To my parents
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THE YAZOO LAND SALES: SLAVERY, SPECULATION, AND CAPITALISM IN THE EARLY AMERICAN REPUBLIC

By

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December 2015

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This dissertation traces the histories and repercussions of the 1789 and 1795 Yazoo land sales in order to offer a new interpretation of how various historical agents transformed the Old Southwest, the present-day states of Alabama and Mississippi, from an area firmly controlled by southeastern Native Americans during the 1780s into the cotton-producing states of Alabama and Mississippi by 1820. Georgia state legislators sold large swaths of territory they claimed under their colonial charter, present-day Alabama and Mississippi, to various companies in 1789 and again in 1795. The latter sale, in particular, launched a series of events that reverberated through the history of the Early American Republic down to the Panic of 1819. The repercussions of the 1795 sale included partisan debates in Congress, the initial splintering of the Jeffersonian coalition, white Americans associating Yazoo with political chicanery, a Supreme Court ruling, and Congressmen creating a new financial instrument. White Americans used the sales to steal Native Americans land and spread American slavery westward after the War of 1812.

The Yazoo sales and the sale’s repercussions demonstrate, perhaps like no other events during the first several decades of United States history, how American
federalism structured white Americans stealing of Native American land, slave-owners and slave-traders forcing African American men and women westward onto the cotton frontier, and northern and southern investment in and political support for both these developments. To demonstrate these developments, this dissertation brings together groups that are typically separated by divergent historiographies: bankers, insurance dealers, stock-brokers, plantation owners, yeomen farmers, enslaved African Americans, Congressmen, land speculators, southeastern Native Americans, and Spanish officials all contributed, albeit in unequal ways, to the transformation of the Old Southwest. Studying this wide range of historical agents highlights that white Americans used the Yazoo sales to attack Native American sovereignty and open up the Old Southwest to white resettlement. The Yazoo sales also expose that securities markets propelled the first great westward surge of American slavery during the late 1810s; securities markets stitched slavery and capitalism together.
CHAPTER 1
INTRODUCTION

We therefore strongly recommend to the Convention, and to the next general assembly, to set aside the grant, for fraud, and that the act, together with the record copy of the grant, be erased from the public records, that no traces of such infamy be handed down to posterity.

—Effingham County Superior Court
The Augusta Chronicle and Gazette of the State, March 28, 1795

This dissertation reconstructs what members of the Effingham County Superior Court wanted to erase: the histories of the 1789 and 1795 Yazoo land sales. Georgia legislators made this task particularly difficult by burning state documents relating to the 1795 sale. They did so in early February 1796 and in response to complaints like the one issued by members of the Effingham county court. As a result, I have turned to newspapers, personal letters, literature, periodicals, surviving Georgia state documents, and a wide variety of federal documents in order to reconstruct the sales’ histories. These sources originated from across the nation and even beyond the United States’ borders. Collectively, these documents expose how the Yazoo sales and the sales’ myriad repercussions facilitated white Americans’ expansion into the present-day states of Alabama and Mississippi.

The Yazoo sales were two instances in which Georgia state legislators sold large swaths of present-day Alabama and Mississippi, which they claimed under their colonial charter, to numerous companies in 1789 and again in 1795. Contemporaries sometimes called these acres “Yazoo country,” after the Yazoo River, which converges with the Mississippi River at present-day Vicksburg.¹ To be clear, state legislators did not control the acres that they sold in 1789 and 1795. Spain, the U. S. federal government, Creeks,

¹ George Troup to [Ebenezer Jackson?] January 14, 1808, Papers of Ebenezer Jackson, Box 1, Folder 9, Library of Congress. Troup refers to the Mississippi Territory as Yazoo Country.
Cherokees, Chickasaws, and Choctaws all advanced claims to part or all of the land that Georgia legislators sold. By 1820, however, Yazoo country rested within the United States’ sphere of influence. The repercussions of the Yazoo sales help to explain this transformation.

The Old Southwest’s transformation from a space controlled and inhabited by multiple Native American nations—and claimed by Spain, the United States, and Georgia—in the 1780s into the cotton-producing states of Mississippi and Alabama by 1819 cannot be explained without an analysis of the Yazoo sales.2 The sales expose how American federalism structured white Americans’ theft of Native American land, slave-owners’ and slave-traders’ moving of African American men and women westward onto the cotton frontier, and northern and southern investment in and political support of both these developments.3 Put another way, the Yazoo sales were like the


3 Alan Greer demonstrates that the evolution of the Anglo-American treaty system was designed for the sole purpose of swindling land from Native Americans. “Dispossession in a Commercial Idiom: From
The Yazoo sales allow historians to observe how these larger historical processes played out on the ground. This study highlights five aspects of the sale that shed light on important historical developments. Historians have ignored or severely downplayed these features of the Yazoo sales at the expense of fully understanding American expansion into the Old Southwest. Although these themes varied in prominence through the development and execution of the sales, each is critical to understand the sales’ repercussions.

First, Georgians, and later federal official, used the Yazoo sales to denigrate Native American territorial rights with the express purpose of stealing land. Second,
federal officials and many wealthy slave owners believed that the federal government had to adjudicate Yazoo claims in order to draw white settlers into Yazoo country. Precisely because white Americans preferred to own land in fee simple, that is clear of all other conflicting claims, the Yazoo claims had to be settled before federal land could be sold for fear of inviting suits of ejectment. In other words, the settlement of the Yazoo claims were an issue of practical statecraft.\(^6\) Third, Yazoo sales attracted investment because of slavery’s profitability and studying the sales’ history illuminates the rapid westward spread of American slavery between the War of 1812 and the Panic of 1819.\(^7\) Fourth, investment in and political support of the sales came from across the nation. This fact supports recent scholarship that northern financial investment and political complicity, or even apathy, greatly aided slavery’s expansion.\(^8\)

---


\(^7\) Only Edward E. Baptist explicitly links the desire to buy Yazoo land with the desire to spread slavery westward. *The Half Has Never Been Told* (New York: Basic Books, 2014), 19-22. Studying the Yazoo sales clarifies the exact timing of American slavery’s first westward surge and shifts the focus of the growth of the cotton kingdom in the 1810s from Mississippi and Louisiana to Alabama: focusing on Alabama cuts against the historiographical grain. For three excellent studies that nevertheless focus on Mississippi and Louisiana at the expense of Alabama, see Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge: Harvard University Press, 1998); Rothman, *Slave Country*; Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge: Harvard University Press, 2013). For the tendency to confuse the growth of American slavery before and after the War of 1812, see Hammond, “Slavery, Settlement, and Empire.”

\(^8\) Historians are increasingly demonstrating the connection between northern funding and political complicity or apathy to slavery’s massive spread. For three examples, see Matthew Mason, *Slavery and
American government structured the sales and the reaction to the sales. Thus, the sales were also inherently political. Political struggles defined the sales and Americans with access to political and economic capital more effectively shaped the sales to their benefit.

Ultimately, the story of the Yazoo sales is one of individual decisions and experiences. Past accounts of the sales have not sufficiently investigated the lives of Yazoo company members and investors. This stems partly from lack of documentation. Other than a piece of paper linking them to a Yazoo purchase, many of those involved left few traces about their lives. This also results from the sheer number of Yazoo investors. Finally, this is a result of the catalog-like accounts we have of the Yazoo sales. I have taken care to better integrate Yazoo investors and company members into the story, as doing so demonstrates the sales’ larger significance. Two appendixes contain short biographies of many of the individuals involved in the sales.


Appendix A lists the 1789 and 1795 Yazoo companies and who was involved in each company. It also includes a section that lists people involved with multiple companies. Appendix B lists other prominent people, including politicians and investors, wrapped up in the sales. These are not full biographies, but
Before analyzing the Yazoo sales and various repercussions it is necessary to first tell the story of these remarkable moments between 1789 and 1820. This narrative provides a foundation for the causal analysis of the later chapters. By extending the history of the Yazoo sales from 1789 through 1820, I tell the first full-length history of the sales.11

The 1789 and 1795 Yazoo Land Sales

Revolutionary firebrand Patrick Henry met six other men at the Prince Edward County Courthouse on January 19, 1790. They gathered to form the Virginia Yazoo Company.12 Their agent, John B. Scott, had placed a down payment with Georgia’s Treasurer, but more would have to be raised before Henry and his associates acquired the land grant. Even when they did so, these men purchased only pre-emption rights. Holders of pre-emption rights had the first right to purchase Native American land after all Native rights had been quieted. Drawing on Enlightenment thinkers, most white Americans argued that Native Americans could not own the soil on which they lived

short sketches meant to highlight relevant information in regards to these peoples involvement with the Yazoo sales.


12 Abernethy, The South in the New Nation, 88. For the division of shares between Virginia Yazoo members, see the first document in Box 1, John J. Maitland Family Papers, Historical Society of Pennsylvania.
because they did not cultivate it; instead, they could only own hunting and fishing rights or the right of occupancy.\textsuperscript{13} English colonizers applied the legal concept of pre-emption to Native American land in order to undercut Indian territorial rights. White Americans readily adopted the concept after the Revolution. The federal government claimed the sole right to cancel these claims. But land speculators across the nation challenged this prerogative throughout the 1790s.\textsuperscript{14} Either way, Henry and his associates either had to wait for Congress to cancel the Native American claims to Yazoo country or convince federal officials to let them cancel this right before they could hold a clear title to the land. The purchase was a gamble, but not an unusual one within the long Anglo-American tradition of speculating in Native American lands.\textsuperscript{15}

The Virginia Yazoo Company men had grandiose plans for land that they would never own. Henry saw Yazoo country as offering a political haven from a tyrannical federal government.\textsuperscript{16} David Ross wanted to revive a Native American trade that the American Revolution had shattered. Charleston traders controlled this market before the war, and Ross saw an opportunity to build new routes emanating out from his stores on


\textsuperscript{14} Importantly, these claims were fictions created by Anglo-American legal discourse.


the Cumberland River. Many southeastern Native Americans did want to establish trade connections with white Americans, but not at the expense of their land. Although Henry’s associates left no direct evidence they wanted to force enslaved African Americans westward, members of another 1789 company, the South Carolina Company, saw future Yazoo settlements as linking America, Europe, and Africa. South Carolina Yazoo company member Alexander Moultrie worked on “spreading the Basis of a Commercial System...throughout various Parts of Europe and America: both in regard to Population, from those countries, as well as the various branched of Traffick, & the Affrican Trade.” The Tennessee and Virginia Yazoo Company members could not have failed to make the connection between enslaved laborers, Yazoo land, and wealth.

Run by politically and economically powerful men, the three 1789 Yazoo companies received approximately 15,500,000 acres for a total of $207,580 (Figure 1-1). Georgia’s governor signed the sale into law on December 21, 1789, and legislators parted with vast swaths of land they claimed under their colonial charter for around thirteen cents an acre. Final payment was due by December 21, 1791.

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17 William Panton to Esteban Mrío, July 4, 1790, Box 7, Folder 1, Elizabeth Howard West Papers, University of Florida Special Collections. For the east west trade before the American Revolution, see Kathryne E. Holland Braund, Deerskins & Duffels: Creek Indian Trade with Anglo-American, 1685-1815 (Lincoln: University of Nebraska Press, 1993).


20 “An Act for disposing of certain vacant lands or territory within this state,” American State Papers: Indian Affairs 1:114. The acreage were estimates because no systematic survey of Yazoo country yet existed.

21 “An Act for disposing of certain vacant lands or territory within this state,” American State Papers: Indian Affairs 1:114.
Washington, William Clay Snipes, Isaac Huger, and Alexander Moultrie headed the South Carolina Company. These men promised to pay a total of $66,964 for 5,000,000 acres.\footnote{For this price and the other two companies, see Lamplugh, Politics on the Periphery, 67.} A Georgian, Washington had a reputation as a swindler. After counterfeiting South Carolina notes in 1791, almost certainly in an effort to complete the company’s down payment, he met his fate at the end of hangman’s noose.\footnote{Haskins, “The Yazoo Land Companies,” 7.} The latter three men hailed from South Carolina. Snipes and Huger were planters. Snipes owned 87 slaves in 1790, making him a man of means. Huger, a Federalist, was appointed federal marshal in South Carolina.\footnote{For Snipes, see Emma Hart, “Charleston and the British Industrial Revolution, 1750-1790,” in Susanna Delfino and Michelle Gillespie eds., Global Perspectives on Industrial Transformation in the American South (Columbia, MO: The University of Missouri Press, 2005), 47 and Charles A. Beard, We the People: An Economic Interpretation of the Constitution of the United States (1913; repr., New Brunswick, NJ: Transaction Publishers, 2008), 231. For Huger, see Mary Theresa Leiter, Biographical Sketches of Generals of the Continental Army of the Revolution (Cambridge: J. Wilson & Son, 1889), 137-138 and Ruth L. Woodward and Wesley Frank Craven, Princetonians, 1784-1790 (Princeton: Princeton University Press, 1991), 413.} Moultrie was South Carolina’s attorney general, and his brother had been governor of the state.\footnote{Marcus, ed., The Documentary History of the Supreme Court of the United States, 1789-1800, Volume Five Suits Against States (New York: Columbia University Press, 1994), 500.}

The Virginia Company was to receive 7,000,000 acres in exchange for $93,741. Patrick Henry, Francis Watkins, John B Scott, John Watts, David Ross, William C. Ellis, and Abram B. Venable partnered to form this company. Henry’s bid for Yazoo land came at a time when the famous orator’s debt reached frightening levels.\footnote{Thomas A. Kidd, Patrick Henry: First Among Patriots (New York: Basic Books, 2011), 202.} Watkins served as Prince Edward County clerk from 1783 to 1816, and this was likely the reason the men gathered at the court house.\footnote{F. Johnson, Memorials of the Old Virginia Clerks (Lynchburg, VA: J. P. Bell Company, 1888), 313.} Ross was an Indian trader. Venable served as a
US Representative from Virginia from 1791 to 1798 and as a Senator from 1803 to 1804. He also managed a plantation and practiced law.\textsuperscript{28}

Tennessee Company proprietors, Zachariah Cox, Thomas Gilbert, and John Strother, purchased 3,500,000 acres for $46,875.\textsuperscript{29} Cox’s involvement in this Yazoo sale was one stage in his efforts to profit, in any way possible, from Old Southwest lands.\textsuperscript{30} He had connections with William Blount, a land speculator and soon-to-be Governor of the Southwest Territory.\textsuperscript{31} Strother, originally from Virginia, was a surveyor, certainly a useful person to have around during any land deal.\textsuperscript{32}

Georgia legislators used the 1789 sale as a tool to attack Native American sovereignty over Yazoo country, and Spanish claims to the same: these efforts failed because Native Americans maintained sovereignty of Yazoo country.\textsuperscript{33} Georgia politicians had tried to incorporate two counties deep in Yazoo country during 1784 and

\textsuperscript{28} For Ross, see William Panton to Esteban Mrió, July 4, 1790, Box 7, Folder 1, EHWP. For Venable, see http://bioguide.congress.gov/biosearch/biosearch1.asp and http://bioguide.congress.gov/scripts/biodisplay.pl?index=V000083.

\textsuperscript{29} For Tennessee Company members, and the other two companies, see Abernethy, The South, 76-88. See also, Cox, Gilbert, and Strother to Edward Telfair and John Milton, [?], Yazoo Fraud Papers, Tennessee Company, 1790, Hargrett Rare Book and Manuscript Library, University of Georgia.

\textsuperscript{30} Robert V. Haynes, The Mississippi Territory and the Southwest Frontier, 1795-1817 (Lexington: The University Press of Kentucky, 2010), 32.

\textsuperscript{31} Kevin T. Barksdale, The Lost State of Franklin: America’s First Secession (Lexington: The University of Kentucky Press, 2009), 34, 64-65, 83-84, and 168-169.


\textsuperscript{33} Historians have ignored this impetus behind the Yazoo sales. They have depicted the sales as resulting from the convergence of a vague American propensity to speculate and state legislators looking to fill state coffers. For prominent examples, see Haskins, “The Yazoo Land Companies”; Abernethy, The South in the New Nation; Lamplugh, Politics on the Periphery; and Marcus, ed., The Documentary History of the Supreme Court of the United States, Volume Five Suits Against States 496-514. Tim Alan Garrison does highlight that Alexander McGillivray suspected that Georgia was using the 1795 sale to quite Native American title, The Legal Ideology of Removal, 74-75. The absence of this line of analysis is particularly striking considering the 1795 sale’s contribution to Native American Removal in the 1830s. See note 5 above.
1785. Both state-backed ventures failed miserably because Native Americans, and their Spanish allies, exerted control over the region. Frustrated, Georgians offered their western territories to the federal government in 1788, but Congressmen deemed Georgia’s terms of cession unacceptable. State legislators tried something new with the 1789 sale. They essentially privatized expansion, offloading any expenses associated with cancelling Native American claims onto the Yazoo companies. Private entrepreneurs proved no more effective at settling Yazoo country than the state of Georgia. For example, Chickamauga Cherokees removed Tennessee Yazoo Company settlers from the Great Bend of the Tennessee River during late 1791 or early 1792. Southeastern Native Americans’ control over their lands also forced the federal government into pressuring Georgia’s legislators to hamstring the sale. Both President George Washington and Secretary of War Henry Knox feared armed conflict with the powerful southeastern nations if Yazoo companies sent settlers into the region. Thus, Native Americans effectively stymied the 1789 Yazoo sale.34

Several years passed and the 1789 Yazoo men fumed, stayed in touch, and pushed Georgia and the federal government to recognize their claims to land, which

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34 Histories of the sale highlight a June 11, 1790 law passed by Georgia’s legislators as dealing a deathblow to the sale. This law required all payments due to the state be paid in specie. Company men could not produce enough hard money to finishing their payments in specie. Historians making this argument have overlooked that it was precisely because the federal government feared armed conflict with Southeastern nations that they pressured Georgians into passing that law. This law, then, must be attributed to Native American sovereignty. For accounts emphasizing this law as dooming the 1789 Yazoo companies to failure, see Magrath, Yazoo, 5; Lamplugh, Politics on the Periphery, 71-72; and Marcus, The Documentary History of the Supreme Court, 502-503. Both Haskins and Abernethy focus more on Spain and Native Americans, but they do not advance the argument that Native Americans effectively forced the federal government to pressure Georgia into nullifying the sale, Haskins, “The Yazoo Land Companies,” 6-22 and Abernethy, The South in the New Nation, 74-101. As a result, June 1790 law, investors did not have the full amount of purchase money vested in the sale because the state treasurer would not accept final payments. Many eventually withdrew what money they had paid down.
they thought valid. Their efforts came to naught. Then, during early 1793, Eli Whitney invented the saw tooth cotton gin on a Georgia plantation outside of Savannah. Georgia’s inland acres, on which short-stable cotton thrived, looked all the more appealing. After about a year of political maneuvering, Georgia politicians were again willing to sell Yazoo country. Whitney, his business partner, and planters who pushed him to create a new cotton gin, invested in the 1795 Yazoo sale.

Georgia’s Governor, George Matthews, signed the second Yazoo sale into law on January 7, 1795. The sale, unlike the first, claimed to transfer fee-simple rights in the land to the four Yazoo companies. A latter section in the bill did qualify this statement. The companies, not Georgia, were to pay for “extinguishing the Indian claims to the territory included within their respective purposes.” By inserting this line, legislators admitted they did not sell fee-simple land. Later, anti-Yazooists denounced company agents who claimed to sell land in fee simple. Abraham Bishop insisted that “by the magic alchemy of speculation, this shadowy, ambiguous right of pre-emption was commuted to a fee simple.” Similar to the 1789 sale, the sale was conditional until company men completed payment. After paying one-fifth of the total purchase money to

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35 Historians have failed to demonstrate how Yazoo investors stayed in touch between the sales. I explore this in Chapter 2.

36 All their subsequent efforts to acquire redress were denied by Congress and the Eleventh Amendment nullified a suit-in-progress by the South Carolina Company against Georgia. Marcus, ed., The Documentary History of the Supreme Court of the United States, Volume Five Suits Against States 496-514.

37 Lamplugh, Politics on the Periphery, 105.


39 American State Papers, Public Lands, Vol 1, 141.

40 Abraham Bishop, Georgia Special Unveiled, Second Part. Containing Third and Fourth Numbers; with a Conclusion, Addressed to the Northern Purchasers (Hartford: Hudson and Goodwin, 1798), 57.
the state Treasurer, company men received a receipt, which they took to the Governor. Upon receiving the Treasurer’s receipt, the Governor filled out a grant to the companies for the specified acres. This grant would be executed only after they completed their remaining payment. Until then, the grant would double as a mortgage that would be canceled if the companies failed to complete payment before November 1, 1795.41

Georgia legislators sold 35,000,000 acres to four companies for $500,000: roughly one-and-a-half cents an acre (Figure 1-2). The Upper Mississippi Company received 3,000,000 acres for $35,000. John B. Scott, the 1789 Virginia Yazoo Company’s agent, Wade Hampton, and John C. Nightingale headed the company. These men surely envisioned a Yazoo country filled with enslaved African Americans planting, weeding, plucking, and packing cotton. Hampton was a wealthy planter and both sides of Nightingale’s family owned slavers based out of Providence, Rhode Island. Nightingale owned at least two, the Providence and Ida. He also partnered with Phineas Miller to back Eli Whitney’s saw tooth cotton gin.42

The Georgia Company received 17,000,000 acres for $250,000. James Gunn, Matthew McAllister, and George Walker headed this company. Gunn was a US Senator from Georgia and spearheaded the sale’s passage through the Georgia legislature. McAllister practiced law in Savannah and held various state positions, including U.S.

41 American State Papers, Public Lands, Vol 1, 139-142.
District Attorney for Georgia.\textsuperscript{43} Walker was also a lawyer and served as the state’s Attorney General.\textsuperscript{44}

Georgia Mississippi Company members received 11,000,000 acres for $155,000. The company was run by Thomas Cumming, Thomas Glascock, Ambrose Gordon, and Nicholas Long. These men were prominent Georgians. Cumming was a lawyer and one of the trustees of the town of Augusta, Glasscock had been a Brigadier-General in the Revolution and was actively involved in Georgia’s relation with Native Americans after the war, and Gordon moved from New Jersey to Georgia after the Revolution and served a Justice of the Peace in Richmond, County. Long owned enough slaves and land in Georgia and North Carolina that at the time of his death he could generously bequeath both to his various heirs.\textsuperscript{45} These men quickly resold their entire grant to Boston speculators, who officially formed the New England Mississippi Land Company during 1797 (discussed below).

The fourth company to receive a grant from Georgia in 1795 was the Tennessee Company. Zachariah Cox and William Maher entered the petition for the company and received 4,000,000 acres for $60,000. Cox had been involved in western-land schemes for nearly a decade.\textsuperscript{46} He also owned a Georgia Company share, demonstrating the close ties between many of the companies. Wade Hampton owned a share in the both

\textsuperscript{43} Lipscomb, ed., \textit{The Letters of Pierce Butler}, 287, n. 1.


\textsuperscript{46} Abernethy, \textit{The South}, 85.
the Tennessee and Georgia Companies. William Maher was a Charleston merchant who left for Europe shortly after the sale, presumably to sell company land. Yazoo company men bribed Georgia legislators in order to receive grants and US Senator James Gunn steamrolled the grant through the state assembly. Gunn passed bribes to House and Senate members, but also to the state’s treasurer, who would be responsible for accepting payment from any future companies. If after-the-fact reports are to be believed, legislators received tobacco, slaves, Yazoo land, company shares, and money in exchange for their votes. This practice was business as usual during the Early Republic, but much of the literature on Yazoo overemphasizes the corruption in an effort to prove that a recently awakened democratic populace railed against corrupt legislators throughout 1795. George R. Lamplugh, whose political histories on Early Republic Georgia are benchmark texts, writes “this view has some basis in fact, but it is so exaggerated that the real significance of the sale and its aftermath has often been obscured.” For Lamplugh, the most important aspect of the

47 Abernethy, *The South*, 146.


51 Lamplugh, *Politics on the Periphery*, 104.
sale is that it marks “the watershed of Georgia’s post-revolutionary political history.” Lamplugh expertly demonstrates his contention, but he has a laser like focus on Georgia state politics.

This dissertation reveals that Early Americans’ focus on the 1795 sale’s corrupt birth developed over time and within an emerging partisan political culture. Anti-Yazoo critics did label the sale as corrupt soon after its passage, but they increasingly leveled charges of corruption as time passed. With this understanding in mind, the debate over the 1795 Yazoo sale transforms from a squabble over bribed legislators into a debate over the proper functioning of government and the relationship between “the people” and government. In other words, Early Americans’ eventual focus on the sale’s corruption has blinded historians to the fact that when Americans debated the sale, in print and in the street, they continued a discussion about how responsive government should be to the people. Americans across the new nation struggled to answer this question: and against each other to answer it. This dialogue included written pamphlets and petitions, but also violent acts and physical protests, such as shutting down courts so that debtors’ property could not be auctioned off to pay their creditors. The debate over the 1795 sale fits squarely within this discussion. For example, Yazoo defenders

52 Lamplugh, *Politics on the Periphery*, 104.


54 Historians refer to this as the “Revolutionary settlement.” For a few examples, see Alan Taylor, *Liberty Men and Great Proprietors: The Revolutionary Settlement on the Main Frontier, 1760-1820* (Chapel Hill: Published for the Omohundro Institute of Early American History and Culture by University of North Carolina Press, 1990); Terry Bouton, *Taming Democracy: “The People,” the Founders, and the Troubled Ending to the American Revolution* (New York: Oxford University Press, 2007); and John L. Brooke, *Columbia Rising: Civil Life on the Upper Hudson from the Revolution to the Age of Jackson* (Chapel Hill: Published for the Omohundro Institute of Early American History and Culture, 2010).
supported a strict balance of power between the judicial and legislative branches of government. Federalists defended the sale and this view fit within their political ideology. The sale’s detractors argued that legislative assemblies, because these bodies were elected by the sovereign people, should have the most power out of government’s three branches. Many Republicans espoused this view of a republican government.

American federalism exacerbated the fallout of the 1795 sale because white Georgians, federal officials, and Native Americans responded to the sale with their own interests in mind. Many Georgians believed Yazoo country to be their revolutionary heritage. From their perspective, the land had been sold to grasping speculators at their expense. Others criticized legislators for parting with the land too cheaply. Some insisted the legislators did not have the constitutional power to sell the land. Still others argued the sale was void because of bribes past from Yazoo company men to Georgia legislators. They posited all contracts founded in fraud were null and void.55 Often, Georgians combined these arguments against the sale.56 They all agreed the federal government needed to stay out of the issue, this was a task for white Georgians to sort out on their own. Federal officials, as they did in 1795, feared Native Americans would retaliate for the sale and chastised Georgia’s government. As they had in the wake of the 1789 sale, federal officials pressured Georgia’s government to nullify the sale. They also signed a treaty, the Treaty of Coleraine (1796), which recognized Native American ownership of western lands, in direct response to the sale. Native American nations


56 These arguments are explored in Chapter 3.
supported or opposed the sale based on their access to trade goods. Native Americans with access to traders opposed the sale, whereas those without cultivated relationships with Yazoo company men. This resulted in some Native Americans negotiating with the federal government and others with the state of Georgia, a situation that exacerbated relations among all three groups.

White Georgians turned the 1795 Yazoo sale into the central issue animating the 1795 Georgia state elections. James Jackson, US Senator from Georgia, inflamed and then exploited Georgian’s anti-Yazoo sentiment. Jackson has been alternatively depicted as ideologically opposed to the sale and a spurned land speculator who did not get his piece of the Yazoo pie. Jackson may have been both. Whether he tried to purchase Yazoo land or not, his opposition to the sale began suspiciously close to when he heard his childhood mentor, John Wereat, had not received a Yazoo grant. Jackson, who did seem to have reservations about the sale, then orchestrated a political campaign against it. Anti-Yazooists, with Jackson at the front, won a resounding victory in the November 1795 state legislative elections.

The newly seated legislators nullified the 1795 sale on February 13, 1796. State officials publically burned the original law on the statehouse steps two days later, and then they purged the official record of any documents linked to Yazoo (Figure 7-1). Burning the 1795 act was more than just a purifying experience for all those who opposed the sale. It was a political maneuver designed to convey an anti-Yazoo interpretation of the sale to posterity. State officials entered a series of depositions,

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57 For contrasting portrayals of Jackson, see Magrath, Yazoo and Lamplugh, Politics on the Periphery.
which focused on bribes passed by Yazoo company men to state legislators, into the legislative books. They then willingly spread the results of the interviews to the public.

Legislators also built a mechanism into the Rescinding Act in an effort to prevent lawsuits from Yazoo purchasers. The act offered 1795 company members a refund on their purchase money. By 1803, agents from the four companies had collected $310,695.15, nearly two-thirds of the purchase money.\(^{58}\) But the Rescinding Act did nothing for those people who had purchased land from the four companies or any subsequent purchasers. Throughout 1795 and the first few months of 1796, Yazoo company agents re-sold land and company stocks on northeastern markets. Their efforts were concentrated in Boston, but extended to New York, Philadelphia, Hartford, and other cities across northeastern New England. Journeymen, merchants, bankers, insurance dealers, and part-time stock brokers jockeyed to purchase slips of paper entitling them either to land or part-membership in Yazoo companies. Abraham Bishop, himself a Yazoo purchaser who turned avidly against the sale when a newly elected legislature canceled the sale in early 1796, compared the scramble for Yazoo stock in Boston to the famed 1720 South Sea Bubble.\(^{59}\) Americans knew this tale well, and Bishop would not be the last to make this comparison.

News of the Rescinding Act drifted northward on ships before confirmation arrived during March 1796. Scholars debate whether northerners were really ignorant of

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\(^{59}\) See Abraham Bishop, *Georgia Speculation Unveiled; In Two Numbers* (Hartford: Elisha Babcock, 1797). For the South Sea Bubble, see Larry Neal, *‘I Am Not Master of Events’: The Speculations of John Law and Lord Londonderry in the Mississippi and South Sea Bubbles* (New Haven: Yale University Press, 2012).
the sale’s corruption and of the discontent fomenting in Georgia during 1795. This focus distracts from the more important question: why did investors keep buying Yazoo land? The short answer seems to be a combination of slavery’s profitability, a culture saturated with get-rich-quick schemes, and federal officials’ decision to fix the price of land northwest of the Ohio at $2 an acre, thus raising the price Yazoo speculators could charge for their land.

New England Mississippi Land Company members purchased the entire tract of the Georgia Mississippi Company—11,000 acres—on the same day the Georgia legislators passed the Rescinding Act, February 13, 1796. This sale was a watershed in the history of the Yazoo saga for two reasons. First, the members of this company, and their associates and agents, were a group of politically connected and wealthy men from Massachusetts and Connecticut. As legal scholar C. Peter Magrath demonstrates, the NEMLC organized one of the earliest, if not the first, lobbying campaigns in American history. They understood that one Congressional law ordering compensation could turn a deed of questionable legality into a piece of paper worth a significant amount of money. Second, their willingness to lobby Congress for compensation kept the debate over Yazoo enmeshed within national politics. Once it

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60 For those who argue it is likely that the New England purchasers did not hear about the corruption, see Horace H. Hagan, “Fletcher vs. Peck,” Georgetown Law Journal 16 (November 1927), 13 and Marcus, The Documentary History of the Supreme Court, 512. For those who argue it is likely that New England purchasers did know about the corruption, see Magrath, Yazoo, 17-19 and 210 n 48. Garrison equivocates, The Legal Ideology of Removal, 75.


62 Lamplugh, Politics on the Periphery, 124.

63 See Appendix A for a list of members and short biographies.

64 Magrath, Yazoo, 112-114.
became part of the national conversation, Yazoo exposed and deepened partisan divisions. For example, the first fracturing of the Jefferson coalition occurred when John Randolph, against Jefferson’s wishes, led an attack against Yazoo claimants during 1804 and 1805.

In order to support their bid for compensation, NEMLC and other Yazoo men maintained loose networks of communication. Georgia legislators’ decision to burn all the documents relating to Yazoo under the state’s possession meant Yazoo claimants had the only documents divulging who bought what land, from whom, and for how much. Congressmen believed that this information was vital to settling the claims. Federal officials’ desire to settle the claims likely prompted their close contact with NEMLC officials. They kept these men informed of developments, like the formation of a special committee during 1802 designed to settle the claims. While these conversations occurred among various Yazoo company men, investors, and federal officials, newspaper editorials, literature, and political pamphlets facilitated public conversations about Yazoo across the country.

Americans learned about the 1795 sale and the 1796 Rescinding Act through media already infused with a pro- or anti-Yazoo interpretation: these interpretations derived from specific views of society and politics. Editorialists had already decided if they supported or opposed the sale and the Rescinding Act. So too had the authors of thirteen pamphlets, published between 1795 and 1805, attacking or defending the sale. Fiction authors also contributed to the conversation about the Yazoo sales, damning it as an example of greedy speculation. Pro-Yazoo writers tended to defend the sale because they viewed the sanctity of contracts as foundational to civil society. These
writers argued that negating contracts, even corrupt ones, led only to anarchy. They also stressed the division of powers within government, arguing that Georgia’s legislature could not cancel the sale. Instead, only the judicial branch of government had the prerogative to cancel legislative acts. Anti-Yazoo writers argued that any bribery or corruption nullified contracts and insisted that the legislative branch could do whatever the sovereign people desired. They pointed to anti-Yazoo sentiment expressed in Georgia during 1795 as evidence of the people's will to void the sale. Understanding these debates is critical because Congressmen took these divisions created in the public sphere and adopted them to partisan politics.

Partisan politics at first hindered and then facilitated Yazoo claimants’ ability to receive compensation, which was passed into law on March 31, 1814. Historians tell of John Randolph of Roanoke single-handedly defeating the Yazoo men with impassioned wit and sheer force of will. As the common interpretation holds, only when Randolph constituents failed reelect him to the 13th Congress did Yazoo compensation pass. In fact, a more accurate interpretation of why Yazoo claimants received compensation in 1814 emerges from looking at the relationship between the economic interests of Yazoo claimants, practical requirements of statecraft, and shifts in Congressional political power. The interests of Yazoo claimants and the considerations of statecraft existed before Congressmen compensated Yazoo claimants. But a majority of Republicans

65 All texts analyzing why the claimants were not compensated until 1814 take this stance. For prominent examples, see Magrath, Yazoo, 37-49; Abernethy, The South in the New Nation, 136-168, especially 167; and David Johnson, John Randolph of Roanoke (Baton Rouge: Louisiana State University Press, 2012), 75-87. Another text, on Fletcher v Peck (1810), argues that this case helped bring about compensation. But this overlooks the four year lag between the case and Congressmen compensating Yazoo claimants, see Lindsay G. Robertson, “‘A Mere Feigned Case’: Rethinking the Fletcher v Peck Conspiracy and Early Republican Legal Culture,” Utah Law Review 2000 no 2, 254. Robertson asserts, “The Fletcher judgement provided the New England Mississippi Land Company a powerful weapon to employ against an intransigent Republican Congress.”
consistently blocked any compensation. Only when the 1807 Embargo and War of 1812 reinvigorated the Federalist Party did enough political will exist to pass compensation. Federalists saw the Yazoo claims as a partisan issue. They voted overwhelmingly for compensation at every opportunity. On March 26, 1814, all 56 Federalists voting cast their ballot for Yazoo compensation. The bill passed 81 to 76. In short, shifts in partisan politics enabled Congressmen to settle the Yazoo claims.

