

# OHIO VALLEY HISTORY

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<i>Cover: Entrance of the Fifty-fifth Massachusetts Regiment into Charleston, an example of USCT. The Filson Historical Society</i>		

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# Political Culture and the Origins of a Party System in the Southern Ohio Valley:

*The Case of Early National Tennessee, 1796-1812*

KRISTOFER RAY

Tennessee's antebellum political leaders unquestionably stood at the forefront of the second American party system. Men such as Andrew Jackson, Hugh Lawson White, and James Knox Polk all played prominent roles either in the birth or the expansion of the national Whig and Democratic parties. Moreover, these men drew directly from their experiences in Tennessee to form their political opinions and develop their election strategies. Scholars, for example, have noted that both pro-Andrew Jackson and anti-Jackson elements easily folded into the Whig/Democrat party divisions that came to dominate the political interests of both the state and the nation during the antebellum era.<sup>1</sup> Yet for all the literature on Tennessee's antebellum politics, very little has been written about its foundations in the early national era. Modern scholars usually have discussed Tennessee politics from 1796 to 1812 in a cursory manner, as a preamble to the time during which Andrew Jackson and his cohorts formed a potent national political force.<sup>2</sup> Moreover, historians have tended to ignore Tennessee's place within the larger historical context of the Ohio Valley. This is a mistake. Tennessee's early political and economic development turned on key issues common to all of the Old Southwest, a region organized out of the Old Northwest Ordinance and connected by the Tennessee River directly to the Ohio River.

Historian Simon Newman has argued that, over the course of the 1790s, ordinary people in America used nascent democratic understandings both to join the political process and to establish links between local events and a new national political culture.<sup>3</sup> Tennesseans would have agreed only partially. Public political displays and newspaper debates after 1796 fully demonstrate



*Andrew Jackson. Johnson, Fry & Co., New York, 1861. Cincinnati Museum Center, Cincinnati Historical Society Library*

that power in Tennessee no longer resided exclusively in a single individual or even one or two groups. But, unlike other regions of the early republic, Tennessee could be considered almost universally Jeffersonian in its political opinions and practices. And this meant that, for a time after the Revolution, no meaningful opposition could emerge out of which a viable party system might emerge. This absence of parties meant that civic occasions like July fourth celebrations would be rituals of unity, not division. Tennesseans thus had to establish a political opposition through non-party means if they were to have a party system at all. In short, although initially their efforts resulted in personality-driven factions, non-partisan politics ultimately led to popular divisions over specific economic policy issues, especially judicial reform related to land distribution, and debtors' rights connected with a lack of specie and with President Thomas Jefferson's embargo against trade with Europe. This essay follows Tennessee's political development from elite control to popular democracy, the latter of which revolved around increasingly contentious economic divisions. Examination of this story will contextualize how Andrew Jackson, his allies, and his opponents all embraced the competing perspectives—now called the Second Party System by historians—on political power and economic development that dominated American politics between 1828 and 1846. It will also serve as a case study of the formation of a party system in the Ohio Valley.



*Thomas Jefferson. The  
Filson Historical Society*

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Popular democracy and partisan division in Tennessee had its origins in the frontier experience. Historians Elizabeth Perkins and Ellen Eslinger have argued that life in the Ohio Valley during the late eighteenth century provided for a relatively democratic leveling of power. Specifically, a man's "gentry" status meant little when confronted with the brutal reality of daily life on the frontier. Common people conferred power, they argue, upon male leaders known for their physical courage and military prowess, as well as for their ability to create and enhance capital.<sup>4</sup> Tennessee's experience certainly

fits this mold. The state's earliest leaders were uniformly speculators and surveyors, to be sure, but they became politically powerful only because settlers chose them as leaders when faced with attacks from the Cherokees, Creeks and Chickamaugas. Because of their importance in sanctioning political leadership, ordinary Tennesseans, particularly in the eastern part of the territory, succeeded in engaging in periodic outbursts of direct democratic activity.

The Watauga Association of 1772 will serve as an early example. In 1772,

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settlers led by James Robertson, a land surveyor, established the Association as a means of providing some legal structure in an isolated frontier region. Using Virginia law as its foundation, the Association created a court of five elected magistrates to conduct executive, legislative, diplomatic, militia and judicial business.<sup>5</sup> Perhaps a better-known foray into local government was the state of Franklin. Having grown increasingly concerned that both the North Carolina legislature and the U.S. Confederation Congress had abandoned them to the Cherokees, Watauga-area settlers used North Carolina's proposed 1784 cession of its western lands (the current state of Tennessee) to create the state of Franklin. The mother state, of course, immediately opposed the move because the potential new state would have the power to issue land grants in its own right, and that would interfere with the prerogatives of North Carolina land speculators who had already laid claim to much of the area. Therefore, the Confederation Congress rejected all pleas to recognize the nascent state of Franklin, which was in any case by then being assaulted by North Carolina and her "Loyalists" in Tennessee. Franklin ceased to operate after 1788.<sup>6</sup> Finally, in the early 1790s East Tennesseans sent numerous petitions to Congress and engaged in a lively print culture after the establishment of the *Knoxville Gazette*. And they rebuked the territorial government when they believed it necessary, for example, when they chastised the Washington administration for failing to alleviate their problems with the Cherokees and Chickamaugas.<sup>7</sup>

These experiences mandated that territorial leaders in Tennessee take public opinion into consideration to at least some degree. Yet despite periodic outbursts of democracy, the development of widespread and sustained political participation proved to be a slow and complicated process. This was so in part because the territorial government prescribed by the Northwest Ordinance of 1787, under which the Territory South of the River Ohio was organized in 1790, placed power firmly in the hands of a federally-appointed governor and three superior court justices.<sup>8</sup> And this tiny power structure meant that the territory's widely dispersed population of average white settlers would have little say about territorial administration, particularly when placed next to the demands of wealthy and well-connected land speculators.<sup>9</sup>

I ndeed, political leadership in early Tennessee was comprised entirely of either eastern gentlemen with enormous sums of money tied up in speculation, or men who had been employed for years by such speculators to procure land in the new territory. This latter group formed the backbone of the territory's leadership in the 1780s, and over the course of that decade these men came to own tens of thousands of acres in their own right. Men such as James Robertson, John Sevier, Isaac Bledsoe, John Donelson and Kaspar Mansker—all prominent frontier surveyors and speculators—helped set up stations to assess contested lands, gather claims of their own, and pad surveys

to increase their client's acreage.<sup>10</sup> Recent archeological evidence, including fine china and other dining accoutrements available only to wealthy individuals, from Bledsoe's Station confirms the elite social status of these land surveyors.<sup>11</sup> By 1790, surveyors and speculators had become accepted members of a frontier gentry with coteries of loyal, lesser men aiding them in newly formed networks of patronage based on access to land.

William Blount became perhaps the most conspicuous example of a land speculator who proved adept in taking advantage of territorial governing institutions. One of a trio of powerful North Carolina brothers, Blount had served in the North Carolina legislature, the Confederation Congress, and the Federal Convention of 1787. By the 1790s, his political experience and connections, combined with his vast land holdings in Tennessee, made him a strong candidate for the post of territorial governor, a post that he hoped would work to his personal benefit. "The appointment is truly important to me," he wrote to John Steele, "more so in my opinion than any other in the Gift of the President could have been, the Salary is handsome, and my Western lands had become so great an object to me that I should go to the Western Country to secure them and perhaps my presence might have enhanced their value."<sup>12</sup> Also, given his personal inclination "never to . . . stand between a friend and a benefit," Blount's formal appointment meant that the region's already formidable group of surveyor-speculators soon would become an overwhelming majority in the new territorial government.<sup>13</sup>

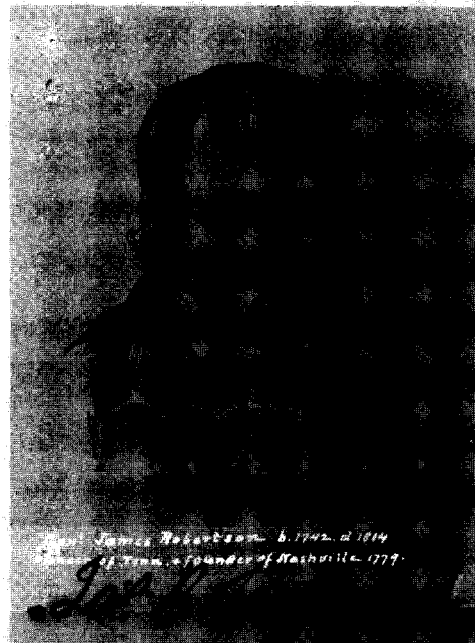
**B**lount's first acts as governor helped him establish a political network of strong supporters. Upon his arrival in the territory he visited all of the major settlements and legitimized the power of most local authorities. He also accepted nominations by militia companies for the positions he was soon to appoint. All this seemingly routine activity created a group of loyal lower-level speculators that remained part of his "machine" throughout the territorial period. When Governor Blount called a legislature in 1794, for example, twelve of the thirteen members were known to have close ties to him.<sup>14</sup> Loyalty to Blount also helped place several young men—including John McNairy, Archibald Roane, Andrew Jackson and John Overton—in positions of political power in their local communities years before they might have gained such important posts on their own.

