

BACKGROUND AND FORMATIVE PERIOD IN THE
GREAT BEND AND MADISON COUNTY

BY

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CHAPTER I

EARLY BEGINNINGS IN THE GREAT BEND

The area of Alabama included in the southward sweep of the Tennessee River, known as the Great Bend, has long been a haven for man as he sought out a good climate and a natural food supply for his habitat.

These early inhabitants of what is now called the Tennessee Valley left no record of dramatic incidents concerning individuals, but the shell middens, which they accumulated along the river bank where the mussels were plentiful in the shoal areas of the stream, remain to reveal a story of absorbing interest. Many artifacts and burials deposited in the middens at various stages of their development have given the archeologist and anthropologist much insight into the lives of these people of prehistoric times.

The influence of geology and resultant topography of the area upon the large aboriginal occupation of this valley region is reflected in the knowledge that the areas of Alabama which give evidence of being most densely populated during early times are those regions in which the geology affords the very best of living

conditions for its human occupation.¹

Certainly, a brief look at the geological formations exposed in the Tennessee Valley, which range from Cambro-Ordovician beds in the eastern part to the Cretaceous deposits at the Mississippi line, will reveal some of the reasons why these early people sought to make their homes in what the white pioneers later called, "The Land of Milk and Honey."

Over most of the region these beds are flat lying or with a slight dip to the southward and westward. Wherever present, this dip is not more than about twenty-five feet to the mile, except in the Bridgeport-Guntersville portion of the valley, where the beds are sharply dipping to almost a vertical position.²

To the east in the valley area rises Sand Mountain, a rather high plateau, averaging perhaps 1500 feet above

1. Walter B. Jones, "Geology of the Tennessee Valley Region of Alabama, with Notes on the Topographic Features of the Area, and the Effect of Geology and Topography upon Aboriginal Occupation," in William S. Webb, An Archaeological Survey of Wheeler Basin on the Tennessee River in Northern Alabama (Washington, 1939), p. 9.

2. Ibid., pp. 9-10. See chart on following page.

Geological Formations in the Tennessee Valley

Age	Formation	Thickness	Characteristics
Cretaceous	Tuscaloosa	200	Sand, gravel, and clays
Unconformity			
Pennsylvanian	Pottsville	300	Sandstone, shale, clay and coal
Mississippian	Pennington	50	Variegated shales, mostly red and brown
	Bangor Hartselle	500 225	Massive limestone, blue and gray, cherty Coarse to medium grained sandstone, blue to yellow to brown
	Gasper	75-130	Limestone, altering to shale in western portion
	Bethel	20	Massive, coarse-grained sandstone
	St. Genevieve	100	Limestone, changing to marl in western portion
	Tuscumbia (Warsaw and St. Louis)	300	Cherty limestone
	Lauderdale	225	Chert to cherty limestone
Unconformity			
Mississippian or Devonian	Chattanooga	0-40	Black shale
Unconformity			
Silurian	Red Mountain	200	Red ore, variegated shales, limestone
Unconformity			
Ordovician	Newala	800	Massive bedded limestone
Cambrian or Ordovician	Longview	500	Limestone, cherty in places
	Chepultepec Copper Ridge	2,000 1,100	Chert to cherty dolomite Do.

No lower rocks exposed.

sea level, with some 300 feet of coal measures, shales, and sandstones forming the caprock. This topographic feature is bordered on the northwest by the Sequatchie Valley, a sharply folded and highly faulted area, six miles wide, through which the Tennessee River flows. One of the principal features of this valley is the line of rounded hills of chert extending from the Gunterville area to the Tennessee line. The Cumberland Outliers comprise a number of mountains extending eastward from the Sequatchie Valley to Monte Sano Mountain in Madison County. Ranging about the same height as Sand Mountain and capped with the same type of Coal Measures formation, this mountainous region includes a number of small valleys and coves with some fertile land, particularly in the stream deltas. It was in this region that the aborigines had their finest opportunity to secure the most desirable chert or flint for their projectile points.³

To the south, the Moulton-Russellville Valley extends from Hartselle in Morgan County to the Mississippi line. This very fertile valley is narrow in its eastern

3. Ibid., p. 12. The large percentage of points made from blue flint from the Bangor limestone that has been found in the Valley furnishes conclusive evidence of the utilization of this source of supply to the fullest extent.

portion and widens out to perhaps eighteen or twenty miles in its western portion. Skirting this valley on the south, there is a continuation of Sand Mountain; while to the north, Tuscumbia Mountain stretches from Decatur to the Mississippi line, composed largely of massive Hartselle sandstone above and Tuscumbia limestone along the northern slopes. Tuscumbia Mountain provided an abundance of stones for grinding maize, whetrocks for finishing stone objects, and blue, gray and yellow flint for projectile points.⁴

The Red Lands, resulting from the weathering of Mississippian limestone, comprise a rather large area in the Tennessee Valley in Madison, Limestone, Lawrence and Lauderdale Counties. The general topography of this very fertile land is composed of low rolling hills with occasional mountains, particularly in the eastern portion. Much of the material used in making prehistoric pottery came from bodies of clay found in these lands.⁵

To the north of the Red Lands is a region known as the Barrens. Largely confined to north Lauderdale, Limestone and Madison Counties, the area probably

4. Ibid., pp. 11-12.

5. Ibid., p. 13.

received its name because of its cherty soil, rolling hills, and scrub timber. Naturally there was little use made of such lands by the aboriginals.⁶

Finally, the Tennessee River, its islands, and its flood plain, make up the most important region as far as aboriginal occupation was concerned. Due to the fact that Lauderdale chert did not erode readily, a large number of shallow shoal areas are to be found in the river as well as numerous islands. The shallow waters provided a haven for mussels, a valuable source of food supply, while the islands furnished the aborigines with convenient homes--and a feeling of security which they could not have on the mainland. The flood plain is a narrow strip with a width of scarcely six miles at its widest point. The proximity of these rich potential agricultural areas to the fish of the river and the game of the forests made the region one of the most acceptable places from the standpoint of human occupation. Indeed, it was to this ideal combination of land and water that the aboriginals migrated to dwell upon the banks of the Tennessee River and its tributaries in Northern Alabama.⁷

6. Ibid., pp. 13-14.

7. Ibid.

The question as to how early these people came to live upon the banks of the Tennessee has not been completely answered; but recent research in radiocarbon dating indicates that the beginning of the Eastern Archaic period occurred more than 5,000 years ago.⁸

The oldest sites, found in the lowest depths of shell midden in the western portion of the Tennessee Valley near the mouth of Little Bear Creek in what is now Colbert County, reveal that the original occupants who laid down the first three feet of shell had a very primitive type of culture, which archeologists have designated as Archaic Period I.⁹ These people were a hunting and fishing group, who apparently knew nothing of flint or pottery working and who depended upon bones, antlers and hammer stones for their mechanic arts.¹⁰

8. James B. Griffin, "Radiocarbon Dates for the Eastern United States" in James B. Griffin (ed.), Archeology of the Eastern United States (Chicago, 1952), pp. 365-370.

9. William S. Webb and David L. DeJarnette, Little Bear Creek Site CT⁰⁸, Colbert County, Ala., Museum Paper 26, Alabama Museum of Natural History (University, Alabama, 1948), pp. 62-64.

10. Ibid., p. 62; David L. DeJarnette, "Alabama Archeology: A Summary," Griffin, Archeology in Eastern United States, pp. 273-274; William S. Webb and David L. DeJarnette, The Flint River Site MA⁰⁴⁸, Museum Paper 23, Alabama Museum of Natural History (University, Alabama, 1948), pp. 12, 14, 18.

Mussels, so plentiful in this area, seemed to have been a very important item in the diet of these early people. An examination of many shell middens along the Tennessee River has revealed that some fifty-six different kinds of fresh water mussels and twenty-two different kinds of water snails were used for food. A steaming process was developed to remove the mussels from their shells for consumption. Large rocks, secured from the river, were heated in a fire by these early "cooks," who then used them to steam open the mollusks.

The snails appear to have been steamed in pits under the fire and then picked from their shells without cracking them.¹¹

To supplement these basic foods, other forms of available water life included fish, eels, frogs, and turtles. There was also good hunting for deer, mink, fox, muskrat, raccoons, opossum, squirrel and rabbit as well as

11. J. P. E. Morrison, "Preliminary Report on Mollusks Found in the Shell Mounds of the Pickwick Landing Basin in the Tennessee River Valley," in William S. Webb and others, An Archeological Survey of Pickwick Basin and the Adjacent Portions of the States of Alabama, Mississippi, and Tennessee, Smithsonian Institution, Bureau of Ethnology, Bulletin 129 (Washington, 1942), pp. 380-383.

other animals. Wild turkeys, ducks, geese, quail, doves, woodpeckers and other birds of the forest added to the available selection of food, as well as providing numerous bone implements used in fishing, hunting, and sewing. At this early period the method of hunting was comparatively simple, the main instrument used being a bone-tipped spear which was thrown with the aid of an atlatl.¹²

Theirs for the gathering were many forms of wild berries, grapes, muscadines, pawpaws, cherries, plums, crabapples, haws, and persimmons. Many edible roots were common, as well as various nut crops such as pecans and hickory nuts.

Apparently living in small bands, these people seem to have established no permanent homes with clay floors as in later times, but instead used movable shelters. Clay fire pits were found in the initial layers of shell midden while only a few post holes remain to indicate that substantial materials were used in home construction.¹³

12. DeJarnette, "Alabama Archeology," op. cit., pp. 273-274.

13. Ibid.

Leather garments were probably fashioned for clothing with split bone awls and bone needles, which were used in abundance during this time. It is also possible that these early people knew something of weaving, since this art was known to groups of other areas in this cultural period.¹⁴

In burying their dead, this early group usually flexed the bodies and placed them in round graves without artifacts. Occasionally they produced partial or total cremations by building fires over the grave, the body being thinly covered with shell.¹⁵

Just how long these aboriginals lived in Archaic Period I is yet unknown, but, in at least four sites examined in the western portion of the Tennessee Valley, it appears that these people laid down shell middens of from one to three feet thick before moving forward into what has been designated as Archaic Period II.¹⁶

14. Ibid., p. 274.

15. Ibid.

16. Webb and DeJarnette, Little Bear Creek Site GT⁰⁸, pp. 62-64; "GT⁰²⁷, LU⁰⁶⁷, LU⁰⁵⁹," Webb and others, Flickwick Basin, pp. 131, 202, 263.

The second Archaic period was marked by the sudden occurrence in the shell heaps of large, ovate blue flint blades about six inches long, at times having one end brought to a straight edge with square corners. This flint type became the dominant end product of numerous flint workshops which sprang into existence on the shell midden. In a good many middens these shops were quite extensive in their production of crude, uneven flint blades made by percussion. After the shop site was once developed, flint became common and remained so for all later periods of occupation. It is interesting to note, however, that after the shop site stratum was covered by later occupancy, shop sites were never again important features of the midden.¹⁷

During this period which began with the use of flint and ended with the introduction of the use of sandstone and steatite vessels, many new customs and artifacts were introduced, while many of the older customs persisted,¹⁸ It was also during this period that

17. Webb and DeJarnette, MA⁰48, p. 14.

18. Ibid.; DeJarnette, "Alabama Archeology," op. cit., p. 274.

there seemed to have been a migration of population upstream on the Tennessee River and its tributaries. A study of a number of the sites in the central area, which include those in Madison County, indicates that the first stratum of shell midden was laid down during Archaic Period II.¹⁹ Still further evidence of the gradual migration upstream is indicated from the fact that shell midden sites in the eastern part of the Valley were begun at a still later period of aboriginal development in the Tennessee Valley.²⁰

With the introduction of flint, the mode of life in the shell midden area became more complex. Besides flint projectiles used in part to replace the bone points on hunting spears, other useful implements were

19. Webb and DeJarnette, MA⁰⁴⁸, p. 14; Whitesburg Bridge Site MA^{V10}, Museum Paper 24, Alabama Museum of Natural History (University, Alabama, 1948), pp. 43-44; William S. Webb, An Archaeological Survey of Wheeler Basin on The Tennessee in Northern Alabama, Smithsonian Institution, Bureau of Ethnology, Bulletin 122 (Washington, 1939), pp. 178-188; William S. Webb and Charles G. Wilder, An Archaeological Survey of Gunterville Basin on the Tennessee River in Northern Alabama, (Lexington, Kentucky, 1951), pp. 268-277; Marion Dunlevy Heimlich, Gunterville Basin Pottery, Museum Paper 32 (University, Alabama, 1952), pp. 68-69.

20. Ibid.

developed. Circular pebble hammerstones and flint drills as well as grooved stone axes were added to the tools used in the manufacture of weapons.

Bell shaped pestles were probably used to grind various edible roots. "Nutting stones" were apparently used to crack nuts as they made their seasonal appearance on the menu of these early people.²¹

The clay hearth (an improvement over the fire pit used earlier), came into use during this period for cooking and heating purposes. These fire basins were usually round with clay bottoms.²²

Artifacts cut from human bones such as awls, skull cap bowls, and gorgets made their appearance.²³

The dog became a valued animal as evidenced by the custom of burying its remains along with human burials in the shell midden. Round graves with fully flexed burials continued to be used extensively by the people of Archaic Period II, though cremation of remains was

21. DeJarnette, "Alabama Archeology," op. cit., p. 274.

22. Webb and DeJarnette, MA^o48, p. 19.

23. DeJarnette, "Alabama Archeology," op. cit., p. 274.

not uncommon. Some extended burials with legs bent back on the body were made, but, in nearly all cases, there were as yet few, if any, artifacts placed with the dead.²⁴

The Whitesburg Bridge Site MA^V10 just down stream from Hobbs Island in Madison County shows abundant evidence to indicate that this place of habitation was begun during the later stages of Archaic Period II, for the use of flint projectiles appears to have been well developed when the initial midden was laid down.²⁵

The basic fishing and hunting economy of the first and second Archaic periods remained throughout Archaic Period III, but there were certain changes in the gradual development of the shell mound people which give distinctive characteristics to what has been described as their third stage of development.

Archeologists have designated Archaic Period III as beginning with the development of the use of stone vessels and terminating with the introduction of fiber tempered pottery.²⁶ The earliest use of stone vessels

24. Ibid.; DeJarnette, MA^O48, pp. 18, 48.

25. Webb and DeJarnette, MA^V10, pp. 12-44.

26. Webb and DeJarnette, MA^O48, pp. 20-21.

seems to have occurred in the eastern portion of the Tennessee Valley since fragments of such containers were found most frequently on many sites in the Gunterville Basin and in the eastern part of Wheeler Basin including Whitesburg Bridge Site MA^V10 and Flint River Site MA^O48.²⁷

Apparently, these stone pots were made by the shell mound dwellers, who developed the technique and located a source of supply of materials without necessarily receiving suggestion of such a process through trade relations.²⁸

With the use of stone utensils, cooking became a more highly developed art among these Archaic people. The proper heat for various mixtures was probably obtained by placing preheated pebbles around these sandstone or steatite vessels.²⁹

Tubular stone pipes, probably used as tobacco containers, came into general use at this time. These pipes were usually seven or eight inches long with the opening at one end larger than that of the other.

27. Ibid., p. 15.

28. Ibid.

29. DeJarnette, "Alabama Archeology," op. cit., p. 274.

Decorative designs were sometimes carved in the center of these tubes.³⁰

Ornamentation of the body became more popular with these people. They adorned themselves with necklaces and bracelets; their beads and pendants being made of fresh water shells, stone, and bone; their charms of human and animal teeth; and some of their head dresses of antlers.³¹

Burial of the dead took on a new form, that of placing the body in a sitting position with a covering of large stones. Frequently stone vessels were placed over the head, especially in the case of infants and young children, apparently for a protective covering rather than as a burial offering which was the custom in later times.³²

What has been designated as Pottery I Period by archeologists of the Tennessee Valley area and as

30. Ibid.; Webb and DeJarnette, MA^V10, pp. 32, 34; Webb, Wheeler Basin, Plate 14.

31. Ibid.; Webb and DeJarnette, MA^O48, pp. 57, 58, 59, 67.

32. Ibid., pp. 19, 20.

Early Woodland in the over-all classification of periods in the Eastern United States, ushered in a much different cultural pattern from the previous Archaic periods in the Valley region.³³ Though this transition was gradual, the new pattern of living which emerged during three successive pottery periods took on many new characteristics which showed the effects of a wide diffusion of ideas among the people of the Southeastern Area.

While shell mounds continued to be used as habitation sites along the Tennessee River, the pottery zones comprised only a small part of the total midden, thus indicating that these later periods were of much shorter duration than the earlier Archaic zones.³⁴ These people also made settlements along the smaller streams running into the Tennessee. In Madison County,

33. Ibid.; DeJarnette, "Alabama Archeology," op. cit., p. 275; James B. Griffin, "Cultural Periods in Eastern United States Archeology," James B. Griffin (ed.), Archeology of the Eastern United States (Chicago, 1952), pp. 356-358.

34. Webb and DeJarnette, MA^o48, pp. 11-21; Webb, Wheeler Basin, pp. 178-188; Webb and DeJarnette, Pickwick Basin, pp. 306-322; Webb and Wilder, Guntersville Basin, pp. 268-273.

Flint River, Indian Creek, and Limestone Creek were used extensively for this purpose during this time.³⁵

The introduction of small amounts of crude fiber tempered pots seemed for a while to have been the only important deviation from the cultural pattern of late Archaic times. This type pottery was made by mixing grass fibers with clay to strengthen it. Archeologists have interpreted the appearance of this new item to suggest that, while the pottery was first used, it may have been received from other peoples who were not shell mound dwellers.³⁶

Just how long fiber tempered pottery was used before grit tempered³⁷ ware was introduced, has not been determined, but Pottery II Period began with the appearance of this new tempering process and continued until shell tempering took its place. Shortly after

35. DeJarnette, "Alabama Archeology," op. cit., p. 275; observations of Dr. Walter B. Jones in Madison County, Interview, August 22, 1954.

36. DeJarnette, "Alabama Archeology," op. cit., p. 275; Webb and DeJarnette, MA⁰48, p. 16.

37. This general term is used to include limestone, sand, and clay-grit tempering processes used in the Pottery II Period.

its advent there rapidly developed many forms and surface finishes in this new pottery, which was made by combining grains of chert, sandstone, quartzite, jasper, or quartz-sand with clay. The great quantities produced, used, and broken on the shell midden have been determined from the numerous shreds still present amid the debris of many shell mounds.³⁸

The cultural complex in this Pottery II Period was a part of an important manifestation widely spread throughout the southeastern United States. Its general classification is known as Middle Woodland and Hopewellian in Alabama because many of its characteristics show the influence of a highly developed cultural pattern that had its center in the Hopewellian sites of Ohio.³⁹

Certainly, there is much evidence of a wide exchange of materials used in connection with mechanic arts and ceremonial rites. Copper was probably secured from Michigan, galena from the Piedmont area of Alabama

38. Webb and DeJarnette, MA^o48, p. 16.

39. DeJarnette, "Alabama Archeology," op. cit., pp. 275-276.

and other states or the rich deposits of Missouri, greenstone from the Piedmont, and marine shells from the Gulf Coast.⁴⁰ Obviously both land and water travel were used in collecting materials from so wide an area.

In Madison County at sites excavated along the Tennessee as well as on smaller streams, many artifacts of this period remain to indicate an extensive occupation of the area. While there is yet little insight into the daily lives of these people, their possession of limestone spades or hoes probably indicates some acquaintance with agriculture.⁴¹ Other implements used by this group included grooved stone axes, stemmed stone projectile points, antler drifts and flakes, and splinter bone awls. Concave base stemmed projectile points reached a maximum production in this period.⁴²

Production of ornaments with intricate design increased and the use of shells for beads and gorgets became more popular for decorative purposes.⁴³

40. Jones, "Geology of Tennessee Valley Region of Alabama," op. cit., pp. 15-20.

41. Ibid.

42. Ibid.; Webb and DeJarnette, MAO48, pp. 16, 20, 70.

43. Ibid.

These Tennessee Valley villagers, who used grit tempered pottery and adorned their bodies with many ornaments, continued to bury some few of their dead in the village midden in a fully flexed or partly flexed position as had long been the custom.⁴⁴ But, "It has been speculated that the Copena burials--which were contemporaneous, and for which as yet, no definite village connections are known--may have been theirs."⁴⁵ This elaborate burial system included the building of mounds to enclose well planned graves and skillfully wrought burial offerings. Because objects of copper and galena were frequently used in these burial mounds, they have been called copena, using the combined elements of the words "copper" and "galena." Among the valuable items buried with these "special" dead were earspools, bracelets, beads and breastplates of copper; copper reel shaped objects and copper axes, fragments of mica and lumps of galena; long stemless leaf shaped projectile

⁴⁴. DeJarnette, "Alabama Archeology," op. cit., pp. 277-279.

⁴⁵. Ibid., p. 277.

points; large spades or hoes of polished greenstone; polished greenstone celts; marine shell cups and tobacco stone pipes.⁴⁶

One possible connection which has been established between these copena mounds and the shell midden people of this time is the use of grit tempered pottery which seems to have been common to both.⁴⁷ Whether the people of copena customs migrated to the Tennessee River to dwell among the people whose development had resulted from long and continuous occupation or whether these aboriginals adopted some of the Hopewellian customs through the interchange of ideas as well as materials, awaits further archeological investigation.

Toward the later part of Pottery II or Middle Woodland Period, a transition began to take place, which in time, developed into the final pre-historic era in the Tennessee Valley known as the Pottery III or Middle Mississippian Period. What at one time appeared to have been a mass migration of peoples from Central

46. Ibid.; Webb, Wheeler Basin, pp. 301-306; Webb and others, Pickwick Basin, pp. 188-201; Webb and Wilder, Guntersville Basin, pp. 273-277.

47. DeJarnette, "Alabama Archeology," op. cit., pp. 278-279.

America into the southeastern part of what is now the United States, archeologists now believe to have been largely a cultural infiltration, which over a long period of time, reached its highest fruition just prior to the time of early caucasian contacts.⁴⁸ The center of this manifestation was north and west of the Fall Line of the Atlantic and Gulf Coastal areas extending roughly from north-central Georgia in an east-west belt through northern Alabama, northern Mississippi, western Kentucky, southern Illinois and southeastern Missouri.⁴⁹

In the Tennessee Valley the Middle Mississippian influence seemed to have come first in the western portion of the Valley when clay-grit tempered pottery began to take on many of the characteristics of the Mississippian Period.⁵⁰ Just how rapidly the people of this area absorbed this different culture of the Southwest is not known but its impact wrought a great change

48. Griffin, "Cultural Patterns," op. cit., p. 364.

49. Ibid., p. 362.

50. DeJarnette, "Alabama Archeology," op. cit., pp. 380-381. These influences seemed to have come from probable contacts with the Coles Creek culture of the lower Mississippi Valley.

in the cultural pattern of the people, who for centuries had dwelt upon the banks of the Tennessee.

Perhaps the most distinctive change in the lives of the people in this period was the shift from a hunting, fishing, and gathering economy supplemented by the beginnings of agriculture, to a crudely developed agricultural economy, thus making possible the establishment of permanent villages accompanied by a new type social and political organization.⁵¹

With the advent of farming as a major source of food supply, permanent villages located on the flood plains of the Tennessee River and its tributaries seemed to have taken the place of many shell middens as habitation sites. At the Whitesburg Bridge Site MAV10 in Madison County, evidence points to the abandonment of this village during the latter part of Pottery II Period; while at the Flint River Site just up the river, the area was used exclusively as a burial ground during the Pottery III or Middle Mississippian Period.⁵² Other

51. Ibid.

52. Webb, Wheeler Basin, pp. 178-187; Webb and others, Pickwick Basin, pp. 306-319; and Webb and Wilder, Guntersville Basin, pp. 272-273.

shell mound sites in the Gunterville, Wheeler, and Pickwick Basins follow approximately the same pattern, though some of the strategically located middens continued to be used as villages in later periods.⁵³ In these middens no further shells were added, thus indicating an abandonment of mussels as a part of the food supply.⁵⁴

Another characteristic of this era completely absent from earlier stages of development in the Tennessee Valley was the presence of the pyramidal mound, that was used as a place for building a temple or council house for the chieftan of the tribe. Connected with these mounds were ceremonial rites known as the "Southern cult." Its numerous symbol designs, whose origin points to Central America, were found in connection with many objects made of clay, copper, shell, and stone.⁵⁵ The cross and its variants, the sun symbol, the spider, and the crouching or dancing figure were among the most

53. Ibid.

54. Webb and DeJarnette, MA^V10, pp. 11-21.

55. DeJarnette, "Alabama Archeology," op. cit., pp. 280-281.

popular of the cryptic symbols used in the Tennessee Valley.⁵⁶

In the field of mechanic arts, shell tempered pottery with its varied forms and surface finishes, ceremonial axes, and highly polished stone discs were innovations of the Middle Mississippian Period.⁵⁷

Findings at the Hobbs Island Sites, located on the upper end of Hobbs Island in southeastern Madison County, form an important link in the chain of events connecting prehistoric and historic times in the Tennessee Valley. Here are located the remains of a shell midden village of the late Pottery II Period; a ceremonial mound showing three distinct levels of construction; two burial mounds with artifacts and extended burials indicative of the Middle Mississippians as well as the ancestors of the Creek Indians of historic times; and a village site showing signs of having been used in the same period as well as a later time.⁵⁸

56. Webb, Wheeler Basin, Plates 95, 96, 97, 106; Webb and others, Pickwick Basin, Plates 58, 253, 266, 288; Webb and Wilder, Guntersville Basin, Plates 40, 59, 75, 76; DeJarnette, "Alabama Archeology," op. cit., p. 282.

57. DeJarnette, "Alabama Archeology," op. cit., p. 281; Webb and Wilder, Guntersville Basin, p. 272; Webb, Wheeler Basin, pp. 178-188.

58. Webb, Wheeler Basin, pp. 83-91, 184-188.

The rich flood plain on either side of this island probably furnished extensive fields for the cultivation of corn at this time.

Implements used by these villagers included stone hoes or spades, flint knives, highly polished greenstone celts and chisels, grooved sharpening stones, lapstones and pebble hammers. Bone fish hooks, needles and awls continued to be useful, and flint projectile points were more skillfully chipped. The flint drill and scraper were extensively employed as tools by these skilled workers.⁵⁹

Dwellings built at this period were of a more permanent nature than those of earlier construction. These houses were rectangular and circular in shape, the walls being constructed of poles, interwoven with split cane, and plastered over with a mixture of clay and sand. Roofs were probably thatched while many of the floors were clay with fire basins of the same material in the center or at one end of the structures.⁶⁰

The potters of the Hobbs Island Sites were highly skilled and had extensive knowledge of designs and finishes used by people of other areas. Perhaps the

59. Ibid.

60. DeJarnette, "Alabama Archeology," op. cit., p. 281.

proximity to rich clay deposits within a radius of two miles of the island added an incentive to the production of so many types of shell tempered pottery. Its varied forms included bottles, cups, bowls, jars, plates, pipes, and animal and vegetable effigies.⁶¹

Some of this pottery was plain and coarse in finish but most of it bore signs of the considerable time, thought, and skill used in its construction. The water bottles found in connection with burial mound MA⁰3 were of short and long neck types. Each bore the "four-world-quarter cross" with the encircling sun symbol. One was made of yellow clay painted red, on top of which was laid a black stain to make the design show up in red. On another bottle, a chocolate coating was used as a background covering to bring out the design in the natural cream-colored clay from which it was moulded.⁶²

Open vessels found in MA⁰1 made of yellow shell tempered clay consisted of open bowls with lug decorations and zoomorphic forms and true pots which were plain, incised, punctate, knobbed, and sometimes a

61. Webb, Wheeler Basin, pp. 147-158, 160-164, Plates 87-97.

62. Ibid., Plates 96, 97.

combination of several of these. Many of the pots had two or four handles but the rather ornate angular handle form was common to all.⁶³

Also present in MA⁰⁴ were shreds of salt-pan ware, so called because it was believed to have been used in some areas for evaporating saline solutions for obtaining salt. Part of this ware was smooth while other shreds showed evidence of a fabric impression indicating the use of a woven form in construction of these large vessels.⁶⁴

One ceremonial mound MA⁰² and two burial mounds MA⁰¹ and MA⁰³ of the Middle Mississippian era are represented on Hobbs Island. The pyramidal mound rises twenty feet above the plain and shows at least three levels of construction at various stages of its use. On top of the mound were found evidences of a brick surface indicating that a structure had been built on top of it. Such structures are believed to have been used as temples or as dwellings for the chieftan of the tribe.⁶⁵

63. Ibid., Plates 87, 88, 89, 90, 91, 92.

64. Ibid., p. 150; ibid., Plate 103.

65. Ibid., pp. 86-87.

The two burial mounds contained many fully extended skeletons accompanied by burial offering vessels and artifacts. These associations are not only significant in connecting these villagers with other areas of the Middle Mississippian complex but also with the later historic Indian groups of the Southeastern United States.⁶⁶ Pottery types and symbols fit closely into association with those of Moundville, Alabama and the Etowah Sites in North Georgia. For example, ornaments at Hobbs Island, such as a shell gorget engraved, with a pair of turkey cocks enclosed by a "four-world-corner" cross with the horizontal bar lowered to allow the birds to face one another in the circle, are identical with those excavated at Etowah.⁶⁷

66. Ibid., pp. 85-86, 87, 185-188.

67. Ibid., pp. 185-188. Dr. Charles C. Willoughby, in a chapter entitled "Notes on the History and Symbolisms of the Muskogean and the People of Etowah," in W. K. Moorehead, Explorations of the Etowah Site in Georgia for the Phillips Academy, (New Haven, 1932), discusses these shell gorgets. Concerning them he states: "It may be well to speak more specifically of the cosmic world symbol, which in itself or in some of its parts, formed so important a part of the symbolism of the Muskogean tribes. It was by no means confined to this area, but in no other section of America does it seem to have occupied so conspicuous a place in the culture of the people. To the Indian the world was a body of land like a great island entirely surrounded by water; this was covered by a great dome, across which the sun took its daily course from east to west. The water extended to the lower edge of this formed a great

Judging from their artifacts, these people seemed to have had the same general cultural pattern as the Koasati Indians of Pine Island whom De Soto visited on his way down the Tennessee River in June of 1540.⁶⁸

circle enclosing both water and land. The four cardinal points were determined by the course of the sun and the directions of the winds, which came from the north, east and west. The Indians therefore geographically represented the world by one or more circles enclosing a cross, and with or without a central circle, which symbolized the sun at the zenith, at the period of its greatest power. This doubtless explains why in so many representations of the sun there is a cross in the center; it is the meeting point of the lines of the four directions." Ibid., p. 186.

68. Webb and Wilder, "Law's Site MS^o100 on Pine Island," Guntersville Basin, pp. 136-152. Concerning chronological placement of this site Webb and Wilder state: "This site was begun by a non-pottery people in Gunterlands I Period. This horizon was fortunately separated from all later occupancy by deposit of river silt through which no instructions /sic/ by later were made. There is no evidence of occupancy in Gunterlands II. If such occurred it was not stratigraphically separable from the later midden. There were no fiber-tempered sherds found in the excavations which definitely suggests that the site was not occupied in Gunterlands II.

"The evidence for occupancy during Gunterlands III is very convincing both in the burial forms and in the quantity of limestone-tempered pottery. Shell-tempered pottery was introduced in Gunterlands IV with a rectangular post-mold house pattern, where the posts were set in trenches and, in one case, near the center of the post-mold pattern on the prepared clay floor there was a fire basin with raised rim."

"It appears that the occupancy continued on in Gunterlands V and that in this period the site was more heavily occupied than at any time previously, if the

Thus from the narratives of the De Soto Expedition of 1539-1542 have come the first historic accounts of the inhabitants and their location in the inland regions of southeastern United States in the sixteenth century.⁶⁹

From these De Soto accounts, it is possible to locate the general areas of concentration of some of the historic tribes of the Tennessee Valley. The large Muskogee or Creek Confederation was spread over much of northern and central Alabama and Georgia. Connected in some way with this large group were the Koasatis of Pine Island and the Yuchi who were situated west of the lower Cumberland Ridge at the time of De Soto's visit. The Chickasaws, also of Muskogean stock, who later claimed all of the land within the Great Bend of the Tennessee, were located in northwestern Mississippi.⁷⁰

number of burials of the horizon may be taken as a criterion. Of the total of 74 burials at the site, 22 showed historic contact." Ibid., pp. 151-152.

69. John R. Swanton, The Indians of the Southeastern United States (Washington, 1946), pp. 39-58. (These pages include summary of the Final Report of the United States De Soto Expedition Commission, 1939.)

70. Ibid., pp. 39-58, 14-21.

From these chroniclers and from later sixteenth and seventeenth century explorers, colonists, missionaries and soldiers who wrote of the Indians, much insight can be gleaned concerning the social and political organization of the Indians as they existed in the Middle Mississippian Period.⁷¹ The social organization of the tribe was characterized by matrilineal, exogamous, totemic clans. The majority of the tribes were further grouped into two major divisions or moieties which were themselves exogamous. These social structures regulated marriage relationships and functioned at ceremonial observances such as funerals and seasonal rites. Among the Creeks each clan had a special place around the square at general meetings of the tribe. One moiety in the tribe concerned itself primarily with war while the other dealt with peace observances. Marriage was usually arranged within a specific village or sub-tribal unit, and this helped to promote group solidarity. The clan unit within the tribe enabled individuals visiting another town not their own to find "blood" relatives and give them a feeling of

71. Griffin, "Culture Periods," op. cit., pp. 362-363.

belonging to these other communities within their tribal group. This also acted as a unifying force with the tribal group and helped in spreading ideas which developed in various local communities within the tribe. The family group was built around the matrilineal lineage.⁷²

Political authority had passed from the small local group of the Archaic and early Pottery or Woodland Period to a larger body, the tribe. Tribal power was vested in the person of the head chief or in a upper class council. The major offices were inherited by outstanding persons through the female line. Special tribute was exacted from weaker groups by dominant village centers and these centers in turn were obligated to pay tribute to the chief and his council members. Some of these chiefs possessed religious as well as civil and military power which greatly strengthened their positions. In other groups there was a division between the civil authorities and the war leaders and the class of priests. War parties were formed after council deliberation which decided whether or not the tribe had received an injury calling for group action.

72. Ibid.

Participation in these parties was usually voluntary and considerable ceremonial preparation was made for these events. Warfare was not for territorial aggrandizement, but at this period was still primarily for blood revenge. Probably some of the elaborate art forms depicting individuals attired in warlike regalia, represented the performances associated with pre-war observances and post-conflict ceremonies.⁷³

Later travelers who came to the Tennessee Valley area in the sixteenth century found similar villages and tribal groups as seen by De Soto, but in the later seventeenth and eighteenth centuries, those who visited these various Indian groupings found them in a state of flux.⁷⁴ It is significant to note that a great many of the habitation sites along the Tennessee, which had been continually occupied by aboriginals from early Archaic times, appear to have been abandoned in this early historic period.⁷⁵

73. Ibid.

74. Swanton, The Indians of the Southeastern United States, pp. 14-15.

75. Webb and Wilder, Guntersville Basin, pp. 272-273; Webb, Wheeler Basin, op. cit., pp. 178-188.

In the eighteenth century the Cherokees migrated from the northeast into the western part of North Carolina, western Georgia, eastern Tennessee and northern Alabama. This division of the Iroquoian Indians displaced some of the Muskogee settlements.⁷⁶ These Muskogee or Upper Creeks appear to have withdrawn from the eastern end of the Tennessee Valley and north Georgia and to have concentrated their main settlements in central and eastern Alabama and Georgia.⁷⁷ The Koasati and the Kaskinampo tribes, who appear to have merged into one group, migrated to the Coosa River area in middle eastern Alabama. The Yuchi left the area north of the Great Bend and settled to the south along the Gulf Coast within the confines of the Creek Confederation.⁷⁸ Down from the northwest the Shawnee Indians of Algonquian stock came to settle upon the banks of the Cumberland River in the vicinity of what is now Nashville, Tennessee.⁷⁹ Some of their groups also

76. Swanton, The Indians of the Southeastern United States, pp. 14-15, III-II2.

77. Ibid., p. 14.

78. Ibid., pp. 143, 145, 212-213.

79. Ibid., pp. 184-186.

invaded the Chickasaw territory and spent some time within the Creek Confederacy.⁸⁰ The Chickasaws, a division of the Muskogean linguistic stock, moved eastward from north Mississippi and established settlements on the Tennessee River as well as a settlement in the remote Savannah River area in Georgia.⁸¹

Though the multiple causes for the decline of population centers of prehistoric and early historic Indian inhabitants of the southeastern area cannot be brought to light, certainly contact with the caucasians was a significant factor in causing a general state of flux among the Indian groups of this area.⁸² Migrations eastward from the Mississippi Valley around the Red River region has been attributed in part to recurring floods and to epidemics among the Indians caused by the introduction of European diseases.⁸³ As the English pushed westward from the Atlantic coast taking permanent possession of the land for agricultural pursuits, the

80. Ibid., p. 185.

81. Ibid., pp. 116-119.

82. Ibid., pp. 59-81.

83. Ibid., p. 21.

Indians were in turn pushed westward; to the west the French began to make inroads along the inland river valleys; while to the South the Indians were driven inland by the Spanish.⁸⁴ Then too, the increasing trading value of skins led many Indians to turn again to hunting in order to have items of barter with which to obtain valuable European goods.⁸⁵

The intrusion of the white man's concept of land ownership upon that of the Indian, in time forced the various tribal groups of the Southeast to seek specifically defined boundaries.⁸⁶ Disputes over hunting rights in this area, matters of "blood revenge," control of the settlements along the Tennessee River,

84. Ibid., pp. 71-81.

85. Vernon W. Crane, The Southern Frontier (Durham, N. C., 1928), pp. 116-117.

86. Cyrus Thomas (ed.), "Introduction to Indian Land Cessions in the United States," "Foreign Policy Toward Indians," "Colonial Policy Toward the Indians," and "Policy of the United States," in 18th Annual Report of the Bureau of American Ethnology, Part 2, 1896-97 (Washington, 1899), pp. 527-643; Charles C. Royce, "Indian Land Cessions in the United States," ibid., pp. 645-964 (maps included); Charles C. Royce, "The Cherokee Nation of Indians," 5th Annual Report of the Bureau of American Ethnology, 1883-84 (Washington, 1887), pp. 205-208.

and intercolonial struggles between England and France for control of land and trade along the inland waterways, all contributed to the seething unrest and warfare among Indians of the Tennessee Valley region during the seventeenth and eighteenth centuries.⁸⁷

During the late pre-historic and early historic periods, the lands west of the Cumberlands from the Ohio River down to the Great Bend of the Tennessee were apparently not permanently occupied.⁸⁸ According to accounts given by the Cherokee and Chickasaw chieftains, the Four Nations, who were unable to agree on the ownership of the area, had decided to withdraw from it so that this vast region might be used in common by them as hunting grounds.⁸⁹

87. Crane, op. cit., pp. 47-70, 71-107, 254-280.

88. Swanton, The Indians of the Southeastern United States, p. 15; Oliver D. Street, "The Indians of Marshall County, Alabama," Publications of Alabama Historical Society Transactions, 1899-1903 (Montgomery, Alabama, 1904), IV, 193-194; John Donaldson, "Journal of a Voyage," in J. G. M. Ramsey, The Annals of Tennessee (Charleston, 1853, reprinted, Kingsport, Tennessee, 1926), pp. 197-202.

89. Return J. Meigs to War Department December 26, 1804, photostat from files of letters received by Secretary of War concerning Indian Affairs, National Archives, Washington, D. C.; Charles C. Royce, "The Cherokee Nation of Indians," op. cit., p. 208.

Though the Cherokees, Chickasaws, Creeks, and perhaps the Choctaws, used these valuable hunting grounds in common, the Cherokees and Chickasaws claimed sole ownership of the land when its title was brought into question concerning various land cessions.⁹⁰ To the northeast the Six Nations of the Iroquois, better known as the League of the Iroquois, claimed the same area by right of successful conquest in a long and intermittent war with the Cherokees.⁹¹ The British government recognized the validity of this claim when the Iroquoian boundaries were defined in the Treaty of Fort Stanwick in 1768.⁹² On the other hand, the Cherokees jealously guarded their claim and went to war

90. Charles C. Royce, "The Cherokee Nation of Indians," op. cit., pp. 195-196.

91. James Mooney, "Historical Tradition, The Iroquois War," in "Myths of the Cherokees," 19th Annual Report of the American Bureau of Ethnology, 1897-1898, Part I (Washington, 1900), pp. 351-356.

92. Charles C. Royce, "Indians Land Cessions in the United States," op. cit., p. 649; Cyrus Thomas, "New York's Policy Toward the Indians," op. cit., p. 584.

against the Shawnees, the Creeks, the Chickasaws and the Caucasians when any of these groups attempted to establish further permanent settlements on the Tennessee and Cumberland Rivers.⁹³

When a band of Shawnee Indians came down from the northwest to settle on the Cumberland River in the area of the present site of Nashville, Tennessee, the Cherokees claimed that they joined forces with the Chickasaws to drive them from their settlements.⁹⁴ According to the French trader, M. Charleville, who lived among the Shawnees, this eviction occurred shortly after 1714.⁹⁵ The Cherokees also claimed to have driven the Shawnees from their settlements in the eastern part of the Great Bend of the Tennessee.⁹⁶

In the eighteenth century the Cherokees had gradually pushed their holdings down the Tennessee River

93. John Swanton, Indian Tribes of North America, pp. 221-223; Swanton, The Indians of the Southeastern United States, pp. 110-115.

94. Swanton, Indian Tribes of North America, pp. 179, 224, 227.

95. Ibid., p. 227.

96. Street, op. cit., pp. 201-204; John Haywood, Civil and Political History of the State of Tennessee (1823, reprinted, Nashville, 1891), p. 40.

until they came in direct contact with the Creeks. The contests which followed seem generally to favor the Cherokees. In 1755 the Creeks are reported to have suffered a severe defeat at the battle of Taliwa after which they withdrew from the Tennessee Valley.⁹⁷ To the east the Creeks appear to have remained undisturbed in the Upper Coosa River Valley until white settlers began to push the Cherokee from some of their northern settlements. The Creeks then gave them permission to occupy the valley of the Coosa as far down as the mouth of Wills Creek, including all the valley of Coosawattee or "Old Creek Place."⁹⁸

During the French and Indian War the Cherokees sided, first with their English neighbors, and then, because of several high-handed acts of the South Carolinians, they went to war against them in 1759. After Colonel Archibald Montgomery had destroyed some of their villages known as the Lower Towns, they defeated his force of over 1600 men and destroyed the English outpost, Fort Loudon. The next year, however,

97. Swanton, The Indians of Southeastern United States, pp. 111-112.

98. Ibid.

a second expedition against the Cherokees burned all of the Middle Towns on the Tennessee and reduced the Indians to such straits that they were forced to ask for peace. Final terms were drawn between the English and the Cherokee in 1763, and with peace came a flood of emigrants who poured across the mountains into Kentucky and Tennessee, forcing the Cherokees, repeatedly to cede more and more of their land in this direction.⁹⁹

To the west the Chickasaws, whose principal settlements were in what is now northern Mississippi, also claimed the entire area between the Ohio and Tennessee Rivers west of the Cumberland Mountains. They too, were jealous of any group of Indians or whites who dared to make permanent settlements within their domain.¹⁰⁰

Apparently some time after they had joined with the Cherokees to drive one group of Shawnees off of the Cumberland River, another Pennsylvania band of Shawnees ascended the Tennessee River and appeared at a Chickasaw settlement some thirty miles up Bear Creek believed to

99. Ibid.; Royce, "Cherokee Nation of Indians," op. cit., pp. 144-158.

100. Swanton, The Indians of the Southeastern United States, pp. 184-186; Swanton, Indian Tribes of North America, pp. 178-179.

be located in what is now Colbert County, Alabama. In the battle which ensued the Shawnees were driven off and they continued southward to the Creek Nation where they settled for a number of years. Later, this same group returned northward by way of the Chickasaw Old Fields crossing on the Tennessee and followed the "Old South Trail" to the French Salt Lick on the Cumberland River. When the Chickasaws again found the Shawnees in the Cumberland area, they apparently drove them out single-handed.¹⁰¹ This contest later proved to be significant in that the Chickasaws used this victory over the Shawnees as a basis for their claims to all lands north of the Tennessee River.¹⁰²

English traders preceded the French in making friends with the Chickasaws in the late seventeenth century.¹⁰³ Although the French tried to make peace with them, the Chickasaws remained consistent allies of the English while England and France were fighting

101. Ibid., pp. 178-179; Swanton, The Indians of the Southeastern United States, p. 185; Haywood, op. cit., p. 426.

102. Meigs to Secretary of War, December 26, 1804.

103. Swanton, Indian Tribes of North America, pp. 178-179.

for possession of North America. Since practically all of the surrounding peoples were devoted to the French, and the Chickasaws were not numerous,¹⁰⁴ they were forced to carry on an unequal struggle until the final victory of the English in 1763. In 1736, the French made a great effort to destroy the power of the Chickasaws by a concerted attack on them from the north and south. Both of these French and Indian forces were defeated by the Chickasaw braves in separate battles. In 1740, under threat of invasion, these Indians did make a favorable treaty with the French, but it soon became a "dead letter," and the Chickasaws continued¹⁰⁵ their attacks on French travelers along the Mississippi.

It was during this period, when they were under attack by the French, the Choctaws, the Shawnees, and at times the Iroquois, that the Chickasaws apparently began to move some of their people eastward to settlements on the Tennessee River.¹⁰⁶ One village was established at the mouth of Elk River and another about

104. Ibid., p. 179.

105. Ibid., 178-179; Swanton, The Indians of the Southeastern United States, pp. 116-119.

106. Ibid.

four miles down stream from the mouth of Flint River at a place which became known as Chickasaw Old Fields in the southeastern part of what is now Madison County, Alabama.¹⁰⁷

The large island in the river came to be known at this time as Chickasaw Island, a title which it retained until 1821 when it was purchased by J. L.

Hobbs.¹⁰⁸ This area had long been used as a habitation site in pre-historic times and an important trail, known as the "Old South Trail,"¹⁰⁹ crossed the Tennessee River just above the island.

107. Street, *op. cit.*, p. 205; Meigs to Secretary of War, December 26, 1804; John R. Swanton, Early History of the Creek Indians and Their Neighbors, Bureau of American Ethnology, Bulletin 73 (Washington, 1922), p. 419.

108. Tract Book of Madison County of 1854, Probate Office, Huntsville, Alabama, shows original owners of land in Madison County.

109. William E. Myer, "Indian Trails of Southeast," 42nd Annual Report of the Bureau of American Ethnology, 1924-1925 (Washington, 1928), pp. 850-851. According to Meyer: "The Great South Trail led southward from the settlements around the Great Salt Lick at Nashville, and this part was formerly a great animal trail. It probably crossed Harpeth River at a large fortified Indian town --- running thence in a southeasterly direction to the head of Wartrace Creek, to which it gave its name, and down said creek to the site of the present town of Wartrace. From the latter place it kept near to the route since followed by the Nashville, Chattanooga and St. Louis Railway to the site of the modern town of Tullahoma, passed down Rock Creek (called Trace Creek on Daniel Smith's map of 1795) to its junction with Elk River, and from there to a point about

Thus as the Chickasaws moved eastward along the Tennessee they came into contact with the Cherokees as they moved westward. In a conflict between the two which apparently began some time during the French and Indian War in the late 1750's and lasted for a period of years after the major conflict ended in 1763, the Chickasaws were successful. At Chickasaw Old Fields they were reported to have won a decisive victory over the Cherokees in 1769.¹¹⁰ After peace was made between these tribes, the Chickasaws, feeling themselves too far removed from their main settlements, abandoned their easternmost settlement but continued to hold their position on Elk River.¹¹¹

After 1769 the Triangular area of land which was created as Madison County in 1808 appears to have been uninhabited by any permanent group until the coming of

two miles west of Winchester, after which it went in a southerly direction to the headwaters of Flint River, and followed that stream almost to its mouth. Thence it continued to the crossing of the Tennessee River at Chickasaw Old Fields, and beyond to the Indian settlements in Alabama and Mississippi." Ibid.

110. Swanton, The Indians of the Southeastern United States, p. 118; Swanton, Indian Tribes of North America, pp. 179-222; Royce, "Cherokee Nations of Indians," op. cit., p. 144.

111. Ibid.

the white settlers at the turn of the nineteenth century.¹¹²

At the opening of the American Revolution the Cherokees sided against the colonists, and in consequence their lands were ravaged and their towns destroyed. Although many attempts were made to restore peace between the Indians and the white settlers, it was not finally brought about until 1794, when a conference, which convened at Tellico blockhouse on November 7 and 8, brought the long series of contests to a close.¹¹³ From this time until their final removal in 1838-39 the Cherokees were repeatedly forced to cede more and more of their lands as the white settlers moved in to take possession of their rich valleys.¹¹⁴

The Chickasaws, on the other hand, maintained friendly relations with the American government after its establishment and received some aid from it in their war with the Creeks in 1793-95. But, being pressed upon

112. Street, op. cit., pp. 193-194; Thomas J. Taylor, Early History of Madison County, manuscript in possession of the Douglas Taylor Family, Huntsville, Alabama (hereafter cited as Taylor's Manuscript).

113. Swanton, Indian Tribes of North America, pp. 222-23.

114. Ibid.; Charles C. Royce, "Cherokee Nation of Indians," op. cit., pp. 158-298.

by the white settlers who poured into their lands after the Revolution, the Chickasaws also parted with their lands by a series of treaties made in 1805, 1816, 1818, and 1832.¹¹⁵

To the bitter end, the Cherokees and the Chickasaws both maintained their full claims to the lands from the Great Bend of the Tennessee to the Ohio River. Consequently the United States government, in securing cessions of land from these tribes, had to treat both claims as completely valid.

Thus it was that as these Indian claims were quieted one by one, the rich land in the Great Bend of the Tennessee passed permanently from the possession of the descendants of a once flourishing aboriginal civilization into the hands of white settlers who were soon to use it to produce a different type of flourishing civilization.

115. Swanton, Indian Tribes of North America, p. 179.

CHAPTER II

THIRST FOR LAND IN THE BEND

For almost three decades prior to the actual sale of lands in the Bend of the Tennessee in August of 1809, many attempts were made to gain possession of this fertile area for development by western settlers.

Chief among the leaders who figured prominently in these efforts were the same men who were responsible for the early settlement in East Tennessee and in the Cumberland Basin. This group, many of whom were Revolutionary soldiers, worked through the legislatures of North Carolina, South Carolina, and Georgia in an attempt to secure legal possession of the Bend of the Tennessee. They served as military officials and Indian agents in the western country, using their official positions in many instances for private gain. In 1783, they concluded a private treaty with the Indians which gave them the right to settle the lands north of the Tennessee River and in 1784, they received tentative approval from the Georgia legislature to examine the lands, issue land warrants, and take the necessary preliminary steps for the laying out of a country to be called Houston.

When these plans became embroiled with the problems of the central government concerning the cession of western lands by the states and the establishment of a national Indian policy, the project had to be postponed for a time.

The next attempt to consummate their original plans for the Bend project was made by some of these men as a part of the expansionist program of the State of Franklin which they formed after the first North Carolina cession of western lands to the United States government. With the demise of this short lived state, these men joined in formation of a private land company and made two other fruitless attempts to secure title to the lands in the Bend from the Georgia legislature.

Finally, under the guidance of some of these same men as state and national officials, this coveted piece of territory came into possession of actual settlers through the proper channels of the Federal government.

Interwoven with these maneuvers were the struggles accompanying the establishment of national land and Indian policies during the early period of the Republic.

As early as 1777, when the North Carolina legislature made provision for the disposal of her western lands as bounty to her soldiers of the "Continental

Line," the doors to western settlements were thrown open to the adventurous settlers who did not stop until all of its western lands were possessed. Included in this area, but really not a part of it, was the land north of the Tennessee River and south of the 35° parallel or the southern colonial boundary of North Carolina. When the Soldiers Reserve was located in the western part of the state in 1782, the commission, appointed to accomplish this task, was instructed to determine the southern boundary, and it was found that much of the rich land was in Georgia rather than North Carolina.¹

In 1783, William Blount, Richard Caswell, Griffith Rutherford, John Donelson, John Sevier, and Joseph Martin formed a company for the purpose of acquiring the lands of the Bend.² William Blount, Congressman from

1. Joseph Martin to Patrick Henry, Smith's River, May 21, 1783 in William Wirt Henry, Patrick Henry, Life, Correspondence and Speeches (New York, 1891), III, 243-244; Walter Clark (ed.), The State Records of North Carolina (Raleigh, 1896-1907), XIV, 479; Ibid., XVI, 900. Martin had been present at the North Carolina assembly when the locating commission made its report. At this time he was also land agent for Patrick Henry.

2. William Blount to Joseph Martin, Hillsborough, October 26, 1883, Draper Manuscripts, 4 XX 17 (microfilm copies of State Historical Society of Wisconsin collection located in State Library and Archives of Tennessee, Nashville; hereafter cited as Draper MSS).

North Carolina, took the lead in securing permission for the organization of the area as a county. Richard Caswell, governor of North Carolina, gave his private as well as public support to the venture. Griffith Rutherford, a general during the Revolution, joined the company at the solicitation of Blount. On the frontier, Joseph Martin, colonel in the Revolution, Indian agent for Virginia and North Carolina, and land agent for Patrick Henry joined the group as did John Donelson, surveyor of the "Virginia Line" of 1771, Indian agent of Virginia and North Carolina, and associate of Richard Henderson. The third, and later the most persistent frontier member of the company, was John Sevier, leader of the Watauga Settlement, Colonel from Washington County, and later Governor of Franklin and six times Governor of Tennessee.³

In order that the company might carry out actual development of the Bend, the Indian claims had to be quieted, permission had to be obtained from the state legislatures holding jurisdiction over the land to

3. Samuel C. Williams, The Lost State of Franklin (rev. ed.; New York, 1933), pp. 289-290, 313, 331-332; Carl S. Driver, John Sevier (Chapel Hill, 1932), pp. 61-78, 79-98.

secure clear titles and establish civil government, and a large number of people had to be persuaded to remove to the area to form a nucleus for settlement.

Joseph Martin and John Donelson, while serving as Indian agents representing the states of Virginia and North Carolina on a mission to conclude treaties of friendship with the Chickasaws, Creeks, and Cherokees in 1783, apparently accomplished the first task of getting the Cherokee chiefs to agree to sell their lands in the Bend.⁴ According to a report made by John Donelson in a letter to Richard Caswell, the purchase price was set at \$1000 to be paid in goods by the last day of December 1783. Joseph Martin furnished Blount with a list of goods necessary to complete the transaction and they were ordered from Philadelphia by the Blount Mercantile interests to be delivered in November.⁵ In the light of difficulties which arose

4. William Blount to Joseph Martin, Hillsborough, October 26, 1783, Draper MSS., 4 XX 17; John Donelson to William Blount, September 24, 1783, in Alice B. Keith (ed.), The John Gray Blount Papers (Raleigh, 1952), I, 111-112.

5. William Blount to John Gray Blount, June 20, 1783, ibid., p. 63; William Blount to James Gray Blount, ibid., pp. 86-89.

later with the Cherokees concerning this venture, it is evident that the repeated delays of the delivery of these goods helped to defeat the project.⁶

William Blount took the next step by having petitions introduced simultaneously in the legislatures of North Carolina and Georgia. On February 21, 1784, the North Carolina legislature appointed Lachlan McIntosh, Jr., Williams Downs, Stephen Heard, John Morrell, John Donelson, Joseph Martin, and John Sevier as commissioners to investigate and report on the expediency of laying a new county in the western territory. They were also given power to issue land warrants for not more than 1000 acres each which was in accord with North Carolina policy.⁷ On the same day, February 21, 1784, the Georgia legislature also acted on a petition, which had been presented by Blount on February 9, asking that a western country be erected in the territory between the Tennessee River and the southern boundary of North Carolina. Commissioners were to be appointed to make the necessary arrangements for

6. See p. 72, infra.

7. Extracts from Minutes of North Carolina House of Assembly, February 20-21, 1784, Draper MSS., I XX 71.

such an organization. Instead of complying with all of the petitioners' requests, the legislature appointed seven commissioners, the identical list chosen by North Carolina, but only vested them with "the powers necessary to ascertain the quantity, quality, and circumstances of aforesaid lands, and report the same, with their proceedings, to the legislature for their consideration; and to make them such compensation as may be deemed adequate and satisfactory: Provided notwithstanding, that the said board shall have the power and they are hereby authorized if they, or a majority of them think it necessary in such manner as to them seems most expedient, to proceed to grant warrants of survey, which shall, when executed, be transmitted with the plats, to the Surveyor General's office, in order that a grant shall not be for more than 1000 acres of land, and that he or they so obtaining a warrant shall at the same time, give bond and security to pay into the Treasury of this State at and after the rate of one-eighth of a dollar per acre, which sum shall be paid before he, she, or they shall obtain a grant."⁸

8. American State Papers, Public Lands (Washington, 1834), III. 372 (hereafter cited as A.S.P., P.L.); "Copy of Petition of William Blount and Associates to The Assembly of Georgia for Grant of Land," in Keith (ed.), Blount Papers, I, 536-537.

Blount, writing to John Donelson from Charleston on March 9, 1784, concerning the Georgia resolutions, stated that they were as favorable as he could procure, though not as satisfactory as he had hoped to achieve.⁹ He urged Donelson to encourage settlers to prepare to go to the Bend of the Tennessee because this would encourage the Georgia commissioners, more than anything else, to take favorable action toward completing the organization of the county. Of the Georgia group with whom Blount had met several times, he remarked, "they all appear to have a great thirst for Tennessee Lands."¹⁰

Four months later, the three associates of the company Donelson, Martin, and Sevier, who were also commissioners of Georgia, together with Stephen Heard of Georgia, who acted as chairman, held an adjourned meeting on July 30, 1784 at Long Island in the Holston river, and proceeded to organize the machinery for the establishment of a county in the Bend of the Tennessee to be called Houston. At this time John Sevier was

9. William Blount to John Donelson, March 9, 1784, Draper MSS., 1 XX 72.

10. Ibid.

appointed to receive locations and entries of land and William Blount, Lachlin McIntosh, John Morrell, John Donelson, Stephen Heard, William Downs, John Sevier, Charles Robertson, Joseph Martin, and Valentine Sevier, Junior, received appointments as justices of the peace.¹¹ Military officials recommended to receive commissions for the new county were John Sevier, colonel; John Donelson, lieutenant colonel; and Valentine Sevier, junior, major. Joseph Martin was recommended as Indian agent, and John Donelson received the approval of the board as surveyor.¹²

It was also decided at this board meeting that entries would be taken for land claims on March 15, 1785, at the mouth of Elk River in the heart of the Bend of the Tennessee at which time a board meeting would be held at the same place.¹³

The basic planning had thus been done and the efforts of Blount and his associates seemed to have reached

11. J. G. M. Ramsey, op. cit., p. 377; North Carolina State Records, XVIII, 138.

12. Ibid.

13. Ibid.

the point of bearing fruit. At this time, however, happenings on the national scene affected the course of events of this project. ¹⁴In June 2, 1784, North Carolina ceded her western lands to the Confederation Congress, and on August 23, 1784, the North Carolina western counties of Washington, Greene, and Sullivan met in convention and took the first steps toward forming themselves into a separate state, which they deemed to be in accord with the policy for admitting new states as stated by the Congressional Ordinance of April 1784.¹⁴ Leaders of the project for settlement of the Bend figured prominently in these political events. General Caswell was president of the North Carolina senate and William Blount,¹⁵ head of the company, introduced the cession bill to transfer to the United States the territory of what is now Tennessee. At Jonesborough in the "over mountain" settlements, John Sevier was elected president of the

14. Williams, op. cit., pp. 19-46. The Ordinance of 1784, prepared by Thomas Jefferson, provided for the division of the western territory into fourteen rectangular areas which might be made into states as soon as all of the states had ceded their western lands.

15. Ibid., p. 24.

August meeting, and Joseph Martin was one of the representatives from Sullivan County.¹⁶ On November 20, 1784, the North Carolina assembly of newly elected members reflected the discontent of the people by repealing the Cession Act.¹⁷ During this assembly, Alexander Outlaw, representative from Greene, introduced a bill for the creation of a third Carolina by empowering the people of the Western Territory, by and with the consent of the parent state, to form themselves into a separate state to be known as West Carolina. This bill was rejected.¹⁸ However, some provision was made to conciliate the western counties by an act which divided the judicial district of Morgan and created the district of Washington which included the four western counties. David Campbell was appointed to preside over the superior court, and the militia was formed into a brigade with John Sevier as brigadier general of the Washington District.¹⁹

16. Ibid., pp. 30-31.

17. Ibid., pp. 35-38.

18. Ibid., p. 38.

19. Ibid.

The delegates elected to the second convention, called by the western counties, met at Jonesborough, December 14, 1784, to consider the establishment of a separate state. John Sevier again served as president. This group declared themselves independent of North Carolina and prepared a temporary constitution to facilitate the formal organization of state government.²⁰

It is not likely that John Sevier had word of the action of the North Carolina Assembly prior to the action taken on December 14, but William Blount's letter dated December 4, 1784, gave him some interesting information on the subject as well as the project in the Bend of the Tennessee.

December 4, 1784 - Kinston
(at Gov. Caswell's)

Dear Gentlemen:

By a letter directed to Major George Doherty and I believe wrote by Col. Martin Armstrong, we have been informed that only Genl. Herd of the Georgia Commission have determined that an office for the Entry of the Bent lands should be opened at the Long Island of Holston some Time in March next.

From the Commissioners themselves we have received no information with respect to their proceedings tho we have much wished it.

20. Ibid., pp. 39-44.

I purpose certainly to attend in the character of a commissioner the Indian Treaty which is at present intended to be held between the 20th of April and 10th of May and I believe it is also certain that Maj. Genl. Caswell will attend as Commissioner and we can only say that should you open the Entry office before you see one or both of us that we wish you to secure as much of the Bent as may be in your Power. Can't the time of opening the office (altho March is the Time fixed) be postponed untill the Holding of the Treaty I will as I have before said certainly be present.

The General Assembly have repealed the act commonly called the Cession Act but have not opened the land office. It is the opinion of many well informed people in this quarter that notwithstanding the repealing Act if Congress accepts the Cession in the time limited by the Cession Act that the soil will become the property of the United States - I with the most perfect Esteem.

Your most obt. and
Humble Servant
Wm Blount

Mr. Sevier, Martin and Donelson
by Alexander Outlaw.²¹

Sevier also received word of the North Carolina action from Joseph Martin who wrote him from Sullivan County on December 31, 1784, shortly after his return from a meeting with Governor Alexander Martin. In this

21. Draper MSS., 4 XX 18.

letter he asked:

As you have formed a government here, I must beg that you will inform me whether you will persist or let it lay over until you are better informed, as the governor has sent me on to purchase a large quantity of beef, pork and corn for the use of a treaty to be held with the Cherokees in April next, which treaty he is to attend in person; also many gentleman from below, in particular General Caswell, who is to succeed the present governor, and Col. Blount. But if you are determined to oppose the measure, I shall not proceed to purchase.²²

Though Martin had been at the August meeting of the western counties, it is apparent that his visit to the assembly "over the mountain" had convinced him that the Bend project could best move forward as a projection of the efforts of North Carolina and Georgia rather than under the wing of the State of Franklin.

