

Disunited States:
The Lost State of Franklin
and Frontier State Movements
at the Dawn of the American Republic

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DEDICATED TO MY FATHER

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The State of Franklin existed as a distinct, though never uncontested, political entity from 1784 to 1788. South of the French Broad River its register of land titles remained the most authoritative until the creation of the Territory of the United States South of the River Ohio in 1790. Franklin was formed from the three North Carolina counties immediately west of the Appalachian Mountains (modern Upper East Tennessee) by delegates elected by the militia companies of those counties. Its purpose was to fill the political void created by North Carolina's cession act of 1784, which surrendered control of the Old North State's western lands to the Congress of the Confederation, and to provide military and judicial services that North Carolina had never been eager to fund for her frontiersmen. When North Carolina repealed the cession act before Congress voted to accept or decline the ceded lands, existing frictions among the young state's leaders developed into New State and Old State factions, and by 1788, most of the old Franklinites were willing to return to the authority of North Carolina. With the creation of the Territory of the United States South of the River Ohio in 1790, the last disputes between separatist and loyalist Carolina frontiersmen were laid to rest, or at least replaced by new controversies. In 1796, John Sevier, the governor of the State of Franklin, was elected the first governor of the State of Tennessee.

The independence movement of the Franklinites was not an

isolated outburst of frontier dissent. It was part of a series of attempts by communities in peripheral or contested portions of the United States to establish total independence, or assert a measure of autonomy, from the governments of the original thirteen states and from the Congress of the United States under the Articles of Confederation. During this period, the State of Vermont was formed through the willpower (and some potentially treasonous conniving) of its inhabitants out of territory claimed by New York. A dispute over jurisdiction in the Wyoming Valley of northeastern Pennsylvania led to two decades of chaos and even a weak independence movement among the Connecticut farmers who had settled there. The Kentucky and the Maine Districts cautiously sought separation from their respective parents, Virginia and Massachusetts, southwest Virginia considered joining the State of Franklin, and Virginia nearly wrested the area around Pittsburgh away from Pennsylvania. Shays's Rebellion in western Massachusetts struck terror into the hearts of respectable men everywhere. Franklin was one of many western independence movements, but it is distinguished by being the movement that advanced the farthest without ultimately achieving autonomy.

Just as the Franklinites' drive for independence was not an isolated instance of frontier unrest, it was not an act of dissent enacted in isolation. The leading men of the Franklinite counties were well aware of the politics of North

Carolina and of Congress. Many of Franklin's leaders had been representatives and senators in the North Carolina legislature (and the Anti-Franklinites continued to elect their leaders to both of its houses), and one of the first acts of the Franklin legislature was to send an agent to New York to solicit Congressional recognition of the new state. Both the creation of the state and the resistance to reconciliation with North Carolina were motivated in large part by politics at the national level. Treaty negotiations with Spain threatened western navigation on the Mississippi and the Congressional Treaty of Hopewell granted the Cherokee Indians complete control (including the right to persecute white settlers) of lands settled by men and women loyal to Franklin, including the town of Greeneville, the capital of Franklin itself. Franklin collaborated with Georgia to settle the rich lands in the bend of the Tennessee River. When the Franklinite movement was on its last legs, Governor Sevier (like leaders of other faltering independence movements) considered overtures from foreign governments and accepted payments in silver from the agents of the King of Spain. Internal strife and North Carolina's liberal policy of reconciliation eventually undid the State of Franklin. However, it and other independence movements on the nation's frontier illustrate for modern historians the interplay of supposedly sovereign states, the nearly impotent Congress of their Confederation, and the people they all claimed to

represent. They also demonstrated for contemporary voters and legislators the weakness of the Articles of Confederation and provided more than one of the stones that paved the way for the federal Constitution of 1787.

Despite her unique position on the cusp of statehood, Franklin has not been the focus of extensive historical investigation. Formed in the year following the Peace of Paris, and collapsing during the exciting debates surrounding the ratification of the Constitution, Franklin is often overshadowed by the great events that form historical bookends for its brief epoch. The 1924 publication (revised in 1933), *History of the Lost State of Franklin*, by former Tennessee Supreme Court Justice Samuel Cole Williams remains the authoritative work on the subject, in part due to a lack of serious competition for that honor. However, many other writers have incorporated the State of Franklin into larger historical studies.

Naturally, Franklin occupies some space in any serious history of the State of Tennessee. *The Civil and Political History of the State of Tennessee* by John Haywood (another Tennessee Supreme Court Justice) devotes a long chapter to the topic in what is probably the first serious history of the Volunteer state. Although originally published in 1823, Haywood was a contemporary of the events he described, and is quoted by all succeeding historians of Tennessee. Similarly, Dr. J.G.M. Ramsey's 1853 *Annals of Tennessee* remains a

valuable reference for later historians, particularly those of the State of Franklin, for, as the son of the clerk for Franklin conventions, Dr. Ramsey had access to many public records that have since been lost. These early writers and more recent Tennessee historians (in their own obligatory Franklin chapters) have described the movement primarily in political terms, typically as a sort of practice run for Tennessee's eventual statehood. A few historians, notably Thomas Abernethy of Virginia, have viewed the short-lived state's history with more jaundiced eyes, drawing attention to the vast fortunes made by land speculators involved immediately in Franklinitic politics or managing affairs more distantly from North Carolina, Virginia, or even Congress. Contradicting the Turnerian theme of frontier-born democracy, Abernethy, in *From Frontier to Plantation in Tennessee* and elsewhere, accuses at many of the leaders of Franklin and North Carolina, as well as many of their associates, of attempting to pick and choose among various governments--Carolinian, Franklinitic, Confederational, federal, and even imperial Spanish--in order to find the one that best promoted and protected their vested interests in frontier real estate. This theme in histories of Tennessee is echoed in the other form of history in which Franklin often figures, histories of the American frontier.

Just as Franklin wins a section in every history of Tennessee, the Lost State finds a place in most histories of

the early republican frontier, although it is sometimes overshadowed by the other states that succeeded in joining the union. In many of these histories as well, the Franklinite movement is portrayed as a move for political independence, although pecuniary motives usually play a larger role in these broader histories than in the circumscribed writings of patriotic Tennesseans. Theodore Roosevelt's classic *Winning of the West* attributes many of the actions of the Franklinites to their hunger for Indian lands, and almost all historians have noted the intrigues between the transmontane leaders and the agents of Spain. These intrigues were inextricably intertwined with the navigation of the Mississippi (threatened at this time by Spain's control of New Orleans and nominal ownership of the west bank of the river for its full length). As this in turn was one of the first great sectional disputes to come before Congress, this element of frontier history even manages to connect national politics to the separatist movements, which otherwise often seem to occur in an historiographical vacuum. Again, these sorts of connections are made most compellingly by Thomas Abernethy, whose *Western Lands and the American Revolution* describes not only the Revolution, but the entire Confederation period through the lens of land speculation, and presents western state formation as something of an expedient on the part of the great speculators and speculating companies. However, despite the importance of

the western state movements and other instances of disquiet on the frontier to the creation of the Constitution--a process coeval with the decline of Franklin--the impact of one on the other (especially of Franklin on the federalists) has rarely been investigated.

Many of the documents of both the Franklinite and North Carolinian governments during the Franklin period were damaged or destroyed during the almost comical conflicts of the era. Many more in the private collection of Dr. J.G.M. Ramsey were lost in the destruction of his home during the War Between the States (fortunately after Ramsey had quoted many of them extensively in his *Annals of Tennessee*). However, histories written by men (such as Haywood) who knew the partisans of both sides still exist, as do some relevant documents in the published letters of members of Congress and in the records of North Carolina and in the papers of the Continental Congress itself. The following pages will attempt to narrate the internal story of the State of Franklin, to illuminate its position in the frontier turmoil of the day, and to discuss how that turbulence affected (and was affected by) national affairs during the period when the Articles of Confederation were failing and the Constitution still in use today was being created.

In 1784 North Carolina was in a difficult position in her relationship with the Congress of the Confederation. By

the end of 1783, New York, Connecticut, and mighty Virginia had all made, or at least offered, cessions of some or all of their western claims.¹ North Carolina, however, refused to part with her territory west of the Appalachians, and her delegates to Congress reported that the state was regarded as backward, and "had long been viewed in an unfavorable light."² This dim view was taken not only as a result of North Carolina's retention of her western territories in the face of Congress's call for cessions, but also because the latest treasury reports revealed that "North Carolina is one of the few states that has not contributed a farthing" towards "the support of the War and of Civil Government."³ As the quota for state contributions to the general treasury was calculated based on the value of each state's lands, North Carolina's delegates had urged their state since at least 1782 to cede her unimproved western lands to the general government of the United States. While North Carolina delayed, the best lands in the west were purchased by land speculators or reserved for North Carolina's

¹Peter Onuf, *The Origins of the Federal Republic: Jurisdictional Controversies in the United State 1775-1787*, (Philadelphia: University of Pennsylvania Press, 1983), 94-100.

²Samuel Cole Williams, *History of the Lost State of Franklin*, (Johnson City: The Overmountain Press, 1933), 19. See also *North Carolina State Records*, XVI, 288.

³"North Carolina Delegates to Alexander Martin," in Paul H. Smith, ed., *Letters of Delegates to Congress*, Vol. XX, (Washington: Library of Congress, 1993), 715. See also *N.C. State Records*, XVI, 882.

Revolutionary veterans.⁴

By 1784, some of North Carolina's most prominent speculators, as well as many of the Tidewater gentry, speculated that their interests would be protected just as well, and at much less cost to their state, under the auspices of the national government. Under the North Carolina land act of 1783, heavily promoted by William Blount, one of North Carolina's most prominent politicians (and one of the act's most prominent beneficiaries), nearly all the unsettled lands outside the military district in the Cumberland Valley were made available to any and all prospective purchasers. The price was perhaps unprecedented: a mere ten pounds per hundred acres, which could be paid in (among other tenders) specie certificates issued during the war, which the state would accept at face value. However, such certificates could also be purchased for two to three shillings to the pound. Eight shillings in specie were equivalent to one Spanish silver dollar, so that one hundred acres of land could be had for about five dollars in hard currency. Employing western agents to make rude surveys in the wilderness, eastern speculators bought up vast tracts of land beyond the mountains. Soon many of the best lands were acquired by men of means and ambition, and Blount, one of the most ambitious of all these men, saw the opportunity that cession offered. If the cession was couched in the correct

language (and, as Speaker of the House in the 1784 North Carolina Legislature, Blount could ensure that it was), the Carolinian land jobbers would remain secure in their holdings, while the burden of defending the west from the Indians and the expense of developing the frontier would fall to Congress. This pleased the speculators, the coastal planters who were weary of paying for distant Indian wars, and the Congressional delegates who were daily reminded of their state's obligations to the Confederation.⁵

Under mounting pressure from Congress and the more northerly states, and at the advice of her own Congressional delegates, the North Carolina legislature (with William Blount and his ally Richard Caswell at the helm) passed an act in May 1784 to cede all her lands west of the Appalachian watershed to the United States. To this cession, North Carolina attached several conditions: the ceded lands and their inhabitants would not be considered when calculating North Carolina's portion of the war debt, the lands reserved for North Carolina's veterans would be secured to their benefit, the ceded lands would be held in a common fund for all the United States and ultimately formed into a new state or states of stature equal to the original states (in accordance with North Carolina's 1776 state constitution),

⁴Williams, *The Lost State of Franklin*, 19-23, 26.

