $1,693,762. Area, 322 square miles. Number of farms, 432. Railway mileage, none. This county is well drained and has much fine timber and fine grazing lands for cattle and sheep. Staple products are corn, grasses, fruits and live stock. Spencer, the county seat, has a population of about three hundred, and has good schools and churches, a bank, and prosperous business establishments. Scholastic population of county, 1,013. High schools, one; elementary schools, twenty-one.

WARREN COUNTY

Warren County was erected in 1807, from a part of White County and is said to have been named for Gen. Wm. Warren, who fell at the battle of Bunker Hill. It is believed that Elisha Pepper, who came from Virginia about 1800, was the first settler. Other early settlers were: Joseph Colville, John Lusk, Lyon Mitchell, Wm. Lusk, Dr. John Wilson, Edward Hogue, Dr. W. P. Lawrence, Absalom Clark, Elijah Fletcher, Jno. England, Irwin Hill, Oliver Charles, Abner Womack, Wm. Womack, Chesley Webb, Jno. Kirby, Robert Biles, Archibald Prater, Allen Youngblood, Brown Spurlock, Thos. Gribble, Mason French, Jas. Northcutt, Wm. Smartt, Dr. Archibald Faulkner, Asa Faulkner, John Gross, James Cope, Wm. Cummings, Joshua Hickerson, Oliver Charles, H. J. A. Hill, W. J. Stubblefield, John Davis, and Jas. Elkins.

Until 1810, the courts were held at the home of Joseph Westmoreland and in a log house near it about a half mile south of Barren Fork. This was near the celebrated Poplar Tavern where people intending to settle on Elk River, usually stopped. In March, 1809, McMinnville was selected as the county seat by the commissioners, Jas. Taylor, Thos. Matthews, Benj. Lockhart, Jas. English and John Armstrong. It was located on the lands of Joseph Colville, Jno. A. Wilson and Robt. Cowan. In August, 1810, McMinnville was laid off and lots sold.

Among the early lawyers were: T. V. Murray, Washington Britain, Geo. Stubblefield, John B. Forrester, Wm. Armstrong, Stokeley D. Roman, Andrew J. Marchbanks, Napoleon B. Baird, B. L. Ridley, Thos. K. Harris.

This county has furnished soldiers for all the wars in which Tennessee has had a part.

Early educational institutions were: Quincy Academy, founded in 1809; Edmondson Academy, established in 1820; Carroll Academy, in 1830; and the Cumberland Female College in 1850.

Early churches were Shiloh, and Sulphur Springs churches, both Union and Hickory Grove, Methodist. The Primitive Baptist Church was the first church established in McMinnville in 1837. Rev. Isaac Woodward, a saintly and eccentric Methodist, was the best known of the pioneer ministers.

Dr. J. P. Lawrence was one of the first physicians.

Statistics of Warren County: Population, 1920, 17,306. Assessed valuation of taxable property, 1921, $7,715,632. Area, 440 square miles. Number of farms, 2,756. Railway mileage, twenty-five. Drained by the Caney Fork and Rock rivers. Surface hilly with fertile valleys. Splendid fruit growing section. Some sections are well timbered. Staple products are corn, wheat,

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oats and live stock. A branch of the Nashville, Chattanooga & St. Louis Railway intersects the county. McMinnville, the county seat, has a population of 2,814, and is a flourishing town with fine schools and churches, a weekly newspaper, three banks, manufacturing establishments, and prosperous stores, flour mills, saw mills, etc. Morrison and Rock Island are other towns. Scholastic population of county, 5,760; high schools, seven; elementary schools, sixty-six.

WAYNE COUNTY

Wayne County was erected by act of the Legislature on November 24, 1817, from parts of Hickman and Humphreys counties and named in honor of Gen. Anthony Wayne. This act, however, was not engrossed and approved and, therefore, had to be repassed at the session of 1819.

The first meeting for organization of the county court was held at the house of Benjamin Hardin, on the Factor's fork of Shoal Creek at the crossing of the Natchez Trace. The next meeting was held at Wm. Barnett's on the Old Town Branch where Barnett had built a log courthouse, and the following magistrates were present: Benjamin Hardin, Jesse Cypert, Wm. B. Curtis, Wm. Burns, Perley and David Gallaher, Reuben Kyle, John Meredith, C. W. Pope, Wm. B. Ross, Henry Rayburn, and Wm. B. Walker.

The county officers elected were: Wm. Barnett, County Court clerk; Benj. Hardin, sheriff; Jno. M. Barnett, Circuit Court clerk; John McClure, register; Jno. Meredith, trustee; John Hill, ranger; and W. B. Payne, coroner.

Courts were held at this place until 1823, when the county seat was moved to Waynesboro, which was founded by Wm. Burns, in 1821, and was sold by him to the commissioners appointed to locate the county seat, viz.: Nathan Biffer, Chas. Burns, Jas. Hollis and John Hill. This land, 40 acres, was divided into lots, which were sold and proceeds used to erect a courthouse.

The first Chancery Court was held at Waynesboro in 1847, Judge Terry H. Cahal presiding; C. B. McLean, clerk and master.

The mineral deposits of the county are extensive. The iron deposits have been and are still being worked. There are also important deposits of manganese and cement.

Wayne and Hardin are two of the best wooded counties in the state.

The first school, Ashland Academy, was built at Waynesboro in 1843. In 1849 the Female Academy was established at the same place.

The Masonic Academy was built at Clifton in 1855, and Frank Hughes College, also at Clifton, in 1906.

The first settlement was made on Pine River by Adam Wilson.

Statistics of Wayne County: Population, 1920, 12,877. Assessed valuation of taxable property, 1921, $4,232,812. Area, 720 square miles. Number of farms, 1,651. Railway mileage, eighteen. Drained by tributaries of the Tennessee River. Surface generally hilly and is a splendid fruit growing section. A large part of the county is well timbered. Staple products are corn, wheat, cotton, hay and live stock. Limestone and iron ore are found in the county. Waynesboro, the county seat, has a population of about six hundred, and has good schools and churches, bank, and prosperous business establishments. Collinwood, another town, has large manufacturing interests. Scholastic population of county, 5,220; high schools, 4; elementary schools, 71.

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WHITE COUNTY

White County was erected on September 11, 1806, from a part of Smith County, and was named for John White, one of the first settlers in this county. The first settlements were made in the valley of the Calf Killer River, so named for an Indian chief. Among the early settlers were John White, Elijah Cameron, Wm. Phillips, John Knowles, Archibald Overton, Aaron England, Wm. Scarborough, Isaac Taylor, Alexander Lowery, Geo. W. Gibbs, John Hancock, T. B. Rice, Joseph Terry, Anthony Dibrell, Jacob A. Lane, Thos. Simpson, Wm. Anderson, Matthias Anderson, Benj. Lampton, Lewis Fletcher, Thos. Bounds, Jesse Lincoln, Wm. Glenn, Wm. Burton, Joseph Collins, Montgomery Carrick.

The first court was held at the house of Joseph Terry, on the present site of Rock Island, in Warren County, on October 15, 1806.

In 1809, the Legislature passed an act for the establishment of Sparta, the county seat, and the following commissioners were elected to lay it off: Thos. Bounds, Benj. Weaver, Aaron England, Turner Lane, James Fulkerson, Alexander Lowery, and Nicholas Gillentine.

The first courthouse was built of logs, in 1810, and stood until 1815, when a brick building was erected, which was used until 1894, when a new building was constructed.

For several years the Superior Court met in White County, at first at Rock Island, and later at Sparta.

Among the early lawyers were Alexander Lane, David Ames, Nathaniel Hoggard, Richard Nelson, John H. Anderson, Hopkins L. Turney, Sam Turney, John Catron, and Geo. W. Gibbs.

The first representative in Congress from White County was Thos. K. Harris. He was killed in a duel with Col. John W. Simpson at Shell's Ford on Caney Fork River. Prior to this unfortunate occurrence Colonel Simpson had distinguished himself at the battle of New Orleans as had Captain Gibbs, also of White County.

White County also furnished troops for the Creek war, the war with Mexico and the War between the States.

About 1815, a turnpike road, built from Nashville to Knoxville, passed through Sparta.

The mineral wealth of White County, especially coal, is remarkable. In 1882, the Bon Air Coal, Land & Lumber Company was organized by Gen. Geo. G. Dibrell and his associates, ex-Governor John C. Brown, Col. John F. House, Gen. J. D. Adkins, Gen. W. C. Whitthorne, Hon. Benton McMillin, then a member of Congress, Dr. W. M. Morrow, D. W. Dinges, Samuel G. Jones, and W. C. Dibrell.

Statistics of White County: Population, 1920, 15,701. Assessed valuation of taxable property, 1921, $7,845,005. Area, 390 square miles. Number of farms, 2,024. Railway mileage, thirty-six. Drained by the Caney Fork River. The surface is uneven and extensively covered with timber. Soil is fertile. The staple products are corn, wheat, oats and live stock. Good fruit growing section. The Bon Air Coal Mines are located in this county. A branch of the Nashville, Chattanooga & St. Louis Railway extends into the county. Sparta, the county seat, with a population of 1,517, is on the railroad and is a town of good schools and churches, a weekly newspaper, two banks, and manufac-

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turing and commercial establishments, electric light and power plant. Scholastic population of county, 5,869; high schools, three; elementary schools, fifty-six.

WILLIAMSON COUNTY [29]

The act creating Williamson County was passed on October 26, 1799. It was formed from Davidson County, and, according to Dr. W. M. Clarke, named for "General Williamson, of North Carolina, some of whose descendants were prominent men of that day, among others, Dr. Hugh Williamson, the intimate friend and companion of Franklin. It is supposed by some that the county received its name from Doctor Williamson and the county seat from the name of his eminent friend." [30]

Hunters and explorers went into Williamson County as early as 1784, and the Harpeth (spelled at first Harpath) was known in that same year. Permanent settlements, however, were not made until shortly before 1800, on account of fear of the Indians. Probably the first permanent settlement was made in 1798, by several families headed by David McEwen, who located at Roper's Knob. At nearly the same time Wm. Demonbreun, son of the famous Timothy Demonbreun, settled at College Grove. A pioneer named Sledge settled near Peytonsville.

Among the numerous pioneers who settled in this county from 1797 to 1810, may be mentioned Stephen Childress, Nicholas Perkins, Byrd Bramlett, Edmund Wall, John Harness, R. P. Currin, Robt. Caruthers, Zion Hunt, Wm. Hulme, Solomon Brent, Abram P. Maury, Thos. McKay, Ewen Cameron,[31] Wm. Edmondston, Matthew Johnson, Thos. H. Perkins, Geo. Neely, Andrew Goff, John Aulson, and Samuel Crockett.

The act of October 26, 1799, provided "that Abraham Maury, John Walthall, Joseph Porter, Wm. Boyd and David McEwen are hereby constituted and appointed commissioners for the regulation of said Town of Franklin, vested with full power and authority for that purpose; provided, they govern themselves by the original plan of said town."

This plan was filed in the clerk's office, April 5, 1800. The Court of Pleas and Quarter Sessions held its first meeting on February 3, the first Monday in February, 1800, at the house of Thos. McKay, on the site of Franklin, and continued to meet there until November 3, 1800, when and afterwards its sessions were held at the courthouse. The magistrates present at the first meeting were: John Johnson, Sr., Jas. Buford, Jas. Scurlock, Chapman White, and Daniel Perkins. Scurlock was elected chairman, but resigned and was succeeded by White.

The first courthouse was probably on the square. Being a poor structure it was succeeded by a new courthouse authorized by the General Assembly on September 11, 1806. This courthouse was erected in the center of the public square. Among the lawyers practicing in Franklin in the early days were: Thos. H. Benton, John H. Eaton, Seth Lewis, Jesse Wharton, I. Johnson, L. P. Montgomery, Joseph Herndon, John Dickinson, John McNutt, Wm. Smith,

[29] The historical facts in this sketch are taken partly from Park Marshall's "History of Franklin and Williamson County," published serially in the Williamson County News. Mr. Marshall made a scrap book of the clippings which he presented to the state on November 18, 1919.

[30] Killebrew's "Resources of Tennessee," p. 991.

[31] It is said that he erected the first house in Franklin in 1797.

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Bennett Searcy, P. W. Humphreys, G. W. L. Mann, Peter R. Booker, Felix Grundy.

The Circuit Court was authorized by the Legislature on November 16, 1809. Thos. Stewart was Circuit judge from November, 1811 to 1836. The first solicitor before this court was Alfred Balch.

Among the notable cases tried in the Franklin Court was the "Crenshaw case." Daniel Crenshaw was indicted in 1826 for stealing a horse from Robt. C. Foster, and a gray mare from Keasiah Wooldridge; also for forgery. He was defended by John Bell and pleaded "Benefit of Clergy," thereby escaping punishment in two cases.

Another notable case was the trial of David Perry and Jonathan Magness for the killing of Patten Anderson, the friend of Andrew Jackson.

Williamson County is rich in the number of prominent and famous men who have lived there. Among them the following deserve special mention: Thomas H. Benton, whose mother moved from North Carolina to occupy a tract of 40,000 acres a few miles from Franklin. From 1808 to 1812, he had more cases at the Franklin bar than any other lawyer.

John Bell, born in Nashville, was sworn in as an attorney in Franklin in 1816, at the age of nineteen.

Meredith P. Gentry, one of the greatest of Tennessee orators; Rev. Gideon Blackburn, a minister in Franklin from 1811 to 1822.

In 1825 the following named distinguished lawyers were practicing at the Franklin bar: Felix Grundy, Geo. W. Campbell, John Bell, G. S. Yerger, Wm. Hadley, W. S. Hunt, John Thompson, William McGee, Wm. Thompson, A. P. Maury, M. W. Campbell, David Craighead, P. S. Daily, Andrew Hays, Sam Houston, Robert C. Foster, N. P. Smith, C. S. Olmstead, Thos. Washington, Jas. P. Clark, Jesse Greer, and N. P. Perkins.

The important educational institutions were: Harpeth Academy, chartered in 1807, and the buildings sold to Randall McGavock in 1823; Harpeth Union Female Academy, established in 1828; Tennessee Female College, and Battle Ground Academy.

The battle of Franklin which, when the forces engaged are considered, was the bloodiest of the war, was fought on November 30, 1864. An account of this battle and of other historic spots and places in Williamson County is given in Chapter XXXI.

Statistics of Williamson County: Population, 1920, 23,409. Assessed valuation of taxable property, 1921, $22,529,433. Area, 550 square miles. Number of farms, 3,355. Railway mileage, sixty. Drained by Harpeth River. Surface is rolling and very fertile with fine growth of timber. Wheat, oats, corn, cotton and live stock are staple products. Franklin, the county seat, twenty miles from Nashville, on the Louisville & Nashville Railroad, has a population of 3,123, good schools and churches, two weekly newspapers, three banks, and manufacturing and commercial establishments. Extensive deposits of phosphate are found in this county. Scholastic population, 10,192; high schools, ten; elementary schools, eighty-nine.

WILSON COUNTY

Wilson County and Smith County were erected on the same day, October 26, 1799, from a part of Sumner County. Wilson County was named for Maj.

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David Wilson, a native of Pennsylvania, who came to Sumner while it was yet a part of North Carolina, and had been the first speaker of the Territorial Assembly.

The first court of the county was held on December 23, 1799, at the house [32] of Capt. John Harpool (or Harpole), and was organized by the following named magistrates: Charles Cavenaugh, John Alcorn, John Lancaster, Elmore Douglas, John Doak, Matthew Figures, Henry Ross, Wm. Gray, Andrew Donelson, and Wm. McClain. The following named officers were elected: Charles Cavenaugh, chairman; Robt. Foster, clerk; Chas. Rosborough, sheriff; Wm. Gray, ranger; and John Alcorn, register. Be. Seawell, Esq., was appointed county solicitor, and John C. Hamilton qualified as a practicing attorney.

The first settlement in the county was at Drake's Lick on the Cumberland River and was made in 1797, by John Foster and Wm. McClain. In 1799, a settlement was made on Spring Creek, seven miles southeast of Lebanon by John Foster, Wm. Donnell, and Alexander Barkley, or Barclay. In the same year a settlement was made at Round Lick by Samuel King, James Prather, Wm. McSpadden and Wm. Harris, and on Spring Creek eight or nine miles south of Lebanon by David Magathey, Foster Doak, John Doak, Alexander Braden, and the Donnells.

After 1800 immigrants came in constantly increasing numbers. Robin Shannon, Lee Harrelson, John Ozment, John Spinks, John Rice, and others settled at Pond Lick. Jacob Vantrease, Thomas B. Reece, John Caplinger, Edmund Jennings, John Patton, George Hearn, James Edwards, Duncan Johnson, Daniel Smith, Isaac Grandstaff, Evans Tracy, William Neal, Shelah Waters, Joseph Barbee, Solomon Bass, John Lawrence, Jordan Bass, John Green, Wm. Coe, John Phillips, William Haines, Arthur Hawkins, Benj. Phillips, and John W. Peyton located at Round Lick. Martin Talley, Wm. Sherrill, Pernell Hearn, James Cannon, John Jones, Benj. Mottley, Henry Chandler, Adair Harpole and Gregory Johnson on Spring Creek. Robert Jarmon, Lewis Merritt, David Fields, Jonathan Ozment, Dawson Hancock, and Seldon Baird on Sinking Creek. Absalom Knight, John Gibson, Charles Cummings, Henry Mosier, John Merritt, Frank Young, Joseph Stacey, and Charles Warren on Hurricane Creek. Frank Puckett, William Lester, John Donnell, Lord Sellers, John Alsup, Aaron Edwards, Sampson Smith, Jacob Jennings, and William Warren on Fall Creek. Hooker Reeves, Joseph Weir, Lewis Chambers, Nathan Cartwright, William Wilson, Matthew Figures on Cedar Creek. Joseph Castleman, Joseph Hamilton, Thomas Drennon, Benj. Dobson, Aquila Suggs, and Benj. Hooker on Suggs' Creek. Clement Jennings, James H. Davis, Thomas Davis, Joshua Kelley, Harrison Hays, Theophilas Bass on Cedar Lick Creek. Geo. L. Smith, Wm. Oakley, Charles Rich, Reason Byrne, Abner Bone, Jas. McAdoo, Edward Pickett, John Adams, David Ireland on Smith Ford. Caleb Taylor, Jas. Hunter, Joseph Kirkpatrick, Daniel Glenn, Sterling Tarpley, and Wm. Saunders on the Cumberland River.

The first white male child born in the county was probably Josiah McClain, who was County Court clerk for more than forty years.

Lawyers who practiced in the courts of Wilson County in the first years were: Jesse Wharton, Nicholas Perkins, John B. Johnson, Lemuel Herrod, John Dickinson, Charles Smith.

In 1802 the court was held at the house of Henry Turner on Barton Creek.

[32] Probably on Spring Creek, five miles north of Lebanon.

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Lebanon was chosen as the county seat in 1802, and was located on land previously belonging to James Menees. It was named for the Biblical Lebanon because, like the ancient city, it was remarkable for its cedars. It was incorporated in 1807. Neddie Jacobs, a peculiar character and a fiddler, was the first settler on this site. Tradition says he was living there as early as 1800. The earliest physicians were: Drs. Samuel Hogg, Edmund Crutcher, and Henry Shelley. Doctor Shelley built the first brick house in Lebanon in 1812. John Alcorn was the first postmaster and John Trotter the first school teacher. The first church was erected by the Methodists in 1802, and Rev. German Baker was the pastor.

From December, 1802 to 1806, the Court of Pleas and Quarter Sessions met at private houses. In 1806 the first courthouse, of cedar logs, was built.

The first session of the Circuit Court was held at the courthouse on September 24, 1810, Judge Thomas Stewart presiding. Early Circuit judges were: Thomas Stewart, 1810-1830; James C. Mitchell, 1830-1835; Samuel Anderson, 1835-1852.

Lebanon and Wilson counties have been justly celebrated for educational facilities from the establishment of the first school, taught by Benj. Alexander, in 1800, to the present day. Among their institutions are or have been: Campbell Academy, Brevard College, Abby Institute, Carroll Academy, Corona, Greenwood Seminary, Castle Heights School and Cumberland University.

Revolutionary soldiers who settled in Wilson County were: James Scott, Jeremiah McWhirter, Anthony Gann, Philip Shackler, John Harpole, John Dabney, Edward Mitchell, and John Wynn.

Wilson County sent two companies to the War of 1812 under command of Capt. John Hayes and Capt. Charles Wade, among whose soldiers were: Fred Askey, Joseph Settle, George Dillard, William Norman, William Hartsfield, Lawrence Sypert, Zachariah Tolliver, Wm. Sypert, Kit Seaburn, James Carson, William Meyers, Wm. Martin, Grief Randolph, T. K. Ramsey, John Shackleford, and William Harrison.

A company under Capt. J. J. Finley went from Wilson County to the Seminole war in 1836, and another company went, in 1837, under Capt. W. L. S. Dearing. Among these troops were: T. J. Stratton, Jno. D. Mottley, John Wilbury, P. Hern, J. N. Kennedy, Dawson Hancock, W. W. Talley, Nathan Oakley, Geo. W. Lewis, E. S. Smith, Lewis Pendleton, Wm. Watkins, J. H. Kennedy, Samuel T. Powers, and John Alexander.

Two companies also took part in the Mexican war under Captains Hayes and Smith.

Statistics of Wilson County: Population, 1920, 26,241. Assessed valuation of taxable property, 1921, $21,653,882. Area, 536 square miles. Number of farms, 4,134. Railway mileage, 54. Drained by the Cumberland River and tributaries. One of the best live stock counties in the state. Staple products are wheat, corn, oats, hay, tobacco, and live stock. Traversed by the Nashville, Chattanooga & St. Louis Railroad and the Tennessee Central Railway. Lebanon, the county seat, is thirty miles from Nashville, on the above railroads, and has fine schools and churches. It is the seat of Cumberland University and Castle Heights Training School. Has two weekly newspapers, four banks, electric light plant, and manufacturing establishments, including a cotton and woolen mill, cannery, etc. Watertown is another prosperous town. Scholastic population of county, 9,277; high schools, 12; elementary schools, 107.

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West Tennessee

BENTON COUNTY

Benton County was erected on November 24, 1835, from parts of Humphreys and Henry counties and was named in honor of Thomas H. Benton. It was organized on February 7, 1836, by the commissioners, Green Flowers, Ephraim Perkins, Lewis Brewer, John F. Johnson and George Camp. They met at the house of Samuel Haliburton, in Tranquillity, on the stage road from Nashville to Memphis, about a mile west of Camden.

The first settlement was made in 1819 by Willis and Dennis Rushing, on Rushing's Creek, about six miles north of Camden. Among the early settlers were: David Watson, Lewis Graham, Joseph Cowell, Zachary Barker, Benjamin Holland, Michael Fry, Cas Matlock, John Anderson and Jas. Wyly.

Camden, the county seat, was located on land of John Jackson, whose only title was that of occupancy. The town was surveyed and laid off in December, 1836. Irwin B. Carnes built the first dwelling in the town. Thos. H. Burton, Anderson Lashlee, and Jas. Haywood also built about the same time.

The first courthouse was of logs, but in 1837 a two-story brick courthouse was constructed.

The officers of the first County Court were: Thomas Haliburton, County Court clerk; Thomas Jones, sheriff; John H. Williams, trustee; George Hollowell, county superintendent of schools.

The first newspaper published in the county was the Central Democrat, established by William Doherty in 1852. The first school in the county was started in 1822 or 1823 on Rushing's Creek. The teacher was Allen C. Presson. The first church, Primitive Baptist, was organized by George Turner and Levi Kirkland. Cowell's Chapel Church was organized in 1824 by Benjamin Peebles, a pioneer circuit rider and presiding elder of West Tennessee. Among the early Baptist ministers were: Obadiah Hardin, Jacob Browning, Lemuel Herrin, and Josiah Arnold. Early Presbyterian ministers were: Samuel T. Thomas, Abner Cooper and H. Babbitt. Early circuit riders: Thomas Smith, Robert Collins and Levi B. Lee.

Statistics of Benton County: Population, 1920, 12,046. Assessed valuation of taxable property, 1921, $5,207,788. Area, 412 square miles. Number of farms, 1,983. Railway mileage, 26. This county is bounded on the east by the Tennessee River. Portions of the county are well timbered. The surface is level and the soil generally fertile. This is one of the peanut-growing counties, and other staple products are corn, cotton, wheat, oats, vegetables and live stock. Intersected by the N. C. & St. L. Railway. Camden, the county seat, has a population of 800, and is on the N. C. & St. L. Railway. It has good schools, churches, a weekly newspaper, two banks, and flourishing mercantile establishments. Scholastic population of county, 4,332; high schools, 3; elementary schools, 62.

CARROLL COUNTY

On October 19, 1818, Andrew Jackson and Isaac Shelby made a treaty with the Chickasaw Indians whereby all their lands east of the Mississippi River were ceded to the United States. Their lands within the limits of Tennessee

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became the Western District of this state and, on November 7, 1821, an act [33] was passed entitled, "An Act to form and establish new counties west of the Tennessee River." Under the provisions of this act Carroll County was formed and named in honor of Gen. William Carroll, who was governor of the state at that time. It was organized on March 11, 1822, at the house of R. E. C. Dougherty, where the first Court of Pleas and Quarter Sessions was held. Huntingdon, near the center of the county, was selected as the county seat and the first session of the court was held there in a log courthouse on December 9, 1822.

The first settlers came from North Carolina, South Carolina, and Virginia, some locating as early as 1820.

This county furnished a company for the war with Mexico and several companies to each side in the War between the States.

Statistics of Carroll County: Population, 1920, 24,361. Assessed valuation of taxable property, 1921, $12,243,353. Area, 600 square miles. Number of farms, 4,141. Railway mileage, 68. Drained by Big Sandy and Obion rivers. Surface generally level, and there is considerable timber. Corn, cotton, wheat, fruits, and live stock are staple products. Fruit growing and poultry raising are profitable industries. Huntingdon, the county seat, has a population of 1,121, has good public and private schools, two newspapers, two banks, electric lights and waterworks, manufacturing establishments and stores. McKenzie, another town, has a population of 1,630, and is on the Nashville, Chattanooga & St. Louis Railway. It has fine schools, a weekly paper, churches, and prosperous business establishments. Truck growing is one of the leading industries in Carroll County. Scholastic population, 8,331; high schools, 10; elementary schools, 90.

CHESTER COUNTY

Chester County was erected on March 1, 1879, from fractions of Madison, Henderson, McNairy and Hardeman counties, and named in honor of Col. Robt. I. Chester.[34] On March 19, 1875, a new county named Wisdom County had been erected out of the same fractions and this act was repealed by the act which created Chester County.

The early history of Chester County is the history of the counties out of which it was formed.

Statistics of Chester County: Population, 1920, 9,669. Assessed valuation of taxable property, 1921, $3,998,171. Area, 288 square miles. Number of farms, 1,667. Railway mileage, 16. This county is on the highlands of West Tennessee and is drained by the Forked Deer River and intersected by the Mobile & Ohio Railroad. The soil is sandy and fertile. Cotton is the leading staple, but other crops are profitably grown. Henderson, the county seat, is on the M. & O. Railroad, and has a population of 1,181. It has a weekly newspaper, good schools and churches, three banks, manufacturing establishments and stores. Scholastic population of county, 3,339; high schools, 2; elementary schools, 42.

[33] Chapter XXXII, Acts of 1821, p. 39.

[34] This distinguished man was quartermaster of the Fourth Tennessee Regiment, commanded by Col. Samuel Bayless in the War of 1812.

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CROCKETT COUNTY

Crockett County was erected on December 20, 1845, from parts of Haywood, Madison, Gibson, and Dyer counties. The caption of the act is "An act to establish the county of Crockett, in honor of and to perpetuate the memory of David Crockett, one of Tennessee's distinguished sons." In this act commissioners were appointed to hold an election to ascertain if the voters in the fractions appropriated to the new county acquiesced in this action. In 1846 Judge Read, of Madison County, decided that Crockett was not a constitutional county.

On July 7, 1870, the Legislature passed another act with the same caption as that of 1845 and, this time, Crockett County was constitutionally erected. In the latter act the commissioners appointed were: A. B. Howlett, James Emerson, David Whitacre, A. T. Fielder, G. W. Bettes, John Lyon, J. C. Thorp, and T. F. Conly. Considerable opposition from the old counties had to be overcome. E. B. Mason, of Madison County, filed injunction suits in the Chancery courts of the four counties affected but the organization of the new county was finally effected.

On March 9, 1872, an election was held for county and district officers and the County Court, with Isaac M. Johnson, chairman, was organized in the same month.

The Circuit Court was held on April 8, 1872, in Alamo, the county seat, named for the Alamo in San Antonio, Texas, where Crockett lost his life.

The earliest pioneers, about 1823, were: John B. Boykin, Robert Johnson, Giles Hawkins, Cornelius Bunch, John Bowers, E. Williams, and John Yancey.

Statistics of Crockett County: Population, 1921, 17,438. Assessed valuation of taxable property, 1921, $9,235,694. Area, 275 square miles. Number of farms, 3,072. Railway mileage, 36. Drained by Forked Deer River and well timbered in parts. Soil in eastern portion sandy loam and clay and adapted to profitable growing of fruits and vegetables. Western portion level and fertile and well adapted to the production of cotton, corn, wheat, and other staple crops. Alamo, the county seat, has a population of 720, has good schools and churches, two banks, flourishing stores, and manufacturing establishments. Bells, on the railroad, has a population of 920, good schools and churches, a weekly newspaper, two banks, manufacturing establishments and stores. Gadsden, Crockett Mills, and Maury City are other towns. Scholastic population, 6,037; high schools, 2; elementary schools, 47.

DECATUR COUNTY

Decatur County was created in November, 1845, from a part of Perry County, by Section 11, of Chapter VII of the Acts of that year. The wording is as follows: "That a new county be and is hereby established to be composed of all that part of Perry County lying on the West side of Tennessee River, to be known and distinguished by the name of Decatur County, in honor of and to perpetuate the memory of Commodore Stephen Decatur, of the United States Navy, of whose services our nation should be proud, and whose memory should be revered."

The board of commissioners mentioned in this act to organize the county

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were: John C. Yarbrough, Wm. J. Menzies, John S. Walker, Samuel Brashear, and David B. Funderburg.

The provision was also made that the act should go into effect, "from and after the first Thursday in March, 1846."

Decaturville was chosen by popular election as the county seat.

Statistics of Decatur County: Population, 1920, 10,198. Assessed valuation of taxable property, 1921, $3,182,916. Area, 310 square miles. Number of farms, 1,813. Railway mileage, 11. Bounded on the east and south by the Tennessee River. Surface comparatively level and covered with a fine growth of timber. Iron ore, marble, granite, and phosphate are found in the county. Corn, cotton and hogs are staple products. Decaturville, the county seat, has a population of 315, and is five miles from the Tennessee River and the same distance from the N. C. & St. L. Ry. It has good churches and schools, a weekly newspaper, a bank, and prosperous business establishments. Parsons, on the railroad, has a population of 429, good schools, churches, two banks and prosperous business establishments. Scholastic population of county, 3,580; high schools. 4; elementary schools, 55.

DYER COUNTY

Dyer County was erected on October 16, 1823, from the Western District and was named in honor of Col. Henry Dyer. It was organized in October, 1824 and, in accordance with a provision of the Court of Pleas and Quarter Sessions and of the Circuit Court, were held at the house of John Warrens until 1826, when they were held in Dyersburg, the county seat. The magistrates of the first court were: John Rutherford, Benj. Porter, John D. Burrus, Wm. Lyrrell, and Dr. Thomas Hash. The chairman was John Rutherford, and the clerk Wm. Mitchell.

The first settlement was made in 820 at Key Corner,[35] now in Lauderdale County. The second settlement, in 1821, was made about four miles east of Dyersburg by Geo. Davis, Wm. Martin, Jerry Pierce, and Willis Chamberlain.

Dyersburg was laid off in 1825 and incorporated in 1826.

It is believed that the first house in the county was of logs and built by Elias Dement.

Statistics of Dyer County: Population, 1920, 29,983. Assessed valuation of taxable property, 1921, $17,819,244. Area, 495 square miles. Number of farms, 3,922. Railway mileage, 69. Bounded on the west by the Mississippi River and well drained by smaller streams. It is hilly, rolling and level, and is one of the most fertile counties in the state. Well adapted to the production of cereals, cotton, and other crops. Intersected by the Illinois Central Railroad and the Birmingham and Northwestern. Staple products are cotton, corn, wheat, potatoes, hay, lumber and live stock. Dyersburg, the county seat, has a population of 6,444, and is a flourishing town, on both railroads, and seventy-six miles north of Memphis. It is a manufacturing town, and has fine schools and churches, three banks, a weekly newspaper, and prosperous commercial establishments. Newbern has a population of 1,767, good schools, churches, a weekly newspaper, two banks, manufacturing and commercial enterprises. Scholastic population of county, 10,769; high schools, 10; elementary schools, 75.

[35] For account, see Chapter XXXI.

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FAYETTE COUNTY

Fayette County was erected on September 29, 1824, from fractions of Hardeman and Shelby counties, and was named in honor of Marquis de Lafayette. As provided by the act the sessions of the Court of Pleas and Quarter Sessions were held at the house of Robert G. Thornton, the first meeting being on December 6, 1824. The subsequent meetings of the court were held here until November, 1825. The chairman of the first court was Edmund D. Tarver, and the first clerk was Henry M. Johnson, who was the first settler of Somerville. Only one case was tried at the first session and brought into the treasury of the county six and one-fourth cents as a fine. Wolf scalps were taken as shown by the entries of the clerk. A tax of thirty-seven and one-half cents on one hundred acres brought in a revenue of $750 in 1825, in which year Robert Cotton was taxed on a four-wheel carriage, the only one in the county.

Settlements began about 1822, when Thomas J. Cocke, of North Carolina located in the northwestern part of the county.

In February, 1825, the county seat, Somerville, was located on lands donated by Geo. Bowers and James Brown and the first session in this place was held in a log cabin on the public square. Three years later the first stage came to town.

Somerville was named in honor of Lieut. Robt. Somerville, who was killed in the battle of Tohopeka.

Statistics of Fayette County: Population, 1920, 31,499. Assessed valuation of taxable property, 1921, $13,974,350. Area, 630 square miles. Number of farms, 5,875. Railway mileage, 80. This county borders on the Mississippi, and the surface is generally level and in portions well timbered. Cotton is the leading product in the county, but it is well adapted to fruits and berries, and this industry is developing. It is a large producer of strawberries. Cotton, corn, fruit and livestock are staple products. Traversed by the L. & N., the Southern, and the N. C. & St. L. Railway. Somerville, the county seat, has a population of 1,106, and is on the Loosahatchie River. It has fine schools and churches, a weekly newspaper, two banks, prosperous business establishments and is surrounded by fine cotton plantations. Scholastic population of county, 11,771; high schools, 11; elementary schools, 56.

GIBSON COUNTY

Gibson County was erected on October 21, 1823, from the Western District, "in honor of and to perpetuate the memory of Col. John H. Gibson." The act provided that, at first, the courts should hold their sessions at the house of Luke Biggs, four miles from Trenton, which was called Gibsonport until 1825, when the court was held at Trenton for the first time.

The first magistrates commissioned were: Wm. P. Leat, Robert Edmondson, Obey Blakemore, Benj. White, Robert Read, ——— Rice, Abner Burgan, John D. Love, Wm. W. Craig, W. B. G. Killingsworth, John J. Lane and F. Davis. The first session began on January 1, 1824, and Wm. P. Leat was chairman and Thomas Fite, clerk.

The first settlement was made in 1819 by Thomas Fite and John Spencer, his brother-in-law. They came from Warren County and located about eight

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miles east of Trenton. David Crockett also lived in the same year near Rutherford and was joined in a few months by his family.

Early lawyers were A. W. O. Totten, Felix Parker, and J. H. Talbot. Later lawyers were John W. Crockett, who became attorney-general, John A. Talliaferro, M. R. Hill, R. P. Caldwell, and Robila P. Raines. Gibson County has furnished three members of the State Supreme Court, viz.: A. W. O. Totten, T. J. Freeman and W. C. Caldwell.

Statistics of Gibson County: Population, 1920, 43,388. Assessed valuation of taxable property, 1921, $26,048,985. Area, 615 square miles. Number of farms, 6,585. Railway mileage, 71. Drained by Obion and Forked Deer rivers. One of the leading agricultural counties in the state. Surface generally level and very fertile. Portions well timbered. Cotton is leading product, and other staples are corn, wheat, fruits, vegetables, and live stock. Truck growing is a leading industry, large quantities of early vegetables being shipped to Northern markets. Trenton, the county seat, has a population of 2,751, and is on the Forked Deer River and the M. & O. Railroad. It has a number of manufacturing establishments, two weekly newspapers, good schools and churches, three banks, and prosperous mercantile establishments. Humboldt, at the junction of the M. & O. Railroad and L. & N. R. R., has a population of 3,913, and is the center of a large trucking section. It has good schools and churches, a weekly newspaper, two banks, manufacturing and commercial establishments. It is a large shipping point for fruits and early vegetables, poultry and eggs. Milan, another town at the junction of the Illinois Central and the L. & N., has a population of 2,057, and is also a vegetable and fruit shipping point of importance. It has good schools and churches, a weekly newspaper, two banks, and manufacturing and commercial establishments. Scholastic population of county, 15,339; high schools, 30.

HARDEMAN COUNTY

Hardeman County was erected on October 16, 1823, from the Western District and was named in honor of Col. Thomas Jones Hardeman. By the act which created it this county was directed to have the first sessions of its courts held at the house of Thomas McNeil. On October 17, 1823, the county was organized by the following named commissioners: Andrew Taylor, Wm. Polk, Jacob Pirtle, Jno. Y. Cochran, Wm. P. Robertson, Nathan Stell, and John Rosson. Wm. Polk was chosen chairman and Thos. Hardeman, clerk and J. C. N. Robertson, sheriff of the first Court of Pleas and Quarter Sessions.

Settlements began in 1819, but the first notable settlement was made in 1821 by Col. Ezekiel Polk, grandfather of President James K. Polk, William Polk, son of Col. Ezekiel Polk, Thomas McNeal, son-in-law of Col. Ezekiel Polk, Thomas J. Hardeman and his grandson, Rufus P. Neely.

The committee appointed to select the county seat was composed of Abram Maury, Wm. Hall, James Fentress and Benj. Reynolds. They selected a site one mile north of the present location, and Maj. Wm. Ramsey donated twenty-six acres for the site. The county seat was at first called Hatchie, but in 1824 the present site was selected and was called Bolivar in honor of Simon Bolivar, the patriot and liberator of Venezuela. Major Ramsey and Colonel Polk gave fifty acres for the new town site.

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The first teacher in the county was, perhaps, Henry Thompson. Early papers were the Palladium, The Sentinel, and Free Press.

Bolivar is the home of the Western Hospital for the Insane.

Statistics of Hardeman County: Population of 1920, 22,278. Assessed valuation of taxable property, 1921, $9,282,472. Area, 640 square miles. Number of farms, 3,535. Railway mileage, 95. Borders on Mississippi and drained by the Big Hatchie. Its surface is nearly level and in sections covered with fine timber. Soil fertile, and it is one of the best cotton producing counties. Other staples are corn and hay. Traversed by Illinois Central, Southern, and N. C. & St. L. Railroads. Bolivar, the county seat, is on the I. C. 18 miles south of Jackson, and has a population of 1,031, with good schools and churches, weekly newspapers, two banks, and manufacturing and commercial establishments. Scholastic population of county, 8,414; high schools, 6; elementary schools, 104.

HARDIN COUNTY

Hardin County lies partly in Middle Tennessee and mostly in West Tennessee. It was formed on November 13, 1819, from the Western District and extended to the Mississippi River. It was named in honor of Col. Joseph Hardin. Colonel Hardin came from Roane County in 1815 with a grant for 2,000 acres of land for services as a colonel in the Revolutionary war. On the east bank of the Tennessee River, at Horse Creek near Savannah, he located his land, settled there in 1818 or 1819, and established the nucleus for the county soon afterwards named for him.

His sons and daughters soon settled there as did the Brazletons, Goodens, Thackers, Courtneys, Garners, Dicksons, Dorans, Duckworths, Cherrys, Kincannons, Sloans, Williamses, Boyds, Wisdoms, Rosses, Shannons and others.

The first Court of Pleas and Quarter Sessions was organized in January, 1820, by the following named magistrates: Isham Cherry, David Kincannon, James Barnes, Samuel Harbour, and Joseph McMahan. The first county officers were: Henry Mahar, ranger; Joseph McMahan, trustee; James Barnes, register; Stephen Roach, coroner.

The commissioners appointed for the purpose located the county seat in the approximate center of the county and called it Hardinsville, later known as Oldtown, where the county government functioned until 1830, when it was moved to Savannah, then called Rudd's Ferry, and a log courthouse was built. This courthouse was soon replaced by a brick structure.

The most outstanding event in the history of this county was the battle of Shiloh, or Pittsburg Landing, which was fought on the west bank of the Tennessee River on April 6 and 7, 1862. The National Cemetery is maintained at Pittsburg Landing and the Shiloh National Park, consisting of several thousand acres, in charge of DeLong Rice, is one of the most attractive and well kept parks in the nation.

Statistics of Hardin County: Population, 1920, 17,291. Assessed valuation of taxable property, 1921, $5,665,008. Area, 587 square miles. Number of farms, 2,907. Railway mileage, none. Borders on Alabama and Mississippi and intersected by Tennessee River, which is navigable the year round. Western portion generally level, while eastern portion is hilly, with fertile valleys. Eastern part well timbered. Staple products are cotton, corn and live stock. Savannah, the county seat, is on the Tennessee River, and has a population of

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758, excellent schools and churches, a weekly newspaper, two banks, and prosperous mercantile establishments. Scholastic population of county, 5,915; high schools, 6; elementary schools, 77.

HAYWOOD COUNTY

Haywood County was erected on November 3, 1823, from the Western District, and was named in honor of Judge John Haywood.

The first settler was Col. Richard Nixon, who came from North Carolina in 1821. His grandson, Richard J. Nixon, was the first white child born in the county. Between 1821 and 1826 the following settled in the Nixon neighborhood: Gen. Wm. Conner, Jesse Mauldin, John Saunderlin, and Nicholas T. Perkins. Colonel Nixon's father, a Revolutionary soldier, received for his services a grant of 3,600 acres in Haywood County. He located his home on Nixon Creek, four miles east of Brownsville.

Such was Nixon's prominence that his house is mentioned in the act creating the county as the place of meeting of the courts until provision otherwise should be made by law. Here, on March 8, 1824, was organized the first Court of Pleas and Quarter Sessions with the following magistrates in attendance: Richard Nixon, Clarence McGuire, Nicholas T. Perkins, Jonathan T. Jaycocks, Willie Dodd, B. H. Sanders, David Jeffries, Blackman Coleman. Richard Nixon was elected chairman; B. H. Sanders, clerk; John G. Caruthers, sheriff; William H. Henderson, register; Richard Nixon, trustee; Jonathan T. Jaycocks, ranger; and Julius Sanders, coroner.

The commissioners "to select and set apart a site for the seat of justice" were James Fentress, Benjamin Reynolds, and Robert Jetton. To them Thomas M. Johnson deeded fifty acres on December 14, 1824, for the county site which was named Brownsville. The first courthouse built in 1824-1825 was of logs and once imprisoned the notorious John A. Murrell, who escaped from it. It was succeeded by one of brick in 1845.

Statistics of Haywood County: Population, 1920, 25,386. Assessed valuation of taxable property, 1921, $10,816,331. Area, 570 square miles. Number of farms, 4,359. Railway mileage, 29. Drained by the Hatchie and Forked Deer rivers. Surface nearly level, with an abundant supply of timber. Soil fertile and capable of great diversification of crops. Fruit growing is a profitable business. Staple products are cotton, corn, fruit, grass and live stock. The L. & N. Railroad passes through the county. Brownsville, the county seat, has a population of 3,062 and is on the L. & N. Railroad. It has good schools and churches, manufacturing establishments, a weekly newspaper, two banks and is an important shipping point for cotton. Scholastic population of county, 9,332; high schools, 17; elementary schools, 76.

HENDERSON COUNTY

Henderson County was erected on November 7, 1821, from the Western District, and named in honor of Col. James Henderson.

The earliest settler was Joseph Reel who, in 1818, located on Beech River, about five miles east of Lexington. Not long after this Abner Taylor located near the site of Lexington.

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The first execution in the county was that of a slave woman who drowned the daughter of Dr. John A. Wilson.

Lexington was selected as the county seat in 1822, on land previously owned by Samuel Wilson.

Statistics of Henderson County: Population, 1920, 18,436. Assessed valuation of taxable property, 1921, $6,561,186. Area, 530 square miles. Number of farms, 3,290. Railway mileage, 42. Drained by tributaries of Tennessee. Surface generally level and well timbered in some portions. Soil fertile in valleys and river bottoms. Leading product is cotton, and other staples are corn, grass, and live stock. Lexington, the county seat, has a population of 1,792, and is on the N. C. & St. L. Railway, which traverses the county. It has good schoo's, churches, two weekly newspapers, two banks, electric light plant, stave factory, and a number of prosperous stores. Scholastic population of county, 8,198; high school, 1; elementary schools, 85.

HENRY COUNTY

Henry County was erected on November 7, 1821, from the Western District and named in honor of Patrick Henry.

John B. House was the first settler in 1819. Other early settlers were: Joel and Willis Hagler, Jas. Williams, William Wyatt, Rev. Benjamin Peoples, Rev. John Manly, Abraham and William Walters, James Hicks, Wm. Jones, Johannon Smith, Henry Wall, Reuben Bomar, Wm. Porter, Thomas Grey, Jesse Paschal. James and R. D. Caldwell, Samuel Rogers, Adam Rome, Henry Humphreys, Louis and Samuel McCorkle, Alex Harmon, Col. Richard Porter, Hugh W. Dunlap, John Brown, John Young, James and David D. Greer, and Dr. Jacob Brazwell.

The first session of the Court of Pleas and Quarter Sessions was held at the house of Peter Wall on the first Monday in December, 1821.

Paris was laid out early in 1823 by commissioners appointed by the Legislature on lands secured from Joseph Blythe and Peter Ruff. The first courthouse was built of logs.

The bench and bar of Henry County have included many distinguished men, among them Joshua Haskell, Wm. R. Harris, L. N. Hawkins, Jas. D. Porter, Andrew McCampbell, A. G. Hawkins, H. W. Dunlap, Wm. Arnold, Isham G. Harris, Will C. Dunlap, Sol C. Brazwell, Edwin Fitzgerald and Tom C. Rye. Other distinguished citizens are: John W. Crockett, eldest son of David Crockett, a member of Congress 1837-1841.

Howell E. Jackson, justice of the Supreme Court of the United States.

John D. C. Atkins, congressman of the United States in 1837, and also of the Confederate States and again, after the war, congressman of the U. S. for five consecutive terms.

Dr. E. W. Grove, the millionaire medicine manufacturer.

Rev. Irl R. Hicks, the "storm prophet" of St. Louis.

Porter Dunlap, state treasurer, 1815-1819, and now a member of the State Utilities Commission.

Statistics of Henry County: Population, 1920, 27,151. Assessed valuation of taxable property, 1921, $16,555,918. Area, 580 square miles. Number of farms, 4,286. Railway mileage, 60. County borders on Kentucky and is bounded on the east by the Tennessee River. Surface generally level and well timbered

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in some portions. Staple products are cotton, corn, wheat, tobacco, peanuts and oats. Well adapted to truck growing which is a profitable industry. Poultry business is profitable. Intersected by the L. & N. and the N. C. & St. L. railways. Paris, the county seat, has a population of 4,730. Fine public and private schools, good churches, two weekly newspapers, three banks, manufacturing establishments and prosperous stores. Has electric light plant and waterworks. Other towns are Henry, Springville, Puryear and Whitlock. Scholastic population of county, 9,005; high schools, 10; elementary schools, 100.

LAKE COUNTY

Lake County was erected on June 9, 1870, from a part of Obion County and named for Reelfoot Lake.

The earliest settlers in the county were probably Richard Meriwether, Robert Nolen, and Frank Longley, who located before 1825.

The first county court was held in Atheneum Hall in Tiptonville, which was chosen as the county seat on September 5, 1870.

The great outstanding feature of Lake County is Reelfoot Lake. This lake was formed during the earthquake convulsions of the winter of 1811-1812. It is about eighteen miles long and from three-quarters of a mile to three miles in width. It is one of the most noted places in this country for fishing and hunting.

Statistics of Lake County: Population, 1920, 9,075. Assessed valuation of taxable property, 1921, $7,779,841. Area, 210 square miles. Number of farms, 850. Railway mileage, 24. County is bordered on the north by Kentucky and lies between Reelfoot Lake and the Mississippi River. The county is well timbered. Soil very fertile, and staple products are cotton, corn and hogs. Tiptonville, the county seat, is on the Mississippi River and has a population of about 1,000. It has good schools and churches, a weekly newspaper, two banks, and prosperous business establishments. Scholastic population of county, 3,728: high schools, 2; elementary schools, 25.

LAUDERDALE COUNTY

Lauderdale County was erected on November 24, 1835, from parts of Dyer, Tipton and Haywood counties, and was named "in honor of and to perpetuate the memory of Col. James Lauderdale, who fell at the battle of New Orleans on the night of the 23d of December, 1814."

The first activities of white men looking to future settlements in what was ultimately to be Lauderdale County were exerted by Henry Rutherford in 1785. He located the famous "Key Corner" [36] in that year and his surveys covered a large part of Lauderdale, Crockett and Haywood counties. Although he and his brother John, sons of the famous Gen. Griffith Rutherford, both settled in this county at a later day, it is said that the first permanent settler was Benjamin Porter, who located in April, 1820, having brought his effects on a flatboat up the Forked Deer River. His son, Benjamin Porter, Jr., was the first white child born in the county.

Fulton, the oldest town in the county, was laid out in 1827, by Jas. Trimble. Fulton was for some years a serious rival of Memphis.

[36] An account of this historic spot is given in Chapter XXX.

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The next oldest town, Durhamville, was established by Col. Thos. Durham, in 1829.

The commissioners appointed to select the county seat named it Ripley, in honor of General Ripley of the War of 1812. On February 24, 1836, the commissioners, Howell Taylor, Nicholas T. Perkins and David Hay, purchased from Thomas Brown 62½ acres on which the town of Ripley was laid out by Abel H. Pope. It is located about seven miles east of the center of the county. The first church was Turner's Chapel, established in 1829 near Durhamville, by Rev. Wm. Taylor.

The first school was taught by Mrs. Edith Kinley at her home near Double Bridges.

The first newspaper was the Ripley Gazette established about 1860 by Mr. Youngblood.

Statistics of Lauderdale County: Population of 1920, 21,494. Assessed valuation of taxable property, 1921, $15,266,680. Area, 450 square miles. Number of farms, 3,406. Railway mileage, 26. Bounded on the west by the Mississippi River and drained by smaller streams. Surface nearly level with a good growth of timber. Soil fertile, and the county is a large producer of cotton. Other staple products are corn, fruit and livestock. The Illinois Central Railroad passes through the county. Ripley, the county seat, on the Illinois Central Railroad, has a population of 2,070. It has good schools and churches, a weekly newspaper, four banks, and manufacturing and commercial establishments. Henning and Halls are other towns in the county. Scholastic population of county, 9,587; high schools, 5; elementary schools, 68.