At this point Sevier appeared to favor the acceptance of his commission as the commander of the newly created Washington District, for he wrote Col. Dannel Kennedy of Greene County on January 2, 1785:

22. Shelby Papers in Draper MSS., 2 XX 76.

I have just received certain information from Colonel Martin that the first thing the Assembly of North Carolina did, was to repeal the cession bill, and to form this part of the country into a separate District, by name of Washington District, which I have the honor to command. I conclude this step will satisfy the people with the old state, and we shall pursue no further measures as to a new state. David Campbell, Esqr. is appointed one of our judges. I could write you officially, but my commission is not yet come to hand.²³

He also sent a communication to the people of Greene County in which he asked them to refrain from further action with regard to a new government.²⁴

Apparently members of the group, who espoused the cause of separation under the leadership of William Cocke, won Sevier to their point of view for representatives were chosen to the first Franklin assembly, and in March of 1785, John Sevier accepted the office of governor which was tendered him by this body.²⁵

Under this new government, Sevier might be able to serve the western people with whom he was popular and at

23. Ramsey, op. cit., p. 291.

24. Ibid., p. 292.

25. Williams, op. cit., p. 56. John Haywood, The Civil and Political History of the State of Tennessee (2nd ed., Nashville, 1891), p. 155; Driver, op. cit., pp. 86-88.

the same time build that larger state of Franklin which had been projected by Colonel Arthur Campbell of Virginia as early as 1782.²⁶ From the creation of the State of Franklin until its downfall the leadership of the Bend project was assumed by Sevier and his Franklin followers in cooperation with the Georgia and South Carolina men who were interested. In the background, Blount and Caswell of North Carolina continued their support, but Joseph Martin joined the opposition forces.

In the meantime, the March 15 meeting of the Georgia commissioners for the Bend project, including Sevier, Donelson, Martin, was postponed as Blount had desired.²⁷

26. See "The Franklin Movement in Virginia," in Williams, *op. cit.*, pp. 45-55. According to the petition presented by Colonel Arthur Campbell to the Confederation Congress and read by that body on January 13, 1785 the boundaries for his proposed state of Franklin would have included, "A State bound by a meridian line that will touch the confluence of Little River near Ingles Ferry, thence down Kanawha to the Roncovert or Green Briar River, thence southwest to latitude of 37 degrees north, thence along the meridian until it reaches the Tennessee or Cherokee River, down the same to the part nearest latitude 34 degrees, south to same, and eastwardly on that parallel to the top of the Appalachian mountains, and along the heights that divide the source of the waters that fall into the Mississippi from those that empty into the Atlantic to the beginning." *Ibid.*

27. See letter cited, *supra*, note 21.

The treaty with the Cherokee Indians, to be held by North Carolina commissioners on April 25, 1785, at Long Island on the Holston, was not carried out as planned.²⁸

Governor Alexander Martin, in explaining this delay to the Indians, told them that the reason the promised goods had not been delivered and an agreement reached concerning their lands was due to a misunderstanding arising from the separation of the western people from North Carolina.²⁹ Caswell, upon assuming the office of governor of North Carolina in May of 1785, wrote Sevier that the goods for the treaty were at Washington awaiting shipment to the Indians, but that he dared not go to Long Island (in Washington County of Franklin) as a private citizen and therefore could not attend unless he had the support of Sevier's militia which under the existing circumstances was out of the question.³⁰ Sevier

28. Ramsey, op. cit., pp. 306-313. Ramsey's father, Francis Ramsey, was closely associated with Sevier in the Franklin movement. From his father's papers, J. G. M. Ramsey quotes letters written by Governor Martin to John Sevier, to Old Tassel of Chota, and to Major Samuel Henderson.

29. Ibid.

30. Gov. Caswell to John Sevier, June 17, 1785, ibid., pp. 316-317.

carried forward the plans for a settlement with the Indians by treating with them as a commissioner appointed by the Franklin assembly. Alexander Outlaw and Daniel Kennedy were appointed to serve with him at the first meeting of the Franklin assembly in March.³¹ On June 10, 1785, the Treaty of Dumplin Creek was concluded with a partial delegation of Cherokee Chiefs. Near the mouth of this Creek at the home of Samuel Henry, the Indians agreed to cede the tract of country "lying and being on the south side of the Holston and French Broad rivers, as far south as the ridge that divides the waters of Little river from the waters of the Tennessee."³² Sevier signed the treaty ". . . in behalf of the white people of the State or government, or the United States, as the case may hereafter be settled and concluded on with respect to the jurisdiction and sovereignty over the said tract or territory of land. . ." ³³

During the summer, while Caswell and Sevier were exchanging views as to the best course of action to be pursued between their respective states, and William

31. Williams, op. cit., pp. 77-78.

32. Ibid.

33. Ibid.

Cocke petitioned the Confederation Congress for the admission of Franklin as a state, the Georgia commissioners held a board meeting on July 29, 1785, and resolved "That the application be made to the Governor and Council by William Downs and Thomas Napier, Esquires, commissioners, or either of them, for their direction and approbation to have ten tracts of land, containing ten thousand acres each, to be laid out in the Bend of Tennessee for public use,"³⁴ This request was made to satisfy the warrants to be issued to those who aided the Commissioners in executing expedition to the Bend in the fall.³⁵

In August, the Franklin assembly took action for the encouragement of an expedition down the Tennessee River for the purpose of taking possession of the Bend under titles obtained from the State of Georgia.³⁶

In the fall of 1785, a majority of the commissioners, John Sevier, John Donelson, William Downs, and Stephen

34. Ramsey, op. cit., p. 377.

35. A. S. P., P. L., III, 380.

36. Williams, op. cit., p. 90; Ramsey, op. cit., p. 313.

Heard met at Jonesborough in Washington District to complete plans for the expedition. They advertised for adventurers who would assemble at the confluence of the Holston and Broad Rivers and from there proceed to the Old Chickamauga towns.³⁷

Meanwhile, on the national scene, events were taking place and policies being formed which were ultimately to affect this expedition. On March 21, 1785, the Confederation Congress took action to establish friendly relationship with the Southern Indians by appointing five commissioners, namely, Benjamin Hawkins, Daniel Carroll, William Ferry, Andrew Pickens, and Joseph Martin. These men were instructed to treat with the Indians, and were given authority to call on the executives of Virginia, North Carolina, South Carolina, and Georgia to furnish military protection and finances for meetings.³⁸

Joseph Martin, by now an enemy of the Franklinites, went to Chota, headquarters for "Old Tassel," the Cherokee chieftain, in July to await instructions from

37. A.S.P., P.L., III, 370-378; Williams, op. cit., p. 17; Haywood, op. cit., p. 159.

38. Draper MSS., 2 XX 1, March 15, 1785; 2 XX 2, March 21, 1785; 2 XX 4, March 21, 1785.

Congress to be sent by Andrew Pickens of South Carolina. In a letter to Governor Caswell he told of the trouble he was having with the Indians which he attributed "to the rapid encroachments of the people from the new state, together with the Talks from the Spanish and the Western Indians." He went on to assure the Governor that he had no association with the newly formed state.³⁹ Accompanying this letter was a statement of "Old Tassel" concerning the Cherokee's recent treaty with Sevier. The Indian chiefs, he stated, had been informed of a meeting of the Indians to be called by the Congress. For this reason they did not meet with the representatives from the new state; but some of the younger men went to see what they wanted. These Indians had given consent for the whites who were already settled on the land to remain until the older Indian men were consulted. Later, "Old Tassel" continued, they learned that the white men were moving into the Little River area and calling it their ground. In concluding his Talk, he asked that "his elder brother" have pity on them and not take their ground from them.⁴⁰

39. Ramsey, op. cit., p. 318.

40. Ibid., p. 319.

In November, the Cherokees were invited to Hopwell, South Carolina, to meet the commissioners.⁴¹ Blount, represented the state of North Carolina at the treaty grounds and did all he could to secure favorable terms from the Indians; but the commissioners allowed the Cherokees to substantiate most of their claims including nearly all of the territory within the State of Franklin, some of which had already been ceded by the Indians to North Carolina before the separation of the western counties.⁴² Exception was made for the settlements in the Cumberland Basin and between the French Broad and the Holston when they were excluded from within the Cherokee boundary. People below the French Broad river were not considered, however, and in the final treaty signed on November 28, 1785, the Indians were given the right to drive the settlers from the land within the Cherokee boundary if they had not removed within six months as promised by the commissioners.⁴³

41. Ibid., pp. 336-337.

42. United States Statutes at Large, VII, 99-100.

43. Ibid.

In spite of this apparent slap at the expansion movement of Franklin, the planned expedition to the Bend of the Tennessee proceeded down the river under the direction of John Donelson.⁴⁴ Between the twentieth and twenty-fifth of December, the company representatives opened a land office within the territorial limits of Georgia at the mouth of Chickamauga Creek. Land warrants dated December 21, 1785, and signed by John Sevier and John Donelson, were issued to all those present who gave their bond and security. Some of the men who were employed to guard the expedition and assist the commissioners in their operations were issued warrants for 1000 acres as pay for their services. One of these men thus employed was Zachariah Cox, who later became a leading figure in later attempts to settle the Bend.⁴⁵

Finding the Indians in a very cross mood, the commissioners decided not to remain in the area.⁴⁶ A

⁴⁴. A.S.P., P.L. III, 373-377; Williams, op. cit., p. 17.

⁴⁵. Ibid.; Haywood, op. cit., p. 173.

⁴⁶. Ibid. Bloody Fellow, noted Indian chief of the Cherokees, put a stop to these operations.

further board meeting of the commissioners was then
 scheduled for April 1, 1786, at the mouth of Elk River.⁴⁷

After returning to Franklin with the expedition, Donelson proceeded to go to Kentucky to visit his family. On the road home he was severely wounded by the Indians in February of 1786 and died almost immediately.⁴⁸ Colonel William Christian, also associated with the Franklin group, was killed by the Indians in the spring of 1786.⁴⁹

The action taken by the North Carolina commissioners at Hopewell brought such protest from the people of Franklin that it tended to unite them in their determination to remain separate from North Carolina. Though factions remained within the group as a result of the struggle over the adoption of a constitution in November of 1785, the state seemed on the road to success, if it could get recognition from the Confederation Congress and carry forward its expansionist program without too much difficulty with the Indians who still possessed the land.⁵⁰

47. A.S.P., P.L., III, 371, 373-374, 376-377.

48. Williams, op. cit., p. 106.

49. Ibid.

50. Ibid., pp. 99-100.

The lure of the rich lands in the Bend of the Tennessee still prompted John Sevier to action. In order to quiet continued raids by the Creeks and the Cherokees upon the settlements in the western counties, the Franklin militia was sent out in the spring of 1786. This group destroyed the Valley Towns of the Cherokees, killing fifteen warriors. Upon discovery of a large Indian force they withdrew.⁵¹ Reports concerning the alarming condition on the frontier were sent by Joseph Martin to the governor of North Carolina in May of 1786. He reported that the Creeks were contemplating an attack on the Cumberland settlements in the summer because of the company's efforts to establish a trading post at the Muscle Shoals in the Bend of the Tennessee. Spanish and French traders at the shoals, Martin had been told, were to furnish the arms and ammunition for the Indians.⁵² Sevier, also apprehensive of the frontier situation, wrote Governor Edward Telfier of Georgia on May 14, 1786:

Sir: - Being appointed one of the Commissioners of Tennessee District, I beg leave to inform your Honour that it appears impracticable to proceed on that business before the fall season.

51. Ramsey, op. cit., p. 341.

52. Ibid., pp. 342-343.

The people here are apprehensive of an Indian war. Hostilities are daily committed in the vicinities of Kentucky and Cumberland. Col. Donelson, Christian, and several other persons, were lately wounded and are since dead.

The success of the Muscle Shoal enterprise, greatly depends on the number that will go down to that place. A small force will not be adequate to the risk and danger that is to be encountered, and the people here will not venture to so dangerous a place with a few.

Your Honour will be pleased to be further informed, and, through you, the different branches of your government, that no unfair advantage will be taken from this quarter; no surveying will be attempted until a force sufficient can be had, and timely notice given to those who may intend to move down. The people in this quarter wish to proceed in the fall, but will wait your advice on this subject. Your Honour may rest assured that I shall wait your advice on the subject. Your Honour may rest assured that I shall, with pleasure, facilitate everything in my power that may tend to the welfare of this business.⁵³

Probably, because of Indian troubles as Sevier mentioned, the commissioners of the Bend project did not meet at the mouth of Elk river on April first as

53. Ibid., p. 380. Sevier continued to deal with the Indian problem by forcing the Cherokees into a second cession of lands by the Treaty of Coytoy on August 3, 1786, ibid., 343-346.

had been planned. On August 1, 1786, however, they appeared before the Georgia assembly, made a report of their activities for the past two years, and asked that the Tennessee District be formally organized at this time.⁵⁴

Colonel Wade Hampton of South Carolina, who had claims which he wished to establish in the Bend Area, took an active "behind scenes" part in the activities of this group of men. Blount and Caswell, because of their official positions in the government of North Carolina, were unable to render any service to the commissioners in their cause before the Georgia legislature.⁵⁵

By now, Sevier was the only remaining frontier commissioner, and Thomas Carr had replaced Thomas Napier on April 1, 1786. Apparently Downs and Heard were still serving at the time of their report to the Georgia assembly.

After much debate, the legislative committee appointed to review the report recommended that creation

54. Ibid., p. 377.

55. Wade Hampton to John Sevier, February 15, 1786, Draper MSS., 11 DD 79a; Arthur M. Whitaker, "The Muscle Shoals Speculation, 1783-1789," in Mississippi Valley Historical Review, XIII (December, 1926), 374.

of the Tennessee District be postponed. For their efforts, the commissioners were each awarded warrants of 5,000 acres of land to be located in the Bend of the Tennessee.⁵⁶ Governor Telfair informed Sevier in a letter dated August 27, 1786, that consideration of the district be postponed until January 1787. Because of the threat of war from the Creek Indians, the legislature had appointed a commission to treat with them on October 15, 1786. If peace could not be effected, Telfair continued, help from the State of Franklin, in the form of a joint expedition to be staged on November first, would be greatly appreciated.⁵⁷

To this request, the Franklin assembly responded by passage of an act on October 13, 1786, which made provision for a force to aid the Georgians in their cause against the Creeks.⁵⁸ Such action was in keeping with the friendly relations which the Franklin group had maintained with the Georgian's since their mutual struggles during the Revolution.⁵⁹ It also served as a

56. Ibid., pp. 370-420.

57. Williams, op. cit., p. 107.

58. Ramsey, op. cit., pp. 378-379.

59. Williams, op. cit., p. 111; Ramsey, op. cit., p. 381; George M. Gilmer, Sketches of Some of the First

rallying point for Sevier to bring together the dissenting forces within the rapidly decaying state. Then too, the expedition might hasten the fruition of his hopes for the Bend project.

This expedition was postponed because the Georgia commissioners were able to secure, what proved to be, a temporary peace with the Creeks.⁶⁰

At this point Major George Elholm, a Danish soldier of fortune and friend of Sevier during the Revolution, became Franklin's envoy to Georgia to cement the alliance between the two states.⁶¹ During the remaining portion of 1766, and throughout 1767, his efforts were expended in this venture which had as its goals the destruction of the power of the Creek Indians and the securing of lands in the Bend of the Tennessee as bounty for the soldiers of Franklin in return for their services to Georgia.

Settlers of Upper Georgia (reprint, Americus, Georgia, 1926), pp. 154-155. In 1760 numbers of the patriots of Georgia under the leadership of Elijah Clarke sought refuge from the Tories by fleeing to the western counties of North Carolina where they lived for a while among their friends with whom they had fought at Kings Mountain. Clarke's family was lodged at the home of Sevier.

60. Ramsey, op. cit., p. 383.

61. Williams, op. cit., pp. 112, 309.

Early in February, the Georgia group made friendly overtures to Sevier by electing him to the "District Society of the Cincinnati," a military organization at Augusta, Georgia.⁶² Colonel Elijah Clark, an old friend of Revolutionary days, wrote encouraging letters to Sevier urging him to open a land office for the prosperity of his people. Governor George Mathews, also an old friend of the Governor of Franklin, encouraged the projected cooperative efforts of his state with the Franklinites.

Throughout the summer months extensive correspondence was carried on between the officials of Georgia and Franklin concerning the proposed Creek Campaign. On June 24, Sevier wrote to Governor Mathews asking his aid in Franklin's plea for separation from North Carolina. At this time he assured the Governor of his people's willingness to aid in the defense of Georgia. He also enclosed a petition to be presented to their assembly concerning the settlement of the Bend of the Tennessee and the erection of forts in this area to help protect the frontiers against the ravages of the Indians.⁶³

62. Ramsey, op. cit., pp. 384-386.

63. Ibid., p. 391.

The board of commissioners from Georgia, appointed to investigate the lands in the Bend, assembled once again on July 24, 1787, at Washington, Georgia, and took action to request the executive council of the Georgia assembly to allow the business of surveying the District of Tennessee to be immediately put into execution in accordance with the resolution of that body in February, 1784. They stated as the reason for their action lay in the fact that they had received "certain accounts from the State of Franklin, and the settlements of the Cumberland and Kentucky, that a number of people from aforesaid settlements are about to go to the District of Tennessee, to make settlements thereupon."⁶⁴

In August, Colonel James Robertson of the Nashville settlement appealed to Sevier for protection against the anticipated attacks on their area by the Creeks and the Cherokees. Colonel Anthony Bledsoe, writing from Sumner County about the same time, urged the Franklinites to send aid.⁶⁵

Late in October, Sevier, who had already forwarded these letters from the Cumberland settlers to Georgia,

64. Ibid., p. 377.

65. Ibid., pp. 393-394.

informed Governor Mathews that the Franklin assembly had instructed him to furnish aid to the Georgians in their anticipated campaign.⁶⁶

In November, Major Elholm attended the meeting of the executive council of Georgia when Sevier's plan was presented by Mathews. He was asked to explain the military preparation necessary for the conquest of the Creeks and the settlement of Great Bend of the Tennessee River. At this time he advised that the Big Bend be appropriated as bounties to the officers and soldiers employed in taking and occupying it; and that during the period in which they continued to maintain and protect their settlements without expense to Georgia or Franklin, the inhabitants should pay no taxes for a term of years.⁶⁷

The assembly acted favorably on the proposals from Franklin, and on November 12, 1787, Governor Mathews wrote Governor Sevier that he would like to hear as soon as possible at what time the 1500 troops from Franklin "could take the field." "The Bend of Tennessee being allowed for your men, I flatter myself, will give pleasure, and, as the bounty is given for fighting our

66. Ibid., pp. 392-393.

67. Ibid., pp. 394-395.

common enemy, will be, I am persuaded, thought generous and liberal."⁶⁸

Thus, as the year 1787, drew to a close, it appeared that Sevier's expansionist program was well on the road to being accomplished; while on the home front, the State of Franklin was at the point of disintegration. Disaffection had pervaded the ranks of the officials in most of the counties of the state. A number of the members of the Franklin government had decided to attend the North Carolina assembly meeting in November as senators and representative of the Washington District.⁶⁹ Though a signed petition asking for separation from North Carolina was again presented by the people of the western counties, it was rejected.⁷⁰ In vain Blount and his colleagues in Congress asked for cession of the western lands to the central government. Another crippling blow also came to Franklin when Judge David Campbell,

68. Ibid., pp. 395-396.

69. Williams, op. cit., pp. 161-163, 193-197.

70. Ibid., pp. 193-196. Many of these people later established their homes in Madison and adjoining counties of the Tennessee Valley.

superior court judge for the state, accepted the position as judge of the Washington District of North Carolina.⁷¹ The assembly made provision for the calling of a convention to consider the adoption of the Federal Constitution in July 1788 and the people of the west realized that when it went into effect, they would have to get North Carolina's consent for separation if the western lands were not ceded.⁷²

At this point of crisis, Sevier's hopes for the future of his state rested on a successful war against the Indians which would be a welding influence on frontiersmen, especially since land was offered as service bounty. The appeal made by him to the gallantry of his countrymen on November 28, 1787, was responded to in their usual warlike spirit.⁷³ By December second, the necessary volunteers had been recruited and stood in readiness to proceed to the frontier as soon as word came from Georgia.⁷⁴

71. Ibid., p. 196.

72. Ibid., p. 245.

73. Ramsey, op. cit., p. 397. See Governor Sevier's circular to the military of Franklin, ibid.

74. Ibid., p. 399.

But the word did not come until almost three months later, and then it was a very disappointing message for Sevier. Colonel George Handley wrote that the campaign had been postponed because Congress had assumed responsibility for treating with the southern Indians.⁷⁵ This letter not only explained the cause for delay but also the reason for the abandonment of the whole expedition.

Sevier had placed so much emphasis on the acquisition of the rich lands in the Bend of the Tennessee that he had failed to cope with the opposing faction in Franklin led by John Tipton. This group had finally gained a dominant place in the affairs of the state and had aided North Carolina in its attempt to bring its western counties back into allegiance to the state.⁷⁶

75. *Ibid.*, pp. 399-401. Wild rumors of the activity on the frontier had reached Congress, and that body initiated an investigation of the affairs in the West. On October 28 an act was passed appointing commissions from each of the southern states to treat with the Indians, and Colonel Benjamin Hawkins was appointed to treat with the Creeks.

76. Williams, *op. cit.*, pp. 161-169, 189-197, 198-200. John Tipton's faction lost its prestige in the closing phases of the struggle between Franklin and North Carolina. After the Land Cession Act was accepted by Congress in 1790 and the Territory South of the Ohio created from these ceded lands, the Franklinites became leaders in this territory which became the State of Tennessee in 1796.

Joseph Martin, who became brigadier general for the Washington District in December, 1787, tried to bring Sevier back into an amicable relationship with the North Carolina assembly throughout the year 1788, but it was not until February of 1789, that Sevier finally took an oath of allegiance to support that government.⁷⁷

In the meantime he continued his efforts to effect the Bend project by establishing a "Lesser State of Franklin" in Greene County where his staunchest supporters were settled.⁷⁸

During the Spring of 1788, Sevier led a successful assault on the Cherokees and the Chickamaugas, negotiated with Alexander McGillivray for permission to settle the Bend, and attempted to persuade the Chickasaws that the settlement of the Muscle Shoals area would be of great advantage to them.⁷⁹

In July of 1788, Sevier received a different type of proposal concerning the Bend project. Dr. James

77. Ibid., p. 230.

78. Ibid., pp. 218-230.

79. Whitaker, op. cit., pp. 376-377.

White, delegate from North Carolina to Congress, after discussions with Cardoqui, the Spanish charge to the United States, visited the leader of the Franklinites and proposed that Sevier negotiate with the Spanish in the realization of his project to settle Bend of the Tennessee as well as the lands that lay southward to the Mobile River.⁸⁰ That Sevier was willing to accept the assistance of Spain in his project, is evident from his correspondence of that period on the subject. That he was unwilling to leave the allegiance of the United States in order to get such protection, was soon sensed by the Spanish officials who turned down the proposals made by White for the Franklinites. In May of 1789, this view was summarized by Governor Manuel de Lemos of Natchez who, after being in close contact with White for five months, wrote to one of his associates,

Don Diego White is thoroughly republican at heart. The movement that is taking place in the state of Franklin has as its object the establishment of independence rather than a reproachment with Spain. The Franklinites know that it is to their interest to form a connection with this province (Louisiana) and they wish

80. Ibid., pp. 378-379.

to do so, but they are extremely ambitious and their principal object is to extend their territory so that they may draw near the waters of the Mississippi and Mobile rivers, in hope that this advantage will attract many immigrants from other places, and enable them to build up an opulent state.⁸¹

In rejecting White's scheme, the Spanish court which reviewed it, ordered further that the western Americans should be dissuaded from seeking any other outlet to the Gulf than by way of the Mississippi.⁸²

Thus, after two years, the efforts of Sevier and his Franklinites to gain the rich lands in the Bend of the Tennessee had ended in failure. Sevier at this point allowed the further efforts to establish a settlement in this area to be carried on by some of the men who had aided him, first as associates of Blount's company, and then as supporters of the expansionist movement of Franklin. By 1789, the members of the original Georgia commission, who had been appointed in 1784 to examine the Bend of the Tennessee, were widely scattered. Donelson had been killed by the Indians.

^{81.} Ibid., pp. 380-384; Gayoso to Valdes, ibid., p. 384.

^{82.} Ibid., p. 385.

Martin, though still interested in western lands, had become a military official of North Carolina in opposition to Sevier's Franklin. Sevier, himself became an official of the North Carolina Assembly in 1789 and received a commission as brigadier general of the Washington District replacing Martin.⁸³ In 1790, he received this same office under William Blount, who in this year became the first Governor of the Territory South of the Ohio, an area created after the final North Carolina cession act of 1789.⁸⁴ William Downs, Stephen Heard, and Thomas Carr, Georgia men on the commission, remained in the background during the Franklin period but came forward again to aid in the establishment of a new venture, the Tennessee Land Company.⁸⁵ This new project under the leadership of Zachariah Cox, had as its goal, the settlement of the Bend of the Tennessee and the development of a river route to the Gulf of Mexico by connecting the Tennessee and Tombigbee. Back of him were the land speculators of the Southern States,

83. Williams, op. cit., pp. 253-254.

84. Ibid.

85. A.S.P., P.L., I, 143-144.

and more important still, the Franklinites who continued to dream of actually settling a piece of the rich land in the area.⁸⁶

Cox's chances for success seemed bright for a number of reasons. South Carolina had relinquished her claims to western lands in 1787.⁸⁷ The Confederation Congress had rejected Georgia's conditions for cession of her western lands in 1788, thus leaving her free to realize as much profit as possible before another attempt was made to get her to release them.⁸⁸ Cox had the backing of influential men from Georgia including the Tennessee commissioners appointed in 1784, and the support of some of the Franklinites who wished to make settlements in the Bend. Indian trouble had quieted down somewhat, and

86. Charles H. Haskins, "The Yazoo Land Companies," in Papers of the American Historical Association, V (New York, 1891), 396.

87. By a convention held in 1787 for the purpose, South Carolina and Georgia settled a dispute over their conflicting claims to western lands. South Carolina gave up her claim to the southwestern lands extending to the Mississippi, but continued to claim a twelve mile strip below the North Carolina boundary and west to the Mississippi River. This strip was then ceded to the United States in 1787.

88. Haskins, op. cit., 396-397.

it appeared probable that the Chickasaws might be induced to allow a trading post near Muscle Shoals around which a settlement could be started.

What Cox and his group did not foresee was the growth of an opposing faction in the Georgia legislature and the stand which the newly formed Federal government would take concerning Indian affairs. The ultimate failure of his two land companies, caused by these deterring forces, delayed the actual settlement of the lower Tennessee Valley for another decade. At the same time however, these attempts helped bring the Federal government to a realization that well defined policies should be established whereby orderly settlement of the area could proceed.

The Tennessee Land Company under the leadership of Cox was one of three companies to petition the Georgia legislature on November 20, 1789, for large land grants at very cheap prices. A bill was brought into the senate of that body on December 7, granting to the South Carolina, Virginia, and Tennessee Yazoo companies a 25,400,000 acres of land in what is now Alabama and Mississippi for \$207,580.⁸⁹ After favorable action was

89. American State Papers, Indian Affairs (Washington, 1832), I, 114 (hereafter cited as A.S.P., I.A.); Haskins, op. cit., p. 400.

received on this bill, it was sent to the house where a fourth company, the Georgia Yazoo Company, asked for consideration of its petition which offered a much higher price for the lands. Efforts to insert this company among the others failed, as did also a motion to increase the amount to be paid; and the bill passed without amendment. On December 21, 1789, the governor placed his signature on the document, thus inaugurating a new phase in the attempted settlement of the Bend of the Tennessee.⁹⁰

The Tennessee Company's grant included 4,000,000 acres in what is now northern Alabama including all the area in the Bend of the Tennessee.⁹¹ The lands were

90. Ibid.

91. The boundary description read: "beginning at the mouth of Bear Creek on the south side of the Tennessee river in the latitude of $34^{\circ}43'$, running thence up Bear creek to the head or source; thence a due west course to the Tom Bigby or Twenty mile creek; thence down the said Bigby or Twenty mile creek, to the latitude 34° ; thence a due east course one hundred and twenty miles, thence a due north course to the northern boundary line of this state; thence a due west course along the northern line of this state; thence a due west course to the northern boundary line to the Great Tennessee river; thence up the middle of said river Tennessee to the place of beginning." Georgia Acts. December 21, 1789, cited in Charles O. Paullin, Atlas of Historical Geography of the United States (Baltimore, 1932), p. 31.

reserved as a pre-emption for two years, and at the end of that time if the full amount of \$46,875 had been paid, grants were to be issued to the company's tenants in common in fee simple. The company was made responsible for quieting the Indian claims and maintaining peace and order in the area.⁹²

After the grant of 1789 had been secured, Cox and his associates including John Strother, Thomas Gilbert, John Sevier, and many others who had backed the early attempted settlements of the Bend, announced that an expedition would embark on January 10, 1791, from the junction of the Holston and French Broad Rivers and proceed to the Muscle Shoals area in the Bend to make a settlement; a land office was to be opened by Cox and Thomas Carr, former Georgia commissioner and member of the Blount Company, and remain at that point until it could be moved to the Bend with the settlers. Bounties of 500 acres for families and 250 acres for single persons were offered to induce settlers to join the expedition.⁹³

⁹². A.S.P., I.A., I, 114; Haskins, op. cit., p. 400.

⁹³. Ramsey, op. cit., 549-551; A.S.P., I.A., I, 112-113, 115, 126, 172-173.

William Blount, by this time governor of the territory lately ceded by North Carolina and soon to become the State of Tennessee, issued a warning to Cox and his group stating that they had no legal authority to settle in areas still claimed by the Indians.⁹⁴ The President also issued two proclamations forbidding the Yazoo companies to make unauthorized settlements and giving the Indians the right to destroy them.⁹⁵

Undaunted by these messages, Cox, James Hubbard, Peter Bryant, and fifteen other former Franklinites proceeded from the mouth of Dumplin Creek down the Tennessee River to an island at the head of Muscle Shoals where they constructed a block house and other fortifications necessary for the establishment of a settlement. The Cherokees, being notified by the Federal authorities of the proposed expedition, sent a group of sixty warriors under the leadership of "The

94. Ibid.

95. This move on the part of the Federal government was also an attempt to prevent the rumored assault on the Spanish New Orleans by a group of Kentuckians under the leadership of Dr. James O'Fallon, notorious agent of the South Carolina Yazoo Company. A.S.P., I.A., I, 83, 112-113, 123-129.

Glass" to force Cox and his party to abandon their position. After much negotiation the fortifications were abandoned and immediately reduced to ashes by the Indians. Cox and his party returned to Knoxville on June 2, 1791, where they were arrested. Though a bill of indictment was twice brought against Cox and his associates in the superior court of the Washington District, a true bill was not sustained, due, perhaps, to the fact that too many of the men on the jury were personally interested in the schemes to settle the Bend of the Tennessee.⁹⁶

Apparently Cox and his group continued to sell land titles and promote the idea of immediate settlement of the lands of the Tennessee Company throughout 1791, but his efforts were doomed to failure.⁹⁷ In the meantime the opposing factions in Georgia had succeeded in securing the passage of an act in June of 1790 requiring that all debts due the state should be paid for in specie. Since it was impossible for the Yazoo companies to make their remaining payments in specie, their pre-emptions lapsed and Georgia was again free to dispose of

⁹⁶. Ramsey, op. cit., p. 551; Haywood, op. cit., pp. 268-269.

⁹⁷. Ibid.

its western lands.⁹⁸

Indian troubles again plagued the frontiers of Georgia and the Tennessee territory as settlers continued to encroach on the lands of the Cherokees along the Tennessee and Cumberland Rivers and in North Georgia and the lands of the Creeks in western Georgia. From the South, the Spanish continued their efforts to use the Indians as their allies in the fight to hold West Florida and full control of the Mississippi River.⁹⁹ Governor Blount, acting on authority from the Federal government, concluded the Treaty of Holston with the Cherokees in 1791¹⁰⁰ and held a convention with the friendly Chickasaws and Choctaws in Nashville in 1792 in an attempt to strengthen the bonds of friendship.¹⁰¹ At this time he also asked for aid from this group in quieting the Indians of the Northwest who were at war against the

98. Treat, op. cit., pp. 356-357.

99. Ray Allen Billington, Westward Expansion (New York, 1950), pp. 237-241.

100. By the Treaty of Holston the Cherokees ceded a triangular area east of the Clinch River and north of the French Broad River, but many of the people who had settled under North Carolina grants were left within Indian boundaries.

101. Ramsey, op. cit., pp. 562-563, 598; A.S.P., I.A., I, 284-288.

settlers of the Northwest Territory.¹⁰² Peace did not come however in either section of the frontier until the victories of Anthony Wayne in the Northwest in August of 1794,¹⁰³ and the destruction of the towns of the Lower Cherokees by Major James Ore and General James Robertson in September of 1794.¹⁰⁴ After this defeat, the Cherokees sued for peace and on November 7 and 8, 1794 at Tellico Blockhouse, a struggle, which had been going with these Indians since the beginning of the American Revolution, came to an end. At this time it was agreed that the Cherokees would abide by the treaty which they had recently concluded in Philadelphia on July 2, 1794.¹⁰⁵ On January 3, 1795, Governor Blount

102. Ibid.

103. Billington, op. cit., pp. 225-226.

104. Ramsey, op. cit., p. 596; Tellico Conference, November 7-8, 1794, A.S.P., I.A., I, 536-538.

105. A.S.P., I.A., I, 535-538. By this treaty, concluded between the secretary of war and thirteen Cherokee chiefs, the Indians agreed to accept the boundaries of the Holston Treaty of 1791 on the condition that the government would proceed immediately to have them surveyed and marked. However, this was not done until 1797. See United States Statutes at Large, VII, 43-44.

again met with the Cherokees to ask their aid against the Creeks who continued to send raiding parties north of the Tennessee River. This request was deferred, not on the grounds that they minded fighting the Creeks, but that they were not prepared to do so.¹⁰⁶ Other treaties with the Cherokees in 1798, 1799, 1804, 1805, and 1806, as will be shown later, consisted of land cessions in Tennessee and what is now northern Alabama.

Meanwhile the Creeks lost their aggressive leader, Alexander McGillivray, who died in 1793. They also lost most of the support of the Spanish when the Creek country was relinquished to the United States government by the Pinckney Treaty of 1795.¹⁰⁷ For more than a decade those war-like tribes were thrown on the defensive and were forced to cede many of their Georgia lands.¹⁰⁸

By 1795 the way seemed clear for another attempt at settlement in the Bend of the Tennessee. Zachariah Cox, Mathias Maher, and their associates reorganized the Tennessee Land Company and came forward to present a

106. A.S.P., I.A., I, 556.

107. Billington, op. cit., pp. 240-245.

108. Charles C. Royce, "Indian Land Cessions in the United States," op. cit., pp. 658-678.

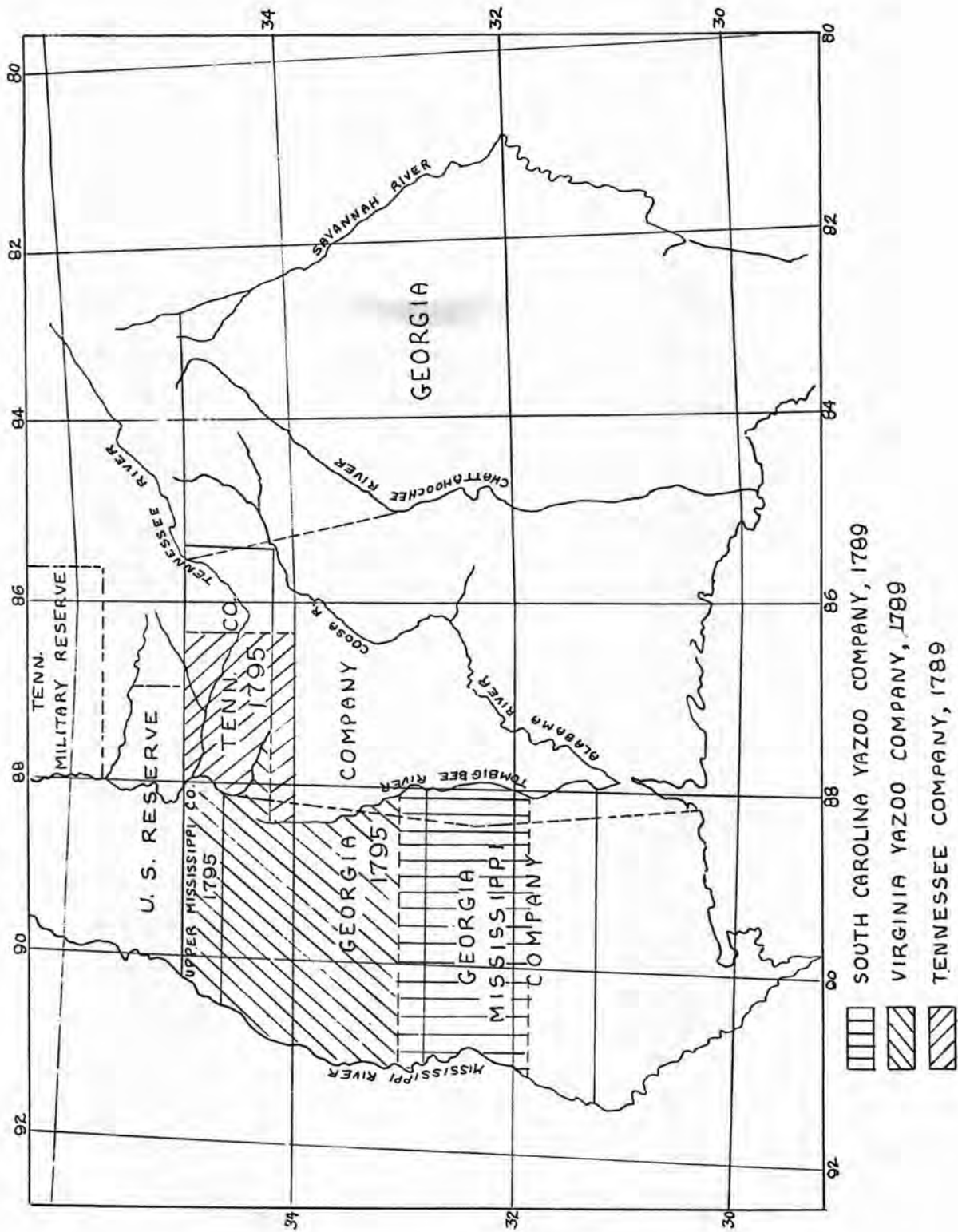
petition along with those of the Georgia, The Georgia-Mississippi, and the Upper Mississippi companies by which they proposed to buy a large part of the present states of Alabama and Mississippi, some 35,000,000 acres for \$500,000. A committee, appointed to examine the petitions, reported favorably on them, and a bill embody-¹⁰⁹ing the companies' proposals was introduced on December 3. Governor George Mathews vetoed the first measure on the grounds that he doubted whether the time had come for disposing of the territory. He further stated that, if the proper time had arrived, then the principle of monopoly was bad, the price too low, and that sufficient reservations had not been made for the citizens of the state. A new bill was hurriedly framed to meet these objections and hastily passed by the legislature; the governor yielded, and the measure became a law on January 7, 1795.¹¹⁰

By this act these companies received most of Georgia's western lands at one and one-half cents an acre with few strings attached. Each company was to deposit a portion of the purchase price (generally

¹⁰⁹. Haskins, op. cit., pp. 414-415; A.S.P., P.L., I, 132-136.

¹¹⁰. Haskins, op. cit., pp. 415-416.

GRANTS OF WESTERN LANDS BY GEORGIA TO LAND COMPANIES, 1789, 1795



one-fifth) before the passage of the act and the remainder was to be paid before November 1, 1795. This amount was secured by a mortgage on the land. Two million acres were reserved for citizens of Georgia and their subscriptions entitled them to membership in one of the companies' purchase money. The state gave no guarantee against other claims, but declared the lands free from taxation until their settlers should be represented in the legislature. The companies were left free to seek the concurrence of the United States in extinguishing Indian titles. They were prohibited from selling their grants to a foreign power, and the lands were required to be settled within five years after cessions from the Indians had been secured.¹¹¹

The portion of the act relating specifically to the Tennessee Land Company stipulated that \$12,000 be paid down and \$48,000 by November 1, 1795, in specie or bank bills of the United States, after which the Governor would issue to them in any superior court in Georgia, so designated by Cox and his associates, a fee-simple title to the land as tenants in common and not as joint tenants.¹¹² The grant was defined as "all that tract of

111. A.S.P., P.L., I, 152-155.

112. Ibid.

land including islands situated, lying and being within the following boundary lines: beginning at the mouth of Bear Creek, on the south side of the Tennessee river; thence up the said creek, to the most southern to the latitude of $34^{\circ}10'$ north of the equator; thence, a due east course, one hundred and twenty miles; thence, a due north course, to the Great Tennessee river; thence a due west course, along the same line, to where it intersects the Great Tennessee river, below the Mussel Shoals; thence, up the said river to the place of beginning."¹¹³

It was further enacted that the company should reserve 242,000 acres for subscriptions of Georgia citizens and 50,000 acres to be gratuitously divided among the commissioners, appointed by Georgia in 1784 to examine the lands in the Great Bend of the Tennessee River, as compensation for their services.¹¹⁴

All bottlenecks which had caused the failure of three previous attempts to settle the lower Tennessee Valley seemed to have been removed from this act, so carefully worded by these Georgia law makers, a majority of whom were directly interested in one or more of the

113. Ibid.

114. Ibid.

land companies. Many of the men, who had been prominent in these previous schemes, were in key positions in Georgia,¹¹⁵ the territory soon to become the state of Tennessee,¹¹⁶ and in the various branches of the Federal government.¹¹⁷

Cox and his associates acted almost immediately in disposing of the 420 shares of Tennessee Land Company stock and in satisfying the \$48,000 mortgage which gave them a clear title to their grant. Among the share holders were Lachlan McIntosh, William Downs, Stephen Heard, Thomas Napier, William Blount and John Sevier, all

115. In the Georgia legislature, Thomas Napier was speaker of the house of representatives, while Lachlan McIntosh, William Downs, and Stephen Heard served as members of that body. See A.S.P., P.L., I, pp. 143-144. Governor George Mathews was also implicated. See Governor Winthrop Sargent to George Mathews, October 13, 1798 in Dunbar Rowland (ed.), The Mississippi Territorial Archives (Nashville, 1905), I, 61; Governor Winthrop Sargent to James Ross, October 17, 1798, ibid., pp. 65-67.

116. William Blount was at this time Governor of the Territory South of the Ohio (Tennessee), and John Sevier was a brigadier general in the Federal forces stationed in that territory. See Haskins, op. cit., p. 417; A.S.P., P.L., I, 141, 143, 220-246.

117. James Gunn, Senator from Georgia, Wade Hampton of South Carolina, James Wilson of the Supreme Court of the United States, and Albert Gallatin, later to become Secretary of Treasury, were among those on the national scene to invest in these companies.

of whom were actively interested in the 1784 venture. Elijah Clark, John Sevier's friend who had encouraged the Franklinites in their attempts to secure the Bend of the Tennessee, bought two shares. John Strother, Thomas Gilbert, and William Cox of the first Tennessee Company, invested again in the second attempt.¹¹⁸

In the face of a storm of protest which arose in Georgia over the sale of its western territory, the land companies made haste to sell large quantities of these lands in other states. Pamphlets and newspaper articles published throughout the Middle and Eastern States, advertised the advantages to be gained from buying cheap rich Georgia lands.¹¹⁹ An office opened in Boston, Massachusetts by agents of these companies, sold more than \$2,000,000 worth of general land warranties, to eager investors from all walks of life. Many of the Tennessee Land Company's sales were made in Tennessee, North Carolina, and Virginia to people who had long been interested in settling in the Bend of the Tennessee.¹²⁰

118. A.S.P., P.L., I, 143.

119. Haskins, op. cit., pp. 421-422.

120. Ibid.

While these speculative land deals were being executed in other states, the people of Georgia who opposed the action of ^{their} its legislature sought to defeat its members for reelection. When it was made known that, with one exception, every member who had voted for the grant was a shareholder in one or more of the companies, this knowledge was used to unite a group known as the Anti-Yazooists.¹²¹ James Jackson, United States Senator from Georgia, resigned his post to lead this group in electing a new legislature that would rescind the ill advised action of its predecessor.¹²² Accordingly he was chosen as member of the lower house and on January 15, 1796, appointed chairman of a committee to examine and report on the validity of the 1795 grant. A week later the committee reported a bill, together with proofs of corruption, which were ordered to be entered in the Journal of the House of Representatives. After considerable discussion mostly on the question of proper wording of the bill, it became a law on February 13, 1796.¹²³

121. Ibid., pp. 418-419; A.S.P., P.L., I, 141-149.

122. Haskins, op. cit., pp. 419-420.

123. Ibid.

The rescinding act, in its lengthy preamble, set forth the proposition that the act of 1795 was in direct controvention of that part of the state constitution which empowered the state legislature to make all laws and ordinances deemed necessary and proper for the good of the state, which should not be repugnant to the constitution. The good of the state, it went on to point out, had been disregarded by the waste of public resources and by the creation of monopolies inimical to republican government. The constitution had been further violated by not organizing the territory into counties with representation in the legislature and liability to taxation. Power to alienate the public land, it continued, had not been delegated by the constitution, and could be exercised only by the people through their representatives in convention. That the grant had been fraudiently obtained, had been proven by the evidence which the committee had obtained. In justifying the rescinding measure, the preamble concluded, "were the powers of one legislature over another to be questioned, the authority of this legislature has been strengthened by the action of the late convention¹²⁴ in referring the matter to it and by the absence of a court, if the

124. A constitutional convention called by Georgia in June, 1795.

dignity of the state would permit her entering one, for the trial of fraud and collusion of individuals, or to contest her sovereignty with them, whereby the remedy for so notorious an injury could be obtained."¹²⁵ In the main body of the act, the sale of 1795 was declared null and void, the public records relating to it were ordered to be destroyed, the purchase was to be returned to the companies, and the governor was required to have the rescinding act published in newspapers throughout the United States in order to prevent further frauds on uninformed individuals.¹²⁶

On February 15, 1796, a public ceremony was held at which time the documents relating to the sale of 1795 were solemnly burned by the state authorities, reportedly by "fire from heaven" brought down to "earth" by means of a sunglass.¹²⁷

Later members of the state constitutional convention of 1798, in order to insure the finality of the rescinding act, made it a part of the new constitution. They also instructed the legislature to make the necessary

125. A.S.P., P.L., I, 144-149.

126. Ibid.

127. Haskins, op. cit., p. 420; George R. Gilmore, op. cit., p. 154.

appropriations for refunding the purchase money to the land companies.¹²⁸ By August 10, 1802 seventy-one applications had been made to the treasurer of Georgia for refunds making a total of \$310,695.15. Of this amount the Tennessee Company received \$30,361.97, the largest single amount of \$2308.67 going to Zachariah Cox who turned in a large number of his shares of stock in 1801.¹²⁹ Many of the purchasers preferred to entrust their investments to trustees who were empowered to force recognition of their claims through the courts.¹³⁰ Still, the determined opposition of the Anti-Yazoo groups in Georgia and the destruction of the records of the sale made recovery difficult; and the lack of return from the money invested by many people who were not direct shareholders brought about much discontent.¹³¹ This was the state of affairs when Georgia transferred her western lands to the United States government in 1802.¹³²

128. Haskins, op. cit., p. 421.

129. A.S.P., F.L., I, 150.

130. Ibid., pp. 151-159, 204-205.

131. Ibid., pp. 220-246; Haskins, op. cit., p. 421.

132. Ibid., pp. 125-126.

The sale of Georgia's western land had caused a good bit of concern on the part of the Federal government. A copy of the Act of 1795 reached George Washington shortly after its passage, and he transmitted it to Congress for its consideration. Two bills were introduced which would protect the Indians' rights in the area but, after lengthy consideration of both, they failed to pass.¹³³ In the 1796 session of Congress however, a number of acts were passed setting up more definite policies concerning Indian affairs and the survey and sale of public lands.

On May 19, 1796, a measure entitled "an act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers" was passed. Under this new law trade with the Indians was to be strictly regulated, and traders licensed. The Indian boundaries were described as had been defined by Federal treaties with them, and the penalties set for settling or surveying beyond these limits included a fine of \$1,000, twelve months prison term, and forfeiture of rights, titles, or claims to the United States government. The president was given authority to use a military force to remove settlers from Indian lands. Finally, no

133. A.S.P., I.A., I, 551-558.

treaties with the Indians were to be held valid except those made under the authority of the United States, and the penalty for making such treaties without authority was to be \$1,000 fine and twelve months in prison. States were given permission to send their agents to work with Federal commissioners in concluding treaties with the Indians effecting lands within their borders.¹³⁴

On May 18, 1796, Congress passed a land act affecting the northwest territory lately ceded by the Treaty of Greenville, which also embodied a number of general provisions concerning the supervision and mode of surveys, and method of handling land sales and credit payments. This measure formed the basis for the more detailed act of 1800 which inaugurated the credit system, and with a few modifications, furnished regulations used in disposing of lands in the Mississippi Territory. Though the House of Representatives passed an amendment to this bill reducing the minimum that could be purchased to 160 acres in an attempt to give relief to pioneer settlers who had little money, the Senate rejected this

134. Laws of the United States and Other Documents Having Operation and Respect to Public Lands (Washington, 1817), pp. 111-112 (hereafter cited as Laws and Documents).

addition, thus leaving the ownership of land beyond the reach of many westward moving frontiersmen.¹³⁵

This Congress also received a lengthy report concerning Georgia from Attorney-General Charles Lee, who had been instructed in March, 1795, to collect digest and report on all documents relative to the title to land in the Southwest. His report of April 26, 1796, containing thirty-five documents bearing on the controversy, led to much discussion and to the recommendation by a Senate committee that commissioners from the United States be appointed to settle the claims in question.¹³⁶ A second report, made in 1797, was hostile to Georgia's claim although it recommended a reasonable settlement.¹³⁷ Congress acted on the basis of these reports, and in the Act of 1798, authorized the president to appoint three commissioners to meet with commissioners from Georgia to settle the dispute. This measure also established a territorial government in the southern part of the area, known as the Mississippi Territory, although Georgia's

135. Ibid., pp. 111-112.

136. A.S.P., P.L., I, 34-67.

137. Ibid., pp. 71, 79-80.

right to the soil was preserved.¹³⁸ In 1800, a second act gave the Federal commissioners full power to conclude an agreement with Georgia, which would go into effect when ratified by the Georgia legislature.¹³⁹ Shortly after Thomas Jefferson took office, he appointed James Madison, Albert Gallatin, and Levi Lincoln, members of his cabinet, as commissioners¹⁴⁰ to treat with the Georgia commissioners, John Milledge, James Jackson, and Abraham Baldwin in order to establish satisfactory terms of cession. On April 24, 1802, the articles of agreement and cession were signed by both commissions. The Georgia legislature completed the transaction by ratifying it on June 16, 1802, since no action was necessary on the part of Congress.¹⁴¹

Thus Georgia ceded to the United States her right to jurisdiction over the lands west of her present western border in return for certain considerations. She

138. Clarence Edwin Carter (ed.), The Territorial Papers of the United States, V (Washington, 1937), 18-22 (hereafter cited as Carter (ed.), Territorial Papers).

139. Ibid., pp. 95-98.

140. These men replaced Timothy Pickering, Oliver Wolcott, and Samuel Sitgreaves, whom John Adams had appointed.

141. Carter (ed.), Territorial Papers, V, 142-147.

was to receive \$1,500,000¹⁴² from the first net proceeds from the land sales in the cession, and Indian titles within her own bounds were to be extinguished by the Federal government as soon as possible.¹⁴³ Her northern boundary was extended to include a narrow strip of land which the United States had heretofore claimed by right of a cession made by South Carolina in 1787.¹⁴⁴ The new territory was eventually to be admitted as a state in accordance with the Ordinance of 1787, exclusive of the anti-slavery provision, and claims under Great Britain, Spain, and the Bourbon Act of 1785¹⁴⁵ were confirmed in

142. Since the Federal government assumed responsibility for settlement of prior claims in the cession, the amount of \$250,000, which was still on hand in the Georgia treasury to be used in refunding the purchase money of the sale of 1795, was applied to the \$1,500,000 debt due Georgia, thus reducing it to \$1,250,000.

143. Laws and Documents, p. 122.

144. This area was a part of twelve mile strip stretching westward along the North Carolina boundary to the Mississippi which South Carolina claimed in 1787 at the time she came to an agreement with Georgia concerning their dispute over western lands. The area claimed never really existed since it was based on incorrect assumption as to the location of the headwaters of the Turgoloo River.

145. This county had been created in 1785 by the Georgia legislature in its western lands from 32°28' north latitude down to the 31° parallel, which were still claimed by Spain as a part of West Florida.

the case of actual settlers prior to the Spanish evacuation. Congress was also given the privilege of appropriating, within one year, 5,000,000 acres of the land for the satisfaction of other claims not already specified.¹⁴⁶

As soon as the Yazooists learned that Congress was to take over the western lands of Georgia, they began to file petitions for relief with that body. After a long delay, relief came for most of these people in 1814; but the claims of others dragged on for more than fifty years and were, in a few cases, never realized.¹⁴⁷

The Federal commissioners, appointed by the Act of 1800 to investigate the claims of individuals in the territory south of Tennessee, reported in 1803. After deciding against the claims of the Yazoo companies under the sale of 1789 and expressing the belief that the claimants under the 1795 sale would not be able to substantiate their titles, they reported that it was expedient that the latter group be given consideration

146. Carter (ed.), Territorial Papers, V, 144.

147. Payson J. Treat, The National Land System, 1785-1820 (New York, 1910), p. 362.

because of the litigation which might arise from the general confusion of claims to titles. They recommended either that the remainder of the 5,000,000 acres set aside in the cession after settlers' claims had been satisfied, should be divided proportionately among the companies, or that they should be issued certificates in the amount of \$2,500,000 with interest, or \$5,000,000 without interest to be paid from the proceeds of land sales after Georgia had been fully compensated.¹⁴⁸

By the act providing for the disposal of land south of the State of Tennessee passed on March 3, 1803, the residue of the reserved 5,000,000 acres was appropriated to the quieting of claims "derived from the Georgia sale of 1795 as Congress might think fit to provide for."¹⁴⁹ The deadline for such claims, originally set for January 1, 1804, was later extended to December 1, 1805 to accommodate some people who did not receive the notice in time to act.¹⁵⁰

Apparently Congress had intended to act immediately on these claims, but when the real question of compensation came up, it met the determined opposition of John

148. A.S.P., P.L., I, 132-159.

149. Carter (ed.), Territorial Papers, V, 200.

150. Ibid., p. 201.

Randolph of Virginia. He had been in Georgia during the excitement which followed the sale of 1795 and had thus become an "Anti-Yazoo" man. As an ardent supporter of states rights, he led the fight of the Southern Republicans against the Northern Republicans who supported the Yazoo claims.¹⁵¹ His persistent efforts to prevent Congressional relief to this group helped to perpetuate the Yazoo and Anti-Yazoo factions in Georgia and surrounding states.¹⁵² These factions persisted among the settlers who moved from these areas to the Mississippi Territory thereby forming a partial basis for opposing political groups in the early settlements in the Bend of the Tennessee.¹⁵³

Randolph's stubborn resistance won for him the thanks of many Georgians, but it lost for him much of his political influence in Congress. His opposition also led to repeated delays in the settlement of the Mississippi Territory which had been fully organized by 1804, and its boundaries extended to include all of Georgia's western lands.

151. Haskins, op. cit., pp. 426-432.

152. Ibid.

153. See Chapter III, supra.

Meanwhile, the action taken by Congress in 1796 concerning the regulation of Indians affairs caused so much anxiety and discontent among the people of the newly formed state of Tennessee that they helped to set in motion a number of significant movements which led ultimately to the extinguishment of all the Indian land titles in their state and the Mississippi Territory.

Strict penalties imposed on those who located claims on Indian lands,¹⁵⁴ prevented many from moving into the area between the Cumberland and Duck Rivers where they had planned to settle under grants issued to Revolutionary soldiers by North Carolina. Another group vitally affected were those interested in settling the lands of the Tennessee Company in the Bend of the Tennessee. By far the most vocal of these groups were the settlers who faced eviction from their well developed farms which they had located under North Carolina grants in Powell's Valley northwest of the Clinch River, the western boundary established by the Treaty of Holston in 1791, and those just south of the 1791 line who had made settlements on lands ceded by the Cherokees under the Franklin treaties of Dumplin and Coyatee.¹⁵⁵

154. See pp. 108-109.

155. Ramsey, op. cit., p. 679.

When two companies of United States troops under Captains Richard Sparks and John Wade were stationed at Knoxville to carry the Act of 1796 into effect, a storm of protest was directed to John Sevier, who was by now Tennessee's first governor.¹⁵⁶ One of these petitions written in frontier style by John Hunt¹⁵⁷ of Powell's Valley in Grainger County on July 17, 1797, gave the governor a slant on the way the settlers felt:

The people on the north side of the Clinch River is to a man determined to stop them from runing the line that governor Blount maid in his treaty with the Indians - Now we want to see if you can do nothing for us - we expect and hope that you will talk to the Commissioners whither or not the lines that was maid by Blount Should be the line now to be run - we want your excellency to give us youre advice and what is Best for us dow in thiss

This line would take our lands and living away from us - we bought our lands, paid deer for it, both by the sword propertity and money and to be burned off from our lands and livings like a parcell of heathens will look very unhuman and

156. *Ibid.*, pp. 679-686; Governor's Correspondence, John Sevier, 1796-1809, Book I, in Tennessee State Library and Archives, Nashville, pp. 104-119.

157. John Hunt later moved to the Bend of the Tennessee and, in 1805, became the founding settler of Huntsville, Alabama.

I expect will cause a revelation
 But I would wish that might not
 be the case -

Please let me know what you can
 do for us by Beaver M. Snider

I am with a steem your Sener
 friend and well wicher

John Hunt¹⁵⁸

These former Franklinites seemed to be on the verge, once again, of taking matters into their own hands to see that their brand of justice was rendered. John Sevier, however, took an active stand in urging his friends and former associates to abide by the laws of the Congress until relief could be secured for them through the proper channels.¹⁵⁹ Sparks and Wade, likewise pursued a conciliatory course by calling the settlers together and explaining to them the necessity for, what they hoped to be, a temporary removal from Indian lands.¹⁶⁰

Accordingly the Tennessee legislature addressed a memorial and remonstrance to Congress asking that

158. John Hunt to Governor John Sevier, July 17, 1797, from Powell's Valley, in Governor's Correspondence, John Sevier, 1796-1809, Book I, p. 104.

159. Governor John Sevier to John Hunt, November 19, 1797, ibid.; Sevier's circular quoted in Ramsey, op. cit., p. 692.

160. Ramsey, op. cit., p. 679.

immediate steps be taken to relieve the tension in Tennessee. In substantiating the demand that provision be made by law for extinguishing Indian claims, the petition stated that in the first place, the Indian title was at best nothing greater than a tenancy at will; secondly, the lands they occupied within the limits of the state had been granted by the State of North Carolina, before the admission of Tennessee into the Union, to her officers and soldiers of the Continental line, and for other purposes; and finally, that the treaties entered into with the Cherokees by the United States, guaranteeing them possession of these lands, was subversive of state as well as individual rights.¹⁶¹

After due consideration of the memorial, a committee of the House of Representatives reported favorably on the desirability of granting relief to those actually settled on Indian lands. The Secretary of War was instructed to furnish them with all of the available information concerning the Indian boundaries in question, to which he responded on January 5, 1798. Three days later, President Adams asked the Senate's opinion as to the advisability of concluding a treaty with the Cherokees,

161. A.S.P., I.A., I, 625-626.

to which the Senate responded favorably. Three commissioners were appointed by the president and given detailed instructions as to the course of action. These guides were necessary, the Secretary of War pointed out, because the acts and practices used to obtain Indian land in defiance of treaties and the laws, at the risk of involving the whole country in war, had become so daring, and had received such countenance from persons of prominent influence.¹⁶² By this treaty the Federal authorities not only hoped to gain considerable land from the Cherokees, but also to establish certain defined policies concerning the Indian boundaries and the rights of the United States to lands within cessions which had not been taken up in prior grants by state governments.¹⁶³

162. William Blount, now Senator from Tennessee, was expelled from the Senate on July 8, 1798 for plotting to wrest away the Spanish colonies in North America.

163. Specifically, the Commissioners were instructed to secure the insertion of the following general provisions in the treaty: (1) That the line should be run and marked immediately after the conclusion of the treaty by two commissions, one of which was to be furnished by the Indians. (2) That the Cherokees should at all times permit the President to employ military force within their boundaries for the arrest and removal of all persons seeking to make unauthorized negotiations with them, or to reside in their territory without written permission from the President. (3) That the treaty should not be construed either to affect the right or title of any ejected settler upon Indian lands to the tract which had been occupied by him or in any manner to enlarge his right or claim thereto and that all lands not

Silas Dinsmore, Cherokee agent, was notified to assemble the Indian chieftains as soon as possible and commissioners John Steele of Virginia, Albert Moore of North Carolina, and George Walton of Georgia, proceeded to Knoxville to make final plans for the negotiations.¹⁶⁴

On June 20, 1798, John Sevier appointed Lashlan McIntosh,¹⁶⁵ James Stuart, and General James Robertson as commissioners to represent the interests of Tennessee at the treaty. His instructions to them showed marks of the thinking of a frontiersman. They were to obtain as wide an extinguishment of Cherokee claims north of the Tennessee River as possible; to explore into the nature and validity of all claims of the Cherokees north of the Tennessee to see if they rested on original right, and treaties, or on temporary use or occupancy; to secure from attack, all settlements as far as they reached

thus actually occupied should be subject to distribution under the laws prescribed by the Federal government for the sale of public land. (4) That the United States should have the right to establish military posts within Indian limits for their protection.

164. Ramsey, op. cit., pp. 692-693.

165. McIntosh was interested in the activities of the Tennessee Land Company as well as in all prior attempts to settle the Bend of the Tennessee.

northward and westward in the state; and to acquire the right-of-way for a road to connect the Cumberland settlements with East Tennessee.¹⁶⁶

The Cherokees at this time were in no mood to negotiate for they, better than any of the government authorities, knew how many settlers were moving in a constant stream down the valleys along the Tennessee River and westward into the valleys along Elk and Duck Rivers. Many families who lived on Indian lands in the eastern counties had begun to migrate to less densely settled areas where the valley lands were rich and the armies of the Federal government were too far away to regulate their activities.¹⁶⁷ Only a few months before the Cherokees had also watched and helped prevent an armed expedition, under the leadership of Zachariah Cox and some members of the Tennessee Company, from descending the Tennessee River on a supposed mission of establishing a trading post at Muscle Shoals.¹⁶⁸

166. Ramsey, op. cit., pp. 693-694.

167. Ibid., pp. 695-696.

168. Ibid., pp. 690-691; Rowland, op. cit., pp. 29-31, 51. Cox and some of his associates were arrested on August 18, 1798 in Natchez by Governor Winthrop Sargent who stated that they were thought to be trying to take over the government of the Mississippi

In spite of many forbodings, the Council opened on July 5, 1798. "Bloody Fellow" spoke for the Cherokee chiefs in which he flatly refused to sell any lands or to permit the ejected settlers to return to their homes. After seeking in vain to shake the determination of the Cherokees, negotiations were postponed until the ensuing fall. Following many delays and change of commissioners and instructions, the treaty was finally concluded on October 2, by which a cession was secured covering only the territory from which many of the settlers had been removed by Federal troops. A road privilege between East and Middle Tennessee was obtained, a temporary location for an Indian agency granted, and an agreement reached whereby the Indians would furnish a representative to aid in surveying and marking the boundaries of the three tracts ceded. For these considerations the Federal government agreed to pay \$5,000 in cash and goods to the Cherokees plus an annuity of

Territory for Georgia. Instead of descending the Tennessee River to Muscle Shoals, Cox and his men established themselves temporarily at Smith's Town on the Cumberland River, and launched the expedition from that point. See Isaac J. Cox (ed.), "Documents Relating to Zachariah Cox," in Historical and Philosophical Society of Ohio, Quarterly Publication, VIII (1912-14), 31-114. Cox later escaped and therefore was not brought to trial.