Thereafter, speculator influence encompassed all levels of government in Tennessee. At the local level, the nineteen justices of the peace appointed in Davidson County between 1790 and 1795 provide a good example. These men owned an average of 7,170 acres, with four holding more than 20,000 acres each.<sup>15</sup> And at the territorial level the biggest speculators during this period held even more powerful positions. Stockley Donelson, who claimed hundreds of thousands of acres, became a member of the legislative council; Daniel Smith, who owned several thousand acres, became territorial secretary;

surveyors/speculators James Robertson and John Sevier were appointed militia generals, and Sevier also served as a legislative counselor; James Winchester and James Ford, both of whom held title to thousands of acres, became militia colonels, and Winchester also was appointed a legislative counselor; and David Campbell, whose family included several prolific speculators throughout the southwest, became a territorial judge.<sup>16</sup>

Although by 1796 Blount and his fellow land speculators had maneuvered the territory into the Jeffersonian coalition, they did not propose to rule Tennessee by Jeffersonian notions of popular democracy. Instead, they relied on older Whig ideas and practices that valued “the rule of the people” in which “the people” were formed from a very select group. They, for example, endorsed the principle that freemen had the right to political participation. Nevertheless, they also firmly believed in the importance of honor, deference, paternalism and personal networks, all key features of colonial and revolutionary southern political culture. In particular, this Tennessee elite believed that “the people” needed only to provide their votes for the appropriate disinterested gentleman. Afterwards, those gentlemen ought to be left to maintain a virtuous form of government on their own.

Tennessee land speculator Arthur Campbell articulated this form of paternalism when he wrote: “Under the Constitution of the United States every honest station of life is honorable, since they are all part of the great social body. Between the Chief Magistrate and the People, the great and the mean, the rich and the poor, the acute and the dull, the learned and the ignorant there is no difference as to the rights of citizenship, but in possession of different powers, and in the discharge of different offices peculiar to each capacity and useful to all; and if one of them have a just demand for submission and obedience, for honor and respect, for convenience and ease; the other have as just a claim for protection and defence, for the administration of justice and the preservation of equal liberty, for the supply of their wants and the relief of their distresses, for *instruction* and *good example*.<sup>17</sup> Perhaps an early July fourth toast—a ritual which helped reinforce notions of status and power within the community—best illuminates this paternalistic understanding of “the people”: “To the freemen of Tennessee—may they exercise the right of suffrage with judgment, and remember that the welfare of themselves and posterity, requires that men of patriotism, talents and integrity should alone



General James Robertson.  
The Filson Historical  
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be preferred to office.”<sup>18</sup>

In short, the combination of elite paternalism, a small dispersed population, and centralized government mandated by the Northwest Ordinance ensured that ordinary Tennesseans had only limited opportunities to bring consistent pressure to bear on Governor William Blount and his regime in the years prior to statehood. By choosing a frontier leadership from amongst surveyors and speculators based on attributes of physical courage, common people on the Tennessee frontier democratically chose an undemocratic leadership. These “big men” maintained coterie of loyal, lesser men formed into traditional networks of patronage, and only responded to the loudest outcries of an unhappy population. As such, they generally remained unchallenged throughout Tennessee’s territorial period.

Tennessee’s political culture changed dramatically in 1796, when settlers achieved both statehood and peace after concluding twenty years of war with the Cherokees, Creeks and Chickamaugas.<sup>19</sup> Afterwards, the population exploded, and it was clear that this larger public would demand commitments from the new state’s elite to concrete notions of popular sovereignty, though at first not necessarily in elections for political office. Indeed, the state’s most important early leaders noticed a curious political happenstance after Tennessee became a state—more Tennesseans showed up to vote for militia officers than had taken part in recent civil elections. In Davidson County alone as many as 725 men had voted in the militia elections of 1796—112 votes more than had been tallied in the county during the 1795 statehood vote.<sup>20</sup> Tennessee’s democratic development then should be traced to the introduction of competitive militia elections at the onset of statehood. Having served as an outlet for political activity since earliest settlement, by 1796 virtually all of the state’s electorate belonged to various companies. Many in the territorial elite believed that, using the officer corps to control this group of potential voters, militias could be used to maintain traditional networks of personal and political influence. Thus they electioneered to place themselves and their allies in key positions of martial leadership.

As the number of eligible voters in Tennessee grew, however, it became clear that easy control of the militia might be unobtainable. An eruption of contested militia elections between 1796 and 1803 helped expand a nascent public sphere, and gave longstanding middling and lower sorts, as well as political newcomers, a firm precedent for raising a legitimate opposition. Far from maintaining a political system imposed from above, as had been the case before statehood, militia elections created a new political world wherein attempts to establish and maintain lines of patronage gave way to the construction of broad popular constituencies in an increasingly contested, popular democratic culture.<sup>21</sup> Upon reflection, Tennessee’s elite probably should not have been

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surprised at this new development. As in other areas around the Ohio River Valley, the organizing and mustering of militia companies in Tennessee long had served as an avenue for advancing ordinary peoples' "views on local, state, national and international issues," most visibly through legislative petitions written and approved at militia musters. Militias also proved crucial in census enumerations, which were key to deciding the apportionment of legislative and congressional seats in the state.<sup>22</sup> Militia musters, in short, gave ordinary folk a tangible link to frontier authority.<sup>23</sup>

Not surprisingly then when Tennessee's land speculators and their allies attempted to control the state by dominating militia elections, they sparked an unanticipated side effect, what Davidson County political up-and-comer Isaac Roberts called "a significant rise in partyism."<sup>24</sup> Indeed, it quickly became clear that militia campaigning, in conjunction with rapid population growth, had released the democratic genie from its bottle. Consider, for example, the Cumberland district that had barely more than 11,500 residents when John Adams was elected president, but during the next twenty-five years mushroomed to a total population of 287,501, including slaves.<sup>25</sup> In January of 1796 there were four Cumberland regiments under the control of government appointed officers. Less than fifteen years later, however, there were thirty-four, all of them under a popularly elected leadership.<sup>26</sup> As with other areas in the Ohio Valley, Tennesseans who previously might have held little political clout and who certainly would not have stood for public office suddenly found militia command well within their grasp.

Ordinary men thereafter asserted their political presence at all levels of Tennessee government. Upon losing the 1796 Davidson County race for second major, for example, a disgruntled William Nash complained that "one William Walker a Resident of the County of Sumner and therefore not authorized or entitled to Vote in the County of Davidson, voted at the said Election in behalf of [my opponent] which [otherwise] would have [left] a Majority of Legal votes in favor of your Memorialist."<sup>27</sup> So questionable was the outcome that Sevier associate William Lewis soon wrote to the governor of a high level of "dissatisfaction among the Citizens." Continuing, he made clear "that the Officer fairly elected was Mr. William Nash, and that very unlawful means were made use of to carry the Officer that it is Pretended is Elected."<sup>28</sup> Only a few months after Nash's complaint, candidate George Blackmore called for the nullification of a Sumner County election that had been "held by three private Citizens unqualified" to hand out commissions, rather than by the sheriff as county law had mandated. His ally Leeroy Taylor even provided a list of illegal voters, along with their respective places of residence.<sup>29</sup>

This democratic upwelling continued into 1797. In January of that year, a John Sevier supporter named Thomas Johnson wrote to the governor in

reference to a Mero District cavalry vote: "I have been informed that some of the Counties do not like the [results of the] Election & intend to send to you their protest against it."<sup>30</sup> The following September James McQuestion of Davidson County complained of still more corruption in Cumberland voting procedures: "After [our] Company was laid off," he wrote to Sevier, "an election was advertised by the Col and on the day of the said election I was elected by a respectable majority. Upon which the Col being opposed to my election, told the managers they could not give a certificate as the election was disputed. Upon which a new election was ordered to be held in much less than the legal time."<sup>31</sup>

**A**s the state's population grew, militias became a means for ordinary men broadly to participate in Tennessee's burgeoning political sphere. Sometimes entire militia companies met to discuss issues and present petitions to the government. In 1809, for example, a Dickson County company demanded an emergency legislative session to address the question of debtor relief. That same year Davidson and Smith County militias called meetings at their courthouses to debate the effect on local residents of President Jefferson's embargo on trade. They also suggested the propriety of circulating collective petitions at militia parades to gain the maximum number of signatures.<sup>32</sup> But just as often, political action took the form of individual petitions such as one from a man named John Hanes. In 1798, Hanes relinquished his militia command and asked the governor both for a new election and a new company, arguing that "the people wish a division, as it will be much more convenient" given the growing population.<sup>33</sup> Only a few years later, a similar petition from Montgomery County argued, "The limits of this County are much greater at present than by the law they ought to be and the inconvenience of attending Genl. Musters and Elections to the Inhabitants [is] considerable." Other petitions from individuals and communities to the governor or legislature covered issues as diverse as religious favoritism in the militias, requests for changes in militia laws, and the need for changes in civil election procedures. All told, more than three hundred petitions with at least 18,000 separate signatures went to the legislature between 1799 and 1810, to say nothing of the dozens that passed across the governors' desks.<sup>34</sup>

Ordinary Tennesseans during this period engaged in an increasing number of public political rituals as well, such as forming patriotic societies, proposing public toasts, attending "town hall" meetings, stumping for political candidates, organizing political parades, and burning effigies of their opponents.<sup>35</sup> One of the most prominent early examples of such a public political ritual came in the form of a "procession in condolence of the death of General Washington" which included cannon fire and both a civil and military parade.<sup>36</sup> And throughout the first decade of the nineteenth century, public toasting and their textual reproductions served as centerpieces for July fourth celebrations.<sup>37</sup>

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Given that democratic political culture at the turn of the century “was very much the product of negotiation between those who constructed and participated in it, and those who benefited from it,” the Tennessee elite found they would have to adjust their politics to reflect the realities of this new civic world.<sup>38</sup> Yet the transition to modern, partisan divisions was far from complete. In 1800, Tennessee had nothing resembling a lasting party structure, and on this point it differed from other regions of the Republic. Historians Alan Taylor and Patricia Watlington, for example, have described a Federalist/Republican split on the New York and Kentucky frontiers, respectively, that was firmly in place by the early 1790s. And Donald Ratcliffe has argued that in Ohio statehood marked an essential step on the road to a lasting party structure there.<sup>39</sup> Finally, David Waldstreicher has shown that in the eastern states militias served as a foundation for celebratory partisan activity that connected local issues to emerging national party interests.<sup>40</sup> Tennessee’s universal Jeffersonian Republicanism, by contrast, allowed for no meaningful opposition through which a party system could come into existence, either before or after statehood. Thus public contests for office between members of the elite created short-term, transient factions among voters.

