

## WILLIAM LITTELL

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On June 10, 1799, William Littell presented himself before the Honorable Justices of the Fleming County Court of Quarter Sessions, produced a license to practice law in the courts of the Commonwealth, took the necessary oath, and was admitted to practice before this court.<sup>1</sup> Since it would seem very unlikely that Littell would have removed to Flemingsburg, as it then was, from any other Kentucky locality, this date may be confidently taken as marking the beginning of his residence in Kentucky.

Into the vexed question of Littell's life before he came to Kentucky this paper does not attempt to enter. The statement of his obituary that he was born in New Jersey and when a child migrated with his father to western Pennsylvania may (since it is non-laudatory) be tentatively accepted. His selection of Flemingsburg for his Kentucky debut may have been because he had friends there, since Fleming County was largely settled by people from western Pennsylvania. Indeed, he may even have had relatives in the County for the records mention two other men with the name Littell living in the locality at this time—Henry and Samuel—both of whom shortly became metamorphosed into Little. Except on the theory that he was drawn to it by friends or relatives it is difficult to account for Littell's selection of Flemingsburg as a place of residence and activity. The town had been established only three years and its population at this time could not have been much in excess of one hundred. It had been selected as the county seat only six months before Littell arrived and as yet had no public buildings except stocks, pillory, and whipping-post which the County Court had been driven to erect for the social welfare of the county. In the absence of a courthouse, both the Court of Quarter Sessions and the County Court were holding their meetings in the congenial precincts of the various taverns.

If Flemingsburg could offer little to Littell, Littell had quite a bit to offer Flemingsburg. He was a man of Four Talents. He was a poet whose poetry reflected the classical education which he had manifestly somewhere received; he had been trained in divinity (theology) and had apparently at one time been a minister; he had studied physic (medicine) and knew enough about it to practice it sporadically even after coming to Kentucky; and

finally he had studied law and, as his legal arguments show, had a good knowledge of it. Of these four Talents, Littell while at Flemingsburg seems to have firmly eschewed divinity and physic although the little village from all reports could have used a goodly spot of both. He relied on his law practice for a livelihood although he continued to write poetry for his own amusement and in all probability to the scandalization of his Fleming associates.

Littell remained in Flemingsburg for four years practicing law before both the County Court and the Court of Quarter Sessions. The political boss of the infant county was George Stockton, who had been the first settler in the county with his Stockton's Station, who had established Flemingsburg, and whose numerous sons and relatives practically monopolized the county offices.<sup>2</sup> It may be presumed that Littell found a certain amount of favor with the county oligarchy since he was once chosen to defend a suit for George Stockton, Jr., and at other times when sued had as his sureties George Washington Botts, deputy circuit clerk, and Pat Shannon, the jailer.<sup>3</sup> That he enjoyed, or at least possessed, the esteem of the justices before whom he practiced is indicated by the fact that he was occasionally engaged to assist the official prosecuting attorney in criminal cases.<sup>4</sup> It was shown even more clearly when the County Court in May, 1801, recommended him to the governor for appointment to a vacancy on the Court; the governor made the appointment in October, but Littell resigned in November.<sup>5</sup> The records do not reveal his reasons for resigning and probably he did not have any, other than that service on the Court would handicap a law practice that apparently could not stand much in the way of handicapping. By the imperfect evidence of the official records this practice in Fleming County was not too exacting, but Littell did not limit his activities to Fleming. On February 16, 1802, the Mason County Circuit Court at Washington admitted him to practice in that county, and the Clark County Circuit Court took similar action September 27 of the same year.<sup>6</sup> In all probability Littell's practice ran into other counties as well.

The combination of his local practice and circuit-riding apparently left Littell with enough leisure time for indulging his poetic propensities. Since Flemingsburg had no newspaper Littell found a market (doubtless non-paying) for his poetic wares in the *Kentucky Gazette* in which on August 4, 1800, appeared his "Farewell to Narcissa," and on May 25, 1801, his "Impromptu." The latter, the author explains, was written by a "gentleman to a company of Misses in answer to an ardent Inv-

tation to tea." The following August 31 the *Gazette* contained his "To Miss Watson" with the parenthetical explanation "From Marietta, 1797." If, as seems probable, the explanation refers to the author it indicates three things: that he was in Marietta in 1797, that he was even then addicted to poetry, and that he thought enough of his poems to bring some of them with him to Kentucky. Littell was evidently in a poetic mood in 1801 for, in addition to the two poems mentioned, the *Gazette* on September 7 published his "To Emma" and a week later "To an Old Maid, Translated from Horace." After this Littell apparently wrote no more poetry in Flemingsburg, perhaps finding the exercise regarded with suspicion by the local citizenry.

It was apparently Littell's intention to settle permanently in Flemingsburg for, on September 1, 1801, he bought of William Robinson for ninety pounds in-lot #41 on the east side of Water Street, Robinson taking a mortgage on the lot for the entire amount.<sup>7</sup> From this and other transactions it is indicated that law and poetry were not bringing Littell enough returns to enable him to keep body and soul comfortably together. He was unable to pay his mortgage note when it came due and, as a consequence, in October was sued by the administrators of John Nichols to whom Robinson had assigned it.<sup>8</sup> Also in 1802 he borrowed \$150 from Elisha Hord, non-payment of which led to the inevitable law-suit and apparently to an imprisonment, from which he was released by a bailing operation by the jailer.<sup>9</sup> Before these suits could be brought to trial, Littell left Flemingsburg and one can hardly avoid the conclusion that he was driven out by his debts.

