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## THE EXECUTIVE JOURNAL OF GOVERNOR JOHN SEVIER

EDITED BY SAMUEL C. WILLIAMS

(Continued from THE EAST TENNESSEE HISTORICAL SOCIETY'S  
PUBLICATIONS, No. 1, pp. 95-153; No. 2, pp. 135-149; No. 3, pp. 154-182;  
and No. 4, pp. 138-167).

Knoxville, 4 July, 1798.

Gentlemen:

General James Robertson of Mero district, James Stuart, Speaker of the House of Representatives, and Major Lachlan McIntosh, of Knoxville, who are appointed Agents on the part of the State, will have the honor of delivering you this letter.

Believing you are authorized by the United States to extinguish the claim of the Cherokees, so far as they may be induced to sell, they will have my instructions to facilitate such extinguishment, as far as in their power, and fully to state to you the claims of the people they represent. Permit me to remark, Gentlemen, that this appointment is not made under any apprehension that the Commissioners appointed by the United States will in any manner be inattentive to the rights and interests of the people of Tennessee, but, their remote and unconnected situation with the affairs of this Country, places many very interesting circumstances and events entirely out of their knowledge, a recurrence and development of some facts, through the aid of our Agents, I am led to believe will greatly facilitate your negotiation, and avail the United States of some useful and particular advantages, as also the State, which they have the honor to represent.

Wishing you a happy and successful termination of the charge, with which you are invested.

I have the honor etc

*JOHN SEVIER*

Alfred Moore, George Walton and John Steele esquires—Commissioners on the part of the United States, for holding a treaty with the Cherokee Indians.

Knoxville, 11th July, 1798.

Sir: Mr. James Colbert,<sup>1</sup> of the Chickasaw Nation, has made known to me some accounts he has against the United States contracted by Chism,<sup>2</sup> when engaged to transact some Indian business. I have recommended to him to Wait on you with his papers, assuring him at the same time you would do him that Justice his claim Merited. Permit me to observe that Mr. James Colbert, together with the rest of the family, and also the principle leaders of the Chickasaw Nation, has discovered great friendship and sincere attachment to the United States. And their conduct in general entitles them to the particular notice and attention of Government especially at the present crisis.

Colo. Henly<sup>3</sup>

Knoxville, 15th July, 1798.

Sir: This day I am honoured with your of the 29 Ultimo, inclosing the last dispatches from Paris. I am particularly pleased that you conceive it necessary to communicate to the Executive of each State such matters as may be deemed proper to impart, touching the safety and interest of the United States. It will aid them very much in their administrative departments by conveying a knowledge, and certain information, of events and Measures that have & may probably take place—circumstances which may so direct and Govern their Measures as may greatly facilitate the views of the General government, and add Strength and energy throughout the whole Union. Mr. Claiborne is a young politician, tho I con-

<sup>1</sup> The Colbert family was one of the wealthiest and most influential among the Chickasaw for two generations. James Colbert, the elder, was a leader of that nation during the Revolutionary War. His sons were chiefs or outstanding leaders: Gen. William Colbert, Col. George Colbert, Levi Colbert, and James Colbert. The names of four of the family are appended to the Shelby-Jackson treaty with the Chickasaw, Oct. 19, 1818, by which West Tennessee was purchased by the Federal government. For accounts of the Colberts, see Samuel C. Williams, *Beginnings of West Tennessee* (Johnson City, 1930), *passim*.

<sup>2</sup> John Chisholm, of Knoxville, famous for his part in the Blount Conspiracy. Chisholm had been an agent of Governor Blount to the Cherokee and Chickasaw during the period of the Southwest Territory. In July, 1795, Chisholm conducted a delegation of the Chickasaw to the seat of government, Philadelphia; they remained in Knoxville for over a week, and the great chief Piomingo there "committed them to the care of Capt. Chisholm." In November, 1795, Gov. Blount sent Chisholm to the Chickasaw to use his influence to bring peace between that nation and the Creek Indians. Following the admission of Tennessee into the Union, Gov. Sevier used Chisholm as messenger to the Southern tribes. It was in connection with some business of this kind that the account referred to arose. See *Am. Hist. Mag.*, IV, 356.

<sup>3</sup> Col. David Henley, representative of the War Department of the general government in Knoxville.

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ceive him well meaning and highly deserving of public confidence,  
 yet he has not had Military experience. I conceived it a duty I owed  
 my country & also my friends, in so alarming a crisis, to give him  
 my ideas and opinion on so very important and interesting an oc-  
 casion; and, I have reason to believe, that he is now become fully  
 convinced of the propriety of our observation and opinions, with re-  
 spect to the manner in which our country is to be defended. It  
 is much to be lamented that so many members in Congress would  
 hazard everything to the protection of the Militia, when it is ob-  
 vious to every person of experience, that it is utterly impossible  
 to keep up an Army any length of time altogether composed of  
 Militia.

Instances Enough may be reproduced in the course of the late  
 War with Great Britain, wherein our Militia was by no means to  
 be relied upon, altho it was, and may be again so arranged and dis-  
 posed of as to do great and very essential services.<sup>4</sup>

In the beginning of the Revolution too many of our legislative  
 bodies, some in order to save expense, trusted to the Militia when  
 in the beginning regulars could have been obtained. The conse-  
 quence was, the enemy, with little opposition, destroying more wealth  
 by their ravages in a short time, than was sufficient to have sup-  
 ported an Army compleatly able to have checked their progress.  
 Very few instances have occurred where Militia have been able to  
 confine a regular Army to any particular or narrow bounds, for  
 the latter have nothing to do but secure themselves, until the former  
 become tired of the service they then of course will disperse. Such  
 disadvantages are almost equally destructive to so many defeats. You  
 rightly observe that it is impossible to change the disposition of a  
 large body of Militia, without an entire confusion. It is also to be  
 remembered that an officer at the head of a regular Army has it  
 much in his power, as well his interest to do so, to compel a body  
 of Militia to change their disposition; and indeed few instances have  
 occurred when any Army have been manœvered out of their chosen  
 disposition but they have suffered in the extreme. The feats perform-  
 ed by the Southern Militia was chiefly done by the frontier post,  
 who had been accustomed to fighting the Indians & from the  
 frequent engagements through necessity became acquainted with a  
 kind of discipline that had taught them the propriety of forming  
 & supporting lines, and never to suffer themselves to be out-flanked.