Perhaps the most prominent example of personal factionalism in Tennessee grew out of the 1801 gubernatorial race, an innocuous campaign in which John Sevier, now governor of Tennessee, was constitutionally obligated to retire because he had served three consecutive terms. His removal from political affairs lit a spark under Andrew Jackson, who believed he could strengthen his own popularity by consolidating his eastern and western supporters behind a replacement. Thus Jackson pulled together disparate former protégés of William Blount—including John Overton in the west, and in the east William Blount’s half brother Willie, Joseph McMinn and Hugh Lawson White. As a block they threw their political capital behind Archibald Roane, an eastern figure with strong ties to the western district. Roane also received Sevier’s blessing, ran unopposed, and received the entire 8,438 votes cast.<sup>41</sup> But Jackson soon drove a wedge through this seeming political unity. In 1802, he felt that his service to Blount and Sevier, combined with his commitment to Roane, had firmly established him as a substantial leader in Tennessee. He therefore made himself available for the prestigious and recently-vacated position of major general of the state’s militia.<sup>42</sup> This move pitted Jackson against Sevier, who fancied himself the natural military leader of Tennessee by virtue of his revolutionary and territorial service, and who by 1802 had become so popular that his election seemed like a *fait accompli*. Surprisingly, however, the race ended in a tie, which meant that Governor Roane was constitutionally bound to cast the deciding vote. With little hesitation he gave the post to his friend and ally, Judge Jackson.

To Sevier and his supporters such an outcome smacked of corruption, and

they immediately began to lay the groundwork for the “Nolichucky Warrior” to restore the integrity of Tennessee’s political institutions by running him once again for the governorship. What they did not realize was that Jackson and Roane had anticipated this move and had dredged up incriminating letters, falsified land books, and suspect North Carolina land grants that connected Sevier to long standing allegations of fraud.<sup>43</sup> Just as Sevier’s coalition began to work towards the 1803 gubernatorial race, the new major general “presented” these materials to Governor Roane. Then he publicly proclaimed his incredulity at such scandalous behavior. “Is it possible,” Jackson wrote to the editor of the *Tennessee Gazette*, “that any man can believe John Sevier so ignorant as not to know that altering a grant agreeably to his request, so as to make it speak a lye, was a crime of the highest nature? No honest man, attached to private character and honest to the interest and respectability of this country, who is informed of the charges against Gen. Sevier will vote for him.”<sup>44</sup> Shocked that their opponents had sunk to such depths, Sevier’s supporters responded by labeling the disclosure the quintessential example of political dishonesty. “Mr. Roane,” it was declared, “published the falsehoods against General Sevier, with an intention to destroy his character, prevent his election, and to build his own greatness on the ruin and downfall of his rival.”<sup>45</sup>

What becomes clear from this exchange is that evidence either of a tainted militia election or of land fraud did not much matter in Tennessee politics. But the public’s perception that one’s opposition lacked integrity did matter because it constituted a potentially damning charge in a transitional culture where factional support could make or break political careers.<sup>46</sup> In this case, as a Jackson ally noted, the “exertions of the opposition party” to circulate public charges of dishonesty against Jackson and Roane proved to be extensive and successful. In the first hotly contested election in Tennessee’s history, the number of votes spiked and the more populous eastern district banded together to elect Sevier by a count of 7,733 to 5,219.<sup>47</sup> Simply put, voters identified in this election with the man who claimed to be the more honest of the two candidates—they voted for the personality, not his policies. As an anonymous writer to the *Knoxville Gazette* put it of Jackson’s predicament, “The citizens of Tennessee . . . by their free suffrage have chosen to invest power in hands they like much better; and such is the reason for all this great noise and bussle, and is the only cause the public tranquility is so much agitated and disturbed.”<sup>48</sup> Sevier’s victory proved so politically overwhelming that the public hardly noticed when the Sevier-dominated legislature brought an impeachment charge against Jackson associate Judge David Campbell—a vehicle through which to keep Jackson’s and his allies’ “questionable” character in the public realm and to deliver a warning to Jackson’s men to end their anti-Sevier crusade.

But if Sevier won this battle, it soon became clear that a combination of

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demographic growth, civic assertion, and economic expansion had begun to lead Tennesseans away from personality-driven factions. In 1807, “A Farmer” urged Tennesseans “not to circumscribe the field of choice by illiberal attachments to your town, or to your local or professional interests or opinions; you will, with true republican ingeniousness, cast your eyes over our widely extended district, and honor that candidate who [possesses] most of the essential qualities.”<sup>49</sup> Only two years later “A Friend of the People” went even further. Concerned with the consequences for the debtor class in Tennessee of Jefferson’s embargo, he wrote, “People of Tennessee! now is the trying time to look to your candidates for future elections; now is the time to probe their principles to the bottom; if you see them stemming the torrent of overbearing aristocracy and foul avarice, if you see them boldly defending your rights in public meetings, if you see them animating the weak and resisting the strong—then my friends remember them on the day of the election.”<sup>50</sup>

“A Friend of the People’s” remonstrance raised two critical issues new to Tennessee politics. First, meaningful and consistent public debate demonstrated that power in the state no longer resided exclusively in a single individual or group. Although they remained at the top of the political culture, the members of the speculator/surveyor elite now had to negotiate their authority publicly.<sup>51</sup> Second, the remonstrance showed the extent to which economic issues had entered the political sphere by the early years of the nineteenth century. Divisions over land, taxes and trade brought the interests of planters, speculators and merchants into conflict with the needs of a growing population of small farmers who wanted greater control over the shape and pace of economic development. Few farmers wished to return to a subsistence-oriented economy, of course, but pressure for land, farm start-up costs, specie to pay for land and taxes, and credit difficulties left many people far enough in debt to help create a legitimate movement in favor of regulation or reform of the economy by the state government.<sup>52</sup>

**I**n these new issues, Tennesseans found an avenue through which permanently to establish clear, long-standing partisan positions. Specifically, by about 1810, public debate in Tennessee revolved around two issues—judicial reform related to land distribution, and debtors’ rights connected with a lack of regional specie and President Jefferson’s embargo. On the one hand, Tennesseans joined their frontier counterparts in Kentucky and elsewhere by challenging wealthy interests that used contested claims and a confusing legal system to dispossess people from their land. On the other hand, Tennesseans complained that a lack of specie threatened permanently to divide the region into a small class of wealthy creditors and a larger group of debtors. Although the state remained universally Jeffersonian until the 1830s, political relationships by 1810 had become so complicated that the Democratic Republican party had begun to bifurcate into opposing factions.

At the beginning of the nineteenth century Tennesseans faced an overwhelming number of problems with their claims to land, mostly resulting from twenty-plus years of turmoil that included fraudulent purchases, vague and conflicting military claims, and speculation. As early as 1780, surveyors had blurred boundaries, overlapped claims, and “padded” legitimate ones so that landowners often thought they had more land than the official records indicated. By the early nineteenth century, as a writer styling

himself “Manlius” pointed out, speculators had become particularly adept at throwing obstacles in the path of “honest people,” and endeavored “to make as many dependent on their favor as possible.”<sup>53</sup> By the antebellum period the situation had improved, to be sure. As in other areas of the southwest, land ownership figures in Tennessee eventually rose to include almost fifty percent of the adult population.<sup>54</sup> But obtaining clear title to land remained difficult, and those who managed to establish their claim to a tract of land were acutely aware of how easily they could lose it through writs of *Fieri Facias* and *Venditioni Exponas*.<sup>55</sup> Published by the hundreds in local newspapers, these writs acted as judicial notices of expulsion for people who could not pay for lands or the taxes on those lands.<sup>56</sup>

Those without clear title to land had even larger concerns. Squatters, for example, found that speculators and planters consistently attempted to remove them, regardless of preemption laws that favored squatters or of any improvements they may have made in the land. More often than not, these people had to purchase or rent their farms from speculators, or face removal by local government

authorities.<sup>57</sup> Faced with such bleak choices, many Tennesseans became tenants, moved into Indian territory, or went further west. Although the destruction of early census records makes it difficult to arrive at firm numbers, historian Anita Goodstein has argued that out-migration in Davidson County alone may have been as high as seventy percent during this early period.<sup>58</sup>

Naturally, those burned by contested titles and those who faced removal from improved lands looked to the courts for relief. Yet Tennessee’s legal system in the early years of the nineteenth century only exacerbated tensions between landowners and the landless. In 1807, the state’s court system, largely unchanged during the previous twenty-seven years, centered on county courts. Comprised of a minimum of three justices of the peace, the courts met in quarterly sessions to hear most criminal cases, as well as all civil cases involving sums over twenty dollars.<sup>59</sup> Such a modest judicial structure had