President Madison signed the bill compensating Yazoo claimants on March 31, 1814.\footnote{March 31, 1814, “An Act Providing for the Indemnification of Certain Claimants of Public Lands in the Mississippi Territory,” US Statutes at Large, 3:116-120.} Yazoo purchasers who had not withdrawn money from the Georgia treasury or had bought land from one of the original four companies could apply for compensation. Yazoo claimants had to present evidence to a federal committee at the Treasury Department in Washington D. C. to receive their recompense.\footnote{March 31, 1814, “An Act Providing for the Indemnification of Certain Claimants of Public Lands in the Mississippi Territory,” US Statutes at Large, 3:116-120.} Secretary of State James Monroe, Secretary of the Treasury Alexander James Dallas, and Attorney General Richard Rush were assigned to review the claims, but Congressmen accepted their petition to be excused from this obligation. In their place, James Madison appointed, and Congress approved, Francis Scott Key, Thomas Swann, and John Law.\footnote{Haskins, “The Yazoo Land Companies,” 44. For petition, see American State Papers: Journal of the House, 9:618. For appointment of Key, Swann, and Law, see American State Papers: Journal of the Executive Proceedings of the Senate of the United States of America, 2:605-606.} For three years these men sorted through various claims. They did not award compensation to everyone who applied.\footnote{A list of claims rejected can be found in American State Papers: Public Lands, 3:482-483.} The amount of claims they did award varied...
from several hundred dollars to over one hundred thousand dollars. Awards went to individuals and corporations.\(^{70}\)

Yazoo claimants received a “new species of public stock” called Mississippi stock for compensation.\(^{71}\) Claimants received Mississippi stock in lieu of ownership over acres within the Mississippi Territory. Mississippi stocks were technically neither stocks nor public bonds.\(^{72}\) Instead, the stocks securitized compensation for land claims within the Mississippi Territory. Mississippi stocks could be used in one of two ways.\(^{73}\) First, they could be exchanged for cash at the Treasury Office in Washington D.C. The 1814 bill creating the stocks earmarked a very specific revenue stream to pay Yazoo claimants. The money could only come from federal land sales within the Mississippi Territory, but that money had to cover surveying expense and the $1,250,000 owed to Georgia for the state’s western territories before any money could be used to pay claimants.\(^{74}\) Second, Mississippi stocks could be presented at any federal land office in the Mississippi

\(^{70}\) For a list of claimants who received Mississippi stock, see American State Papers: Finance, 3:281-283.

\(^{71}\) November 9, 1815, Reifs Philadelphia Gazette and Daily Advertiser, 3.

\(^{72}\) I will refer to them as stocks because this is the term that most frequently appears in the historical record. As Stuart Banner makes clear, Americans did not draw the same rigid line between stocks and bonds that we do today. They clearly understood these two financial instruments were different. But, at the same time, they frequently referred to stocks—equity in a company—and bonds—debt instruments—as “stocks.” Put another way, they referred to all financial instruments as stocks. Anglo-American Securities Regulation: Cultural and Political Roots, 1690-1860 (Cambridge, UK: Cambridge University Press, 1998), 8.

\(^{73}\) For description of how the “stocks” worked, see “An act providing for the indemnification of certain claimants of public lands in the Mississippi Territory,” Statutes at Large, 13th Congress, 31 March 1814. See specifically Section 3. See also “The Mississippi Stock,” Christian Watchmen, March 18, 1820 accessed from American Periodicals online. For the amount of Mississippi Stock used, see American State Papers: Public Lands, 5:385.

\(^{74}\) The bill reads that this money can be paid only “after the money due to the state of Georgia, and the expense of surveying such lands have been satisfied.” March 31, 1814, “An Act Providing for the Indemnification of Certain Claimants of Public Lands in the Mississippi Territory,” US Statutes at Large, 3:117.
Territory—later the states of Mississippi (1817) and Alabama (1819)—and grant the holder a 95% discount on their land purchase. Ironically, Americans used so much Mississippi stock to pay for land within the Mississippi Territory that there was no money to pay holders of this stock who did not use it to purchase land. The situation was such that the federal government had to dip into another fund to pay Georgia the $1,250,000, pegging the cash payment to Georgia to the amount of Mississippi stock deposited in Mississippi Territory land offices.75

Luckily for holders of Mississippi stock who did not want to purchase land in Alabama or Mississippi, Congressmen had purposefully made the financial instruments transferable. As a result, Mississippi stocks quickly circulated on northeastern security markets. These federally created stocks, the culmination of a multi-decade political battle, accounted for upwards of 50% of the capital invested in Alabama and Mississippi land offices between 1817 and 1820. Because the federal government only required a 25% down payment, purchasers using Mississippi stock only had to pay 1.25% down in cash, or 5% of the 25% down payment. Mississippi stock facilitated a massive investment in land that white Americans could not pay off when cotton prices plummeted during 1819. This influx of capital explains the Panic of 1819 within the Old Southwest.76

75 March 3, 1817, “An act authorizing the payment of a sum of money to the state of Georgia, under the articles of agreement and cession between the United States and that state,” US Statutes at Large, 3:224-225.

Stock markets stitched slavery and capitalism together at the very moment of American slavery’s first great westward surge. During the 1810s and 1820s, white planters and slave traders dragged more enslaved men and women into Alabama than any other state. Most of this forced migration in the 1810s came after 1814. White Americans moved African Americans into Alabama because Andrew Jackson, the man most responsible for opening up the Old Southwest to white resettlement, forced Creeks at gun point to sign the Treaty of Fort Jackson (1816). This treaty opened up approximately 20,000,000 acres in Alabama. Jackson, and several of his close allies, opened up the Old Southwest by forcing land cessions from Creeks, Choctaws, and Chickasaws, illegally surveyed lands to place them within America’s jurisdiction, and building roads that facilitated white Americans migration into the Old Southwest.


78 Baptist, The Half Has Never Been Told, 3. During the 1820s, 54,156 enslaved African Americans were forced into Alabama. Mississippi saw an increase of 19,556. Only in the 1830s were more slaves brought into Mississippi, and then the numbers were close: 101,810 to 96,520.
Jackson and his cronies, all of whom held federal government positions, funneled tens-of-thousands of dollars worth of Mississippi stock into the Old Southwest. Rather than reading these developments as Jackson and his associates opening up the Old Southwest only to profit from buying and selling Mississippi stock, they should be read as an indication of the importance of Mississippi stocks in completing the transformation of Alabama and Mississippi into slave country.

**Chapter Summaries**

In order to explore the various contours of the sales’ histories, this dissertation contains five chapters structured chronologically. Chapter 2 posits the 1789 sale was a failed attempt at state building. Georgia legislators used the 1789 sale to simultaneously attack Native American territorial rights and bolster their own control over Yazoo acres. Georgia’s statesmen turned to private companies after two earlier state-backed ventures failed to extend their state’s jurisdiction westward. Federal officials understood that Georgia’s grant could tip the Old Southwest into open warfare precisely because the southern legislators sold land they did not control, however loudly they claimed jurisdiction over the acres. As a result, federal officials adopted a two-pronged strategy. They pressured Georgia’s statesmen to somehow invalidate the sale and signed the Treaty of New York (1790) with Upper Creek leader Alexander McGillivray. This treaty acknowledged Creek control of land between the Oconee and Okmulgee Rivers: land that Lower Creeks ceded to Georgia during the mid-1780s. Georgia legislators caved in under federal pressure and passed a law on June 11, 1790 that required all payments due the state past that date to be in specie. Company men could not muster this kind of hard money. Even if Yazoo men completed their payments, Native Americans control over the region prevented company men from settling on Yazoo acres. Chickamauga
Cherokees removed a handful of Tennessee Company interlopers from the Great Bend in the Tennessee River during late 1791 or early 1792.

Chapter 3 argues that political maneuvering—at the state and federal levels, and between them—combined with Georgians’ insatiable desire for Native American land to produce the 1795 Yazoo sale, the backlash to the sale, and the 1796 Rescinding Act nullifying the sale. Yet again, Georgia statesmen used the sale to acquire Native American land. Part of the proceeds from the sale was earmarked to quiet Creek claims to the lands between the Oconee and Okmulgee Rivers. Georgians almost certainly wanted to promote some type of violent reaction from the Creeks. If that happened, they could call on federal troops to conquer the Creeks and then force cessions. Politicians underestimated both upcountry Georgians’ belief that the Yazoo country was their revolutionary right and James Jackson’s ability to organize a formidable political opposition to the sale. Jackson tapped into pre-existing disdain for the sale and successfully orchestrated the turning out of Yazoo men in the November 1795 election. The newly elected legislators passed the Rescinding Act on February 13, 1796. As this political jockeying took place, northern investors purchased Yazoo company stocks and land, while at the same time federal officials set in motion talks with the Creek Nation that resulted in the Treaty of Coleraine (1796). This treaty reinforced the Treaty of New York and therefore recognized Creek domain between the Oconee and Okmulgee Rivers.

Chapter 4 traces how white Americans outside of Georgia learned about the 1795 Yazoo sale. Newspapers likely provided the most common way citizens absorbed their understanding of the sale. All of the Early Republic newspaper varieties carried
editorials about the sale: dailies, weeklies, gazetteers, posts, and advertisers.

Newspapers also reprinted numerous government documents pertaining to the sale. Some Americans saw a play about the sale and more read a novel based upon the same. Political and legal treaties on the sales also circulated in numerous southern and northern cities. Finally, private letters funneled information about the sale between Yazoo company men, investors, and federal officials. These differing sources of information led to different narratives regarding the sale. Yazoo company men and investors, who constructed loose networks through letter writing, had more specific information about the sale: dates of purchase, amounts paid, and acres received. Georgia could not provide this information because state officials burned their records to ash. At the same time, Americans learned about the sale through newspapers, pamphlets, and literature with a pro- or anti-Yazoo bias. This meant Congressmen, who seriously debated the compensating claimants from 1802 through 1814, could simply draw upon accounts of the sale pre-wired with their own interpretation. In December 1809, Representatives tried to overcome this problem by printing nine documents regarding the sale for the entire House to consider. This effort failed because these nine documents also contained biased interpretations of the sale and because issues relating to the deteriorating relations with Britain took up the bulk of Congressmen’s time. If the way Americans learned about the sale hindered Yazoo claimants ability to receive compensation, so too did partisan politics.

Chapter 5 traces how Yazoo claimants’ received compensation during March 1814 because of the interplay between economic interests, practical considerations of federal statecraft, and partisan politics. The New England Mississippi Land Company
hired nationally prominent lawyers and employed several federal officials. NEMLC members also had significant political and economic clout in their home states, most notably Massachusetts and New York. These connections could not overcome a Republican dominated Congress during the first decade of the nineteenth century. Some northern Republicans, typically those from the states with the most Yazoo claimants, Massachusetts and New York, voted to compensate their constituents. Federalists consistently voted to do so with little or no dissent, but their numbers proved insufficient to pass compensation. Settling the Yazoo claims became increasingly important as more Americans migrated into the Mississippi Territory. The need to settle became even direr after *Fletcher v. Peck* (1810) confirmed Yazoo claimants’ title to land within the Mississippi Territory. Most Republicans resisted this logic, insisting that the sale was corrupt and therefore null and void. The Embargo of 1807 and War of 1812 reignited the Federalist Party. This directly translated into more Congressional seats. With the increased seats the Federalist Party finally succeeded in pushing through compensation on March 26, 1814: all fifty six Federalists voting cast a ballot for compensation and all but three of the total forty four representatives from Massachusetts and New York did the same. Yazoo compensation passed by a vote of 81 to 76. Put another way, economic interests and practical requirements of statecraft existed before compensation, but not until Federalists gained sufficient seats in Congress did partisan politics enable these underlying impulses to shape policy.

Chapter 6 demonstrates that Mississippi stocks were an underlying cause of the Panic of 1819 within the Old Southwest. At the same time, these stocks underwrote American slavery’s westward march into Alabama and Mississippi between 1816 and
1820. Mississippi stocks accounted for large percentage of white Americans down-payment for federal land between 1817 and 1820. For example, between January 1, 1817 and September 30, 1818, these stocks accounted for 43% of the capital paid into Mississippi land offices and just under 61% of capital paid into Alabama Land offices.\(^79\)

This amounted to a total of $907,101 worth of Mississippi stock. That was just the beginning. Another $1,282,829 found its way into Alabama and Mississippi land offices between October 1, 1818 and September 30, 1819.\(^80\) During these same years, massive amounts of enslaved men and women were moved into Alabama and Mississippi. The Panic of 1819 severely decreased the flow of Mississippi stock in to the Old Southwest. By June 30, 1820 a grand-total of $2,428,757 had been deposited in either Alabama or Mississippi land offices. To place this amount in perspective, federal revenue in 1820 amounted to $16,779,331. Mississipi stocks facilitated increased investment in Alabama and Mississippi land and caused the bubble—or over leveraging of resources into one commodity or market—which eventually burst during the Panic of 1819. Southern slave owners transformed previously Native American controlled territory into plantations by carrying federal stocks, which circulated on eastern securities markets, in their pockets as they traveled into Alabama and Mississippi with enslaved men, women, and children in tow.


\(^{80}\) American State Papers, Finance, Vol 3, 432.

\(^{81}\) This year was not the government's best, but nevertheless, it is suggestive of the impact Mississippi stocks had on land purchasers in Alabama and Mississippi. See “Revenue and Expenditure: From a Report of the Secretary of the Treasury, December 3, 1845,” in The American Almanac and Repository of Useful Knowledge, 1847, 145. Access on American Periodicals.
Figure 1-1. 1789 Yazoo Grants from Thomas P. Abernethy, *The South in the New Nation, 1789-1819* (Baton Rouge: Louisiana State Press, 1961), 77.
Figure 1-2. 1795 Yazoo Grants from Thomas P. Abernethy, *The South in the New Nation, 1789-1819* (Baton Rouge: Louisiana State University Press, 1961), 138.
CHAPTER 2

In early 1790 William Panton—Scotsman, Loyalist, and partner in the Spanish-backed Indian trading firm Panton, Leslie, and Company—traveled into the Choctaw nation to dig through a dead man’s papers.¹ The dead man, William Davenport, had served as Georgia’s Indian Agent for the Choctaws in 1785 and later the Continental Congress’ Choctaw and Chickasaw Indian Agent.² Davenport had entangled himself within Native American diplomacy from which he failed to escape alive. Powerful Upper Creek leader Alexander McGillivray ordered Davenport’s death in 1787 because the Indian agent courted pro-American factions within the Choctaw and Chickasaw nations.³ These groups wanted to use American traders to break Panton, Leslie, and Company’s stranglehold on trade across the southeast.⁴ McGillivray acted to defend the interest of Panton, Leslie, and Company because he was a silent partner in the company.⁵ Therefore, William Panton’s journey into Indian Country had nothing to do with retribution for Davenport’s murder. He instead went looking for a piece of paper with potential geopolitical significance: a supposed deed to 2,000,000 or 3,000,000

¹ William Panton to Esteban Miró, July 4, 1790, Box 6, 1790 Folder, Elizabeth Howard West Papers, Special and Area Studies Collections, George A. Smathers Libraries, University of Florida. For more on Panton, see William S. Coker and Thomas D. Watson, Indian Traders of the Southeastern Spanish Borderlands: Panton, Leslie & Company and John Forbes & Company, 1783-1847 (Gainesville: University Presses of Florida, 1986).
⁵ Kathryn E. Holland Braund, Deerskins & Duffels: Creek Indian Trade with Anglo-American, 1685-1815 (Lincoln: University of Nebraska Press, 1993), 173.
acres around Walnut Hills (present-day Vicksburg) that Davenport, acting as a private citizen, and in consort with one John Woods, had extracted from a few Choctaw headmen during 1785. Finding evidence of the deed, Panton informed Louisiana’s Governor Esteban Rodriquez Miró that even though it was unfairly obtained and only sanctioned by a few Choctaw, several Americans intended to use the deed as justification for settling in Spanish-claimed territory. These Americans were members of the South Carolina, Tennessee, and Virginia Yazoo Companies. John Woods, Davenport’s surviving partner, sold the South Carolina Company the deed, and Georgia’s legislators grounded the entire 1789 Yazoo land sale on a supposed settlement undertaken within the deed’s bounds.

Georgia’s statesmen used the 1789 Yazoo sale to attack Choctaw, Chickasaw, Creek, and Cherokee sovereignty in an effort to bolster their own claims of controlling Yazoo country. Scholars overlook that Georgia legislators envisioned the sale as a tool with which to penetrate present-day Alabama and Mississippi: a territory they claimed sovereignty over but that rested outside their effective authority.

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6 For the acreage of the deed, see Thomas P. Abernethy, *The South in the New Nation, 1789-1819* (2nd ed.; Baton Rouge: Louisa State University Press, 1968), 76. William Panton to Esteban Miró, July 4, 1790, Box 6, 1790 Folder, EHWP.

7 For a transcript of the 1789 sale, *The Augusta Chronicle and Gazette of the State*, February 13, 1790.

the Mississippi River. But the United States, Spain, Choctaws, Cherokees, Chickasaws, and Creeks claimed portions or all of the approximately 16,000,000 acres Georgia legislators sold to the three Yazoo companies (Figure 1-1). Georgia statesmen claimed sovereignty over Yazoo country, by which they meant their state had ultimate authority over those living within its borders, but they used the 1789 sale to try to enact that sovereignty.\(^9\)

The 1789 Yazoo land sale was a state-building endeavor reliant upon private land companies, but this undertaking failed because southeastern Native Americans exercised sovereignty over their territories.\(^10\) Their power stopped Yazoo companies from creating white settlements in two ways. First, they had the power to adjudicate justice on their own terms within boundaries they constructed. For example, Cherokees removed a group of Tennessee Yazoo Company settlers from the Great Bend of the Tennessee River during late 1791 or early 1792. Second, Native American power forced federal officials into enacting a two-pronged strategy to undercut the Yazoo sale. On the one hand, federal officials conducted treaty negotiations with Creeks. The Treaty of New York (1790) acknowledged Native Americans controlled Yazoo country. On the other hand, federal officials pressured Georgia legislators to negate the sale. On June

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11, 1790, Georgia lawmakers passed a law that required all payments due to the state must be paid in specie. This included the remaining down payments of the Yazoo companies, whose members possessed only inflated bank notes. Historians have failed to connect this law to a strategy by federal officials to undermine the sale because it threatened relations with southeastern Native Americans.11 The 1789 Yazoo sale therefore represented a failed effort at state building because Georgia assemblymen tried to exert power over a space they posited lay within their state’s borders but that actually lay within Native American spheres of influence.

In order to demonstrate these two points, that Georgians enacted the 1789 Yazoo sale to attack Native American sovereignty and that this endeavor failed because Native Americans successfully asserted their control over Yazoo country, we have to examine actions of white Georgians, federal and Spanish officials, and southeastern Native Americans between the 1780s and 1792. Each of these groups will be considered in turn. White Georgians saw the sale as a tool to flesh out their claims to sovereignty over western territory. Federal officials, already facing a Native American war northwest of the Ohio River, wanted to avoid, at all costs, armed conflict with powerful southeastern nations. They both negotiated with Creeks and pressed Georgians to cancel the sale. The latter strategy bore fruit in a June 11, 1790 Georgia law, which prevented companies from completing payment and therefore receiving the grants of land. The Spanish constructed Fort Nogales at Walnut Hills, present-day

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Vicksburg, in direct response to the sale. Native Americans maintained control over Yazoo country despite quarrelling factions within nations and conflicts between the four nations. Their control effectively stymied any Yazoo company settlement.

**White Georgians Try to Extend Their State’s Sovereignty Westward**

After the American Revolution, Georgia’s legislators worked to sure up their claims of sovereignty over their state’s western territories. They did so by negotiating treaties with Creeks. State representatives coerced three treaties from a group of Creeks in 1783, 1785, and 1786. These three treaties supposedly transferred from Creeks to Georgians land between the Ogeechee and Oconee rivers and southeast of the fork of the Oconee and Ocmulgee rivers. Upcountry Georgians controlled state politics during the 1780s, supported all three treaties, and presumed that Native Americans forfeited all rights to their land when their British allies signed the Treaty of Paris (1783). Members of the Continental Congress also operated on this assumption through 1787, and the Articles of Confederation seemed to support Georgia’s right to conduct treaties with southeastern nations. The Articles posited Congress’s right to control all Native American relations “provided that the legislative right of any State within its own limits be not infringed or violated.” Georgia claimed all the territory supposedly transferred in the 1783, 1785, and 1786 treaties. Thus, the status of Georgia’s separate treaties with Native American nations remained ambiguous within

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the United States’ legal-political framework. This facilitated Georgians’ claim to disputed lands.

Many Creeks denounced the three treaties signed with Georgia during the 1780s.\(^{15}\) The diffuse nature of political authority within the Creek nation allowed individual Creeks to construct arguments that supported their right to disputed lands. Creek political structure divided authority between matrilineal-based clans and individual towns. The Upper and Lower Towns tended to act in consort but clan and town-based loyalties often superseded these geographic units.\(^{16}\) This meant when one group of Creek sold territory to Georgians, others could, and often did, denounce or ignore the transaction. Disagreement over the three treaties fell along geographical divisions within the Creek nation. Upper Creeks, living along the Coosa, Alabama, and Tallapoosa rivers, opposed the treaties and Lower Creeks, who lived along the Chattahoochee, Ocmulgee, and Flint rivers, signed the treaties. By 1786, Upper Creek Alexander McGillivray led an all-out war against Georgia in an effort to discourage state officials from signing land-ceding treaties with Lower Creeks and to stop white interlopers from crossing onto Creek land.\(^{17}\)

Georgia legislators also tried extend their state’s sphere of influence westward by encouraging Anglo-American settlements deep in Indian Country during 1784 and 1785; these efforts failed because of Native American and Spanish control of the region. In the


\(^{17}\) Braund, *Deerskins & Duffels*, 172.
first instance, a private land-speculating company purchased rights from a group of Chickasaw to land along the Muscle Shoals in the Great Bend in the Tennessee River. On February 20, 1784, Georgia legislators adopted a resolution for the creation of the “District and County of Tennessee” but it came to naught. One year later, Georgia legislators turned their gaze further south. They created Bourbon County on February 7, 1785 in response to a petition by American Thomas Green living in Spanish Natchez. State officials included Walnut Hills and Natchez within the county’s borders, and they sent several justices of the peace there to support this claim. The state ordered the justices to avoid conflicts with the Spanish and Native Americans despite the fact that the county included Spanish settlements and was within Choctaw territory. If the justices enraged the Spanish or Native Americans they were informed that “it will not be considered that you have any claim to the protection or support of your fellow Citizens in this Quarter of the State.”

On November 9, 1785, Georgia Governor Samuel Elbert wrote Bourbon official Thomas Green that “I am sorry to find that your situation has been made unhappy in consequence of the bourbon business it is not in the power of the Executive to afford you any relief.” State officials freely admitted that their jurisdictional power did not fill the space they claimed on a map, nor did their assertion of sovereignty stick.

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21 Governor Samuel Elbert to Thomas Green, November 9, 1785, Force Transcripts, 57, Georgia Archives.
State officials responded to these failed attempts to populate their state’s western territories by trying to cede large swaths of it to Congress in early 1788. Georgians offered to cede land approximately bounded by the Chattahoochee River on the east, Mississippi River on the west, 33rd parallel on the north, and 31st parallel on the south. On July 15, 1788, the Continental Congress rejected their offer for a variety of reasons, the most important being that the land was distant from any Anglo-American settlement and less valuable than the remaining acres Georgia refused to cede. Neither Georgian nor federal officials mentioned that Spain also claimed the territory Georgians tried to cede. State and federal representatives also failed to recognize the several Native American nations occupying the territory. In other words, both state and federal officials tried to recast this international dispute as an internal disagreement. This failed compromise left Georgia legislators open to other possibilities concerning their supposed western territories.

State legislators tried a new tactic to flesh out their territorial claims when they sold approximately 16,000,000 acres of their state’s (claimed) western territories to three land speculating companies on December 21, 1789. The South Carolina Yazoo, Tennessee Yazoo, and Virginia Yazoo Companies all received grants.

Georgians’ lack of in-depth geographic knowledge about Yazoo country calls into question their assertions of sovereignty over the territory. Assemblymen drew on a long southern tradition of granting land specified by natural boundaries instead of systematic surveys. Southern colonies, and later states, relied on grantees to pay for surveys after

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22 Continental Congress 1788, 34: 323-327.

23 For an overview of the process by which the companies petitioned the legislature and the legislative maneuverings that resulted in the sale see Lamplugh, Politics on the Periphery, 66-69.
they received a land grant, as opposed to the northern colony/state practice of
surveying an area before opening it to settlement.\textsuperscript{24} This meant large swaths of
southern territory were not surveyed before white settlement. The use of geographic
markers and latitudinal lines to demarcate the Yazoo grants indicates Georgians’ lack of
knowledge regarding the specific contours of Yazoo Country. The South Carolina Yazoo
Company’s grant is described as follows:

beginning at the mouth of Cole’s creek, on the Mississippi, continuing to
the head spring or source therefore, from thence a due east course to the
Tom or Don Bibgy river, then continuing along the middle of said river, up
to the latitude thirty-three, thence down along the latitude thirty-three,
bounding on the territory of the Virginia Yazoo Company, a due west
course to the middle of the Mississippi, thence down the middle of the
Mississippi to the mouth of Cole’s creek.\textsuperscript{25}

Georgia Federal District Court Judge Nathaniel Pendleton spoke to this lack of
knowledge when penning an attack against the sale in a letter to the Georgia Assembly.
Pendleton wrote that the grants’ locations “rendered it little known” to Americans.\textsuperscript{26}
Territory that was “little known” did not fall within the state’s effective sphere of
influence.

State legislators used the Yazoo sale to assault Native American sovereignty.
They knew that any company settlement encroached on Native American territory.
Thus, the December 1789 act creating the sale read that “the said grantees of each
separate grant, shall forbear all hostile attacks on any of the Indian hordes which many
be found on or near the said territory…and keep this State free from all charge and

\textsuperscript{24} Rohrbough, \textit{The Land Office Business}, 7.

\textsuperscript{25} \textit{The Augusta Chronicle and Gazette of the State}, February 13, 1790.

\textsuperscript{26} Nathaniel Pendleton to William Stephens, June 4, 1790. \textit{William Stephens Papers, Georgia Historical Society}. 
expenses which may attend the preserving of peace between the said Indians and grantees.” Assemblymen attempted to shield the state from any punitive action taken by Native Americans against future Yazoo settlers and offloaded the responsibility of canceling Native American land claims onto the companies. The act vested the South Carolina, Tennessee, and Virginia Yazoo Companies with the legal authority to cancel all Native American land titles. It read that the three companies assumed responsibility for “extinguishing the claims of the said Indians, under the authority of the state.”27 By so doing, Georgia legislators asserted their state possessed the sovereign power to accept cessions from Native Americans, and, more importantly, that the state could bestow this right to cancel Native American claims on private combinations of individuals.

Georgia assemblymen’s desire for Yazoo companies to “forbear all hostile attacks on any of the Indian hordes” belies the plans Yazoo company men had for violently subduing Native Americans. When company members petitioned the Georgia assembly for grants, they argued that Yazoo settlers might shift the balance of power in whites’ favor across the Old Southwest, and therefore facilitate Georgia’s acquisition of Native land by force of arms. Tennessee Yazoo Company members insisted their company should receive a land grant because their proposed settlement along the Great Bend of the Tennessee River “will convince those hostile tribes of their interiority and bring them to a civilized state.”28 The Virginia Company planned on “aweing its

27 For both quotes, see The Augusta Chronicle and Gazette of the State, February 13, 1790.

28 “Petition of Zachariah Cox & others to the General Assembly [of Georgia],” December [?], 1789, Joseph Vallence Bevan Papers, Folder 11, GHS. The petition continued that the Tennessee Company had settlers ready to “bring in awe, the Creeks, by forming thereon [Tennessee River] a settlement, to which your petitioners would be able to invite a large number of emigrants from the northern parts of Virginia, Holsten, French-broad, and Kentucky.”
[Georgia’s] Indian neighbors” into submission by increasing the white population. The South Carolina Company discussed providing armed protection for settlers in their petition for a grant and then later outlined extensive plans for a “Yazoo Battalion” designed to protect white settlers from Native Americans. The South Carolina Company’s agent, Bernard Gaines, placed advertisements in Kentucky newspapers stressing if any settlers wanted to remove to the company’s land they must come “well armed.” The sub-text to all these requests was that armed white settlers could force land cessions from Native Americans.

Georgia politicians rooted their authority to sell land their state did not control in their unsuccessful attempt to create Bourbon County during 1785. The South Carolina Company supposedly had a settlement within the defunct county, and on that false presumption state assemblymen launched the Yazoo sale “under and by virtue of an Act of the General Assembly of this state” that had created Bourbon County. State assemblymen knew their claims rested on shaky foundation and wrote legal protection for Georgia into the sale: “That this state and the government thereof shall at no time hereafter, be subject to any suit of law, or in equity or claims, or pretension whatever, for or on account of any deduction in the quantity of the said territory, by any recovery

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29 “Petition of the Virginia Yazoo Company,” December [?], 1790 [?], Joseph Vallence Bevan Papers, Folder 12, GHS.
30 Lamplugh, Politics on the Periphery, 66 and American State Papers, Indian Affairs: 1, 115-118.
31 Kentucky Gazette, December 19, 1789.
32 Georgians had tried this during 1788 when they worked in concert with settlers in the Cumberland district in an attempt to launch a combined assault on Creek and Cherokee towns. See, Barksdale, The Lost State, 83-90.
which may or shall be had, or any former claim or claims.” Legislators assumed this clause protected them and their state from any possible legal complications arising out of the Yazoo sale. State officials made clear that all the remaining territory not sold to Yazoo companies remained firmly under Georgia’s jurisdiction.

The act creating the Yazoo sale advanced a radical interpretation of Georgia’s jurisdictional reach. Though legislators claimed sovereignty over all of Yazoo country, they had no ability to implement their designs over that territory. A letter from the assembly to their Choctaw Agent, John Woods, during March 1786 is worth quoting at length. The legislators wanted Woods to know “that the limits, boundaries, jurisdiction and authority of the State of Georgia, does and of right, ought to extend” as follows:

from the mouth of the River Savannah, along the north-side thereof, and up the most northern Stream or fork of the said river to its head or source, from thence in a due west course to the River Mississippi and the said stream of the Mississippi to the latitude thirty-one degrees north; from thence in a due East course to the River Apalachicola or Chatahootchee, and from the (?) fork of the said river Apalachicola, where Chatahootchee and Flint Rivers meet, in a direct line to the head or source of the Southernmost stream of the river St. Mary’s, And along the course of the said river Stain Mary’s to the Atlantic Ocean, and from thence to the mouth or inlet of the River Savannah.

These projected borders include the swaths of territory carved out for the South Carolina, Tennessee, and Virginia Yazoo Companies. The companies’ grants did not cover all, or even half, of the state’s claimed territory. But Georgia’s assemblymen used

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33 Quotes from Augusta, The Augusta Chronicle and Gazette of the State, February 13, 1790. For failed settlement, see Aberenthy, The South, 79.
34 Augusta, The Augusta Chronicle and Gazette of the State, February 13, 1790.
35 Georgia Assembly to John Woods, March 1, 1786, Box 77, Folder 8, Telamon Cuyler Collection, Hargrett Rare Book and Manuscript Library, The University of Georgia Special Collections.
the Yazoo sale to make a political move against Spain’s and Native Americans’ claims to Yazoo country.

Georgia legislators, by asserting that their “jurisdiction and authority” spread across Yazoo country, drew upon a legal distinction used by European colonizers to denigrate Native American sovereignty. On the one hand, Georgians claimed their sovereignty and jurisdictional reach covered all their western territories. On the other hand, they made the distinction that Native Americans did have limited rights to use the land on which they lived, but literally did not have the legal capacity to own permeant rights in the soil. Within Anglo-American discourse this distinction mattered because without the ability to own permanent rights in the soil, Native Americans could never assert sovereignty over their land.36 As a result, Georgia legislators could claim ultimate authority over Yazoo country and still recognize some Native American right to the land.

State assemblymen wrote these limited Native American rights into the 1789 Yazoo sale. The three Yazoo companies purchased preemption rights. In theory, preemption rights reserved for the holder the first opportunity to purchase Native American land once the sovereign political authority canceled Native title through purchase or conquest.37 In practice, speculators purchased land within Native American territory

36 See, Allan Greer, “Dispossession in a Commercial Idiom: From Indian Deeds to Land Cession Treaties,” in Barr and Countryman, eds., Contested Spaces of Early America, 69- 92; Cumfer, Separate Peoples, 40-44; and Yirush, Settlers, Liberty, and Empire, especially 113-141.

from states with the hopes that the state or federal government would then cancel
Native title, meaning they would hold their land in fee-simple.\textsuperscript{38}

Statesmen qualified even these conditional rights to Yazoo land. The Yazoo act’s
final stipulation outlined how after the state treasurer received payment for the land he
would forward a “certificate” of payment to Georgia’s Governor. Only this certificate was
“sufficient voucher for the Governor to issue the grants to the respective Companies.” If
the companies completed their final payments, and if the treasurer issued the certificate
of payment to the Governor, then the companies still only acquired pre-emption rights.
Georgia state officials, believing their state held all the requisite power to cancel Native
American titles, bestowed this right onto the companies.\textsuperscript{39} In other words, Yazoo
company men were also going to have to purchase Native American rights to own their
land in fee-simple or wait until Georgia or the federal government canceled those rights.

Yazoo Company men hoped to bolster their claims to the territory by taking
possession of the land. The act of possessing a piece of land, demonstrated through an
act as simple as building a house, had strong connections to sovereignty in Anglo-
American discourse.\textsuperscript{40} Company letters stress the importance of their agents occupying
the land.\textsuperscript{41} Zachariah Cox and the Tennessee Company actively pursued settlement.
These moves sit uneasily alongside Alexander Moultrie’s confident statement to the

\textsuperscript{38} Others purchased Native American rights from the Indian nations and then tried to get a state or
Congress to recognize their grant.

\textsuperscript{39} \textit{The Augusta Chronicle and Gazette of the State}, February 13, 1790.

\textsuperscript{40} Patricia Seed, \textit{Ceremonies of Possession in Europe’s Conquest of the New World, 1492-1640} (New

\textsuperscript{41} Alexander Moultrie, William Clay Snipes, and Isaac Huger to John Holder, [date unknown], Box 6, 1790
Folder, EHWP.
directors of the Virginia Yazoo Company that the Yazoo sale would be supported by Georgians—and Americans writ-large—who “in this enlightened day, know too well the invaluable rights of person and property to be bugbeared out of them.” Moultrie was wrong: Georgians divided on whether they supported the Yazoo sale, even if they agreed on the state’s authority to sell the acres.

Georgians who supported the Yazoo sale believed it would increase political support for slavery. Supporters envisioned starry-eyed Americans, viewing Georgia as “paradice” and having “Land that flows with Milk and honey,” flocking to the state, increasing Georgia’s Congressional representation, and thus enhancing Georgians’ ability to enact favorable legislation at a national level. Attracting settlers from other states had the double benefit of increasing Georgia’s white population while depopulating rival sections within the country, and therefore reducing their political potency. According to Georgians, protecting slavery required southern Congressional power. One editorialist, writing under the name “Metellus,” insisted that if the federal government continued to ignore Georgia’s sovereignty and, in so doing, effectively nullify the Constitution, “we will hold our privileges and property at the mercy and whim of Northern delegations, and our only security against the emancipation of slaves, will

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42 Alexander Moultrie [?] to Directors of the Virginia Yazoo Company [?], February 10, 1790, Patrick Henry Papers, The Library of Virginia.

43 For quotes see Lamplugh, Politics on the Periphery, 32. Lamplugh is citing a letter from Edward Butler to John Shackleford on June 12, 1783.

be the moral merit of the deed." The Yazoo sell, according to the sales supporters, mitigated against such a development by attracting supporters of slavery.

Supporters of the sale also touted that increasing Georgia’s white population would enhance the states’ ability to protect its citizens against Native Americans. State legislator Lachlan McIntosh justified his vote in favor of the Yazoo sale by focusing on Georgia’s geopolitical security. The Revolutionary General argued “it appeared political from our local situation, surrounded on our southern and western frontiers, by hostile neighbors, with numerous unfriendly Indians without our borders” that “a powerful settlement formed on the west of the most numerous of the Indian tribes [Creek] in case of hostility, might make a diversion in favour of the eastern inhabitants, perhaps wholly engage their attention, and by their numbers awe them into peace.” Yazoo settlers therefore could tip the balance of military power in favor of Americans.

Opponents of the Yazoo sale invoked America’s federalist political system to construct their arguments. Federal District Court Judge Nathaniel Pendleton, one of the sale’s most trenchant critics, explained his disapproval in a letter to state assemblyman William Stephens. Pendleton contemplated publishing his letter, but instead instructed Stephens to circulate it among state legislators meeting at a special June 1790 session. Pendleton doubted enough migrants would populate the western territories to

45 For a connection between the Yazoo sale, the Treaty of New York (1790), and fears over northerners using Congressional power to emancipate slaves see Metellus, “To the Citizens of Georgia,” The Augusta Chronicle and Gazette of the State, October 2, 1790.