⁵Thomas Perkins Abernethy, *From Frontier to Plantation in Tennessee: A Study in Frontier Democracy*, (Tuscaloosa: University of Alabama Press, 1967), 49-60.

and slavery would never be abolished except by the consent of the inhabitants of the newly formed states. Congress had twelve months to accept the cession, and (according to another act passed the same day) until it was accepted North Carolina retained sovereignty and jurisdiction over the territory and its peoples. The legislature that passed these acts included members from the four western counties encompassed by the cession. Of the six westerners present, three voted for the act, and three against; in fact, the entire state was divided over the issue, and would ultimately repeal the act, though too late to prevent four years of unrest in the west.⁶

When news of the cession act reached the transmontane settlements, the frontiersmen felt themselves cast adrift. It was, they felt, obvious that North Carolina no longer meant to support or defend them (despite the assertion that North Carolina retained jurisdiction until Congress accepted the cession). Likewise, until Congress accepted the cession, they remained outside the authority of the general government. Worse, although North Carolina had, in 1783, proposed to hold a treaty with the Indians whose lands she had claimed without their consent, the proceedings were halted following the cession, and goods that had been promised in appeasement were withheld.⁷ In order to defend

⁶Williams, *The Lost State of Franklin*, 23-26, 35-36.

⁷Abernethy, *Frontier to Plantation*, 73-74.

themselves from the Indians and to maintain civil order and justice in the territory, the people of Washington, Sullivan, and Greene counties elected delegates, two from each captain's company of militia, who met in Jonesborough in August, 1784. Their convention decided to retain the laws of North Carolina for the moment, but also to petition Congress to accept North Carolina's cession and to permit the people in the ceded land to form a separate government. For that purpose, the convention also resolved to frame a temporary or permanent constitution, and to furnish a person to negotiate with Congress for the benefit of the new state.⁸

In order to create a new constitution, the August 1784 convention in Jonesborough decided to hold a new convention, attended by five members chosen from each county, the same number elected in 1776 to form North Carolina's constitution. This convention was meant to be held on 16 September, 1784. For reasons yet unknown, it was delayed until November, when it met only briefly, and dissolved in confusion. By the time the convention assembled again in December, North Carolina had already opposed herself to the independence of her western counties.⁹

Although North Carolina's delegates to Congress had

⁸John Haywood, *The Civil and Political History of the State of Tennessee from its Earliest Settlement up to the Year 1796, Including the Boundaries of the State*, (Johnson City: The Overmountain Press, 1999 [1823]), 147-152.

⁹J.G.M. Ramsey, *The Annals of Tennessee to the End of the Eighteenth Century...*, (Johnson City: The Overmountain

urged their home state to cede her western claims to Congress, they reversed their position when they saw the terms on which the cession was made. Even before he saw the act, delegate Hugh Williamson reported that he was "told to my surprise that no provision is made for passing the Indian expeditions to the credit of the State in its account with the United States."¹⁰ He felt that North Carolina was missing an excellent opportunity that had not slipped past the more cunning states of New England. The northern commonwealths had made "several very extraordinary claims" for Revolutionary bounties, expenses in suppressing the Indians, and other expenditures of the sort for which North Carolina could as easily claim credit.¹¹ These claims could potentially amount to well over a million dollars, but Williamson felt it unlikely that North Carolina would ever receive due credit once she no longer had her western lands to offer. Connecticut, whose proffered cession had not been accepted, and Massachusetts, who had offered nothing, continued to make claims for bounties and for lands separated from their capitals by the entire length of New York and Pennsylvania (and for land included in those states). As long as the northern states refused to part with their meager and unenforceable claims, Williamson saw no reason for North

Press, 1999 [1853]), 290-293, 761.

¹⁰"Hugh Williamson to Alexander Martin" in Paul H. Smith, ed., *Letters of Delegates to Congress*, Vol. XXI, (Washington: Library of Congress, 1994), 712.

Carolina to part with her rich and populous western counties.¹² Historian and judge Samuel Cole Williams has noted that Williamson had significant interests in land in the Chickasaw domain of modern West Tennessee, and has suggested that Williamson and possibly other speculators felt that the relevant surveys might be more advantageously pursued under the governance of North Carolina.¹³ Abernethy submits that the speculators were more flexible than that, and attributes the repeal largely to the backcountry radicals who had opposed the cession in the first place.¹⁴

Regardless of the precise motives behind the action, the North Carolina legislature repealed the act of cession in October, 1784 over the objections of some of its more scrupulous members. They offered the complaint that repealing the cession before it was formally accepted or rejected by Congress was illegal. Furthermore, the protest registered in the House of Commons warned prophetically that as "'the numerous inhabitants resident in the country contended for may from necessity erect themselves into a distinct government...' the repeal 'may produce confusion and distress to our brethren westward of the Alleghany [sic] mountain.'"¹⁵

¹¹*ibid.*, 713.

¹²"Hugh Williamson to Alexander Martin" in *ibid.*, 796-805.

¹³Williams, *The Lost State of Franklin*, 35-36.

¹⁴Abernethy, *Frontier to Plantation*, 70-75.

¹⁵Williams, *The Lost State of Franklin*, 37. "Sic" is Williams's own insertion. As far as possible, I have allowed

To prevent confusion and distress, the North Carolina legislature attempted to address some of the complaints that had prompted their brethren across the mountains to grasp independence so eagerly. The Assembly at Newbern formed a judicial district out of the four temporarily ceded counties and appointed an assistant judge and an attorney general for a Superior Court to be held at Jonesborough. They made the militia of the Washington District (the three Franklinite counties bordering North Carolina) into a brigade, promoting Colonel John Sevier to brigadier general.¹⁶ "In short," as North Carolina Governor Alexander Martin later claimed, the assembly took actions "redressing every grievance, and removing every obstacle out of the way that called for a separation."¹⁷ However, with a tradition of self-government dating from the area's earliest settlement,¹⁸ most of the "inhabitants in the country contended for" continued the process of erecting "themselves into a distinct government."¹⁹

Before news of North Carolina's repeal of the cession act and the accompanying attempts at conciliation reached her apparently orphaned counties, another convention had begun in

quotations to retain their original usage without such intrusions.

¹⁶Ramsey, *Annals of Tennessee*, 290.

¹⁷*ibid.*, 306.

¹⁸In 1772 the frontiersmen had formed themselves into the Watauga Association, the first community with a written constitution west of the Appalachians. It functioned much as an independent state for about half a decade. Theodore Roosevelt, *The Winning of the West Volume I*, New York: The Knickerbocker Press, 1895), 183-186.

Jonesborough. Convened upon 14 December, 1784, this convention made the decision to form a new and separate state to take the place of the Association that had been managing the area in the absence of any outside authority. The convention named the state Franklin, in honor of the natural philosopher, and drafted a temporary constitution modeled on that of North Carolina. It was prefaced by both a bill of rights and a declaration of independence, setting forth the "reason which impels us to declare ourselves independent of North Carolina" out of "a decent respect to the opinions of mankind."²⁰ This separation was not effected without protest, and among those who opposed it was John Tipton, who would eventually lead the anti-Franklinite faction against John Sevier and his allies. Even Sevier himself came to have doubts about the project when he learned of North Carolina's attempts to reassert authority over the area (including his promotion to brigadier general), and he may have directly opposed the election of members to the Franklin Assembly in January 1785.²¹ However, as her native leaders faltered, the nascent Franklinite movement found a new ally in Arthur Campbell of Southwest Virginia.

Colonel Arthur Campbell was a veteran of the Revolutionary War, a friend of John Sevier, and a leading figure of Washington County, Virginia. He had advocated the

¹⁹Williams, *The Lost State of Franklin*, 31.

²⁰*ibid.*, 44.

creation of a new state along the Holston River since at least 1782.²² Arthur Campbell saw North Carolina's cession act, and the subsequent conventions in Jonesborough (at least one of which he attended), as an opportunity to create a larger western state out of his own Virginia county and those ceded by North Carolina. Like the severed Carolinians and Virginia's fractious Kentuckians, the people of Southwest Virginia felt overtaxed relative to the paltry services and protection they received from their state government. Referring for justification to the Ordinance of 1784 that had proposed the creation of a number of western states, Campbell and his followers suggested the creation of two new states. One would contain the lands surrounding the Kentucky settlements, and the other, called Franklin, would be composed of the settlements along the waters of the upper Tennessee and its tributaries at least as far south as Muscle Shoals. This would have provided protection not only to the settlers south of the hotly contested French Broad River, but also provided government for the desirable lands around the Great Bend of the Tennessee, where Sevier, Blount, and other prominent men had vested interests in the Muscle Shoals Company and other ventures.²³ By this point, the

²¹*ibid.*, 39-44, 56-57.

²²*ibid.*, 5-12.

²³*ibid.*, 45-51. See also "Deputies of Washington County (Virginia), to the President of Congress, Signed Charles Cummings, April 7, 1785," *Papers of the Continental Congress*, M247, r62, i48, (Washington: National Archives),

independence movement had gained a momentum of its own, and under the advice of William Cocke (a friend of Arthur Campbell), John Sevier dropped his opposition to the movement and was soon elected Governor of the State of Franklin.²⁴

The General Assembly of the State of Franklin, convening on 31 March 1785 under the temporary constitution, passed laws that indirectly reveal the approximate geographic extent of Franklin (a state never precisely mapped in its own time) through the creation of new counties.²⁵ The erection of new counties was accomplished by, in terms of longevity, the most significant acts of the General Assembly; most of the Franklinite counties survived the transitions in government that followed. The counties of Spencer (modern Hawkins, Hancock, and parts of Grainger and Claiborne counties), Caswell (now Jefferson County and probably most of Knox County as well), Sevier, and Wayne (modern Carter and Johnson counties) were all created by the first General Assembly. Blount County (presumed to be approximately coterminous with modern Blount County) is also mentioned in documents from 1785. In those days, the three original North Carolina counties of Washington, Sullivan, and Greene were also larger (even after the creation of these new counties), and included

297. For early interests in the Great Bend, refer to Thomas Perkins Abernethy, *Western Lands and the American Revolution*, (New York: D. Appleton-Century Company, 1936), 260-261, 313-316.