\$1,000 and "a guarantee of the remainder of their country forever."¹⁶⁹

The "guarantee forever" lasted only a short time for in 1799, Congress appropriated \$25,000 to defray expenses in negotiating treaties with the Indians; again on May 13, 1800, an appropriation of \$15,000 was made to defray the expense of concluding a treaty or treaties with the Indian tribes southwest of the Ohio River with the proviso that nothing in the act should be construed to admit the obligation on the part of the Federal government to extinguish titles to Indian lands for the benefit of any state or individual.¹⁷⁰ This was a companion measure to an act passed on May 10, 1800, for the purpose of giving added authority to the Federal commissioners appointed under an act of 1798 to negotiate with Georgia to secure a cession of her western lands.¹⁷¹

Shortly after Thomas Jefferson started his first term of office as president, he began to take action necessary for the fulfillment of an Indian policy,

169. United States Statutes at Large, VII, 62.

170. Ibid., p. 82.

171. See p. 111, supra.

pleasing to his western constituents. On May 18, 1801, he appointed General James Wilkinson, William R. Davie,¹⁷² and Benjamin Hawkins as commissioners to negotiate treaties with the Cherokees, Chickasaws, Creeks and Choctaws. They were instructed by the Secretary of War to secure the further cession of Cherokee lands in Tennessee, permission from the Chickasaws, Cherokees, and Choctaws to open a road from Nashville via Muscle Shoals to Natchez, and a verification of the claims to lands ceded by the Choctaws to the British government in 1765.¹⁷³

These objectives were reached with the Chickasaws, and the Choctaws, but the Cherokees balked. Six days after instructions were mailed to the commissioners, a delegation headed by a Cherokee Chieftain, "The Glass,"

172. He was replaced by Andrew Pickens.

173. Instructions to William Davie, James Wilkinson, and Benjamin Hawkins, Commissioners of the United States, in War Department, Secretary's Office, Letters Sent, Indian Affairs, microfilm copy, National Archives, Washington, 1942, Letter Book A, pp. 39-67 (hereafter cited as W.D., I.A., Letter Book A).

arrived in Washington to ask some questions. They wanted to know if the settlers got the land they had ceded in 1798, and if so, why the government was now asking for more, when it had promised never to do so again. They protested the removal of Federal troops who had been stationed in Tennessee to protect them and complained that settlers continued to occupy their lands. The delegation also strenuously objected to the proposed "Georgia road"¹⁷⁴ or any road for that matter because their cattle "wandered off on the roads" and never came back.¹⁷⁵ The Secretary of War, Henry Dearborn, who received the delegation, explained to them that under the Act of 1799, state authorities had been authorized to punish intruders, thus removing the need for some of the Federal forces on the frontier. He also assured them that further cessions would not be required of them if they did not wish to sell their lands, nor would he press them for the "Georgia Road." But, he concluded, "the Natchez road would have to be built out of necessity."¹⁷⁶

174. A road to extend from Nashville to Athens, Georgia.

175. W.D., I.A., Letter Book A, pp. 72-83.

176. Ibid.

As a result of this conference, the commissioners were instructed not to treat with the Cherokees and further negotiations were entrusted to Return J. Meigs, newly appointed agent to the Cherokees.¹⁷⁷ In 1803, Agent Meigs was able to secure the right to open the road through Tennessee and North Georgia after obtaining the aid of a half-breed Cherokee of influence called "Vann" and his associates, by offering them "proper inducements."¹⁷⁸ Again in April, 1804, Meigs and General Daniel Smith of Tennessee were instructed to negotiate for the further relinquishment of Cherokee claims in Kentucky, Tennessee, and Georgia.¹⁷⁹ In May, the Indians were assembled at Tellico Block House in Tennessee, but they flatly refused to give up any lands except the "Wafford Settlement" in North Georgia which was already thickly settled.¹⁸⁰

177. Ibid., pp. 83-87.

178. Ibid., pp. 352-353, 363-364, 392-395.

179. W.D., I.A., Letter Book A, pp. 459-460.

180. Royce, "Land Cessions," op. cit., p. 666.

At the same time that the Indians were being pressed to give up their lands, the Federal government, through its agents to the southern tribes, was also attempting to educate them "in the ways of civilization" of the white man. People were employed to instruct Indian women in the arts of spinning and weaving.¹⁸¹ Tools for farming and machinery for milling and ginning were included as items sent to them in part payment for their lands.¹⁸² A few Indian schools were established with government aid and missions were organized by various churches. Gideon Blackburn, prominent Presbyterian minister and later organizer of the First Presbyterian Church in Huntsville, established an Indian School in Tennessee as early as 1804.¹⁸³

By the turn of the century, neither the refusal of the Cherokees to cede lands, nor the restraining measures

181. See instructions given to Indian Agents, W.D., I.A., Letter Book A, pp. 44-50, 207-217, 373-374; James Mooney, "Myths of the Cherokee--Part II, Historical Sketch of the Cherokee," in 19th Annual Report of the Bureau of American Ethnology (Washington, 1900), pp. 62-84.

182. Ibid.

183. Mooney, op. cit., pp. 83-84; W.D., I.A., Letter Book A, pp. 354-366, 442.

of the Federal government, could stop the westward and southern movement of the settlers as they followed the "meanders" of streams and trails of the animals and Indians that led to the rich lands lying north of the Tennessee River. The Georgia cession of 1802, the land act of 1803, providing regulation for the survey and disposal of these lands and the extension of the jurisdiction of the Mississippi Territory over all the lands from the 31st parallel to the Tennessee line, all brought the right of lawful settlement of the Tennessee Valley closer to realization. The only problems remaining to be settled were the conflicting claims of the Chickasaws and Cherokees to the area.

In 1805, when the Chickasaws and Choctaws were hard pressed for money to settle their debts with the new owners of Pantou, Leslie and Company of Mobile, the Federal government took this opportunity to acquire large cessions of land from these tribes in return for the money necessary to make their payments. The Choctaws petitioned the Federal government to buy their lands in order to meet their obligations; and some of the Chickasaw chiefs let it be known through their Federal agent that they might be willing to relinquish

some of their lands for the same purpose.¹⁸⁴ Silas Dinsmore, Choctaw agent, and General James Robertson of Nashville, were chosen as commissioners and given instructions as to amounts to be offered for each cession. In the case of the Chickasaws lands, they were instructed to pay less for the area between Duck River and the Tennessee because of the Cherokee claim to the same region. They were also instructed to grant special favors to the king of the Chickasaws and to one of their chiefs, George Colbert, for their "influence" in securing a favorable treaty. Representatives of Panton, Leslie and Company were also invited to attend both treaty conferences.¹⁸⁵

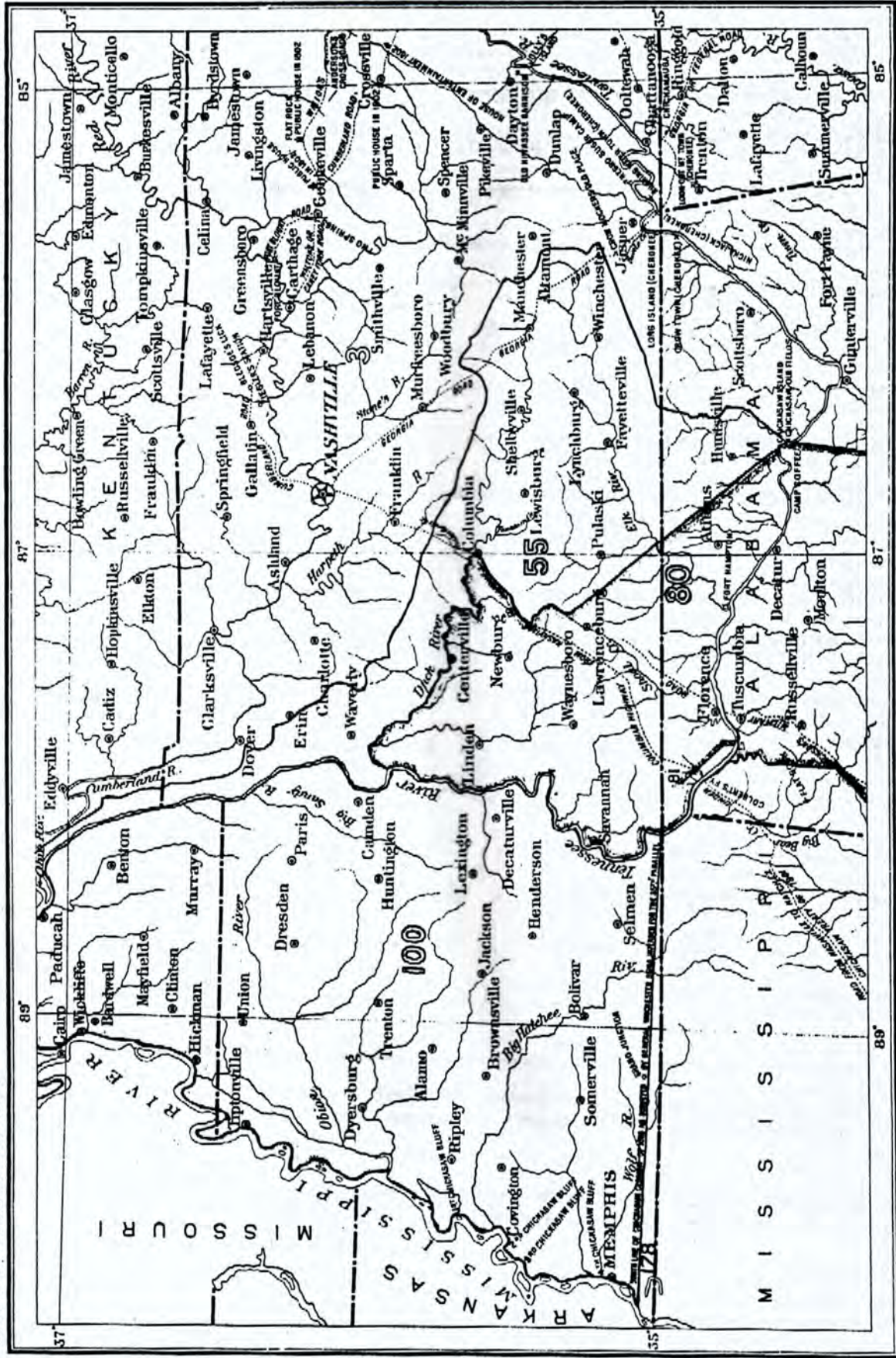
The Choctaw negotiations, which began in May, bogged down because of internal dissensions among their chiefs;¹⁸⁶ but the Chickasaw meeting moved more smoothly, and a treaty was successfully concluded on July 23, 1805.¹⁸⁷

184. Henry Dearborn to James Robertson and Silas Dinsmore, March 20, 1805, W.D., I.A., Letter Book B, pp. 47-55.

185. Ibid., p. 53.

186. Ibid., p. 103. The Treaty of Mount Dexter was not concluded until November 16, 1805.

187. W.D., I.A., Letter Book A, pp. 102-103, 121.



PARTS OF TENNESSEE AND ALABAMA

SCALE, 35 MILES TO 1 INCH

No. 55 - Chickasaw Cession, 1805.
No. 80 - Chickasaw Cession, 1816.

By this agreement, they gave up a large body of land in central Tennessee, a 345,600 acre triangle south of the Tennessee line with its apex touching the Tennessee River just above Chickasaw Island at Chickasaw Old Fields, the easternmost point of their claim on the north bank of the river.¹⁸⁸ This area, the first to be ceded by the Indians in the northern part of the Mississippi Territory, became the original boundaries of Madison County, the second county to be organized in what is now the state of Alabama.¹⁸⁹

The Chickasaw treaty was then used as an argument by the Cherokee commissioners, Return J. Meigs and General Daniel Smith, to bring the Cherokees to terms concerning the claims which they held to the same region. On October 25 and 27, two treaties were concluded, the first including a cession of a large body of land in central and eastern Tennessee and the right to open two roads, one to Georgia and the other to the Tombigbee settlements by way of Muscle Shoals, and the second

188. Royce, "Indian Cessions," *op. cit.*, p. 68. See map on page 131 showing Chickasaw cession under No. 55.

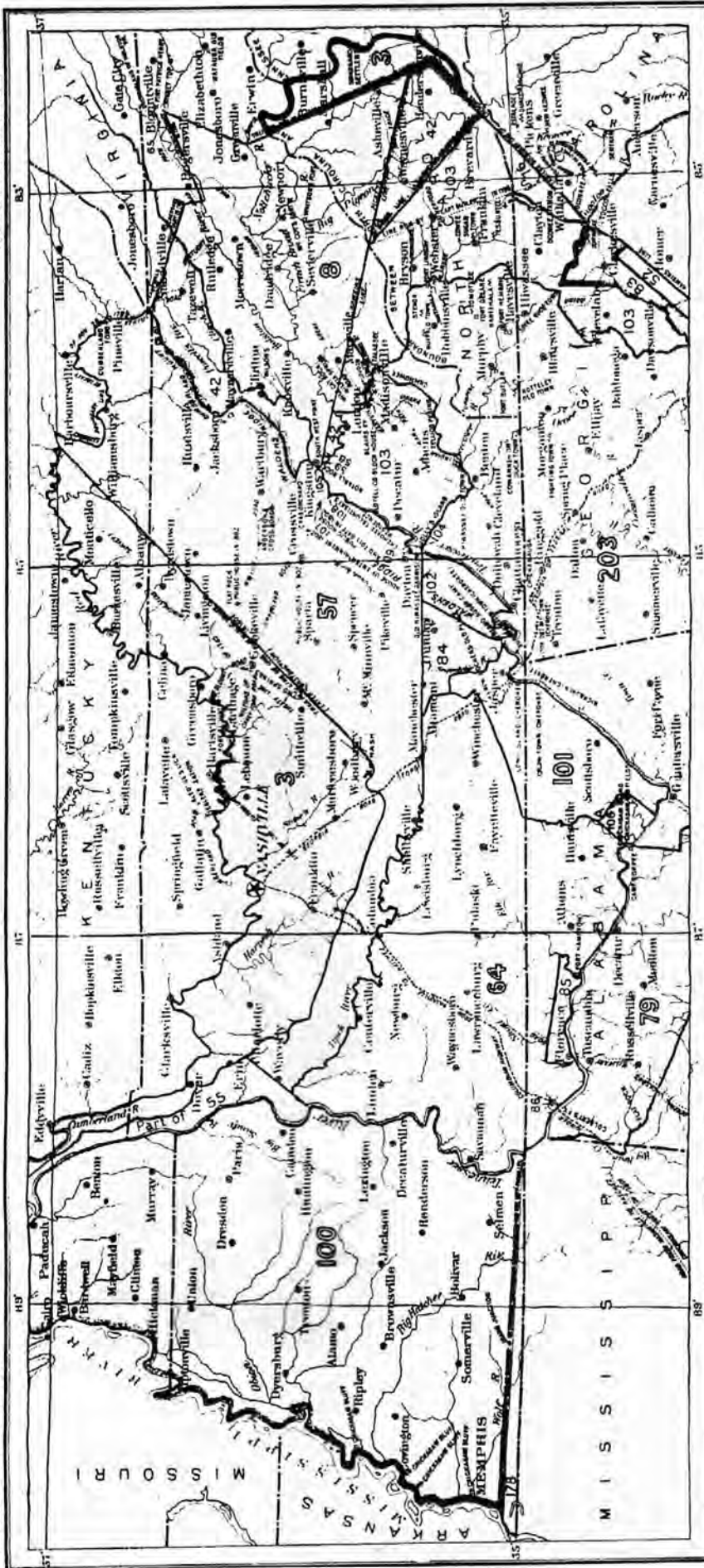
189. Washington County, which at first covered most of the southern part of the Mississippi Territory, was created in 1800.

providing for relinquishment of a small section of land at Southwest Point, Tennessee.¹⁹⁰ Immediately after the adjournment of this council, a number of Cherokee chiefs, accompanied by Meigs and Smith, proceeded to Washington at the request of the Secretary of War. A lengthy meeting of this group was held with Secretary Dearborn who explained to the Indians the necessity for speedy action in selling their claims to the lands in the Bend of the Tennessee which had already been bought by the United States from the Chickasaws. Realizing that they would have difficulty in retaining any hold on the area, they therefore agreed to abandon all claim to lands west of the headwaters of Duck River and south to the Tennessee, with the exception of two reservations near Muscle Shoals.¹⁹¹ For this grant on January 7, 1806, the Cherokees received \$10,000, a grist-mill, a cotton gin, and \$100 annually for Chief Black Fox during his life.¹⁹²

190. Royce, "Indian Cessions," op. cit., p. 670.

191. United States Statutes at Large, VII, 101; Royce, "Indian Cessions," op. cit., p. 674. See map on page 134.

192. Ibid.



TENNESSEE AND PORTIONS OF BORDERING STATES
SCALE 25 MILES TO 1 INCH

- No. 64 - Cherokee Cession, 1806.
- No. 79 - Cherokee Cession, 1816.
- Nos. 85, 86 - Cherokee Cessions, 1817.
- Nos. 101, 106 - Cherokee Cessions, 1819.

The ratification of these treaties was secured in 1806, but the appropriations necessary to carry them into effect were not made until the Randolph faction in the House of Representatives had secured the passage of an act, preventing settlers from moving into the Bend of Tennessee until the land was surveyed and put on sale by the Federal government.¹⁹³

Thus, after nearly three decades of unsuccessful attempts, the Bend of the Tennessee was ready for legal settlement. Many of the early leaders who had planned and schemed to make fortunes in its rich lands were dead. Other speculators had made fortunes on the "sea of Yazoo speculation," while some investors held on to their varied claims and looked for a chance to perfect their titles or to receive relief from Congressional action. Planters of Georgia, the Carolinas, Virginia and Tennessee made plans to invest in these lands for cotton and tobacco production. Land agents and their friends in Nashville prepared to buy some of the choicest sections in the "Triangle" for settlement and for resale. Finally, the frontiersmen, defying the rules of the lawmakers and the threats of eviction by

193. W.D., I.A., Letter Book B, p. 208.

military authorities, passed over the Tennessee border shortly after the turn of the century and built their cabins on the banks of Flint River or near one of the many springs in the area. Many of this group were Franklinites who brought with them their worldly possessions, their thirst for land, and their intense democratic beliefs which they soon began to employ in the early development of Madison County.

CHAPTER III

TO THE LAND OF MILK AND HONEY

Just when the first white settlers crossed over the Tennessee line and began to build their cabins on the fertile lands in protected coves and along the banks of Flint River, would be extremely difficult, if not impossible, to establish by documentary evidence. However, Isaac Criner, pioneer settler, who lived to be ninety-four, related an interesting first hand account of this settlement to Judge Thomas Jones Taylor, local historian of the late nineteenth century, which has been preserved. According to Criner, he and his brother, Joseph, explored the northeastern part of what is now Madison County in 1804, and built a log cabin for Joseph's family near Criner's Spring on the Mountain Fork of Flint River. In the fall of 1804, John Hunt and David Bean spent the night at the Criner's cabin while on their way to find a large spring near which they hoped to settle. After constructing a cabin for Hunt near the Big Spring, the two men returned to their homes in Tennessee.¹ In the spring of 1805, John Hunt

1. Taylor's Manuscript, p. 8.

brought his family from East Tennessee to his new home that was soon to be called Hunt's Spring and later Huntsville. Bean, who decided not to return with Hunt, settled at what became known as Bean's Creek near Salem in Franklin County, Tennessee. If there were other settlers located south of the Tennessee line at this time Criner said that he did not know about them.²

Adding to Criner's account of the original settlers in the northeastern part of the county, Judge Taylor pointed out that the families of Samuel Davis, Stephen McBroom, Thomas McBroom, James Walker and Laban Rice, probably came into the area in 1805.³ In the northwestern part of the county, John McCartney, a Scotch Indian trader from Georgia, settled just west of the present site of Hazel Green about the same time that the Criners came from East Tennessee. A year or two earlier in the southern part of the county "old man Ditto," perhaps the earliest white man in the county, had established a landing on the north bank of the Tennessee River at the mouth of Aldridge's Creek where he traded with the Indians.⁴

2. Ibid.

3. Ibid., p. 9.

4. Ibid.

From 1805 to 1809 the influx of settlers into the triangular area which became Old Madison County was very rapid. Since the Great Bend of the Tennessee had had a wide reputation in the older states for many years, the frontier settlers who were natives of Virginia and North Carolina soon came from the borders of civilization in eastern and middle Tennessee and western Georgia.⁵ The heads of many of these families were men who had fought in the American Revolution and participated in many expeditions against the Cherokees and Creeks.⁶ Some of them had been citizens of the

5. The records of the courts in Washington, Knox, Hawkins and Grainger Counties of Tennessee show the names of many of these early pioneers of Madison County in various deeds of transfer of property and court cases. Madison County Court Records also reveal such information. Extracts from these records on family history are in possession of Mrs. Howard Jones, New Market, Alabama.

Ramsay also mentions many of these people in his Annals of Tennessee. See "Fain's Index" in this volume, pp. 763-832.

6. More than 100 veterans of the American Revolution are buried in Madison County. Eighty-six of these are listed on a bronze plaque on the courthouse lawn in Huntsville, Alabama. Work on the location of these graves has been done by Ward F. Sparkman who has recorded this material on United States Geological maps of Madison County now in his possession. See also Taylor's Manuscript, p. 26.

"State of Franklin" and had suffered from the Federal government's invalidation of the treaties made with the Cherokees by this "lost" state and by its parent, North Carolina.⁷

Settlers from the eastern counties of Tennessee migrated southwestward along two principal routes. One of these followed the much traveled Walton and Cumberland roads leading to Nashville, thence southeastward down the Georgia road which followed the "Great South Trail" for a considerable distance. Near Winchester, Tennessee they left this road and again continued along the "Great South Trail" which crossed the Tennessee line in the eastern most part of Old Madison County and followed along Flint River almost to its mouth before cutting over to cross the Tennessee River about four miles down stream at Chickasaw Old Fields. The other route was shorter but more rugged for it followed the less traveled Chickamauga Path from the Cumberland Road southward to the "Great South Trail."⁸

7. See "Petition of the Inhabitants of the Western Country to the General Assembly of North Carolina," December, 1887, in Williams, *op. cit.*, pp. 348-355.

8. William E. Meyer, "Indian Trails of Southwest," in Forty-Second Annual Report of the Bureau of American Ethnology (Washington, 1928), pp. 748, 833, 848, 850. See p. 46, *supra.*, also map on page 131. Taylor's Manuscript, pp. 8-9.

Pioneers from Georgia moved westward on the Georgia Road which originated at Athens, Georgia and extended all the way to Nashville. Near Winchester they also crossed over to the "Great South Trail" which brought them to the Bend of the Tennessee.⁹

The first pioneers located their homes just south of the Tennessee line on a rich body of land known as Hickory Flat which extends from Hale's Mountain to Hester's Creek in township one, range two, east, and along the banks of Mountain Fork of Flint River in the upper part of township two, range two, east. In the Hickory Flat area were located the families of Isaac and Joseph Criner, Stephen McBroom, James Walker, Laban Rice, Samuel Davis, John Hester, Nicholas Couch, James and Issaiah Hamilton, Grief and John Johnson, Francis and Samuel Shaw, Cullem Earp, Herman King, George and Jacob Boils, Moses Poor, Joseph Gomley, John Mallory, John R. Cork, John Carter, Henry Maxwell, John Condron, William Brown, Frank Johnson, and William Manson.

Along the Mountain Fork of Flint stretching eastward from the present site of New Market were the

9. Ibid.

families of Levi Hinds, Hezekiah Bayles, William Clark, James Braden, John Bunch, Lewis Methwick, Abraham Falwel, Hugh Mallory, Reece Bayles, Jacob Kennersan, John Braden and Abraham King.¹⁰

Stretching southward along the trail, the next area of concentration was located around the "Three Forks of Flint" in the present townships two and three, range one east, and townships two and three, range two east. These pioneers had located their cabins along the banks of the Brier and Barren Forks of Flint where mill sites were good and the river bottoms rich. Among the heads of families living in this vicinity were Peter Anderson, John Limley, Daniel and George Bayles, John Smith, William and Joseph Mathews, Henry Landers, John Ridenous, Jesse Sullens, Mack and Joseph York, John Waldrop, Robert Hamilton, John Gillem, John and David Boaring, George Sharp, James McNut, John Waldrop, Benjamin Hinds,

10. "A Register of Applications and Permissions in Madison County, Mississippi Territory," in Records of the United States House of Representatives, Record Group 233, Documents Relating to Mississippi Territory and Alabama: Madison County, manuscripts in National Archives, Washington, microfilm copy in possession of writer (hereafter cited as Documents Relating to Madison County).

John Renau, Joseph Hill, James Bibb, Robert Boshard,
Levi Byram, Reuben Stone, and Henry Ferguson.¹¹

Below the "Three Forks of Flint" and extending from the mountain spurs east and northeast of Hunt's Spring to spurs just east of Hurricane Creek in the lower part of townships three, range one and two, the largest group of early settlers were concentrated in what is now known as the Ryland-Brownsborough-Maysville area. Here the lives of these people began to take on a settled pattern prior to the formal organization of the County. Pioneers who took temporary possession of these rich farm lands were John and George Bayrose, Benjamin and Samuel Wilson, David Harless, James Bibb, Joseph Hill, Robert Davis, Rich and Crowson, David and Thomas Lindsey, John Rodgers, John Helms, William Neighbors, James Christian, Reuben Mardis, Joseph and Benjamin Wafford, Thomas McBroom, Isazo Johnson, Thomas Hewlet, Abel Lewis, John and David Connally, Jacob Pence, Ebenezer Byram, John Sprawl, Elizah Lawly, James Deaton, Hop and Samuel Kennemer, Jacob Baldwin, Isaac Lee, William Priest, Alfred Massengale, Thomas O'Banian, John Killingsworth, John Derick, James Bailey, James Cotton, Jesse French, James

11. Ibid.

Smith, William Fields, James McMahan, John Morrison, William Adair, and John Nicholson.¹²

The second largest settled part of the Triangle was around Hunt's Spring and on the level lands extending southward to the Tennessee River in townships three and four, range one, west, and the western parts of townships three, four, and five of range one, east. In the immediate neighborhood of the Big Spring were John Hunt, Alexander Gilbreath, Joseph Dogherty, George Dilworth, Silas McGuire, Benjamin Stegale, Hugh McVay, William and Alexander Campbell, Andrew and Jacob Sivley, Moses Leton, George Poe, Spencer Ball, James Criss, John Reynolds, Henry Moon, John Martin, Joseph Harrison, Sam Finley, Nathaniel Austin, Thomas Austin, Allen Christian, John Hatfield, Edward Clements, William Hallmarck, and Isaac Johnson.¹³

To the south of this group were John Hews, Anthony Street, John Reynolds, John Shoemake, Luther Fenndale, John and Thomas Couch, Samuel and Joseph Acklin, Reuben Simmons, John Kavanaugh, George Hallmarck, John Baker,

12. Ibid.

13. Ibid.

William and John Bird, Robert Lister, William Lynch, Hugh Carothers, Thomas Powell, and John Bullen.

Settled along the trail to Ditto's Landing and eastward in Drake's Cove along Aldridge's Creek were James Drake, George Blackburn, Redin Criss, Edward Webster, Charles McCartney, Michael Montgomery, James Moore, Thomas Williams, Isreal Standefer, Exehel Craft, John Grayson, Robert Wright, Jesse Evans, Francis Bell, Thomas Nesmith, John Nesmith, George Hallmarck, Minor Winn, Amos and Thomas Roland, Maynard Colley, Benjamin Stedham, Benjamin Williams and Thomas Battle.¹⁴

In the north and northwestern part of the county there were three smaller settled areas. Around the present site of Hazel Green in townships one, range one, east and west a number of families settled on the various branches of the Barren Fork of Flint. Among the heads of families located here were Reuben Windham, Giles Muchleroy, Archie and Malchcolm Patterson, Edwin Hodges, Jacob Clemmons, Thomas Murphy, Jobe Petty, Daniel Gillis, Daniel Keith, Ben Grayson, William Renau, William Fowler, Cal Grayson, Samuel Livingston, Rich and William Burgess, Freeman Jones, Thomas Speaks, John

14. Ibid.

Murr, James Fitzgerald, Sturdy Gardner, John Morrow, James McGowen, James Black, John Childress, Moses Fields, John McPhail, James McGinnis, and James Pybes.¹⁵

Below this group, in townships two, range one, east and west, the present site of Meridianville, the original settlers were John Murphy, John Baxter, Reuben and Isaac Brock, Edward Bradley, Samuel Mardis, John Crawford, John Lay, Lewis Class, John Hodges, James Baxter, Michael Moses, Archibald McDonald, Henry Landers, William and Jacob Pruitt, Littleton Phelps, John Renau, and Francis Maxwell.¹⁶

In the western part of the Triangle along the waters of Limestone Creek and the head waters of Indian Creek a smaller number of families were located. Included in this group were John Kirksey, Robert Boyd, William Barley, Henry Bloodsworth, Abner Cotton, Robert Harper, John Allison, Hugh Rodgers, Robert Hinson, Joseph Hews, David Gray, Rawley Hews, John Millhouse, David Henderson, Thomas Johnson, George Snodgrass, Lewis Pew, David Jones, William and Charles Carrel, William Bloomer, Abraham Perkins, and Isaac Vernon.¹⁷

15. Ibid.

16. Ibid.

17. Ibid.

Besides these seven centers of population within the Triangle which became Old Madison County, there were some 201 families settled on the adjacent Chickasaw lands east of Elk River and ninety-three families settled east of the Cherokee boundary in the valleys and coves in what is now in the eastern part of Madison and the western part of Jackson Counties. When these people were forced off of the Indian lands they migrated to the Triangle, thus increasing the total number of families settled within this area to more than 730 and bringing the total squatter population up to approximately 5,000 by 1809.¹⁸

As a whole these settlers were of small to moderate means who had migrated to the area with the hopes of bettering their lot in life where the land could, more than likely, be secured cheaply and the soil was rich. Of the 353 heads of families listed in the squatter census listed in Madison County in 1809, eighty-two, or 23 per cent of the group, were slave holders. Among the squatters who owned slaves, 30.5 per cent of the

18. Ibid.; "Census of Madison County," in Carter (ed.), Territorial Papers, V, 684-692; Return J. Meigs to John Smith, Acting Secretary of War, June 12, 1809, ibid., pp. 739-741; Taylor's Manuscript, p. 10.

group held only one slave, 17.07 per cent owned two slaves, and 13.41 per cent owned three. Looking at the entire group, the largest number of slaves possessed by a squatter was seventeen, while 91.4 per cent of the group owned from one to ten.¹⁹

More than 300 of these families made applications to the Federal government to buy their lands when they were placed on sale. One hundred and ninety-four of those listed in the 280 original applications sent to Washington in March of 1809 asked to buy 160 acres, seventy-seven applied for 320 acres, and nine requested 200 and 300 acres, making a total of 57,740 acres earmarked for purchase.²⁰

These hearty pioneers, who were already accustomed to carving out a civilized society from the frontier within a few years, wasted no time in establishing a settled pattern of living. Thomas Freeman, surveyor of the Triangle south of the Tennessee line, reported the following description of them to the Secretary of Treasury on August 25, 1808.

19. Statistics compiled from "Census of Madison County," in Carter (ed.), Territorial Papers, V, 684-692.

20. "Register of Applications," in Documents Relating to Madison County.

With respect to intruders on the public lands, there are an abundance of them. About every spring and convenient spot on the Creeks that run thro' this purchase is occupied by cottagers from Tennessee, Kentucky, North Carolina, Georgia. Their numbers have been differently estimated from five or six, to eight hundred or 1000 families. Others are coming in daily and viewing the land for the purpose of finding spots to settle on. They have extended their settlements over the Indian Boundary up in the coves of the mountains, on the Creeks and as far as Elk River on the Chickasaw side, about 50 families over the Cherokee and 200 over the Chickasaw line.

In justice to these people I must remark that contrary to the general character of those who have hitherto intruded on public lands, they are quiet, peaceable, extremely industrious, and fully sensible to their situation with respect to their government. Each [is] anxious to be prepared against the day of sale, to purchase, if possible, the spot he has selected, and at all events - disposed and ready to obey the laws of their country, or will of the Executive - among them are many possessed of slaves from 12 to 15, and in some instances 30 to 40.

Every cottage has its field of corn, from 10 acres up to 50 or 60 acres, small patches of cotton, tobacco, and wheat are also cultivated, all of which grow luxuriantly. Seven small mills for grinding corn will be erected by winter next, some are already finished and are actually running, grinding corn which is brought here

from Jefferson, Tennessee a distance of 120 miles. A distillery is also in forwardness and will be in operation in a few days.²¹

Colonel Return J. Meigs, Cherokee Agent in charge of Highwassee Garrison, who was instructed to remove the intruders from the Indian lands outside of Madison County, also informed the War Department that these squatters were, "reputable, well informed, and rich in cattle and horses - no hunting agriculture their sole pursuit." "They request me," he continued, "to assure the Executive that they did not set down on these lands to exclude themselves from regular society, to evade the bearing of their portion of public duty, civil or military."²²

From the manuscripts of Judge Thomas Jones Taylor, which include an autobiography of himself, sketches of his father, Mai Taylor, and his grandfather, George Taylor, and several articles on pioneer life in the county, much insight into the lives of the pioneers of

21. Thomas Freeman to Albert Gallatin, Secretary of Treasury, from Camp on Flint River, on the late purchase from the Cherokee and Chickasaw Nations, August 25, 1808, in Documents Relating to Madison County.

22. Return J. Meigs to John Smith, June 12, 1809, in Carter (ed.), Territorial Papers, V, 740.

Madison County can be gleaned. George Taylor, who was born on Cow Pasture Creek in Henry County, Virginia in 1762, served as a soldier in the American Revolution, and, at the close of the war, settled near Lexington in Oglethorpe County, Georgia. Here he served for more than ten years as commander of a scouting party, organized at Lexington, for the defense of the settlers against the Indians. While living in Georgia he married Miss Hanna Jennings by whom he had several children including Mai, Judge Taylor's father. In 1806 George Taylor and his family set out to make their home in the Bend of the Tennessee, and after living for four years near Winchester, Tennessee, he settled on the banks of Flint River in Madison County where he died in 1826.²³

Mai Taylor married Ann McCartney, daughter of John and Mary (Cotton) McCartney both of whom were pioneer settlers in the county. After migrating to Talladega County for a short time, the Mai Taylors returned permanently to Madison County to make their home.²⁴

23. Taylor's Manuscript, pp. 157-170; Thomas M. Owen, History of Alabama and Dictionary of Alabama Biography (Chicago, 1921), IV, 1648-1652.

24. Ibid.

Thus it was from his family, relatives, and old settlers that Judge Taylor gained his knowledge of pioneer life in Madison County.

Since iron was very scarce and costly, Judge Taylor pointed out, many of the first houses were built entirely without its use. The doors were mounted on wooden hinges and were fastened, if fastened at all, with wooden locks. The walls were made of notched logs with a roof of boards held fast by weight poles laid on each course, with the lowest pole pegged down and the others separated and held in position by timber pieces between them. The floors of the rooms, usually one or perhaps two separated by a "dog trot," were of dirt or puncheons.²⁵

House furnishings were, by and large, of the home-made variety, though some of the beds and chests, made by cabinet makers of the older states, were brought with them to the frontier. Shelves were often used for presses and cupboards, and the dining tables and chairs were made of puncheons. Cabins were usually without glass windows at first, and light was furnished by

25. Thomas Jones Taylor, "Early History of Madison County and, Incidentally of North Alabama," in Alabama Historical Quarterly, I (1930), 154.

burning tallow, rosin and beeswax. The candle mould was a common utensil in most families and cotton wicks were homemade. In the summer lights were seldom used except in case of sickness for the family usually retired around dark. Some housewives produced long lasting candles by constructing a cotton wick fifteen or twenty feet long, and then dipping it in beeswax and rosin and winding it around a corn cob. After burning out the pith of the cob, the wick was pulled through its interior and adjusted in length from time to time as it burned.²⁶

The log homes that stretched along the banks of Flint River and dotted the hills around Hunt's Spring were small while the families they housed were large, numbering from two to seventeen, the average being a fraction over six.²⁷ Bed rooms were made by the use of buckskin curtains while the small children were tucked away on pallets on the floor. The boys of the family would frequently go up a step ladder and sleep in the

26. Ibid., p. 155.

27. This figure was derived from the "Census of Madison County," in Carter (ed.), Territorial Papers, V, 684-692.

loft. Since the boys of that day loved the open air and were not very particular about a "roosting place," they used scaffolds under the trees in the yard or the barn loft during the summer months. In winter, night hunting was a favorite sport, and, after the chase was over, the older boys built a camp fire and slept out in the woods.²⁸

Much of the family's time was spent in providing the absolute necessities of life. During the first year of settlement the people of Madison County had no mills nearer than Winchester.²⁹ At that time such a journey was a long and tedious one and many times the settlers had to go without bread or salt for many days. As substitutes they used jerked venison until a corn crop could be raised.³⁰ Since no mills were completed for two or three years, each family constructed a hominy mortar by burning or chopping out a large bowl in the end of a big hardwood log. In this container they pounded their corn by the use of a large pestle

28. Taylor, "Early History of Madison County," op. cit., p. 156.

29. Ibid.

30. Ibid., p. 153.

worked by a sweep.³¹ Stone mortars and pestles were also chipped from limestone when such material was accessible. This method of making meal was used for a long time by those families who lived in isolated places.³²

Bread made from wheat flour, though not unknown to this early period, was seldom used. For a number of years little wheat was raised in the county and thus flour was an imported produce sold by the early merchants who had it brought down the Tennessee River to Ditto's Landing.³³

Salt was a necessity which had to be brought in at first from Nashville on pack horses, then from Virginia in wagons, and eventually down the Tennessee on flat boats, thence over the county's trails by wagon to the settlers.³⁴

By making use of clean wood ashes, lye was produced to be used in making lye-hominy, another good substitute for bread.³⁵

31. Ibid.

32. Some of these stone mortars are still in existence in the ante-bellum homes of Madison County.

33. Taylor, "Early History of Madison County," op. cit., p. 153.

34. Ibid., p. 154.

35. Ibid., p. 153.

Parched corn was a staple food of the explorer, hunter, and trapper. With the abundance of fish, fowl, and animals he never lacked for food, though he might not have much of a variety.³⁶

Apparently the traditional stories of old settlers concerning the abundance of game and fish and the great fertility of the soil were not exaggerated stories. The clear creeks and rivers teemed with schools of bass, bream, red-horse and jack salmon. Many droves of wild turkeys strutted through the forests, flocks of wild pigeons were to be found at numerous roosts in the area, and red and gray squirrels romped through the branches of most trees of the forest. Bear and deer were found in large numbers on the mountains and in the oasinbrakes along Flint River and Hurricane, Limestone, Indian, and Aldridge's Creeks.³⁷

In this early period, when the settlers depended heavily on game for their meat supply, every family possessed two or three good steel traps and a long rifle with flintlock.³⁸ Shot guns were not yet in general use

36. Ibid., p. 154.

37. Ibid., p. 151.

38. Ibid., p. 154.

at this time, and as lead was a precious item, it was never wasted. Bullet moulds were common equipment to all families and the art of making "frontier" gun powder was widely practiced. Sulphur was easily procured, and saltpeter was refined in homemade hoppers in the caves. Sulphur Springs located in township two, range one, east and Saltpeter Cave in Jackson County were two sources of these ingredients for making gunpowder. To these, the pioneers added charcoal made from burnt willow limbs and the gunpowder, which was produced, served their needs.³⁹ Some of these early frontiersmen, who had practiced their aim on the British during the Revolution and on the Cherokee and Creek warriors in the 1780's and 1790's, were reported to have brought down deer running at full speed from a distance of seventy-five or eighty yards.⁴⁰

The inventories and appraisements of the personal property of some of these settlers, whose estates were settled in the first five years of the existence of the orphans' court, reveal the nature of worldly goods used

39. Ibid., pp. 154-155.

40. Ibid.

by these simple agricultural folks. William Fields, a squatter near the Cherokee boundary in township four, range two, east, who had arrived at an early date to build his cabin on Flint River and had bought 160 acres of land in 1812, possessed \$68.37½ worth of personal property at his death in 1815. His household goods included one big pot with the bail "broke," one half bushel measure, one small brass kettle, one skillet, one old sieve, one churn, one pail, two pans, three plates, two basins, one dish, four tea cups, ten saucers, seven tea spoons, one shovel and five irons, one pot back, and grid iron. His furniture consisted of one bed and bedstead, five old chairs, and a looking glass with handles. For producing cloth he owned an old cotton wheel, one mattock, and one easel. His hunting equipment consisted of four steel traps, and his farming tools were listed as one plough, one pair of chaises, chain swing, tree and clevis. His livestock totaled seven in number, four hogs, one cow with calf, and a two year old heifer.⁴¹

41. Minutes of Orphans' Court, Mississippi Territory, Madison County, in Probate Office, Madison County Courthouse, Huntsville, Alabama, I, 42-43.

When the county was first settled the family depended mostly on buckskin for clothing. From dressed buckskin, garments of all kinds were cut; coverings for beds, strings for sewing purposes, and for making rope, moccasins, sacks, hunting pouches, and powder bags. Flax grew well in the valley and many families had their own small flax wheels with which they produced fine linen threads to be woven into cloth. Cotton patches were planted at this early period largely for home consumption. The spinning wheel, cards, the loom, winding blades and reel were common to practically every settler's house. At first the family spent long winter evenings around the fire pulling out the seeds and preparing it for spinning. The fabrics woven from these threads were of a durable quality so necessary to clothing for outdoor pursuits. From bark of trees, coperas, indigo and madder, this cloth was dyed in several colors.⁴²

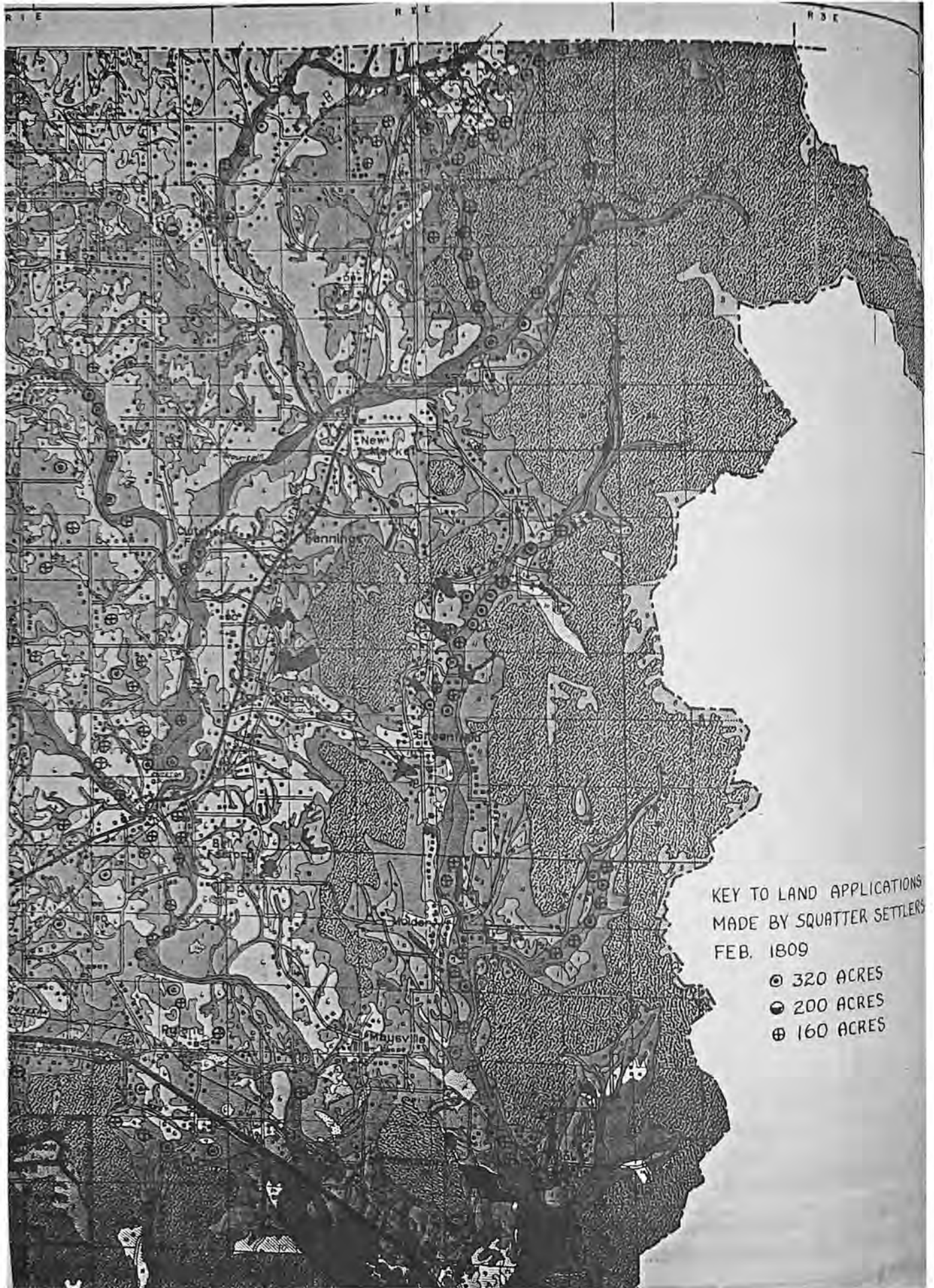
The frontier period in the home production of cotton thread was a short one, however, for even from the beginning the early farmers recognized the quality

⁴². Taylor, "Early History of Madison County," op. cit., p. 154.

of their lands as rich cotton producing areas. As will be seen later, cotton gins and cotton thread factories were introduced within ten years after the initial settlements were made in the county.

That the pioneer settlers who first occupied the lands in the Bend of the Tennessee did so for farming purposes can easily be seen by a brief study of their locations in relationship to a soil map of Madison County.⁴³ Without exception these frontiersmen made application for farms which contained the highest quality of soil for the growing of cotton, tobacco and corn. Also included in most of these farms, were mill sites, cool crystal springs for water supply, and suitable areas for pastures and fuel. The methods of finding these lands were not as modern as those of a soil laboratory, but they were just as effective. The presence of a heavy even growth of hickory, pecan, oak or other hardwood trees were a never failing clue to rich top soil of considerable depth. Uniform rings of a tree trunk gave valuable evidence of a regularity of seasons free of drought. Mildness of the winters was reflected in the abundance of forest food which made

43. See map, page 161.

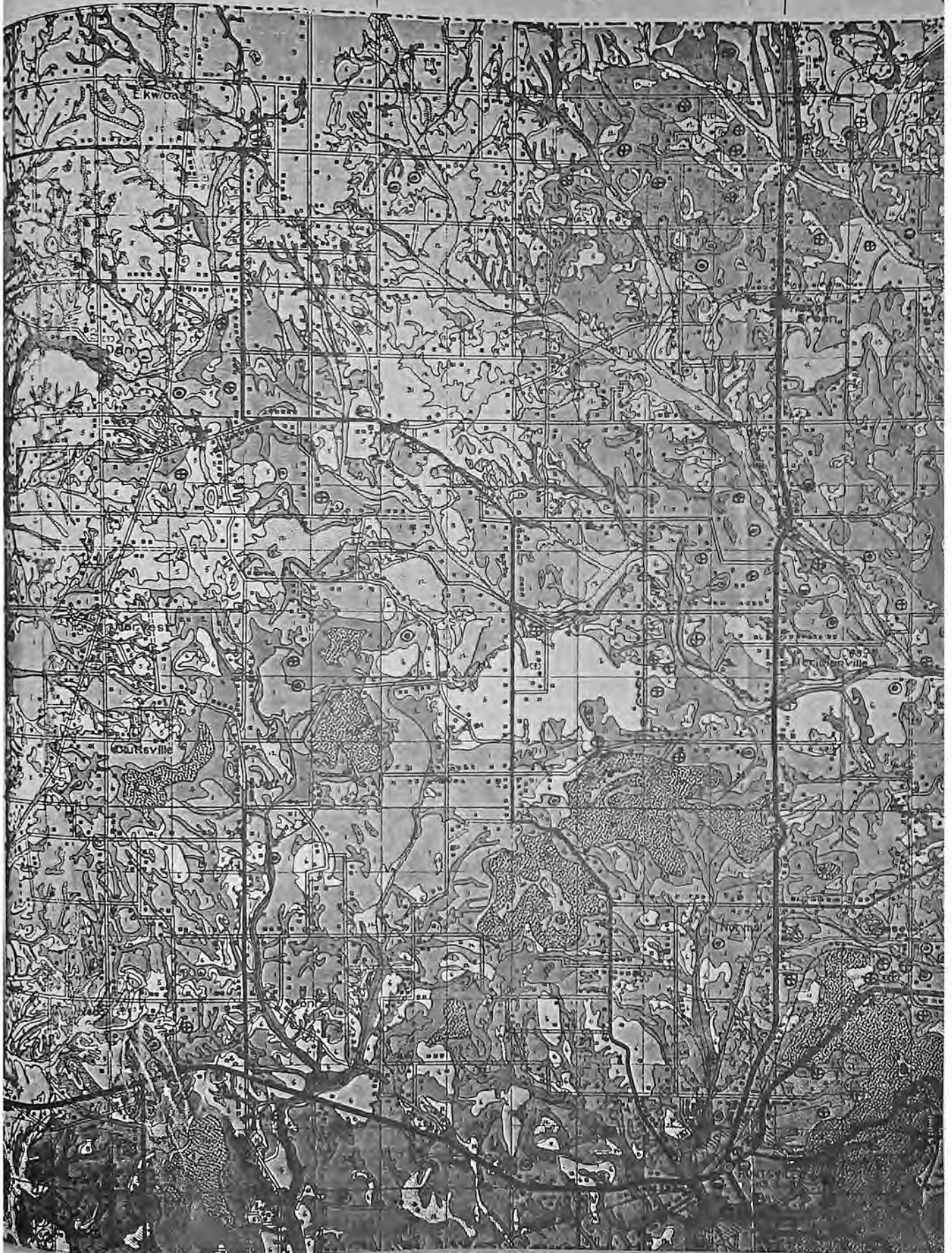


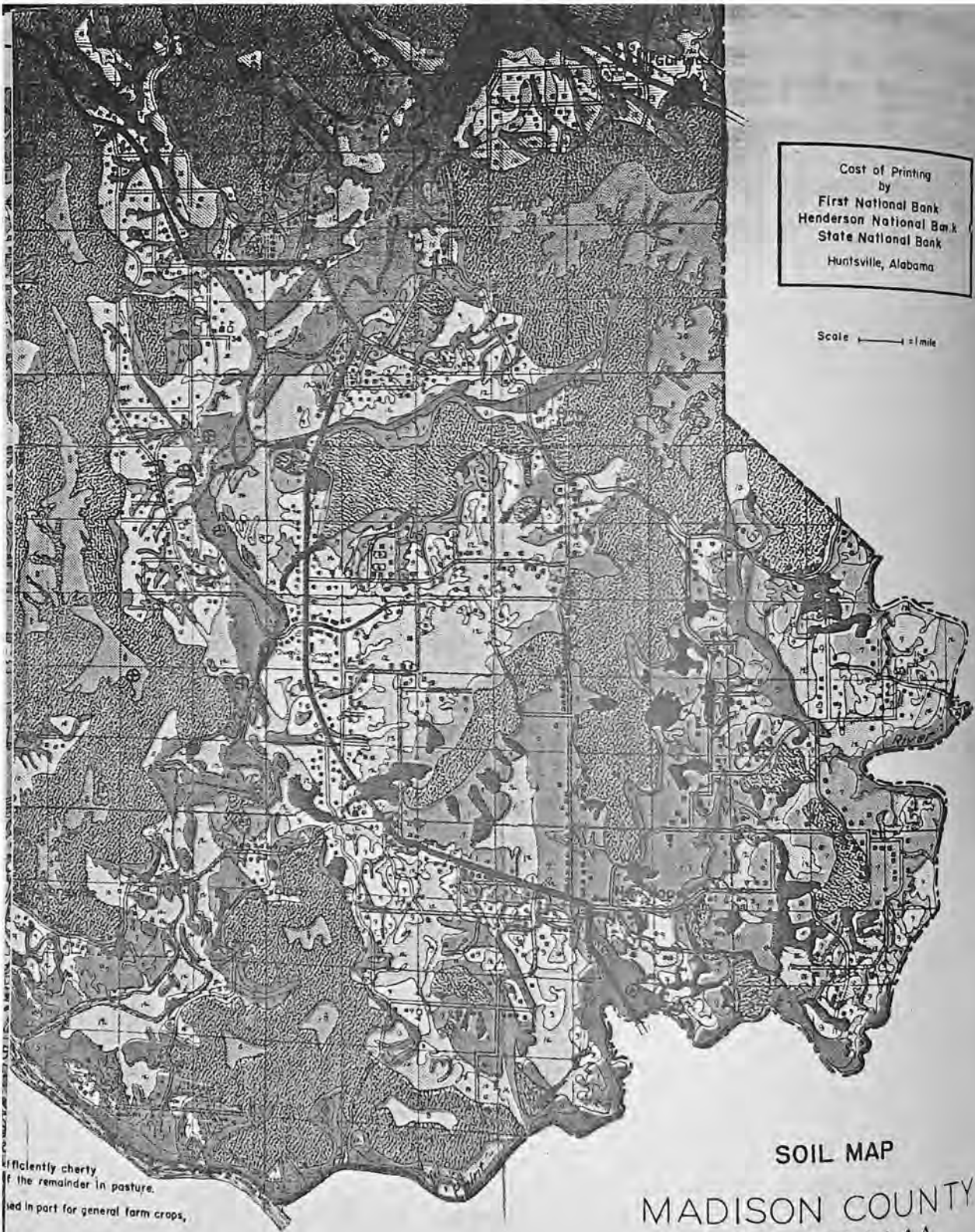
KEY TO LAND APPLICATIONS
MADE BY SQUATTER SETTLERS
FEB. 1809

- ⊙ 320 ACRES
- 200 ACRES
- ⊕ 160 ACRES

R 2 W

R 1 W





Cost of Printing
by
First National Bank
Henderson National Bank
State National Bank
Huntsville, Alabama

Scale ——— = 1 mile

SOIL MAP MADISON COUNTY ALABAMA

efficiently cherty
of the remainder in pasture.
used in part for general farm crops,
use of amendments, well suited to most crops, not well suited to large machinery
cultivated, adapted to most crops, produce excellent yields under good
ally grown crops with fair to good yields obtained, and used largely for general
areas are subject to overflow
and some improved pasture. Extensive drainage projects would be necessary

Prepared by
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Alabama Department of Agriculture and Industries
and
County Agents, Madison County
Extension Service
A. P. I.
Auburn, Alabama
1952

R 1 E

R 2 E

R 3 E



SOIL LEGEND

- 1 Red Valley Soils (Decatur, Dewey, Cumberland, Etowah). These soils are relatively level, easily conserved, very responsive to good management, suited to and best handled with power machinery, suited to all locally grown crops including alfalfa, occur as large areas, and used for general farm crops and livestock with cotton a major crop.
- 2 Red to Brown Soils in Basins (Abernathy, Emory, Ooltewah). They are level to depressional, very fertile, mainly well drained, suited to large machinery, and used mainly for corn, hay, or pasture. Several areas are planted to cotton.
- 3 Brown Soils on Flood Bottoms (Huntington, Lindside, Egam, Humphreys). These soils are subject to overflow (principally during winter), mainly well drained but ditches needed in some locations, suited to large machinery, very fertile, and used mainly for corn, hay, or pasture.
- 4 Red, Heavy, Cherty to Stony Soils on Rolling Relief Around Base of Mountains (Hermitage, Talbot, Colbert). These soils are very erosive when used for clean cultivated crops, difficult to cultivate, not well suited to large machinery, and used in large measure for building sites and pasture, with many areas cultivated.
- 5 Gray Silt Loam Soils Having Horizons at 18 to 30 inches (Dickson, Sango, Lawrence). These soils are relatively level, slow to warm in the spring, easily cultivated with large or small machinery, adapted to most crops grown in the County, inherently weak soils but respond readily to good treatment (especially the use of mineral fertilizers), sorghum syrup.
- 6 Gray to Brown Cherty Soils on Gently Rolling Relief (Baxter, Dickson, Dewey). These soils require careful soil conserving practices, are not too well suited to large machinery to interfere to a certain degree with cultivation, suited to most locally grown crops producing good yields under good management, and approximately 50% is cultivated with ma
- 7 Gray Soils with Heavy, Sticky, Yellow, Mottled Subsoils Having Slow Internal Drainage (Colbert, Tupelo, Tatt, Pearman). These soils are relatively level, best handled with large machine best suited to pasture or oats and lespedeza or grain
- 8 Gray to Brown Sandy Soils on Mountain Tops (Hartsells, Linker). These soils are gently rolling, very erosive when clean cultivated, deficient in plant nutrients but very responsive but easily cultivated with small equipment.
- 9 Gray Sandy Soils in Valley (Holsfan, Monongahela, Sequatchie). These soils are suited to large or small machinery, very responsive to good management, level to gently rolling, management, and especially good for truck crops.
- 10 Sandy Rolling Soils at Base of Mountains (Allen, Jefferson, Waynesboro). These soils are very subject to gully erosion, fairly well suited to large machinery, well adapted to most farm crops or pasture.
- 11 Black or Dark Brown Heavy, Sticky Clays (Hollywood, Dunning). These soils are nearly level, very fertile, best handled with large machinery, and used mainly for corn or hay crops.
- 12 Light Gray Poorly Drained Soils (Melvin, Guthrie, Robertsville). These soils are level, need drainage for utilization where not already drained, used mainly for timberland, pasture to drain some areas.
- 13 Mainly Mountain Slopes that are suited only to production of timber.

the growing of cattle and hogs a profitable enterprise.⁴⁴
Practically all of the 57,740 acres applied for by these squatters were the best quality level red valley soils, red to brown soils of the basins, brown soils on the floor bottoms, and gray to brown soils on gently rolling reliefs.

A study of the field notes of Thomas Freeman, surveyor of Old Madison County, shows that his descriptions of the lands he surveyed were made largely in terms of those of the pioneers. From his notes as well as from his letters to the Treasury Department, Freeman indicated that considerable row crop agriculture was being engaged in by the squatter population in the Bend of the Tennessee.⁴⁵

Effective use of slave labor in clearing the land for cultivation was made by John Ford, one of the squatter planters. Within a year after his location on

⁴⁴. Taylor, "Early History of Madison County," op. cit., p. 151.

⁴⁵. Thomas Freeman's field notes on the survey of Madison County, 1809, MSS. on file in office of G. W. Jones and Sons, Huntsville, Alabama; Thomas Freeman to Albert Gallatin, August 25, 1808, in Documents Relating to Madison County.

Indian Creek he had cleared more than sixty acres of land and raised a good crop of cotton and corn.⁴⁶

Though the squatters in the Bend of the Tennessee from 1805 to 1809 had to depend primarily on the economic self-sufficiency of the family unit, in social, judicial, and political matters they banded themselves together.

Among this group were formed the first religious congregations in the northern part of the Mississippi Territory.

As the tide of immigration moved steadily westward the Presbyterian Church found that it had an acute shortage of trained ministers to fill the needs of frontier settlements. This problem led some of its ministers to advocate a policy of admitting into the Presbytery, select laymen of intelligence. In the Cumberland Presbytery there were ten ministers, five in favor of lay ministers called revivalists and five opposed called the antirevivalists. The tension in this body grew so strong that finally on December 5, 1805,

46. John Ford of Indian Creek to Thomas Freeman at Camp on Flint River, August 21, 1808, Thomas Freeman to Albert Gallatin, August 25, 1808, in Documents Relating to Madison County.

this Presbytery was dissolved and the five anti-revivalists rejoined the Transylvania Presbytery, their original official connection. The five revivalist ministers met the following day, December 6, 1850 and constituted themselves as a "council" which proved to be the first step in the formation of the Cumberland Presbyterian Church, a task that was completed on February 4, 1810.⁴⁷

One of the lay preachers of the Cumberland church was Robert Bell. In 1807, he was sent from his home near Bean's Creek, Tennessee to minister to the people at Hunt's Spring in the Bend of the Tennessee. The following year Thomas Calhoun, a candidate for the ministry from Lebanon, Tennessee, was directed to the Hunt's Spring field. So began the work of the Cumberland Presbyterians that continued to prosper through the formation of societies and the holding of camp meetings.⁴⁸

47. James H. B. Hall, "The History of the Cumberland Presbyterian Church in Alabama Prior to 1826," in Publications of the Alabama Historical Society, Transactions: 1899-1903, IV (Montgomery, 1904), 367-369.

48. Ibid., pp. 371-372.

John Ford, who led a small group of immigrants to the Bend of the Tennessee in 1807, was a leader among the Methodist settlers. Though he did not remain at his home at Indian Creek but one year, he started "classes" for members of the Methodist Episcopal Church.⁴⁹ Likewise Joshua Boucher, another early immigrant to the Bend who remained for many years, organized classes at Hunt's Spring and became a class leader and exhorter.⁵⁰ In October of 1808, the Western Conference of the Methodist Church held at Liberty Hill, Tennessee, appointed James Gwinn as preacher and missionary for the newly created Flint Circuit located in the Bend of the Tennessee. One year later he reported 175 members on his circuit.⁵¹ Two of his known stops were at Hunt's Spring and at the present site of Shiloh Church on the old Maysville Road in the then most densely settled area of the Triangle.⁵²

49. Anson West, Methodism in Alabama (Nashville, 1893), p. 109.

50. Ibid., p. 110.

51. Methodist Episcopal Church, Minutes of the Annual Conferences: 1773-1828 (New York, 1840), I, 17.

52. West, op. cit., p. 115.

In this same vicinity on the banks of Flint River at the home of James Deaton, the Baptists organized the first church of this denomination in what is now the state of Alabama on October 2, 1808. The first minister was the Reverend John Nicholson, one of the settlers in the area.⁵³ A second church was also organized on June 1, 1809 on the West Fork of Flint River, which took the name, Enon. John Canterbury served as its first minister.⁵⁴ Two other Baptist ministers living in the Triangle at this time who received licenses to perform the marriage ceremony from the orphans' court soon after it was organized were Reuben Mardis and William Bird.⁵⁵

Besides religious gatherings, the people also met together for the purpose of drawing up petitions to request that the government make provision that they "be

53. Minutes of Flint River Church, 1808-18, manuscript in possession of Ben W. Lawler, Brownsborough, Alabama; Minutes of Orphans' Court, 1810-1819, pp. 3-5.

54. Minutes of the Enon Church, 1809-1861, pp. 1-3, manuscript in possession of Mrs. W. E. Spragins, Huntsville, Alabama.

55. Minutes of Orphans' Court, 1810-1819, pp. 18, 19, 51.

placed in a situation as soon the nature of our case will admit of it, to enjoy all of the privileges of citizens who are legally settled."⁵⁶

Since there was no organized government in the Triangle prior to the formal organization of Madison County, the different settlements took measures sanctioned by the group for their protection against any lawless and unprincipled men who might be found in their midst. To further the cause of justice, there was in each settlement an organization known as "Captain Slick's" Company.⁵⁷ When a man became notorious for his bad conduct he received a notice to leave the country in a certain number of days signed by "Captain Slick." This command was usually promptly obeyed, because a frontiersman knew from experience that if he did not leave within the time allotted that he would receive thirty-nine lashes on his bare back or even worse, his ears might be cropped and face and hands branded. Though this type of enforcement of their

⁵⁶. John Ford, Indian Creek, to Major Thomas Freeman, Flint River, August 20, 1808, in Documents Relating to Madison County.

⁵⁷. Taylor, "Early History of Madison County," op. cit., p. 159.