MADISON COUNTY

Madison County was erected on November 7, 1821, from the Western District, and was named in honor of President James Madison. The earliest settlers, however, arrived during the preceding two or three years. Among them were: James Cockrill, J. H. Regan, Adam Huntsman, James Brown, John T. Porter, Joseph Lynn, Robert H. Dyer and Adam R. Alexander, the last named in charge of the Land Office of the Tenth District. All these located in the vicinity of Jackson.

On December 17, 1821, the county was organized by the following named commissioners who constituted the first court of the county: Adam R. Alexander, Bartholomew G. Stewart, David Jarvett, Wm. Atchison, Robt. H. Dyer, Jno. Thomas, Duncan McIvor, Joseph Lynn, Jas. Trousdale, Herndon Harelson, Wm. Braden, Samuel Taylor and Wm. Woolfork. Herndon Harelson was chosen chairman; Roderick McIvor, clerk; Thos. Shannon, sheriff; John T. Porter, register; Jas. Brown, ranger; Wm. Atchison, trustee; Wm. Griffin, coroner; Geo. White, John Fore, Elijah Jones, and Wm. Doak, constables. Henry L. Gray, Alexander B. Bradford and Robert Hughes qualified as attorneys.

The first courthouse was completed in September, 1822. Jackson, the county seat, named for Andrew Jackson, was located on the lands of Daniel Shannon, W. E. Butler, Joseph Phillips and John McNairy. It was incorporated on December 16, 1845. Its first mayor was R. J. Hays; its first postmaster, Samuel Taylor; its first newspaper, the Gazette, founded on May 25, 1824, by Charles D. McLean, Elijah Bigelow and Ed Hays.

Early attorneys were: John Wyatt, Adam Huntsman, Milton Brown,

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Benj. Gillispie, A. L. Martin, Stokely D. Hays, Micajah Bullock, J. S. Allen, Hugh W. Dunlap, Andrew McCampbell and M. A. McKenzie.

The numerous mounds in Madison County indicate that this section was once the home of a populous community of prehistoric people.

The sale of lots in the town of Jackson began July 4, 1822, and lasted about one week. Joseph Lynn was allowed twenty dollars for whisky furnished at the sale to encourage bidding. The first purchasers of lots were Geo. Todd, Herndon Harelson, Mark Fisher, Duncan McIvor, Wm. Broden, Wilson McClellan, Jas. McKnight, Vincent Harelson, David Horton, J. H. Ball, Isaac Curry, Wm. Espy, Alex. B. Bradford, W. L. Flener, Jas. Burress, Jas. K. Polk, S. F. Gray, S. C. Crofton, Roderick McIvor, and M. Leggett. James K. Polk bought three lots, costing the aggregate sum of $582.

Madison County furnished to the Seminole war of 1836, a company called The Grays, commanded by Capt. Jesse McMahon; also troops to the Mexican war.

Statistics of Madison County: Population, 1920, 43,824. Assessed valuation of taxable property, 1921, $25,793,119. Area, 520 square miles. Number of farms, 4,467. Railway mileage, 115. Intersected by the Forked Deer River. Its surface is generally level. Soil very fertile and staple products are cotton, corn, fruits, vegetables and live stock. The Illinois Central, the Mobile & Ohio, and the N. C. & St. L. Railroads traverse the county. A large cotton mill is located at Bemis, near Jackson, employing a large number of operatives. Jackson, the county seat, with a population of 18,860, is a flourishing city with the facilities of the three railroads named. It has large manufacturing interests and is a jobbing center for a large territory. Jackson has fine private and public schools and is noted as an educational center. It has daily and weekly newspapers and other large publishing interests. An artesian waterworks system owned by the city supplies the city with water. Scholastic population of county, 16,783; high schools, 14; elementary schools, 100.

MC NAIRY COUNTY

McNairy County was erected on October 8, 1823, from a part of Hardin County and named in honor of John McNairy, whom President Washington had appointed one of the three judges of the Southwest Territory. The act creating this county directed that the first court should be held at the house of Abel V. Maury, near the center of the county. At the first session of the Court of Pleas and Quarter Sessions held on the second Monday in January, 1824, a commission was appointed which selected for the county seat Purdy, named for John Purdy, a surveyor in the service of the government. Judge Joshua Haskell presided over this court which elected the following officials: Henry S. Wilson, sheriff; Joseph Barnett, clerk; Maclin Cross, Circuit Court clerk; Wm. Maury, register; Benjamin Rice, surveyor; Robert M. Owens, trustee.

The first white child born was Hugh Kerby, in 1821.

The first store was owned by John Chambers and Nat Griffith.

In 1855, the citizens of Purdy successfully resisted the efforts of the Mobile & Ohio Railroad Company to build their road through the town, which action caused a gradual decline in the place, so that when, in 1870, an effort was made to move the county seat to the railroad many favored the project; however,

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the effort was not crowned with success until 1890, when P. H. Thrasher gave the county a courthouse located at Selmer.

Strong characters of the early days were: Col. James Warren, Gen. John H. Meeks, Wm. G. Jopling, John G. Gooch, and Maj. Benj. Wright who fought in the battle of Tohopeka.

The first church organization in the county was Bethel, in 1828. This was a Presbyterian Church and was soon followed by the Baptist Church at Gravel Hill.

In 1857 Isaac Nash began in Purdy the publication of the West Tennessee Argus, the first paper published in the county. Two of the most eminent men whom this country has produced were John V. Wright and Col. D. M. Wisdom.

Statistics of McNairy County: Population, 1920, 18,350. Assessed valuation of taxable property, 1921, $6,829,882. Area, 550 square miles. Number of farms, 3,263. Railway mileage, 42. Drained by the Hatchie River and affluents of the Tennessee. Part of the county is level and in some portions of the county there is a fine growth of timber. Staple products are cotton, corn and hogs. The Mobile & Ohio and the Southern Railway traverse the county. Selmer, the county seat, is on the M. & O. Railroad, thirty-five miles south of Jackson. It has good schools and churches, a weekly newspaper, three banks, prosperous business establishments, and a population of 546. Scholastic population of county, 6,127; high schools, 6; elementary schools, 109.

OBION COUNTY

Obion County was erected on October 24, 1823, from the Western District, and named for the Obion River.

The first settler was Elisha Parker who located in 1819 in the northeast part of the county near the Weakley County line.

The first court in accordance with the act creating the county met at the house of Wm. M. Wilson, on January 19, 1824. This location was about three miles west of Troy which was selected by the commissioners in 1825 as the county seat, and which was laid out on land donated by Wm. Polk.

The sessions of the court continued to be held at Wilson's home until the county courthouse was built at Troy in 1824.

Union City was laid out in 1854 on the land of Gen. G. W. Gibbs. It was incorporated in 1861, the first mayor having been Thomas Ray, and is now the county seat. One of the first resident attorneys was Charles McAlister. In 1842 S. W. Cochran from Ohio located in Troy and became one of the leading attorneys in that part of the state. Other early lawyers of Troy were: Jno. C. Hawkins, J. W. Buford, T. C. Swanson, Thos. R. Shearon. Early lawyers of Union City were: D. D. Bell, Charles N. Gibbs, and Wm. B. Gibbs.

Statistics of Obion County: Population, 1920, 28,393. Assessed valuation of taxable property, 1921, $29,793,421. Area, 540 square miles. Number of farms, 3,378. Railway mileage, 73. This county is bordered on the north by Kentucky and on the west by Reelfoot Lake and is one of the richest agricultural counties in the state. Surface nearly level and there is a plentiful supply of timber. Soil rich and fertile, and staple products are cotton, corn, wheat, oats and live stock. One of the best wheat producing counties in the state. Intersected by the Illinois Central, the Mobile & Ohio, and the N. C. & St. L. Railway. Union City, county seat, has a population of 4,412, and is a flourish-

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ing town with fine schools and churches, various manufacturing establishments, up-to-date stores, two weekly newspapers, two banks, lumber mills, railroad shops, etc. Other towns are Kenton, Obion and Troy. Scholastic population of county, 10,500; high schools, 11; elementary schools, 85.

SHELBY COUNTY

Shelby County was erected on Nov. 24, 1819, from Hardin County and named "in honor and to perpetuate the name of Isaac Shelby, late governor of Kentucky." A large part of the land now comprising the City of Memphis was originally granted by the state of North Carolina in 1783 to John Rice, who, in 1791, was killed by Indians while on a trading expedition in the vicinity of Clarksville. In 1794 Judge John Overton bought from Elisha Wright, the brother of John Wright, the five thousand acres of the Rice tract for five hundred dollars and on the next day transferred a half interest in it to Andrew Jackson, between whom and himself a beautiful and tender affection existed. Jackson, however, sold his interest before the property was developed. A part of his interest was conveyed to Gen. Jas. Winchester, who named the prospective metropolis Memphis because of supposed resemblance to the ancient city of Memphis, Egypt.

Memphis was laid out by Judge Overton and incorporated in 1826 or 1827.

Marcus B. Winchester, a son of Gen. Jas. Winchester, was the first mayor. Between him and Isaac Rawlings existed a bitter rivalry for many years. Rawlings had been a sutler with Jackson's army in 1813, and also an Indian agent. He was the first magistrate of Shelby County, holding the office without either election or appointment, but by common consent. He was a prominent and picturesque figure and succeeded Winchester as the second mayor of Memphis, and was reelected several times.

Keating, in his valuable "History of Memphis," says that no other American city was laid out on so generous a scale as was the case with Memphis according to the plans of Overton and Winchester; that every emergency in the life of a leading commercial point seemed to be provided for. It seemed to have everything except religious organizations, for there was not a church in Memphis until 1827, although it is believed that there were several within the boundaries of the county. The first religious services were held in the courthouse by Methodist circuit riders of whom the earliest was Elijah Coffee, who came in March, 1822, in a flatboat. A small meeting house was erected in Court Square in 1826.

Keating says, "After the preacher came the press," referring to the fact that Phebus founded the first newspaper called The Memphis Advocate. The first number appeared January 18, 1827.

In the early days of the existence of Memphis conditions were very rough. J. J. Rawlings said that when he went to Memphis in 1824 there was no such thing as society. "Nothing that deserved that name. There were a few boys or young men, adventurers, uncontrolled by any restrictions; no preachers, no ladies to visit; they ran riot as they pleased."

Whisky was twenty-five cents a gallon, and horse racing was the favorite pastime.

In 1827 the County Court was removed to Raleigh, which then became the county seat, a fact which aroused much indignation in Memphis. In that year

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an epidemic of dengue, or breakbone fever, broke out, followed next year by the first appearance of yellow fever. In 1828 also, South Memphis was organized as a separate municipality and for several years a rivalry between it and Fort Pickering, on the one hand, and Memphis on the other, was carried on with extreme bitterness. There was also keen rivalry between Memphis and Randolph. But, beginning with 1829, when stage coach service was established to Memphis as a center from important eastern points, the supremacy of that city was incontestable. The first railroad was the Memphis and LaGrange, begun in 1838 and never finished.

The first public road in Shelby County was ordered marked out by the County Court in May, 1820.

THE NASHOBA VENTURE

Perhaps the first effort in Tennessee for the benefit of the many made by an individual influenced by pure altruism was inaugurated by Fanny Wright at "Nashoba," near Memphis, in 1825. With her own funds, alone, she bought a tract of 1,940 acres located on Wolf River northeast of Memphis, and erected on it a school for negroes whom she hoped to educate to prepare them for citizenship before setting them free. Strange as it may seem to many at the present day, she encountered little opposition, and on her list of trustees she had strong names, some even illustrious. They were: General Lafayette, Wm. McClure, Robert Owen, Cadwallader D. Colden, Richardson Whitby, Robert Jennings, Robert Dale Owen, George Flowery, Camilla Wright, and James Richardson. She wished to give an object lesson in gradual emancipation. It was not at all that any instruction should inculcate the idea of social equality between the two races, nor did she have any sympathy with the professional abolitionists. She traveled over the South in the interest of her venture stating that her remedies for the evils of slavery were gradual emancipation and industrial education. Her school lasted several years. When she realized she would be compelled to abandon the project she chartered a vessel and herself accompanied her negroes to Hayti where she set them free. The trustees, in 1831, restored the property to her.

Accounts of a large number of historical spots and places in Memphis and Shelby County are given in Chapter XXXI.

Statistics of Shelby County: Population, 1920, 223,216. Assessed valuation of taxable property, 1921, $273,256,558. Area, 728 square miles. Number of farms, 8,204. Railway mileage, 231. Bounded on the west by the Mississippi River, on the south by Mississippi, and intersected by the Loosahatchie and Wolf rivers. Surface level and portions well timbered. Soil very rich and fertile, and one of the best cotton producing counties. Staple products, cotton, corn, lumber and hogs. Memphis, the county seat and largest city in the state, has a population of 162,351. It is an important rail and river shipping point, being the largest inland cotton market in the country. Two fine bridges cross the Mississippi at Memphis, which has a fine system of streets and sewers, and is supplied with water from a fine system of artesian wells. It is a large manufacturing point and is the jobbing center for a large territory, including states of the South and Southwest. It is a large lumber market and also an important market for mules and horses. It is the center of the cotton seed oil industry in the South and the largest cotton seed oil market in the world.

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It is a rapidly growing city, and growing in importance as a manufacturing and distributing point. Has three daily newspapers and various other periodicals and large publishing interests, fine public and private schools, splendid banking facilities. The West Tennessee Normal is located at Memphis. Scholastic population of county, 68,654; high schools, 19; elementary schools, 141.

TIPTON COUNTY

Tipton County was erected on October 29, 1823, from the Western District, and named "in memory of Capt. Jacob Tipton, who fell at St. Clair's defeat."

By the act which created this county provision was made that the County and Circuit Court should meet at the house of Nathan Hartfield until otherwise provided for by law. Among the early pioneers were Gen. Jacob Tipton, son of Capt. Jacob Tipton, Dr. Hold, Captain Scurry, Major Lauderdale, George W. Frazier, K. H. Douglass, and Jesse Benton, brother of Senator Thos. H. Benton. Jesse Benton lived at Randolph and was very active in promoting the interests of that place which posed as a rival to Memphis, and which became a very important center of trade for all the western sections except the counties of Shelby and Fayette.

Covington was selected as the county seat, which was located on land donated by John C. McLemore and Tyree Rhodes. In 1852 an effort was made to remove the county seat from Covington to Randolph but it failed by a small vote.

Statistics of Tipton County: Population, 1920, 30,258. Assessed valuation of taxable property, 1921, $15,074,391. Area, 400 square miles. Number of farms, 5,271. Railway mileage, 27. Bounded on the west by the Mississippi River. Soil is fertile and surface level except for a range of hills near river. Well timbered and watered by running streams and artesian wells. Cotton, corn, wheat, oats, fruits, vegetables, and live stock are staple products. Traversed by L. & N. and the Illinois Central railroads. Covington, the county seat, has a population of 3,410, and has fine churches and schools, a weekly newspaper, three banks, electric light plant and waterworks, cotton mill, cottonseed oil mill and other manufacturing enterprises, and is a flourishing town. Brighton, Atoka, and Tipton are other towns. Scholastic population of county, 10,703; high schools, 11; elementary schools, 78.

WEAKLEY COUNTY

Weakley County was erected on October 21, 1823, from the Western District, and was named in honor of Col. Robert Weakley, one of the most prominent of the early pioneers of Middle Tennessee, a member of Tennessee's first Legislature, and speaker of the State Senate in 1823.

Provision was made in the act which created this county that the sessions of the County and Circuit courts should be held at the house of John Tyrrell until otherwise provided for by law.

The first settlers were: Reuben Edmonston and John Bradshaw, brothers-in-law, who located on Mud Creek, in 1819. Alexander Paschal arrived in 1822 and was considered well-to-do, as his wife had seven dresses. The first cabin was built by John Bradshaw. The county was organized in 1825 and Dresden was selected as the county seat and laid out in that same year. The first courthouse was completed in 1827 and the first session of the court held in it

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in 1828. Prior to this time some of the sessions of the court had been held in the house of Benjamin Bondurant in Dresden.

Early members of the bar were: A. G. Bondurant, Henry A. Semple, John A. Garner, S. A. Warner, and John Grundy, son of Felix Grundy. Emerson Etheridge, the famous orator, was a resident of Dresden.

Early physicians were: Drs. T. C. Edwards, Joseph Irby, and Jubilee Rogers.

Early preachers were: Thos. Ross, Gilliland Holland, and Lorenzo D. Overall.

Weakley County furnished eleven companies to the Confederate Army, and four companies to the Federal Army.

Martin was established in 1873 and incorporated in 1874.

Statistics of Weakley County: Population, 1920, 31,053. Assessed valuation of taxable property, 1921, $21,969,965. Area, 620 square miles. Number of farms, 5,050. Railway mileage, 51. Drained by the Obion River. The surface is generally level and the soil fertile. Staple products are cotton, tobacco, corn, wheat, oats, fruits, vegetables and live stock. The N. C. & St. L. railway and the Illinois Central traverse the county. Dresden, the county seat, has a population of 1,007, good schools and churches, lumber mills, stave factory, tannery, a weekly newspaper, three banks, and is a flourishing town. Martin, another prosperous town at the junction of the railroad, has a population of 2,837, good schools and churches, manufacturing establishments, prosperous stores, a weekly newspaper, and three banks. Scholastic population of county, 10,914; high schools, 15; elementary schools, 91.

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APPENDIX

PETITION OF WATAUGA ASSOCIATION TO BE ANNEXED TO NORTH CAROLINA

This petition was drafted by William Tatham, clerk pro tem, and was dated July 5, 1776. (See article on "William Tatham, Wataugan," by Sam'l C. Williams in Tennessee Historical Magazine for October, 1921, page 156.)

"To the Hon. the Provincial Council of North-Carolina:

"The humble petition of the inhabitants of Washington District, including the River Wataugah, Nonachuckie, &c., in committee assembled, Humbly Sheweth, that about six years ago, Col. Donelson, (in behalf of the Colony of Virginia,) held a Treaty with the Cherokee Indians, in order to purchase the lands of the Western Frontiers; in consequence of which Treaty, many of your petitioners settled on the lands of the Wataugah, &c., expecting to be within the Virginia line, and consequently hold their lands by their improvements as first settlers; but to their great disappointment, when the line was run they were (contrary to their expectation) left out; finding themselves thus disappointed, and being too inconveniently situated to remove back, and feeling an unwillingness to loose the labour bestowed on their plantations, they applied to the Cherokee Indians, and leased the land for the term of ten years, before the expiration of which term, it appeared that many persons of distinction were actually making purchases forever; thus yielding a precedent, (supposing many of them, who were gentlemen of the law, to be better judges of the constitution then we were,) and considering the bad consequences it must be attended with, should the reversion be purchased out of our hands, we next proceeded to make a purchase of the lands, reserving those in our possession in sufficient tracts for our own use, and resolving to dispose of the remainder for the good of the community. This purchase was made and the lands acknowledged to us and our heirs forever, in an open treaty, in Wataugah Old Fields; a deed being obtained from the chiefs of the said Cherokee nation for themselves and their whole nation, conveying a fee simple right to the said lands, to us and our heirs forever, which deed was for and in consideration of the sum of two thousand pounds sterling, (paid to them in goods,) for which consideration they acknowledged themselves, their whole nation, their heirs, &c., forever to resign, warrant and defend the said lands to us, and our heirs, &c., against themselves, their heirs, &c.

"The purchase was no sooner made, than we were alarmed by the reports of the present unhappy differences between Great Britain and America, on which report, (taking the now united colonies for our guide,) we proceeded to choose a committee, which was done unanimously by consent of the people. This committee (willing to become a party in the present unhappy contest) resolved, (which is now on the records,) to adhere strickly to the rules and orders of the Continental Congress, and in open committee acknowledged themselves indebted to the united colonies their full proportion of the Continental expense.

"Finding ourselves on the Frontiers, and being apprehensive that, for the want of a proper legislature, we might become a shelter for such as endeavored to defraud their creditors; consisting also the necessity of recording Deeds, Wills, and doing other public business; we, by consent of the people, formed a court for the purposes above mentioned, taking (by desire of our constituents) the Virginia laws for our guide, so near as the situation of affairs would admit; this was intended for ourselves, and was done by the consent of every individual; but wherever we had to deal with people out of our district, we have

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ruled them to bail, to abide by our determinations, (which was, in fact, leaving the matter to reference,) otherways we dismissed their suit, lest we should in any way intrude on the legislature of the colonies. In short, we have endeavored so strickly to do justice, that we have admitted common proof against ourselves, on accounts, &c., from the colonies, without pretending a right to require the Colony Seal.

"We therefore trust we shall be considered as we deserve, and not as we have (no doubt) been many times represented, as a lawless mob. It is for this very reason we can assure you that we petition; we now again repeat it, that it is for want of proper authority to try and punish felons, we can only mention to you murderers, horse-thieves and robbers, and are sorry to say that some of them have escaped us for want of proper authority. We trust, however, this will not long be the case; and we again and again repeat it, that it is for this reason we petition to this Honorable Assembly.

"Above we have given you an extract of our proceedings, since our settling on Wataugah, Nonachuckie, &c., in regard to our civil affairs. We have shown you the causes of our first settling and the disappointments we have met with, the reason of our lease and of our purchase, the manner in which we purchased, and how we hold of the Indians in fee simple; the causes of our forming a committee, and the legality of its election; the same of our Court and proceedings, and our reasons for petitioning in regard to our legislature.

"We will now proceed to give you some account of our military establishments, which were chosen agreeable to the rules established by convention, and officers appointed by the committee. This being done, we thought it proper to raise a company on the District service, as our proportion, to act in the common cause on the sea shore. A company of fine riflemen were accordingly enlisted, and put under Capt. James Robertson, and were actually embodied, when we received sundry letters and depositions, (copies of which we now enclose you,) you will then readily judge that there was occasion for them in another place, where we daily expected an attack. We therefore thought proper to station them on our Frontiers, in defense of the common cause, at the expense and risque of our own private fortunes, till farther public orders, which we flatter ourselves will give no offence. We have enclosed you sundry proceedings at the station where our men now remain.

"We shall now submit the whole to your candid and impartial judgement. We pray your mature and deliberate consideration in our behalf, that you may annex us to your Province, (whether as county, district, or other division,) in such manner as may enable us to share in the glorious cause of Liberty; enforce our laws under authority, and in every respect become the best members of society; and for ourselves and constituents we hope, we may venture to assure you, that we shall adhere strictly to your determinations, and that nothing will be lacking or any thing neglected, that may add weight (in the civil or military establishments) to the glorious cause in which we are now struggling, or contribute to the welfare of our own or ages yet to come.

"That you may strictly examine every part of this our Petition, and delay no time in annexing us to your Province, in such a manner as your wisdom shall direct, is the hearty prayer of those who, for themselves and constituents, as in duty bound, shall ever pray.

John Carter, Chn.	George Rusel,
Charles Roberdson,	Jacob Womack,
James Robertson,	Robert Lucas.
Zach. Isbell,	Jacob Womack,
John Sevier,	Joseph Dunham,
Jas. Smith,	Rice Durroon,
Jacob Brown,	Edward Hopson,
Wm. Been,	Lew. Bowyer, D. Atty,
John Jones,	Joseph Buller,

The above signers are the Members on Committee assembled.
WM. TATHAM, Clerk, P. T.

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Andw. Greer,
his
Joab × Mitchell
mark
Gideon Morris,
Shadrack Morris,
William Crocket,
Thos. Dedmon,
David Hickey,
Mark Mitchell,
Hugh Blair,
Elias Pebeer,
Jos. Brown,
John Neave,
John Robinson,
Christopher Cunningham,
Jas. Easeley,
Ambrose Hodge,
Dan'l Morris,
Wm. Cox,
James Easley,
John Haile,
Elijah Robertson,
William Clark
his
John × Dunham,
mark
Wm. Overall,
Matt. Hawkins,
John Brown,
Jos. Brown,
Job Bumper,
Isaac Wilson,
Richard Norton,
George Hutson,
Thomas Simpson,
Valentine Sevier,
Johnathan Tipton,
Robert Sevier,
Drury Doodan,
Richard Fletcher,
Ellexander Greear,
Jos. Greer,
Andrew Greear, jun.,
Teeler Nave,
Lewis Jones,
John I. Cox,
John Cox, jr.,
Abraham Cox,
Emanuel Shote,
Tho. Houghton,
Jos. Luske,
Wm. Reeves,
David Hughes,
Landon Carter,
John McCormick,
David Crocket,
Edw'd Cox,
Tho's Hughes,
William Roberson,
Henry Siler,
Frederick Calvit,
John Moore,
William Newberry,
Adam Sherrell,
Samuel Sherrell, junr.,
Samuel Sherrell, senr.,
Ossa Rose,
Henry Bates, jun.,
Jos. Grimes,
Christopher Cunningham,
sen.,
Joshua Barten, sen.,
Joud. Bostin, sen.,
Henry Bates, jun.,
Will' Dod,
Grives Morris,
Wm. Bates,
Rob't Mosely,
Ge. Hartt,
Isaac Wilson,
Jno. Waddell,
Jarret Williams,
Oldham Hightower,
Abednago Hix,
Charles McCartney,
Frederick Vaughn,
Jos. McCartney,
Mark Robertson,
Joseph Calvit,
Joshua Houghton,
John Chukinbeard,
James Cooper,
William Brokees,
Julius Robertson,
John King,
Michael Hider,
John Davis,
John Barley."

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THE CONSTITUTION OF TENNESSEE—1796

We the people of the territory of the United States south of the River Ohio, having the right of admission into the General Government as a member State thereof, consistent with the Constitution of the United States and the act of cession of the State of North Carolina recognizing the ordinance for the government of the territory of the United States north-west of the River Ohio, do ordain and establish the following Constitution or form of government, and do mutually agree with each other to form ourselves into a free and independent State by the name of the State of Tennessee.

ARTICLE I

Section 1. The legislative authority of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives, both dependent on the people.

Section 2. Within three years after the first meeting of the General Assembly, and within every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made in such manner as shall be directed by law. The number of Representatives shall at the several periods of making such enumeration be fixed by the Legislature, and apportioned among the several counties according to the number of taxable inhabitants in each, and shall never be less than twenty-two nor greater than twenty-six until the number of taxable inhabitants shall be forty thousand; and, after that event, at such ratio that the whole number of Representatives shall never exceed forty.

Section 3. The number of Senators shall, at the several periods of making the enumeration before mentioned, be fixed by the Legislature, and apportioned among the districts formed as hereinafter directed according to the number of taxable inhabitants in each, and shall never be less than one-third or more than one-half of the number of Representatives.

Section 4. The Senators shall be chosen by districts to be formed by the Legislature, each district containing such a number of taxable inhabitants as shall be entitled to elect not more than three Senators. When a district shall be composed of two or more counties they shall be adjoining, and no county shall be divided in forming a district.

Section 5. The first election for Senators and Representatives shall commence on the second Thursday in March next, and shall continue for that and the succeeding day; and the next election shall commence on the first Thursday in August, one thousand seven hundred and ninety-seven, and shall continue on that and the succeeding day; and forever after elections shall be held once in two years, commencing on the first Thursday in August and terminating the succeeding day.

Sec. 6. The first session of the General Assembly shall commence on the last Monday of March next, the second on the third Monday of September, one thousand seven hundred and ninety-seven; and forever after the General Assembly shall meet on the third Monday of September next ensuing the then election, and at no other period, unless as provided for by this Constitution.

Sec. 7. That no person shall be eligible to a seat in the General Assembly unless he shall have resided three years in the State and one year in the county immediately preceding the election, and shall possess in his own right in the county which he represents not less than two hundred acres of land, and shall have attained to the age of twenty-one years.

Sec. 8. The Senate and House of Representatives, when assembled, shall each choose a Speaker and its other officers, be judges of the qualifications and election of its members, and sit upon its own adjournment from day to day. Two-thirds of each shall constitute a quorum to do business, but a smaller num-

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ber may adjourn from day to day, and may be authorized by law to compel the attendance of absent members.

Sec. 9. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same offense, and have all other powers necessary for the Legislature of a free State.

Sec. 10. Senators and Representatives shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during the session of the General Assembly, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

Sec. 11. Each House may punish, by imprisonment, during their session, any person, not a member, who shall be guilty of disrespect to the House by any disorderly or contemptuous behavior in their presence.

Sec. 12. Whenever vacancies happen in either House, the Governor for the time being shall issue writs of election to fill such vacancies.

Sec. 13. Neither House shall, during their session, adjourn without the consent of the other for more than three days; nor to any other place than that in which the two Houses shall be sitting.

Sec. 14. Bills may originate in either House, but may be amended, altered, or rejected by the other.

Sec. 15. Every bill shall be read three times, on three different days, in each House, and be signed by the respective Speakers before it becomes a law.

Sec. 16. After a bill has been rejected, no bill containing the same substance shall be passed into a law during the same session.

Sec. 17. The style of the laws of this State shall be, "Be it enacted by the General Assembly of the State of Tennessee."

Sec. 18. Each House shall keep a journal of its proceedings and publish them, except such parts as the welfare of the State may require to be kept secret; and the yeas and nays of the members on any question shall, at the request of any two of them, be entered on the journals.

Sec. 19. The doors of each House, and committees of the whole, shall be kept open unless when the business is such as ought to be kept secret.

Sec. 20. The Legislature of this State shall not allow the following officers of Government greater annual salaries than as follows, until the year one thousand eight hundred and four, to wit: The Governor not more than seven hundred and fifty dollars; the Judges of the Superior Courts not more than six hundred dollars each; the Secretary not more than four hundred dollars; the Treasurer or Treasurers not more than four per cent. for receiving and paying out all money; the Attorney or Attorneys for the State shall receive a compensation for their services not exceeding fifty dollars for each Superior Court which he shall attend. No member of the Legislature shall receive more than one dollar and seventy-five cents per day, nor more for every twenty-five miles he shall travel in going to and returning from the General Assembly.

Sec. 21. No money shall be drawn from the treasury but in consequence of appropriations made by law.

Sec. 22. No person who heretofore hath been, or hereafter may be, a collector or holder of public moneys shall have a seat in either House of the General Assembly until such person shall have accounted for and paid into the treasury all sums for which he may be accountable or liable.

Sec. 23. No Judge of any court of law or equity, Secretary of State, Attorney-general, Register, Clerk of any court of record, or person holding any office under authority of the United States, shall have a seat in the General Assembly. Nor shall any person in this State hold more than one lucrative office at one and the same time; Provided, That no appointment in the Militia or of the office of Justice of the Peace shall be considered a lucrative office.

Sec. 24. No member of the General Assembly shall be eligible to any office or place of trust, except the office of Justice of the Peace or trustee of any literary institution, when the power of appointment to such office or place of trust is vested in their own body.

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Sec. 25. Any member of either House of the General Assembly shall have liberty to dissent from and protest against any act or resolve which he may think injurious to the public or any individual, and have the reasons of his dissent entered on the journals.

Sec. 26. All lands liable to taxation in this State held by deed, grant, or entry, shall be taxed equal and uniform, in such manner that no one hundred acres shall be taxed higher than another, except town lots, which shall not be taxed higher than two hundred acres of land each. No freeman shall be taxed higher than one hundred acres, and no slave higher than two hundred acres on each poll.

Sec. 27. No article manufactured of the product of this State shall be taxed otherwise than to pay inspection fees.

ARTICLE II

Section 1. The supreme executive power of this State shall be vested in a Governor.

Sec. 2. The Governor shall be chosen by the electors of the members of the General Assembly, at the times and places they shall respectively vote for the members thereof. The returns of every election for Governor shall be sealed up and transmitted to the seat of government by the returning officers, directed to the Speaker of the Senate, who shall open and publish them in the presence of a majority of the members of each House of the General Assembly. The person having the highest number of votes shall be Governor; but if two or more shall be equal and highest in votes, one of them shall be chosen Governor by joint ballot of both Houses of the General Assembly. Contested elections for Governor shall be determined by both Houses of the General Assembly in such manner as shall be prescribed by law.

Sec. 3. He shall at least be twenty-five years of age and possess a freehold estate of five hundred acres of land, and have been a citizen or inhabitant of this State four years next before his election, unless he shall have been absent on the public business of the United States or of this State.

Sec. 4. The first Governor shall hold his office until the fourth Tuesday of September, one thousand seven hundred and ninety-seven, and until another Governor shall be elected and qualified to office; and forever after the Governor shall hold his office for the term of two years, and until another Governor shall be elected and qualified; but shall not be eligible more than six years in any term of eight.

Sec. 5. He shall be commander-in-chief of the army and navy of this State, and of the militia, except when they shall be called into service of the United States.

Sec. 6. He shall have power to grant reprieves and pardons after conviction, except in cases of impeachment.

Sec. 7. He shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during the period for which he shall have been elected.

Sec. 8. He may require information in writing from the officers in the executive department upon any subject relating to the duties of their respective offices.

Sec. 9. He may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to them, when assembled, the purpose for which they shall have been convened.

Sec. 10. He shall take care that the laws shall be faithfully executed.

Sec. 11. He shall, from time to time, give to the General Assembly information of the state of the government, and recommend to their consideration such measures as he shall judge expedient.

Sec. 12. In case of his death, or removal from office, or resignation, the Speaker of the Senate shall exercise the office of Governor until another Governor shall be duly qualified.

Sec. 13. No member of Congress or person holding any office under the United States or this State shall execute the office of Governor.

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Sec. 14. When any officer, the right of whose appointment is by this Constitution vested in the General Assembly, shall, during the recess, die, or his office by other means become vacant, the Governor shall have power to fill up such vacancy by granting a temporary commission, which shall expire at the end of the next session of the Legislature.

Sec. 15. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called "the Great Seal of the State of Tennessee."

Sec. 16. All grants and commissions shall be in the name and by the authority of the State of Tennessee, be sealed with the State seal, and signed by the Governor.

Sec. 17. A Secretary of this State shall be appointed and commissioned during the term of four years. He shall keep a fair register of all the official acts and proceedings of the Governor; and shall, when required, lay the same and all papers, minutes, and vouchers relative thereto before the General Assembly, and shall perform such other duties as shall be enjoined upon him by law.

ARTICLE III

Section 1. Every freeman of the age of twenty-one years and upward possessing a freehold in the county wherein he may vote, and being an inhabitant of this State, and every freeman being an inhabitant of any one county in the State six months immediately preceding the day of the election, shall be entitled to vote for members of the General Assembly for the county in which he shall reside.

Sec. 2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from them.

Sec. 3. All elections shall be by ballot.

ARTICLE IV

Section 1. The House of Representatives shall have the sole power of impeachment.

Sec. 2. All impeachments shall be tried by the Senate. When sitting for that purpose the Senators shall be upon oath or affirmation.

Sec. 3. No person shall be convicted without the concurrence of two-thirds of the members of the whole House.

Sec. 4. The Governor and all civil officers under this State shall be liable to impeachment for any misdemeanor in office; but judgment, in such cases, shall not extend further than to removal from office, and disqualification to hold any office of honor, trust, or profit under the State. The party shall nevertheless, in all cases, be liable to indictment, trial, judgment, and punishment according to law.

ARTICLE V

Section 1. The judicial power of the State shall be vested in such superior and inferior courts of law and equity as the Legislature shall from time to time direct and establish.

Sec. 2. The General Assembly shall, by joint ballot of both Houses, appoint Judges of the several courts of law and equity; also an Attorney or Attorneys for the State, who shall hold their respective offices during good behavior.

Sec. 3. The Judges of the superior courts shall, at stated times, receive a compensation for their services, to be ascertained by law, but shall not be allowed any fees or perquisites of office, nor shall they hold any other office of trust or profit under this State or the United States.

Sec. 4. The Judges of the superior courts shall be justices of oyer and terminer and general jail delivery throughout the State.

Sec. 5. The Judges of the superior and inferior courts shall charge juries with respect to matters of fact, but may state the testimony and declare the law.

Sec. 6. The Judges of the superior court shall have power in all civil cases to issue writs of certiorari to remove any cause, or a transcript thereof, from

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any inferior jurisdiction into their court on sufficient cause, supported by oath or affirmation.

Sec. 7. The Judges or justices of the inferior courts of law shall have power in all civil cases to issue writs of certiorari to remove any cause, or a transcript thereof, from any inferior jurisdiction into their court on sufficient cause, supported by oath or affirmation.

Sec. 8. No Judge shall sit on the trial of any cause when the parties shall be connected with him by affinity or consanguinity, except by consent of parties. In case all the Judges of the Superior Court shall be interested in the event of any cause or related to all or either of the parties, the Governor of the State shall in such case specially commission three men of law knowledge for the determination thereof.

Sec. 9. All writs and other process shall run in the name of the State of Tennessee, and bear test and be signed by the respective Clerks. Indictments shall conclude, "against the peace and dignity of the State."

Sec. 10. Each court shall appoint its own Clerk, who may hold his office during good behavior.

Sec. 11. No fine shall be laid on any citizen of this State that shall exceed fifty dollars, unless it shall be assessed by a jury of his peers, who shall assess the fine at the time they find the fact, if they think the fine ought to be more than fifty dollars.

Sec. 12. There shall be Justices of the Peace appointed for each county, not exceeding two for each captain's company, except for the company which includes the county town, which shall not exceed three, who shall hold their offices during good behavior.

ARTICLE VI

Section 1. There shall be appointed in each county, by the County Court, one Sheriff, one Coroner, one Trustee, and a sufficient number of Constables, who shall hold their offices for two years. They shall also have power to appoint one Register and Ranger for the county, who shall hold their offices during good behavior. The Sheriff and Coroner shall be commissioned by the Governor.

Sec. 2. There shall be a Treasurer or Treasurers appointed for the State, who shall hold his or their offices for two years.

Sec. 3. The appointment of all officers not otherwise directed by this Constitution shall be vested in the Legislature.

ARTICLE VII

Section 1. Captains, subalterns, and non-commissioned officers shall be elected by those citizens in their respective districts who are subject to military duty.

Sec. 2. All field officers of the militia shall be elected by those citizens in their respective counties who are subject to military duty.

Sec. 3. Brigadiers-general shall be elected by the field officers of their respective brigades.

Sec. 4. Majors-general shall be elected by the Brigadiers and field officers of the respective divisions.

Sec. 5. The Governor shall appoint the Adjutant-general; the Majors-general shall appoint their Aides; the Brigadiers-general shall appoint their Brigade Majors; and the commanding officers of regiments their Adjutants and Quartermasters.

Sec. 6. The captains and the subalterns of the cavalry shall be appointed by the troops enrolled in their respective companies, and the field officers of the districts shall be appointed by the said captains and subalterns; Provided, That whenever any new county is laid off the field officers of said cavalry shall appoint the captain and other officers therein protempore, until the company is filled up and completed, at which time the election of the captains and subalterns shall take place as aforesaid.

Sec. 7. The Legislature shall pass laws exempting citizens belonging to any sect or denomination of religion, the tenets of which are known to be opposed to bearing of arms, from attending private and general musters.

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ARTICLE VIII

Section 1. Whereas, the ministers of the gospel are, by their professions, dedicated to God and the care of souls, and ought not to be diverted from the great duties of their functions; therefore, no minister of the gospel or priest of any denomination whatever shall be eligible to a seat in either House of the Legislature.

Sec. 2. No person who denies the being of God or a future state of rewards and punishments, shall hold any office in the civil department of this State.

ARTICLE IX

Section 1. That every person who shall be chosen or appointed to any office of trust or profit shall, upon entering on the execution thereof, take an oath to support the Constitution of this State, and also an oath of office.

Sec. 2. That each member of the Senate and House of Representatives shall, before they proceed to business, take an oath or affirmation to support the Constitution of the State, and also the following oath:

"I, A. B., do solemnly swear (or affirm) that, as a member of this General Assembly, I will, in all appointments, vote without favor, affection, partiality, or prejudice, and that I will not prepare or assent to any bill, vote, or resolution which shall appear to me injurious to the people, or consent to any act or thing whatever that shall have a tendency to lessen or abridge their rights and privileges as declared by the Constitution of this State."

Sec. 3. Any elector who shall receive any gift or reward for his vote, in meat, drink, money, or otherwise, shall suffer such punishment as the laws shall direct. And any person who shall, directly or indirectly, give, promise, or bestow any such reward to be elected, shall thereby be rendered incapable, for two years, to serve in the office for which he was elected, and be subject to such further punishment as the Legislature shall direct.

Sec. 4. No new county shall be established by the General Assembly which shall reduce the county or counties, or either of them from which it shall be taken, to a less content than six hundred and twenty-five square miles; nor shall any new county be laid off of less content. All new counties, as to the right of suffrage and representation, shall be considered as a part of the county or counties from which it was taken until entitled by numbers to the right of representation. No bill shall be passed into a law for the establishment of a new county except upon a petition to the General Assembly for that purpose, signed by two hundred of the free male inhabitants within the limits or bounds of such new county prayed to be laid off.

ARTICLE X

Section 1. Knoxville shall be the seat of government until the year one thousand eight hundred and two.

Sec. 2. All laws and ordinances now in force and use in this territory, not inconsistent with this Constitution, shall continue to be in force and use in this State until they shall expire, be altered or repealed by the Legislature.

Sec. 3. That whenever two-thirds of the General Assembly shall think it necessary to amend or change this Constitution, they shall recommend to the electors at the next election for members of the General Assembly to vote for or against a convention. And if it shall appear that a majority of all the citizens of the State voting for Representatives have voted for a convention, the General Assembly shall, at their next session, call a convention, to consist of as many members as there be in the General Assembly, to be chosen in the same manner, at the same place, and by the same electors that chose the General Assembly, who shall meet within three months after the said election, for the purpose of revising, amending, or changing the Constitution.

Sec. 4. The declaration of rights hereto annexed is declared to be a part of the Constitution of this State, and shall never be violated on any pretense whatever. And to guard against transgression of the high powers which we have delegated, we declare that every thing in the bill of rights contained, and every other right not hereby delegated, is excepted out of the general powers of government, and shall forever remain inviolate.

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ARTICLE XI

Declaration of Rights

Section 1. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness. For the advancement of those ends, they have at all times an inalienable and indefeasible right to alter, reform, or abolish the government in such manner as they may think proper.

Sec. 2. That government being instituted for the common benefit, the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind.

Sec. 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no man can of right be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given by law to any religious establishment or modes of worship.

Sec. 4. That no religious test shall ever be required as a qualification to any office or public trust under this State.

Sec. 5. That elections shall be free and equal.

Sec. 6. That the right of trial by jury shall remain inviolate.

Sec. 7. That the people shall be secure in their persons, houses, papers, and possessions from unreasonable searches and seizures; and that general warrants, whereby an officer may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons not named, whose offenses are not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

Sec. 8. That no man shall be taken or imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty, or property, but by the judgment of his peers or the law of the land.

Sec. 9. That in all criminal prosecutions the accused hath the right to be heard by himself and his counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favor; and in prosecutions by indictment or presentment, a speedy public trial by an impartial jury of the county in which the crime shall have been committed, and shall not be compelled to give evidence against himself.

Sec. 10. That no person shall, for the same offense, be twice put in jeopardy of life or limb.

Sec. 11. That laws made for the punishment of acts committed previous to the existence of such laws, and by them only declared criminal, are contrary to the principles of a free government; wherefore no ex post facto law shall be made.

Sec. 12. That no conviction shall work corruption of blood or forfeiture of estate. The estate of such persons as shall destroy their own lives shall descend or vest as in case of natural death. If any person be killed by casualty, there shall be no forfeiture in consequence thereof.

Sec. 13. That no person arrested and confined in jail shall be treated with unnecessary rigor.

Sec. 14. That no person shall be put to answer any criminal charge but by presentment, indictment, or impeachment.

Sec. 15. That all prisoners shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident or the presumption great; and the privileges of the writ of habeas corpus shall not be suspended unless when, in case of rebellion or invasion, public safety may require it.

Sec. 16. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

Sec. 17. That all courts shall be open, and every man, for an injury done

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him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay. Suits may be brought against the State in such manner and in such courts as the Legislature may by law direct; Provided, the right of bringing suit be limited to the citizens of this State.

Sec. 18. That the person of a debtor, where there is not a strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditor or creditors, in such manner as shall be prescribed by law.

Sec. 19. That the printing presses shall be free to every person who undertakes to examine the proceedings of the Legislature, or of any branch or officer of the Government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty. But in prosecutions for the publication of papers investigating the official conduct of officers or men in public capacity, the truth thereof may be given in evidence; and in all indictments for libel the jury shall have a right to determine the law and the facts, under the direction of the court, as in other criminal cases.

Sec. 20. That no retrospective law, or law impairing the obligations of contracts shall be made.

Sec. 21. That no man's particular services shall be demanded, or property taken or applied to public use, without the consent of his representatives, or without just compensation being made therefor.

Sec. 22. That the citizens have a right, in a peaceable manner, to assemble together for their common good, to instruct their representatives, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by address or remonstrance.

Sec. 23. That perpetuities and monopolies are contrary to the genius of a free State, and shall not be allowed by law.

Sec. 24. That the sure and certain defense of a free people is a well-regulated militia; and, as standing armies in time of peace are dangerous to freedom, they ought to be avoided as far as the circumstances and safety of the community will admit; and that in all cases the military shall be in strict subordination to the civil authorities.

Sec. 25. That no citizen in this State, except such as are employed in the army of the United States or militia in actual service, shall be subject to corporal punishment under the martial law.

Sec. 26. That the freemen of this State have a right to keep and to bear arms for their common defense.

Sec. 27. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner prescribed by law.

Sec. 28. That no citizen of this State shall be compelled to bear arms, provided he will pay an equivalent to be ascertained by law.

Sec. 29. That an equal participation in the free navigation of the Mississippi is one of the inherent rights of the citizens of this State; it cannot, therefore, be ceded to any prince, potentate, power, person or persons whatever.

Sec. 30. That no hereditary emoluments, privileges, or honors shall be granted or conferred in this State.

Sec. 31. That the people residing south of French Broad and Holston, between the rivers Tennessee and Big Pigeon, are entitled to the right of preemption and occupancy in that tract.

Sec. 32. That the limits and boundaries of this State being ascertained, it is declared they are as hereafter mentioned—that is to say: Beginning on the extreme height of the Stone Mountain, at the place where the line of Virginia intersects it, in latitude thirty-six degrees and thirty minutes north; running thence along the extreme height of the said mountain to the place the Watauga River breaks through it; thence a direct course to the top of the Yellow Mountain, where Bright's road crosses the same; thence along the ridge of said

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mountain, between the waters of Doe River and the waters of Rock Creek, to the place where the road crosses the Iron Mountain; from thence, along the extreme height of said mountain, to the place where Nolichucky River runs through the same; thence to the top of the Bald Mountain; thence along the extreme height of said mountain to the Painted Rock, on French Broad River; thence along the highest ridge of said mountain to the place where it is called the Great Iron or Smoky Mountain; thence along the extreme height of said mountain to the place where it is called the Unicoi or Unaka Mountain, between the Indian towns of Cowee and Old Chota; thence along the main ridge of the said mountain to the southern boundary of this State, as described in the act of cession of North Carolina to the United States of America; and that all the territory, lands, and waters lying west of the said line, as before mentioned, and contained within the chartered limits of the State of North Carolina, are within the boundaries and limits of this State, over which the people have the right of exercising sovereignty, and the right of soil, so far as is consistent with the Constitution of the United States, recognizing the Articles of Confederation, the Bill of Rights, and Constitution of North Carolina, the cession act of the said State, and the ordinance of Congress for the government of the territory north-west of the Ohio; Provided, Nothing herein contained shall extend to affect the claim of individuals to any part of the soil which is recognized to them by the aforesaid cession act.

SCHEDULE

Section 1. That no inconvenience may arise from a change of the temporary to a permanent State government, it is declared that all rights, actions, prosecutions, claims, and contracts, as well of individuals as of bodies corporate, shall continue as if no change had taken place in the administration of government.

Sec. 2. All fines, penalties, and forfeitures due and owing to the territory of the United States of America south of the River Ohio shall inure to the use of the State. All bonds for performance, executed to the Government of the said territory, shall be and pass over to the Governor of this State and his successors in office, for the use of the State, or by him or them respectively, to be assigned over to the use of those concerned as the case may be.

Sec. 3. The Governor, Secretary, Judges, and Brigadiers-general have a right, by virtue of their appointments under the authority of the United States, to continue in the exercise of the duties of their respective offices in their several departments until the said officers are superseded under the authority of this Constitution.

Sec. 4. All officers, civil and military, who have been appointed by the Governor shall continue to exercise their respective offices until the second Monday in June, and until successors in office shall be appointed under the authority of this Constitution and duly qualified.

Sec. 5. The Governor shall make use of his private seal until a State seal shall be provided.

Sec. 6. Until the first enumeration shall be made as directed in the second section of the first article of this Constitution, the several counties shall be respectively entitled to elect one Senator and two Representatives; provided, That no new county shall be entitled to separate representation previous to taking the enumeration.

Sec. 7. That the next election for Representatives and other officers to be held for the county of Tennessee shall be held at the house of William Miles.

Sec. 8. Until a land-office shall be opened so as to enable the citizens south of French Broad and Holston, between the rivers Tennessee and Big Pigeon, to obtain titles upon their claims of occupancy and pre-emption, those who hold land by virtue of such claims shall be eligible to serve in all capacities where a freehold is by this Constitution made a requisite qualification.

Done in convention at Knoxville, by unanimous consent, on the sixth day of February in the year of our Lord one thousand seven hundred and ninety-six, and of the independence of the United States of America the twentieth.

In testimony whereof we have hereunto subscribed our names.

WILLIAM MACLIN, Secretary. WILLIAM BLOUNT, President.

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CONSTITUTION OF TENNESSEE—1834.

Whereas, The people of the territory of the United States south of the River Ohio, having the right of admission into the General Government as a member State thereof, consistent with the Constitution of the United States and the act of cession of the State of North Carolina recognizing the ordinance for the government of the territory of the United States north-west of the River Ohio, by their delegates and representatives in convention assembled, did, on the sixth day of February, in the year of our Lord one thousand seven hundred and ninety-six, ordain and establish a Constitution or form of government, and mutually agreed with each other to form themselves into a free and independent State, by the name of the State of Tennessee; and,

Whereas, The General Assembly of the said State of Tennessee (pursuant to the third section of the tenth article of the Constitution), by an act passed on the twenty-seventh day of November, in the year of our Lord one thousand eight hundred and thirty-three, entitled "An Act to provide for the calling of a convention," did authorize and provide for the election by the people of delegates and representatives, to meet at Nashville, in Davidson County, on the third Monday in May, in the year of our Lord one thousand eight hundred and thirty-four, for the purpose of revising and amending (or changing) the Constitution;

We, therefore, the delegates and representatives of the people of the State of Tennessee, elected and in convention assembled, in pursuance of the said act of Assembly, have ordained and established the following amended Constitution and form of government for this State, which we recommend to the people of Tennessee for their ratification:

ARTICLE I

Declaration of Rights

Section 1. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; for the advancement of those ends they have, at all times, an inalienable and indefeasible right to alter, reform, or abolish the government in such manner as they may think proper.

Sec. 2. That government being instituted for the common benefit, the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind.

Sec. 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience; that no man can, of right, be compelled to attend, erect, or support any place of worship, or to maintain any minister against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given by law to any religious establishment or mode of worship.

Sec. 4. That no religious test shall ever be required as a qualification to any office or public trust under this State.

Sec. 5. That elections shall be free and equal.

Sec. 6. That the right of trial by jury shall remain inviolate.

Sec. 7. That the people shall be secure in their persons, houses, papers, and possessions from unreasonable searches and seizures; and that general war-

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rants, whereby an officer may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons not named, whose offenses are not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

Sec. 8. That no free man shall be taken or imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty, or property, but by the judgment of his peers or the law of the land.