Thomas H. Benton. *The Filson Historical Society*

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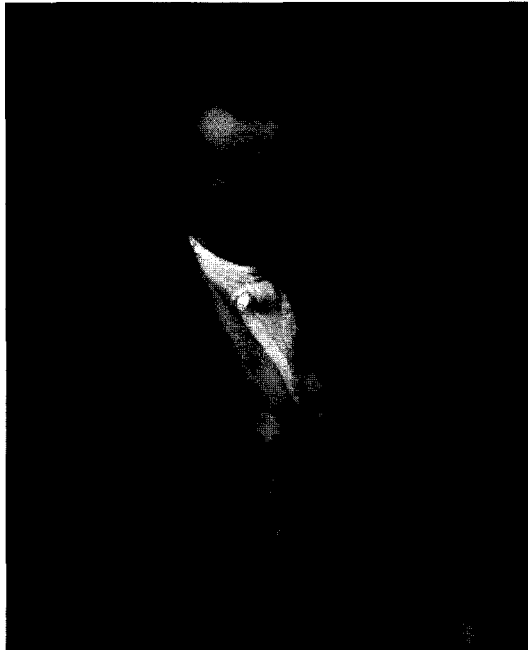
its limitations, as a writer who called himself “Pericles” pointed out in 1808. “In the midst of dangers the most terrific,” he noted, “justice could not be administered securely but in [Knoxville and Nashville] where the strength of the state was principally concentrated.”<sup>60</sup>

Moreover, by the early 1800s, the intertwined issues of legal costs and distance from courthouses had come to dominate complaints about Tennessee’s judiciary. In an 1806 petition fifty-four men argued that they could not protect “their just rights against oppressors” because of the expense of pursuing appeals and the amount of time it took for “poor men” to reach the Superior Courts.<sup>61</sup> Young Thomas Hart Benton elaborated on this protest by adding that inevitable delays only ruined the people that a judicial system had been created to help. Writing under the nom de plume “Oldcastle”, and using arguments similar to those “radical reformers” described by Richard Ellis as having played a prominent role in Kentucky, Benton pointed out that “the enormous expense that attends the prosecution of a suit at law and the ruinous delays that are experienced at every stage betray the defects of a system radically wrong.”<sup>62</sup> Another writer made it clear that something as simple as the distance between farmers and the major judicial centers skewed the operations of the courts: “Rich folks may not feel this oppression but to farming men it is a serious calamity. Besides the loss of time it takes money out of their pockets for their personal expenses which they can but ill afford. When he attends the district court he has to put up at a tavern and there his personal expenses often exceed those which his law suit brings upon him in the court. When it is continued over four or five or six years in succession it amounts to an unjustifiable suppression and demands the reforming hand of the legislature.”<sup>63</sup> In a separate series of essays “Agricola” and “Farmer” pointed to another way in which wealthy interests held a significant advantage in the courts. The technical and abstruse nature of legal procedure and jargon made it impossible for average Tennesseans to understand what was going on. Specifically, “Agricola” and “Farmer” argued that wealthy interests would ensure that suits became “as complicated as possible and carried to the highest and most remote courts, and kept off as long as possible, to render the decision intricate and expensive.”<sup>64</sup>

**M**oreover, because of their help in “enveloping [the temple of justice] in an atmosphere of awe, mystery, and repulsion, which forbids any who are unacquainted with the mysterious rites and ceremonies,” Tennessee’s lawyers were labeled as unrepublican tools of aristocracy.<sup>65</sup> Attorneys drew fire for attempting to win cases on technicalities, delaying procedures until less wealthy litigants had to capitulate, and tricking people into error through obscure jargon and legal phrases that distorted logic.<sup>66</sup> Disdain for the legal profession seemed so strong that as the 1809 legislative election drew closer, “Detector” warned Smith County residents not to “elect lawyers

to mend your judiciary, [otherwise] you will jump out of the frying pan and into the fire. [Rather,] be careful to elect farmers or mechanics, they will make plain laws.”<sup>67</sup> Two years later Congressman Felix Grundy’s mouthpiece the *Nashville Clarion* pointed out that “the only evidence that the people at large have that he will act from corrupt motives is his being a lawyer.”<sup>68</sup> Even John Overton, arguably the most politically and economically powerful figure in early nineteenth century Tennessee, had to have his friends defend him in his 1811 candidacy for a seat in the House of Representatives against charges of being a corrupt lawyer.<sup>69</sup>

In short, many Tennesseans felt that the judicial system and its “temple priests” unfairly protected wealthy interests.<sup>70</sup> A “Friend of the People” observed, “I will venture to affirm that 19 out of 20 of those Citizens of West Tennessee, whose living does not in some way or other grow out of the present system, are decidedly convinced that the present system is inadequate and oppressive.”<sup>71</sup> But how to solve the problem? As early as February 1808, Thomas Hart Benton argued that a solution lay in a new popular democratic political culture. Reform, he noted, was “the easiest thing in the world. The people have nothing to do but to say ‘we are tired of the present system and we want a new one.’ If they will agree among themselves to utter this short sentence the whole work is accomplished and the power is in their own hands.”<sup>72</sup>



Felix Grundy. *The Filson Historical Society*

A flurry of public events, reproductions in the newspapers of key regional petitions, and editorials soon made reform a hot topic across the region. A Davidson County July fourth toast in 1808, for example, declared “The Legislature of Tennessee—may they at their next session see the necessity of an alteration in the judiciary system.”<sup>73</sup> Two weeks later four of the most populated counties in Middle Tennessee—Williamson, Rutherford, Maury and Bedford—published grand jury reports that demanded legislative candidates take judicial reform into

consideration.<sup>74</sup> By early 1809, as a writer styled “Simm” made clear, ongoing protests had made the judiciary “the touchstone at the approaching elections.”<sup>75</sup> The time was ripe to effect change, agreed “Detector,” and urged Tennesseans carefully to “inspect the candidates as soon as they declare themselves.”<sup>76</sup>

Tennessee politicians increasingly yielded to this public pressure. During his 1809 legislative race, Smith County candidate Thomas Harris published a platform that announced his support for reforming the judiciary in order to make it less oppressive for ordinary folk. Opponent Sampson Williams did likewise, making clear in the *Carthage Gazette* that he supported the creation of several new circuit courts that would feed into a Supreme Court rather

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than into bi-annual Superior Court sessions. And a third candidate, Joel Dyer, came out in favor of an arbitration law and an abolition of Courts of Errors and Appeals.<sup>77</sup>

**B**ut powerful landed interests quickly countered the reformers' main arguments. Led by heavyweights John Sevier and Robert Foster, the opposition denied that more courts would reduce costs or administer equal justice. Specifically, they argued that a new judiciary would create a greater burden on "the people" by raising taxes to exorbitant levels.<sup>78</sup> An expansion of courts and court sessions, they declared, required new judges, increased salaries, and never-ending construction costs, to say nothing of the fact that there simply were not enough capable legal minds to handle the business of such an extensive judicial system. They feared that "the law might become unhinged by looseness and disorder," and that incompetent courts would ensure never ending appeals.<sup>79</sup> In addition, an anonymous author in the *Carthage Gazette* warned ominously that "lawyers are a very numerous and respectable part of the community; and you will be certain of incurring the displeasure of the whole profession."<sup>80</sup>

Ultimately, however, Tennesseans elected statesmen with a strong mandate to approve laws that might alleviate inequities in the courts. Thereafter, newly elected Representative Thomas Hart Benton submitted a bill remarkably similar to one that had been proposed by Felix Grundy in 1802 when Kentucky debated the same issue. Benton's proposed law would replace the extant Superior Court with an appointed Supreme Court of Errors and Appeals, maintained by two "Judges in Error" and a circuit court judge. Although the county courts would remain intact, the new Supreme Court would meet in five judicial circuits, with the provision that each county in the circuit receive two court sessions per annum.<sup>81</sup> The point of this legislation was simple. Now small farmers could have their appeals heard at their county seat, not in courts held dozens or hundreds of miles away. Although debate at times was heated, the bill passed the Tennessee legislature by two votes in each house.

By 1810, a boisterous public sphere had changed the course of politics in Tennessee, in the process helping to establish two political forces in opposition. Calls for reform revolved around questions of land and economic stability. Purchasing real estate in a region with little specie meant that ordinary Tennesseans inevitably fell into debt. And having to go to court to protect land claims and fight insolvency proceedings frustrated their efforts at making enough money to discharge their obligations. Thus judicial reform was a way for poorer sorts to establish themselves in opposition to the seemingly unfair practices of speculators, planters and their lawyers, who in turn vociferously protected their interests. In the new political culture, the political consequences of the battle for judicial reform would pave the way for subtle but growing distinctions between entrepreneurial and more economically hesitant elements in Tennessee.

Widespread debt among small farmers further rearranged the political sphere. Indeed, commercial expansion in the first decade of the nineteenth century throughout the Ohio Valley relied heavily upon extensive lines of credit. This had not been so in the late eighteenth century, when specie had been too rare and expensive for daily use in what later became Tennessee. As a consequence, during the territorial period Tennessee's economy was more or less self-contained, and maintaining a debt at the local general store mattered little for most farmers. As often as not, bartered products would remove financial obligations, and what debt remained would carry over into other years. But by the early nineteenth century the cotton and tobacco economy had grown to global proportions, and Tennessee hogs and horses were in great demand in Cincinnati and New Orleans. Many local farmers thus found themselves dependent on extensive lines of credit to get the land, tools, seed and animals needed to produce a cash crop for distant markets. Moreover, regular recessions after the turn of the century produced severe contractions that could threaten property, future credit, and ultimately the entire economic system in which these people had come to participate. Perhaps historian George Dangerfield put it best when he pointed out that although speculators and investors got into trouble during economic contractions, "it is not unsafe to assume that the chief burden was borne by those farmers" whose loans were called in and seldom renewed.<sup>82</sup>