"back-woods" criminal code afforded adequate protection, the people were very desirous of formal courts in which to settle their differences. Extensive proof of this desire can be found in the early records of the superior court and orphans' court of Madison which recorded their use in the pettiest of crimes and disputes.⁵⁸

Quite by accident a sketch of one of the "villians" of the frontier was preserved for posterity. When Colonel Return J. Meigs was removing the intruders from Cherokee lands east of the Triangle in 1809, he reported that only in one case had his soldiers had trouble with the settlers. A man by the name of Moss had let it be known that he would resist removal. Because he was quarrelsome and always armed, he was considered by all his associates to be a dangerous character. Back in Tennessee Moss had left his wife and several children, seduced a daughter of one of his neighbors, and brought her to live on the Indian lands. Colonel Meigs stated that when they tried to capture Moss, he escaped and,

58. Minutes of the Superior Court of Law and Equity for the County of Madison, Mississippi Territory, October 1, 1810 to December 3, 1812, in Probate Office, Madison County Courthouse, Huntsville, Alabama.

while attempting to burn his cabin to prevent his return after the troops had departed, an Indian cabin, worth about ten dollars, was burned by mistake.⁵⁹

Another disturbing frontiersman of this period was Colonel Michael Harrison, a daring frontier Indian fighter, of Washington County, Tennessee who came to the Triangle in the early part of 1808.⁶⁰ Claiming about 40,000 acres of land under a title received from Zachariah Cox, one of the grantors of the Tennessee Land Company of 1795, Harrison proceeded to survey the tract which began on the north bank of the Tennessee River one and a quarter miles due west of the mouth of Flint River at the corner of township thirteen of the company survey and ran due north for 23.5 miles passing a mile and one half east of Hunt's Spring. From a point just south-east of the present site of Hazel Green, it extended westward for three and three quarters miles, thence southward for seven and one half miles,

59. Return J. Meigs to John Smith, in Carter (ed.), Territorial Papers, V, 740.

60. Ramsey, op. cit., pp. 579-580, 583; Thomas Freeman to Albert Gallatin, August 25, 1808, in Documents Relating to Madison County.

thence southward for seven and one half miles, thence due east for a mile and one quarter, thence southward along a line passing one fourth mile west of Hunt's Spring to the Tennessee River, thence along its bank to the point of beginning.⁶¹

Four of the nine squatter settlements were contained within this tract which was made up largely of red valley soils.

Naturally the settlers were much concerned when they were informed by Harrison that unless they purchased their homesteads from him they would be run off of his tract. Complying with his wishes, several families bought their lands from him. Freeman Jones purchased 450 acres, Gideon Harrison 200 acres, Daniel and Joseph Harrison 200 acres, and William Campbell 640. On July 11, 1808, Martin Beaty of Lee County Virginia purchased a square of 1000 acres of this land including the whole settlement around Hunt's Spring.⁶²

61. Deed to Benjamin Estill and Martin Beaty from Michael Harrison, attorney in fact for Zachariah Cox, for the entire tract with certain exceptions made on December 1, 1810, in Deed Book A, p. 21, Madison County Probate Court Records, Courthouse, Huntsville, Alabama.

62. Ibid.; Deed to Martin Beaty from Michael Harrison for 1,000 acres, including Hunt's Spring, July 11, 1808, recorded October 4, 1810, in Deed Book A, pp. 1-2.

When Colonel Harrison's activities were called to the attention of the Federal government, President Thomas Jefferson took action through Albert Gallatin, Secretary of Treasury, to prevent further Tennessee Land Company claimants from trying to make good their titles.⁶³ Under the Act of 1807, regarding intruders on Public lands, the president might have legally had all of the squatters within the Triangle removed from the public domain, but instead he chose the more lenient course of action.⁶⁴

Thomas Freeman, then in the process of surveying the Triangle, was instructed to take a census of these people, and for a fee of six shillings, they were to be allowed to register as "tenants at will" on their lands with the right to purchase them at auction from the Federal government at the time of the first public sale in the region to be held the following year.⁶⁵

Meanwhile in answer to the petitions of settlers and the wishes of the Federal government, and in

63. Albert Gallatin to Thomas Freeman, October 25, 1808, in Carter (ed.), Territorial Papers, V, 658-660.

64. Ibid.

65. Ibid.

accordance with his authority as governor of the Mississippi Territory, Robert Williams issued a proclamation on December 13, 1808, creating Madison County within the bounds of the Triangle in the Bend of the Tennessee.⁶⁶ Five days later, on December 19, 1808, Stephen Neal, a resident of Washington City, Mississippi Territory, was appointed sheriff of the county as well as a justice of the peace. Thomas Freeman was also commissioned as a justice of the peace at this time and two blank commissions were sent to him by Neal to be awarded to two settlers. Hugh McVay and Benjamin Williams received these appointments on January 1, 1809.⁶⁷

During January and February, Freeman was able to complete the squatters census of the county and to register the applications of 280 heads of families who made requests to buy their homesteads. In his communication to the Treasury Department which accompanied

66. Harry J. Toulmin, Digest of the Laws of the State of Alabama (New York, 1823), p. 80.

67. Register of Appointments for Mississippi Territory, 1804-1812, in Department of Archives and History, Jackson, Mississippi.

these returns he did not specify how many Yazoo claimants were living in the county, but he reported that all of them, with the exception of Michael Harrison, had gladly agreed to buy clear titles to their lands from the Federal government. Harrison, in a letter to the surveyor, said that, after consulting a lawyer, he had decided not to jeopardize his claim by signing up as a "tenant at will" on the public domain.⁶⁸

Further steps of organization were taken on February 27, 1809, when the territorial legislature extended the laws of the United States and those of the Mississippi Territory over Madison County. On March 3, 1809, three additional officers were appointed. Louis Winston, a lawyer serving as private secretary to Governor Williams, was made attorney general, Peter Perkins of Nashville, clerk of the circuit court, and William Winston of Madison County, clerk of the county court.⁶⁹

68. Thomas Freeman, Madison County, Mississippi Territory, to Albert Gallatin, Secretary of Treasury, February 20, 1809, in Documents Relating to Madison County.

69. Register of Appointments for Mississippi Territory, 1804-1812.

The resignation of Governor Williams on March 3, followed by an interim of four months before David Holmes succeeded to this office, probably slowed down the completion of appointments requisite to a full organization of the county's government.⁷⁰

By April of 1809, the completed plats of the lands in Madison County were in the office of Seth Peace, Surveyor General of the Lands South of the Tennessee line. Only the final details of organizing and locating a land office and setting a date for the first sale remained to be accomplished before the pioneer settlers in the Bend of the Tennessee would be able to obtain legal possession of their "land of milk and honey."

Except for the uneasiness felt by some of the people concerning their lack of funds necessary to complete for their lands at public auction, the future seemed bright indeed for these frontiersmen, who, in four short years, had been able to clear their lands, build their homes, and create a simple organized society in a beautiful wilderness. What these settlers did not completely

70. See papers of Acting Governor T. H. Williams, March 4, 1809-June 30, 1809, in Carter (ed.), Territorial Papers, V, 719-750.

foresee was their vulnerability to the designs of planters with capital from the older states who were seeking new cotton lands, and to the schemes of land speculators around Nashville, Tennessee, who had been able to place themselves in official positions, advantageous to speculation.

CHAPTER IV

BOUNDARIES AND FEE SIMPLE LAND TITLES FOR OLD MADISON COUNTY

While the pioneers of Old Madison County cleared their land and established themselves in their new log cottages along rivers and creeks, the Federal government moved slowly but surely toward solving the problem of securing fee simple land titles for the Mississippi Territory.

By March 3, 1807, President Jefferson had approved all of the congressional legislation necessary for carrying into effect the transfer of public lands in the Triangle to individual ownership. The first of these acts, passed on March 3, 1803, dealt primarily with the settlement of claims, survey, and sale of lands in the southern part of the Mississippi Territory, but its eighth and ninth sections made provision for the registration of claims held under the Georgia Act of 1795. Though the mode of settlement of these claims was left to the discretion of Congress, the Secretary of State was instructed to receive and record the evidence

exhibited by claimants on or before January 1, 1804.¹ Two claims involving lands located in what later became Madison County were filed at this time. Michael Harrison exhibited evidence to show that he held a claim to 41,490 acres under a title received from Zachariah Cox of the Tennessee Land Company and Michael Montgomery registered a 9,000 acre plot which he had received under the same authority.² Repeated delays in dealing with the settlement of claims such as these, caused considerable anxiety on the part of many settlers who secured government land titles at the early land sales in the Triangle.

A supplementary act of March 27, 1804 placed the lands in the Bend of the Tennessee within the boundaries of the Mississippi Territory, but did not extend its laws over the area.³ Modifications of the basic land

1. This date was later extended to December 31, 1805; the cost for such services was to be paid by the claimant at the rate of twelve and one-half cents per hundred words.

2. Deed Book A, pp. 3, 21.

3. Harry Toulmin, The Statutes of the Mississippi Territory (Natchez, 1807), p. 522 (hereafter cited as Statutes).

acts of 1785, 1796, and 1800 were passed in 1804 and 1805 which contributed to perfecting the land policy used by the national government in disposing of most of the land in what is now Alabama. By 1805, a settler could purchase as little as 160 acres of land at public auction at a minimum of \$2.00 per acre on credit. Terms included a down payment of one-twentieth of the purchase price, thus securing the right of purchase for forty days. At the end of the option period, this amount was applied to the first of four annual installments which came due at this time. For as little as \$80 then, legal possession of a farm could be obtained for five years because there was a one year grace period allowed beyond the allotted time for payment before the land could be resold by the government.⁴

With the approval of the "Act to prevent Settlements being made on Lands ceded to the United States, until authorized by law" on March 3, 1807, a legal block had been placed in the way of all claimants under the Georgia Acts who might try to survey their claims and establish themselves on the lands prior to time that government surveys were completed. The only relief

4. Ibid., pp. 525-533.

granted by this act to squatters who had already made unauthorized settlements was to allow them to make application for the purchase of not more than 320 acres at public auction and to sign declarations stating that they did not lay any claim to such tracts of land but merely remained on the public domain as "tenants at will." A deadline of January 1, 1808 was set for such applications to be filed and after that time United States marshals were instructed to remove all squatters by force. Penalties for failure to move under judicial order included a fine of \$100 and six months imprisonment.⁵ Not only were the settlers in the Bend of the Tennessee vitally affected by this measure, but also many people who had migrated to the southern part of the territory and were waiting to secure lands when they were offered for sale. Memorials from the Mississippi territorial legislature informed the Congress of the distress among substantial settlers who were willing to comply with government regulations but could not do so because the government surveys of their lands had not been completed. These memorialists pointed out that

5. Ibid., pp. 540-544.

congressional indecision concerning the settlement of land claims in the Mississippi Territory and its lack of understanding concerning the nature of emigration encouraged by the Land Acts of 1803 and 1804, was endangering the substantial development of the area.⁶

A companion act, also approved on March 3, 1807, made the necessary appropriations for carrying into effect the Chickasaw Treaty of July 25, 1805, and provided for the establishment of a land office to sell the ceded land in the Bend of the Tennessee.⁷ For almost two years this treaty and the one made with the Cherokees for the relinquishment of their claims to central Tennessee and the northern Mississippi Territory had been withheld from Senate approval because the Randolph forces had been determined to prevent, if possible, the validation of land claims under the Georgia Acts.⁸ By this measure the Surveyor-General of the lands south of Tennessee was authorized to have the lands within the

6. Carter (ed.), Territorial Papers, V, 587-590.

7. Toulmin, Statutes, pp. 544-545.

8. Haskins, op. cit., pp. 432-435.

Triangle surveyed and the President was empowered to establish a land office and appoint a register and receiver of public monies to effect the sale of these lands.⁹

Although the formal proclamation of the Indian treaties was not made by the President until May 23, 1807, after their approval by the Senate the day before, plans were set in motion the latter part of March for running new Cherokee and Chickasaw boundaries in accordance with their latest cessions. Henry Dearborn, Secretary of War, under whose jurisdiction Indian affairs were handled, notified Thomas Freeman, by letter on April 1, 1807, that he had been chosen to run these boundaries and urged him to proceed as soon as possible to Chickasaw Old Fields on the Tennessee River to begin his work.¹⁰ Freeman, a government surveyor from Nashville, Tennessee, was at this time in Natchez, Mississippi, making preparations to go on an exploring expedition up the Arkansas River. When the War Department decided not to send out this expedition, Freeman

9. Toulmin, Statutes, p. 545.

10. Henry Dearborn to Thomas Freeman, April 1, 1807, in W.D., I.A., Letter Book B.

was given the boundary assignment as well as the job of surveying the lands within the Triangle.¹¹ Technically his assignment as surveyor came through Seth Peace, Surveyor-General of the lands south of Tennessee, whose headquarters were in Natchez, but Freeman's appointment to both jobs was engineered by Dearborn through the channels of the Treasury Department, which had charge of Public Lands.¹²

According to the Indian treaties, commissioners from the United States government and representatives from the Chickasaw^d and the Cherokee nations were required to attend the running of boundary lines so as to prevent any misunderstanding concerning them.¹³ On April 1, 1807, the Secretary of War wrote Return J. Meigs, Cherokee Agent, who had helped conclude the Cherokee Treaty of January 7, 1806, that Thomas Freeman had been appointed to survey and mark the boundary line

11. Thomas Freeman to Henry Dearborn, June 15, 1807; Carter (ed.), Territorial Papers, V, 553-554.

12. Albert Gallatin to Seth Peace, March 30, 1807, ibid., pp. 540-541.

13. United States Statutes at Large, Vol. VII, 89-90, 101-104.

conforming to both the treaty of 1805 with the Chickasaws and of 1806 with the Cherokees. He also informed Meigs that Freeman had been appointed to survey the land ceded between the southern boundary of the State of Tennessee and the Tennessee River, lying west of the line from about the Chickasaw Old Fields to the most eastern source of Duck River and east of the Chickasaw line extending northwest from the Old Fields to Buffalo River. Meigs was further instructed that he and General James Robertson, one of the commissioners for the Chickasaw treaty, had been designated to bring representatives of the Cherokees and Chickasaws, and superintend the running of such boundary lines. The Secretary pointed out that, since it was desirable that the eastern line of the Cherokees and Chickasaws should be one and the same, it might be advisable to try to get the Cherokees, for a moderate compensation, to include the whole waters of Elk River in their cession as the Chickasaws had done.¹⁴

General James Robertson, at the time he received similar instructions from the War Department, was at work on the public road leading to Natchez. Freeman

14. Henry Dearborn to Return J. Meigs, April 1, 1807, in W.D., I.A., Letter Book B.

contacted him in Natchez, and they made plans to leave the latter part of June for Chickasaw Old Fields to begin their work.¹⁵

After contacting Meigs at the Highwassee Garrison members of the boundary party assembled at the appointed place and on September 11, 1807, a supplementary treaty was concluded between a delegation of Cherokee chiefs under the leadership of Black Fox and the government commissioners and witnessed by Thomas Freeman and Thomas Orme. In return for allowing their boundary line to coincide with that of the Chickasaw line, Black Fox received two thousand dollars for his nation and one thousand dollars and two rifles for the chiefs in attendance.¹⁶

Starting from a point at the head of Chickasaw Island, now known as Hobbs Island, Freeman proceeded to survey the eastern boundary in a direct line N 48° 30' E to the top of Keel's Mountain in Section twenty-one, township four, range one, east. From this point the

15. Thomas Freeman to Henry Dearborn, June 15, 1807, in Carter (ed.), Territorial Papers, V, 553-554.

16. United States Statutes at Large, VII, 102.

line turned to the north and from the Maysville settlements to the New Market settlements, it was very crooked, making many angle turns in following ridges. After passing one mile east of both Maysville and New Market, it crossed Mountain Fork of Flint at an angle of about $N 12^{\circ} E$ until it intersected the Tennessee line on the north boundary of section three, township one, range two, east. The western boundary of the Triangle, which also formed the eastern boundary of the Chickasaw lands, extended $N 54^{\circ} 30' W$ in a direct line in a northwesterly direction from the initial point on the Tennessee River to a ridge dividing the waters running into the Tennessee River from those running into Buffalo River (Elk) and crossed the Tennessee line in section two, township one, range four, west.¹⁷

Since the ceded lands north of the Tennessee line had been granted to the state of Tennessee in May of 1806, the tract included within the Triangle consisting of 345,000 acres was the only part of the Chickasaw-Cherokee cession which was subject to Federal survey and sale.¹⁸ Acting on the basis of instructions received

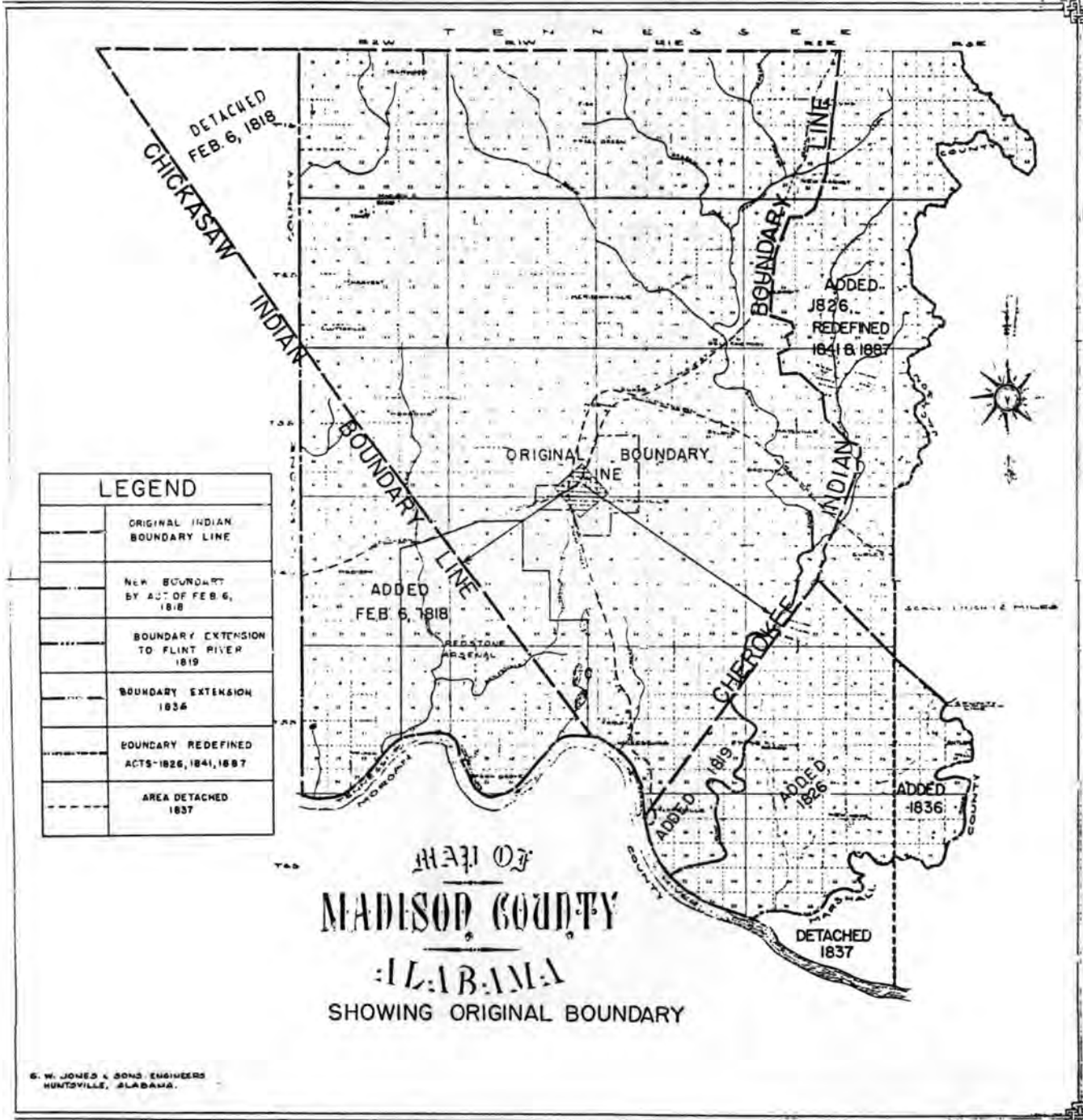
17. See map, p. 186.

18. See map, p. 186.

LEGEND	
	ORIGINAL INDIAN BOUNDARY LINE
	NEW BOUNDARY BY ACT OF FEB. 6, 1818
	BOUNDARY EXTENSION TO FLINT RIVER 1819
	BOUNDARY EXTENSION 1826
	BOUNDARY REDEFINED ACTS-1826, 1841, 1887
	AREA DETACHED 1837

MAP OF
MADISON COUNTY
ALABAMA
 SHOWING ORIGINAL BOUNDARY

S. W. JONES & SONS ENGINEERS
 HUNTSVILLE, ALABAMA.



from the Treasury Department, Freeman proceeded to establish a camp on Flint River and begin his work of surveying this tract. As a base line for establishing a prime meridian from which to establish townships in east and west ranges, he used the latitude of 35° which formed the Tennessee boundary. At $86^{\circ} 34' 18''$ west longitude, a point almost mid-way the base of the Triangle, he established what became known as the Huntsville Meridian.¹⁹ This line reached only to the Tennessee River at first but was later extended for more than a hundred miles so that all of the public lands in North Alabama could be surveyed from it.²⁰

As the work of the government survey progressed, Freeman was urged by the Surveyor-General to complete his work as rapidly as possible in order that the lands could be sold.²¹ During the summer of 1808, petitions, asking for the legal organization of the Triangle and the early sale of its lands, had been sent by the

19. Plate No. 1 in Royce, "Indian Land Cessions in United States," op. cit.

20. Ibid.

21. Thomas Freeman to Albert Gallatin, August 21, 1808; Albert Gallatin to Seth Peace, August 31, 1808, in Carter (ed.), Territorial Papers, V, 636-637.

squatters in the Bend of the Tennessee to the territorial and national governments.²² This action set on foot an investigation of the nature of these intruders on public lands. In answer to Albert Gallatin's questions on the subject, Freeman wrote a rather lengthy report to the Secretary on August 21, 1808. In this letter he stated that more than half of the survey was completed and that by November, the whole job would be complete. In defending his work, he pointed out that the survey would have been completed earlier had he been allowed the services of a deputy surveyor to aid him in running the lines in fractional townships along the eastern boundary which was very crooked.²³

Freeman's description of the nature of the squatters on public lands, which portrayed them as upstanding citizens desirous of purchasing their lands, apparently

22. Robert Williams to Thomas Jefferson, August 28, 1808, in Governor's File, Mississippi Territorial Records, State Department of Archives and History, Jackson, Mississippi; Albert Gallatin to Robert Williams, November 5, 1808, in Carter, (ed.), Territorial Papers, V, 660; Albert Gallatin to Seth Peace, August 31, 1808, ibid., pp. 636-637.

23. Thomas Freeman to Albert Gallatin, August 21, 1808, Documents Relating to Madison County.

had considerable weight with the President and Secretary of the Treasury in formulating their course of action in dealing with these people. In November, Freeman received instructions to act as Register with the power to receive applications from these squatters and to grant permissions to them to remain as "tenants at will" on their lands.²⁴

Instead of proceeding to Washington, Mississippi Territory, to report his survey as he had planned, Freeman returned to the Triangle and, with the aid of Stephen Neal, the newly appointed sheriff, he visited the squatters and was successful in getting most of them to cooperate. On February 28, 1809, he mailed a list of 280 applications to the Secretary of Treasury. With the exception of one Yazoo claimant, Michael Harrison, he had been able to get all of the settlers who held claims under the Georgia Acts to register as "tenants at will" without further claim to their lands.²⁵

24. Albert Gallatin to Thomas Freeman, October 25, 1808, in Carter (ed.), Territorial Papers, V, 658-660.

25. Thomas Freeman to Albert Gallatin, February 28, 1809, in Documents Relating to Madison County.

The latter part of Freeman's letter was not so complimentary of the settlers however as his letter of August 20th had been. Of them he wrote:

With diffidence, I take the liberty of intruding my opinion that the sale of the lands here should not in the first instance take place on the land or in the County of Madison. Should the sale take place in April next, not more than one fifth, perhaps one tenth, of the settlers on land can possibly purchase, indeed many of them complain of the difficulty of raising nine shillings to pay for their permissions, yet all are and will bid, at the sale if on the ground.

Very improper expressions have been made use of by some of them on this subject, though they are very cautious of me. Perhaps Nashville would be the most proper place for the sale of the land, the office might be opened afterward in Madison County.²⁶

A week later Freeman wrote the Secretary of Treasury from Nashville and enclosed a squatter census of Madison County. Commenting on the squatters east and west of the county, he reported that General James Robertson had been told by George Colbert, Chickasaw chief, that the government could buy their lands east of Elk

26. Ibid.

River if they could be assured that all other intruders would be removed from their lands. In describing the area, he stated:

This tract of country East of Elk river offered by the Chickesaws [sic] for sale is greater in extent, and far superior in quality, to the tract adjoining, to which the Indian claim has been extinguished - now called Madison County - it will be a desirable acquisition as it will make a compact well shaped & most valuable county of Madison.²⁷

Though this message was sent on to the War Department, no action was taken, and instead several hundred families of intruders were removed by Return J. Meigs in June of 1809, and forced to go into the Triangle.²⁸

On April 5, 1809, President Madison issued a proclamation for the sale of Madison County's lands to be held in Nashville, Tennessee beginning on the first Monday in August and continuing for and during the three following weeks.²⁹

27. Thomas Freeman to Albert Gallatin, March 4, 1809, in Carter (ed.), Territorial Papers, V, 720-722.

28. Return J. Meigs to Acting Secretary of War, June 12, 1809, ibid., pp. 739-740.

29. Proclamation of Public Sales, ibid., pp. 724-725.

John Brahan of Fauquier County, Virginia, and William Dickson of Nashville, Tennessee, both speculators in Tennessee lands respectively, were appointed as Receiver of Public Monies and Register of the Nashville Land Office on April 10, 1809.³⁰ Dickson was a prominent figure in Tennessee politics having served as speaker of the state house of representatives and as Congressman.³¹ Brahan and Dickson were both associated with William P. Anderson,³² district surveyor of lands at Nashville who had been one of those instrumental in effecting the Chickasaw Treaty of 1805.³³

Other Nashvillians who were either directly or indirectly associated with this group were James Jackson,

30. Albert Gallatin to John Brahan and William Dickson, April 10, 1809, ibid., p. 727.

31. Philip M. Hamer (ed.), Tennessee, A History: 1673-1932 (New York, 1933), II, 986, 999-1000.

32. Records of Land Surveys completed by John Coffee and John Drake, Coffee Collection, Tennessee State Library and Archives, Nashville, Tennessee (hereafter cited as Coffee Collection, Nashville).

33. United States Statutes at Large, VII, 90.

an Irishman, who later became a key figure in the establishment of Florence, Alabama,³⁴ John Coffee, a deputy surveyor for Anderson and later a general in the War of 1812 and Surveyor-General of North Alabama,³⁵ John Drake, a deputy surveyor for Anderson,³⁶ John Strother, an associate of Anderson,³⁷ and Edward Ward, a friend and associate of Dickson.³⁸

Thomas Freeman, surveyor of the Triangle, had his home in Nashville and had worked with this group as a surveyor for a number of years.³⁹

Thus, with first hand knowledge of the surveyed lands within Madison County, and control of the land office established in their city, this group of Nashvillians were well equipped to make wise investments in the Bend of the Tennessee.

34. Owen, op. cit., IV, 891-892.

35. Land Records, in Coffee Collection, Nashville.

36. Same.

37. Same.

38. Edward Ward to John Coffee, February 22, 1827, in Coffee Collection, Nashville.

39. William P. Anderson to Thomas Freeman, August 7, 1809, in Coffee Collection, Nashville.

Further preparation was made by Congress for the August Sale on June 15, 1809, when an act was approved to allow the register and receiver of the Nashville Land Office to superintend the public sales instead of the Governor of the Mississippi Territory or the Surveyor-General south of Tennessee who had been so designated to act in this capacity by earlier legislation.⁴⁰ By this act, the time for holding the public sale was extended from three to six weeks and the remaining lands left unsold at the end of this period were to be disposed of by private sale at a minimum of two dollars an acre on the same credit terms.⁴¹

Later in June, Dickson received all the necessary instructions for organization and administration of the new land office from the Secretary of Treasury. He was especially cautioned to be sure that the lands were sold in quarter sections and to see that combinations organized for the purpose of preventing proper competition at the sales were not allowed to do so.⁴²

40. Laws and Documents, pp. 152-153.

41. Albert Gallatin to William Dickson, June 23, 1809, in Carter (ed.), Territorial Papers, V, 750; see also Albert Gallatin to Seth Peace, April 30, 1808, ibid., p. 628.

42. Ibid.

Brahan, who was in Natchez at the time he received his appointment, visited the land office of the Surveyor General there and secured the final plats of the Triangle which he took with him to Nashville.⁴³ By August 7, 1809, all preparations were complete for the sale of Madison County's lands.

Meanwhile, in Madison County, Michael Harrison became fearful of what the government sales might do to his claim under the Georgia Acts. During July and August, he advertised his claim in the Nashville papers and urged people to purchase lands from him.⁴⁴ Clippings of these warnings were sent to Washington by Brahan who asked that some action be taken to remove Harrison.⁴⁵ Since about three hundred more families of squatters without permissions to settle had moved into Madison County during the spring and summer of 1809, and as yet no militia had been organized, Sheriff Stephen Neal

43. Seth Peace to Albert Gallatin, August 2, 1809, in Carter (ed.), Territorial Papers, VI, 11.

44. John Brahan to Albert Gallatin, July 30, 1809, in Documents Relating to Madison County.

45. Ibid.

advised that a lenient course of action be pursued.⁴⁶ He pointed out that many of these people of necessity would attempt to keep forcible possession of their homes no matter who claimed title to the land, but if given permission to remain as "tenants at will" they would probably be able eventually to pay for their lands.⁴⁷ Dickson relayed this message to Washington and, on the basis of his advice, no immediate action was taken against the squatters or the Yazooist, Michael Harrison.⁴⁸

Up until August of 1809, the planters of the Broad River area in Georgia had no official connection with the settlement of Madison County, but they had investigated the possibilities of establishing a new settlement in the Bend of the Tennessee. As anti-Yazooists in Washington, the Georgia congressional delegation had worked with the Randolph faction to prevent the Tennessee land claimants from staking out their claims

46. William Dickson to Albert Gallatin, September 28, 1809, in Carter (ed.), Territorial Papers, VI, 20-21.

47. Albert Gallatin to James Madison, October 29, 1809, ibid., pp. 25-26; A.S.P., P.L., II, 249-251.

48. Ibid.

in the Bend of the Tennessee. They had also worked with the Tennessee delegation to get the necessary land legislation passed to facilitate the sale of these lands.⁴⁹

Lured by the stories of the rich lands in the Duck River area of Tennessee, William Watkins of Petersburg, Georgia had moved with his family to Maury County, Tennessee, in the early part of 1808. Later in the same year, two of his friends, Thomas Bibb and LeRoy Pope of Petersburg, Georgia, visited him in Maury County and together the three made an exploratory trip by horseback through the Mississippi Territory with New Orleans as their final destination.⁵⁰ Returning by way of Natchez they stopped to see John William Walker, Pope's future son-in-law, who had been visiting in the Mississippi Territory for some time.⁵¹ Apparently pleased with

49. Ulrich Bonnell Phillips, Georgia and States Rights (Washington, 1902), pp. 39-40, 94-99.

50. James E. Saunders, Early Settlers of Alabama (New Orleans, 1899), p. 493.

51. John W. Walker to Larkin Newby, May 4, 1808, in Newby Collection, Duke University Library, Durham, North Carolina.

what they saw, Pope and Bibb made plans to purchase some of these lands when they were put on sale.⁵²

Five weeks prior to the August sale the register was required to advertise it in the Nashville papers and in Madison County.⁵³ By the time August 7th arrived, a number of prospective buyers had assembled to bid on the lands in the Triangle. On that day the auctioneer opened the sale by asking for bids on the quarters of section one, township one, in the first range of townships east of the Huntsville Meridian.⁵⁴ During the first two weeks, as the sections were offered one by one in the nine townships east of the basic meridian, bidding was heaviest in areas where the lands were richest and where squatter settlements had

52. Receivers Ledger A, 1809-1811, United States Land Office, Huntsville, Mississippi Territory, in State Department of Archives and History, Montgomery, Alabama (hereafter cited as Receivers Ledger A); Tract Book of Madison County, Madison County Court House, Huntsville, Alabama (hereafter cited as Tract Book of Madison County).

53. Carter (ed.), Territorial Papers, VI, 727.

54. Receivers Ledger A and Tract Book of Madison County.

grown up. Twenty of the forty-six who bid during this period were original settlers who had applied for their lands.⁵⁵

The third and fourth weeks of the sale were given over to the auctioning of the five townships in range one, west of the basic meridian. Of the thirty-five who secured lands at this time, fifteen were original settlers.⁵⁶

The last two weeks of the sale were given over to finishing the townships and partial townships in range two and three, west of the basic meridian. Few lands were sold at this time but of the twenty-one who bought, six of these were original settlers.⁵⁷

From a study of the total sales at public auction for the six weeks period it is evident that only a fraction more than fourteen per cent of the squatters obtained their lands at this time. That many refrained from bidding for fear of losing their lands, is revealed

55. These figures are based on an analysis made of all purchases made during the sale as contained in Receivers Ledger A and Tract Book of Madison County and compared with the Register of Applications, February, 1809, and the Squatter Census of Madison County, March, 1809.

56. Same.

57. Same.

in the fact that on September 18 and 19, the first two days that the land office was open after the official sale had ended, forty-six bought their homesteads at private sale, paying the minimum price of two dollars per acre.⁵⁸ By the end of 1809 approximately thirty-four per cent of these squatters had at least made down payments on their lands and some owned them in fee simple.⁵⁹ According to the tax returns of Madison County for 1813, forty per cent of these original settlers had become land owners.⁶⁰ By 1815, tax returns show that a little over forty-three per cent of this group owned property, but some of the original settlers, who had paid only the head tax in 1813, were no longer listed in the returns.⁶¹ According to James McCartney, tax collector for that year, many had moved on to other

58. Same.

59. Same.

60. Tax Returns of Madison County, Mississippi Territory for 1813, Transcripts on file in State Department of Archives and History, Montgomery, Alabama, made from the originals on file in Mississippi Department of Archives and History, Jackson, Mississippi.

61. Tax Returns of Madison County, Mississippi Territory for 1815 located in same place.

areas.⁶² As will be shown later, some of these early settlers in Madison County moved eastward to the Cherokee lands which later became Jackson County and westward to the Chickasaw lands that were later organized as Limestone, Lauderdale, Morgan, Lawrence, and Franklin Counties.

Lands in the vicinity of Hunt's Spring brought the highest prices at the sale for it was evident that the Nashville and Petersburg groups, as well as the original settlers recognized the settlement as a logical location for the county seat. Quarter sections in townships just east of the basic meridian and near the Big Spring were bought at five dollars an acre on August 10, by Michael C. Dunn and LeRoy Pope.⁶³ Also purchasing near Hunt's Spring on the same day were Allen Christian, an original settler, and Charles Cabaniss, Moses Vincent, and Lewellen Jones of the Tennessee group.⁶⁴ The

62. James McCartney wrote a note on the last page of his 1815 return explaining why he had drawn lines through some of the names on the county's muster lists which he had used as a basis for tax returns.

63. Receiver's Ledger A, pp. 25, 57.

64. Ibid., pp. 23 , 24, 45, 62.

quarter section containing the Big Spring was auctioned on August 25, bringing \$23.50 an acre, almost four times that of any other piece of land offered at the first sale.⁶⁵ At this time LeRoy Pope formed an agreement with William P. Anderson and James Jackson of Nashville whereby each contributed one third of the down payment on the southwest quarter section containing the Big Spring and the northwest quarter of section thirty-six, township three, range one, west.⁶⁶ William Campbell, an original settler, who had made application for the north east quarter of this section,⁶⁷ purchased it for \$1127.39 but assigned it to John Brahan in 1812.⁶⁸ Pope bought the remaining southeast quarter at \$6.00 per acre. To secure further control of the lands around

65. Ibid., p. 25.

66. William P. Anderson to John Coffee, June 20, 1810, Land Business Folder, Coffee Papers, Alabama State Department of Archives and History, Montgomery, Alabama (hereafter cited as Coffee Papers, Montgomery).

67. Register of Applications and Permissions in Madison County, Mississippi Territory, in Documents Relating to Madison County.

68. Receiver's Ledger A, p. 44.

the Big Spring, Pope bought 1120 acres to the south and west of the settlement.⁶⁹ Others who invested in the lands to the north, west, and south of Big Spring were Hugh McVay, an original settler, Thomas Bibb of Petersburg, Robert Beaty, an early merchant of Hunt's Spring, and James Jackson, Robert ^{Langford} Langford, Charles Cabaniss, John Brahan, Peter Bass, William Leintz, David Moore, and Thomas Freeman of the Nashville group.⁷⁰

John Hunt, Alexander Gilbreath, and Joseph Doherty, the three other original settlers who had made applications to purchase the lands around Hunt's Spring, were not successful in securing any of the tracts in the immediate vicinity of the spring. On August 28, John Hunt did enter two quarter sections about three miles below his original settlement. One of these he forfeited in November of 1809, and reentered it in 1810; the other he assigned to Abraham Looney in 1811.⁷¹ Alexander Gilbreath obtained a town lot from Pope⁷² but

69. Tract Book of Madison County.

70. Ibid.

71. Receiver's Ledger A, p. 46.

72. Tax Returns for Madison County for 1811 and 1815.

Joseph Doherty remained as an inhabitant without securing property.⁷³

What happened to the pioneers who had first settled Hunt's Spring, was also the fate of many of the original settlers in other parts of the county. Around the Three Forks of Flint, and in the settlements on the rich lands in the northern and southern parts of the county large farms were purchased by a few Georgia, South Carolina, Virginia, and Tennessee planters.⁷⁴ Among the heaviest bidders from this group were James Manning and Thomas Bibb of Petersburg, Georgia, Uriah Bass, Lewellen Jones, George Smith, and Bennett Wood from Tennessee, Richard Harris, Henry Cox and Peyton Cox of Virginia, Charles Kennedy, and Elijah Murphy from South Carolina.⁷⁵

By far the largest purchases were made by those who planned to speculate in the resale of some of the best cleared lands. Thomas Freeman, surveyor of the Triangle, purchased around 8,480 acres during and right after the sale at a cost of \$18,181.70.⁷⁶ Part of this

73. Ibid.

74. Receiver's Ledger A, pp. 16, 17, 20, 23, 33, 36, 37, 38, 42, 45.

75. Ibid.

76. Ibid., pp. 40, 80, 101.

amount he secured for people living on these farms, but most of these lands were purchased with the idea of re-selling them to planters who wished to remove to Madison County.⁷⁷ Edward Ward, the second largest purchaser, bought 4,480 acres in the western part of the county for \$13,105.13.⁷⁸

Besides Freeman and Ward, John Brahan, Walter Keble, Daniel Smith, Robert Beaty, Thomas Bibb, Silas Fugui, Stephen Neal, and LeRoy Pope bought considerable bodies of land in various parts of the county for resale.⁷⁹ Though nearly half of the lands purchased at auction were secured by this group, eighty-five per cent of the individual purchasers were people who bought homestead for farming purposes ranging in size from 160 acres to 960 acres.⁸⁰

Total sales for the six weeks period from August 7 to September 16 amounted to 23,960 acres at a cost of

77. Tract Book of Madison County.

78. Receiver's Ledger A, p. 41.

79. Tract Book of Madison County and Receiver's Ledger A, passim.

80. These figures are based on an analysis of the public sale as obtained from Receiver's Ledger A and Tract Book of Madison County.

\$67,520.⁸¹ This was just the beginning for on the first day that the land office was opened after the sale, \$35,063.42 worth of lands were sold at minimum price. With few exceptions, these tracts were sold on credit to be paid for within five years. Both squatters and those who wished to purchase tracts for resale rushed to buy lands at this time.⁸²

During the next several months a steady stream of squatters and outsiders entered farms of 160 to 320 acres at minimum price but by spring, sales slowed to a trickle. This trend was caused by the fear aroused among settlers by the Supreme Court's action, concerning land claims under the Georgia Act of 1795.⁸³ In the Fletcher vs. Peck case, the Supreme Court ruled that the Georgia legislature had no right to violate the obligations of its contract of 1795 with the land companies and therefore claimants had every right to expect relief from the Federal government who had purchased Georgia's western lands.⁸⁴

81. Receiver's Ledger A, pp. 5-6.

82. Ibid.

83. A.S.P., P.L., II, 249-251.

84. Oliver P. Chitwood and Frank L. Owsley, A Short History of the American People (New York, 1955), p. 388.

At this point Michael Harrison revived his campaign to make good his claim. Though Brahan and Dickson of the land office made trips to Madison to reassure the people that their titles were guaranteed by the Federal government, doubt still lurked in the minds of many settlers.⁸⁵ In August, William Campbell bought 640 acres from Harrison, and in December Martin Beaty and Benjamin Estill of Virginia bought the rest of the claim containing 38,435 acres for \$30,000.⁸⁶ Henry L. Sheffey, likewise purchased 9,000 acres for \$10,000 from Michael Mayer, assignee of Michael Montgomery, who had secured a warrant from Zachariah Cox.⁸⁷ Obviously these men had purchased the claims as investments, expecting to be repaid by the Federal government when Congress took action to grant relief. What they did not realize was that Zachariah Cox (from whom Harrison had purchased the land), had withdrawn most of his purchase money from the Georgia treasury in 1801, thus relinquishing his claim to shares in the Tennessee Land

85. A.S.P., P.L., II, pp. 249-251.

86. Deed Book A, pp. 16, 21.

87. Ibid., p. 3.

Company.⁸⁸ When, in 1814, Congress finally passed necessary legislation for the indemnification of those who held claims under the Georgia Act of 1795, Beaty and Estill submitted their claim only to have it rejected in 1815 on the grounds that it was based on a fraudulent transfer from Cox to Harrison.⁸⁹ It does not appear from the records that Sheffey submitted a claim for his tract.⁹⁰

After twenty years of strife and turmoil that hampered the settlement of the Mississippi Territory, the question of land titles was finally settled in the Bend of the Tennessee. From 1815 on, there was no further question raised as to the Federal government's right to issue fee simple land titles anywhere in the

88. See p. 107, supra.

89. A.S.P., P.L., III, 549.

90. Ibid. This claim does not appear on the list of those rejected. The names of John Sevier and Wade Hampton, two of the early land speculators in the Bend of the Tennessee, are included on this list. According to John Sevier's journal as quoted in Samuel G. Heiskell, Andrew Jackson in Early Tennessee History (Nashville, 1920), p. 609, his claim consisted of 40,000 acres located on Limestone and Mulberry Creeks and 10,000 acres on the Tennessee River, the latter being his commissioner's claim of 1784.

Mississippi Territory. As will be seen later, the \$4,282,151.12 worth of Mississippi Stock certificates issued to legitimate claimants under the Georgia acts had a profound effect upon the price of lands sold at the Huntsville Land Office in 1818 as well as upon the whole economy of Madison County.

In compliance with requests made by citizens of Madison County through John Brahan, Congress made provision for the removal of the Nashville Land Office to Huntsville on August 7, 1811.⁹¹ Up until this time approximately one half of the lands in the Triangle had been sold.⁹² By January 1, 1818, 242,956 of the 345,600 acres contained in Old Madison County had been sold.⁹³ At this time many of Madison's "expansionists" were all primed to bid for lands in the newly added western part of the county and in other areas of the Tennessee Valley.

91. Carter (ed.), Territorial Papers, VI, 203.
By this time the period of land speculation was over.

92. Receiver's Ledger A, p. 136.

93. A.S.P., P.L., III, 312.

CHAPTER V

JUSTICE AND A SEAT OF JUSTICE FOR MADISON COUNTY

The formation of Madison County's government was not fully completed until more than a year after the first land sales of August, 1809. Governor David Holmes assumed his duties as Mississippi territorial governor on July 1, 1809, and began the task of finishing this work which had been left over from the administration of Robert Williams. The advice of Attorney General Winston of Madison County and William Dickson of the Nashville Land Office was sought by Holmes in order that he might fill the offices with capable men not connected with the Yazoo land deals.¹

Acting on recommendations submitted by these men, William Dickson, Edward Ward, Peter Perkins of Nashville, and LeRoy Pope and Thomas Bibb of Petersburg, Georgia, were named justices of the quorum on November 7, 1809.²

1. David Holmes to Louis Winston, September 9, 1809, David Holmes to William Dickson, September 8, 1809, in Carter (ed.), Territorial Papers, VI, pp. 17-18.

2. Register of Appointments for Mississippi Territory, 1804-1812.

Dickson was named chief justice and William H. Winston, who had received his appointment in March, was to act as clerk for the initial term of the orphans' court to be held on the first Monday in January, 1810.³ This court had jurisdiction in matters concerning the settlement of estates, care of the poor, transfers of land, laying out of roads, licensing of ministers and enrolling of lawyers. It also served to supplement the work of the justices of the peace until a formal criminal court could be set up.⁴

Before a superior court with criminal jurisdiction for Madison County could be established, special congressional action was necessary to create additional Federal judgeship for the Mississippi Territory. A law for this purpose, as well as to extend the right of suffrage to Madison's citizens, was approved on March 2, 1810.⁵ The guiding influence of the Georgia group from the Broad River area in the affairs of Madison showed

3. Minutes of the Orphans' Court of Madison County, Mississippi Territory, January 4, 1810-November 22, 1819, p. 1.

4. Ibid., pp. 1-15.

5. United States Statutes at Large, II, 563-564.

up in the appointment of the first judge. Obadiah Jones of Georgia, recommended to the President by the Georgia delegation in Congress,⁶ was chosen⁷ in preference to Marmaduke Williams of Madison County, recommended by his brother Robert Williams, former governor of the Mississippi Territory.⁸

The first term of the superior court of law and equity convened on October 1, 1810, with Judge Jones presiding, Peter Perkins serving as clerk, and Louis Winston as attorney general.⁹ During this two day session, John C. Hamilton, George Coulter, Gabriel Moore, James Rogers, Louis Winston, Marmaduke Williams, and

6. H. Cobb, William W. Bibb, George M. Troup, D. Smelt to James Madison, March 1, 1810 in Carter (ed.), Territorial Papers, VI, 51-52. In this same letter John W. Walker of Madison County was also recommended as an special attorney for the United States in that part of the Mississippi Territory.

7. Jones was nominated on March 5 and confirmed March 6, 1810; see Senate Executive Journal, II, 139, 140, ibid., p. 51.

8. Robert Williams to James Madison, January 29, 1810, ibid., pp. 43-44.

9. Superior Court of Law and Equity for the County of Madison, Mississippi Territory, October 1, 1810-September 3, 1812, p. 1.

John W. Walker produced their commissions and were "qualified, permitted and authorized to practice as Attorneys and Counsellors at Law in this Court."¹⁰ The six cases brought before the court were either dismissed or carried over to the next term to be held in April of 1811, and a list of jurors for the following term was drawn from an eligible list of men in the county.¹¹

Sheriff Stephen Neal, the executive officer of the county, served both of these courts by summoning jurors, executing warrants and writs, presenting offenders to court, and performing other duties assigned to him by the judges.¹² He was assisted in his work by John Hunt who was appointed county coroner on May 16, 1810.¹³

To insure law and order in the various settlements throughout the county, John Grayson, John Kirksey, William Lanier, Abraham Perkins, John Martin, and George Dilworth were appointed justices of the peace and David Cobb was named as constable.¹⁴

10. Ibid., pp. 1-2.

11. Ibid., pp. 1-4.

12. Ibid.

13. Register of Appointments 1804-1812.

14. Ibid.

Other officials added to the county's roster in 1810 and 1811, were Gabriel Moore, tax assessor, collector and census taker, Hugh McVay, county surveyor, and Bennett Wood, treasurer.¹⁵

The Seventh Regiment was created as Madison County's unit of the Mississippi Territorial militia, and Peter Perkins was appointed commander of the group with the rank of lieutenant colonel on January 4, 1810.¹⁶ Serving with him as first and second majors were Stephen Neal and Alexander Gilbreath.¹⁷ During the summer the militia, consisting of all ablebodied men between the ages of sixteen and fifty, was organized into eight companies headed by Captain James Titus, James Neely, John Grayson, Joseph Acklin, William Wyatt, William Howson, Henry Cox, and Allen C. Thompson.¹⁸

The first official county wide muster was held on October 29, 1810, at which time Governor Holmes was present to review his newest regiment. His visit had

15. Ibid.

16. Ibid.

17. Ibid.

18. Ibid.

been urged by Louis Winston, who felt that his presence, "would have a tendency to settle some of our citizens who wish to excite confusion and discontent among our ignorant citizens with the territorial administration."¹⁹

These militia companies were important units in the county's early development, not only from the standpoint of providing defense, but also in finishing organized groups through which public affairs could be administered. At the local muster grounds located in various settlements in the county, taxes were assessed and collected, notices of elections read, politics discussed, and terms of court announced.²⁰ By 1815, the number of militia companies had grown to fourteen and in some of the areas where they assembled, voting places had been established.²¹ In fact the development of voting precincts in Madison County was closely tied, though not directly connected, with the muster beats throughout most of the ante-bellum period.

Besides providing defense for the county, Madison's militia companies were assigned to patrol duty. Each

19. Louis Winston to David Holmes, September 23, 1810, in Mississippi Territorial Transcripts.

20. Taylor's Manuscript, pp. 131-135.

21. Tax Returns for Madison County, 1815.

company was required to furnish a detachment for its beat whose duties included bi-monthly tours on inspection of the surrounding countryside to insure proper conduct of the slave population. Such duty carried with it a stipend of one dollar per day to be paid for from county taxes.²²

Another important task in the organization of government in Madison County was the choice of a permanent county seat. By a territorial statute of December 23, 1809, a commission composed of William Dickson, Edward Ward, Peter Perkins, Alexander Gilbreath, and Louis Winston, was appointed and vested with the authority to make this decision. The act further provided that a majority of this group could "procure by purchase or otherwise" not less than thirty nor more than one hundred acres of land to be laid off in half acre lots with the exception of a three acre plot which was to be reserved for the location of the public buildings. All lots were to be sold at public auction on twelve months credit and the proceeds arising therefrom, after the land had been purchased, were to be applied by the

22. Toulmin, Statutes, pp. 70-72.

commissioners towards defraying the expenses of erecting public buildings for Madison County.²³

The second section of the act stated that the town to be laid out would "be called and known by the name of Twickenham."²⁴ According to tradition this name was suggested by LeRoy Pope, who had purchased the lands around Hunt's Spring with the idea of making it the county seat if possible. He was reported to have selected this unusual name because of his great admiration for the classical poet, Alexander Pope whose English home was called Twickenham.²⁵

Shortly after the passage of this statute, LeRoy Pope, James Jackson, and William P. Anderson, who had invested rather heavily in the lands around and including the Hunt's Spring, began to make plans for platting a town called Twickenham on this tract. Though no copies of the articles of agreement of these proprietors have been preserved, it is evident, from the correspondence

23. Ibid., p. 106.

24. Ibid.

25. Edward C. Betts, Early History of Huntsville: 1805-1870 (Montgomery, 1916), p. 23.

of these men and the land office records, that Jackson and Anderson agreed to use their influence with the commissioners to locate the county seat at the Big Spring and to have the town platted.²⁶ Pope apparently furnished a considerable amount of the money invested, for the two quarter sections involved in this deal were entered in his name in the receiver's ledger at the land office.²⁷

John Coffee, a deputy surveyor for William P. Anderson, who had been engaged in locating land warrants in the Duck and Elk River areas in middle Tennessee, was chosen by Anderson and Jackson to represent them in platting the town and bargaining with the commissioners for its acceptance.²⁸ In his instructions to Coffee, Anderson urged that the town plat be made as "dashing as

26. James Jackson to John Coffee, January 2, 1810, William P. Anderson and James Jackson to John Coffee (no date but in W. P. Anderson's handwriting), William P. Anderson to John Coffee, June 26, 1810, William P. Anderson to John Coffee and James Jackson, June 29, 1811, in Coffee Papers, Montgomery.

27. Receiver's Ledger, Book A, p. 25.

28. James Jackson and William P. Anderson to John Coffee (no date) in Coffee Papers, Montgomery.

possible and the ground on which it shall stand as eligible as may be."²⁹

John W. Walker, LeRoy Pope's son-in-law, represented him in bargaining with the commissioners for acceptable terms on which they would agree to locate the county seat at the Huntsville settlement.³⁰ By this time Hunt's Spring was generally spoken of as Huntsville, and the county court had convened its first session in this community. Walker's job, besides securing the support of Madison County commissioners, included the superintendence of the sale of lots in the town plat reserved for the proprietors.³¹

In late June, Coffee surveyed the original plat of "Twickenham" in order that it would be ready for the Commissioner's meeting scheduled for the first week in July, 1810. The streets of the town were laid out with reference to the spring bluff and ran at the peculiar

29. Ibid.

30. John Coffee to James Jackson and William P. Anderson, July 11, 1810 (copy on file in Huntsville Public Library, Huntsville, Alabama). Original is in possession of one of the descendants of James Jackson now residing in Memphis, Tennessee.

31. Ibid.

angle of thirty-four degrees north of west.³² By this arrangement Jefferson Street became the basis for the survey and made it possible for the spring area to be enclosed in one of the three acre squares included in the plat. Three streets to the east and one to the west were surveyed parallel to Jefferson and six perpendicular to it.³³ The rectangle thus formed, contained twenty squares of three acres each or sixty acres, exclusive of the land included in the streets that were sixty-six feet in width. Every block, with the exception of the Public Square and the Big Spring Square, was subdivided into four lots and numbered from left to right beginning at the northwest boundary.³⁴ Names given to the streets were chosen from the heroes of the Revolution,

32. Ibid. Among the papers in the Coffee collection at Montgomery, Alabama there is a piece of yellowed paper on which was endorsed "Plan of Trickenham by John Coffee." From its appearance this paper must have been used to wrap the original plat. Unfortunately this plat does not survive, but one made by Hunter Peel in 1821 duplicating it is recorded in the Madison County Probate Office.

33. See map, p. 223.

34. Ibid.

national political figures, and territorial governors.³⁵ Near the center of the Public Square was an elevated rocky knoll, a fitting place indeed for a "Temple of Justice."³⁶ Thus did Coffee fulfill the expectations of his employer as well as the specifications laid down by the territorial legislature.

But getting the commissioners to agree to accept this well planned town was much more difficult for Coffee and Walker than putting the finishing mechanical touches to a natural setting. Edward Ward, one of the five commissioners, led a forceful fight to prevent the acceptance of Coffee's plan.³⁷ Within the year he had purchased more than four thousand acres in the western part of Madison County, one section of which had cost

35. These names include Generals Horatio Gates, Benjamin Lincoln, and Nathaniel Greene; Presidents George Washington, Thomas Jefferson, and James Madison; Vice President, George Clinton; Statesmen Patrick Henry, Benjamin Franklin, John Randolph, Albert Gallatin and William Eustis; Governors Robert Williams and David Holmes.

36. Taylor's Manuscript, p. 31.

37. John Coffee to James Jackson and William P. Anderson, July 11, 1810, in Huntsville Public Library.

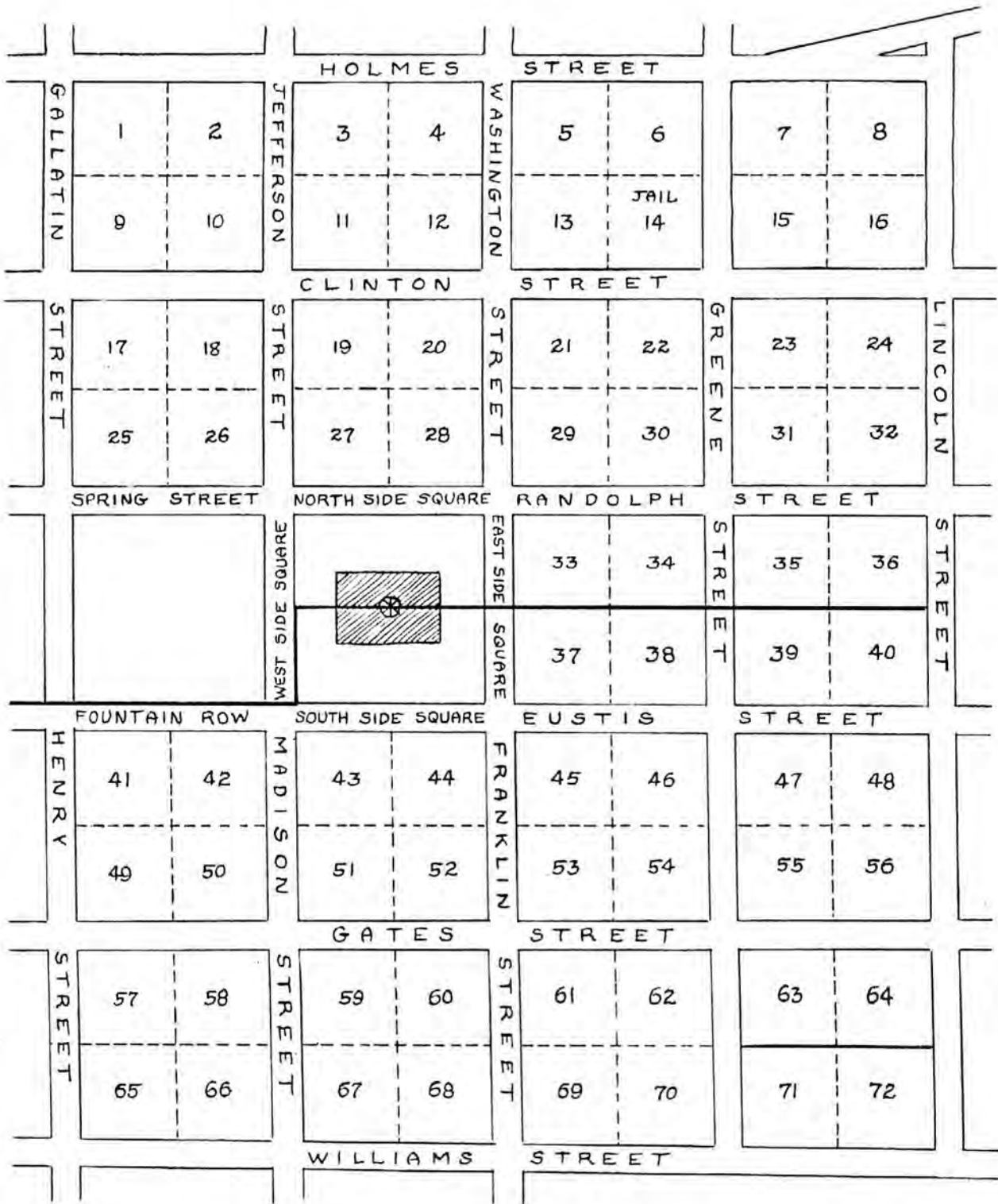
him \$2,825.09.³⁸ It is logical to conclude that this purchase which contained a fine town site, was most likely his choice. Then too, Martin Beaty held a Tennessee Land Company title to a thousand acre tract including the Big Spring which at this time had not been declared fraudulent. These factors, no doubt, entered the picture as negotiations dragged on for several days. Not only did Ward use his eloquent oratory in the closed sessions of the commission, but he also spoke publicly to the populace. Finally, on July 5, a majority of the commissioners voted to make Huntsville, henceforth to be called Twickenham, the county seat.³⁹

According to the terms of the agreement, the proprietors agreed to sell thirty acres in the southern part of the town to the commissioners for \$23.50 an acre, the exact amount paid by them for the tract.⁴⁰ There was obviously a swap-out in the transaction by which the proprietors retained the southern part of the

38. Receiver's Ledger A, p. 41.

39. John Coffee to James Anderson and William P. Anderson, July 11, 1810, in Huntsville Public Library.

40. Articles of Agreement, July 5, 1810, copy in Huntsville Public Library.



ORIGINAL PLAT OF COUNTY SEAT,
MADISON COUNTY, MISSISSIPPI TERRITORY



LEGEND

square containing the Big Spring and the commissioners received the northern part of the Public Square.⁴¹ The town was guaranteed the use of the spring waters, but no dams or machinery could be erected that might endanger the purity of the water. Special provision was also made whereby the proprietors were to receive lots in the southern part of the town to compensate them for the acreage contained in the streets not included in the thirty acre purchase.⁴² At first two lots were reserved for this purpose, but when the final deed was drawn, four lots were transferred because it was found that the streets in the commissioners' part of town contained a little more than three acres.

When the first contract was drawn, only one-fourth of the purchase price had been paid. Consequently it was not until the final payment was made in August of 1814, that a patent was issued to Pope for the southwest quarter of section thirty-six, township three, range one, west on which Huntsville was situated.⁴³ In the

41. Ibid., see map, p. 223.

42. Ibid.

43. Receiver's Ledger A.

meantime he had been successful in purchasing the interests of the other proprietors, and when the deed to the town was drawn up on September 1, 1815, Pope and his wife were the only grantors who signed the transfer.⁴⁴

On the evening of the 5th of July, both the proprietors and the commissioners opened their lots for sale. Coffee and Walker disposed of only four while the commissioners sold twenty-four. The total sale netted around \$8,000 with lots selling from \$100 to \$750 each. In reporting this transaction to James Jackson and W. P. Anderson, Coffee stated that he and Walker had decided to postpone the sale of the rest of their lots to a future date when they would sell for

44. LeRoy Pope to John Brahan and others, Deed Book F, p. 307; William P. Anderson to James Jackson and John Coffee, June 29, 1811, in Coffee Collection, Montgomery. Concerning the trade which Pope and Anderson made, Anderson wrote, "I sold my interest in the Huntsville property for a negro fellow who I sold for \$600. Also for 1500 acres of upper Louisiana land which Genl. Clark writes me cannot be passed the board of Commissioners because it was not laid before them sooner. I calculate that the interference of Congress will remedy this evil - Let us set it down, however, as Colo. Pope and myself did when we traded, to be worth \$250. I retain and bought of Colo. Pope in the bargain the 3/4 (perhaps) of a lot said to be worth \$400 (Total \$1250)," in Coffee Collection, Montgomery.

higher prices and thus insure greater returns from their Huntsville "speculation."⁴⁵

Louis Winston, in his communication to Governor Holmes from Twickenham, September 23, 1810, reported that Colonels Pope, Bibb, and their friends from Georgia had all arrived in the county. In describing the populace, he wrote, "We have a fine society; Virginians are flocking into this Delightful country."⁴⁶

Twickenham was never a popular name with the people living in the county seat, for they had grown accustomed to the use of Huntsville. This question became a political issue and resulted in a special territorial act on November 25, 1811, which changed the official name of the town to Huntsville.⁴⁷ Two weeks later, on December 9, an act of incorporation was passed whereby the free white males above the age of twenty-one years were to choose five persons annually

45. John Coffee to James Jackson and William P. Anderson, July 11, 1810, in Huntsville Public Library.

46. Louis Winston to David Holmes, September 23, 1810, in Mississippi Territorial Transcripts.

47. Toulmin, Digest, p. 774.

who would serve as trustees for the town.⁴⁸ Ad valorem taxes were to be assessed, but no amount above \$200 was to be paid by any citizen. The town constable was charged with the responsibility of tax collection for which he was to receive five per cent of the amount received. Elections were to be held at the court house each year on the first Monday in February, under the supervision of the sheriff and a justice of the peace.⁴⁹

At the time of its incorporation, Huntsville had all of the signs of becoming a thriving commercial center in the heart of a rich agriculture area. The squatter population in 1809, had numbered around three hundred, and to this group had been added a number of merchants, millers, clerks, distillers, mechanics, lawyers, doctors and planters. Many of these people had been leaders in the states from whence they had migrated; others, young men trained in law or medicine, had migrated to the frontier where advancement would be more rapid.⁵⁰

48. Ibid., pp. 774-775.

49. Ibid.

50. Gilmore, op. cit., passim; Saunders, op. cit., passim.

The earliest merchants listed in Huntsville were Alexander Gilbreath and Robert Beaty, both of whom were among the original settlers at Hunt's Spring.⁵¹

Gilbreath formed a partnership with James White, a salt merchant from Abingdon, Virginia in 1811, but it was of short duration.⁵² John Read of Nashville took Gilbreath's place shortly after the latter moved to Huntsville as register of the land office. The firm of Read, Mitchell and Company, under various names, remained for nearly fifty years.⁵³ Other early merchants located around the square included the firms of Luther and Calvin Morgan, Benjamin Cash, David Monroe, Benjamin Cox and Company, Hickman and Searcy, and LeRoy Pope.⁵⁴

Many of the early brick structures were built by Thomas and William Brandon who arrived in Huntsville in 1810.⁵⁵ These brothers served the community in a number

51. Tax Returns of Madison County for 1810.

52. Madison Chancery Superior Court Record A, 1811-1821, pp. 21-27.

53. Ibid.; Taylor's Manuscript, p. 36.

54. Tax Returns of Madison County for 1817, 1812, and 1813.

55. Tax Returns of Madison for 1810 and 1811.

of ways and were highly successful business men. Henry Bibb, James Barkley, Stephen Neal, Biddle and the Brandons were instrumental in establishing a suburb northwest of Huntsville known as Mechanicsville. Here were located a number of mills, mechanic's shops, gins, a brick yard, and a distillery.⁵⁶

Other young lawyers, not heretofore mentioned, who established themselves in Huntsville between 1810 and 1812 were Clement Comer Clay, John C. Hamilton, Nathan M. Hale, Henry C. Cox, James M. Campbell, Francis Jones, Jacob C. Isaacs, and John Lowery.⁵⁷

Two young doctors, beginning in 1810, what proved to be life time careers in Huntsville, were Thomas Fearn, a native of Danville, Virginia and David Moore of Nashville, Tennessee.⁵⁸ Dr. John Eckford was a third known doctor in the county who had arrived with original

56. Taylor's Manuscript, p. 42.

57. Superior Court of Law and Equity for the Court of Madison County, Mississippi Territory, October 1, 1810 to September 3, 1812.