Sec. 9. That in all criminal prosecutions the accused hath the right to be heard by himself and his counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favor; and in prosecutions by indictment or presentment, a speedy public trial by an impartial jury of the county or district in which the crime shall have been committed, and shall not be compelled to give evidence against himself.

Sec. 10. That no person shall, for the same offense, be twice put in jeopardy of life or limb.

Sec. 11. That laws made for the punishment of acts committed previous to the existence of such laws, and by them only declared criminal, are contrary to the principles of a free government; wherefore no *ex post facto* law shall be made.

Sec. 12. That no conviction shall work corruption of blood or forfeiture of estate. The estate of such persons as shall destroy their own lives shall descend or vest as in case of natural death. If any person be killed by casualty, there shall be no forfeiture in consequence thereof.

Sec. 13. That no person arrested and confined in jail shall be treated with unnecessary rigor.

Sec. 14. That no person shall be put to answer any criminal charge but by presentment, indictment, or impeachment.

Sec. 15. That all prisoners shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident or the presumption great; and the privileges of the writ of *habeas corpus* shall not be suspended unless when, in case of rebellion or invasion, the General Assembly shall declare the public safety requires it.

Sec. 16. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

Sec. 17. That all courts shall be open, and every man, for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay. Suits may be brought against the State in such manner and in such courts as the Legislature may by law direct.

Sec. 18. That the person of a debtor, where there is not strong presumption of fraud, shall not be detained in prison after delivering up his estate for the benefit of his creditor or creditors, in such manner as shall be prescribed by law.

Sec. 19. That the printing presses shall be free to every person to examine the proceedings of the Legislature, or of any branch or officer of the Government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. But in prosecutions for the publication of papers investigating the official conduct of officers or men in public capacity, the truth thereof may be given in evidence; and in all indictments for libel the jury shall have a right to determine the law and the facts, under the direction of the court, as in other criminal cases.

Sec. 20. That no retrospective law, or law impairing the obligations of contracts, shall be made.

Sec. 21. That no man's particular services shall be demanded, or property taken or applied to public use, without the consent of his representatives, or without just compensation being made therefor.

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Sec. 22. That perpetuities and monopolies are contrary to the genius of a free State, and shall not be allowed.

Sec. 23. That the citizens have a right, in a peaceable manner, to assemble together for their common good, to instruct their representatives, and apply to those invested with the powers of government for redress of grievances, or other proper purposes, by address or remonstrance.

Sec. 24. That the sure and certain defense of a free people is a well-regulated militia; and, as standing armies in time of peace are dangerous to freedom, they ought to be avoided as far as the circumstances and safety of the community will admit; and that in all cases the military shall be kept in strict subordination to the civil authority.

Sec. 25. That no citizen of this State, except such as are employed in the army of the United States or militia in actual service, shall be subjected to punishment under the martial or military law.

Sec. 26. That the free white men of this State have a right to keep and to bear arms for their common defense.

Sec. 27. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner prescribed by law.

Sec. 28. That no citizen of this State shall be compelled to bear arms, provided he will pay an equivalent, to be ascertained by law.

Sec. 29. That an equal participation in the free navigation of the Mississippi is one of the inherent rights of the citizens of this State; it cannot, therefore, be conceded to any prince, potentate, power, person or persons whatever.

Sec. 30. That no hereditary emoluments, privileges, or honors shall be granted or conferred in this State.

Sec. 31. That the limits and boundaries of this State being ascertained, it is declared they are as hereafter mentioned—that is to say: Beginning on the extreme height of the Stone Mountain, at the place where the line of Virginia intersects it, in latitude thirty-six degrees and thirty minutes north; running thence along the extreme height of the said mountain to the place where the Watauga River breaks through it; thence a direct course to the top of the Yellow Mountain, where Bright's road crosses the same; thence along the ridge of said mountain, between the waters of Doe River and the waters of Rock Creek, to the place where the road crosses the Iron Mountain; from thence along the extreme height of said mountain to the place where Nollichucky River runs through the same; thence to the top of the Bald Mountain; thence along the extreme height of said mountain to the Painted Rock, on French Broad River; thence along the highest ridge of said mountain to the place where it is called the Great Iron or Smoky Mountain; thence along the extreme height of said mountain to the place where it is called the Unicoi or Unaka Mountain, between the Indian towns of Cowee and Old Chota; thence along the main ridge of the said mountain to the southern boundary of this State, as described in the act of cession of North Carolina to the United States of America; and that all the territory, lands, and waters lying west of the said line, as before mentioned, and contained within the chartered limits of the State of North Carolina, are within the boundaries and limits of this State, over which the people have the right of exercising sovereignty, and the right of soil, so far as is consistent with the Constitution of the United States, recognizing the Articles of Confederation, the Bill of Rights, and Constitution of North Carolina, the cession act of the said State, and the ordinance of Congress for the government of the territory northwest of the Ohio; *Provided,* Nothing herein contained shall extend to affect the claim or claims of individuals to any part of the soil which is recognized to them by the aforesaid cession act; *And provided also,* That the limits and jurisdiction of this State shall extend to any other land and territory now acquired, or that may hereafter be acquired, by compact or agreement with other States or otherwise, although such land and territory are not included within the boundaries hereinbefore designated.

Sec. 32. The people residing south of the French Broad and Holston, be-

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tween the rivers Tennessee and Big Pigeon, are entitled to the right of preemption and occupancy in that tract.

ARTICLE II

Section 1. The powers of the government shall be divided into three distinct departments: The legislative, executive, and judicial.

Sec. 2. No person or persons belonging to one of these departments shall exercise any of the powers properly belonging to either of the others, except in the cases herein directed or permitted.

Sec. 3. The legislative authority of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives, both dependent on the people.

Sec. 4. An enumeration of the qualified voters and an apportionment of the Representatives in the General Assembly shall be made in the year one thousand eight hundred and forty-one, and within every subsequent term of ten years.

Sec. 5. The number of Representatives shall, at the several periods of making the enumeration, be apportioned among the several counties or districts, according to the number of qualified voters in each, and shall not exceed seventy-five until the population of the State shall be one million and a half, and shall never exceed ninety-nine; *Provided,* That any county having two-thirds of the ratio shall be entitled to one member.

Sec. 6. The number of Senators shall, at the several periods of making the enumeration, be apportioned among the several counties or districts, according to the number of qualified electors in each, and shall not exceed one-third the number of Representatives. In apportioning the Senators among the different counties the fraction that may be lost by any county or counties in the apportionment of members to the House of Representatives shall be made up to such county or counties in the Senate as near as may be practicable. When a district is composed of two or more counties they shall be adjoining, and no counties shall be divided in forming a district.

Sec. 7. The first election for Senators and Representatives shall be held on the first Thursday in August, one thousand eight hundred and thirty-five; and forever thereafter elections for members of the General Assembly shall be held once in two years, on the first Thursday in August, which said elections shall terminate the same day.

Sec. 8. The first session of the General Assembly shall commence on the first Monday in October, one thousand eight hundred and thirty-five; and forever thereafter the General Assembly shall meet on the first Monday in October next ensuing the election.

Sec. 9. No person shall be a Representative unless he shall be a citizen of the United States, of the age of twenty-one years, and shall have been a citizen of this State for three years and a resident of the county he represents one year immediately preceding the election.

Sec. 10. No person shall be a Senator unless he shall be a citizen of the United States, of the age of thirty years, and shall have resided three years in this State, and one year in the county or district immediately preceding the election. No Senator or Representative shall, during the time for which he was elected, be eligible to any office or place of trust, the appointment to which is vested in the Executive or General Assembly, except to the office of trustee of a literary institution.

Sec. 11. The Senate and House of Representatives, when assembled, shall each choose a Speaker and its other officers; be judges of the qualifications and election of its members, and sit upon its own adjournments from day to day. Not less than two-thirds of all the members to which each House shall be entitled shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized by law to compel the attendance of absent members.

Sec. 12. Each House may determine the rules of its proceedings, punish its

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members for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same offense; and shall have all other powers necessary for a branch of the Legislature of a free State.

Sec. 13. Senators and Representatives shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during the session of the General Assembly, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

Sec. 14. Each House may punish by imprisonment, during its session, any person not a member, who shall be guilty of disrespect to the House, by any disorderly or contemptuous behavior in its presence.

Sec. 15. When vacancies happen in either House, the Governor for the time being shall issue writs of election to fill such vacancies.

Sec. 16. Neither House shall, during its session, adjourn without the consent of the other for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Sec. 17. Bills may originate in either House, but may be amended, altered or rejected by the other.

Sec. 18. Every bill shall be read once on three different days, and be passed each time in the House where it originated before transmission to the other. No bill shall become a law until it shall have been read and passed on three different days in each House, and be signed by the respective Speakers.

Sec. 19. After a bill has been rejected, no bill containing the same substance shall be passed into a law during the same session.

Sec. 20. The style of the laws of the State shall be: *"Be it enacted by the General Assembly of the State of Tennessee."*

Sec. 21. Each House shall keep a journal of its proceedings, and publish it, except such parts as the welfare of the State may require to be kept secret; the ayes and noes shall be taken in each House upon the final passage of every bill of a general character, and bills making appropriations of public moneys; and the ayes and noes of the members on any question shall, at the request of any two of them be entered on the journal.

Sec. 22. The doors of each House and of committees of the whole shall be kept open, unless when the business shall be such as ought to be kept secret.

Sec. 23. The sum of four dollars per day, and four dollars for every twenty-five miles traveling to and from the seat of government, shall be allowed to the members of the first General Assembly as a compensation for their services, the compensation of the members of the succeeding Legislatures shall be ascertained by law; but no law increasing the compensation of the members shall take effect until the commencement of the next regular session after such law shall have been enacted.

Sec. 24. No money shall be drawn from the treasury but in consequence of appropriations made by law; and an accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws at the rise of each stated session of the General Assembly.

Sec. 25. No person who heretofore hath been, or may hereafter be, a collector or holder of public moneys shall have a seat in either House of the General Assembly, or hold any other office under the State government, until such person shall have accounted for and paid into the treasury all sums for which he may be accountable or liable.

Sec. 26. No Judge of any court of law or equity, Secretary of State. Attorney-general, Register, Clerk of any court of record, or person holding any office under the authority of the United States shall have a seat in the General Assembly, nor shall any person in this State hold more than one lucrative office at the same time; *Provided,* That no appointment in the militia or to the office of Justice of the Peace shall be considered a lucrative office, or operate as a disqualification to a seat in either House of the General Assembly.

Sec. 27. Any member of either House of the General Assembly shall have liberty to dissent from and protest against any act or resolve which he may

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think injurious to the public or to any individual, and to have the reason for his dissent entered on the journals.

Sec. 28. All lands liable to taxation, held by deed, grant, or entry, town lots, bank stock, slaves between the ages of twelve and fifty years, and such other property as the Legislature may from time to time deem expedient, shall be taxable. All property shall be taxed according to its value, that value to be ascertained in such manner as the Legislature shall direct, so that the same shall be equal and uniform throughout the State. No one species of property from which a tax may be collected shall be taxed higher than any other species of property of equal value; but the Legislature shall have power to tax merchants, peddlers, and privileges in such manner as they may from time to time direct. A tax on white polls shall be laid in such manner and of such an amount as may be prescribed by law.

Sec. 29. The General Assembly shall have power to authorize the several counties and incorporated towns in this State to impose taxes for county and corporation purposes respectively, in such manner as shall be prescribed by law; and all property shall be taxed according to its value, upon the principles established in regard to State taxation.

Sec. 30. No article manufactured of the produce of this State shall be taxed otherwise than to pay inspection fees.

Sec. 31. The General Assembly shall have no power to pass laws for the emancipation of slaves, without the consent of their owner or owners.

ARTICLE III

Section I. The supreme executive power of this State shall be vested in a Governor.

Sec. 2. The Governor shall be chosen by the electors of the members of the General Assembly, at the time and places where they shall respectively vote for the members thereof. The returns of every election for Governor shall be sealed up and transmitted to the seat of government by the returning officers, directed to the Speaker of the Senate, who shall open and publish them in the presence of a majority of the members of each House of the General Assembly. The person having the highest number of votes shall be Governor; but if two or more shall be equal and highest in votes, one of them shall be chosen Governor by joint vote of both Houses of the General Assembly. Contested elections for Governor shall be determined by both Houses of the General Assembly, in such manner as shall be prescribed by law.

Sec. 3. He shall be at least thirty years of age, shall be a citizen of the United States, and shall have been a citizen of this State seven years next before his election.

Sec. 4. The Governor shall hold his office for two years, and until his successor shall be elected and qualified. He shall not be eligible more than six years in any term of eight.

Sec. 5. He shall be commander-in-chief of the army and navy of the State, and of the militia, except when they shall be called into the service of the United States.

Sec. 6. He shall have power to grant reprieves and pardons, after conviction, except in cases of impeachment.

Sec. 7. He shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during the period for which he shall have been elected.

Sec. 8. He may require information, in writing, from the officers in the executive department upon any subject relating to the duties of their respective offices.

Sec. 9. He may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to them, when assembled, the purposes for which they shall have been convened; but they shall enter on no legislative business except that for which they were specifically called together.

Sec. 10. He shall take care that the laws be faithfully executed.

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Sec. 11. He shall, from time to time, give to the General Assembly information of the state of the government, and recommend for their consideration such measures as he shall judge expedient.

Sec. 12. In case of the removal of the Governor from office, or of his death or resignation, the powers and duties of the office shall devolve on the Speaker of the Senate; and in the case of the death, removal from office, or resignation of the Speaker of the Senate, the powers and duties of the office shall devolve on the Speaker of the House of Representatives.

Sec. 13. No member of Congress or person holding any office under the United States, or this State, shall execute the office of Governor.

Sec. 14. When any officer, the right of whose appointment is by this Constitution vested in the General Assembly, shall, during the recess, die, or the office, by the expiration of the term, or by other means, become vacant, the Governor shall have the power to fill such vacancy by granting a temporary commission, which shall expire at the end of the next session of the Legislature.

Sec. 15. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called the Great Seal of the State of Tennessee.

Sec. 16. All grants and commissions shall be in the name and by the authority of the State of Tennessee, be sealed with the State seal, and signed by the Governor.

Sec. 17. A Secretary of State shall be appointed by joint vote of the General Assembly, and commissioned during the term of four years. He shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before the General Assembly; and shall perform such other duties as shall be enjoined by law.

ARTICLE IV

Section I. Every free white man of the age of twenty-one years, being a citizen of the United States, and a citizen of the county wherein he may offer his vote six months next preceding the day of election, shall be entitled to vote for members of the General Assembly and other civil officers for the county or district in which he resides; *Provided,* That no person shall be disqualified from voting in any election on account of color, who is now, by the laws of this State, a competent witness in a court of justice against a white man. All free men of color shall be exempt from military duty in time of peace, and also from paying a free poll-tax.

Sec. 2. Laws may be passed excluding from the right of suffrage persons who may be convicted of infamous crimes.

Sec. 3. Electors shall in all cases, except treason, felony, or breach of the peace, he privileged from arrest or summons during their attendance at elections, and in going to and returning from them.

Sec. 4. In all elections to be made by the General Assembly the members thereof shall vote *viva voce,* and their votes shall be entered on the journal. All other elections shall be by ballot.

ARTICLE V

Section 1. The House of Representatives shall have the sole power of impeachment.

Sec. 2. All impeachments shall be tried by the Senate. When sitting for that purpose the Senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the Senators sworn to try the officer impeached.

Sec. 3. The House of Representatives shall elect, from their own body, three members, whose duty it shall be to prosecute impeachments. No impeachment shall be tried until the Legislature shall have adjourned *sine die,* when the Senate shall proceed to try such impeachment.

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Sec. 4. The Governor, Judges of the Supreme Court, Judges of the inferior courts, Chancellors, Attorneys for the State, and Secretary of State shall be liable to impeachment whenever they may, in the opinion of the House of Representatives, commit any crime in their official capacity which may require disqualification; but judgment shall only extend to removal from office and disqualification to fill any office thereafter. The party shall, nevertheless, be liable to indictment, trial, judgment, and punishment according to law.

Sec. 5. Justices of the Peace and other civil officers not hereinbefore mentioned, for crimes or misdemeanors in office, shall be liable to indictment in such courts as the Legislature may direct; and, upon conviction, shall be removed from office by said court as if found guilty on impeachment, and shall be subject to such other punishment as may be prescribed by law.

ARTICLE VI

Section 1. The judicial power of this State shall be vested in one Supreme Court and in such other inferior courts as the Legislature shall from time to time ordain and establish in the Judges thereof and in Justices of the Peace. The Legislature may also vest such jurisdiction in corporation courts as may be deemed necessary.

Sec. 2. The Supreme Court shall consist of three Judges, one of whom shall reside in each of the grand divisions of the State. The concurrence of two of the Judges shall, in every case, be necessary to a decision. The jurisdiction of this court shall be appellate only, under such restrictions and regulations as may from time to time be prescribed by law; but it may possess such other jurisdiction as is now conferred by law on the present Supreme Court. Said courts shall be held at one place, and at one place only, in each of three grand divisions of the State.

Sec. 3. The General Assembly shall, by joint vote of both Houses, appoint Judges of the several courts of law and equity, but courts may be established to be holden by Justices of the Peace. Judges of the Supreme Court shall be thirty-five years of age, and shall be elected for the term of twelve years.

Sec. 4. The Judges of such inferior courts as the Legislature may establish shall be thirty years of age, and shall be elected for the term of eight years.

Sec. 5. The Legislature shall elect Attorneys for the State by a joint vote of both Houses of the General Assembly, who shall hold their offices for the term of six years. In all cases where an Attorney for any district fails or refuses to attend and prosecute according to law, the court shall have power to appoint an Attorney *pro tempore*.

Sec. 6. Judges and Attorneys for the State may be removed from office by a concurrent vote of both Houses of the General Assembly, each House voting separately; but two-thirds of the members to which each House may be entitled must concur in such vote. The vote shall be determined by ayes and noes, and the names of the members voting for or against the Judge or Attorney for the State, together with the cause or causes of removal, shall be entered on the journal of each House respectively. The Judge or Attorney for the State against whom the Legislature may be about to proceed, shall receive notice thereof, accompanied with a copy of the causes alleged for his removal, at least ten days before the day on which either House of the General Assembly shall act thereupon.

Sec. 7. The Judges of the supreme or inferior courts shall, at stated times, receive a compensation for their services, to be ascertained by law, which shall not be increased or diminished during the time for which they are elected. They shall not be allowed any fees or perquisites of office, nor hold any office of trust or profit under this State or the United States.

Sec. 8. The jurisdiction of such inferior courts as the Legislature may from time to time establish, shall be regulated by law.

Sec. 9. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

Sec. 10. Judges or Justices of the inferior courts of law as the Legislature may establish, may have power in all civil cases to issue writs of *certiorari* to remove any cause, or the transcript of the record thereof, from any inferior jurisdiction into said court on sufficient cause, supported by oath or affirmation.

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Sec. 11. No Judge of the supreme or inferior courts shall preside on the trial of any cause in the event of which he may be interested, or where either of the parties shall be connected with him by affinity or consanguinity, within such degrees as may be prescribed by law, or in which he may have been of counsel, or in which he may have presided in any inferior court, except by consent of all the parties. In case all or any of the Judges of the Supreme Court shall thus be disqualified from presiding on the trial of any cause or causes, the court, or the Judges thereof, shall certify the same to the Governor of the State, and he shall forthwith specially commission the requisite number of men of law knowledge for the trial and determination thereof. In case of sickness of any of the Judges of the supreme or inferior courts so that they or any of them are unable to attend, the Legislature shall be authorized to make provision by the general laws that special judges may be appointed to attend said courts.

Sec. 12. All writs and other process shall run in the name of the State of Tennessee, and bear test and be signed by the respective Clerks. Indictments shall conclude: *"Against the peace and dignity of the State."*

Sec. 13. Judges of the Supreme Court shall appoint their Clerks, who shall hold their offices for the period of six years. Chancellors (if courts of chancery shall be established) shall appoint their Clerks and Masters, who shall hold their offices for the period of six years. Clerks of the inferior courts, holden in the respective counties or districts, shall be elected by the qualified voters thereof, for the term of four years. Any Clerk may be removed from office for malfeasance, incompetency, or neglect of duty, in such manner as may be prescribed by law.

Sec. 14. No fine shall be laid on any citizen of this State that shall exceed fifty dollars, unless it shall be assessed by a jury of his peers, who shall assess the fine at the time they find the fact, if they think the fine should be more than fifty dollars.

Sec. 15. The different counties of this State shall be laid off, as the General Assembly may direct, into districts of convenient size, so that the whole number in each county shall not be more than twenty-five, or four for every one hundred square miles. There shall be two Justices of the Peace and one Constable elected in each district by the qualified voters therein, except districts including county towns, which shall elect three Justices and two Constables. The jurisdiction of said officers shall be co-extensive with the county. Justices of the Peace shall be elected for the term of six and Constables for the term of two years. Upon the removal of either of said officers from the district in which he was elected his office shall become vacant from the time of such removal. Justices of the Peace shall be commissioned by the Governor. The Legislature shall have powers to provide for the appointment of an additional number of Justices of the Peace in incorporated towns.

ARTICLE VII

Section 1. There shall be elected in each county, by the qualified voters therein, one Sheriff, one Trustee, one Register—the Sheriff and Trustee for two years and the Register for four years; *Provided,* No person shall be eligible to the office of Sheriff more than six years in any term of eight years. There shall be elected for each county, by the Justices of the Peace, one Coroner and one Ranger, who shall hold their offices for two years. Said officers shall be removed for malfeasance or neglect of duty, in such manner as may be prescribed by law.

Sec. 2. Should a vacancy occur subsequent to an election in the office of Sheriff, Trustee, or Register, it shall be filled by the Justices; if in that of the Clerk to be elected by the people, it shall be filled by the court; and the person so appointed shall continue in office until his successor shall be elected and qualified; and such office shall be filled by the qualified voters at the first election for any of the county officers.

Sec. 3. There shall be a Treasurer or Treasurers appointed for the State by the joint vote of both Houses of the General Assembly, who shall hold their offices for two years.

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Sec. 4. The election of all officers and the filling of all vacancies not otherwise directed or provided by this Constitution, shall be made in such manner as the Legislature shall direct.

Sec. 5. The Legislature shall provide that the election of the county and other officers by the people shall not take place at the same time that the general elections are held for members of Congress, members of the Legislature, and Governor. The elections shall commence and terminate on the same day.

ARTICLE VIII

Section 1. All militia officers shall be elected by persons subject to military duty within the bounds of their several companies, battalions, regiments, brigades, and divisions, under such rules and regulations as the Legislature may, from time to time, direct and establish.

Sec. 2. The Governor shall appoint the Adjutant-general and his other staff officers; the Majors-general, Brigadiers-general, and commanding officers of regiments, shall respectively appoint their staff officers.

Sec. 3. The Legislature shall pass laws exempting citizens belonging to any sect or denomination of religion the tenets of which are known to be opposed to the bearing of arms, from attending private and general musters.

ARTICLE IX

Section 1. Whereas, ministers of the gospel are, by their profession, dedicated to God and the care of souls, and ought not to be diverted from the great duties of their functions; therefore, no minister of the gospel or priest of any denomination whatever, shall be eligible, to a seat in either House of the Legislature.

Sec. 2. No person who denies the being of God, or a future state of rewards and punishments, shall hold any office in the civil department of this State.

Sec. 3. Any person who shall, after the adoption of this Constitution, fight a duel, or knowingly be the bearer of a challenge to fight a duel, or send or accept a challenge for that purpose, or be an aider or abettor in fighting a duel, shall be deprived of the right to hold any office of honor or profit in this State, and shall be punished otherwise in such manner as the Legislature may prescribe.

ARTICLE X

Section 1. Every person who shall be chosen or appointed to any office of trust or profit under this Constitution or any law made in pursuance thereof, shall, before entering upon the duties thereof, take an oath to support the Constitution of this State and of the United States, and an oath of office.

Sec. 2. Each member of the Senate and House of Representatives shall, before they proceed to business, take an oath or affirmation to support the Constitution of this State and of the United States, and also the following oath: "I, ..., do solemnly swear (or affirm) that, as a member of this General Assembly, I will, in all appointments, vote without favor, affection, partiality, or prejudice; and that I will not propose or assent to any bill, vote, or resolution which shall appear to me injurious to the people, or consent to any act or thing whatever that shall have a tendency to lessen or abridge their rights and privileges as declared by the Constitution of this State."

Sec. 3. Any elector who shall receive any gift or reward for his vote, in meat, drink, money, or otherwise, shall suffer such punishment as the laws shall direct; and any person who shall, directly or indirectly, give, promise, or bestow any such reward to be elected, shall thereby be rendered incapable, for six years, to serve in the office for which he was elected, and be subject to such further punishment as the Legislature shall direct.

Sec. 4. New counties may be established by the Legislature, to consist of not less than three hundred and fifty square miles, and which shall contain a population of four hundred and fifty qualified voters. No line of such county

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shall approach the court-house of any old county from which it may be taken nearer than twelve miles. No part of a county shall be taken to form a new county or a part thereof without the consent of a majority of the qualified voters in such part taken off; and in all cases where an old county may be reduced for the purpose of forming a new one, the seat of justice in said old county shall not be removed without the concurrence of two-thirds of both branches of the Legislature, nor shall said old county be reduced to less than six hundred and twenty-five square miles; *Provided, however,* That the county of Bedford may be reduced to four hundred and seventy-five square miles; and there shall not be laid off more than one new county on the west and one on the east adjoining the county of the dividing line, a majority of the qualified voters of said county voting in favor of said division; the counties of Carter, Rhea, and Humphreys shall not be divided into more than two counties each, nor shall more than one new county be taken out of the territory now composing the counties of Tipton, and Dyer; nor shall the seats of justice in the counties of Rhea, Carter, Tipton, and Dyer be removed without the concurrence of both branches of the Legislature. The county of Sullivan may be reduced below the contents of six hundred and twenty-five square miles, but the line of any new county which may hereafter be laid off shall not approach the county seat of said county nearer than ten miles. The counties of Marion and Bledsoe shall not be reduced below one thousand qualified voters of each in forming a new county or counties.

Sec. 5. The citizens who may be included in any new county shall vote with the county or counties from which they may have been stricken off for members of Congress, for Governor, and for members of the General Assembly, until the next apportionment of members of the General Assembly after the establishment of such new county.

ARTICLE XI

Miscellaneous Provisions

Section 1. All laws and ordinances now in force and use in this State, not inconsistent with this Constitution, shall continue in force and use until they shall expire, or be altered or repealed by the Legislature.

Sec. 2. Nothing contained in this Constitution shall impair the validity of any debts or contracts, or affect any rights or property, or any suits, actions, rights of action, or other proceedings in courts of justice.

Sec. 3. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and if the same shall be agreed to by a majority of all the members elected to each of the two Houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays thereon, and referred to the General Assembly then next to be chosen, and shall be published six months previous to the time of making such choice; and if, in the General Assembly then next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by two-thirds of all the members elected to each House, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people in such manner and at such times as the General Assembly shall prescribe. And if the people shall approve and ratify such amendment or amendments by a majority of all the citizens of the State voting for Representatives voting in their favor, such amendment or amendments shall become a part of this Constitution. When any amendment or amendments to the Constitution shall be proposed in pursuance of the foregoing provisions, the same shall, at each of the said sessions, be read three times on three several days in each House. The Legislature shall not propose amendments to the Constitution oftener than once in six years.

Sec. 4. The Legislature shall have no power to grant divorces, but may authorize the courts of justice to grant them for such causes as may be specified by law; *Provided* That such laws be general and uniform in their operation throughout the State.

Sec. 5. The Legislature shall have no power to authorize lotteries for any purpose, and shall pass laws to prohibit the sale of lottery tickets in this State.

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Sec. 6. The Legislature shall fix the rate of interest, and the rate so established shall be equal and uniform throughout the State.

Sec. 7. The Legislature shall have no power to suspend any general law for the benefit of any particular individuals, nor to pass any law for the benefit of individuals inconsistent with the general laws of the land; nor to pass any law granting to any individual or individuals rights, privileges, immunities, or exemptions other than such as may be by the same law extended to any member of the community who may be able to bring himself within the provisions of such law; *Provided always,* The Legislature shall have power to grant such charters of corporation they may deem expedient for the public good.

Sec. 8. The Legislature shall have the right to vest such powers in the courts of justice, with regard to private and local affairs as may be expedient.

Sec. 9. A well-regulated system of internal improvement is calculated to develop the resources of the State and promote the happiness and prosperity of her citizens; therefore it ought to be encouraged by the General Assembly.

Sec. 10. Knowledge, learning, and virtue being essential to the preservation of republican institutions, and the diffusion of the opportunities and advantages of education throughout the different portions of the State being highly conducive to the promotion of this end, it shall be the duty of the General Assembly, in all future periods of this Government, to cherish literature and science. And the fund called the "common school fund," and all the lands and proceeds thereof, dividends, stocks, and other property of every description whatever, heretofore by law appropriated by the General Assembly of this State for the use of common schools, and all such as shall hereafter be appropriated, shall remain a perpetual fund, the principal of which shall never be diminished by legislative appropriation; and the interest thereof shall be inviolably appropriated to the support and encouragement of common schools throughout the State, and for the equal benefit of all the people thereof; and no law shall be made authorizing said fund, or any part thereof, to be diverted to any other use than the support and encouragement of common schools. And it shall be the duty of the General Assembly to appoint a Board of Commissioners, for such term of time as they may think proper, who shall have the general superintendence of said fund, and who shall make a report of the condition of same from time to time under such rules, regulations, and restrictions as may be required by law; *Provided,* That if at any time hereafter a division of the public lands of the United States, or of the money arising from the sales of such lands, shall be made among the individual States, the part of such lands or money coming to this State shall be devoted to the purposes of education and internal improvement, and shall never be applied to any other purpose.

Sec. 11. The above provisions shall not be construed to prevent the Legislature from carrying into effect any laws that have been passed in favor of the colleges, universities, or academies, or from authorizing heirs or distributees to receive and enjoy escheated property under such rules and regulations as from time to time may be prescribed by law.

Sec. 12. The declaration of rights, hereto prefixed, is declared to be a part of the Constitution of this State, and shall never be violated on any pretense whatever. And to guard against transgression of the high powers we have delegated, we declare that every thing in the Bill of Rights contained is excepted out of the general powers of the Government, and shall forever remain inviolate.

SCHEDULE

Section 1. That no inconvenience may arise from a change of the Constitution, it is declared that all officers, civil and military, shall continue to hold their offices; and all functions appertaining to the same shall be exercised and performed according to the existing laws and Constitution until the end of the first session of the General Assembly which shall sit under this Constitution, and until the Government can be re-organized and put into operation under this Constitution, in such manner as the first General Assembly aforesaid shall prescribe, and no longer.

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Sec. 2. The General Assembly which shall sit after the first apportionment of representation under the new Constitution, to wit, in the year one thousand eight hundred and forty-three, shall, within the first week after the commencement of the session, designate and fix the seat of government; and when so fixed, it shall not be removed except by the consent of two-thirds of the members of both Houses of the General Assembly. The first and second sessions of the General Assembly under this Constitution shall be held at Nashville.

Sec. 3. Until a land-office shall be opened so as to enable the citizens south and west of the congressional reservation line to obtain titles upon their claims of occupancy, those who hold lands by virtue of such claims shall be eligible to serve in all capacities where a freehold is, by the laws of the State, made a requisite qualification.

Done in convention, at Nashville, this the thirtieth (30th) day of August, one thousand eight hundred and thirty-four, and of the independence of the United States of America, the fifty-ninth.

WILLIAM B. CARTER, *President.*

WILLIAM K. HILL, *Secretary.*

ORDINANCE

I. *Ordered,* That it shall be the duty of the several officers of this State, authorized by law to hold elections for members of the General Assembly, to open and hold an election at the places of holding the elections for members of the General Assembly in their respective counties, on the first Thursday and Friday in March next, for the purpose of receiving the votes of such qualified voters as may desire to vote for the adoption of this amended Constitution; *Provided,* That no person shall be deemed a qualified voter in said election, except such as are included within the provisions of the first section of the fourth article of this amended Constitution.

II. *Ordered,* That it shall be the duty of said returning officers in each county in this State to prepare poll-books, which shall be opened on said days of election, and in which shall be enrolled the name of each voter by the assistance of clerks, who shall be appointed and sworn as clerks in other elections. Said officers shall prepare a ballot-box in which shall be placed the ticket of each voter. Each ticket shall have written thereon the words: "I ratify the amended Constitution," or, if the voter is opposed to it, "I reject the amended Constitution," or the words "Ratification" or "Rejection," or some such words as will distinctly convey the intention of the voter. The justices of the several county courts in this State, at some time previous to the day of said election, shall appoint three inspectors for each precinct, and in case of the failure of the court to appoint inspectors, then said returning officers shall appoint them. It shall be duty of said returning officers, in the presence of the said inspectors, to count the votes given for the ratification and rejection of the Constitution, of which they shall keep a true and correct estimate in said poll-book. Said returning officers shall deposit the original poll-books of said election with the Clerk of the County Court in their respective counties, and shall, within five days after said election, make out duplicate statements of the number of votes in their respective counties for ratifying and rejection, and shall forward by mail one of said certificates to the Governor, one to the Secretary of State, and shall likewise deposit one with the Clerk of the County Court. It shall be duty of said several clerks carefully to examine the said poll-books, and forthwith to certify to the Secretary of State a full, true and perfect statement of the number of votes taken for and against the Constitution, as appears from the poll-books filed in their office. Should said returning officer, or any of them, fail to make return in due time as above directed, the Secretary of State shall then be authorized to dispatch a special messenger for the purpose of obtaining a certified copy of the result of said election.

III. *Ordered,* That upon the receipt of said returns, it shall be the duty of the Governor, Secretary of State, and any one of the Judges of the Supreme Court, or any two of the said named officers, to compare the votes given in said election

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for the ratification and rejection of the amended Constitution; and if it shall appear from said returns that a majority of all the votes given in said election is for ratifying the amended Constitution, then it shall be the duty of the Governor forthwith to make proclamation of that fact, and thenceforth this amended Constitution shall be ordained and established as the Constitution of the State of Tennessee. It shall be, moreover, the duty of the Governor, in and by said proclamation, to command the Sheriff and other officers directed by law to hold and superintend elections, to open the polls of elections at the places of holding elections for members of the General Assembly in their respective counties on the first Thursday in August, one thousand eight hundred and thirty-five, for the purpose of electing a Governor and for the election of Senators and Representatives to the General Assembly of this State from the several districts and counties, as mentioned and described in this ordinance, at which time and places elections shall be also held for members of Congress, and said officers shall make return of said elections under the same rules and regulations as are now required by the existing laws; and it shall be the duty of the Secretary of State to record the returns made from each county or district, and the result of said election in a bound book to be preserved in his office.

IV. *Be it further ordered,* That if any Sheriff or other acting officer shall fail within the time prescribed by this ordinance to discharge any of the duties hereby required, such Sheriff or other returning officer so failing as aforesaid shall forfeit and pay the sum of five thousand dollars, to be recovered by action of debt in any of the courts of record in this State, to be sued for in the name of the Governor for the use and benefit of the common schools.

V. *Be it further ordered,* That until the first enumeration and apportionment of representation in one thousand eight hundred and forty-one, as directed by the amended Constitution, the following districts shall be formed, each of which shall elect one Senator, and the polls of election shall be compared at the several places herein mentioned on the first Monday succeeding the day of election, to wit:

The counties of Carter, Sullivan, and Washington shall form one district, and the polls shall be compared in the town of Jonesboro.

The counties of Greene and Hawkins shall compose one district, and the polls shall be compared in the town of Greeneville.

The counties of Cocke, Sevier, Jefferson, and Blount shall form one district, and the polls shall be compared in the town of Sevierville.

The counties of Grainger, Claiborne, Campbell, Anderson, and Morgan shall compose one district, and the polls shall be compared at the house of Robert Glenn, Esq., in Campbell County.

The counties of Knox and Roane shall form one district, and the polls shall be compared at Campbell's Station.

The counties of Monroe and McMinn shall compose one district, and the polls shall be compared in the town of Athens.

The counties of Rhea, Bledsoe, Marion, and Hamilton shall compose one district, and the polls shall be compared at the town of Dallas.

The counties of Warren and Franklin shall compose one district, and the polls shall be compared at Hillsborough.

The counties of Overton, Jackson, Fentress, and White shall compose one district, and the polls shall be compared at Livingston.

The counties of Lincoln and Giles shall compose one district, and the polls shall be compared at the house of John Kennedy.

The counties of Smith and Sumner shall compose one district, and the polls shall be compared at Hartsville.

The county of Bedford shall compose one district, and the polls shall be compared at Shelbyville.

The county of Maury shall compose one district, and the polls shall be compared in Columbia.

The county of Rutherford shall compose one district, and the polls shall be compared in Murfreesboro.

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The county of Davidson shall compose one district, and the polls shall be compared in the city of Nashville.

The county of Williamson shall compose one district, and the polls shall be compared in the town of Franklin.

The counties of Lawrence, Wayne, and Hickman shall compose one district, and the polls shall be compared at Catron & Napier's Furnace.

The counties of Dickson, Stewart, and Humphreys shall compose one district, and the polls shall be compared at Simmons' old place on Yellow Creek.

The counties of Robertson and Montgomery shall compose one district, and the polls shall be compared at Port Royal.

The county of Wilson shall compose one district, and the polls shall be compared at Lebanon.

The counties of Hardeman, Fayette, and Shelby shall compose one district, and the polls shall be compared in Somerville.

The counties of Madison, Haywood, and Tipton shall compose one district, and the polls shall be compared in Brownsville.

The counties of Carroll, Gibson, and Dyer shall compose one district, and the polls shall be compared in Trenton.

The counties of Henry, Weakley, and Obion shall compose one district, and the polls shall be compared in Dresden.

The counties of Henderson, Perry, McNairy, and Hardin shall compose one district, and the polls shall be compared at the house of James Wright, in Hardin County.

And until said enumeration and apportionment of one thousand eight hundred and forty-one the counties of Carter, Sullivan, Hawkins, Washington, Greene, Cocke, Sevier, Jefferson, Blount, Grainger, Claiborne, Knox, Roane, Monroe, McMinn, Rhea, and Bledsoe shall each elect one Representative, and the polls shall be compared at their respective court-houses.

The counties of Sullivan and Hawkins shall jointly elect one Representative, and the polls shall be compared at Kingsport.

The counties of Greene and Washington shall jointly elect one Representative, and the polls shall be compared at the house of Joshua Royston, Esq.

The counties of Knox and Roane shall jointly elect one Representative, and the polls shall be compared at Campbell's Station.

The counties of Monroe and McMinn shall jointly elect one Representative, and the polls shall be compared at Athens.

The counties of Campbell, Anderson, and Morgan shall jointly elect two Representatives, and the polls shall be compared at the house of James Ross, Esq., in Anderson County.

The counties of Marion and Hamilton shall jointly elect one Representative, and the polls shall be compared at Dallas.

The counties of Warren, Bedford, Franklin, Lincoln, Giles, Maury, Rutherford, Williamson, Davidson, Wilson, Smith, and Sumner shall each elect two Representatives, and the polls shall be compared at their respective court-houses.

The counties of Lawrence, Wayne, Hickman, Dickson, Humphreys, Montgomery, Stewart, Robertson, Overton, Jackson, Fentress, White, Hardin, McNairy, Hardeman, Fayette, Shelby, Perry, Henderson, Madison, Haywood, Tipton, Carroll, Gibson, Henry, and Weakley shall elect each one Representative, and the polls shall be compared at their respective court-houses.

The counties of Dyer and Obion shall jointly elect one Representative, and the polls shall be compared at the house of William Terrel, Esq., in Dyer County.

The returns of elections for Representatives shall be made at the several places herein pointed out, on the first Saturday succeeding the day of election.

WILLIAM B. CARTER, *President.*

WILLIAM K. HILL, *Secretary.*

MEMBERS OF THE CONSTITUTIONAL CONVENTION OF 1834

Carter—William B. Carter.

Washington—Matthew Stephenson.

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Sullivan—Abraham McClellan.
Greene—Robert J. McKinney.
Hawkins—John A. McKinney.
Jefferson, Grainger, Claiborne, Campbell—Calloway Hodges, Gray Garrett, Richard Bradshaw.
Cocke, Sevier—William C. Roadman.
Knox—Joseph A. Mabry.
Blount—James Gillespie.
Monroe—Bradley Kimbrough.
McMinn—John Neal.
Roane—James I. Greene.
Anderson, Morgan—John Whitson.
Rhea, Hamilton—William T. Senter.
Bledsoe, Marion—John Kelly.
Washington, Greene, Sevier, Cocke, Monroe, Blount, McMinn—John McGauhey.
Overton, Fentress—Hugh C. Armstrong.
Jackson—James W. Smith.
White—Richard Nelson.
Warren—Isaac Hill.
Franklin—George W. Richardson.
Warren, Franklin—William C. Smart.
Smith, Sumner—John J. White, Robert Allen, Isaac Walton.
Wilson—Burchett Douglas, Robert M. Burton.
Rutherford—William Ledbetter, Henry Ridley.
Bedford—Joseph Kincaid, Jonathan Webster.
Lincoln, Giles—James Fulton, A. A. Kincannon, Thomas C. Porter.
Davidson—Francis B. Fogg, Robert Weakley.
Williamson—Newton Cannon, William C. Childress.
Maury—Terry H. Cahal, Robert L. Cobb.
Robertson—Richard Cheatham.
Montgomery—Willie Blount.
Dickson, Stewart, Humphreys—James Gray, John Montgomery.
Hickman, Wayne, Lawrence—Bolling Gordon, Henry Sharp.
Henry—Peter Kendall.
Carroll—Ennis Ury.
Henderson—John Purdy.
Hardin, Perry, McNairy—James Scott, Maclin Cross.
Madison—Adam Huntsman.
Hardeman—Julius C. N. Robertson.
Fayette—West Humphries.
Shelby—Adam R. Alexander.
Gibson, Dyer—Nelson I. Hope.
Weakley, Obion—G. W. L. Marr.
Haywood, Tipton—William H. Loving.

The Constitution of 1834 was framed by a convention which met at Nashville, May 19, 1834, and adjourned August 30, 1834; was ratified by the people on March 5 and 6, 1835, by vote of 42,666 for to 17,691 against.

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CONSTITUTION OF THE STATE OF TENNESSEE

ADOPTED IN CONVENTION AT NASHVILLE, FEBRUARY 23, A. D. 1870

[This is an exact copy of the Constitution of 1870. The language and punctuation of that instrument are given verbatim et literatim, with the exception of words in brackets, which are inserted as explanatory of words used, and with the exception of the black face index line at the beginning of each section.]

Preamble and Declaration of Rights

Whereas the people of the territory of the United States south of the River Ohio, having the right of admission into the general government as a member State thereof, consistent with the Constitution of the United States and the Act of cession of the State of North Carolina, recognizing the ordinance for the government of the territory of the United States northwest of the Ohio River, by their delegates and representatives in convention assembled, did, on the sixth day of February, in the year of our Lord one thousand seven hundred and ninety-six, ordain and establish a Constitution, or form of government, and mutually agreed with each other to form themselves into a free and independent State by the name of the State of Tennessee; and

Whereas the General Assembly of the said State of Tennessee (pursuant to the third section of the tenth Article of the Constitution), by an Act passed on the twenty-seventh day of November, in the year of our Lord one thousand eight hundred and thirty-three, entitled "An Act" to provide for the calling of a convention, passed in obedience to the declared will of the voters of the State, as expressed at the general election of August, in the year of our Lord one thousand eight hundred and thirty-three, did authorize and provide for the election, by the people, of delegates and representatives, to meet at Nashville, in Davidson County, on the third Monday in May, in the year of our Lord one thousand eight hundred and thirty-four, for the purpose of revising and amending, or changing, the Constitution, and said convention did accordingly meet and form a Constitution, which was submitted to the people, and was ratified by them, on the first Friday in March, in the year of our Lord one thousand eight hundred and thirty-five; and

Whereas the General Assembly of the said State of Tennessee, under and in virtue of the first section of the first Article of the Declaration of Rights, contained in and forming a part of the existing Constitution of the State, by an Act passed on the fifteenth day of November, in the year of our Lord one thousand eight hundred and sixty-nine, did provide for the calling of a convention by the people of the State, to meet at Nashville, on the second Monday in January, in the year of our Lord one thousand eight hundred and seventy, and for the election of delegates for the purpose of amending or revising the present Constitution, or forming and making a new Constitution; and

Whereas the people of the State, in the mode provided by said Act, have called said convention and elected delegates to represent them herein; now, therefore, we, the delegates and representatives of the people of the State of Tennessee, duly elected, and in convention assembled, in pursuance of said Act of Assembly, have ordained and established the following Constitution and form of government for this State, which we recommend to the people of Tennessee for their ratification—that is to say:

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ARTICLE I

Declaration of Rights

Section 1. **All power inherent in the people; government under their control.**—That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness; for the advancement of those ends, they have at all times an unalienable and indefeasible right to alter, reform, or abolish the government in such manner as they may think proper.

Sec. 2. **Doctrine of nonresistance condemned.**—That government being instituted for the common benefit, the doctrine of nonresistance against arbitrary power and oppression is absurd, slavish, and destructive of ["to" in Constitution of 1796] the good and happiness of mankind.

Sec. 3. **Right of worship free.**—That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience; that no man can, of right, be compelled to attend, erect, or support any place of worship, or to maintain any minister, against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given, by law, to any religious establishment or mode ["modes" in Constitution of 1796] of worship.

Sec. 4. **No religious or political test.**—That no political or religious test, other than an oath to support the Constitution of the United States and of this State, shall ever be required as a qualification to any office or public trust under this State.

Sec. 5. **Elections to be free and equal; right of suffrage declared.**—That elections shall be free and equal, and the right of suffrage, as hereinafter declared, shall never be denied to any person entitled thereto, except upon a conviction by a jury of some infamous crime, previously ascertained and declared by law, and judgment thereon by court of competent jurisdiction.

Sec. 6. **Trial by jury.**—That the right of trial by jury shall remain inviolate, and no religious or political test shall ever be required as a qualification for jurors.

Sec. 7. **People to be free from searches, seizures, and general warrants.**—That the people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches and seizures; and that general warrants, whereby an officer may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons not named, whose offenses are not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

Sec. 8. **No free man to be disturbed but by law.**—That no man shall be taken or imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty, or property, but by the judgment of his peers or the law of the land.

Sec. 9. **Right of the accused in criminal prosecutions.**—That in all criminal prosecutions the accused hath the right to be heard by himself and his counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or presentment, a speedy public trial, by an impartial jury of the county ["County or district" in Constitutions of 1796 and 1834.—1 Cold., 338, 342] in which the crime shall have been committed, and shall not be compelled to give evidence against himself.

Sec. 10. **Not to be put twice in jeopardy.**—That no person shall, for the same offense, be twice put in jeopardy of life or limb.

Sec. 11. **No ex post facto laws.**—That laws made for the punishment of acts ["facts" in Constitution of 1796] committed previous to the existence of such laws, and by them only declared criminal, are contrary to the principles of a free government; wherefore no *ex post* law shall be made.

Sec. 12. **No corruption of blood or forfeiture of estates; no deodands.**—

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That no conviction shall work corruption of blood or forfeiture of estate. The estate of such persons as shall destroy their own lives shall descend or vest as in case of natural death. If any person be killed by casualty, there shall be no forfeiture in consequence thereof.

Sec. 13. **No unnecessary rigor.**—That no person arrested and ["or" in Constitution of 1796] confined in jail shall be treated with unnecessary rigor.

Sec. 14. **Crimes punished by presentment, etc.**—That no person shall be put to answer any criminal charge but by presentment, indictment ["that no freeman," etc., in Constitution of 1796, Art. XI, sec. 14, and Constitution of 1834, Art. I, sec. 14], or impeachment.

Sec. 15. **What offenses bailable; privilege of habeas corpus.**—That all prisoners shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident, or the presumption great. And the privilege of the writ of *habeas corpus* shall not be suspended, unless when, in case of rebellion or invasion, the General Assembly shall declare the public safety requires it.

Sec. 16. **Excessive bail, fines, etc.**—That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Sec. 17. **Courts shall be open; redress of injuries; suits against the State.**—That all courts shall be open; and every man, for an injury done him in his lands, goods, persons, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay. Suits may be brought against the State in such manner and in such courts as the Legislature may by law direct.

Sec. 18. **No imprisonment for debt.**—The Legislature shall pass no law authorizing imprisonment for debt in civil cases.

Sec. 19. **Printing presses free; freedom of speech, etc., secured.**—That the printing presses shall be free to every person ["who undertakes" in Constitutions of 1796 and 1834] to examine the proceedings of the Legislature, or of any branch or officer of the government; and no law shall ever be made to restrain the right thereof.

The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty. But in prosecutions for the publication ["publications" in Constitution of 1796] of papers investigating the official conduct of officers, or men in public capacity, the truth thereof may be given in evidence; and in all indictments for libel, the jury shall have the right to determine the law and the facts, under the direction of the court, as in other criminal ["criminal" not in Constitution of 1796] cases.

Sec. 20. **No retrospective law, etc.**—That no retrospective law, or law impairing the obligations of contracts, shall be made.

Sec. 21. **No man's services or property taken without consent or compensation.**—That no man's particular services shall be demanded, or property taken, or applied to public use, without the consent of his representatives, or without just compensation being made therefor.

Sec. 22. **No perpetuities or monopolies.**—That perpetuities and monopolies are contrary to the genius of a free State, and shall not be allowed.

Sec. 23. **People may assemble and instruct.**—That the citizens have a right, in a peaceable manner, to assemble together for their common good, to instruct their representatives, and to apply to those invested with the powers of government for redress of grievances, or other purposes, by addresses or remonstrance.

Sec. 24. **Militia; military subordinate to civil authority.**—That the sure and certain defense of a free people is a well-regulated militia; and as standing armies in time of peace are dangerous to freedom, they ought to be avoided as far as the circumstances and safety of the community will admit; and that in all cases the military shall be kept in strict subordination to the civil authority.

Sec. 25. **Punishment under martial and military law.**—That no citizen of ["in" in Constitution of 1796] this State, except such as are employed in

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the army of the United States, or militia in actual service, shall be subjected to punishment under the martial or military ["or military" not in Constitution of 1796 and 1834] law [the remainder of this section was not in the Constitutions of 1796 and 1834]; that martial law, in the sense of the unrestricted power of military officers, or others, to dispose of the persons, liberties, or property of the citizen, is inconsistent with the principles of free government, and is not confided to any department of the government of this State.

Sec. 26. **Right to bear arms; Legislature to regulate wearing of arms.**—That the citizens ["freemen" in Constitution of 1796, and "free white men" in Constitution of 1834] of this State have a right to keep and to bear arms for their common defense [the remainder of this section was not in the Constitutions of 1796 and 1834]; but the Legislature shall have the power, by law, to regulate the wearing of arms with a view to prevent crime.

Sec. 27. **Quartering soldiers.**—That no soldier shall, in time of peace, be quartered in any house without the ["the" not in Constitution of 1796] consent of the owner; nor in time of war, but in a manner prescribed by law.

Sec. 28. **No one compelled to bear arms.**—That no citizen of this State shall be compelled to bear arms, provided he will pay an equivalent, to be ascertained by law.

