

# The State of Franklin

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## The State of Franklin

*Essential Question: How did the creation and failure of the State of Franklin reflect the weaknesses of the Articles of Confederation?*

Even before the Revolutionary War was over, Continental Congress had begun to plan for independence by creating a new government in a document called the Articles of Confederation. The government created by the Articles reflected the fear many leaders had of a powerful central government. The Articles of Confederation were approved by Continental Congress in 1777, but immediately ran into difficulty in getting the states to ratify the document. The main issue that held up ratification was land claims west of the Appalachians. A number of states, including Virginia and Massachusetts, claimed that their charters gave them vast areas of land west of the Appalachians. Maryland refused to ratify unless the states gave up their claims and accepted that the western lands belonged to the United States government. Eventually, Virginia gave up its claim, Maryland ratified the document and the Articles of Confederation became the first constitution of the United States.<sup>1</sup> Nonetheless the weaknesses in the Articles of Confederation and the issue of western territories would continue to plague the new nation and led to the creation and failure of the State of Franklin.

Due to the Confederation government's inability to collect taxes from states, one of the most effective ways for states to pay their debts was to cede, or give up, their western land holdings to the national government. However, in 1783, North Carolina opened up its western lands for private sale. Settlers and wealthy land speculators flooded the region known today as East Tennessee. When the land was finally ceded to

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<sup>1</sup> Eric Foner and John A. Garraty editors, *The Reader's Companion to American History*. (Houghton Mifflin Harcourt, 1991) *History.com*, <https://www.history.com/topics/articles-of-confederation> accessed 14 June 2018.

the national government, the settlers and speculators kept their private property rights in the region.<sup>2</sup> Meanwhile, the settlers in the region faced numerous hardships without aid from either North Carolina's government or the national government. They built their own schools and courthouses, and defended themselves from American Indian attacks with no support. By August of 1784, many of the settlers did not feel that they owed allegiance to North Carolina, refused to pay taxes, and began speaking of forming their own independent state. The state was ultimately named Franklin in honor of Benjamin Franklin, whose support the settlers wanted to secure. In May 1785, the Confederation Congress heard William Cocke's petition asking for Franklin's admission to the Union as an independent state. A vote was held but Franklin supporters failed to reach the 2/3 majority required under the Articles of Confederation, so legally Franklin remained part of North Carolina. Nevertheless, Franklin continued to act independently. The unrecognized state signed the Treaty of Dumplin Creek with the Cherokee in June 1785, establishing new territorial boundaries and opening up more land for Franklin's citizens to settle.<sup>3</sup> However, due to Franklin's lack of legal status, the treaty was unrecognized by the national government. The national government negotiated its own treaty with the Cherokee in November 1785, which established different boundaries. This created many problems for settlers who had moved onto lands they believed they could legally claim only to be told that they were illegally living on lands belonging to the Cherokee. The conflicting treaties led to intense fighting between the Cherokee and the settlers. Disagreements between the Franklin settlers themselves were an important reason for the state's failure. John Tipton, a well-known landowner in the region became

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<sup>2</sup> Michael Toomey, "State of Franklin" Tennessee Encyclopedia, March 7, 2018. <https://tennesseeencyclopedia.net/entries/state-of-franklin/> accessed 14 June 2018

<sup>3</sup> Bergeron, Ash and Keith, *Tennesseans and Their History*, 41.

the leader of the anti Franklin settlers in Washington County. Tipton was insulted that the popular John Sevier was chosen as Franklin's governor instead of him. In August 1786, Tipton began convincing people that they needed to give up on independence and return their loyalty to North Carolina.<sup>4</sup> In February 1788, Tipton and his small number of followers seized several of John Sevier's enslaved people as payment for North Carolina taxes while Sevier was away. When Sevier returned, he went to Tipton's farm to recover the enslaved people and a battle broke out between John Sevier's forces and Tipton's followers.<sup>5</sup> The battle was broken up by the arrival of a North Carolina militia brigade, but the fighting among the settlers continued. Though the Franklinites managed to beat back the Cherokee, the state all but collapsed as laws went un-enforced, taxes went uncollected, and courthouses failed to meet during its final 15 months of existence. The State of Franklin officially ceased to exist in June 1789 when the new United States Constitution replaced the Articles of Confederation and North Carolina officially ceded its western land, including the Franklin territory, to the new federal government. The newly ceded land was quickly established as the federal Territory South of the River Ohio commonly known as the Southwest Territory.<sup>6</sup>