²⁴Williams, *The Lost State of Franklin*, 42-44, 56-57. See also Abernethy, *Western Lands*, 290-294.

the modern counties of Unicoi and Cocke. Thus it can be determined that the State of Franklin filled the modern bounds of Upper East Tennessee east of Knoxville.²⁶ Although North Carolina had also ceded settled lands along the bend of the Cumberland River (all of which were, at that time, encompassed by a Davidson County much larger than today's county of that name), the Cumberland settlements had little to do with the Franklinite movement. Though they considered themselves loyal North Carolinians, they had little to do with their parent state as well, due to the distance separating them.²⁷ The first General Assembly created rates of exchange establishing peltry and other goods as the currency of the specie-poor state (it was later established as a jest, though not as policy, that the governor and other officers were to be paid solely in mink skins).²⁸ The assembly also passed "an act for the promotion of learning in the county of Washington," thus supporting the existing Martin Academy (chartered in 1783).²⁹ By the May Sessions of

²⁵Please refer to maps at the end of the text.

²⁶Ramsey, *Annals of Tennessee*, 293-296. For mention of Blount County, see Williams, *The Lost State of Franklin*, 92. Also, see Robert M. McBride, "Lost Counties of Tennessee," *East Tennessee Historical Society's Publications* 51 (1979): 138-150 for a discussion of Tennessee's counties.

²⁷Theodore Roosevelt, *The Winning of the West Volume III*, (new York: The Knickerbocker Press, 1894), 156, 311-312.

²⁸Ramsey, *Annals of Tennessee*, 296-297. See also Paul M. Fink, *Some Phases in the History of the State of Franklin*, (Jonesborough Civic Trust Publication No. 1, Reprinted from *Tennessee Historical Quarterly* No. 4, Vol. XVI), 203-204.

²⁹Ramsey, *Annals of Tennessee*, 294, 761-762. Ramsey claims the act created Martin Academy (now Washington College

1785, Greeneville had been laid out and designated the capital of the state.³⁰ All that remained was for the State of Franklin to devise a permanent constitution.

Gordon Wood has argued persuasively that by the 1780s most Americans felt that only a convention of delegates chosen especially for that purpose could create a legitimate and democratic constitution for a state or other governing body.³¹ As members of a larger Anglo-American democratic culture, the General Assembly of Franklin called for a congressional convention with sixty-four delegates elected by counties (and distributed among the eight counties according to their populations; Washington County, the most populous, sent fifteen delegates and Blount, the least, sent two). At this time, most of the western leaders felt that North Carolina (whose people had recently elected a new governor, Richard Caswell, a man with interests in western lands and thought to be more amenable to the western cause) would soon acquiesce in Franklin's independence, and the supporters of the new state were generally optimistic about its prospects. However, the events of the convention, which met in November, 1785, would water seeds of discontent that had gone unnoticed

Academy), but Stanley Folmsbee's annotations to the 1967 and 1999 reprints correct this.

³⁰*ibid.*, 334.

³¹Gordon S. Wood, *The Creation of the American Republic*, (Chapel Hill: University of North Carolina Press, 1998), 342, but see his entire eighth chapter for a more complete discussion.

since the first motions for separation from North Carolina.³²

Aware of the importance of the constitutional convention, the delegates elected to it did not arrive unprepared. Reverend Samuel Houston (whose nephew and namesake would later become famous in Tennessee and Texas) "had, with the advice and assistance of some judicious friends, prepared in manuscript A Declaration of Rights and a Constitution, made by the representatives of the freemen of the State of Frankland,"³³ a name preferred by some Franklinites and meaning the land of freemen.³⁴ This constitution was a curious, and ultimately problematic, document. It had the unusual, but not unknown, form of a unicameral legislature annually elected.³⁵ Although unchecked by a second house or by an executive veto, the General

³²Williams, *The Lost State of Franklin*, 91-98.

³³Ramsey, *Annals of Tennessee*, 323. Most of the Constitution is reprinted on pages 325-334. Houston's judicious friends included Arthur Campbell, as well as Rev. William Graham, a fellow Presbyterian and president of Rev. Houston's *Alma Mater*, Liberty Hall (now Washington and Lee University). Williams, *The Lost State of Franklin*, 94-95 and Abernethy, *Frontier to Plantation*, 76-77.

³⁴This use of "Frankland," though not unique to the supporters of Reverend Houston's constitution, was probably popularized by their pamphlet "Principles of Republican Government, by a Citizen of Frankland," published by Rev. Houston and his supporters after the constitution and the name of Frankland were defeated. See Ramsey, *Annals of Tennessee*, 324. Although Haywood consistently uses the name Frankland, and Benjamin Franklin claimed he only knew the state by that name (Williams, *The Lost State of Franklin*, 105), most historians have accepted Franklin as the proper term.

³⁵Pennsylvania was the only state to have a purely unicameral legislature, although Vermont and Georgia also experimented with the form. Wood, *Creation of the American*

Assembly could not easily pass "hasty and injudicious determinations" as, "except on occasions of sudden necessity,"³⁶ laws created by one year's Assembly could not be passed until after the next year's elections. This supposedly allowed the freemen of the state to consider new laws fully. The Governor was also to be elected annually, but he was assisted by a rotating council of six men, each elected for three years. None of these offices could be held more than three years in seven, and no two could be held by the same man simultaneously. Similar restrictions applied to other elected positions. All free men (including free blacks) twenty-one years of age or older with at least six months' residency in a county of Frankland could vote in their respective counties. All able-bodied men were enrolled in the militia, and militiamen of sixteen years of age had the right to elect their officers up to the rank of colonel. The constitution also provided for perpetual taxes and duties on certain goods to fund public education ranging from grammar schools in each county to a state university "near the centre of this State, and not in a city or town."³⁷ In many respects, this constitution was one of the most liberal and democratic ever framed among the United States, and was certainly more so than the contemporary constitution of

Republic, 225-227, 226 note 41.

³⁶Ramsey, *Annals of Tennessee*, 328.

³⁷*ibid.*, 332.

North Carolina.³⁸ However, the constitution included some provisions that provoked great contention and ultimately caused its defeat.³⁹

The Declaration of Rights made by the Representatives of the Freemen of the State of Frankland guaranteed to "all men" the "natural and unalienable right to worship Almighty God according to the dictates of their own consciences"⁴⁰ in their private lives. It did, however, take a special interest in the beliefs and practices of those who sought civil office. In addition to imposing fairly nominal age and property qualifications on potential representatives,⁴¹ the constitution also disqualified from any civil office anyone "of an immoral character, or guilty of such flagrant enormities as drunkenness, gaming, profane swearing, lewdness, sabbath breaking," or a reluctance to swear to a belief in one God, heaven, hell, the divine inspiration of the Old and New Testaments, and the co-equality of the trinity. Reverend Houston's constitution also excluded from the House of Representatives anyone who "is in actual military service and claiming daily pay, or a minister of the

³⁸Abernethy, *Frontier to Plantation*, 76-79.

³⁹Ramsey, *Annals of Tennessee*, 323-334.

⁴⁰*ibid.*, 325-326.

⁴¹Representatives were required to own land in the county that elected them totaling at least one hundred acres in area or fifty pounds in value. Representatives also had to be at least twenty-one years old. Ramsey, *Annals of Tennessee*, 326.

gospel, or attorney at law, or doctor of physic."⁴² For a number of reasons, not least of which was that these exclusions would remove from civil service the majority of the educated men in the state, the proposed constitution was rejected by over two thirds of the convention. Nineteen men, prominent among them John Tipton, protested this rejection and the subsequent hasty adoption of a constitution based on that of North Carolina.⁴³

The adoption of the barely-modified North Carolina constitution was probably essentially a formalization of the provisional constitution under which the state already operated, but it was hotly contested nevertheless.⁴⁴ Employing the constitution of the parent state may have been more than mere expediency; it had additional benefits, at least for many of its backers. Retaining the old forms of government would allow those men who already held power to maintain their influence and, more importantly, their claims to lands won following the passage of North Carolina's 1783 land act (which created a salubrious climate for speculators, but largely left out the average farmer and woodsman). The Houston constitution, on the other hand, might have called all that into question as its democratic framework extended power to the people, or at least potentially reopened the land market to a wider range of

⁴²Ramsey, *Annals of Tennessee*, 236-237.

⁴³Williams, *The Lost State of Franklin*, 94-98.

speculators. If such motives are attributed (as they are by some historians) to the principal actors of the constitutional convention, then it would only be natural for Sevier, who had already begun a career as a speculator and who was allied with William Blount--possibly the greatest speculator of them all--to favor the existing form of government. Likewise, the friends of Arthur Campbell--a man who had not only missed out on the great land rush of 1783 but who had also already learned how to win popularity by speaking on behalf of the small farmers of whom such speculation often took advantage--were inclined towards a constitution that would give those excluded from the present system a better chance at controlling the destiny not only of themselves, but of the state and the land within its borders.⁴⁵

However virtuous or venal the motives, there is no question that around the issue of the state constitution two bitter factions arose. Both were initially (or at least ostensibly) led by rival Presbyterian ministers, but they were later refigured as New and Old State movements rallying behind John Sevier, governor of the new state, and John Tipton, who had always been suspicious of separation from the old state.⁴⁶ Although these factions would eventually bring

⁴⁴*ibid.*, 99.

⁴⁵Abernethy, *Frontier to Plantation*, 76-80. See also Abernethy, *Western Lands*, 190-191, 221-222, 294.

⁴⁶Williams, *The Lost State of Franklin*, 94-98.

their differences to the red field of battle, in the months immediately following the constitutional convention internal differences were overshadowed by the betrayal of the western frontiersmen by the national government.

Over the course of ten days in November, 1785, representatives of the Congress of the Confederation met with representatives of the Cherokee nation in Hopewell, South Carolina. This was the first time the national government had applied its power to make treaties with the Indians. Up to this point, individual colonies and the sovereign states had governed the relationships between the Anglo-American settlers and the Native American peoples. This was one of the marks of sovereignty that Franklin had already exercised.⁴⁷

In May 1785, John Sevier, acting as commissioner of the Assembly of Franklin, along with other Franklinites, met with a number of Cherokee chiefs at the mouth of Dumplin Creek on the French Broad River. There they negotiated a treaty recognizing the right of white settlers to live in the lands south of the Tennessee⁴⁸ and the French Broad and north of the ridge dividing the watersheds of the Little and the Little Tennessee rivers. As a result, many more white settlers

⁴⁷*ibid.*, 99.

⁴⁸In contemporary records, and in histories written through the 1880s, the present Tennessee River retained the name of Holston until it reached its confluence with the modern Little Tennessee River (then simply the Tennessee). This paper, as much as possible, adheres to modern usage in

joined the Franklinites already living in this region. Sadly, like many treaties made between the white and red races of America, this one was made with only one faction of the Indians involved (who themselves engaged in negotiations with the expectation that any resultant treaty would be overturned by the elder chiefs). At Hopewell, the Cherokee chiefs complained that the treaty of Dumplin Creek was made on dubious grounds, and had only been meant to permit existing settlers to remain in the contested valleys, not to promote further settlement in the area.⁴⁹

At Hopewell, the representatives of the United States, eager to achieve peace on the western frontier, and possibly motivated by a desire to slow westward movement, acceded to many of the objections of the Cherokee leaders. Lands believed to have been ceded by the Indians in the past were returned to their jurisdiction, and an official boundary for western settlement was drawn through the State of Franklin. The line ran from a point near the Cumberland Gap to the mouth of Cloud's Creek three miles west of Rogersville, thence to the present junction of Hawkins, Greene and Sullivan counties, on to Camp Creek on the Nolichucky River four miles southeast of Greeneville, and from there south into the Great Smoky Mountains. The astute geographer will note that this agreement placed outside the protection of the

riparian nomenclature.