Sec. 29. **Navigation of the Mississippi.**—That an equal participation in ["of" in Constitutions of 1796 and 1834] the free navigation of the Mississippi is one of the inherent rights of the citizens of this State; it cannot, therefore, be conceded to any prince, potentate, power, person, or persons whatever.

Sec. 30. **No hereditary honors.**—That no herditary emoluments, privileges, or honors shall ever be granted or conferred in this State.

Sec. 31. **Boundaries of the State.**—That the limits and boundaries of this State be ascertained, it is declared they are as hereafter mentioned—that is to say: Beginning on the extreme height of the Stone Mountain, at the place where the line of Virginia intersects it, in latitude thirty-six degrees and thirty minutes north; running thence along the extreme height of the said mountain, to the place where Watauga River breaks through it; thence a direct course to the top of the Yellow Mountain, where Bright's road crosses the same; thence along the ridge of said mountain, between the waters of the Doe River and the waters of Rock Creek, to the place where the road crosses the Iron Mountain; from thence along the extreme height of said mountain, to the place where Nolichucky River runs through the same; thence to the top of Bald Mountain; thence, along the extreme height of said mountain to the Painted Rock, on French Broad River; thence along the highest ridge of said mountain, to the place where it is called the Great Iron, or Smoky, Mountain; thence along the extreme height of said mountain, to the place where it is called Unicoi, or Unaka, Mountain, between the Indian towns of Cowee and Old Chota; thence along the main ridge of the said mountain, to the southern boundary of this State, as described in the Act of cession of North Carolina to the United States of America; and that all the territory, lands, and waters lying west of said line, as before mentioned, and contained within the chartered limits of the State of North Carolina, are within the boundaries and limits of this State, over which the people have the right of exercising sovereignty, and the right of soil, so far as is consistent with the Constitution of the United States, recognizing the Articles of Confederation, the Bill of Rights, and Constitution of North Carolina, the cession Act of the said State, and the ordinance of ["the late" in Constitution of 1796] Congress for the government of the territory, northwest of the Ohio; *Provided*, nothing herein contained shall extend to affect the claim or claims of individuals to any part of the soil which is recognized to them by the aforesaid cession Act [the remainder of this section is not in the Constitution of 1796]; And provided also, that the limits and jurisdiction of this State shall extend to any other land and territory now acquired, or that may hereafter be acquired, by compact or agreement with other States, or otherwise, although such land and territory are not included within the boundaries hereinbefore designated.

Sec. 32. **Prisons.**—That the erection of safe and comfortable prisons, the

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inspection of prisons, and the humane treatment of prisoners shall be provided for.

Sec. 33. **Slavery prohibited.**—That slavery and involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, are forever prohibited in this State.

Sec. 34. **Right of property in man.**—The General Assembly shall make no law recognizing the right of property in man.

ARTICLE II

Distribution of Powers

Section 1. **Division of powers.**—The powers of the government shall be divided into three distinct departments: the Legislative, Executive, and Judicial.

Sec. 2. **No person to exercise powers of more than one department.**—No person, or persons, belonging to one of these departments shall exercise any of the powers properly belonging to either of the others, except in the cases herein directed or permitted.

Legislative Department

Sec. 3. **Legislative authority; term of office.**—The legislative authority of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives, both dependent on the people [the remainder of this section originated with this Constitution]; who shall hold their offices for two years from the day of the general election. (Art I., sec. 1, of Constitution of 1796.)

Sec. 4. **Census.**—An enumeration of the qualified voters, and an apportionment of the Representatives in the General Assembly shall be made in the year one thousand eight hundred and seventy-one ["1841" in Constitution of 1834], and within every subsequent term of ten years.

Sec. 5. **Apportionment of Representatives.**—The number of Representatives shall, at the several periods of making the enumeration, be apportioned among the several counties or districts, according to the number of qualified voters in each; and shall not exceed seventy-five until the population of the State shall be one million and a half, and shall never ["thereafter" in Constitution of 1834] exceed ninety-nine; *Provided*, that any county having two-thirds of the ratio shall be entitled to one member.

Sec. 6. **Apportionment of Senators.**—The number of Senators shall, at the several periods of making the enumeration, be apportioned among the several counties or districts, according to the number of qualified voters in each, and shall not exceed one-third the number of representatives. In apportioning the Senators among the different counties the fraction that may be lost by any county or counties, in the apportionment of members to the House of Representatives, shall be made up to such county or counties in the Senate, as near as may be practicable. When a district is composed of two or more counties, they shall be adjoining; and no county shall be divided in forming a district.

Sec. 7. **Time of elections.**—The first election for Senators and Representatives shall be held on the second Tuesday in November, one thousand eight hundred and seventy; and forever thereafter, elections for members of the General Assembly shall be held once in two years, on the first Tuesday after the first Monday in November. Said elections shall terminate the same day.

Sec. 8. **When Legislature to meet; when Governor to be inaugurated.**—The first session of the General Assembly shall commence on the first Monday in October, one thousand eight hundred and seventy-one, at which time the term of service of the members shall commence, and expire on the first Tuesday of November, one thousand eight hundred and seventy-two, at which session the Governor elected on the second Tuesday in November, one thousand eight hundred and seventy, shall be inaugurated; and forever thereafter, the General

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Assembly shall meet on the first Monday in January next ensuing the election, at which session thereof the Governor shall be inaugurated.

Sec. 9. **Qualifications of Representatives.**—No person shall be a Representative unless he shall be a citizen of the United States, of the age of twenty-one years, and shall have been a citizen of this State for three years, and a resident in the county he represents one year, immediately preceding the election.

Sec. 10. **Of Senators; ineligible to office.**—No person shall be a Senator unless he shall be a citizen of the United States, of the age of thirty years, and shall have resided three years in this State, and one year in the county or district, immediately preceding the election. No Senator or Representative shall, during the time for which he was elected, be eligible to any office or place of trust, the appointment to which is vested in the Executive or the General Assembly, except to the office of trustee of a literary institution.

Sec. 11. **Powers of each house; quorum; adjournments from day to day.**—The Senate and House of Representatives, when assembled, shall each choose a Speaker and its other officers, be judges of the qualifications and election of its members, and sit upon its own adjournments from day to day. Not less than two-thirds of all the members to which each house shall be entitled ["two-thirds of each house" in Constitutions of 1796 and 1834] shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized by law to compel the attendance of absent members. (Art. I., sec. 8, of Constitution of 1796.)

Sec. 12. **Each house to make its own rules.**—Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member, but not a second time for the same offense; and shall have all other powers necessary for a branch of ["a branch of" not in Constitution of 1796] the Legislature of a free State. (Art. I., sec. 9, Constitution of 1796.)

Sec. 13. **Privilege of members.**—Senators and Representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the General Assembly, and in going to and ["or" in Constitution of 1796] returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place. (Constitution of 1796, Art. I., sec. 10.)

Sec. 14. **Power to punish other than members.**—Each house may punish, by imprisonment, during its session, any person not a member, who shall be guilty of disrespect to the house, by any disorderly or any ["any" not in Constitutions of 1796 and 1834] contemptuous behavior in its presence. (Constitution of 1796, Art. I., sec. 11.)

Sec. 15. **Vacancies.**—When vacancies happen in either house, the Governor, for the time being, shall issue writs of election to fill such vacancies. (Constitution of 1796, Art. I., sec. 12.)

Sec. 16. **Limitation upon power of adjournment.**—Neither house shall, during its ["their" in Constitution of 1796] session, adjourn without the ["the" not in Constitution of 1796] consent of the other for more than three days, nor to any other place than that in which the two houses shall be sitting. (Constitution of 1796, Art. I., sec. 13.)

Sec. 17. **Origin and frame of bills.**—Bills may originate in either house; but may be amended, altered, or rejected by the other. [The remainder of this section originated with this Constitution.] No bill shall become a law which embraces more than one subject, that subject to be expressed in the title. All acts which repeal, revive, or amend former laws shall recite in their caption, or otherwise, the title or substance of the law repealed, revived, or amended. (Constitution of 1796, Art. I., sec. 14.)

Sec. 18. **Of passage of bills.**—Every bill shall be read once, on three different days, and be passed each time in the house where it originated, before transmission to the other. No bill shall become a law until it shall have been read and passed, on three different days in each house, and shall have received, on its final passage in each house, the assent of a majority of all the members to which that house shall be entitled under this Constitution; and shall have

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been signed by the respective Speakers in open session, the fact of such signing to be noted on the journal; and shall have received the approval of the Governor, or shall have been otherwise passed under the provisions of this Constitution.

Sec. 19. **When rejected.**—After a bill has been rejected, no bill containing the same substance shall be passed into a law during the same session. (Constitution of 1796, Art. I., sec. 16.)

Sec. 20. **Style of laws; when to take effect.**—The style of the laws of this State shall be, "**Be it enacted by the General Assembly of the State of Tennessee.**" [The remainder of this section originated with this Constitution.] No law of a general nature shall take effect until forty days after its passage, unless the same or the caption shall state that the public welfare requires that it should take effect sooner. (Constitution of 1796, Art. I., sec. 17.)

Sec. 21. **Journal of proceedings; ayes and noes.**—Each house shall keep a journal of its proceedings, and publish it, except such parts as the welfare of the State may require to be kept secret; the ayes and noes shall be taken in each house upon the final passage of every bill of a general character, and bills making appropriations of public moneys; and the ayes and noes of the members on any question shall, at the request of any five of them, be entered on the journal.

Sec. 22. **Business open, unless, etc.**—The doors of each house and of ["of" not in Constitution of 1796] committees of the whole shall be kept open, unless when the business shall be such as ought to be kept secret. (Constitution of 1796, Art. I., sec. 19.)

Sec. 23. **Compensation of members; number of days to be paid for; Senators, court of impeachment; per diem.**—The sum of four dollars per day, and four dollars for every twenty-five miles traveling to and from the seat of government, shall be allowed to the members of each General Assembly elected after the ratification of this Constitution, as a compensation for their services. But no member shall be paid for more than seventy-five days of a regular session, or for more than twenty days of any extra or called session, or for any day when absent from his seat in the legislature, unless physically unable to attend. The Senators, when sitting as a court of impeachment, shall each receive four dollars per day of actual attendance.

Sec. 24. **Public money.**—No money shall be drawn from the treasury but in consequence of appropriations made by law [the remainder of this section was not in the Constitution of 1796]; and an accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws at the rise of each stated session of the General Assembly. (Constitution of 1796, Art. I., sec. 21.)

Sec. 25. **Defaulters ineligible.**—No person who heretofore hath been, or may hereafter be, a collector or holder of public moneys, shall have a seat in either house of the General Assembly, or hold any other office under the State Government, until such person shall have accounted for and paid into the treasury all sums for which he may be accountable or liable. (Constitution of 1796, Art. I., sec. 23.)

Sec. 26. **Certain officers ineligible; no one to hold two lucrative offices.**—No judge of any court of law or equity, Secretary of State, attorney-general, register, clerk of any court of record, or person holding any office under the authority of the United States, shall have a seat in the General Assembly, nor shall any person in this State hold more than one lucrative office at the same time; *Provided*, that no appointment in the militia, or to the office of justice of the peace, shall be considered a lucrative office, or operative as a disqualification to a seat in either house of the General Assembly.

Sec. 27. **Right of protest.**—Any member of either house of the General Assembly shall have liberty to dissent from and protest against any act or resolve which he may think injurious to the public or to any individual, and to have the reasons for ["of" in Constitution of 1796] his dissent entered on the journals. (Constitution of 1796, Art. I., sec. 25.)

Sec. 28. **Taxation, merchant's and privileges.**—All property, real, per-

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sonal, or mixed, shall be taxed; but the Legislature may except such as may be held by the State, by counties, cities, or towns, and used exclusively for public or corporation purposes, and such as may be held and used for purposes purely religious, charitable, scientific, literary, or educational, and shall except one thousand dollars' worth of personal property in the hands of each taxpayer, and the direct product of the soil in the hands of the producer and his immediate vendee. All property shall be taxed according to its value, that value to be ascertained in such manner as the Legislature shall direct, so that taxes shall be equal and uniform throughout the State. No one species of property from which a tax may be collected shall be taxed higher than any other species of property of the same value; but the Legislature shall have power to tax merchants, peddlers, and privileges in such manner as they may from time to time direct. The portion of a merchant's capital used in the purchase of merchandise sold by him to nonresidents, and sent beyond the State, shall not be taxed at a rate higher than the ad valorem tax on property. The Legislature shall have the power to levy a tax upon incomes derived from stocks and bonds that are not taxed *ad valorem*. All male citizens of this State over the age of twenty-one years, except such persons as may be exempted by law on account of age or other infirmity, shall be liable to a poll tax of not less than fifty cents nor more than one dollar per annum; nor shall any county or corporation levy a poll tax exceeding the amount levied by the State.

Sec. 29. **Legislature may authorize counties and towns to tax; loan of credit of county, etc., restricted; exceptions.**—The General Assembly shall have power to authorize the several counties and incorporated towns in this State to impose taxes for county and corporation purposes respectively, in such manner as shall be prescribed by law; and all property shall be taxed according to its value, upon the principles established in regard to State taxation.

But the credit of no county, city, or town shall be given or loaned to or in aid of any person, company, association, or corporation, except upon an election to be first held by the qualified voters of such county, city, or town, and the assent of three-fourths of the votes cast at said election. Nor shall any county, city or town become a stockholder with others in any company, association, or corporation, except upon a like election and the assent of a like majority. But the counties of Grainger, Hawkins, Hancock, Union, Campbell, Scott, Morgan, Grundy, Sumner, Smith, Fentress, Van Buren, and the new county herein authorized to be established out of fractions of Sumner, Macon, and Smith Counties, White, Putnam, Overton, Jackson, Cumberland, Anderson, Henderson, Wayne, Cocke, Coffee, Macon, Marshall, and Roane, shall be excepted out of the provisions of this section, so far that the assent of a majority of the qualified voters of either of said counties voting on the question shall be sufficient, when the credit of such county is given or loaned to any person, association, or corporation; *Provided,* that the exception of the counties above named shall not be in force beyond the year one thousand eight hundred and eighty, and after that period they shall be subject to the three-fourths majority applicable to the other counties of the State.

Sec. 30. **Manufactured produce of State not taxed.**—No article manufactured of the produce of this State shall be taxed otherwise than to pay inspection fees. (Constitution of 1796, Art. I., sec. 27.) 9 Bax., 5-18.

Sec. 31. **State aid forbidden.**—The credit of this State shall not be hereafter loaned or given to or in aid of any person, association, company, corporation, or municipality; nor shall the State become the owner, in whole or in part, of any bank, or a stockholder with others in any association, company, corporation, or municipality.

Sec. 32. **Amendments to Constitution of United States.**—No convention or General Assembly of this State shall act upon any amendment of the Constitution of the United States, proposed by Congress to the several States, unless such convention or General Assembly shall have been elected after such amendment is submitted.

Sec. 33. **State bonds to defaulting railroads, none.**—No bonds of the State shall be issued to any railroad company which, at the time of its application

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for the same, shall be in default in paying the interest upon the State bonds previously loaned to it, or that shall hereafter, and before such application, sell or absolutely dispose of any State bonds loaned to it for less than par.

ARTICLE III

Executive Department

Section 1. **Governor.**—The supreme executive power of this State shall be vested in a Governor.

Sec. 2. **How and when elected.**—The Governor shall be chosen by the electors of the members of the General Assembly, at the time and places where they shall respectively vote for the members thereof. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, by the returning officers, directed to the Speaker of the Senate, who shall open and publish them in the presence of a majority of the members of each house of the General Assembly. The person having the highest number of votes shall be Governor; but if two or more shall be equal and highest in votes, one of them shall be chosen Governor by joint vote ["Ballot" in Constitution of 1796] of both houses of the General Assembly. Contested elections for Governor shall be determined by both houses of the General Assembly, in such manner as shall be prescribed by law.

Sec. 3. **Qualifications.**—He shall be at least thirty years of age, shall be a citizen of the United States, and shall have been a citizen of this State seven years next before his election.

Sec. 4. **Terms of service.**—The Governor shall hold his office for two years, and until his successor shall be elected and qualified. He shall not be eligible more than six years in any term of eight.

Sec. 5. **Commander in chief; militia not to be called out except, etc.**—He shall be commander in chief of the army and navy of this State, and of the militia, except when they shall be called into the service of the United States [the remainder of this section originated with this Constitution]; but the militia shall not be called into service except in case of rebellion or invasion, and then only when the General Assembly shall declare by law that the public safety requires it.

Sec. 6. **May grant pardons.**—He shall have power to grant reprieves and pardons, after convictions, except in cases of impeachment.

Sec. 7. **Compensation.**—He shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during the period for which he shall have been elected.

Sec. 8. **May require information from officers.**—He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices.

Sec. 9. **May convene the Legislature.**—He may, on extraordinary occasions, convene the General Assembly by proclamation, in which he shall state specifically the purposes for which they are to convene; but they shall enter on no legislative business except that for which they were specifically called together.

Sec. 10. **Execute laws.**—He shall take care that the laws ["shall" inserted in Constitution of 1796] be faithfully executed.

Sec. 11. **Give information to the Legislature.**—He shall, from time to time, give to the General Assembly information of the state of the government, and recommend for ["to" in Constitution of 1796] their consideration such measures as he shall judge expedient.

Sec. 12. **Vacancies.**—In case of the removal of the Governor from office, or of his death or resignation, the powers and duties of the office shall devolve on the Speaker of the Senate; and in case of the death, removal from office, or resignation of the Speaker of the Senate, the powers and duties of the office shall devolve on the Speaker of the House of Representatives.

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Sec. 13. **Ineligibility.**—No member of Congress, or person holding any office under the United States, or this State, shall execute the office of Governor.

Sec. 14. **Temporary appointments.**—When any officer, the right of whose appointment is by this Constitution vested in the General Assembly, shall, during the recess, die, or the ["his" in Constitution of 1796] office, by the expiration of the term, or [the words, "by the expiration of the term, or," were not in the Constitution of 1796] by other means, become vacant, the Governor shall have the power to fill such vacancy by granting a temporary commission, which shall expire at the end of the next session of the Legislature.

Sec. 15. **Great Seal.**—There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called the Great Seal of the State of Tennessee.

Sec. 16. **Grants and commissions.**—All grants and commissions shall be in the name and by the authority of the State of Tennessee, be sealed with the State seal, and signed by the Governor.

Sec. 17. **Secretary of State.**—A Secretary of ["this" inserted in Constitution of 1796] State shall be appointed by joint vote of the General Assembly [the last seven words not in the Constitution of 1796], and commissioned during the term of four years; he shall keep a fair register of all the official acts and proceedings of the Governor; and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before the General Assembly; and shall perform such other duties as shall be enjoined by law.

Sec. 18. **Bills to be approved by the Governor; Governor's veto; joint resolutions.**—Every bill which may pass both houses of the General Assembly shall, before it becomes a law, be presented to the Governor for his signature. If he approve it, he shall sign it, and the same shall become a law; but if he refuse to sign it, he shall return it, with his objections thereto in writing, to the house in which it originated; and said house shall cause said objections to be entered at large upon its journal, and proceed to reconsider the bill. If, after such reconsideration, a majority of all the members elected to that house shall agree to pass the bill, notwithstanding the objections of the Executive, it shall be sent, with said objections, to the other house, by which it shall be likewise reconsidered. If approved by a majority of the whole number elected to that house, it shall become a law. The votes of both houses shall be determined by yeas and nays, and the names of all the members voting for or against the bill shall be entered upon the journals of their respective houses. If the Governor shall fail to return any bill, with his objections, within five days (Sundays excepted) after it shall have been presented to him, the same shall become a law without his signature, unless the General Assembly, by its adjournment, prevents its return, in which case it shall not become a law. Every joint resolution or order (except on questions of adjournment) shall likewise be presented to the Governor for his signature, and before it shall take effect shall receive his signature; and on being disapproved by him, shall, in like manner, be returned, with his objections; and the same, before it shall take effect, shall be repassed by a majority of all the members elected to both houses, in the manner and according to the rules prescribed in case of a bill.

ARTICLE IV

Elections

Section 1. **Right of suffrage; poll tax; military duty; voting, where.**—Every male person of the age of twenty-one years, being a citizen of the United States, and a resident of this State for twelve months, and of the county wherein he may offer his vote for six months, next preceding the day of election, shall be entitled to vote for members of the General Assembly, and other civil officers for the county or district in which he resides; and there shall be no qualification attached to the right of suffrage, except that each voter shall give to the judges of election, where he offers to vote, satisfactory evidence that he has paid the poll taxes assessed against him for such preceding period as the Legislature

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shall prescribe, and at such time as may be prescribed by law; without which his vote cannot be received. And all male citizens of the State shall be subject to the payment of poll taxes and to the performance of military duty within such ages as may be prescribed by law. The General Assembly shall have power to enact laws requiring voters to vote in the election precincts in which they may reside, and laws to secure the freedom of election and the purity of the ballot box.

Sec. 2. **Right of suffrage may be restricted for crime.**—Laws may be passed excluding from the right of suffrage persons who may be convicted of infamous crimes. [This provision was not in the Constitution of 1796.]

Sec. 3. **Privileges of voters.**—Electors shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest or summons [the words "or summons" not in Constitution of 1796], during their attendance at elections, and in going to and returning from them. (Art. III., sec. 2, of Constitution of 1796.)

Sec. 4. **Mode of voting.**—In all elections to be made by the General Assembly, the members thereof shall vote viva voce, and their votes shall be entered on the journal. All other elections shall be by ballot.

ARTICLE V

Impeachments

Section 1. **Impeachment.**—The House of Representatives shall have the sole power of impeachment.

Sec. 2. **Tried by the Senate.**—All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation, and the Chief Justice of the Supreme Court—or, if he be on trial, the senior associate judge—shall preside over them. No person shall be convicted without the concurrence of two-thirds of the Senators sworn to try the officer impeached.

Sec. 3. **How prosecuted.**—The House of Representatives shall elect from their own body three members, whose duty it shall be to prosecute impeachments. No impeachment shall be tried until the Legislature shall have adjourned **sine die,** when the Senate shall proceed to try such impeachment.

Sec. 4. **Who may be impeached.**—The Governor, judges of the Supreme Court, judges of the inferior courts, chancellors, attorneys for the State, Treasurer, Comptroller, and Secretary of State, shall be liable to impeachment whenever they may, in the opinion of the House of Representatives, commit any crime in their official capacity which may require disqualification; but judgment shall only extend to removal from office, and disqualification to fill any office thereafter. The party shall, nevertheless, be liable to indictment, trial, judgment, and punishment according to law. The Legislature now has, and shall continue to have, power to relieve from the penalties imposed any person disqualified from holding office by the judgment of a court of impeachment.

Sec. 5. **Officers liable to indictment.**—Justices of the peace, and other civil officers, not hereinbefore mentioned, for crimes or misdemeanors in office, shall be liable to indictment in such courts as the Legislature may direct; and, upon conviction, shall be removed from office by said court, as if found guilty on impeachment; and shall be subject to such other punishment as may be prescribed by law.

ARTICLE VI

Judicial Department

Section 1. **Judicial power.**—The judicial power of this State shall be vested in one Supreme Court, and in such Circuit, Chancery, and other inferior courts as the Legislature shall, from time to time, ordain and establish; in the judges thereof, and in justices of the peace. The Legislature may also vest

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such jurisdiction in corporation courts as may be deemed necessary. Courts to be holden by justices of the peace may also be established.

Sec. 2. **Supreme Court.**—The Supreme Court shall consist of five judges, of whom not more than two shall reside in any one of the grand divisions of the State. The judges shall designate one of their own number who shall preside as Chief Justice. The concurrence of three of the judges shall, in every case, be necessary to a decision. The jurisdiction of this court shall be appellate only, under such restrictions and regulations as may, from time to time, be prescribed by law; but it may possess such other jurisdiction as is now conferred by law on the present Supreme Court. Said Court shall be held at Knoxville, Nashville, and Jackson.

Sec. 3. **Election of judges; qualifications.**—The Judges of the Supreme Court shall be elected by the qualified voters of the State. The Legislature shall have power to prescribe such rules as may be necessary to carry out the provisions of Section 2 of this article. Every judge of the Supreme Court shall be thirty-five years of age, and shall, before his election, have been a resident of the State for five years. His term of service shall be eight years.

Sec. 4. **Judges of inferior courts.**—The judges of the Circuit and Chancery Courts, and of other inferior courts, shall be elected by the qualified voters of the district or circuits to which they are to be assigned. Every judge of such courts shall be thirty years of age, and shall, before his election, have been a resident of the State for five years, and of the circuit or district one year. His term of service shall be eight years.

Sec. 5. **Attorney-general and Reporter.**—An Attorney-general and Reporter for the State shall be appointed by the judges of the Supreme Court, and shall hold his office for a term of eight years. An attorney for the State for any circuit or district for which a judge having criminal jurisdiction shall be provided by law, shall be elected by the qualified voters of such circuit or district, and shall hold his office for a term of eight years, and shall have been a resident of the State five years, and of the circuit or district one year. In all cases where the attorney for any district fails or refuses to attend and prosecute according to law, the court shall have power to appoint an attorney **pro tempore.**

Sec. 6. **Judges and attorneys, how removed.**—Judges and attorneys for the State may be removed from office by a concurrent vote of both houses of the General Assembly, each house voting separately; but two-thirds of the members to which each house may be entitled ["two-thirds of all the members elected to each house" in Constitution of 1834] must concur in such vote. The vote shall be determined by ayes and noes, and the names of the members voting for or against the judge or attorney for the State, together with the cause or causes of removal, shall be entered on the journal of each house, respectively. The judge or attorney for the State, against whom the Legislature may be about to proceed, shall receive notice thereof, accompanied with a copy of the causes alleged for his removal, at least ten days before the day on which either house of the General Assembly shall act thereupon.

Sec. 7. **Compensation of judges.**—The judges of the Supreme or inferior courts shall, at stated times, receive a compensation for their services, to be ascertained by law, which shall not be increased or diminished during the time for which they are elected. They shall not be allowed any fees or perquisites of office, nor hold any office of trust or profit under this State or the United States.

Sec. 8. **Jurisdiction of inferior courts.**—The jurisdiction of the Circuit, Chancery, and other inferior courts shall be as now established by law, until changed by the Legislature.

Sec. 9. **Judges' charge.**—Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

Sec. 10. **Certiorari.**—The judges or justices of inferior courts of law and equity shall have power in all civil [cases] to issue writs of **certiorari,** to remove any cause or the transcript of the record thereof, from any inferior

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jurisdiction into such court of law, on sufficient cause, supported by oath or affirmation.

Sec. 11. **Incompetency of judges; special judges.**—No judge of the Supreme or inferior courts shall preside on the trial of any cause in the event of which he may be interested, or where either of the parties shall be connected with him by affinity or consanguinity, within such degrees as may be prescribed by law, or in which he may have been of counsel, or in which he may have presided in any inferior court, except by consent of all the parties. In case all or any of the judges of the Supreme Court shall thus be disqualified from presiding on the trial of any cause or causes, the court, or the judges thereof, shall certify the same to the Governor of the State, and he shall forthwith specially commission the requisite number of men, of law knowledge, for the trial and determination thereof. The Legislature may, by general laws, make provision that special judges may be appointed to hold any courts the judge of which shall be unable or fail to attend or sit, or to hear any cause in which the judge may be incompetent.

Sec. 12. **Process; conclusion of indictments.**—All writs and other process shall run in the name of the State of Tennessee, and bear teste and be signed by the respective clerks. Indictments shall conclude, "against the peace and dignity of the State."

Sec. 13. **Clerks of court.**—Judges of the Supreme Court shall appoint their clerks, who shall hold their offices for six years. Chancellors shall appoint their clerks and masters, who shall hold their offices for six years. Clerks of inferior courts, holden in the respective counties or districts, shall be elected by the qualified voters thereof, for the term of four years. Any clerk may be removed from office for malfeasance, incompetency, or neglect of duty, in such manner as may be prescribed by law.

Sec. 14. **Fines.**—No fine shall be laid on any citizen of this State that shall exceed fifty dollars, unless it shall be assessed by a jury of his peers, who shall assess the fine at the time they find the fact, if they think the fine should [for "should" "ought to" is used in the Constitution of 1796, Art. 5, sec. II] be more than fifty dollars.

Sec. 15. **Civil districts.**—The different counties of this State shall be laid off, as the General Assembly may direct, into districts of convenient size, so that the whole number in each county shall not be more than twenty-five, or four for every one hundred square miles. There shall be two justices of the peace and one constable elected in each district, by the qualified voters therein, except districts including county towns, which shall elect three justices and two constables. The jurisdiction of said officers shall be coextensive with the county. Justices of the peace shall be elected for the term of six, and constables for the term of two, years. Upon removal of either of said officers from the district in which he was elected, his office shall become vacant from the time of such removal. Justices of the peace shall be commissioned by the Governor. The Legislature shall have power to provide for the appointment of an additional number of justices of the peace in incorporated towns.

ARTICLE VII

State and County Officers

Section 1. **Justices and constables, number of; removal of county officers.**—There shall be elected in each county, by the qualified voters therein, one sheriff, one trustee ["and" inserted in Constitution of 1834], one register; the sheriff and trustee for two years, and the register for four years. But [instead of "but" the words "provided that" are used in Constitution of 1834] no person shall be eligible to the office of sheriff more than six years in any term of eight years. There shall be elected for each county, by the justices of the peace, one coroner and one ranger, who shall hold their offices for two years; said officers shall be removed for malfeasance, or neglect of duty, in such manner as may be prescribed by law.

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Sec. 2. **Vacancies, how filled.**—Should a vacancy occur, subsequent to an election, in the office of sheriff, trustee, or register, it shall be filled by the justices; if in that of the clerks to be elected by the people, it shall be filled by the courts; and the person so appointed shall continue in office until his successor shall be elected and qualified; and such office shall be filled by the qualified voters at the first election for any of the county officers.

Sec. 3. **Treasurer and Comptroller.**—There shall be a Treasurer, or Treasurers, and a Comptroller of the Treasury, appointed for the State, by the joint vote of both houses of the General Assembly, who shall hold their offices for two years.

Sec. 4. **Other elections and vacancies.**—The election of all officers and the filling of all vacancies [the words "that may happen by death, resignation, or removal," were inserted here in the Constitution of 1834] not otherwise directed or provided by this Constitution shall be made in such manner as the Legislature shall direct.

Sec. 5. **Time of election of civil officers; terms; temporary appointments.**—Elections for judicial and other civil officers shall be held on the first Thursday in August, one thousand eight hundred and seventy, and forever thereafter on the first Thursday in August next preceding the expiration of their resepctive terms of service.

The term of each officer so elected shall be computed from the first day of September next succeeding his election. The term of office of the Governor and of other executive officers shall be computed from the fifteenth of January next after election of the Governor. No appointment or election to fill a vacancy shall be made for a period extending beyond the unexpired term. Every officer shall hold his office until his successor is elected or appointed and qualified. No special election shall be held to fill a vacancy in the office of judge or district attorney, but at the time herein fixed for the biennial election of civil officers; and such vacancy shall be filled at the next biennial election occurring more than thirty days after the vacancy occurs.

ARTICLE VIII

Militia

Section 1. **Militia officers.**—All militia officers shall be elected by persons subject to military duty, within the bounds of their several companies, battalions, regiments, brigades, and divisions, under such rules and regulations as the Legislature may, from time to time, direct and establish.

Sec. 2. **Staff officers.**—The Governor shall appoint the adjutant general and his other staff officers; the major generals, brigadier generals, and commanding officers of regiments shall, respectively, appoint their staff officers.

Sec. 3. **Exemptions.**—The Legislature shall pass laws exempting citizens belonging to any sect or denomination of religion, the tenets of which are known to be opposed to the bearing of arms, from attending private and general musters. (Constitution of 1796, Art. VII., sec. 7, same as this.)

ARTICLE IX

Disqualifications

Section 1. **Ineligibility of ministers and priests.**—Whereas ministers of the gospel are, by their profession, dedicated to God and the care of souls, and ought not to be diverted from the great duties of their functions; therefore no minister of the gospel, or priest of any denomination whatever, shall be eligible to a seat in either house of the Legislature.

Sec. 2. **Of Atheists.**—No person who denies the being of God or a future state of rewards and punishments, shall hold any office in the civil department of this State.

Sec. 3. **Of duelists.**—Any person who shall, after the adoption of this

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Constitution, fight a duel, or knowingly be the bearer of a challenge to fight a duel, or send or accept a challenge for that purpose, or be an aider or abettor in fighting a duel, shall be deprived of the right to hold any office of honor or profit in this State, and shall be punished otherwise, in such manner as the Legislature may prescribe.

ARTICLE X

Oaths, Bribery of Electors, New Counties

Section 1. **Oath of office.**—Every person who shall be chosen or appointed to any office of trust or profit under this Constitution, or any law made in pursuance thereof, shall, before entering upon the duties thereof, take an oath to support the Constitution of this State, and of the United States, and an oath of office.

Sec. 2. **Of members of the General Assembly.**—Each member of the Senate and House of Representatives shall, before they proceed to business, take an oath or affirmation to support the Constitution of this State, and of the United States, and also the following oath: "I,....., do solemnly swear [or affirm] that, as a member of the General Assembly, I will, in all appointments, vote without favor, affection, partiality, or prejudice; and that I will not propose or assent to any bill, vote, or resolution, which shall appear to me injurious to the people, or consent to any act or thing whatever that shall have a tendency to lesson or abridge their rights and privileges, as declared by the Constitution of this State."

Sec. 3. **Punishment of electors for bribery.**—Any elector who shall receive any gift or reward for his vote, in meat, drink, money, or otherwise, shall suffer such punishment as the laws shall direct; and any person who shall directly or indirectly give, promise, or bestow any such reward to be elected shall thereby be rendered incapable, for six ["two" in Constitution of 1796] years, to serve in the office for which he was elected, and be subject to such further punishment as the Legislature shall direct.

Sec. 4. **New counties; county lines; exceptions; vote necessary to establish new counties or remove county seat; liability for existing debt.**—New counties may be established by the Legislature, to consist of not less than two hundred and seventy-five square miles, and which shall contain a population of seven hundred qualified voters. No line of such county shall approach the courthouse of any old county from which it may be taken nearer than eleven miles, nor shall such old county be reduced to less than five hundred square miles. But the following exceptions are made to the foregoing provisions, viz.: New counties may be established by the present or any succeeding Legislature out of the following territory—to wit: Out of that portion of Obion County which lies west of low-water mark of Reelfoot Lake; out of fractions of Sumner, Macon, and Smith Counties; but no line of such new county shall approach the courthouse of Sumner or Smith Counties nearer than ten miles, nor include any part of Macon County lying within nine and a half miles of the courthouse of said county; nor shall more than twenty square miles of Macon County, nor any part of Sumner County lying due west of the western boundary of Macon County, be taken in the formation of said new county; out of fractions of Grainger and Jefferson Counties, but no line of such new county shall include any part of Grainger County north of the Holston River; nor shall any line thereof approach the courthouse of Jefferson County nearer than eleven miles. Such new county may include any other territory which is not excluded by any general provision of this Constitution; out of fractions of Jackson and Overton Counties, but no line of such new county shall approach the courthouse of Jackson or Overton Counties nearer than ten miles; nor shall such county contain less than four hundred qualified voters, nor shall the area of either of the old counties be reduced below four hundred and fifty square miles; out of fractions of Roane, Monroe, and Blount Counties, around the town of Loudon, but no line of such new county shall ever approach the towns of Maryville, King-

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ston, or Madisonville nearer than eleven miles, except that, on the south side of the Tennessee River, said lines may approach as near as ten miles to the courthouse of Roane County.

The counties of Lewis, Cheatham, and Sequatchie, as now established by legislative enactments, are hereby declared to be constitutional counties. No part of Bledsoe County shall be taken to form a new county, or a part thereof, or be attached to any adjoining county.

That portion of Marion County included within the following boundaries—beginning on the Grundy and Marion County line, at the Nick-a-Jack Trace, and running about six hundred yards west of Ben. Posey's, to where the Tennessee Coal Railroad crosses the line, running thence southeast through the pocket, near William Summar's, crossing the Battle Creek Gulf at the corner of Thomas Wooten's field; thence running across the Little Gizzard Gulf, at Raven Point; thence in a direct line to the bridge crossing the Big Fiery Gizzard; thence in a direct line to the mouth of Holy Water Creek; thence up said creek to the Grundy County line, and thence with said line to the beginning—is hereby detached from Marion County, and attached to the county of Grundy.

No part of a county shall be taken off to form a new county, or a part thereof, without the consent of two-thirds of the qualified voters in such part taken off; and where an old county is reduced for the purpose of forming a new one, the seat of justice in said old county shall not be removed without the concurrence of two-thirds of both branches of the Legislature, nor shall the seat of justice of any county be removed without the concurrence of two-thirds of the qualified voters of the county. But the foregoing provision, requiring a two-thirds majority of the voters of a county to remove its county seat, shall not apply to the counties of Obion and Cocke.

The fractions taken from old counties to form new counties, or taken from one county and added to another, shall continue liable for their pro rata of all debts contracted by their respective counties prior to the separation, and be entitled to their proportion of any stock or credits belonging to such old counties.

Sec. 5. **To vote with old county.**—The citizens who may be included in any new county shall vote with the county or counties from which they may have been stricken off, for members of Congress, for Governor, and for members of the General Assembly, until the next apportionment of members to the General Assembly after the establishment of such new county.

ARTICLE XI

Miscellaneous and Provisions

Section 1. **Existing laws not affected by this Constitution.**—All laws and ordinances now in force and use in this State, not inconsistent with this Constitution, shall continue in force and use until they shall expire, or be altered or repealed by the Legislature; but ordinances contained in any former Constitution or schedule thereto are hereby abrogated.

Sec. 2. **Nor rights, contracts, actions, etc.**—Nothing contained in this Constitution shall impair the validity of any debts or contracts, or affect any rights of property, or any suits, actions, rights of action, or other proceedings in courts of justice.

Sec. 3. **Amendments of the Constitution, etc.; not oftener than once in six years; but Legislature may at any time submit question of calling convention.**—Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and if the same shall be agreed to by a majority of all the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays thereon, and referred to the General Assembly then next to be chosen, and shall be published six months previous to the time of making such choice and if in the General Assembly then next chosen, as aforesaid, such proposed amendment or amendments to the people, to by two-thirds of all the

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members elected to each house, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people, in such manner and at such time as the General Assembly shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of all the citizens of the State voting for Representatives, voting in their favor, such amendment or amendments shall become part of this Constitution. When any amendment or amendments to the Constitution shall be proposed in pursuance of the foregoing provisions, the same shall, at each of said sessions, be read three times on three several days in each house. The Legislature shall not propose amendments to the Constitution oftener than once in six years. [The remainder of this section originated with this Constitution.] The Legislature shall have the right, at any time, by law to submit to the people the question of calling a convention to alter, reform, or abolish this Constitution; and when, upon such submission, a majority of all the votes cast shall be in favor of said proposition, then delegates shall be chosen, and the convention shall assemble in such mode and manner as shall be prescribed.

Sec. 4. **Divorces.**—The Legislature shall have no power to grant divorces, but may authorize the courts of justice to grant them for such causes as may be specified by law; but such laws shall be general and uniform in their operation throughout the State.

Sec. 5. **Lotteries.**—The Legislature shall have no power to authorize lotteries for any purpose, and shall pass laws to prohibit the sale of lottery tickets in this State.

Sec. 6. **Changing name, legitimation, etc.**—The Legislature shall have no power to change the names of persons, or to pass acts adopting or legitimatizing [legitimating or legitimizing] persons; but shall, by general laws, confer this power on the courts.

Sec. 7. **Interest, conventional rate.**—The Legislature shall fix the rate of interest, and the rate so established shall be equal and uniform throughout the State; but the Legislature may provide for a conventional rate of interest, not to exceed ten per centum per annum.

Sec. 8. **General laws only to be passed; corporations only to be provided for by general laws.**—The Legislature shall have no power to suspend any general law for the benefit of any particular individual, nor to pass any law for the benefit of individuals, inconsistent with the general law of the land; nor to pass any law granting to any individual or individuals rights, privileges, immunitie [immunities] or exemptions other than such as may be, by the same law, extended to any member of the community who may be able to bring himself within the provisions of such law. No corporation shall be created, or its powers increased or diminished, by special laws; but the General Assembly shall provide by general laws, for the organization of all corporations hereafter created, which laws may, at any time, be altered or repealed; and no such alteration or repeal shall interfere with or divest rights which have become vested.

Sec. 9. **Power over private and local affairs.**—The Legislature shall have the right to vest such powers in the courts of justice, with regard to private and local affairs, as may be expedient.

Sec. 10. **Internal improvements to be encouraged.**—A well-regulated system of internal improvement is calculated to develop the resources of the State, and promote the happiness and prosperity of her citizens; therefore it ought to be encouraged by the General Assembly.

Sec. 11. **Homestead exemption.**—A homestead, in the possession of each head of a family, and the improvement thereon, to the value, in all, of one thousand dollars, shall be exempt from sale under legal process during the life of such head of a family, to inure to the benefit of the widow, and shall be exempt during the minority of their children occupying the same. Nor shall said property be alienated without the joint consent of husband and wife, when that relation exists. The exemption shall not operate against public taxes, nor debts contracted for the purchase money of such homestead, or improvements thereon.

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Sec. 12. **Education to be cherished, common school fund; poll tax; whites and negroes; colleges, etc., rights of.**—Knowledge, learning, and virtue, being essential to the preservation of republican institutions, and the diffusion of the opportunities and advantages of education throughout the different portions of the State, being highly conducive to the promotion of this end, it shall be the duty of the General Assembly, in all future periods of this government, to cherish literature and science. And the fund called the common school fund, and all the lands and proceeds thereof, dividends, stocks, and other property of every description whatever, heretofore by law appropriated, by the General Assembly of this State for the use of common schools, and all such as shall hereafter be appropriated, shall remain a perpetual fund, the principal of which shall never be diminished by legislative appropriations; and the interest thereof shall be inviolably appropriated to the support and encouragement of common schools throughout the State, and for the equal benefit of all the people thereof; and no law shall be made authorizing said fund or any part thereof to be diverted to any other use than the support and encouragement of common schools. The State taxes derived hereafter from polls shall be appropriated to educational purposes, in such manner as the General Assembly shall, from time to time, direct by law. No school established or aided under this section shall allow white and negro children to be received as scholars together in the same school. The above provisions shall not prevent the Legislature from carrying into effect any laws that have been passed in favor of the colleges, universities, or academies, or from authorizing heirs or distributees to receive and enjoy escheated property under such laws as shall be passed from time to time.

Sec. 13. **Game, fish, etc.**—The General Assembly shall have power to enact laws for the protection and preservation of game and fish within the State, and such laws may be enacted for and applied and enforced in particular counties or geographical districts designated by the General Assembly.

Sec. 14. **Intermarriage between whites and negroes.**—The intermarriage of white persons with negroes, mulattoes, or persons of mixed blood, descended from a negro to the third generation, inclusive, or their living together as man and wife, in this State, is prohibited. The Legislature shall enforce this section by appropriate legislation.

Sec. 15. **Religious holidays.**—No person shall, in time of peace, be required to perform any service to the public on any day set apart by his religion as a day of rest.

Sec. 16. **Bill of Rights to remain inviolate.**—The declaration of rights, hereto prefixed, is declared to be a part of the Constitution of this State, and shall never be violated on any pretense whatever. And to guard against transgression of the high powers we have delegated, we declare that everything in the Bill of Rights contained is excepted out of the general powers of the government, and shall forever remain inviolate.

Sec. 17. **County offices.**—No county office created by the Legislature shall be filled otherwise than by the people or the County Court.

SCHEDULE

Section 1. **Public officers to hold from what time; appointments; officers to vacate, when; exceptions.**—That no inconvenience may arise from a change of the Constitution, it is declared that the Governor of the State, the members of the General Assembly, and all officers elected at or after the general election of March, one thousand eight hundred and seventy, shall hold their offices for the terms prescribed in this Constitution.

Officers appointed by the courts shall be filled by appointment, to be made and to take effect during the first term of the court held by judges elected under this Constitution.

All other officers shall vacate their places thirty days after the day fixed for the election of their successors under this Constitution.

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The Secretary of State, Comptroller, and Treasurer shall hold their offices until the first session of the present General Assembly occurring after the ratification of this Constitution, and until their successors are elected and qualified.

The officers then elected shall hold their offices until the fifteenth day of January, one thousand eight hundred and seventy-three.

Sec. 2. **Judges of Supreme Court; vacancy to remain unfilled; court may sit in two sections; two judges must concur; Attorney-general and Reporter.**—At the first election of judges under this Constitution, there shall be elected six judges of the Supreme Court, two from each grand division of the State, who shall hold their offices for the term herein prescribed.

In the event any vacancy shall occur in the office of either of said judges at any time after the first day of January, one thousand eight hundred and seventy-three, it shall remain unfilled, and the court shall from time to time be constituted of five judges.

While the court may consist of six judges, they may sit in two sections, and may hear and determine causes in each at the same time, but not in different grand divisions at the same time.

When so sitting, the concurrence of two judges shall be necessary to a decision.

The Attorney-general and Reporter for the State shall be appointed after the election and qualification of the judges of the Supreme Court herein provided for.

Sec. 3. **Officers to take oath to support this Constitution or vacate.**—Every judge and every officer of the executive department of this State, and every sheriff holding over under this Constitution, shall, within twenty days after the ratification of this Constitution is proclaimed, take an oath to support the same; and the failure of any officer to take such oath shall vacate his office.

Sec. 4. **Statutes of limitations.**—The time which has elapsed since the sixth day of May, one thousand eight hundred and sixty-one, until the first day of January, one thousand eight hundred and sixty-seven, shall not be computed in any case affected by the statutes of limitation, nor shall any writ of error be affected by such lapse of time.

Done in convention, at Nashville, the twenty-third day of February, in the year of our Lord one thousand eight hundred and seventy, and of the independence of the United States the ninety-fourth. In testimony whereof, we have hereunto set our names.

JOHN C. BROWN, President

J. B. Heiskell,
John Allen,
Jesse Arledge,
Humphrey Bate,
Jno. Baxter,
A. Blizard,
Nathan Brandon,
James Britton,
R. P. Brooks,
Neill S. Brown,
James S. Brown,
T. M. Burkett,
John W. Burton,
Wm. Byrne,
Alex. W. Campbell,
Wm. Blount Carter,
Z. R. Chowning,
James A. Coffin,
Warren Cummings,
Robert P. Cypert,
Thos. D. Davenport,
W. V. Deaderick.
G. G. Dibrell,
W. F. Doherty,
J. E. Dromgoole,
James Fentress,
A. T. Fielder,
P. G. Fulkerson,
John A. Gardner,
John E. Garner,
S. P. Gaut,
Charles N. Gibbs,
B. Gordon,
R. Henderson,
H. L. W. Hill,
Sp'l Hill,
Sam'l S. House,
Jno. F. House,
T. B. Ivie,
Thomas M. Jones,
David N. Kennedy,
D. M. Key,

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Sam. J. Kirkpatrick,
A. A. Kyle,
Jos. A. Mabry,
A. G. McDougal,
Malcolm McNabb,
Matt. Martin,
John H. Meeks,
Thos. C. Morris,
J. Netherland,
A. O. P. Nicholson,
Geo. C. Porter,
Jas. D. Porter, Jr.,
Geo. E. Seay,
Samuel G. Shepard,
E. H. Shelton,
Wm. H. Stephens,
John M. Taylor,
J. C. Thompson,
W. Vance Thompson,
James J. Turner,
Geo. W. Walters,
Richard Warner, Jr.,
Wm. H. Williamson,
W. M. Wright.

Attest:
T. E. S. Russwurm, Secretary;
Thos. W. Jones, Assistant Secretary;
W. S. Kyle, Second Assistant Secretary.

ORDINANCE

Section 1. **Election ordered.—Be it ordained by the convention,** That it shall be the duty of the several officers of the State, authorized by law to hold elections for members of the General Assembly and other officers to open and hold an election at the place of holding said elections in their respective counties, on the fourth Saturday in March, 1870, for the purpose of receiving the votes of such qualified voters as may desire to vote for the ratification or rejection of the Constitution recommended by this convention. And the qualification of votes in said election be the same as that required in the election of delegates to this convention.

Sec. 2. **Duty of returning officers; manner of voting.**—It shall be the duty of said returning officers, in each county, in this State, to enroll the name of each voter on the poll books prepared for said election, and shall deposit each ballot in the ballot boxes respectively. Each voter who wishes to ratify the new Constitution shall have written or printed on his ticket the words "New Constitution," or words of like import; and each voter who wishes to vote against the ratification of the new Constitution shall have written or printed on his ticket the words "Old Constitution," or words of like import.

Sec. 3. **Election, how held; votes, etc.**—The election shall be held, and the judges and clerks shall be appointed, as in the case of the election of the members of the General Assembly; and the returning officers, in presence of the judges or inspectors, shall count the votes given for the "New Constitution," and of those given for the "Old Constitution," of which they shall keep a correct estimate in said poll books. They shall deposit the original poll books of said election with the clerks of the County Courts in the respective counties, and shall, within five days after the election, make out accurate statements of the number of votes, in their respective counties, for or against the "New Constitution," and immediately forward by mail, one copy of said certificates to the Governor, and one to the Speaker of the Senate. So soon as the poll books are deposited with the County Court clerks, they shall certify to the president of the convention an accurate statement of the number of votes cast for or against the "New Constitution," as appears on said poll books; and if any of said returning officers shall fail to make the returns herein provided for within the time required, the Governor shall be authorized to send special messengers for the result of the vote in those counties whose officers have so failed to make returns.

Sec. 4. **Returns, who to compare; certificate of result; Governor's proclamation.**—Upon the receipt of said returns, it shall be the duty of the Governor, Speaker of the Senate, and the president of this convention, or any

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two of them, to compare the votes cast in said election; and if it shall appear that a majority of all the votes cast for and against the "New Constitution" were for "New Constitution," it shall be the duty of the Governor, Speaker of the Senate, and president of this convention, or any two of them, to append to this Constitution a certificate of the result of the votes, from which time the Constitution shall be established as the Constitution of Tennessee, and the Governor shall make proclamation of the result.

Sec. 5. **When proclamation to be issued.**—The Governor of the State is required to issue his proclamation as to the election on the fourth Saturday in March, 1870, hereto provided for.

JOHN C. BROWN, President.

Attest:
[L. S.] T. E. S. RUSSWURM, Secretary.

CERTIFICATE

State of Tennessee

In pursuance of the fourth ordinance of the late constitutional convention of the State of Tennessee, adopted on the twenty-third of February, one thousand eight hundred and seventy, in the city of Nashville, we, D. W. C. Senter, Governor of said State; Dorsey B. Thomas, Speaker of the Senate; and John C. Brown, president of said convention, do hereby certify that we have carefully compared the votes cast for and against the new Constitution in the election on the fourth Saturday of March, one thousand eight hundred and seventy, and we certify that the vote cast in the entire State, leaving out the counties of Knox, Grainger, Roane, and Overton (from which there are no official returns), was one hundred and thirty-two thousand. Of these, ninety-eight thousand one hundred and twenty-eight votes were for the new Constitution, and thirty-three thousand eight hundred and seventy-two votes were for the old Constitution; and that the majority for the new Constitution is sixty-four thousand two hundred and fifty-six; and we certify accordingly the ratification of the new Constitution.

Done at the executive department, in the city of Nashville, this fifth day of May, A. D. one thousand eight hundred and seventy, and of the American independence the ninety-fourth.

D. W. C. SENTER, Governor;
JOHN C. BROWN, President, etc.;
D. B. THOMAS, Speaker of the Senate.

PROCLAMATION

State of Tennessee, Executive Department,
Nashville, May 5, 1870.