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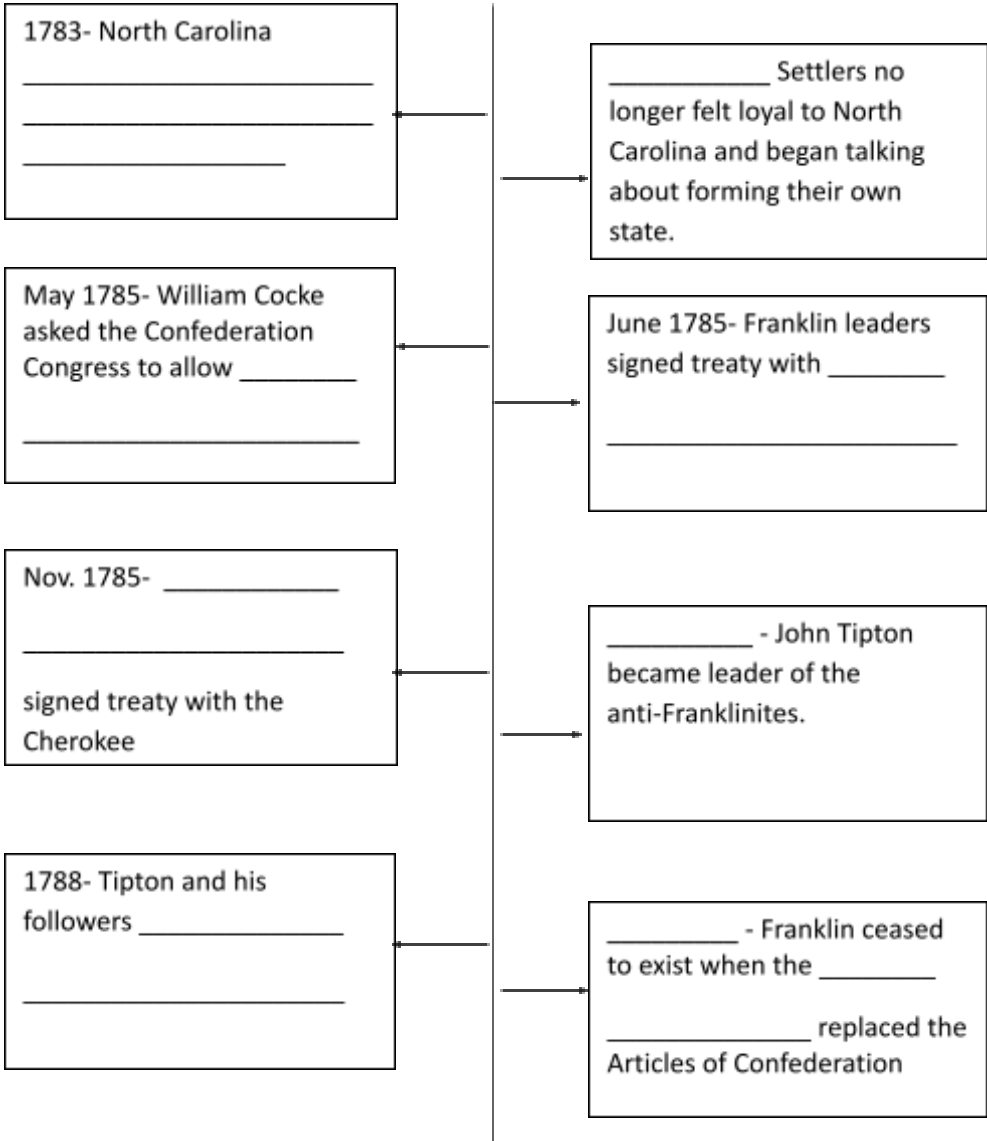
<sup>4</sup> Toomey, "State of Franklin"

<sup>5</sup> Bergeron, Ash and Keith, *Tennesseans and Their History*, 44-45.