⁴⁹Williams, *The Lost State of Franklin*, 77-80. See also

United States not only the lands secured at Dumplin Creek (and since heavily settled), but the capital of Franklin itself, the town of Greeneville. To ensure the return of these lands to the Cherokee, the Treaty of Hopewell further provided that if any settler refused to remove east of the line within six months of the treaty's conclusion on 28 November, 1785, "the Cherokees may punish him or not as they please."⁵⁰ Notably, the United States commissioners did manage to retain for white settlement contested lands in Kentucky and the Cumberland, two regions still loyal to their parent states.⁵¹ The treaty, though ratified by Congress (who ordered that the several states "enforce a due observance of the several articles... as far as they concern your State or relate to the Conduct of its Citizens"⁵²), met with determined resistance from the western people, not only in Franklin, but also in North Carolina proper⁵³ and in Georgia. Temporarily, at least, both Old and New State factions in Franklin would

North Carolina State Records, XXII, 649, *et seq.*

⁵⁰Williams, *The Lost State of Franklin*, 100.

⁵¹*ibid.*, 101.

⁵²"Charles Thomson to the States" in Paul H. Smith, ed., *Letters of Delegates to Congress*, Vol. XXIII, (Washington: Library of Congress, 1995), 250. Thomson was the secretary of the Continental Congress. See also *N.C. State Records*, XVIII, 599.

⁵³In North Carolina, William Blount, whose land claims were useless if they were beyond the pale of white settlement, vigorously protested the treaty, but, according to Abernethy, the backcountry radicals who had opposed the cession now supported the treaty in order to discommode the state of Franklin. Abernethy, *Frontier to Plantation*, 73-75.

unite in opposition to the Cherokee.⁵⁴ Furthermore, the western peoples were moved to hostility against the east by another agreement undertaken between the diplomatists of the United States and a foreign power, in this case, the Empire of Spain.

Since the signing of the Peace of Paris in 1783, the erstwhile alliance between Spain and the United States had turned into cautious competition over control of western lands supposedly delineated by the Peace of Paris and over navigation of the Mississippi. The river was supposedly open to both parties, but effectively controlled by Spain through her ownership of New Orleans. This issue had occupied Congress during the North Carolina cession controversy, and was one of the issues that distracted Congress from considering the offer more fully. Although this was a relief to North Carolina's delegates during that embarrassing period, they nonetheless recognized that of the "several matters of very great moment now before Congress... none... bears so serious and alarming an aspect as the dispute between Spain and the United States respecting the navigation of the Mississippi, and their taking possession of part of the western frontiers of the southern States."⁵⁵

⁵⁴Williams, *The Lost State of Franklin*, 99-104.

⁵⁵"Richard Dobbs Spaight to Alexander Martin" in Paul H. Smith, ed., *Letters of Delegates to Congress*, Vol. XXII, (Washington: Library of Congress, 1995), 52. The dispute over the Mississippi had roots extending at least to 1778, when Don Juan de Miralles, a new Spanish agent, arrived in

To settle the differences between His Catholic Majesty and the Confederation Congress, it was felt necessary to dispatch a minister to the Court of Spain. It was hoped, at least by some delegates (including North Carolina's Hugh Williamson), that such a minister might conclude an agreement that included closing the Mississippi, for, "should the Navigation of the Mississippi continue open, Vast Bodies of People would migrate thither whose mercantile Connections could be of no Use to the old States."⁵⁶ In February, 1785, the Court of Spain appointed Don Diego de Gardoqui *chargé d'affaires* to the United States with "a very firm ostensible demand... of the exclusive navigation of the Mississippi"⁵⁷ and in June⁵⁸ he arrived in New York to treat with Congress.⁵⁹ He would engage in intrigues with and against the west for the remainder of the Franklinite period.

In July 1785, John Jay, Congress's Secretary for Foreign Affairs⁶⁰ began to negotiate with Gardoqui for a favorable

America with a new policy for that great river and more aggressive interests in recovering Florida from Great Britain. Abernethy, *Western Lands*, 202-204.

⁵⁶"Hugh Williamson to Thomas Jefferson" in Smith, ed., *Letters*, Vol. XXII, 64-65.

⁵⁷"Richard Henry Lee to George Washington" in *ibid.*, 199.

⁵⁸Or May, according to Williams, *The Lost State of Franklin*, 123. It is possible that Gardoqui arrived in Philadelphia from Spain in May (see next note), whence he proceeded to the city of New York.

⁵⁹"William Grayson to James Madison" in Smith, ed., *Letters*, Vol. XXII, 481.

⁶⁰Jay accepted this position on 21 December, 1784. Smith, ed., *Letters*, Vol. XXII, 82-83. See also "John Jay to the Chargé d'Affaires of France (François de Marbois)," Edmund C. Burnett, ed., *Letters of Members of the Continental Congress*

commercial treaty with Spain and her possessions. This was eagerly sought by the eastern states, whose commercial classes were suffering an economic depression due to diplomatic constraints on foreign commerce. The fertile plains of the west were also attracting a "constant flow of... emigration [that] doubly enfeebles New England, since on the one hand it deprives her of industrious citizens, and on the other it adds to the population of the Southern States."⁶¹ Though unwilling to eternally surrender the right of the United States to trade on the Mississippi, John Jay expressed the opinion "that the navigation of the Mississippi was not at that time [1785] very important, and would not probably become so in less than twenty-five or thirty years, and that a forbearance to use it, while it was not wanted, was no great sacrifice." This feeling, however, was not unanimous.⁶²

Many southerners opposed Jay's proposition. Some dissented on the grounds stated by George Washington and Richard Henry Lee, namely that no treaties ought to be made until the United States had so populated the area that they could negotiate from a position of strength.⁶³ Others agreed

Vol. VII, (Gloucester, Massachusetts: Peter Smith, 1963), 638-639.

⁶¹Williams, *The Lost State of Franklin*, 125, quoting Otto to Vergennes, Bancroft, *History of the Constitution*, II, Appendix, 389.

⁶²Ramsey, *Annals of Tennessee*, 524-525.

⁶³Even Jay realized that "as the Country adjacent to the River becomes filled with People, and the Affairs of the

with Charles Pinckney and Thomas Jefferson, who in various ways observed that if the westerners felt themselves cut off from the Mississippi by the government of the United States, they would surely cease to be united. Timothy Bloodworth of North Carolina pointed out that not only did the proposed commercial treaty cover primarily northern exports (such as fish and oil) while excluding tobacco (the staple of the south) but it bought this privilege at the expense of the southern states whose already-restive western peoples would be galvanized to rebellion and secession by the closure of the Mississippi. Along the eastern seaboard, the Spanish negotiations were tainted by sectional conflict, and in the west they created or contributed to the notion that the national and state governments were selling out the frontiersmen.⁶⁴

Threatened by both Spain and the Indians, but independent of the constraints that might have been imposed by affiliation with North Carolina or the national government, the leaders of Franklin planned to exploit the vast transmontane lands in alliances with more established

Confederacy become regulated and arranged, the attainment of that [navigation] and every other Object will daily and proportionably become more probable and easy," ("Office for Foreign Affairs Report (signed John Jay) 25 February, 1786," *Papers of the Continental Congress*, (Washington: National Archives), M247, r107, i81, v2, 39-40), but he preferred tangible present profit to a principled, but potentially dangerous, refusal to negotiate.

⁶⁴Williams, *The Lost State of Franklin*, 123-125. For Bloodworth's thoughts, see also *N.C. State Records*, XXII,

powers. Although the last diplomatic gasp of Franklin would involve intrigue with Spain, the Lost State's oldest and best friend lay directly to the south. Throughout her brief history, the interests of the State of Franklin were closely linked with those of Georgia. Georgia's delegates had voted to accept North Carolina's cession when, at the request of Franklin's delegate to Congress, William Cocke, the act was (unsuccessfully) reconsidered in 1785.⁶⁵ Governor Sevier maintained close ties with Georgia, and in 1787, was elected a Brother Member of the Cincinnati in that state.⁶⁶ However, while he was busy strengthening his ties with his southern neighbor, John Sevier saw his allies to the north defeated.

Unfortunately for Arthur Campbell, he faced a governor more resolute in his dealings than those of North Carolina. Governor Patrick Henry of Virginia had already encouraged the government of North Carolina to take a firm stand against their western rebels, and he did the same with his. Campbell was deprived of his office in the Virginia Assembly, displaced as head of the western militia, and charged with high treason. This rather dampened the ambition for separation in the west, and, when Patrick Henry was succeeded as governor by Edmund Randolph, Campbell found a friend in the Virginia government, regained his old offices, and returned his loyalties to that state. Arthur Campbell's

902.

⁶⁵*ibid.*, 82-85.

Franklin was never recognized as part of Sevier's Franklin, despite their early alliance. The state's constitution (since lost) was not created by a convention but by Campbell himself, and the state's duration was brief (from June 1784, until the fall of 1785, when the attempt was declared treasonous). Nonetheless, the motivations for independence were similar to western North Carolina's, and the fear the movement created among the elite of Virginia was real.⁶⁷ Equally real, however, were the rifts still dividing the inhabitants of State of Franklin from one another and from their remaining ally, Georgia.

As domestic matters in eastern Franklin deteriorated in 1786 and 1787, Governor Sevier perceived a chance to unite the transmontane people against their common enemy, to further cement his state's ties with Georgia, and to enrich himself and his followers by joining with Georgia in an expedition to secure the Creek territory in the Great Bend of the Tennessee. Sevier, like many leading westerners, already had interests in the area, and had, in 1784, been appointed by the State of Georgia as a colonel of militia (and later brigadier general) and as a receiver of locations and entries of lands in the Bend area.⁶⁸ In 1786, the Creek, weary of

⁶⁶Ramsey, *Annals of Tennessee*, 385.

⁶⁷Williams, *The Lost State of Franklin*, 50-55.