In pursuance of the fourth ordinance of the late constitutional convention, I have carefully examined the official returns of the election held on the twenty-sixth day of March last, for the ratification or rejection of the proposed Constitution of the State of Tennessee (except the counties of Knox, Grainger, Roane, and Overton, which returns have not been received), and find the number of votes cast for the "New Constitution" to be (98,128) ninety-eight thousand one hundred and twenty-eight, and for the "Old Constitution" (33,872) thirty-three thousand eight hundred and seventy-two, being a majority of (64,256) sixty-four thousand two hundred and fifty-six for the new Constitution.

Now, therefore, I, D. W. C. Senter, Governor of the State of Tennessee, by virtue of the power and authority in me vested, do hereby declare and proclaim

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that the new Constitution, as submitted to the people, was ratified by them at the ballot box, on the twenty-sixth day of March last, by said majority of (64,256) sixty-four thousand two hundred and fifty-six votes.

In testimony whereof, I have hereunto subscribed my official signature, and ordered the great seal of the State to be affixed.

Done at the department in the city of Nashville, this fifth day of May, in the year of our Lord one thousand eight hundred and seventy, and of the American independence the ninety-fourth.

D. W. C. SENTER.

By the Governor:

[L. S.] A. J. FLETCHER,
Secretary of State.

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INDEX

Abernathy, W. K., speaker, 597
Abingdon Convention, 444
Abingdon Presbytery, 329
Abolitionists, activities of, 440, 466, 467, 468
Abortive treaties, 258
Abraham, negro, 216, 217
Abraham, of Chilhowee, see Old Abraham
Abraham's Creek, 161
Absconders, see Absenteeism
Absenteeism, 610, 613, 618, 691
Absent voters bill, 628, 629
Academy system of education, 780
Ackia, battle of, 41
Acorns, in Creek War, 348
Acropolis, 430
Act of Cession, of N. C., 144-147; accepted by U. S., 147-148
Adair, Gen., at New Orleans, 364
Adair, James, 55
Adair, John, 153, 155
Adams Bill, the, 595, note
Adams, Gen. John, killed at battle of Franklin, 508, 513
Adams, pres. John, 148, 280; re Blount's expulsion, 282, 288
Adams, pres. John Quincy, defeated by Jackson, 399; re Indians, 432; re Gentry, 466
Adams, Mrs. Marion, 572
Age of consent law, 615
Agricultural and Industrial Normal School for Negroes, 624, 790
Agricultural dept., of State University, 541 and note
Agriculture, bureau of, established, 554
Aguinaldo, 589
Aiken, John R., 97
Aisne-Marne, offensive, 638
Alabama letter, the, 422, note
Alamance, the, battle of, 31, 32, 64, 73, 74
Aldehoff, H. W. von, 834
Alden ring, the, 541, 542
Alexander, Adam R., 375, 406
Alexander and Munsell boundary line, 380, 381
Alexander, B. F., speaker, 563
Alexander, Maj. R. B., 437
Allen, Campbell, 399
Allen, Lieut., 356
Allen, Lieut. David Van H., 590
Allen, Miss Eliza, wife of Sam Houston, 399
Allen, Isaac, commissioner of N. C., 384
Allen, John, 399
Allen, Joseph W., 460
Allen, Col. Robert, 399, 405
Allen, Capt. Wm. B., 438 and note
Allison, Mr., 297
Allison, David, 149
Allison, James, 149
Allison, Judge John, re Mero District, 137; re Spanish conspiracy, 141, 142; re Sevier's diary, 302, note; re first school, 775, note
Ambrister, Robert, execution of, 373
Amendments, of 1865, 525; 526 and note; 13th U. S. (abolition of slavery) ratified, 527; 14th U. S. ratified, 530, 532; 15th U. S., never ratified by Tenn., 532; 15th U. S. rejected, 550; 18th U. S. ratified, 605; re U. S. Senators to be elected by people, 621; proposed to permit women to vote, 625; 18th adopted, 682 and note, 683; 19th, fight for ratification of, 689-691; 19th ratified, 690
American Antiquarian Society, 60
American Historical Magazine, 587
American party, see "Know-Nothing" party, 467
American system, the, 417
American Temperance Society, 602 and note
"American Volunteers," 95
Amnesty, proclaimed by Lincoln, 522
Anderson, Alex., U. S. Senator, 412
Anderson, Rev. Alexander, 332
Anderson County, erected, 296; history and statistics of, 804-805
Anderson, Douglas, re Murrell, 391, 393; re Tenn. Centennial Exposition, 583
Anderson, Hu. C., 595, note; speaker, 622
Anderson, J. C., 44
Anderson, Judge J. M., 429; re speech of at Cooper trial, 607, 608
Anderson, John, 120
Anderson, Judge Joseph, 148, 155, 156, 227, 271, 272, 296; elected U. S. Senator, 284, 293, 334; first comptroller U. S. treasury, 371
Anderson, Col. Kellar, re miners' strike, 578, 579; in Spanish-American War, 590
Anderson, Luke, 188, 244
Anderson, Gen. Samuel R., 437; in Civil War, 473; serves in Va., 512, 513; re memorial to legislature, 539
"Andrew Jackson and Early Tennessee History," 56
Angleman, 31
Anglo-Saxon Race, the, 29
Anglo-Saxons, in Tenn., iii-vi; iv, note; v, note; 64, 66
Annals of Congress, 259
Anti-pass bill, 626, 631
Antiquarian Society, 371
Anti-Saloon League, 595, 612
"Anti-Tippling Bill," the, 626
Appalachian Fish and Game Preserve, No. 1, 630
Apparel, 321
Appendix, 903-952
Arbor, Bird and Flower Day, 687
Arbuthnot, Alexander, execution of, 373
Archer, Gen. J. J., serves in Va., 512
Archives and History, see History and Archives
Archives, of the Indies, 138, note; of Tenn., 383, note, 384, 386, note, 387, note, 407, note, 428, 433, 445, note; re Brownlow papers, 545, 546, 547
Argonne Forest, 638
Arledge, Jesse, 559, note
Armistead, George H., Sr., campaign manager for Carmack, 606, note
Armistice, the, in World War, 637
Armstrong, Gen. Frank C., 513
Armstrong, Hugh C., 405
Armstrong, J. V., 415, note
Armstrong, John, sec. war, 338
Armstrong, John, see "John Armstrong's Office"
Armstrong, Martin, 117
Armstrong, Gen. Robert, 408; in Second Seminole War, 415, 416
Armstrong, Miss Zella, 817
Army of Kentucky, 485
Army of Tennessee, 473, 474, 482, 485; invades Ky., 485-487
Army of the Cumberland, 499
Arnell, S. M., sought by Ku Klux Klan, 538
Arnold Will T., asst. surgeon, 590
"Articles of Association," of Settlement South of the Holston and French Broad, 144
Arvan, 31 and note
Asbury, Bishop Francis, 330
Asher's Station, 108, 170
Ashery, R. A., re Edgington and Estes, 627
Atkins, J. D. C., for Confederate Congress, 521
Atkinson, William and Matthew, make great seal, 298
Atlanta campaign, 500, 512
Atlantic and Miss. R. R. Co., 444 and note

Digitized by Google

Atta-Kulla-Kulla (Atta-Culla-Culla), 45, 164, 251; help of at Fort Loudon, 50; re treaty of Lochaber, 68; re Henderson purchase, 86; and Oconostata, 157-163; appearance and character of, 161, 252
Attitude of Tenn. and Ga. toward Cherokees, 257
Aust, Chancellor John, 700
Avent, Frank, sec. R. R. Commission, 588
Avery's treaty, 90, 253
Avery Trace, see North Carolina Road
Avery, Waightstill, 149
Aztecs, 84

Backwoodsmen, 321-325
Bad check law, 625
Bailey, Sen. James E., 473, 561
Baker, Col., 392
Baker, Widow, 219
Baker, Abner, 707
Bakerdon, home of Gov. Willie Blount, 760
Baker, Elisha, 155
Baker, Miss Elizabeth, 220
Baker, John, 103
Baker, William, 57
Balch, Rev. Hezekiah, 329, 776
Balch, Rev. James, 329
Ballard, 388
Ball play, 212, 237, 292
Ball Play Creek, 44
Bancroft, George, 74; re results of battle of King's Mountain, 100; re nomination of Polk, 422; re DeSoto's crossing, 762
Bankhead, Capt., 481
Banking Department, created, 620
Bank of the State of Tennessee, see "Tennessee in the Banking Business"
Bank of the U. S., 451, 452
Baptist, Col. N. W., railroad commissioner, 588
Baptists, early, 329
Barbour, James, treaty of, 258
Barnard, Edward Emerson, sketch of, 722
Barringer, D. L., 429
Barrow, Washington, 471
Barry, Hugh, 713
Barton, Rev. Isaac, 329
Barton, Col. Robert, 108
Barton, Col. Samuel, 115, 134, 180
Barton's Creek, 209
Bass, John M., 415; chairman capitol board, 429; receiver of Nashville, 542
Bate, Gov. W. B., 481 and note; sent against Murfreesboro, 508, 513; declines nomination for gov. (1863), 521; re memorial to legislature, 539; elected gov., 545, 563; candidate U. S. Senator, 557, 571; administrations of, 563-568; defeats Judge Reid for gov., 564; calls extra session, 567; elected U. S. Senator, 567; death of, 567, 597
Batey, see Camp Batey
Battle, Gen. Joel A., supt. prisons, 555
Battles—
Argonne Forest, 636
Battle of the Bluffs, 116, 180, 181, 718
Belleau Wood, 638
Bellicourt, 637
Belmont, 475 and note
Bouresches, 638
Boyd's Creek, 118, 169
Brice's Cross Roads, 505
Camden, 91, 92
Carriere, 637
Chateau-Thierry, 638
Chattanooga, 499
Chickamauga, 494-498
Chickasaw Bayou, 511
Collierville, 503
Dandridge, 500
Dibrell's Hill, 500
Drewry's Bluff, 512
Emuckfau, 352, 353
Enotachopco, 352, 353
Estenaula, 503
Etowah, 151
Etricourt, 637
Ferme de Riqueval, 637
Guillaine Ferme, 637
Hindenburg line, 636
Jack's Creek, 503
King's Mountain, 96-101
Lafayette, 503
Long Island Flats, 89, 166
Lookout Mountain, 499
Maynardsville, 500
Mill Springs, or Fishing Creek, or Logan's Cross Roads, 476
Missionary Ridge, 499
Murfreesboro, or Stone's River, 487-491
Nauroy, 637
New Orleans, 364-367; not a barren victory, 367
Nickajack and Running Water, 151
Parker's Cross Roads, 492
Perryville, 486
Point Pleasant, 67, note, 85
Richmond, Ky., 486
Riqueval, 637
St. Mihiel, 636, 638
Shiloh, or Pittsburg Landing, 480-482
Soissons, 638
Talladega, 346, 347
Tallushatchee, 346
Thompson's Station, 493, 740
Tohopeka, or Horseshoe Bend, 256, 353-358, centennial anniversary of celebrated, 360
Wahoo Swamp, 416
Battles and commanders, 513, 514
Baudoin, 293
Baxter, Col. Jere, candidate for gov., 574; activities of, 593; re building T. C. R. R., 593
Baxter, Lewis T., defeated for gov., 575
Baxter, Judge Nathaniel, 416
Baxter, Nat. Jr., speaker, 611
Bayard, James Asheton, 284
Bayless, Col. Albert, in Spanish-American War, 589
Bayless, Col. Samuel, 887, note
Bays, J., 197
Bean, Lieut., 355
Bean, John, deputy to Cherokee, 61, 68
Bean, Russell, 63, note
Bean's Lick, 442
Beard, Maj. Hugh, 216, 218
Beard, John, 152
Beard, Capt. John, 222, 223, 233
Beard's Bluff, 249
Beard, W. E., 735; re Shy's Hill, 760
Beasley, John R., 563
Beattie, "Tinker Dave," 853
Beaujolais, Count de, 291-293
Beauregard, Gen. G. T., 479, 480, note, 481; re Gov. Harris, 482; withdraws to Corinth, 482
Beaver Creek, 75
Bedford County, erected, 309; history and statistics of, 840-842
Bee-Line Highway, 754
Been (Bean), William, 50; re Boone tree, 56; settlement of, 63, 67, 74; re Watauga Association, 70; re home of, 708, 709
Been, Mrs. William, captured by Indians, 167
Beginning of Real Tennessee History, 38-50
Beginning of the Harassments of Spain, 134
Below, Ben, 104
Bell, John, re Crenshaw, 394; M. C., 403; defeated by Polk, 408; opposed to Jackson, 417; 418, 423; nominated for pres., 469; home and sketch of, 719
Bell Tavern, see Old Bell Tavern
Bell, Gen. Tyree H., 503, re capture of Johnsonville, 507; 513
Belleau Wood, 638
Belle Meade, 723
Bell Witch, 870
Belmont, battle of, 475 and note
Beloved Woman, 164
Bench, The, 203, 224, 228; exploits of, 225-231
"Benefit of clergy," 394
Benge, Bob, 228
Benge, Bob Jr. (The Bench), 228
Benge, John, 228
Benjamin, Judah P., 475, 531
Bentley, Mrs. Blanche, 36, note
Benton County, history and statistics of, 886
Benton, Jesse, 87; re duel of with Carroll, 337; re affray with Jackson, 337; moves to West Tenn., 375; home of, 728
Benton, Thomas H., re affray with Jackson, 337; re Natchez expedition, 338; 467, note
Berry, Lt. Com. Albert G., 590
Berry, Dr. Daniel, 724
Berry, James, 155
Berry, C. R., speaker, 567
Bienville, Jean Baptiste le Moyne de, 41, 359, note, 375, 765

Digitized by Google

Big Foot, 188
Big Harp (Micajah Harp), see Tennessee Desperadoes
Big Island, 169
Big Salt Lick, see Great French Lick
Billingsley, Prof. W. N., 591 and note
Bird, Col., 45, 50
Black, Gabriel, 208
Black, Joseph, 155
Black, William, treasurer, 272
Blackburn, Rev. Gideon, 329
Blackburn, G. W., 463
Black Fish, The, 225, 226
Black Fox, The, 203, 256
Black's block house, 229
Blaine, Jas. G., re exception of Tenn. from provisions of emancipation proclamation, 520; re negro suffrage, 535
Blair & Reeves, 260
Blair, F. P., 348
Blair, John, M. C., 403
Bledsoe, Col. Abraham, 103
Bledsoe, Col. Anthony, 67, 75, 379; land commissioner, 117; trustee Davidson Academy, 135; re Spanish conspiracy, 139; re survey of, 163; re Indians, 191; death of, 191; 239
Bledsoe County, erected, 309; history and statistics of, 805
Bledsoe, Col. Isaac, 134, 136, 149, 191; killed, 216; 239
Bledsoe, Oscar F., 416
Bledsoe's Lick, 43, 103
Bledsoe's Station, 108, 191, 245, 258
Bledsoe, Thomas, 245
Blevins, William, 56
Blind, School for, 415, 434, 755
Block house, how built, 325
Bloody Fellow, The (Noonetoogah), 203, 204, 205, 206, 211, 212, 214, 221; re treaty, 233
"Bloody First, The," 438
"Bloody Ground," 44, 88
Blount College, 154, 309, 318, note, 334
Blount County, erected, 154; delegates of to constitutional convention, 155; markers of, 709-713; history and statistics of, 805-806
Blount, Mary Grainger, 154, note, 275
Blount, Richard B., 285
Blount, Thomas, 277, 282
Blount, Gov. William, re Moses Fisk, 59; appointed gov. of Southwest Territory, 148 and note, 204; re journal of, 149, note; conduct and popularity of, 149-152; re treaty of Holston, 150, 204, 205, 253; proclamation of, re legislature, 152; re statehood, 154; proclamation of for constitutional convention, 155; delegate to constitutional convention (1796), 155; attends Chickasaw Conference, 210; re Chickamaugas, 211, 212, 240; re Covatee conference, 212; received by Indians, 214; issues orders against Indians (1793), 216; seeks peace with Indians, 220, 221; grants Doublehead permit to hunt on Cumberland, 232; re expedition against Chickamaugas, 240-244; re conference of with Watts, 244; re Piomingo, 247; notifies government of adoption of Tenn. constitution, 271; elected U. S. senator, 271, 272, 277; re admission of Tenn., 275, 276; expelled from U. S. senate, 280-284; impeachment of, 284-285; vindication of, 285-287; opinions concerning innocence or guilt of, 287-291; re popularity of, 284, 285; speaker of Tenn. senate, 285; death of, 285; re great seal, 297; re repudiation of Walker's line, 380
Blount, Gov. Willie, sec. to Gov. Wm. Blount, 149; 272; vindicates Wm. Blount, 285-287; 290; justice of peace, 303; re land grants, 317; administrations of, 334-367; principal events in administrations of, 334; raises $370,000 for Creek War, 337; calls for volunteers for Creek War, 340; to Jackson, re enlistments, 351; re troops for New Orleans campaign, 360; 399, 406, 760
Bluffs, The (the Bluff), 108, 135, 170, 172
Blythe, Col A. K., 481
Board of Control, 624, 687
Boggs, John, 227
"Boiling pot" 106
Bolshevism, v, note
Bond, Lewis, speaker, 557
Bond, W. W., speaker, 692
Bonds, see state debt
Bond-secured system, 453
"Bone Dry Law," 558, note
Bone-polisher, 237
"Bonnie Kate," re romance of, 89
Boone, Col., 485
Boone Creek, 56, 74
Boone, Daniel, 56; re Henderson & Co., 57, 67, 85, 86, 88; re entry into Ky., 86
Boone Falls, 56
Boone tree, 56
Boundary lines, see state boundary lines
Bossu's "Travels in Louisiana," 49
Bowers, Duke C., re death penalty, 626; law repealed, 684
Bowles, William Augustus, 206, 214
Bowling, Prof. F. M., 591 and note
Bowling, Dr. W. K., 720
Bowyer, Lewis, 69
Boyd, 233
Boyd, John, 104
Boyd's Creek, battle of, 118, 169
Bradford, Capt., 356
"Bradford Circular, The," 304
Bradford, Henry, 454
Bradford, Hiram S., 473
Bradford, Gen. J. B., 416
Bradley County, history and statistics of, 806-808
Bradly, Capt., 346
Bradshaw, Richard, 405
Bragg, Gen. Braxton, 479; occupies Chattanooga, 482; invades Ky., 485-487; re battle of Perryville, 486 and note; at battle of Murfreesboro, 487-491, 487, note; falls back to Tullahoma, 491; forced from Middle Tenn., 492-493; retires to Chattanooga, 494; fights battle of Chickamauga, 495-497; quarrels with Forrest, 498-499; defeated at Chattanooga, 499; prefers charges against Gen. Polk, 500; superseded by Gen. J. E. Johnston, 500; re East Tenn. campaign, 500, note
Brandon, Gov. Gerard C., 387
Branon, Col., 98
Breath, The, 198, 199, 211, 227, 228; death of, 243
Breazeale, J. W. M., re the Harps, 391, note
Breckinridge, Gen. John C., 467, 468, 469; at Shiloh, 480; at Murfreesboro, 487-491; charge of, 488, 531, 759
Brennan, H. W., highway com., 613
Brentwood, fight at, 741
Briceville, strike, 577
Bridge burners, the, 475
Brinkley, 547
Brister, Prof. J. W., 612
Bristol to Memphis Highway, 612
British, efforts of with Indians, 89, 91; successful campaigns, 91
Britton, Mr., 293
Brock, Lee, chairman Fair Price Com., 635
Broken Arrow, 214
Brooks, B. F., greenbacker, 557, 560
Brooks, Stephen, 155
Brown, Col., 168
Brown, Gov. Aaron V., 418, 423; elected gov. 424, 425; administration of, 434-438; re Mexican War, 437; defeated by Neill S. Brown, 439; 754-755
Brown, Anna B. A., re prehistoric race, 11
Brown, Daniel G., 197, 241
Brown, Duncan, 750
Brown, Elizabeth, 197, 200, 201
Brown family, tragedy of, 196-201
Brown, George, 198, 200, 201
Brown, Col. George Leroy, in Spanish-American War, 590
Brown, Prof. J. B., state supt. public instruction, 814
Brown, Jacob, re lease from Cherokees, 61, 73; settled on Nollichucky, 67; re Watauga Ass'n, 70, 77; origin of, 73; purchase of, 88, 252
Brown, Jane, 197, 200
Brown, Jane Gillespie, 196-201
Brown, James, tragedy of, 196-201
Brown, James, re Tenn.-Miss. boundary, 371, 386
Brown, Col. James (of Ga.), 238
Brown, John, 197
Brown, John, re Va. raid, 468
Brown, Gov. John C., re great seal, 301; at Fort Donelson, 478; wounded at Franklin, 508; 513; re Ku Klux Klan, 537; re memorial to legislature, 539; pres. const. convention of 1870, 552; administration of, 554-556; elected gov., 554; calls extra session, 555; defeats Free-

Digitized by Google

man for gov., 555; praised by Judge James D. Richardson, 556; candidate for U. S. senator, 557; re birthplace of, 749
Brown, Col. Joseph, re Nickajack expedition, 151 and note, 241-244, 197-201, 201, note, 208, 213, 215; 742, 743
Brown, Joseph (of S. C.), 200, 201
Brown, Joshua, re Sam Davis, 753
Brown, Dr. Morgan, 280, note.
Brown, Morgan W., 415
Brown, Gov. Neill S., re Florida War, 416; 418, 423; elected gov., 427; administration of, 438-439; minister to Russia, 440; in Civil War, 473; arrested by Johnson, 516; at const. convention of 1870, 552; re birthplace of, 749
Brown, Polly, 197, 200
Brown, Col. Richard, 355
Brown's blockhouse, 240
Brown's second purchase, 253
Brown settlement, 68, 73
Brown, Thomas, 240
Brown, Tully, re First Tenn. Regiment, 590
Brown, Judge W. L., 280, note; com., re Tenn.-Ky. boundary, 371, 380-383; justice supreme court, 395; 424
Brown, William, 197
Browning, Wm. A., sec. of Andrew Johnson, 523
Brownlow, Gen. James P., 513, 740
Brownlow militia law, see militia
Brownlow state guard, see state guard
Brownlow, Gov. W. G., re great seal, 301; recommends adoption of National Banking System, 462; re convention (1863), 521; re Johnson resolutions, 523; at Baltimore convention (1864), 524; elected gov., 526; how he viewed Confederate soldiers, 527; message of to legislature, 528; second session of regime of, 531; turbulence of regime of, 533, 534; defeats Etheridge, 533; second administration of, 533-550; triumphs, 533; asks repeal of act offering reward for arrest of Isham G. Harris, 533; elected U. S. senator, 534; conflicts with Johnson, 535; backed by state guard, 536, 538; seeks aid of Gen. Thomas, 538; calls extra session to deal with Ku Klux Klan, 538, 539; sends to legislature ordinance of Judge Lea, re franchise, 539; issues proclamation against Ku Klux Klan, 540; last proclamation of, re martial law, 540; resigns as gov., 541; reckless extravagance of regime of, 542, 543 and note; papers of in state archives, 545-547
Brushy Mountain tract, bought, 580
Bryan, Eugene J., speaker, 699
Bryan, M. T., 618
Bryan, Peter, 156
Buchanan, Mrs. A. S., 595, note
Buchanan, Alexander, 181
Buchanan, Col. John, 55, 116, 181, 574
Buchanan, Pres. James, 440, 467
Buchanan, Gov. John P., nominated for gov., 574; defeats Lewis T. Baxter for gov., 575; administration of, 575, 579; inauguration of, 575; orders out state guard, re miners' insurrection, 577; last message of to legislature, 579
Buchanan, Mrs. Sallie, 215, 730
Buchanan's Station, attacked, 151, 213, 214, 215, 220, 730
Buck, A. E., reorganization bill, 700
Buckenhem, Thomas, 156
Buckner, Gen. Simon Bolivar, in Civil War, 475; surrenders Fort Donelson, 477-479; holds East Tennessee, 494
Budget and budgetary system, 631
Buell, Gen. Don Carlos, 476; re Fort Donelson, 477; at Nashville, 479; marches to join Grant, 479; re Shiloh, 480, note, 481, 482; opposes Bragg in Ky., 486
Buffalo Creek, 83
Buford, Gen., 507
Buford, Lieut. Edward, in World War, 639
Buford, Mrs. Edward, 688
Bullock, E. L., railroad com., 588
Bullock, Leonard H., 87
"Bull Moose" party, 617
Bulltown, 194
Bunch, Col., 355
Bunch, Mr., 292
Bureau of Municipal Research, 700
Burk, Rev. William, 330
Burn, Harry T., re equal suffrage, 690
Burnett, Mr., 229
Burney, Simon, 174
Burns, D. B., 385, 626
Burnside, Gen. A. E., drives Confederates out of East Tenn., 494; attacked by Forrest, 498; relieved, 500
Burnt Station, 711
Burr, Aaron, re Tennesseans, 37; 280, 291; visits Tenn., 309, 730
Burr's Landing, 730
Burton, Robert M., 405
Butler (Untoola, or Gun Rod of Citico), 121
Butler, Pierce, 282
Butler, Capt. Robert, 723
Butler, Col. Thomas, 254; re Tellico Treaty, 294
Byers, re Wm. Blount, 281, 283, 288
Byers, Capt. S. H. M., 499, note
Byrd, Col. William, 162
Byrns, Joseph W., speaker, 591
Byron, Ebenezer, 226
"Cabin rights," 103
Caesar and Anthony, 376, note
Caffrey, John, 105
Caffrey, Peter, 207
Caffrey, Mrs. Peter, 207, 208
Cage, William, 120
Cahal, Terry H., 406, 416
Caldwell A., 559
Caldwell, Mrs. Alex., 685
Caldwell, J. W., re Watauga Ass'n, 77, 78; re Cumberland Compact, 78; re Judge David Campbell, 309-310, 376, note; re const. convention of 1870, 552 and note; on Gov. Marks, 560
Caldwell, S. Y., re education, 784
Calhoun, John C., treaty of, 257; re pensioners, 260; re instructions to Jackson to invade Florida, 373; re commercial convention, 434, 435
Callaway, Samuel, 57
Callihan, Edward, 230
Camak, re Ga.-Tenn. line, 386
Camden, battle of, 91, 92
Cameron, Alexander, re Watauga settlers, 60, 61, 62, 68, 75, 78, 163; re union of loyalists and Indians, 89; 162
Camp, John, 219
Camp Batey, 344
Campbell, Bledsoe's servant, 191
Campbell, correspondent, 279
Campbell, Gen. A. W., 481
Campbell, Col. Arthur, prepares against Ferguson, 92, 97, 98; re Chickamaugas, 169, 170; 162, 203, 279
Campbell, Capt. Charles, 55
Campbell County, history and statistics of, 808-809
Campbell, Judge David, 120, 122, 129, 148, 277, 292; impeachment of, 309, 310; refuses warrant for Sevier's arrest, 310; judge of Miss. Ter., 310
Campbell, George W., 334; sec. treasury, 337, 368; re capitol site, 428; 456
Campbell, Judge Henry T., defeated for gov., 594 and note
Campbell, James, 97, 292
Campbell, Ensign Robert, at King's Mountain, 97, 98
Campbell's Station, 223
Campbell, Thomas, 55, note
Campbell, Lieut. W. P. A., 514
Campbell, Col. William, 67, note; made colonel, 71; 91; prepares against Ferguson, 92, 97, 98; commands at King's Mountain, 93, 94, 96
Campbell, Gov. William B., re Florida War, 416; 418; elected gov., 427; in Mexican War, 437, 438, note; administration of, 441-442; 513; assists Andrew Johnson, 519; claimed elected gov. (1863), 522
Camp Coetquidan, 637
Camp Coffee, 344
Camp meeting, first, 294, 330; cause and effect of, 330, 331
Camp Sevier, 637
Canals, 442, 443
Canal Sector, 636
Canby, Gen. E. R. S., 462; re paroles, 511
Cane Creek, 93
Cane Ridge, 294, 330, 331
Cannon County, history and statistics of, 842, 843
Cannon, Gov. Newton, re Tenn.-Miss. boundary line, 387, 399; 406; administrations of, 407-411; campaign of against Polk, 411-412; defeated by Polk, 411; opposed to Andrew Jackson, 417; re canal, 442

Digitized by Google

Cantey, Capt. Edward B., 637
Caperton, Admiral Wm. B., in Spanish-American War, 590
Capitol, state, re erection of, 415; history and description of, 427-431; old capitol, 428, 721; first, 707
Capitol annex building, 641
Carels, J. S., treas. Tenn. Historical Society, 556
Carey, James, 280, 281, 282, 283, 288, 290
Carey letter, 280, 281, 282, 283, 288
Carmack, Sen. E. W., on death of Sen. Bate, 567-568; defeated by Bob Taylor, 603; defeated by Patterson, 604; leads fight for prohibition, 604; campaign of against Patterson, 606; death of, 606, 607
Carmichael, Daniel, 222
Carnes, Gen. Samuel T., re miners' strike, 577, 578
Carnes, Lieut. W. W., 513
Carpet-baggers, 537
Carr, John, 330, 331
Carrick, Rev. Samuel, 223, 329
Carroll County, history and statistics of, 886-887
Carroll, Gen. W. H., 473
Carroll, Gov. William, re treaty of removal, 258; re great seal, 299, 301; re expedition to New Orleans, 312; nail store of, 337; appointed general, 337; re duel with Jesse Benton, 337; re Natchez expedition, 338; re battle of Tallushatchee, 346; re battle of Talladega, 347; re enlistments, 352; re battle of Enotachopeo, 353; re battle of Tohopeka, 355; re New Orleans campaign, 364 and note; brings first steamboat to Nashville, 371; re Miss.-Tenn. line, 387; first series of administrations of, 395-399; sword voted to, 396; second series of administrations of, 403-404; recommendations of to legislature, 403; defeated by Cannon, 407; 415; re internal improvements, 443, note; re banking, 455; re temperance, 602
Carter and Lucas, 88
Carter County, erected, 275; history and statistics of, 809
Carter, Daniel F., 555
Carter, Elizabeth, 154, note
Carter, John, delegate to N. C., 62; 67, 69, 88; demands redress from Cherokees, 72; statement re, 83; 252
Carter, Maj. John, re Sevier's land transactions, 303, 304, 305
Carter, Gen. John C., fatally wounded at battle of Franklin, 508, 513
Carter, Gen. Landon, 72, note; 119, 120, 149, 156, 250; treasurer, 272; commissioned general, 291; died, 295
Carter, Mary, 570
Carter, Gen. Samuel P., 513, 514
Carter Shoe Co., strike at, 689
Carter's Creek Turnpike, 740
Carter's Valley Settlement, 67, 68, 72, 75; under Va., 73; re petition of, 78; invaded by Cherokees, 89, 164, 166
Carter, William R., 405; pres. const. convention of 1834, 406 and note; re bridge burners, 475
Cartwright, Robert, 106, 179, 728
Caruthers, Ezekiel, 219
Caruthers, Gov. Robert L., 468; elected gov., 521
Cass, Lewis, 422
Castalian Springs, 43, 103
Casteel, Elizabeth, 239
Casteel family, murder of, 239
Castleman, Abraham, 116, 188, 219, 243
Castleman, Hans, 219
Castleman, Jacob, 218, 219 and note
Castleman, Joseph, 218, 219 and note
Caswell County, 120
Caswell, Gov. Richard, 129, 185; re state of Franklin, 130
Caswell, Gen. William R., 473
Catawbas, 45, 46
Categiskey, chief, 204
Cates, Gen. Chas. T., Jr., re speech of in Cooper trial, 608; re Tenn.-N. C. boundary line, 626
Cates, Thos., 548
Catholic church, at Bardstown, Ky., 293
Catholics, 333
Catron, Judge John, 418
Cave City, 485
Cavett, Alexander, 224
Cavett, Alexander, Jr., 224, 234
Cavett's Station, destroyed, 151, 223, 224
Cedar Springs, 91
Celts, 28, 31
Census, table of, re states surrounding Tenn., 35; taken for legislature, 152; taken for statehood, 154, 155; of 1810, 337; of 1820, 371; of 1830, 403
"Centennial Dream, A," 587
Centennial Park, 587
Central Basin, the, 23
Central loan system, 454
"Century of Errors, A," 587
Cession act, first, 119; second, 144-147; accepted by U. S., 147-148; re land troubles, 313
Chabaud, Prof., 292
Chalmers, Gen. J. R., 481
Chalmette, plain of, 365
Champlin, Rev. James, 415 and note
Chapman, Thomas, 120
Charles I, 33
Charles II, grant of, 379
Charleville, M., re store at French Lick, 42, 43, 55
Charley, Capt., 208, 211, 222, 227
Charleston, Cincinnati and Louisville R. R., 446
Charlton, C. W., Com. Immigration, 555
Chateau-Thierry district, 638
Chattahoochee, 167
Chattanooga, siege of, 499-500; history of, 814-817; meaning of, 814
Chattooga, 220
Cheairs, Capt. E. M., 481
Cheairs, Maj., N. F., at Fort Donelson, 478; home of, 747
Cheatham, Archer, 555
Cheatham County, history and statistics of, 843
Cheatham, Gen. B. F., 438, note; in Civil War, 473; at battle of Belmont, 475; 481; at battle of Perryville, 486; joins Gen. J. E. Johnston, 511; 513; re memorial to legislature, 539; candidate for congressman at large, 555
Cheatham, Maj. Frank, in Spanish-American War, 589
Cheatham, Lieut. Joseph, in Spanish-American War, 590
Cheatham, Richard, 406
Cheatham, Richard B., refuses oath of allegiance, 516
Cheat Mountain campaign, 512
Cherokee Club, 132
Cherokee Ford, 91, 95, 96
Cherokee Invasion of Holston, 163-167
Cherokee Path, 44, 55, 710
Cherokees, habitat of, 16, 157, 158; re Fort Loudon, 44, 47, 48; Overhill Cherokees, 44, 46; re traders to, 55; complain of encroachments, 58; friendly to Watauga, 61; lease of to Watauga, 61, 79; lease of to Brown, 61; re N. C. line, 67; re Robertson, 71; treaty of with Va., 75; treaty of with Donelson, 78; sale of to Watauga, 79, 88; re Henderson & Co., 85-88; re sale to Brown, 88; invade Watauga, 89, 163-167; re Avery's treaty, 90; trouble Cumberland settlement, 108, 116, 171; plan attack on Watauga, 118; re treaty of Nashborough, 133, 134; re treaty of Holston, 150; attack Buchanan's Station, 151, 214, 215; destroy Cavett's Station, 151, 223, 224; appearance and character of, 158; under Attakullakulla and Oconostota, 157-163; attacked by Sevier, 169; invade Cumberland, 175-182; invasion of hunting grounds of forbidden, 204; treaties with, see treaties; removal of, 258, 259, 431-433; re surrender of lands, 368; advancement of, 432
Cherokee Spring, 133, 175
Cherry, O'Connor & Co., lease convicts, 576
Cherry, Mrs. W. H., 481
Chester County, history and statistics of, 887
Chester, Col. Robert I., 887 and note
Chestnut Bill, the, 600, note
Chestua, 165
Chiaucunsene, see Dragging Canoe
Cheulah, 161
Cheves, R. S., 592, 594
Chew's History of Nashville, re Hume-Fogg School, 720
Chiachattalla, see Kiachatalee
Chickamauga, 165; abandoned, 170, 180; battle of, 494-498, 494, note; monuments at, 497, 498

Digitized by Google

Chickamaugas, 45, 62, 196; trouble Cumberland Settlement, 116, 150, 171, 172, 175-182; attacked by Sevier, 118, 119; attack Buchanan's Station, 151; rise of, 167-170; attacked by Shelby, 168; attack Holston, 175-180; re Brown tragedy, 197-201; attacked by Martin, 202; declare war, 212; Nickajack expedition against, 238-244
Chickasaw allies, 244-250
Chickasaw Bayou, battle of, 511
Chickasaw Bluffs, 41, 206, 375
Chickasaw Island, 256
Chickasaw Purchase, 371, 374
Chickasaws, habitat of, 19; re treaty with, 38; trouble Cumberland Settlement, 108, 116, 170, 171; friends of Cumberland, 116; re treaty of Nashboro, 133; re treaty of Hopewell, 134; re treaty of Holston, 150; invade Cumberland, 170, 175; re Coldwater expedition, 185, 186, 187; conference of, 210, 232; allies against Creeks, 244-250; entertained at Nashville, 248; treaties of, see treaties
Chickasaw Trace, 186, 723
Childers, Col. Gracey, in Spanish-American War, 589
Child labor law, 615
Childress, William G., 406
Chilhowey (Chilhowee), 44, 161, 195
Chinnabe (Chinnubbe), chief, 254, 345, 756
Chisca, cacique, 375
Chisca Mound, 762
Chischester, Sir Arthur, re Scotch race, 36
Chisholm, Capt. John, 211, 237, 281, 289
Choctaws, habitat of, 19; trouble Cumberland Settlement, 108, 116; re treaty of Holston, 150
Cholera, 556
Choragic monument of Lysicrates, 430
Chota Ford, 193, 194
Chote (Chota), 44, 45, 49, 50, 102, 161, 162, 165, 169, 211
Christian Church, 333
Christian, Rev. John, 329
Christians (Disciples), 333
Christian, Col. William, expedition of against Cherokees, 89, 162, 167, 168; re death of, 193
Chunelah, chief, 226
Churches, earliest, 329, 330
Circuit judges, 334, 337
Cisco, J. G., 136, note
Cist, Gen. H. M., 499
Citico, 161, 203
Civic Misdoing and the Alden Ring, 541-542
Civil Divisions of Tenn., 27
Civil, Jack, 179, 731
Civil government restored, see reconstruction
Civil War, see War between the States
Clabo, Sen. E. N., tried for bribery, 695
Clack, John, 156
Clack, Spencer, 156
Claiborne County, erected, 296; history and statistics of, 809, 810
Claiborne, Col. J. F. H., 302, note
Claiborne, William C. C., 156; superior judge, 272; representative in Congress, 293; gov. of La., 363; Jackson's letter to, 363, 364
Clarion, The, 293
Clark, Col. Elijah, goes to Watauga, 91
Clark, Lardner, 135
Clark, George Rogers, 67, 86, 103, 141, 168, 171, 374
Clarke, Gen., in Civil War, 475, 481
Clay County, history and statistics of, 843-844
Clay, Henry, 259; at "Great Whig Convention," 412 and note; re rivalry with Jackson, 416, 417; in 1844, 421; against annexation of Texas, 422
Cleaveland, Col. Benj., 93, 96, 97, 98
Cleburne, Gen. P. R., 485; re St. John's, 744
Clemens, John M., 852, 853, note
Clemens, Samuel (Mark Twain), 852, 853, note
Clements, 225
Clendenning, Mrs. James, 217
Cleveland, Pres. Grover, 564; at Belle Meade, 723
Clinch River, 56, 57, 72
Clive, Gen., 506
Clothing, of pioneers, 321, 322
Cloud's Creek, 104
Clover Bottom, 108, 176, 310, 730
Coal Creek, strike, 577, 596
Cobb, Howell, 531
Cobb, Robert L., 396, 406
Cobb's battery, 488
Cobb, William, 149
Coburn, Col., surrenders, 493
Cocke County, erected, 293; history and statistics of, 810
Cocke, Gen. John, 337, 345 and note, 347, 348, note, 353, 371
Cocke, William, 119, 121, 129, 149, 152, 155, 193, 194, 293, 309, 334; elected U. S. Senator, 272, 277, 294; re admission of Tenn., 276; re taxation, 278; re great seal, 297; impeached, 337; re Tenn.-Ga. boundary line, 386
Cockrell, Moses, 229, 230
Cockrill, Gen., wounded at battle of Franklin, 508
Code, Cooper's, 468
Coffee County, history and statistics of, 844-847
Coffee, Gen. John, re duel with McNairy, 309; re Natchez expedition, 312, 338 and note; re Jackson-Benton affray, 337; in Creek War, 344-359; re battle of Tallushatchee, 346; re battle of Talladega, 346, 347, 351; re battle of Emuckfau, 352; re battle of Enotachopco, 353; re battle of Tohopeka, 354-358, 360; letter of to wife, 356; in New Orleans campaign, 360-367
Coffee, Mrs. John, 352
Coffey, 107, 388
Colbert, Col. George, 232, 292, 386
Colbert, Gen. William, 244, 247, 248, 249, 254
"Colbert gang," 134, note
Colbert's Ferry, 186, 344
Colby, Bainbridge, 691
Cole, Col. E. W., re Murfreesboro, 491; re Industrial School, 571
Coleman, E., re Sam Davis, 753
Coldwater Creek, 186
Coldwater Expedition, The, 136, 185-187
Coldwater Settlement, 182-187
Collierville, battle of, 503
Collinsworth, Edward, 208
Collinsworth, James, 208
Colonial Dames, Tenn. Society of, 44
Colonists, see Settlers
Columbian Highway, see Natchez Trace
Colyar, Col. A. S., for Confederate Congress, 52; re Alden gang, 541-542, 559; atty. for H. Clay Evans, 581
Commerce, development of, 326
"Commissioners Line," 117
Committee of Thirteen, see Watauga Ass'n
Compact of 1806, 776, 779
Compromise bill, the, 441
Compromise bonds, see State debt
Compulsory primary law, 626, 630
Compulsory school law, 920 and note
Condition of Tennessee Found by Early Explorers, 51-53
Condon, M. J., 564
Confederacy, provisional const. of, adopted in Tenn., 472
Confederate Cemetery, 508
Confederate Congress, 521
Confederate pensions, 575, 614, 691
Confederate Soldiers, attitude of, after war, 527, 528
Confederate Soldiers Home, 572, 614, 731
Confederates, disfranchised, see Elective franchise
Confiscation Act, 520
Congress, committee of, re Indians, 239, 240; re acts of, re pensioners, 260
Congressional Districts, 275, 308, 337, 395, 415, 473, 555
Congressional Line, The, 315, 317, 373, 374, 755-756
Congressional Reservation, 315, 318
Connely, 387, note
Connolly, M. W., re Cooper trial, 607
"Conquest of the Old Southwest," 63
Conrad's salt boat, 232
Consolidation of schools, 920 and note
Conspiracy, Spanish, see Spain
Constitution, of the U. S., re origin of, 32; of state of Franklin, 120, 121; of 1796 adopted, 156; re great seal, 297, note, 298; of 1834 adopted, 407; of Confederacy, 472; of 1834 and 1870 compared, 552; new provisions of Constitution of 1870, 553; ratified by people, 557; of 1796, 906-914; of 1834, 915-930; of 1870, 931-952

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Constitutional Convention, of Franklin, 121; of 1796, 155-156; members of to draft constitution, 156; of 1834, 404-406; members of 1834, 405-406; of pro-Union men (1865), 525; of 1870, 550, 551-553; proposed, 687
Constitutional Union Party, 469
Contents, table of, vii-ix
Continental Line, re pay for soldiers of, 756-757
Convention, great commercial, 434-437; of Nashville (1850), 440-441; re secession voted on, 469, 471; Union against secession, 472; of 1863, 521; called by Union State Committee (1864), 524; for constitutional amendment, 525 and note, 526
Convicts, leased, see penitentiary
Conway, Gen. George, elected major gen., 275, 293; death of, 302, 303
Coody, Archy, 105, 106, 213
Cooper, Col. Duncan B., re Carmack, 607-609
Cooper, Edmund, 555
Cooper, Henry, elected U. S. Senator, 555
Cooper, Capt. James, 229
Cooper, Gen. Joseph A., 513; candidate U. S. Senator, 534; commands state guard, 540
Cooper, Noah, 697
Cooper, Robin, re Carmack, 607-609
Cooper, W. F., 16
Cooper, William F., re code, 468
Cooper, Wm. P., speaker, 622
Coosa, 169
Coosawater, 200
Coosawdas, 219, 220
Cornell, Alexander, 249
Cornwallis, Lord Charles, success of, 91
Corn Tassel, see John Watts
Corruption, of Brownlow regime, 543
Cosby (Cozby), Dr. James, 131
Coteatoy, 197, 198, 199, 212
Cotton gin, re purchase of patent right to, 309
Cotton, John, 106
Counterfeiting, punished, 451, 452
Counties of Tennessee, 804-902
County courts, 337
County guards, 538
County officers, on salary, 629, 630 and note
Courtney, W. W., 740
Courts, established, 117, 134
Coussan, Rev. John, 329
Cowan, Dr. J. B., statement of, re Forrest's quarrel with Bragg, 498, 499 and note
Cowan, Ned, 103
Cowpens, 93, 95
Cox, 56
Cox, Gov. John I., speaker, 597; gov. 597; administration of, 597-598; defeated for nomination for gov., 599
Cox labor law, 600
Cox (Coxe), Zachariah, re settlement at Muscle Shoals, 151, 196, 293
Coytmore, Capt., 48
Coytoy (Coyatee), treaty of, 130, 193, 211, 253, 277; 194, 203, 208, 211, 212, 233
Crabtree, Col. W. R., speaker, 628; defeated by Roberts, 689
Cragfonte, 369
Craig, David, 155
Craig's Station, 203, 711
Craighead, Rev. Thomas B., 135, 329 and note, 331; 340
Crawford, Rev. Edward, 329
Crawford, Capt. John, 155, 229
Crawford, G. W. S., State Supt. Public Instruction, 562
Creeks, habitat of, 19; trouble Cumberland settlements, 116, 150, 171, 175, 182-187, 207; hostility of, 150, 187; capture Zeigler's station, 151; attack Buchanan's station, 150, 214, 215; destroy Cavett's station, 151; continue the war, 215-220; war of against Chickasaws and Cumberland, 244-250; treaty of capitulation of, 256; re war with, 337-360; end of Creek War, 358-360
Creek War, 339-360
Crenshaw, Daniel, 393 and note, 394
Creswell, Edward E., re Edgington and Estes, 627
Creswell, William, 166
Creveling, J. G., Jr., 449, note, 702
Crittenden, Gen. George B., 475, 476
Crittenden, John J., 380
Crittenden, Gen. T. T., 485, 488
Crockett County, history and statistics of, 888
Crockett, David, 64; re Cherokees, 259; re Jackson, 306; settles on Obion River, 375; M. C., 403; opposed to Jackson, 417
Crooked Creek, 229
Cross, Maclin, 406
Crow, 170
Crowe, J. T., re Ku Klux Klan, 537
Crozier, John, 452
Crutcher, Anthony, 246
Cruzat, M. François, 136
Cuba's wrongs, 589
Cumberland College, 135, 309, 334
Cumberland Compact, 78, 107-113; statement of Putnam re, 109; in full, 109-113; re authorship of, 113-114; government under the, 114-115
Cumberland County, history and statistics of, 810-811
Cumberland District, Congressional, 275
Cumberland, Duke of, 55 and note
Cumberland Gap, discovered, 55, 57, 104; captured, 487
Cumberland Mountains, discovered, 55
Cumberland Presbyterian Church, organized, 333
Cumberland Presbytery, 332
Cumberland River, discovered, 55, 57, 107
Cumberland settlement, iii, 69, 102-116; migration to from East Tenn., 104-108; sufferings in, 115-116; harassed by Spain, 134-143, 187-191; development of, 134-135; convention of, re separation from N. C., 142; invaded by Indians, 170-175, 206; re committee of on treaty (1783), 174; harassed by Indians, 151, 175-182, 206, 216-220
Cumberland Road, 312
Cumberland Table Land, 23
Cumberland Turnpike Co., 442
Cumming, Sir Alexander, re name "Tennessee," 51, 158; visits Cherokees, 158, 251
Cummings, Rev. Charles, 78, 166, 329
Cummings, Col. D. N., 476, 481
Cummins, Hiram F., road com., 555
Cunningham, Lieut. James, 227
Cunningham, John T., Jr., speaker, 600
Currey, Chas. E., sec. Tenn. Centennial Exposition, 584
Currin, D. M., for Confederate Congress, 521
Curtis, John, 232, 233
Customs, early, 318-325
"Cymbling seal," 297 and note
Dale, Gen. Sam, 237, 238
Dallas, Alexander B., 282, 284
Dallas, George M., 422
Damocles, 33
Damon and Pythias, 376, note
Dandridge, battle of, 500
Dardis, George, re capitol, 429, 430
"Dark and Bloody Ground," 88
Dark Days, The, 115-116
Dartmouth, Earl of, 58, 68
Daughters of the American Revolution, re Boone tree, 57; dedicate memorial to state of Franklin, 132; re block-house at Knoxville, 153, 587
David and Jonathan, 376, note
Davidson Academy, 135, 309, 721, 722
Davidson County, erected, 117, 133; courts of pleas and quarter sessions of established, 117; takes no part in state of Franklin movement, 119; organized, 149; delegates of to constitutional convention (1796), 155; aids Tenn. Centennial Exposition, 584; re spirituous liquors in, 602; aids state memorial building, 686; markers of, 714-738; history and statistics of, 847-848
Davidson, Gen. H. B., 513
Davidson, Hugh, re Gen. W. L. Davidson, 847
Davidson, Gen. William L., 117, 847
Davis, Commodore, 482
Davis ford, 747
Davis, Jefferson, 465; to Gen. A. S. Johnston, 480; re charges against Gen. Polk, 500; re Tenn. campaign, 500 note; re letters of Forrest, re attacking Sherman's connections, 506, 531; home of in Memphis, 769, 770
Davis, Ensign John, 218, 219, note
Davis, Sam, statue of, 431, 751; executed, 500; sketch of, 750-754
Davy, William, 288
Dayton, William L., 467