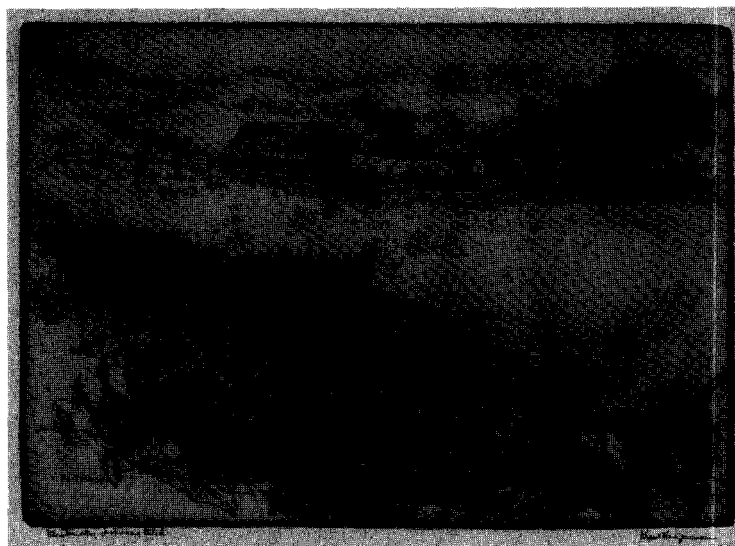
Early nineteenth century Tennesseans had particular reasons to be concerned about the possibility of a major contraction. By 1808, Napoleon's conquests had engulfed Europe in war, and President Jefferson's reaction to the European conflict threatened to wreak havoc on debtors in the United States. Specifically, Americans had benefited greatly by their trade with the major belligerents in the early years of the wars. But after the naval battle of Trafalgar left Britain in control of the Atlantic, Napoleon embarked on a plan—known as the Continental System—meant to cut off British trade with Europe, including the trade of American merchants and farmers.<sup>83</sup> The situation worsened for American commerce when in November of 1807 the British responded with Orders in Council that barred any vessel from any country, including the United States, from trading with Europe without first going through a British port. President Jefferson responded with what he called peaceable coercion. His policy was popular with progressive Republicans who believed that the world relied upon American shipping for vital goods, and who felt that taking it away would force Britain and France to accommodate American shipping. Thus Congress passed the Embargo Act of 1807, which dictated that American vessels could no longer trade with either Britain or with any of the Continental powers.

Jefferson's trade embargo had significant repercussions in the Ohio Valley, and particularly in Tennessee. Perhaps most importantly a large international market for its cotton and tobacco disappeared, rendering valueless commodities that heretofore had served in place of specie as a circulating medium for pay-

ing debts. As petitioners from Middle Tennessee put it, “The Embargo has entirely precluded us from the means of disposing of our produce at a foreign market, [meaning that] a scarcity of specie ensues, and an inability to meet our demands.”<sup>84</sup> This meant in practice that all too often people’s property was taken by execution and sold for less than its value. A March 1809 petition published in the *Carthage Gazette*, for example, argued that specie had become so scarce that “in many instances good horses valued at from 40 to 50 dollars have been sold by virtue of executions for less than a dollar a piece, cows for half a dollar, and other property in proportion.”<sup>85</sup> Yet another petition noted that there “have been an almost total stagnation or disappearance of that circulating medium which is considered as the index of property, this amongst a people who were acquiring strong commercial habits has produced resulting scenes of distress that could scarcely have been predictively imagined.”<sup>86</sup> Debt produced by the embargo, in other words, threatened to undermine ordinary Tennesseans at a time when market activity had become a necessity to many farmers.

**A**fter 1807, the question of debt therefore came to dominate public political discourse in Tennessee, specifically through petitioning and debates.<sup>87</sup> Public declarations soon characterized the embargo in a “rich versus poor” rhetoric that masked a more fundamental political division between progressive Jeffersonians on the one side and proponents of a more restrained economy on the other. “A Friend of the People,” for example, lambasted “aristocratic Lawyers and Merchants” for taking over a public debate in Nashville and rejecting debtor relief, calling them “rabble” and arguing that they had “run away with the People’s rights.”<sup>88</sup> Rural folk in Davidson County agreed, and countered the Nashville resolutions by reconvening and passing pro-relief resolutions of their own.<sup>89</sup> Another petition to Governor Sevier, meanwhile, implored him to reject “any oppressive system which is calculated to add misery to the distressed—to distress the weak and elevate the strong, to make the poor poorer and the rich richer.”<sup>90</sup>

The increasing public outcry built upon a belief that Tennesseans had a “Constitutional right” to represent to the government “the peculiar inconveniences and difficulties under which we labour, and to beg leave that we be furnished with some mode, by which a redress of our grievances may be attained.”<sup>91</sup> Even if, as a group of Smith County petitioners affirmed, “the act



*Pen and ink drawing of a tobacco patch by William Kent Hagerman. The Filson Historical Society*

of the General Government [was] calculated for the good of the nation,” it was clear that the local population had “a right to expect relief from constituted authorities.”<sup>92</sup> Most requests for relief asked for a law “which authorizes our Magistrates to suspend the issuing of executions a certain number of days after giving judgment.” Formally known as a stay law, pro-debtor writers called for such a law to remain in effect during the continuance of the embargo. If they were not offered such relief, feared a group of petitioners to the Legislature, “general desolation must ensue. Men with their families must probably be

stripped of all of their personal property and left destitute of subsistence on a naked piece of land without the means of cultivating it!”<sup>93</sup> Tennessee petitioners were also quick to point to regional precedents for government intervention. As one group put it, in “many of the adjacent states from whence the State of Tennessee is chiefly populated, the usual course of Civil Law has been suspended.” Another 1809 petition to Governor Sevier pointed out that surrounding states “are protected from ruin by the just and benevolent interference of public authority.”<sup>94</sup>

Large landowners and merchants in Tennessee, however, vociferously rejected stay laws as temporary expedients that denied creditors like themselves due process and abrogated binding financial obligations. In 1808, Thomas Allen wrote to the *Impartial Review* expressing his hope that the state constitution not “be broken, so as to suspend the collection of honest debt.”<sup>95</sup> Similarly, an anonymous author argued that stay laws would arbitrarily abrogate the sanctity of contracts, and added that stay laws only

protected those who lost money due to “neglect or intention” and who intended to “defraud honest creditors.” “A Citizen” put it more forcefully when he wrote that stay laws “legalize knavery.”<sup>96</sup> These anti-relief advocates overwhelmingly placed their faith in national economic innovations and improvements that would replace dependence by Tennesseans on foreign markets.<sup>97</sup> For some, the answer to the region’s financial travails lay in expanded agricultural output. “An Observer,” for example, argued, “raising hemp will be found of real advantage to [Tennessee farmers], in times of peace, embargo or war, and will always find a market.”<sup>98</sup> Others pointed to a program of manufactures, reflecting a national trend amongst Democratic Republican party members committed to economic development.<sup>99</sup> To that end a petition signed by fifty-seven men asked for state support because “our country depends greatly on the promotion of its own manufactures, which alone gives life and vigor to



*Louis Napoleon Bonaparte, published by Goupil, Vibert and Co., Paris. The Filson Historical Society*

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commercial business, by which alone money is brought into our country.”<sup>100</sup> A year later former legislator John Rhea argued, “At this time, when the commerce of the world is suspended, it behooves the people of the United States to attend to manufactures. Industry will supply the raw materials and the hand of the manufacturer will, if diligently exercised, prepare them for use, and diminish the importation of foreign merchandise.”<sup>101</sup>

**B**ut this interest in economic development sparked noticeable public disapprobation. To the critics, expansion and new markets only indirectly addressed the immediate shortage of specie faced by indebted farmers. Moreover, it avoided the issue of government involvement in the economy. If Congress could intervene to impose an embargo, then why could not the legislature help debtors out of their fix? As one author to the *Carthage Gazette* put it, “If Government have a right to say ‘you shall not carry your produce to such or such a market,’ and no one disputes that right, they have certainly a right to say to the same citizens, ‘you shall not have the use of the law, which is an instrument of our making and under our control, to enforce the payment of money from your neighbour, till the time arrives when we will suffer him to carry his produce to the market.’” Addressing the region’s creditors, this anonymous writer pointed out that the loss of markets was a sacrifice required by patriotic duty. As such, “the inconvenience of [not receiving payment was] a sacrifice required of [creditors] by their country.”<sup>102</sup>

But were stay laws even possible? Creditors and their allies, after all, pointed out that they violated article one, section ten of the United States Constitution, which made clear that “No State shall . . . pass any law . . . impairing the obligation of contracts.” Pro-debtor proponents responded by arguing that stay laws did not actually abrogate contracts because, even with a stay of execution of a debt in force, debtors would maintain their financial obligation; they just received more time to come up with the necessary specie. Besides, the state legislature already had authorized “every magistrate to *suspend the operation of executions*, commonly called staying of judgment, for 30, 60 and 120 days according to the magnitude of the sum.” Was this not a firm precedent?<sup>103</sup> An anonymous writer in March 1809 thought so, and pointedly asked, “Is Tennessee to become the strong hold of avarice and barbarous cupidity? Is a monied aristocracy to be elevated by the effects of the embargo, while the poor people are to be sunk into the dust?”<sup>104</sup>

In short, by 1810 Tennessee’s public sphere had become home to robust debate over the nature and future of the state’s political economy. As with judicial reform, immense public pressure on the subject of credit and debt ultimately forced politicians into action. Building upon a long-standing principle that allowed for “staying executions after judgment of the Magistrate for a number of days, weeks, or months,” in 1809 the legislature enacted laws that postponed payments and stayed legal executions.<sup>105</sup> Perhaps more importantly, when com-

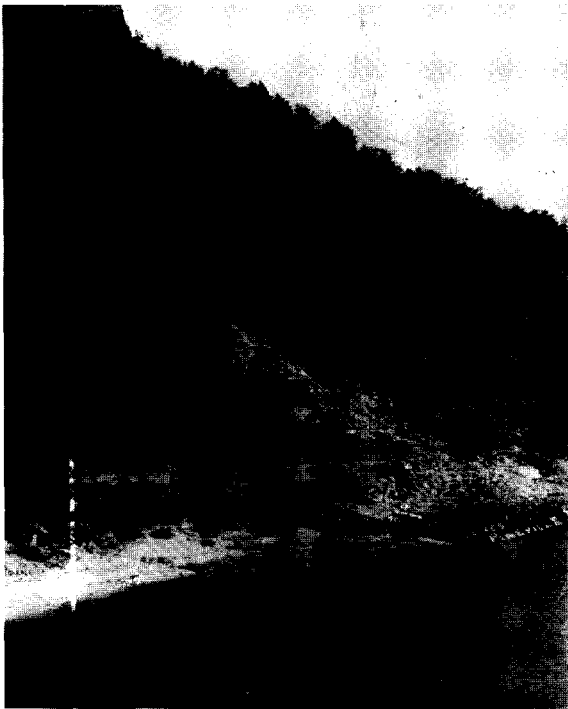
bined with land and judicial issues, questions of debtor relief shifted Tennessee away from factions, and towards systematic partisan divisions which would characterize the second party system as a whole in America.