⁶⁸*ibid.*, 14-16. For Sevier's promotion to brigadier general in 1786, see Haywood, *History of Tennessee*, 175. The Great Bend of the Tennessee is located in modern Northern Alabama.

white encroachments and probably encouraged by the Spanish, went on the warpath. Desperate for aid, Georgia offered land in the Great Bend to any troops from any state who would come to her aid. A special plea (and land bounties half again the size of those offered to other volunteers) was addressed to the State of Franklin, and the governor of the Franks listened.⁶⁹

As Franklin declined in 1787, the General Assembly called for nine hundred men, led by Governor Sevier, to go to the aid of Georgia in securing the Great Bend. This bill, however, was passed only after great effort on Governor Sevier's part, and ultimately proved a fatal chimera. After thrilling the frontiersmen with a call to arms and promises of extensive land bounties in the conquered territory, Sevier was forced to report in early 1788 that Georgia had canceled the operation in deference to a commission from the Continental Congress to the Indians.⁷⁰ After this disappointment, Governor Sevier discovered that he barely had a state of his own left to govern.

The effort Governor Sevier devoted to the expedition against the Creek, the exploitation of the Great Bend, and the forging of an alliance with Georgia would have been far better invested in vigorous action in his own county. The discontent that had arisen around the failure of the

⁶⁹Abernethy, *Western Lands*, 314-315, 333-335.

⁷⁰Williams, *The Lost State of Franklin*, 177-182, 189-193.

Frankland Constitution, though briefly redirected at the Treaty of Hopewell and the proposed closure of the Mississippi, resurfaced under the leadership of John Tipton. From the beginning, Tipton had been distrustful of, and then downright hostile towards, the movement for separation from North Carolina. Like John Sevier, John Tipton was a resident of Washington County, the oldest and most populous in Franklin. Furthering the divide in an act passed by the Assembly in November, 1785, North Carolina offered total pardons to anyone involved in setting up a separate state who would return his allegiance to North Carolina. In the same act, North Carolina appointed officers (including Tipton) for the rebellious counties, thus creating a shadow government (or, depending on one's point of view, a legitimate one, of which the Franklin government was a shadow, albeit a dangerously substantial one).⁷¹

Beginning in the middle of 1786 the anti-Franklinites, spurred on by Tipton, held elections simultaneous with those of Franklin.⁷² Courts were held under the authority of North Carolina ten miles from those of Franklin, laws were passed by both states, and taxes were laid twice (though apparently not often collected even once). Officers of the opposing

⁷¹Haywood, *History of Tennessee*, 168-170.

⁷²Although accusations of chicanery and coercion make them slightly questionable as indicators of larger trends, elections held on the same day for the same office received 254 votes at the Franklinite polling place and 179 at that of the Tiptonites. Williams, *The Lost State of Franklin*, 108-

courts would, from time to time, attempt to break up those of the other party, and James Sevier (son of the governor and clerk of the court) was obliged to hide the Franklinite records in a cave. Thanks to this, and to the general disorder of the time, many records were damaged or destroyed, a loss that engendered legal difficulties for years to come. In August, 1786, Washington County elected members (including John Tipton as senator) to the North Carolina Assembly, and at this election, voters were encouraged to enroll their names in order to secure the pardon offered by the act of the previous November.⁷³ Taking advantage of the confusion, corrupt tax collectors engaged in a form of counterfeiting, accepting raccoon pelts in taxes (according to the laws of Franklin), then cutting off the tails, affixing them to nigh-worthless opossum skins, and baling up the doctored furs with the raccoon tails dangling from the bundle. The debased peltry was passed on to distracted state officials as legitimate currency while the tailless raccoon skins were sold independently to eastern hatters.⁷⁴ Such disorder and lawbreaking continued for the remainder of Franklin's history, as Tipton and Sevier kept Washington County in a state of agitation that ultimately led to bloodshed.

The agitation between the partisans of the two states attempting to exercise coterminous *imperium* became both

109.

⁷³Haywood, *History of Tennessee*, 173-176.

personal and violent. Public meetings of Franklinites and anti-Franklinites often degenerated into wrestling or boxing matches, in which it was not unknown for an eye to be gouged out or an ear bitten off. The otherwise noble leaders of the respective movements were not above such behavior, as Sevier and Tipton proved one day in Jonesborough. Upon meeting one another, they exchanged, as was their habit, harsh words, until, unable to bear the provocation given him, Governor Sevier struck Colonel Tipton with his cane. Tipton, himself a famous boxer, dove at Sevier with his fists clenched, and the two struggled until they were separated by their friends. Though the outcome must be consigned to conjecture, it was generally observed that Governor Sevier did not seem "as well pleased with his prospects of victory as he had been with the event of the battle of King's Mountain, in which his regiment and himself had so eminently distinguished themselves."⁷⁵ So great was the adhesion of the followers of each side to their causes that the comic breaking up of courts, the hiding of records in caves, and the public pugilism of governors and senators eventually led the followers of Sevier and Tipton to imbrue their hands in the blood of their brothers upon the field of battle.

In early 1788, while Governor Sevier was away from home among the New State partisans in Greene County (doubtless

⁷⁴Fink, *Some Phases*, 204. See also note 28.

⁷⁵Haywood, *History of Tennessee*, 174-175.

organizing the joint expedition against the Creek, unaware that Georgia would soon cancel the invasion), the Old State faction, daily strengthened in numbers, raided Mount Pleasant, Sevier's Washington County home. Seizing Sevier's slaves under the authority of a North Carolina court in that county, the anti-Franklinites removed the governor's slaves to John Tipton's farm, just south of modern Johnson City. Desiring to recover his slaves and to defend the authority of the Franklinite county courts, Sevier rallied the loyal men of the westernmost counties (those beyond the Hopewell treaty line), and marched about one hundred fifty of them to Tipton's farm, whose house was guarded by about forty-five men. Beginning on 27 February, 1788, Sevier's forces laid siege to the Tipton farm, although not with perfect effectiveness, for they did not prevent reinforcements from reaching their enemy under cover of heavy snowfall. As each side refused the other's demands to submit to the authority of their respective states, and as Tipton's men were now reinforced by Sullivan County militia, the Tiptonites felt prepared to break the siege and opened fire at first light on 29 February.⁷⁶

The battle opened at dawn under heavy snowfall. With longhunters' eyes, the Sullivan County Tiptonites discerned their Franklinite foes advancing upon John Tipton's farmhouse and opened fire with a mighty shout. Surprised by these

reinforcements, and hampered, Ramsey asserts, by their own Governor's reluctance to compel obedience to Franklinite rule by force, Sevier's men quit the field in confusion, and a number of them, including two of the Governor's sons, were captured by Tipton and his men.⁷⁷ During the battle, the Tiptonite high sheriff of Washington County was mortally wounded; during the siege prior, another North Carolina loyalist had been wounded, and one killed.⁷⁸ Though some have passed the fewness of the injuries off on the impairment of the militiamen's vision by the February snow, one of the besieged later refuted that assertion, saying "most of us went to prevent mischief, and did not intend to let neighbours kill one another. Our men shot into the air, and Sevier's men into the corners of the house. As to the storm of snow keeping the men from taking a sure aim, it is all a mistake. Both sides had the best marksmen in the world, who had often killed a deer, and shot it in the head too, when a heavier snow was falling. The men did not try to hit any

⁷⁶Williams, *The Lost State of Franklin*, 198-203.

⁷⁷Ramsey and many other historians have commented on the uncharacteristically listless behavior of the great Indian fighter during this battle. Most have attributed this to an unwillingness to slaughter fellow countrymen, and Ramsey provides a beautiful panegyric on the subject in his *Annals of Tennessee*, 410-412. Some have gone even farther, and attributed it to a lack of enthusiasm for the entire Franklinite movement, of which Abernethy describes Sevier as a distinctly reluctant governor. This Abernethy ascribes to political and financial interests that Sevier held in common with Blount, Caswell, and other leaders of the Old North State. See Abernethy, *Frontier to Plantation*, 84-90.

⁷⁸Ramsey, *Annals of Tennessee*, 408-412.

body. They could have easily done so if they had been enemies."⁷⁹ It was fortunate for Governor Sevier that the two factions were not truly composed of enemies, for it was Tipton's followers, led by Robert Love, who interceded on behalf of Sevier's captured sons and convinced Tipton not to hang them out of hand. The next day, 1 March, 1788, John Sevier's term as governor expired. With his forces in disarray in Washington County, and Indian unrest threatening the counties south of the French Broad where he was still loved, Sevier retreated to the last frontier of the State of Franklin as the older eastern counties returned their allegiance to North Carolina.⁸⁰

As John Sevier labored in exile to defend the excommunicate settlers south of the French Broad from the depredations of the Indians, he received a letter offering aid from the Spanish minister Don Diego de Gardoqui. This may have been suggested to the Spaniard at the behest of William Blount by Dr. James White, a Jesuit-educated Congressional delegate elected in 1786 by North Carolina through the influence of Blount, *éminence grise* of the West. Apparently Blount and his colleagues in cismontane Carolina were willing to subjugate the west to the Spanish crown in return for free access to the Mississippi River and New Orleans; without such admission to international commerce, the lands

⁷⁹*ibid.*, 412.

⁸⁰Williams, *The Lost State of Franklin*, 203-206, 210-211.

they owned were almost worthless.⁸¹ Aware of the bitter divisions among the transmontane Anglo-Americans and between them and the American Indians they were inexorably driving from the land, by 1788, Gardoqui felt the time was right to take advantage of the unstable situation. In his first letter to Sevier, he offered protection from the Indians (who were, the Franklinites widely believed, acting under the influence of Spain). Gardoqui knew that the Spanish Empire lacked the men and the resources to control the lands they still claimed east of the Mississippi and north of Florida, but he hoped that kind words, generous support, and Peruvian silver might win friendships for His Catholic Majesty where soldiers could not win battles.⁸² Gardoqui was also familiar with the economic and political intercourse between Louisiana's Spanish governor Esteban Rodríguez Miro and the Kentuckian James Wilkinson, who won significant trade concessions from Miro in exchange for his attempts at subverting Kentucky from Virginian dominion to that of Spain.⁸³ Therefore, Gardoqui's emissaries carried, along with

⁸¹Abernethy, *Western Lands*, 332-333. Blount would later connive with the British, offering his aid and that of his Tennessee constituents in a campaign to seize Florida from Spain for Britain and secure an outlet on the Gulf for Tennessean agriculture and commerce half a decade before the Louisiana Purchase. When this was discovered, Blount earned the dubious distinction of being the first man impeached from the Senate, or any government body, under the new Constitution. Abernethy, *Frontier to Plantation*, 92-94, 167-168.

⁸²Williams, *The Lost State of Franklin*, 235-236.

⁸³Lowell H. Harrison and James C. Klotter, *A New History*

their letters, at least two purses of hard currency to the remnants of Franklin.⁸⁴

Sevier was increasingly desperate in the summer of 1788, especially after North Carolina's rejection of the new federal Constitution in August. His only hope was that, with North Carolina apparently rejecting the new federal union, the national Congress might reconsider and accept the old cession act, and admit Franklin to the union as a sovereign state. In order to preserve Franklinite independence (and his own, for he was a wanted man under the law of North Carolina), Sevier responded to Gardoqui, requesting he make every effort to prevent an alliance of the Creek, Cherokee, Chickasaw, and Choctaw Indians against the transmontane settlers, and asking for his intervention on behalf of a proposed settlement in the Great Bend of the Tennessee. In another letter, Sevier requested permission for his people to pass through and trade in the Spanish ports to the south and also complained of "the great scarcity of specie in this country" and asked outright for "a small sum of the article."⁸⁵ In fairness to Sevier, he stated that this sum could be paid back speedily if the Spanish ports were opened (as New Orleans had been opened to Wilkinson and those Kentuckians willing to employ him as a broker for their

of Kentucky, (Lexington: The University Press of Kentucky, 1997), 59-60.