Digitized by Google

Deaderick, George M., 451
Deaf and dumb, school for, 434, 755
Dearborn, Henry, to Robertson, 254; treaty of, 255; report of, re admittance of Tenn., 276
Death penalty, 626
Debt, state, see state debt.
Decatur County, history and statistics of, 888-889
Declaration of Independence, 31, 32
Deems, Dr. Chas. F., 556, note
Defeated Creek, 190
Defeat of the Indians and Avery's Treaty, 89
DeKalb County, history and statistics of, 848-851
Delaware Indians, 108; trouble Cumberland settlement, 116, 171, 175
Demere, Capt. Paul, 46, 49, 50
Democracy in America, iii
Democrats, convention of (1844), 423; disturbed by Brownlow's violent language, 539; meeting and memorial of, 539; split in 1880, 545; convention of (1874), 557; convention of (1876), 558; convention of (1878), 559, 560; convention of (1880), 561; convention of (1882), 563; convention of (1890), 574; convention of (1892), 579; convention of (1914), 621; convention of (1920), 689
Demonbreun, Timothy, 43, 234
Dennis, Gen. E. S., parole com., 511
Denton, Jonathan, 186
De Peyster, Capt. Abraham, 99
Deratte, 214
Desha, Joseph, 218
Desha, Robert, 403
Des Johnnes, Baron, 47
De Soto, Hernando, 38-41; 157, 375, 762
Desperadoes, see Tennessee desperadoes
Development of Temperance and Prohibition in Tenn., 601-605
Development of the Cumberland Country, 134-135
DeWitt, John H., address of, re Fort Loudon, 44-50; re authorship of Cumberland Compact, 114; re Sevier's diary, 302, note; wins prize in historical contest, 587
DeWitt's Corner, 90, 167
Dibrell, Gen. George G., in Atlanta campaign, 512, 513; re memorial to legislature, 539
Dibrell's brigade, in Atlanta campaign, 512
Dibrell's Hill, 500
Dickinson, Charles, re duel with Jackson, 309, 310-312; re grave of, 723
Dickinson, Judge J. M., 723
Dickson County, erected, 308; history and statistics of, 851-852
Dinsmoor (Dinsmore), Silas, com. Chickasaw and Creek treaty, 254, 281, 283, 756
"Direct Tax bill," 685
Disfranchisement, see elective franchise
Dismukes, W. C., speaker, 575, 580
Disposition of the General Government toward Tenn., 530
Distinguished Service Cross, list of those to whom given, 641-646
Distinguished Service Medal, to Gen. Tyson, 636
District of Salisbury, 839, note
Ditto's Landing, 345
Divisions of Tenn., natural, 20; civil, 27
Dix, Dorothea Lynde, 404, note
Dixon, Maj. Tilman, 293
Doak, Col. H. M., re Sevier's diary, 302, note; 513
Doak, Dr. Samuel, re Martin Academy, 90; at Sycamore Shoals, 92; first minister in Tenn., 329
Doak, Dr. W. S., state supt. public instruction, 562 and note
Dobbs, Gov. Arthur, 45, 47, 252
"Dr. Gunn's Domestic Medicine," 830
Dodge, Gen. G. M., 493; headquarters of, 750; interviews Sam Davis, 753-754
Doe River, 92
Doherty, 55
Doherty, Col. George, 152, 155, 202, 355
Donahoe, 191
Donelson, Maj. Alexander, 352 and note
Donelson, Maj. Andrew Jackson, 310, 440; candidate for vice-president, 467; home of, 731
Donelson, Gen. Daniel S., in Civil War, 473; in service in Va. and S. C., 512, 513
Donelson, Col. John, 68; treaty of, 78, 87, 133, 174; re Cumberland settlement, 102; voyage of to Cumberland, 104-108; diary of, 104-108; elected lieut. col., 114; leaves for Ky., 110, 180; attack on at Clover Bottom, 175, 176, 179; 310, 379; re Clover Bottom farm, 731
Donelson, Capt. John Jr., 179
Donelson, Severn, 244
Donelson, Stockly, 149, 153
Donelson's Station, 108, 170, 176
Dorris, Mrs. Mary C., 395, note
Doublehead, Chief, 221, 222, 223, 224; with The Bench, 229; operations of, 232-238; re Cavett's Station, 234; re treaty, 236, 237; death of, 237, 238; 246
Douglas, Dr., 403
Douglas, Capt. Bruce, 637
Douglas, Chas. D., 591
Douglas, Col. Edward, 136, 156, 293
Douglas, Stephen A., 468, 469
Douglas, W., 156
Douglass, Burchett, 405
Doyle, Lt. Com. Robert M., 590
Dragging Canoe (Cheucunsene), re Henderson purchase, 87, 88, 170, 202; re attack on Heaton's Station, 89, 164-166; at Chickamauga, 89, 90, 169; at Nickajack Cave, 170; re death of, 203; 208, 211
Drake, Benjamin, 186
Drake, Joseph, 103
Drake, Miss Susan, 718
Drake's Lick Creek, 135, 151
Draper manuscripts, 380
Dromgoole, Miss Will Allen, re Melungeons, 791
Dudley, Mrs. Guilford, 689
Duel, proposed between Jackson and Sevier, 305 and note, 306; between Coffee and McNairy, 309; between Jackson and Dickinson, 309, 310-312; between Carroll and Benton, 337; between Houston and White, 398, 399; between Marling and Zollicoffer, 442
Dueling, law against, 296, 305, note
Dulaney, Ben F., 595, note
Dumouriez, Gen., 292
Dumplin Settlement, The, 192-196; re State of Franklin, 194; treaty of, 253, 278, 315
Duncan, 56
Dunham, Col., 492
Dunham, Capt., 59
Dunham, Joseph, 723
Dunham, Mrs. Joseph, 180
Dunlap, Hugh, 388
Dunlap, Porter, 698
Dunlap, Gen. R. G., 415, 444
Dunmore, Earl of (John Murray), 58; re Watauga Ass'n, 68; 252
Dunmore's War, 85, 86, 163, note
Dunnington, Lieut. Jno. W., 513
Dupeister, Capt., see De Peyster, Capt. Abraham
Durant, Benjamin, 200
Durant, Sophia, 200
Durrett Collection, 138, note
Dussart, Capt., 97
Duty's Stern Demand, re battle of Franklin, 748
Dyas, Robert, 347, note
Dyer, Lieut.-Col., 347
Dyer County, history and statistics of, 889
Dyer, Dr. Gus. W., nominated and rejected as state supt. public instruction, 612; 697
Dyer, Joel, 292
Dyer, Robert H., 443
D'Yrugo, Chevalier, 288

Earle, R. E. W., re Spencer's Sycamore, 235
Earliest Established Churches and Ministers, The, 329-330
Earliest People of Tenn., 27; religions of, 326
Early, Sergt. Bernard, 646
Early customs, 318-325
Early Efforts of the White Man in Tenn., 38-50
Early Hunters and Their Hunting Ground, 51-62
Early settlers, 63; character and origin of, 64-67; customs of, 318-325; clothing of, 321-322
"Early Times in Middle Tenn.," 330
East, E. H., sec. state, 516; performs duties of gov., 526; declines nomination for

Digitized by Google

gov., 560; prohibition candidate for gov., 580
Easten, John, 246
Eastin, Wm., 451
Eastman, E. G., 411
East Tennessee, valley of, 20; counties of, 27, 804, 804-840; early settlement of, 60-62; growing settlements of, 118; re treasurer of, 337; troops of in Creek War, 345, 346, 347; against secession, 472; in Federal army, 474; held by Confederates, 487, 494; operations in (1863-1864), 500-503; destitution in acct. war, 501, 503; movement to make independent state of, 523
East Tenn. & Ga. R. R. Co., 445
"East Tennessee and the Civil War," 500, note
East Tennessee College, 309
East Tenn. State Normal School, 789
East Tenn., Va. & Ga. R. R., 445
Eaton, John H., re Natchez expedition, 338, and note, 339; re Jackson's handling of meeting, 848, note; re Tohopeka, 354; re Jackson at New Orleans, 364; home of, 740
Eaton, John H. Jr., State Supt. Public Instruction, 783
Eaton's Station, 108, 170, 172, 180
Eaton's Station (Heaton's in East Tenn.), see Heaton's Station
Eccles, Joel, 208
Edgington, Judge Jesse, impeachment of, 627
Education, 154; beginning of public, 403, 779, 780; re school fund, 452; in Brownlow regime, 532; in 1870, 553; advanced by Gov. Porter, 559; in R. L. Taylor's administration, 571; re secondary schools, 576; Chestnut Bill, 600, and note; the general education bill, 609, 610, 620, 624; re compulsory school law, 620; re consolidation of schools, 620; legislation, re in Roberts' administration, 684, 685; in Tenn., 775-790; re lands, 776, 779, 780; re academy system, 780; influence on of constitution of 1834, 780-782; re Bank of Tennessee, 781; re first taxation for, 782; aspects of immediately after war, 782, 783; re school law of 1873, 784, 787; developments of after 1873, 787, 788; important institutions of, 788-789
Edwards, Col. R. M., nominated for gov., 560, 561
Eighteenth Amendment, U. S. (prohibition) ratified, 605
Election acts, controversy over, 610
Elective franchise, act of, 529, and note; act of causes irritation, 531; re disfranchisement, 532, 539; re negroes voting, 533, 535, 536, 539; "ordinance" of Judge Lea, re, 539, 540; positions of Gov. Senter and Col. Stokes, re, 549; act of 1869, re, 551; predominant question before constitutional convention of 1870, 552, 553
Elk Hollow, 93
Elkins, Lewis Emerson, re Edgington and Estes, 627
Ellet, Mrs. Elizabeth F., 201, note
Ellet, Cadet Chas. R., re raising Union flag at Memphis, 773
Elliott, Gen., 500
Elliott, Andrew, re DeSoto, 762
Elliott, Dr. C. D., 438, 724
Elliston, Joseph T., 429
Ellsworth, re treaty, 258
Emancipation Proclamation, 147, 520-521
Emigration, see Immigration
Emmerson, Thomas, 452
Emmuckfau, battle of, 352, 353
Encyclopaedia Americana, 386
England, re scheme of Wm. Blount, 280, 281; re employment of Indians in war, 339, 340
Engleman, The, 31, 32, 33, 34, 36
English Race, The, 28, 29, 31, 32, 33, 34, 35, 36, 37
Enloe, Col. B. A., sec. State com. St. Louis Exposition, 596; 612
Enotachopco, battle of, 352, 353
Episcopalians, 333
Equal Suffrage, struggle for, 625, 626; 689, 690, 691
Erectheum, 430
Ervin, Andrew, 115
Erwin, James, 415
Erwin, Capt. Joseph, 311 and note
Eskaqua (Clear Sky), Gen., see Bloody Fellow
Eskridge, John, 186
Eskridge, Moses, 186
Espey, George, 236
Establishment of Religious Denominations in Tennessee, 326-333
Estanaula, 194, 202, 204, 206; council at, 212; 224
Estatoe, 48
Estenaula, battle of, 503
Estes, Joel, 375
Estes, Z. Newton, impeachment of, 627
Etchoe, 48
Etheridge, Emerson, 418; and other Unionists try to hold election, 521, 522; candidate for gov. against Brownlow, 533; re speeches of, 546; nominated for gov., 560
Etowah, battle of, 151
Eufaula, 354
Evans, Col. H. Clay, contests election of Turney, 581-582
Evans, Maj. Nathaniel, 188, 224, 225, 246
Evans, Robert, 189
Eve, Dr. Paul F., 473
Everett, Edward, re Cherokees, 259; nominated for vice-pres., 469
Everglades, The, 416
Ewing, Andrew, 149, 465 and note
Ewing, Edwin H., 430, 787, note
Ewing, Finis, 332, 333
Ewing, Henry, 408, 458
Ewing, Judge Robert, 465, note
Ewing, Z. W., speaker, 570
Explorers and Hunters, 55, 56

Fagot, 142
Fain, Gen. R. G., in Civil War, 473
Fair, first in state, 293
Fair Price Committee, 635
Fairview, home of Isaac Franklin, 768
"Falling exercise," in revivals, 331
Fall of Franklin, The, 130-131
Fanning, Edmund, 73
Farley, John W., re Bolshevism, v
Farmers' Alliance, The, 574
Farmers and Laborers' Union, 574
Farmers and Mechanics Bank, 455
Farquharson, Maj., 437
Farragut, Admiral David Glasgow, 500, note; 504
Farragut, George, 149
Farris, Elisha, 228
Farris, Nancy, 228
Faulen, William, 165
Fayette County, history and statistics of, 890
Fayetteville Bank, 455
Federal aid to Tenn. highways, 448-449
Federal Fuel Administration, 635
Federalists, 276, 416; oppose admission of Tenn., 280
Federal laws effective in Tenn., 279
Federal Reserve System, 464
Federation of Labor, 686
Feild, Col. Hume R., re Ku Klux Klan, 537
Fellow-Servants bill, 626
Fentress County, history and statistics of, 852-853
Fentress, Col. James, at battle of New Orleans, 366, note
Ferguson, Kenneth, 42
Ferguson, Col. Patrick, 91; warns Holston men, 92; movements of before battle of King's Mountain, 94, 95; death of, 97
"Fiddle and the Bow, The," 573
Fields, George, 214
Fifty-Fifth Field Artillery Brigade, The, activities of, 637
Fifty-Ninth Depot Brigade, 637
Filibustering, in Tenn. politics, 620
Filipino flag, captured, 590
Fillmore, Millard, 467
Fincastle County, 71 and note, 78
Findleston, Richard, 214, 224, 241, 243
Findley, John, 57
Finley, Jesse, 416
First capitol, 707
First courthouse, of Giles County, 754; of Maury County, 741
First Presbyterian Church, Knoxville, 285, 329, note; 707, 708
First settlers, 63, 71
First Tenn. Field Artillery Regiment, 637
First Tenn. Infantry, 637
First Tenn. Regiment, in Spanish-American War, 589, 590; return of, 590

Digitized by Google

Fishing Creek, battle of, see Mill Springs
Fish-ponds, 354
Fisk, Moses, historical sketch of Tenn., of, 59; biographical sketch of, 59, 60; his "Summary Notice of the First Settlements Made by White People Within the Limits Which Bound the State of Tennessee," 60; re laws of Watauga, 76, 78; 151; Com. Survey of Tenn.-Va. line, 301, 302
Fisk Female Academy, 60
Fisk University, 738
Fitzgerald, William, 375
Fitzhugh, G. T., 612; candidate for U. S. Senator, 697, 698
Fitzpatrick, Morgan C., 582; State Supt. Public Instruction, 591
Five Civilized Tribes, The, 259
Five Lower Towns, 182
Flag, see State flag
Flat Creek Settlement, 228
Flats, The, 166
Fleming, Col. John M., re nomination for gov., 559; State Supt. Public Instruction, 784
Fletcher, A. J., 463; sec. State, 546; opinion of changed re franchise act, 547
Flint, re Indians, 19
Flint Hill, 93
Flint's Geography, 330
Flood, John, 197
Florida, ceded to U. S., 373, note
Florida War, see Seminole War
Floyd, Gen., in Creek War, 352
Floyd, Gen. John B., 475; at Fort Donelson, 477-479
Fogg, Francis B., 406, 424, 720
Folk, Reau E., 613
Fool Charley, 222
Fool Warrior, The, see Abraham Castleman
Foote, Commodore A. H., 477, 479
Foote, Henry S., for Confederate Congress, 521
"Force bills," 618
Ford, Henry, re Muscle Shoals, 698
Ford, Col. James, 136, 152, 156, 185, 240
Foreword, iii
Forked-Horn Buck, The, 225, 226
Forrest, Gen. Nathan Bedford, at Fort Donelson, 478; at Nashville, 479; at Shiloh, 481; captures Murfreesboro, 485; before Nashville, 487; in West Tenn., 491-492; captures Humboldt, Trenton, Union City, Dresden, 492; joins Bragg, 492; re attack on Dover, 493; captures Brentwood and Harpeth Stockade, 493; pursues and captures Streight's raiders, 493-494; at Chickamauga, 497; quarrels with Bragg, 498-499; defeats Federals in East Tenn., 498; transferred to West, 499; operations of in Tenn. in 1864, 503-507; in Miss. and West Tenn., 503, 504, 505; captures Fort Pillow, 504; enters Memphis, 505, 770; raids of into West Tenn. (1864), 505; raids of into North Ala. and Middle Tenn., 505-506; captures Johnsonville, 507; succeeds to command of rear guard in retreat from Nashville, 511; 513; re memorial to legislature, 539; re Johnson's candidacy for U. S. Senator, 557; birthday of made a holiday, 692, 693; encounter of with Lieut. Gould, 745, 746; residence of, 769; house in which he died, 773; death of, 773
Forrest, Col. Jesse A., 773
"Forrest's navy," 507
Fort, Stockade, how built, 325
Fort, William, 153, 156
Forts—
Fort Adams, 375, 766
Fort Anderson, 578
Fort Armstrong, 352
Fort Assumpsion, 41
Fort Assumption, 375, 565
Fort Barrancas, at Pensacola, 373
Fort Bledsoe, 758
Fort Blount, 292, 761
Fort Casino, 737
Fort Chissel, 46
Fort Craig, 711
Fort Deposit, 344, 348, 351
Fort Dobbs, 46, 251
Fort Donelson, 462, 475; captured, 476-479, 479, note
Fort Duquesne, 44, 45, 47
Fort Erie, 367
Fort Ferdinand de Barrancas, 375, 765
Fort Gadsden, 373
Fort Gamble, 710
Fort Gillem, 738
Fort Gillespie, 711
Fort Hampton, 344
Fort Heaton, 89
Fort Henry, 475; captured, 476, 477 and note, 479, 493
Fort Heiman, 507
Fort Houston, 712, 737
Fort Hunter, 712
Fort Ish, 712
Fort Jackson, 359, 360, 372
Fort Jefferson, 116, 171, 174, 374
Fort Lilly, 750
Fort Long Island, 45
Fort Loudon, 43-50; erection of, 46, 162; massacre of garrison of, 49; re "Ball Play," 292
Fort McGaughey, 709
Fort McTeer, 710
Fort Malete, 590
Fort Massac, 247, 249
Fort Mims, massacre of, 340
Fort Moore, 46
Fort Morton, 737
Fort Negley, 736
Fort on the Bluff, 108
Fort Patrick Henry, 90, 104
Fort Pickering, 375, 379, 386, 387, 765
Fort Pillow, abandoned, 482; captured, 504
Fort Prince George, 46; re killing hostages at, 48; 49, 50
Fort Prudhomme, 41-42, 375 and note, 765
Fort Ridley, 325
Fort St. Jean, 292
Fort St. Stephens, 344
Fort Sanders, 500, note
Fort San Fernando de Barancos, 42
Fort Scott, 372
Fort Stanwix, re treaty of, 59, 67, 85, 252
Fort Strother, 346, 347, 348, 352, 353
Fort Sumter, 470
Fort Tennessee, 177
Fort Toulouse, 359
Fort Union, 108
Fort Vincennes, 168
Fort Watauga, re attack on, 89, 165, 166
Fort White, 153, 202
Fort Williams, 353, 354, 358
Foster, Mrs., 228
Foster, A. P., re St. Louis Exposition, 596, 832
Foster, Ephraim H., resigns as U. S. Senator, 411; 412, 418, 423; candidate for gov., 424
Foster, Gen. John G., succeeds Gen. Burnside, 500
Foster, Robert C., 368, 394
Foster, Gen. Robert C. (III), in Civil War, 473
Foster, Rev. Stephen, 707, 708
Foster, Turner S., elected judge and arrested, 519
Foster, Maj. Wilbur F., 635
Four-mile law, 558 and note, 571, 600, 603 note; passed, 604
Fourth Tenn. Regiment, in Spanish-American War, 590
Fowler, James A., defeated for gov., 590, 591
Fowler, Joseph S., comptroller, 516; re U. S. Senator, 555
Fowlks, Henry P., speaker, 560
Fowltown, 372
Fox, Col. J. L., re miners' strike, 578
Franchise act, see elective franchise act
Frankland, 122, 128
Franklin, State of, 69; 118-132; constitution of, 120; legislature of, 120; counties of, 120; currency of, 120; memorial of to Congress, 121; second constitution of, 121, 122-128; re struggle with N. C. for jurisdiction, 129, 130; fall of, 130-131, 144; was its secession justifiable? 132; re Dumplin settlement, 193, 278, 279, 315; treaties of, 253, 315; re seal for, 297 and note
Franklin, battle of, 508, 740, 748
Franklin, Benjamin, 83, 128; appealed to by Sevier and Cocke, 129
Franklin County, erected, 309; history and statistics of, 853-854
Franklin, Isaac, 758
Franklin, Jesse, 256
Franklin turnpike and the Franklin and Springhill turnpike, 739-740
Franklin Turnpike Co., 443

Digitized by Google

Frazer, Gen. John W., 513
Frazier, Senator James B., defeats Judge Campbell for gov., 594; administration of, 594-597; re state mining law, 596, 597; stops miners' strike, 596; reelected, resigns, elected U. S. Senator, 597; defeats Littleton, 597; tribute of to Bate, 597, note; 612
Frazier, Samuel, 155
Frazier, Judge Thomas N., impeached, 532, 594
Free Banking System, 457, 459
Freeland, Capt. George, 115
Freeland's Station, 108, 172; attack on, 116, 173, 727
Freeman, A. A., defeated for gov., 553
Freeman, Capt. J. B., 481
Fremont, John C., 467 and note
French, influence of on Indians, 158, 163; relations of with U. S. strained, 280, 289
French and Indian War, 45, 57
French Lick, see Great French Lick
French Lick and Fort, 724
French traders, 103, 187
Frierson, Samuel, 748
Frierson, William, 748
Froissart, 423
From Patterson to Rye, 600-622
Frontiers, protection of, 275
Fruits, in early Tennessee, 52
Fry, Gen., 476
Fry and Jefferson, 382
Fry, John W., 595, note
Fuller, Capt., 201
Fullerton, Gen. J. S., 494, note, 499, note
Fulton, James, 405
Fulton, Col. John S., succeeds Gen. Bushrod Johnson, 512
Fusionists, in Hooper's administrations, 612, 618
Fussell, J. H., candidate for gov., 563
Fyffe, Col. J. P., re miners' insurrection, 577; in Spanish-American War, 590; in World War, 637

Gaines, Lieut., 356
Gaines, Capt. Ambrose, 637
Gaines, Gen. Edmund P., at Fort Erie, 367; re Seminole War, 372; state votes sword to, 395
Gaines, James S., 371
Gaines, John Wesley, re First Tenn. Regiment, 590
Gains, re Ga.-Tenn. line, 386
Galbreath, John, 155
Gallaher, James, 226
Gallatin, Albert, 277
Galvez, Gov., 383
Gamble's Fort, 710, 711
Game in early Tennessee, 52
Gammon, Richard, 153, 156
Gardner, John A., 412, note, 559
Gardoqui, Don Diego de, re Spanish conspiracy, 138, 139
Garfield and Arthur, 561
Garrett and Goodpasture, 251, 315; re organization of Cumberland Presbyterian Church, 333; re Gov. Turney's first administration, 580-581
Garrett, Gray, 405
Garrett, Dr. W. R., 379
Garrison, A. L., re Gov. A. A. Taylor, 695-696
Gaspar Creek (River), 330, 331
Gasper's Station, see Mansker's Station
Gates, Gen. Horatio, 92, 96
Gayarré Transcripts, 138, note
Gayoso, Gov. Don Manuel, de Lemos, 375, 765
"General Arbitrators," see Government of the Notables
General Assembly, first election of, 271; first session of, 275, 276; first extra session of, 277; fourth, 296; re land acts, 314-318; acts of seventh assembly, 334; acts of (1813), 337; act of re Creeks, 341, 343; acts of (1815), 368; acts of (1817), 371; acts of (1819), 371; re N. C. line, 384; acts of (1821-1827), 395-399; acts of (1827), 399; acts of (1829-1833), 403-404; acts of (1835-1837), 407, 408; acts of (1839), 411-412; acts of (1841), 411; acts of (1843), 415; acts of (1845), 434; acts of (1847), 439; acts of (1849), 439, 440; acts of (1851), 441-442; acts of (1853-1855), 466, 467; acts of (1857), 467; acts of (1859), 468; acts of (1861), 470, 471, 473, 474; act of secession of, 471; act re Army of Tenn., 473; acts of (1865), 529; acts of second session (1865-1866), 531; members of arrested, 532; acts of (1866-1867), 532-533; acts of (1867-1868), 533-534; acts of (1868-1869), 541; corruption of in Brownlow regime, 543 and note; democratic for first time since 1861, 549; acts of (1869-1870), 549, 550, 551; acts of (1870), 553; acts of (1870-1871), 554; acts of (1871), 554; acts of (1872 and 1873), 555; acts of (1875), 557, 558; acts of (1877), 558, 559; acts of (1879), 560; acts of (1881-1882), 562; acts of (1883), 563, 564; acts of (1885), 567; acts of (1887-1889), 570, 571; acts of (1891), 575; acts of (1893), 580; acts of (1895), 581; acts of (1897), 582; acts of (1899), 591; acts of (1901), 592, 593; acts of (1903), 594; acts of (1905), 597; acts of (1907), 600-601; acts of (1909), 609; acts of (1911 and 1913), 611-615; acts of (1915 and 1917), 622-631; acts of (1919), 682-688; acts of (1921), 692-696; acts of (1923), 699-700.
Genesis of the Spanish conspiracy, 138-143
Gentry, John, 197
Gentry, Meredith P., opposed to Jackson, 417; 418, 423, 439; re Gov. Campbell, 441; defeated by Andrew Johnson, 466
Gentry, William, 197
George Peabody College for Teachers, 135, 139, note; beginning of, 559; aid to, 575, 581, 587, 609, 722, 785, 787, 790
George III, see King George III
Georgia, attitude of toward Cherokees, 257, 258
Georgia-Tenn. boundary line, 385
Germans, U-boat warfare of, 635
Gibbs, Gen., at battle of New Orleans, 365, 366
Gibson, 184, 190
Gibson, Gen., 488
Gibson, Capt., 202
Gibson County, history and statistics of, 890-891
Gift, Lieut. Geo. W., 514
Gilbert Town, 93, 96, 98
Gilbreath, S. G., State Supt. Public Instruction, 581
Giles, Gov. Wm. B., 754, 854 and note
Giles County, erected, 334; first courthouse of, 754; history and statistics of, 854-855
Gill, Peter, 181
Gillem, Gen. A. C., 513, 738
Gillum, James, 222
Gillum, Thomas, 222
Gillespie, Col., 201
Gillespie's Fort, 200, capture of, 204, 226; 711
Gilmore, James R., 169
Gist, Gen., killed at battle of Franklin, 508
Gist, Christopher, 58
Gist, Joshua, 120
Glasgow, James, re Sevier's land transactions, 304, 305
Glass, The, 151, 196, 204, 212, 214, 227
Glass, P. T., re Henry Rutherford, 774
Glass, Samuel, 155
Gleason, Col. James A., in World War, 637
Gleaves, Admiral Albert, in Spanish-American War, 590, 635, 638; sword presented to, 688
Glenn, Gov. James, 45, 161, 251
Glenn, Oscar, donates flag, 590
Gold Star list, 651-681
Goodlett, Mrs. Caroline Meriwether, founder of the U. D. C., 792, 794
Goodloe, Hallum W., re great seal, 301; re Key Corner, 774
Goodman, Frank, auditor Tenn. Centennial Exposition, 584
Goodpasture, Albert V., re fruits and berries, 52; re Fisk's Historical Sketch of Tennessee, 59; article of on "The Watauga Association," 70-80; re "Indian Wars and Warriors of the Old Southwest," 157; re Jackson-Sevier feud, 304, note; re Fort Blount, 761
Goodspeed's History of Tenn., 310
Goose Creek, 184
Gordon, Mr., 304
Gordon, Capt., 257
Gordon, Boling, temporary chairman of constitutional convention of 1870, 552
Gordon, Gen. Geo. W., 513, 564
Gordon, Capt. John, of the spies, 348, 355
Gould, Lieut. A. W., 493, note; re Forrest, 745-746

Digitized by Google

Government of the Notables, 108, 110, 111, 112, 114, 115; end of, 134
Governor's mansion, bought, 605
Gowan, Geo. A., pres. Bristol to Memphis highway, 613
Gowen, David, 180
Gower, Capt. Abel, 176, 179, 731
Gower, Capt. Abel, Jr., 179
Gower, Nancy, 176
Grady, Henry W., vi; re return of Confederate Soldier, 527
Graham, George, 256
Graham, John D., 387 and note
Grainger County, erected, 275; history and statistics of, 811-812
Grainger, Mary, 275
Granbury, Gen., killed at battle of Franklin, 508
Grand Army of the Republic, 587
Grand Council of the Mystic Clan, 393
Grand Division of the Sons of Temperance, 603
Grand Wizard of the Ku Klux Klan, 548-549
Granny White tavern, 729
Grant, Col. James, 251
Grant, Gen. U. S., at battle of Belmont, 475; captures Forts Henry and Donelson, 477-479; at Pittsburg Landing, 479; at battle of Shiloh, 480-482, 480, note; re being drunk at Shiloh, 481, note; in West Tenn., 482; re Forrest, 491, 492; takes charge of military division of the Miss., 499; at Chattanooga, 499 and note; re East Tenn., 500; re appeal of Stokes, 549
Grassy Creek, 93
Gray, Jas., 406
Gray, Jno. M., Jr., 605
Great Chickasaw Cession, 256
Great Commercial Convention at Memphis, 434-437
Great French Lick, 102, 104, 107, 108, 135, 724
Great Grant, see Henderson's Purchase
Great Island, 161
Great Path, see Cherokee Path
Great Seal of the State of Tennessee, 296-301; description and requirements of, 297, 298
Great Warrior, The, 222
"Great Whig Convention," 412
Greeley, Horace, on bond of Jefferson Davis, 769, 770
Greenaway, James, 155
Greenbackers, 560
Greene, Capt., quarrels with Johnson, 519, 520
Greene County, erected, 117; organized, 149; delegates of to Constitutional Convention (1796), 155; history and statistics of, 812
Greene, James I., 405
Greene, Gen. Nathanael, 117; tract of in Maury County, 742
Greeneville and Tusculum College, 776
Greeneville College, 154
Greenfield Station, 191, 216
Gregg, Gen., at Raymond, Miss., 512
Grenville, Lord, 289
Griffin, John, 197
Griner (Grinder), Robert, re Meriwether Lewis, 312, 859
Grundy County, history and statistics of, 855-856
Grundy, Felix, com. re Tenn.-Ky. boundary line, 371, 380-383; U. S. Senator, 403; a war republican, 416; 424, 717
Guadaloupe Hidalgo, treaty of, 437
Guild, Judge Jos. C., re Jackson-Dickinson duel, 310; re life of early settlers, 322, 325, 326; re Coffee in battle of Talladega, 347, note; re Little Harp, 392, note; re Lafayette, 396, note, 721; re Florida War, 416; re Polk-Jones debate, 421; arrested by Johnson, 516; re Hume-Fogg school, 720
Gunboat Nashville, 590
Guyon, Capt. Isaac, 42
Gwin, James, 210
Gwin, Capt. John, 248
Gwin, Sen. W. M., 210
Gwinn, Sen. L. E., candidate for nomination for gov., 697

Habeas corpus, 553 and note
Hackett, comptroller, 513, note
Hager, Frederick, 847
Haggard, Elder, 234
Haig, Sir Douglas, re Hindenburg line, 640
Hale, W. D., 385, 626
Hale, W. J., charges against, 698
Hale, Will T., 596
Half Way House, 754
Halfway Town, 44
Hall, Allen A., 429, 468
Hall, Frank S., speaker, 699
Hall, James, 183, 189
Hall, John, 190, 191
Hall, John, delegate to N. C., 88
Hall of Fame, 635
Hall, Prudence, 190, 191
Hall, Richard, 190
Hall, Maj. William, 136, 183, 189, 191
Hall, Gov. William, 183, 190, 216, 217, 218, 234; succeeds Houston as gov., 403; recommendations of to legislature, 403
Halleck, Gen. W. N., at Corinth, 482
Hamblen County, history and statistics of, 812-813
Hamilton, Col., 288
Hamilton, Alexander, 416
Hamilton County, history and statistics of, 813-817
Hamilton District, established, 154; re Indians, 216
Hamilton, George, 191
Hamilton, Gen. Henry, re arousing Indians, 91, 168, 171
Hamilton, John, 136
Hamilton, Joseph, 149
Hammond, Eli, 219
Hammonds, Capt., in Creek War, 355
Hancock County, history and statistics of, 818
Handley, David, 56
Handly (Handley), Capt. Samuel, 151, 156, 212; defeat and capture of, 213, 214
Hanging Maw, see Scollacutta
Hannah, Gen. Harvey H., 487, 488; in Spanish-American War, 590; candidate for nomination for gov., 697
Hannum, Frank H., 385
Hanover Presbytery, 329
Hanson, Gen., 487, 488
Happy Valley, 569
Hapwood, Josephus, prohibitionist, 582
Hardeman County, history and statistics of, 891-892
Hardee, Gen. W. J., at Shiloh, 480; at Murfreesboro, 488
Hardeman, Thomas, 155
Hardin County, history and statistics of, 892-893
Hardin, John, 136
Hardin, Joseph, 152
Hardin, Capt. Joseph, Jr., 202
Harding, John, 723
Harding, Wm. G., 473, 723
Hardwick, Gov. T. W., 386
Hardwicke, Jno. P., 412, note
Harned, Commissioner P. L., 694
Harp, Micajah, 388-391
Harp, Wiley, 388-391
Harps, The, 388-391
Harris, Isham G., 418; re banking, 460, 461, 462, 463; defeats Hatton, 467; defeats Netherland, 468; a secessionist, 469-472; reply of to Lincoln's call, 470; calls extra sessions, 470, 471; at Shiloh, 481, 482; issues election proclamation (1863), 521; government of since 1861 declared void, 525; reward for arrest of withdrawn, 533, 534; elected U. S. Senator, 558; re Andrew Jackson, Jr., 572; death of, 588 and note
Harris, Jeremiah George, 411
Harrison, 190
Harrison, U. S. Atty., 288
Harrison and Tyler, 412
"Harrison Guards," 437
Harrison, Reuben, 105
Harrison, Gen. Wm. H., 359
Harrod, Capt. James, 86
Hart, David, 87
Hart, Nathaniel, 86, 87
Hart, Thomas, 86, 87
Haskell, Joshua, 375
Haskell, Col. William T., 418, 423, 438, note
Hatton, Gen. Robert, 418, 467; serves in Va., 512; 513
Hawkins, treaty of, see Hopewell treaty
Hawkins, Gov. Alvin, elected, 545, 561; administration of, 561-562; re settlement of state debt, 562
Hawkins, Col. Benjamin, 147, 148, 253, 281, 282, 283; re Creek treaty, 359

Digitized by Google

Hawkins County, erected, 130; organized, 149; delegates of to constitutional convention (1796), 155; history and statistics of, 818-821
Hawkins, Sam W., re Judge H. T. Campbell, 594, note
Hay, Capt. David, 185
Hay, Joseph, 175
Hayes, Pres. Rutherford B., 561
Haynie, Robert Y., 446
Haynes, Emma, 570
Haynes, Hal B., 612
Haynes, Landon C., 418; apostrophe of to Watauga, 569
Haynes, Milton A., 201, note
Hays, Capt. James, 217, 218
Hays, Robert, 135, 136, 137, 138, 149; 185
Hays, Thomas, 337
Hays' Station, 218
"Hayslope," 813
Haywood and Cobb's Revisal, 396
Haywood County, history and statistics of, 893
Haywood, Judge John, re Fort Loudon, 49; re Adair, 55; re compilation of Tenn. laws, 59; re government of Watauga, 76; re Robertson, 80, 141; re Haywood and Cobb's revisal, 396, 468; home and sketch of, 729
Hazard, Samuel, 58
Head, J. M., re Tenn. Centennial Exposition, 584
Health, State board of, see State Board of Health
Heaton's Station, 89, 165
Hedge, Levi, 60
Heiman, Col., 477
Heiskell, Chancellor, re Riechman, 627
Heiskell, J. B., for Confederate Congress, 521
Heiskell, S. G., re Boone tree, 56, 57; re Wm. Been, 709; re Rawlings, 769
Hellabee, 354
Henderson & Co., 57; receive land on Clinch River, 72, note; re Transylvania purchase, 86-88, 170, 252; no title of to Cumberland, 115
"Henderson and Company's Purchase Within the Limits of Tenn.," 58
Henderson, Dr. Archibald, re civilization, 63; re Watauga Ass'n, 68; re Henderson Purchase, 86, 87-88; re Richard Henderson's connection with Cumberland settlement, 102, 103; re authorship of Cumberland Compact, 113-114; re Spanish conspiracy, 138, note, 140, 141
Henderson County, history and statistics of, 893-894
Henderson, Col. James, 338
Henderson, Richard, re excellence of Tenn., 52; re survey of, 58, 379, 382; re Transylvania purchase, 85-88, 102, 103; re appearance of, 87; re Cumberland settlements, 102, 103; meets Donelson party, 108; re land entries on Cumberland, 110; re authorship of Cumberland Compact, 113-114
Henderson, Rev. Robert, 329
Henderson's Line, 379
Henderson's Purchase and Events Leading up to the Battle of King's Mountain, 85-95
Henderson, Thomas, 155
Henderson, Col. W. A., re forts, 46; re Sevier's diary, 302, note; re Tenn. Centennial Exposition, 584
Henning, Dr., 293
Henning's Statutes, 379 and note
Henry, U. S. senator, 282
Henry, Mr., 105
Henry County, history and statistics of, 894-895
Henry, Gustavus A., 418; the "Eagle Orator," 423, 439, 465; defeated for gov., 465; re secession, 471
Henry, Maj. John F., 481
Henry, John R., 463
Henry, Gov. Patrick, 128
Henry's Station, 221, 233
Herbert Domain, bought, 599; 600
Hermitage, The, history of, 732
Hermitage Association, see Ladies' Hermitage Association
Hermitage Church, 732
Herndon, 440
Hess, Nelson I., 406
Hewitt's "History of South Carolina," 49, 50
Heydt, Capt., sergt. at arms, 532
Hibbett, Surgeon Charles T., 590
Hickerson, 190
Hickman County, erected, 309; history and statistics of, 856-857
Hickman, Maj. Edwin, 149
Hickman, Gen. Jno. P., 794
Hickman, Mrs. Jno. P., 794
Hickory Ground, 354, 356
Higgins, Gen., 292
Highway Department, see State Highway Department, 447
Highways and Public Buildings, Department of, 449, note
Highland Rim, The, 23
Hilham, 60
Hill, 93
Hill, A. E., speaker, 622
Hill, Gen. Benjamin, 481, 513
Hill, Gen. Daniel, 494; re Chickamauga, 497
Hill, William K., 406
Hilliard, Henry W., 470, 471
Hillsboro turnpike, 738-739
Hindenburg Line, The, 636
Hinds, Joseph, 195
"Historic Blue Grass Line," 393
"Historic Sullivan," 836, note
"Historic Sumner County," 136
Historic Spots and Places, 704-774; of East Tenn., 704-713; of Middle Tenn., 713-761; of West Tenn., 762-774
History and Archives, Department of, abolished, 687 and note
"History of Methodism," 330
History of Tennessee, see Tennessee history
Hiwassee Canal Co., 396
Hiwassee District, 257, 258
Hiwassee Railroad Co., 445
Hobbs, Judge J. C., 695
Hobbs, Lieut. Vincent, 231
Hodges, Calloway, 405
Hoffman, N. Y. Atty. Gen., 288
Hogan, Edward, 187
Hogan, Richard, 103
Hogg, James, 87
Hoggatt, Capt. James, 139
Holidays, see legal holidays
Holliday, John, 235
Holliday, Joseph, 103
Holman, Mrs. Silena Moore, re W. C. T. U., 800
Holmes, Oliver Wendell, 322
Holston and French Broad, settlement south of, see Settlement South of the Holston and French Broad
Holston District, Congressional, 275
Holston settlements invaded, 163-167
Holston, treaty of, 150, 253, 278
Honeycut, 63, 74
Hood, Gen. John B., campaign of in Middle Tenn., 507-511; fights battle of Franklin, 508; fights battle of Nashville, 508, 511; relieved, 511; plan of against Schofield, 747
Hood, David, 116, 172, 173
Hooper, Gov. Ben. W., nominee of republicans and independents, 611; elected gov., 611 and note; administrations of, 611-617; strife and bitterness in administration of, 613; important laws of administration of, 614-615, 617-621; vetoes of, 615, 618, 619 and note; campaign of 1912, 617; defeats McMillin, 617; re Shelby delegation, 618; calls extra session, 619; important acts in administration of in 1913, 620-621; nominated for third time, 621; defeated by Rye, 622; last messages of, 622; re enforcement of prohibition laws, 622 and note; declines part in inauguration of Rye, 622, note
Hopewell, or Hawkins, treaty, 134, 175, 193, 194, 204, 227, 253
"Hopkinsianism," 329
Horse racing, 309
Horton, 394
Horton, Joshua, 57
Hosmer's Short History of the Miss. Valley, 7 and note, 8
Hoss, Bishop E. E., on results of battle of King's Mountain, 100
Houck, Sen. John C., re Capt. Peck, 694
Houston County, history and statistics of, 857
Houston, Col. James, 412
Houston, James, 155
Houston, Russell, 416, 737

Digitized by Google

Houston, Gov. Sam, 64; at battle of Tohopeka, 357, 358; made gen., 385; re duel with White, 399; administration of, 399-403; resigns as gov., 399; letter of to father-in-law, 399-400; cause of separation with wife, 400-403; visits Tenn., 424; 469
Houston, Rev. Samuel, 120; 121, 122, 329
Houston's Station, 712
Howard, Geo. A., 514
Howes, secessionist gov. of Ky., 486
Hubbard (or Hubbart), Col. James, 121, 194, 195, 196
Hughes, A. M., 564
Hughes, E. W., re Boone tree, 56
Hughes, Col. John M., serves in Va., 512
Hughes, Thomas, 831
Huguenots, 307
Huling, Frederick W., 571, note
Hull, J. S., carpet-bagger, 543
Hume, Alfred, 720
Hume-Fogg High School, 720
Humes, Rev. Thomas W., 782
Humes, Gen. W. Y. C., 513
Humphreys County, erected, 334; history and statistics of, 857-858
Humphreys, Judge P. W., 334; boundary line commissioner, 368
Humphreys, West H., 406
Hunger and Mutiny in Creek War, 348-351
Hunt, Gen., 488
Hunter, R. M. T., 531
Hunters, early, see Early Hunters and Their Hunting Ground
Hunter's Fort, 712
Hunter's Hill, 732
Huntsman, Adam, 375, 406, 454
Hurlburt, Gen. Stephen A., tries to cope with Forrest, 503; re Forrest's attack on Memphis, 505
Hurst, T. M., 481
Hutchings, Capt. Thomas, 105
Hyder, N. E., re Watauga Old Fields, 83

Immigration, 275-374; bureau of established, 554
Immigration List, 29, 30
"Immortal Thirteen, The," 412 and note, 413
Impartial Review and Cumberland Repository, 311, note
Impeachment, of Judge David Campbell, 309-310; of Judge William Cocke, 337; of Judge Thomas N. Frazier, 532; of Edgington and Estes, 627
Incas, 84
"Independent movement, The" 604, 610-611
Independents, 604, 610-611, 621
Indian Creek, 171
Indians, The, 16-20; warriors of, 19; McMurry on, 19; Flint on, 19; reasons for the animosity of, 157; magna charta of, 163; feelings of in Revolutionary War, 192; confederacy of, 339, 340
Indian Wars and Warriors of Tenn., 157-250
Indian Wars and Warriors of the Old Southwest, 52, 157
Indian War Trail, see Cherokee Path
Inferior Court of Pleas and Quarter Sessions, see Pleas and Quarter Sessions
Ingersoll, Jared, 282, 284
Ingersoll, Col. Robert, 492
Inheritance Tax Law, 687
Innkeepers, re law for, 602
Insane, asylum for, 414, note
Insurrections, of miners, 576-579, 596, 597
Intrigues of the Spanish, 134, 187-191
Introduction, 7-27
Internal improvements, board of appointed, 403; 442-449, 442, note; river navigation, 442-443; plan of 1829, 443-444; following adoption of constitution of 1834, 444 and note; Pennsylvania plan, 444-445; Gov. Polk, re, 445; state aid for prohibited, 447; state highway department, 447-449; laws aiding repealed, 550; aid for prohibited by constitution of 1870, 553 and note
Invalid pensioners, 260
"Invisible Empire," see Ku Klux Klan
Iredell, Justice James, 149
Irish Race, 28, 36
Iron Banks, 171
Iron works, 334
Iroquois, habitat of, 19; land claims of, 85
Irvine, Mrs. W. J., re Ku Klux Klan
Irving Block Federal Prison, 770
Isaacs, Capt., 219, 220
Isaacs, Jacob C., 403
Isbell, Zachariah, 69, 83
Ish, John, 227
Ish's Station, 223, 712
Isley, La Fayette, 56
Jack, Capt. Patrick, 49, 252
Jack, Col. Samuel, 167
Jack's Creek, battle of, 503
Jackson, Gen. Alfred E., 513
Jackson, Andrew, influence of, v; made atty.-gen. for Mero District, 137, 149; appointed to practice, 149; first military appointment of, 149; delegate to constitutional convention (1796), 155; said to have suggested name of Tennessee, 156, 247; on Indian campaign, 189; re Creek treaty of capitulation, 256; re treaties with Cherokees, 256, 258; re Chickasaw Cession treaty, 256; re removal of Cherokees, 259; elected first representative to Congress (1796), 277, 291; elected U. S. Senator, 293; resigns as senator, 294 and note; superior judge, 294, 302; re Jackson-Sevier imbroglio, 302-308; elected major-gen., 303; handles Roane's campaign, 304, 305; charges Sevier with land frauds, 304; personal encounters of with Sevier, 305-307; differences between Jackson and Sevier, 307, 308; re duel with Dickinson, 309, 310-312; re friendship with Judge David Campbell, 309; major-gen. in regular army, 337, 359; re affray with Bentons, 337, 343; commands Natchez expedition, 338-339; to Soldiers of Creek War, 343, 344, 345, 358, 360; report of battle of Tallushatchee, 346; report of battle of Talladega, 347; re hunger and mutiny in Creek War, 348-351; to Gov. Blount re enlistments, 351, 352; re report of battle of Tohopeka, 354-356, 354, note; re New Orleans campaign, 360-367; at Mobile and Pensacola, 360; arrives at New Orleans, 363; letter of to Gov. Claiborne, 363; re bad conditions at New Orleans, 364; prepares for battle, 365; fights battle of New Orleans, 366; com. to Cherokees and Chickasaws, 371; conducts Seminole War, 371-372-373; makes treaty with Chickasaws, 371; a national figure, 372; invades Florida, 373; gov. of Florida, 373, note, 395; re founding of Memphis, 376; friendship with Judge John Overton, 376, note; state votes sword to, 395; U. S. Senator over Williams, 396; legislature indorses for president, 396; elected pres. of U. S., 399; Jackson-White contention, 407; rivalry with Clay, 416; re whig party, 417; backs Van Buren, 422; deserts Van Buren, 422; Mill's Statue of, 431; re Indians, 432, 433; re Cherokees, 432, 433; re central loan plan, 454; re Bank of U. S., 456; law office of, 714-715; re racing of, 730; re Burr's boats, 731
Jackson, Mrs. Andrew, re slander of, 305, 310; re Dickinson duel, 311
Jackson, Andrew, Jr., 572
Jackson, Col. Andrew, III, at Port Hudson, 512 and note
Jackson College, 750
Jackson County, erected, 296; history and statistics of, 858-859
Jackson, Howell E., elected U. S. Senator, 561
Jackson, Mrs. Sarah Yorke, 572
Jackson-Sevier imbroglio, 302-308
Jackson's Purchase, 374
Jackson, W., 451
Jackson, Gen. W. H., surrenders, 511; parole com., 511; 513
Jacobins, 292
Jarnagin, Spencer, 418
Jarvis, John, 216, 217, 218
Jay, John, 138, 276, 288
Jealousy, of East Tenn. leaders, 91
Jefferson County, erected, 153; delegates of to constitutional convention (1796), 155; history and statistics of, 821-822
Jefferson, Pres. Thomas, 71, 171, 280, 291, 297; on results of battle of King's Mountain, 100; 416; re removal of Cherokees, 432
Jefferys, Geo., re seal press, 301
Jennings, Jonathan, 106, 171
"Jerks," in revivals, 331
Jesup, Gen., 416
"John Armstrong's Office," 117, 197, 279, 376

Digitized by Google

"Johnnie Bill," 588
Johnson, 236
Johnson, Pres. Andrew, re "Immortal Thirteen," 412 and note; 418, 423; administrations of as gov., 465-467; defeats Henry for gov., 466; defeats Gentry, 466; brig.-gen., 513, 515; military gov., 515-526; proclamation of, 515, 516; arrests Secessionists, 516, 517; restores civil law, 519; alarmed at situation of Nashville, 519; conflicts with Union officers, 519, 520; determines to punish secession leaders, 522; oath prescribed to voters by, 522-523, 524; has meeting held in East Tenn., 523; makes progress in restoration, 524; issues proclamations, 524; effects reorganization, 525-526; proclaims state government restored, 526; resigns as military gov. and takes oath as vice-pres. of U. S., 526; conflict of with Congress, 535; change of toward secessionists, 535; protection of asked, 540; candidate for congressman at large, 555; defeated for Congress (1870), 555; elected U. S. Senator, 557; death of, 557; re purchase of his tailor shop, 693
Johnson, Gen. Bushrod, at Fort Donelson, 477; 481; in Southwest and at Chickamauga, 512; in Va., 512; 513; re memorial to legislature, 539
Johnson, Cave, M. C., 403, 418; re Polk's nomination, 422, note; 423; letter of to James Buchanan, 440; 458, 459
Johnson County, history and statistics of, 822-823
Johnson, J. C., prohibitionist, 571
Johnson, Peter, Com. Tenn.-Va. line, 301
Johnson, Gen. R. W., 485
Johnson, Richard M., 418
Johnson, Thomas, 368
Johnson, Sir William, 57, 162; re Fort Stanwix treaty, 59
Johnsonville, captured by Forrest, 507
Johnston, 388
Johnston, Gen., in Creek War, 355
Johnston, Gen. Albert Sidney, 462; in Civil War, 474; re Forts Henry and Donelson, 479; at Corinth, 479; death of, 480 and note, 481
Johnston, Gen. Joseph E., 462; re battle of Murfreesboro, 488; supersedes Bragg, 500; re Forrest's new assignment, 503; 505; surrenders, 511; 512
Johnston, Gov. Samuel, 131, 147, 148
Johnston, Thomas, 156
Jones, Mrs., 172
Jones, Judge Clem J., in Spanish-American War, 589
Jones, Ira P., 428, note; re corruption of Brownlow regime, 543, note
Jones, Gov. James C., campaign of against Polk, 412, 421; 418; Temple's opinion of, 421; becomes democrat, 427; re capitol, 428, note; re Memphis and Charleston R. R., 446
Jones, Dr. Joseph, 11, 15
Jones, Mollie, 209
Jones, R. L., State Supt. Public Instruction, 910
Jones, Robert, 235
Jones, Sam, re battle of Franklin, 748
Jones, Prof. Wharton S., 591 and note
Jordan and Pryor, re Forrest, 485, note
Jordan, Warren, 546
Journals, of Territorial Council, etc., 277, note
Judge Friend, see Outacite
Judges, see Government of the Notables
Judges, re independent movement, 610
Judicial Circuits, 334, 371, 408
"Jug Bill, The," 604, 620 and note
Junior Order of American Mechanics, 132
Justi, Herman, editor History of Tenn. Centennial Exposition, 587
Justice, Richard, 196, 211, 227

"Kansas Jayhawkers," 750, 753
Kansas-Nebraska bill, 466
Kantakee, 88, note
Keane, Gen., at battle of New Orleans, 365, 366
Keating, Jno. M., re Old Bell Tavern, 766; re raising Union flag on capture of Memphis, 773
Keeble, E. A., for Confederate Congress, 521
Keefe, Thomas, 208
Keel, Rev. James, 329
Keilan, James, 475
Kelley, Col. D. C., repulses Federals at Eastport, 506
Kelly, Col. Alexander, 152, 224
Kelly, David C., prohibitionist, 575
Kelly, John, 405
Kelly, Rev. Joshua, 329
Kelly, Col. R. M., 476
Kelso, Lieut. F. M., 512
Kendall, Amos, 348, note
Kendall, Peter, 406
Kennedy, George, 181
Kentucky, meaning of, 88, note; neutrality of, 474
Kentucky Synod, 333
Kentucky-Tenn. boundary line, 380-383
Keowee, 45, 48
Kerley, Lieut, 352
Key, Lieut. Albert L., 590
Key Corner, 774, 889
Key, Judge D. M., 313; in Civil War, 473; U. S. judge, 561
Kiachatalee (Chiachattalla), 198, 199, 215, 730
Kialigee, 207
Kiel Canal, 638
Killebrew, Col. J. B., Asst. Supt. Public Instruction, 555; 882, note
Kimbrough, Bradley, 405
Kincaid, Jos., 405
Kincannon, A. A., 405
King, Mrs. Ann, 247
King Fisher, 151; death of, 225
King George II, 51
King George III, 58; proclamation of (1763), 75, 163, 206
King, James, 246
King, Col. James, 281, note
King, Maj. Robert, 222, 227
King, Rufus, against admission of Tenn., 276
King, Rev. Samuel, 332, 333
King, Col. Thomas, 149
King's Iron Works, 281
King's Mountain, battle of, 31; events leading up to, 88-95; march to, 92-95; commander at, 93, 94; council of generals before, 95; battle of, 96-101; official report of, 96-97; account of battle of by a participant, 97-99; results of, 99-100; losses at, 97, 99; court-martial after, 99
Kingston, capital of state, 236, 237, 309
Kinney, Col. Thomas J., surrenders, 492
Kirk, John, re massacre of family of, 131, 195, 196; 713
Kirkman, V. L., vice-pres. Tennessee Centennial Exposition, 584
Kittageska, chief, 211
Kittigeskee, chief, 222
Kniffin, Col. G. C., 487, note, 494, note, 759
Knights of Columbus, The, 635
"Know-Nothing" party, 466, 467
Knox County, erected, 153; delegates of to constitutional convention (1796), 155; history and statistics of, 823-824
Knox, Ensign Dudley W., 590
Knox, Gen. Henry, 153, 253
Knox's treaty, first, 254; second, 254
Knoxville, capital of Territory, 153; prepares for Indian attack, 223; siege of, 500; street car strike at, 689
Knoxville Gazette, 279 and note
Ku Klux Klan, 434-540; organized, 537; growth of, 538; re proclamation of, Brownlow against, 540; disbands, 548; 554, 749
Kuonosuke, see John Watts
Kuykendale, Joseph, 136

Labor Day, established, 575
Labor laws, 600, 626, 627, 629, 686
Labor unrest, 691 and note, 696
Lacey, 93
Lacock report, 373, note
Lacy, Hopkins, 153
Ladies' Hermitage Association, origin of, 572; and Soldiers' Home, 572 and note; 587
Lafayette, Marquis de, visit of, 396 and note, 721
Lafayette, battle of, 503
Lafitte, Jean, re New Orleans campaign, 363
Lake County, history and statistics of, 895
Lake, Rev. Joseph, 329
Lambert, Rev. Jeremiah, 329
Land Commissioners, 117
Land grants, 133, 134; re difficulties caused by restrictions of Act of Cession, 145, 146, 147; re controversies between U.