<sup>6</sup> Toomey, "State of Franklin"

# The State of Franklin

Complete the timeline below using information from the text. Answer the questions at the bottom of the page with at least one complete sentence.

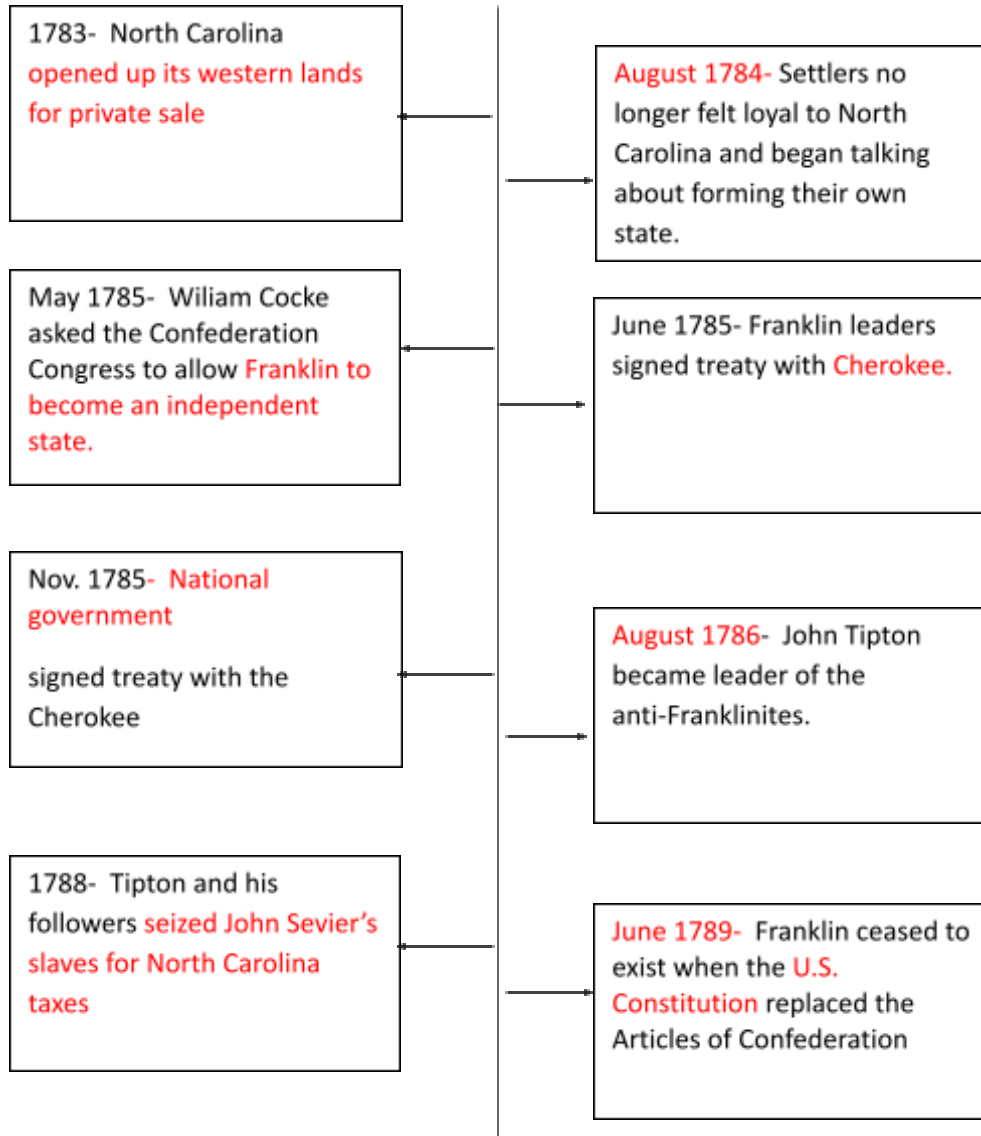


The state of Franklin was created because \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