<sup>4</sup> The comments of Sevier on the relative merits of regulars and militia are  
 instructive, and his views have the more weight since he always led militia or  
 volunteers in battle.

They are the best of riflemen, and used to hardship and active lives; and, by being engaged frequently with the neighboring Indians in the field, became much more familiar. Wherever those kind of Militia were engaged, the results were seldom unfavorable. For instance the battles fought at King's Mountain, the Cowpen and Guilford, were chiefly of that kind of Militia and altho inferior as to numbers, were compleatly successful in all except the latter. But how different was the scene at Camden Under Gates. His number was as least three to one to that of the enemy, but his militia were of a different kind; all Military operations was unknown to them, and one-half left the field without discharging their Guns. Witness Virginia. Could all the boasted strength of that State place a check on Lord Cornwallis until joined by regulars; and his army did not exceed the number of eight thousand. The Gentlemen in opposition, in my opinion, teach a very different lesson. As you have observed, had we an army of fifty thousand well dissciplined troops, to which it would be easy to make additions as needed, it might probably save us from an invasion, (and the money would be chiefly expended among ourselves.)

The commissioners appointed to treat with the Cherokees, lately convened some of the chiefs of the Nation at Tellico. On commencing the negotiation, it was soon discovered, the Indians were determined not to give up an inch of land; the commissioners on discovering the prominent features things wore, I believe, thought it most adviseable to adjourn, and hold open the treaty until the third day of September. This disappointment has occasioned great alarm and uneasiness among the poor distressed families that have been waiting with great and patient expectation to be permitted to return to their homes and plantations; and, I am sorry to add, it has given great uneasiness through out the State & the friends to Government feel with regret the disappointment while others rejoice and endeavour to cause the people to believe it was a designed diplomatic trick. I have every reason to suppose & think that the Commissioners were perfectly disposed to do all in their power to accomplish the object of their mission, and were so instructed; but being wholly unacquainted with the Indians, and the manner in which negotiations were to be conducted with savage tribes, has much embarrassed the business; and, I believe, if I may be permitted to hazard an opinion, the commissioners greatly despair of obtaining the object. And I am extremely doubtful myself as to their success alone; but should not, by any means, were there some persons appointed who were acquainted with the Indians and understood the manner in

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great with the Cherokees, lately the Nation at Tellico. On common discovered, the Indians were in a land; the commissioners on dis- sensions wore, I believe, thought it to open the treaty until the third ment has occasioned great alarm pressed families that have been ration to be permitted to return I am sorry to add, it has given te & the friends to Government while others rejoice and endeavour as a designed diplomatic trick. I think that the Commissioners their power to accomplish the so instructed; but being wholly the manner in which negoti- ge tribes, has much embarrass- may be permitted to hazard an ispair of obtaining the object. as to their success alone; but ere some persons appointed who and understood the manner in

which they were to be managed. I beg you will pardon me for the remarks I have taken the liberty to make; your knowledge of Indian affairs I hope will readily suggest the propriety of my observations. I am informed that one, if not two, of the commissioners, intend to decline any further attendance at the second meeting. Should it be the case, permit me sir to solicit your interest to have some person nominated who may be calculated to answer the purpose and for such I beg leave to recommend General James Robertson of this State. His long acquaintance with the Cherokees, together with a full knowledge of the manner in which business is to be transacted, would enable him with the other Gentlemen, in my opinion, to accomplish the object with much more convenience and celerity than may be expected in the present order of things. Was there a proper character or two, to be appointed in this State, the much more likely and shure would be the success and of which I should have little doubt. On the other hand, in case of failure, much less would be the clamour and discontentment of the people.

I flatter myself my observations will readily suggest themselves to you, and assure yourself, sir, that nothing but the critical situation of the business & times have induced me to take the liberty of making such remarks and application. My sincere desire and wishes are that the people may become intirely convinced of the good disposition of the Government towards them, and in no instance can it be done better than by the success of the now pending treaty. James Colbert & his brother, halfbreed Chickasaws, was with me a few days past, and informed that the Spaniards have sent war talks into the Creek and Choctaw Nations in behalf of the French; that the Creek readily received the talks, and also the lower Choctaws. The upper part of the Nation refused until they advised and coun- ciled with the Chickasaws, which being done, their advice was, for the Chocktaws not to concern in the Quarrel, which was agreed to. Colbert informed me that the lower Choctaws had some time ago, in the Spring, prepared to fall on the Natchez Settlements, but had declined the expedition. He also gives it as his opinion that the lower Choctaws & Creeks will inevitably join the French & Spaniards in case of a war between America & those Nations. I have mentioned this information in order that the executive may know whether or not it corresponds with other ad- vices.

Hon'ble Timothy Pickering.

Knoxville, 15 July, 1798.

Dear Sir: The Commissioners met the Cherokees in treaty a few days ago. The result was, the Indians would not relinquish or sell one inch of land; the Commissioners on discovering their disposition, thought best, on consulting with the State Agents, to adjourn the treaty until the third of September.

Had proper persons been appointed, who were acquainted with the Indians, and the manner in which the negotiation should be conducted with those kind of people, there would not have been a shadow of doubt of the success; as it now stands, I have little hopes, unless by the aid of our Agents, and their powers you know are too confined to allow them to enter into the merits of the negotiation fully. I am informed one, if not two, of the Commissioners intended declining any further service on the business. If so I hope it may be in your power to have some new Commissioners appointed; General Robertson would be a very proper person and I think would ensure success. I need not point out to you the deplorable condition of the unhappy people, who have been waiting with patience and sanguine expectation to be permitted to return to their homes and plantations; their case is truly a hard one, and the clamours of all descriptions are loud. The success of the pending treaty is big with important events, and I pray that such measures may be adopted as will once more quiet the minds of the citizens. If the treaty fails the art of man could not convince the people otherways than it has been a designed diplomatic trick. As to my own part, I sincerely believe the Commissioners feel much hurt on the disappointment; that they were perfectly disposed to do every thing in their power to accomplish the objects of their mission, and that they have been so instructed, but many others think very differently. This may be observed, the President by appointing one or two Commissioners in the state would effectually relieve himself from any imputation of being unfriendly, and accomplish the objects contemplated by the treaty if so desired.