Digitized by Google

S., Tenn. and N. C., 279, 294, 313-318, 776, 779; re Congressional Reservation, 374
Land hunger, 133, 134
Land office, in Holston settlements, 90, 194; in Cumberland settlement, 117; opened in Tenn. by N. C., 279; in Knoxville and Nashville, 374
Land tax, reduced, 702
Lane, Rev. Tidence, 329
Langford, 391
Langford, Judge Frank, 690
Lanier Female Academy, 724
Lansden, Judge D. L., 691
La Salle, Robert Cavalier de, 41, 375, 765
Latimer, 210
Latin Race, The, 28, 32
Latinac, Louis, 47
Latitude Hill, 756-757
Lauderdale County, history and statistics of, 859
Laughlin, Samuel H., 412 and note
"Lavergne races," 487
Law and Order League, 689
Law enforcement, 612, 619, 689, 691
Lawrence, Mrs. Rachel Jackson, at St. Louis Exposition, 596
Lawrence County, history and statistics of, 859
Laws of U. S., effective in Tenn., 279
Laws of Va., 85
Lea, Benj., speaker, 571
Lea, John, 400
Lea, Judge John M., 376; prepares franchise "ordinance," 539, 540; vice-pres. Tennessee Historical Society, 556
Lea, Luke, 149
Lea, Col. Luke, elected U. S. Senator, 612; defeated by McKellar, 628; in World War, 637
Lea, Margaret, second wife of Sam Houston, 400
Lea, Pryor, M. C., 403
Lea, Col. Sumpter, 400
Leach, A. M., speaker, 611
Leaders, of Watauga, 80-83; jealousy of, 91
League of women voters, 625, 691
Lealand, 729
Lease system, of convicts, see penitentiary
Ledbetter, Col. D., 475
Ledbetter, William, 405
Ledgerwood, Col. W. L., speaker, 563
Lee, Gen. "Light Horse Harry," 94
Lee, Gen. Robert E., 462, 512; surrender of, 527; 531
Lee, Gen. Stephen D., commands rear guard from Nashville, 511; joins Gen. J. E. Johnston, 511
Leiper, Capt. James, 181, 718
Leiper, Thomas, 391
Legal Advisory Board, 635
Legal holidays, 630 and note
Legislation, of first session, 275, 276; of first extra session, 277, 278; re people south of the Holston, 278; in 1798, 293; in 1799, 294; in 1804, 1806, 1807, 309; re lands, 314-318; of Carroll's first series of administrations, 395-399; of Cannon's administrations, 407-408; of Polk's administration, 411-412; of Jones' administrations, 411, 412; of Aaron V. Brown's administration, 434; of Neill S. Brown's administration, 439; of Trousdale's administration, 439-440; of Campbell's administration, 441-442; of Harris' administrations, 467, 468, 470, 471; secession, 470, 471, 472, 473; re Army of Tenn., 473; of Brownlow regime, 529, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540; of Senter's administration, 541, 549, 550; of J. C. Brown's administrations, 554-556; of Porter's administrations, 557-559; of Mark's administration, 560; of Hawkins' administration, 561-562; of Bate's administrations, 563-568; of R. L. Taylor's administrations, 570-573; of Buchanan's administration, 575-579; of Turney's administrations, 580-582; of McMillin's administrations, 591-593; of Frazier's administration, 594-597; of Patterson's administration, 600-611; of Hooper's administrations, 611-615; of Rye's administrations, 622-631; of Robert's administration, 684-688; of A. A. Taylor's administration, 692-696, of Peay's administration, 699-700; cost of reduced, 702, 703
Legislative contests, 611
Legislature, see General Assembly
Lellyett, John, opposes Andrew Johnson, 520; re Convention (1863), 521
Lemos, Gov. Don Manuel Gayoso de, 42
Leonard, Miss Myrtle, re Boone tree, 56, 57
Leslie's Magazine, 310
Lesley, Creek Indian, 226
Lester, Capt. John C., re Ku Klux Klan, 537
Lewis, Gen. Andrew, 46, 67 and note
Lewis, Maj. E. E., director-gen., Tenn. Centennial Exposition, 584; com. St. Louis Exposition, 595, note; highway com., 613
Lewis, Maj.-gen. E. M., in World War, 636, 640
Lewis, Joel, 155; re John Sevier, 302
Lewis, Meriwether, 312, 859 and note
Lewis, Maj. William B., re Chickasaw Purchase, 257; re Natchez expedition, 338 and note; re Lafayette, 396, note
Lewis County, history and statistics of, 859-860
Lewisburg Turnpike, 741
Lexington monument, 32
Liberty loans, 635
Lincoln, Pres. Abraham, 32; re emancipation proclamation of, 147, 520-521; elected pres. U. S., 469; calls for troops, 470; re bridge burners, 475; appoints Johnson military gov., 515; does not satisfy peace democrats, 525; assassinated, 527
Lincoln County, erected, 334; history and statistics of, 860
Lincoln Day, 687
Lincoyer, 307, 358
Lindsay, Judge H. B., defeated for gov., 682
Lindsay, William, 808
Lindsley, Dr. J. B., librarian Tenn. Historical Society, 556; 787, note
Lindsley, Dr. Philip, pres. University of Nashville, 722
Line of the Cumberland, 474, 479
Linsey (Lindsay), Isaac, 115, 134, 136
Liquor legislation, see Prohibition
Liston, Robert, 288, 289
Little Carpenter, see Atta-Kulla-Kulla
Little Fellow, 165
Little Harp, see Wiley Harp
Little Nephew, The, 228
Little Owl, 183, 206, 208, 209
Little Tallase, 200
Little Turkey, 200, 220
Little Turtle, 206
Littleton, Gov., 48
Littleton, Col., 251
Littleton, Jesse M., defeated for gov., 597
Livingston, Mrs., 228
Livingston, Elizabeth, 230, 231
Livingston, Henry, 230
Livingston, Paul, 230
Livingston, Peter, 230
Livingston, Robert R., 290
Livingston, Susanna, 230
Livingston, William Todd, 230
Lochaber, treaty of, 67, 68, 71, 75, 203, 252
Logan, Indian chief, 359
Logan, Col. Benjamin, 174
Logan's Cross Roads, battle of, see Mill Springs
Log Town, 248; fight at, 249
Long Fellow (Tuskegetchee), 165
Long hunters, 56
Long Island, 67, 75, 88, 168, 192
Long Island Flats, battle of, 89, 166
Long Island Fort, see Fort Long Island
Long Island town, 170, 242
Longstreet, Gen. James, joins Bragg, 297, note, at Chickamauga, 497; in East Tenn., 500 and note, 501; attacks Fort Sanders, 500, note
Lookout Mountain, 170; re expedition to, 202; re battle of, 499
Looney, Col., 481
Looney, Absalom, 383
Lopez, Lieut. Robert F., 590
Lossing, Benson J., re results of battle of King's Mountain, 100
Lost tribes of Israel, 84
Lotspeich, J. N., 622
Lottery, 442
Loudon, John, Earl of, 43, 46
Loudon County, history and statistics of 824-826
Loudon Fort, see Fort Loudon
Louis XIV, 45, 291, 375
Louis XVI, 292
Louis Philippe, 291

Digitized by Google

Louisa Company, The, 86, 87
Louisiana Purchase, 291, 326
Louisiana Purchase Exposition, 595-596; Commission of, 595, note
Louisville, Cincinnati & Charleston R. R., 408
Louthan, A. V., 694
Love, Josiah, 149
Love, R., 384
Love, Col. Robert, 568
Loving, William H., 406
Low Tax democrats, 560, 561
Lowe, 547
Lowe, Lieut., 639
Loyal Land Company, 58
Loyal League, 534, 536
Loyalists, of N. C., 95
Lucas, Andrew, 236
Lucas, Isaac, 181
Lucas, Robert, re Watauga Ass'n, 70; re Carter's Settlement, 72, 252; death of, 173
Lutherans, 333
Luttrell, Col. John, 86
Lynn, Maj. James, 184

McAdoo, Hugh M., speaker, 558
McAdow, Rev. Samuel, 333
McBury, Col. Leonard, 89
McCall, John E., defeated for gov., 592
McCallen, Seth, 611
McCarty, vs. Carolina Lumber Co., 385
McClaine, Ephraim, 135
McClellan, Abraham, 405
McClellan, Col. G. R., 438
McClellan, Gen. Geo. B., 475, 476; ticket of in Tenn., 525
McClellan, William, 707
McClernand, Gen., 478
McClung, Charles, 149, 155
McComb, Gen. William, serves in Va., 512; 513
McCook, Gen., 486, 488
McCord, Laps D., re Ku Klux Klan, 537; re Tennessee Centennial Exposition, 584
McCory, Thomas, 452
McCown, Gen. J. P., 488, 573
McCullom, James, for Confederate Congress, 521
McCullough, John, 226
McDonald, James P., 472
McDonald, John, 168
McDowell, Gen. Charles, 91, 92, 96, 131
McDowell, Joseph, 131
McDowell, Mrs. William, 228
McElwee, Capt. W. E., re prehistoric race, 8; re old road, 761; re Roane County, 833
McEwen, 218
McEwen, Mrs. R. H., 713
McEwen, Col. Robert H., State Supt. Public Instruction, 781
McFerrin, Rev. J. B., 330
McGaughey, John, 405
McGaughey's Fort, 709
McGavock, Col. John, re battle of Franklin, 508
McGee, Rev. John, 331
McGee, Rev. William, 331
McGillivray (McGillveray), Alexander, 137, 138, 200, 201, 202, 220; re Spanish Conspiracy, 139; re treaty, 150, 190, 206
McGrady (McGready), Rev. James, 295, 330
McGran, William H., 590
McIntosh, Lachlan, 253; re Tellico treaty, 294
McIntosh's Tavern, 237
McKee, John, 220, 221, 227, 228
McKellar, Sen. K. D., 612; elected senator, 628, 698
McKendree Church, 440
McKenzie, J. N., Railroad Com., 588
McKinley, Pres. William, re Spanish-American War, 589
McKinney, John A., 405
McKinney, Robert, 405
McKinstry, Col. A., 753
McLean, Lieut. Ridley, 590
McLean's fish dam, 231
McLemore, Bob, 221
McMahon, Col. J. H., 416
McMillin, Gov. Benton, 153; Com. re Madrid Bend, 558; re First Tenn. Regiment, 590; administrations of, 590-594; defeats Fowler, 591; benefits state finances, 592; defeats McCall, 592; 612; candidate for nomination for gov., 697
McMillin, Capt. D. N., 637
McMinn, Gov. Joseph, re Moses Fisk, 60; 149, 152, 155; re treaty with Cherokees, 256, 432; Blount's messenger, 271; administrations of, 368-394; recommends penitentiary, 371; re Ky. boundary line, 380; re canal, 442; re finance, 454
McMinn County, history and statistics of, 827-828
McMurry, Capt., 355
McMurry, Donald L., re Indians of Tenn., 19
McNairy, Judge John, 148 and note; 155; superior judge, 272
McNairy, N. A., 309
McNairy County, History and statistics of, 897-898
McNutt, Gov. A. G., re Miss.-Tenn. line, 387, 388
McNutt, Jno. E., 595, note
McRory, John, 215
McTeer, Robert, 710
McTeer, Will A., 710
McTeer's Fort, 710
Macadam, John Loudon, 443
Mackall, Gen. W. W., surrenders, 479
Maclin, Sackfield, 412, note
Maclin, William, 156, 272, 298
Maclin, Zachariah, 219
Macon County, history and statistics of, 861
Madell, James, 211
"Madison, Grundy and the Devil," 416
Madison, Pres. James, 83, 277, 339, 452, 456
Madison County, history and statistics of, 896-897
Madrid Bend, re buying from Ky., 558
Mageveny school house, 369
Magna Charta, 163
Maney, Gen. George, 481; 513; re memorial to legislature, 539; candidate for gov., 558
Manigault, Gen., wounded at battle of Franklin, 508
Mansfield, Lord, re Henderson purchase, 85
Mansker, Col. Kasper, 103, 149, 248; at Logtown, 249
Mansker's Lick, 57, 727
Mansker's Station, 108, 170, 179, 180, 727
Manson, J. A., speaker, 567
Manson, Gen. M. D., 486
Manual Labor Academy, 750
Manufacturers Record, re Tenn. Cent. R. R., 593, 594
"Many," correspondent, 279
March to King's Mountain, 92-95
Marine Corps in World War, 638
Marion County, history and statistics of, 828
Markers—
  Blount County: 709-713
    Burnt Station, 711
    Craig's Fort, 711
    Gamble's Fort, 710
    Houston's Fort, 712
    Hunter's Fort, 712
    Ish's Fort, 712
    McGaughey's Fort, 709
    McTeer's Fort, 710
    Site of home of Kirk family, 713
  Davidson County: 714-738
    Battle of the Bluffs, 718
    Belle Meade, 723
    Buchanan's Station, 730
    Burr's Landing, 730
    Clover Bottom Race Track, 730
    Confederate Soldiers' Home, 731
    Davidson Academy, 721
    Dickinson's (Charles) Grave, 723
    Donelson's (John) Farm, 731
    Freeland Station, 727
    French Lick and Fort, 724
    Granny White Tavern, 729
    Headquarters of Gen. Thomas, 717
    Hermitage, 732
    Hermitage Church, 732
    Home of Edward Emerson Barnard, 722
    Home of John Bell, 719
    Home of Jesse Benton, 728
    Home of Judge John Haywood, 729
    Home and Fort of James Robertson, 727
    Home of William Walker, 719
    Hume-Fogg High School, 720
    Jackson's (Andrew) Law Office, 714-715
    Lealand, 729
    Mansker's Station, 727
    Nashville Female Academy, 724
    Nashville Inn, 715
    Nashville Battlefield, hist. of, 732-738
    Natchez Trace Road, 722
    Old Capitol Building, 721
    Polk Place, 717
    South Field, 721

Digitized by Google

Spring Hill Meeting House, 728
Station on the Bluff, 718
Tulip Grove, 731
Giles County: 749-758
Birthplace of Govs. J. C. Brown and Neill S. Brown, 749
Brown, Gov. Aaron V., 754
Congressional Line, 755
Davis, Sam, 750-751, 753-754
First Courthouse, 754
Fort Lilly, 750
Half Way House, 754
Headquarters of Gen. G. M. Dodge, 750
Ku Klux Klan, 749
Latitude Hill, 756
Old Indian Reservation Line, 756
Paine, Bishop Robert, 757
Pisgah Camp Ground, 757
Maury County: 741-748
St. John's Episcopal Church, 743
Brown, Col. Joseph, 742
Chearis, Maj. N. F., Residence, 747
Davis Ford, 747
First Log Courthouse, 741
Gen. Greene Tract, 742
Polk's Boyhood Home, 744
Site of Death of Gen. Earl VanDorn, 747
Site of Personal Encounter between Gen. Forrest and Lieut. Gould, 745
Zion Presbyterian Church, 748
Zollicoffer, Gen. Felix, 746
Memphis and Vicinity: 762-774
Chisca Mound, 762
Fort Adams, 766
Fort Assumption and Fort Pickering, 765
Fort Ferdinand de Barancas, 765
Fort Prudhomme, 765
Home of Pres. Jefferson Davis, 769
House in Which Gen. Forrest Died, 773
Irving Block Federal Prison, 770
Old Bell Tavern, 766
Point of Crossing, 762
Raising Union Flag on Capture of Memphis, 773
Rawlings' Indian Trading Post, 766
Residence of Gen. N. B. Forrest, 769
Residence of Gen. C. C. Washburn, 770
Williamson County: 738-741
Carter's Creek Turnpike, 740
Franklin and Spring Hill Turnpike, 739, 740
Franklin Turnpike, 739
Hillsboro Turnpike, 738
Lewisburg Turnpike, 741
Nolensville Pike, 741
Wilson Pike, 741
Miscellaneous:
Bledsoe Monument, 216
Boone Tree, 57
Chickamauga Monuments, 497, 498
First Capitol of Tenn., 707
First Presbyterian Churchyard in Knoxville, 707
Fort Loudon, 44
Hindenburg Line, 639, 640
Home of William Been and Been's Station, 708
Key Corner, 774
Knoxville Block-house, 153
State of Franklin, 132
Treaty of Holston, 153
Marquette, Father James, 42
Marks, Gov. A. S. elected gov., 560; administration of, 560-561
Marks, Arthur Handly second nomination of Peter Turney, 579-580
Marling (Marlin), John L., 442, 446
Marr, George W. L., 406
Marr, W. B., 625
Marriage of the Atlantic and Miss., 446
Married Woman's Emancipation Law, 685
Marshall County, history and statistics of, 861-862
Marshall, Chief Justice John, 31
Marshall, Park, re Natchez Trace, 312; re Murrell, 393 and note; re Crenshaw, 394; re History of Franklin, 882, note
Martin, Col., 481
Martin Academy, 90, 120
Martin, Gov. Alexander, 121, 134
Martin, Barclay, 412, note
Martin, Francois Xavier, 41
Martin, G. W., 559, note
Martin, Gen. Joseph, 118, 131, 133, 163, 165, 169, 193, 204, 222; re Spanish conspiracy, 139, 142; re treaty of Nashborough, 174; attacks Indians, 202, 205; re treaty of Hopewell, 253; Com. Tenn.-Va. line, 301
Martin, Gov. Josiah, 85
Mason, Prof. Chas., 591 and note
Mason, James M., 531
Mason, John, 391
Mason, Tom, 391-392
Mason, Tom, Jr., 391
"Massachusetts Historical Collections," 59
Massachusetts Historical Society, 60
Matthews, James, 283
Matthews, Thos. J., 412, note
Maulding, Jas., 115
Maulding's Station, 175
Maury, Maj. Abram, 741
Maury, Matthew Fontaine, 513
Maury County, erected, 309; first courthouse of, 741; history and statistics of, 862-864
Maxey, Powhatan W., 428
Maxwell, Capt. Jesse, 293
May, 392
Maynard, Horace, 418; atty. gen., 516; re convention, 521; candidate U. S. Senator, 534; wins in contest for congressman at large, 555; defeated for gov., 567; P. M. general, 561
Maynard, Com. Washburn, fires first shot in Spanish-American War, 590
Mazeppa, The, captured, 507
Mebane, James, 384
Mecklenburg Declaration, 31
Meek, Adam, 153
Meigs County, history and statistics of, 828, 829
Meigs, Return J., 232; com. of treaty, 237; 254, 255, 256; in Creek War, 345; 468
Melrose, home of Gov. Aaron V. Brown, 738
Melungeons, The, 790-791
Membré, Father Zenobé de, 42
Memorial Building, see Tenn. Memorial Building
Memphis, founding of, 375-379; 387; Advocate, 396; great commercial convention at, 434-437, 446; entered by Forrest, 505, 770; riot in, 531, 545; capture of, 773
Memphis and Charleston R. R., 446
Memphis Railroad Co., 444
Menees, Thos., for Confederate Congress, 521
Menifee, James, 181
Meriwether, Gen. David, 256, 432
Mero District, 133-143; created, 137; 149; harassed by Creeks, 216-220, 244-250; re Indians, 239; divided, 309
Methodists, early, 329
Metropolitan police act, 531
Meuse-Argonne campaign, 637
Mexican War, The, 437-438
Mialaquo, 161, 164
Michaux, A. F., re Rock Castle, 151, note; re Fort Blount, 761
Middle Striker, 213
Middle Tennessee, counties of, 27, 804, 840-885
Middle Tennessee State Normal School, 789
Middleton's Station, 234
Migration from East Tenn. to the Bend of the Cumberland, The, 104-108
Migratory birds, 629
Miles, Capt. William, 240
Military, see militia
Militia, requirements for, 90; in Cumberland settlement, 112; re organization of, 294, 295; for Natchez expedition, 337-339; for Creek War, 339-360; in Seminole War, 372; Brownlow law for, 533; re military bill, 540; provisions in Constitution of 1870, re, 553; re independent, 567
Mill Creek, 108
Mill Springs, battle of, 476
Miller, Austin, 387, note
Miller, John, 412, note
Miller, Mrs. Nora E., 360
Miller, Pleasant M., 454
Miller, Phineas, 309
Milliken, John, 175
Mills, Clark, 431
Millsaps, Marsha, 853
Milton, Mrs. George Fort, 691
Mims, A. L., populist, 581, 582
Mingo Homaw, 174
Mining insurrections, 576-579, 596, 597
Mining law, see State mining law
Ministers, earliest, 329

Digitized by Google

Miro, Gov. Don Estévan, 133; policy of, 138; re Spanish conspiracy, 139-143
Missionary Ridge, battle of, 499
Mississippi Bottoms, The, 24
Mississippi-Tenn., boundary line, 386-388
Mississippi Valley Historical Association, 113
Mitchell, Mr., 292
Mitchell, Richard, 149, 155
Mitchell, W. L., re Gov. J. C. Brown, 556
Mizell, William, 42
Molloy, Thomas, 115
Monahoe, Creek prophet, 356
Monette, re explorers, 55; re encroachments, 58; re camp meetings, 332, note; re Fort Mims, 340
Mongol, The, 28
Moniac, Jessie, 248
Monroe County, history and statistics of, 829-830
Monroe, Pres. James, 290; visits Nashville, 371; re instructions to Jackson to invade Florida, 373; re treaty with Spain, 421; re Cherokees, 432
Montgomery, Col. Archibald (Earl Eglinton), 48
Montgomery, Hugh, 357, note
Montgomery, Col. John, 134, note, 168; re Nickajack expedition, 240-244, 247; re death of, 246, 247
Montgomery, John, member constitutional convention of 1834, 406
Montgomery, Maj. L. P., 355, 356, 357 and note, 808
Montgomery Bell Academy, 779, note
Montgomery County, erected, 275; history and statistics of, 864-865
Montpensier, Count de, 291-293
Moonshaw, Joseph, 181
Moore, Judge John, 400
Moore, John Trotwood, re Stone Grave Race, 12; re Immigration List, 29, note; re anniversary battle of Tohopeka, 360; re Jackson's arrival at New Orleans, 363 and note; re separation of Sam Houston and his first wife, 399-403; re capture of Fort Donelson, 477, 478; re Shiloh, 480, note; re Emma Sanson, 493, note; re battle of Chickamauga, 494, note, 497, 499, note; re capture of Federal gunboats at Johnsonville, 507, note; chairman Tenn. Historical Com., 639, 640; 688; re St. John's Church, 743-744
Moore, Col. Patrick, 91
Moore, Samuel, 167
Moore County, history and statistics of, 865-866
Mordecai, Abram, 208
Morgan, Charles, 190
Morgan, Geo. H., speaker, 561
Morgan, Gen. John H., raids of in Tenn. and Ky., 482-483, 485; captures Gallatin, 485
Morgan, Gen. John T., re Forrest, 773
Morgan, Judge R. P., re Tenn. Centennial Exposition, 584
Morgan, Samuel D., 415; pres. capitol board, 429, note
Morgan County, history and statistics of, 830-831
Morgan's Station, 183
Morris, Gouverneur, 292
Morris, K. J., mayor of Nashville, 542
Morris, Judge Robert L., 450
Morris' Tennessee Gazetteer, 376
Morrow, Dr. William, State Supt. Public Inst., 555
Morrow, William I. I., 406
Morse, J., 60
Morton, Capt. John W., 503; re capture of Johnsonville, 507 and note
Moss, George, 229
Mossy Creek, battle of, 500
Mothers' Club of Greenville, 132
"Mother's Day," 625
Moulton, Lieut., 356
Mount Moriah Church, 758
Mount Pisgah speech, 424
Mountain Leader, The, see Piomingo
Mountaineers, The, 91-95
Mountflorence, James Cole, 149
Moytoy, 51, 158
Muckishapoy, Capt., 247
Mulenberg (Muhlenberg), Frederick Augustus, 148
Mullens, H. J., 592
Munfordville, captured, 486
Murfreesboro, capital of Tenn., 371; battle of, 487-491
Murphy, Rev. William, 329
Murray, J. P., for Confederate Congress, 521
Murray, W. W., 564
Murrell, John A., 392-394, 466
Murrell, Rev. Thomas, 329
Muscle Shoals, 104, 106; re settlement at, 151, 182-187, 196; re Henry Ford, 698
Musgrove's Mill, 92
Mustin, Henry C., 590
Mutiny, in Creek War, 348, 351, 353
Myer, Dr. W. E., 11; Federal Fuel Administrator, 635
Myers, Thos. R., speaker, 575
Mynders, Capt. Seymour A., State Supt. Public Instruction, 595, 598, note

Nash, Gen. Francis, 108, note, 135, 847
Nashborough, 108, note; treaty of (1783), 133, 174, 175, 182, 253
Nashoba Venture, The, 900
Nashville, chartered, 134; conference of, 249; first paper in, 293; report of massacre of Fort Mims reaches, 340; permanent capital, 415; buys site for capitol, 428; battle of, 508, 511; city council of refuses oath of allegiance, 516; controlled by Alden ring, 541-542; in hands of receiver, 542; aids Tennessee Centennial Exposition, 584; aids State Memorial Building, 686; battlefield, list of markers on, 732-738
Nashville American, The, 440, note.
Nashville and Columbia Turnpike Co., 396
Nashville and Davidson County Temperance Society, 602
Nashville Automobile Club, 714
Nashville Bank, The, 309
"Nashville Blues," 437
Nashville, Chattanooga & St. Louis Ry., chartered, 437; first operated, 446 and note
Nashville Convention of 1850, 440-441, 441, note
Nashville Female Academy, 438, 724
Nashville Insurance Co., 396
Nashville, Murfreesboro and Shelbyville Turnpike Co., 445
Nashville Union, The, 411, 440 and note; re radical state convention, 548
Nashville Whig, The, 440, note
Natchez expedition, 312
Natchez Trace (Columbian Highway); re Doublehead and Commissioners of U. S., 236; construction of, 312; 338; re robberies on, 391, 392; 722, 723
National Banking System, 462, 464
National campaign of 1844, 421; Guild, re, 422; Polk, re, 422, note; of 1848, 439; of 1852, 442; of 1856, 466-467; of 1860, influence of on Tenn., 468, 469
National Council of Defense, 635
National Education Ass'n, hold meeting at Nashville, 571
National Intelligencer, 569
Natural Divisions of Tenn., 20
Navigation of the Mississippi, re Spain's opposition to, 133-143; re Blount's expulsion, 280, 287
Neal, John, 405
Neal, John R., speaker, 560
Neal, Thos. W., 595, note
Neely, William, 179, 217
Neely's Lick, 179
Negley, Gen. J. S., 487, 736
Negroes, troops of at Fort Pillow, 505; voting, 533, 535, 536; outrages upon, 537; misdeeds of, 537 and note; suffrage of, 552; pensions for, 694
Nelson, Mr., 228
Nelson, Anson, 396; rec. sec. Tenn. Hist. Soc., 556; re Hume-Fogg School, 720
Nelson, James, 228
Nelson, Richard, 405
Nelson, Thomas, 228
Nelson, Rev. Thomas, 707
Nelson, Thomas A. R., 418; aids Gov. Campbell, 441; issues call for convention (1864), 523
Nelson, Lieut. Com. Valentine S., 590
Nelson, Gen. William, 485, 486; quarrels with Johnson, 519
Nequassee, 51, 158, 251
Netherland, John, 418; defeated by Harris, 468; 472
Neutrality of Ky., 474
New constitution, efforts for, 629

Digitized by Google

New England System of banking, 453
"New Issue," 461
New Orleans, 326; battle of, 364-367; not a barren victory, 367
New Orleans and Ohio Telegraph Co., 439 and note
New Orleans campaign, 360-367
New Orleans exposition, 567
"New Side" Presbyterians, 326
Newsom, Col. John F., 503
Newyouka, 354
Nichol, William, 408, 415, 458
Nicholls, Col. Edward, 372
Nicholson, Judge A. O. P., U. S. senator, 412, 465; 418, 423, 468; calls to order constitutional convention of 1870, 552 and note; chief justice, 554
Nicholson, Gov. Sir Francis, 158, 251
Nickajack, 197, 198, 200, 242
Nickajack Cave, 170
Nickajack Creek, 242
Nickajack expedition, 151, 238-244
"Night riders," 600, 601, 624
Ninety-Six, 92
Noel, O. F., 15
Nolensville Pike, 741
Nollichucky Settlement, 67, 73, 75, 164
Noonday, chief, 203; death of, 226
Norman, Gen. Henry H., re miners' strike, 577
Norman blood, 32
Norse blood, 32
North Carolina, the Mother State, 34; indifferent to needs of western country, 118; cedes to U. S. western lands, 119; repeals first cession act, 120; tactful conduct of re State of Franklin, 128; re struggle with Franklin for jurisdiction, 129, 130; re act of oblivion, 129; re remission of taxes, 130; resumes full jurisdiction over western lands, 131; feeling of unrest against by Cumberland, 138; re separation of Cumberland from, 142; re second cession, 143, 144-148, 313; re spirituous liquors in Davidson County, 602
North Carolina-Cherokee line, 67
North Carolina Road, 312
North Carolina-Tenn. boundary line, 383-385, 567
North Holston Settlement, 71; under Va., 73
Northwest Territory, 147, 148, 313
Notables, government of, see Government of the Notables
Notables, list of, 115
Nuisance Bill, The, 604, 605, 620 and note

Oakchoya, 354
Oakfusgee (Oakfuskee), 227, 354
Oath, prescribed by Johnson, 522, 523, 524; ironclad, 526
Obion County, history and statistics of, 898-899
Obongpohego, Creek Indian, 227
Oconalufte, 167
Oconostota, 45, 164; re Fort Loudon, 47; re Fort Prince George, 48, 50; 157-163; appearance and character of, 161
Oconostota and Atta Kulla Kulla, 157-163
Ogden, Rev. Benjamin, 329
Oglethorpe, Gov. James, 251
Ohio Company, The, 58
Oise-Aisne offensive, 638
O'Kelly, Rev. James, 329, 330
Okoye (Tisshumastubbe), 254, 756
Okoye's Reservation, 257
Old Abraham, re attack of on Fort Watauga, 89, 164, 166; re Kirk family massacre, 196
Old Bell Tavern, 766
Old capitol, 428, note, 721
Old City Cemetery, 717
Old Hickory, 339
Old Hickory Division, see The Thirtieth Division
Old Indian Reservation Line, 756
"Old Limber," 699
Old Pontotoc, 257
Old Raven, see Raven, The
"Old Side" Presbyterians, 326
Old Tassel, see Tassel, The
"Old Times in Tennessee," see Judge J. C. Guild
"Old Times in West Tennessee," 38
Old Town, 257
Old Washington (Washington), 832
Oliver, W. J., highway com., 613
Oliver Springs, miners' strike at, 578
"Omnibus Bill, The," 532, 543 and note
O'Neal, Gov., 226
O'Neal, Gov. Emmet, 360
One Hundred and Fifteenth Field Artillery, 637
One Hundred and Fifth Trench Mortar Battery, 637
One Hundred and Fourteenth Field Artillery, 637
One Hundred and Fourteenth Machine Gun Battalion, 637
One Hundred and Seventeenth Infantry, activities of, 636
Ooskuah, see Old Abraham
Opiomingo, see Piomingo
Ordinance of secession, repealed, 525
Ore, Maj. James, 151, 236; commands Nickajack Expedition, 241-244
Oregon boundary question, 421, 424
Organization of State Militia, 294-295
Organization of the Southwest Territory, 148-149
Origin and Progress of the Whig Party, The, 416-427
Orleans House, 293
Orleans, Three Sons of, 291, 292, 293
Orr, Col., 292
Orr, James, 222
O'Ryan, Gen. O. F., 640
Osceola, Seminole chief, 416
Otey, Bishop Jas. H., 743
Otis, Sam A., 148
Otter Lifter, 221
Ouster law, The, 605, 623-624
Outacite (Judge Friend), 161, 203
Outlaw, Col. Alexander, 155, 156, 193, 194
Overall, Col. John W., defeated for gov., 628
Overall, Capt. William, 229, 233
Overhill Cherokees, see Cherokees
Overhill Indians, see Cherokees
Overton, Dr. James, 446
Overton, Judge John, 149; treaty of, 257; land agent to make agreement with N. C., 314, 755; re Rhea letter, 373, note; re establishment of Memphis, 375-379; sketch of, 376, note
Overton, John, Jr., re Tenn. Centennial Exposition, 584
Overton, Gen. Thomas, 311, note
Overton County, history and statistics of, 866-867

Paine, Bishop Robert, 757
Paine, Thos. H., speaker, 557; State Supt. Public Instruction, 563; 591, note
Paint Rock, 384
Pakenham, Sir Edward, 363, 365, 366
Palmer, Gen. Joseph B., 513
Palmyra, 280 and note
Panic, of 1837, 457; of 1857, 461
Paris Landing, 507
Parish, Capt., 356
Park, Rev. James, 329, note
Park, Joseph, 451
Parker, Jane Marsh, 293
Parker, Nathaniel, 216
Parker, Mrs. Nathaniel, 217, 235
Parker, William, 67; partner of John Carter, 72
Parker's Cross Roads, battle of, 492
Parkins, Mr., 292
Parks, Reuben, 189
Parliament of Great Britain, 33
Parole, at end of Civil War, 511; non-combatant, 520
Parrish, Joel, defalcation of, 403
Parson Brownlow, see Gov. W. G. Brownlow
Parsons, Enoch, 368
Parsons, Sergt. Harry M., 646
Parthenon, 585, 586
Parton, James, 310
Pate, John, 711
"Path Deed," 88, 252
Patterson, Sen. David T., son-in-law of Andrew Johnson, 534
Patterson, Col. Josiah, candidate for gov., 574
Patterson, Gov. Malcolm R., candidate for gov., 599; defeats Cox for nomination for gov., 599; defeats Evans for gov., 599; administrations of, 600-611; vetoes "four-mile" law, 604; other events of administration of, 605; Patterson-Carmack campaign, 606; defeats Carmack, 606; defeats Tillman, 606; re independent movement, 610; re highways, 613; re Tenn. reformatory, 614; tuberculosis hospital, 614; candidate for U. S. senator, 628, 697

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Patterson-Carmack campaign, 606
Patton, Col. James, 55
Paul, James, 229
Payne, Dr. Bruce R., 609
Payne, John Howard, 433, note
Paz, Prince de la, 143
Peabody College, see George Peabody College for Teachers
Peace democrats, disturbed by Johnson's policy, 524, 525
Peay, Gov. Austin, re Ga.-Tenn. line, 386; 449, note; 606, note; candidate for nomination for gov., 682, 697, nominated, 697; re race against Taylor, 698, 699; administration of, 699-703; re inauguration of, 699; tells what his administration has accomplished, 701-703
Peck, Capt. T. F., charges against, 694
Pendleton, Benjamin, 228
Pendleton, Mrs. Benjamin, 228
Pendleton, Edmund, 78
Pendleton, Frances, 228
Pendleton, Sen. I. L., 603
Pendleton, Reuben, 228
Pendleton District, re petition of, 78
Pendleton law, 603
Penitentiary, first, recommended, 371; built, 403; lease system of, 572, 576 and note; new provided for, 580; lease system of discontinued, 581; new completed, 588; lease of convicts of abolished, 629
"Pennsylvania Plan," The, 408, 444-445
Penny, William, 235
Pensacola, capture of, 363, 373
Pensacola meeting of Spanish governors, 138
Pension examiners, board of created, 575
Pensions, 575, 600, note; for colored men, 694
People South of Holston and French Broad, see Settlement South of the Holston and French Broad
Period of Pioneer Life, 63-95
Periods of Tenn. history, 38, 404, 405, 407
Permanent school fund, see School fund
Perry, Simeon, re N. C. line, 384
Perry County, history and statistics of, 867-868
Perryville, battle of, 486
Pershing, Gen. John J., re Anglo-Saxons, v, note
Persons, Capt. G. G., 481
Peter the Hermit, 353
Peters, Dr., kills Gen. Van Dorn, 747
Petition of the Inhabitants of Washington District to the Provincial Council of North America, 76, 78
Petition of Watauga Association to N. C., 903-905
Petrie, M., 387, note
Pettibone, Maj. A. H., defeated by Bob Taylor, 561, note
Peyton, 391
Peyton, Baillie, 418, 424
Peyton, Mrs. Ephraim, 105, 106
Phelan, James, re Watauga Ass'n, 77; re Jackson and Sevier encounter, 305; re Judge David Campbell, 310; re first camp meeting, 330; re Murrell, 392, note, 393; re whig convention, 423; re internal improvements, 443, note; re John Bell, 720; re Rawlings, 769
Philippe Egalité, 292
Philippe of Orleans, 291, 292
Pickens, Gen. Andrew, 201, 253
Pickering, Timothy, 271, 275, 288
Pickett County, history and statistics of, 868
Pickett's charge, 512
Pike, Albert, 415, 423
Pike, Capt. Zebulon M., 375, 765
Pillow, Ernest, speaker, 581
Pillow, Gen. Gideon J., re nomination of Polk, 422, note; in Mexican War, 438 and note; in Civil War, 473, 474; at Fort Donelson, 477-479; 513; re memorial to legislature, 539
Pillow, William, 188
Pilot Mountain, 93
Pinckney, Gen. Thomas, 143, 359
Piomingo (Mountain Leader), makes alliance with Robertson, 116, 174, 185, 202, 206; visits Philadelphia, 247; to Robertson, 249
Pioneer, The Jackson, 396
Pioneer life, period of, 63-95; customs of, 318-325
Pisgah Camp Ground, 757
Pitt, William, 45
Pittsburgh Landing, battle of, see Shiloh
Planters' Bank, 437, 455, 458, 461
Plateau, or Slope of West Tenn., The, 24
Pleas and Quarter Sessions, Inferior Courts of, 117, 134, 149
Pleasant Forest Cemetery 308
Plowboy, 311
"Pocahontas of the West," 89, 165
Poindexter, G. G., 468
Point of Crossing, re DeSoto, 762
Point Pleasant, battle of, 67, note, 85
Political Divisions of Tenn., 27
Polk, Ezekiel, 149, 375, 744
Polk, Pres. James K., re school lands, 318; N. C., 403; defeats Bell, 408; campaign of against Cannon, 411-412; defeats Cannon, 411; campaign of against Jones, 412, 421; elected pres. of U. S., 415; 418; re Van Buren in 1844, 422, note; nominated for pres., 422 and note; friend of Aaron V. Brown, 424; tomb of, 431; re Mexican War, 437, 438; boyhood home of, 744-745
Polk, Mrs. James K., re state bonds, 545
Polk, Gen. Leonidas, in Civil War, 473, 474; at Shiloh, 480, 481; at Perryville, 486 and note; at Murfreesboro, 488; at Chickamauga, 494, note, 497; charges against preferred by Bragg, 500; re St. John's Church, 743
Polk, Gen. Lucius E., 513
Polk, Capt. Marsh T., 481
Polk, Capt. W. M., 494, note
Polk, William, 135
Polk County, history and statistics of, 831-832
Polk-Jones debate, 421
Polk letters, 422, note
Polk Place, 717
Polk tomb, 431
Poor-valley-shoal, 104
Pope, Gen. John, 479
Porter, Alex., Sr., 451
Porter, David, 375
Porter, Mrs. Felicia Grundy, re U. D. C., 792
Porter, Gov. James D., in Civil War, 473 and note; re death of Zollicoffer, 476; re Shiloh, 480, note; re Bragg in Ky., 486, note; re Chickamauga monuments, 498; administrations of, 557-559; defeats Maynard for gov., 557; calls extra session acct. State debt, 559; friend of education, 559; on State debt, 559
Porter, Lieut. Thomas, 513
Porter, Thos. C., 405
"Portfolio, The," 97
Powder plant, 639
Powell, Robert W., 412, note
Powell's Valley, 55, 56, 88
Poymace Tankaw, 174
Poyzer, George, 451
Pratt, Joseph Hyde, 385, 626
Prehistoric race, 7, 27
Prentiss, Gen. B. M., 481
Prentiss, Seargent S., re Anglo-Saxon institutions, v, note; re whig convention, 415, 423
Presbyterians, 326, 328; differences of, 326, 328; council of, 333; synod of, 333; general assembly of, 333
Preston, Gen., 488
Preston, T. R., candidate for nomination for gov., 621
Preston, Col. William, 86, 87
Priber, trader, 47
Price, Thomas, 86
Primary law, see compulsory primary law
Prince, 216, 218
Prince, Francis, 134
Prince, Robert, 156
Prince, William, 156
Prison commission, created, 580
Prohibition, the "four-mile law," 558 and note; re amendment to state constitution, 571 and note; in Frazier's administration, 595; development of temperance and prohibition in Tenn., 601-605; first law of, 602; state-wide laws, 603; amendment (18th) ratified, 682 and note
"Prophet, The," 339, 340
Provincial Council, re petition to, 78, 79
Provine, Dr. W. A., 114
Provisional Army of Tenn., see Army of Tenn.
Pryor, Asst. Surgeon Jas. C., 590
Public school system, see Education
Public Utilities act, repeal of demanded, 689
"Purchase, The," 374

Digitized by Google

Purdy, John, 406
"Pure Food and Drugs" act, 605, 615
Putnam, A. W., re finding Cumberland Compact, 109; re Government of Notables, and Court of Pleas and Quarter Sessions, 134; re Burr's visit, 730; re origin of name Nickajack, 731; re Jackson in Nickajack expedition, 743
Putnam, Prof. F. W., 11, 15; re Robertson and Spanish conspiracy, 141
Putnam County, history and statistics of, 868-869

Quaker Meadows, 93, 95
Quarles, R. T., 354, 384, note; supt. history bldg. at Tenn. Cent. Exposition, 587
Quarles, Gen. William A., wounded at battle of Franklin, 508; 513; re memorial to legislature, 539
Quigley, Patrick, 180

Race Life of Tennessee, The, 28-37
Radical republicans, see Republicans, radical
Ragan, Anthony, 239
Raine, C. D., 595, note
Railroad Commission, see State Railroad Commission
Railroads, re building of, 437, 439, 440, 442 and note, 444, 445, 446, 447, 466, 468; re state debt, 542, 543, 554; re regulation of, 564; re anti-pass bill, 626
Rains, Gen. James E., 513
Rains, Capt. John, 103, 116, 149, 185, 188, 189, 247
Rains, John, Jr., 189
Raleigh letter, The, 422, note
Ramsey, H. B., speaker, 561
Ramsey, Dr. J. G. M., 42; re Fort Loudon, 49; re Sir Alexander Cumming, 51; re early condition of Tenn., 51, 52; re Adair, 55; re explorers, 55; re Watauga Ass'n, 68, 76, 79; re Oconostota, 87, note; re constitution of Franklin, 121; re Robertson and Spanish conspiracy, 141; re expulsion of Blount, 283, 284; re conduct of Wm. Blount, 285; re backwoodsmen, 321; re clothing of first settlers, 321; re religion in early days of Tenn, 330; re camp-meetings, 332; pres. Tenn. Hist. Soc., 556; re stations, 704, 705; re First Presbyterian Church of Knoxville, 707; re Wm. Been, 707, 708; re McTeer's Station, 710; re Houston's Station, 712; re Robertson, 727
Ramsey, Col. Francis Alexander, 120, 149
Ramsey grant, 376
Randolph, established, 375
Randolph, Edmund, 451
Rankin, Quentin, murdered, 601
Rankin, William, 155
Ratliff, Harper, 228
Raven, The (Savanuke), 162, 164, 166, 193
Rawlings, Isaac, Indian trading post of, 766
Ray, John M., socialist, 599
Read, U. S. Senator, 282
Reagan, Sen. John H., 445, note
"Rear Guard of the Revolution," 89
Reason, Thomas, 246
Reasons for the Deadly Animosity of the Indians, 157
Rebel, The, 521
Reconstruction, begun by Johnson, 519; re convention (1863), 521; progress of reorganization, 522-525; reorganization effected, 525-526; under Brownlow, 527-547
Red Cross, The, 635
Red River, 108
Red River meeting, 295
Reedy Creek, 104
Reelfoot Lake, see "night riders"
Rees, James, 149
Reeves, George, 74
Reeves, Leroy, designs state flag, 598, 599
Reeves, Mary, 74
Regulars, in Hooper's administration, 612
Regulators, The, 63, 64, 73, 74
Reid, Judge Frank T., candidate for gov., 564
Reid, Maj. John, re treaty of Nashborough, 174
Reid, Maj. John, 338, 348, note, 351
Reid, Gen. Lee, 416
Reid, William, 211
Religion, revival of, 295
Religious denominations established in Tenn., 326-333
Removal of Cherokees, 431-433
Removal of Creeks, treaty of, 253; 258
Renfroe, Isaac, 171
Renfroe, Joseph, 172
Renfroe, Josiah, 187
Renfroe, Moses, 108
Renfroe's Station, 170; massacre of, 171, 172
Reorganization Bill, the, 700, 701
Reorganization, progress of, 522-525; effected, 525-526
Republican Banner, The, 400, note
Republican (democratic) party in Tenn., 280
Republican party, origin of, 466
Republican party (in Tenn.) split, 531
Republicans, conservative, 548
Republicans, radical, convention of (1869), 548
Republicans, state convention of, 557; convention of (1878), 560; convention of (1882), 563
Requasse, see Nequasse
"Resting Place," 92
Restoration of Tenn. to Union, 530
Results of the battle of King's Mountain, 99-100
Revenue law (1815), 452
Revivals, early, 331; manifestations in, 331
Revolutionary and Military Pensioners, list for Tenn., 259-270
Revolutionary War, Indian conditions in, 192
Reynolds, Gen. A. W., in Vicksburg campaign, 512
Reynolds, Gen. J. F., 498, note
Rhea, John, 149, 156; re revolutionary pensioners, 259; re instructions to Andrew Jackson to invade Florida, 373 and note
Rhea County, erected, 309; history and statistics of, 832-833
Rice, Rev. David, 332
Rice, DeLong, sec. Railroad Com., 587; 612, 613; re Bob Taylor, 616
Rice, E., speaker, 597
Rice, Elisha, 376
Rice, John, 232, 233, 376; death of, 376, note
Rice, Sarah, 388
Rice grant, 375, 376
Richardson, Mr., 228
Richardson, Judge James D., chairman democratic convention, 558
Richardson, John W., 461
Richardson, Newton, populist, 591
Richardson, Col. R. V., 503
Richmond, Ky., battle of, 486
Ridge, Maj. John, 238, 259; re death of, 259, 433
Ridley, Lieut., 356
Ridley, Beverly, 189
Ridley, Henry, 405
Ridley's Fort, 325
Riechman, J. A., 627
Riley, John, 207, 237
Riot, in Memphis, 531, 545
Ripley, Gen. E. W., 59
Rise of Chickamaugas, 167-170
Rise of John Watts, 201-205
Ritter, 463
River Navigation, 442-443
Roadman, William C., 405
Roads, early—
  Avery Trace, 312
  Cumberland Road, 213, 761
  First, 90, 312, 442
  From Washington District to Mero District, 312
  Kentucky Road, 213
  Knoxville to New Orleans, 255
  Legislation for, 309
  Natchez Trace, 236, 312
  North Carolina Road, 312
  Walton Road, 213, 312, 442
Roane, Gov. Archibald, 149, 155; superior judge, 272; votes for Andrew Jackson for maj. gen., 294, 303; administration of, 296-308; defeated by Sevier, 305; monument to, 308; re N. C. line, 384
Roane County, erected, 296; history and statistics of, 833-834
Roaring Run, 93
Roberts, woman with Big Harp, 388
Roberts, Gov. A. H., administration of, 682-688; candidate for nomination for gov., 682; defeats Lindsay, 682; re tax burden, 683, 684; re Tenn. Memorial Bldg., 685, 686; re strikes and law and order, 689; calls extra session, 689; race of with A. A. Taylor, 691-692; defeated by Taylor, 692