46 During August 1789, Georgia’s US Senators worried about immigrants coming into the state who were “averse to slavery.” Journal of William Maclay, March 19, 1790, 217.

47 Georgia Gazette, January 28, 1790. See also argument made by “A Lover of Candour,” The Augusta Chronicle and Gazette of the State, March 20, 1790.

48 Lamplugh, Politics on the Periphery, 69-70.
increase Georgia’s House delegation by more than one Representative. He argued that it was better to wait until a new state could be laid out of Yazoo country, so that way the “Southern Interest” in Congress gained two more Senators and at least one Representative. Pendleton’s reference to the “Southern Interest” signified southern white’s desire to protect the institution of slavery. The judge also posited that even if Georgia gained a few national Representatives as the sale’s supporters claimed, Georgians would face an increased tax burden because those removing to Yazoo country would not pay taxes and could not be compelled to do so. Pendleton based his assessment on the reality that many debtors absconded west after the Revolution and the fact that Georgians did resist paying taxes, especially upcountry residents. Tax-free living was “what they claim as the consequence of their protecting themselves” from Native Americans. Perhaps most importantly, Pendleton saw the Yazoo acres as a guard against future direct taxes levied by Congress. He predicted impost and excise tax revenue would fall short of Congress’s budgetary needs. Congressmen would then have to pass direct taxes—“a day which however terrible must come”—but Yazoo acres could provide Georgia’s panacea to these noxious taxes. If Georgia had to sell the Yazoo acres to the federal government, then “a certain proportion[,] suppose 3/8ths of the purchase money[,] should be applied to the Quota of this State.” Pendleton wanted to credit some of the profit made from selling Yazoo acres to a future federal tax bill, the “Quota,” possibly levied against Georgia citizens. The Judge warned Georgia’s

49 Burke County residents convinced the County Tax Collector to resign during late 1789. See John Jones to Governor George Walton, October 1, 1789, Telamon Cuyler Collection, Box 23, Folder 28, UGA.

50 Nathaniel Pendleton to William Stephens, June 4, 1790. William Stephens Papers, GHS.

51 For a discussion of direct taxes see, Robin L. Einhorn, American Taxation, American Slavery (Chicago: University of Chicago Press, 2006).
assemblymen that the Yazoo Companies will “endeavor to Terrify us into this measure [supporting the sale], by saying that the United States will take away this Land. This argument is founded upon a supposition of our being extremely stupid indeed.” Pendleton’s disgust with the sale should not be understood as a denial of Georgia’s sovereign right to sell the land.

Georgians, regardless of their stance towards the sale, argued their state had complete sovereignty over Yazoo country and therefore possessed the political and legal authority necessary to enact the sale. During September 1790, an anonymous up-country writer blustered in the pages of The Augusta Chronicle and Gazette of the State that “some call in question the right of the state to dispose of her western territory.” To do so, the writer claimed, was “an attack on” Georgia’s “independence and sovereignty.” This writer also advised Georgia’s legislators against ceding the Yazoo territory to the federal government. Once ceded, Georgia lost all sovereignty over the acres. As the situation stood in September, “Georgia, notwithstanding the sale, still maintains the sovereignty.” In this case, sovereignty had specific meaning. The Yazoo acres were “still part of the same state, and subject to her [Georgia’s] laws.” This anonymous editorialist avidly supported the sale and encouraged the state to “cherish and encourage the adventures [company men]” and “treat them as her most enterprising and meritorious children.” Even the sale’s most avid critic, Nathaniel

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52 Pendleton to Stephens, June 4, 1790, William Stephens Papers, GHS.

53 The Augusta Chronicle and Gazette of the State, September 11, 1790.


55 Both quotes from The Augusta Chronicle and Gazette of the State, September 11, 1790.
Pendleton, agreed with the Augusta writer that the state contained the political authority necessary to sell the land.\textsuperscript{56} State legislators who voted against the sale and announced their opposition in the press also agreed that Georgia had the legal and political authority to sell Yazoo acres. They simply contested the timing and terms of the sale.\textsuperscript{57}

Federal Officials React to the 1789 Yazoo Sale

Federal officials denounced this line of reasoning and responded to the 1789 Yazoo sale with a mix of indignation and caution. Secretary of War Henry Knox, for example, assessed the situation as extremely volatile. On February 15, 1790, he requested that President George Washington undertake any measures necessary to avoid a renewed conflict between Georgians and Creeks.\textsuperscript{58} On April 28, 1790, Washington noted in his diary that the Attorney General had issued a report concerning the “Constitutionality” of Georgia’s sale. By April 30, Washington had questioned Treasury Secretary Alexander Hamilton and Secretary of State Thomas Jefferson on legality of the 1789 sale.\textsuperscript{59} Jefferson replied to Washington on May 3, and he argued that Georgia had no power to grant the Yazoo companies the right of canceling Native American title to Yazoo acres because the state did not have that authority: only the federal government had that power. Essentially, the Secretary of State argued Georgia was not sovereign. Jefferson urged giving Georgia statesmen a chance to correct their actions “before coercion is help up to their view. I am told there is already a strong party

\textsuperscript{56} Nathaniel Pendleton to William Stephens, June 4, 1790, William Stephens Papers, GHS.

\textsuperscript{57} The Augusta Chronicle and Gazette of the State, December 19, 1789.


in Georgia opposed to the act of their government." Washington issued a proclamation on August 26, 1790 aimed, in part, at Yazoo settlers. It reminded Americans to follow 1785 and 1786 treaties made with Choctaw, Chickasaw, and Cherokee nations. These treaties fixed boundary lines that Americans continually ignored.

Secretary of War Henry Knox was much more open to using military force to stop the Yazoo companies from settling on their supposed land because he feared Yazoo settlements would spark Native Americans attacks on American settlements across the Old Southwest. In order to protect white American settlers across this region, Knox considered using federal troops to prevent Yazoo companies from settling on Native American territory. Despite deteriorating relations with northwest Native Americans, Knox saw “the preservation of the peace” with southeastern nations as a top priority. Yazoo settlers, “under the garb of authority from the United States,” threatened peaceful relations by purchasing “the pre-emption [rights] of the greater part of the lands of the Choctaws, Chickasaws, and Cherokees, of the State of Georgia.” The problem, in Knox’s opinion, was that private companies were acting like state agents. Knox, as well as many other federal officials, deemed this unacceptable.

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The Yazoo sale strained relations between the United States and Georgia. As Washington's cabinet mobilized to neutralize the sale, South Carolina Senator Pierce Butler wrote prominent Georgia politicians describing how it had severely hindered Georgia's ability to acquire federal aid in their intermittent war against the Creek. Butler argued the only way to restore the state's favor in Congress was to repeal the sale. On January 27, 1790, Butler informed Georgia's Joseph Habersham that "I am not equal to the description of the Injury the Measure will cause to Georgia with the general Government or the effect it had on the members of both houses."\(^{64}\) Butler urged John Houston, a former governor, to "Exert Your Abilities and influence to call together the Legislature in order to get them to repeal the rash Act, otherwise You may be left a prey to Eternal foes—to the insolence of McGillivray [sic] and the Intrigues of His Counsellors [sic]."\(^{65}\) Butler referred to Upper Creek leader Alexander McGillivray and revealed that Senators understood all too well Georgia's reliance on US troops and funds to protect the state's borders. The federal government did order three companies of federal troops to Georgia in March.\(^{66}\) However, these troops proved insufficient to defend all Georgians against Creek attacks. More importantly, at least some Georgians viewed the troops as a "curb on Georgia, or to assist the laws of the union" instead of a check on


Indians. In other words, some Georgians viewed the troops as a heavy handed reaction to the 1789 Yazoo land sale.

Some federal officials and Creek interpreted the Yazoo sale as a calculated decision aimed at igniting another war between Georgians and Creeks in order to force the federal government’s help in expanding Georgia’s borders. Georgians lacked necessary funds to launch another military operation against the Creeks. But backcountry residents demanded the enforcement of treaties negotiated with some Lower Creek during the mid-1780s that supposedly ceded land between the Oconee and Ogeechee rivers. In order to accomplish this task Georgia legislators needed a strong military force: they signed the Constitution with the expectation that the new federal government would subdue the Creeks. McGillivray feared just that action. He wrote Carlos Howard on August 11, 1790 that “the new government is established on a basis which renders it capable of making war on us in a fashion that would assure them a complete success.” Federal Indian Agent Marinus Willett tried to ease McGillivray’s concern when he described how the federal government urged Georgia to revoke the Yazoo sale as they “would farther embroil Matters & it appeared there was a view by that measure to drag the U. States into an Indian War, which if successful after much

67 Anthony Wayne to George Washington, April 10, 1790.

68 Barksdale, The Lost State, 83-90.

69 For Georgia’s ratification of the Constitution, see The Augusta Chronicle and Gazette of the State, January 2, 1788. For Georgians expectations of the federal government, see The Augusta Chronicle and Gazette of the State, August [?], 1790 and Randolph C. Downes, “Creek-American Relations, 1782-1790,” Georgia Historical Quarterly 21 (June 1937), 172-173.

loss of Blood and Treasure[,] Georgia would reap the whole advantage.” Willett implied that federal officials saw the Yazoo sale as nothing more than an effort to drag the United States into a military conflict with the Creek. The sale invoked fears about renewed military conflicts that many federal officials and Native Americans wanted to avoid. Georgians, however, sought to exploit a potential conflict in order to bolster their state’s control over its claimed western territories.

Federal pressure and Georgia officials’ fear of not receiving federal aid against the Creek was the major impetus behind a June 1790 law that prevented Yazoo company men from receiving their grants. This is not to suggest that all white Georgians’ supported the sale. A minority of Georgia’s legislators opposed the sale from the outset, and throughout the spring Georgia newspapers published numerous attacks on the sale. But Georgians obsessed over their state’s relation with Creeks during the 1780s and 1790s. Georgians approved the Constitution in order to receive federal aid against the Creeks. The 1789 Yazoo sale put white Georgians in the situation where federal troops might be sent to Georgia to restrain white settlers from moving west instead of protecting them against Creek attacks. Secretary of War Henry Knox wanted to use federal troops to prevent Yazoo settlers from moving into the region. Pierce Butler, a South Carolina Senator, worked to strengthen the federal military in order to


72 The Augusta Chronicle and Gazette of the State, December 19, 1789; Nathaniel Pendleton to William Stephens, June 4, 1790, Williams Stephens Papers, GHS; The Augusta Chronicle and Gazette of the State, September 11, 1790.

send troops to Georgia.\textsuperscript{74} Butler wrote prominent Georgians during January and February and insisted that they work to overturn the sale or no federal troops would be sent to Georgia. General Anthony Wayne, who settled in Georgia after the Revolution, wrote Secretary of War Henry Knox and begged him not to withhold federal troops in retaliation of the sale. Wayne pleaded that “the state either had or had not a right to dispose of the western land. If she had that right, she has a right to protection (although she acted imprudently). If she had not that right, the grant is a nullity.”\textsuperscript{75}

The federal response to the 1789 sale must have weighed heavily on Georgia legislators meeting at a special June 1790 session. Legislators ostensible called this secession to deal with an issue regarding Yazoo company payment. The state treasurer, John Meals, wanted to check with the governor before accepting payment from the South Carolina Yazoo Company, tendered in devalued currency. Governor George Walton reviewed the state’s finances and recommended legislators standardize acceptable forms of payment made to the state.\textsuperscript{76} This seems like a rather trivial matter for which to call a special meeting of the state assembly. But when viewed alongside the real possibility that the federal government was not going to aid white Georgians in fighting Creeks, this session looks like a convenient way to nullify the sale through legal technicalities. A June 11 law essentially required all payments due the state to be paid in specie “except where the laws of the State clearly, positively, and particularly direct otherwise.”\textsuperscript{77} The 1789 Yazoo sale did not “clearly,” “positively,” or “particularly” define

\textsuperscript{74} William Maclay Journal, 1790, 120-130.
\textsuperscript{75} Quoted in Lamplugh, \textit{Politics on the Periphery}, 71.
\textsuperscript{76} Marcus, \textit{The Documentary History of the Supreme Court of the United States, 1789-1800}, 502-503.
\textsuperscript{77} Quoted in Lamplugh, \textit{Politics on the Periphery}, 73.
payment. After this law passed, the state treasurer refused to accept company members remaining payments offered in paper money.\textsuperscript{78}

The Yazoo sale hastened federal officials’ actions in calling McGillivray to New York in order to negotiate a treaty. This is not to say that all southeastern Native Americans desired peace with the United States or that the Yazoo sale directly produced the Treaty of New York. A convention of Creek and Chickamauga men meeting during 1789 announced that “the only answer fitting to be given” to Americans negotiators “was from their mouths of their guns.”\textsuperscript{79} The federal government had been trying negotiate a treaty with Creek leaders since early 1789 in an effort to stabilize relations with Native Americans south of the Ohio River. Federal representatives met 900 Creek men and women at Rock Landing, Georgia, just south of Milledgeville, during late September 1789. Negotiations faltered over land between the Oconee and Ocmulgee rivers. Secretary of War Henry Knox prepped for war after the Rock Landing talks collapsed, but Benjamin Hawkins convinced the Secretary and Washington to try one last negotiation with McGillivray and other leading Creek. Importantly, the decision to renew negotiations came after federal officials learned of the Yazoo sale. Knox and Washington secretly recruited Colonel Marnius Willett and sent him to bring McGillivray to New York City.\textsuperscript{80} Willett assured McGillivray that the federal government would stymie any action taken by the Yazoo companies.

\textsuperscript{78} Lamplugh, \textit{Politics on the Periphery}, 73.


\textsuperscript{80} Nichols, \textit{Red Gentlemen}, 106-113.
Federal officials undermined the idea of Georgians’ sovereign rights in their western territories in the Treaty of New York (1790). Negotiated during August between 24 Creek headmen and the federal government, the Treaty of New York stated that the Yazoo acres belonged to Native American nations and not Georgia, effectively nullifying previous treaties between the state and Creeks.81 Federal officials grounded the Treaty of New York’s legitimacy in the Constitution and Congress’s first Trade and Intercourse Act (July 1790). The Constitution granted the federal government the sole authority to negotiate treaties with Native American nations. The Trade and Intercourse Act reiterated and fleshed out this treaty prerogative. The act stated that only the federal government could accept land cessions from Native American nations.82 This meant that only the federal government could cancel Native American land claims. Until they did so, no private citizen could own their land in fee-simple status.

White Georgians insisted the Constitution did not bestow the federal government the sole right to cancel Native American land claims. One Augusta resident, “Metellus,” wrote to “The Citizens of Georgia” and asked “is the ratification of 59 Chiefs at Shoulderbone…less dignified than the affair at New-York with 24 of the same nation”? The penman referred to the Treaty of Shoulderbone (1785), conducted between the state of Georgia and Creeks, and sought to legitimate this treaty by enumerating the number of Creek present at each negotiation. Metellus envisioned the Trade and Intercourse Act and the Treaty of New York as an “invasion of our territorial rights.” He saw Georgia as a fully sovereign entity, invested with the political authority to negotiate


82 For copy of the July 22 act, see US Statutes at Large, 1st Congress, 137-138.
treaties with Native Americans. The penmen countered the idea that the Treaty of New York overruled Georgia’s early treaties. He built his argument on a 1787 Congressional law and the Constitution. The 1787 Congressional law dealt with Georgia’s right to a disputed piece of land with South Carolina. In this law, the federal government stated the Mississippi River was Georgia’s western border. Metellus then cited the Constitution’s barring of ex-post facto laws as legal proof that Congress could not rule under the Treaty of New York that the Yazoo lands belonged to the Creeks, and not Georgia, because a law already existed that “proved” Georgia controlled those acres.

This debate took shape in and around American political and legal institutions. Spain, and more importantly, southeastern Native American nations exposed Georgia’s and the federal government’s inability to enforce their claims to sovereignty over Yazoo country.

Spain Reacts to the 1789 Yazoo Sale

Spaniards constructed Fort Nogales in response to the 1789 Yazoo land sale. Captain General of Louisiana Col. Esteban Miró wrote Spain’s Minster of War on May 19, 1790 that the Yazoo sale required special attention of the Spanish court. He believed that the Yazoo companies intended to create an independent state because they so thoroughly ignored federal authority. Miró understood America’s new central government held tenuous authority over Anglo-American settlers west of the

83 “Metellus” claims it was North Carolina, but the border dispute between South Carolina and Georgia was solved in 1787, not North Carolina. See Journals of Continental Congress, 32: 13-14, 440, and 467-477.

84 For another article supporting Georgia’s land claims over its western territories, see The Augusta Chronicle and Gazette of the State, October 2, 1790.

85 See Usner Jr., “Remapping Boundaries in the Old Southwest, 1783-1795,” in Harvey and O’Brien, eds., George Washington’s South, 32.
Appalachian Mountains. He hoped that individual states might be convinced to join Spain in exchange for navigational rights to the Mississippi River. Specifically in regards to future Yazoo settlers, Miró believed these men and women might create an independent state within Spain’s orbit and act as a buffer between Spanish territory and American expansion. Miró was hopeful that such a state could emerge, but he was also pragmatic. Constructing a fort was the most immediate response. Miró’s plan to build Fort Nogales received royal approval during 1791, but by that time construction had already begun.

Constructing Fort Nogales fit within the re-evaluation of Spanish imperial policy during the 1780s and early 1790s. Florida and Louisiana officials worked to blunt American control over the Mississippi Valley by eliminating their access to agricultural and fur markets. Fort Nogales sat close to the confluence of the Yazoo and Mississippi rivers, the site of present-day Vicksburg. The location allowed Spanish officials to monitor any American flatboat descending either river and treat with Native American nations in order to vie for control of the lucrative, but declining, fur trade. But generous immigration policies and Americans’ refusal to stop trading at New Orleans undercut these efforts. Spanish officials also began entering into written treaties with southeastern nations. Natchez governor Gayoso highlighted in 1792 that these written treaties signified that Native Americans were “free and independent nations…under His Majesty’s protection.” Cherokees, Chickasaws, Choctaws, Creeks, and Spaniards signed a particularly important treaty during 1793 at Fort Nogales. The southern nations

86 Esteban Miró to Domingo Carello [?], May 19, 1790, Box 6, 1790 Folder, EHWP and Abernethy, *The South*, 52-60.
87 Manuel Gayoso de Lemos to Esteban Miró, April 16, 1791, Box 6, 1791 Folder, EHWP.
agreed to “contribute on their part to the preservation of [Spain’s] Dominion throughout all the provinces of Louisiana and both Floridas.”  

Southeastern nations agreed to this alliance because of white Americans increasing migration into their territory: a trend facilitated by the Yazoo sale.

**Southeastern Native Americans Prevent the Yazoo Sale**

Southeastern Native Americans had clear definitions of their nations’ geographical boundaries and worked to shore up and defend these borders. They expressed these boundaries through conceptions of property rooted in use rights, rights of way, and discrete types of land, such as hunting or communal fields. Moreover, after nearly two hundred years of continuous interaction with Europeans, many southeastern Native Americans could translate their own spatial understandings onto maps produced within a European tradition. White Georgians knew this. At treaty negotiations in 1785, Cherokee and Georgian representatives “spent almost two days in vain Attempts to come to an Understanding.” A surveyor noted how his map solved the dilemma. After Georgia’s diplomats produced the map “the Indians then assembled, determined upon the dispute with regard to their own opinion.” Cherokees used the American map to assert their own borders.

Southeastern Native Americans claimed sovereignty over Yazoo acres. Native American nations exerted actual territorial control over Yazoo country during the 1780s and 1790s, in part, because they drew most of their firearms, gun powder, shot, and

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89 For a forceful example, see Hudson, *Creek Paths*.
91 Claud Thomson to John Morell, November 26, 1785, Telamon Cuyler Collection, Box 77, Folder 14, UGA.
metal ware from Spanish or Spanish-backed suppliers. Southeastern Native Americans could defend their borders as long as these trade networks remained secure. All four major southeast nations claimed some territory covered in the Yazoo sale. Creek, Cherokee, Chickasaw, and Choctaw all claimed land around the Great Bend of the Tennessee River, supposedly reserved for the Tennessee Company. Some Choctaw told John Woods that “They were Verry Glad to see me Return Again, into their land” when he visited them in January 1787. They likely impressed upon Woods that his 1785 deed, the future basis for the 1789 Yazoo land sale and containing most of the acres granted to the South Carolina Yazoo Company, was illegitimate and worthless. Chickasaw towns existed within the Virginia Yazoo Company’s grant.

Southeastern nations did not wield their power without constraint. Anglo-American settlers increasingly encroached on Cherokee and Creek land throughout the 1780s. Other whites traveled through Cherokee or Creek land on their way toward New Orleans or the Tombigbee settlement, located within or close to Choctaw and Chickasaw domain. White settlers in present-day eastern Tennessee continually tried to push southwest. Though Southeastern Native Americans made decisions from a position of power during the 1780s, Britain’s recent absence and Spain’s limited funds left Creek, Cherokee, Chickasaw, and Choctaw with fewer resources on which to draw to combat encroaching, albeit uneven, white settlement. Divisions within southeastern nations—caused by generational differences, varying access to trading networks, a

92 Coker and Watson, Indian Traders and Braund, Deerskins and Duffels.
93 Creek, Cherokee, Choctaw, and Chickasaw all claimed lands around the Muscle Shoals. See “Talk from the Old Tassel Chief of the Cherokees to the Governor of Georgia,” JVB, Folder 10, GHS.
declining deer population, differing opinions about how to respond to white Americans’ westward movement, and various reactions to Anglo-American definitions of property rights being adopted by a growing number of Indians—resulted in a variety of reactions to American encroachment.95

Divisions within and between southeastern nations allowed some Native Americans to court Yazoo company men. Piomingo, or Mountain Leader, led a faction of Chickasaw who sought to use the American government and Yazoo companies to increase their power within the nation by accessing trade goods. Three discernable factions emerged in the Chickasaw nation after the Treaty of Paris (1783). Ugulaycabe, or Wolf’s Friend, led a pro-Spanish group that maintained close ties with Upper Creek Alexander McGillivray. McGillivray tasked Ugulaycabe with informing him of Piomingo’s actions. Piomingo led a pro-American group in an effort to acquire trade goods denied them by Ugulaycabe and the Spanish. Mingatusak, or Hair Lip King, sided with either Piomingo’s or Ugulaycabe’s factions. In order to cultivate trade connections with Americans Piomingo met with federal officials in Philadelphia during 1787 and lamented that the only goods he received came “by way of the Spaniards. This makes us very uneasy.”96 Piomingo’s effort to court American traders caused McGillivray to view him as “a very troublesome fellow.” During summer 1789 Piomingo sent two messengers to the federal government to again request trade connections and to build an American fort and presumably a trading post at Chickasaw bluffs. Several Creek ambushed and killed


the Chickasaw messengers on their way to New York, one of the slain being Piomingo’s
nephew.\textsuperscript{97} Even before this failed attempt to receive federal aid Piomingo’s faction
worked with Yazoo company men in order to access trade connections outside of
Spanish control. The Tennessee Company mentioned having already talked with
Chickasaws about setting up trade in their December 1789 petition to the Georgia
Assembly.\textsuperscript{98} Alexander McGillivray noted in a letter to Governor Miró on June 2, 1790
“That Agents of the New Western Companys [Yazoo Companies] are assiduous in
drawing over the foolish Chickasaws to assist their Schemes of usurpation.”\textsuperscript{99} The
situation was almost certainly the other way around. Piomingo had been trying to
establish trade connections with the federal government for a few years and after being
ignored, Yazoo companies looked like an inviting option.\textsuperscript{100}

Internal Chickasaw and Choctaw diplomacy existed within a wider web of Native
American relations stretching across the southeast, a web that ultimately stymied Yazoo
company settlements. Alexander McGillivray frequently worried over American agents
working with groups of Chickasaw and Choctaw in order to open trade routes. As a
result, McGillivray and other Creeks worked to limit Choctaw and Chickasaw access to
trade goods during the late 1780s and 1790s.\textsuperscript{101} For example, he wrote Governor Miro

\textsuperscript{97} Alexander McGillivray to Esteban Miró, June 24, 1789, Caughey, ed., \textit{McGillivray of the Creeks}, 238-240 and quote 239.

\textsuperscript{98} “Petition of Zachariah Cox & others to the General Assembly [of Georgia],” December [?], 1789, Joseph Vallence Bevan Papers, Folder 11, GHS.

\textsuperscript{99} Alexander McGillivray to Esteban Miró, June 2, 1790, in Caughey, ed., \textit{McGillivray of the Creeks}, 266.

\textsuperscript{100} Gibson, \textit{The Chickasaws}, 80-87.

\textsuperscript{101} Hudon, \textit{Creek Paths}, 27. Creek warriors actively stopped American surveyors from passing through
on October 4, 1787 explaining why he had William Davenport killed. Davenport was the man from whom the South Carolina Yazoo Company purchased a supposed deed to several million acres of Choctaw land. From McGillivray’s perspective, Davenport had been carrying on “intrigues” with “the Chickesaw & Chactaw [sic] Nations.” According to McGillivray, Davenport “had actually gained a great influence over the minds of those people & was nearly on the point of efecting [sic] his scheme of establishing the American interest.” Davenport centered his efforts on building trade connections. The Upper Creek leader kept a militant watch on southeast trade in order to protect his own interest with Panton, Leslie, and Company.

The Tennessee Yazoo Company threatened McGillivray’s near-monopoly on trade in the southeast. When he heard that Tennessee Company settlers might establish themselves at the Muscle Shoals along the Tennessee River during summer 1791, he sent men to disband any company members. McGillivray’s men returned to report that no settlement could be found. Ever concerned about protecting Panton, Leslie, and Company’s trade networks, McGillivray wrote Governor Miro that “I have desired that a good look out should be kept on the Cherokee Swing & about the Chickasaw Bluffs, as those Infatuated Indians at least a part of them are much in the Interest of the Tennessee & Yasou [South Carolina] Companys.” Unbeknownst to McGillivray at the time, thirty-two Tennessee Yazoo Company men had constructed several buildings on an island in the Muscle Shoals.

102 For quotes see, Alexander McGillivray to Esteban Miró, October 4, 1787, in Caughey, ed., McGillivray of the Creeks, 160. For intrigues as trade, see Alexander McGillivray to Vizente Manuel de Zépedes, October 6, 1787, in same, 162.

103 Alexander McGillivray to Esteban Miró, June 8, 1791, in Ibid., 291-293 and quote 292.
The divisions between southeastern nations did not stop them from preventing Yazoo settlements. McGillivray’s men found no settlement because a group of Chickamauga Cherokee had already removed the Yazoo settlers. The thirty-two Tennessee Company settlers, led by director Zachariah Cox, discovered that Georgian and American sovereignty over Yazoo acres was only an assertion on paper. The group left from the French Broad River during March and built a blockhouse on an island in the Muscle Shoals. Cox obtained permission to build the settlement from Chickasaws, almost certainly from Piomingo, who had been requesting trade connections with the Americans for many years. Cox’s Tennessee Company specifically mentioned having Chickasaw connections in their 1789 petition to the Georgia legislature.\textsuperscript{104} However, all four major southeastern nations claimed the land around the Muscle Shoals as hunting grounds. Chickamauga Cherokee had settled just northeast of the Muscle Shoals after the American Revolution. These Cherokee maintained a militant resistance against American settlements into the 1790s.\textsuperscript{105} One influential Chickamauga, Tagwadihi, known to Americans as The Glass, led a group of warriors that escorted Cox and his compatriots off the island and then burned their buildings.\textsuperscript{106} Anglo-Americans could not maintain permanent settlements on Yazoo lands during the early 1790s.

\textsuperscript{104} “Petition of Zachariah Cox & others to the General Assembly,” December [?], 1789, Joseph Vallence Bevan Papers, Folder 11, GHS.


\textsuperscript{106} See Governor Blount to Secretary Smith, April 17, 1791; Governor Blount to James Robertson, September 3, 1791; and Acting Governor Smith to The Secretary of State, October 4, 1791 in Clarence Edwin Carter, ed., \textit{The Territorial Papers of the United States, Volume 4: Southwest Territory} (Washington, D.C., 1936), 55, 79, and 83.
In the face of an increasingly dire situation, some Yazoo company members appealed to the public to defend their grant. In early 1791 South Carolina Yazoo Company members published what amounted to a defense of their land claims: the over seventy-page pamphlet *An Extract from the Proceedings of the South-Carolina Yazoo Company*. The document covered topics ranging from a climatological description of Yazoo country to a defense of the company’s land title. One section of the pamphlet deserves special attention because in it company directors worked to counter an assertion James Wilkinson made in a private letter to the company on October 20, 1790. Wilkinson insisted that the deed the South Carolina Yazoo Company purchased from John Woods—the deed Georgia legislators’ grounded the entire 1789 Yazoo sale on—“was not worth a pinch of snuff.” Company directors’ willingness to insert this quote into a document meant for public consumption suggests they viewed Wilkinson’s claim as a threat necessitating refutation.107

South Carolina Yazoo Company men grounded their arguments supporting the legitimacy of Woods’ deed by combining Anglo-American and Choctaw understandings of property rights. Their first point in favor of Woods’ deed was that he “had been adopted as a son of the Chocktaw [sic] nation, and would be supported as such.” This was not an argument grounded in Native understanding of property rights. No person or groups of people in Choctaw society could claim exclusionary ownership over a tract of land the size contained in Woods’ supposed deed, 2,000,000 to 3,000,000 acres. This argument was crafted to appeal to Anglo-Americans who knew that southeastern Native

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107 The pamphlet was published in Charleston. Company directors wanted to use the pamphlet “to make known to the public the transactions, views, and situation of the company.” See South Carolina Yazoo Company, *An Extract from the Proceedings*, 4 [unnumbered].
Americans relied on adoptive kinship practices to incorporate outsiders.\textsuperscript{108} Company directors combined this basic understanding of Choctaw practices with Anglo-American notions that exclusive and permanent ownership to lands could be purchased. South Carolina company men also insisted that the “proclamation of the supreme executive, prefixed to Treaty of Hopewell between the Chocktaws [sic] and the United States” supported their claim. This treaty was conducted in 1786, during which time the American government contained no executive branch. Company members might have referred to South Carolina governor William Moultire because Hopewell was in South Carolina. In either case, company men continued that because other investors desired to purchase Woods’ deed it must be valid. Moreover, Woods’ had “spent the greater part of his life, and the whole of his property obtaining” the grant. After laying out these arguments, South Carolina members confidently announced that “it seems then that this right [Woods’ deed] is not so void of foundation as Gen. Wilkinson supposes.”\textsuperscript{109}

James Wilkinson challenged the deed’s legitimacy within the Anglo-American context in his October 20, 1790 letter to South Carolina Yazoo Company members. His logic was this: Woods did not actually obtain a grant and therefore the company did not have pre-emption rights to any Choctaw land. Despite the South Carolina Company’s insistence that Wilkinson “does not appear” to have “reasons for this opinion,” Wilkinson’s letter reveals an argument.\textsuperscript{110} The deed was unjustly acquired through

\textsuperscript{108} Purdue, “Mixed blood” Indians.

\textsuperscript{109} See South Carolina Yazoo Company, An Extract from the Proceedings of the South-Carolina Yazoo Company (Charleston, 1791), Part I, 36 [all quotes].

\textsuperscript{110} See South Carolina Yazoo Company, An Extract from the Proceedings of the South-Carolina Yazoo Company (Charleston, 1791), Part I, 36.
coercion, and only a few Choctaw signed the piece of paper, thus Wilkinson argued it failed to transfer ownership from the Choctaw nation to John Woods.\footnote{James Wilkinson to South Carolina Yazoo Company directors, October 20, 1790, Box 6, 1790 Folder, EHWP.}

South Carolina Yazoo Company members and James Wilkinson did not realize, or perhaps they did not care to realize because it undermined their arguments, that most southeastern Native Americans did not conceive of ownership over land in an absolute sense. No one person in Native society could claim exclusionary ownership over a tract of land the size contained in Woods' supposed deed. Therefore, a small group of Choctaws could not transfer ownership over these acres in the way South Carolina Yazoo Company members and James Wilkinson envisioned.

An alternate reading of Wilkinson’s contention that Woods’ deed was “not worth a pinch of snuff” could proceed along a different line of reasoning than that followed by company members or Wilkinson. We could, instead, take seriously the sovereignty of southeastern Native Americans. This line of reasoning exposes that Woods’ deed lacked substance not because of some action Woods and Davenport failed to take when they acquired their supposed deed. Instead, the deed and the 1789 Yazoo sale that it supported were stillborn because Creeks, Cherokees, Chickasaws, and Choctaws controlled almost all of present-day Alabama and Mississippi during the early 1790s, acknowledging the deed’s legitimacy only when it suited them. The 1789 Yazoo sale, then, was a failed state-building exercise because Georgians and Yazoo Company men could not impose their vision within boundaries they claimed as their own.
CHAPTER 3
‘THE PEOPLE OF THE COUNTRY ARE ALMOST RUNNING MAD FOR THEM’: THE 1795 YAZOO LAND SALE

On a rice plantation outside Savannah, Georgia, an indebted tutor struggled to develop a new way of cleaning seeds from cotton. He eventually succeeded. Eli Whitney’s saw-gin, which used teeth to separate cotton fibers from the plants’ sticky seeds, emerged as a contender to the more traditional roller-gin, which pressed seeds out of the fiber. Whitney sacrificed quality for quantity with his design. The saw-gin’s teeth ripped cotton fibers whereas the roller-gin did not. As a result, the roller-gin did not fade away into obscurity. This machine thrived on coastal plantations that grew long-staple (black seed) cotton used in high-quality cloth production in which torn fibers were unacceptable. Planters used the saw-gin to process lower-quality short-staple cotton (green seed) grown inland because torn fibers were less problematic in the mass-produced cloth for which that cotton was used. Whitney’s saw-gin magnified Georgians’ desire to spread west by alleviating the labor intensity associated with cleaning short-staple cotton. Yazoo acres looked all-the-more appealing.

Eli Whitney invested in Yazoo land during late 1795. He purchased 75,000 acres through the Georgia Company. Phineas Miller, Whitney’s business partner and financial backer, also purchased Georgia Company land. Miller married the widow Catharine Greene, whose first husband was the famed Revolutionary General Nathaniel Greene.

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Whitney had been hired to tutor Greene’s children. Miller and Greene knew leading politicians and planters across the state, some of whom, according to an early biographer, encouraged Whitney to create a new cotton gin. One such politician/planter was Nathaniel Pendleton, who was the most out-spoken critic of the 1789 Yazoo sale. Pendleton advocated for the sale of Georgia’s western territories after witnessing Whitney’s model in action, and the Federal District Court Judge invested in the 1795 Yazoo sale. Whitney’s saw-tooth gin, and the many copies it inspired, helped to reshape Georgia planters’ vision of the Old Southwest into an area ripe for green-seed cotton production. This vision encouraged investors to plough money into the 1795 Yazoo sale.

A variety of events, among them Whitney’s gin innovation, spurred the 1795 Yazoo land sale. I argue that political maneuvering—at both the state and federal levels, and between them—combined with white Americans’ concern about geopolitical security vis-a-vis southeastern Native American nations to produce the 1795 Yazoo sale, a subsequent backlash to that sale, and the 1796 Rescinding Act nullifying the sale. Two important long-term themes arise from this narrative in the Yazoo story. First, the 1795 Yazoo sale, and reactions to that sale, are best understood through the lens of political economy. Georgians, either pro- or anti-Yazoo, shared the assumption that they

debated an issue resting at the boundaries of political power and economic opportunity. Second, arguments spurred by the 1795 sale and the 1796 Rescinding Act cannot be understood apart from Georgians’ insatiable desire for Native American land.