James Colbert, and his brother, half breed Chickasaws, inform me that the French and Spaniards have sent to the Creeks and Choctaws to join them, which the former agrees to do, and a large part of the latter.

Honorable Joseph Anderson  
and William C. C. Claiborne,  
Separately.

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Knoxville, 15 July, 1798.

Dear Sir: The first setting out of the treaty has failed, and it is  
adjourned until the third of September. This has disappointed num-  
bers, and others rejoice. I am informed that one or two of the  
Commissioners do not mean to attend at the next meeting. If it  
should be the case, pray my dear friend permit me to solicit your  
interest to have some person appointed out of this state—two would  
be better if possible. It would relieve effectually the President from  
implication in case of failure, and on the other hand be the means  
of accomplishing the objects contemplated by the treaty if so de-  
sired. I have reason to believe the Commissioners used their endeav-  
ours to accomplish the objects of their mission, and also feel them-  
selves much hurt at the disappointment; they are Gentlemen wholly  
unacquainted with the Indians and their manner, in which such  
business is to be conducted. Therefore little, I fear, is to be expected  
from either of them alone; permit me to name to you, General  
James Robertson as a very suitable person to act as one of the com-  
missioners.

Honorable John Steele<sup>5</sup>

Knoxville, 16 July, 1798.

Gentlemen: I have been duly honored with your favor of this day  
by your Secretary, Captain Smith,<sup>6</sup> wherein you inform me you  
have compleated, so far as was in your power, the several ob-  
jects contemplated in that trust confided to you, and that you are  
ready to state your proceedings.

I lament with you that the issue has not been more favorable;  
but, at the same time, for the eventual success you are not respon-  
sible; and beg leave to say the measures you have persued to for-  
ward the attainment were such, in my opinion, as will not deserve  
censure.

To merrit well of your country I have no doubt was your great  
ambition; and an earnest investigation of their rights has been your  
earnest and deligent care, and that you have asserted them in an  
able and unequivocal manner, I am well aware.

<sup>5</sup> John Steele, of Salisbury, North Carolina, at this time Comptroller of the  
United States Treasury, to which position he was appointed in 1796, by Presi-  
dent Washington. In 1788-89 Steele had served as a commissioner to the  
Cherokee and Chickasaw, and he was a member of the first and second Con-  
gresses of the United States. Sevier evidently thought that Steele had influence  
with President Adams, a fellow Federalist.

<sup>6</sup> The celebrated John Smith, T., who later figured in a spectacular manner  
in the history of Tennessee and the West. His home, for quite a time, was at  
Kingston, Tenn.



I hear with great pleasure of the aid and assistance you have received from Captain Smith, your Secretary, and beg you to assure him so far as may be in my power he shall be amply compensated for the great trouble and services he has rendered.

It is necessary for me Gentlemen to inform, that you will be pleased to hold yourselves in readiness to attend the treaty again when it shall commence, in order to finish the duties of your Agency, unless I shall otherways advise you.

Permit me to offer you, and through you, your Secretary Captain Smith my cordial thanks, for your great care and attention to the rights and interests of the people of Tennessee.

Tomorrow morning 8 o'clock will be convenient to receive a statement of your proceedings.

James Robertson, James Stewart,  
Lacklin McIntosh, esquires.

Knoxville, 24 July, 1798.

Sir: Yours of the 18th Instant I received to day by the hand of Mr. Tiner, stating a talk given from John Watts, concerning the two Cherokees killed near the mouth of Stone's river. The murders committed on those two Cherokees, I reprobate as highly as any man living, and wish to God the perpetrators of the crime may be brought to condign punishment, and every measure has and will be pursued to have the same effected. Watts has been told by myself that if the aggressors could be convicted, they most assuredly should be punished with death. I also told him that some persons had been apprehended, but no proof sufficient could be obtained to convict them. I am at a loss to understand what is meant by the word satisfaction, unless it means that two persons must be put to death in retaliation for the Indians killed, whether those two were guilty of the murder or not, agreeable to their custom. It ought to be explained to the Indians, and I make no doubt has, that our laws will not punish the innocent, and that no other satisfaction can be given but by the punishment of the actual and real offenders.

I don't wish to recapitulate any former transgressions committed by the Indians, otherways I could easily recite fifty murders that have been committed of recent date, in time of profound peace, and some of them by their principal leaders. I am sincerely disposed to obliterate on my part all enormities that has been committed by the Cherokees, hoping it is the wish of that nation to become entirely friendly and pacific. But, on the other hand, should

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the nation authorize any murders to be committed upon any of our  
 good and innocent citizens I shall then take the most ready and  
 early method of bringing them to a sense of their duty.

I am much pleased to hear that Mrs. Williams's child is to be re-  
 stored to the mother. It has been a long time detained contrary to  
 the engagements in their treaty with the United States, to say noth-  
 ing about baseness and inhumanity of so cruel an act. I request  
 you will also let them know that I shall also expect they will in  
 a short time return Miss Johnson, taken from this country, that  
 has been so long in captivity, and within so small a distance of her  
 friends, and own father's house; and likewise a number of horses  
 they have lately stolen.

Silas Dinsmore, esquire, Agent to the Cherokees.

Knoxville, 29th August, 1798.