58. Tax Returns of Madison County for 1810 and 1811 and Tract Book of Madison County.

settlers and had established himself in the lower Flint River area.⁵⁹

Though as yet there were apparently no organized churches in Huntsville in its formative period, there were groups of Methodists, Presbyterians, Cumberland Presbyterians, and Baptists in existence. Services were held in the homes of members, and circuit rides or local itinerant ministers served the religious needs of the people.⁶⁰ Andrew K. Davis, a licensed Presbyterian minister, bought a farm in the county in 1811 and ministered to Huntsville groups during this early period.⁶¹ Robert Calhoun and Robert Donnell, who rode the Cumberland Presbyterian circuit in the Bend of the Tennessee, preached at Huntsville,⁶² and members of the Methodist

59. Ibid.; Madison County Census of 1809, and Aliens Reported in Mississippi in Mississippi Territory, October 27-November 2, 1812, in Carter (ed.), Territorial Papers, VI, 314.

60. West, op. cit., pp. 110-118.

61. Helen Petty, "History of First Presbyterian Church of Huntsville, Alabama," unpublished manuscript copy in files of First Presbyterian Church, Huntsville, Alabama; Tract Book of Madison County.

62. James H. B. Hall, "The History of the Cumberland Presbyterian Church in Alabama Prior to 1826," op. cit., pp. 367-369.

Episcopal Church were served by Jebediah McMinn, John Phipps, and Thomas Stilwell, the three ministers on the Flint Circuit from 1810 to 1812.⁶³ No records are available to indicate who ministered to the Baptists of the community in these early days.

Educational needs of the community were recognized when Greene Academy was chartered by the Mississippi Territorial Legislature on November 25, 1812. Fifteen trustees from different parts of the county and the town of Huntsville were named in act and charged with the responsibility of seeing that the institution was properly organized. This group included William Edmonson, John Brahan, William Lesley, James McCartney, Peter Perkins, Charles Burrus, William Derrick, James Neely, John Grayson, Henry Cox, Bennett Wood, Samuel Allen, Andrew K. Davis, William Evans, and Nathaniel Power. These trustees were empowered to locate a site, raise funds by lottery to the amount of \$4,000, erect buildings, choose a faculty, and displace it when the need arose, examine the proficiency of its students, and make all laws and regulations they thought necessary for the

63. West, op. cit., p. 116.

good government of the institution and for promoting morality among the students.⁶⁴

The composition of the board of trustees indicates that this undertaking was a county wide project and that the leadership for it was drawn from some of the original settlers and the Nashville group, most of whom were important in the militia units. Not until January 22, 1814, when additional trustees were added, did the Georgia group receive any official authority in the development of the school. At this time David Thompson, John Moore, Francis E. Harris, James Manning, and Robert Thompson were added.⁶⁵ As will be discussed in Chapter VIII, it was not until the early part of 1824 that Greene Academy was housed in its permanent brick quarters.

The masons were the first to organize a fraternal order in Madison County. Helion Lodge Number One was organized on August 29, 1811, under a dispensation issued by the grand master of Kentucky. Marmaduke Williams of Huntsville became its first worshipful master, James C.

64. Toulmin, Digest, pp. 541-542.

65. Edward Turner, Statutes of Mississippi Territory: 1816 (Natchez, 1817), p. 57.

Hamilton, senior warden, and William Harrison, junior warden. A charter was granted to the lodge on August 28, 1812, and the new officers installed at this time were Lewis Watson, worshipful master, Thomas Fearn, senior warden, and John J. Winston, junior warden.⁶⁶

The transfer of the Federal land office to Huntsville in August of 1811, brought additional business to the community, and with it the need for a newspaper in which to print its notices. William Parham solved this problem when he began the publication of the Madison Gazette in June of 1812.⁶⁷ This weekly paper was a small four page edition at first, but it published notices, some local territorial, national, and international news and many advertisements. Its motto was,

66. Owen, op. cit., II, 960.

67. Madison Gazette, Tuesday, October 19, 1813 (original located in American Antiquarian Society Library, Worcester, Massachusetts). This issue is Number 73 of Volume II, thus indicating that Number 1 of Volume I was printed in June of 1812. William's Huntsville Directory (Huntsville, 1859), p. 10, states that a Mr. Parham edited the first paper in Huntsville, and the Tax Returns of Madison County for 1812 list William Parham as owner of a lot in the town of Huntsville. No editor is named in this issue, but T. G. Bradford and Company are listed as printers.

"The Press is the cradle of Science, the Nurse of Genius and the Shield of Liberty."⁶⁸

The most exciting days in the early history of Huntsville were those on which the batallion and regimental musters were held in the town. July 4, 1811, was one of those occasions when the friends were able to catch up on a year's conversation about the happenings at home and in the other parts of the country. Part of the festivities included the celebration of the thirty-fifth anniversary of American Independence. At this time John W. Walker delivered an interesting oration in which he pointed with pride to the growth of "Twickenham" and Madison County in the following glowing terms:

Where shall we look for so new
a country settled like this? It
is not two years since the American
citizen could legally fix his
habitation here; yet look at the
population, how numerous, how
orderly, how decent, how opulent,
how respectable! It is not merely
a rude frontier, thinly peopled
with hunters and herdsman, the mere
precursors of the tillers of the
earth, but it is the tillers of the

68. Madison Gazette, October 19, 1813.

earth themselves, who bring with them the pleasures of social life, the arts of industry, the abundant means of easy and comfortable subsistence; and what is better than all this, they bring with them the feelings of independence and Americanism.

Concerning the growing tension between the United States and European nations and the sectional quarreling at home--New England against the rest of the country, he eloquently exclaimed:

Holy God! And is my country to be thus cut off in the very bud and blossom of her glory? Is this great and mighty confederacy so soon to fall from its splendid and even enviable height and happiness and power, and crumble into puny isolated communities, the easy prey of foreign invasion, or the inevitable prey of horrible intestine wars? And shall America triumphant over Europe in the full fruition of the blessings of the freest and happiest government on earth, reclining under the shade of revolutionary laurels and the wide spreading branches of the tree of liberty be dismembered and torn in pieces by the parricidal hands of her own infuriated children? Father of Mercies! God of the Universe! Preserve us from the death of suicide! Save me and mine from the deep damnation of sharing in a guilt like that. Cursed be he who lifts up his treasonable

voice against this Union; thrice
cursed he who arrays embattled
legions against it!⁶⁹

By 1812, LeRoy Pope's visions for "Twickenham" were fast unfolding into realities. With the fund collected by the commissioners for the sale of town lots, a courthouse was being constructed near the center of the Public Square and a jail had been built on its northeast corner. Most of the streets had been completed and roads connecting the town with other areas were open and in use. Hardships which the War of 1812 brought to the area had not yet cast their shadows across the path of its future.

⁶⁹. Weekly Mercury, Wednesday, July 7, 1915. John W. Walker's address of July 4, 1811, was first printed in Augusta, Georgia, "at the request of the Committee of Arrangements," and is reprinted in parts in this issue of the Weekly Mercury under the caption, "Fourth of July Address made here one hundred and four years ago."

CHAPTER VI

MADISON'S EXPANSIONISTS AND THE EXPANSION OF MADISON

The legal organization and development of Old Madison County had been under way for only two years when events on the national scene began to affect its future. The growing concern over a possible war with England, Indian resistance to squatter expansion in the Northwest and Mississippi Territories, and the question of annexation of the Floridas, all combined to produce considerable alarm in the minds of many of Madison's settlers.

Tension among the Cherokees to the east, the Chickasaws to the west, and the Creeks to the south of the Triangle continued to mount as the influx of settlers on their lands increased and surveying parties appeared in various parts of their territory.¹

1. James Neely to Governor David Holmes, January 22, 1810, in Carter (ed.), Territorial Papers, VI, 45-46; Governor David Holmes to Secretary of War, February 7, 1810, ibid., pp. 44-45; Secretary of War to Attorney General, March 28, 1810, ibid., p. 57; Secretary of War to Wade Hampton, May 4, 1810, ibid., pp. 63-64; Governor David Holmes to James Neely, May 20, 1810, ibid., p. 68.

In order to establish a regulatory force for the Bend of the Tennessee, General Wade Hampton, commander of the southern military district, acting on War Department instructions, established Fort Hampton in July of 1810, on the east bank of Elk River where it flows into the Tennessee.² Since it was to be a temporary fort for several years, only makeshift buildings were constructed, and no fortifications were put up at this time.³

Troops stationed at this outpost were instructed to remove intruders from the Chickasaw and Cherokee lands and to open roads leading to Madison County and the ferries at various points on the Tennessee.⁴

2. Secretary of War to Wade Hampton, June 15, 1810, in Carter (ed.), Territorial Papers, VI, 70-71; id. to id., August 22, 1810, ibid., pp. 101-102.

3. Ibid.

4. Ibid.; Colonel Alexander Smith to Captain George Washington Sevier, February 11, 1811, General Wade Hampton to Colonel Leonard Covington, September 13, 1811, General Wade Hampton to Captain George Sevier, January 12, 1812, Captain Edmond P. Gaines to Captain George Washington Sevier, January 12, 1812, Captain George Washington Sevier to General Wade Hampton, March 13, 1812, in Mississippi Territorial Transcript.

As soon as their work got under way, the squatters on the lands from the western boundary of the Triangle to Elk River, petitioned Congress to allow them to remain on their homesteads as "tenants at will" under the title granted to the United States by the Cherokee Cession of 1806.

These settlers expressed their feelings concerning their right to settle on Chickasaw lands when they pleaded:

And haveing the right invested in you and you are allso willing to pay the chickasaws for their clame and they refuse to sell it where then can there remain a single doubt in the publick minde of doing the chickasaws any kind of inJustice in makeing use of the cherokee clame and saying if they will not take a reasonable price for their clame we will not remove our Fellow citizens off which will bring many women and children to a state of starvation nearly to gratify a heathan nation who have no better right to this land then we have ourselves and they have by estimation nearly 100 000 acres of land to each man of their nation and of no more use to government or society than to saunter about upon like so many wolves or bares whilst they who would be a supporte to government and improve the country must be forsed even to rent poore stoney ridges to make a

support to raise their families
 on whist there is fine fertile
 countrys lying uncultivated and
 we must be debared even from
 inJoying a small Corner of this
 land. . . .⁵

According to this petition, more than 2,250 persons were living at this time on what they thought to be "congress land."⁶ To have removed all of them would have been an impossible task for as soon as the troops had made their rounds, the intruders returned to their homesteads. Apparently no all-out effort was made by these forces to destroy the squatters' property nor actually to prevent their return. Captain George Washington Sevier, son of General John Sevier, who commanded the Fort in 1812, reported to the War Department in that year that the forces under Captain McDonald, detailed to remove settlers from Cherokee lands east of Madison County, had marched through their settlements to let them know that the military forces were only a few days away and could be used against them. No

5. Petition to the President and Congress by Intruders on Chickasaw Lands, Mississippi Territory, Elk River Sims'es Settlement, September 5, 1810, in Carter (ed.), Territorial Papers, V, 106-113.

6. Ibid.

mention was made of having removed any of these squatters as had been directed.⁷

Both the Cherokees and Chickasaws continued to protest the intrusions made on their lands in the Bend of the Tennessee as well as the survey of roads and streams being made south and west of the Tennessee River. The Creeks were also much excited by similar conditions existing in the Tombigbee and Alabama River systems.⁸

As the movement towards war against Great Britain gained momentum throughout the United States in 1811, Tecumseh, Shawnee Chief and leader of the Indians in the Northwest Territory, was encouraged by the British agents to seek an alliance with the southern Indians. On his trip South during the summer and fall of 1811 this stirring Indian orator made appeals to the

7. George Washington Sevier to Wade Hampton, May 26, 1812, in Mississippi Territorial Transcripts.

8. Official communications of the Secretary of War to Return J. Meigs, Cherokee agent, Benjamin Hawkins, Creek agent, and James Neely, Chickasaw agent, beginning January 15, 1811, and extending through December, 1811, reflect the efforts of the War Department and the agents to get the consent of the Indians to the development of roads and rivers as avenues of transportation through their domains. W.D., I.A., Letter Book B.

Chickasaws, Choctaws, Creeks, and Cherokees to join the Indians of the Northwest to prevent further encroachments of the whites on their lands. He urged all of the Indian groups to abandon the ways of the white man and to drive them from their nations.⁹ Only among the younger chiefs of the Upper Creeks did Tecumseh's challenge seem to get a favorable response. Benjamin Hawkins, who had been Creek Indian agent for fourteen years, did not feel too concerned about an Indian outbreak because he felt that the older chiefs would be able to control the councils of the Creeks and maintain peace.¹⁰ Nor did open conflict with the Creeks break out until some two years later when the encouragement and support of the British and Spanish in East Florida seemed sufficient to enable them to take a stand against the whites.¹¹

The expansionist movements of the people of Georgia, Tennessee, and the Mississippi Territory during this two

9. Albert B. Moore, The History of Alabama (University, Ala., 1934), pp. 21-25; Merritt B. Fourn, Benjamin Hawkins--Indian Agent (Athens, Ga., 1951), pp. 211-212.

10. Ibid.

11. Ibid.

year period were reminiscent of their earlier attempts of the 1780's and the 1790's to get the Bend of the Tennessee, the Creek lands between the Coosa and Tombigbee Rivers, and the Floridas.

After war was declared against Great Britain on June 12, 1812, these expansionist forces urged Congress to occupy East Florida to prevent England, who had an alliance with Spain, from using it as a base from which to attack the Gulf Coast of the United States. They also argued that such an occupation would prevent the Creek and Seminole Indians from receiving further aid and encouragement in their attacks upon the white settlers.¹²

A number of incidents occurred in Tennessee, the lower Mississippi Territory, and Georgia which brought considerable protest from these quarters. The one which roused the Tennesseans to action took place near the mouth of Duck River in May of 1812. While Little Warrior, one of the young Creek chiefs, was returning from a trip to the northwest, his party fell upon a squatter settlement, murdered seven persons and took a Mrs. Mildred

12. Julius W. Pratt, Expansionists of 1812 (New York, 1925), pp. 120-125, 189-237.

Crowley prisoner.¹³ Governor Willie Blount, half brother of William Blount whose congressional career had been terminated because of his plans to wrest the Floridas from Spain, sent protests to the War Department urging that he be allowed to send an expedition to rescue Mrs. Crowley and crush the power of the Creek nation.¹⁴ Andrew Jackson, major general of the West Tennessee militia, and General John Cocke, major general of the East Tennessee militia, both urged an expedition against the Creeks at this time.¹⁵

Pressure was likewise brought to bear upon Governor George Mitchell by the Georgia press and those interested, to punish the hostile Indians within and near the borders of their state.¹⁶

13. Deposition of Mrs. Mildred C. Crowley in footnote in John S. Bassett (ed.), Correspondence of Andrew Jackson (Washington, 1927), I, 225-226; Andrew Jackson to Willie Blount, June 4, 1812, ibid., pp. 225-226; Willie Blount to William Eustis, June 8, 1812, A.S.P., I.A., I, 813; Pound, op. cit., pp. 215-216.

14. Willie Blount to William Eustis, June 8, 1812, June 25, 1812, July 26, 1812, October 14, 1812, A.S.P., I.A., I, 813-814.

15. Andrew Jackson to Willie Blount, June 4, 1812, June 17, 1812, June 23, 1812, July 5, 1812, July 10, 1812, in Bassett (ed.), op. cit., I, 225-231.

16. Pound, op. cit., pp. 213-222.

Benjamin Hawkins of the Creek Agency and Judge Harry Toulmin of the Tombigbee settlements, on the other hand, both urged a peaceful course of action with the Creeks.¹⁷ Hawkins, who felt that, as their agent, he had their confidence, called upon Big Warrior, a friendly chief, to punish those guilty of the murders committed on Duck River and within the southern part of the Creek Nations.¹⁸ In answer to these demands, a number of the guilty parties were rounded up and put to death under the order of Big Warrior. Acting upon Hawkins' advice, the chiefs also made an additional gesture of friendship, by sending a deputation to the Seminoles in Florida who were causing concern to the people of southern Georgia.¹⁹

Such lenient action on the part of the War Department in allowing the Creek agent to accept the efforts of the friendly chiefs as sufficient punishment for the murders committed on the frontier, brought a storm of

17. Ibid.; Harry Toulmin to John Graham, March 12, 1812, August 5, 1812, in Carter (ed.), Territorial Papers, VI, 283-284, 306-307.

18. Ibid.; Benjamin Hawkins to Secretary of War, April 6, May 25, June 9, July 13, July 20, July 28, August 3, August 24, September 7, October 12, and November 2, 1812, A.S.P., I.A., I, 812-813.

19. Ibid.

protest from Tennessee and Georgia.²⁰ General John Cocke, son of one of the important leaders of the Franklin Movement of the 1780's, introduced a resolution in the September session of the Tennessee legislature asking that immediate steps be taken by the Federal government to punish the Creeks²¹ and that Benjamin Hawkins be removed as their Indian Agent.²²

Though General Jackson had tendered the services of his volunteers directly to the President in June of 1812, no action was taken by the War Department to grant the wishes of those who desired to crush the power of the Creek Nation.²³ Indeed these volunteers had to wait for more than a year for a legitimate reason to march against the Creeks in the Mississippi Territory, and then it was

20. Pound, op. cit., pp. 214-216.

21. Ibid., p. 216.

22. Ibid., pp. 218-219.

23. William Eustis to Willie Blount, July 11, 1812, in W.D., I.A., Letter Book B; Willie Blount to William Eustis, October 14, 1812, A.S.P., I.A., I, 813-814.

the people of the Tombigbee settlements and Madison County who gave them the justification needed to move across the Tennessee and Georgia borders.

After the declaration of war against England in June of 1812, Governor David Holmes took further steps to strengthen the militia of the Mississippi Territory. At this time Madison County's militia consisted of the Seventh Regiment under the leadership of Lieutenant Colonel Peter Perkins, and Majors Stephen Neal and Alexander Gilbreath. Joseph Acklin, Allen C. Thompson, William Wyatt, Henry Cox, James Neely, and Peter Wright were serving as captains.²⁴ On April 30, 1812, John P. Hickman was appointed captain of a rifle company, and on September 17, 1812, Thomas Eldridge, William Evans, James Burlison, William Crawford, James Hamilton, and Daniel Atkins were added as captains.²⁵

On December 23, 1812, a reorganization of the militia took place and two regiments were formed for the

24. Register of Appointments of Mississippi Territory, 1804-1812, in Mississippi Department of Archives and History, Jackson, Mississippi.

25. Ibid.

defense of Madison County. The Sixteenth Regiment was created under the leadership of Lieutenant Colonel Charles Burrus and Majors William Edmondson and Nathaniel Power, and the companies of Samuel Allen, Daniel Atkins, William Crawford, William Evans, Stephen Griffith, Grief Johnson, and William Mosley were put under this command.²⁶

Dr. Thomas Fearn, a young physician who later became one of Huntsville's leading citizens, received the appointment as surgeon of the Seventh Regiment and Dr. Waddy Tate, son-in-law of Robert Thompson, was given the same post in the Sixteenth Regiment.²⁷

As war tension mounted in the summer of 1813, and plans got under way for a Tennessee expedition against the Creeks, further steps were taken to strengthen Madison County's forces. Major John Read, a former United States army officer, was appointed to replace Alexander Gilbreath, and Major John Grayson took Stephen Neal's place in the Seventh Regiment. Neal was transferred to the quartermaster's post and John J.

26. Ibid.

27. Ibid.

Winston was appointed to command a company of cavalry. George Cox also was made Captain of an artillery unit.²⁸

Shortly after the Duck River murders in May of 1812, Colonel Perkins had borrowed 150 stand of muskets from Fort Hampton to arm two companies²⁹ and Governor Holmes, a month later, had ordered that these two units be kept in readiness to march if needed.³⁰ When General Jackson's volunteers had been called out in December of 1812 to march to the aid of the Lower Mississippi Territory and Louisiana, the companies of Captain William Mosley and Captain Jonathan Gray joined this force on what proved to be their futile trips to Natchez. This was the only actual service rendered by the militia of Madison County until the Creek War began.³¹

28. Ibid.; Peter Perkins to David Holmes, June 3, 1813, in Mississippi Territorial Transcripts.

29. George Washington Sevier to General Wade Hampton, May 26, 1812, ibid.

30. Orders of Governor David Holmes, July 14, 1812, ibid.

31. Thomas Jones Taylor, "Early History of Madison County," The Alabama Historical Quarterly, I (1930), 313.

As open warfare between the friendly and hostile Creeks flared up in July of 1813, the governors of Georgia, Tennessee, and the Mississippi Territory, acting on orders from the War Department, took steps to aid the friendly Creeks and at the same time protect the white settlements, within and along their borders, that appeared to be in danger.³²

Though Hawkins had expressed the hope that the fighting would be confined to a civil war among the Indians themselves, this was rendered improbable by the Battle of Burnt Corn on July 27, 1813. Under the command of Peter McQueen, a half-breed leader of the Upper Creeks, a party had gone down to Pensacola to obtain supplies and munitions. On the way down they had stopped at the home of Joseph Cornells, a brother of one of Hawkins' assistant agents, taken his wife prisoner, and burned the house.³³ Enroute back,

32. Governor David Holmes to General Thomas Flourney, July 24, 1813, in Mississippi Territorial Transcripts; John Armstrong to Willie Blount, July 13, 1813, Willie Blount to Andrew Jackson, August 14, 1813, in Bassett (ed.), *op. cit.*, I, 315-317; John Armstrong to Governor David Mitchell, July 13, 1813, in *W.D., I.A.*, Letter Book C; Pound, *op. cit.*, p. 228.

33. Peter Hamilton, *Colonial Mobile* (New York, 1898), p. 369; Pound, *op. cit.*, p. 228.

McQueen's party was intercepted by a company of volunteers under Colonel James Caller of the Washington County militia and a band of friendly Creeks and decisively defeated them in the initial attack at Burnt Corn. So intent were Caller's men on obtaining the supplies carried by McQueen's party, that they failed to protect their victory and a successful counterattack resulted in a severe defeat for the forces of the militia. This victory of the Indians over the whites seemed to have increased their confidence, and depredations in the Tombigbee settlements and along the Georgia road became more common.³⁴

While Hawkins still held out for a cautious course which might prevent an all-out war with the Creeks, the governors of Georgia and Tennessee proceeded to activate their volunteers in numbers far in excess of the 1500 requested of each by the War Department. Governor Holmes likewise ordered Brigadier General Ferdinand C. Claiborne of the Mississippi militia to move to the aid of the eastern part of the territory and asked the aid of Brigadier General Thomas Fluornoy, Commander of the

34. Ibid.

Seventh Army District with headquarters in Mobile.³⁵

Governor Holmes' request for two full companies of militia from Madison County to be held in readiness to march to the aid of the Tombigbee settlements was eagerly complied with, and Colonel Perkins reported that he was having difficulty in deciding just what companies should take the field since all of his captains had offered their services.³⁶ By the middle of August, the rolls of both the Seventh and Sixteenth Regiments were in order and enthusiasm ran high over the prospects of a Creek Campaign.³⁷

The incident which brought forth action from all the various forces poised for attack against the Creek Nation occurred on August 30, 1813, when Peter McQueen's party massacred almost all of the five hundred and fifty men,

35. Willie Blount to Jackson, August 14, 1813, in Bassett (ed.), *op. cit.*, I, 315-317; Governor David Holmes to Brigadier General Thomas Flournoy, July 24, 1813, in Mississippi Territorial Transcripts; Pound, *op. cit.*, pp. 229-230.

36. Peter Perkins to David Holmes, July 31, 1813, August 22, 1813, in Mississippi Territorial Transcripts.

37. *Ibid.*

women, and children gathered within the walls of Fort Mims for protection.³⁸

Nine days after this event, a runner from the friendly Creeks reached Huntsville with the word that many of the hostile Indians had returned from the Tombigbee settlements with scalps and that they were in the process of making plans to strike next at the Madison settlements in the Bend of the Tennessee. Colonel Perkins, acting on his own responsibility in this emergency, called out two companies of militia to patrol the north bank of the Tennessee and proceeded to erect several block houses near the river for protection of troops if the anticipated attack materialized.³⁹ A messenger was also dispatched to Nashville to secure the aid of Tennessee troops.⁴⁰ In reporting his actions to Governor Holmes by private messenger on September 19, Perkins stated that many people were fleeing to Tennessee for safety and that the whole frontier was in a state of confusion and anxiety.⁴¹

38. Hamilton, op. cit., pp. 369-370.

39. Peter Perkins to David Holmes, September 19, 1813, in Mississippi Territorial Transcripts.

40. Ibid.

41. Ibid.

At this point Governor Blount called on General Jackson to muster Colonel John Coffee's regiment of voluntary cavalry for an immediate march to the aid of the people of the Mississippi Territory.⁴² Besides the 1500 which the War Office had authorized Tennessee to raise and hold in readiness as early as July 16, Blount secured the approval of the state legislature on September 24, to put 3,500 other men into the field. Jackson's force was to contain 2000 infantry and a cavalry unit of 500 and the East Tennessee militia under General John Cocke was to raise a similar force.⁴³

In his orders of September 26 and 27, Coffee was directed to move his men to Huntsville by forced marches and to halt at this place until he was confident that the people of Madison County were secure, then proceed on to Fort Stephens to the aid of Tombigbee settlements with the view of finding out just what the actual plans of the Creeks were.⁴⁴ By October 4, Coffee had placed

42. Willie Blount to Jackson, September 24, 1813, Andrew Jackson to John Coffee, September 25, 1813, in Bassett (ed.), op. cit., I, 320-321; Willie Blount to John Armstrong, October 15, 1813, A.S.P., I.A., I, 855-857.

43. Willie Blount to Andrew Jackson, September 25, 1813, in Bassett (ed.), op. cit., I, 321-322.

44. Andrew Jackson to John Coffee, September 26, 27, 1813, ibid., pp. 323-324.

his force just south of the town of Huntsville near Beaty's Spring and was busily engaged in an attempt to secure supplies. From the very beginning of the campaign both Coffee and Jackson were harassed by the difficulties of obtaining adequate supplies from the contractors hired for that purpose.⁴⁵ At this time his force had swelled to 1277, and others were "flocking in every hour."⁴⁶ The group came from the border counties of Tennessee, the squatter settlements east and west of the Triangle, and the organized militia of Madison County.⁴⁷

While Coffee's advance force was thus engaged in collecting supplies, mustering in volunteers, and scouting the Creek territory to find out the intention of the Indians, Jackson assembled the main body of his force at Fayetteville, Tennessee on October 7, where he completed his plans for an advance into Creek country.⁴⁸

45. John Coffee to Andrew Jackson, October 4, 1813, ibid., p. 326.

46. Ibid.

47. Ibid.; "Enrollment of Company," October 6, 1813, ibid., p. 327.

48. Andrew Jackson to John Coffee, October 7 and 9, 1813, ibid., pp. 328-329.

On October 11, while on march to Huntsville, Jackson received an express from John Coffee informing him that unofficial word had reached his camp, then located on the south side of the Tennessee near Ditto's Landing, ten miles from Huntsville, that one of his spies, Major Gibson, had been killed by the Creeks, and it appeared that his cavalry regiment was in immediate danger. Upon receipt of this urgent call, the Tennessee volunteers did not halt until they reached the town limits of Huntsville at seven o'clock that night, covering a distance of thirty miles in nine hours.⁴⁹ Here they were greeted by many people who had come in from the outlying settlements for protection. Learning that the intelligence which had been hastened to him was false, Jackson camped for the night and moved on more leisurely

⁴⁹. Andrew Jackson to Willie Blount, October 13, 1813, *ibid.*, p. 332. David Crockett, who had brought in the false rumor, stated in his autobiography, written many years later, that a Cherokee half-breed named Radcliff had been the rascal who had sent a runner to him with the false report. His motive, Crockett said, was to frighten him and his men away by sending them back with a false alarm. See The Life of Davy Crockett by Himself (reprinted by New American Library of World Literature, Inc., New York, 1955), pp. 44-45.

the next day and united his force with those of Colonel Coffee at his camp near Ditto's Landing.⁵⁰

Further advance toward the Creek nation from this point was rendered impossible at this time because of the lack of supplies. The firm of Read, Mitchell, and Company,⁵¹ which had agreed to supply flour and meal to the army, notified Jackson on October 18 that,

It is not possible for us to procure flour or meal in this country sufficient to supply your army on its march through the Creek nation, we have just been informed by a friend of ours who resides in East Tennessee⁵² that flour cannot be had in that country, it would be the extreme folly and unpardonable in us to hold out the idea to you that we could supply you while on the march, when sir, the means are not within our reach; every exertion has

50. Andrew Jackson to Willie Blount, October 13, 1813, in Bassett (ed.), *op. cit.*, I, 332.

51. This firm, located in Huntsville, was one of the sub-contractors of Ward and Taylor of Nashville, Tennessee.

52. James White of Abington, Virginia, whose sons, Thomas and Addison later came to live in Madison County, was a silent partner in this firm. See Madison County Chancery Court Record Book A, pp. 21-27, in Register in Chancery's Office, Madison County Courthouse, Huntsville, Alabama.

been made by us to comply with your requisition; our deposits at this place will be by might sufficient to complete it; and in order to facilitate your movements we will issue it on the opposite side of the river although our district⁵³ does not extend beyond the bounds of Madison County or the Bend of the Tennessee; the state of our funds, the scarcity of meal or flour, and the price of the ration not being sufficient to indemnify us for such additional expenses as will be incurred in issuing it; we assure you Genl. that if it were possible for us to go through with it, that we would not hesitate in making the engagement.⁵⁴

The inabilities of this firm to comply with its commitments were typical of the contractors whom Jackson had to rely on for supplies to execute the first phase of the Creek Campaign. As the troops waited at Camp Coffee,⁵⁵ the state of affairs grew more desperate. In addition to this situation, the friendly Creeks, who

53. John Read of this firm was a major in the Seventh Regiment of the Madison County militia.

54. Read, Mitchell, and Company to Andrew Jackson, October 18, 1813, in Bassett (ed.), op. cit., I, 333-34.

55. Camp Coffee, located on the south side of the Tennessee River just opposite Chickasaw Island, was named for Colonel John Coffee by Jackson.

were gathered at Ten Islands on the Coosa River some seventy miles to the southeast, called for immediate aid to defend themselves against the hostile Creeks.⁵⁶

In order to cope with the problems which faced him, Jackson sent Coffee with six hundred of his regiment, into the western part of the Creek lands to spy on Indian concentrations and forage for any available supplies.⁵⁷ With the rest of his forces he moved up the Tennessee River twenty miles to Thompson's Creek and established Fort Deposit as a new base for supplies which might be received from East Tennessee as well as Madison County.⁵⁸ A road was then cut from the opposite side of the river, northwest through the Cherokee lands until it reached the Winchester Road about nine miles

⁵⁶. Andrew Jackson to Chief Chennabee, October 19, 1813, Andrew Jackson to Willie Blount, October 24, 1813, in Bassett (ed.), op. cit., I, 334, 336-37.

⁵⁷. Gordon T. Chappell, "The Life and Activities of John Coffee," unpublished doctoral dissertation, Vanderbilt University, 1941, pp. 82-83.

⁵⁸. Andrew Jackson to William B. Lewis, October 24, 1813, in Bassett (ed.), op. cit., I, 336.

south of the Hickory Flat settlements and eight miles northeast of Huntsville. This route, first known as Jakcosn's Trace, and later as Deposit Road, helped to increase the rapidity with which supplies could be sent to Jakcosn as he penetrated further into the interior, south of the Tennessee.⁵⁹

After a twelve day trip into Indian territory, Coffee's force joined Jackson at Fort Deposit on October 24, and reported that, though they had traveled over two hundred miles, burned two villages, and collected three hundred bushels of corn, they had not seen a single hostile Indian.⁶⁰

Still no relief seemed in sight to end the "famine" in Jackson's camp. Appeals were sent to some of the leading citizens of Madison County to exert every effort possible to secure good food for the troops.⁶¹ General John Cocke and General James White were urged

59. Taylor, "Early History of Madison County," op. cit., p. 314.

60. Chappell, op. cit., pp. 82-83.

61. Andrew Jackson to Colonel Pope, Colonel Perkins, Major Brahan, and Messrs. Burrows, Allen, and Bibb, Doctor Manning and Colonel Thompson, October 23, 1813, in Bassett (ed.), op. cit., I, 335-336.

to procure supplies from East Tennessee to be shipped to him at Fort Deposit.⁶²

Determined to march on to attack the Creeks even if his force had to "live on acorns," Jackson started southward towards Ten Island on the Coosa on October 24. Within a week's time he had reached his destination and, while part of the force established itself at what became Fort Strother, General Coffee's regiment was ordered to attack a concentration of hostile Creeks assembled thirteen miles east at the town of Tallushatchee.⁶³ On November 3, this mission was successfully completed and Coffee reported that the dead included one hundred and six Indian warriors and five volunteers. Forty-one volunteers were wounded and eighty-four prisoners were taken without a single Indian having escaped.⁶⁴

62. Andrew Jackson to Willie Blount, October 24, 1813, ibid., pp. 336-337.

63. Order to John Coffee, November 2, 1813, ibid., p. 340.

64. Andrew Jackson to Willie Blount, November 4, 1813, ibid., p. 341; Chappell, op. cit., pp. 85-87.

Madison County's forces, serving largely under General Coffee's command were in the thick of this initial battle and Captain John J. Winston was wounded while leading his company of cavalry.⁶⁵

Prisoners taken at this time were sent to Huntsville to be placed under the supervision of Colonel LeRoy Pope who had agreed to provide safe keeping and food for them until a final disposition of prisoners could be determined.⁶⁶

This victory inspired the army with considerable confidence, but it did not solve the problem of supplies though some food was secured from the ruins of the Indian village.

Five days later Jackson's men were again on the march, this time to the aid of a group of friendly Indians who had been surrounded by hostile Creeks at Talladega. On November 9, a second victory, even more devastating than the first, was gained and many of the Indians were now ready to sue for peace.⁶⁷

65. Ibid.

66. Andrew Jackson to LeRoy Pope, November 4, 1813, in Bassett (ed.), op. cit., I, 341.

67. Andrew Jackson to John Armstrong, November 20, 1813, ibid., pp. 355-357; Chappell, op. cit., pp. 87-90.

Among the wounded in this battle from Madison County were William McCartney and Grant Taylor of the Brownsborough settlements. Taylor was later returned to his home, but McCartney died of his wounds while en-route to Fort Deposit.⁶⁸ There is also some evidence to indicate that Michael Harrison, Yazoo claimant, who had been an Indian fighter under General John Sevier in the 1790's, died during the first part of the Creek campaign.⁶⁹

When the troops returned to Fort Strother they expected to find fresh supplies, but instead they found only the sick and wounded in the same starving condition as themselves.⁷⁰ So disappointed were they, that petitions of grievances were drawn up by many of the companies and threats of mutiny pervaded the camp. After holding out for some time, Jackson was forced to yield to the demands of his men and allow a greater part of

68. Peter Perkins to Gabriel Moore, November 14, 1813, in Mississippi Territorial Transcripts.

69. Madison Circuit Court Minutes, 1814-1815, pp. 181-182, in Probate Office, Madison County Courthouse, Huntsville, Alabama.

70. Andrew Jackson to John Armstrong, November 20, 1813, in Bassett (ed.), op. cit., I, 355-357.

them to march back to Fort Deposit on November 17, for supplies.⁷¹ General Coffee's men were allowed to return to Madison County and set up camp about eight miles northeast of Huntsville in order to find forage for their starving horses.⁷² On November 22, he dismissed this group until December 8, when they were to re-assemble and return to the main force south of the Tennessee.⁷³

Jackson, himself, went to Huntsville on November 21, to prod the contractors to exert greater efforts to get supplies on the move.⁷⁴ By this time he had received word from the War Department that his troops had been recognized as a part of the forces of the United States and would thus receive Federal support for his campaign.⁷⁵

71. Ibid.

72. Ibid.

73. John Coffee to Andrew Jackson, November 23, 1813, ibid., p. 359.

74. Andrew Jackson to John Armstrong, November 20, 1813, ibid., pp. 355-357.

75. Ibid.

Though letters from the Huntsville contractors, LeRoy Pope and John Brahan, are conspicuously missing from the letters preserved by Jackson during this period, it is evident from the various comments made by Jackson, Perkins, Coffee, and others at the time that the scarcity of available food for the troops was due in part to a short crop in 1813, and to the comparatively low price offered for supplies.⁷⁶ Then too, there seemed to be considerable disagreement between Jackson and the contractors as to who was responsible for transportation and delivery of supplies.⁷⁷ Whatever the causes were, the fact remains, that Jackson did not receive the necessary supplies to continue his campaign against the Creeks in December.⁷⁸

76. Ibid. The following letters in this volume shed considerable light on the supply question: Neal B. Rose to Andrew Jackson, November 16, 1813, p. 354; William B. Lewis to Andrew Jackson, November 21, 1813, pp. 377-378, Andrew Jackson to Pope and Brahan, December 8, 1813, pp. 377-378, Andrew Jackson to Hugh L. White, January 6, 1814, pp. 435-437. See also "Memorial to Congress by the Territorial Legislature," January 11, 1814, in Carter (ed.), Territorial Papers, VI, 407-410.

77. Andrew Jackson to John Coffee, December 29, 1813, in Bassett (ed.), op. cit., I, 420-422.

78. Andrew Jackson to John Armstrong, December 30, 1813, ibid., pp. 423-428.

Shortly after the troops returned to Fort Strother, complications set in further delaying Jackson's campaign until late January. As the anniversary of the day in 1812, when Jackson's volunteers had been first mustered in approached, both officers and men demanded that they be discharged from the service on December 10. Jackson would not yield. Discouraged because of lack of food and clothing and feeling that the campaign should be postponed until spring, the volunteers then urged that they be led back to the settlements and temporarily dismissed until they could better prepare themselves to fight. Still Jackson held to his view that the forces should remain in the field until they had crushed the Creeks.⁷⁹ Since Jackson had received communications from General Thomas Pinckney, who had been appointed over-all commander of the forces fighting the Creeks, to the effect that the Georgia forces would continue their efforts against the Creeks from the West,⁸⁰ and from General Ferdinand C. Claiborne, who had indicated

⁷⁹. William Martin to Andrew Jackson, December 4, 1814, *ibid.*, pp. 368-370; Andrew Jackson to William Martin, December 4, 1814, *ibid.*, pp. 370-373; Andrew Jackson to Platoon Officers of Volunteers, December 8, 1813, *ibid.*, pp. 376-377.

⁸⁰. Thomas Pinckney to Andrew Jackson, November 29, 1813, *ibid.*, pp. 363-364.

that his force would move eastward to strike at the Creeks located along the Alabama River,⁸¹ he was determined to move southward to strike at the heart of the hostile Indian's defenses in the Coosa-Tallapoosa River region. Then too, Jackson had been assured by General Cocke that the East Tennessee volunteers would join him on December 12, thus giving him strength enough to resume an offensive drive.⁸²

When December 9, arrived the officers as well as enlisted men demanded that they be permitted to go home. Finally after much consultation and speech making, the volunteers announced that they would march for home during the night. Only by force did Jackson prevent this planned exodus. For the time being Jackson's will had prevailed but the spirit of disaffection was so strong that he finally decided to order the troops back to Nashville to await the orders of Governor Blount to be discharged and mustered out.⁸³

81. Ferdinand C. Claiborne to Andrew Jackson, December 5, 1813, ibid., pp. 373-374.

82. John Cocke to Andrew Jackson, December 3, 1813, ibid., p. 368.

83. Andrew Jackson to John Coffee, December 9, 11, 12, 13, 1813, John Coffee to Andrew Jackson, December 10, 1813, Andrew Jackson to Thomas Pinckney, December 10, 11, 1813, Andrew Jackson to Willie Blount,

Meanwhile Colonel William Carroll and General Isaac Roberts had returned to Tennessee to recruit new volunteers to take the places of those who were determined to end their terms of service.⁸⁴ The Reverend Gideon Blackburn of Franklin, Tennessee, who had often served as chaplain to Jackson's forces, James Jackson, Edward Ward, and James Childress, all of Nashville, aided in raising volunteer recruits.⁸⁵ Several volunteer companies were also being assembled in Madison County by Perkins and Burrus.⁸⁶

December 13, 15, 1813, Willie Blount to Andrew Jackson, December 15, 1813, *ibid.*, pp. 378-393. David Crockett, in his autobiography, quoted Andrew Jackson as remarking at this time that "We were 'the damned'st volunteers he had ever seen in his life; that we would volunteer to go out and fight and then at our pleasure would volunteer and go home again in spite of the Devil." Crockett, *op. cit.*, p. 49.

84. Isaac Roberts to Andrew Jackson, December 20, 1813, in Bassett (ed.), *op. cit.*, I, 402-403; Andrew Jackson to William Carroll, December 23, 1813, *ibid.*, pp. 407-408. The recruits of General Roberts did not serve because of a dispute which arose concerning the period of time for which they had enlisted.

85. The Rev. Gideon Blackburn to Andrew Jackson, November 20, 1813, *ibid.*, p. 359; Robert Searcy to Andrew Jackson, December 9, 1813, *ibid.*, p. 379.

86. John Coffee to Andrew Jackson, December 20, 1813, *ibid.*, pp. 401-402.

On December 8, the day that Coffee's men were supposed to reassemble at their camp east of Huntsville, only about half of them showed up on time.⁸⁷ For several days Coffee excused their tardiness on the basis of bad weather, but on December 11, he began to march his reduced force to Fort Deposit to rejoin Jackson.⁸⁸ His advance group met the volunteers on their homeward march and joined them.⁸⁹ The remaining part of Coffee's men asked that they be discharged at the end of their three month's enlistment period, and by December 27, all but a few of his officers and men had departed for home.⁹⁰

Most of the returning forces passed through Huntsville and created an uproar throughout the county. Colonel Perkins reported to Jackson on December 16 that:

On Monday last I had one of my Volunteer company's paraded at this place to send you, but unfortunately here one hundred men

87. John Coffee to Andrew Jackson, December 10 and 11, 1813, ibid., pp. 379-380.

88. Ibid.

89. John Coffee to Andrew Jackson, December 18, 1813, ibid., p. 398.

90. John Coffee to Andrew Jackson, December 28, 1813, ibid., pp. 413-414.

revolting from service rushed thro' contrary to law, order, and every thing else. The Madison Company soon took fire and withdrew their service all but 15 men. I now have two company's which will encamp at this place on monday next, volunteers. Two more I'll draft and send on to you - in the course of next week the whole will set out for your head Quarters. Several companies from Tennessee new V. mounted men, are now here. You will soon be strong again. I hear of many more on their way. I had to order the County to arms for the purpose of quieting disorderly people in our streets, a few days since, and to save the lives of some of your faithful officers, that were trying to do their duty. Things are now somewhat quiet. I have been able to do according to your wishes, except stopping all the men deserting your army: they come in such bodies that I have not troops sufficiently armed to stop them--it has in consequence of my exertions to stop them, they created almost a civil war at this place. Some of our citizens as bad as they are, rather aid them in their going than lend a hand in stopping them. . . . 91

While Huntsville was filled with discontented forces, a group overwhelmed the jailor and let out the prisoners, some of whom were deserters and some slaves

91. Peter Perkins to Andrew Jackson, December 16, 1813, ibid., p. 395.

and Indians captured during the war and returned to Huntsville for safe keeping.⁹²

By the end of the first week in January, most of the volunteers who had been sent home in December and the militia whose terms expired on January 4, had all passed through Madison leaving it fairly peaceful after a month of turmoil. Colonel Carroll was encamped near Huntsville with about 600 volunteers awaiting Jackson's orders to march them forward. Besides this group Colonel Perkins and Colonel Burrus held four Madison County companies in readiness under the immediate command of Major Nathaniel Power to march under Colonel Carroll's orders.⁹³

The Creek Campaign took a turn for the better by mid January, when aid came to Jackson from a number of sources. In December, an over-all plan was developed to insure adequate supplies when John Baxter of Knoxville assumed responsibility for procuring them from East

92. Andrew Jackson to John Coffee, December 22, 1813, *ibid.*, pp. 404-405.

93. Andrew Jackson to Hugh Lawson White, January 6, 1814, *ibid.*, pp. 435-437; Andrew Jackson to Willie Blount, January 7, 1814, *ibid.*, pp. 437-438; Peter Perkins to David Holmes, January 2, 1814, in Mississippi Territorial Transcripts.

Tennessee and William B. Lewis of Nashville was placed in charge of procuring them in West Tennessee.⁹⁴ Supplies were also being readied for shipment up the Alabama River where they might be available for use when the forces moving from Georgia and the Tombigbee settlements might effect a union with the Tennessee forces to strike a final blow against the hostile Creeks.⁹⁵

Besides the volunteers at Huntsville awaiting his orders, Jackson received assurances of aid from Colonel John Williams, former commander of Fort Hampton, who had recruited 600 men from East Tennessee into the Thirty-Ninth Regiment of the United States Army, from groups of friendly Choctaws, Cherokees and Chickasaws, and from his recruiting agents in West Tennessee.⁹⁶

Not waiting for these forces to arrive, Jackson decided to give the new volunteers recruited by Colonel Carroll a chance to strike a telling blow on the Indians

94. Andrew Jackson to Willie Blount, December 29, 1813, in Bassett (ed.), op. cit., I, 416-420.

95. Thomas Pinckney to Andrew Jackson, January 9, 1814, ibid., pp. 438-439.

96. Ibid., and John Williams to Andrew Jackson, January 7, 1814, ibid., p. 438.

concentrated along the banks of the Tallapoosa River. This initial drive would give them some needed experience after which he planned to move back to Fort Strother to await the other groups that he counted on to complete the campaign.⁹⁷ Starting out on January 16, the expedition moved southward, and at Fort Talladega, it was joined by 230 friendly Indians, sixty-five of whom were Cherokees, and the rest Creeks. On the morning of the 22nd, Jackson's force was severely attacked near Emuckfun Creek. Though the results of the battle were indecisive, supplies began to run low and Jackson was forced to move his men back to Fort Strother. On the return trip the Indians again attacked the rear guard of Jackson's force as it crossed Enotochapco Creek. For a while there was general confusion within the ranks, but eventually the troops were brought to order, and the Indians were driven from the ground.⁹⁸

Three days later, when the troops reached Fort Strother, an approximation of the dead and wounded on

97. Andrew Jackson to John Williams, January 15, 1814, ibid., pp. 442-443.

98. Andrew Jackson to Thomas Pinckney, January 29, 1814, ibid., pp. 447-454; Chappell, op. cit., pp. 94-97.

both sides was made. Jackson's forces had lost eighteen killed and seventy wounded, while the enemies loss was estimated at two hundred killed and scores wounded.⁹⁹

For the next six weeks Fort Strother was a busy place as extensive preparations were made for a final expedition against the Creeks. Recruiting officers made good their pledges in furnishing new volunteers and many of the original group including most of Coffee's brigade rejoined the fight. By the end of February, the force under Jackson including friendly Indians, militia, United States infantry, and volunteers totaled about five thousand men.¹⁰⁰ Supplies were duly stored in quantities necessary to meet the needs of an extended march of several weeks.

When all was in readiness Jackson's force marched southward on March 16, to attack the Indian concentrations which they had been unable to dislodge during their January excursion. Upon learning that about nine hundred warriors and three hundred women and children from the neighboring villages had taken refuge in a strong

99. Ibid.

100. James Parton, Life of Andrew Jackson, I, 499-500, as cited in Chappell, op. cit., p. 98.

fortification on the end of the Tohopeka peninsula formed by a great bend in the Tallapoosa River, Jackson decided to move forward to dislodge them. Early on the morning of March 27, the battle began and by sundown the mission had been successfully accomplished.¹⁰¹

Though it was not realized at the time, the victory at Tohopeka, the Indian name for horseshoe, proved to be the last major engagement of the Creek War. After a five day rest at Fort Williams, the troops moved on toward the junction of the Coosa and Tallapoosa Rivers, where they expected to meet a large Indian force; but the hostile Creeks had departed. Scouting parties looked in vain for concentrations of hostile Indians. Instead they burned a number of empty villages and directed groups of Indians who were on their way to surrender to Andrew Jackson at Tuskegee.¹⁰²

With the fighting now behind them, all that remained for the volunteers to do was to construct sufficient number of forts to insure possession of conquered lands. To accomplish this end, the construction of a fortification at the confluence of t

101. Ibid., pp. 98-102.

102. Ibid., pp. 102-104.

Coosa and Tallapoosa Rivers was begun. Before the installation, now named Fort Jackson, had been completed, the Georgia troop arrived and took over the job.¹⁰³

On April 21, Jackson received orders from General Pinckney to proceed without delay to Fort Williams. From that point he was to continue his line of march homeward to Tennessee leaving enough troops at the various forts along the way to make the frontier secure from the Alabama to the Tennessee River.¹⁰⁴

The victorious volunteers who crossed the Tennessee River on their homeward march the first week in May were in a much different frame of mind than the disgruntled groups who passed through Huntsville just five months before.¹⁰⁵

Jackson's successful Creek campaign solved the problem of volunteers as far as Madison County was concerned. When Jackson was made a brigadier and brevet

103. Ibid., p. 104.

104. Thomas Pinckney to Andrew Jackson, April 21, and 22, 1814, in Bassett (ed.), op. cit., I, 506.

105. Andrew Jackson to John Armstrong, May 8, 1814, A.S.P., M.A., III, 790.

major general in charge of the Seventh Military District and stationed in Mobile in 1814, Colonel Perkins wrote Governor Holmes that he was ready with many volunteers to go to Jackson's aid.¹⁰⁶ This group marched to St. Stephens and Perkins was placed in charge of Fort Hampton where he and his force remained until discharged in March of 1815.¹⁰⁷ Several volunteer companies from Madison, not attached to Perkins' Seventh Regiment, were recognized by Jackson as a part of his force and marched with him to Pensacola and later to New Orleans.¹⁰⁸

At the close of the war, the problems connected with payment of Madison's forces were complex. Some men had served in the Tennessee volunteers, some had performed patrol duties for the defense of Madison County as local militiamen, while others had been mustered into service by order of Governor Holmes. Captain John Allen's company had taken over Fort Hampton for almost a year and served without pay while the United States troops stationed there went to aid Jackson. Lieutenant

106. Peter Perkins to David Holmes, July 28, 1814, in Mississippi Territorial Transcripts.

107. Peter Perkins to David Holmes, November 14, 1814, February 6, 1815, in Mississippi Territorial Transcripts.

108. Ibid.

Drury Allen's scouts had also served a month without compensation in 1814, while engaged in removing intruders off of the Chickasaw lands at the same time that Captain Eli Hammond's Company of Tennessee Volunteers had made a dash through the Cherokee lands to rout the intruders on public lands, who had not answered the call of duty to fight in the war.¹⁰⁹ All claims were amicably settled within two years, however, when the Mississippi Territory agreed to assume responsibility for all military services not recognized by the Federal government.¹¹⁰

Towards the end of the Creek War General Thomas Pinckney and Benjamin Hawkins were instructed by the War Department to conclude a peace with the hostile Indians.¹¹¹ The Tennessee delegation in Washington,

109. John A. Allen to Secretary of War, May 7, 1817, and Petition of Citizens of Madison County to War Department concerning pay of Volunteers at beginning of Creek War, *ibid.*; Eli Hammond to Andrew Jackson, August 28, 1814, in Bassett (ed.), *op. cit.*, II, 34.

110. David Holmes to Peter Perkins, February 4, 1814 in Carter (ed.), *Territorial Papers*, VI, 423-424; B. Shamburgh to David Holmes, August 2, 1817, in *Mississippi Territorial Transcripts*.

111. John Armstrong to Thomas Pinckney, March 17, 1814, *A.S.P., I.A., I*, 836-837; Thomas Pinckney to Andrew Jackson, April 7, 1814, in Bassett (ed.), *op. cit.*, I, 496-497.

acting on advice from home, protested these appointments on the grounds that the War had been won by Tennesseans and they should be represented at the peace conference.¹¹² In consequence to this political move, Andrew Jackson, who had recently been appointed head of the Seventh Military District, was named in Pinckney's place on May 24, and Hawkins was instructed to act only as an advising capacity as Creek Agent.¹¹³ On August 9, 1814, a peace was concluded with a portion of the Creek Chiefs whereby the United States received a cession of all of their claims to the eastern part of the Mississippi Territory with the exception of the lands east and southeast of the Coosa River.¹¹⁴ Approximately 14,284,800 acres of land was the high price the Creeks

112. Brigadier General George W. Doherty and others to George W. Campbell, member of Congress from Tennessee, April 18, 1814, ibid., pp. 497-498; John Coffee to William B. Lewis, April 18, 1814, ibid., II, 4 (notes).

113. John Armstrong to Andrew Jackson, May 22, 24, 28, 1814, ibid., pp. 4-5.

114. United States Statutes at Large, VII, 120.

had to pay as an indemnification to the United States for their actions during the war, and the burden fell as heavily on the friendly Indians as those who had been hostile.¹¹⁵

John Sevier, then Congressman from Tennessee, was appointed on a commission with William Barnett of Petersburg, Georgia, and Benjamin Hawkins to run the boundaries of the Creek cession.¹¹⁶ It was the last official service of this old Indian fighter and former governor of the "Lost State of Franklin" who for so many years had had visions of reaping the benefits of land speculation in the Bend of the Tennessee and the Creek country between the Coosa and Tombigbee Rivers. On September 24, 1814, he died while at work on the eastern boundary line and was buried at Fort Decatur on the Tallapoosa River. Almost until the day he died, his journal showed that he remained interested in locating good lands for speculation purposes.¹¹⁷ George S.

115. A.S.P., P.L., III, 461.

116. Secretary of War to John Sevier, William Barnett and Benjamin Hawkins, September 27, 1815, W.D., I.A., Letter Book C.

117. Driver, op. cit., pp. 215-217.

Gaines took his place and the work continued for a time until it became apparent that the lines would have to be established with the aid of other Indian groups whose lands bordered the Creek lands.¹¹⁸

The northern part of the boundary line involved lands in North Alabama likewise claimed by the Cherokees and the Chickasaws. If these claims could be quieted together with those which these tribes held north of the Tennessee River to the east and west of Old Madison County, then the way would be cleared for the development of the whole Tennessee Valley as well as central and southern Alabama.¹¹⁹

Many of Madison's "land minded" citizens, as well as their friends in other states, had already scouted these lands and many had cleared the rich level lands west of the 1807 Chickasaw boundary in what became western Madison, east Limestone and around the Muscle

118. Secretary of War to John Sevier and William Barnett, September 27, 1815, Secretary of War to William Barnett, March 14, 1816, Secretary of War to John Coffee, March 14, 1816, W.D., I.A., Letter Book C.

119. William Crawford to Andrew Jackson, Jesse Franklin, and David Meriwether, July 5, 1816, W.D., I.A., Letter Book C.

Shoals area, later to become a part of Lauderdale and Colbert Counties.¹²⁰ There were numerous squatter settlements in this region as well as in the rich lands south of the Tennessee River and north of Tusculum Mountain.¹²¹

Squatter settlements were also located east of Old Madison County in what later became "New" Madison County, Jackson, and north Marshall County.¹²² A main line road leading from the Winchester Road below New Market had been cut to Fort Deposit on the south side of the Tennessee about four miles down stream from Gunter's Landing.¹²³ Roads had also been laid out to connect Madison County with Fort Hampton on Elk River and the Natchez Trace which passed through the Bend of the Tennessee west of Muscle Shoals. The Gains Road, running through the area south of the Tennessee,

120. "Petition to Congress by Settlers on Public Lands," in Carter (ed.), Territorial Papers, VI, 757-761.

121. William Barnett to Acting Secretary of War, March 12, 1817, ibid., XVIII, 57-72.

122. Return J. Meigs to Louis Winston, January 12, 1815, ibid., VI, 492-493.

123. See p. 260, supra.

connected Fort Hampton with Cotton Gin Port on the headwaters of the Tombigbee River.¹²⁴

Through their Indian agents, both the Chickasaws and Cherokees expressed their disapproval of the Creek Treaty, ceding lands which they claimed, and complained about the ever increasing number of intruders on their lands.¹²⁵

In March of 1816, Agent Meigs took a delegation of Cherokees to Washington where they negotiated two treaties with William Crawford, then Secretary of War. The first of these treaties dealt with Cherokee territory in South Carolina and the second established the boundary between the Creeks and this nation south of the Tennessee River. Free and unrestricted road privileges throughout the Cherokee country were also granted and the Federal government guaranteed \$25,500 to the Cherokees for damage done to their lands during the Creek War.¹²⁶

124. See footnote No. 8, p. 241, supra.

125. William H. Crawford to Andrew Jackson, Jim Franklin, and David Meriwether, July 5, 1816, A.S.P., I.A., II, 100-102.

126. Ibid., p. 39.

This second treaty caused protests to be issued to the War Department by a citizens group from Davidson County, Tennessee, by Andrew Jackson, then major general of the Southern Department, and by the chiefs of the Chickasaw nation.¹²⁷ Jackson argued strongly against the Cherokee line on the grounds that all of the territory south of the Tennessee River and west of the Coosa belonged to the Creeks and was part of their cession. He also informed Crawford that the troops under various commands in Tennessee and the northern part of the Mississippi Territory would, most likely, refuse to participate in the removal of intruders from these lands.¹²⁸ The Chickasaw chiefs argued that the area south of the Tennessee belonged to them and not the Cherokees.¹²⁹

127. Remonstrance against Cherokee Treaty of March 22, 1816, *ibid.*, p. 39; Andrew Jackson to William H. Crawford, June 10, 1816, *ibid.*, pp. 110-111.

128. William H. Crawford to Andrew Jackson, July 1, 1816, *ibid.*, p. 112; Return J. Meigs to Andrew Jackson, August 8, 1816, *ibid.*, p. 113.

129. William H. Crawford to Andrew Jackson, Jesse Franklin, and David Meriwether, July 5, 1816, *ibid.*, pp. 100-102.

For a second time the conflicting claims of Cherokees and Chickasaws had come to light, and again this conflict was used to the advantage of the War Department in negotiating treaties by which both nations once again ceded the lands in question to the Federal government.¹³⁰ But the cost of such cessions was nothing like as small as it had been in 1805 and 1806. After much pressure had been brought to bear on both tribes during the summer of 1816, representatives from the Cherokees and their agent, Return J. Meigs, journeyed to Pontotoc, Mississippi, the chief council-house of the Chickasaws, and on September 6, 1816 negotiations between these groups and commissioners of the Federal government began.¹³¹ On September 14, a treaty was concluded at this place which was later ratified on October 4 in general council at Turkey Town on the Coosa River.¹³² This cession included all of the

130. Ibid.

131. William H. Crawford to Herdmen and Warriors of Cherokee Nation, May 13, 1816, ibid., pp. 109-110; William H. Crawford to Return J. Meigs, May 27, 1816, ibid., p. 110; Return J. Meigs to William H. Crawford, August 19, 1816, ibid., pp. 113-114.

132. Treaty with the Cherokees, October 4, 1816, ibid., p. 92; Andrew Jackson to William H. Crawford, November 12, 1816, ibid., p. 117.

Cherokee lands south of the Tennessee River and west of an irregular line running from Camp Coffee, located directly opposite the point at the head of Chickasaw Island (Hobbs Island) where the survey of the Triangle had begun, to the junction of Will's Creek with the Coosa River.¹³³ For this cession of 3,500 square miles, they received \$65,000.¹³⁴ The Cherokees steadfastly refused to consider giving up their settlements east of Madison County in the Mississippi Territory and East Tennessee.¹³⁵

As soon as this delegation had finished their conference with the commissioners, a full delegation of Chickasaw chiefs was assembled by their agent, William Coker, an old veteran of the State of Franklin, to discuss the possible cession of their claims to approximately the same area.¹³⁶ Andrew Jackson, Jesse

133. Ibid.

134. Ibid.

135. Ibid.

136. Andrew Jackson, Jesse Franklin, and David Meriwether to William H. Crawford, September 20, 1816, ibid., pp. 104-105.

Franklin, and David Meriwether, who served as representatives of the United States at both of these meetings, reported that they were successful in negotiating with the Chickasaws, only after appeals to "Indian avarice" had been used.¹³⁷ On September 20, the chiefs, after considerable protest, agreed to give up their lands north and south of the Tennessee River to which the Cherokees had already relinquished their claims in 1806 and 1816.¹³⁸ One hundred and twenty thousand dollars, to be paid in twelve installments, and a number of reservations for certain Chickasaw chiefs, were the stipulations agreed upon for this cession.¹³⁹

Jackson, in commenting on these treaties as well as the one concluded by John Coffee with the Choctaw¹⁴⁰

137. Ibid.

138. Ibid.; and Treaty with Chickasaws, September 14, 1816, ibid., pp. 92-93.

139. Ibid.

140. John Coffee settled the boundary question between the Creeks and the Choctaws by which the latter gave up their claims east of the Tombigbee River on October 24, 1816, ibid., p. 95.

to the Secretary of War, summarized the feeling of his friends in Tennessee and the northern part of the Mississippi Territory. "Nothing," he pointed out, "can promote the welfare of the United States, and particularly the southwestern frontier so much as bringing into market, at an early day, the whole of this fertile country. The proceeds accruing thence to the treasury will be great, and it will also give a permanent population to that frontier competent to its defense; and the sooner the laws can be extended over that section of the country the better."¹⁴¹

While Jackson had been spearheading the drive to secure these Indian cessions other forces had been at work to clear the way for an early sale of lands in the Tennessee Valley. As will be discussed in the following chapter, some of Madison County's leaders and those of the Tombigbee settlements had the active support of a number of Georgia leaders in national government who were working toward carving the state of Alabama from the eastern portion of the Mississippi Territory.

¹⁴¹. Andrew Jackson to George Graham, December 21, 1816, ibid., p. 123.

The extension of Old Madison County's western boundary to include the rich level lands along the Tennessee was desired by the people settled in this area. Attorney General Winston of Madison County urged Governor Holmes to designate Limestone Creek as its western boundary and to create two new counties within the Bend, one to include the lands between Limestone Creek and Elk River, and the other to include the rest of the lands north of the Tennessee River and south of the Tennessee state line.¹⁴² Instead of following this advice, Holmes lumped the entire tract into one county called Elk which he created by proclamation on May 9, 1817.¹⁴³ James Titus, one of Madison's members of the Mississippi Territorial Council, was asked to furnish a list of suitable officers for this county so that an organized government could be set up for the benefit of the squatter population residing in the

142. Louis Winston to David Holmes, November 3, 1816, in Mississippi Territorial Transcripts.

143. Proclamation of May 9, 1817, Executive Journal 1814-1817, in Mississippi State Department of Archives and History, Jackson, Mississippi.