**B**y the outbreak of war in 1812 Tennessee had undergone a significant political transformation. Between 1780 and 1796 a violent and unpredictable settlement process, combined with a small population—and after 1790, the governing features of the Northwest Ordinance—ensured that a small clique of surveyors and speculators would control political institu-

tions in what later became Tennessee. These men were frontier gentlemen who used their accumulation of vast land holdings to establish themselves as a political power, and who came to associate with the Jeffersonian coalition despite their political conservatism. They ruled without challenge because no mechanism existed through which settlers of a middling or lower class could contest their authority. Tennessee's elite hoped to maintain their powerful position after statehood by gaining control of the most important political institution on the frontier—the militia. In so doing, however, these powerful men established a means of destroying traditional political understandings in Tennessee. At the turn of the nineteenth century, a burst of contested militia elections suddenly gave middling and lower men an opportunity quickly to obtain offices and positions of community importance. And these contests fed into a nascent public sphere that gave ordinary men a clear model and firm precedent for raising a political opposition. Rather than establishing lines of patronage, it

soon became clear that the elite would have to emphasize the construction of broad constituencies in an increasingly contested popular democracy.

This argument is not meant to imply that personalities no longer mattered in Tennessee. They did. Yet if personalities did not fade, political divisions based on more than individuals certainly emerged in the early years of the nineteenth century and eventually came to dominate the state's politics. And the emergence of such divisions reinforces Donald Ratcliffe's assertion that, as society became more refined its political relationships became more complicated, therefore the Jeffersonian party began to bifurcate in the early Republic.<sup>106</sup> This was so in Tennessee because a dynamic economic and demographic flux altered society and culture, particularly in the middle district. Between 1796 and 1801 the number of inhabitants there grew from 11,000 to 32,183, and by 1815 the region had a white and slave population of 292,590 who were committed to



*Cumberland River and Wilderness Road, near Cumberland Ford. The Filson Historical Society*

cotton and tobacco planting, and to land speculation. As a result of this growth the Cumberland River became a highway for trade goods, which in turn created a mercantile class whose national and international connections integrated Middle Tennessee into a global economy. By 1812, commerce and planting had combined to become notable engines for economic expansion, and had become so profitable that entrepreneurially inclined residents stood at the forefront of the subsequent Southern internal improvement efforts during the antebellum era. The resulting unavoidable competition associated with an expansive economy led to new and unforeseen popular divisions. Even as planters and merchants looked to the government to expedite commercial growth, ordinary farmers came to believe that a scarcity of land combined with debt stemming from unabated development threatened their interests. They therefore used their newfound political voice to contest more expansive definitions of progress. This conjunction of political culture and economy became even more visible after 1815, and in the wake of the Panic of 1819.<sup>107</sup> A decade later it would serve as the foundation for the Second Party System in Tennessee. ❧

The author wishes to thank Harry Watson, Wayne K. Durrill, and an anonymous reviewer for their encouragement as well as for their thoughtful and extremely helpful criticisms.

1. See for example Jonathan Atkins, *Parties, Politics and the Sectional Conflict in Tennessee, 1830-1861* (Knoxville: University of Tennessee Press, 1996), and Paul Bergeron, *Antebellum Politics in Tennessee* (Lexington: University Press of Kentucky, 1981).
2. See Atkins, *Parties, Politics and the Sectional Conflict*; Bergeron, *Antebellum Politics in Tennessee*; and Stephen Ash, *Middle Tennessee Society Transformed, 1860-1870: War and Peace in the Upper South* (Baton Rouge: Louisiana State University Press, 1989). For more extended yet not entirely satisfactory discussions of the early national period, see, John R. Finger, *Tennessee Frontiers: Three Regions in Transition* (Bloomington: Indiana University Press, 2001); Thomas Perkins Abernethy, *From Frontier to Plantation in Tennessee: A Study in Frontier Democracy* (Chapel Hill: University of North Carolina Press, 1932); Robert Remini, *Andrew Jackson and the Course of American Empire, 1767-1821* (New York: Harper and Row, 1977); and Charles Grier Sellers, *James K. Polk: Jacksonian, 1795-1843* (Princeton: Princeton University Press, 1957).
3. Simon Newman, *Parades and the Politics of the Street: Festive Culture in the Early American Republic* (Philadelphia: University of Pennsylvania Press, 1997), 7-9.
4. Elizabeth Perkins, *Border Life: History and Memory in the Revolutionary Ohio Valley* (Chapel Hill: University of North Carolina Press, 1998), ch. 4; and Ellen Eslinger, *Citizens of Zion: The Social Origins of Camp Meeting Revivalism* (Knoxville: University of Tennessee Press, 1999), 93-94.
5. W. Calvin Dickinson, "Watauga Association," in the *Tennessee Encyclopedia of History and Culture* (Nashville: Tennessee Historical Society, online edition). Following this example, the 1780 Cumberland Compact protected and fostered land distribution and gave all western freeman over the age of twenty-one the right to vote for a local twelve man court.
6. *Three Pioneer Documents: John Donelson's Journal, Cumberland Compact, and the Minutes of the Cumberland Court* (Nashville, 1964); Samuel Cole Williams, *History of the Lost State of Franklin* (Johnson City, Tennessee, 1924); James W. Hagy, "Democracy Defeated: The Frankland Constitution of 1785," *Tennessee Historical Quarterly* 40 (Fall 1981): 239-56; and Remini, *Andrew Jackson*, 47.
7. Easterners, for example, grew concerned in 1793 when Governor William Blount attempted to siphon county fees and fines into the territorial treasury. At other times, county courts ignored Blount's directives, and on occasion even rebuked him for activities unbecoming of a servant of the people. See William H. Masterson, *William Blount* (Baton Rouge: Louisiana State University Press, 1954); Michael Toomey, "Prelude to Statehood: The Southwest Territory, 1790-1796," Ph.D. diss., University of Tennessee, Knoxville, 1991; and Cynthia Cumfer, "The Idea of Mankind is so Various: An Intellectual History of Tennessee, 1768-1810," Ph.D. diss., University of California, Los Angeles, 2001. For more on Tennessee's expectations of Federal protection, see Kristofer Ray, "Land Speculation, Popular Democracy, and Political Transformation on the Tennessee Frontier, 1780-1800," *Tennessee Historical Quarterly* 61 (Fall 2002).
8. See Malcolm Rohrbough, *The Trans-Appalachian Frontier: People, Societies and Institutions, 1775-1850* (New York: Oxford University Press, 1978); and Peter S. Onuf, *Statehood and Union: A History of the Northwest Ordinance* (Bloomington: Indiana University Press, 1987).
9. In 1790, the region was comprised of lands used by Chickasaws, Cherokees, and Chickamaugas, and included white settlements totaling 28,649 residents in the east and 7,049 in the Cumberland. Clarence Carter, *The Territorial Papers of the United States*, vol. 4 (Washington, D.C.: U.S. Government Printing Office, 1936).
10. John Sevier's migration to the frontier serves as a perfect example. See Carl Driver, *John Sevier: Pioneer of the Old Southwest* (Chapel Hill: University of North Carolina Press, 1932). Tennessee's young surveyor-speculators were similar to those trying to establish themselves in Kentucky