Sir: It has been communicated to me by several respectable charac-  
 ters that were you appointed one of the Judges of the Superior  
 Courts of law and equity, they had reasons to believe you would  
 accept the said appointment.<sup>7</sup>

This information is truly satisfactory to the Executive, and have  
 the pleasure of adding that your acceptance of the office, I have  
 every reason to believe, will give general satisfaction. I now do  
 myself the honor of informing you that in case the office of a  
 Judge of the Superior Court of Law & equity meets your approba-  
 tion, you will please consider yourself as already appointed. I hope  
 for the pleasure of seeing you at the next Superior Court to be  
 held at this place where I intend myself the honor of presenting  
 you with the Commission. Your answer is requested.

Hon'ble Andrew Jackson, Esq.

Knoxville, 11 September, 1798

The Honorable Daniel Smith, Esqr.,

Sir: The Executive have nominated and appointed Andrew Jackson,  
 esquire, one of the Judges of the Superior Courts of law and equity  
 of the State. If Mr. Jackson accepts of this last appointment, of  
 which I have little doubt, his seat in the Senate of the United States  
 will of course become vacant, and it will remain with the executive  
 of the State, to supply the vacancy by a temporary appointment.

<sup>7</sup> It thus appears that Jackson sought the judgeship as a graceful mode of  
 exit from the United States Senate where he felt that he was a misfit. He  
 had been elected to that body as successor of William Cocke.

I have therefore thought it necessary to advise you that I shall appoint you to supply and fill the place of Mr. Jackson, as Senator for this State in the Senate of the United States. I flatter myself there will be no impediment in the way to prevent your acceptance. Hoping it may be agreeable to your own situation and domestic arrangements, assuring you, sir, I have every reason to believe your appointment will meet a General approbation of the public, as well of your particular friends.

Danl. Smith, esq.

Knoxville, 16 September, 1798.

Sir: Having lately received information by letter from James Stewart, esquire,<sup>8</sup> that the situation of his health is such as will prevent his attendance at the approaching treaty as one of the Agents, and in consequence thereof he has resigned his appointment.

I have taken the liberty of nominating and appointing you, in his place and stead, hoping that the same will meet your approbation and acceptance, and that you will please give your attendance at the treaty ground, in conjunction with your colleagues agreeably to my instructions of this day.

General James White.

Knoxville, 16 September, 1798.

Gentlemen: From various reports I am induced to believe that a great number of Cherokees have assembled at Tellico in order to enter into treaty with the Commissioners of the United States, appointed for that purpose. Permit me to request that you will immediately repair to the treaty ground, and attend to such matters and things as materially concern the welfare and interest of this State; particularly to the early relief of the unfortunate people, who have been removed from their plantations, and at the same time keep in view the instructions before given the Agents, on the general and various subjects touching the treaty.

James Robertson, Lachlan McIntosh & James White, esquires,  
Agents on the part of the State of Tennessee.

Knoxville, 17 September, 1798.

Sir: It affords me great pleasure to have it in my power to transmit you sundry resolutions entered into by four Companies of Caval-

<sup>8</sup>James Stuart, of Jonesboro, was at the time speaker of the House of Representatives of Tennessee.

to advise you that I shall  
of Mr. Jackson, as Senator  
ed States. I flatter myself  
y to prevent your accept-  
your own situation and do-  
have every reason to believe  
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ille, 16 September, 1798.

by letter from James Stew-  
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ve it in my power to trans-  
four Companies of Caval-  
ime speaker of the House of

ry and mounted infantry belonging to the district of Washington,  
with an address from Captains Gillespie and Nelson.<sup>9</sup>

You will discover, sir, that they have tendered their services to the  
President, provided the same should become necessary; and be as-  
sured that the officers and privates will do honor both to their coun-  
try and selves, should they have an opportunity of rendering the  
same. You may also expect with certainty that four more compan-  
ies from this state, of the same kind, will be ready to turn out on  
the shortest notice.

His Excellency John Adams, esquire,  
President of the United States.

Knoxville, 18 September, 1798.

Sir: Your favor of the 23rd March with two inclosed copies of  
letters to Butler and Dinsmore came to hand only on the 15th in-  
stant. Had the letter come forward in time, I should have done my-  
self the honor of replying in due season. It is long since well  
known, that the executive of the State of Tennessee have taken meas-  
ures to be informed of the intended movements of Zachariah Cox;<sup>10</sup>  
and could not discover he had any intention of settling at the  
Muscle Shoals unless permitted by the Government, and it is scarce-  
ly possible that Cox could be ignorant enough to hazard such an en-  
terprize on any other principle. I expected it had been sufficient,  
after announcing to Colonel Butler that Cox, nor his adhearants  
would be countenanced in making any such settlement, unless per-  
mitted by the General Government.

It is a fact that an application was made for permission to pass  
down the rivers, with Coxe's large boat, (or vessel) notwithstanding  
I was well convinced they had no intention to make any stand until

<sup>9</sup> Allen Gillespie and Alexander Nelson were the patriots referred to. See  
letter of January 22, 1799, below.

<sup>10</sup> Cox had been a leader in the formation of the Tennessee Company which  
purchased from the state of Georgia over three million acres of land in the  
Great Bend of the Tennessee River, now northern Alabama. This was one of  
the purchases known as "the first Yazoo sale". President Washington issued  
a proclamation against settlement of the region. Cox and his associates disre-  
garded it and proceeded to occupy the country, only to be driven off by the  
Indians. In 1797 Cox revived the scheme, and built a fleet of boats at the  
mouth of Nolachucky River in which his followers were to descend by water  
to the district. Cox in this year laid out the town of Elk at or near the  
mount of Elk River on the north side of the Tennessee, and issued grants for  
lands and deeds for town lots. Col. Thomas Butler, in command of the  
United States garrison at Southwest Point, prevented the passage of the flotil-  
la. In August, 1798, Cox turned up at Natchez, Mississippi, where he was  
arrested on a warrant issued by Gov. Winthrop Sargent, of Mississippi Territory.  
He escaped and soon afterwards died in New Orleans.

within the state of Kentucky, near the mouth of Cumberland and to a place they were authorized to settle; yet the permission was refused, lest some alarm might be created on the embarkation of the boat.