An in-depth understanding of the 1795 sale and the 1796 Rescinding Act is vital because what unfolded during these years set the stage for all future debates over the 1795 sale. Any examination of the 1795 sale must begin by exploring the loose networks speculators maintained between the first and second Yazoo sales. Speculators from across the nation shared pertinent information concerning Yazoo country. Public interest in purchasing Yazoo acres spiked at the news of a possible treaty with Britain concerning navigation rights to the Mississippi River and Whitney’s saw-gin. Agents descended on Augusta, Georgia by late 1794 in order to purchase western land. Yazoo men passed generous bribes to state legislators; this allowed them to gobble up approximately 35,000,000 acres of land. Southeastern Native Americans responded to the sale based on their access to trade goods, but Spanish and federal officials opposed the sale. Many Georgia citizens opposed the sale, and they elected anti-Yazoo legislators during the November 1795 state elections. These newly elected statesmen subsequently nullified the sale during February 1796. A group of New England men formed the New England Mississippi Land Company (NEMLC) as Georgians passed the 1796 Rescinding Act. This fifth Yazoo company launched a lobbying campaign that focused on receiving compensation for property they believed had been taken from them unjustly, and the company became the standard bearer for all Yazoo investors seeking compensation.
The Lead up to the 1795 Sale

The pending collapse of the Yazoo sale during late 1791 failed to deter speculators from pursuing Georgia’s western acres. Instead, land-jobbers cultivated and strengthened relationships with prominent Georgia politicians and other would-be investors in hopes of filling the void left by the defeated 1789 companies. Speculators tapped into pre-existing networks, gaining access to privileged political information and capital. South Carolina Senator Pierce Butler watched the Yazoo controversy unfold in the Senate during 1790 and 1791. He closely allied himself with Georgia Senators James Gunn and William Few. Together the three men cast all but one of the opposing ballots against the Treaty of New York (1790), which further entrenched the federal government against Yazoo speculators. By August 1791, Butler decided he wanted to become an active participant in the grab for Native American land. John Houston, a prominent Georgia politician, contacted Butler, who in turn wrote US Senator James Gunn. Butler assumed the 1789 companies were finished and spoke to Gunn about seeking a sale from the Georgia government. Butler urged secrecy concerning the entire operation and encouraged Gunn to "make a real handsome offer to the State, for the State right [to the Yazoo lands], provided they will give you a reasonable credit without Interest." The South Carolina Senator feared that “Interest Money might swallow up” any profit before they could sell the land.

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5 For the vote, see Annals of Congress, Senate, 1790, 1074. For Georgian’s anger at the treaty, see Lamplugh, Politics on the Periphery, 65 and Watson W. Jennison, Cultivating Race: The Expansion of Slavery in Georgia, 1750-1860 (Lexington: University of Kentucky Press, 2012), 97-100.

Butler saw maintaining a tightly bound, and small, network of investors as central to the plan. However, in order to complete the purchase, “one or two or more if absolutely necessary of money’d Characters in Europe must be let into the Concern.” He likely had men in mind: Butler had previously befriended, and borrowed from, several Amsterdam bankers actively involved in American investments.⁷

Butler also noted that he, Gunn, Houston, and any other future investors had to figure out a way to cancel Native American claims to Yazoo lands. According to Butler, and to other white Americans, Native Americans’ did not have the legal capacity to own land in fee simple. But, under natural law doctrine, indigenous inhabitants across the globe did have a right to occupancy. Anglo-Americans invented this legal fiction to justify stealing land from non-European peoples. Native Americans’ right to occupancy prevented land speculators like Butler, Gunn, and Houston from owning land in fee simple. Under the American legal system no private individual, partnership, or company could quiet Native American claims to land. According to federal officials, who grounded their opinion in the Constitution and the July 1790 Trade and Intercourse Act, only the federal government could fully terminate Native American claims.⁸ Butler hoped to skirt this legal barrier by paying Georgia and Native Americans for their land, having surveyors transform acres into geometric grids, and then gain the “approbation of the President & Senate.”⁹ Surveys transformed acres into geometrically measured space and within the Anglo-American understanding of property-rights provided strong

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⁷ Pierce Butler to James Gunn, August 31, 1791 in Lipscomb, ed., The Letters of Pierce Butler, 114. For his connections with Dutch bankers, see Butler to Messrs. Van Staphorsts and Hubbard, September 23, 1791 in Lipscomb, ed., The Letters of Pierce Butler, 125-127.

⁸ These claims were a legal fiction invented by European colonizers.

⁹ Pierce Butler to James Gunn, August 31, 1791 in Lipscomb, ed., The Letters of Pierce Butler, 114.
evidence of absolute ownership.\textsuperscript{10} In other words, Butler hoped the surveys would convince federal officials that he and his partners in fact owned any land they decided to purchase in fee simple.

The South Carolina Senator tried to circumvent Congress’s sole right to cancel Native American claims through bribes and worked in concert with other speculators to convince Congress to allow private individuals to cancel Native American land claims. Butler informed Houston that “I have got the Superintendent of Indian affairs, he will get a handsome Salary when Congress meets. I think it will do.”\textsuperscript{11} Butler and Houston tried to bribe this federal official in order to solidify any purchases they might make from Native Americans. The Superintendent of Indian Affairs just happened to be William Blount, a former Yazoo speculator.\textsuperscript{12} Moreover, Butler believed his connections with Robert Morris would smooth over legal technicalities keeping land companies from being able to quite Native American claims. Morris speculated widely in American land and offered to work with Gunn to legitimate any future purchase made from Native Americans because he held acres “depending on the same principle.” Importantly, Morris told Gunn “he can not be refused” in front of Congress when lobbying for ownership over some New York acres once “the Indian Right is bought out.”\textsuperscript{13} Butler assumed that if he paid Native Americans for Yazoo land, he could, like Morris,


\textsuperscript{11} Butler to John Houston, September 28, 1791 in Lipscomb, ed., \textit{The Letters of Pierce Butler}, 131.

\textsuperscript{12} For Blount’s involvement in the 1789 Yazoo speculation see Thomas P. Abernethy, \textit{The South in the New Nation, 1789-1819} (Baton Rouge: Louisiana State University Press, 1961), 87.

\textsuperscript{13} Butler to James Gunn, August 31, 1791 in Lipscomb, ed., \textit{The Letters of Pierce Butler}, 114.
convince Congress that the Native American claims had already been canceled and that he owned the acres in fee simple.

No extant records link Butler to the 1795 Yazoo land sale. However, as late as November 1793 he wrote William Temple Franklin—Benjamin Franklin’s grandson—who acted as an agent for a major London-based land speculating partnership and asked if 1,000 or 2,000 acre tracts of Georgia land would sell in London. Butler also knew Thomas P. Carnes, a shareholder in two of the four 1795 Yazoo companies. James Gunn founded the Georgia Company, one of the four 1795 Yazoo companies, and steered the bill executing the sale through Georgia’s legislature.

Future Yazoo investors shared information about potential geopolitical developments and used their positions in Georgia’s government to expand their network of investors. Nathaniel Pendleton received information from Kentucky Congressman Christopher Greenup about the likelihood of Spain allowing Americans to navigate the Mississippi River. John Wereat, Georgia’s agent to the federal government in Philadelphia, had employed Alexander James Dallas and Jared Ingersoll to represent Georgia in two cases before the Supreme Court. Wereat then entered a bid for Yazoo land on behalf of Dallas, Ingersoll, and their friend, Albert Gallatin. Dallas, Ingersoll, and Gallatin undoubtedly provided not only capital to invest in Yazoo land but also information about any relevant developments in government.

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14 Butler to W. T. Franklin, November 22, 1793 in Lipscomb, ed. The Letters of Pierce Butler, 278-279.
15 Butler to Thomas P. Carnes, January 12, 1794, in Lipscomb, ed. The Letters of Pierce Butler, 291.
16 Lamplugh, Politics on the Periphery, 105.
17 Dallas and Ingersoll were both prominent Philadelphia lawyers. Dallas was the first Supreme Court reporter of decisions and eventually became Secretary of the Treasury. Ingersoll attended the Continental Congress, signed the Constitution, and served as Pennsylvania’s state attorney general. Gallatin was
Networks like Gunn’s, Houston’s, and Butler’s and Wereat’s, Dallas’, Ingersoll’s, and Gallatin’s illuminate how speculators maintained interest in Yazoo lands between the sales and shared pertinent information. While networks demonstrate that the second Yazoo sale did not just happen because of a renewed speculative fervor, another factor that explains the timing of the Yazoo sale is the saw-tooth cotton gin.

Southern slave owners looking to increase their profits, and northerners involved in selling and processing cotton into garments took note of Whitney’s gin. Whitney returned home to Connecticut in order to streamline production after completing a saw-gin during April 1793. His business partner Phineas Miller wrote him during 1794 and demanded more saw-gins: “The people of the country are almost running mad for them.” Miller continued, “unless we can enable the holders to bring it [cotton] to market,” thousands of pounds of cotton would sit un-ginned and, thus, not produce income. Georgia planters had been planting cotton and using gins for years, but, as Miller’s plea demonstrates, Whitney’s innovation motivated Georgia planters to redirect their slave’s labor into cotton production immediately. Northerners also took interest in cotton ginned by Whitney’s machine. He noted in a November 24, 1793 letter to Thomas Jefferson that cotton cleaned by his machine “was examined in N. York, the quality declared good.

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Scholars writing on the Yazoo sales have not highlighted how loose networks of speculators stayed in touch between the 1789 and 1795 sales. See Haskins, “The Yazoo Land Sales”; Magrath, Yazoo; Abernethy, The South in the New Nation.

and sold in market at the highest price.”

During November 1795, three cotton manufacturers based out of New Haven, Connecticut, posted an advertisement in the *Georgia Gazette* describing how well Whitney’s gin processed cotton well.

Yazoo investors and supporters of the sale, for the most part, avoided drawing explicit links between the purchase of Yazoo land and the reality that slavery’s profitability undergirded this purchase. They preferred instead to discuss Yazoo country’s fertile soil and climate suitable to grow a wide variety of crops. Take, for example, a February 12, 1795 *Georgia Gazette* article touting the sale’s benefit to Georgia. The editorialist insisted that the sale would increase Georgia’s “exports, it being said to be one of the richest spots of land in the United States.”

Animating this belief was a series of interlocking assumptions about enslaved African Americans being the only workers capable of producing these increased exports. The editorialist did not have to say slaves were going to produce the exports, white Georgians automatically assumed this. Just like the editorialist, Yazoo investors and company men did not have to explicitly connect their investment to slavery. When white Americans debated buying land west of Georgia they automatically connected those acres with slave labor. Whitney’s cotton gin simply changed the crops they imagined African-American men and women planting, weeding, harvesting, and packing.

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22 “In the Superior Court for Chatham County,” *Georgia Gazette*, February 12, 1795, 2.

State legislators taking their seats in Augusta during winter 1794 confronted several petitions from would-be-Yazoo purchasers. Between November 3, 1794 and January 1, 1795, Georgia legislators received numerous petitions from perspective buyers.  

House members created a sub-committee on November 25 to consider the requests. The four companies that eventually received grants were the Upper Mississippi Company, Tennessee Company, Georgia Company, and Georgia Mississippi Company. These four companies petitioned the legislature between November 26, 1794 and January 1, 1795. Amidst this flurry of petitions, the legislators passed an initial Yazoo bill on December 20, 1794, but Governor George Matthews vetoed that attempted sale. The legislature passed another version of a bill calling for the sale of Yazoo land on January 3, 1795; Matthews signed this bill into law on January 7.

The second act was officially titled “An Act, supplementary to an Act, entitled an Act, for appropriating a part of the unlocated territory of this State for the payment of the late State troops and for other purposes therein mentioned, declaring the right of the State to the unappropriated territory thereof, for the protection and

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24 Wereat presented the first petition on November 3, 1794. House members did not take up this petition until November 12. Members debated the petition on November 20 before creating a sub-committee on November 25. On that same day, former Virginia Company representative John B. Scott presented a bid. On the very next day, November 26, the Georgia Company and Georgia Mississippi Company presented bids. See Anonymous, State of Facts. Shewing the Right of Certain Companies to the Lands Lately Purchased by Them from the State of Georgia (Philadelphia: 1795), 51-64, LCP. The Tennessee Company presented its bid on December 3, 1794. See Abernethy, The South, 142.

25 Lamplugh, Politics on the Periphery, 112.

26 Thorough treatments of the day-by-day developments already exist. See Lamplugh, Politics on the Periphery, 110-116 and Abernethy, The South, 140-148. I will highlight arguments would-be-Yazoo investors used to receive a grant in order to contextualize the sale.
support of the frontiers of this State and for other purposes." 27 Georgians frequently referred to the final Yazoo sale as the “Supplementary Act.”

Neither the legislative journals from the 1794-1795 Georgia session nor all the petitions from would-be Yazoo investors are extant. 28 Some excerpts do exist in pamphlets printed to attack or defend the sale, and some excerpts of petitions appear in personal papers. The surviving petitions to Georgia legislators are bare-boned. Company member requested certain acreage and notified legislators what price their company would pay. A few describe the amount of land available for Georgia citizens to purchase. 29

More revealing is a Georgia Company petition aimed at persuading Governor Matthews to support any bill designed to sell the state’s western territories. Georgia Company investors combined a variety of arguments in this December 25, 1794 petition to the governor. First, they argued the act could extend Georgia’s sovereignty westward. Georgia Company members recited a history of Yazoo country that supported Georgia’s claim to those acres. Legislators’ creation of Bourbon County in 1785 became about “the right of the State” to acres along the Mississippi River. The acres included in Bourbon County were then unfairly “yielded as hunting grounds to the

27 See Anonymous, State of Facts. Shewing the Right of Certain Companies to the Lands Lately Purchased by Them from the State of Georgia (Philadelphia: 1795), 64, LCP.

28 Lamplugh, Politics on the Periphery, 118, n. 25. For reprints of some documents see Anonymous, State of Facts. Shewing the Right of Certain Companies to the Lands Lately Purchased by Them from the State of Georgia (Philadelphia: 1795), LCP.

Creeks by the Treaty of New York.” Of the 1789 sale, petitioners described it only as “an act passed a few years since, for disposing of a large part of it [western territory].” Importantly, in regards to that sale, “nothing was carried into effect.” According to the petitioners, state officials now wanted to sell large sections of the land, in part, to establish a “fund to extinguish the claims of the Indians to other parts of it.”

On this point, company members repeated what legislators wanted to hear. At the time of the petition a bill sat before Governor Matthews which explicitly stated certain funds acquired from selling western acres would be put towards canceling Native American claims between the Oconee and Okmulgee Rivers.

Second, Georgia Company members stressed the potential to eliminate—not just lighten—Georgians’ tax bill by investing in federal government debt. They argued that by investing part of the purchase money “in six per cents of the United States, taxation will be perpetually alieved and a service thereby rendered to the State.” Other would-be-Yazoo investors concurred. John Wereat and his associates wrote Governor Matthews on January 3, 1795, the same day a new bill approving the sale of Yazoo country passed the state legislature. Wereat and his partners expressed displeasure that their January 1 bid of $800,000 for the entire amount of land to be granted was rejected. Their offer was $300,000 more than the other companies offered combined. In their January 3 letter to Matthews the Georgia Union Company members explained how

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30 James Gunn, [?], William Walker, Thomas Cumming, Thomas Glascock...to Governor Matthews, December 25, 1794, Yazoo Surveyor General Papers, UGA.

31 See Anonymous, State of Facts. Shewing the Right of Certain Companies to the Lands Lately Purchased by Them from the State of Georgia (Philadelphia: 1795), 53-64, LCP.

32 James Gunn, [?], William Walker, Thomas Cumming, Thomas Glascock...to Governor Matthews, December 25, 1794, Yazoo Surveyor General Papers, UGA.
the additional $300,000 they offered “would have relived the Citizens of the State of Georgia from taxes for near sixteen years to come.” Supporters of the sale used investment in federal bonds to alleviate or eliminate taxes as a major talking point.

Third, Georgia Company petitioners highlighted the geo-political significance of Yazoo country, especially the lands along the Mississippi River. Everyone knew, so they claimed, that the land “bordering on the Mississippi is the Key” to establishing warehouses “for all the produce of the United States on the Western waters.” This central location meant that the federal government must establish custom houses in order to tax exports. At the same time, federal troops could easily protect settlers along the Mississippi from Yazoo country. The petition did not mention Native Americans, but they clearly shaped company members’ argument. All of this, the petitioners’ insisted, “will be of great utility to Georgia,” and could only be brought to pass by selling land to their company.34

Yazoo men’s savvy arguments designed to illicit a sale from state legislators do not wholly explain why assemblymen parted with millions of Yazoo acres. U.S. Senator from Georgia James Gunn proved instrumental in pushing the Yazoo sale through the Georgia legislature. According to one report, Gunn strutted up and down Augusta’s dusty streets brandishing a whip and threatening any politician unwilling to vote for the sale.35 More importantly, he distributed Georgia Company sub-shares to a Supreme Court Justice, at least one US Congressman, Savannah merchants, numerous

33 John Twiggs, John Wereat, William Few, William Gibbons, and the other applicants to Georgia House, January 1, 1795, Edward Telfair Papers, DU.

34 James Gunn, [?], William Walker, Thomas Cumming, Thomas Glascock…to Governor Matthews, December 25, 1794, Yazoo Surveyor General Papers, UGA.

35 Abernethy, The South, 145.
members of the Georgia House and Senate, the Georgia state Treasurer, and one of Georgia’s two solicitor generals.\textsuperscript{36} During late November 1794, Gunn commented on this distribution of shares to Supreme Court Justice James Wilson: “A joint committee of twenty two members are deliberating on the propositions made by the several companies—Fourteen of the Committee are in favor of disposing of a part of the western territory.” Gunn continued that “I think we have taken measures which shall ensure success.”\textsuperscript{37} The “measures” Gunn referred to were bribes. Georgia Company members latter admitted to bribing legislators.\textsuperscript{38}

Gunn’s bribes may explain why the typical up-country/low-country division failed to appear in voting on the Yazoo sale. Georgia state politics frequently divided along this geographic divide, but not in the vote on the Yazoo sale. 19 representatives voted in favor of the final Yazoo act and 9 against. Senators split 10 for and 8 against. 12 low-country legislators supported the sale, 10 did not. 16 up-country assemblymen voted for the sale, 6 against.\textsuperscript{39} No partisan division existed because few Georgia politicians openly embraced the label “Federalist.” Instead, most Georgians aligned themselves with Thomas Jefferson and the opposition to Washington’s administration.\textsuperscript{40}

As the Yazoo sale sat before Governor Matthews for approval in early January 1795, several men from Columbia County petitioned him, and argued that the sale

\textsuperscript{37} James Gunn to James Wilson, November 29, 1794. Gratz Collection, Case 1, Box 6, Folder 5, HSP.  
\textsuperscript{38} Sundry Papers, in relation to the Claims, commonly called the Yazoo Claims," Section B, (Washington, D.C.: A and G Wat., Printers, 1809), LCP.  
\textsuperscript{39} For a break-down, see Lamplugh, \textit{Politics on the Periphery}, 110-111.  
\textsuperscript{40} See Lamplugh, \textit{Politics on the Periphery} and Jennison, \textit{Cultivating Race}.  

would deprive Georgians of land that was rightfully theirs. They rooted their trenchant critiques of the possible sale in a specific sub-set of republican ideology, which warned against the ability of wealthy individuals to influence policy in their favor. The petition reached Matthews on January 4, 1795 and lamented that the “two branches of the Legislature have again passed a Bill to sell + dispose of the Western territory to a few individuals, to the utter exclusion of almost all the Citizens [of Georgia].” Yazoo critics argued that any sale not only threatened yeomen access to fertile acres but actually disrupted the proper political process by which the disbursement of public goods—in this case land—took place. The petitioners worried that the Yazoo companies might ignore the stipulation in the 1795 act compelling the four companies to collectively make 5,000,000 acres available for Georgia citizens to buy. The Columbia County men warned that “notwithstanding the said Bill doth contemplate a reserve on the part of the Citizens, the purchasers [Yazoo companies] may refuse to lay out or convey such reserve.” This plea failed to sway Governor Matthews.

The 1795 Yazoo Sale

The Yazoo sale became Georgia law on January 7, 1795. Historians have never systematically analyzed the bill approving the sale of Yazoo land. The act can be divided into three separate parts. The first part lays out the matrix of legal and political

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41 January 4, 1795, Petition from Lewis Gardner, Solomon Ellis, William H. Crawford, John Gibson, and other citizens of Columbia County to Governor George Matthews, Joseph Vallence Bevan Papers, Box 1, Folder 12, GHS.

42 January 4, 1795, Petition from Lewis Gardner, Solomon Ellis, William H. Crawford, John Gibson, and other citizens of Columbia County to Governor George Matthews, Joseph Vallence Bevan Papers, Box 1, Folder 12, GHS.

43 See Document K, “An Act supplementary to an act, entitled, “An act for appropriating a part of the unlocated territory of this State for the payment of the late State troops, and for other purposes therein mentioned, declaring the right of this State to the unappropriated territory thereof, for the protection and support of the frontiers of this State, and for other purposes,” American State Papers: Public Lands 1:139-142.
arguments by which Georgians supported their right to sell the land. In so doing, they advanced an argument that privileged Georgia’s territorial right to Yazoo country against that of the federal government and southeastern Native American nations. The second component of the bill details which company received what grant of land and how the process of payment and title transfer worked. The third and final part consists of various qualifications regarding the first two sections and instructions for how the Georgia government was going to use the profit earned from the sale. This last section of the act illuminates how the sale was a geopolitical tool used by state as a way to denigrate Native American sovereignty by leveraging the federal government’s policies in Georgia’s favor.

Georgia legislators claimed full “jurisdictional and territorial right” over Yazoo country. To support this assertion they drew upon the second and ninth sections of Articles of Confederation. The former guaranteed each state maintained all sovereign rights not expressly taken by the federal government, and the later promised that no land should be taken from the states for the benefit of the Confederation. Georgians coupled their interpretation of the Articles of Confederation with the Treaty of Pairs (1783), which set America’s western boundary at the Mississippi River. State officials viewed this as an affirmation that their state’s border extended to that river. Following that logic, Georgians insisted that the Constitution protected their claim to Yazoo country because the document precluded any alterations to “engagements entered into


before the adoption of the said constitution” and, furthermore, did not allow for *ex post facto* laws.⁴⁶

Georgia statesmen claimed that because their state maintained full territorial rights over its western territories, the state also held the pre-emption right to Native American land. To support this assertion they turned to North Carolina’s April 2, 1789 cession of land (present-day Tennessee) to the federal government, claiming that this document proved states’ right to pre-emption concerning Native American lands.⁴⁷ The Congressional statute verifying North Carolina’s cession mentions pre-emption rights only two times. First, the bill insists that all grants legally issued prior to the cession, and rights attached to those grants, such as occupancy or pre-emption, were to be maintained. Second, and very specifically, the cession demanded that all individuals living south of the French Broad River had the right to enter pre-emption claims, but only if “an office be opened for that purpose.”⁴⁸ Georgia legislators read these seemingly narrow concessions made by Congress as proof that states held pre-emption rights. They argued that “the State of Georgia aforesaid hath by not act, or in any manner whatever, transferred, alienated, or conveyed her right of soil or pre-emption, in any part of the vacant territory within the limits of the said State.”⁴⁹ This line of thinking allowed legislators to maintain that Georgia had every right to sell Yazoo acres. They

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⁴⁶ The former is the first clause in the sixth article and the latter is the third clause of the ninth section of the first article. Georgians also pointed to the second clause of the third section of the fourth article, which, as they wrote, “the Congress shall have power to dispose of, and make all necessary rules and regulations respecting the territory or other property belonging to the United States; and nothing in this construction shall be so construed as to prejudice any claims of the United States, or of any particular State.” American State Papers: Public Lands 1:139.

⁴⁷ North Carolina’s cession was approved by the Senate on April 1, 1790 and signed by President Washington on April 2, 1790, US Statutes at Large, 1:106-109.

⁴⁸ April 2, 1790, US Statutes at Large, 1:108.

⁴⁹ American State Papers: Public Lands, 1:139.
attacked the July 22, 1790 Trade and Intercourse Act, which asserted that only the federal government could cancel Native American pre-emption rights.\textsuperscript{50} They also insisted that the Treaty of New York (1790), between the federal government and Creek nation, violated Georgia’s sovereignty because the treaty recognized Creek ownership of land Georgians saw as their own.

Legislators granted upwards of 35,000,000 acres to four land companies for a total of $500,000, but the grant was neither immediate nor straight forward to acquire (Figure 1-2). Each of the four companies had a separate section in the bill, and each section contained the same four parts. The first part outlined the boundaries of each company’s grant and specified both the amount to be paid and acceptable forms of payment—specie, “bank bills of the United States,” or select Georgia state money issued between 1791 and 1795. This part also specified that a one-fifth down payment was needed at the time of purchase; the complete payment was due on November 1, 1795. Companies received grants in fee-simple and as tenants in common, “not as joint tenants.”\textsuperscript{51} The next part instructed companies on how to receive their final grant. After paying one-fifth of the total purchase money to the state Treasurer, company men received a receipt, which they took to the Governor. Upon receiving the Treasurer’s receipt, the Governor filled out a grant to the companies for the specified acres which would be executed only after they completed their remaining payment. Until then, the

\textsuperscript{50} I discuss this in Chapter 2.

\textsuperscript{51} Land held in fee-simple designates the highest form of ownership over real property. The title-holder is the true owner of the land. Joint tenants owned the land equally together and whatever right one tenant had to the land must be the exact same right held by all the others. Importantly, joint tenants cannot own separate amounts of the whole, they simply hold the whole together. Tenancy in common allows different holders to control varying amounts of land and sub-divide their own shares. See Sir William Blackstone, \textit{The Student’s Blackstone: Commentaries on The Laws of England In Four Books} (London: William Clowes and Sons, 1865), 161-166.
grant would double as a mortgage that would be canceled if the companies failed to complete payment before November 1, 1795. The third part specified companies had to set aside acres for Georgia citizens to purchase. Each county had quotas attached to it.

The final part delineated how Georgia citizens could make their purchase. Any interested buyers could pay one-fifth down with several months to complete their payment. Foreshadowing the refund option state legislators built into the 1796 Rescinding Act, Georgia citizens could withdraw their initial down payment if they failed to complete their payment within the specified time. The land would simply revert back to the Yazoo companies.

The final section of the 1795 Yazoo act deals with several miscellaneous items. All money paid into the Treasury by Georgia citizens purchasing land laid aside by Yazoo companies counted towards that companies' final payment. This meant Georgia citizens paid at least some of the Yazoo companies' mortgage. Company members' land was free from taxation until incorporated into counties and electors from that county chosen to attend the state legislature. The bill required the Yazoo companies to “forbear all hostile and wanton attacks on any of the Indian tribes which may be found within the limits of the State.” It also ordered that all money spent on purchasing Native American land and preserving peace (presumably by offering gifts) had to come from company coffers. Georgia could not be sued for land claims or for recovering money invested in the sale. The $500,000 to be received from the four companies, excepting only money “appropriated to the extinguishment of Indian claims,” was to be invested in US bonds. The income from that investment would be “applied to the payment of the civil establishment and contingent expense of the Government of

52 The difference between their down payment and the total amount owed.
this State.” In other words, Yazoo money was meant to decrease Georgian’s tax burden significantly. Finally, the companies could not sell the land to any foreigners, and all the land within Georgia’s western territories not granted to Yazoo companies remained under Georgia’s control.

The remaining parts of this third section illuminates Georgia legislators’ attempt to quite Native American land claims across Yazoo country. Georgians authorized the Yazoo companies to “apply to the Government of the United States for concurrence in extinguishing the Indian claims to the different tracts of country by them severally hereby purchased” as soon as Creek claims between the Oconee and Okmulgee rivers “may be extinguished.” Legislators did not specific who or what political entity would cancel Creek claims between the Oconee and Okmulgee. The Yazoo bill appropriated $10,000 for this purpose. Legislators did set up the grants in such a way that as soon as Creek claims no longer existed between the two rivers that Yazoo men became responsible for canceling all Native American claims to lands owned by their companies. This challenged the federal government’s prerogative to quiet Native American claims.

The initial Yazoo bill passed Georgia’s legislature on December 20, but Governor Matthews vetoed it on December 28, 1794. This sequence of events reveals Georgians’ effort to acquire the lands between the Oconee and Okmulgee lands through the Yazoo sale. The December 20 bill included a title that explicitly stated part of the bill’s purpose was to raise “a fund for the extinguishment of Indian claims.” While debating this bill, a joint House and Senate committee, created for the specific purpose of evaluating

53 American State Papers: Public Lands, 1:141 and 142.

54 American State Papers: Public Lands, 1:141.
applications to purchase Yazoo acres, recommended that state “commissioners be appointed by the legislature for the purpose of extinguishing the Indian claims to that territory lying between the Oconee and Oakmulgee rivers.” The joint committee also recommended that Georgia’s Representatives and Senators push the federal government to make a treaty with Creeks that affirmed Georgia’s sovereignty over the acreage between the Oconee and Okmulgee. This wording never made it into either the December 20, 1794 bill or the January 7, 1795 bill concerning the sale of Yazoo land, but the order for Congressmen to push federal officials for a treaty made its way into another bill passed on December 28, 1794: “An Act for appropriating a part of the unlocated territory of this State, for payment of the late State troops, and for other purposes therein mentioned.” This bill required Georgia’s Congressmen to push the federal government to the cancel Native American title between the two rivers. Senator James Gunn and Representative Thomas P. Carnes, both Yazoo investors, wrote George Washington on March 2, 1795. They requested a treaty with Creeks, who claimed “the right of soil” to the lands between the Oconee and Okmulgee rivers. Washington did eventually request the Senate conduct a treaty with Creeks, but the Treaty of Coleraine (1796) bitterly disappointed Georgians and turned the state’s politicians even more adamantly against the administration because it confirmed Creek control over the dispute lands.

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55 For the title of the bill, see State of the Facts: Shewing The Right of Certain Companies to the Land Lately Purchased by Them from the State of Georgia (Philadelphia, 1795), 52, GHS. For the quote, see the same, 57.


Yazoo Companies

Four companies received grants to Yazoo land: the Upper Mississippi Company, the Georgia Mississippi Company, the Tennessee Company, and the Georgia Company (Figure 1-2).\(^{58}\) Georgia sold the land to the companies for the following amounts: Upper Mississippi Company, $35,000; Georgia Mississippi Company, $155,000; Tennessee Company, $60,000; and the Georgia Company $250,000.\(^{59}\)

Georgia Mississippi Company and the Upper Mississippi Company members quickly resold their entire grants. Many Georgia Mississippi Company members lived in Augusta. They transferred their holdings to lawyers William Williamson and Amasa Jackson. Nearly one year later, Williamson and Jackson sold the entire grant to members of a fifth Yazoo company, the New England Mississippi Land Company (discussed below).\(^{60}\)

The formation of the Upper Mississippi Company demonstrates the close connection between northern capital and southern slavery. John B. Scott, Patrick’s Henry’s 1789 agent, entered a petition for himself, Wade Hampton, and John C. Nightingale. Hampton owned over 80 slaves. Both sides of Nightingale’s family participated in the slave trade from Providence, Rhode Island.\(^{61}\) John C. Nightingale owned at least two slavers, Providence and Ida. Each ship made a least one journey to Africa’s west coast, the former in 1790 and the later in 1800. The Providence

\(^{58}\) For more detail on the four companies, see Abernethy, The South, 136-168 and Lamplugh, Politics on the Periphery, 104-143.

\(^{59}\) Annals of Congress: Public Lands Volume, 1:121.

\(^{60}\) Lamplugh, Politics of the Periphery, 124.

disembarked in Cuba and the *Ida* in Florida. Nightingale went to Georgia in 1794 at the behest of his family. He quickly married Martha Washington Greene, the elder daughter of the late General Nathaniel Greene, whose widow married Phineas Miller. Nightingale subsequently partnered with Miller in order to back Eli Whitney's new cotton gin, created on the Greene plantation. Searching for a revenue stream to fund the saw-gin, Nightingale and Miller invested in Upper Mississippi Company. Wade Hampton bought out both Nightingale and Scott by mid-January 1795. Nightingale, also invested in the Georgia Company, received an immediate influx of cash from the sale of his shares to Hampton and still had the possibility of profiting from his investment with the Georgia Company. For his part, Hampton resold the entire Upper Mississippi Company grant for $120,000. After paying off the remaining balance due to Georgia for the original grant, Hampton cleared around $90,000.

Zachariah Cox resurrected the 1789 Tennessee Company. Cox and William Maher entered the petition for the company. Cox continually involved himself in western-land schemes during the 1780s and 1790. The 1795 sale was business as usual for him. He also owned a Georgia Company share, demonstrating the close ties

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64 See Phineas Miller and John C. Nightingale to Richard Frothingham [?] October 23, 1795 and Eli Whitney “Memorandum” November 5, 1797, “Land Dispute Papers Relating to the Georgia Company 1795-1800,” Richard Frothingham Papers, Reel 11, MHS.

65 Abernethy, *The South*, 149.

between many of the companies. Wade Hampton owned a share in both the Tennessee and Georgia Companies. William Maher was a Charleston merchant who left for Europe shortly after the sale, presumably to sell company stocks.

James Gunn’s influence ensured that the Georgia Company received the largest Yazoo grant. Matthew McAllister and George Walker joined Gunn. McAllister practiced law in Savannah and held various state positions, including U.S. District Attorney for Georgia. Walker also practiced law and served as the state’s Attorney General. Gunn and his associates eventually sold approximately 13,500,000 acres of their grant to James Greenleaf on September 23, 1795. Greenleaf then resold 9,000,000 acres to New York merchants Nathaniel Prime and Samuel Ward on February 1, 1796. That same day, Prime and Ward conveyed this land to Massachusetts men Samuel Sewall, Samuel Dexter, and Georgia Lane. In order to guarantee the land, Prime, William Payne (a Bostonian), Comfort Sands, Constable, and Samuel Ward (all three New York Merchants) signed a bond which acted as security for the deed. The deed required Prime and the others to provide Sewall, Dexter, and Lane with documents proving the land was free of any incumbencies. The Rescinding Act prevented Prime and his associates from fulfilling the bond’s stipulations.

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67 Abernethy, *The South*, 146.


Yazoo companies issued stock to raise investment. This decision funneled investment from northerners and at least one British man. The Georgia Mississippi Company created 1,600 shares. The other companies created significantly fewer shares: the Tennessee Company 420, the Upper Mississippi Company 12, and the Georgia Company 10.\(^72\) Not all the companies’ stock functioned in the same way. The Georgia Company’s stock represented an investment in the company’s revenue generating capabilities and not ownership of land. The charter noted that stocks “shall not be a right to any proportion of soil…but only a right to any dividends of any profits.”\(^73\) Tennessee Company stocks, on the other hand, represented the right to acres: each certificate of stock entitled the holder “to the one four hundred and twentieth part of the said territory.” Once the company completed payment “a deed of conveyance will be issued.”\(^74\) Yazoo company men did not have to issue stocks, but doing so helped facilitate investment from distant locales. Abraham Bishop compared the scramble for Yazoo stock in Boston to the South Sea Bubble.\(^75\) Foreign investors also purchased Yazoo company stocks, just as they purchased stocks to emerging banks, insurance companies, and transportation companies, as well as US government bonds.\(^76\) Wade


\(^73\) January 7, 1795 [?], Rules + Regulations of the Georgia Company, J. Randolph Anderson Papers, Folder 8, GHS.

\(^74\) American State Papers: Public Lands, 1:129.


Hampton and James Gunn sold 5 out of the 10 Georgia Company shares to one Hugh Rose in Philadelphia, who in turn sold half of these to Englishman Valentine Jones.\textsuperscript{77}

Like other investors in business ventures Yazoo company members and stockholders recognized their purchase of company stock entered them world they could not always control. Their investment might result in either spectacular financial success or disastrous ruin.\textsuperscript{78} Timothy Green, an investor in the Georgia Company, wrote company member and, at the time, United States Senator James Gunn that “I have now fully committed myself and shall make or ruin myself.”\textsuperscript{79}

**Reactions and Debates in Georgia**

Emotions ran high “out of doors” as Georgia legislators debated the Yazoo sale.\textsuperscript{80} Groups of armed men descended on Augusta in an effort to prevent the sale. Diverging accounts exist of who these armed men were and what they intended to do. One narrative depicts bands of men streaming into Augusta from various parts of the state bent on keeping Governor Matthews from signing the Yazoo Act into law.\textsuperscript{81} These men were likely upcountry residents. Another version of events depicts Georgia Union Company members driving armed men up and down the streets of Augusta in an effort

\textsuperscript{77} American State Papers: Public Lands, 1:127.


\textsuperscript{79} Timothy Green to James Gunn, November 24, 1795, Timothy Green Letters, Folder 3, GHS.


to intimidate legislators into accepting their bid.\textsuperscript{82} Scholars have failed to sufficiently contextualize these events, therefore obscuring what might have been multiple groups of men with different goals.