- during the same period. See Patricia Watlington, *The Partisan Spirit: Kentucky Politics, 1779-1792* (Chapel Hill: University of North Carolina Press, 1972), 36.
11. Kevin E. Smith, "Bledsoe's Station: Archeology, History and the Interpretation of the Middle Tennessee Frontier, 1770-1820," *Tennessee Historical Quarterly* 59 (Fall 2000): 175-87, and Anita Goodstein, *Nashville, 1780-1860: From Frontier to City* (Gainesville: University Press of Florida, 1989), ch. 1.
  12. Blount to John Steele, July 10, 1791, Carter, *Territorial Papers*, 30-31. See also, Remini, *Andrew Jackson*, 51.
  13. Blount to John Sevier, July 6, 1798, Tennessee Historical Society, Miscellaneous Files, MF#678, Tennessee State Library and Archives. Text taken from Kristofer Ray, "Land Speculation, Popular Democracy, and Political Transformation," 161-81. See also Remini, *Andrew Jackson*.
  14. The legislators were: Leroy Taylor, John Tipton, George Rutledge, Joseph Hardin, William Cocke, Joseph McMinn, Alexander Kelly, John Beard, Samuel Wear, George Doherty, James White, David Wilson, and James Ford. Carter, *Territorial Papers*, 430-60. Tipton was perhaps the only renegade. Unhappy with the inability of the territorial government to respond to Indian threats, he distanced himself from Blount's machine.
  15. The others: five owned between 5,000 and 10,000 acres; five more held between 1,000 and 5,000; and the remaining five held between 500 and 1,000 acres. Goodstein, *Nashville*, 8.
  16. Carter, *Territorial Papers*, 430-60. See also Index to North Carolina Land Grants, Tennessee State Library and Archives, Nashville, Tennessee.
  17. Arthur to David Campbell, January 29, 1799, Campbell Family Papers, Duke University. See also, Ebenezer Brooks to Arthur Campbell, July 6, 1798.
  18. *Tennessee Gazette*, July 8, 1801. Text summarized from Ray, "Land Speculation, Popular Democracy and Political Transformation on the Tennessee Frontier," 174.
  19. For more on the nature of Tennessee's early Indian wars, see, Finger, *Tennessee Frontiers*; Cumfer, "The Idea of Mankind is so Various"; Nathaniel Sheidley, "Unruly Men: Cherokees and Settlers in the Upper Tennessee Watershed, 1768-1815," Ph.D. diss., Princeton University, 1998; and Kristofer Ray, "Progress and Popular Democracy on the Southwestern Frontier: Middle Tennessee, 1790-1824," Ph.D. diss., University of North Carolina at Chapel Hill, 2003, ch. 1.
  20. Tennessee Census Schedule, 1795; Carter, *Territorial Papers*, 404; and Davidson County Militia Election Returns, Militia Election Returns, Record Group 131, Tennessee State Library and Archives, Nashville.
  21. Waldstreicher, *In the Midst of Perpetual Fetes*, 157. See also, Simon Newman, *Parades and the Politics of the Street*, and Koschnik, "The Democratic Societies," 615-36.
  22. Cumfer, "The Ideal of Mankind," ch. 6, especially pages 404-405, and 433. See also, Remini, *Andrew Jackson*, 15-16; Toomey, "Prelude to Statehood"; Rohrbough, *The Trans-Appalachian Frontier*, ch. 2; and Goodstein, *Nashville*.
  23. See Albert J. Tillson, "The Militia and Popular Political Culture in the Upper Valley of Virginia, 1740-1775," *Virginia Magazine of History and Biography* 94 (July 1986). See also, Cumfer, "The Ideal of Mankind," ch. 6, especially 404-405, 433. For more on the potential unruly nature of the lower sorts on the southwestern frontier, see Richard Beeman, *Evolution of the Southern Backcountry: A Case Study of Lunenburg County, Virginia, 1746-1832* (Philadelphia: University of Pennsylvania Press, 1984), 134.
  24. November 22, 1796, John Sevier Papers, First Administration, GP-2, Reel 1, Box 2 Folder 1, Tennessee State Library and Archives.
  25. United States Census, 1800, 1820 (Washington, D.C.: Gales and Seaton, 1801, 1821). See also, Goodstein, *Nashville*, appendix, table 1.
  26. Numerical List of Regiments of the Militia of Tennessee, 1796-1836, Militia Election Returns, RG 131, Reel 22, Box 46, Folder 36, TSLA; for the 1796 vote count, see *ibid.*, Reel 1, Box 1, Folder 4. For the 1795 vote, see Carter, *Territorial Papers*, 405.
  27. William Nash, Governor's Petition, August, 1796, John Sevier Papers, First Administration, GP-2, Reel 2, Box 2, Folder 4, TSLA.
  28. William Tyrell Lewis to John Sevier, August 11, 1796, John Sevier Papers, First Administration, GP-2, Reel 3, Q-43, TSLA. Robert Weakley of Sumner County submitted a similar petition on behalf of Nash, proclaiming to Sevier that "if Justice takes place Nash [will be] the Major." Weakley to Sevier, August 14, 1796, *ibid.*, Reel 1, Box 2 Folder 1. Other reports of fraudulent activity appeared throughout the early years of statehood. See also, James Robertson to Sevier, August 10, 1796 GP-2, Reel 3, Q-42; James Winchester to Sevier, August 14, 1796, Q-27; Thomas Buckingham to Sevier, October 10, 1796, Robert Hays to Sevier, April 12, 1797, Militia Election Returns, RG-131, Reel 1, Box 1 Folder 5, TSLA.
  29. George Blackmore to John Sevier, October 19, 1796, Militia Elections Returns, RG 131, Reel 1, Box 1, Folder 5, TSLA. Leeroy Taylor to Sevier, October 2, 1796 Q-31, TSLA.
  30. Thomas Johnson to John Sevier, January 28, 1797, Militia Election Returns, RG 131, Reel 1, Box 1, Folder 30, TSLA.
  31. James McQuestion to John Sevier, September 8, 1797, Militia Election Returns, RG 131, Reel 1, Box 1, Folder 20, TSLA.
  32. John Sevier Papers, Second Administration, GP-4, Box 1, Folder 12, TSLA; *Nashville Clarion*, February 7, 1809; and the *Carthage Gazette*, February 18, March 6, 1809.
  33. John Hane to John Sevier, December 18, 1798, John Sevier Papers, First Administration, GP-2, Reel 1, Box 2, Folder 3, TSLA.
  34. Cynthia Cumfer has arrived at these numbers by systematically going through the three reels of microfilm that comprise the legislative petitions of the period. Furthermore, the Governor's Papers microfilm series chronicles the dozens going to Sevier and Roane over this eleven-year time frame. Both numbers are estimates of the total number, however, as petitions have been lost or misfiled. Cumfer, "The Idea of Mankind," 441, and Governors Papers, GP-2, GP-3, GP-4, TSLA.
  35. There even were celebrations on behalf of the Lewis and Clark expedition. See, for example, the proceedings of the Mechanical Society, *Tennessee Gazette*, July 20, 1803. The Mechanical Society also erected a liberty pole at that year's July fourth celebrations. For more on the toasting and celebration of Lewis and Clark see, *Impartial Review*, October 23, 1806, and February 14, 1807, and *Tennessee Gazette*, September 19, 1808. See also, the *Carthage Gazette*, February 9, 1809, and September 16, 1809. On parades see, *Impartial Review*, January 31, 1807. On effigy burning see a case where Aaron Burr found himself (figuratively) on fire over his alleged treason: the *Impartial Review*, January 3, 1807. For toasting and parades, see, *Nashville Gazette*, May 20, 1801 and July 8, 1803, and the *Tennessee Clarion*, July 20, 1808. For more on the

- connections between politics and ritual see, Waldstreicher, *In the Midst of Perpetual Fetes*; Newman, *Parades and the Politics of the Street*; and Len Travers, *Celebrating the Fourth: Independence Day and the Rites of Nationalism in the Early Republic* (Amherst: University of Massachusetts Press, 1997).
36. "Journal of John Sevier," *Tennessee Historical Magazine* 6 (April 1920): 24.
  37. For July fourth celebrations see, for example, *Tennessee Gazette*, July 8 and July 13, 1803; *Nashville Clarion*, July 20, 1808; and *Impartial Review* July 12, 1806.
  38. Newman, *Parades and the Politics*, 79.
  39. Alan Taylor, *William Cooper's Town: Power and Persuasion on the Early American Frontier* (New York: Vintage, 1995); Watlington, *The Partisan Spirit*; and Ratcliffe, *Party Spirit in a Frontier Republic*, ch. 1. Although ideological divisions appeared early in the nineteenth century, the formal existence of a one party system in Tennessee would continue relatively unchallenged until the late 1820s. See Charles Sellers, "Banking and Politics in Jackson's Tennessee, 1817-1827," *Mississippi Valley Historical Review* 41 (1954-1955): 61-84; Goodstein, *Nashville*; and Atkins, *Parties, Politics and the Sectional Conflict*. See also, Paul Bergeron, *Antebellum Politics in Tennessee*.
  40. Waldstreicher, *In the Midst of Perpetual Fetes*, ch. 4. See also, Newman, *Parades and the Politics of the Streets*.
  41. Roy R. Glashan, ed., *American Governors and Gubernatorial Elections, 1775-1978* (Westport, Connecticut: Meckler Books, 1979), 290-97.
  42. As Lorman Ratner has noted, the military label was one of two ways of achieving an explicit mark of gentry status—the other being to become a judge. See Lorman Ratner, *Andrew Jackson and his Tennessee Lieutenants* (Westport, Connecticut: Greenwood Press, 1997).
  43. For more on the Glasgow Conspiracy, see Ray, "Land Speculation, Popular Democracy and Political Transformation." See also, Governor's Papers, Samuel Ashe, 1796-1798, vol. 21, Archives, North Carolina Division of Archives and History, Raleigh; and Report of Gaither, Graham and Locke to Samuel Ashe, March 24, 1798, Governors Papers, Vol. 21, NCDA&H.
  44. Andrew Jackson to Benjamin Bradford, July 15, 1803, in Sam B. Smith and Harriet Chappell Owsley, eds., *The Papers of Andrew Jackson*, vol. 1, 1770-1803 (Knoxville: University of Tennessee Press, 1980), 343.
  45. John Carter to Benjamin Bradford, July 19, 1803, in *Jackson Papers*, vol. 1, 338.
  46. The rhetoric used by political underlings reinforces the idea that protection of honor included the promotion of self and allies at the expense of the political "other." For more on the nature of these rituals, see Kenneth Greenberg, *Honor and Slavery: Lies, Duels, Noses, Masks, Dressing as a Woman, Gifts, Strangers, Humanitarianism, Death, Slave Rebellions, the Proslavery Argument, Baseball, Hunting, and Gambling in the Old South* (Princeton: Princeton University Press, 1996); and Joanne Freeman, *Affairs of Honor: National Politics in the New Republic* (New Haven: Yale University Press, 2001), ch. 4.
  47. For the vote count in the gubernatorial race, see, Glashan, *American Governors and Gubernatorial Elections*, 290-97. Continuing, Campbell made clear that despite his position as a gentleman he considered dropping the façade of disinterested service, remarking that "Altho very weak the day of the election at this Place I had a mind to step into the Court-Yard to canvass for Mr. Roane. I saw he had not fair play and I have understood the carrying on at most other Court Houses in this District was much the same." Arthur Campbell to David Campbell, August 22, 1803, Campbell Family Papers, Duke University.
  48. "For the Knoxville Gazette," reprinted in the *Tennessee Gazette*, November 23, 1803.
  49. "A Farmer" to the *Impartial Review and Cumberland Repository*, May 23, 1807.
  50. "A Friend of the People" to the *Carthage Gazette*, February 20, 1809. See also "Low Blooded Hag" to the *Carthage Gazette*, June 15, 1809.
  51. Newman, *Parades and the Politics of the Street*, 7.
  52. Their concerns increasingly reflected historian John Larson's contention that "few Americans truly lived outside the market or intended never to exploit their opportunities for profit, but some people saw their economic options embedded in structures of power and social relations that might be threatened by the rise of more starkly capitalistic institutions." John Larson, *Internal Improvements: National Public Works and the Promise of Popular Government in the Early United States* (Chapel Hill: University of North Carolina Press, 2001), 72. See also Eslinger, *Citizens of Zion*, 55.
  53. "Manlius" to the *Impartial Review*, September 3, 1808.
  54. Allan Kulikoff, *Agrarian Origins of American Capitalism* (Charlottesville: University Press of Virginia, 1992), 45; Eslinger, *Citizens of Zion*, 68; and Steven Aron, *How The West Was Lost: The Transformation of Kentucky from Daniel Boone to Henry Clay* (Baltimore: Johns Hopkins University Press, 1997).
  55. Unlike other states, there were no writs of *Caprias Ad Satisfaciendum*, or notice of sentence to debtors' prison. The 1796 Tennessee constitution specifically forbade debtor's imprisonment. *Fieri Facias* literally means "cause it to be done." *Black's Law Dictionary* defines it as "A judicial writ directing a sheriff to satisfy a judgment from debtor's property." *Venditioni Exponas* literally means "You expose to sale." *Black's Law Dictionary* defines it as "a writ of execution requiring a sale to be made, directed to a sheriff when he has levied upon goods under a writ of *feri facias*, but returned that they remained unsold for want of buyers. Henry Campbell Black, *Black's Law Dictionary*, sixth edition (West Group, 1990), 627, 1555. See, for example, *Tennessee Gazette*, May 27, 1801; *Carthage Gazette and Friend of the People*, October 13, 1809; and *Impartial Review and Cumberland Repository*, June 27, 1807.
  56. See, for example, John Spencer's petition in 1809. A Maury County landowner, he had his property taken away from him because he had not heard that tax day had been moved forward and therefore was in arrears. The unsympathetic sheriff took his land anyway, and Spencer petitioned for a state-mandated exception. Petition 30-1-1809, TSLA.
  57. Kulikoff, *The Agrarian Origins of American Capitalism*, 44. For more on speculators' efforts at removing Tennessee squatters, see Ray, "Progress and Popular Democracy on the Southwestern Frontier," ch. 3.
  58. Goodstein, *Nashville*, ch. 2. See also James Ely, Jr., "The Legal Practice of Andrew Jackson," *Tennessee Historical Quarterly* 38 (Winter 1979): 421-35; and Remini, *Andrew Jackson*. After 1800, local newspapers were filled with public announcements of debt cases, and at times included such formerly prominent names as David Allison. In the 1790s, he had been a partner of Jackson's and a close ally of William Blount's. See the *Tennessee Gazette*, April 13, June 22, 1803, February 8, 1804, and January 2, 1805.
  59. These courts dispensed justice under the laws of North