It is unnecessary for me to say it is impossible any opinion can be harbored that my official conduct would in any measure countenance a thing that would so materially effect and menace the measures of the General Government, who may be assured, I shall at all times be watchful of her interests, honor and safety.<sup>11</sup>

Honorable James McHenry, Secretary of the department of war.

Gentlemen of the Senate, and Gentlemen of the House of Representatives: The occasion of convening you at this time has been to me a subject of much painful reflection, as a more than ordinary accumulation of public expenditure had rendered it desirable to avoid (if practicable) the additional burthens necessarily attendant on an extraordinary session of the Legislature.

Calls important in their nature have arisen during the period of your recess, to which neither the existing laws or Constitution of the State afford an answer, but in Legislative deliberation and by these has it been imposed on me, a duty indispensable by any other means. Among those objects that will require your immediate attention is the Militia law, the inefficiency of which, even for defensive purposes, must afford cause of concern, at a moment when the United States are menaced with foreign aggression, and perhaps it may appear, to make some appropriation calculated to prevent deficiency in arms, as well as to establish depots of ammunition sufficient for effectual defence.

The retouching hand of the Legislature will also be requested on the law regulating the election of a Representative to Congress, as the seat of the present Member becomes vacated in March; and, in case of a called session, the State be unrepresented on the National floor. The change that has taken place in the Senators from this State will likewise claim some share of your attention, as the time of the one will expire with that of the Representative, and the powers of the other, appointed by the Executive, cease with the close of the present session. Much will also be found, of internal arrangement, requiring Legislative aid, as the vacancy occasioned by

<sup>11</sup> Seyler had been connected in a way with the first effort of Cox, and thought it policy to protest his good faith in endeavors to restrain the second attempt.

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the resignation of the Speaker of the Senate, who had excepted an appointment under the General Government, admitted of no delay, he being, in case of accident, the sole constitutional organ by which the powers of the Government might be continued in operation, and which if unfilled an Interregnum might ensue.

A recent proceeding of the State of North Carolina, Militating against the Act of Cession, and closing her offices, by which she prevents the Inhabitants of this State from perfecting their Titles, will require deliberation and such interference as will secure to the fair purchaser, under existing laws, the fruit of his acquirement.

To adopt some system apportioning the State's representation to numbers will be found among your constitutional engagements, and to extend the operations of law to that tract of Country recently acquired, in the treaty with the Cherokees. To this measure I call your attention with much satisfaction finding in the result an opportunity of rendering my gratulations, on the return of our fellow citizens, to their long abandoned homes, and the prospect of future quiet in their possession. During these negotiations, all important to the State, I conceived it proper she should have an ear, and appointed three Gentlemen as Agents on the part of Tennessee to attend the Treaty. The expence of this measure calls for appropriation, and tho relatively small, perhaps an individual instance of moderation, yet will it form no inconsiderable item, in the Catalogue of public expenditure. It is incumbent on me to say the trust has been executed in a way commanding my entire approbation, and I trust you will join me in believing it highly advantageous to the state. The immediate claim to all lands North of the Tennessee river (pretended to belong to the Cherokees for hunting ground) has been so unequivocally and clearly supported, that no party has, or will I presume, undertake to refute, or disavow the same. A statement of their proceedings it is my duty to have laid before you. Coming as you do from various parts of the Government, concentrating in each branch of the Legislature the various wishes and interests of the whole people, local inconveniences, if such exist, cannot fail to be known, and efficient remedies will in your wisdom be suggested; believing it to be the wish of each, as I know it to be the duty of all by every endeavour to advance the growth, better the police, and increase the happiness of our country. To these ends I feel full confidence, your deliberations will be directed.

I now beg leave to make some few remarks in respect to the situation between the United States and that of the French Nation, as

to any information I have been able to obtain I am not induced to believe that the dangers threatening the peace and safety of our County is by any means abated or relaxed.<sup>12</sup> On the contrary, I have my fears that much deception, duplicity and intrigue is carrying on, with intention to divide our good citizens in sentiment, create party discord, and confuse councils; and if carried into effect (which I pray God to avert) will finally blast and put an end to those inestimable blessings of liberty and independence gained and acquired by our past struggles, with the loss of so much of our most valuable and dearest blood.

I therefore pray my fellow citizens that Union may be the basis to guide our conduct, and let our whole and united object be manly and firm opposition to those who may attempt any attack on our Country, our Constitutional rights and privileges.  
Knoxville, December 3rd, 1798.

Government House, December 6th, 1798.

Sir: I Hasten to lay before the Representatives the statement of Claim, made by our Agents, and laid before the Commissioners of the United States, shewing the obligations assumed by the General Government to remove those difficulties which has hitherto embarrassed the rights of the people of this State, arising out of Indian claims.

I conceive it important that the principles it contains should be diffused, and have directed a number of copies sufficient to enable me to furnish to each member of either branch of the Legislature three, and they will, so soon as struck off, be inclosed.  
The Honorable James Stewart, Speaker of the House of Representatives. The Honorable William Blount, Speaker of the Senate.

Mr. Speaker and Gentlemen of the Senate, and  
Mr. Speaker and Gentlemen of the House of Representatives.

I do myself the Honor of laying before your Honorable body, sundry resolutions from the State of Massachusetts and Kentucky,

<sup>12</sup> It is interesting to note that Sevier was chosen in this emergency as brigadier general of the United States Provisional Army. Blount to Gen. Robertson, Aug. 8, 1798: "Sevier is appointed by the President as brigadier general of the Provisional Army, and I believe he will accept. Of course Tennessee will have to look out for another Governor. If you ask whether Gen'l. Sevier's services will be required by the United States I can give you no answer; all that is here known upon the subject is that his appointment appears by the newspapers to have taken place on the 19th of July, and I believe it has been conferred upon him unsolicited and unexpected." *Am. Hist. Mag.*, IV, 356. Sevier was one of the four brigadiers appointed for the entire nation at the time. J. B. McMaster, *History of the People of the U. S.*, II, 388.

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December 6th, 1798.  
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transmitted me from the Executives of those States, requesting  
 the same to be laid before you.

Government House, December 7th, 1798.

Government House, 8 December, 1798.