Bend.¹⁴⁴ Though these officers were given their commissions, they did not function for the courts to which they were appointed to serve were not organized until after the first legislature of the Alabama Territory convened. Elk County was divided by this body on February 6, 1818, and Limestone and Lauderdale Counties were formed.¹⁴⁵ Madison's western boundary was thus fixed at the line dividing the second and third range of townships west of the Huntsville Meridian.¹⁴⁶ By this change, almost two townships just south of the Tennessee line were taken from Madison and added to Limestone County, while Madison received approximately three townships between the Old Chickasaw boundary and the new line which extended directly southward to the Tennessee River.¹⁴⁷

144. James Titus to David Holmes, June 16, 1817, in Mississippi Territorial Transcripts.

145. Toulmin, Digest, p. 85.

146. Ibid.

147. See map of Madison County, p. 300.

Further control of the sales of the lands in the Creek, Cherokee, and Chickasaw cessions was assured to the Madison County group of land investors and their friends in Tennessee and Georgia when all of the public lands in North Alabama were attached to Madison District. General John Coffee was made Surveyor General of a newly created Northern District of the Mississippi Territory with instructions to work under Thomas Freeman who, since 1810, had been Surveyor General south of Tennessee.¹⁴⁸ His headquarters were to be in Huntsville in conjunction with the Land Office.¹⁴⁹ Nor was the Huntsville group unrepresented in the sale of the lands in the southern part of the state, for Alexander Pope, LeRoy Pope's brother and the first cashier of the Planters' and Merchants' Bank,¹⁵⁰ was made Register of the Millidgeville Land Office which handled most of these land sales.¹⁵¹

148. Commission of John Coffee as Surveyor General, March 6, 1817, in Carter (ed.), Territorial Papers, XVIII, 61-62.

149. John Coffee to Josiah Meigs (Huntsville), May 5, 1817, ibid., pp. 97-98.

150. Huntsville Republican, August 5, 1817.

151. Josiah Meigs to Alexander Pope, March 17, 1817, in Carter (ed.), Territorial Papers, XVIII, 74.

When the usual order went out from the War Department in December of 1816, to the military authorities requesting that they warn intruders to remove from the public lands in the Bend of the Tennessee, a memorial was sent to Congress in January of 1817, by the squatters west of the Chickasaw boundary praying that they be allowed to remain on their lands as tenants at will.¹⁵² This memorial, unlike the pioneer document sent from this area in 1810, bore the marks of having been written by a legal mind and was signed by most of the influential citizens of Madison County including its county officials.¹⁵³ Congress acted on this petition as it had done in previous cases, allowing the intruders to continue in possession of the land until it was sold at public auction.¹⁵⁴

Following instructions from the General Land Office, Coffee proceeded to survey the lands within the Bend of the Tennessee so that they could be the first offered for sale.¹⁵⁵ Among his deputy surveyors whom

152. Petition to Congress by Settlers on Public Lands, January 21, 1817, ibid., VI, 757-761.

153. Ibid.

154. United States Statutes at Large, III, 393.

155. Letters of John Coffee to Josiah Meigs, concerning this survey, in Carter (ed.), Territorial Papers, XVIII, 133-134, 143-144, 166, 174-176, 180-181, 182-183.

he appointed for this task were many men who became officials and influential citizens of North Alabama.¹⁵⁶

By late fall, the job was completed and on November 21, 1817, President Monroe issued a proclamation calling for the auction of these lands at two public sales, each of three weeks duration, the first beginning on the first Monday in February, 1818 and the second on the first Monday in March.¹⁵⁷ Andrew Jackson

¹⁵⁶. For the year 1817 under dates of April 26, William Donelson, John Donelson, John S. Doxy; May 6, Charles Bright, William Jones, Hunter Peel; May 7, James Blackemore, Henry M. Johnson, Samuel Bell, James Bright, Benjamin Clements, Isham G. Searcy, Benjamin Harris, William P. Anderson; May 8, William J. Adair, Ralph Graves, LeRoy May, Daniel Gilbert, Robert M. McCombs, Constant Hardeman; May 9, James W. Exum, James W. Haggatt, James Vanlx, James H. Weakley, William R. Peyton, James J. Hardiman; May 10, David Mitchell, Robert Harris; May 11, Moses Woodfin, Alexander McCullough, David Hubbard; May 12, William Harris; May 14, John Hutchings; May 21, Ferdinand Sannoner; May 23, Richard McMahon; George Peery; May 26, Henry Minor, Samuel Steele; May 30, Thomas L. Butler; June 2, William Killingsworth, John Bryan; June 5, James Patterson; June 8, Benjamin Smith; August 4, Green K. Hubbard, Malcolm Gilchrist; and August 13, John Ralston, ibid., p. 277.

¹⁵⁷. Proclamation of Land Sales, November 21, 1817, ibid., VI, 815.

had advised him to have two sales close together in order that the superintendents might have ample time to offer all lands at auction and thus prevent the prospective buyer from having to make two trips to secure the lands he wanted to buy.¹⁵⁸

Since Mississippi Stock granted to claimants under the Georgia Act of 1795 was to be accepted as payment for all lands at these sales, John Read of the Huntsville Land Office was instructed to advertise their dates for six weeks in all papers throughout the United States publishing the Federal government's laws.¹⁵⁹

Thus by the beginning of 1818, all necessary preparations had been made for what proved to be the largest and most reckless public land sale under the credit system. As will be discussed in Chapter VIII, this event had a decided effect upon the economy of the whole Bend of the Tennessee.

158. Andrew Jackson to James Monroe, June 16, 1817, A.S.P., I.A., II, 142.

159. Proclamation of Public Land Sales, November 21, 1817, in Carter (ed.), Territorial Papers, VI, 815; Josiah Meigs to John Read, November 27, 1817, ibid., XVIII, 205.

Not pleased with the outcome of the Cherokee treaties of 1816, General Jackson and Governor Joseph McMinn of Tennessee and General David Meriwether of Georgia, with the consent of the War Department, continued their efforts to secure cessions of Cherokee lands in Tennessee, Georgia and the Alabama Territory.¹⁶⁰ In July of 1817, they were successful in getting several hundred Cherokee families to agree to migrate to the Arkansas River where many of their kinsmen had already settled. For lands which they would receive out West, the Cherokees agreed to relinquish title to considerable bodies of land located in North Carolina, Georgia, and Tennessee and to reservations retained in the Bend of the Tennessee by the Treaty of January 7, 1806.¹⁶¹ Cherokees who wished to remain in the ceded areas were allowed to secure fee simple land titles for 640 acre reservation which they might apply for through their Federal agent.¹⁶²

The terms of the 1817 treaty caused so much discontent and confusion among the Indians remaining in

160. Treaty with Cherokees, July 8, 1817, A.S.P., I.A., II, 129-131.

161. Ibid.

162. Ibid.

the East as well as those who migrated to the Arkansas River area that a new treaty was concluded with the Cherokees at a meeting held in Washington between a delegation of their chiefs and John C. Calhoun, then Secretary of War. Among the provisions, some of which did not effect the Alabama Territory, the lands within the Bend of the Tennessee east of Old Madison County were ceded to the Federal government.¹⁶³ If properly applied for, reservations of 640 acres each were allowed to Cherokee families electing to remain in the region.¹⁶⁴ Four such tracts were laid out in what later became the eastern part of Madison County, namely Kananoluskah or Challenge; Giles McAnulty, Thomas Wilson, and William Wilson reservations. A twelve mile square located in what is now eastern Madison County was set aside as a plot to be sold by the Federal government in order to establish a fund for the education of the Cherokees, remaining east of the Mississippi River.¹⁶⁵

163. Letters relative to Cherokee discontent, *ibid.*, pp. 144-148; Treaty with Cherokee Indians, March 2, 1819, *ibid.*, pp. 187-194.

164. *Ibid.*, pp. 187-188.

165. See map of Madison County, p. 300, and *A.S.P., P.L., IV, 397*. Article four of the Cherokee Treaty provided: The United States stipulates that the

Most of the cession with the exception of a small body of land lying between the old boundary and Flint River added to Madison County, was formed into a county in 1819 and named in honor of Andrew Jackson.¹⁶⁶ Two years later, however, the state legislature created Decatur County from the western part of Jackson and established its temporary county seat at Woodville.¹⁶⁷ In 1824, on the pretext that it did not contain the necessary 600 square miles, the size required by the Constitution of 1819, Decatur County was dissolved and its lands divided between Madison and Jackson counties.¹⁶⁸

reservations, and the tract reserved for a school fund, in the first article of this treaty, shall be surveyed and sold in the same manner, and on the same terms, with the public lands of the United States, and the proceeds vested, under the direction of the President of the United States, in the stock of the United States, or such other stock as he may deem most advantageous to the Cherokee nation. The interest or dividend on said stock shall be applied, under his direction, in the manner which he shall judge best calculated to diffuse the benefits of education among the Cherokee nation on this side of the Mississippi.

166. See map of Madison County concerning its boundaries, p. 300.

167. Ibid.

168. Ibid.

By legislative action of 1826, the dividing line between the two was defined. Shortly after Marshall County was created in 1836 from the Cherokee cession of 1835, the final southeastern boundaries of Madison County were drawn to conform with the western bank of Paint Rock River.¹⁶⁹

Surveys of the lands in the eastern part of Madison and Jackson were made in 1822 and 1823,¹⁷⁰ but it was not until October of 1830 that they were offered for sale. Within this area lived many of the squatters who had been unable to obtain their original settlements in the Bend of the Tennessee when they had been put up for auction in 1809 and 1818. Consequently these pioneers had sought out rich coves between the mountain spurs and had reestablished themselves on Indian lands. This group, as well as others in a similar situation in other parts of Alabama, wielded enough influence in the state legislature to have that body memorialize Congress from time to time in order to

169. Ibid.

170. Field notes of 1822-1823 surveys on file in office of G. W. Jones and Sons, Huntsville, Alabama.

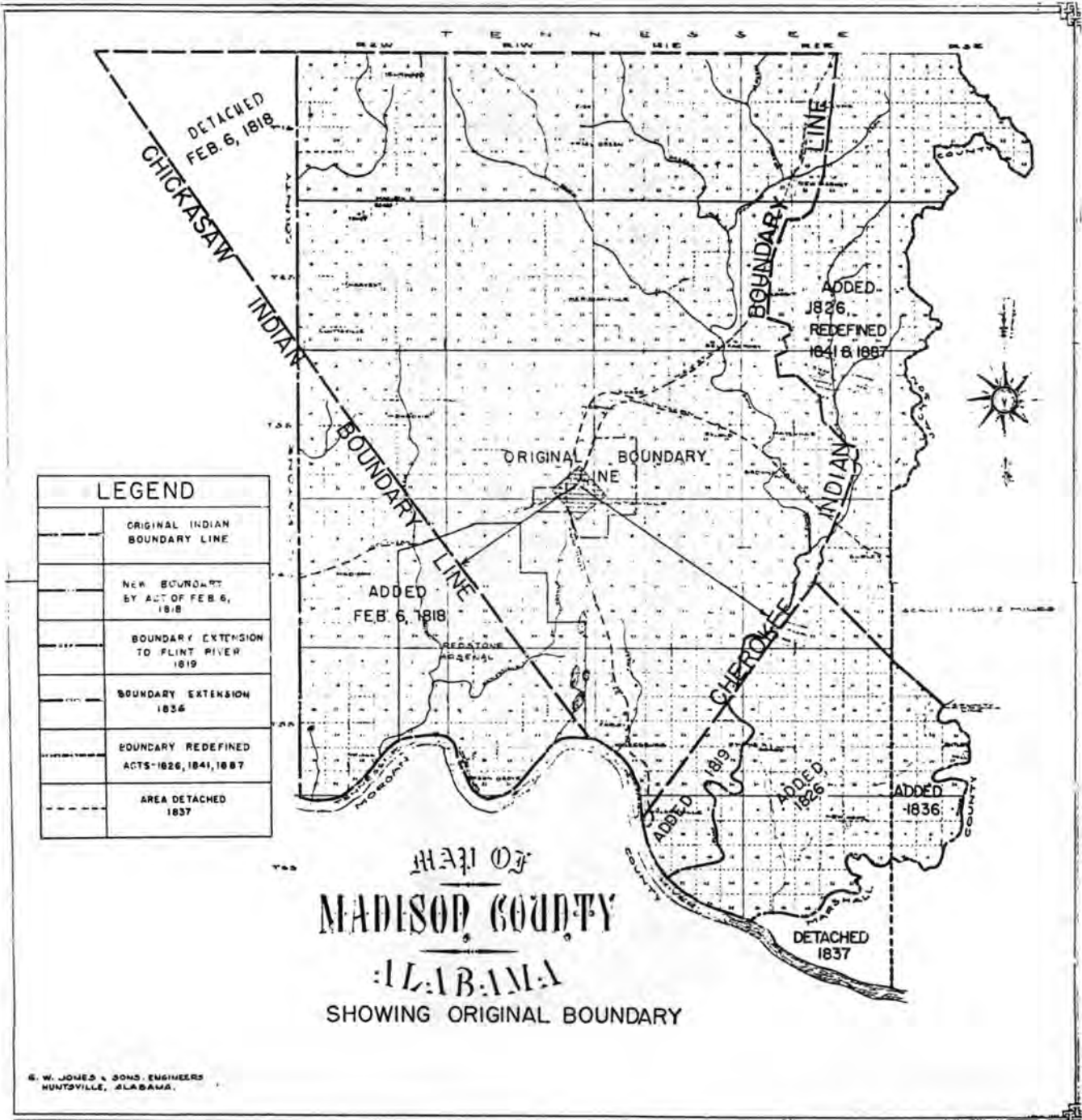
prevent public sales for eight years.¹⁷¹ Finally in 1830, the Alabama and Arkansas forces in Congress were able to put through a temporary pre-emption act which gave these groups the right to buy up to 160 acres of their homesteads at a minimum \$1.25 per acre without having to compete at public auction.¹⁷²

Few of these lands in Madison and Jackson Counties were adapted to cultivation in large tracts and consequently the pressure for sale was not as great as it would have been had capitalist groups stood to make large profits in reselling these lands to planters.¹⁷³ As will be discussed in Chapter VIII, the sales of 1830 were as momentuous to the small farmers as the 1818 sales had been to the land speculators and planters.

171. "Memorial of the General Assembly for the postponement of sale of Public Lands in Counties of Decatur and Jackson Counties," A.S.P., P.L., IV, 2-3.

172. United States Statutes at Large, IV, 420; A.S.P., P.L., VI, 10, 11, 12, 33, 34, 186-188, 608-609, 657. For congressional debates on pre-emption see Benjamin Horace Hibbard, A History of the Public Land Policies (New York, 1924), pp. 144-156.

173. Taylor's Manuscript, p. 20.



LEGEND	
	ORIGINAL INDIAN BOUNDARY LINE
	NEW BOUNDARY BY ACT OF FEB. 6, 1818
	BOUNDARY EXTENSION TO FLINT RIVER 1819
	BOUNDARY EXTENSION 1826
	BOUNDARY REDEFINED ACTS-1826, 1841, 1887
	AREA DETACHED 1837

MAP OF
MADISON COUNTY
ALABAMA
 SHOWING ORIGINAL BOUNDARY

E. W. JONES & SONS ENGINEERS
 HUNTSVILLE, ALABAMA.

In the eastern portion of Madison County some of its earliest inhabitants were born in homes located on Cherokee lands, and had lived in Jackson and Decatur Counties without ever having changed their place of residence.¹⁷⁴

Within its final boundaries Madison County contains 810 square miles, most of which, with the exception of the Cumberland spurs, was divided into farms by 1831.¹⁷⁵

174. Ibid., p. 21.

175. Tract Book of Madison County.

CHAPTER VII

MADISON COUNTY'S POLITICAL AFFAIRS--LOCAL, TERRITORIAL, STATE, AND NATIONAL, 1810-1830

Since all Madison County's public officials received their appointments from the Governor of the Mississippi Territory or the President of the United States during its formative period, the only area in which its citizens could exercise the ballot was in the choice of representatives to the territorial legislature. It was in the selection of these representatives, then, that the political factions of the county first voiced themselves.

The right of suffrage was extended the people of Madison by congressional action on March 2, 1810;¹ but since the selection of a new Mississippi territorial legislature was not due until May of 1811, no election was held in the county until that time. This delay brought forth a protest from the citizens in the Bend

1. United States Statutes at Large, II, 563-564.

of the Tennessee. Gabriel Moore, who had been appointed tax assessor and collector of Madison County for 1810, wrote Governor Holmes that he feared he would encounter great difficulties in performing his duties since the people were strongly opposed "to taxation without representation."²

To solve this problem, the Territorial legislature nominated Edward Ward, one of Madison County's justices of the quorum, as a member of the legislative council,³ and he was appointed by President Madison on January 23, 1811.⁴ In the meantime, Ward, being disappointed in his land deals in Madison, decided not to remove to the area. On September 11, 1811, he informed Governor Holmes that he wished to decline the appointment and, also, to resign from his office as justice of the quorum.⁵

2. Gabriel Moore to David Holmes, April 5, 1810, in Mississippi Territorial Transcripts.

3. "Nomination of Members for the Legislative Council," in Carter (ed.), Territorial Papers, VI, 139; Robert Williams to James Madison, December 4, 1810, ibid., p. 145.

4. David Holmes to Edward Ward, March 2, 1811, ibid., pp. 180-181.

5. Edward Ward to David Holmes, September 11, 1811, in Mississippi Territorial Transcripts.

This unexpected turn of events left the county again without official representation. The Census of 1810 revealed the fact that Madison County would be entitled to three representatives, instead of one as originally prescribed by Congress.⁶

Early in 1811, six political aspirants announced themselves as candidates for the legislature.⁷ These included Gabriel Moore, tax assessor, Colonel Peter Perkins, commander of the militia, Hugh McVay, an original settler and a justice of the peace, Marmaduke Williams, a lawyer and former Congressman from North Carolina, Louis Winston, attorney general, and John Williams Walker, a young lawyer and agent for the proprietors of Twickenham.

This first election was held at the county seat on May 27 and 28, under the direction of Sheriff Stephen Neal, Abraham Perkins, William Lanier, and John Grayson.⁸

6. Samuel H. Harper and Micajah Davis to James Madison, December 7, 1810, in Carter (ed.), Territorial Papers, VI, 152.

7. Peter Perkins to David Holmes, April 9, 1811, in Mississippi Territorial Transcripts.

8. Official Returns of Madison County for the Election of Representatives to the Mississippi Territorial Legislature 1811, manuscripts in Territorial Papers, State Department of Archives and History, Jackson, Mississippi.

According to the official returns, Gabriel Moore received the highest number of votes with a count of 660. Peter Perkins ran second with 610 votes, and Hugh McVay third, with 444 votes.⁹ The results of this election revealed the supremacy of the Tennessee faction in Madison County politics, a position which they retained until 1817. Walker, in commenting on his defeat, wrote one of his friends that, "I have been, too, a candidate for a seat in the territorial legislature but did not succeed. I was too much a stranger to expect it: but there was much of art and intrigue and low cunning and lying set to work against me."¹⁰ At this time he vowed that he would never again seek public office, but the events of a later date caused him to change his mind. Though the Georgia faction in county politics was able to maintain a dominant place in the economic and social affairs of the area, they won but few victories at the polls in local elections.

9. Ibid.

10. John W. Walker to Larkin Newby, December 25, 1811, in Newby Collection, Durham, N. C.

According to tradition, the political factions in Twickenham at this time were called the "Royal Party" and the "Castor Oil Party," and the main issue over which they fought was the name of the county seat.¹¹ That LeRoy Pope's followers, who favored the name of Twickenham, were dubbed the "Royalists" has some basis for fact, since the Popes had been often referred to in Petersburg's social circles as the Royal Family.¹² That John Hunt's followers, who contended for the name of Huntsville, were called the "Castor Oil" group, because its leader ran a castor oil shop, is harder to document. Very little is actually known about John Hunt's activities in Huntsville, for, like so many pioneers of the period, he was a man of action rather than words. It is known that he received the appointment as coroner for the county in 1810 and held this position until 1814;¹³ but there are no official records which indicate

11. Betts, op. cit., p. 25.

12. In John W. Walker's letters to Larkin Newby he mentions several times that the Popes were known as the "Royal Family" in Petersburg, Georgia.

13. Register of Appointments of the Mississippi Territory, 1804-1812; Register of Appointments of Mississippi Territory, 1812-1817; the accounts of Auditor of the Mississippi Territory indicate that on July 10,

that he operated a business in the community.¹⁴ One fact is certain, however. The "Castor Oil Party" won its point, because within three days after Madison's delegation took its place in the Mississippi territorial legislature, a law was approved by which Huntsville became the official title of the county seat of Madison County.¹⁵

Securing the passage of this measure, was Gabriel Moore's first service to the masses which he consistently represented in many official capacities for a period of twenty-six years. Hugh McVay, likewise, retained his place throughout the territorial period and continued to enjoy the support of the masses of the electorate in Lauderdale County when he removed to that area in 1818.

The third place in the legislature changed hands several times during the ensuing years. In 1813,

1813, John Hunt received \$12 as compensation for holding an inquest on the body of a slave belonging to William Lesslie.

14. John Hunt does not appear in the Madison County Tax Returns of 1810, 1811, 1812, 1813, 1815. This indicates that he was beyond the age of paying head tax, and that he claimed to own no real property in the county.

15. Toulmin, Digest, p. 744.

Perkins was replaced by James McCartney who derived his support from the Flint River settlements. In 1815, William H. Winston, clerk of the county court, took McCartney's place and served for two years.¹⁶

When a Mississippi territorial census was taken in 1816, and a new apportionment of representatives made, Madison County received an additional seat. The election of May, 1817, held in compliance with these new regulations, was a heated one indeed, for it was at the time that the four representatives chosen would shortly become key figures in the Alabama territorial legislature. At this time, John W. Walker re-entered the political arena and was elected to the first office which he received by popular vote. Clement Comer Clay, A Tennessean, who had practiced law in Huntsville since 1810, and who had associated himself with the Georgia faction in business pursuits, was also elected to public office in Madison County for the first time. Gabriel Moore and Hugh McVay managed to retain their places,

16. Accounts of the Auditor of Mississippi Territory, 1811-1817, in Mississippi Territorial Transcripts. This record shows the compensation received by members of the legislature.

but William H. Winston lost his seat to Walker.¹⁷

In the territorial council, Madison County was represented by James Titus from 1812 to 1817.¹⁸ Titus had come to Madison County from Nashville in 1809, and had served as a captain in the militia until his appointment to the council. In 1814 when the territorial council was enlarged, Madison received a second appointment to this body. Robert Beaty, one of the original settlers at Hunt's Spring, received this office and held it until he resigned his post late in 1817.¹⁹ Since members of the council were nominated by the legislative assembly, both of these places were filled by men recommended by Madison County's elected representatives; hence no member of the Georgia group filled either post.

17. Official Returns of Madison County for the Election of Representatives to the Mississippi Territorial Legislature, manuscript in Territorial Papers, State Department of Archives and History, Jackson, Mississippi.

18. Cowles Mead to James Monroe, January 24, 1812, in Carter (ed.), Territorial Papers, VI, 261-262; William Lattimore to James Madison, January 17, 1814, ibid., pp. 413-414.

19. Nominations of members for Legislative Council, ibid., pp. 477-479.

Appointments to local offices, which became vacant from time to time during the territorial period, were also influenced by the elected representatives of the people, for they were closely associated with the governor at the territorial capital. Only in the orphans' court was the Georgia group represented, while the other positions were rather evenly distributed among the settlers in various parts of the county. After deciding not to remove to Madison, when the location of the Federal land office was changed from Nashville to Huntsville in 1811, William Dickson resigned his positions as register and as chief justice of the orphans' court.²⁰ At this time Louis Winston still held the place as adviser on appointments to Governor Holmes. Through his influence, LeRoy Pope was named to the office of chief justice.²¹ Abner Tatum of Georgia and John Bunch, an original settler, were appointed to fill the vacancies left by the resignations

20. Register of Appointments of the Mississippi Territory, 1812-1817.

21. It is evident from Winston's correspondence of this period that he supported the Georgia faction in county affairs.

of Ward and Dickson.²² In 1813, Pope and Tatum protested against the non-attendance of Bunch at court and asked that he be replaced.²³ Dr. David Moore was recommended to fill the place, and on December 22, 1813, he received the position.²⁴ There were no further changes in the orphans' court during the Mississippi territorial period.

William H. Winston remained as county court clerk throughout the territorial period; but Colonel Perkins, who received the initial appointment as clerk of the Superior Court, resigned this post in 1811. His office was filled by Francis Eppes Harris of Virginia who had been recommended by Louis Winston.²⁵

Militia officers all received their appointments on recommendation of the commander, Colonel Peter Perkins. In most instances, the commissions were sent to him

22. Register of Appointments of the Mississippi Territory, 1812-1817.

23. LeRoy Pope and Abner Tatum to David Holmes, January 20, 1813, in Mississippi Territorial Transcripts.

24. Register of Appointments of the Mississippi Territory, 1812-1817.

25. Ibid.

signed with the name of the person left blank for his convenience in making immediate appointments. When war with Great Britain threatened, a second regiment of militia was organized in 1812, under the command of Colonel Charles Burrus. By 1815, the county was divided into fourteen militia beats, each headed by a captain.²⁶ At the beat level members of the militia in some instances elected their own captains.²⁷ Men chosen were usually those respected by the people in their section of the county, and this office was often used by them as a stepping stone to county and state office.²⁸

Throughout the territorial period, justices of the peace and constables were appointed by the governor.²⁹

26. These captains included Eli Robertson, Washington Eddins, Grief Johnson, Daniel Atkins, Stephen Griffith, William Evans, William Johnson, James Burlison, Elisha King, James Neely, James Hamilton, Joseph Acklen, Stephen DeBow, and Jonathan Gray.

27. Peter Perkins to David Holmes, August 22, 1813, in Mississippi Territorial Transcripts.

28. Taylor's Manuscript, pp. 131-133.

29. Register of Appointments of Mississippi Territory, 1804-1812; Register of Appointments of Mississippi Territory, 1812-1817.

Two justices and a constable were assigned to each militia beat and held indefinite tenure of office, subject to good behavior. These officials were recommended by their beat captains and aided him in the collection of militia fines. Because of the difficulty of traveling to the county seat, justices of the peace were important auxiliaries of the county courts in administering justice. No less than fifty men served in this capacity between 1808 and 1817.³⁰

At first the only voting place designated for county wide elections was at Huntsville, but in 1812, a second location was established at Haughton's Mill just above the Three Forks of Flint.³¹ No other voting places were established until after Madison County became a part of the state of Alabama.

Almost from the time they first entered the Mississippi territorial legislature, Madison County's delegates began to figure prominently in territorial affairs. Gabriel Moore served as speaker of the house

30. Ibid.

31. Turner, Statutes of Mississippi Territory (Natchez, 1817), p. 125.

of representatives from 1815 to 1817, and James Titus, as president of the council from 1815 to 1817. These men were naturally interested in satisfying the wishes of the people of Madison County and the territory. Besides the problems connected with providing adequate military defense, acquiring Indian land cessions, and procuring a more liberal land policy, Madison's delegates were deeply concerned with the questions of proportional representation and the admission of the territory into the union as a state.

As early as 1803, the Tombigbee settlements had asked for a separation of the eastern and western parts of the Mississippi Territory, but their wishes were not granted.³² Again during the period from 1809, until war broke out in 1812, there was some talk of dividing the two areas.³³ George Poindexter, Mississippi territorial representative to Congress, who had worked for statehood without division, changed his mind after West Florida was annexed to the Mississippi Territory,

32. Abernethy, op. cit., p. 33.

33. Carter (ed.), Territorial Papers, V, 733-737; ibid., VI, 26-31, 36-39, 253-257, 332-334, 339-341.

and proposed that a line be drawn due east from the mouth of the Yazoo River. The southern portion was to be admitted immediately, while the northern portion was to be given territorial status.³⁴

At this time, John W. Walker wrote Poindexter that such a proposition would be pleasing to the people of Madison County, because they would have the sole administration of the new government;³⁵ but the people of the Tombigbee settlements were opposed to being permanently tied to the Mississippi River region.³⁶

Other arguments were also brought forward to justify the postponement of the institution of a state government at this time. The unsettled question of land titles, which was further aggravated by the Fletcher vs. Peck Case of 1810, was one of the main concerns of the settlers. They feared that the Federal courts could be used to dislodge them from their homesteads.³⁷ At

34. Abernethy, op. cit., p. 34.

35. John W. Walker to George Poindexter, December 23, 1812, in Mississippi Territorial Transcripts as cited in Abernethy, p. 34.

36. Cowles Meade to George Poindexter, December 23, 1812, in Territorial Transcripts as cited in Abernethy, p. 34.

37. Carter (ed.), Territorial Papers, VI, 358-359, 507-509.

the national level, the House of Representatives was interested in creating only one state, while the Senate favored division of the Mississippi Territory.

Before any division could be made, the consent of Georgia had to be secured. Such permission was necessary, because the terms of the Georgia cession contained a stipulation which provided that the whole area would be admitted into the Union as a single state. In December of 1812, Senator Charles Tait, a close friend of the Georgia group in Madison County, was successful in getting Georgia's acquiescence to such a division.³⁸

With the coming of the War of 1812, the forces who wished to postpone the admission to statehood were successful in letting the matter fade into the background for three years.³⁹ In 1815, when the question was raised again, the problem of land titles had been largely settled by the passage of a congressional act appropriating five million dollars in script to be

^{38.} Ibid., pp. 337-338; Abernethy, op. cit., p. 38.

^{39.} Carter (ed.), Territorial Papers, VI, 339-341, 347-351.

distributed to claimants under the Georgia Act of 1795, and to be received at land offices in payment for lands to be offered for sale in the Mississippi Territory.⁴⁰ Then, too, in 1812, another body of land, lying between the Pearl and Perdido Rivers had been added to the territory, thus enlarging its size and population and giving added force to the argument for immediate admission as a state.⁴¹ William D. Lattimore, who had been in favor of postponing statehood when he was first elected territorial representative in 1813, favored the group who argued for admission without division in 1815.⁴² Petitions from the territorial legislature asking for such action were seriously considered by the House of Representatives and an enabling bill was reported to this body in 1815; yet no action was taken until March 30, 1816, when such a bill was passed.⁴³ But the attitude of the Senate, which had been consistently in favor of

40. Ibid., pp. 507-509.

41. Ibid., pp. 484-487.

42. Ibid., pp. 507-509, 592-594.

43. Ibid., pp. 510-511; Abernethy, op. cit., p. 36.

division of the territory, remained unchanged and they refused to pass the bill.

Meanwhile, the acquisition of large tracts of land from the Creeks, Cherokees, and Chickasaws, which stimulated a rapid influx of a squatter population into the eastern part of the territory, tended to change the general attitude of the settlers in the Tombigbee settlements and the views of most of Madison County's representatives. As early as February 1816, all of the members of the assembly and legislative council from the eastern settlements petitioned Congress to provide a law, whereby representation to the territorial legislature and to the anticipated constitutional convention should be required to be apportioned according to the free white population, as revealed in a territorial census to be taken within the year.⁴⁴ Gabriel Moore, as speaker of the house, and James Titus, as president of the legislative council, headed the list.

When the special Senate committee, under the chairmanship of Senator Charles Tait of Georgia, persisted in its recommendations of dividing the territory before Mississippi was admitted as a state, Lattimore joined the ranks of those who sought division.⁴⁵

44. Carter (ed.), Territorial Papers, VI, 655-656.

45. Ibid., XVIII, 3-7.

Late in October, 1816, a convention, called by the citizens of Clarke County to consider the question of admission of the Mississippi Territory into the Union, convened at John Ford's place on the Pearl River.⁴⁶ Fifteen of the territories' nineteen counties were represented. Madison County was among the five not sending delegates, while the other four were from the extreme western portion along the Mississippi River.⁴⁷ This assembly went on record as favoring admission without division, and appointed Judge Harry Toulmin as a special representative to Washington to see that their wishes were carried out.⁴⁸ Memorials, addressed to the territorial legislature as well as to the House of Representatives, emphasized the advantages of allowing the whole area to be admitted as one state. A special message was sent to the counties of Amite, Adams, Claiborne, Warren, and Madison informing them of

46. "Journal of a convention of the Delegates of several Counties of the Mississippi Territory, begun and held at John Ford's on Pearl River, on Tuesday the 29th day of Oct. 1816," ibid., VI, 708-717.

47. Ibid.

48. Ibid.

the proceedings and expressing regret that they had not attended. The letter went on to state that members of the convention were "under a full impression, that either accident or design" had prevented the regular information concerning the meeting from reaching them in time to send delegates. These counties were further urged to hold meetings to determine the sentiment of their people concerning the question of admission.⁴⁹

The two memorials sent to Washington, in compliance with the convention's request, reflect the division of opinion of the sections of the territory and shed some light on the position of Madison County's delegation. All members of the legislature from Adams County, one member from each of the counties of Claiborne, Jefferson, Franklin, and Madison went on record as favoring division.⁵⁰ At this time William H. Winston of Madison voted with the Adams County group. The memorial urging admission without division included James Titus, Robert Beaty, Gabriel Moore, and Hugh McVay of Madison County, most of the representatives of the

49. Ibid.

50. Ibid., pp. 732-735.

Tombigbee settlements, and one member from each of the western counties of Jefferson, Wayne, Lawrence and Amite.⁵¹ In all, three members of the legislative council and nine members of the assembly favored division, while five members of the council and ten members of the assembly went on record as favoring admission without division.

Before these memorials had reached Congress, or Judge Harry Toulmin had arrived in Washington to exert his influence for a speedy admission of Mississippi into the Union without division, William Lattimore presented a report to the House on December 23, 1816, recommending "that the Mississippi Territory should be divided by a north and south line for the purpose of erecting the same into two separate and independent states."⁵² As chairman of a select committee appointed to study the question, Lattimore reported that it was the feeling of this group, after weighing all the evidence at hand, that the people involved by the Federal government would be necessary. The recommendation of the committee,

51. Ibid., pp. 744-746.

52. Ibid., XVIII, 3-7.

he felt was best adapted to local interests and "not incompatible with the interest of the United States."⁵³

Accordingly, this committee introduced two bills on the same day: one to enable the Mississippi Territory to form a constitution and state government preparatory to becoming a state, the other to establish a separate government for the eastern part of the area to be known as the Territory of Mobile.⁵⁴

While these bills were being considered in the House and Senate, another select committee was appointed to study the memorials received from the October convention at John Ford's house on Pearl River and report their findings. Representative Isreal Pickens of North Carolina, who was later to become Alabama's second governor, gave this report on January 17, 1817, in which he strongly urged the admission of the whole area as one state. A bill, embodying this recommendation, was introduced by this committee on the same day.⁵⁵

Senator Charles Tait, later to become Alabama's first Federal judge, continued to pursue a steadfast

53. Ibid.

54. Ibid.

55. Ibid., pp. 20-23.

course by urging that the two bills introduced in December be passed. In mid January, he had been advised by John W. Walker that his efforts were in accord with the wishes of the Georgia group in Madison County.⁵⁶ As chairman of a Senate select committee on the admission of Mississippi, he introduced on February 5, a modified form of the original bill calling for the creation of the Alabama Territory instead of the Mobile Territory.⁵⁷ After two weeks of deliberation, the Senate passed these bills with but few changes and sent them back to the House.⁵⁸

Though Toulmin tried to get the upper house to agree to the wishes of those he represented and Pickens tried to carry on his fight in the lower chamber, all of their efforts were to no avail.⁵⁹

56. John W. Walker to Charles Tait, January 17, 1819, in Charles Tait Collection, State Department of Archives and History, Montgomery, Alabama.

57. Carter (ed.), Territorial Papers, XVIII, 36-39.

58. Ibid. See note 92 on page for a discussion and dates of these bills passed concerning the establishment of the Alabama Territory.

59. Ibid.

On March 1, the bill to enable the people of the western part of the Territory to form a state government became a law, and on March 3, the bill to create the Alabama Territory received final approval by the President.⁶⁰

The will of the Georgia faction in early territorial politics had prevailed largely due to the persistence of their friends in high places in the National government. As long as Alabama remained in a territorial status this was to continue to be the case, for their friend, William H. Crawford, as Secretary of Treasury and close friend of James Madison and James Monroe, largely controlled the political patronage of the territory as well as the policies governing the disposal of public lands.⁶¹

In the May elections, following the separation act of March 3, 1817, the Georgia faction in Madison County politics won two of the four seats in the territorial

60. Ibid.

61. William H. Crawford to James Monroe, March 3, 1817, ibid., pp. 57-59. In this letter Crawford advises the president on all the key appointments to be made in the territorial government and the land offices.

legislature.⁶² By this time a majority of the people were willing to follow John W. Walker who had been successful in using his influence in Washington to affect the creation of the Alabama Territory.⁶³ Clement Comer Clay, an associate of the Georgia group in the banking business, though not a native Georgian, had likewise won a large following as an able attorney.⁶⁴ These able young men, together with Gabriel Moore and Hugh McVay, two incumbents with seven years of legislative experience, were chosen to represent the county in Alabama's territorial legislature as soon as it could be organized.

Since the time of the formal organization of the Alabama Territory was dependent upon the completion of

62. Official Returns of the Madison County for the Election of Representatives to the Mississippi Territorial Legislature 1817, manuscript in Territorial Papers, State Department of Archives and History, Jackson, Mississippi.

63. John W. Walker to Charles Tait, September 21, 1817, December 12, 1817, January 17, 21, 1818, in Charles Tait Collection.

64. Clay received the highest number of votes in the election having a total of 1419 votes. Gabriel Moore ran second with a total of 1211, John W. Walker next with 862, and Hugh McVay brought up the rear with 818. Returns for the other candidates were not listed.

the work of Mississippi's Constitutional Convention, it was not until August 15, 1817, when this work was completed, that Dr. William Wyatt Bibb was entitled to receive his appointment as territorial governor, a position tendered him by President Monroe on September 25, 1817.⁶⁵ After further delays the governor finally arrived at St. Stephens early in December, and communicated with Governor Holmes concerning the procedure necessary to effect a proper organization of the Alabama territorial government from the eastern portion of the Mississippi Territory.⁶⁶

In answer to Governor Bibb's request, the first Alabama territorial legislature, composed of hold-over members of the old Mississippi territorial assembly, convened on January 19, 1818, at St. Stephens in two rooms of the Douglas Hotel. The lower house, composed of nine members, four of whom were from Madison County, promptly organized and elected Gabriel Moore as speaker, a position he had held for two years in the

65. David Holmes to James Monroe, August 16, 1817, in Carter (ed.), Territorial Papers, VI, 798-799; ibid., XVIII, 161.

66. William Wyatt Bibb to David Holmes, December 15, 1817, in Mississippi Territorial Transcripts.

Mississippi assembly. James Titus was easily chosen president of the council, since he was the only member present. Robert Beaty, Madison's other hold-over member from the Mississippi territorial council had resigned in 1817, and Joseph Carson, council member from the Tombigbee settlements had died, leaving Titus to perform his work alone.⁶⁷

Madison County's Georgia faction was now in a favorable position to help shape policies of the Alabama territorial government and guide its destiny towards statehood. Governor Bibb was a close personal friend of a number of the Georgians living in the county and a brother of Thomas Bibb. Then, too, many of the friends and relatives of the Broad River group of Georgia who had first migrated to the Bend of the Tennessee, invested in lands in the southeastern part of the territory along the Coosa, Tallapoosa, and Alabama Rivers in 1817 and 1818, and moved to this region. During this early period, the political leaders of this area tended,

67. Alabama Territory House Journal, 1st Session, 1818 (St. Stephens, 1818); Acts of Alabama Territory, 1818 (bound manuscripts in State Department of Archives and History, Montgomery, Alabama); Carter (ed.), Territorial Papers, XVIII, 252, 305.

in most instances, to cooperate with the Georgia faction in Madison County. Nor was this political group confined to the settlers who had come directly from Georgia. Within its ranks were numbers of men with similar training and experience who had come directly from Virginia, or from Kentucky and middle Tennessee. But most of these leaders had a good many things in common. Practically all of their families had at one time lived in Virginia where they had intermarried and formed business partnerships. Most of them had been aware of the possibilities of accumulating wealth through land investments made on the frontier, and had been willing to migrate to wilderness regions to insure their investments. In many instances, these men had received college training in institutions such as Princeton, Yale, and Harvard, and were highly appreciative of the cultural aspects of community life.⁶⁸ It is not unnatural then, that they used their talents in the political field to further their economic and cultural interests, as well as the political welfare of the territory as they conceived it to be from their point of view.

68. Owen, op. cit., III, IV, passim; Saunders, op. cit., passim; Gilmer, op. cit., passim.

The pre-eminence of power enjoyed by this group during the territorial period and the use made of this power in reaching political decisions, tended to solidify the opposing political forces in Madison County and in the territory, who did not agree with their economic and political views.

Though in most instances the Georgia faction had its wishes sanctioned by the first session of the territorial legislature, in the choice of a Representative to Congress, the forces from the Tombigbee settlements elected John Crowell of St. Stephens, instead of a member of the Georgia group.⁶⁹

John W. Walker and Clement C. Clay piloted through two pieces of legislation which were favorable to the economic interests of the business men of Madison County.⁷⁰ Modifications were made in the usury law which allowed any rate of interest to be charged that might be mutually agreed upon by contracting parties in the business field. This clause did not apply, however,

69. Carter (ed.), Territorial Papers, XVIII, 241, 242.

70. John W. Walker to Charles Tait, September 22, 1818, in Charles Tait Collection.

to bank loans and discounts that were limited by the measure to a rate of six per cent.⁷¹ The second act provided for changing the name of the Planters' and Mechanics' Bank of Huntsville and validating, in all respects, the charter granted it by the Mississippi territorial legislature on December 11, 1816.⁷² By this measure the word mechanics' was changed to merchants'. The significance of this act lay in the fact that by sanctioning its charter, the Alabama Territory became eligible to subscribe to two-fifths of the shares of stock in the bank that had been reserved for purchase by the Mississippi Territorial Legislature in the original act passed in December of 1816. In both instances, these laws later became "bones of contention" which were used as political ammunition against the Georgia action.

A five man commission headed by Clay was also appointed by the legislature to investigate possible locations for the state capital and report their findings to Governor Bibb. Included in this group were

71. Acts of Alabama Territory, 1818, 1st Session (St. Stephens, 1818), pp. 86-87.

72. Ibid., pp. 105-106.

James Titus of Madison, Samuel Dale of Monroe, and William L. Adams and Samuel Taylor of Tuscaloosa County.⁷³

Provision was made for taking a census of the territory so that representatives could be apportioned at the legislature's next session. Three council districts were created, and Lemuel Meade and Dr. Henry C. Chambers of Madison were nominated from the first district. President Monroe, accordingly, appointed both of these men, and two others, from districts two and three. In the second session of the legislature then, Madison County had three places on the council because James Titus' term as a hold-over member had not expired.⁷⁴

Other significant legislation which pertained to Madison County and the Tennessee Valley included the creation of Limestone and Lauderdale Counties from Elk County in the Bend of the Tennessee, and Franklin, Lawrence and Cataco Counties from the area stretching northward from Tuscumbia Mountain to the Tennessee. Since the governor had the power of appointment of county

73. Ibid., pp. 94-95.

74. Carter (ed.), Territorial Papers, XVIII, 252, 274, 305.

officials, this opened up a new area of influence for the Georgia group. A considerable number of men who had at first settled in Madison County were given appointments in these new counties. Though some of them were of the Georgia faction, others were among the group who had migrated from North Carolina and East Tennessee and became pioneer settlers in the Bend of the Tennessee.⁷⁵ The migration of many of Madison County's families to other parts of the state, perhaps accounts in part for the success of its candidates at the state level. Country people of this early period liked to be able to say that they knew the candidate "personally."

Soon after the territorial census had been completed, a second session of the legislature was called to convene in St. Stephens on November 2, 1818. John W. Walker, Clement Comer Clay, and Samuel Walker were representatives from Madison in attendance in the assembly, while James Titus, Henry Chambers, and Lemuel Meade served on the council. Walker was elected speaker of the house

⁷⁵. "Register of Gubernatorial Appointments, Civil and Military, Feb. 8, 1818-Oct. 4, 1822," in Alabama Historical Quarterly, VI (Summer, 1844), 122-328.

and Titus retained his place as president of the Council.⁷⁶

Because the territory's population had grown rapidly, it was decided that the legislature should prepare a memorial to Congress praying that Alabama be enabled to form a constitution and be admitted into the Union. On November 11, copies of this document together with a census of the territory, showing a population of 45,871 white inhabitants, 339 free people of color, and 21,384 slaves, were sent by Walker to President Monroe, Henry Clay as President of the Senate, and to his good friend, Senator Charles Tait.⁷⁷

Other important matters to be settled by this session were the questions of apportionment of representatives to the legislature, and the selection of a permanent location for the territorial capital. That Madison's delegation wielded considerable influence in

76. At this session Gabriel Moore's wife obtained a divorce from him. Since all divorces at this time had to be granted by the legislature, it is probable that he did not wish to be present when his personal affairs were brought before the body for deliberation. Hugh McVay had, by this time, removed to Lauderdale County and Samuel Walker was elected to take McVay's place.

77. Carter (ed.), Territorial Papers, XVIII, 458-464.

making these decisions is evidenced from the fact that Madison County, with a white population of 8,780 received eight representatives, twice as many as Monroe, the second most populated county of the territory. The third section of the apportionment act, which had been added as a rider by a motion of John Everitt of Washington County, provided that "from and after the adjournment of the present session of the Legislature, the Seat of Government shall be established permanently at the town of Cahawba."⁷⁸ Acceptance of this section by the legislature was a victory for Governor Bibb and the Tombigbee settlements, but it was highly displeasing to the Tuscaloosa and Madison County men who preferred that the seat of government be established on the bank of the Warrior River.⁷⁹ After Congress had made provision for a donation of 640 acres on which the territorial capital was to be established, Bibb

⁷⁸. Acts of Alabama Territory, 1818, 2nd Session (St. Stephens, 1818), p. 4.

⁷⁹. John W. Walker to Charles Tait, November 9, 11, 15, 18, 1818, in Charles Tait Collection; Alabama Republican, December 5, 12, 1818, January 2, 1819.

apparently took the sole responsibility of locating the site at Cahawba, subject to the later approval of the legislature. In justifying his action, he reported to the legislature that he had attempted to consult with the commissioners but was unsuccessful in doing so before a decision had to be communicated to Washington on the subject. Three of the commissioners, he stated, had sanctioned his decision and their report was included in the documents concerning Cahawba which he planned to turn over to the legislature.⁸⁰

Madison County's influence was further reflected in the next act passed concerning the location of the capital. Huntsville was chosen as the temporary seat of the territorial government until the town of Cahawba could be established and buildings could be constructed to house the government.⁸¹ This meant, of course, that the Georgia faction in Madison County would be accredited with the achievement of having the constitutional convention meet, and the state government

80. The part of Governor Bibb's speech relating to the location of the capital is quoted in its entirety in William H. Brantley, Three Capitals (privately printed, 1947), pp. 32-35. A copy of the commissioner's report has not been preserved.

81. Toulmin, Digest, p. 816.

organized, in the "beautiful city of Huntsville."

As speaker of the house, Walker used his official capacity, as well as his friendship with Senator Tait, to push the passage of a favorable enabling act through Congress.⁸² When it became apparent that John Crowell would use his influence in Washington to further the wishes of the Tombigbee settlements, concerning apportionment of delegates to the forthcoming constitutional convention, Walker urged Tait to be sure that all the necessary details be written into the bill to insure apportionment in accord with the recent act of the legislature and to guarantee that Huntsville would be the meeting place.⁸³

The Alabama Enabling Act approved on March 2, 1819 included all of the provisions that Walker had requested.⁸⁴ Thus, Madison County and members of the Georgia faction who controlled its political affairs at this time, were insured of a pre-eminent position in

82. John W. Walker to Charles Tait, November 9, 11, 15, 18, 1818; January 19, 1819, in Charles Tait Collection.

83. Ibid.

84. Toulmin, Digest, pp. 910-912.

shaping Alabama's first constitution which remained unchanged, with the exception of the addition of three amendments, until the secession of the state in 1861.

On the first Monday and Tuesday in May, Madison County's eight delegates were chosen from among twenty-two candidates who sought the posts. The results of this contest reflected the decided strength of the Georgia faction in county politics in 1819. Clement C. Clay received the highest number of votes with a total of 1683. John Leigh Townes ran second with a total of 1597, and Henry C. Chambers third, with 1386 votes. The totals received by the other elected delegates included Lemuel Meade, 1377, John W. Walker, 1376, Gabriel Moore, 1308, Henry Minor, 1150, and John M. Taylor, 1102.⁸⁵ Only in the case of Gabriel Moore, was the Tennessee-North Carolina faction in county politics successful in the contest. Conspicuous among the defeated candidates was James Titus who had been

85. Alabama Republican, May 8, 1819. Other candidates received the following totals: Samuel Walker, 1022; David Moore, 742; Isaac Wellborn, 737; Robert Beaty, 579; Epps Moody, 511; Richard Shackelford, 498; James Titus, 416; William Lanier, 377; Nathaniel Power, 333; James J. Winston, 301; Allen J. Davie, 253; Thomas Miller, 230; James Hodges, 78; and Stephen Neal, 65.

quite outspoken in his plea for the incorporation of Jeffersonian principles into the constitution, which would definitely guarantee the sovereignty of the people.⁸⁶ At this time, after seven years of service in the legislative council of the Mississippi and Alabama Territories, he retired permanently from political life and removed to his farm in Limestone County.⁸⁷

Just four weeks before the constitutional convention was scheduled to assemble in Huntsville, President James Monroe paid an unexpected visit to the community, while on an inspection tour of the defense of the southeastern area.⁸⁸ A public dinner, given in his honor at the Huntsville Inn on June 3, was attended by all the dignitaries of the Bend of the Tennessee. At this time cannons were discharged, patriotic songs sung, speeches made, and toasts drunk to a wide variety of subjects including the President, the Constitution

86. Alabama Republican, April 3, 1819.

87. Papers of Estate of Eberniza Titus, Madison County Probate Office, Huntsville, Alabama.

88. Alabama Republican, June 5, 1819.

of the United States, the late treaty with Spain, the army and navy, the Territory of Alabama, and the fair country women. Colonel LeRoy Pope presided with the assistance of C. C. Clay and Henry Minor.⁸⁹

This gala affair was repeated on a somewhat larger scale on July 4, when all of the constitutional delegates were guests at a banquet celebrating the forty-third anniversary of American Independence. John W. Walker served as presiding officer for the occasion with the assistance of Dr. David Moore.⁹⁰

On the following day the official organization of the convention took place in an assembly hall on the corner of Franklin and Gates Street in the City of Huntsville. John W. Walker, who has presided over the festivities of the previous afternoon, was elected to serve as president of the convention and John Campbell was chosen secretary.⁹¹

As soon as the necessary preliminaries were dispensed with, the convention appointed a committee of

89. Ibid.

90. Alabama Republican, July 8, 1819.

91. Ibid.

fifteen of its members to write an original draft of a constitution for Alabama to be presented to the group for its consideration. No doubt Walker played an important roll in naming this committee. His good friend, Clement Comer Clay, was made chairman, and, besides the two other members from Madison County, six of the group had lived in Huntsville for a time before migrating to other parts of the Alabama Territory.⁹²

On July 11, Clay reported that the work of the committee had been finished, and the draft was ready for the perusal of the convention as a whole. By August 2, all of the revisions which the group deemed necessary had been made in the original draft and the final constitution was signed by all forty-four members in attendance. President Walker was instructed to prepare an official copy of the final document and transmit it to Congress for approval.⁹³

92. Thomas Bibb, Beverly Hughes, Arthur F. Hopkins, John D. Bibb, Richard Ellis, and Dr. George Phillips made up this group.

93. For general treatment of the proceedings of the convention, see Malcolm Cook McMillan, "The Alabama Constitution of 1819; A Study of Constitution-making on the Frontier," in Alabama Review, III (October, 1950), 263-286.

Congress accepted the convention's work, and on the first Monday in December, a resolution of admission was adopted. President Monroe approved it on December 14, 1819; thus on that day Alabama officially entered the Union.⁹⁴

The newly adopted constitution made the necessary provisions for a transfer of the officials and departments of the territory to their places within the framework of the new state government. Madison County retained her delegation of eight members to the lower house and was made eligible to elect one senator to the first legislature scheduled to meet in Huntsville the first Monday in November 1819. An election of the governor and members of the legislature were scheduled for the third Monday and Tuesday in September.⁹⁵

By this time the powerful Georgia faction in Madison County had run into many economic snags which were to destroy much of its political power. During the summer months, the panic of 1819 had struck full force in Tennessee and North Alabama. The Nashville

⁹⁴. Carter (ed.), Territorial Papers, XVIII, 753-755.

⁹⁵. Toulmin, Digest, pp. 921, 933.

Bank, whose notes circulated freely in Madison County, had suspended specie payment and the Fayetteville, Tennessee bank had collapsed completely.⁹⁶ This unsettled currency condition affected the standing of the Merchants' and Planters' Bank of Huntsville which was already in financial difficulty because of its lenient policy of discounting notes.⁹⁷ Since the Huntsville land office was instructed to accept specie or notes of banks redeemable in specie, the people of the county found that much of their currency was not acceptable in payment for the high priced lands on which they had made a down payment the year before.⁹⁸ Amid this uncertainty, two of the largest mercantile and cotton commission firms in Huntsville failed. One of these was owned by George Foote and John M. Taylor, and the other, by John P. Hickman and Willis Pope. Taylor and Hickman were both directors in the Merchants' and Planters' Bank, and Willis Pope's father was its

96. Alabama Republican, June 12, 1819.

97. LeRoy Pope to William H. Crawford, June 30, 1819, A.S.P., F., III, 763; William H. Crawford to LeRoy Pope, July 30, 1819, ibid., p. 764.

98. Alabama Republican, June 12, 1819, July 8, 15, 22, August 2, 1819.

president.⁹⁹ Other smaller firms were "forced to the wall" when they could not meet their financial obligations which bore heavy rates of interest.¹⁰⁰ John Brahan, also a bank director, was dismissed from his office as receiver of public monies on August 13, by the Secretary of the Treasury. John Read, likewise a bank director, resigned his post as register of the land office at the end of the year.

That the Georgia faction was held responsible for the chaotic economic conditions of the county was reflected in the election returns of September. Samuel Walker, Epps Moody, and Isaac Wellbourn, three candidates from the county, who had been defeated in the election for delegates to the constitutional convention, were chosen to represent Madison County in the first state legislature. James G. Birney, Samuel Chapman, Griffin Lamkin and Frederick Weedon, all newcomers to the county with, as yet, no known affiliations with the Georgia faction, were also elected. John L. Townes and

99. Ibid.

100. Carter (ed.), Territorial Papers, XVIII, 647, 673, 674; Owen, op. cit., II, 847.

Gabriel Moore were the only two members of the convention from the county who were elected to posts in the legislature. Townes was also new in county politics and Gabriel Moore, by continuing to hold the support of the masses, was chosen Madison County's first state senator, by a large majority over his opponent, LeRoy Pope.¹⁰¹

The county's vote for Alabama's first governor also reflected a sharp division of political opinion. Marmaduke Williams of North Carolina, who had practiced law in Huntsville six years before migrating to Tuscaloosa, received 1,244 of the county's vote, while William Wyatt Bibb's total was 1,225.¹⁰² Besides the opposition Bibb received, because he was the candidate of the Georgia faction in Madison County, he was also condemned for his "highhanded method" of locating the capital at Cahawba. Since his action in this matter was a visible example of the power wielded by the Georgia faction in the policies of public land disposal in Alabama, the Warrior River

101. Alabama Republican, October 2, 1819. Moore's total was 1966 to Pope's 528.

102. Alabama Senate Journal, 1819, p. 38.

group, who had wanted the capital to be located in Tuscaloosa, used this issue to try to defeat him.¹⁰³

All of North Alabama, with the exception of Limestone and Lawrence Counties, gave Williams majorities in the election; but the forces of South Alabama, combined with the Tennessee Valley vote of the Georgia faction, gave Bibb a majority of 1,202 votes.¹⁰⁴

The first session of Alabama's legislature convened on October 25, at the Huntsville Inn and proceeded with the work of organizing the state government in accordance with the constitution. After appointing committees to investigate the possibilities of securing a separate meeting place for the House of Representatives,¹⁰⁵ the group proceeded with the job of electing two United States Senators. Conflict was avoided between the northern and southern parts of the state by a mutual understanding that one Senator would be chosen from each

103. Moore, op. cit., p. 108; Abernethy, op. cit., pp. 45-46; Brantley, op. cit., pp. 50-51.

104. Alabama Senate Journal, 1819, p. 38.

105. The House of Representatives met at the Court House.

section.¹⁰⁶ The choice of the Tennessee Valley was naturally John W. Walker, who had been president of the constitutional convention. Because of his worth as an individual, and in spite of his close ties with the Georgia faction, he was elected by an almost unanimous vote and became Alabama's United States Senator at the age of thirty-six.¹⁰⁷ The choice of a second Senator from South Alabama was not as simple. Charles Tait, who had worked so diligently for the creation of the Alabama Territory while serving as United States Senator from Georgia, and who had recently moved to Monroe County, desired the position. He was opposed by William R. King of Dallas County who had the support of the Tombigbee settlements. Though Tait's name was brought up for consideration, the Georgia men became

106. Abernethy, op. cit., p. 46.

107. Moore, op. cit., pp. 108-109. John W. Walker had previously been recommended for the position of Territorial governor by Andrew Jackson and for secretary of the Territory by Charles Tait and William H. Crawford. He received the appointment as secretary but declined it. On March 2, 1819 he was likewise appointed a Federal judge in the northern part of the Alabama Territory, but resigned this position because of poor health on September 28, 1819.

alarmed at the organized opposition to their views, and abandoned Tait. King was then elected with few dissenting votes.¹⁰⁸

On November 9, the votes for governor were officially tabulated in a joint session of both houses and William Wyatt Bibb was administered the oath of office by the speaker of the house. After making a brief formal speech, he retired from the meeting.¹⁰⁹

When the selection of the circuit judges came up, Clement Comer Clay was rewarded for his work in the constitutional convention by being appointed judge of the fifth district without opposition. Later in Cahawba, when the judges of the five districts organized themselves into a supreme court as prescribed by the constitution, Clay was chosen Alabama's first chief justice of the supreme court. At this time he was thirty-one years of age.¹¹⁰

108. Abernethy, op. cit., pp. 46-47.

109. Alabama Senate Journal, 1819, pp. 55-57.

110. Moore, op. cit., p. 111.

Henry Minor, another of Madison's delegates to the convention was elected reporter for the supreme court, and while serving in this capacity, compiled Minor's Reports.¹¹¹

It was thought at the beginning of the session that the legislature would do little more than elect persons to fill the posts of state government;¹¹² but before the group adjourned on December 17, 1819, they had passed a number of laws which vitally affected the economic and political future of Madison County, as well as the other counties of the state. Included in this legislation of special importance to the economic and social life of the county were acts which authorized the following: the leasing of sixteenth sections so that the funds derived therefrom could be used for township schools; the use of county funds for the improvement of navigable streams within its limits; the punishment of those who

111. Owen, op. cit., IV, 1211. Prior to this time, Minor had served as attorney general for Madison County from 1817 to 1819, following the resignation of Louis Winston, who moved out of the county.

112. Thomas G. Percy to John W. Walker, December 3, 1819, in Walker Papers.

engaged in dueling; the prevention of fraudulent land transactions at public sales; the reenactment of a usury law establishing eight per cent as the legal rate of interest on contract loans; the incorporation of religious societies with the right to own up to fifteen acres of land; and the organization of an effective patrol system for preserving order among the slave population.¹¹³

The laws which re-established a legal rate of interest and provided drastic punishment for fraudulent land transactions at public land sales were put through by the people of Madison County and the Tennessee Valley, who had suffered most from these grievances, while the land boom was at its height in the spring and summer of 1818.¹¹⁴

While the legislature was in session Andrew Jackson came down from Nashville to attend the fall races at Green Bottom Inn, located about two miles North of Huntsville. His appearance at the legislative meeting caused considerable excitement and brought forth an

113. Moore, op. cit., pp. 111-112.

114. Toulmin, Digest, pp. 230-231, 444-446.

invitation from the senate to take a seat within the bar of the senate. They likewise drew up a resolution praising the General for his military record and approving his recent action in Florida, which had called forth considerable condemnation in Washington circles. This measure passed both houses; but in the house of representatives the vote was far from unanimous. A number of its members lived to regret their stand, for Jackson was well on the road to becoming a political as well as a military, hero.¹¹⁵ As has been pointed out in Chapter VI, the people of Madison County and the Tennessee Valley owed much to Jackson for his efforts in extinguishing Indian titles so that legal expansion could take place.

The Georgia faction was soon to be placed in the difficult position of making a choice between their good friend, William H. Crawford of Georgia, who had used his influence in giving them control of the disposition of public land in the state, and Andrew Jackson, whose deeds in war had cleared the way for the cession of Indian lands which they wanted to secure.

115. Abernethy, op. cit., pp. 47-48.

Before ending their Huntsville session on December 17, the legislature made provision for the removal of the state records to Cahawba, where its next meeting was scheduled to be held. So ended the period when Huntsville served as Alabama's second capital city.

The county government of Madison was changed very little by Alabama's transfer from its territorial status to that of statehood. Its superior court had been extended over the whole northern part of the state by the territorial legislature, and John W. Walker had received the presidential appointment as judge early in 1819, following the resignation of Obadiah Jones who moved to Limestone County.¹¹⁶ Under the state constitution, the Tennessee Valley was included in the fifth judicial district and Madison County's Clement Comer Clay was elected by the legislature to serve as its judge.¹¹⁷ Lemuel Meade, clerk of the circuit court, also received his appointment from the legislature.¹¹⁸

116. Carter (ed.), Territorial Papers, XVIII, 570-571.

117. "Register of Gubernatorial Appointments, Civil and Military," op. cit., p. 122.

118. Ibid., p. 192.

The first legislature left the organization of the orphans' court just as it had been during the Mississippi territorial period, with the exception that the justices received their appointments from the legislature instead of the governor. The chief justice was to be chosen by a vote of the five justices serving on the court, LeRoy Pope, John Withers, and David Moore continued to serve as justices, as well as Charles Betts and John M. Taylor who had been appointed by Governor Bibb in 1818 to fill the vacancies left by Thomas Bibb and Abner Tatum. Both of these men moved to Limestone County. In 1821, the legislature abolished this court entirely, and put in its place one county judge who was to be appointed for life by the legislature.¹¹⁹ At this time Judge Samuel Chapman, a member of the legislature from Madison, was named to the post.¹²⁰ He was authorized to preside over a court of commissioners of roads and revenue, which was to be elected annually by the

119. Toumin, Digest, pp. 191-200. LeRoy Pope and John Withers resigned in 1821 and were replaced by John M. Leake and Robert Davie who served until a county judge was appointed.

120. "Register of Gubernatorial Appointments, Civil and Military," op. cit., p. 122.

people of the county. This court, or at least two members of it, and the judge were empowered to appoint the county officials and attend to the civil matters of the county, heretofore handled by the orphans' court.¹²¹ In the first election for county commissioners James Manning, Gross Scruggs, Charles Betts, and Samuel Walker were chosen. All of these men were successful planters and business men and apparently had the confidence of the people, though two of them were recommended on the slate of the Georgia faction in county politics.¹²²

Under the constitution, clerks of the county and circuit courts and the sheriff were to be elected by the people for terms of three years. In the first election held for these offices, Neal retained his post as sheriff and the other incumbents, Thomas Brandon of the county court and Lemuel Meade of the circuit court, were reelected. In the second election for sheriff held in August, 1822, there were nine candidates, among whom was the incumbent Stephen Neal; William McBroom won the race, however, and served the county in this capacity for three years.¹²³

121. Toulmin, Digest, pp. 191-200.

122. Alabama Republican, July 27, 1821.

123. Alabama Republican, October 2, 1819, August 9, 1822.

The first legislature proceeded to make the offices of justice of the peace and constable elective, and placed their choice in the hands of the people of each militia beat. Two justices and a constable were to be chosen for two year terms at the spring musters held by the militia companies.¹²⁴ The militia act of 1821 provided that captains of the militia companies would also be elected at the beat level.¹²⁵ On March 15, 1820, Judge LeRoy Pope sent a list of these first election returns to the secretary of state. At that time, there were fourteen beats in the county; therefore twenty-eight justices of the peace and fourteen constables.