The state of Franklin was failed because \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

# The Creation and Failure of the State of Franklin Key

Complete the timeline below using information from the text. Answer the questions at the bottom of the page with at least one complete sentence. *Answers will vary*

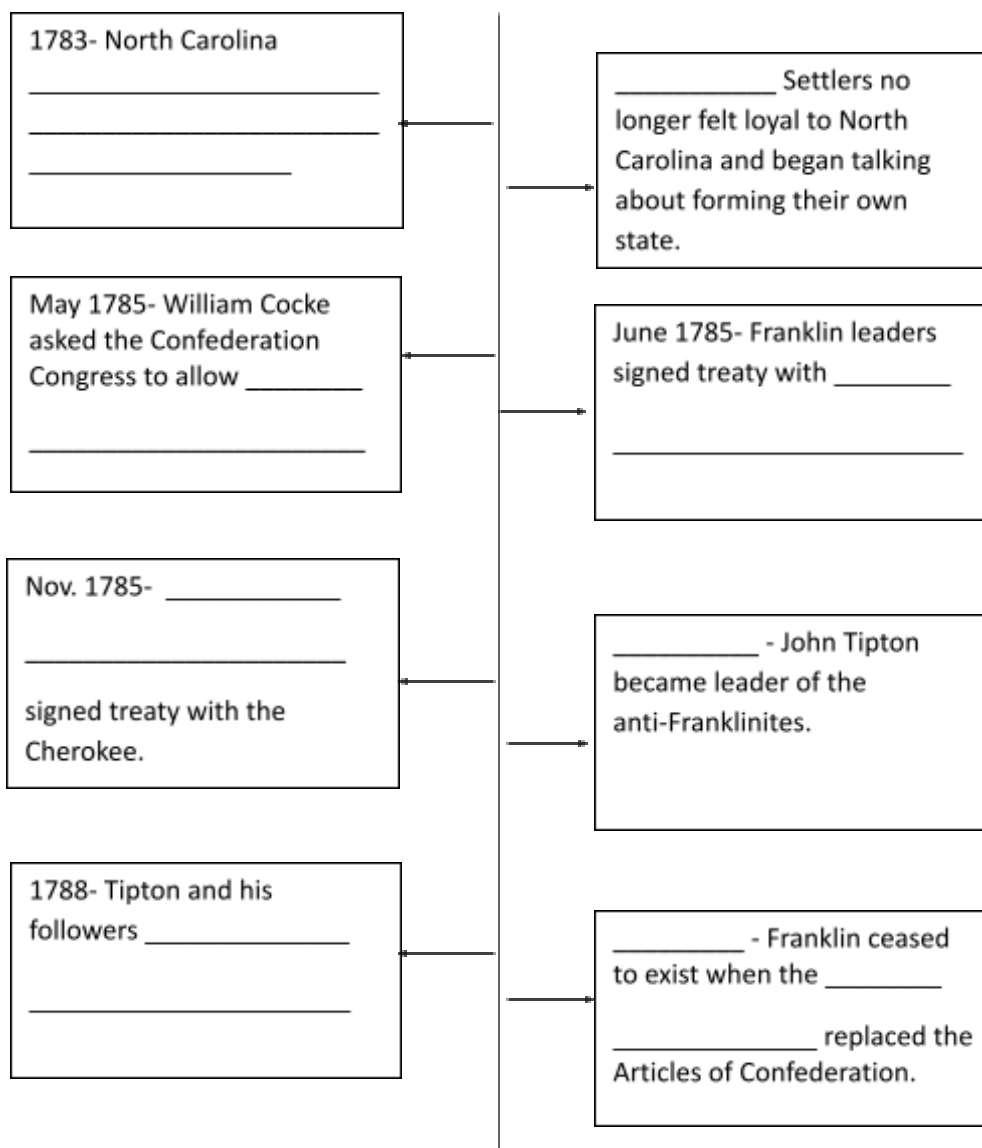


The state of Franklin was created because settlers felt that North Carolina did not help them build schools or defend them against the Cherokee.