From Flemingsburg, then, shortly before October 1802, Littell removed to Mt. Sterling in Montgomery County.<sup>10</sup> There, according to pioneer William Sudduth, he practiced medicine.<sup>11</sup> It is evident, however, that he continued his law practice, although the loss of the early Montgomery records makes it impossible to follow his local activities. But the Fleming records show that he attended the Circuit Court in that county, defending himself in debt suits and acting as counsel for other clients. For example, the Circuit Court in June, 1804, appointed him, "at her request," counsel for Keziah Bryant who was charged with concealing the birth of a bastard child.<sup>12</sup>

At Mt. Sterling, Littell began a long career as a land speculator by buying property sold for taxes. In this way he acquired a house in Mt. Sterling which he, on finding that the title was in doubt, returned to its former owner on condition that he (Littell)

continue to occupy it as a renter.<sup>13</sup> In 1803 he acquired through tax sales 1746 acres of land in ten different tracts.<sup>14</sup> One of these purchases, a tract on Red River of 94 acres belonging to George Van Buskirk is of more than ordinary interest. Isaac Van Buskirk, a Revolutionary soldier, married Jerusha Littell in western Pennsylvania and his cousin, at about the same time, married Mary Littell who, according to the Van Buskirk traditions, was a sister of William, the subject of this sketch.<sup>15</sup> It seems a probability at least that when Littell was pushed out of Fleming by his debts he was attracted to Montgomery by his relatives.

Law, medicine, and land speculation seem to have driven poetry out of Littell's mind during his residence at Mt. Sterling; at any rate none of his poems appeared in the *Gazette* while he lived there. Perhaps the reason was that he was turning to polemic writing and for this purpose prose was much better suited than was poetry. In the *Gazette* of May 3, 1803, appeared an open letter from "William Littell of Mt. Sterling" to William Coleman of the *New York Herald*. In the *Gazette* of January 15, 1805, is a letter of "Justinian," referring to the proposed publication of the statutes of Kentucky by William Littell of Mt. Sterling. On January 23, 1806, the *Gazette* published the first chapter of Littell's *Epistle of William Surnamed Littell*. The fact that it was taken from the *Palladium* would indicate that at the time of publication Littell was living in Frankfort. The probabilities are that he wrote the *Epistle*, or completed it, in 1805 while living at Mt. Sterling and that later in the year he removed to Frankfort as a result of making a contract to publish the *Statutes*; his removal to Frankfort was presumably to afford him the necessary facilities for carrying out that undertaking.

From the above recital it is evident that Littell's Kentucky career began several years earlier than has been commonly supposed. It is also evident that his legal training had been received before he came to Kentucky. According to the traditional date of his birth (1768) he was about thirty years old when he arrived in Kentucky. It would seem to be a challenge to the Kentucky historians to bring to light the details of that first thirty years of his life.

#### FOOTNOTES

<sup>1</sup> Fleming County Circuit Court Order Book 1, 81. The Justices of the Court at this time were Hugh Fulton (*vice* Michael Cassiday resigned), George Stockton, Senior, and Robert Morrison.

<sup>2</sup> For an account of George Stockton see "John Fleming, Pioneer of Fleming County," *Register of the Kentucky Historical Society*, July, 1951.

<sup>3</sup> Fleming County Circuit Court Order Book B, 28.

<sup>4</sup> *Ibid.* A, 297; Fleming County Court Order Book B, 178.

<sup>5</sup> Fleming County Court Order Book B, 83, 113, 124. Littell was appointed a Justice of the Peace which automatically made him a member of the County Court as it was then constituted.

<sup>6</sup> Mason County Circuit Court Order Book A, 161; Clark County Circuit Court Order Book 3, 103.

<sup>7</sup> Fleming County Deed Book A, 199-200. On November 1, 1804, Littell, then living at Mt. Sterling, sold his Flemingsburg lot to Joseph Morrison for \$300 (Fleming County Deed Book B, 78).

<sup>8</sup> Fleming County Circuit Court Order Book 1, 475; M. D. Hardin, *Kentucky Reports*, p. 71.

<sup>9</sup> M. D. Hardin, *Kentucky Reports*, p. 87; Fleming County Circuit Court Order Book B, 92. In March, 1807, Littell, then living in Frankfort, brought suit in Fleming against Hord for trespass, assault and battery, and false imprisonment and was awarded 150 lbs. of tobacco and costs. (Fleming County Circuit Court Order Book C, 99.)

<sup>10</sup> Fleming County Circuit Court Order Book B, 142; Hardin, *Kentucky Reports*, p. 71.

<sup>11</sup> Draper MSS. 12cc 64.

<sup>12</sup> Fleming County Circuit Court Order Book B, 157.

<sup>13</sup> *Kentucky Gazette*, September 1, 1806. In this letter Littell said that he had never been within forty miles of Cincinnati and that he was a child at the time of the Spanish Conspiracy.

<sup>14</sup> Montgomery County Deed Book 3, 231. On May 15, 1804, Littell is recorded as selling for \$20 all the land formerly belonging to Caldwell and claimed by Beadle.

<sup>15</sup> Letter to the writer by Albert H. Yoder, Director of University Extension Division, Grand Forks, North Dakota. According to Mr. Yoder, a descendant of the Van Buskirks, the Littells were French Huguenots who had lived in England and Northern Ireland before coming to America. The Stocktons and many of the early families of Fleming County were likewise from Northern Ireland.