By far the liveliest phase of the political life of Madison County was the annual election of representatives of the legislature and the bi-annual election of Federal representatives. Since the people looked to the legislature for the selection of many of their officials and the enactment of laws that effected their economic and social life, they naturally wanted to secure a group of men who would attend to their

124. Toulmin, Digest, pp. 519-520.

125. Ibid., p. 611.

needs. To their congressional representatives they appealed for aid in securing land relief measures and the cession of Indian lands. The needs of different groups of people, as they defined them in their own minds from their particular points of view, formed the main basis for political factions in Madison County.

Many of the people of the county placed the blame for their economic distress on the "Georgia men" of Huntsville, who operated the Planters' and Merchants' Bank. To them the bank's checkered career was tangible evidence of the desire of these men to save their own wealth in time of economic crisis at the expense of the plain people, who were forced to use the banks' notes as a medium of exchange.¹²⁶ Though the Tennessee notes that circulated in the county from 1819 to 1825 were even more depreciated than the Huntsville notes,¹²⁷ the president and directors of the Planters' and Merchants'

126. Huntsville Democrat, November 4, 18, 25, 1823. For general newspaper treatment of this period see Ruth Ketring Nurenberger, "The 'Royal Party' in Early Alabama Politics," Alabama Review, VII (April-July, 1953), 81-98, 198-212.

127. Rates of Exchange are quoted in the Alabama Republican, November 17, 1820, and Southern Advocate, November 18, 1825.

Bank were known to most of the people in the county; therefore, it was much easier to condemn their activities than those of bankers in Tennessee whom they did not know.

Interwoven with the bank question was the resentment felt by rich and poor alike, because they were forced to continue to pay exorbitant rates of interest on loans contracted during the period between January 1818 and December 1819, when the rates were not governed by law. Many of these notes were due to directors, or former directors, of the bank; therefore, could be cited as further evidence of the corruption of the bank itself.

A third general grievance of the plain people stemmed from the conduct of the capitalist groups at the land sales of 1818, who, because of their ability to bid high prices, had prevented many of the actual settlers from bidding for their cleared lands.

Shortly after the Huntsville bank suspended specie payment on its notes on June 16, 1820, LeRoy Pope defended this action on the grounds that the Planters' and Merchants' Bank stood alone as long as it could, amid a sea of floating currency of Tennessee banks that

suspended specie payments in the summer of 1819. In pleading with his friend William H. Crawford, who was still serving as Secretary of the Treasury in 1820, to retain the Huntsville bank as a depository for land office funds and dispenser of Federal pensions he wrote:

Sir:

It becomes my duty, as president of this institution, to apprise you that the board of directors passed an order, on the 16th instant, to suspend specie payments for the present. Some of the principal causes of this measure are set forth in the printed address which I have the honor to enclose. There are not wanting others entitled to respect; and a confident expectation is entertained that, when the motives are duly appreciated, and our peculiar situation properly considered, the measure will receive your approbation. It is one to which we have been most reluctantly driven, and which we have long anxiously striven to avoid. At last it has become imperiously necessary, indeed, we should protract the struggle a while longer, until our last dollar was withdrawn, then close the doors on empty vaults. This alternative would deprive us of the means of being serviceable to the community; it would operate most injuriously to our credit; and would drive our paper out of circulation, only for the benefit of banks in the neighboring States which have long since

refused specie payments; which very refusal itself has imposed on us the necessity of adopting the step we have taken.

Notwithstanding, the uniform punctuality which up to this period this bank has observed in the redemption of its notes with specie, its issues were never sufficient to constitute an adequate circulating medium for this part of the State of Alabama; nor did this punctuality give its notes any considerable circulation beyond the limits of our state and the State of Tennessee. Our notes did not afford our commercial men sufficient facilities in effecting their remittance to the north and east, since they could not be passed there, except at a great discount. Nor yet had they here, among our planters, any preference over Tennessee Paper in paying debts or purchasing necessary articles; because Tennessee Paper would pay debts here, and buy goods and produce, (and this from the very necessity of having some medium of circulation) and our paper was insufficient. Our paper was indeed better, not only because it commanded specie, but because it was received at the land office; and for these purposes it was preferred. Not much is at present required by the land office. But with northern and eastern merchants, and their agents, here and in Tennessee, our paper has been continually in great demand, and has been strongly preferred over any other description of western paper, as it enabled them to convert their funds to specie. This they had uniformly done, as often as they could procure our paper; and to procure it has been a regular business, exchanging Tennessee Paper

for ours, even at a premium of from five to ten per cent. The balance of trade being greatly against Tennessee, and in favor of the north and east, and the banks in Tennessee having refused specie payment, and all western paper being greatly below par in the Atlantic cities, the merchants of these last collected their Tennessee debts in Tennessee paper, which was then exchanged at a great discount for ours, with which they drew specie, unless we supplied them with eastern Funds. This operation has only increased the amount of Tennessee paper in circulation here, and renders our paper too much like an article hoarded for profit--a sort of interest--to make it as desirable as a mere medium (of exchange) would be. The Tennessee paper has already excluded from circulation almost all other in this part of our State. For the last nine months we have been furnishing specie to pay off the debts of Tennessee; and we must have continued to import it for that purpose, so long as the banks of that State refuse to redeem their notes, and any of ours remain to be purchased.

I forbear to lengthen this letter unnecessarily by stating in detail how, and to what degree the late state of things would have been aggravated by the recent refusal of the banks of Georgia to redeem their notes in specie.

I fear I have been already tedious; but the board are anxious to preserve your good opinion, and I trust you will be kind enough to excuse a little polixity.

Indeed, he had been lengthy; but in so doing, he had recorded the banker's point of view he maintained throughout the political controversy, which later raged, concerning the bank of which he was president. Not stopping for further apologies he continued:

The government need be in no apprehension for its funds in our hands.¹²⁸ I am authorized to assure you that we shall not relax in our exertion to discharge, as speedily, as practicable, our debt to the treasury. All reasonable efforts have been made, and will be continued. We have now about twenty-five thousand dollars in the office of discount and deposit at New York, already ordered to be transferred to the credit of the Treasury, and held subject to the Treasurer's warrant. I have on my individual account, remitted to New York about ten thousand dollars in bills now payable within sixty days, and three hundred and seventy-two bales of cotton: the proceeds of all which, as soon as realized, shall be likewise placed to the credit of the Treasury of the same office. I have also a large quantity of cotton in New Orleans, the proceeds of which will be applied in the same manner. In addition to these funds, the bank has a lien on a large quantity of cotton shipped to Europe last November; and at the last mail

128. At this time the Planters' and Merchants' Bank statement of assets and liabilities showed that it held \$186,519.28 of Treasury funds.

brought advice of its safe arrival at Liverpool. The proceeds of so much of this last cotton as will belong to the bank are to be paid by Messrs. J. and C. Bolton of New York; and should we realize from this cotton anything like the sum for which it is pledged, we shall certainly be able, during the summer, to reduce our debt to the Treasury considerably below one hundred thousand dollars.

For my part, I am decidedly of opinion that our suspension of specie payments will the better enable us, under the existing circumstances, to discharge our debt to the Treasury; for all the eastern and northern funds, which may come into our hands hereafter, we can pay over to the Treasury, whereas heretofore, we have been compelled to part with them in order to reserve our specie; and the produce of our country must and will continue to bring eastern funds here. I am authorized to assure you that the board of directors are determined not to follow the example, too commonly set by other banks who have suspended specie payments, for making new issues on new discounts. It is the determination of the board not to discount new paper, but only to renew notes on loans already made until they can be gradually called in, without too enormous loss to the makers.

I am likewise instructed to give you the most explicit insurance, should you think proper to continue the Government deposits with us, and will authorize the receipt of our paper at the land office, that the bank will transfer the sums received

to some of the places heretofore designated in such money as shall be available at par. The nature and amount of our great staple production will always enable us to do this. Whatever debts the government may owe in this state or Tennessee may very conveniently, and without loss, be paid in our paper.

You will discover, from the statement of the cashier, that our specie is much reduced in amount.¹²⁹ But we shall have in a few days about thirty thousand dollars¹³⁰ on the way from New Orleans, an officer of this institution having been dispatched thither some weeks ago with the means of procuring it. This sum, added to what we have on hand, will make our specie bear a fairer proportion to our paper in circulation; perhaps a greater than a majority of the best banks in the Union.¹³¹

In essence, what Pope was requesting the Federal government to do was to underwrite the financial standing of the Planters' and Merchants' Bank in two ways. The Treasury was asked to continue to allow the bank's

129. The bank's statement showed that the specie on hand amounted to \$33,380.80 in silver and \$3,440.00 in gold.

130. The newspaper account in the Alabama Republican, September 22, 1820, said \$50,000.

131. LeRoy Pope to William H. Crawford, June 21, 1820, in American State Papers, Finance, III, 765-766 (hereafter cited as A.S.P., F.).

notes to be accepted as payment for land purchases at the Huntsville land office, and to continue the bank as a depository for land office funds. Such government backing would tend to give stability to the value of the Planters' and Merchants' currency in circulation, thus, allowing it to be exchanged freely for cotton or eastern notes, which could readily be converted into specie. By making such exchanges, Pope concluded, the Federal deposits in his bank could be transferred to the Treasury of the United States.

Immediately upon receipt of this letter, Crawford informed Pope that Federal regulations required, "that all public dues should be collected only in current coin, or in the notes of banks which discharged them upon demand in specie." For this reason, Crawford concluded, the wishes of the Huntsville Bank could not be granted "consistently with his official duties," and that it was "equally forbidden by the public interest."¹³²

The difficulty, which the bank encountered in transferring the \$186,519.28 deposit of government funds to the Federal Treasury, caused an indefinite postponement of the resumption of specie payment. The methods

¹³². William H. Crawford to LeRoy Pope, July 12, 1820, ibid., pp. 766-767.

used by the bank in securing eastern notes that would be acceptable in paying this debt, brought forth strong criticism from the people of Madison County. After waiting six months for the bank to redeem its notes in specie, the editor of the rather conservative Alabama Republican wrote a scorching editorial in which he stated that it was common knowledge that the valuable production of the county was going to the support of banking institutions which were unable or unwilling to pay their debts. There was no legitimate reason, he pointed out, that the proceeds of the labor of the people could not, without a ruinous reduction of fifteen per cent, be applied to the purchase of lands or other articles of indispensable necessity.¹³³

Such was the background of the heated political campaigns which occurred annually throughout the next eight years. Judging from the yearly changes of personnel in Madison's representation in the legislature from 1820 to 1825, the people were continually expressing their discontent at election time. Though some editorial comment and "Letters to the Editor"

133. Alabama Republican, February 9, 1821.

appeared in the Alabama Republican, the full political picture was not reflected in its conservative columns. In 1823, the forces opposing the Georgia faction began the weekly publication of The Democrat whose motto read, "Unawed by the Influence of the Rich, the Great, or the Noble, the People Must be Heard and their Rights Vindicated." William B. Long, a young lawyer from Kentucky who had opened a law office in Huntsville in January of 1822,¹³⁴ became its editor.¹³⁵ Through the editorial columns of this publication, he proceeded to use his "acid" pen in disclosing all data that he could find, which would prove that the Georgia men were using the banking business to further their own economic interests at the expense of the poor who were not in a financial position to defend themselves. A considerable amount of this material was most likely furnished him by Congressman Gabriel Moore, who had had possession of the reports of the Secretary of Treasury, on the

134. Ibid., May 31, 1822. Long's notice in this issue is dated January 18, 1822.

135. The Democrat, October 14, 1823.

condition of the Planters' and Merchants' Bank from 1818-1822, and on the conduct of John Brahan which had led to his dismissal from his post as receiver of public monies at the Huntsville land office. In the case of Brahan, Moore had, himself, instituted a congressional investigation of his conduct, in order to obtain the authentic information concerning the register's dismissal.¹³⁶

The fight on the Huntsville bank spread beyond the bounds of Madison County, for Long's words contained political dynamite which could aid the destruction of the power of the Georgia faction in state political affairs. In November of 1822, an act had been passed by the legislature authorizing the governor to suspend proceedings on a writ of quo warranto against the bank which had been instituted in the circuit court in the fifth judicial district. This measure accepted the pledge of the directors of the bank to redeem their notes in specie, which might be used in the payment of

136. A.S.P., F., III, 760-766; *ibid.*, P.L., III, 552-560; Annals of Congress, 1st Session, 17th Congress, p. 1014.

taxes in the Tennessee Valley, and gave them until January 1, 1824, to resume specie payment in general. In the event that the bank did not comply with its pledge, the governor was instructed to issue a proclamation declaring its charter void.¹³⁷

Early in January of 1824, when the bank did not comply fully with its pledge, Long renewed his attack, and Pope, in an attempt to defend the bank's position, had a lengthy statement published in the Alabama Republican. His basic argument was the same as the one he had presented to the Secretary of Treasury in 1820, but his statements were more reserved.¹³⁸ Pope's explanations served to give the editor of The Democrat new material on which to expound his opinions.¹³⁹

A decision of the state supreme court, rendered in the summer of 1824, brought relief to the people of the county and the state who were paying high rates of interest on debts contracted in 1818 and 1819,¹⁴⁰ and

137. Toulmin, Digest, 63-64.

138. Alabama Republican, January 16, 1824, June 18, 1824.

139. The Democrat, February 17, 1824.

140. The decision stated that excessive interest rates could be recovered only for the period called for in the contract. After the note became due only the legal rate of interest of eight per cent was chargeable until the debt was actually paid.

it also gave Long a new point of attack on the Georgia faction. The columns of The Democrat of June 29, 1824, called attention to the fact that people had at last won a victory over the "shylocks" of the area.

As Long continued his attack on the Georgia faction, he revived the name of the "Royal Party" which had been used to describe this group in 1811. Because his followers did not have an official title, he called them the "Champions of the People."

When the Planters' and Merchants' Bank had to forfeit its charter in February, 1825, for failure to resume specie payment, Long wrote that the "Royal Party" had at last had to abandon its ruthless methods of obtaining "unrighteous narmon."¹⁴¹

Politically speaking, these violent attacks on the Georgia faction were apparently believed by a majority of the voters, for Long and the entire slate which his paper supported were elected to the legislature in August of 1825. Not only was this true in the legislative candidates, but also in county offices, for two new commissioners and a new sheriff were elected. Then

141. The Democrat, February 15, 1825.

too, Madison County's delegation had been cut from seven to five representatives in accordance with the last apportionment based on the state census of 1823,¹⁴² and this made the competition for office even keener. In the senate race, Thomas Miller of New Market defeated Dr. David Moore who had served in the legislature for five years, three of which had been in the senate. John Vining, a member of the lower house for five years, retained his place as a "Champion of the People" and Henry King, who had previously served one year in the house in 1821, was again chosen. William B. Long, Harry I. Thornton, and William Kelly, the other successful candidates, were all elected to the legislature for the first time.¹⁴³

William Kelley, who had served as a judge in Tennessee before coming to Alabama, was no "newcomer" to the field of state politics. In 1822, the legislature had chosen him as a "Champion of the People,"

142. Acts of Alabama, 1824, p. 3.

143. According to the constitution, Alabama was to take a census in 1821, 1823, 1826, and every six years thereafter, to determine the proper apportionment of representatives.

instead of John McKinley, the Georgia men's choice, to fill out the unexpired term of John W. Walker who had been forced to retire because of ill health.¹⁴⁴

Kelly's stand with the "Champions of the People" had taken a highly vocal form after he had been defeated for reelection in December of 1824, by Henry C.

Chambers who had the support of the Georgia faction.¹⁴⁵

Then too, some of Kelly's clients wished to recover all of the excessive interest rates which they had paid out under the Usury Act of 1818, prior to the supreme court decision of 1824. In order to do this the statute of limitations would have to be repealed.

Judging from Kelly's actions at Cahawba, he was interested in using his legislative office to aid his clients.¹⁴⁶

The victory which William B. Long had won with his "acid" pen was of short duration. On August 17, 1825 he died, leaving The Democrat temporarily without an editor.¹⁴⁷ Philip Woodson, another Kentuckian, who

144. Election returns in Alabama Republican, August 5, 1825.

145. The Democrat, January-June, 1825.

146. Southern Advocate, February 17, 1826.

147. The Democrat, August 19, 1825.

handled the publishing end of the paper, filled in from August to January 20, 1826, when Andrew Wills, former president of the Greene Academy, was hired to take Long's place as editor.¹⁴⁸ Wills had lost his position because the trustees of the academy, most of whom were of the "Royal Party," were not satisfied with his educational philosophy.¹⁴⁹ His sentiments toward the Georgia group were such that he was able to use Long's "acid" pen with skill.

The county chose William Brandon, another "Champion of the People," to fill the legislative post left vacant by Long;¹⁵⁰ the Madison County delegation in the 1825 legislature fell to William Kelley. The action of these representatives on the important questions which came before that body was displeasing to the people who had elected them. The Southern Advocate condemned the group for being willing to barter the seat of government to the people of southeastern Alabama, in return for the location of a branch of the state bank

148. The Democrat, January 20, 1826.

149. Ibid.

150. Ibid.

in Huntsville and the University in the Tennessee Valley, when they knew the large majority of the citizens of Madison County preferred Tuscaloosa as the capital.¹⁵¹ Though the people were pleased when Tuscaloosa became the new capital, they nevertheless remembered that Madison's delegation and, particularly, William Kelly, who was speaker of the house, had voted against it.¹⁵² They also condemned him for presenting a petition to the legislature for his clients asking for a repeal of the statute of limitations, so that they could demand refunds on excessive interest paid under the Usury Act of 1818.¹⁵³ The Southern Advocate accused Kelly of openly attempting to violate the constitution in furthering his own economic pursuits and of following a "wavering course" throughout the entire legislative session.¹⁵⁴ In the columns of The

151. Southern Advocate, February 17, 1826.

152. Ibid.

153. Ibid.

154. Ibid.

Democrat Kelly defended his actions, but his own words were used against him by his enemies.¹⁵⁵

When election time came around in August of 1826, five new representatives were chosen. Thomas Miller was able to retain his seat in the senate, but not one of the incumbent representatives stood for reelection. James McClung and David Moore, who were numbered with "Royalist" by The Democrat, regained their seats; but three "newcomers," William Acklin, Jr., Nathan Smith, and David Bradford, won the three other places.¹⁵⁶

This election was an important one, for the members of this legislature would have the job of choosing a new United States Senator to replace Henry Chambers of Madison County, who had died on his way to Washington to attend the opening session of the Twenty-Seventh Congress. Former Governor Israel Pickens had received a temporary appointment to Chamber's seat, but it was generally believed that he would not seek the post permanently. In order to get a man of their choosing, the Georgia faction needed to have representatives in

155. The Democrat, February 3, 1826.

156. Southern Advocate, August 11, 1826.

the legislature, and for that reason no doubt, James W. McClung, law partner of Clement Comer Clay, was especially anxious to be elected. David Moore, a friend of Clay, was well known in legislative circles. The support of Clay by these two men proved to be the cause of much excitement in the chambers of the new capital in Tuscaloosa.¹⁵⁷

Before considering further the election of the United States Senator from North Alabama in December of 1826, it is important to note what part Madison county's political leaders had been playing in national affairs, in order to better understand the significance of the choice which was made between Clement Comer Clay and John McKinley at that time by Alabama's legislature.

John W. Walker's term in the Senate, though brief, was of tremendous benefit to the people of Madison County and the whole state. Because of his gift of speech and intellectual powers, he was able to play an important role in the passage of a major land relief law in March of 1821.¹⁵⁸ This measure greatly relieved

157. Southern Advocate, December 15, 1826.

158. Hugh C. Baily, "John W. Walker: Pioneer Statesman of Alabama," unpublished Doctoral dissertation, University of Alabama, 1954, pp. 372-405.

the economic tension in the Tennessee Valley. It gave the people who had purchased land at extremely high prices in 1818, the opportunity to relinquish part of it and apply the amount of money which had been paid on this land toward the payment of the remainder due on other land which was retained if the tract included as much as eighty acres.¹⁵⁹ This act also provided a long range plan whereby payments on the remaining land debts could be paid in four, six, or eight annual instalments without further payment of interest after September 30, 1821, if the payments were made on time. A special inducement was made to those most financially able to pay their obligations, by allowing them a thirty-seven and one half per cent discount if they completed their payments in cash by September 30, 1822.¹⁶⁰ Though the law brought greatest relief to the large land holder, it was equally acceptable to the small purchaser who had bought land at the sales of 1818 and 1819.

So appreciative were the people of the Tennessee Valley, that they gave Walker a public dinner in

159. Ibid.

160. Ibid.

Huntsville on April 10, 1821.¹⁶¹ This affair rivaled the one tendered President Monroe three years before, and the toasts offered on many subjects were even more numerous.

But Walker's successful senatorial career was not to be of long duration, for the climate of Washington greatly aggravated his serious lung condition and forced him to resign in December of 1822.¹⁶²

In order to have time to find a successor who would be acceptable to them, the Georgia faction kept Walker's resignation secret for a while. Their choice was John McKinley, a young lawyer from Kentucky who had speculated rather heavily in the land sales of 1818, and who had been an associate of Coffee, James Jackson, LeRoy Pope, Thomas Bibb, John Childress, and Dabney Morris in the Cyprus Land Company development.¹⁶³ When the Tennessee faction heard that the legislature was

161. Alabama Republican, April 13, 1821.

162. Bailey, op. cit., pp. 427-429.

163. Alabama Republican, April 18, 1818; Land Certificates Issued 1818-1820, Huntsville Land Office Records in State Department of Archives and History, Montgomery, Alabama; Owen, op. cit., IV, 1125.

about to elect a Senator to take Walker's place, they sent William Kelly down to compete for the post. After conducting a "whirlwind" campaign, he was successful in defeating McKinley by one vote.¹⁶⁴

The defeat of McKinley was a decided blow to the political power of the Georgia faction, because it cut out their "direct line of communication" with Washington circles. William Kelly, like Gabriel Moore, was a "Champion of the People" and with these two men, working as a team in Congress, the Tennessee faction forged ahead of the Georgia faction in political influence in Washington.¹⁶⁵

In 1821, Gabriel Moore transferred his political efforts to the national capital, when he was successful in his race against George W. Owen and Silas Dinsmore for Alabama's only seat in the House of Representatives.¹⁶⁶

164. Alabama Republican, December 20, 1822; Andrew Jackson to Richard Keith Call, February 3, 1823, in Bassett (ed.), op. cit., III, 186; Bailey, op. cit., pp. 432.

165. Annals of Congress, 17th Congress, 1st Session, pp. 1213; ibid., 2d Session, pp. 1269, 1591, 1614-15; ibid., 18th Congress, 1st Session, 132, 192, 572, 574, 675-678, 791, 793.

166. Alabama Republican, August 19, 1821.

Unlike John Crowell, whose only recorded action in the Annals of Congress was that he produced his credentials and took his seat, Moore spoke freely and forcefully on all of the issues of importance that effected Alabama. His legislative experience, no doubt, had trained his political ear to hear the wishes of the plain people of the frontier, for most of his efforts were exerted in securing a liberal land policy that would guarantee to squatters and small farmers a right to buy their lands at minimum price. From the time he took his seat in Congress until he became Alabama's fifth governor, without opposition, in 1829, Moore was able to protect the squatters in the eastern part of Madison County and Jackson County from having their lands exposed to public sale, and at the same time, he fought for pre-emption rights for these people.¹⁶⁷ To strengthen his argument on behalf of those who had migrated into the coves between the mountains, when many of them had been out-bid at the land sales, Moore called for a congressional investigation of the speculating activities of the receiver of monies at the Huntsville land office.¹⁶⁸

167. Annals of Congress, 17th Congress, 2d Session, pp. 1614-1615, 1617.

168. Ibid., Vol. 2, 675-678, 793.

With the use of the report of the Secretary of Treasury concerning Brahan's activities, he was able to get the favorable support of the House of Representatives on postponement of the public sale of both surveyed and relinquished lands in the Bend of the Tennessee; but he was not successful in securing pre-emption rights for squatters.¹⁶⁹ His unfinished work in this area was pushed to a successful conclusion by his successor, Clement Comer Clay, and the other members of the Alabama delegation who worked with the Arkansas and Missouri members of Congress in putting through a temporary pre-emption act on May 29, 1830.¹⁷⁰

Besides his work for the squatter, he also played an important role in securing the passage of further relief acts in 1824 and 1826, which were beneficial to those who had been forced to relinquish considerable amounts of high priced lands.¹⁷¹ As early as 1823, Moore spoke forcefully in the House of Representatives

169. Ibid., p. 793; ibid., 18th Congress, 1st session, Vol. 2, pp. 2481-2485.

170. United States Statutes at Large, IV, 420.

171. Congressional Debates, IV, Pt. II, 894, 2762-2765.

for Federal aid for improvement of navigation of the Tennessee River. At this time he pointed out that five states would profit from the construction of a canal around Muscle Shoals. Though his bill was "laid on the table" at that time, its contents were finally embodied in a measure passed in 1828, by which 400,000 acres of relinquished land, lying within the bounds of Madison, Limestone, Lawrence, Lauderdale, Franklin, and Morgan Counties, were turned over to Alabama to be used for the improvement of the Tennessee and Coosa Rivers.¹⁷²

William Kelly's record in the Senate from 1823 to 1825, shows that he worked closely with Moore in the field of land legislation.¹⁷³ Such a combination of political power led the Georgia faction to stage an all-out effort to have one of their men elected to fill Kelly's place when he stood for re-election in December of 1824.¹⁷⁴ Henry Chambers, who had twice been defeated

172. Congressional Debates, III, 1252-1253; ibid., IV, Pt. II, 2762-2765, appendix, XXV. For the parts played by Senators William R. King and John McKinley in the passage of this measure see ibid., pp. 453-458, 656-665.

173. Annals of Congress, 17th Congress, 2d Session, p. 192; ibid., Vol. 2, pp. 132, 133, 574.

174. The Democrat, November 9, 1824.

by Pickens in the gubernatorial race, was chosen as their favorite son, and he was elected by a vote of 41 to 35.¹⁷⁵

Chambers' victory was important to the Georgia faction for another reason. In the presidential election of 1824, their friend, William H. Crawford, had made a very poor showing. In Madison County he had such a small following that he had no electors running on the November ticket. Andrew Jackson's five electors, Henry Chambers being one of them, received 1296 of the 1645 votes cast in Madison County.¹⁷⁶ Since it appeared at the time that Jackson might be elected, the Georgia group, no doubt, felt that they would fare better in Washington circles if they supported Chambers who voted as they did in local and state elections.

The Chambers victory over Kelly in the legislature was followed by an attempt on the part of the Georgia faction to relieve Gabriel Moore of his seat in the

175. Alabama Republican, December 17, 1824; The Democrat, December 21, 1824.

176. Presidential Election Returns of 1824 by Counties, in State Department of Archives and History, Montgomery, Alabama; The Democrat, November 9, 16, 1824.

House.¹⁷⁷ Clement Comer Clay was their choice for the task; but this rather sedate young lawyer was no match for Moore at the heated political rallies held in the Tennessee Valley during the summer of 1825. Moore was returned to Congress by an overwhelming majority of the votes cast in his district. In this election he had, likewise, aided the "Champions of the People" in sending the entire Long-Kelly delegation to the state legislature.¹⁷⁸

Such was the state of political affairs, when the legislature convened in November of 1826 to consider, among other things, the election of a United States Senator.

Clay's race against Moore for the House in 1825 had identified him as a member of the "Royal Party,"¹⁷⁹ while McKinley's five year silence in political circles

177. Moore had been unopposed for his seat in Congress in 1823, but he had spoken freely against the "Royal Party" during the legislative campaign of 1823. See Alabama Republican, July 25, August 1, 8, 15, 22, 1823.

178. Southern Advocate, June 23, July 14, 21, 28, August 11, 1825; The Democrat, June 7, July 22, August 5, 12, 1825.

179. Ibid.

had largely cleared him of the stigma of having been the Georgia faction's choice for the Senate in 1822.¹⁸⁰ Then too, McKinley had become a strong supporter of Andrew Jackson, Alabama's choice for the presidency in 1824, and this tie-in with national politics gave him an added popularity. John Coffee, a close friend of Andrew Jackson, was also a close friend and business associate of McKinley in the Cyprus Land Company. That McKinley used this friendship to gain Jackson's influence is rather clearly indicated in the correspondence between the two shortly before the legislature made its choice.¹⁸¹

When the balloting for Senator began, there were five men in the race; but Clay and McKinley soon took the lead, and James Jackson, Nicholas Davis, and Thomas Farrar withdrew. Finally, after considerable "horse trading" behind scenes, McKinley was elected by majority of three votes. In the final count only two of Madison County's delegation voted for Clay; James W. McClung who has been his agent, and Dr. David Moore.¹⁸²

180. The Democrat, October 27, 1826.

181. John McKinley to John Coffee, September 12, 1826, in Coffee Collection, Montgomery.

182. Southern Advocate, December 8, 15, 1826.

A bit of excitement was injected into the senatorial contest when Andrew Wills, editor of The Democrat, while engaged in covering the session for his paper, rose to his feet and accused Dr. Moore of voting against his pledge to his constituents. McClung, who had approved Wills' attendance at the session, immediately moved that the newspaper editor be expelled from the hall. His wishes were granted. A committee was then appointed to investigate the whole affair.¹⁸³

When Wills returned to his editor's desk, he proceeded to use the editorial columns of The Democrat to attack McClung's action in the legislature. McClung answered his accusations in the columns of the Southern Advocate, and so another political word battle ensued.¹⁸⁴

As the annual summer elections approached this political war gained momentum. McClung announced his intention to run again for the legislature, and his law partner, Clay, again opposed Gabriel Moore for Congress.

183. Alabama House Journal, 1826, pp. 38, 41-44, 74.

184. This struggle reflected itself in numerous articles of The Democrat and Southern Advocate which appeared from December 1825 through August 1826.

Sixteen candidates were in the running for county and legislative offices.¹⁸⁵ Political rallies were scheduled in most of the voting precincts, and feeling between the political factions mounted.

There was much talk of political duels, and John Boardman of the Southern Advocate commented:

Perhaps the greatest portion of the duels which occur in the United States arise from political quarrels-- This is a singular trait in our national manners. The people never quarrel on these matters, but the aspiring politicians are always on the edge of a volcano. The Southern people are open, plain, and candid. They fight as soon as they would eat a canvass back or drink a bottle of champagne. The eastern wise men are more sly, revengeful and dangerous.¹⁸⁶

By mid-July the campaign was in full force and a local writer in the Southern Advocate, "with tongue in cheek," waxed poetic on the fiddling, feasting, dancing, and drinking which he had observed at the barbecues.¹⁸⁷ By this time, also, the word battle between McClung and

185. Southern Advocate, June 8, 1827.

186. Ibid., April 8, 1827.

187. Ibid., July 14, 1827.

Wills had moved into a critical stage. When Wills refused to reveal the identity of the author of a highly critical article about McClung, which appeared in the columns of The Democrat signed by "Patrick Henry," the controversy became an "affair of honor." Late in the afternoon of July 23, 1827, Wills and McClung faced each other on the north side of the Public Square, and in the encounter that ensued, the editor of The Democrat was mortally wounded.¹⁸⁸

Immediately after this tragedy, McClung withdrew from the legislative race and later stood trial for his political deed. Clement Comer Clay defended his law partner and was successful in winning for him a verdict of "not guilty" on November 18, 1827.¹⁸⁹

In the August elections, Gabriel Moore again defeated Clay for Congress, and the "Champions of the People" sent a full delegation to the legislature. At this time David Moore was defeated for re-election, and William Kelly regained his place which he had lost the year before.¹⁹⁰

^{188.} Ibid., July 27, 1827; The Democrat, August 17, 1827.

^{189.} Southern Advocate, July 27, November 23, 1823.

^{190.} Ibid., August 10, 1827.

Early in 1828, Kelly staged his last political battle in the form of an attack on the state supreme court. When this body rendered a decision in January of 1827, declaring that interest rates charged under the Usury Act of 1818 were legal while the law was in force, and therefore creditors could not be required to make refunds, Kelly's hope for such a recovery for his clients was dashed. Not satisfied with the final word of the court, he used his position in the legislature to continue the fight, by petitioning the state senate to remove Justices Reuben Saffold, James White, and Andrew Crenshaw for incompetence and neglect of duty, as evidenced by their reversals of circuit court decisions where they had been the presiding judges.¹⁹¹

In the proceedings which followed, the judges were exonerated by a large vote and Kelly went down in final defeat.¹⁹² But the issue he had raised remained very much alive, for the legislature approved an amendment to the state constitution which called for the reduction of judicial tenure from a period of good behavior to a term of six years. The people of the

191. Moore, op. cit., p. 120.

192. Ibid., pp. 120. Kelly left Huntsville in 1829 and migrated to New Orleans, where he died in 1834.

state promptly ratified it; thus adding the first amendment to the constitution in 1830.¹⁹³

The political campaigns of 1828 were mild beside the exciting one of the previous year. By now the "Champions of the People" had a full-fledged name-- Jackson Democrats. The titles of "Royal Party" and "Georgia Faction" had likewise given way to another name--the "Adams' Party."¹⁹⁴ James G. Birney, who had been politically silent since 1821, headed the unsuccessful Adams electoral ticket in the state.¹⁹⁵ In local affairs he was elected Huntsville's first mayor under the mayor-town council plan which was instituted in 1828.¹⁹⁶ During the next four years he led the conservative forces in community affairs, but his anti-slavery views eventually caused him to become very unpopular with both the conservative and the democratic groups in the area.¹⁹⁷

193. Ibid., pp. 120-121.

194. Southern Advocate, August 8, 15, 1828.

195. Ibid., November 7, 14, 1828.

196. Ibid., February 15, 1828.

197. Southern Advocate, 1832-1834, passim.

One of the most important questions to come before the state legislature in November of 1828, was the problem of how to dispose of the 400,000 acres of relinquished lands granted to Alabama by Congress on May 23, 1828, for the improvement of the Tennessee River and other navigable streams of the state. Clement Comer Clay, while serving his first term in the lower house, led the group who thought that the planters should have first right to enter these lands at cash value, since they had paid high prices for the adjoining lands and had expended considerable sums in improving those relinquished. David Hubbard of Lawrence County, on the other hand, championed the cause of the plain people, whom he felt should have a chance to secure some rich lands at a reasonable price. He argued that poor land was like skimmed milk, in that it would not "fatten," and therefore he thought it only fair that the hard-working small farmer should have a chance to grow a little "fatter" on a small piece of rich land.¹⁹⁸

A compromise measure was worked out whereby the lands were to be evaluated by a commission of twelve

198. Sanders, op. cit., pp. 196-197.

men, two from each county whose lands were involved, and the lands would be offered for sale according to their assessed valuation. Each planter was to be allowed to pre-empt two quarter sections of their relinquished lands. The rest of each tract, if it amounted to more than this amount, was to be divided into eighty acre plots for sale to the small farmer at a fixed rate.¹⁹⁹

On September 15, 1829, the state land agent, Benjamin M. Bradford, appointed under this act, reported that 400,016.19 acres had been evaluated and that the lands were ready for disposal. Before the sales finally took place in 1830, some of these lands had to be revalued, because there had been no uniform system used by the commissioners in different counties.²⁰⁰

The proceeds of these sales were expended in constructing the Muscle Shoals Canal which was completed in 1834.²⁰¹ But it proved to be inadequate in solving the Muscle Shoals "bottleneck" and river transportation continued to be hazardous in that area.²⁰²

199. Ibid.; Acts of Alabama, 1828, pp. 3-10.

200. Owen, op. cit., II, 844; A.S.P., P.L., VI, 139-142.

201. Owen, op. cit., II, 1063.

202. Ibid.

The effective work of Gabriel Moore in Congress won for him the governorship of Alabama without opposition in the August elections of 1829.²⁰³ Under his guidance the work of the Muscle Shoals Canal was begun. Nor did his transfer to state office stop him from seeking pre-emption rights for the squatters in various parts of the state. Memorials continued to be sent by the legislature to Congress urging that land sales of surveyed lands in Alabama be postponed until a pre-emption law could be enacted.²⁰⁴

Clay was successful in winning the congressional seat left vacant by Moore, in 1829, and lent his support to land relief bills before Congress.²⁰⁵ Meanwhile, McKinley, who served on the land committee in the Senate and had cooperated with Moore in the House, continued his active support of land measures beneficial to Alabama.²⁰⁶

203. Southern Advocate, August 7, 14, 1829.

204. A.S.P., P.L., VI, 51, 54, 142, 251.

205. Southern Advocate, August 7, 14, 1829. Clay served on the Committee on Public Lands in the House of Representatives in the 21st and 22nd Congresses.

206. Congressional Debates, IV, Pt. 2, 453-507, 657-658.

Thus in 1830, as in 1819, when Alabama entered the Union, Madison County's leaders held important places in the state government and in Congress; but they were men with somewhat different political concepts and practices. In this formative period of the state's history, free and annual elections, as provided for in the state constitution of 1819, had given the plain people an opportunity to work through the legislature in making most of the county and state offices subject to the will of the people. At the national level, they had required their representatives to work for liberal land laws, which, by 1830, included pre-emption rights for squatters, and for an Indian policy that would eventually lead to an extinguishment of all Indian titles in the state. Though Alabama's representatives supported the institution of slavery, the rights of the states, as opposed to Federal power, and a low tariff policy, their chief efforts were exerted during the formative period of the state in satisfying their constituents' "thirst for land."

On the other hand, the conservative forces, who played an important role in transforming the Alabama Territory into a state, lost their hold on county and

state offices, but they were not extinguished as a political force. It was within the ranks of this group that a hard core of opposition to what they called "nobocracy" was forming. These conservative forces emerged as the Whig Party in the 1830's.

Finally, by 1830, a large majority of the people of Madison County and Alabama had a friend in the White House, and they, also, knew him "personally."

CHAPTER VIII

ECONOMIC AND SOCIAL DEVELOPMENT OF MADISON COUNTY 1810-1830

The central theme running through the economic and social history of Madison County from 1810 to 1830, was the development of a rich agricultural economy. Though practically all of the commercial and manufacturing activities established during the period were either directly or indirectly associated with the production, transporting, and marketing of raw cotton, spun cotton thread, and cotton bagging, Census statistics for 1820, reveal that the county had a well balanced agricultural economy which included the raising of numerous types of grain and livestock.

Another theme, closely interwoven with the central theme, was that of land speculation. Successful land investments made at the Federal land sales of 1809, 1818 and 1830, in many instances, furnished the additional capital necessary for planters and merchants to expand their activities to the point of becoming extremely wealthy. On the other hand, a number of the

land speculators in the 1818 sales were reduced from the status of planters to that of overseers.

Since Madison County was the only legally settled area in the Bend of the Tennessee prior to 1818, and because the sales of all the public lands in north Alabama took place in Huntsville, many families from the older states settled within its boundaries for a short period, and then moved on to other parts of the state. Due to this rather rapid migration of a segment of Madison County's population during Alabama's formative period, it is difficult to ascertain, from the county's deed records and tract book, a completely accurate picture of early land holdings in relationship to the slave holdings of its agricultural population. The territorial tax returns for Madison County, 1810 through 1815, do, however, present a rather clear picture of the economic status of the farmers and planters in the county for this period.¹

1. The tables used in the discussion of land and slave holdings in Madison County were compiled from Madison County's territorial tax returns for 1810, 1811, 1812, 1813, 1815.

According to the 1810 tax returns, 78.6 per cent of the heads of families listed were nonslaveholders, while 21.4 per cent of the heads of families owned from one to thirty-one slaves. In the nonslaveholding class, 52.8 per cent of the group owned no land, while the remaining group owned from 160 to 1280 acres of land.² Among those who possessed slaves, 52.8 per cent of the group owned from one to five. Using the generally accepted yard stick for a medium planter as being a possessor of from twenty to fifty slaves, only four heads of families listed in the first tax returns fell within this classification.³

The economic growth of Madison County was somewhat retarded by the unsettled condition of the frontier during the Creek War and the poor crops years of 1812 and 1813; but by 1815 a period of prosperity had begun and settlement became more rapid.

In the tax returns for that year, more than twice as many heads of families are listed than for 1810.⁴ The number of nonslaveholders had decreased from 78.6

2. See Chart 2, p. 404.

3. Ibid.

4. Ibid.

per cent to 61.71 per cent, while the slaveholders had increased from 21.4 per cent to 38.29 per cent, among a total of 1379 heads of families.⁵ There was by this time a substantial increase in the number of land owners, for the 1815 tax records show that 59.67 per cent of the heads of families owned land ranging from five to 2880 acres.⁶

The large number of farms smaller than a quarter section, the lowest amount to be purchased at the land office, indicates that many of the original settlers had secured their homesteads and cultivated lands from those who had purchased these lands for resale.⁷

A breakdown of the slave holdings in 1815, shows that 64.4 per cent of the slaveholders owned from one to five slaves; thus indicating that, though the percentage of medium and large planters had increased to 10.14 per cent of the total slaveholders, a greater majority of the slaves were owned by the farmers who worked side by side with them in the production of their crops and the clearing of new lands.⁸

5. Ibid.

6. See Chart 4, p. 406.

7. Ibid.

8. See Chart 3, p. 405.

That the settlers who had come to Madison County by 1816, had purchased most of the available farm lands in the Triangle is evidenced by the releases from the General Land Office, which show that 240,308 of 345,000 acres of surveyed land had passed into private ownership.⁹

From the Chickasaw cession of 1816, and the Cherokee cession of 1819, Madison County gained 174,000 acres bringing her total area to its approximate permanent size. The area added to the western part of the county in 1818, was sold at the sales of 1818, and bought up in comparatively large bodies by the planters of the county and a number of men with capital who came from Georgia, Virginia, Kentucky, and Tennessee.¹⁰ After the public sales were over some squatters in the area were able to buy their homesteads;¹¹ but a large number of these people had to move on to unsurveyed lands elsewhere.¹² Many of this group followed the example of

9. See Chart 5, p. 407.

10. Tract Book of Madison County; Taylor's Manuscript, pp. 19-20.

11. Ibid.

12. "Memorial of the Legislature of Alabama asking Postponement of the Sale of Public Lands and Pre-emptions to Settlers in Alabama" communicated to the House of Representatives December 12, 1823, A.S.P., P.L., IV, 2-3.

dispossessed squatters of 1809, and migrated to the Cherokee cession which later became East Madison County and Jackson County. As had been pointed out in Chapters V and VI, these squatters used their political influence to prevent the sale of their homesteads until they could secure them by pre-emption.

By the Land Act of May 29, 1830, squatters in Alabama who had been in occupation of their lands since January of 1829, were given the opportunity to purchase up to 160 acres, at \$1.25 per acre, without having to bid for it at public auction. Those unable to raise the money for this amount were allowed to purchase eighty acres. Thus, did some of Madison County's earliest settlers come into legal possession of their farms on which they had squatted for twenty-five years.¹³ In describing this sale, Judge Thomas Jones Taylor pointed out that, unlike Old Madison which offered great facilities for opening large farms, east Madison was made up of long valleys between mountains and was ideal for the small farmer. Therefore, the purchase of

13. Isaac Criner, the earliest known farmer in Madison County, bought his first 160 acres of land from the Federal government on June 28, 1830. Since 1804 he had been living in a beautiful cove on the Mountain Fork of Flint River near the Tennessee line.

these lands in small units by nonslaveholders caused this section to be known as "the white man's country," and the sale to be referred to as the "great land sale of 1830."¹⁴

With the additions of territory east and west of the original Triangle, and the influx of settlers from other areas to counteract the exit of many of the county's farmers to other sections of the state, Madison's total population in 1830, stood at its highest peak during the ante-bellum period.¹⁵ Furthermore, the percentage of slaveholding heads of families had risen from 28.29 per cent to 54.80 per cent during this fifteen-year period. A breakdown of these slaveholding heads of families shows that 49.5 per cent of them owned from one to five slaves; 19 per cent, from six to ten; 18.2 per cent, from eleven to twenty; 5.5 per cent, from twenty-one to thirty; 3.46 per cent, from thirty-one to forty; 1.18 per cent, from forty-one to fifty; 2.92 per cent, from fifty-one to one hundred;

14. Taylor's Manuscript, p. 20.

15. According to the Federal census reports the population of Madison County in 1840 included 12,297 whites and 13,409 Negroes; in 1850, 11,937 whites and 14,490 Negroes; and in 1860, 11,685 whites and 14,765 Negroes. See also Chart 1, p. 403.

and 0.24 per cent, over one hundred.¹⁶ When these percentages are compared with those for 1815, it is seen that, not only was the number of slaveholders increasing, but the number of slaves held by each head of a family was also increasing. Though the number of medium and large planters was definitely on the increase in the county, it is significant to note that 86.7 per cent of the heads of families owning slaves possessed fewer than twenty-one, and 67.7 per cent of this group owned fewer than eleven slaves each.

Unfortunately, no detailed tax or census records exist for the year 1830, which would give information concerning land holdings in relationship to slaveholdings. However, a perusal of the receiver's ledgers of the Huntsville land office, the deed and county court records, the county tract book showing land entries, and the local newspaper announcements of the sale and auction of farms, reveal certain trends in land ownership for this fifteen-year period.¹⁷ First of all, the

16. See Chart 3, p. 405.

17. Receiver's Ledgers, credit system, A, B, C, D, 1809-1818, Huntsville Land Office Records; Madison County Deed Books, A, B, C, D, E, 1810-1830; Madison County Orphans Court Records, 1810-1821; Madison County Court Records, 1821-1831; Tract Book of Madison County; files of Alabama Republican, 1818-1825; Southern Advocate, 1820-1831.

tract book and receiver's ledger show that a greater part of the best lands, with the exception of school holdings, had been transferred to private ownership. Secondly, both those owning small or large amounts of land had in many instances added the lands adjoining their initial entries. Thirdly, lands purchased in the western part of the county at extremely high prices at the land sales of 1818, were in part relinquished and reentered, largely by the original purchasers by 1831.¹⁸ Fourthly, consolidation of smaller farms into larger holdings occurred during this period, when small farmers assigned or sold their lands in Madison County and bought lands in other counties, when real property of estates was sold, and when land owners had to sell their lands to pay their debts.¹⁹ Finally, by 1830, many of Madison County's original settlers, who, in 1815, had completely paid for their

18. Receiver's Ledgers, 1818; Tract Book of Madison County.

19. Receiver's Ledger, A and B; Tract Book of Madison County; Sale announcements in the Alabama Republican, 1818-1825, and the Southern Advocate, 1826-1831.

CHART 1

POPULATION OF MADISON COUNTY, ALABAMA, 1809-1830*

Year	Total	White	Slave	Free People of Color
1809	2,545	2,223	322	Not given
1816	14,200	10,000	4,200	Not given
1818	15,667	8,780	6,870	17
1820	19,619	10,242	9,323	Not given
1830	27,990	13,855	13,921	214

*These figures are based on a squatter census of 1809 appearing in Edwin Carter (ed.), Territorial Papers of United States, V (Washington, 1927), 684-692; Mississippi Territorial Census of 1816, ibid., VI, 730; Alabama Territorial Census of 1818, ibid., XVIII, 642; Abstract of Alabama State Census for 1820, appearing in Alabama Republican, December 20, 1820; microfilm copy of unpublished Alabama Federal Census Records in National Archives, Washington, D. C. The 1816 census is based on the 1815 tax returns and is an estimate rather than an actual figure.

CHART 3*

SLAVE HOLDINGS OF HEADS OF FAMILIES IN MADISON COUNTY, ALABAMA, 1809-1830

Percentages refer to Total Slave Holding Families

Year	Number of Slaves					
	1 - 5	6 - 10	11 - 20	21 - 30	31 - 40	41 - 50
	Number Per-centage	Number Per-centage	Number Per-centage	Number Per-centage	Number Per-centage	Number Per-centage
1809	63 (76.8%)	13 (15.85%)	6 (7.35%)	None	None	None
1810	102 (52.8%)	61 (31.6%)	26 (13.52%)	3 (1.56%)	1 (0.52%)	None
1811	138 (68.3%)	41 (20.3%)	14 (6.93%)	5 (2.49%)	2 (0.99%)	1 (0.495%)
1812	186 (64.1%)	58 (20%)	24 (8.27%)	8 (2.76%)	11 (3.79%)	2 (0.72%)
1813	236 (65%)	77 (21.2%)	29 (7.98%)	11 (3.3%)	6 (1.64%)	3 (0.66%)
1815	338 (64.4%)	98 (18.64%)	59 (11.25%)	10 (1.9%)	14 (2.67%)	3 (0.57%)
1830	630 (49.5%)	242 (19%)	232 (18.2%)	70 (5.5%)	44 (3.46%)	15 (1.18%)

Year	Total Slave Population			Total Slave Holding Families		
	51 - 100	Over 100	Total Slave Population	51 - 100	Over 100	Total Slave Holding Families
1809	None	None	322	None	None	82
1810	None	None	529	None	None	193
1811	1 (.495%)	None	1,132	1 (.36%)	None	202
1812	1 (.22%)	None	1,744	1 (.22%)	None	290
1813	2 (0.38%)	1 (0.19%)	2,272	2 (0.38%)	1 (0.19%)	363
1815	37 (2.92%)	3 (0.24%)	3,553	37 (2.92%)	3 (0.24%)	525
1830			13,921			1,273

*These figures are based on Madison County Territorial Tax Records for 1810-1815 and other references cited in Chart 1.

CHART 4

LAND HOLDINGS OF HEADS OF FAMILIES IN MADISON COUNTY, ALABAMA, 1810 AND 1815*

Percentages refer to Total Heads of Families

Year	1 - 80		81 - 160		161-320		Number of Acres 321-640		641-960		961 & over		
	Num- ber	Per- centage	Num- ber	Per- centage	Num- ber	Per- centage	Num- ber	Per- centage	Num- ber	Per- centage	Num- ber	Per- centage	
1810	None		113	(63.84%)	43	(24.29%)	10	(5.65%)	7	(3.96%)	4	(2.26%)	177
1815	175	(21.26%)	445	(54.07%)	111	(13.48%)	55	(6.68%)	22	(2.67%)	15	(1.84%)	823

*These figures were taken from the Madison County Territorial Tax Returns for 1810 and 1815.

CHART 5

STATEMENT OF THE QUANTITY OF LAND SOLD IN
MADISON COUNTY, ALABAMA, 1809-1816*

Year	Acres
1809	23,959.75
1810	53,612.14
1811	48,463.70
1812	22,209.18
1813	21,194.99
1814	27,643.94
1815	19,266.03
1816	23,958.34
Total	240,308.07

*Original Survey of Madison County contained 345,000 acres. The present area of Madison is 519,040 acres.

These figures appear in Carter (ed.), Territorial Papers, XVIII, 23.

lands and owned them in fee simple in plots of 160 to 320 acres, but who owned no slaves, were well on the road to becoming small planters in terms of slaveholdings.²⁰

Though no original 1820 census records, either State or Federal, have been preserved for Madison County, a statistical account of the findings of the Federal census of that date was recorded in the Alabama Republican on August 25, 1820. This statement, together with the editorial comment which accompanied it, presents a rather clear picture of the economy of the county eleven years after its formation.

According to the editor's summary of agricultural conditions in 1820, approximately 60,000 acres of Madison County's lands were in cultivation, one-third of which was in cotton. The other two-thirds was used for the growing of corn, wheat, rye, oats, barley, potatoes, flax, rice, and vegetables. Grouping agricultural products other than cotton together with the

20. This statement is based on a comparison of the holdings of twenty original settlers in 1815 with their holdings in 1830 as taken from the tax returns of 1815 and the Federal census returns of 1830.

country's production of whiskey, pork, flour, leather, cloth, and other manufactures, the editor concluded that these articles were "doubtless fully equal, if not superior in value to the cotton produced." In evaluating cotton as a cash crop, however, he pointed out that the 1819-1820 crop was worth about \$450,000, while other products were valued at \$225,000; thus, making the total evaluation of Madison County's production for that year approximately \$675,000.²¹

The census taker's report reveals that 5,402 "hands" were engaged in cultivating the soil, and the number of acres of cultivated land per "hand" was eleven and two-tenths acres. Of the 486 square miles included in the county in 1819, ninety-six square miles, or approximately one-fifth of the total area was cleared. Using the figure 19,501, the total population in August of 1820, the census taker pointed out that there were three and one-tenth acres of cleared land for every person residing in the county at this time.²²

21. Alabama Republican, August 25, 1820.

22. Ibid.

In recording the cotton exports for Madison County for the years 1817, 1818, and 1819, by using the 1819 crop of 17,795 bales (250 pounds of pressed cotton) as a yardstick of the yearly yield, the census taker showed the depressed state of the economy in August of 1820. Cotton exports for 1818, sold at twenty-five cents a pound, amounted to \$1,113,187.50; exports for 1819, sold at twenty cents a pound, amounted to \$889,750; and exports for 1820, sold at ten cents a pound, totaled only \$444,871.²³

Other evidences of the condition of the agricultural economy in Madison County in 1820, are revealed in the listings of equipment in the census report. There were 149 gins, 7,588 saws, twenty grist mills, twenty distilleries, six tan yards, one carding and spinning machine with 312 spindles, seven horse mills, four saw mills, one brewery and thirty-eight retail stores.²⁴

Valuable information concerning the economic affairs of the county was, likewise, listed in returns of the state census of 1820. According to this report appearing in the March 2, 1821 issue of the Alabama

23. Ibid.

24. Ibid.

Republican, Madison County paid \$9,254.95 in taxes for that year, or approximately one-fourth of total of \$41,861.45 paid by all the people of Alabama. This amount was derived from tax assessments on \$356,079 worth of merchandise sold in 1819, 5,511 head of taxable slaves, \$21,909 worth of pleasure carriages, 178 saddle and carriage horses, seven race horses, fifteen stud horses and jackasses, 164 wagon horses, 168 droves of cattle, (over forty in each drove), fifty-six gold watches, 199 silver watches, thirty-six clocks, 1520 taxable poles, fifteen licensed attorneys, and twenty-two licensed physicians.²⁵

A comparison of these figures with those of Monroe County, the next highest taxpaying county in the state at the time, reveals the wealth of Madison as compared with other areas in 1820. Monroe County paid \$2,995.92 in taxes which was derived from assessments on \$209,862 worth of merchandise sold in 1819, 1,697 taxable slaves, \$5,255 worth of pleasure carriages, fifty-five saddle and carriage horses, six stud horses and jackasses, ninety-six wagon horses, 645 droves of cattle (each

25. Ibid., March 2, 1821.

drove over forty in number), twenty-eight gold watches, seventy-four silver watches, five clocks, 596 taxable white poles, ten licensed attorneys and nine licensed physicians. It is interesting to note that only in the number of droves of cattle did this county far outdistance Madison County. At this time Monroe contained a large portion of the southern part of the state, and these figures on cattle apparently indicate that a considerable number of its inhabitants had not developed row crop agriculture to the extent that the people of Madison County had done. Many were professional herdsmen.²⁶

Agriculture life in the county from 1810 to 1830, retained many of its pioneer characteristics. Most small farmers continued to live in log houses, raise most of their food, and spend much of their time in providing their families with the necessities of life. After the War of 1812, commercial avenues opened up, giving the small as well as the large farmer and planter an opportunity to market a cash crop of cotton

26. Ibid.; Frank L. Owsley, Plain Folk of the Old South (Baton Rouge, 1949), pp. 23-50.

or tobacco, or both each fall. With each year's income, the farmer of Madison County tended to add to his landholdings, by buying the quarter section adjoining his farm, or in acquiring a slave or two in order to increase his labor force. By increasing the number of workers in a family unit, new ground could be cleared, more cotton could be planted, and better equipment could be purchased by the farmer who planned some day to be a planter.

Though few records of agricultural life during this early period remain, the county court records and sale notices in newspapers shed considerable light on the organization of farming and planting units from 1817 to 1830. For example, a 160 acre farm, located eleven miles southwest of Huntsville, was offered for sale on August 23, 1822.²⁷ Seventy acres of this amount were in cultivation, principally, in cotton and corn. The house on the premises was of frame construction and behind it were located cabins, a corn house, and stables. A fine spring near by furnished the household water supply, and a stock watering place was convenient.

27. Alabama Republican, August 23, 1822.

A smaller farm, located in Fagan's Hollow just east of Huntsville and offered for sale on September 6, 1822, contained twenty-seven acres of land, fifteen of which were in cultivation. Included in the items listed for disposal, were two cows with calves, thirty head of hogs, and household and kitchen furniture.²⁸ Other sale notices in the paper of personal and real property, indicate that farmers of this period owned sheep, cattle, hogs, and apple and peach orchards. Large farmers as well as planters owned cotton gins and presses, grist mills, tanneries, and, in some instances, cotton spinning factories.

The records of the estate of Uriah Bass furnish a good example of the holdings of one of Madison County's large land owners prior to 1830. Bass, who purchased land in the county as early as 1811, apparently came with his family in 1813, to live on the bank of Flint River in township two, range one, east. In the 1815 tax returns, Bass gave the amount of his land holdings as 2000 $\frac{1}{2}$ acres and his slave holdings as twenty-three. According to the inventory of his estate, probated on

28. Ibid., September 6, 1822.

September 11, 1819, sixty-eight slaves were listed and their names given.²⁹

An interesting picture of plantation life of the time can be glimpsed, in part, from the listings of personal property in this inventory. Among the plantation articles itemized were: fifty-eight head of cattle, 418 hogs, ten horses, one set of blacksmith's tools, thirty-six weeding hoes, ten feather beds and furniture, three tables, two dozen "setting chairs," three pairs of "hand irons," one and one-half dozen large silver spoons, one dozen small silver spoons, two dozen knives and forks, one pair of cards, two guns, and one case of pistols.³⁰

In his will, Bass instructed his executors to lay off one year of provisions for his white family and the negroes given to his wife. He also went on to state: "I lend unto my wife the plantation whereon I now live. . .including the mill and mill seat at the three forks of Flint River. . . ."

To each of his five unmarried daughters he left 320 acres of land, and to his married daughter, 2000 weight

29. Madison County Court Record Book, Vols. 2-5, pp. 112-116, 144-149; ibid., Vol. 3, pp. 32-34.

30. Ibid.

of pork to be delivered the "ensuing season." Concerning his three sons who were all minors, Bass called upon his executor to see that the boys received a "Clasichal Education."

In real property, Bass left over 4,000 acres of land in Madison and Franklin Counties. The eleven quarter sections of land in Franklin, which he had purchased shortly before his death, he designated for future sale at \$100,000; thus, indicating the high evaluation placed upon lands bought in the Tennessee Valley in 1818.³¹

The unassigned parts of the estate were to remain intact until the sons of the family were of legal age. In 1835, sixteen years after the death of Bass, his slaves were divided among his sons and in 1839, the estate was finally settled.³²

In the more thickly settled areas of the county, squatter settlements became agricultural communities and the farmers' and planters' needs were served by merchants, ginners, millers, blacksmiths, doctors, lawyers, and ministers who came to live in these small

31. Ibid.

32. Ibid., Vol. 7, p. 90; ibid., Vol. 8, pp. 9-15.

towns. Though Huntsville was by far the largest of the commercial centers in the county, it was by no means the only town in which the people could buy their supplies and have their corn and cotton processed.

In the northeastern part of the county, the earliest town to be platted was Hillsborough, located in the Hickory Flat area, seventeen miles northeast of Huntsville, on the Winchester Road near the junction of Hester and Davis Creeks. The plat contained forty lots which were sold at auction by Thomas Miller, the promoter of the town, on August 13, 1817.³³ At this time a cotton gin was located there and cotton was shipped by water from this point. One of the early voting places was established there in 1819,³⁴ and an Alabama map of 1822 designates it as a stop on the Winchester Road. At least three business houses were opened in this community, but were very short-lived, for by 1827, the voting place had been moved from this town to New Market several miles below.³⁵

The land in section 33, township one, range one, east, on which the town of New Market developed, was

33. Huntsville Republican, August 5, 1817.

34. Toulmin, Digest, p. 276.

35. Southern Advocate, August 10, 1827.

first purchased by George Smith on August 15, 1809.³⁶ Many of the early events of this community, which derived its name from the fact that it was a new market place in the 1820's, were recorded by Dr. George D. Norris and Dr. Francisco Rice in the New Market Enterprise in 1888.³⁷ Dr. Norris was born in Baltimore, Maryland in 1811, educated at Yale University, and spent most of his adult life as a practicing physician in Madison County. Dr. Rice was the son of Joseph Rice, one of the county's pioneer settlers, and it was from his father that he learned much of the town's early beginnings.

Apparently in 1814, George Smith built the first log house in what grew to be the town of New Market and established a store. Four years later John Miller of Richmond, Kentucky, bought a body of land in section thirty-two adjoining George Smith's property, and erected a combination corn and sawmill, and a race track. After completing his mill, he then built a home for his family on the Winchester Road.

36. Tract Book of Madison County.

37. Dr. George D. Norris and Dr. Francisco Rice, "History of New Market, Alabama," in A History of New Market, Alabama, 1806-1953 (mimeographed pamphlet compiled by a committee from the New Market Presbyterian Church, U.S.A.), pp. 1-14.

From these early beginnings, a town began to develop in the early 1820's. William D. Hayter bought out George Smith, and opened a store of general merchandise. John Estill was also a very early merchant of the town, and Peter S. Baker operated a saloon. Other merchants listed by Norris and Rice were Dr. W. W. Humphries, Holding and Echols, Alfred and Albert Johnson, John Ford and Absalom Brown, and R. L. Pulley and Calvin Criner.

Joseph Brown was the town tailor. His work included the fashioning of dress swallow-tail coats with brass button and rolling collars, made very stiff and hard. Pants were made close fitting with small flap, "elaborately stitched, resembling a trap-door."

Mechanics of the town included Ezekial Sluder, saddle and harness maker; John P. Pool, cotton press and gin maker and repairman; Jesse Randolph, millwright; and Jesse Lilly, carder of wool and maker of cotton spinners.

Norris and Rice recorded that most of the cloth and carpets were made by slave women of the community. The spinning wheel was to be heard from sunrise to sunset and its musical boom kept time "to the twittering martins who built their nests in large gourds suspended to a pole" in the yard.

New Market's stores and saloons were social gathering places for the rural folks who came to buy or barter for supplies from time to time. It was customary for these people to take off their shot pouches with their accoutrements, a large knife and powderhorn, and put them over their rifles in a corner of a store, before mixing with the crowd to discuss local matters and politics.

Among these visitors to New Market in the early days was an old man, L. S. Lewis, who despised a rifle but gloried in an old fashioned Spanish shotgun of quite small bore and seven-foot barrel. With this gun he bragged of bringing down squirrels from lofty heights and of always hitting his mark. On one occasion he bet a fellow visitor, Willis Childress, that he could hit his hat at twenty steps. Lewis' gun at the time was deposited, as usual, in the corner of Peter S. Baker's saloon. Before this display of skill was performed, Childress and Baker, hoping to play a joke on the old man, tampered with Lewis' equipment. Childress drew the shot, and Baker cut off about two inches of Lewis' dog's tail and rammed it down the gun. When Lewis fired his gun, he hit Childress' new beaver hat smashing it "into smithereens." Lewis won his bet, but lost

his dog's tail. Since the animal was a valuable squirrel and opossum dog, Lewis got all "fired up" about the matter and carried a "chip on his shoulder" for a while.

Merchants from New Market went every fall to Baltimore on horseback and purchased their winter, spring, and fall goods, which were freighted by large wagons, drawn by six horses, from Baltimore to New Market. For their purchases of sugar, coffee, dry goods and hardware, these merchants gave notes for twelve months, with interest on six months, and paid up their accounts in full when they purchased another stock. In the 1820's, brown sugar sold for twelve and one-half cents per pound, coffee for twenty-five cents per pound, and calico for twenty-five cents a yard. Whiskey made in the neighborhood sold for twenty-five cents per gallon, corn for as little as ten cents per bushel, wheat twenty-five cents per bushel, and Irish potatoes, when in season, were given away.