The state of Franklin was failed because it could not get enough votes under the Articles of Confederation to be recognized as an independent state and because the settlers fought each other over control of the government

# The State of Franklin

Complete the timeline below using information from the text. Answer the question at the bottom of the page with at least one complete paragraph.



**Explain how the failure of the State of Franklin demonstrates the weaknesses of the Articles of Confederation.**

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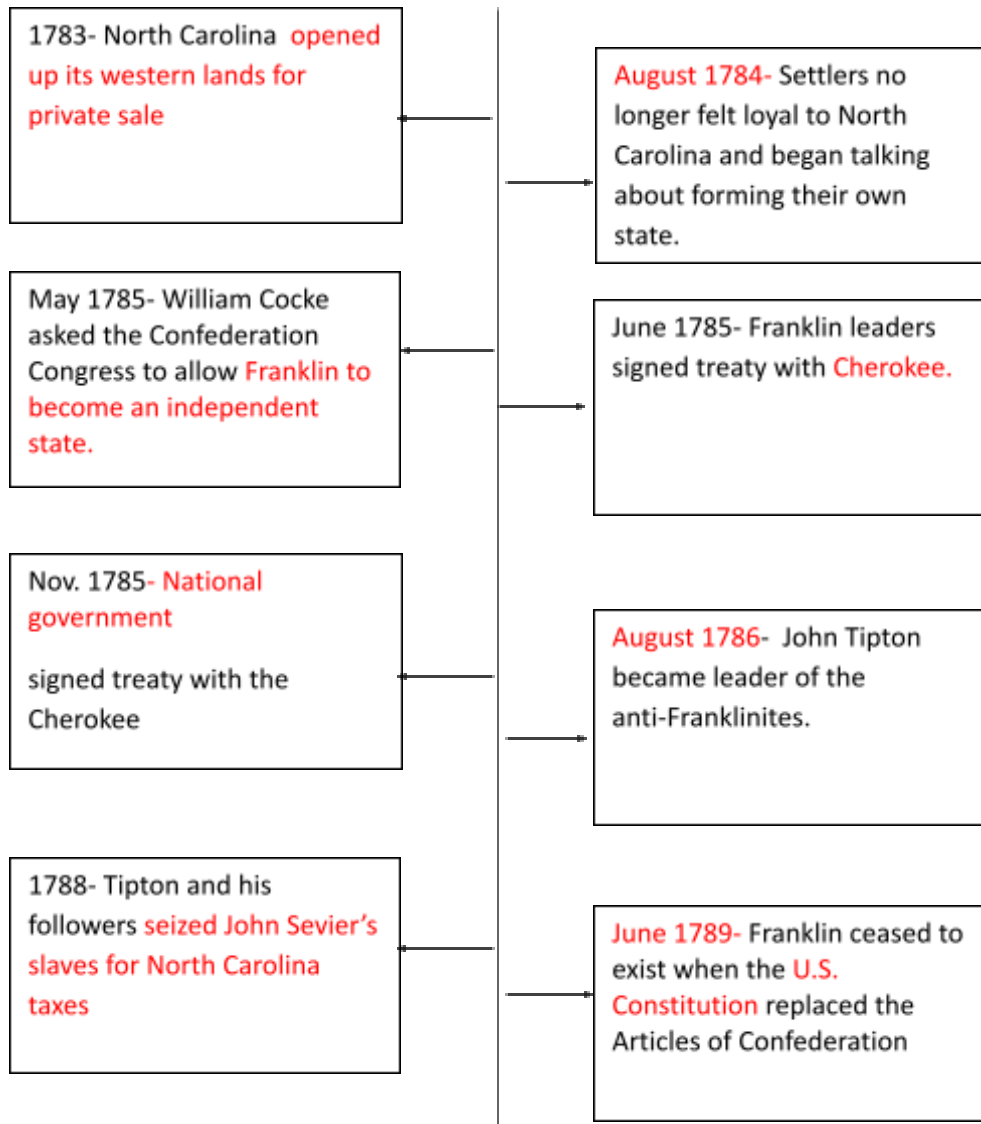
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# The Creation and Failure of the State of Franklin Key