⁸⁴Noel B. Gerson, *Franklin America's "Lost State,"* (New York: Cromwell-Collier Press, 1968), 143-147.

wares⁸⁶). Sevier's letter was not a completely bald-faced solicitation for a gift or a bribe, and even in its most pathetic passages, the message never offered allegiance to Spain. Although some historians have construed Sevier's letter as an offer of vassalage, even Spanish officials in America at the time realized that "the movement that is taking place in the State of Franklin has as its object the establishment of independence rather than a *rapprochement* with Spain."⁸⁷ No record of such a loan exists, and it is to be presumed that Gardoqui had come into agreement with those Spaniards who felt that the Franklinites who would not bow to North Carolina would never swear fealty to the King of Spain.⁸⁸

The Spanish specie Sevier did receive was employed in his last action as a leader of the revolted counties.⁸⁹ The Franklinite counties south of the French Broad and the Tennessee rivers (and outside the lands reserved to white settlement by the Treaty of Hopewell) were, in the last year of Franklin's existence, the site of bloody Indian warfare. Like all such wars, it was marked by shameful atrocities on both sides. Angered by white encroachment on lands supposedly forbidden them, certain Cherokee warriors (guided by an Indian supposed to be a friend of the family) massacred

⁸⁵Williams, *The Lost State of Franklin*, 239-240.

⁸⁶Harrison and Klotter, *A New History of Kentucky*, 59-60.

⁸⁷Williams, *The Lost State of Franklin*, 238, also 241.

⁸⁸Gerson, *Franklin America's "Lost State,"* 148.

the wife and children of a white settler named Kirk. In retaliation, Kirk soon undertook to murder a number of innocent Indian chiefs under a flag of truce.⁹⁰ This act was correctly reprobated throughout the union, but the war continued apace.⁹¹ Soon, "a party from North Carolina (called Franklin State) with Sevier at their head, came over and destroyed several of their Towns, killed near thirty of the Indians, made one prisoner and obliged the remainder to fly with their families to some of the lower Towns for protection."⁹² By the end of 1788 the frontiersmen had gained the upper hand and "the over-hill men talked of the Indian war as troublesome rather than formidable."⁹³

General Sevier proved himself yet again as able a general against the Cherokee as he was ineffective against his own people at the battle on Tipton's farm, and he was forgiven on the frontier for the crime of his subordinate, Kirk, but in the east he was not. North Carolina regarded him as a traitor to the state and a murderer of friendly Indians, and in October 1788, he was arrested by John Tipton and other North Carolina men when he ventured into Jonesborough as the Indian war wound down. As the court that had met to try him adjourned for the evening, Sevier was

⁸⁹ *ibid.*, 144-147.

⁹⁰ Haywood, *History of Tennessee*, 194-195.

⁹¹ Roosevelt, *Winning of the West III*, 197.

⁹² "Richard Winn to Henry Knox, 5 August, 1788," *The Papers of the Continental Congress*, M247, r165, i150, v3, (Washington: National Archives), 369.

rescued in the confusion by friends who had mingled with the crowds surrounding the site of the famous case. Despite an official bar against his civil service, John Sevier was elected to the North Carolina legislature the next year, and North Carolina again exerted her authority over all of her western territories, except the Franklinite counties south of the French Broad.⁹⁴

The settled territory south of the French Broad River, opened to settlement by the Franklinite treaties of Dumplin Creek and Coytoy but closed to white hunters and farmers by the Congressional Treaty of Hopewell, remained independent of North Carolina even after Sevier's arrest. A somewhat reduced General Assembly of the State of Franklin met at least as late as October, 1788, and John Sevier commanded troops under the authority of that state at least into January of the following year. About that point the name of Franklin was dropped, perhaps in order to facilitate reconciliation with North Carolina.⁹⁵ Nonetheless, the Articles of Association subsequently drafted by the still-orphaned inhabitants of that area stipulated "that officers appointed under the authority of Franklin, either civil or military, and who have taken the oaths of office, shall continue to exercise the duties of such office."⁹⁶ Ramsey

⁹³Roosevelt, *Winning of the West III*, 197.

⁹⁴*ibid.*, 192-198.

⁹⁵Williams, *The Lost State of Franklin*, 218-226.

⁹⁶Ramsey, *Annals of Tennessee*, 435.

states that "in several... of these Articles there may be traced a strong resemblance to those of the Watauga Association" that had governed the settlements along the Watauga and the Holston before North Carolina ever exerted authority over the area. These articles remained in force until the disputed area they governed was incorporated into the Territory of the United State South of the River Ohio.⁹⁷

Though unique in the advanced stages of government she reached before collapsing, the State of Franklin was otherwise far from an isolated phenomenon in the history of the early republic's frontiers. Vigorous state movements existed in the northeastern counties of New York (or, as the locals called the area, Vermont) and in the Kentucky district of Virginia. Less successful attempts to create independent polities were manifest in the Maine District of Massachusetts, in southwestern Virginia (centering on Washington County), in the Wyoming Valley of northeastern Pennsylvania, and even in the private colonial-era purchase of Transylvania (centered around Boonesboro in what is now Kentucky). Established states were also discontented with their borders, and attempted to claim lands outside (or only nominally inside) their existing boundaries. Virginia nearly enclosed the Pittsburgh area within her borders even as her own west country grew increasingly restive, and Connecticut

asserted title to a discontinuous reserve in northeastern Ohio while calling on the more richly endowed southern states to part with their own transmontane provinces. While some saw it as an aggravation and others as an opportunity, the frontier was on the minds of almost all of America's great men in the waning days of the Confederation, and significant similarities exist between the course charted by Franklin and those followed by other incipient states on the frontier.⁹⁸

The attempts at state making on the American frontier in the young days of the Republic, of which the Franklinite movement was one, were not simply problems for the individual states. They were the most distressing signs of a national problem, or at least what was perceived or presented as a national problem by many leading men in the old states and in the Continental Congress. The dissociation of the west from the east, and the possible dissolution of the existing Confederation of the original thirteen states filled the rhetoric of the federalists who shaped the Constitution still in use by the United States today and who sold that same Constitution to the wary voters

⁹⁷*ibid.*, 436-437.

⁹⁸For an extended discussion of Vermont, Franklin, Transylvania, and the Wyoming Valley, see William Brewster, *The Fourteenth Commonwealths: Vermont and the States that Failed*, (Philadelphia: George S. MacManus Company, 1960). See also Harrison and Klotter, *A New History of Kentucky*, 48-64, and Harrison, *Kentucky's Road to Statehood*, (Lexington: University Press of Kentucky, 1992), for a history of that territory's road to statehood. See Onuf, *The Origins of the Federal Republic*, for a look at state formation under the

behind the conventions that ratified it in the eighteenth century. This rhetoric, though not without its merits, was actually contrary to the desires of many frontiersmen, who consistently sought admission to the union, provided it was on terms of equality with the old states. A full understanding of both the frontiersmen and the federalists requires an investigation of each in light of the other.

Even before constituting the State of Franklin, the 1784 Jonesborough convention that would begin the creation of that commonwealth resolved to send a delegate to Congress to represent their position in the union to the leaders of the Confederation.⁹⁹ Shortly afterwards, Arthur Campbell's Virginia Franklinites also sent a letter to the President of the Continental Congress pleading "that the Western Inhabitants can no longer be safe, or useful in Society, without the protecting Arm of the foederal government, and the priveleges of an independent State."¹⁰⁰ Following the initial disruptions caused by North Carolina's illegal repeal of her cession act, William Cocke was dispatched from Jonesborough to New York, and arrived on 15 May, 1785. There he presented a memorial from the State of Franklin asking Congress to reconsider North Carolina's cession, and, upon

Articles of Confederation.

⁹⁹Williams, *The Lost State of Franklin*, 31.

¹⁰⁰"Deputies of Washington County (Virginia), to the President of Congress, Signed Charles Cummings, April 7, 1785," *Papers of the Continental Congress*, M247, r62, i48, (Washington: National Archives), 297.

the motion of a delegate from Massachusetts, the issue was referred to a committee. By the twentieth of the same month, the committee had made its decision, to the disgust of North Carolina's delegate, Richard Dobbs Spaight, who accused the speedy committee of an indelicate hunger for land.¹⁰¹

The committee concluded that Congress retained the right to accept the cession, as the full year given for its consideration had not yet passed. Almost immediately, the issue was put to a test vote. The states of New Jersey, Rhode Island, Connecticut, New York, New Hampshire, Pennsylvania, and Georgia voted in favor of accepting the cession. All of those states except Georgia had few, if any, claims to western lands, and it has already been demonstrated that Georgia and Franklin shared interests in developing the western country along their mutual border. Virginia, who had vast western lands and who was willing to cede some of them, but not those directly north of the North Carolina cession, opposed accepting the cession, as did Maryland. South Carolina's delegates were divided and could not cast their state's vote, and Massachusetts (oddly, considering her delegates suggested creating the committee that, in turn, suggested accepting the cession) did not vote at all. North Carolina abstained as she was an interested party.¹⁰² North Carolinian Hugh Williamson, writing home to his governor,

¹⁰¹"Richard Dobbs Spaight to Richard Caswell" in Smith, ed., *Letters*, Vol. XXII, 434-435.

admitted to being "fully informed that the Question was lost by the negative of some Gentlemen who wished very much for the Cession but who were very unwilling to give offense to [North Carolina],"¹⁰³ strongly suggesting some shady dealings behind the scenes.

With this defeat, William Cocke was not able, despite his commission from the Franklin Assembly, to pursue the admission of Franklin as a state. Such a motion would have also required nine votes, and would have certainly been even more problematic than the acceptance of the cession act, which failed to win more than seven. It had been the hope of Sevier, Cocke, and their associates to take advantage of Thomas Jefferson's Territorial Government Ordinance of 1784, which dealt with the creation of new states out of the Confederation's western lands.¹⁰⁴ The Ordinance described borders for potential western states (Franklin fell more or less within one potential polity) and described how and when they might be admitted to the union. What escaped most westerners, including the Franklinites, was that the Ordinance described a system in which Congress would create new states, and then allow and facilitate their settlement in an orderly manner. The 1784 Ordinance did not consider the possibility of westerners forming their own states and then

¹⁰²Williams, *The Lost State of Franklin*, 83-85.

¹⁰³"Hugh Williamson to Richard Caswell" in Smith, ed., *Letters*, Vol. XXII, 486.