Upcountry yeoman were no strangers to using either threats of violence or actual violence to accomplish their agenda. This stemmed, in part, from a long history of Anglo-American farmers turning to extra-legal actions when they felt politically impotent.\textsuperscript{83} More importantly, many North Carolina Regulators and their immediate descendants populated upcountry Georgia after their failed political reforms.\textsuperscript{84} Periodic acts of violence flared in various upcountry counties. Residents of Burke County forcibly liberated one Patrick Carr from jail during late 1790. One year earlier, that county’s tax collector almost certainly resigned out of fear for his physical safety.\textsuperscript{85} When Seagrove described “several parties of Armed men,” it is possible that one of these parties was a group of upset yeoman from upcountry Georgia. This seems even more likely considering a February 12, 1795 \textit{Georgia Gazette} article, one of the earliest articles published concerning the Yazoo sale. Savannah and Chatham County politics were

\textsuperscript{82} Expono, \textit{Southern Centinel}, January 15, 1795.


\textsuperscript{85} Daniel Evans to Governor George Walton, October 18, 1790, in Telamon Cuyler Collection, Box 23, University of Georgia Special Collections and John Jones to Governor Georgia Walton, October 1, 1789, Telamon Cuyler Collection, Box 23, UGA.
controlled, on the whole, by conservative planter-elites who had no interest in actions outside the prescribed rule of law and viewed upcountry settlers as uncouth and uncivilized. The Chatham County Grand Jury laid out several critiques of the sale in the February 12 article, but they reminded Georgians that they must respect laws and decisions made by the majority. They argued it was their duty and wish “that unanimity and good order may generally prevail throughout this state.” According, the “only proper way is to proceed by way of petition and remonstrance for redress.” Otherwise, Georgians “will not make a proper use of the blessings of a liberal government.”

No records exist of the armed citizens parading around Augusta committing violent acts, but Hancock county residents murdered their state senator for his involvement in the Yazoo sale. In his 1849 history of Georgia, based on interviews and newspaper research, George White wrote that “A senator from Hancock, to avoid being tied to a sapling and whipped, fled to South Carolina, whither he was followed and killed by some of his constituents.” Extant evidence corroborates White’s claim that Roberts Thomas was, in fact, murdered for accepting bribes from Yazoo men. The Augusta Chronicle and Gazette of the State placed Thomas outside the state as of April 4, 1795. The editorial noted that Thomas might be let back into the state if he turned “state’s evidence.” On September 26 an article ran in the same paper. It read as follows:

Was killed lately at his house in South-Carolina, Roberts Thomas, Esq. one of the senators of this state in the last General Assembly; he was shot

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86 “Georgia, In the Superior Court of Chatham County,” Georgia Gazette, February 12, 1795, 2.

87 George White, Statistics of the State of Georgia Including an Account of Its Natural, Civil, and Ecclesiastical History ; Together with a Particular Description of Each County, Notices of the Manners and Customs of Its Aboriginal Tribes, and a Correct Map of the State (1849), 50.

88 “To The Freeman of the State of Georgia,” Moderator, The Augusta Chronicle and Gazette of the State, April 4, 1795.
dead by some person unknown—but it is generally supposed his death was occasioned by his voting for the Yazoo bill, and receiving upwards of four thousand dollars for that vote.\(^89\)

South Carolina Representative Samuel Farrow stated during an 1814 US House debate over the Yazoo claims that “one of their [Georgia’s] Senators, by the name of Thomas, was murdered, on account of his being engaged in the infamous fraud.”\(^90\) A state-level tribunal organized to investigate charges of corruption interviewed multiple witnesses during early 1796.\(^91\) One William Sallard, a resident of Hancock County, testified to a conversation he had with Thomas Glasscock during late January 1795. Glasscock, a Yazoo purchaser, asked Sallard if residents of Hancock would kill Roberts Thomas for his involvement in the sale. Sallard replied “he did not know they would kill him; but that he would stand a good chance of chugging a sapling” because “they had an idea that Thomas was bribed.”\(^92\) A disproportionate amount of the tribunals’ questions focused on the actions of Thomas. The interviews collectively implied he was the most corrupt of the state officials, accepting bribes from multiple companies and attempting to draw other legislators into the speculative fray. It is possible that legislators tried to cast him in the worst possible light in hopes of legitimating, or at least rationalizing, his murder. This violent reaction was not exceptional, nor was it limited to upcountry locales. At least one fight broke out between James Jackson and Robert Watkins (a Yazoo investor) and during 1804 one Congressmen threw a bottle of wine at another because

\(^{89}\) “Augusta, September 26,” *The Augusta Chronicle and Gazette of the State*, September 26, 1795, 3.

\(^{90}\) *Annals of Congress, House of Representatives*, 1814, 1898.

\(^{91}\) *American State Papers*: Public Lands, 1:124.

they disagreed over the sale.\textsuperscript{93} Nonetheless, most debate over the sale gravitated into newspaper columns and legislative halls at the state and national level.

The earliest protestations against the sale in Savannah’s \textit{Georgia Gazette} and Augusta’s \textit{The Augusta Chronicle and Gazette of the State} do not mention bribery.\textsuperscript{94} Articles attacking the sale focused on a variety of economic, political, and geopolitical issues: the validity of the $800,000 offer legislators rejected; the possibility of war with southeastern Native Americans because of the sale; the incompatibility of free government and monopolies (the Yazoo companies were portrayed as such); and how more money could have been made from the sale. Importantly, these articles stressed that the sale “will in all probability involve this state in disputes with the neighboring tribes of Indians, and may eventually engage her in a war with them.”\textsuperscript{95} Georgians’ early concern with issues other than corruption illuminates that they did not simply respond to the sale with crazed anger. Instead, they responded to the sale by drawing on their world-view of how government should function.

Charges of corruption only appeared in newspapers during early March in both Savannah’s and Augusta’s newspapers.\textsuperscript{96} Most of the earliest charges were still tentative. One editorialist identifying himself as “W. H.” proposed “A bill of rights for the

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\textsuperscript{93} Lamplugh, \textit{Politics on the Periphery}, 138. John Randolph threw a bottle of wine at Willis Alston, Jr.

\textsuperscript{94} See “In the Superior Court for Chatham County,” \textit{Georgia Gazette}, February 12, 1795, 2; \textit{The Augusta Chronicle and Gazette of the State}, January 3, 1795, 3; \textit{The Augusta Chronicle and Gazette of the State}, February 7, 1795, 1; and \textit{The Augusta Chronicle and Gazette of the State}, February 14, 1795, 1.

\textsuperscript{95} See “In the Superior Court for Chatham County,” \textit{Georgia Gazette}, February 12, 1795, 2.

\textsuperscript{96} “Screven County Superior Court,” \textit{Georgia Gazette}, March 5, 1795, 2 and “An addition to the Constitution for the state of Georgia, if the Convention approves of it...,” \textit{The Augusta Chronicle and Gazette of the State}, March 7, 1795, 1.
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state of Georgia.” Part of this bill of rights included being able to punish public officials to the full extent of the law. In the case of “corrupt bribery, both giver and received shall be put to death.” If guilty, “die he must.” 97 Still, W.H. only implied that the sale was corrupt.

A March 5 Georgia Gazette article printed the protest of the Screven County Superior Court, which noted that “fraud and corruption appears to have been” undertaken. 98 Protests in the newspapers did not directly charge state legislators with fraud until the second week of March. 99 Even after critics of the sale labeled it corrupt, they still articulated a wide spectrum of arguments against the sale.

Over the course of late February, March and April, 1795, anti-Yazooists started to call the sale unconstitutional by drawing on classic republican rhetoric. They did argue corrupt acts were unconstitutional. But county-level grand juries and editorialist also insisted that the state legislature did not have the power to sell the Yazoo acres. Some grounded their arguments in the state’s 1789 constitution, which they claimed did not specifically enumerate legislators’ right to sell western territory; therefore making the sale unconstitutional. Others posited that Yazoo land belonged to the people because of their capacity as free citizens in a republican government. 100 This line of reasoning stressed that the sale hamstrung white Georgians’ access to the Yazoo land and therefore deprived them of an equal opportunity to improve their lot in life. A March 19

97 “An addition to the Constitution for the state of Georgia, if the Convention approves of it…,” The Augusta Chronicle and Gazette of the State, March 7, 1795, 1.

98 “Screven County Superior Court,” Georgia Gazette, March 5, 1795, 2.

99 “Burke County,” Georgia Gazette, March 12, 1795, 2 and “Effingham County Superior Court,” The Augusta Chronicle and Gazette of the State, March 29, 1795, 1.

100 See, “Candidus,” The Augusta Chronicle and Gazette of the State, February 14, 1795.; “Burke County,” Georgia Gazette, March 12, 1795, 2; The Augusta Chronicle and Gazette of the State, March 14,1795; “To the Freeman of the State of Georgia,” Georgia Gazette, 1; “To the People of Georgia,”, Georgia Gazette, April 23, 1795 1; “A Planter,” Georgia Gazette, April 30, 1795, 2.
editorial stated that “acts done by the legislature for the private benefit of its Members, in exclusion of the citizens at large, are unconstitutional, and in direct opposition to the great fundamental principles of a republican government.” Part of the problem, as the Screven County Superior Court argued, was that “the sellers thereof have been part of the purchasers.” According to anti-Yazooists, state legislator violated the dictates of public officials' duty, which included using their power to benefit the community, not stuff their own pockets.

As opponents of the sale insisted on its illegitimacy, they also championed the people’s authority to nullify it. The Richmond County Grand Jury, aware that their county’s residents lay more exposed to the Native American attacks than coastal counties, argued that “this act, in our opinion, is pregnant with all the ills that can befall a free people; and if not repealed will tend, in all probability, to involve this state in a war with the four southern tribes of Indians.” Others Georgians proposed more than a simple repeal, they wanted to blot out the sale’s existence. The Effingham County Superior Court “strongly recommend[ed] to the Convention, and to the next general assembly, to set aside the grant, for fraud, and that the act, together with the record copy of the grant, be erased from the public records, that no traces of such infamy

101 “To the Freemen of the State of Georgia,” Georgia Gazette, March 19, 1795, 1.
102 “Screven County,” The Augusta Chronicle and Gazette of the State, March 14, 1795, 1.
103 “Richmond Grand Jury,” The Augusta Chronicle and Gazette of the State, March 14, 1795, 1.
should be handed down to posterity.” Who had the power to repeal the sale? Anti-Yazooists had one answer: the people.

How were the people supposed to nullify the sale? Anti-Yazooists answered by pointing to a special convention set to meet during May. Georgia’s 1789 constitution called for a meeting at which delegates, elected during 1794 state elections, would re-evaluate that document and proposed amendments “they think proper.” Opponents of the sale urged white Georgians to send petitions to this convention. They responded with vigor.

Petitioners from Elbert County took advantage of state legislators’ re-evaluation of the 1789 state constitution during May in order to unapologetically critique state policy. “Without apologizing at all” the hundred-plus applicants described eight areas of state law they desired reformed. The eighth complaint began as follows: “We now come to Say our most weighty and bitter grievances before your honorable and powerful Body and would refer to you the many Remonstrances [sic] of others. Both in writing and print, which your Eyes have seen and the grievances which your Ears have heard from your Injured [?] Country-men.” Petitioners made clear that their position echoed other

104 “Effingham County Superior Court,” The Augusta Chronicle and Gazette of the State, March 28, 1795, 1.

105 A Citizen, “To the Freemen of the State of Georgia,” Georgia Gazette, March 19, 1795, 1; A Planter, Georgia Gazette, April, 30, 1795, 2; A Citizen, “To the Freemen of the State of Georgia,” The Augusta Gazette and Chronicle of the State, March 28, 1795, 1; Moderator, “To the Freemen of the State of Georgia,” The Augusta Gazette and Chronicle of the State, April 1, 1795, 1.

Georgians and a litany of (negative) adjectives describing the 1795 Yazoo sale and the state legislators—the “merciless Speculating Crew”—followed. 107

Elbert County residents fumed that these “Unfaithful” state representatives had forgotten they were nothing more than an instrument to enact the will of the people. Legislators had “in a most glaring, Insulting and Dareing Manner Sold the states Rights and Bought it themselves or Received money from others to gain their Consent.” These men had violated the sacred rule of statesmen within a political universe ordered by classical republicanism: personal interest must never trump what was best for the people. The petitioners reminded the Convention that “we have declared that we are free and will be free.” They asked (rhetorically) “Did we fight…with our Europian masters for our Rights and Liberties and shall our Georgia servants [state legislators] take them from us”? The issues they raised were “necessary for the convention to take under consideration in order to prevent mobs seizing in arms and shedding human blood.” 108 Legislators certainly pondered this last point. They could not have forgotten armed men parading Augusta’s streets that January. Petitions and armed resistance had failed to stop the passage of the Yazoo bill. Elbert County citizens hoped that a renewed threat of violence might wipe away its stain.

Most petitions sitting before delegates at the May convention came pre-printed with seven critiques of the sale, petitioners only had to fill in their county name and sign at the bottom (Figure 3-1). Anti-Yazooists created this document and placed it in The

107 Elbert County Petitioners, “To the Honorable, the President and Convention of the state of georgia,” Elbert County, May 1, 1795, Telamon Cuyler Collection, Box 24, Folder 17, UGA.

108 Elbert County Petitioners, “To the Honorable, the President and Convention of the state of georgia,” May 1, 1795, Telamon Cuyler Collection, Box 24, Folder 17, UGA.
These pre-made documents encapsulate and synthesized arguments anti-Yazooists made in newspapers editorials and handbills. The extant petitions collectively contain over 2,000 signatures. Tracing the background of the signees is frustratingly difficult because Georgia’s census returns for 1790, 1800, and 1810 were lost when the British burned Washington D.C. during the War of 1812. The surviving petitions are heavily weighted towards the upcountry. These protests reveal that Georgians attacked the 1795 Yazoo sale by combining arguments grounded in classical republicanism, emerging liberalism, their own economic self-interest, and the sectional nature of American politics.

Each petition contained seven critiques. Every petition began by expressing the citizens’ “deepest concern” over the Yazoo sale’s “violation of their common rights, and the essential injury of their common interests.” Moving to their first critique, petitioners worried because the act “attempted to” transfer and alienate Georgia’s “sovereignty and jurisdiction of the soil,” which they understood as allowing “the establishment of a military government…titles of Nobility…and an abolition of all Republican forms of government.” This line of reasoning likely derived from the content of a failed amendment to the Yazoo sale. Legislators had unsuccessfually tried to pass an amendment that guaranteed Georgia sovereignty over Yazoo acres even after the

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109 The Augusta Chronicle and Gazette of the State, March 28, 1795, 2.

110 Historians either ignore the wide-breadth of critiques levied by Georgians or focus on the charge of corruption to the near exclusion of the others. Charles Homer Haskins, “The Yazoo Land Companies” (New York: The Knickerbocker Press, 1891); Magrath, Yazoo, 3-8; Lamplugh, Politics on the Periphery, notes that early protestations “curiously enough” do not level “charges of corruption,” 122-123; Abernethy, The South in the New Nation, 136-168.
The petition continued its critique by insisting that only if Georgia could extend its jurisdiction west, or by implication, if new states were formed on republican principles, could “the southern states” be placed “upon an equal seale in the political balance with their northern neighbors.” In one point of the petition, Georgians touched upon protecting their state’s sovereignty within a federalist system with unclear (and contested) boundaries, expressed fears about sliding from a republic back into a monarchy (certainly influenced by the Spanish presence in the Old Southwest), and stressed their solidarity with other “southern states” and fretted about maintaining a balance-of-power politics in Congress.

The second point focused on selling land to foreigners. The act prohibited Yazoo company members and their associates from selling land to foreigners, but it did not say anything about company men’s “heirs or assigns, or others how may purchase from them.” This seems an odd complaint at first glance. But these petitioners were in fact trying to prevent distant speculators (domestic and foreign) from commodifying land they viewed as their own and then reselling that land for profit on northern or foreign markets.

Petitioners did not argue that a sale was inherently detrimental. Their fourth point in the petition, in part, stressed that if the legislators had announced their intention to sell the western acres, and given would-be-purchasers one year to make offers, then

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111 Abernethy, *The South in the New Nation*, 147. This vote is posted in the newspaper, March 28, 1795, *The Augusta Chronicle and Gazette of the State*.

112 Quotes from Yazoo Petitions, Chatham County Petition, Telamon Cuyler Collection, Box 82, Folder 27 B, UGA.

the state could have made more money. The petition’s sixth point outlined how John Wereat’s company had been denied a grant despite offering $300,000 more than the combined amount paid by the four companies that did receive land. Importantly, “the annual interest” of the forgone $300,000, “if properly applied, would have contributed largely to relieve the citizens of the state from taxes in the future.” The 1795 sale disturbed Georgians not because the land would be transformed into paper wealth, but that it might be transformed into wealth that did not benefit them directly. They opposed the formulas of profit designed by men like James Wilson. Supreme Court Justice, Federalist, Yazoo investor, and Pennsylvanian, Wilson expressed a common sentiment for post-Revolutionary elites when he wrote that “uniting the Land in America with the Capital and Labour brought from Europe” would produce greater profits “than those which could be expected from any continued Series of mercantile Speculations—even those to the Indies not expected.” Wilson bought over 1,000,000 Yazoo acres and resold much of that on northeastern, and likely international, markets.

Anti-Yazooists understood they lived in a world of intensifying commodification of land that derived from increasingly tight-knit markets. They wanted to use their (supposed) ability to shape the structure of government to protect land they understood

114 Yazoo Petitions, Chatham County Petition, Telamon Cuyler Collection, Box 82, Folder 27 B, UGA Special Collection.

115 This is also raised, in part, in their fourth point in the petition. They were skeptical of the extinguishment of Indian claims between the Oconee and Okmulgee rivers, which, according to the petitioners, “can only be viewed as a subterfuge to serve individual purposes, as the extinguishments of Indian claims to large tracts of country have.” In other words, large speculators looked to take advantage of the situation.

116 Quoted in Bouton, Taming Democracy, 172.

as their own. Georgians had specific experience with foreign investors, specifically Dutch bankers, flooding their state with money in order to purchase land. During mid-December 1794, as speculators crisscrossed Augusta’s streets making deals, promises, and passing bribes, a hand bill circulated throughout town warning of the “the arrival of prodigious sums from Amsterdam, in return for speculation in Glynn and Camden [counties].”¹¹⁸ These particular Dutch investors wanted to plough money into what is remembered as the Pine Barren Speculation. A contemporaneous, but separate speculative endeavor, which included settled parts of Georgia and not its (claimed) western territories. Glynn and Camden counties contained pine barrens—a topographical area that had sandy soils—and purchasers of this land found it almost worthless. Famed counterfeiter Stephen Burroughs witnessed this speculation when acting as a land surveyor for Robert Morris. Morris’s North American Land Company counted over one-third its land holdings in the sandy soils of the pine barren in Georgia.¹¹⁹ Burroughs described how speculators and state officials combined to sell “millions of acres, which never had existed” in “other states; and to foreigners.”¹²⁰ The worthless Georgia lands contributed to Robert Morris’ imprisonment for debt.¹²¹

Georgians worried over jurisdictional conflicts and contradictions raised by the Yazoo sale. They posited a republican government must be extended westward in order

¹¹⁸ Quoted in George R. Lamplugh, “James Gunn: Georgia Federalists, 1789-1801,” Georgia Historical Quarterly, 94 (Fall 2010).


to protect their land and specifically argued that the 1789 state constitution dictated that
the state had to lay off counties “previously to any disposition thereof.” In actuality, the 1789 constitution does not mention having to create counties before selling the land. The petitioners, perhaps unintentionally, made an argument that worked to limit their state’s sovereignty when they insisted the state only had the ability to sell preemption rights to Yazoo acres and did not have the legal and political power to grant the ability to cancel Native American titles to the four Yazoo companies. The federal government claimed this prerogative under the Constitution and the 1790 Trade and Intercourse Act, but Georgians had little interest in pursuing that line of argument. They instead pointed out that Georgia’s constitution required all suits over land to be tried in the county in which the dispute took place. How was this to operate in a “territory of which the sovereignty and jurisdiction is without doubt intended to be surrendered”? Most straightforwardly, this concern was a fear that no legal mechanism would be present to deal with land disputes. Another interpretation, not mutually exclusive to the first, is that Georgians were concerned that their ability to control the distribution of fertile lands was being taken away because their political power only extended as far as Georgia’s sovereignty and jurisdiction.

122 Yazoo Petitions, Chatham County Petition, Telamon Cuyler Collection, Box 82, Folder 27 B, UGA.
124 This was their third point in the petition.
125 This is their fifth point.
126 Yazoo Petitions, Chatham County Petition, Telamon Cuyler Collection, Box 82, Folder 27 B, UGA.
Petitioners insisted they were the ultimate source of political authority within the state of Georgia and they drew upon a moral interpretation of the law in order to demand a repeal of the sale. They grounded their authority in the Revolution’s and Constitution’s transformative rhetoric of popular sovereignty. “We the People (from whom all power originates),” they declared near the end of their petition before requesting the nullification of the Yazoo sale: “do hereby instruct and charge our several Members of the Convention aforesaid to take such measures as will render and make the aforesaid Act, and every grant or grants obtained under or by virtue thereof, utterly null and void, and of none [?] effect.” They echoed this idea in the seventh section of the petition: “it evidently appears that the said Act was obtained by fraud, collusion, and corruption; and therefore the aforesaid Act, and every grant or grants obtained in pursuance of, or by virtue thereof, must be, in law and equity, null and void.” Corruption must not taint the new republican nation. Yazoo petitioners drew upon and helped to (re)create a conception of legality grounded in morality and not the strict letter of the law. Because they expressed the will of the people—because they were the people—they concluded their petitions by stating the legislators “must feel bound to a faithful observance of these our instructions.”


129 Yazoo Petitions, Chatham County Petition, Telamon Cuyler Collection, Box 82, Folder 27 B, UGA Special Collection.
White Georgians’ anger at the 1795 Yazoo sale and their decisions to petition the May convention took shape against a backdrop of state-level policy changes and government officials’ unwillingness or inability to stem a rising tide of land speculation during the 1780s and 1790s. A 1783 state law decentralized the mechanism for distributing state lands by removing the power to issue survey warrants—the necessary first step from transforming public land into private property—from the Governor and placing it into the hands of local justices of the peace. Importantly, justices of the peace were appointed by the legislature and they could also be state legislators. Many assemblymen were in fact justices of the peace and they collectively exercised massive influence over the distribution of land within Georgia. Out of eighty-one men elected to the assembly three or more times between 1781 and 1789, forty-three became justices of the peace after their election to the Assembly. Another twenty-two served in this position prior to their election. The 1789 state constitution decreased the political power of backcountry yeoman in relation to seaboard counties controlled by elite rice planters by creating a Senate, where before only an Assembly existed. These changes resulted in a veritable boon of land speculating and illegal surveying, which

130 Georgians resorted to both legal and extra-legal mechanisms in order to stymie what they considered an unholy alliance between speculators and government officials—at both the state and local level. For similar developments during the 1780s and 1790s, see Alan Taylor, Liberty Men and Great Proprietors: The Revolutionary Settlement on the Main Frontier, 1760-1820 (Chapel Hill: Published for the Omohundro Institute of Early American History and Culture by University of North Carolina Press, 1990); Bouton, Taming Democracy; and Woody Holton, Unruly Americans and the Origins of the Constitution (New York: Hill and Wang Press, 2007).


132 Jennison, Cultivating Race, 99.
threatened to displace poorer Georgians without government connections.\footnote{133}

Georgians’ response to the 1795 sale, then, did not happen in a vacuum.

Others Georgians accused opponents of the sale as warping the proper functioning of republican government in order to gain political advantage. Those attacking the sale’s detractors did not always defend the sale (although some did); instead, they attacked what they saw as radical and nonsensical interpretations government’s functionality. A March 19 Georgia Gazette editorial authored by “Expono,” accused the Burke County Grand Jury of overstepping their power as judges. Expono insisted that judges tried breaches of law, they did not make law.\footnote{134} Opponents of the anti-Yazooists also dismissed the idea that the people could somehow nullify the Yazoo sale. Editorialist “Candidus” argued that he believed “the people of the source of power,” but a repeal law is “a function they cannot personally execute.”\footnote{135} “Candidus” also shuttered at the idea of the May convention overturning the sale: “to suppose that the [May] convention or even the congress can invalidate the grant of the state, is to anticipate the total annihilation of real property within the limits of Georgia.”\footnote{136}

Georgians railing against the anti-Yazooists decried these men’s political strategy. They inflamed “the minds of the people by publications, remonstrances,

\footnote{133} For a few examples, see “John Habersham to John Houston,” 19 June 1784, Keith Read Collection, Box 11, Folder 18, UGA; “Petition of the inhabitants of Burke County to Samuel Elbert and the Executive Council,” 5 May 1785, Telamon Cuyler Collection, Box 23, Folder 28, UGA; “General Caveat, Elijah Clarke and Holman Freeman,” 1 July 1785, Telamon Cuyler Collection, Box 36, Folder 31, UGA; “Governor Samuel Elbert to Maj. General McIntosh,” 19 September 1785, Force Transcripts, GSA; “In the House of Representatives,” 4 December 1790, Joseph Vallence Papers, Folder 11, Item 97, GHS; and “Petition of the inhabitants of Montgomery County,” 1 September 1794, Keith Read Collection, Box 19, Folder 10, UGA.

\footnote{134} “Messeurs Printers” Georgia Gazette, March 19, 1795, 2.

\footnote{135} Candidus, Georgia Gazette, “Messrs. Printers,” April 1, 1795, 1.

\footnote{136} Candidus, The Augusta Chronicle and Gazette of the State, February 14, 1795.
instructions, [and] extracts.” For example, the March 19 edition of the *Georgia Gazette* printed a copy of an anti-Yazoo petition that circulated widely around the state and that petitioners simply had to sign. As “Moderator” put it, “if the Convention are adequate to such an undertaking [nullifying the sale], they ought at least to be adequate to discover, without the aids of foreign information.” “Moderator” made clear the Constitution’s prohibition of *ex post facto* laws would not allow a repeal, and, more importantly, to this editorialist and others of his persuasion, the “great end of all government” is to protect the “security of person and property.” In short, “Moderator” and those of his ilk decried the rise of popular politics and the repercussions of an emerging white man’s democracy.

Georgia statesmen took no action on the Yazoo sales during May. They ordered that the petitions before them be forwarded to the newly elected assembly. Thwarted in their efforts to overturn the Yazoo sale, anti-Yazooists focused their newspaper conversations on electing men to the state legislature who would overturn the sale. Newspaper articles and handbills focused on the upcoming election as a way to combat the Yazoo sale.

Opponents attack on the sale had political origins. James Jackson and his allies used the public’s antipathy towards the Yazoo sale to solidify their dominance over

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137 *Georgia Gazette*, March 19, 1795, 1.


139 Many scholars have identified the jarring, messy, and incomplete shift from what we might call “republicanism” to “democracy.” For the most recent example, see Sean Wilentz, *The Rise of American Democracy: Jefferson to Lincoln* (New York: W. W. Norton Press, 2005).
Georgia politics. Jackson’s power base was in Savannah and Chatham County. Politically, Georgia typically split between coastal and upcountry counties. Bridging this gap proved difficult. Jackson and his allies saw an opportunity to do just that in the Yazoo sale. Most of the attacks on the Yazoo sale came from upcountry counties.

As a US Senator, Jackson tried to remove a direct reference to Yazoo purchases in a bill debated on March 3. But Jackson did not overtly attack the sale. This is explained, in part, by Jacksons’ insistence that the Yazoo sale was a Georgia problem

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140 I do not posit that Jackson did not also oppose the sale, but instated that he could oppose it and take advantage of it at the same time. Lamplugh hints at this point, but does not flesh it out. Lamplugh, Politics on the Periphery, 133.

141 Jennison, Cultivating Race, 91.

142 Jackson looms large in histories of the Yazoo sale. Lamplugh, Politics on the Periphery; Lamplugh, “Oh the Colossus!” Magrath, Yazoo and Abernethy, The South in the New Nation. Jackson has been portrayed alternatively as a righteous defender of Georgians’ rights and an inconsistent critic of land speculators. For a defender of Georgia’s rights, see George White, Statics and Lamplugh, Politics on the Periphery. Magrath correctly notes that Jackson’s rapid opposition took several months to manifest, but then does not extend his analysis to what this might mean. He also points out that Jackson obtained 4,594 acres of land from governor’s grants. Magrath, Yazoo, 10-11. Lamplugh dismisses Magrath’s suggestion that Jackson had anything in mind but destroying the sale, despite the fact that Lamplugh’s own work conclusively demonstrates Jackson’s use of Yazoo solidified his political control of the state. Lamplugh, Politics on the Periphery, 116 n. 1. Lamplugh writes that Magrath warps “evidence in an attempt to denigrate James Jackson’s opposition to the sale.”

143 A pre-printed petition was circulated throughout Georgia on which citizens only had to write in their county name and then sign. Each petition has room for over 100 signature. The nine petitions surviving from Burke county contained over 900 signatures collectively. Of the extant petitions held at the University of Georgia’s Special Collections, only two came from coastal counties. Both came from Chatham. The remaining fourteen came from up-country counties: Oglethorpe, Burke (9), Richmond (2), Washington, and Elbert. A separate anti-Yazoo “remonstrance” that circulated was noted to be “now signing [sic] by most of the citizens in the upper and middle counties of this state.” The Augusta Chronicle and Gazette of the State, March 28, 1795, “Mr. Smith,” 2.

144 The bill was requesting President Washington to “give directions” to the Attorney General on documents relative to the “title to the land situation in the southwestern parts of the United States and claimed by certain companies under a law of the State of Georgia, passed the seventh day of January last...” Jackson wanted to remove all reference to the Yazoo companies, an ideological move perhaps, but not one that seriously threatened Yazoo purchasers. Documents and Other Papers Relating to the Boundary Line between The States of Georgia and Florida... (Washington, D.C.: Beverley Tucker, 1855), 105.
to be solved by the state and not a matter for Congress. But his opposition began suspiciously close to when he heard that John Wereat’s company did not receive a grant. Jackson had reason to be angry. When he emigrated from England in 1772 Wereat, a family friend, provided him a home. Another scenario, which is not mutually exclusive to the first, is that Jackson heard about the popular reaction to the sale and saw an opportunity to become a king-maker in Georgia.

Jackson’s anti-Yazoo stance appealed to upcountry residents and appeared in newspaper editorials under the name “Sicilius.” A handbill circulating in Savannah before the November state elections posited that Jackson would be more useful as a Georgia legislator and not a US Senator. His talent was best used “to break down the infamous Yazoo Law.” He would do so by uniting the coast and upcountry: “It is certain that, although men may be found of equal, if not superior ability, there is not one whom


146 Lamplugh insists that Jackson heard of “corruption” by the first week of January 1795. He cites a January 6, 1795 letter that only appears in an 1809 biography of Jackson. The word “corruption” does not appear. Thomas U. P. Charlton, The Life of Major General James Jackson (Augusta: Geo. F. Randolph, Co, 1809), 207-209. John Wereat, writing from Augusta, supposedly sent information to Jackson on January 5. John Wereat to Alexander James Dallas, January 5, 1795, Edward Telfair Papers, Duke University David M. Rubenstein Rare Book and Manuscript Library. Moreover, Jackson, as the head of a committee investigating bribery in the Yazoo sale, censured Phillip Clayton who reported overhearing Wereat say that “he was authorized by General Jackson and some other gentlemen, to bid as far as a million dollars” for the Yazoo lands. Lamplugh, Politics on the Periphery, 136.

147 A October 22, 1795 editorial by “A Real Real Mechanic” in the Georgia Gazette noted that he (author) had never “been disposed to cry up the patriotism of those who opposed it merely because the offer made by their friends was not accepted.” “A Real Real Mechanic” is clearly referring to the Georgia Union Company, headed by Wereat. The Georgia Union Company’s offer of $800,000 was widely discussed in newspaper debates and it was well know that Jackson and Wereat were close. For Jackson’s relationship with Wereat, see Lamplugh, “Oh the Colossus!,” 316.

148 In this sense, a 1790 letter from Thomas Carr to Alexander Moultrie seems prescient. Both men were involved in the 1789 sale and Carr was concerned convinced that “Yazoo will be held up as a scare crow to the people of Georgia, to influence the next elections.” Carr to Moultrie, December 11, 1790, Thomas Carr Papers, Box 1, Folder 2, UGA.

149 For the printed collection of the letters, James Jackson, “The Letters of Sicilus,” Augusta, Georgia, 1795.
we can find who will be so generally relied on by the Western Members.”

Jackson’s attack on Yazoo worked. Anti-Yazoo legislators outnumbered Yazoo men by 16 to 6 in the Senate and 30 to 17 in the House. The new legislature appointed Jackson’s allies attorney general, treasurer, surveyor general, solicitor general, and governor. Jackson soon headed a committee formed to investigate charges of bribery.

Federal Officials and Native Americans Respond to the Sale

Federal officials lamented Georgia’s 1795 Yazoo sale because it threatened peaceful relations with Native Americans. They wanted to avoid armed conflict with powerful southeastern nations, especially after just finishing a war against Ohio Valley Native Americans. President Washington brought the issue before the House of Representatives on February 17, 1795. Washington believed the Yazoo sale was “an object of such magnitude” and could “so deeply affect the peace and welfare of the United States” that he had no choice but to intrude on the House’s businesses. The President followed his discussion of the Yazoo sale by highlighting recent Creek attacks on settlements in the Old Southwest. He did not explicitly link the two phenomenon, but

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150 “To the Honest and Industrious Mechanics and Plants of Chatham Count,” [no date], “Another Citizen.”

151 Lamplugh, “‘Oh the Colossus!’” 320.

152 Lamplugh, Politics on the Periphery, 128-138. Lamplugh covers these debates well and many of them repeat arguments made in earlier newspaper articles.

153 Georgia’s newspaper actively covered and reprinted (often in full) Congressional debates and even letters between different federal officials. Candidus, “Messrs Printers,” Georgia Gazette, April 1, 1795, 1; Georgia Gazette, April 9, 1795, 1; Georgia Gazette, April 30, 1795, 1; “Augusta, May 2,” The Augusta Chronicle and Gazette of the State, May 2, 1795, 2.

his placement of these two objects together is suggestive. Other federal officials drew direct links between the Yazoo sale and war in the southwest. One Congressman argued that “to secure peace on the frontiers, a restraint of the whites is found indispensable; the sales of lands by the state of Georgia will increase the necessary to vigorous restraints, or war with the most formidable tribes will be unavoidable.” Federal officials had good reason to be concerned.

Georgians hoped that the 1795 Yazoo sale would create an unstable geopolitical situation between the Spanish, southeastern Native American nations, and the federal government; they hoped that such a scenario would encourage the federal government to violently take land from Creeks. Georgians still stung from the Treaty of New York (1790), which nullified several treaties the state conducted with Creeks and affirmed Creek control over land west of the Oconee River. Violence between Creeks and upcountry Georgians flared during the early 1790s as each group claimed the disputed territory. Revolutionary General Elijah Clarke’s ill-fated attempt to set up a break-away republic just west of the Oconee during the summer of 1794 exacerbated tensions.


156 Quoted in Southern Centinel, Gazette of the State, April 23, 1795, “REVIEW of the SESSION of CONGRESS.” The article does not identify the Congressmen, or if he was a Senator or Representative.

157 Hudson, Creek Paths, 29-33.

158 For two examples of violence during the early 1790s, see [?] to Edward Telfair, on [?]. Edward Telfair Papers, Box 4, DU. Edward Telfair was governor from November 1790 – November 1793. He was also governor from January 1786 - January 1787, but the placement of this letter in the archive suggests that the letter was penned in the 1790s. See also Judge Thomas McKean to Edward Telfair, August 2, 1793, Edward Telfair Papers, Box 4, DU.
between Creeks and Georgians. Instead of backing off, Georgia legislators used the second Yazoo sale as leverage to regain territory they believed unfairly taken from them. About a month before the January 1795 enactment of the sale, a joint-committee of Georgia legislators reported that a sale “would tend much to the advantage and population of the State to extend the limits of the present boundary line, as far as the river Okmulgee.” The final version of the Yazoo sale appropriated $10,000 of the collective $100,000 down payment made by the four companies to extinguishing the “Indian claims south of the Oconee, and eastward of the Chatahouchie.”