Digitized by Google

Roberts, Miss Betsy; 246
Roberts, Dr. Deering J., saves wounded at Murfreesboro, 491
Roberts, Gen. Isaac, re conduct of in Creek War, 352
Robertson, Charles, 69; statement, re, 83; re Watauga purchase, 88, 253; delegate to N. C., 88; 149 and note
Robertson, Charlotte, 73
Robertson, Elijah, 85
Robertson, Dr. Felix, 116; re birth of, 173; 180, note; re quinine, 404 and note
Robertson, Gen. James, 60, 87, 195; deputy to Cherokees, 61, 68; captain, 62, 79; agent to Cherokees, 62, 90, 102, 168; journey of to Cherokees, 70; origin of, 73; goes to Tenn., 74; statements re, 80, 83; re Cumberland Settlement, 102, 106; re Henderson's Purchase, 103; recruits party for Cumberland, 103; reaches Cumberland, 103; elected col., 114; a Notable, 115; alliance of with Piomingo, 116; trustee Davidson Academy, 135; commands Coldwater expedition, 136; representative from Davidson County, 137; memorial of to legislature, re Spain, 138; re Spanish conspiracy, 139, 142; letters of to Miro, 142; re treaty of Holston, 150; censured, re Nickajack expedition, 151; delegate to constitutional convention (1796), 155; re Freeland Station, 173; re treaty of Nashborough, 174, 175; fights with Indians, 175, 181, 184-187, 189, 191; re Chickamaugas, 212, 239; re Nickajack expedition, 239-244; to Col. Watts, 244; re Chickasaw and Creek treaty, 254; re Cherokee treaty, 256; resigns as gen., 275; re Tellico treaty, 294; letter to from Sevier, re Jackson, 302; death of, 337; home and fort of, 727
Robertson, Mrs. James, at battle of the Bluffs, 181
Robertson, James Randolph, 179, 239
Robertson, Julius, C. N., 406
Robertson, Mark, 185
Robertson County, erected, 275; history and statistics of, 869-870
Robertson District, 309
Robertson's Station, 77, 133
Robinson, Capt. Charles, re miner's insurrection, 577
Rock Castle, 151 and note, 239, 875
Roddye, Gen., 493
Roddye, James, 155
Rodgers, Gen., 214, note
Rodgers, John, 238
Rogan, Col. Charles B., 637
Rogan, Hugh, 187, 190, 191
Rogers, Mrs. Alice Breene, re organization of Ku Klux Klan, 537
Rogers, Lieut. Com. Charles C., 590
Rogers, John, 281, 282, 288
Romayne, Dr. Nicolas, 288, 289
Romine, W. B., re Pisgah Camp Ground, 757; re Mount Moriah Church, 758
Roosevelt, Theodore, iii, note; re origin of early settlers, 64; re Watauga Ass'n, 69, 79; re Robertson, 80; acct. of meeting and march to attack Ferguson, 92-95; on results of battle of King's Mountain, 100; re William Blount, 148, note; re backwoodsmen, 321; re Andrew Jackson, 372; at Belle Meade, 723
Rosebury, William, 222
Rosecrans, Gen. W. S., at battle of Murfreesboro, 487-491; sends out Streight's raiders, 493; at battle of Chickamauga, 497; superseded by Thomas, 499; conflicts with Johnson, 520
Ross, U. S. senator, 282
Ross, Andrew, 259
Ross, Chief John, re removal of Cherokees, 258, 259, 433 and note, 814, 815
Ross' Landing, 433, 814
Rossiter, historian, 35, note
Roulstone, George, 153; establishes Knoxville Gazette, 279
Rounsevall, David, 115, 171
Rounsifer, M., 104
Rousseau, Gen., at Murfreesboro, 508
Rowland, Mrs. Dunbar, 344, note
Rucker, 408
"Ruckerize, to," 408
Rugby Colony, The, 831
Ruhm, Lieut. Thomas F., built Oregon and Olympia, 590
"Rules of Decorum," 153
Running Water, 151, 170, 197, 200, 208, 211, 221; expedition against, 238-244
Ruskin Cave College, 852
Ruskin Colony, The, 852
Russell, Andrew, 149
Russell, Capt., 355
Russell, David, 153
Russell, Gen., 481
Russell, George, delegate to N. C., 61; re Watauga Ass'n, 70
Russell, John, 230
Russell, Col. R. M., 481, 503
Rutherford County, history and statistics of, 870-871
Rutherford District, 309
Rutherford, George, 152
Rutherford, Gen. Griffith, 89, 153, 774; attacks Cherokees, 167
Rutherford, Henry, 375; re Key Corner, 774
Rutledge, Capt., 481
Rutledge, Gen. George, 156; elected gen., 275, 295; com. Tenn.-Va. line, 301, 380
Rutter, re school fund, 543, note
Rye, Gov. Thos. C., re great seal, 301; announces candidacy for nomination for gov., 621; nominated for gov., 621; defeats Hooper, 622; administrations of, 622-631; re enforcement of laws, 622, 623, 624; conscientiousness of, 623; recommends "ouster bill," 623; calls extra session acct. Edgington and Estes, 627; defeats Overall, 628; defeated for U. S. senator, 682; last message of, 683

Safety Fund System, 457
Safford, J. M., state geologist, 555
St. Clair's defeat, 202, 206
St. Louis Exposition, see Louisiana Purchase Exposition
St. Marks, seized by Jackson, 373
St. Mihiel, 636, 637, 638
Salt, 321
Salvation Army, The, 635
Sand Mountain, fight at, 493 and note
Sanders, Julius, 247
Sanders, Newell, 612; U. S. senator, 617
Sanford, E. J., re Fort Sanders, 500, note
San Lorenzo et Real, treaty of, 143
Sanson, Emma, 493 and note, 494
Saunders, Alex., 238
Savage, Col. John H., 416, 438, note, 559 and note; Railroad Com., 564
Savanukeh, see The Raven
Sawyer, Green, 555
Saxon, 29, 31
Scaggs, Richard, 56
Scalawags, 507 and note
Scantee, see Capt. Charley
Schermerhorn, John F., 258
Schley, Admiral W. S., 153
Schofield, Gen. John M., succeeds Gen. Foster, 500; opposes Hood, 508, 509
School fund, 452, 458, 463; loss to, 543, note, 781, 784
School lands, 315-318 and note, 452, 776, 779, 780
Schoolmaster Black's house, 238
Schools, see Education
Schouler, Jas., re Pres. Polk, 745
Schull, Miss, 228
Scoby, 210
Scoggins, Henry, 57
Scollacutta (Hanging Maw), 130, 193, 194, 204, 212, 221, 222, 223, 225, 226, 227, 233, 240, 248; re conference with Blount, 244
Scotch, The, 28, 29, 31, 36
Scotch-Irish, The, 28, 29, 31, 36, 64, 66
Scott County, history and statistics of, 834-835
Scott, Edward, 310
Scott, Gen., wounded at battle of Franklin, 508
Scott, James, 406
Scott, Lieut., 372
Scott, Lon A., re Edgington and Estes, 627
Scott, Gen. Winfield, re removal of Cherokees, 259, 433
Seagrove, Supt., 201, 208
Seal of Tenn., see Great Seal of the State of Tenn.
Searcy, Maj., 352
Searcy, Valentine, 87
Seay, Ed. T., speaker, 594
Sebastian, 141
Secession, beginning of, 469; convention, re, 469, 471; of Tenn., 471, 472; ordinance of repealed, 525

Digitized by Google

Second Corps Artillery Park, in World War, 638
Second Session of the So-Called Thirty-Fourth General Assembly of the Brownlow Regime, 532
Second Tenn. Infantry, in World War, 637
Second Tenn. Regiment, in Spanish-American War, 590
Secondary school law, 576
Sedgwick, U. S. Senator, 282
Sehoy, 220
Selective draft, 632
Seminole War, first, 371-373; second, 408, 415-416
Senate, see State Senate
Senate, U. S., re Wm. Blount, 280-284
Senter, Gov. D. W. C., re great seal, 301; re Bank of Tenn., 463; succeeds Brownlow, 541; administration of, 547; liberal policy of, 548; candidate for gov. against Stokes, 548-549; elected gov., 549; re elective franchise, 549
Senter, William T., 405, 418
Sequatchie County, history and statistics of, 835
Settaco, 44
Settlement south of the Holston and French Broad, 144, 146, 192; re situation of, 272-275; re legislation for, 278; re treaty for, 294, 315; re payment for lands of, 316, 317
Settlers, first, 63; on Cumberland, 115, 133; increasing in East Tenn., 118; irritated against N. C., 118, 119, 120; meet at Jonesboro, 119; November convention, 120; December convention, 120; feelings of, re Spain, 134-143, 138; customs of, 318-325
Seven Mile Ferry, 233
Seven Mile Ford, 166
"Seven Years War," 45
Sevier, Mrs. Catherine Sherrill, romance of, 89, 166
Sevier, George W., 302, note
Sevier, James, 141
Sevier, John, re Moses Fisk, 59; lieut., 62, 67, 89, 91, 166; 69, 166, 194; statement, re, 83; delegate to N. C., 88; prepares against Ferguson, 92, 98; raises money for campaign, 92; 96; campaign of against Cherokees (1780), 118, 162, 169; president Jonesboro meeting, 119; made brig. gen., 120; gov. of Franklin, 120; at constitutional convention of Franklin, 121; letter of to Gov. Patrick Henry, 128; struggle of for independence, 129; 130; arrest of, 131, 141; "Sevier's escape," 131; succeeding honors of, 131, 132; re Spanish conspiracy, 139-141; letter of to Gardoqui, 139-141; defeats Indians in campaign ending with battle of Etowah, 151; 153; defeats Chickamaugas, 180; defeats Indians (1788), 195-196; Indians' fear of, 215; ordered by Sec. Smith to attack Indians, 151, 224; first series of administrations of, 271-295; elected gov., 271; address of to legislature, 271, 272, 275; re settlement south of Holston, 278; principal events of first three administrations of, 291-295; re Orleans princes, 292; re great seal of Tenn., 297; Com. Tenn.-Va. line, 301, 302, 380; re Jackson-Sevier imbroglio, 302-308; appoints Jackson superior judge, 302; re diary of, 302 and note; defeated for maj. gen., 303; against Roane for gov., 303; charged with land frauds, 304, 305; defeats Roane, 305; personal encounters with Jackson, 305-307; differences between Sevier and Jackson, 307, 308; leading events in second series of administrations of, 308-312; defeated for U. S. Senator, 308, 334; further honors of, 308; re Judge David Campbell, 309, 310
Sevier, John, Jr., 156
Sevier, Joseph, 246
Sevier, Michael, 208
Sevier, Rebecca, 246
Sevier, Robert, 232, 233, 246
Sevier, Col. Valentine, 67, note, 232, 233, 246
Sevier, Valentine, Jr., 85, 232, 233, 246
Sevier, William, 232, 233, 246
Sevier County, 120; erected, 154; delegates of to Constitutional Convention (1796), 156; history and statistics of, 835-836
Sevier's diary, 602, 761
Sevier's Station, 232; attacked, 246
Seward, Sec. W. H., 475
Shackleford, Judge, re repeal franchise law, 539; re Alden ring, 541
Shafter, Gen. W. R., 493, note
Shankland, John, 229
Shannon, Capt. John, 188
Sharkey, Judge W. L., 440
Sharp, Maj. Anthony, 210
Sharp, Henry, 406
Sharpe, Benjamin, 230
Sharpe, Robert, 229
Shauvanon, 43
Shaw, Bob, 234
Shaw, Capt. H. B., re Sam Davis, 753
Shaw, Leonard, 211
Shawnee salad, 108
Shawnees, habitat of, 19; at Great French Lick, 43; land claims of, 85, 86; trouble Cumberland Settlement, 116; attack Buchanan's Station, 151; capture Capt. Handly, 150; re ambassadors of, 221
Shawnees Warrior, The, 205-211, 215
Shea, John Gilmary, 42
Shelby County, 375; delegation of, re Gov. Hooper, 618; history and statistics of, 899-901
Shelby, David, 136, 156
Shelby, Gen. Evan, attacks Chickamaugas, 62, note, 91, 168, 180, 247; 67, note; origin of, 71; re State of Franklin, 130; 351
Shelby, Maj. Evan, Jr., 246
Shelby, Gov. Isaac, 67; origin of, 71; 87; captures Col. Moore, 91; efforts of against British, 91, 92, 98; receives Ferguson's warning, 92; raises money for campaign, 92; land com., 117; re treaty of Nashborough, 174; Com. Great Chickasaw Cession treaty, 257, 371, 373, 374
Shelby, John, Jr., 156
Shelby, Capt. Moses, 187
Shelton, Elder, 234
Shepherd, Judge Lewis, re Melungeons, 790, 791
Sheppard, Lewis, 559, note
Sherman, Gen. W. T., re East Tenn., 500; re Forrest, 504, 505, 506; begins march to sea, 508; defeated at Chickasaw Bayou, 511; re Confederates, 511
Sherrill, Kate, see Catherine Sherrill Sevier
Shields, Sen. John K., elected U. S. Senator, 618, 682
Shiflet, R. A., re state mining law, 596
Shiloh, or Pittsburg Landing, battle of, 480-482
Shinplasters, 455
Shoat, Christopher, 153
Shodder, H., 211
Shoffner, J. M., 595, note
Shook's Gap, 500
Shropshire, Clyde, re Edgington and Estes, 627; speaker, 628; candidate for nomination for gov. 682
Shy's Hill, fight at, 760
"Silver Grays," 309
Sims, R. N., 464
Sims, Thetus W., 697
Sinking fund established, 592
Sioussat, St. George L., 434, note, 435
Sitgreaves, 282, 288
Sitgreaves, Joseph, 149
Situation Confronting the Colonists, The, 138
Situation of the People South of the Holston and French Broad, 272-275
Six Nations, 59, 67, 252
"Sky Blues," 563 and note, 564
Slav, The, 28
Slavery, institution of threatened, 440; affected by election of 1856, 466-467; emancipation proclamation, re, 520; abolished by Tenn., 525-526
Slaves, re provision of cession act, 146, 147; re malicious killing of, 294; re emancipation of, 296; re trial of, 396; 404; emancipated, 520; freed, 525, 526; voting, 536; insurrection of, 873
Slidell, John, 531
Slim Tom, 195
Smartt, Mrs. J. P., 395, note
Smartt, William C., 405
Smith, Capt., 257
Smith, Capt., in Creek War, 346
Smith, A., com. N. C. survey, 384
Smith, Chancellor Charles, re Alden gang, 541
Smith, Gen. Charles F., 478 and note

Digitized by Google

Smith, Gen. Daniel, 135, 136, 151, 233, 379; re Spanish conspiracy, 141, 142; sec. Southwest Territory, 148; authorizes Sevier to attack Indians in 1793, 151; com. of treaty, 237, 254, 255; 239; supports Robertson and Chickasaws, 248; final report as sec. Southwest Territory, 271; re seal for Southwest Territory, 297; re journal of, 380 and note; re Walker line, 380, 382, 383; re Latitude Hill, 757
Smith, Capt. David, 156, 248, 249
Smith, Gen. E. Kirby, in East Tenn., 485; wins battle of Richmond, Ky., 486
Smith, Frank M., State Supt. Public Inst., 571, 581
Smith, Henry, 103
Smith, Col. James, 57
Smith, James, re Committee of Thirteen, 70
Smith, James W., 405
Smith, John H., 451
Smith, Gen. Preston, 481, 513
Smith, Maj. Rutledge, chairman National Council of Defense, 635
Smith, Mrs. Sallie, 219, note
Smith, Gen. Thomas Benton, 513
Smith, Capt. W. C., re Tenn. Centennial Exposition, 584
Smith, Gen. W. F., 499
Smith, Gen. W. S., re Forrest, 504
Smith, William Bailey, re boundary line, 87, 379, 382
Smith, Col. Wm. Crawford, in Spanish-American War, 589
Smith, Gen. Wm. J., 513
Smith County, erected, 294; history and statistics of, 871-872
Sneed, Gen. John L. T., 473
Snoddy, Ensign William, 210
Snow, Marshall S., re Brownlow regime, 534, 535
Snyder, Betsy, 246
Snyder, Charles, 246
Snyder, John, 246
So-called "Spanish Conspiracy" and the Mero District, 133-143; genesis of, 138-143
Soldiers' Home, see Confederate Soldiers' Home
Somerset, 179
Somerville, Lieut., 356
Somerville, battle of, 503
Somme Offensive, 636
Sons of the American Revolution, 132; re Holston treaty marker, 153
Soule, Prof. A. M., 595, note
South Field, 721
South Holston Settlements, 73
South of the Holston and French Broad, see Settlements South of the Holston and French Broad
Southern Boundary Line of Tenn., 385-386
Southern Ry., 445
Southwest Point, 236, 237, 255, 292, 306 and note
Southwest Territory, see Territory of the U. S. South of the River Ohio
Spain, re harassments of Cumberland settlement, 134-143, 225; re intrigues of, 134, 187-191; govs. of meet at Pensacola, 138; genesis of conspiracy of, 138; re treaty with, 143; re Blount impeachment, 284; cedes Florida to U. S., 373, note
Spalding, Gen. George, 513
Spanish-American War, 589-590
Spanish conspiracy, 133-143
Sparks, Capt. Richard, 279
Spears, Gen. James G., 513
Spence, Gen. Cary F., cited, 636; re marker on Hindenburg line, 639, 640
Spence's History of Hickman County, 856, note
Spencer, Judge Samuel, 310
Spencer, Thomas Sharp, 103, 116; death of, 234, 235, 236, 239
Spencer County, 120
Spencer's Hill, 234
Sprague, Chas., 16
Spring Hill, lost opportunity at, 508
Spring Hill Meeting House, 728
Stahlman, Maj. E. B., atty. for H. Clay Evans, 581
Stalnaker's, 162
Standifer, James, M. C., 403
Stanford, R. L., 463
Stanton, Sec. Edwin M., notifies Johnson of appointment as military gov., 515
Stanton, W. M., speaker, 617
Star of the West, 469
State Agricultural Bureau, established, 466
State Auditor, office of created, 920
State bank system, 453
State banks, see Tenn. in the Banking Business
State Board of Control, 624, 687
State Board of Education, 787, note; established, 559; re W. J. Hale, 698
State Board of Health, established, 558 and note
State boundary lines, 308, 379-388, 393, note
"State Credit" democrats, 560, 561
State debt, 542-545, how created, 542, 543; report of com. of legislature (1879), 543, 544; funding act, re, 544; agreement of 1877, 544; act of 1881, re, 545; arranged, 545, 563, 564; 555; reduced, 556; fight over, 557, 558, 559 and note, 560, 562; in McMillin's administration, 592; bonds held by U. S., 593, note; reduced in Cox's administration, 598, note; Gov. Rye, re, 683
State Department of game and fish, created, 625
State Fire Prevention Commission, created, 625
State flag, 598, 599
State Food and Drugs Department, 605
State geologist, office of established, 554
State guard, in Brownlow regime, 536, 538; organized, 537; called out, 540; re miners' insurrection, 577-579; dismissed by Gov. Turney, 580
State Highway Commission, 447, 448, 600, 609, 613, 686, 702
State Highway Department, 447-449, 625
State librarian, office of established, 466
State mines, 581
State mining law, 596, 597
State Railroad Commission, established, 564; abolished, 567; reestablished, 588; 689, 694
State Real Estate Commission, 694
State senate absentees, 610
State Tax Commission, 689, 693, 702
State Text-book law, 591 and note, 688
State University, see University of Tennessee
State-wide prohibition laws, see Prohibition
Statehood, preparations for, 154
States rights, 456
Station on the Bluff, The, 718
Steamboat, first at Nashville, 371
Stearns, Dr. Eben S., pres. Peabody College, 787
Steele, Andrew, 211
Steely, Wm., 383, 395
Steep Rock, 75
Stegall, 391
Stephen, Lieut. Col., 162
Stephens, Col., 481
Stephens, Alexander H., 423
Stephenson, Rev. James, 748
Stephenson, Matthew, 405
Stevens, Thaddeus, readmission of Tenn. after war, 530
Stevenson, Gen. Vernon K., 446, 473
Stewart, Gen. A. P., 481; re Chickamauga monuments, 498 and note; joins Gen. J. E. Johnston, 511; 513
Stewart, Gen. Hoyte, 609; re Edgington and Estes, 627
Stewart, Vergil A., re Murrell, 393
Stewart County, erected, 308; history and statistics of, 872-874
Stimson, Prof. J. G., 591, note
Stockade fort, how built, 325
Stockell, Chas. H., 592
Stockton, U. S. senator, 282
Stokes, re treaty, 258
Stokes, M., 384
Stokes, Col. W. B., candidate U. S. senator, 534; candidate for gov. against Senter, 548, 549; has joint debate with Senter, 549; appeals to Pres. Grant alleging frauds, 549
Stone, Rev. Barton W., 331
Stone, Uriah, 57, 103
Stone Grave Race, 7-27
Stone's Gap, 231
Stone's River, discovered, 57; battle of, see Murfreesboro
Stone's River Station, 108
"Stonewall of the Sea," 688
Stoney Creek, 231
Strahl, Gen. O. F., 481; killed at battle of Franklin, 508

Digitized by Google

Streight, Col. Abel D., pursuit and capture of, 493-494
Strickland, F. W., 430
Strickland, Wm., architect of state capitol, 429 and note, 430 and note, 717
Strikes, 576-579, 596, 597, 689
Strother, Col., 292
Stuart, James, 46, 49, 50, 156, 271; re Tellico treaty, 294
Stuart, Capt. John, 67, 68, 162, 163; re union of loyalists and Indians, 89, 164; 167; supt. Indian affairs, 163
Stuart, Judge Thomas, 334
Stull, Frederick, 219
Sub-commission of text-books in 1899, 591
Suck, The, see Whirl
Suffering of the Cumberland settlers, 115
Suffolk system of redemption, 453
Suffrage conferred on negro, see Elective Franchise
Sugar Town, 48
Sullivan, Gen. J. C., 492
Sullivan County, erected, 91; organized, 149; delegates of to const. convention (1796), 156; history and statistics of, 836-838
"Summary Notice of the First Settlements made by White People Within the Limits Which Bound the State of Tennessee, A," 60
Sumner, Charles, re secession, 524
Sumner, Gen. Jethro, 136
Sumner County, erected, 130, 135-136; organized, 149; delegates of to const. convention (1796), 156; history and statistics of, 874-878
Sumter, Col., 47
Superior Court of Law and Equity, 149; salaries of judges of, 309; abolished, 334
Supreme Court of Errors and Appeals, established, 334, 337
Supreme Court organized in accordance with requirements of Constitution of 1870, 554 and note
Surveys
  Alexander and Munsell, 380, 381
  Bledsoe (Anthony), 67, 75
  Donelson (John), 68, 379
  Fry and Jefferson, 382
  Georgia and Tenn., 386
  Miss. and Tenn., 386, 387
  N. C. and Tenn., 384 and note
  Steele and Looney, 383, 395
  Tenn.-Va. line, 301, 302, 380
  Thompson and Graham, 387
  Walker and Henderson, 58, 67, 71, 103, 379, 380, 382
  Winchester (Gen. James), 386
Swann, W. G., 521
Swanson, Edward, 181
Sycamore Shoals, 62, 83, 87; meeting at to attack Ferguson, 92
Sycamore Shoals Treaty, see Henderson's Purchase

Tail, The, 228, 229, 231
Tait, Wm., 451
Talbot, Rev. Matthew, 329
Talbot, Thomas, 120
Taliaferro, E. F., speaker, 558
Taliqua, 49
Talladega, battle of, 346, 347
Tallapoosa, 352
Tallasee, 44, 161
Tallushatchee, battle of, 346
Talotiske, of the Broken Arrow, 213, 214, 215, 221, 237
Tammany Society, 150
Tanner, W. P., treas. Tenn. Centennial Ex., 584
Tarleton, Col. Banastre, 91
Tassel, The, 130, 163, 167, 193, 194; re Kirk massacre, 196, 200; 201, 203, 204, 205, 222, 228
Tate, Edward, 149
Tatham, William, 69, 70; re petition of Watauga Ass'n, 903
Tatum, Absalom, 117
Tatum, Howell, 149; superior judge, 272; resigns, 302
Taxation, without representation, 278; burden of, 683, 684; legislation, re, 684, 694
Taylor, Col. A. R., re miners' insurrection, 577, 578, 579
Taylor, Gov. Alfred Alexander, republican candidate for gov. against his brother, Bob Taylor, 568; tells how and why he and Bob differed in politics, 568, 569; tells new story of Bob Taylor and "The Fiddle and the Bow," 573; 580, note; re death of Bob Taylor, 616-617; nominated for gov., 689; race of with Roberts, 691, 692; defeats Roberts, 692; administration of, 692-696; inaugurated, 692, 693; re taxation, 693; outstanding feature of administration of, 695, 696
Taylor, Andrew, 570
Taylor, Creed, com. Tenn.-Va. line, 301
Taylor, G. T., state treas., 612
Taylor, Gen. James P., 570
Taylor, Leroy, 152, 156
Taylor, Col. Nathaniel, 570
Taylor, Nathaniel Green, M. C., 570
Taylor, Oliver, 836, note
Taylor, Parmenas, 153
Taylor, Gen. Richard, 462; re Forrest's raid against Sherman's connections, 506, succeeds Gen. Hood, 511; surrender of, 511; re woes of Southerners after war, 528
Taylor, Col. R. Z., re "night riders," 601; re Key Corner, 774
Taylor, Senator Robert Love; re U. S. Senate, 561, note; defeats Pettibone, 561, note, 569; administrations of, 568-573; re "war of the roses," 568; birth and family of, 569-570; origin of his gifts of oratory, 570; inaugural address of, 570; defeats S. W. Hawkins for gov., 571; calls extra session, 572; goes on lecture platform, 573; re new story of "The Fiddle and the Bow," 573; takes stump for Buchanan, 575; third administration of, 582-589; defeats Tillman for gov., 582; re Tenn. Centennial, 583; other important events in third administration of, 588; calls extra session, 588, 589; defeated by Hooper, 611; death and obsequies of, 615-617
Taylor, Pres. Zachary, 439
Taylor's Trace, 241
Taylor-Trotwood Magazine, 494, note; 499, note; 507, note
Tazewell, Senator, 283
Teachers' Institutes, beginning of, 562; 564; 576, note
Tecumseh, 339, 340, 359
Tedford, Lieut., 226
Tellico, 51, 203, 237; conference at, 249, 250; 280, 283, 288, 292
Tellico, treaty of, 237; first, 254, 294; second, 254; third, 255; fourth, 255
Telliquo, 51
Temperance, see Prohibition
Temple, Judge O. P., re Gov. Jones, 421; 472, 500, note; re East Tenn. meeting (1864), 523; re pro-Union convention (1865), 525, note; re Brownlow administration, 528; re Johnson's pledge, 557
Ten Islands, 345, 346
Tennessee, character of people of, iii-vi; influence of, v; town of, 44; name of, 51; condition of found by early explorers, 51, 52; as independent state, 156; name of suggested by Jackson, 156, 247; attitude of toward Cherokees, 257, 258; re admission of as state, 271, 276, 277; first election of, 271; act admitting, 276; laws of U. S. effective in, 279; electoral vote of (1796), 291; boundary lines of, see state boundary lines; re land laws of, 314-318; in Creek War, 337-360; in the banking business, 371, 450-464; in Seminole War, 372; presidential vote (1832), 404; in Mexican War, 437-438; banks of, 464; influence on of election of 1860, 468-469; secedes, 471, 472; in War between the States, 473-515; re army of, 473, 474; battle ground of the West, 476-515; why excepted from emancipation proclamation, 520; delegates of to Baltimore Nat'l Convention (1864), 524; electoral vote of rejected (1864), 525; disposition of general government toward, 530; restored to Union, 530; physical condition of improving, 534; apex of disorder in, 534-541, 546, 547; at the La. Purchase Exposition, 595-596; strife and bitterness in during Hooper's administration, 613; in World War, 632-681; in the navy, 638; in aviation service, 638, 639
Tennessee Antiquarian Society, 371
Tennessee Archives, see Archives
Tennessee Centennial Exposition, 582 and note; 583-588; re history of, 587

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Tennessee Central Railroad, 593-594
Tennessee Coal, Iron & R. R. Co., leases convicts, 576 and note
Tennessee Company, The, 150
Tennessee County, erection of, 136; organized, 149; delegates of to const. convention (1796), 156; 247; divided, 275, 291
Tennessee Desperadoes, 388-394
Tennessee enlistments in the Civil War, 513
Tennessee Federation of Women's Clubs, 685
Tennessee Gazette, 293
Tennessee-Ga. boundary line, 385-386
Tennessee Historical Commission, 56, 588, 589, 639, 685, 688, 693
Tennessee Historical Magazine, 114, 302, note; 587
Tennessee Historical Society, 56, 97, 109, 113, 121; reorganized, 556; 587
Tennessee history, different from that of seaboard states, iii; periods of, 59; rehearsal of, 583; factors promoting, 587
Tennessee Industrial School, beginning of, 571
Tennessee in the banking business, 371, 404, 408, 409, 441, 445, 450-464; Bank of Tennessee liquidated, 463
Tennessee in the Spanish-American War, 589-590
Tennessee in the World War, 632-681; re voluntary enlistment, 632; re transportation of troops, 635
Tennessee Lancet, The, 599
Tennessee-Ky. boundary line, 380-383
Tennessee Memorial Building, 641, 685-686
Tennessee-Miss. boundary line, 386-388
Tennessee-N. C. boundary line, 383-385, 626
Tennessee Polytechnic Institute, established, 624, 790
Tennessee Reformatory, 614
Tennessee State Building at St. Louis Exposition, 596
Tennessee, The Volunteer State, 101, 437, 512, 513
Tennessee troops in World War, distribution of, 635, 636
Tennesseans who made the supreme sacrifice, 651-681
Terril, Obediah, 103
Territorial Legislature, 152; members of, 152; extra session of, 154
Territory of the U. S. South of the River Ohio, 35; 144-156; re government of, 147; re organization of, 148-149; struggles of with Indians, 151; legislature of, 152; Knoxville, capitol of, 153; progress of, 153, 154; preparations of for statehood, 154; memorial of legislature of, re Indians, 225; end of government of, 271; re seal for, 297
Testerman, W. T., 448
Texas, re annexation of, 414, 421; admitted into Union, 440
Text-book commission, in 1899, 591 and note
Thicketty Fort, 91
Thirtieth Division, The, history of, 636-638; breaks Hindenburg line, 636, 637
Thomas, Gen., at battle of New Orleans, 364
Thomas, Dorsey B., candidate for gov., 558
Thomas, Gen. Geo. H., wins battle of Mill Springs, 476; at Murfreesboro, 488; the "rock of Chickamauga," 497; succeeds Rosecrans, 499; wins battle of Nashville, 508-511; refuses aid to Brownlow, 538; Nashville headquarters of, 717
Thomas, Isaac, re Fort Loudon, 49; warns Watauga, 165
Thomas, Maj. John W., pres. Tenn. Centennial Ex., 584
Thompson, Miss Alice, 206, 207, 208
Thompson, Gen. Frank M., 573; Railroad Com., 588; re boundary line, 626; re equal suffrage, 691
Thompson, Capt. James, 165, 207
Thompson, Col. John, speaker, 582
Thompson Station, battle of, 493, 740
Thornton, Col., at battle of New Orleans, 365
"Three Sons of Orleans," 291-293
Thruston, Gen. G. P., 11; re Stone Grave Race, 12-16; commands Rosecrans' train, 491; at Chickamauga, 494, note; corresponding sec. Tenn. Historical Society, 556; chairman history com., 587
Tiel, Edward, 388
Tilghman, Gen. Lloyd, 476, 477
Tillman, Abram, 847
Tillman, Lieut. Edwin H., 590
Tillman, George N., defeated by Bob Taylor, 582; files and abandons contest, 582; defeated by Patterson, 606, 847
Tillman, Lewis B., Sr., declines nomination for gov., 560
Tilson, William E., 385
Timberlake, Lieut. Henry, 161 and note
Tinnon, Col. Hugh, 247
Tipton, Jacob, 375
Tipton, Col. John, 119, 307; at const. convention of Franklin, 121, 122; sides with N. C., 128; N. C. sheriff, 131; seizes Sevier's negroes, 131; arrests Sevier, 131; member Territorial legislature, 152; 156; heads investigation of Sevier's land deals, 305
Tipton County, history and statistics of, 901
Tisshumastubbe, see Okoye
Tittsworth, Miss, 245
Tittsworth, Col. Isaac, 245, 246, 248
Tittsworth, John, 245
Titus, Ebenezer, 115
Todd, Andrew L., speaker, 682, 692
Tohopeka (Tehopiska), or Horseshoe Bend, battle of, 256, 253-258; centennial anniversary of celebrated, 360
Tokona, 292
Tollett, E. G., speaker, 600
Tollett Highway Commission, 600, note
Toltecs, 84
Tomatley (Tomotley), 44, 161
Tomochichi, chief, 251
Toocaucaugee, 227
Toombs, Robert, 470, 531
Topography and Natural Divisions of Tennessee, 20
Topp, John, 187
Topp, William, 241
Toquo (Tocquo), 161, 195, 226
Torbatt, Granville C., 458
"Torbett Issue," 461
Tories, 90; of Watauga, 92
Toskegee, 44
Totten, A. O. W., 471
Toul Sector, 637
Towaka, 228
Tracy, Col., 98
Tracy City, miners' strike at, 578, 597
Traders, The, 55; French, 103
Tragedy of the Brown family, 196-201
Transylvania, 69, 170
Transylvania Company, see Henderson & Co.
Transylvania Presbytery, 329, 332
Transylvania purchase, see Henderson & Co.
Transylvania trail, 88
Travis, W. E., 559, note
Treasury department established, 275
Treaties
  Abortive, 258
  Augusta, 251
  Avery's, or Treaty of Long Island, 62, 90, 253
  Barbour's, 258
  Calhoun's, 257
  Capitulation of the Creeks, 256, 359, 360
  Chickasaw and Creek, 254
  Coytoy (Coyatee), 130, 193, 253, 278, 315
  Dearborn's, 255
  Donelson's, 78, 87
  Dumplin, 192-196, 253, 278, 315
  Early Indian, 251
  Fort Stanwix, 59, 67, 85, 252
  Ghent, 367
  Great Chickasaw Cession, 256, 271
  Guadaloupe Hidalgo, 437 and note, 440
  Hard Labor, 251
  Henderson's, Henderson Purchase, or Sycamore Shoals, or Transylvania Purchase, treaty, 87, 88, 103, 170, 252
  Holston, or Blount's, 150, 153, 162, 168 and note, 192, 204, 205, 225, 233, 253, 278
  Hopewell, or Hawkins, 134, 175, 193, 194, 204, 228, 253
  Jackson and McMinn's, 256
  Knox's First, 254
  Knox's Second, 254
  Leases by Watauga Ass'n and by Jacob Brown, 251
  Lochaber, 67, 68, 71, 75, 203, 252
  McGillivray's, 150, 191, 206
  Nashborough (1783), 133, 174, 175, 182, 253
  New York, 150
  Overton's, 257

Digitized by Google

Paris, 116, 118, 134, 163, 182, 280
Removal, 258
Robertson and Meigs, 256
San Lorenzo et Real, 143, 250, 280
State of Franklin, 253
Sundry treaties with the Cherokees, 256
Tellico, First, or Walton's, 237, 254, 294
Tellico, Second, 254
Tellico, Third, 255
Tellico, Fourth, 255
Va. with Cherokees, in 1772, 75
Watauga Purchase, 252
Treaties, Indian, 251-259
Treaty Ground, 257
Triers, see Government of the Notables
Trimble, Judge James, 310, 334
Trimble, Robert, 380
Troop D, Tennessee Cavalry, 637
Troost, Dr. Gerard, 11, 15
Trotwood's Monthly, 363, note, 478, 480, note, 743
Truesdail, Col., conflicts with Johnson, 520
Trousdale, J. A., speaker, 580
Trousdale, Leon, State Supt. Public Instruction, 559; re teachers' institutes, 562
Trousdale, Gov. William, re Florida War, 416; 418; elected gov., 427; in Mexican War, 438 and note; administration of, 439-440
Trousdale County, history and statistics of, 878
Truxton, 311
Tryon, Gov. William, re Regulators, 63, 64, 67, 74
Tuberculosis hospital, 614
Tuckaleechee, town, 710
Tuckasegee, 167
Tuckasee, 163
Tuckasijah, 118
Tugalso, 89, 142, 167
Tulip Grove, 731
Tunbridge, Tom, 198, 199, 200
Turkey Town, 347
Turley, J. A., Railroad Com., 564
Turley, Thomas B., succeeds Sen. Harris, 588
Turner, Judge, J. J., 581
Turner, Gov. James, 384
Turney, Gov. Peter, re canal, 443; administrations of, 579-582; defeats Winstead, 580 and note; message of, 580; election of contested by Evans, 581-582; calls extra session, 582
Turney, Samuel, speaker, 412
Turnip Mountain, 233
Turnley, W. D., prohibitionist, 591
Turnpikes, 443; re state debt, 542, 543, 554
Turpin, Nathan, 171
Tuskegee, 161, 167, 197
Tuskon Patano, 174
Tyler, Gen. Robert C., 513
Tyson, Gen. L. D., speaker, 594; commands Fifty-ninth Brigade, 636; receives Distinguished Service Medal, 636; places marker on Hindenburg line, 639, 640; re candidacy for gov. (1920), 688; (in 1922), 697
Tyson, Lieut. McGhee, 639

U-boat warfare, 635
Unacata (White-Man Killer), 215
Unakas, The, 20
Underdown's Ferry, 45
Underwood, Capt. Jonas, 247
Undine, The, 507
Unicoi County, history and statistics of, 838
Uniform text-book law, 591 and note, 688
Union Bank, 437, 455, 458, 461
Union County, history and statistics of, 838-839
Union flag raised on capture of Memphis, 773
Union League of America, 536, 546
Union Presbytery, 329
Union State Committee, call convention (1864), 524
Union Station, 170
United Confederate Veterans, 587
United Daughters of the Confederacy, 587, 792-797
United States, laws of effective in Tenn., 279; relations of with France strained, 280
University of Chattanooga, 817
University of Dixie, 624, note
University of Nashville, 135, 318, note, 779 and note
University of North Carolina, re land claims of, 318 and note
University of Tennessee, 309, 318, note; re agricultural dept. of, 541 and note; 560, 776 and note, 789
Upper Cherokees, 226, 227
Upper Towns, 225
Urquhart, Col. David, 486, note, 487 note; re battle of Murfreesboro, 488, 759
Ury, Ennis, 406

Valley of East Tennessee, 20
Van Buren, Pres. Martin, re pensioners, 260; 408, 417, 422; against annexation of Texas, 422; 432
Van Buren County, history and statistics of, 878-879
Vanderbilt University, founded, 556 and note
Van Dorn, Gen. Earl, 492; at Thompson's Station, 493; re death of, 747
Vann, John, chief, 197, 198, 224, 234
Vashon, George, 258
Vaughan, packman, 55
Vaughan, Gen. A. J., Jr., 481, 513
Vaughn, Gen. John C., wins battle of Chickasaw Bayou, 511, 512; in Vicksburg campaign, 512; 513
Veiz, Monsieur, 183
Venable, Gen. C. D., 481
Venus, The, 507
Veterans' Bureau, 698
"Victory Day," 630 and note, 687
Vincennes, Fort, 168, 171
Virginia-Tenn. state line, see state boundary lines
Voting, requirements for, under Johnson, 524; under Brownlow, 529 and note; of negroes, 533, 535, 536, 552; proposed by women, 625, 687
Voyage of the Donelson party, 104-108

Waddell, Col. Hugh, 251
Waddell, Seid, speaker, 591
Wade, Capt. John, 279
Wagon road, first, 90
Wales, William, 201, note
Walker, A. H., re disorders in Tenn., 546
Walker, James, 236
Walker, James, 719
Walker, Gen. H. H., serves in Va., 512
Walker, John, 214, 221
Walker, L. P., 469
Walker, Gen. Lucius M., 513
Walker, Seth M., speaker, 682
Walker, Dr. Thomas, re first exploration trip of, 55; re second trip, 56; re survey of, 58, 67, 71, 379, 380, 382
Walker, Gen. William, 468; home and sketch of, 719
Walker line, The, 379
Wallace, D. F., Jr., asst. sec., 596
Wallace, David, 454
Wallace, Gen. Lew, re capture of Fort Donelson, 477, note; 481
Wallen (or Walden), Elijah, exploring party of, 56, 57
Wallen's Creek, 229
Wallen's (or Walden's) Ridge, discovered, 56
Walton, George, 254; re Tellico treaty, 294
Walton, Isaac, 156, 405
Walton Road, 213, 312
Walton's treaty, see Knox's treaty
War between the states (Civil War), 473-515; re Provisional Army, 473, 474; early military operations of, 474, 475; activities of in East Tenn., 475; re bridge burners, 475; re battle of Mill Springs or Fishing Creek, 476; capture of Forts Henry and Donelson, 476-479; effects of surrender of Forts Henry and Donelson, 479-480; re battle of Shiloh, 480-482; Halleck and Beauregard at Corinth, 482; operations of Bragg and Kirby Smith, 482; raids of Morgan and of Forrest, 482-485; invasion of Ky., 485-487; Forrest before Nashville, 487; battle of Murfreesboro, or Stone's River, 487-491; Forrest in West Tenn., 491-492; how Bragg was forced from Middle Tenn., 492-493; pursuit and capture of Streight's raiders, 493-494; Bragg retires to Chattanooga, 494; Forrest's quarrel with Bragg and trans-

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fer to Miss., 498-499; siege of Chattanooga, 499-500; operations in East Tenn., 500-503; Forrest's operations in Tenn. in 1864, 503-507; Forrest's further operations in Tenn. and Miss., 504; the tragedy of Fort Pillow, 504, 505; Forrest's raid into West Tenn., in Aug., 1864, 505; Forrest's raid into Northern Ala. and Middle Tenn., 505; Forrest's Johnsonville expedition, 507; Hood's campaign in Middle Tenn., 507-511; Tennesseans in other states, 511-512; Tenn. enlistments in the war, 512-513; battles and commanders, 513-514
War Ford, 118
War of Austrian Succession, 45
Ward, Col. Edward, 395, 454, 580
Ward, Nancy, re attack of Indians on Watauga, 89, 164, 165, 166; 222
Ward & Briggs, lease convicts, 576
Warioto, 43
Warren County, erected, 309; history and statistics of, 879
Wars—
Creek War, 337-360
Dunmore's, 85, 86
French and Indian, 45, 57
Mexican, 437-438
Revolutionary, 90-101
Seminole, first, 371-373; second, 415-416
Spanish-American, 589-590
War between the States (Civil War), 473-515
War of 1812, 337-367
War with Cherokees, 89, 90
World War, 632-681
Wartrace Fork, 135
Washburn, Gen. C. C., nearly captured by Forrest, 505; home of in Memphis, 770
Washington, George, re Fort Duquesne, 45; elected commander-in-chief, 78; 148; re Indian treaty, 191; re admission of Tenn., 275, 276, 277; 290; re princes of Orleans, 292; re Bank of U. S., 451
Washington College, 154
Washington County, erected, 62, 88; organized, 149; delegates of to const. convention (1796), 156; history and statistics of, 839-840
Washington District, 62, 72, 79, 88; petition of, 76, 78; 149
Watauga, in the Revolutionary War, 90-101.
Watauga Association, iii and note; 68-70; 70-80; court of, 69; Committee of Thirteen of, 70; functions of Committee of Thirteen and Court of Five, 70-80; re constitution of, 76; lease of, 79; purchase of, 79, 88, 164, 252; petition of to N. C., 903-905
Watauga Old Fields, 83-84
Watauga River, described by Haynes, 569-570
Watauga Settlement, iii; 67-68, 70, 73, 85, 163; leaders of, 80-83; convention of, 69, 75; petition of, 76, 78; invaded by Indians, 163-167; lease and purchase of, 164
Waterhouse, Richard, 412, note
Waterloo, 363
Waters, Dr. R. J., 240
Watkins, E., 595, note
Watkins, Samuel, 431; trustee Bank of Tenn., 463
Watson, Matthew, 458
Watson, S., 787, note
Watts, John (Kuonosuke), 151, 200, 206, 281; rise of, 201-205; re Holston treaty, 205; made colonel, 211-215; last campaign of, 220-225; re Robertson, 244; re Orleans princes, 292
Wayland, J. A., re Ruskin Colony, 852
Wayne, Gen. Anthony, 226, 236, 241
Wayne County (State of Franklin), 120
Wayne County (Middle Tenn.), history and statistics of, 880
Weakley, Robert, 368, 406
Weakley County, history and statistics of, 901-902
Wear, Samuel, 152, 156
Weatherford, Charles, 220
Weatherford, William (Red Eagle), re massacre of Fort Mims, 340; re surrender of, 358 and note, 359
Weatherhall, W. A., 606
Webb, W. R., elected U. S. Senator, 618
Webster, Daniel, re currency of State of Franklin, 120; re Cherokees, 259; re currency, 456
Webster, Jonathan, 405
Weir, Dr. D. C., 757
Wellington, Duke of, 363
Wells, Heydon, 115
Welsh, The, 28
West, private W. C., exploit of, 507, note
Westbrook, E. E., Com., re Madrid Bend, 558
Western and Southwestern Convention, 434-437
Western District, 379
Western Purchase, The, 374
Western Valley of the Tennessee, 24
West Tennessee, counties of, 27, 804, 886-902; re treasurer of, 337; opening of, 374-375; intensely Confederate, 482
West Tennessee State Normal School, 789
Wharton, Gen., 491
Wharton, Prof. A. D., 514, 591
Wharton, Jesse, 368
Wharton, Thomas J., 469
Wheeler, Gen. Joseph, 488; raids of, 491; re attack on Dover, 493; ordered to receive Forrest's troops, 498; at Winstead Hills, 740
Wheless, Lieut. John F., 514
Whig, The Nashville, 395
Whigs, convention of (1840), 412; convention of (1844), 415, 423; The Origin and Progress of the Whig Party, 416-427; gradual decadence of, 424-425; re banking, 460; re "Know-Nothing" party, 467
Whirl (Suck), The, 106
Whitaker, A. P., re schools, 780, note
White, Andrew, 305, note
White, David, 385
White, Edward Douglas, 139, note
White, Hugh Lawson, re currency of State of Franklin, 120; Sec. of Gov. Wm. Blount, 149; kills King Fisher, 151, 225; re Andrew Jackson, 306; supreme judge, 334; pres. state bank, 337; re Jackson and Creek War, 353; elected U. S. Senator, 396, 403; re contention of with Jackson, 407; resigns as U. S. Senator, 411; death of, 412; 417, 418, 424
White, Gen. James, 139, note; 149; founder of Knoxville, 153; 155, 208, 209; defends Knoxville, 223; re Wm. Blount, 285; re Tellico treaty, 294, 345, 347; grave of, 708
White, Dr. James, re Spanish conspiracy, 139-142; 139, note; member Territorial legislature, 152; re statehood, 154; 272, 277
White, James, road com., 555; in Congress, 555
White, John J., 405
White, Newton H., Railroad Com., 588; speaker, 593, 617
White, Dr. R. L. C., re great seal, 298; author of "A Centennial Dream," 587
White, Gen. William, 399
White, Zachariah, 181
White County, history and statistics of, 881-882
White, Lieutenant, 219
White Owl's Son, 202, 208, 215
White Top Mountain, 75
White's Fort, 153, 202, 205, 253
Whitesides, Jenkin, 310, 334
Whitley, Col. William, 240, 241; re Nickajack expedition, 241-244
Whitney, Eli, 309
Whitney's Land Laws of Tenn., 313
Whitson, John, 405
Whitthorne, Col. W. C., 473
Whitthorne, Maj. W. C., in Spanish-American War, 589
Whitwell, strike at, 597
Whyte, Robert, 310
Wight, Dr. E. M., defeated by Marks, 560
Wilcox, Gen. Cadmus M., 513
Wilcox, Mrs. Mary Emily Donelson, 310
Wilderness, The, 237
Wiles, L. D., 628
Wilkerson, Judge William W., 400
Wilkinson, Gen. James, re Spanish conspiracy, 141, 312; re Natchez expedition, 338; 375
Willett, Col. Marinus, 191
Williams, 391
Williams, Mrs., 207
Williams, Gov., 392
Williams, Miss Charl, 690

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Williams, James, 427
Williams, Col. James, 93, 96, 98; death of, 99
Williams, John, re boundary line, 86, 310, 379, 382
Williams, Col. John, 353; at battle of Tohopeka, 355, 356; 360, 368; defeated by Jackson for U. S. Senator, 396; 417, 707, 708
Williams, Col. Joseph, 89
Williams, Joseph S., 38; re virgin land, 322
Williams, Judge Nathaniel, 334
Williams, Pleasant, arrested, 532
Williams, Sampson, re Moses Fisk, 60; 189, 240
Williams, Judge S. C., re Henderson Purchase, 58; re N. C. line, 385 and note; re William Tatham, 903
Williams, Thomas L., Railroad Com., 588
Williams, Gen. William, 473
Williamson, Gen. Andrew, 89
Williamson, Hugh, 135
Williamson, Miss Jennie, re Jackson at New Orleans, 366, note
Williamson County, erected, 294; markers of, 738-741; history and statistics of, 882-883
Williamson District, 309
Willinawaugh (Willinawaw), 45, 161, 162, 164
Willloe, 227
Willis, H. Parker, 453, 464
Wilson, Col. A. N., 503
Wilson, Archie, 209
Wilson, Maj. David, 136, 152
Wilson, E. Bright, speaker, 592
Wilson, Capt. Elsworth, 637
Wilson, Joseph, 208
Wilson, Mrs. Joseph, 209
Wilson, Judge S. F., candidate for gov., 580
Wilson, Sarah, 209
Wilson, William, 217
Wilson, Woodrow, 454, 617
Wilson, Zacheus, 209
Wilson County, erected, 294; history and statistics of, 883-885
Wilson Family, killed, 234
Wilson Pike, 741
Wilson's Spring Branch, 180
Willstown, 213, 220, 229
Winchester, Maj. George, 136, 149, 218, 239
Winchester, Gen. James, 149, 151, note, 153, 271; elected gen., 275; commissioned gen., 291; charged with voting illegally, 303; candidate maj.-gen., 303; captured at River Raisin, 367; 369; re Tenn.-Miss. line, 371; re founding of Memphis, 376; surveys Tenn.-Miss. line, 386
Winstead, G. W., nominated for gov., 580
Winstead Hills, 740
Winston, Capt., 346
Winston, Col. Joseph, 89
Wisdom, Col. D. M., 503
Wise, Henry A., 259, 424
Wisener, William H., defeated for gov., 554
Wococee, 227
Woevre, The, 637
Wolf, Indian chief, 49
Wolf Hills, 70, 165, 329
Wolf River, 375
Wolseley, Gen., re Forrest, 478 and note, 485 and note, 493, 773
Womack, Jacob, re Watauga Ass'n, 70
Woman's Christian Temperance Union, 595, 797-803
Woman's Suffrage Bill, 631
Wood, Dr. (colored), 546
Wood, Col. James, 55
Woods, James, 429
Woods, John, 353
Woods, Lieut. Jos. A., 651
Woodward, A. B., 591
Woodward, Wm., 59
Wooldridge, James R., 612
Woolford, Col. Cator, re miners' strike, 378
Workmen's compensation law, 620, 621, 627, 686
World War, The, 35
Worley, Mrs. Anna Lee, 639
Wright, Fanny, re Nashoba venture, 900
Wright, John V., for Confederate Congress, 521; 559; candidate for gov., 561
Wright, Gen. Luke E., re speech of in Cooper trial, 608
Wright, Gen. Marcus J., re William Blount, 287, 288, 289, 290; 513
Wright, William, 451
Wright's battery, 488
Wyandots trouble Cumberland Settlement, 116
Wyeth, Dr. John A., re surrender of Fort Donelson, 479, note; re Emma Sanson, 493, 494; re battle of Chickamauga, 494, note; re quarrel of Forrest and Bragg, 498, 499 and note; re Fort Pillow, 505; re encounter of Forrest and Gould, 746; re Forrest's life in Memphis, 769, 773; re death of Forrest, 773

Yardley, W. F. (colored), candidate for gov., 558
Yellow fever, 556, 558, note
Yellow Mountain, 93, 98
York, Capt., 481
York, Sergt. Alvin, achievement of, 646-651
Yorktown, 31
Young, Judge J. P., re De Soto, 41, 765; re Fort Prudhomme, 41, 42; re Old Bell Tavern, 766; re Isaac Rawlings' trading post, 766; re raising Union flag on capture of Memphis, 773
Young Men's Christian Association, 635
Ypres-Lys Offensive, 636, 637

Zeigler, Jacob, 208
Zeigler, Mrs. Jacob, 209
Zeigler's Station, captured by Creeks, 151, 208, 209, 238
Zion Presbyterian Church, 748
Zollicoffer, Gen. Felix K., 416; duel with Marling, 442; in Civil War, 473, 475; killed, 476; 513; sketch of, 746

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