Complete the timeline below using information from the text. Answer the questions at the bottom of the page with at least one complete sentence. *Answers will vary*



**Explain how the failure of the State of Franklin demonstrates the weaknesses of the Articles of Confederation.** *Answers will vary.*

The State of Franklin was created and failed because of the weaknesses of the Articles of Confederation. The national government's inability to tax states encouraged states to use their western land claims to pay their debts. Therefore, North Carolina sold off much of future Tennessee to land speculators and settlers. When settlers moved onto the lands they received no assistance from the national government or North Carolina. This led the settlers to declare themselves to be the independent State of Franklin. Because it took a 2/3 majority for any law to pass the Confederation Congress, Franklin lost its chance to be legally recognized as the 14<sup>th</sup> state. Without legal recognition, Franklin was subject to many problems including conflict with the Cherokee over land cessions. Lack of legal recognition also made Franklin vulnerable to conflicts among its citizens.



# The State of Frankland (Franklin) Constitution Excerpts

*This constitution is the "Houston Constitution" rejected by Franklin's Second Constitutional Convention of 1785 in Greeneville. Constitutional committee member and major contributor Rev. Samuel Houston had these pamphlets printed to argue the merits of the rejected document in the preface.*

## Declaration of Rights and Constitution of the State of Frankland

### A Declaration of Rights Made By The Representatives of the Freeman of the State of Frankland.

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- I. That all political power is vested in, [missing] derived from the people only.
- II. That the people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof.
- III. That no man, or sett of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services.
- IV. That the Legislative, Executive, and Supreme Judicial powers of government ought to be for ever separate an distinctive from each other.
- V. That all powers of suspending laws, or the execution of laws, by any authority, without the consent of the Representatives of the people, is injurious to their rights, and ought not to be exercised.
- VI. That election of members to serve as Representatives, in General Assembly, ought to be free.
- VII. That, in all criminal prosecutions, every man has a right to be informed of the accusation against him, and to confront the accusers and witnesses with other testimony, and shall not be compelled to give evidence against himself.
- VIII. That no freeman shall be put to answer any criminal charge but by indictment, presentment, or impeachment.
- IX. That no freeman shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful men, in open court, as heretofore used.
- X. That excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.
- XI. That general warrants, whereby an officer or messenger may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons not named, whose offences are not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.
- XII. That no freeman ought to be taken, imprisoned, or disseized of his freehold, liberties, or pri-[missing] es, or outlawed, or exiled, or in any manner de-[missing]ed or deprived of his life, liberty, or property, but by the law of the land.
- XIII. That every freeman, restrained of his liberty, is entitled to a remedy, to enquire into the lawfulness thereof, and to remove the same, if unlawful; and that such remedy ought not to be denied or delayed.

XIV. That in all controversies at law, respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.

XV. That the freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained.

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

XVII. That the people have a right to bear arms for the defence [sic] of the State; and as standing armies, in time of peace, are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by, the civil power.

XVIII. That the people have a right to assemble together, to consult for their common good, to instruct their representatives, and to apply to the Legislature for redress of grievances.

XIX. That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences.

XX. That, for redress of grievances, and for amending and strengthening the laws, elections ought to be often held.

XXI. That frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

XXII. That no hereditary emoluments, privileges, or honors, ought to be granted or conferred in this State.

XXIII. That perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.

XXIV. That retrospective laws, punishing facts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty; therefore no *ex post facto* law ought to be made.

Source: "Declaration of Rights; also, the constitution or form of government; State of Frankland." *Tennessee Founding and Landmark Documents*. Tennessee State Library and Archives, 2011. Web. 26 June 2014.

<<http://tsla.tnsosfiles.com/digital/teva/transcripts/33664.pdf>>

Note: TSLA also has a digital image of the original document.

Franklin Statehouse Key



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