Mr. Speaker, and Gentlemen of the House of Representatives:

I find it included among my Constitutional duties to "see the laws  
 faithfully executed," and believing that in the assignment of a duty  
 there must, in all cases, be a delegation of commensurate powers, to  
 the performance required.

I should not have hesitated on the complaint of one of your citi-  
 zens, Shewing an extra Judicial interference of Judge Campbell<sup>13</sup> in  
 a case originating in the Inferior Court, to have suspended that Of-  
 ficer from the exercise of those functions attached to his appoint-  
 ment, but the near approach of the period to which the Legislature  
 was called determined me to adopt a more dilatory method, and to  
 submit the facts, for that remedy your deliberations will no doubt  
 apply.

An infraction of your laws has also presented itself in the non-  
 attendance of the Judge at the Spring session of the superior courts  
 of law and equity, in Mero district. And the engagements I have  
 assumed to society imposes on me, the necessary task of rendering  
 the information.

It would be harsh to suppose the possibility of ignorance in the  
 Judge of any part of those duties that are required of me by the  
 Constitution, and therefore I presume had there been cause exten-  
 uating the neglect, such cause would have been reported.

To recapitulate the errors of men holding offices of the first re-  
 sponsibility, is certainly among the most painful labors, of appoint-  
 ment. They are duties notwithstanding, where such error is calcu-  
 lated to lessen the respect due the laws, or to disturb the order of  
 the community. Of this class I consider a charge delivered by Judge  
 Campbell at the Spring session of the superior Court in Hamilton  
 District expressive of a desire to see what he termed the encroach-  
 ments of the General Government on individual right, repressed with  
 arms. The moment was a delicate one, the public sentiment being  
 extremely sore, under the removal of the citizens and required the  
 utmost attention to prevent its discovering itself, in a way every  
 humane mind would deprecate with horror.

<sup>13</sup> Judge David Campbell.



The inclosures furnish the facts, whereon the complaint of one of your citizens is grounded, and should you chose to go further with the investigation, a proper reference to the names substantiating each charge will be furnished.

Mr. Speaker and Gentlemen of the Senate, and  
Mr. Speaker and Gentlemen of the House of Representatives:

I do myself the honor of laying before your Honorable Body for perusal the instructions given the Agents who attended the late treaty with the Cherokees, also instructions to, and a report from a person employed to visit the Cherokees, previous to the treaty. And further I lay before you the report and proceedings of the Agents during their attendance on the Treaty.<sup>14</sup>

Government House, December 8th, 1798.

Mr. Speaker and Gentlemen of the Senate, and  
Mr. Speaker and Gentlemen of the House of Representatives:

Pursuant to your resolution entered into, at your last session, directing an Agent to be appointed to attend the Georgia Assembly, I nominated and appointed Brigadier General James White, with powers and instructions as by you directed.

I am sorry to add, that the mission had not the desired effect, as you will discover by the enclosed report.

Government House, December 10th, 1798.

Mr. Speaker and Gentlemen of the Senate, and  
Mr. Speaker and Gentlemen of the House of Representatives:

Information in various ways has come forward to the Executive that a number of citizens of the State hath been lately arrested, and is now held in custody under a Military guard, and it is said are to be conveyed to Nashville in order that they may undergo examination before the district Judge.

What these unfortunate men have been guilty of to deserve so much fatigue, trouble and expence (to say nothing of punishment) deserves mature and deliberate enquiry, and is well worthy the at-

<sup>14</sup> A treaty was held with the Cherokee, not in September, but on October 2, 1798, at Tellico in the Cherokee council house. The Tennessee agents were much changed as to personnel. Col. James White, founder of Knoxville, had taken the place of James Stuart; General Robertson did not return in October, and McIntosh had resigned. The business was attended to by White and Gov. Sevier himself. The results were disappointing to the white people of the state; but it contained a cession of lands that enabled nearly all of the dispossessed settlers to return to their former homes and plantations.

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tion of the Legislature. I am informed they are charged with  
 the crime of hunting on the lands claimed by the Cherokees, and  
 how just the claim of the Nation may be to the lands laying within  
 our chartered limits. I leave you to judge of, by taking the statement  
 lately made by your Agents who attended the late treaty.

If every poor man, who from mere want and necessity (the first  
 law of Nature) that happens to kill a deer on the land falsely  
 claimed by the Cherokees, and which land is lying in the very center  
 of our state boundary is to be punished by fine, imprisonment etc.,  
 unhappy and critical must be the situation of the unfortunate people,  
 who are settled on the verge of the land claimed by those Indians,  
 and not them alone, but the peaceable travelers going into the district  
 of Mero, traveling through the wilderness, who often lose their  
 horses, and are authorized to go around in pursuit of their proper-  
 ty, which is often stolen by those Indians, and it is also necessary, for  
 their own safety and protection, at all times to be armed in a coun-  
 try haunted by a set of faithless savages, and further in a wilder-  
 ness, that affords no subsistence, but the wild game of the woods,  
 and many poor families moving through the same by means of high  
 waters, the badness of the weather, and other unforeseen accidents  
 become destitute and run out of provisions, and are compelled from  
 the very calls of nature and necessity, in order to relieve themselves,  
 the Mother and Infants, to have recourse to hunting in order to pro-  
 cure a subsistence necessary to the preservation of their lives. This  
 last discription, though entirely innocent, may likely be construed to  
 be invaders of Indian territory. Many of the frontier inhabitants in  
 the hour of our greatest distress in the revolutionary war, paid their  
 money to the State of North Carolina, whose right then was not  
 questioned (except by the enemies of America) to the lands now  
 said to belong to this banditti of Indians, and have long since ob-  
 tained their grants in that legal and solemn form that every other  
 citizen has done through both the States of North Carolina and  
 Tennessee.