An interesting episode which occurred at a political meeting in New Market in 1833, gives a rather vivid picture of the type of electioneering which took place in the rural communities of Madison County.

During a heated contest between Dr. Thomas Fearn and John Vining for the state senate, Vining began making a sober speech standing on the head of an empty sugar hogshead in front of a store. In the middle of his speech he earnestly observed, "Down, down to hell, and say I sent thee thither," at which point the head of the barrel gave way and down went Vining into the hogshead, disappearing completely from sight, "amidst the shouts and astonishment of the people."³⁸

Though the Methodist and Cumberland Presbyterians had congregations at New Market during its early history, by far the largest congregation of its formative period belonged to the Bethany Baptist church, located about three miles from town. This church was reported by Norris and Rice to be "a resort for the whole country on Sundays." The "elite" of the neighborhood were always present with their carriages and buggies, while the woods adjacent to the church grounds were filled with horses. The people assembled early in the day and filled the meeting house to overflowing, while the doors and windows were packed with earnest people to hear the Word of God expounded by their

38. Ibid.

favorite preacher, Elder David Jacks. Many of the young people, unable to get into the house, remained "very willingly" on the outside in the vacant seats of the buggies and carriages.

Such was the social and economic life of New Market during the early period of Madison County history as recorded by some of its citizens who participated in its activities.

Two important agricultural settlements in the northern part of the county before 1830, were Hazel Green and Meridianville.

Hazel Green, located about four miles from the Tennessee line on the Huntsville Meridian, became an important stopping point for travelers on the Huntsville-Nashville road, and the Winchester-Athens road, since both passed directly through the town.³⁹ Then, too, the rich, red, valley lands in the surrounding countryside brought to its vicinity a number of farmers and planters who needed to have a commercial area near by for the purchase of supplies.

In 1815, Thomas McGehee, from the Broad River area in Georgia, established a large mill about two miles

39. Taylor's Manuscript, pp. 49-50.

north of the town of Fowler's Creek.⁴⁰ Robert Irvine was among the early merchants who put up storehouses in the town. Two inns were established at an early date to accommodate travelers.⁴¹ Sometime between 1815 and 1817, Charles Cabaniss located Madison County's first cotton spinning factory at his farm, two and one-half miles northeast of the town on Barren Fork of Flint River.⁴²

In 1821, the town of Hazel Green was incorporated by the state legislature. Its charter provided for the annual election of trustees by all its white, male citizens over twenty-one. Provision was also made for the maintenance of the streets of the town.⁴³

In this same year, Washington Lodge Number 23 was organized by the Masons, and it received its charter under the auspices of the Grand Lodge of Tennessee.⁴⁴

40. Ibid.

41. Ibid.

42. Receiver's Ledger A, p. 14; Huntsville Republican, April 18, 1818.

43. Toulmin, Digest, p. 838.

44. Owen, op. cit., II, p. 960.

As early as 1816, a strong Methodist Society was organized at McGehee's Mill. Near here was also located a muster grounds where the companies from the surrounding area held quarterly musters.⁴⁵

An interesting incident, depicting the lively activities of these militia companies, was recorded by one of the descendants of Thomas McGehee who later moved to Texas. It was generally known that Thomas McGehee, by far the largest man in the neighborhood, had the largest mule, the largest carry-log, and the largest kettle in the whole company. On the occasion of the annual regimental muster in Huntsville, his neighbors decided to combine a little humor with the military parade. Accordingly they put a pair of shafts to the carry-log, hitched the giant mule to the shafts, placed their prize physical specimen, Thomas McGehee, in the huge kettle on the carry-log, and away they went in high glee to the muster. Naturally, they created quite a local sensation.⁴⁶

Again, as in the case of the New Market area, the Enon Baptist Church, founded on June 1, 1809, and

45. Taylor's Manuscript, 49-50.

46. Saunders, op. cit., p. 520.

located on the Brier Fork of Flint, in section seventeen, township one, range one, east, was the largest congregation in the vicinity. This church was attended by the Watkins, Walkers, Thompsons, Percys, Echols, Pettuses, and other families before they moved to the county seat or to other areas in the state. It is interesting to note that the slaves of the farmers and planters of the vicinity were members of this congregation, and were disciplined by it in the same manner as their white masters. Tom, the slave of one of the planters, was tried before the session, for adultery and excommunicated. Another slave named Frank was excommunicated for stealing a bushel of corn.⁴⁷

The flourishing town of Hazel Green as a commercial center did not continue beyond the 1820's. In 1829, the act of incorporation was repealed, and the area reverted to county control as far as street maintenance was concerned.⁴⁸ By this time, the dreams that John W. Walker, Thomas G. Percy, and Dr. Samuel Brown had had of enjoying gracious country living in

⁴⁷. Minutes of the Enon Baptist Church, 1809-1861.

⁴⁸. Acts of Alabama, 1829, p. 73.

the area just south of this community were shattered by the deaths of two of these "three musketeers."⁴⁹ The death of Charles Cabaniss likewise brought to a halt his efforts to operate a cotton factory in the Hazel Green area.⁵⁰ Many of the Georgia families began to build homes in Huntsville, and placed overseers in charge of their plantations.⁵¹ The Townsend families began to buy up the smaller farms in the neighborhood, and slave labor was employed to cultivate many of the farms heretofore owned by white farmers.⁵² Since the larger planters bought their supplies in Huntsville or directly from the eastern states, the mercantile establishments began to move elsewhere or go out of business.

Six miles south of Hazel Green, the squatter settlement, which came to be called Meridianville,

49. Frank L. Owsley, "John Williams Walker," in Alabama Review, IX (April, 1956), 105.

50. Madison County Court Record, Vols. 2 and 5, pp. 82-86.

51. Frances Roberts (ed.), Glimpses into Historic Homes of Huntsville, Alabama (Birmingham, 1952), passim.

52. Taylor's Manuscript, pp. 49-50.

fared somewhat better than its sister town to the north. Located directly on the Huntsville Meridian, Meridianville became the name of the town laid off in lots in 1818, by Joseph Fernwick. This community was never incorporated, nor did it ever grow to be as large as early Hazel Green. But it continued as a small, commercial center with several stores and a gin and cotton press, largely because many of the farmers and planters in townships two, range one, east and west, continued to occupy their country homes and used the stores of this community to secure their supplies. Numbered among this industrious group of men were Rodah Horton, Thomas McCrary, Josiah Battle, Benjamin Pope, Daniel and William Wright, David Humphrey, the Strongs, Darwins, Eldridges, Pruits, Douglasses, Dements and Thompsons.⁵³

In this vicinity the Methodists and Cumberland Presbyterians seem to have been the strongest groups.⁵⁴ On a farm in this neighborhood Thomas Stringfield, one of the important figures in Tennessee Methodism, grew

53. Ibid., p. 51.

54. Hall, "The History of the Cumberland Presbyterian Church in Alabama Prior to 1826," op. cit., p. 374.

to manhood, and was minister of the Huntsville Methodist Station from 1821 to 1823.⁵⁵

In the townships east of these communities, sixteenth section schools, more often called old field schools, were maintained during the early territorial period as well as later under state law. Trustees for each township were given the privilege of renting school lands and using the proceeds to pay a teacher for the neighborhood school. John W. Walker was chairman of the trustees in township two, range one, east, before he was chosen United States Senator in 1819.⁵⁶

In the northwestern part of the county there were no organized communities, but along Limestone Creek there continued to be a rather thickly populated area as well as in the vicinity which later developed into the communities of Monrovia and Jeff. Along the Huntsville-Athens road there were a number of stores and a tavern.⁵⁷

55. West, op. cit., pp. 239-240.

56. Toulmin, Digest, pp. 539-540, 570-572, 912; Thomas G. Percy to John W. Walker, January 6, 1820, in Walker Papers.

57. Advertisements in Alabama Republican, 1820-1825, passim; Southern Advocate, 1826-1831, passim.

As early as 1815, a Methodist congregation was organized at Ford's Chapel, located about twelve miles northwest of Huntsville.⁵⁸ One of the churches of the Flint River Association was located in the northwestern part of the county.⁵⁹

Nine miles northwest of Huntsville in the Monrovia area, the Female Boarding School for girls was organized and in operation by 1820, under the superintendency of John P. Horton.⁶⁰

In the central portion of the county east of Huntsville, the town of Brownsborough grew up in the heart of the squatter settlement along Flint River. The town itself was laid out at the head of navigation of Flint River where John Brown had built a dam for his mill site. John and James McCartney were responsible for having the town platted in 1821, and lots were offered for sale on July 23 of that year.⁶¹

58. West, op. cit., p. 115.

59. Minutes of Flint River Association (Baptist), 1814-1838, pages unnumbered.

60. Alabama Republican, December 22, 1820.

61. Ibid., June 22, 1821.

Planned as a cotton shipping port, this community was promoted by some of the farmers who had formed the Flint River Navigation Company in 1820. This company was headed by a board of directors including Fleming Jordan, George Taylor, James McCartney, John Sprowl, Stephen Pond, John P. Brown, Ebenezer Byram, John Grayson, Dial Perry, David Walker, Stephen McBroom, William Derrick and David Cobb. Its function was to improve the navigation of Flint River as an avenue for transporting cotton by keel boat to the Tennessee River. There it was to be loaded on big barges, called broad-horns, which carried three or four hundred bales of cotton, and shipped to New Orleans.⁶²

For a time Brownsborough did a booming business of shipping cotton by keel boat. Several businesses including one owned by William Veitch and William Echols, and another by James Clemens and Ezekiel Key, were thriving establishments during the 1820's and 1830's. By 1840, however, many of the settlers in the neighborhood had moved to other states, and the community had begun to decline. With the development of the mills at

62. Toulmin, Digest, p. 709.

Bell Factory, Brownsborough, as a commercial center, decayed rapidly.⁶³

Nevertheless, the village and the surrounding countryside remained important in the educational and religious affairs of the county. Flint River Baptist Church, the first of that denomination in the state, became one of the strongest in the Flint Association,⁶⁴ and Shiloh Methodist Church located west of the town, was one of the early strongholds of Methodism, in the county's religious life before 1830.⁶⁵

It seems logical that the area around the Three Forks of Flint would have developed into a town at an early date, but this did not prove to be the case. Before the county was created, there were grist mills located in the vicinity. At the August land sales in 1809, however, most of the land near the junction of the Brier and Mountain Forks which flow together to form the main body of Flint River in section thirty-five, township two, range one, east, was bought in

63. Taylor's Manuscript, pp. 52-53.

64. Minutes of the Flint River Association, pages unnumbered.

65. West, op. cit., p. 115.

comparatively large holdings by Bennet Wood, Uriah Bass, Charles Kennedy, and William Haughton. These men could naturally control the number of mills constructed on the available sites and proceeded to do so. In 1812, Haughton's Mill, as has been previously mentioned, became the first voting place to be established outside of Huntsville, and near it a store was opened as early as 1815.

In September of 1820, the firm of Horatio Jones and Company was advertised in the Alabama Republican as a cotton factory located at Haughton's Mill near the Three Forks of Flint. Its proprietors used this medium to "inform the inhabitants of Madison, and the adjoining counties that they had made additions to their machinery," and had an abundant supply of spun cotton on hand which they would exchange for "good seed cotton, on accommodating terms." Five years later this mill containing 342 spindles, together with a good cotton gin, was advertised for sale.⁶⁶

Another early attempt at establishing a cotton mill on the rapidly flowing waters of Flint River was made by Joseph Harding. On October 17, 1824, he advertised in

66. Alabama Republican, September 29, 1820.

the Alabama Republican that he had erected a cotton spinning factory at Dr. Ford's Mill on the Mountain Fork of Flint River, thirteen miles northeast of Huntsville, and was ready to sell spun cotton of different numbers, namely, five, six, seven and eight hundred, for "cash in hand, or exchange for good clean seed cotton, on accommodating terms."⁶⁷ For the next five years, Harding succeeded in adding to his machinery and apparently began the production of cotton bagging at Bell Factory which he constructed on the main body of Flint River at Rudolph Boshart's old mill site. This textile venture was brought to a temporary halt in 1828 when Harding was drowned.⁶⁸

Though the date had not been ascertained, it was sometime during the period from 1820 to 1828, that a town called Manchester was platted just east of the Three Forks of Flint. At first the community seemed to flourish, but soon after the expansion of Bell Factory at a point one and a half miles down stream, the town began to decline and finally disappeared.⁶⁹

67. Alabama Republican, October 17, 1824.

68. Estate Papers of Joseph Harding, in Madison County Probate Office Files, Case 882, Courthouse, Huntsville, Alabama.

69. Taylor's Manuscript, p. 55.

The development of the Bell Factory center on the old site of Rudolph Boshart's grist mill in section one, township three, range one, east, was, by far, the most successful business establishment of its kind on Flint River. In 1829, a group of business men including Andrew Beirne, William Patton, James J. Donegan, Isaac Williams, William Stewart, William Forsey, and Preston Yeatman bought Bell Factory from the Harding Estate and a considerable body of land including several mill sites in the Three Forks of Flint area. Plans were then formulated for the expansion of Harding's cotton factory which would include both the spinning and weaving of cotton and woolen cloth. On December 29, 1832, this undertaking was incorporated as Bell Factory with a capital stock of not over \$100,000.⁷⁰

During the next three years a grist mill, a flour mill, and a cotton factory were put into operation at the site which in time developed into a thriving community called Bell Factory. The older mills in the area were taken down by Patton, Donegan, and Company, the owners of the new milling center, and the people

70. Acts of Alabama, 1830-1833, pp. 81-83.

who had patronized them, transferred their milling business to Bell Factory.⁷¹

Ditto's Landing, located in the southern part of the county, became an important boat stop between 1810 and 1830. So important had it become as an unloading place for Madison County by 1816, that a flour inspector was appointed by the territorial governor to supervise the distribution of flour and other important items at this point.⁷²

Seeing the possibilities for the establishment of a river port at the mouth of Aldridge's Creek, LeRoy Pope, with the aid of John Braham, purchased fractional sections, twenty-nine and thirty, in township five, range one, east, containing Ditto's Landing.⁷³ In 1819, James White, the "salt king" of Abington, Virginia, who had formed a business partnership with John Read of Huntsville as early as 1811, purchased this tract from Pope. By this time, a considerable community had grown

71. Taylor's Manuscript, p. 55.

72. Register of Appointments of Mississippi Territory, 1812-1817.

73. Receiver's Ledger A, p. 25.

up including a tavern, stores, warehouse, and a post office.⁷⁴

On November 24, 1824, by act of the state legislature, the town was incorporated as Whitesburg, but in 1830, it was still spoken of as Ditto's Landing. The governing body was to consist of a board of five trustees elected annually by the free white male citizens over twenty-one years of age. This group was held responsible for seeing that order was maintained, and the streets kept in good repair.⁷⁵

In order to facilitate transportation of goods to Ditto's Landing, Rodah Horton and Associates established the Madison Turnpike Company in 1823. According to the powers granted it by the state legislature, this company was given the privilege of converting the public road from Meridianville by way of Huntsville to Ditto's Landing into a paved turnpike at least twenty feet in width. Tolls, varying from six cents for a foot traveler to a dollar and a half for a wagon and team of horses, could be charged for a period of thirty-five

74. Alabama Republican, April 9, 1818, September 15, 1820, July 6, 1821.

75. Acts of Alabama, 1820-1824, pp. 85-86.

years.⁷⁶ Ten years later this company was rechartered under the direction of David Moore, Stephen S. Ewing, John Hardie, John Read, Francis T. Mastin, James J. Donegan, and Henry Stokes.⁷⁷ Under the guidance of this group, Whitesburg Pike, as it came to be called, was macadamized from Huntsville to Ditto's Landing, and remained a toll road throughout the ante-bellum period.

Warehouses were constructed in the town of Whitesburg to house cotton until it could be shipped down the Tennessee River when the water was high enough to float cotton barges over the Muscle Shoals area.⁷⁸ At Whitesburg special pilots often boarded the boats loaded with cotton, and guided them through the dangerous waters in the shoal area. At Waterloo, located in Lauderdale County below the "danger zone" in the Tennessee River, these pilots turned the boats back to their regular skippers and returned overland by foot.⁷⁹

76. Acts of Alabama, 1823, pp. 37-42.

77. Acts of Alabama, 1830-1833, pp. 124-130.

78. Taylor's Manuscript, pp. 63-64; Alabama Republican, September 15, 1820.

79. Taylor's Manuscript, pp. 124-126.

One of the most successful businesses at Whitesburg was the firm of White and Hardie. John Hardie, a twenty-one year old Scotchman, reached Huntsville at the very height of the 1818 boom period and determined, forthwith, to make a fortune in "the land of milk and honey." Immediately upon his arrival, he secured a job as a clerk in the firm of Read and White.⁸⁰ A year later, in December of 1819, he was placed in charge of James White's salt business at Ditto's Landing. The firm in Huntsville also sent down a stock of goods to be handled by Hardie who was to receive one-third of all profits and an interest in the business.⁸¹ In May of 1820 Hardie wrote his brother in Kinross, Scotland:

From the short time I have been here it is impossibility to say correctly how we will succeed, but it is my opinion we will do pretty well; from this place all the cotton made in this (Madison County) is shipped to New Orleans, in flat bottom boats each conveying from 250 to 350 bales; the whole quantity sent from here will consist of from 15 to 17,000 bales each wg. at 300 lbs., the price

80. John Hardie to Joseph Hardie, October 28, 1818, in B. Palmer Lewis, John Hardie of Thornhill, His Life, Letters and Times (New York, 1928), pp. 72-75.

81. Id. to id., February 25, 1820, ibid., pp. 91-92.

it commands has only been from 9 to 11 cents per lb. This place is owned by Mr. White with the exception of four one-half acre lots, indeed his purchasing it and his salt arriving here was the cause of this establishment; by the articles of co-partnership it is to exist for three years from 18th Feby. last under the name of White & Hardie. . .

The weather here is now very warm, the spring and winter however has been rather colder than usual in such warm climate as this is; the crops are looking very fine, particularly cotton, which is the staple production of this state, the low price of which is one of the causes of so bad times which are very hard in America; and no immediate prospect of getting much better.⁸²

In 1825, Hardie wrote his brother that times were getting better with the rise in the price of cotton which "in great measure in this country regulates business."⁸³ Commencing on the economic conditions of Madison County in 1832, Hardie wrote that "times were not very brisk," though the price of cotton was steadily improving. Goods, he said, were easily disposed of, but collections were sometimes very hard to make.⁸⁴

82. Id. to id., May 8, 1820, ibid., pp. 93-94.

83. Id. to id., June 4, 1825, ibid., pp. 98-101.

84. Id. to id., December 2, 1832, ibid., pp. 103-105.

After a settlement of his partnership with James White in 1834, Hardie invested his accumulated capital in the purchase of a plantation containing 1700 acres in Talladega County, and moved to that area in 1835, to become a planter.⁸⁵

The successful career of Robert Hardie was but one of the many stories that could be related about the settlers who came to Madison County in the first decade of its history.

Triana, another river port located in the western part of Madison County at the mouth of Indian Creek, was an interesting experiment in "town making" during the 1818 land sales. Planned and boosted as the city to become the great metropolis of North Alabama, Triana was incorporated by an act of the legislature on November 13, 1819.⁸⁶ The town site was purchased by Henry Chambers, Waddy Tate, William I. Adair, John T. Lindsay and Thomas Bibb as trustees of Triana Land Company. This group sold stock in the company and made plans for the disposal of town lots.⁸⁷

85. Ibid., pp. 124-125.

86. Taylor's Manuscript, pp. 57-58; Toulmin, Digest, pp. 810-811.

87. Alabama Republican, October 6, 1820; Tract Book of Madison County.

The Indian Creek Navigation Company, chartered in 1820, under the direction of LeRoy Pope, Thomas Fearn, Stephen S. Ewing, Henry Cook and Samuel Hazard, had as its goal, the construction of a Canal along the route of the Big Spring branch which connected with Indian Creek and flowed into the Tennessee at Triana.⁸⁸ Successful completion of this canal would mean that cotton could be shipped by water all the way from Huntsville to New Orleans, and Triana would, no doubt, become an important shipping point for the whole Tennessee Valley.

Such was the general plan envisioned by these business men of Huntsville and executed during the next ten year period. Dr. Thomas Fearn, as president of the Indian Creek Navigation Company, pushed the construction of the canal and by 1822, the lower part of Indian Creek was put in use.⁸⁹ In 1827, the company announced that cotton could be shipped on the canal from Sivley's Mill, three miles below Huntsville, all the way to Triana by water.⁹⁰ It was not, however, until April 5, 1831, that

88. Toulmin, Digest, p. 710.

89. Alabama Republican, April 26, 1822.

90. Southern Advocate, January 27, 1827.

two keel boats were able to make the trip by canal all the way to Huntsville. On that day there was a big celebration to welcome these boats to the Huntsville "dock."⁹¹

While the canal was under construction, Triana became a thriving port for the western part of Madison and the eastern part of Limestone County. Warehouses were constructed, stores and taverns opened, and schools and churches organized.⁹² By a legislative act of 1826, corporate limits of the town were extended, and the board of trustees was given authority to levy city taxes, construct wharves on the western bank of Indian Creek, and establish night watches or patrols for the community. This act also called for the regulation of some of the activities often carried on in river port towns. The Triana authorities were given the power to regulate the sale of liquors, to revoke liquor licenses when necessary, to restrain and prohibit gambling, and to license and regulate theatrical and other public shows or amusements within the limits of the corporation.⁹³

91. Ibid., April 9, 1831.

92. Taylor's Manuscript, pp. 57-58.

93. Acts of Alabama, 1826, pp. 91-92.

The expansion of Triana led to the creation of a second boom period in the town. In 1830, the new additions to the town were platted and these lots were placed on the market in 1832, shortly after the completion of the Indian Creek Canal.⁹⁴

Triana's second boom period was shortlived, however, for the canal from Huntsville to the Tennessee lacked sufficient water to float keel boats, except in certain seasons of high water. Then, too, the Whitesburg Turnpike Company was successful in persuading many of the Huntsville businessmen to send their goods to Ditto's Landing for shipment.⁹⁵ Though Dr. Thomas Fearn continued his efforts in perfecting the canal by reorganizing the company in 1834, under the title of the Huntsville Canal Company with a possible capital stock of \$200,000, the project was never financially successful.⁹⁶ Aid from the Federal government was sought for the company in 1837, by Reuben Chapman, then

94. Taylor's Manuscript, pp. 57-58.

95. Ibid.

96. Acts of Alabama, 1834-1837, pp. 49-50.

Congressman from the Huntsville district; but none was forthcoming. Chapman wrote Fearn that there was no hope in sight for a canal appropriation, due to the time consuming agitation of "old John Quincy Adams" on the slavery question.⁹⁷

From a brief review of the development of communities in Madison County, 1810 to 1830, it can be seen that there was a dispersion of economic and social activity within its boundaries. The most highly developed center of wealth and culture, however, was to be found in Huntsville. As was discussed in Chapter IV, the county seat, at a very early date, developed many of the characteristics of the older settled town of Georgia and Virginia.

The period between 1815 and 1818, was one of rapid growth for the commercial interests of Huntsville. Anticipating the need for banking facilities in the area, when all of the lands in the Tennessee Valley were placed on sale in Huntsville, LeRoy Pope, John P. Hickman, David Moore, Benjamin Cox, John M. Taylor, Thomas Fearn,

97. Reuben Chapman to Thomas Fearn, House of Representatives, Washington, February 8, 1837, letter now in possession of Mrs. Reuben Chapman, IV, Huntsville, Alabama.

Jesse Searcy, Clement C. Clay, and John M. Walker secured a charter from the Mississippi Territorial legislature to establish the Merchants' and Mechanics' Bank of Huntsville. The act, passed on December 11, 1816, provided that the capital stock would not exceed 5,000 shares at \$100 per share. Subscriptions toward constituting the said stock were to be opened on the first Monday in February, 1817, in Huntsville, by Pope and his associates. The sale of stock was to continue for at least twenty days and longer, if necessary, in order that at least fifty thousand dollars worth could be sold. Liberal terms were provided for the subscribers who were required to pay only one-eighth the total in specie as a down payment. Three-eighths of the amount was then due when the bank went into operation, and the remaining half was to be paid in two installments within six months from the time of the second payment.

The governing body of the bank was to consist of a board of directors, including thirteen members, one of which was to be chosen president. Annual elections were to be held for the choosing of such officials, and

the cashier and clerks were to be appointed by the board.⁹⁸

By March of 1817, the necessary preliminaries for putting the bank into operation had been accomplished, and Alexander Pope, LeRoy Pope's brother, became its first cashier. Later in the year Alexander Pope resigned to accept the receivership of the public land office at Milledgeville, Georgia, and Edward Rowllins was appointed in his place.⁹⁹

In the fall of 1817, LeRoy Pope applied to his friend, William H. Crawford, Secretary of the Treasury, for permission to allow the Planters' and Mechanics' Bank to become a depository for the Huntsville Land Office funds. Such a connection would allow the bank the privilege of retaining \$75,000 of Federal funds on deposit, thus increasing the stability of the bank. This request was granted, and the bank began to handle government funds in February of 1818, the same month that the "Great Land Sales" began.¹⁰⁰

98. Toulmin, Digest, pp. 34-39.

99. Huntsville Republican, August 5, 1817.

100. William H. Crawford to LeRoy Pope, December 11, 1818, A.S.P., F., III, 672; John Brahan to Josiah Meigs, March 31, 1818, in Carter (ed.), Territorial Papers, XVIII, 289-290.

At the first election of officers in January of 1818, following the initial organization of the board of directors in the spring of 1817, the following men were chosen: LeRoy Pope, president; John Brahan, John Read, John M. Taylor, Thomas G. Percy, James Manning, David Moore, James Clemens, John W. Walker, Benjamin Cox, John P. Hickman, Thomas Fearn and Jesse Searcy, directors. In January of 1819, Hickman, Fearn, and Cox were replaced on the board by Clement Comer Clay, William Patton, and Willis Pope.¹⁰¹ These then were the men who had to cope with the many problems which beset this institution during the financial crisis of 1819 and 1820.

In 1818, two acts were passed by the Alabama territorial legislature concerning the Huntsville bank. The first of these changed the name to Planters' and Merchants' Bank of Huntsville, and the second allowed the bank to increase its capital stock by selling shares at public auction. The future of Greene Academy was mingled with the future of the bank at this time. A section of the act designated that any profits made in sale of bank stock, above the rate of ten per cent,

101. Alabama Republican, January 9, 1819.

was to be paid over to the trustees of this academy for its use. Henry Chambers, Henry Minor, John M. Taylor, Clement C. Clay, and John W. Walker were appointed as additional trustees of Greene Academy by this act.¹⁰²

Such were the beginnings of the Planters' and Merchants' Bank of Huntsville, which played such a controversial role in the economic and political affairs of the county and state during the next twelve years.

One of the best word pictures of the town of Huntsville in 1818, was recorded by Ann Royal in her Letters From Alabama on Various Subjects. On January 1, 1818, she noted that there were about 260 houses in the town, many of them being constructed of brick. The public square, in the center of the town, was lined on all four sides with a solid wall of brick storehouses. Other important buildings included a courthouse, a market house, and a bank. Because no churches had yet been constructed, the courthouse was used as a place of worship. Many of its homes were also of brick and some

102. Toulmin, Digest, pp. 40, 45-46.

of them were three stories tall. Of the people she wrote, "Huntsville is settled by people mostly from Georgia and the Carolinas - though there are a few from almost every part of the world; - and the town displays much activity. The citizens are gay, polite, and hospitable and live in great splendor. . . ."103

To this picture could be added a number of other characteristics of Huntsville on the eve of the "Great Land Sales" of 1818. Besides the larger commercial firms of Taylor and Forte, Pope and Hickman, Reed and White, Morgan and Sons, and Preston Yeatman, there were numbers of small firms that dealt in drugs, tailoring, jewelry, pump making, coach making, gin making, whiskey distilling, and candle making. There were also five inns in the community, the largest of which were the Huntsville Inn and Bell Tavern.¹⁰⁴

103. Ann Royal, Letters from Alabama on Various Subjects (Washington, 1830), p. 44.

104. Huntsville Republican, August 5, 1817; Alabama Republican, April 18, 1818.

Much has already been said about the land sales held in Huntsville in 1818, but from the standpoint of their effect upon the economy of the town and county, it is important to review these events again.

A number of economic factors were present to make the sales of February and March, 1818, reckless in the extreme. First of all, an era of apparent prosperity prevailed in the Tennessee Valley. Cotton was selling at twenty-five cents a pound and crops had been good since the close of the War of 1812. Secondly, a number of schemes of all sorts, but particularly those concerning "town building," were everywhere in process of execution. Thirdly, the money supply had been greatly increased by the chartering of the Planters' and Merchants' Bank of Huntsville and others like it in Tennessee, Kentucky, and Georgia. Directors of these banks and their friends were willing to lend large amounts at the legal rate at the banks, and still larger amounts as individuals, because higher interest rates could be charged on such notes. Finally, Mississippi Stock, which had been issued to claimants under the Georgia Act of 1795, could be used to buy lands at these sales at the rate of ninety-five dollars in stock, and five dollars in cash, on every hundred

dollars worth of land. People, who owned this stock and did not wish to buy lands in Alabama or Mississippi, sold their holdings at a discount of twenty-five to fifty per cent of their value. The abundant supply of this type of medium of exchange caused many speculators to forget that later payments on lands bought on credit with Mississippi Stock would have to be paid for in specie or notes redeemable in specie.¹⁰⁵

Contemporary reports of the February sale indicate that many of the men from Georgia and Tennessee, who had profited from their land investments in the 1809 sale, were primed to take advantage of the opportunities offered them in 1818. John Coffee, in writing to Andrew Jackson on February 12, 1818, reported that a large combination of men from Madison County, Georgia, Virginia, and Kentucky had formed a company to control

105. Alabama Republican, March 30, 1821, John W. Walker's speech delivered before the United States Senate concerning the reasons for needing a land relief measure, is printed in its entirety in this issue; John Hardie to Joseph Hardie, October 28, 1818, in Lewis (ed.), op. cit., pp. 72-75.

the land sales; but their plans had been thwarted by James Jackson and other Tennesseans who had not joined the company, and instead had bid against it. Continuing his description of the sale, Coffee stated that the highest price for a quarter section was seventy-eight dollars per acre, while "common cotton lands" were bringing from twenty to thirty dollars per acre. The heated bidding of James Jackson against the company, Coffee concluded, had benefited the government about a half million dollars.¹⁰⁶

Similar accounts of the exorbitant prices paid for land at these sales were communicated to the land commissioner in Washington by Read and Brahan of the Huntsville land office.¹⁰⁷ In his letter Read also advised that if the lands in the Tennessee Valley below the Tennessee River were exposed to sale in the summer

106. John Coffee to Andrew Jackson, February 12, 1818, in Bassett (ed.), op. cit., II, 353-354.

107. John Brahan to Josiah Meigs, March 31, 1818, in Carter (ed.), Territorial Papers, XVIII, 288-289; John Read to Josiah Meigs, February 21, 1818, ibid., pp. 263-264.

of 1818, they would likewise net the government a considerable profit.¹⁰⁸

By the end of 1818, most of the best lands in the valley area had been disposed of at an over-all average of \$6.95 per acre,¹⁰⁹ more than three times the average price for the 1809 sales. The total sales at the Huntsville office for the year amounted to \$7,631,898.57.¹¹⁰

A careful perusal of the records of the Huntsville land office covering this period indicates that most of the directors of the Huntsville bank, the receiver of the land office, and a number of wealthy men of the county, not officially connected with the bank, including Waddy Tate, Thomas Bibb, Robert Beaty, and Daniel Tillman made heavy investments in lands throughout the Tennessee Valley. As in the case of Thomas Freeman in 1809, John Coffee, the surveyor general of the lands disposed of in 1818, was one of the largest

108. John Read to Josiah Meigs, April 10, 1818, ibid., pp. 300-301.

109. George Graham to John C. Jacks, January 8, 1827, A.S.P., P.L., V, 383.

110. Ibid.

land investors of the period. Not only did he secure good tracts for himself, but he also acted as agent for friends and companies who sought his knowledge to guide them in making purchases. James Jackson and Malcomb Gilchrist of Tennessee, Dabney Morris of Virginia, McKenney Holderness of Georgia, and John McKinley of Kentucky also figured prominently in purchasing large tracts in the valley.¹¹¹

By the summer of 1819, the economic stress felt by business men in many parts of the country had reached Huntsville. Several of the largest firms in town had failed, and the bank found itself confronted with the difficulty of dealing with currency from banks that had suspended specie payment. The price of cotton had dropped sharply, and farmers and planters alike found themselves confronted with debts which they could not pay.¹¹²

111. Register of Land Certificates Granted in Pursuance of Law to Purchasers of Land. Land Office at Huntsville, 1818-1820; Receiver's Ledgers, Huntsville Land Office, IV, V, VI, 1818-1819, in Department of Archives and History, Montgomery; Alabama Republican, January 9, 1819; Chappell, op. cit., pp. 169-177.

112. See Chapter VII, supra.

For the next three years the business interests of Huntsville suffered sharply from the depression of prices. Partnerships were dissolved, stocks of goods sold out, and much property auctioned for payment of debts.¹¹³

The business outlook of Huntsville tended to fluctuate with the changes in agricultural prices. Early in 1825, when the price of cotton increased to twenty cents a pound, new stores were opened and the well established ones carried a finer line of goods.¹¹⁴ However, by 1827, when the price of cotton dropped to six cents a pound, the business interests curtailed their stocks of goods, and the number of merchants who sold goods on commission increased.¹¹⁵ During the next two years much property was sold in order to satisfy outstanding debts.¹¹⁶

113. Alabama Republican June 12, 1819 to December 21, 1821, passim.

114. Alabama Republican, April 29, 1825; Southern Advocate and Huntsville Advertiser, May 6, 1825-November 18, 1825, passim.

115. Southern Advocate, June 1, 1827-December 21, 1827, passim.

116. Ibid., January 4, 1828-April 23, 1830, passim.

Population trends in Huntsville from 1820 to 1830, indicate that the growth of the white inhabitants was relatively slow, while the number of slaves owned by these families increased rapidly. In 1820, there were 772 white persons, 570 slaves, and twenty-two free persons of color in Huntsville.¹¹⁷ Ten years later the population included 1106 white persons, 1310 slaves, and fifty-eight free persons of color.¹¹⁸ The jump in the slave population listed in the Huntsville census was due in large measure, perhaps, to the migration of planters to the county seat where living conditions afforded them many opportunities which they could not enjoy in rural areas.¹¹⁹ Though some of the planters' slaves were listed in the census under overseers' names in the areas where their plantations were located, others gave their slave holdings to the census taker in Huntsville where their family units were recorded.¹²⁰

117. Alabama Republican, December 15, 1820.

118. Unpublished Federal Census Records of Madison County, 1830.

119. Ibid.; Roberts (ed.), op. cit., passim.

120. Unpublished Federal Census Records of Madison County, 1830.

Much of the wealth accumulated by the citizens of Huntsville between 1810 and 1830, was spent in creating a community with a social and cultural atmosphere conducive to gracious and comfortable living.

Though Huntsville was an outpost settlement in the Bend of the Tennessee in 1815, it was not without its "mansions in the wilderness." In that year, the highest hill overlooking Huntsville, was chosen by LeRoy Pope as the site of his home. Beauty, simplicity, and comfort were combined in this two story brick house which was fronted with a pediment supported by six large Doric columns.¹²¹

Within the next ten years many fine two story brick homes of various designs were constructed on Gates, Franklin, and Williams Streets in the southern part of town, and a number of larger dwellings on North Jefferson and Washington Street. Dr. James Manning, the largest slave holder in the county, began the construction of the largest home in ante-bellum Huntsville in 1824. Known as "The Grove," this three story brick

121. Roberts (ed.), *op. cit.*, p. 5. This home still stands and is in a good state of preservation.

mansion was fronted by a large pediment supported by four massive Ionic columns.¹²² On North Jefferson Street, Dr. David Moore, likewise, built a large white columned home at an early date.¹²³ Copying New Orleans architecture which he had seen during the War of 1812, Francis T. Mastin constructed an interesting box-like brick residence with iron grill work in 1823.¹²⁴ Another unusual residence, built in 1822, was the home of Dr. Thomas Fearn on Franklin Street. This house was a large, compact, brick structure with a small classic columned entrance used in early New England homes.¹²⁵ In most instances, these larger homes in Huntsville had slave quarters, dairy houses, and stables on the premises. Mingled with the larger houses were brick and log cottages and frame houses of varying sizes.¹²⁶

122. Pat Jones, "The Grove," in Huntsville Times, September 12-17, 1955 (sesquicentennial edition).

123. Taylor's Manuscript, p. 41.

124. Roberts (ed.), op. cit., pp. 15-16.

125. Ibid., pp. 12-13.

126. Ibid., passim.

In order to enjoy the comforts of running water in the home, and to supply the fire engine with a water-supply to fight fires that might break out in the business area, the construction of a water works was begun in 1823.¹²⁷ The services of Hunter Peel were secured to construct a dam across the waters of the Big Spring, and to erect the machinery necessary to pump water to a reservoir which was attached to a corner of the court house on the Square. Cedar pipes clamped together with iron bands were used to convey the water to different parts of town.¹²⁸ Because Peel's system was not very successful, Samuel D. Morgan was engaged by the city in 1827, to take charge of the water works and make a number of needed improvements.¹²⁹ Thus, by 1830, Huntsville's citizens were able to enjoy the cool waters of the Big Spring in their homes by merely turning a wooden or iron spigot.

127. Taylor's Manuscript, pp. 43-44; Willie Conner to John Coffee, September 20, 1823, in Coffee Collection, Montgomery.

128. Hunter Peel to John Coffee, December 20, 1826, in Coffee Collection, Montgomery.

129. Alabama Republican, May 18, 1827; August 31, 1827; Minute Book, 1828-1834, City Council Records, City Hall, Huntsville, Alabama, pp. 78, 79, 80.

Shortly after Huntsville's first theatre burned down on August 5, 1821, a drive was made to secure a fire engine for the town. In 1822, the Huntsville Fire Engine Company was chartered by the state legislature, and from that time forward, the city was not without some form of fire protection.¹³⁰

The religious groups of Huntsville apparently flourished from the very beginning of the town, but no religious buildings were constructed until 1821. In that year the Methodist congregation built their first church in Huntsville, on what is now the north-west corner of West Clinton and Gallatin Streets.¹³¹ Thomas Stringfield became its first full time minister at this time.¹³²

On June 15, 1818, the First Presbyterian Church in Huntsville was organized under the guidance of The

130. Acts of Alabama, 1822, pp. 123-124; Alabama Republican, April 15, 1822.

131. Alabama Republican, October 12, 1821; December 21, 1821.

132. West, op. cit., pp. 239-240; Ford, Mrs. R., "Methodists Included Among 1807 Settlers," Huntsville Times, September 12-17, 1955 (sesquicentennial edition).

Reverend Gideon Blackburn of Franklin, Tennessee.¹³³

Within the year plans were made for taking subscriptions to build a church house.¹³⁴ By 1822, the building had been constructed on the corner of Lincoln and Gates Street, and was dedicated on October 22, 1822, of that year. The Reverend John B. Allen became its first regular minister in 1823, and served in this capacity until his death in 1842.¹³⁵

The white Baptist congregation of Huntsville was formed as an "arm" of the Enon Baptists of North Madison County in the fall of 1824, by a committee from that church composed of William Echols III, William Pettey, Zachariah Pettey and Allen Jefferies.¹³⁶

The African Baptist Church, believed to be the first Negro church of its kind in Alabama, was constituted in Huntsville in 1820, and became a part of

133. Helen Petty, "Presbyterians Among Oldest City Churches," Huntsville Times, September 12-17, 1955 (sesquicentennial edition).

134. Alabama Republican, January 9, 1819.

135. Petty, "Presbyterians Among Oldest City Churches," op. cit.

136. Minutes of the Enon Baptist Church, 1809-1861.

the Flint River Baptist Association in 1821. Its first pastor was William Harris, a Huntsville slave, who served in this capacity for many years.¹³⁷

The Cumberland Presbyterian congregation, perhaps the oldest of the town, constructed its first church in Huntsville on Greene Street in 1828. The guiding force of this strong congregation was the Reverend Robert Donnell who served as its pastor for a number of years.¹³⁸

An Episcopal congregation was first organized in Huntsville on June 15, 1830, but it was not until twelve years later that a church building was constructed and a full parish established.¹³⁹

The earliest known interdenominational religious group in Huntsville was the Madison County Bible Society established in 1818. This organization was

137. Minutes of the Flint River Association (Baptist); "Bartley Baptist is Oldest Church," Huntsville Times, September 12-17, 1955 (sesquicentennial edition).

138. Dale Miller and others, "Two Churches have mixed Histories," Huntsville Times, September 12-17, 1955 (sesquicentennial edition).

139. Southern Advocate, June 19, 1830; "Church of the Nativity Completed in 1859," Huntsville Times, September 12-17, 1955 (sesquicentennial edition).

first headed by LeRoy Pope, and later by Robert Donnell, Thomas Stringfield, and John Allen. It had as its goal, the promotion of the study of the scriptures.¹⁴⁰ Under its guidance an interdenominational Sunday School was established in 1820, and by 1827, this group had 157 students and fourteen teachers.¹⁴¹ The lists of board of directors of the Bible Society, published annually in the local paper, contained the names of many of Huntsville's doctors, lawyers, planters, and business men.

The Huntsville Female Educational Society, a woman's organization similar to the Madison County Bible Society for men, was formed in 1820. The goal of this group was to provide funds for the education of young men for the clergy. Mrs. LeRoy Pope served as its first president, and Mrs. Samuel Cruse as its secretary.¹⁴²

Educational opportunities for the youth of the community, was an early concern of the citizens of

140. Alabama Republican, August 21, 1819.

141. Southern Advocate, May 25, 1827.

142. Alabama Republican, December 1, 1820.

Huntsville. The first teachers of the town were people who maintained private schools in their homes. Among those who advertised such schools in the weekly paper were a Miss Allen, J. L. and M. V. Levert, Andrew K. Davis, Willie Connor, and Mitchell Cook.¹⁴³

One of the larger girls' schools of the 1820's, was run by Mr. and Mrs. E. Van deVandel. Established by this couple in 1822,¹⁴⁴ it became known as the Huntsville Private Female Academy in 1831.¹⁴⁵ Its curriculum was composed of subjects which would give grace, culture, and refinement to the young ladies of the community.

By far, the most important boy's school of Huntsville in the ante-bellum period was Greene Academy. After remaining in the "paper" stage for ten years, a piece of land, bounded by Calhoun, East Clinton and White streets, was purchased from John Brahan in 1822,¹⁴⁶

143. Ibid., June 26, 1819, October 20, 1820, December 22, 1820, November 10, 1821.

144. Ibid., March 8, 1822.

145. Southern Advocate, January 8, 1831, March 19, 1831.

146. Madison County Deed Book I & J, p. 114, in Madison County Probate Office, Huntsville, Alabama.

and the actual building of the school was begun. Money for construction purposes was obtained from a number of sources including a \$500 appropriation from the Mississippi territorial legislature in 1816, certain profits from the sale of stock of the Huntsville bank in 1818, private subscriptions, and certain fines of county court designated for the use of the school.¹⁴⁷

Andrew Wills, a young Scotchman and graduate of the University of Aberdeen, Scotland, was hired as the first president of the institution, and the opening session began the first Monday in January, 1824.¹⁴⁸

Because it was put into operation largely by the efforts of the Georgia faction in Huntsville, the school became embroiled in the bitter political and economic conflicts of the late 1820's. Nevertheless, Greene Academy developed into a strong educational institution, within whose walls many of North Alabama's ablest leaders were educated in the first ten years of its history. Among this group were Clement Claiborne

147. Toulmin, Digest, pp. 541-542, 543, 546; Acts of Alabama, 1820-1824, p. 108.

148. Alabama Republican, November 14, 1823; The Democrat, February 16, 1827.

Clay, Jeremiah Clemens, LeRoy Pope Walker, and Jones W. Withers.¹⁴⁹

The physicians of Huntsville began to pool their medical knowledge, and established a library for medical research on December 3, 1827, when they formed the North Alabama Medical Association. Dr. Thomas Fearn was chosen president of this group; Dr. John Lucas, first vice president; Dr. Young A. Gray, second vice president; Dr. E. Pickett, corresponding secretary; Dr. M. S. Watkins, recording secretary; Dr. Alexander Erskine, treasurer; and Dr. George R. Wharton, librarian.¹⁵⁰ At this time there were more than twenty doctors in the county, most of whom were graduates of eastern medical colleges.

Recognizing the importance of a library in the cultural development of a community, Thomas G. Percy, and some of his associates, formed the Huntsville Library Company in 1818.¹⁵¹ Stocks were sold, and the

149. Southern Advocate, August 22, 1828.

150. Southern Advocate, December 7, 1827.

151. Certificate for two shares of stock in the Huntsville Library Company issued to Wm. Atwood, signed by Thomas G. Percy, president, Robert Fearn, treasurer of the company, in Historical Collection, Huntsville Public Library, Huntsville, Alabama.

money derived therefrom was spent in purchasing books for a reading room which was located in the offices of the Alabama Republican. Among the citizens of Huntsville who served as trustees of this undertaking when it was incorporated in 1823, were Thomas Percy, Samuel Hazard, John Boardman, James G. Birney, Thomas and George Fearn, Miles S. Watkins, Henry Minor, and Thomas Brandon.¹⁵²

The early newspapers of Huntsville were also important to the development of political and cultural thought in the surrounding area. Between 1812 and 1830, two strong weekly papers, with widely divergent political views, developed to aid the citizens of Madison County in forming their opinions on many matters.

In August of 1816, the Huntsville Republican became the successor to the Madison Gazette, which had been established in 1812. Two years later on April 18, 1818, the name was changed to the Alabama Republican, and John Boardman became its editor. On January 5, 1821, Henry Adams, of Massachusetts, began his five year editorship of the paper. A merger of the Alabama

¹⁵². Alabama Republican, November 3, 1820; Acts of Alabama, 1820-1824, pp. 71-72.

Republican with the Alabamian took place on May 6, 1825, and the consolidated paper took the title, Southern Advocate and Huntsville Advertiser. A year later on August 11, 1826, the last part of the title was dropped, and from that time on, it was known as the Southern Advocate.¹⁵³ This paper published the laws of the United States, and tended to voice the conservative thought of the community. Its columns were often used by the Georgia faction to express their opinions.¹⁵⁴

William B. Long and Philip Woodson, published the first issues of The Democrat in Huntsville on October 8, 1823, amid a heated political struggle.¹⁵⁵ Its motto read, "Unawed by the Influence of the Rich, The Great, or the Noble, the People Must be Heard and their Rights Vindicated." This indeed, was the political creed of this paper, and in its columns appeared the comments of those who opposed the Georgia faction. Long edited the paper until his death in August of 1825. Andrew Wills,

153. Rhoda C. Ellison, Checklist of Alabama Imprints (University, Alabama, 1946), pp. 80-86.

154. Alabama Republican, 1818-1825, passim; Southern Advocate, 1826-1832, passim.

155. Ibid.

former president of Greene Academy, took his place in January of 1826, and remained in this capacity until he was killed in a political duel with James W. McClung on July 27, 1827.¹⁵⁶ Philip Woodson, who had worked with the publishing end of the paper, then assumed the role of editor and publisher of The Democrat, a position he retained until 1832.¹⁵⁷

That Huntsvillians enjoyed theatrical production is evidenced by the fact that as early as 1820 a Thespian society was formed.¹⁵⁸ By 1821, a theatre had been constructed on the southwest corner of Lincoln and East Clinton Streets, but the building burned soon after it was occupied.¹⁵⁹ Meanwhile, stage productions were presented at the Huntsville Inn until a new theatre could be constructed.¹⁶⁰ Benjamin S. Pope and Samuel Cruse were largely responsible for the second

156. The Democrat, 1823-1828, passim.

157. Ellison, op. cit., pp. 81-86.

158. Alabama Republican, December 8, 1820, January 19, 1821.

159. Ibid., January 5, 1821, February 9, 1821, August 10, 1821.

160. Ibid.

theatre which was completed December of 1825.¹⁶¹
 Players from New Orleans and Nashville, as well as the
 Thespian group of Huntsville, furnished an interesting
 assortment of plays during the next five years. Among
 those presented were "The Liar," "Broken Sword," "Poor
 Gentlemen," "Mid Night Hour," "American Independence,"
 and "Turn Out - The Enraged Politician."¹⁶²

Green Bottom Inn, located two miles north of
 Huntsville near a natural setting for a race track, was
 the center of horseracing and cockfighting in the
 county. Construction in 1815, by John Connolly, a
 pioneer settler, this inn served as the resting place
 for sportsmen from all over the South who loved activi-
 ties of the race track. This was the spot most often
 visited by Andrew Jackson, when he came down from
 Nashville to visit his friends and race his horses.¹⁶³

^{161.} Southern Advocate and Huntsville Advertiser,
 June 10, 1825, December 30, 1825.

^{162.} Ibid., March 17, 1826, June 30, 1826,
 August 11, 1826.

^{163.} Pat Jones, "Green Bottom Inn was Mecca for
 Sportsmen," in Huntsville Times, September 12-17, 1955
 (sesquicentennial edition).

Special races were held in the spring and the fall at the Green Bottom Race. Among the noted horses who raced here, was Connally's famous "Gray Gander" that attained national recognition at race tracks throughout the South. Other horses which repeatedly raced over the Green Bottom turf were Molly Long Legs, Bill Austin, Lady Huntsville, and Lady Nashville.¹⁶⁴

Fourth of July celebrations were gala occasions for men and women alike in Huntsville. Sumptuous dinners were held at the Huntsville Inn, or on the lawn of some mansion in the town. Toasts were drunk on many subjects; so many, in fact, that many of the men no doubt became "drunk on toasts." After the formal part of the program, informal dancing or jovial conversation was enjoyed by all. It is interesting to note that the bitterest of political enemies sometimes served together on the committee of arrangements for such affairs.¹⁶⁵

Annual regimental musters held in Huntsville in October were well attended by men from all parts of the county. Judge Thomas J. Taylor relates that these meetings were looked forward to as occasions of reunion

164. Ibid.

165. Alabama Republican, July 3, 1819, June 21, 1822; Southern Advocate, June 7, 1826, July 11, 1828.

with old friends in distant parts of the county. At this time the brigadier general of the regiment, in his "brave new uniform with three-cornered hat and dangling plume" reviewed the troops on his "prancing steed," escorted by the best Madison County's citizen soldiers. When the drill was over, feuds of long standing were sometimes settled by a "square stand up fight" in a ring. Whiskey was plentiful, and the gingerbread peddler of the town erected his stand near by, and sold "unlimited quantities" of molasses gingerbread to the hungry army. On hand to solicit votes were the political figures engaged in local and state politics.¹⁶⁶

Muster Day, Judge Taylor, pointed out, "was a time of unrestricted and unconventional mingling together of the great body of the people where everyone gave his entire faculties to the enjoyment of the occasion."

Thus, it can be seen in a study of the economic and social development of Madison County from 1810 to 1830, that the inhabitants of the area had developed one of the richest agricultural economies in the state.

166. Taylor's Manuscript, pp. 133-134.

The white population of the county had increased from 2,223 in 1809, to 13,855 in 1830, while the slave population had risen from 322 in 1809, to 13,921 in 1830. Though the number of large planters was on the increase by 1830, the large majority of the heads of families in Madison County in 1830, were yeoman farmers. They depended upon their farms to provide most of the necessities for wholesome country living, and counted on their cotton crop to provide them with the needed cash to pay taxes, to buy supplies they could not produce, and to increase their land and slave holdings.

The social life of the people in rural Madison County was simple. Most of their activities in social living were associated with their work, their religious worship, and their politics.

The economic and social life of the planters, merchants, and professional groups was of a more complex nature. In many instances, the professional men of the county were also merchants and planters. Because of their many economic activities, they could nearly always command the necessary capital to control the cotton marketing of the area, and the type of currency which

circulated among the masses of the people. Much of the accumulated wealth of this capitalist group was spent in providing the gracious and cultured social living that was enjoyed by many of Huntsville's citizens.

Three major economic problems faced the people living in Madison County during this formative period. One was the problem of how to find a cheap and efficient way of marketing their products at what they considered to be a fair price. A second important question was how to secure a medium of exchange that could be used without discount in other parts of the country outside of the Tennessee Valley. Finally, the squatter farmer faced the difficult problem of how to secure his homestead without having to risk the loss of it, when he had to bid for it at the public land sales. The inability of the farmer group to cope with these problems as effectively as the planter group in the county, led the plain people of the area to seek a cure for their troubles at the ballot box. There is little wonder, then, that the political campaigns in the Bend of the Tennessee were lively ones from 1819 to 1830.

CHAPTER IX

SUMMARY AND CONCLUSIONS

From a study of the background and formative period in the Great Bend of the Tennessee River, considerable insight has been gleaned concerning the factors involved in the establishment and development of Madison County, the first legally organized governmental unit in the northern part of the Mississippi Territory.

For more than five thousand years, man has used the Tennessee Valley as a place of habitation. Because of its natural resources and favorable climate, the area has apparently always been highly valued by those who possessed it.

Gradually, over a period of some four thousand years, the aborigines, who at first lived by gathering their food from the forests and streams in the valley, developed a flourishing civilization based on an agricultural economy. Recent archeological studies of early habitation sites indicate that the growth of this civilization was aided largely by a cultural infiltration from other groups in the western hemisphere,

with whom the people of the Tennessee Valley carried on trade relations, rather than large migrations of populations into this area from other regions.

As the white men began to come into the Bend of the Tennessee, first as traders, and later as possessors of the land, the aboriginal groups began to define the boundaries of their holdings in order to protect their economic interests. The struggles of the Indians (the name given to the natives by the white man) to retain their lands led to a number of wars in the seventeenth and eighteenth centuries.

Because the major Indian groups could not agree on the true ownership of the Bend of the Tennessee, they withdrew from it and used it in common as a hunting ground.

Shortly after the Revolutionary War, the Confederation Congress attempted to establish an Indian policy which would recognize the rights of Indian groups to retain full possession of their holdings until the national government could treat with them for certain cessions which would satisfy the frontiersmen's thirst for cheap land. Both the Chickasaws and Cherokees claimed full title to the area from the north bank of

the Tennessee River to the south bank of the Ohio River. In order to satisfy these Indians, the United States government had to treat both claims as completely valid.

While the central government attempted to persuade North Carolina and Georgia to allow their western lands to be placed in the public domain, a number of North Carolina businessmen and frontiersmen were busily engaged in developing a land company which had as its goal the settlement of the Bend of the Tennessee. Among the leaders who figured prominently in these efforts were the same men who were responsible for the early settlement in East Tennessee and in the Cumberland Basin. These men, many of whom were Revolutionary soldiers, worked through the legislatures of North Carolina, South Carolina, and Georgia in an attempt to secure legal possession of this area. They served as military officials and Indian agents in the western country, using their official positions, often times, for private gain. In 1783, they made a private treaty with the Indians which gave them the right to settle the lands north of the Tennessee River. In 1784, they

received tentative approval from the Georgia legislature to examine these lands, issue land warrants, and take the preliminary steps for laying out a county in the Bend.

When these plans became embroiled with the problems of the central government concerning the cession of North Carolina's and Georgia's western lands and the establishment of a national Indian policy, the project had to be abandoned for a time.

The next attempt to develop their original plans for the Bend project was made by some of these men under the leadership of John Sevier as a part of the expansionist program of the State of Franklin, which they formed after the first North Carolina cession of western lands to the United States government. This newly created state, without any official recognition by the central government, made an alliance with the Georgia legislature whereby its militia would aid the Georgia forces in subduing the Creek Indians in return for bounty lands in the Bend of the Tennessee. At this point the national government intervened to help settle the Indian troubles in Georgia, and the contemplated expedition was cancelled.

With the demise of the State of Franklin, some of these men formed a second land company and made two futile attempts to secure title to the lands in the Bend from the Georgia legislature.

Finally, after Georgia ceded her western lands to the Federal government in 1802, and treaties were concluded with the Chickasaws and Cherokees in 1805 and 1806, the way was cleared for the legal possession of a part of the Bend of the Tennessee by actual settlers through the proper government channels.

The 345,000 acres of land lying south of the Tennessee line known as the Triangle was organized as Madison County, Mississippi Territory, on December 13, 1808. By this time the squatter population in the Bend of the Tennessee numbered around five thousand.

A study of the squatter population of the Triangle indicates that many of these frontiersmen had been active in the affairs of the State of Franklin. Around 1804, these hearty pioneers passed over the Tennessee line and began to build their cabins along the banks of Flint River and to clear some of the best lands in the county for farming purposes. Though most of the squatter farmers were men of limited means who came with the hope of bettering their economic conditions on the frontier,

twenty-three per cent of the heads of families registered in the 1809 squatter census of Madison County were slaveholders. Among this group were a number of planters who had moved their families and slaves to the frontier with the view of purchasing desirable lands when they were put on sale.

Within four years after the initial settlements were made in the Triangle, the squatters had established a simple organized society and petitioned the Mississippi territorial governor and the President of the United States to create a legal government for the area. In response to these pleas, Madison County was organized.

In 1809, the Federal government placed the lands of Madison County on sale in Nashville, Tennessee. At this time the planters of the Broad River region in Georgia and land speculators from Nashville combined their resources in purchasing some of the best lands in the area. Only fourteen per cent of the squatters, who made applications to purchase their homesteads, secured land at the sale. By 1815, however, at least forty-three per cent of these people had purchased some land in the county.

The organization of Madison County proved to be the opening wedge which led to the settlement of the whole Tennessee Valley within the next ten years. From time to time pressure was brought to bear upon the Cherokees and Chickasaws by the Federal government to cede the rest of their lands within the Bend, but it was not until Jackson's successful campaign against the Creeks had been executed that it was able to secure these cessions. When the Creeks were forced to relinquish their claims to their lands in North Alabama, the southern boundaries of the Chickasaws and Cherokees were brought into question. Again, as in 1805 and 1806, the problem of conflicting claims held by these two Indian groups was used by Andrew Jackson in securing most of the Chickasaw and Cherokee lands in the Tennessee Valley by 1819.

A study of the legal organization and political affairs of Madison County from 1809 to 1830, reveals the inner workings of American democracy as it developed on the southern frontier. During the period when the country was under territorial jurisdiction, all of its officials were appointed by the territorial governor or the president of the United States. Only in the choice

of representatives to the legislature did the people have a direct voice in their government. It was in such elections, then, that the opposing political factions expressed themselves.

Two groups, the Tennessee faction and the Georgia faction registered their strengths in the first election held in the county in May, 1811. The Tennessee faction, made up of original settlers and their friends from Tennessee and North Carolina, won the contest. The losing Georgia faction was under the leadership of a group of Virginians who had migrated, first to the Broad River region in Georgia, and thence to the Bend of the Tennessee. Within its ranks were also men of similar training and experience who had come directly from Virginia or by way of Kentucky and Middle Tennessee. Though this group wielded considerable economic and social influence in the early development of the county, they won no victories at the polls until 1817.

Because members of the Georgia faction in Madison County politics had important friends in the national government, they were able to exert considerable influence in the formation of the Alabama Territory. During the Alabama territorial period from 1817 to 1819,

the Georgia men in Madison County and their friends and relatives, who had moved to the Alabama River region from the Broad River area, held the reins of political power. Under their guidance, the state constitution was formed, and Alabama was admitted into the Union on December 14, 1819.

As soon as the state government had been instituted, members of the legislature who were chosen by free and annual elections, proceeded to make most of the local and state offices subject to the will of the people. By so doing, the Georgia faction soon lost its pre-eminence of power in state affairs.

At the national level, Madison County's political leaders worked for a liberalized land policy which would give pre-emption rights to the squatter and financial relief to the land sales of 1818. These men also worked toward the extinguishment of Indian land claims within Alabama in order to make more lands available to the settlers of the state. Because of the transportation difficulties on the Tennessee River at Muscle Shoals, Madison's Congressmen and Senators worked to secure Federal aid under state direction in building a canal to clear the channel of the river for year-round use.

In 1830, as in 1819 when Alabama entered the Union, Madison County's leaders held important places in the state government and in Congress; but they were no longer men of the same political concepts and practices. In short, they were Jacksonian Democrats who catered to the wishes of the masses of people rather than to the wishes of the more conservative wealthier men of the state.

On the other hand, the conservative leaders who played such an important role in transforming the Alabama Territory into a state, lost much of their hold on county and state political offices, but they were not completely destroyed as a political force. Within the ranks of this group a hard core of opposition was forming which emerged as the Whig Party in the 1830's.

The central theme running through the economic and social development of Madison County from 1809 to 1830, was the development of a rich agricultural economy. Though practically all of the commercial and manufacturing activities established during this period were either directly or indirectly associated with the production, transporting, and marketing of raw cotton, spun cotton thread, and cotton bagging, the county had

a well balanced agricultural economy which included the raising of numerous types of grain and livestock.

A study of the land and slave holdings of the heads of families in Madison County from 1810 to 1830 as revealed in territorial tax lists, state and Federal census returns, county records, and land office records, shows rather clearly the pattern of agricultural development in an area where most of the soils were very fertile. From the period of initial settlement of the Bend of the Tennessee by the squatters until 1830, the terminal point of this study, the dominant element in the agricultural population was the yeoman farmer. By 1830, a large majority of this group owned their farms. During this time the percentage of slave holding heads of families had risen from 21.4 per cent in 1810 to 54.8 per cent in 1830. Not only was the number of slave holders increasing by 1830, but also the number of slaves held by each head of a family. Though the number of medium and large planters was definitely on the increase in the county, it is significant to note that 86.7 per cent of the heads of families owning slaves possessed fewer than twenty-one, and 67.7 per cent of this group owned fewer than eleven slaves each.

The planter element in the agricultural population, which was present from the time of original settlement of the Triangle, grew in importance as the population of the county increased. This element drew its strength from two principal sources: the farmer, who, with good management and favorable agricultural conditions, accumulated extensive land and slave holdings, and the planter from the older southern states who brought his large slave holdings into an area where rich cotton lands were plentiful and fairly cheap.

Another theme which was closely interwoven with the agricultural theme, was that of land speculation. Successful land investments made at the Federal land sales of 1809, 1818, and 1830, in many instances, furnished the additional capital necessary for planters and merchants to expand their activities to the point of becoming extremely wealthy. On the other hand, a number of the unsuccessful land speculators of this era were reduced in status from that of planters to that of overseers or yeoman farmers.

Since Madison County was the only legally settled area in the Bend of the Tennessee prior to 1818, and because the disposal of all public lands in the northern

part of Alabama took place in Huntsville, many families from the older states settled within its boundaries for a short time, and then moved on to other parts of the state. As a result of this rather rapid migration of a segment of Madison County's population during Alabama's formative period, many social and economic associations were formed between the people who remained in the valley and those who moved on to other sections.

The social life of the people in rural Madison County developed along very simple lines. Most of their activities in social living were closely related to their work, their religious worship, and their politics.

The economic and social life of the planters, merchants, and professional groups was of a more complex nature. In many instances, the professional men of the county were also merchants and planters. Because of their varied economic activities, they could almost always command the necessary capital to control the cotton marketing of the area and the type of currency which circulated among the masses of the people. Much of the accumulated wealth of this group was spent in providing

the gracious and cultured social living that was enjoyed by many of Huntsville's citizens.

Among the economic problems facing the people living in Madison County during its formative period, there were three which had both economic and political significance. One was the problem of how to find a cheap and efficient way of marketing their products at what they considered to be a fair price. A second important question was how to secure a medium of exchange that could be used without discount in other parts of the country outside the Tennessee Valley. Thirdly, the squatter farmer faced the problem of how to acquire a fee simple title to his homestead without having to risk the loss of it when he had to bid for it at the public land sales. The inability of the farmer group to cope with these problems as effectively as the planter group in the county, led the plain people of the area to seek a solution for their troubles at the ballot box. They tended to elect to public office men who promised to protect the economic interests of the farmer group by favorable legislation at the state and national levels. There is little wonder, then, that the political campaigns fought to resolve these economic issues among the people in the Bend of the Tennessee were exciting ones from 1819 to 1830.

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