- Carolina before statehood. When the region became a federal territory, and again when it achieved statehood, lawmakers merely legitimized the maintenance of the mother state's system. Single justices tended to hear civil cases involving sums of less than twenty dollars and petty crimes such as swearing. See Toomey, "Prelude to Statehood," ch. 2.
60. *Ibid.* See also *Impartial Review*, September 1, 1808.
  61. Petition 16-1-1806, TSLA.
  62. *Impartial Review*, February 11, 1808. See also, "Simm" to the *Carthage Gazette*, February 20, 1809. As to "radical reformers," Richard Ellis describes these people as wanting a cheap, simple, easily available and speedy system of administering justice that could ensure equality and provide security with only a minimum of oversight from the legal profession. Richard E. Ellis, *The Jeffersonian Crisis: Courts and Politics in the Young Republic* (New York: Oxford University Press, 1971), 121. See also, Steven Aron, *How the West was Lost*.
  63. *Impartial Review*, March 17, 1808.
  64. *Impartial Review*, June 4, 1808. A "Farmer" agreed, "The present Judiciary of Tennessee is an intricate system of technicalities, twisted into a long and laboured chain of oppression and venality. Go where you will and the injured man complains of the tardy steps of the law—of its uncertainty—of its oppression."
  65. *Impartial Review*, April 21, 1808, and *Carthage Gazette*, April 5, 1811.
  66. *Carthage Gazette*, February 6, 1809; *Impartial Review*, May 9, July 21, 1808; and the Oldcastle series in the *Impartial Review*, 1808, several dates.
  67. *Carthage Gazette*, March 6, 1809. He continued that he was not anti-lawyer per se. Rather, he argued, his "object is only to call the attention of the farmers, and invite them to reflect that it is their duty and interest to oppose the election of any lawyer to a legislative capacity because the interest of a lawyer and farmer do not agree—the farmer lives by honest industry; the lawyers, by broils and lawsuits; the interest of the farmer is peace and plain laws; the interest of the lawyer is quarrels and obscure, mysterious and intricate laws."
  68. *Clarion*, July 9, 1811, quoted in Tom Kanon, "'James Madison, Felix Grundy, and the Devil': A Western War Hawk in Congress," *Filson History Quarterly* 75 (Fall 2001): 446.
  69. "A Freeholder" to the *Impartial Review*, May 3, 1811.
  70. "Honestus" to the *Impartial Review*, November 24, 1808.
  71. "Friend of the People" to the *Carthage Gazette*, February 13, 1809.
  72. *Impartial Review*, February 8, 1808.
  73. *Impartial Review*, July 14, 1808.
  74. *Impartial Review*, July 21, 1808. Interestingly, only Davidson County condemned the measure—the one county where entrepreneurs were particularly strong, and where lawyers held sway as much as merchants. See, *Impartial Review*, September 1, 1808.
  75. *Nashville Clarion*, reprinted in the *Carthage Gazette*, January 25, 1809.
  76. *Ibid.*
  77. Specifically, Harris argued, "the present system was calculated to keep the wealth and circulating medium of the state concentrated in a few places to the injury of other parts of the country." *Carthage Gazette*, April 10, December 15, 1809.
  78. Robert White, ed., *Messages of the Governors of Tennessee*, vol. 1, 313.
  79. *Impartial Review*, June 9, 1808; Ellis, *The Jeffersonian Crisis*, 151-52.
  80. *Carthage Gazette*, July 28, 1808.
  81. *Acts of Tennessee*, 1809, ch. 49, quoted in White, *Messages of the Governors of Tennessee*, vol. 1, 313. For more on Felix Grundy's Kentucky proposal of 1802, see Ellis, *The Jeffersonian Crisis*, 150.
  82. Dangerfield, *The Era of Good Feelings*, 186.
  83. Donald Hickey, *The War of 1812: A Forgotten Conflict* (Urbana: University of Illinois Press, 1990), 18. See also, J.C.A. Stagg, *Mr. Madison's War: Politics, Diplomacy and Warfare in the Early American Republic, 1783-1830* (Princeton: Princeton University Press, 1983); Harry Coles, *The War of 1812* (Chicago: University of Chicago Press, 1965); and Roger Brown, *The Republic in Peril: 1812* (New York: Norton, 1971).
  84. John Sevier Papers, Second Administration, GP-4, Box 1, Folder 12, TSLA.
  85. *Carthage Gazette*, March 6, 1809.
  86. Petition 24-1-1809, TSLA.
  87. *Carthage Gazette*, February 20, 1809.
  88. *Ibid.*
  89. *Nashville Clarion*, February 7, 1809; *Carthage Gazette*, March 6, 1809.
  90. John Sevier Papers, Second Administration, GP-4, Box 1, Folder 12, TSLA.
  91. John Sevier Papers, Second Administration, GP-4, Box 1, Folder 12, TSLA.
  92. *Carthage Gazette*, March 6, 1809.
  93. *Ibid.*; Petition 24-1-1809, TSLA.
  94. John Sevier Papers, Second Administration, GP-4, Box 1, Folder 12, TSLA.
  95. *Impartial Review*, July 14, 1808.
  96. *Impartial Review*, July 28, 1808; and "A Citizen" to the *Impartial Review*, August 11, 1808. See also, *Carthage Gazette*, February, 1809; and *Nashville Clarion*, July 5, 1808.
  97. See for example John Rhea to the *Carthage Gazette*, May 25, 1810.
  98. "An Observer" to the *Impartial Review*, November 17, 1808.
  99. See Lawrence A. Peskin, "How the Republicans Learned to Love Manufacturing: The First Parties and the 'New Economy,'" *Journal of the Early Republic* 22 (Summer 2002): 235-62. See also, Larson, *Internal Improvements*.
  100. Petition 19-1809-1, TSLA.
  101. John Rhea to the *Carthage Gazette*, May 25, 1810.
  102. *Carthage Gazette*, March 6, 1809.
  103. *Ibid.*
  104. *Carthage Gazette*, March 6, 1809.
  105. Oldcastle to the *Impartial Review and Cumberland Repository*, June 4, 1808. As regards the 1809 law see, *Tennessee Laws, 1809*, Seventh General Assembly, Second Session, ch. 2; Eighth Assembly, First Session, ch. 44.
  106. Ratcliffe, *Party Spirit in a Frontier Republic*, 219.
  107. See, Ray, "Progress and Popular Democracy on the Southwestern Frontier," ch. 5.