I beg leave to call your attention to the premises, and, in behalf  
 of the citizens of the state, request you will in your wisdom, either  
 by remonstrance, or such other mode as you may think proper to  
 adopt, state and lay before the General Government, the evils that  
 highly threaten the quiet of a great number of the citizens of this  
 state; and also, if you should deem it necessary, take measures to  
 prevent the incroachments of the Indians, and prevent their hunt-  
 ing on lands not their own, and perhaps by laying a similar pro-  
 hibition on their hunters, will in some measures serve to prevent

unpleasant disputes, that will inevitably otherways take place.

It is time for the Government to assert her just rights and claim of domain over the Country included in her chartered limits and make no doubt that the General Government will, if the matter be fairly and justly stated, render ample and compleat redress.

Government House, December 18th, 1798.

Knoxville, January 1st, 1799.

Gentlemen: I do myself the honor of inclosing you two resolves of our Legislature, the purport of which you will on perusal discover. I have therefore to request you will please take the necessary measures conformable to the resolutions.

The Honorable Joseph Anderson, Daniel Smith, and William Charles Cole Claiborne.

Mr. Speaker and Gentlemen of the Senate, and  
Mr. Speaker and Gentlemen of the House of Representatives:

I have been honored with your Address of this day, in which I am informed your session will shortly adjourn without day.

Your approbation of my conduct, at the commencement, and during the present session, together with that since my first appointment to my present situation, is highly flattering to me, and is considered the greatest reward I could possibly receive from the representatives of a free people, in whose behalf I present you my unfeigned thanks for your ready and prompt attention on the present extra session, and for your paternal care and vigilance over the rights, interests, and privileges of your constituents, which you have so ably and fully discovered during the whole course of your deliberations. You have my entire approbation, and sincere acknowledgements. Wishing you Gentlemen happiness in both public and private life.

Government House, January 5th, 1799.

Knoxville, January 8, 1799.

Gentlemen: I do myself the honor of inclosing to you a resolution of our Assembly touching the Alien and Sedition Acts passed by the Congress of the United States. You will therefore please take the measures accordingly.

The Honorable Joseph Anderson,  
Daniel Smith & William C. C. Claiborne.

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Knoxville, January 1st, 1799.  
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 Daniel Smith, and William

Senate, and  
 House of Representatives;  
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Knoxville, January 8, 1799.  
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Knoxville, 22 January, 1799.

Sir: I received your letter of the 22 Ultimo, with the two in-  
 closures, viz, two copies of regulations for the Volunteer Com-  
 panies that may offer their services to the President of the United  
 States. I shall with great pleasure convey the acknowledgements  
 of the President to Allen Gillespie and Alexander Nelson, esquires,  
 and also give them the necessary information respecting the manner  
 in which companies are to be arranged, and under what conditions  
 they will be accepted, which I am very sure will be immediately  
 complied with by the companies.

I readily agree with you that the designs of France is not equivo-  
 cal, and that she is practising the same insidious arts in America  
 that she has performed in several of the European Countries. It  
 is easy to discover that that Nation is extremely hostile against  
 the Government of our Country, and, in every instance of her con-  
 duct, marks of inveteracy may be traced. It is with much pain  
 I discover there still remains a disposition among some of our own  
 citizens to foster and cherish the designs of that hostile, ambitious  
 and despotic Government; and, sure I am, may I be permitted to sug-  
 gest the idea that no time ought to be lost in making defensive  
 preparations sufficiently permanent to oppose against the attacks of  
 the insidious Nation. The late visit of a citizen of Pennsylvania  
 to France is sufficiently demonstrative of combinations, and that  
 plots are forming similar to those between Ireland and France.  
 This being the case, of which proofs are daily furnished in abund-  
 ance, it is easy to conceive what the friends of Government may  
 expect should fate place it in the power of those parties to exercise  
 their malignant and ambitious desires and intentions, which I pray  
 God may avert.

The French Nation have wantonly ravaged and plundered our  
 property and commerce, they have committed daring barbarities  
 on our citizens, and even loaded our Envoys with contempt and  
 egregious insults. Having so done; themselves their Allies and  
 Auxiliaries ought in my opinion to be liable for just and adequate  
 compensation.

The Honorable James McHenry,  
 Secretary of the Department of War.

Knoxville, March 13th, 1799.

Sir: I am duly honored with yours of the 11th Instant. I have had  
 also the Honor of receiving Governor Sarjent's letter of the 15th  
 January Ultimo. I am creditably informed that Zachariah Cox,

on oath having been first made by Lieutenant William P. Smith, a warrant issued from the Honorable Judge McNairy, on which he was arrested and underwent an examination before the Judge, after which he was bound in cognizance to appear again at a future day. What charges has been exhibited against Cox, I know not particularly, but suppose from information some treasonable offences against the United States. Admitting such to be the case, it would be premature at this time for the Executive of this State, either to order him out of the custody, or prevent the trial before a federal tribunal, whose powers are amply competent for the trying, and punishment of all crimes and misdemeanors that may be alledged to have been committed.

Permit me to inform you sir, that a speedy enquiry will be made respecting the case of Cox; and, provided no lawful impediment appear to be in the way, every compliance and respect will be duly paid Governor Sarjent's request.

Colonel Thomas Butler.

Knoxville, 25 March, 1799.

Sir: An application from Governor Sarjent has been made to the Executive of Tennessee, respecting Zachariah Cox's escape from the Natchez. I have been well informed that Cox was apprehended and examined before your Honor relative to some charges alledged against him; that he was again bound in cognizance to appear at a future day to answer such accusations as might be exhibited against him; the result I have not been fully informed. I now beg leave to request, sir, you will be so obliging as to cause me to be furnished with a transcript of the proceedings that has taken place before your Honor on that occasion, as my conduct in a great measure will be governed thereby.

Honorable Judge McNairy, Judge Jackson and Howell Tatum.

To the Sheriff of Davidson County: Greeting

Whereas the Executive of the Commonwealth of Virginia has forwerded unto me an affidavit duly authenticated, charging a certain John Fallen with Felony; who is a fugitive from the Justice of the Commonwealth aforesaid; and has demanded him, of the Executive of this State, under the Act of Congress entitled "An Act respecting fugitives from Justice, and persons escaping from the service of their masters"—

And it is said, that the said John Fallen is confined in the Jail at Nashville, within the limits of your County:—

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lieutenant William P. Smith, Judge McNairy, on which he was examined before the Judge, after he had appeared again at a future trial against Cox, I know not whether there is some treasonable omission or neglecting such to be the case, and the Executive of this State, who may prevent the trial before he is fully competent for the trying of such misdemeanors that may be committed.