¹⁰⁴Williams, *The Lost State of Franklin*, 84-87.

clamoring for admission on their own terms. It certainly was not meant to encourage the great disaster that befell North Carolina, a state of anarchy in which neither North Carolina nor Congress could claim legitimate jurisdiction over the area. Because this process, ill-defined as it was, took too much power from the old states and vested it in Congress, an arrangement with which many were still uncomfortable and which many states could still disrupt under the weak Articles of Confederation, no states were ever organized along the lines it suggested. Certainly no upstart western rabble would be allowed to create their own states, thus exercising sovereignty outside both the Congressional system and the old state governments. The Ordinance was meant to make Congress strong and keep the west weak and subservient. Accordingly, neither Franklin nor any other western state was admitted to the union under the 1784 Ordinance or under the Articles of Confederation.¹⁰⁵

Frontier state creation, and other outbursts of discontent (such as the Wyoming Valley's resistance to Pennsylvania and the disorder of Shays's Rebellion in western Massachusetts), terrified the leading men of the eastern seaboard not only for their intrinsic threat to established authority, but because the ultimate goals of the frontiersmen seemed dangerously at odds with those of the eastern states that controlled Congress. The westerners, on the whole,

wanted more land and access to the Mississippi. This was bound to provoke the Indians and possibly the Empire of Spain, embroiling the union in costly and possibly international war. In December of 1784, just as Franklin was forming, Richard Henry Lee wrote to James Madison from New York that he was "very apprehensive that a war with the Southern Indians will take place. Land Speculators, & Spanish jealousy will probably force it on," thanks in part to "the pointed manner in which Spain insists upon the exclusive navigation of Mississippi."¹⁰⁶ Although it took longer than Lee may have feared, he was nonetheless proven right.

During the last days of the Franklin movement, while Sevier shored up his authority through the unifying struggle of an Indian war, William Blount (who would later govern the Southwest Territory) wrote home to his friend Governor Richard Caswell, in North Carolina regretting the settlement of the west: "I would wish that the Whites had forbore there settlements" in places "within a few Miles of [the Cherokee] towns." Representatives of the Indians complained constantly of violations of the Treaty of Hopewell, and North Carolina's delegates feared the violence and the expense that might result from the frontiersmen's actions.¹⁰⁷ Even worse, as

¹⁰⁵Onuf, *Origins of the Federal Republic*, 161-169.

¹⁰⁶"Richard Henry Lee to James Madison" in Smith, ed., *Letters*, Vol. XXII, 89.

¹⁰⁷"William Blount to Richard Caswell" in Paul H. Smith,

Arthur St. Clair warned, "should the northern Indians get information of that affair, and there is little Reason to expect they will not, I do not see how they can beleive me to be in earnest when we declare the United States are at Peace with all the Natives--they will think that either we mean to deceive them... or they will despise us, as having no control over our People."¹⁰⁸ The uncontrolled citizens of the western reaches of the Confederation risked more than the lives and lands of the individual settlers involved; they threatened to unleash savage warfare along the entire frontier and to undermine the Confederation's already unsteady efforts at international diplomacy.

Irrespective of Spain's relations with the Southern Indians, the larger Spanish problem was regarded as a serious threat to the union, chiefly because of the pressure the frontiersmen put on Spain and Congress. James Monroe warned in 1786, shortly before Franklin began her Spanish intrigues, that, regarding potential western states (particularly those created in haste to be rid of troublesome peoples dwelling in them), "in many instances... their interests will be oppos'd

ed., *Letters of Delegates to Congress*, Vol. XXIV, (Washington: Library of Congress, 1996), 362-363. See also "Hugh Williamson to Samuel Johnson" in Paul H. Smith, ed., *Letters of Delegates to Congress*, Vol. XXV, (Washington: Library of Congress, 1998), 349-350 for a discussion of "sundry Resolves of Congress respecting the Indians on our Frontier" and "the heavy Expences of an Indian War... to preserve the weak and scattered Settlers."

¹⁰⁸"Arthur St. Clair to C. Thompson, 2 September, 1788," *Papers of the Continental Congress*, M247, r165, i150, v3,

to ours.... At the instance of... [the western] states hath the right to the navigation of the Mississippi been carried thus far and if you lop of the western parts of those states... you [will] not necessarily withdraw them from that pursuit."¹⁰⁹ According to "Mr. Sym[me]s in Kentucki... the people at the Kaskaskies [around modern Kaskaskia, Illinois] and Post Vinc't [modern Vincennes, Indiana] are in the most unsettled situation. they complain (& in my opinion with great justice) that Congress... has [(]ever since the cession of Virginia) suffered them to remain in a state of nature, with't law, government or protection, and talk very strongly of becoming Spanish subjects."¹¹⁰ Abernethy has even postulated that Sevier, Blount, and their fellow conspirators--staunch federalists all--operated so openly in part out of a hope that knowledge of their plot with Gardoqui might hasten their vacillating state towards ratification.¹¹¹ In the Age of Reason, nothing distressed thinking men more than the possibility of being left in a state of anarchy. When combined with the loss of free trade

(Washington: National Archives), 389-390.

¹⁰⁹"James Monroe to Thomas Jefferson" in Smith, ed., *Letters*, Vol. XXIII, 94-95.

¹¹⁰"William Grayson to Beverly Randolph," in Smith, ed., *Letters*, Vol. XXIV, 327-238. See also "Office for Foreign Affairs Report (signed John Jay) Aug 17, 1786," *Papers of the Continental Congress*, M247, r107, i81, v2, (Washington: National Archives), 217-240, for a report on a Spanish incursion into the Illinois River valley and Spain's proposal of a treaty that would limit American expansion to King George's 1763 Proclamation Line.

¹¹¹Abernethy, *Western Lands*, 341-344.

due to the machinations of a metropolitan government in which they had little or no representation, Congress's reluctance to create or recognize any government in the wilderness seemed reason enough for frontiersmen to reject the authority of Congress completely.

The western states were not alone in considering dismemberment of the union over the issue of the Mississippi. Judge Williams asserts that there was "much talk of a separation of the Eastern and Middle States from the Southern, should the latter win the freedom of the Mississippi at the expense of the commercial interests of the East in the Spanish West Indies."¹¹² Naturally, however, the disaffection with John Jay's propitiation of Spain remained most vehement on the inland side of the eastern continental divide. So great was western anger over Spanish seizure of western goods on the Mississippi and over Congress's willingness to appease the Spanish Crown "in Kentucky, and on the Cumberland, that a military invasion of Louisiana was devised."¹¹³ In response, Secretary of War Henry Knox ordered Brigadier-General Josiah Harmer to be prepared, if necessary, to "post below the Tennessee of such strength if in your power, as will be able by force to prevent the passage of the party below the Ohio."¹¹⁴ Happily, Harmer's dubious response

¹¹²Williams, *The Lost State of Franklin*, 128.

¹¹³Haywood, *Annals of Tennessee*, 527.

¹¹⁴"Secretary of War Henry Knox to Brigadier-General Josiah Harmer, Nov 14, 1787," *Papers of the Continental*

to his superior ("I very much question whether the Kentucky, Cumberland people, and those below will have the audacity to attempt to seize upon the Natches and New Orleans"¹¹⁵) was proven correct. Fortunately for all concerned, nothing came of the proposed invasion of the Mississippi Valley. However, the very possibility of international war on the western frontier was one further occidental disturbance that threatened the general welfare of the entire Confederation and led eastern leaders to consider a new form of government better able to handle both foreign and domestic affairs.

The Constitution of 1787 that, though heavily amended, governs America today, was formed (and was certainly advertised), in part, to prevent problems of the sort that had caused, and that had been caused by, the unrest on the United States' frontiers. The most basic question posed by Vermont, Kentucky, Maine, Franklin and all other serious separatists who still wanted to remain in the union was answered by Article IV, Section 3: "New States may be admitted by the Congress into this union [a provision never specifically made by the Articles of Confederation, thus immediately confounding a simple resolution of the problem]; but no new State shall be formed or erected within the Jurisdiction of any other State [thus undercutting every

Congress, M247, r165, i150, v3, (Washington: National Archives), 4.

¹¹⁵"Brigadier-General Josiah Harmer to Secretary of War Henry Knox, 10 January, 1788" in *ibid.*, 111-112.

serious state movement discussed thus far]; nor any State be formed by the Junction of two or more States, or [and this defeated Arthur Campbell's plan for a greater Franklin] parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress."¹¹⁶ Not only did this prevent unilateral state creation like Franklin's, it also prevented compromises such as Virginia and Kentucky undertook between themselves outside of Congress's jurisdiction and it prevented Congress accepting the petition of a state such as Franklin for admission without the permission of its parent. The State of Franklin alone could account for almost every part of Article IV, Section 3.

The Constitution of 1787 imposed and implied many limitations on the sovereignty that the several states had fervently safeguarded for themselves, but the frontier state movements that affected almost every state to some degree allowed the federalists to present these impositions as necessary. In *The Federalist*, the Constitution's most famous apologia, Alexander Hamilton calls upon "the revolt of a part of North Carolina [still underway as he wrote], the late menacing disturbances in Pennsylvania, and the actual insurrection and rebellions in Massachusetts [both Shays's Rebellion and discussions of Maine's separation¹¹⁷]" to

¹¹⁶"The Constitution of the United States of America" in Charles Rossiter, ed., *The Federalist Papers*, (New York: Mentor, 1999), 519.

¹¹⁷Certain separatists in Massachusetts's Maine District

illustrate "the point of extreme depression to which our national dignity and credit have sunk."¹¹⁸ The example of the disputed Wyoming Valley, located not far from New York City where Hamilton was writing, was given in the next number of *The Federalist*. It described the inability of Congress's decision to be enforced upon Connecticut until, "by negotiation and management, something like an equivalent [namely the Western Reserve in Ohio, identical in size to the Wyoming Valley ceded to Pennsylvania] was found for the loss she supposed herself to have sustained."¹¹⁹ Even more offensive to Hamilton's New York readership was the case of Vermont, whose New England allies, along with other small states, "seemed more anxious to dismember" New York than to seek justice. Only Vermont's flirtation with British agents in Canada had dampened her support in the union at large.¹²⁰ Though not the only danger the federalists described, that of internal revolution was one of the first they presented on behalf of the need for a stronger, more vigorous national government. Unlike diplomatic, commercial, and military issues that might pit one section against another, internal rebellion and the formation of new states from old ones could

saw Shays's rebellion as an opportunity to ally themselves with the rebels and assert their independence from Boston. See Onuf, *Origins of the Federal Republic*, 184.

¹¹⁸"No. 6: Concerning Dangers from Dissention Between the States (Hamilton)" in Rossiter, ed., *The Federalist Papers*, 21.

¹¹⁹"No. 7: The Same Subject Continued" in *ibid.*, 29-30.

¹²⁰*ibid.*, 30.

potentially threaten tiny New Hampshire as much as vast Virginia. Furthermore, although they were the most famous to do so, the authors of *The Federalist* were far from the only Americans to warn of the dangers of fratricidal warfare.