Passing yet another Yazoo sale amidst periodic cycles of violence between white Georgians and Creeks threatened to tip the Old Southwest into all-our war. Georgians might have actually encouraged military conflict in order to make federal officials retaliate, either diplomatically in the form of land cessions or militarily, against southeastern nations. On March 30, 1795, Philadelphian William Bradford wrote his agent in London, Samuel Bayard: Bradford insisted the “the danger of provoking the Creeks by the measure [the sale] is considerable.” But, perhaps this was the plan. Governor Matthews delivered a damning talk to Creeks on August 11, 1794 in which he threatened that “if ever you stain our Land again with blood, your father Genl.

159 For a discussion of the Oconee Republic, see Jennison, *Cultivating Race*, 89-126.

160 December 9, 1794, House of Representatives, under Surveyor General, General Administrative Records, Yazoo Land Fraud Records, 1795-1802, Georgia State Archives.

161 *State of the Facts: Shewing The Right of Certain Companies to the Land Lately Purchased by Them from the State of Georgia* (Philadelphia, 1795), 63, LCP.

162 William Bradford to Samuel Bayard, March 30, 1795, Gratz Collection, Case 2, Box 14, HSP.
Observers attuned to Georgian sentiments insisted that these southerners wanted to gain military aid from the federal government by sparking a war with Creeks. Speaking about Elijah Clarke’s failed Oconee Republic, established on Creek land in 1794, and Superintendent of Indian Affairs in the South, James Seagrove, wrote Secretary of War Henry Knox that “I cannot help thinking that there is a premeditated plan formed by designing men in the southern state to involve the general government in a war” with Southeastern Native Americans. Seagrove also wrote George Washington immediately after the sale took place and warned that “you see my predictions for the years past, with regard to the intentions of the Georgians is fulfilling every day.” Seagrove continued that “as soone [sic] as the Indians hear what the Georgians have done [Yazoo sale]…that they will have recourse to Arms.” Georgians assumed that federal attacks on Creeks would be followed by the renegotiation of boundaries in Georgia’s favor.

Washington’s administration responded to the second sale with more caution then they did during 1789. Secretary of State Edmond Randolph informed Washington on February 17, 1795 that he had spoken with James Jackson about the sale. According to Randolph, Jackson believed the issue was Georgia’s to deal with, and Randolph assured Washington that Jackson “is confident, that he can obtain a repeal of

163 George Matthews, “The Governors Talk,” August 11, 1794, Governor’s Letter Book, November 18, 1793-October14, 1794, Georgia State Archives.

164 James Seagrove to Secretary of War, June 4, 1794, Society Miscellaneous Collection (425), Box 11C, HSP.

it, and prove it to be against the Constitution of the United States and of Georgia."\textsuperscript{166} Jackson’s assurance to the administration likely explains his line of attack in letters published under the pseudonym “Sicilius.” Jackson, typically an ardent supporter of Georgia’s claim to its western territories, argued that the United States, and not Georgia, held ultimate title to Yazoo acres.\textsuperscript{167} Washington, Randolph, and Secretary of War Timothy Pickering exchanged numerous letters during February and March 1795 about the Congressional examination of the sale.\textsuperscript{168} Washington seemed content to be informed about Congressional debates and took no direct action.

Southeastern Native Americans responded to the sale based on their own interests. Fault lines between and within nations shaped their responses. Much like during the 1789 sale, Native Americans unconnected to American or Spanish traders looked to Yazoo company men to gain direct access to goods in order to bolster their position within their communities. Conversely, those in positions of power, and who already controlled flows of trade, cast the Yazoo company members as usurpers of Native land.

Creeks faced the brunt of any potential Anglo migration westward from Georgia and therefore reacted to the sale with indignation.\textsuperscript{169} Increasing encroachment on their

\textsuperscript{166} Edmund Randolph to George Washington, February 17, 1795 in Lengel, ed., \textit{The Papers of George Washington Presidential Series} 17, 537-538.

\textsuperscript{167} James Jackson, “The Letters of Sicilus,” Augusta, Georgia, 1795.

\textsuperscript{168} Lengel, ed., \textit{The Papers of George Washington Presidential Series} 17, 603-643.

\textsuperscript{169} Angela Pulley Hudson asserts that the Yazoo sale unleashed “hordes of surveyors and speculators into the westward lands of the South. During this period, Creek warriors and hunters often greeted such trespassers with stern exhortations to move off.” Hudson, \textit{Creek Paths}, 27-28. However, no citation is provided and I can find no primary sources to verify this assertion. It does seem likely that any increased traffic from the Yazoo sale was challenged by Creeks. Yazoo land lay west of Creek borders, meaning Anglo-Americans had to move through Creek territory.
land since the Revolution, the short-lived Oconee Republic, and Georgians’ willingness to use violent countermeasures against any perceived Creek misstep caused Creeks to become hyper-vigilant in defending their borders. Spanish officials reported that Choctaws opposed the sale because neither the United States nor Georgia ever had possession over, or conducted any treaties to acquire, their land. Leading Choctaw Franchimastabé and a few other headmen, in the words of D. Juan de La Villeveuvre writing to Governor-General Baron de Carondelet of Louisiana, “charged me to tell you to write to America to tell those who bought the land that they could well take back their money if they did not want to lose it because they would never give the land to them and would defend it.” Franchimastabé had strong links with Spanish-backed traders and therefore if any other Choctaw tried to open up trade routes with Yazoo company members, like they had done with the 1789 companies, then both Franchimastabé and Spanish officials had reason to oppose the sale. A group within the Chickasaw nation led by Piomingo had courted Yazoo company men during 1790 and according to Spanish officials wanted to attack the Creek, who effectively blocked any trade with Americans that Piomingo desperately wanted.

170 D. Juan de La Villeveuvre to Governor-General Baron de Carondelet of Louisiana, May 16, 1795 in *East Tennessee Historical Society’s Publications* No. 48 1976, 129. This either reflects the adoption of European notions of property transfer between nations, at least when it suited them, or Spanish officials translating Native American arguments into their own worldview. For an argument suggestion the former, although concerned with Creek diplomacy, see Melissa A. Stock, “Sovereign or Suzerain: Alexander McGillivray’s Argument for Creek Independence after the Treaty of Paris of 1783,” *Georgia Historical Quarterly* 92 (Summer, 2008), 149-176.

171 Villeveuvre to Carondelet, April 30, 1795, quoted in *ETHSP*, No. 47, 1975, 141.

172 In fact, in the April 30, 1795 letter, Villeveuvre mentions that one chief who had favored the Americans (presumably the Yazoo companies) because they had promised “a cabin full of money and merchandise,” switched sides when speaking with the Spanish official.

173 Villeveuvre to Carondelet, May 16, 1795 in *ETHSP*, No. 48 1976, 129.
raise a war party against Creeks in order to court Yazoo company trade. Spanish-backed trader John Forbes wrote his partner William Panton on March 29, 1795 that Yazoo company men had “already begun their operations, by raising a War, between the Chickasaws, & the Creeks.” Furthermore, Villeveuvre worked to dissuade any Choctaws from falling under Piomingo’s sway because the Chickasaw was “continually soliciting to go against the Creeks.” The Yazoo sale highlighted these divisions within Native American communities, but surely exacerbated them as well.

**Yazoo Company Men and Investors**

Company members protested the charges of bribery. They argued their companies simply worked to spread the sales benefits’ to the largest number of people. Company agents recast bribery into the “distribution” of company land and shares for the benefit of Georgians. The Georgia Company insisted that they had to “dispose of a considerable quantity” of their company’s land “to divers persons” in order to raise “a fund to effect the purchase.” In other words, they claimed to be raising capital for a business venture. The inability of the 1789 companies to raise enough capital to complete their payments might lend some credence to this company line. But company members also insisted that their actions reflected a certain type of benevolence. Their goal was to spread the benefit of their purchase as widely as possible by distributing “certain sub-shares or quantities thereof.” Company members refused to use diction

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175 Villeveuvre to Carondelet, May 16, 1795 in ETHSP, No. 48 1976, 129.


that cast them in a negative light when describing what had transpired during late 1795 and early 1796. The Georgia Company listed all persons who had purchased or owned shares in their company. They noted at the end of the document that “the names of the sub sharers, who were members of the legislature, and voted in favor of the law, are printed in italics. No. 11 and 13, were members, but did not vote on the law.”

Company member tried to pass their bribery off as an act of business accounting.

Yazoo company men did not sit idle as the sale created political turmoil. They moved to make a profit. Yazoo investors in Boston, New York, and Philadelphia exploited pre-existing commercial links in an attempt to quickly resell land for a profit. Yazoo men paid between 1 and 2 cents per acre but northern purchasers paid at least 5 cents per acre. For example, Yazoo land sold for at least 5 cents an acre in Philadelphia during the Fall of 1795. Thomas Fitzpatrick wrote Timothy Green from Philadelphia on September 4, 1795. He opened his letter by reminding Green that “when I was in New York we had some conversation respecting the western lands of Georgia granted by the last assembly of that state.” Fitzpatrick had been offered 90,000 Georgia Company acres at 7 cents an acre and he wanted to know if Green could locate willing buyers in New York. Fitzpatrick let Green know that “If I get an answer by Tuesday’s post it will do.”

A few months later Green had found “indisputable people” to which to sell between 1,000,000 and 1,500,000 acres at 5 cents an acre. Green had made this deal,


179 Timothy Green to [John?] Nightingale, August 31, 1795, Timothy Green Letters, GHS. Green mentions selling land for 5 cents an acres in New York City, but thought he could get more.

180 Thomas Fitz Patrick to Timothy Green, September 4, 1795, Timothy Green Letters, GHS.
however, without first purchasing the land himself. He moved to purchase land by writing James Gunn, director of the Georgia Company and the main orchestrator of the 1795 sale. Green specified to Gunn that he wanted the land in either the Georgia Company or the Georgia Mississippi Company, but urged Gunn “to have as much as possible in the Georgia Mississippi company for I expect it will be esteemed much the most Valuable.” Even though Green wrote Gunn directly, he still worked with Fitzpatrick in Philadelphia. Green urged Gunn to “not lose a moments time to in form and take a contract from Mr. Fitzpatrick.” He drove this point home by urging Gunn to “send a person instantly to FitsPatrick on receipt of this and get him to purchase at three cents or even fore two millions of acres if possible.” Green could turn a quick 1 or 2 cent profit on between 1,000,000 and 1,500,000 acres and as for the remainder he hoped to “get six seven eight and even nine cents per acre for it.” This was a good plan, but it rested on the assumption that market conditions remained stable.\textsuperscript{181}

Buying Yazoo land with the intention of quickly reselling for a profit turned out to be a risky business because buyers and sellers were often times separated by significant distances and slow communication prevented investors from acquiring up-to-date information. Thomas Fitzpatrick traveled to Augusta, Georgia during December 1795 in order to fill Timothy Green’s advance contract for between 1,000,000 and 1,500,000 acres at 5 cents an acre. If Fitzpatrick acquired the land for 3 or 4 cents—Green thought this likely—then the two men could clear a profit. But by December, when Fitzpatrick arrived in Augusta, investors had already gobbled up most of the Yazoo acres. Fitzpatrick let Green know that most land sold for at 6 cents an acre.

\textsuperscript{181} Timothy Green to James Gunn, November 24, 1795, Timothy Green Letters, GHS.
“offered at 60 and 90 days credit.” Worse, Fitzpatrick “had made no purchase nor do I think I can with the guarantee mentioned.” Purchasing land at this price threatened Green with a serious loss.  

Luckily for Green, Fitzpatrick understood the rhythms of America’s economy. Yazoo investors with access to cash could turn the lack of bank notes in Georgia to their advantage. What appeared a disastrous situation for Green turned out to work in his favor because Fitzpatrick understood that cash in hand, especially in Georgia, could decrease the price he paid for land. On Christmas Day 1795 Fitzpatrick wrote Green that “money is of great demand here, and I believe there is no person besides myself that has any [cash] to lay out this way.” As an example of the buying power his cash brought him, Fitzpatrick explained that he could purchase an original share in the Georgia Mississippi Company for a 50% discount because most of the holders who sold their shares had sold it on credit. Fitzpatrick argued that any remaining original holders, and anyone else looking to sell a share, would part with shares at a steep discount in order to have money in their hand.

Fitzpatrick also recognized the tight connection between political events and market prices. In the same December 25, 1795 letter to Green, Fitzpatrick noted that the Georgia assembly did not meet until January 12, 1796. Both men certainly knew about the wave of anti-Yazoo sentiment that swept the state over the past year. Because the assembly would surely nullify the sale, Fitzpatrick told Green the prices would drop quite low by January 12. Fitzpatrick’s patience worked. He bought one-
third into 234,000 acres of land that “has been sold long since in Philadelphia and the owners neglecting…to pay the tax due thereon.” He paid less than half-a-cent per acre for the land. He also purchased three shares with the Tennessee Company, each share representing 10,000 acres, for five cents an acre.\(^{184}\) Shortly after, Fitzpatrick recommend selling these three shares to get cash in hand and then to invest in “Gunn’s Company.” He also wanted Green to send him money so he could purchase the remaining specie and paper money in Augusta. This action would allow Fitzpatrick to purchase stocks in Yazoo companies at an incredibly cheap rate.\(^{185}\)

Americans from various sectors of the nation’s economy invested in Yazoo land.\(^{186}\) Northern bankers, insurance dealers, early industrialists, merchants, and veteran land-speculators invested hundreds-of-thousands of dollars into both Yazoo land and Yazoo company stock. Samuel Dexter Jr., one of the Early Republics most notorious bankers, ploughed thousands into Yazoo land. Dexter and cohort of friends who also invested in Yazoo land were involved with the Union Bank of Boston. One man, Samuel Brown, was the Bank’s director; collectively these men steered that bank’s investment into southern acres. Years later the “President and Directors of the Union

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\(^{184}\) Thomas Fitzpatrick to Timothy Green, January 5, 1796, Timothy Green Letters, GHS.

\(^{185}\) “Extracts from two letters received from Thomas Fitzpatrick,” January 18, 1796, Timothy Green Letters, GHS.

\(^{186}\) Others did as well. Mechanics and journeymen, caught up in the heady belief that one well-placed investment could propel them into the life of luxury, left work to invest in the sales. Jane Kamensky, *The Exchange Artist: A Tale of High-Flying Speculation and America’s First Banking Collapse* (New York: Penguin Books, 2009), 36. The heaviest investment centered in Boston, New York, and Philadelphia, but residents of Hartford, Providence, and other locations across New England also invested in Yazoo lands. For a full a list as exists of Yazoo investors, see “Evidence of Title Derived from the State of Georgia,” *American State Papers, Public Lands Volume 1*, 201-228.
Bank of Boston” received $82,354.21 worth of Mississippi stocks. Nathaniel Prime invested in Yazoo lands. Prime was an upstart financer and merchant who worked as a coachman in Boston before moving to New York City in 1795. Prime also happened to become a leading New York City cotton factor and the first President of the New York Stock Exchange. James Greenleaf purchased hundreds-of-thousands-of acres. This investment contributed to the down-fall of Greenleaf’s and Robert Morris’s massive land-conglomerate, the North American Land Company. Leading Boston merchants John Coffin Jones and Thomas H. Perkins invested in Yazoo land. Perkins actively advanced US trade to China and later invested in the Lowell Mills.

Southern slave owners invested in Yazoo land. Their investments provides one concrete example of how slave owners and northern investors co-existed within the same national market. Put another way, that there was no neat division between investment in “capitalism” and investment in “slavery.” Wade Hampton, one of America’s wealthiest slave-owners, supposedly made $90,000 off reselling his Yazoo


188 Prime was selling South Carolina state debt in New York during May 1795. He was also heading to Boston and would keep his eyes open for more debt to buy. Nathaniel Prime to George Humphreys, May 21, 1795, Gratz Collection, Case 8, Box 18, LCP.


company shares. Andrew Jackson purchased 1,000 acres. John C. Nightingale, slave owner and owner of slavers, also invested in the sale. Americans from a wide variety of economic sectors placed a bet on Yazoo because after calculating the risks they felt confident in making a profit. Political developments in Georgia threatened these self-assured assumptions.

**Rescinding Act**

Georgians voted in an anti-Yazoo state legislature during the 1795 elections; these new statesmen explained their cancelation of the 1795 Yazoo sale by trumpeting the peoples’ sovereignty. The preamble to the 1796 Rescinding Act argued that the “will or constitution of the good people of this state” is “the only existing legal authority derived from the essential source of sovereignty.” The act continued that “whereas the free citizens of this state, or in others words, the community therefore, are essentially the source of the sovereignty of the state” and continued that “all constructive [governmental] powers, not necessarily deduced from that expressive will, are violations of that essential source of sovereignty.” The result of this logic was that any governmental action undertaken that went against the peoples’ “expressive will” had “no binding for or effect on the state” and was “null and void.” In order to demonstrate the Rescinding Act was indeed the will of the people, legislators cited the county-level grand jury protestations against the sale and the petitions sent to the legislature arguing that the sale was immoral, illegitimate, and unconstitutional. Legislators focused so much on

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192 Abernethy, *The South*, 149.


this argument because they needed the most potent political and legal authority on their side in order to expunge the Yazoo sale. Only through the express will of the people “were the powers of one legislature over the acts of another to be attempted to be questioned.”\textsuperscript{195} Georgia legislators found the rationale on which to overturn a past legislatures’ act by arguing the sovereign people wanted the sale negated.

Anti-Yazoo legislators insisted the Yazoo sale funneled a disproportionate amount of resources to a small segment of society and was therefore antithetical to proper functioning of America’s political system. Republicanism was more than a political system based on representation. It included its own political economy, the “equality of rights.” This equality of rights was “totally opposed to all propriety grants or monopolies in favor of a few, which tend to that destructive aristocracy in the new, which is tumbling in the old world.” Legislators undergirded this interpretation with the federal constitution. Specifically, they turned to the fourth section of the Constitution’s fourth article, which guarantees the states a republican form of government. Georgia legislators argued that a republican form of government was not a “republican aristocracy, which such extravagant grants [the Yazoo sale] tends to establish.” Instead, the “constitution of the United States expressly acknowledges a republican democracy as the foundation of the people.”\textsuperscript{196} In order to ensure a more equal access (for white men) to fertile land the legislators approved the Rescinding Act.

When it passed on February 13, 1796, the Rescinding Act consisted of six short points. First, the law declared the 1795 sale as “null and void, and the grant or grants, right or rights, claim or claims, issuing, deduced, or derived therefrom, or from any

\textsuperscript{195} American State Papers: Public Lands, 1:142.

\textsuperscript{196} American State Papers: Public Lands, 1:142.
clause, letter or spirit of the same, or any part of the same, is hereby also annulled, rendered void, and of no effect.” The second point ordered county officers to remove from the public record all documents relating to the 1795 sale. The third point stated that no evidence pertaining to the sale could be “received as evidence” in Georgia courts. Accepting only private suits aimed at getting a refund. The fourth point spelled out that refunds would be given to the original four companies if they applied within eight months’ time. If not, Georgia kept the purchase money. By 1803, nearly two-thirds of the purchase money had been withdrawn.197 The next point asserted that no Yazoo claims could be used in federal courts, a blatant overstepping of the state’s boundaries, and the final point demanded the word be spread around the United States about the Rescinding Act.198

Legislators worked to ensure no future generations could challenge their interpretation of the people’s will by ordering the disposal of nearly all official documentation linked to the Yazoo sale.199 The Rescinding Act called for the “expunging from the face of the public records, the said usurped act.” The act’s second article called for the burning of the official 1795 act. Leading politicians did so on the steps of the new statehouse in Louisville on February 15, 1796. This event quickly spurred folk-lore about how the act met its fiery doom. A particularly vivid description tells of an old white-haired man, with a long flowing beard, riding into town and burning the act with the “fires of heaven.” After delivering heaven’s retribution, the old man rode

197 Abernethy, *The South*, 163.
198 American State Papers: Public Lands, 1:142 and 143.
199 Historians have yet to argue that burning the act was a strategy through which legislators could (try to) impose their own interpretation on future generations.
into infamy.\textsuperscript{200} Other accounts tell of James Jackson’s fiery speech about the rights of Georgia against those asserted by the federal government.\textsuperscript{201} Georgia legislators completed their purge of Yazoo documents by ordering all county officers to remove any documents referring to the sale from their records. Failure to do so resulted in a $1,000 fine and suspension from their office.

Anti-Yazoo legislators did not hesitate to leave evidence behind that supported their interpretation of the 1795 sale. Statesmen had all the interviews from the special committee formed to investigate the sale’s corrupt nature entered into the legislative books.\textsuperscript{202} They did so “in order that the testimony so given may be perpetuated, as well for the satisfaction of the legislature and to show the grounds on which they proceeded, as to hand down to future legislatures the base means by which the rights of the people were attempted to be bartered.”\textsuperscript{203} Each interview implicated a state official or officials undertaking dubious actions in order to facilitate the Yazoo sale’s passage.

Rumors of the 1796 Rescinding Act floated to the North before definitive conformation arrived telling of the sale’s cancelation. Bostonians opened their newspapers to a shock on February 24, 1796. A reprinted January 18 article from Savannah announced that “we are at present without any news, though the minds of our [Georgia] citizens are much agitated by the apprehensions of a repeal of the late act


\textsuperscript{201} White, \textit{Statistics}, 53.

\textsuperscript{202} These were copied into documents—notarized that they had, in fact, come from Georgia’s House and Senate logs—sent to a federal commission formed to investigate Yazoo claims.

\textsuperscript{203} “Sundry Papers, in relation to the Claims, commonly called the Yazoo Claims,” Section F (Washington, D.C.: A and G Wat., Printers, 1809), LCP.
for disposing of our western territory. The legislature are now in session.”

Philadelphians faced a similar situation just three days later on February 27. *The Philadelphia Gazette and Universal Daily Advertiser* reprinted part of a letter from an unidentified Georgian dated January 29, 1796. The letter described how James Jackson introduced a bill “declaring the sale ipso facto void, and the property legally and constitutionally vested in the state [of Georgia].” Newspapers in Boston and Philadelphia continued to follow the news from Georgia closely. On March 2, Boston’s *Columbia Centinel* tried to console any panicked investors by insisting “So flagrant a violation of the Constitution cannot be suffered to pass into an effect law.” No definitive word had yet arrived, as the same edition insisted “that the ‘Devil’ will be ‘to pay,’ among the purchasers of Georgia land, if Jackson’s bill passes.” By March 10 word of the Rescinding Act reached Philadelphia. The news had come by the way of New York. Bostonians finally received confirmation of their fears on March 12. They also read a reprinted poem from a Connecticut newspaper titled “Elegy on the death of Miss Georgia Purchase.”

Northern newspapers carried articles attributing the Rescinding Act to the political maneuverings of James Jackson, and some even blamed the leveling tendencies of democracy. One Massachusetts editorialist had rather probing questions

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204 *Columbia Centinel*, February 24, 1796.
205 *The Philadelphia Gazette and Universal Advertiser*, February 27, 1796, 3.
206 *Columbia Centinel*, March 2, 1796.
207 *Columbia Centinel*, March 2, 1796.
208 *The Philadelphia Gazette and Universal Advertiser*, March 10, 1796, 3.
209 *Columbia Centinel*, March 16, 1796.
for James Jackson. The Bostonian asked “Did you not go about among the tippling houses of Savannah in the meanest company, a little drunken, contemptible wretch for several years since the war?” The article continued with several insults, among them calling Jackson “little Judas.”

A February 27, 1795 Philadelphia newspaper suggested a leveling impulse was behind the attempted cancelation of the 1795 sale. The paper denounced the effort to cancel the sale and noted derisively that “equality is in considerable vogue at the seat of government.”

Amidst this unclear information emanating from Georgia, a group of investors purchased over 10,000,000 acres of Yazoo land.

The New England Mississippi Land Company

The New England Mississippi Land Company had its beginnings on February 13, 1796, the same day that Jared Irwin signed the Rescinding Act. Historians have focused on whether the purchasers—William Wetmore, Leonard Jarvis, Henry Newman, and their associates—knew about the Rescinding Act or the possibility of Georgia’s legislators overturning of the Yazoo sale. Whether purchasers knew or not is a moot point, as the entire sale had been structured by political maneuvering. A bad deed could be transformed into a profitable investment with the right political connections and the right law or ruling. A more relevant question is this: why still buy Yazoo land during early 1796? One reason was Congress’s decision to fix land within the Northwest Territory at a minimum of $2 an acre increased land prices across the west. Congressmen simply

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210 Columbia Centinel, March 2, 1796.

211 The Philadelphia Gazette and Universal Advertiser, February 27, 1796, 3. The article was actually a letter from a Georgian which was reprinted. However, the editor’s decision to reprint the letter either reflected his sympathy with this argument or his belief that others might sympathize with it. That the editor likely expected sympathetic ears for an argument denouncing democratic leveling is further supported by Terry Bouton’s work on anti-democratic Philadelphians after the American Revolution.
looking at the Treaty of San Lorenzo and at the opening of a land office in Kentucky also increased the price of western lands.\textsuperscript{212} Just as importantly, Early American investors often turned into speculators. The best time to buy, according to some, was when things looked bleakest.\textsuperscript{213}

The NEMLC was formed when the Georgia Mississippi Company’s lawyers, William Williamson and Amasa Jackson, sold this company’s tract of land to William Wetmore, Leonard Jarvis, and Henry Newman. The NEMLC investors set up a trust with Wetmore, Jarvis, and Newman as trustees of the Company.\textsuperscript{214} The initial transfer happened on February 13, 1796 but final conformation came over a year later on February 28, 1797.\textsuperscript{215} The transaction moved through an escrow account run by one George R. Minot. Wetmore, Jarvis, and Newman would receive the deed to the over 13,000,000 acres once they had made the initial two-cent-per-acre down payment, due by May 1, 1796. The remaining eight cents per acre was due in various instalments, the last payment being May 1, 1799. Payment was to be in “approved endorsers” or “order, payable at the bank of the United States at Philadelphia, or at the Branch Bank of Boston.” NEMLC agents led a lobbying campaign in order to receive some type of compensation for land seemingly taken away by the Rescinding Act.

\textbf{Conclusion}

The situation in 1796 stood as follows. Northern investors sought compensation for what they perceived to be a clear violation of contract. They exchanged information


\textsuperscript{213} Kamensky, \textit{The Exchange Artist}, 37.

\textsuperscript{214} “Evidence of Title Derived from the State of Georgia,” American State Papers: Public Lands, 1:202.

among each other and federal officials. Company men leveraged their political connections in order to keep their claims a topic of conversation among federal officials and therefore kept compensation a possibility. Simultaneously, Americans used the 1795 Yazoo sale and 1796 Rescinding Act to debate the proper relationship between the people and government in newspapers, political pamphlets, and literature. These public sphere debates fleshed out many of the same arguments Georgians articulated for and against the Yazoo sale and Rescinding Act throughout 1795. It is worth noting the striking disconnect between Yazoo men’s close communication with federal officials and the vibrant debate in the public sphere about whether or not the Yazoo sale and Rescinding Act fit within a properly functioning republican government.
Figure 3-1. 1795 Anti-Yazoo Petition, Chatham County Petition, Telamon Cuyler Collection, Box 82, Folder 27 B, UGA Special Collections. Photo by author.
CHAPTER 4
‘TOTALLY UNACQUAINTED WITH THE SUBJECT BUT THROUGH THE MEDIUM OF NEWSPAPERS’: AMERICANS LEARN ABOUT THE 1795 YAZOO SALE

During a tense House debate on December 14, 1809, Pennsylvania’s John Ross made what appears to be an odd claim. On that day, Representatives were yet again bickering over the Yazoo sale. This time they were attempting to determine if a petition from the New England Mississippi Land Company should be referred to the Committee of Claims. Ross supported the referral because he was “totally unacquainted with the subject but through the medium of newspapers.” Newspapers, the Pennsylvanian claimed, were insufficient purveyors of information. He wanted to ensure that if, as some Congressmen implied, the Yazoo sale originated in fraud that this information be spread “to the public view.” Republican Nathaniel Macon, a watchdog against government corruption, spat back that “there is scarcely a man in the nation who does not know the transaction originated in fraud.” He insisted that “newspapers rung with it.”¹ Macon read newspaper coverage of the Yazoo sale as proficient. Ross’s and Macon’s confrontation was as much a disagreement about the spread of information in the young republic as it was a fight over the Yazoo sale.²

Many Americans, including Congressmen like Ross and Macon, learned about the 1795 sale and the 1796 Rescinding Act through media already infused with a pro- or anti-Yazoo bias. Newspaper editors and authors of literature and thirteen pamphlets, published between 1795 and 1805, explicitly attacked or defended the sale. When white

¹ Annals of Congress, House, December 14, 1809, 773 and 735.

Americans debated the sale, they engaged in an argument that scholars call the “revolutionary settlement.” This was the process by which Americans hammered out, through actions and in words, exactly how republican government should function. Americans arguing about Yazoo debated far more than one corrupt land sale; they were debating the future of American governance.

At the same time many Americans debated how a republican government should function by arguing about the Yazoo sale, Yazoo company men and federal officials participated in practices of governance based on economic interest and practical considerations of statecraft. Yazoo men maintained loose networks of communication between company members and select federal officials in order to support their bid for compensation. Company men leveraged their political connections in order to keep their claims a topic of conversation among federal officials and therefore kept compensation a possibility. Federal officials also wanted to settle the claims because Yazoo claims covered large swaths of the Mississippi Territory, and the claims needed to be canceled before the federal government could sell the land to white settlers. Because Georgians’ burned Yazoo documents, federal officials had to rely on Yazoo company members for specific information about the sale: who bought what land, from whom, and for how much. They understood this information as necessary to settling the claims. Their desire to settle the claims and need of specific information to do so explains their close contact with New England Mississippi Land Company officials. President Thomas Jefferson

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created a three-man committee to settle the claims during 1802. Attorney General Levi Lincoln, Secretary of State James Madison, and Secretary of the Treasurer Albert Gallatin gathered information from Yazoo men in order to create a list of claimants. Their work culminated in a twenty-six page list of claimants, which they communicated to the House of Representatives on February 14, 1805. These developments undercut the type of republican government Americans debated in the public sphere because well-connected men received some form of recognition of their claims—which anti-Yazooists did not recognize—from the federal government.

Despite the communication between Yazoo men and federal officials, the 1805 committee report, and the plethora of writings on Yazoo circulating in the public sphere, Congressmen still did not feel that they had enough information to settle the claims. This uncertainty derived, in part, from the conflicting accounts of the sale in newspapers and political pamphlets, as Ross’s and Macon’s disagreement highlights. On December 18, 1809, just four days after Ross and Macon argued about the spread of information concerning the Yazoo sale, Congressmen ordered the printing of nine documents in hopes of providing a clear picture of the sale. They wanted to settle the matter objectively because the accounts of the Yazoo sale circulating in the public sphere already contained biased accounts. As Connecticut’s Samuel W. Dana phrased it, he was skeptical of opinions that rested “upon proof of which different opinions might be formed by different persons.” But just like newspapers and pamphlets and the 1805 report, the documents printed by Congress had biases built into them. Most of these documents referred to Yazoo claims as “the pretended claims.” The report and the

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4 Annals of Congress 1809, 730.
reprinting of documents in 1809 did not result in immediate compensation for Yazoo
claimants. But Yazoo men had the ear of many federal officials, an official list of claims
entered in the House records, and their capacity to keep their claims before Congress
did pay off in time.

This chapter first explores the dueling narratives produced by writing on Yazoo
and then considers the networks created between company men and federal officials.
Newspaper editors folded the Yazoo sale into America’s emerging partisan political
culture. These political-minded editors entered the sale into the metaphorical quiver of
arrows used to attack politicians or state action they deemed unacceptable. Royall
Tyler’s play *The Georgia Spec; or, Land in the Moon* (1797) and Sally Sayward Barrell
Keating Wood’s novel *Dorval; or, the Speculator* (1801) entered the 1795 Yazoo sale
into America’s emerging literary canon. Americans published at least thirteen treatises
in defense of or attacking the Yazoo sale’s legitimacy between 1795 and 1805 in
Augusta, Boston, Charleston, Hartford, Philadelphia, and Washington D. C. Most
consist of dense arguments focused on sovereignty, jurisdiction, Native Americans’ right
to own land within the American legal system, the extent of legislative power, and the
validity of the 1796 Rescinding Act. In short, Americans debated whether or not the sale
and the Rescinding Act fit in a republican government. Opposed to these vibrant public
sphere debates, Yazoo men and federal officials constructed networks in which they
exchanged information about the sale.
The Pro- and Anti-Yazoo Narratives in Newspapers and Fiction

Both the Yazoo sale and the Rescinding Act set off a fierce newspaper debate about the Yazoo sale’s validity. Anti-Yazoo writers certainly charged the 1795 legislators with corruption, but this was not their only avenue of attack. They argued that Georgia’s constitution required legislators to create counties before selling any western land. These writers also insisted that most Georgians wanted the sale overturned. Furthermore, they argued that the sale was unfair because legislators sold the land, in part, to themselves. Finally, anti-Yazoo writers drew on classical republican ideals to argue that governments must take the action best suited for the populace at large. According to these critics, Georgia legislators should have reserved Yazoo land for white Georgians and not have sold it to speculators.

Pro-Yazoo writers also marshaled a variety of arguments. Editorialists supporting the sale insisted that legislatures did not possess the power to overturn a past

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5 Historians typically focus on charges of corruption above all else. The charge of corruption developed into the primary opposition to the sale but was not the only critique anti-Yazooists raised.

6 For a few articles that focus on corruption, see “Savannah; Advertiser; Yazoo,” Greenleaf’s New York Journal and Patriotic Register, April 15, 1796, 3 and Spectator, “Ordained: Citizens; Georgia; Yazoo,” Augusta Chronicle and Gazette of the State, May 21, 1796, 2.


8 For a few examples, see A Back-Countryman, “Annihilation; Destruction; Yazoo records,” Augusta Chronicle and Gazette of the State, February 27, 1796, 3 and “Savannah, March 10,” City Gazette and Daily Advertiser, March 16, 1796, 3.

9 Columbian Museum and Savannah Advertiser, May 3, 1796, 3.

10 A Planter, “To Candidus,” Georgia Gazette, April 9, 1795. A modified point was that legislators sold land that rightfully belonged to Georgia citizens. “Grand Jury Presentments-Chatham County,” Georgia Gazette, August 27, 1795 and “Grand Jury Presentments—Effingham County,” Georgia Gazette, August 27, 1795.
legislative act. Additionally, they argued overturning the sale was unconstitutional because it was an *ex post facto* law and because that act violated a contract. At their most extreme, pro-Yazoo writers charged Georgia with threatening the stability of all private property by burning the Yazoo documents. One Charleston writer created a metaphorical situation to capture his disdain: “Will sail in a few days from Georgia, for the land of annihilation, the fast sailing ship ANARCHY, Phoenix Hothead, master, lately fitted out at the port of Louisville.” According to pro-Yazoo writers, government should protect private property at all costs.

Over the late 1790s and first decade of the nineteenth century, anti-Yazoo writers focused more on the sale’s corrupt origins. The exact timing of this shift is difficult to pinpoint. Several developments influenced this change. First, the publication of a play and novel focused on the Yazoo sale during 1797 and 1801, respectively. Second, editorialists across the nation started using “Yazoo” as a political shorthand for corruption. Third, US Representative John Randolph (VA) launched several diatribes against Yazoo men during 1804 and 1805. Randolph’s speeches on the House floor stressed the sale’s corrupt origins and editorialists referred to him when attacking the sale. Each of these developments will be explored in turn. Collectively, they demonstrate a narrowing of focus by anti-Yazoo writers. Authors integrated the 1795 Yazoo sale into America’s cultural landscape. Two works of fiction—one play and one novel—utilized the twists and turns of the Yazoo

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12 Citizen, “For the City Gazette,” *City Gazette and Daily Advertiser*, March 4, 1796, 2 and *Columbia Centinel*, March 2, 1796.