A speedy enquiry will be made, provided no lawful impediment to compliance and respect will be given.

Knoxville, 25 March, 1799.  
An urgent has been made to the Governor in relation to the escape from the hands of Cox was apprehended and committed to some charges alledged against him in cognizance to appear at the trial as might be exhibited to the public fully informed. I now beg leave to signify as to cause me to be examined in the proceedings that has taken place in this case, as my conduct in a former trial by.

John Sevier and Howell Tatum.

Greeting

The Commonwealth of Virginia has authenticated, charging a certain person as a fugitive from the Justice of the State has demanded him, of the name of the Act of Congress entitled "An Act to prevent the escape of persons escaping from

the State is confined in the Jail of the County:—

I do therefore require, and command you to deliver him to Adams Southerlan, who is the Agent appointed by the Executive of Virginia to receive and conduct him to the County where the felony was committed—Given under my hand & seal at Knoxville this 24th day of April 1799.

JOHN SEVIER

By the Governor, Wm. Maclin, Secretary.

Knoxville, Apl. 30th, 1799.

Gentlemen: I have been duly honored with yours of this day, and observe the contents.

I will with pleasure wait on you for the purpose of receiving any communication you may deem proper to make, at my own house, 2 o'clock P. M., this day.

J. Willis, Francis Locke, esquires.

Knoxville, 1st May 1799.

Sir: Yesterday I received a letter from the Executive of the State of North Carolina, requesting me to cause the books and papers of the office kept by you at Nashville to be delivered to General J. Willis, and Francis Locke, esquire, who are appointed to receive and convey the same to that state. I do not conceive myself authorized to order or permit them to be removed from this state, without the approbation and consent of our Legislature, but have consented for General Willis and Mr. Locke to take transcripts of the books and such papers of your office as they may deem necessary to enable the Government of North Carolina to correct such frauds as have been committed in obtaining grants on Military warrants, which I hope, and request you will permit them to do in your office and under your care.

Martin Armstrong, esquire, Nashville.<sup>15</sup>

Knoxville, 24th June, 1799.

Sir: The Revd. Mr. Lyman Potter<sup>16</sup> of the State of Vermont who will have the honor to deliver you this letter, I beg leave to introduce to your notice and attention.

Mr. Potter will communicate to you his business into the Cherokee Nation, and I have no doubt you will afford him every facility

<sup>15</sup> Letters of similar import were addressed to Judge Andrew Jackson and Howell Tatum.

<sup>16</sup> For Potter, see Samuel C. Williams, *Early Travels in the Tennessee Country* (Johnson City, 1928), 455, 458.

the nature and importance of his business may require.  
Capt. Edmd. Butler.

To all whom it may concern:

Whereas a certain Coffey, Ballard, and one other person have been lately murdered in Knox County, State aforesaid, and it is supposed that Micajah Harp, and Willie Harp<sup>17</sup> are the perpetrators of the said murders; and whereas it is supposed that the said Micajah Harp and Willie Harp are making towards Stockdon's Valley on the waters of Cumberland river.

Now know ye, that I do authorize Chesley Coffey to take with him six men and immediately persue the said Micajah Harp and Willie Harp, and to take every necessary measure in their power to have the murderers apprehended. And I do enjoin on all officers of the State, both Civil and Military, to render the said Chesley Coffey, and the six other men with him all the necessary aid and assistance to have the perpetrators of the said murderers apprehended and brought back to the aforesaid County of Knox, to be dealt with as directed by law.

Given under my hand and Seal at Knoxville this 29th day of July, 1799.

By the Governor: Wm. Maclin, Secretary.

Knoxville, 24 June, 1799.

Friends and Brothers: The bearer of this letter is the Reverend Mr. Lyman Potter, a person distinguished for his piety, sobriety and moral conduct. His business into your Nation is to enquire of you headmen and warriors whether or not you would wish to engage a suitable person to instruct and teach your young people in the useful branches of education, religion, and the finer arts.

<sup>17</sup> Otto A. Rothert in his *Outlaws of Cave-in-Rock* (Cleveland, 1924), 56-65, gives a full account of the noted outlaws, the Harpes. He states that in 1798 they resided in Knox county, Tennessee, on Beaver Creek, about eight miles west of Knoxville, where under pretense of honest occupation as farmers they gained the confidence of their neighbors and carried on their desperate work as thieves and murderers. Wiley, known as Little Harpe, married Sarah or Sally Rice, a daughter of John Rice, a preacher who lived about four miles north of the Harpe home. This writer states that on July 22, 1799, the two Harpes murdered the young son of Chesley Coffey on Black Oak Ridge, about eight miles northwest of Knoxville, when the boy was out hunting stray cows. See, also, J. W. M. Breazeale, *Life as It Is* (Knoxville, 1842), 126-151, and Draper MSS., 30 S, 306-11.

William Ballard, mentioned by Gov. Sevier, was killed two days later than young Coffey. "It was believed by the neighbors that the Harpes mistook Ballard for Hugh Dunlap, who had been active in endeavoring to arrest them the year before." Rothert, *op. cit.*, 95. Hugh Dunlap was ancestor of a noted family in the history of Tennessee and Texas.

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Mr. Potter's designs and intentions appear to be composed of laud-  
 able and Christian like virtues; and, should you incline to have  
 your Nation instructed in the useful and necessary branches I have  
 mentioned to you, I beg you to believe you will not find a more  
 suitable person than Mr. Potter either to give instructions himself,  
 or to furnish you with proper characters to do it. I rejoice to see  
 such an offer made by so eminent a character of his services to  
 your people, and hope it may be attended with the utmost suc-  
 cess, and blessings to your country.

The Chiefs and Warriors of the Cherokee Nation.