In 1787, General Evan Shelby, perhaps the most prominent Transappalachian North Carolinian to avoid personal involvement in either side of the Franklin debate, wrote a series of letters to friends in Virginia about the possibility of civil war on the frontier. Although "nothing but real necessity and... dreadful apprehensions" could have induced Shelby to seek aid from any state but North Carolina, he admitted to William Russell that "I am now under the fullest apprehension of engaging in an Intestine War in consequence of which [I] have made application to [the] Government for assistance; those unprovoked Insurrections seem to have a tendency if possible to dissolve even the very bands of the foederal union, I am not certain that I may not be under the disagreeable necessity of making a very speedy Application to you for assistance, should not the troops from our State arrive in time to releive us."¹²¹ One letter from Shelby prompted Lieutenant-Governor Beverly Randolph to suggest to Virginia's Congressional delegates "that you will, if you see no impropriety in it, bring this subject before Congress, in order that they may take such measures as will

¹²¹"Evan Shelby to William Russell, 27 April, 1787," *Papers of the Continental Congress*, M247, r85, i71, v2,

be most conducive to the peace of the United States."¹²² Less than a year later, following the battle at Tipton's Farm, United States Army Lieutenant John Armstrong wrote to his commander that he was "of the opinion the interposition of the United States will be necessary to put a stop to the effusion of blood in that quarter."¹²³ To the Revolutionary veteran Shelby, the possibility of his fellow Americans slaughtering one another over the nature of their government was an imminent danger. Furthermore, such bloodshed was perceived to be an evil equivalent to breaking "the very bands of the foederal union." Both Armstrong and North Carolina loyalist Shelby were willing to subordinate the sovereign prerogatives of the State of North Carolina to the necessity of a military invasion by a neighboring state or the national government. Indeed, the Old North State's present weak and disordered dominion seemed to demand such an exercise of strength.

Although the thirteen United States were proud of their sovereignty, they were not truly as opposed to a central government as their own governments liked to claim. As Peter Onuf has demonstrated, in every significant boundary dispute among the states during the Confederation period (including

(Washington: National Archives), 535-536.

¹²²"Beverly Randolph to Virginia Delegates, June 2, 1787," in *ibid.*, 531.

¹²³"John Armstrong to John P. Wyllys, 28 April, 1788," *Papers of the Continental Congress, M247, r165, i150, v3*, (Washington: National Archives), 551-552.

those surrounding Vermont, the Wyoming Valley, and Virginia and North Carolina's western claims), the disputants turned to the Continental Congress to resolve their contests. Typically this ended up demonstrating the weakness of Congress, whose preferred tactic was to take no official stance and allow things to sort themselves out. However, on a deeper level it reveals the power of the national government in the minds of the confederated states. Created as colonies of a larger empire, the old states required some power to mediate their differences. Their post-Revolutionary tradition of republican liberty and sovereignty simply meant that their submission had to be couched in careful terms to avoid any reduction of local honor. The form of the general government had to be carefully constructed, but its function was necessary and unavoidable.¹²⁴ Just as the Franklinites immediately sought protection from Congress, so the old states sought protection from their upstart offspring and mediation among each other. The Articles of Confederation barely provided for the last of those, to accomplish the first two, it was necessary to amend or replace the system that had carried the United States through the Revolution.

Was the State of Franklin a success? In the most literal sense, it obviously was not. The State of Franklin existed as a separate political entity for about four years,

and suffered during most of that time from increasing internal dissent. In a more practical sense, however, the Franklinites achieved many of their goals in amazingly short order. In an attempt to placate her wayward westerners, North Carolina almost immediately gave them their own judicial district, officers for a Superior Court, and a brigade structure for their militia. Franklin also created all those for herself, so that citizens of both governments were able to enjoy the services they had so long sought.¹²⁵ The stewardship of Sevier and the safe return of the rebellious counties to North Carolina (and their eventual orderly cession to the union) maintained the claims of the speculating Blount, Caswell, Sevier, and other men of means to their western expanses and the wealth thereof.¹²⁶ The Treaty of Hopewell was flouted and the white settlement of Indian lands proceeded apace; once Franklin was reunited with North Carolina, her delegates in Congress resolved that "the Treaty of Hopewell will never operate against the Territorial Claims of the State whenever she thinks fit to make them. The Proviso respecting the Settlers near the Fork of the french broad is professedly made a negative one."¹²⁷

Under the Constitution that replaced the Articles of Confederation, all of North Carolina's claims--the area

¹²⁴Onuf, *Origins of the Federal Republic*, 3-8.

¹²⁵Ramsey, *Annals of Tennessee*, 290.

¹²⁶Abernethy, *Frontier to Plantation*, 89-90, 110-121.

¹²⁷"Hugh Williamson to Samuel Johnson" in Smith, ed.,

coterminous with modern Tennessee--were organized as the Territory of the United States South of the River Ohio. For almost six years the wily William Blount served as the territorial governor. In 1796, the Southwest Territory entered the union as the sixteenth state with a population in excess of seventy-seven thousand people.¹²⁸ John Sevier, formerly governor of the State of Franklin, was elected Tennessee's first governor. William Cocke, Franklin's delegate to Congress, was elected to the United States Senate as was the adaptable Blount. Many of the Volunteer State's other early leaders had been prominent Franklinites in their day; even the clerk of the first Franklinite convention in Jonesborough, Francis Ramsey, was appointed clerk of the first Tennessee Senate.¹²⁹ Thomas Jefferson's purchase of Louisiana in 1803 at last secured the Mississippi to western commerce, just as Jefferson's Republicans had secured to themselves the votes and affections of the western people.¹³⁰ The Franklinites achieved every one of their major goals and, even if their successes did not come precisely according to their own schedule or completely free of the machinations of ambitious men, in pursuing their aspirations, the

Letters, Vol. XXV, 35.

¹²⁸Ramsey, *Annals of Tennessee*, 541-542, 647-650. Dr. Ramsey was the son of Francis Ramsey, and had access to many of his records before their loss in a fire.

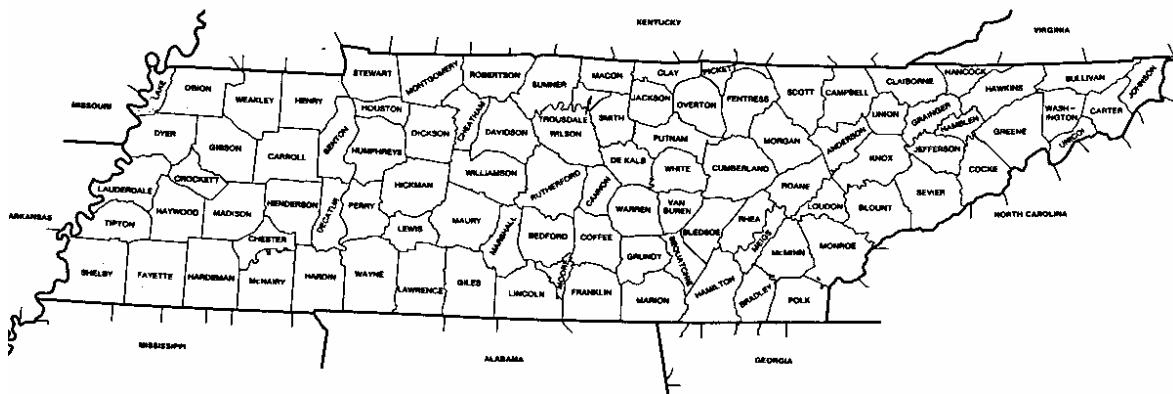
¹²⁹*ibid.*, 657-662.

¹³⁰Peter Onuf, *Jefferson's Empire: The Language of American Nationhood*, (Charlottesville: University Press of Virginia, 2000), 129-132.

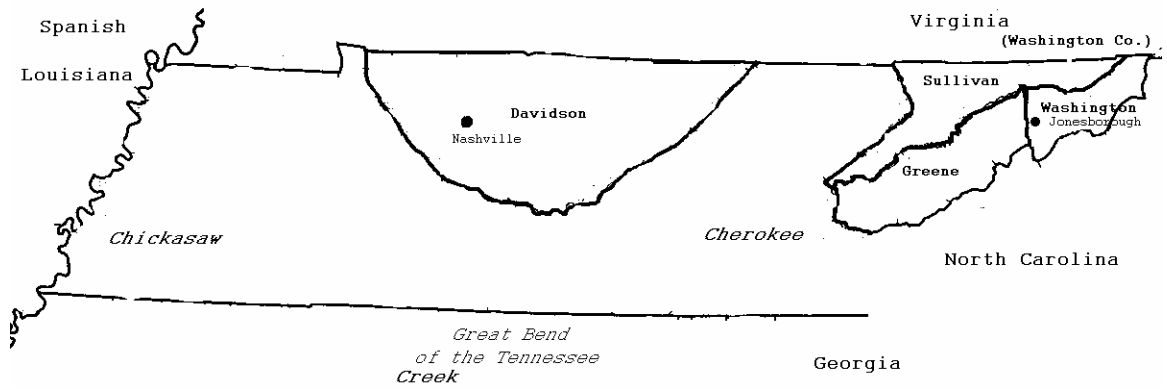
Franklinites helped provide the motivation for ratifying the present Constitution of the United States of America.

Maps

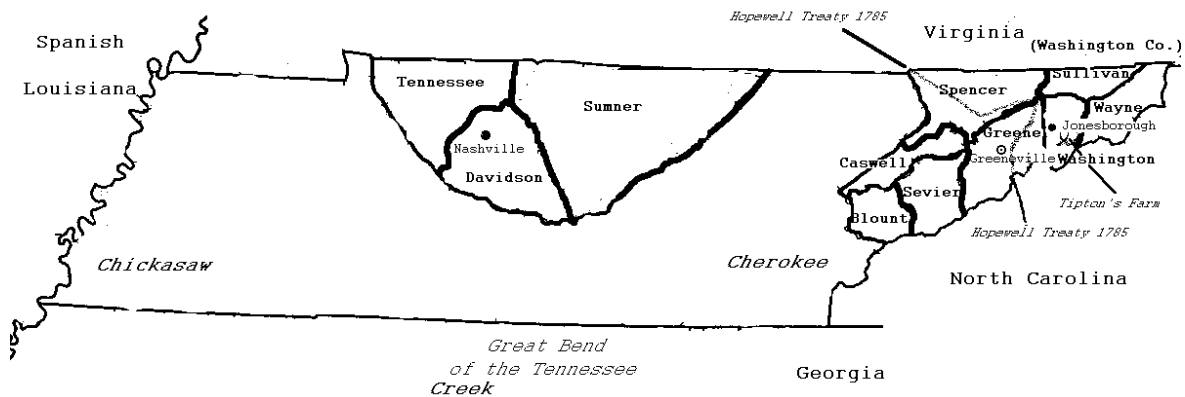
Tennessee 2002



Transmontane North Carolina 1784



North Carolina Cession 1788



State of Franklin 1784-1789



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