14 *Columbian Herald of the New Daily Advertiser*, April 18, 1796, 3.
affair to appeal to audiences. Royall Tyler based his play *The Georgia Spec; or, Land in the Moon* on the events surrounding the 1795 Yazoo sale. No copy of the play is extant, but newspaper reviews reveal allow us to glean the public's reaction to the play. Most famous for his play *The Contrast* (1787), Tyler penned several plays after this one. His plays were often performed at the Federal Street Theater in Boston, where his brother John Steele Tyler had been appointed Master of Ceremonies in 1794 and in 1795 became manager. John Steele pestered his brother to write plays to perform at the Federal Street Theater. His persistence soon bore fruit. Royall penned several plays between 1795 and 1797, beginning with *The Medium; or Happy Tea-Party* (1795), the first comedy written by an American to be performed in Boston. Royall wrote *The Georgia Spec* during 1797 and an October 29, 1797 *Columbian Centinel* (Boston) article previewed the three act comedy. The article noted that *The Georgia Spec*, "is said by judges who have read the manuscript, to be the best production that has flowed from the ingenious pen of R. Tyler." The play was performed at Boston's Haymarket Theater and then in New York during December 1797 and February 1798.\(^{15}\) Written by a New Engander, *The Georgia Spec* was performed in two major northeastern cities, highlighting the regional focus of Yazoo investors.

Novelist and Mainer Sally Sayward Barrell Keating Wood added *Dorval; or, the Speculator* to the American literary cannon in 1801. She used the play to argue that the Yazoo speculation did not fit within a republican political economy.\(^{16}\) Wood published


four novels and a smattering of other works in her long life, but she produced all her
writing as a widow. Born on October 1, 1759 in York, Maine, Wood married twice and
watched both husbands die before passing away in 1855. Wood’s writings mainly
concern the tribulations of young, unmarried women, except Amelia; or, The Influence
of Virtue (1802), which focuses on a married woman, something literary scholar Karen
A. Weyler notes as “relatively unusual among early American fiction.” Wood infused
her female heroines with strict morals. This should not be a surprise, obituaries in Maine
newspapers noted her strong belief in female propriety.

Wood’s personal background and literary goals made the Yazoo sale an
excellent event on which to base Dorval. Wood’s family frequently commerce,
mortgages, wills, and deeds. Her first husband, father, and grandfather all partook in
trading ventures to the West Indies. Her grandfather, in whose household she grew up,
was a judge, and her first husband worked for him as a clerk. Therefore, Wood
understood how property moved between individuals, family members, and generations.

She used that knowledge to critique the legal concept of coverture in Dorval.
Based on English common law, coverture granted husbands full control over their wives’
real and personal property. Accepting only one main restraint, husbands had to seek
their wives’ permission before selling any real estate, which is real property. Literary
scholar Karen A. Weyler astutely highlights that during the late-eighteenth- and early-
nineteenth century coverture threatened middle-class families more than in the past

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17 Weyler, “Profile,” 204.
because increasing levels of personal portable property, versus real property, facilitated increased speculation and the instability of family finances.18

An analysis of the 1795 Yazoo sale bolsters Weyler’s argument. Yazoo land became a portable form of wealth in the form of company stocks. Importantly, Early Republic Americans claimed that speculation in Yazoo company stock ruined many northern investors; importantly, when making these claims they focused on destitute wives and children.19 The Yazoo sale was the most glaring example of securitization of land during the 1790s and the early nineteenth century.20 During these decades, corporations and companies transformed entities as distinct as enslaved bodies, individuals’ lives, part ownership in corporations, and land into financial assets that circulated on emerging securities markets.

Dorval’s central massage is that speculation for monetary gain has no place in a republican nation. Aurelia, the novel’s heroine, witnesses the downfall of Colonel Morley, who adopted her. At the beginning of the novel, Morley is the embodiment of republican virtue. In order to aid destitute Revolutionary veterans, he purchases, in specie and at full face value, the devalued securities they received in payment for


19 This can be read as a strategy to win compensation from the federal government, which it certainly was. But it is also likely that some Yazoo investors were ruined. For just three examples, see Abigail Adams to John Adams, March 20, 1796, in Margaret A. Hogan, ed., Adams Family Correspondence Volume II July 1795-February 1797 (Cambridge: The Belknap Press of Harvard, 2013); The New-York Gazette and General Advertiser, February 3, 1803, 3. The advertisement claimed a “bankrupt” had sold several shares of the Georgia Company; and Annals of Congress, December 14, 1809, 732.

fighting in the Revolutionary War. Morley spends all his fortune in order to help the soldiers. He is rewarded for his virtue after the adoption of the Constitution and the full funding of these certificates. Morley’s purity of heart is overcome, however, when he meets Wood’s embodiment of a swindler: Dorval. Who is, of course, non-other than a Yazoo company agent bent on fleecing money from unsuspecting northerners.

Despite Aurelia’s pleas to the contrary, Dorval succeeds in persuading Morley to invest in Yazoo acres, a decision that lands the Colonel in a Philadelphia debtors’ prison, where he dies. In the end, Aurelia’s virtue and the return of some long lost relatives engaged in trade with the East Indies, an economic activity Wood deems as productive and good, saves Aurelia’s family and friends from financial ruin.

Wood’s novel circulated outside the northeastern United States due to the patchwork nature of book publishing and book selling during the Early Republic. Early businesses in the book trades—printing, publishing, retailing, and binding—were small

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21 For the actual speculation and swindling that surrounded veteran’s securities, see Holton, *Unruly Americans*.


23 As Wood writes, “The State of Georgia had, by its legislature, passed a law, by which vast tracts of land in that state, were to be sold. It is not necessary to tell any Americans by what unprecedented conduct that law was rendered of no effect. Numbers of our best citizens were ruined; those who were the most wealthy, were held up as victims for the crimes of others; and few, very few, but tasted the intoxicating draught of speculation. By some it has been compared to the south sea bubble, which ruined so many thousands in Great Britain, in the reign of George I. This scheme, so fraught with misery and ruin, needed agents fit to carry it into execution. And though some honest and good men were drawn in to countenance the fraud, yet many wretches were employed, more cruel and more criminal than the convict who makes his exit on a gallows. Of the latter kind was Dorval.” Wood, *Dorval*, 52.

and locally run by individuals or families. These operations could not forge a fully integrated national market. Instead, publishers exchanged books with other willing publishers. This resulted in an uneven and inconsistent distribution of novels across the United States, especially during the first decade of the nineteenth century.²⁵ Nevertheless, ads published in Delaware, Maine, Massachusetts, New Hampshire, New York, North Carolina, and Pennsylvania newspapers listed Dorval for sale between 1802 and 1806.²⁶ These ads do imply that the book circulated rather widely and that Dorval informed many Americans about the Yazoo sale.

The 1795 Yazoo land sale and the intrigue that surrounded it proved fertile ground for American playwrights and novelists struggling to create a true “American” work of fiction, opposed to European-look-alikes.²⁷ Land speculation seemed to be a uniquely American undertaking, but this pursuit also fit uneasily within Americans’ conception of a republican political economy designed to mitigate extreme disparities in wealth. Nevertheless, Americans pursued land—town lots, farms, plantations, acres owned by other nations—with intensity, frequency, reckless abandon, and with the perpetual hope of making a fortune. A 1797 Columbia Centinel review of Tyler’s The Georgia Spec noted that the playwrights work contained a “rich diversity of national

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²⁶ Mirror of the Times, & General Advertiser, February 19, 1803, 4; Jenk’s Portland Gazette, May 17, 1802, 3; The Salem Gazette, November 6, 1801, 3; Boston Gazette, April 8, 1802, 4; The Farmer’s Museum, October 19, 1805, 4; New-York Weekly Museum, August 31, 1805, 4; Commercial Advertiser, October 7, 1805, 4; Wilmington Gazette, July 15, 1806, 1; Philadelphia Repository, and Weekly Register, 400 (Volume II, Issue 50), December 11, 1802; The Oracle of Dauphin and Harrisburg Advertiser, October 22, 1803, 2 (Supplement); Aurora General Advertiser, October 30, 1804, 4. Many of these ads ran for months.

²⁷ Other early novels also focused on land as a central issue. See Frederick Cooper’s Leather Stocking Tales.
characters and national humor, scarcely to be found in any other drama in the language." The review does not directly link the United States’ national character to land speculation, but that the review stated this about a comedy based wholly upon a widely-known speculative venture lends credence to the idea that “national character” and “land speculator” were overlapping categories. Wood drew explicit links between “American” and land speculation in Dorval: or the Speculator. Wood posited that “Hitherto we have been indebted to France, Germany, and Great Britain, for the majority of our literary pleasures.” She asked—as many early and mid-nineteenth century American authors did—“why we should not aim at independence, with respect to our mental enjoyments, as well as for our more substantial gratifications, I know not.” She assured her reader that “the following pages are wholly American: the characters are those of our own country.” Not many Americans would disagree with Wood about the centrality of land speculation to the new nation’s character even if they debated the utility of that speculation.

By the first decade of the 1800s, newspaper editors and editorialists had imbedded the Yazoo speculation into America’s developing partisan political culture by adopting “Yazoo” as a shorthand for political corruption. A struggle over granting the New York City Merchant’s Bank a charter during 1805 is illustrative. The Merchant’s Bank, like some other New York banks, functioned without a specific state charter. State politicians split over whether banks such as the Merchant’s Bank should be eliminated.

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28 Quoted in Peladeau, “Royall Tyler’s Other Plays,” 56.

Anti-bank Republicans denounced any effort to grant a charter to the Merchant’s Bank during spring 1805. Despite their efforts, the state senate engrossed a bill granting the bank a charter on March 13. Anti-bank men quickly accused the banks’ agents of bribing pro-charter senators. One anti-charter senator, Elisha Jenkins, wrote De Witt Clinton on March 13, arguing the supposed bribery was “the most bare-faced corruption that ever disgraced a Legislative measure.” Jenkins added that “the Yazoo measure” did “not even furnish an exception.” Jenkins used Yazoo as a barometer for the level of corruption; a barometer he assumed that he did not have to explain. The Yazoo sale was so corrupt and so well known that he only needed to mention it in order to conjure up images of venality.

Jenkins mention of the Yazoo sale in a private letter was neither a singular nor specifically a New York affair. The bill to charter the Merchant’s bank passed New York’s state legislature on March 26, 1805. Republican newspapers in New York attacked the bill’s passage by invoking English republican theory. Charles Holt’s the Hudson Bee quoted Sir Robert Walpole’s maxim that “every man has his price,” and twice reminded his readers of the Yazoo sale’s corrupt origins. Holt posited—as anti-Yazooists had before him—that all contracts formed through bribery were null and void. Newspaper editors in other states also used “Yazoo” as a smear. The fervently anti-Federalist Philadelphia Aurora ran an article entitled “Influence of Office” on December 9, 1805 about Federalists using government posts to influence the state elections of 1797, 1798, and 1799. The 1805 article lamented a similar occurrence during the 1805 Pennsylvania elections. The piece ended “by adopting the language of

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30 John L. Brooke, *Columbia Rising: Civil Life on the Hudson from the Revolution to the Age of Jackson* (Chapel Hill: Published for the Omohundro Institute of Early American History and Culture by the University of North Carolina Press, 2010), 319-320.
Mr. Randolph, speaking of the influence of government officers being employed to promote the Yazoo fraud—‘If official influence is to be made the hand-maid of private interest,’” then Randolph (and by extension the Philadelphians) must oppose such a system of governance.  

Similarly, in February 1808 the Pittsburg *Commonwealth* ran an article fretting that a new Detroit bank was run by “Yazoo claimants.” By the first decade of the 1800s, at the latest, the 1795 Yazoo sale’s corrupt nature was firmly lodged in the nation’s political dialogue as a pre-packed insult which Americans simply had to mention in order to conjure up fears of corruption and bribery.

As the above *Aurora* article demonstrates, John Randolph’s attack on the Yazoo sale during 1804 and 1805 helped to shift Americans’ focus onto the sale’s corrupt birth. A Maryland editor entitled an article on Randolph’s speech and the sale’s corruption “American Eloquence.” Other papers in Georgia, Massachusetts, New York, and Pennsylvania printed articles directly linking their interpretation of the sale’s corruption to Randolph’s speech. Only in 1805 did newspapers begin referring to the

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31 *Aurora*, December 9, 1805, p. 2.

32 Quoted in Jane Kamnesky, *The Exchange Artist: A Tale of High-Flying Speculation and America’s First Banking Collapse* (New York: Penguin Books, 2008), 65. As Kamnesky demonstrates, the article was correct, several Yazoo claimants did run the bank.


35 “From the Aurora. The Yazoo Speculation,” *Republican Watch-Tower*, October 5, 1805, 3; “From the Trenton Federalists,” *New York Spectator*, April 6, 1805, 1; “From the Aurora,” *Republican Spy*, March 5, 1805, 4; and “Mr. Randolph; Yazoo,” *Augusta Chronicle and the Gazette of the State*, March 9, 1805, 3.
“Yazoo fraud.” Early American newspapers frequently re-printed Congressional speeches and Randolph’s clearly impacted how editors covered the Yazoo sale.

The 1795 Yazoo Sale’s Pamphlet War

Americans published thirteen pamphlets on the Yazoo sale between 1795 and 1805. Collectively, these texts total nearly 900 pages. Writers published at least one pamphlet in the following cities: Augusta, Boston, Charleston, Hartford, Philadelphia, and Washington, D. C. Writers often had either purchased Yazoo land or were political

A keyword search for “Yazoo Fraud” in the Early American Newspaper database, with a date range from 1795 to 1810, reveals the first use of that phrase was in 1805.

I have decided to classify these thirteen documents as pamphlets (but also refer to them as treatises, tracts, or texts) because they were printed with the intent of distribution. My method is to separate these texts out from the rest of the dissertation’s analysis because they are a (relatively) insular conversation. Authors of these texts frequently refer to other texts and respond directly to earlier texts. I do not argue that Americans were unaware of these texts. Instead, I posit the massive variety of arguments in these pamphlets were papered over in Americans’ collective understanding and memory of the sale. This has been reified in scholarly conversations, which have similarly ignored how these documents exposes Americans working through and constructing ideas about Native Americans, state power, and the proper functioning of what we can call “the economy.” In chronological order, the texts are as follows: James Jackson, The Letters of Sicilius, to the Citizens of the State of Georgia, on the Constitutionality, the Policy, and the Legality of the Late Sale of Western Lands, in the State of Georgia, Considered in a Series of Numbers, By a Citizen of that State (Augusta: Smith ?, 1795); [?], State of Facts. Shewing the Right of Certain Companies to the Lands Lately Purchased by Them from the State of Georgia (Philadelphia: [?], 1795); [?], The Letters of a Farmer to the People of Georgia; or, The Constitutionality, Policy, and Legality of the Sales of Western Lands Examined to which is added, an attempt to distinguish Party from Patriotism by shewing some of the leading features of each (Charleston: W. P. Young, 1796); Abraham Bishop, Georgia Speculation Unveiled: In Two Numbers (Hartford: Elisha Babcock, 1797); Robert Goodloe Harper, The Case of the Georgia Sales on the Mississippi Considered with a Reference to Law Authorities and Public Acts, and an Appendix containing certain extract, records, and officials papers (Philadelphia: Benjamin David, 1797); Jedidiah Morse, Description of the Georgia Western Territory; Together with a Summary and Impartial View of the Claims of Georgia and the United States to this Territory, and of the Principle Arguments adduced by the Purchasers against these claims (Boston: Thomas and Andrews, 1797); Abraham Bishop, Georgia Speculation Unveiled, Second Part Containing the Third and Fourth Numbers; with a Conclusion, Addressed to the Northern Purchasers (Hartford: Hudson and Goodwin, 1798); New England Mississippi Land Company Memorial [to the President of the United States] (Boston: [?], 1798); Robert Goodloe Harper, The Case of the Georgia Sales on the Mississippi Considered with a Reference to Law Authorities and Public Acts, and an Appendix containing certain extract, records, and officials papers (Philadelphia: Richard Folwell, 1799); John E. Anderson and William J. Hobby, The Contract for the Purchase of Western Territory, Made with the Legislature of Georgia, in the Year 1785 [sic]; Considered with a reference to the subsequent attempts of the state, to impair its obligation (Augusta: Randolph and Bunge, 1799); Perez Morton and Gideon Granger, Memorial of the Agents of the New England Mississippi Land Company to Congress (Washington: [?], 1804); Morton and Granger, A Vindication of the Rights of the New England Mississippi Land Company by the Agents of the Said Company (Washington: [?], 1804); and A Georgian, Facts, in Reply to the Agents of the New England Land Company (Washington: William Duane, 1805). All thirteen of these pamphlets can be accessed at the Library Company of Philadelphia.
opponents of the sale. Abraham Bishop and Robert Goodloe Harper both purchased Yazoo acres. Bishop argued the Rescinding act voided the sale, but Harper defended the sale tooth and nail. The NEMLC agents were, of course, vested in the company’s success. James Jackson penned *The Letters of Sicilius*. Out of the thirteen pamphlets, one attempted to present a neutral summary of arguments, four attacked the sale’s legitimacy, and eight supported the sale.\(^{38}\)

Read together these pamphlets expose white Americans working through how government should function. Scholars have not read these documents critically. Instead, they have used the thirteen documents to piece together a narrative of the Yazoo sale. This section draws out three main themes addressed by the pamphleteers.\(^{39}\) First, authors argued about the extent of legislative power and whether Georgia controlled Yazoo country. This debate required an analysis of Native Americans. The second theme highlighted below is how writers of the Yazoo pamphlets saw Native Americans fitting within an Anglo-American legal and political structure. Third, essayists argued over the sale’s compatibility with a republican political economy. Some used the Yazoo sale to critique duplicitous market transactions.

Authors debated whether Georgia legislators had the ability to sell the land in 1795. Anti-Yazooists denied Georgia’s right to do so on several fronts. James Jackson,

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\(^{38}\) For a relatively neutral description, see Morse, *Description of the Georgia*. For texts attacking the 1795 sale’s legitimacy, see Jackson, *The Letters of Sicilius*; Bishop, *Georgia Speculation Unveiled* (1797); Bishop, *Georgia Speculation Unveiled* (1798), and *A Georgian, Facts in Reply*. Bishop’s two pamphlets are different text. For pamphlets that supported the Yazoo sale, see [?], *State of Facts*; *A Farmer, Letters from a Farmer*; Harper, *The Case of the Georgia Sales* (1797 and reprinted in 1799); *New England Mississippi Land Company Memorial*; Johnson and Hobby, *The Contract*; and Morton and Granger, *Memorial of the Agents* (same as *A Vindication* except for a short introduction in the latter).

\(^{39}\) These are not the only topics the pamphlets discuss, but they are directly relevant to my argument. I do not posit that the categories discussed below are impermeable. The categories are heuristic devices used to expose how the Yazoo sale provoked impassioned and messy debates.
writing under the penname Sicilius, argued that each individual citizen had a vested interest in public property and could not be divested of that interest "but by his own consent." Jackson drew on Emer de Vattel to bolster his case. The Georgian was not alone in utilizing Vattel, Americans cited Vattel’s *The Law of Nations* (1758) obsessively. Vattel’s text synthesized and expanded upon European ideas about sovereignty, jurisdiction, citizenship, and the rights of states. Citing Vattel, Jackson posited that sovereignty and territorial right in land were fused together, arguing that selling the land “alienated the state sovereignty.” Fellow anti-Yazooist Abraham Bishop also denied Georgia had the legal right to sell Yazoo country, but grounded his argument in Native American control of the land. Bishop, himself swindled by a Yazoo company agent, seethed that these men presented the title to Yazoo acres as fee simple. The Rescinding Act made Bishop see truth: “by the magic alchemy of speculation, this shadowy, ambiguous right of pre-emption was commuted to a fee simple.” Bishop further questioned if Georgia even had the pre-emption right to the


43 Jackson does briefly mention that two 1786 treaties between the Confederation government and the Choctaw and Chickasaw vested these nations with the land and meant that Georgia could not sell the land to the companies. Jackson, *The Letters of Sicilius*, 31-32.

44 “The granting act gave them a sort of significance the parchments with the Governor’s name, the seal of the state and the words fee simple, all sanctioned by the usual formalities of sovereign legislation, aided by a State of Facts, bore a very imposing appearance.” Bishop, *Georgia Speculation Unveiled* (1798), 56-57.

45 Bishop, *Georgia Speculation Unveiled* (1798), 57.
land, and noted that the Creek, Chickasaw, and Choctaw were powerful nations and had never “been driven from” their lands.46

Pro-Yazoo writers insisted on Georgia legislators’ right to sell the land. Many drew upon political philosophy to support their case. Most frequently on Vattel. That both pro- and anti-Yazooists could draw on Vattel to support their arguments demonstrates the internal contradictions within *The Law of Nations*. Vattel’s European counterparts did no shy away from pointing to the book’s flaws. Jeremy Bentham wrote that “Vattel’s propositions are most old-womanish and tautological.”47 But pro- and anti-Yazooists could both draw on Vattel because when they constructed argument they read into Vattel what they wanted to and selectively quoted him to make their case. For example, the editorialist “A Farmer” directly attacked Jackson’s *Letters of Sicilius* by quoting Vattel as saying “the nation, being the sole mistress of the property in her possession, may dispose of it as she thinks proper, alienate it, or lawfully mortgage it; this right is a necessary consequence of the full and absolute domain.”48 Authors of another pro-sale text, *State of Facts*, challenged Jackson’s assertion that a state’s right to the soil was coupled with its legislative power: “there is no essential connection between right of soil, and jurisdiction of the state.”49 These writers insisted that Georgia legislators sold the right of soil but did not, and could not, alienate the state’s jurisdiction

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46 For his description of the nations, see Bishop, *Georgia Speculation Unveiled* (1797), 4. For quote, see Bishop, *Georgia Speculation Unveiled* (1798), 52.


over Yazoo country. Pro-Yazoo authors pointed to colonial charters, boundary disputes during the Articles of Confederation, and treaty negotiations with Spain to demonstrate Georgia’s jurisdiction over the lands in question. For example, Robert Goodloe Harper noted that in talks with Spain during 1793, US representatives insisted Georgia’s southern boundary was the 31 parallel. Supporters of the sale took instances like this and argued that because the United States did not directly challenge Georgia’s claim this meant they tacitly acquiesced to the state’s jurisdiction over Yazoo country.

Writers also addressed whether or not Georgia’s legislature had the power to overturn a previous act. This debate was ultimately about the limits of government power, as pro-Yazoo writers stressed the division of powers, the sanctity of contracts, and a government less responsive to popular control. Robert Goodloe Harper claimed that a fundamental principle of all American constitutions was the division of powers between the branches of government. He, and other pro-Yazoo men, insisted that only

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50 For other writers, see [?], State of Facts, 38 and Anderson and Hobby, The Contract, 17-19.

51 Government officials were also interested in similar documents. On March 30, 1795, Philadelphian William Bradford, who was, at the time, Attorney General, wrote his agent, and the United States agent for claims and appeals, in London, Samuel Bayard. Bradford requested several colonial documents relating to Georgia. Bradford to Bayard, March 30, 1795, Gratz Collection, Case 2, Box 14, Historical Society of Pennsylvania.


53 Harper, after noting that the federal government let Georgia sell Yazoo land in 1789 “without contradicting her,” asked “how was it to be understood form this proceeding that the government claimed the land?” Harper, The Case of the Georgia Sales, 42. See also Morton and Granger, Memorial of the Agents and A Vindication, 26. They argued that “silence implies consent.”

54 Harper, The Case of the Georgia Sales, 52-53.
the judiciary could determine the constitutionality of the 1795 sale.\textsuperscript{55} Therefore, the 1796 Rescinding Act was moot. Pro-Yazoo men also ruled that contracts were sacrosanct.\textsuperscript{56} The opening lines of Anderson’s and Hobby’s 1799 pamphlet read as follows: “There is no object in society of more importance or to which legislative exertions have more assiduously been directed, than to establish explicit rules for the regulation and confirmation of contracts.”\textsuperscript{57} Unenforceable contracts would only “dissolve the bonds of property.”\textsuperscript{58} Finally, supporters of the sale feared a more responsive government with the potential to render property precarious. The editorialist “A Farmer,” attacking James Jackson’s assertion that each citizen could only be divested of his vested right in public property by individually giving up that right, noted that not since Greece and Rome had citizens held direct control over government. Where was it customary, “A Farmer” asked, “that each individual may, viva voice, give his approbation to the measures of government?”\textsuperscript{59} This fear of direct democracy is indicative of a more encompassing world-view that more conservative Americans espoused during the Early Republic. Specifically in regards to politics, conservatives believed that a republican government functioned best when the most virtuous and talented men served in office insolated from

\textsuperscript{55} [?], \textit{New England Mississippi Land Company Memorial to the President of the United States}, 5; Anderson and Hobby, \textit{The Contract}, 32 and 43-44; and Morton and Granger, \textit{Memorial of the Agents}, 40-47. Even Morse, who typically just summarized the various argument made for and against the Yazoo sale and Rescinding Act, sided with the pro-Yazoo men on this point. Morse, \textit{Description of the Georgia}, 19. He cited Harper and Alexander Hamilton’s opinion reprinted in Harper’s text.

\textsuperscript{56} Part and parcel of this argument was the idea that \textit{ex post facto} laws were unconstitutional.

\textsuperscript{57} Anderson and Hobby, \textit{The Contract}, 2.

\textsuperscript{58} Quoted in Harper, \textit{The Case of the Georgia Sales}, 50. For similar beliefs, see [?], \textit{New England Mississippi Land Company Memorial to the President of the United States}, 4.

\textsuperscript{59} A Farmer, \textit{The Letters of a Farmer}, 22 and 24.
popular opinion. In short, pro-Yazoo writers espoused a world-view focused on
upholding the status quo and keeping powerful men at the reins of government.

Anti-Yazoo authors championed a government that responded to the popular will,
a belief strengthened by the American Revolution. They stressed the sovereignty of the
people and insisted the only way to keep a republican government working properly was
to make sure government officials responded to the whims of the people. They
unanimously agreed that Georgia’s statesmen could rescind the 1795 sale. Jackson
actively promoted overturning the sale for much of 1795. Opponents of the sale
focused on the fraud and corruption perpetrated by the 1795 Georgia legislators. “A
Georgian,” publishing a rebuttal to the New England Mississippi Land Company’s two
1804 pamphlets, insisted that “law, equity, and common sense, all declare against the
fraud; and if fraud exists in the original contract, it is void ab initio, in all its progress.”
This pamphleteer devoted much of the pamphlet to demonstrating this fraud. Abraham
Bishop, in both his 1797 and 1798 tracts, insisted that a sovereign entity could rescind a
grant if it was founded in corruption. If not, “such a powerless state would be left open to
the ravages of all unprincipled men in the universe, and their property might be bartered
for bribes.” As such, these writers demanded a government that responded to the will
of the people.

In discussing legislative power, authors eventually had to deal with the territorial
limits of Georgia and this meant engaging the place of Native Americans in Anglo-
American law. Every author of the Yazoo pamphlets, excepting only Abraham Bishop,

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60 Jackson, The Letters of Sicilus, 4.
62 Bishop, Georgia Speculation Unveiled (1797), 12.
either used Enlightenment theory to posit Native Americans could not own land in fee simple or simply assumed Georgia had territorial rights over Yazoo country. Their almost unanimous opinion on this subject highlights how white Americans united around conceptions of race in an effort to deny Native Americans’ ownership of land. According to these writers, Native Americans could only own usufruct rights, but not rights in the soil. For example, the authors of State of Facts (1795) argued that the Spanish, French, and English “did not pretend that the agreement they had made among themselves, could extinguish Indian right of living and hunting on lands thus ceded by one to the other.” Instead the major imperial powers claimed sovereignty over North America and the right to purchase from Native Americans: pre-emption rights. Many authors cited Emer de Vattel’s The Law of Nations (1758) in order to denigrate Native American control over acres. Anderson and Hobby, the authors of The Contract for the Purchase of Western Territory (1799), noted “the question ‘whether a civilized nation could take possession of a vast county inhabited by erratic nations?’ has been settled in the affirmative” by Vattel. These writers agreed that Native Americans could not own acres in the same way white Americans could own acres.

Abraham Bishop disagreed. Bishop’s defense of Native American territorial rights within the Anglo-American legal system reads like a twenty-first century “deconstruction”

63 Jackson, The Letters of Sicilius, 5-6; [?], State of Facts, 5; A Farmer, The Letters of a Farmer, 8; Harper, The Case of the Georgia Sales, 2; Morse, Description of the Georgia Western, 20-23, see also Morse’s map, which has no Native American towns or nations; [?], New England Mississippi Land Company Memorial, 4 and 7; Anderson and Hobby, The Contract, 12-16; Granger and Morton, Memorial of the Agents, 4; and A Georgian, Facts, 2-3.

64 [?], State of Facts, 5.

65 As Cumfer notes, according to Vattel, “under natural law nations had a duty to cultivate the soil, because the earth furnishes subsistence. Over-populated nations had the right to occupy the territory of those who did not cultivate their lands.” Cumfer, “Local Origins,” 43.

of European thought concerning non-Europeans’ property rights.\textsuperscript{67} He gives more
attention to describing southeastern Native Americans than any other author and refers
to Native American nations, not tribes.\textsuperscript{68} When discussing pre-emption rights, Bishop
insists Europeans constructed this legal category in order to steal land: “their [European
nations] quarreling created this right, their treaties confirmed it!”\textsuperscript{69} Furthermore, the wars
between Spain, England, and France over North America “are rather arguments of the
ravenous and insatiable spirit of those days, than the right of either to the soil or pre-
emption of this country.”\textsuperscript{70} In other words, discourse created the reality of pre-emption
and European ownership.\textsuperscript{71}

Bishop believed Native Americans had full right to the lands on which they lived,
not merely usufruct rights.\textsuperscript{72} He based this conclusion on Enlightenment thinking: “The
Indians were the first discoverers of this county, and its first discovery and continued

\textsuperscript{67} This analogy should not be pushed too far. For example, Bishop does not, nor was it likely given the
intellectual climate in which he lived, deconstruct Enlightenment thought about nationhood or race. He
does, however, place Native Americans on par with European nations. Reading his argument against the
other pamphlets is particularly striking.

\textsuperscript{68} Bishop, \textit{Georgia Speculation Unveiled} (1797), 4. Cynthia Cumfer has noted that by 1795, white
Tennesseans increasingly used “tribe” to describe Cherokees in an effort to denigrate Cherokee
Sovereignty and Nationhood, 1790-1811,” \textit{Journal of the Early Republic} 23 (Spring, 2003), 44. For other
authors referring to Native American nations as tribes, see Jackson, \textit{The Letters of Sicilius}, 5; [?], \textit{State of
Facts}, 14; Anderson and Hobby, \textit{The Contract}, 15. Bishop does, on occasion, refer to the “tribes.” For
one example, see Bishop, \textit{Georgia Speculation Unveiled} (1797), 6. But he uses nation more frequently.

\textsuperscript{69} Bishop, \textit{Georgia Speculation Unveiled} (1798), 49.

\textsuperscript{70} Bishop, \textit{Georgia Speculation Unveiled} (1798), 50-51.

\textsuperscript{71} See also, Bishop, \textit{Georgia Speculation Unveiled} (1798), 51. The King of Great Britain did not conquer
everything, “his patenting from sea to sea is rather to be considered as a vapouring of power, than as an
evidence of right.” And, “The Indians now live in that country, described in the companies deeds. Their
progenitors lived there long before the days of Columbus. They have occupied and improved it—they
have never abandoned it, nor been driven from it, and by the United States are recognized in treaties.”

\textsuperscript{72} Bishop, \textit{Georgia Speculation Unveiled} (1798), 50 and 51. See also his assertion that Georgia did not
have either pre-emption right or fee simple right to Yazoo country, 75. See also, “as respects the Indians,
the lands are theirs in fee, with all the uses belonging to them;—they care not for preemptive rights,” 37.
occupancy gives title according to the laws of nature and nations.” Bishop, unique among Yazoo pamphleteers, drew on a Justinian understanding of natural law. He argued that the law of nations and nature “guarantees to the first discoverer and occupant of any created thing an exclusive title; so that a forcible extermination of such a one is a violence to this law.” In this regard, Bishop saw Native Americans through the same lens as Europeans.

Bishop could not reconcile his ideas about race and the rights of Native Americans under natural law and the law of nations. He argued that “the law of nature and nations were made for white people.” But Bishop clearly believed that Native Americans controlled the land on which they lived and he pushed back against Vattel’s idea that overpopulated countries could justly occupy underpopulated countries because nations (or presumably citizens/subjects within nations) had a duty to till cultivate the soil. He imagined a fascinating scenario to illustrate his point. “Suppose that a subject of the Chinese nation should discover that we live here,” Bishop began. That subject would realize that Americans occupied more land than needed, and the Chinese Emperor would therefore issue patents to American land. Chinese subjects would “subdue” Americans and then the “patentees” would bicker “about the honor of discovering this country.” Bishop asked “what would a survivor of these ruins call them [the Chinese]: What would he think of them?” In this scenario, according to Bishop,

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73 Bishop, *Georgia Speculation Unveiled* (1798), 49. He cites his inspiration for this interpretation as Justinian law. He also writes that “the Spaniards did not first discover this country, and those, who are very solicitous to decide which has the honor of discovering this country, Columbus or Vespusius or Don Juan, may more discerningly direct their historical researches to some tawny warrior of some far distant past,” 49.

74 Bishop, *Georgia Speculation Unveiled* (1798), 61.

75 Cumfer notes that this line of logic also undergirded Tennesseans drive to take over Cherokee lands. Cumfer, “The Local Origins,” 43.
Native Americans “differ no more from us than we do from the Chinese.” He created this situation to demonstrate that “might has over come right, and that we must resort to a system of landed tenures wholly unknown to the books.” Bishop did not explain how to do this, but he was convinced that Georgia’s “claim to fee [simple] or pre-emption is not sustained.”

It is possible that Bishop championed Native Americans’ ownership of Yazoo country because of his desire to see the Rescinding Act upheld. Furious at being duped in his purchase of Yazoo acres, Bishop passionately attacked the 1795 sale. But if he wanted to attack the sale’s legitimacy it seems likely that he would have done what ever other writer did, simply dismiss Native American land claims. A more fruitful reading of his extraordinary defense might be to see it as an example of how Americans filtered esoteric political theory through specific instances like the Yazoo sale. Bishop’s involvement in the sale certainly colored his interpretation. But his defense highlights that Americans selectively engaged political philosophy to help make arguments they wanted. Bishop’s argument is important because it demonstrates that not all white Americans’ automatically adopted Enlightenment theory in order to attack Native American territorial claims.

Anti- and pro-Yazooists debated about whether the Yazoo sale fit within the nation’s republican political economy. Anti-Yazooists, for example, charged the sale with destroying a republican political economy. Jackson fretted that “extravagant grants”

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76 Bishop, *Georgia Speculation Unveiled* (1798), 72.

77 Bishop, *Georgia Speculation Unveiled* (1798), 75.

78 Of the claims of Yazoo claimants, Bishop wrote that the “rescinding act is completely fatal to all claims on the part of the companies and the northern purchasers.” Bishop, *Georgia Speculation Unveiled* (1798), 92.
were the root of feudalism and that such grants in America threatened to bring European monarchism into the United States. He insisted “it is the duty of a democratic republic, to keep its citizens as near as equality as possible; at least not to contribute to an inequality, by any act of its government.”79 A Georgian, writing in 1805, attacked the NEMLC for having an agent who was also a federal office holder.80 In so doing, this company exerted undue influence compared to other land holders. Pro-Yazoo writers answered that large grants were not inherently evil. They engaged in sectional attacks with southerners claiming that the Yazoo companies were aristocratic monopolies: “From what quarter of the country comes this declaration? From one where plantations are measured by miles, and acres told by thousands; and against a part of the country where farms are limited to fifty or hundred acres and measured by feet and inches.” And, they continued, this declaration came from a section of the country “where in many cases the expenses of a single family consume the produce of as many as furnish sustenance for a regiment of freeman.” 81 Pro-Yazoo writers did not actively assert that large land grants fit within America’s political economy. This would have been a difficult argument to make. Instead, they attacked anti-Yazooists for something most northerners understood as evil, racial slavery.

At least one writer insisted that the Yazoo sale deformed market relations within a republican political economy because the sellers held all the information and company agents did not sell land, but only the right to buy land at an unknowable date. Abraham Bishop scoffed at Yazooists retort to purchasers of Yazoo land that “you ought to have

79 Jackson, The Letters of Sicilius, 8.
81 Morton and Granger, Memorial of the Agents, 30.
looked out that we did not cheat you."\textsuperscript{82} Instead, he insisted that because buyers could not verify the information presented to them, due to time and distance, “let the seller look out, that he deceive not the buyer. ‘Tis a maxim of common sense and reason.”\textsuperscript{83} He pushed even further, saying that if the seller “has taken money for his own falsehood, he ought to refund it” and “if this rule is not in the books, it ought to be placed there.”\textsuperscript{84} Bishop accused Yazoo speculators as falsely claiming they sold land: “these are not sales of land, as facts now shew…but a mere floating imaginary right to buy land.”\textsuperscript{85} According to Bishop, the problem was that Yazoo companies hawked pre-emption rights to the land, not unencumbered fee-simple land. The land never “gained any other existence than on paper” because pre-emption is “merely a right to buy land.”\textsuperscript{86}

This duplicitous sale enraged Bishop because he did not get what he expected. He compared his experience to a fictional razor-buyer in a poem by English writer Peter Pindar.\textsuperscript{87} In this poem a man purchasers razors from a peddler. Upon arriving home he finds the razors “imposters” and incapable of shaving. Infuriated, he finds the peddler, and tells him “you’re a knave, To cry up razors that can’t \textit{shave}.” The peddler responds that “upon my soul I never thought That they would \textit{shave}.” Befuddled, the purchaser

\textsuperscript{82} Bishop, \textit{Georgia Speculation}, (1797), 24.

\textsuperscript{83} Bishop, \textit{Georgia Speculation}, (1797), 10.

\textsuperscript{84} Bishop, \textit{Georgia Speculation}, (1797), 10.

\textsuperscript{85} Bishop, \textit{Georgia Speculation}, (1797), 9.

\textsuperscript{86} Bishop, \textit{Georgia Speculation}, (1797), 9 and 14.

\textsuperscript{87} See, Bishop \textit{Georgia Speculation} (1798), 56. Peter Pindar was John Wolcot’s penname. For Wolcot as Pindar, see Sune Erik Schlitte, “Beyond the Image. Practices of Caricature in the Artistic Field,” in Anorthe Kremers and Elisabeth Reich, eds., \textit{Loyal Subversion? Caricatures from the Personal Union between England and Hanover (1714-1837)} (Bristol, CT: Vandenhoeck & Ruprecht, 2014), 183-196.
asked what the razors were made for: “‘Made! quoth the fellow, with a smile, ‘to sell.’”

In alluding to this poem, Bishop critiqued the avarice necessary to make such transactions. In short, he was struggling against the breaking down of what historians refer to as the moral economy and the rise of market norms.

**Congressmen and Yazoo Men: Networks and Political Connections**

Americans undoubtedly had hundreds, if not thousands, of conversations about the Yazoo sale between 1795 and 1805. They might have been the equivalent of quick sound bites today: a journeyman in Boston condemning the purchase to friends over drinks and, perhaps, thankful he decided not to invest alongside his fellow workers. Longer conversations might have entailed investors crowded together in a Philadelphia coffee house and leaning over the most recent newspaper carrying word of the Rescinding Act. As Americans participated in these varied conversations, Yazoo investors moved to see their deeds and stocks transformed into more valuable paper, either cash or US securities. They wrote government officials and employed them as agents. At the same time, federal officials tried to acquire more information about the sale by writing Georgia statesmen and Yazoo company members. These conversations unfolded in letters and special committee meetings, outside of the public’s purview. Even Congressmen had limited exposure to these conversations because members of the 1802 committee appointed by Jefferson communicated with Yazoo company men. As a result, Congressmen tried to overcome their lack of information regarding the 1795 sale by ordering nine documents printed during December 1809.

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89 Kamensky, *The Exchange Artist*, 36. Kamensky notes that journeymen and workers were caught up in the speculative fervor.

90 *The Philadelphia Gazette and Universal Advertiser*, March 10, 1796, 3.
Yazoo investors shared information because they assumed if Congress or the Supreme Court recognized any Yazoo claimants’ right to land all Yazoo claims became legitimate. For example, 1795 investors shared information with 1789 investors. 1795 investors could have worked to discredit claims made these earlier groups because if Congress or the Supreme Court recognized the earlier claims, the later claims might be called into question. Instead, 1795 Yazoo men actively cooperated with Alexander Moultrie and John Stockdale, both members of the 1789 South Carolina Yazoo Company. Moultrie and Stockdale visited New York, Philadelphia, Boston, Hartford, and New Haven to meet with 1795 investors during winter 1796. The two men made the cold trips between cities to determine who had purchased the land their company also claimed and to gather information for *Moultrie v. Georgia*, a suit sitting on the Supreme Court’s docket in which Moultrie sued Georgia for canceling the 1789 sale. The Eleventh Amendment, which barred citizens from one state from suing another state, prevented the Supreme Court from hearing the sale and South Carolina Yazoo company members failed to convince Congressmen they had a case for compensation.91

Importantly, 1795 investors welcomed Moultrie and Stockdale with open arms and freely exchanged information. Nathaniel Prime “consulted his Maps” and determined he had re-sold—“passed the bad penny”—the land Moultrie inquired after to other investors. James Gunn and Wade Hampton “behaved very polite indeed” in New York. In Boston, Moultrie noted that many Georgians were there at a company meeting,

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surely the New England Mississippi Land Company. The Georgians and “Yankies” disagreed on the best strategy moving forward. Even though Moultrie and Stockdale were attempting to prove they owned many of the Yazoo acres, all the investors they dealt with offered a helping hand. Many felt “very sore and feel much Crippled,“ undoubtedly because of the Rescinding Act, and these men assumed that any Yazoo company receiving recognition of title helped them all. Moultrie also reached out to 1795 investors in a legal capacity. Moultrie convinced Samuel Dexter, a 1795 investor and Boston lawyer, to support the 1789 South Carolina Company against Congress’s claim that the territory belonged to the United States: “at Boston I’ve engaged Mr. Dexter to defend us agt. Congress’s Claim and all others.” All Yazoo investors united in an effort to receive compensation for their land claims.

The New England Mississippi Land Company used their political connections in an effort to get agents appointed to strategic government posts that had the power to influence the settlement of Yazoo claims in the company’s favor. The company particularly focused on getting agents into the Mississippi Territory’s government. To understand why, it is illustrative to look at the company’s chain of title. The NEMLC purchased 11,000,000 acres from the Georgia Mississippi Company. These acres fell within the borders of the Mississippi Territory as established by Congressmen on April 7, 1798. President Adams, who may have purchased Yazoo land from the Georgia


93 Quoted in Alexander Moultrie to John Nicholson, November 1, 1796 in Marcus, The Documentary History of the Supreme Court of the United States, 1789-1800, 555.

94 The 1798 borders did not include all of present-day Mississippi and Alabama. Georgia had not yet ceded its remaining western territories and would not do so until 1802. Congressmen then folded that territory into the Mississippi Territory in 1804. Figure 5-1.
Company, nominated George Matthews to be the Governor of the Territory and Asher Miller to be a judge within the same.\textsuperscript{95} Matthews had signed the 1795 Yazoo sale into law as governor of Georgia. Miller hailed from Connecticut.\textsuperscript{96} A Governor and judge in the NEMLC’s pocket would give the company a lot of leverage in pressing for recognition of their claims. Senators, responsible for approving or rejecting Adams’s appointments, rejected Matthews’ and Asher’s appointments specifically because of their connection to the NEMLC. In Matthews’ place, Adams appointed, and the Senate accepted, Winthrop Sargent to be the first governor of the Mississippi Territory.\textsuperscript{97}

NEMLC agents did not take the Senate’s rejection of their appointments as a death knell to their cause of exerting influence over officials in the Mississippi Territory in an effort to facilitate the company’s compensation. Matthews and Asher arrived in the Mississippi Territory before Governor Sargent, who arrived in August, 1798.\textsuperscript{98} Matthews, in particular, asked Sargent his willingness to support NEMLC claims. Matthews wrote Sargent on October 11, 1798 and asked him if he was “bound to interfere with any disposition the Company may make of their lands in this Territory.”\textsuperscript{99} Sargent replied on October 13, insisting that “he knows of no right in any Company to \textbf{Lands}, within the

\textsuperscript{95} A document dated October 23, 1795 in the Richard Frothingham Papers, housed at the Massachusetts Historical Society, and under the heading “Land dispute papers relating to the Georgia Company, 1795-1800,” lists a John Adams purchasing $1,200 worth of Georgia Company land. The document does not list how many acres this person purchased.

\textsuperscript{96} See Edwin C. Carter, \textit{The Territorial Papers of the United States: Volume 5}, 27. See also David D. Field, \textit{Centennial Address} (Middleton, CT: William B. Casey, 1853), 100. Field notes of Miller that sometime after 1795 “he went to the South, to survey a tract of wild land about the mouth of the Yazoo river, for a company who were hoping out of those lands to realize a fortune.”


\textsuperscript{98} Haynes, \textit{The Mississippi Territory}, 27.

\textsuperscript{99} George Matthews to Winthrop Sargent, October 11, 1798, Winthrop Sargent Papers, MHS.
Though Sargent denied NEMLC’s right to territory in the Mississippi Territory, his involvement in other land speculating ventures in the Ohio River Valley meant many Yazoo investors assumed he would be sympathetic to their claims.

Yazoo investors overlapping networks meant they viewed Sargent as a contact for any questions concerning their land claims and as a possible intermediary in selling Yazoo land. Sargent’s engagement with the Ohio and Scioto Companies resulted in individual Yazoo investors writing Sargent about the status of their claims. These two companies had intertwined histories and claimed lands in present-day Ohio. William Shattuck and Joseph Barrell had engaged in land transactions with Sargent involving the Ohio Company’s lands. They drew on their past connections when contacting Sargent about their Yazoo claims. Bostonian William Shattuck inquired about his Yazoo acres during late January 1799. Shattuck wrote that “on my own account which to me is Important it is probably better Known to you then to me the manner in which the state of Georgia sold a part of the territory you Govern, and the Effect it has had on the purchasers.” Shattuck made clear that he, of course, bought Yazoo land before the Rescinding Act and he wanted “to ask of you a private and Candid opinion respecting the prospects of this property becoming of avail to the purchasers.” Shattuck was trying to gauge the likelihood of receiving a return on this investment.

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100 Winthrop Sargent to George Matthews, October 13, 1798, Winthrop Sargent Papers, MHS.
102 William Shattuck to Winthrop Sargent, January 27, 1799, Winthrop Sargent Papers, MHS.
Sargent lost the governorship of the Mississippi Territory during mid-1801 when Thomas Jefferson replaced Federalists with Republicans.\textsuperscript{103} Winthrop still served as a contract for land speculators, however. Over two years later, Joseph Barrell, a Boston merchant interested in the China trade, asked Sargent to sell some Yazoo land for him.\textsuperscript{104} Or, if this request “would be incompatible for you to undertake,” Barrell requested Sargent recommend someone else. Barrell informed Sargent that his “Scrip” was “made out in 5000 Acres, each,” pre-printed with a blank to be filled in with the purchaser’s name, and any land Sargent sold Barrell would pay him a commission. The Boston merchant wanted to exchange Yazoo scrip for cotton: “please payable in Cotton.”\textsuperscript{105} Sargent agreed to Barrell’s request. On October 4, 1801 Barrell noted he had received Sargent’s “favor of 27th,” and was sending scrip along. He noted that the scrip, “was confirmed to no particular part, but extends to the whole purchase.” Barrell now asked Sargent how to transform cotton into cash: “you will please to inform me what course you take to turn your Cotton into money for it is that which I am at present in most need of.”\textsuperscript{106} Barrell recognized cotton’s profitability, and he exchanged Yazoo scrip for cotton and then cotton for money, foreshadowing the cotton economy of the late 1810s.

Networks such as the ones established between Sargent, Shattuck, and Barrell allowed Yazoo men to share information not available to the general public. This

\textsuperscript{103} Robert V. Haynes, \textit{The Mississippi Territory and the Southwest Frontier, 1795-1817} (Lexington: The University of Kentucky Press, 2010), 48.


\textsuperscript{105} Joseph Barrell to Winthrop Sargent, September 18, 1801, Winthrop Sargent Papers, MHS.

\textsuperscript{106} Joseph Barrell to Winthrop Sargent, October 4, 1801, Winthrop Sargent Papers, MHS.
exchange of information did not directly translate into compensation for Yazoo claimants. But it did allow company men and investors to make informed decisions about whether they wanted to offload their Yazoo acres and scrip or hold out for the possibility of compensation from the federal government. Yazoo men did not just contact each other or officials in the Mississippi Territory, they also turned to federal officials in Washington D.C. Their decision to keep communications up with federal officials, and, in fact, federal officials’ decision to write NEMLC agents, resulted from Georgia finally ceding its remaining western territories to the federal government in 1802. Congress added this cession to the Mississippi Territory during 1804 (I discuss this in more detail in Chapter 5).

Under one week after Georgians ceded their remaining western territories to Congress, three federal commissioners of a specially-appointed committee wrote the agents of the New England Mississippi Land Company looking to acquire much needed information about the 1795 Yazoo sale. President Thomas Jefferson hand-picked three commissioners to negotiate Georgia’s cession of the Yazoo lands: Attorney General Levi Lincoln, Secretary of State James Madison, and Secretary of the Treasury Albert Gallatin. Lincoln housed NEMLC agents in Washington D.C. when they were lobbying for congressional compensation during 1802. Gallatin had tried to purchase Yazoo land during 1795.107 These three federal officials wrote NEMLC agents William Hull, Samuel Dexter, Benjamin Hitchborn, and Samuel Ward on May 1, 1802 that “we invite you to communicate to us with precision the nature + extent of the claims made by yourselves + others persons whose agents you are− Transcripts of the several deed company

articles + other papers shewing the chain of title + other papers shewing the chain of title + your authority to make a proper release will be particularly desirable." The commissioners’ request for specific information reflects federal official’s lack of knowledge concerning the Yazoo sale and their reliance upon Yazoo company members to acquire that information.

NEMLC agents did not immediately provide the special committee with documentation verifying they owned the land. Instead, they outlined the conditions necessary for them to accept the cancelation of their claims. Significantly, NEMLC agents included the 1795 Yazoo companies in their letter back to Gallatin, Lincoln, and Madison on January, 19, 1803. The seven month lag between NEMLC’s receiving the letter and responding likely derives from the time needed to gather the agents from the other companies. The four 1795 companies and the NEMLC demanded the proceeds from the sale of “the most valuable” 5,000,000 acres within the Mississippi Territory. The agents demanded payment be dispersed from the US Treasury in three annual installments beginning in April of 1805. They also wanted 6% annual interest on the payments in case of a delay. Finally, demonstrating their familiarity with securities markets, the company’s representatives wanted the certificates to be transferable like US bonds.

In an attempt to fill out a complete picture of the Yazoo sale Secretary of the Treasury Albert Gallatin moved to acquire information about the sale that did not come

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108 Levi Lincoln, James Madison, and Albert Gallatin to William Hull, Samuel Dexter, Benjamin Hitchborn, and Samuel Ward, May 1, 1802, Gratz Collection, Case 2, Box 15, Folder 24, HSP.

from company agents. US Senator James Jackson (GA) wrote Georgia’s Governor John Milledge on December 29, 1802 that Gallatin “is much mortified and at a loss for want of the Yazoo papers and documents.” Jackson continued that Gallatin had reminded him of Georgia’s promise to share any Yazoo documents with the federal government. The Senator asked Milledge to forward information that was “properly certified” and that detailed “how much was paid per Acre for Citizens Rights to Yazoo—Mr. Gallatin is much in want of it.” Finally, Jackson reminded Milledge to send the official legislative journals tailing the vote on the 1795 sale. Georgia could not send the full version of the house records, because Georgia legislators burned the “Yazoo Session Journals” containing the debate surrounding the sale in 1796.110

Gallatin wrote Governor Milledge just a few weeks after Jackson. On January 12, 1803, Gallatin asked Milledge for documents: “It is evident that if a compromise shall take place between the United States and claimants under titles pretended to be derived from Georgia, it is of extreme importance that we should understand the subject as fully as ever and all the documents in the possession of the State can elucidate it. Our sole object in wishing for the papers is to be enabled to repel improper claims.” The Secretary of the Treasury specifically requested “such papers as will show how much of the purchase money had been paid by the Trustees, and how much by citizens. The possession of those papers alone, might avoid to the United States the payment of perhaps three hundred thousand dollars.”111 Gallatin knew he and the two other commissioners, Lincoln and Madison, needed more precise information on the Yazoo

110 James Jackson to John Milledge, December 29, 1802.

111 Albert Gallatin to John Milledge, January 12, 1803, Ebenezer Jackson Papers, Box 1, Folder 1, Library of Congress.
sale than available through newspapers and pamphlets. If they approved any type of compensation then they needed to know how much Yazoo investors paid for their land.

The list of claimants Lincoln, Madison, and Gallatin compiled between 1802 and 1805 highlights a disconnect between debates about republican government in the public sphere and practical considerations of statecraft. On the one hand, the report referred to the Yazoo sale as the “pretended act.” In so doing, federal officials echoed the language of the 1796 Rescinding Act. Furthermore, Lincoln, Madison, and Gallatin concluded that

without pretending to affirm that the legislature of the state of Georgia was competent to make the decision, they feel no hesitation in declaring it as their opinion, that under all the circumstances which may affect the case, as they have come within their knowledge, and as herein states, the title of the claimants cannot be supported.

The three men posited that Yazoo claimants had no right either to the land or compensation for their land claims. On the other hand, Lincoln, Madison, and Gallatin insisted that “the interest of the United States, the tranquility of those who may hereafter inhabit that territory [Mississippi Territory], and various equitable considerations, which may be urged in favor of most of the present claimants, render it expedient to enter into a compromise on reasonable terms.” The list did not immediately translate into compensation for Yazoo claimants. It did give the claims a certain legitimacy because

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112 For the list, see Evidence of Title Derived from the State of Georgia, February 14, 1805, American State Papers: Public Lands 1:201-228.

113 The 1796 act referred to the 1795 sale only as the “usurped act” and referred to the act’s “pretended title.” See Rescinding Act, in “Sundry Papers, in relation to Claims, commonly called the Yazoo claims” (Washington D. C.: A and G Wat., Printers, 1809). LCP


115 Ibid.
federal officials collected, compiled, and recorded the transfer of titles. The ambiguous ruling of the committee did not help Congressmen in trying to settle the claims.

Despite all the information available about the Yazoo sale in political pamphlets, newspapers, and the 1805 report, Congressmen could not reach an agreement concerning Yazoo claimants. This derived, in part, from political opposition in Congress. But it is important to note that opponents of the sale frequently referenced how widespread newspaper coverage spread the basic outline of the 1795 sale, and its underlying corruption, to the far corners of the new nation. Virginian Representative Christopher Henderson Clark could not fathom how Boston investors failed to learn about the sale’s corrupt origins. During a January 1805 House debate, Clark asked of the Boston investors: “Are they ignorant?” He answered his own question by asserting their professions dictated they remained informed, “No, they are the best informed men in the State [of Massachusetts], and most of them public characters, and yet had no knowledge of what was passing in the State of Georgia, or in Congress, which then sat at Philadelphia”? He continued, “The newspapers of the South could not penetrate the frozen regions of the North”? Maryland’s Roger Nelson (Republican) posited on January 4, 1808 that “there was not a child of 10 years old in the country who would not heard of this business.” North Carolina Congressmen Nathaniel Macon, as mentioned at the beginning of this chapter, also insisted that everyone knew of the sale’s corrupt origins. Clark, Nelson, and Macon consistently opposed any action that would, in anyway, aid Yazoo claimants.

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Representatives decided the best course of action was to obtain more information. On December 18, 1809, four days after Ross and Macon argued about newspapers effectiveness of spreading information about the Yazoo sale, House members ordered nine documents to be printed.\textsuperscript{118} The documents were as follows: the 1796 Rescinding Act; the 1789 and 1798 Georgia constitutions; three acts concerning the establishment of government in the Mississippi territory; the April 1802 agreement between the Georgia and the United States in which Georgia ceded all land west of the Chattahoochee River to the Federal Government; a 1795 message from President Washington to the House; and a petition from New England Mississippi Land Company representatives filed in January 1805. House members voted to print these documents because they wanted to settle the matter objectively. Accounts of the Yazoo sale circulating in the public sphere already contained biased accounts. As Connecticut’s Samuel W. Dana phrased it, he was skeptical of opinions that rested “upon proof of which different opinions might be formed by different persons.”\textsuperscript{119} These documents consistently referred to the Yazoo claims as “pretended claims,” seemingly undercutting the claim’s legitimacy at the same time Congressmen tried to determine whether to compensate claimants or not. Federal documents echoed the 1796 Rescinding Act by adopting this diction.\textsuperscript{120}

\textsuperscript{118} Each document was to be printed 300 times each for distribution to Congressmen.

\textsuperscript{119} Annals of Congress, House, 1809, 730.

\textsuperscript{120} The 1796 act referred to the 1795 sale only as the “usurped act” and referred to the act’s “pretended title. See Rescinding Act in “Sundry Papers, in relation to Claims, commonly called the Yazoo Claims” (Washington: A and G Wat., Printers, 1809). LCP.
Conclusion

The printing of more documents could not overcome the fact that many Americans, including Congressmen, came to their decision on Yazoo from reading documents already infused with pro- or anti-Yazoo biases. Understanding the debates Americans waged over the Yazoo sale and Rescinding Act is critical because Congressmen took these divisions created in the public sphere and adopted them to partisan politics. Republicans, especially those who hued more true to interpretations of governance that stressed limited government intervention into civil society, leaned heavily on the argument that corruption nullifies contracts and therefore Yazoo claimants had no case for compensation. Federalists stressed the sanctity of contracts, even when that contract was obtained through bribery, and therefore supported compensation. Congressmen reused the debates pro- and anti-Yazooists crafted in arguments over the Yazoo claims between 1802 and 1814, when claimants finally received compensation. If the arguments remained fairly consistent, we need to determine what changed in 1814. In short, shifts in partisan politics facilitated compensation.
CHAPTER 5

‘FOR THE PURPOSE OF SATISFYING, QUIETING, OR COMPENSATING FOR ANY CLAIMS OTHER THAN THOSE BEFORE RECOGNIZED’: COMPENSATING YAZOO CLAIMANTS

Thomas Jackson Oakley, US Representative from New York, addressed his fellow Congressmen on March 15, 1814 as a member of the House committee responsible for creating a report on the Yazoo claims. Oakley laid the report before the whole House. It read, in part, that the committee “are of opinion that it is expedient for the Government of the United States to enter into a compromise” with Yazoo claimants.

Oakley and his fellow committee members grounded their reasoning on considerations connected with the permanent interest of the United States, as they relate to the Mississippi Territory; with the quiet and speedy settlement of that Territory; with the more easy extinguishment of the Indian title to the lands contained in it; with the security against future Indian wars in that quarter, which the settlement of that Territory must afford; with the extensive navigation connecting parts of the Western States with the ocean, which must be opened when the population of that Territory shall be adequate to such an object, and with the strength and safety which such a population must confer on the Louisiana frontier.¹

The committee posited that settling the Yazoo claims would accelerate white Americans migration into the Mississippi Territory, and that this migration would strengthen American control over the region. Put another way, settling the Yazoo claims became another way for the federal government to attack Native American sovereignty by increasing white settlement in the Old Southwest.

What makes this scenario so striking is not white Americans’ desire to move westward, but that men like Thomas Jackson Oakley supported it. Oakley was a Federalist. Federalists fought against westward expansion because western citizens overwhelmingly voted for the Republican Party. They despised the Louisiana Purchase,

and worked to block Mississippi’s admission to the Union during the early 1810s. Yet, Oakley and every other Federalist colleague who cast a ballot voted for Yazoo compensation on March 26, 1814, unleashing a massive white migration into the Mississippi Territory and with it the first great westward surge of American slavery. Conversely, the majority of Republicans, typically pro-expansion, voted against compensating claimants. This chapter explores how and why such a stark reversal of political positions occurred. It also probes why federal officials took so long to settle the 1795 Yazoo claims and interrogates why Congressmen made Mississippi stocks function as both a bond and land office certificate.

Congressmen decided to compensate Yazoo claimants during 1814 because of the interplay among practical considerations of federal statecraft, powerful economic interests, and the shifting fortunes of the Federalist Party between Jefferson’s election and the War of 1812. Settling the Yazoo claims became a federal issue when


Georgians finally ceded their western territories to the federal government in April 1802. Congress officially incorporated these acres into the Mississippi Territory in 1804 (Figure 5-1). The opening of federal land offices within the Mississippi Territory meant federal officials had to cancel the Yazoo claims so they could sell the land to white settlers in fee simple. This need became acute during the nation’s campaign—led by Andrew Jackson—against Old Southwest Native American nations in 1813 and 1814. Congressmen, as highlighted above in the report created by Thomas Jackson Oakley’s committee, assumed that after American troops subdued Native Americans white Americans would rush into the region. Along with this practical consideration of federal governance, Yazoo men formed a powerful economic interest pushing federal officials to settle the claims. Yazoo men lobbied Congress and got a case before the Supreme Court, *Fletcher v Peck* (1810), in which Marshal’s court ruled that Yazoo claimants did in fact have legitimate claims to the land in the Mississippi Territory. This ruling intensified the practical need to settle the claims. However, Republican strength in Congress prevented the passage of Yazoo compensation.

Shifts in partisan politics, driven by anti-war sentiment, facilitated Congressmen’s creation of Mississippi stocks. The War of 1812 spurred a Federalist political revival and their increased Congressional seats in the Thirteenth Congress (1813-1815) explain why compensation passed during March 1814. Federalists successfully turned compensation of the Yazoo claims into a partisan and sectional issue, insisting that northeastern citizens deserved recompense for suffering through the 1807 embargo and War of 1812, both enacted by Republicans over the protests of northeastern

Federalists. An alliance of Federalists and northern Republicans pushed compensation through by a vote of 81 to 76 on March 26, 1814. By specifically allowing Mississippi stocks to be accepted as payment at federal land offices the anti-expansion Federalists unleashed an unparalleled American migration into the Old Southwest.

Congressmen took the debates explored in Chapter 4 and fitted them into partisan politics when they debated Yazoo compensation from 1802 through 1814. Most Republicans argued that Yazoo claimants had no legal ground on which to stand because corruption nullified contracts. Federalists and their Republican allies denied that purchasers of Yazoo land knew anything about the fraud and should therefore not be punished. Moreover, Federalists, and some Republicans, insisted that settling the claims was a practical necessity to sell federal land in the Mississippi Territory. Federalists treated the Yazoo claims as a partisan issue, but Republicans split on the issue because the Republican Party consisted of various factions, and northern economic interests dictated that some Republican Congressmen support the claims. The 1807 Embargo, *Fletcher v Peck* (1810), and the War of 1812 further split Republicans on the Yazoo claims. These events forced many Northern members of Jefferson’s party to see the claims as a sectional aggravation. The Creek War provided an opportunity for white American expansion into the Mississippi Territory and Congressmen made sure Mississippi stocks could be used to purchase land at federal land offices in the Old Southwest. These financial securities underwrote a massive migration of white Americans and African American slaves into the present-day states of Alabama and Mississippi.
Republicans in Control

Settling the Yazoo claims became the federal government’s obligation when Georgians renounced their claims to western lands in 1802. President Thomas Jefferson appointed three federal commissioners to meet with three Georgia commissioners in order to accept Georgia’s cession of western territory and settle the Yazoo claims. The federal officials, Secretary of the Treasury Albert Gallatin, Secretary of State James Madison, and Attorney General Levi Lincoln, were also tasked with compiling a list of Yazoo claimants, which they completed during 1805 (Chapter 4). Georgians appointed their state’s two US Senators, James Jackson and Abraham Baldwin, and Governor John Milliedge to negotiate with the three federal officials. The six men eventually settled on the terms that appeared in the “Articles of Agreement and Cession, 24 April 1802” between Georgia and the United States, known as the Georgia Compact. The compact officially nullified Georgia’s “right, title, and claim” to the Yazoo lands. In exchange, the federal government had to pay Georgia the first $1,250,000 from the proceeds of federal land sales within the Mississippi Territory, excepting only surveying expenses. The federal government also agreed to cancel all Native American land claims within Georgia’s post-Compact borders as quickly as possible.  

The terms of the Georgia Compact, and its ambiguous wording, facilitated Congressmen’s future disagreements over the Yazoo claims. Georgia Representatives worried that Yazoo claimants would receive payment before their state because the Compact also set aside lands, “not exceeding five millions of acres, or the proceeds of the said five millions of acres…for the purpose of satisfying, quieting, or compensating”

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4 Georgia Cession, April 26, 1802, American State Papers: Publics Lands 1:113.
any claims that had not been explicitly mentioned in the Compact. Ambiguously worded, this clause referred to Yazoo claims, but anti- and pro-Yazooists disagreed on this point in future Congressional debates. The Compact also included the following provision: if "an act of Congress making such disposition or appropriation [settling the claims] shall not be passed into a law within the abovementioned period of one year, the United States shall not be at liberty thereafter to cede any part of the said lands on account of claims which may be laid to the same." In other words, if Congressmen failed to pass a law clarifying how to compensate Yazoo purchasers within a year, claimants would have no legal ground upon which to stand. A March 3, 1803 law extending the national land laws to the Mississippi Territory fulfilled this stipulation; it stated in Section 8 that 5,000,000 acres be laid aside to satisfy claims not explicitly mentioned in the agreement. Again, the law referred to Yazoo claimants but did not clarify how to settle the Yazoo claims, so anti- and pro-Yazooists bickered about whether this statement included Yazoo claimants.

Congressional debates over Yazoo spiked in 1804 and 1805. This resulted from Gallatin, Lincoln, and Madison laying their report before Congress during 1803, and the addition of Georgia’s western territories to the Mississippi Territory during early 1804.

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5 A letter from James Madison to William C. C. Claiborne, who was, at the time, Governor of the Mississippi Territory, confirms that the ambiguous phrasing does, in fact, refer to Yazoo claimants. Madison wrote Claiborne on July 26, 1802 about the Georgia Compact. Madison told Claiborne that he should “oblige the commissioners by enquiring and communicated what or whether any steps have been taken in behalf of the claiming companies towards settling, selling out, or surveying, any part of the land.” Accessed on the Founders Online Archive through the National Archives. http://founders.archives.gov/documents/Madison/02-03-02-0528. Accessed on August 2, 2014.

6 Georgia Cession, April 26, 1802, American State Papers: Public Lands 1:113-114.


The report gave Congressmen enough information to debate the issue. The addition of Georgia’s land to the Mississippi Territory meant that all Yazoo claims now fell within that Territory’s borders and were officially under the federal government’s jurisdiction. These two developments encouraged Yazoo claimants to petition Congress. The 1789 South Carolina and Virginia Yazoo Companies petitioned Congress on December 23 and December 28, 1803 respectively. Congressmen started debating the Yazoo claims in earnest during March 1804; they all but ignored the 1789 claims. The Eleventh Amendment had squashed any hope of compensation for the 1789 companies.

Federalist treated the Yazoo claims as a partisan issue. In the twenty-five House votes concerning the Yazoo claims between 1804 and March 26, 1814, when Congressmen created Mississippi stocks, Federalists overwhelmingly voted to support the Yazoo claims twenty-four times. In the twenty-four votes in which Federalists supported the Yazoo claims, only between one and three Federalists broke rank out of an average of thirty-seven voting on each bill or motion. A few examples are


10 American State Papers: Public Lands, 1:151-164.


12 Only when considering the 1789 companies’ claims on January 11, 1804 did Federalists significantly split on the Yazoo claims. Twenty one Federalists voted to hear petitions from the 1789 Virginia and South Carolina Yazoo Companies, demonstrating that most still thought this a partisan issue. Thirteen Federalists voted against hearing these petitions. Ten of these votes came from either Connecticut, Massachusetts, New Hampshire, or New York Federalists. All four of these states had Yazoo 1795 claimants, especially Connecticut, Massachusetts, and New York, whose representatives supplied eight of the thirteen votes to not hear 1789 company petitions.

13 Instead of outlining every specific vote and explaining why a vote for or against a bill or motion worked for or against the Yazoo companies, I have simply listed the dates of votes and then listed the breakdown of Federalists voting for or against the bill or motion. In every instance but one Federalists voted to support the claims. Therefore, if the majority of Federalists voted against a bill or motion in one of the following dates they were actually supporting Yazoo claims. See https://www.govtrack.us/congress
illustrative. On February 2, 1805, the House voted on whether or not to vest the special three-person committee created by President Jefferson in 1802 with the power to settle the Yazoo claims. This committee, consisting of Albert Gallatin, Levi Lincoln, and James Madison, had recommended compensation. An affirmative vote on this issue demonstrated a desire to compensate Yazoo claimants. Thirty-five Federalists supported the motion, and only one voted against it. Similarly, on January 4, 1808, House members considered postponing debate on the claims of the New England Mississippi Land Company. Congressmen voting to postpone this consideration struck a blow against Yazoo company men because postponement was a political strategy to ignore undesirable business. All twenty Federalists casting ballots voted not to postpone consideration of the claims.

Republicans did not vote on Yazoo claims solely based on partisan calculations. A variety of impetuses motivated their voting behavior. A combination of these factors explain why Republicans split their votes on settling the Yazoo claims. Historians demonstrate that Jefferson’s coalition had several factions within it, and not all factions voted in unison on every issue.\textsuperscript{14} Yeoman farmers, city artisans, and southern slave-owners united behind the belief that public officials must be vigilant in identifying

\textsuperscript{14} Wilentz, \textit{The Rise of American Democracy}, 105-107.
monarchical tendencies in government, such as granting monopolies of land. They also saw corruption as antithetical to a republican political economy. Anti-Yazoo congressmen rallied around these two ideas, especially those men from Pennsylvania and Virginia, two states whose electorate was staunchly Republican. Southern Republicans frequently voted to block compensation and northeastern Republicans to pass compensation, especially as time progressed. Local and state level political struggles, often unique to each state, animated Republican politics and bleed into national politics. Many politicians adopted the Republican Party because Federalists blocked these “entrepreneurial” men from local or state politics. This logic helps to explain the rise of Republicans in New York and Massachusetts. These two state’s Congressmen, whether Republican or Federalist, tended to vote for Yazoo compensation. At least some Republicans voted to settle the Yazoo claims because they believed this was in the best economic interest of their state or region. During a March 1804 debate over the claims, Kentucky Representative Matthew Lyon posited “I must confess it is the anxious desire I have for the growth and property of the Western country, that has roused my activity on the occasion.” Lyon assumed that increasing the number of white Americans in the Old Southwest would increase the trade of the

15 Ibid., 122-125. Representatives from these two states cast thirty four of the seventy-six votes against settling the Yazoo claims on March 26, 1814.


18 See https://www.govtrack.us/congress/votes#session=27. January 11, 1804; March 7, 1804; March 10, March 12, 1804; February 2, 1805; February 5, 1805; February 14 1805; January 17, 1807; January 19, 1807; January 4, 1808; January 4, 1808; December 14, 1809; 27, 1810; January 20, 1813; February 15, 1813; March 9, 1814; March 9, 1814; March 21, 1814; March 24, 1814; March 25, 1814; March 26, 1814.

entire West. This likely animated many pro-Yazoo votes from western Republicans. Republicans, then, did not vote on the Yazoo claims as a united party, but this did not mean the issue was apolitical.

Despite the divisions within the Republican Party, many Republican Congressmen denounced any legislative effort to compromise with Yazoo claimants by constructing an argument that highlighted state sovereignty within America’s federalist system. More specifically, these men argued that Georgia’s legislators had the power to pass the 1795 Yazoo sale and then nullify that sale in 1796. Republicans and Federalists agreed that Congress, as a legislative body, had no power to rule on the legality of the 1796 nullification law. But most Republicans advanced an understanding of the 1796 law more firmly rooted in classical republicanism. Their arguments drew a link between a virtuous citizenry, state government, and the public good. Importantly, their arguments echoed those made by anti-Yazoos in newspapers and the thirteen political pamphlets discussed in Chapter 4.

A February 1804 debate is illustrative. Virginia’s John Randolph put forth several resolutions aimed at undercutting Yazoo claimants’ ability to seek compensation. He asserted Georgia’s legislators were incapable of granting the “soil possessed by the good people of that State” unless the grant was executed “in a rightful manner, and for the public good.” If, as with the 1795 Yazoo sale, government officials used their political power for their own personal gain, “it is the inalienable right of a people, so circumstanced, to revoke the authority thus abused” and “to abrogate the act thus

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endeavoring to betray them.” This argument followed James Jackson’s argument against the sale as outlined in his *Letters of Sicilius*. Delaware Republican Caesar Augustus Rodney supported Randolph’s resolutions, arguing “they contain what I believe to be the vital principles of government, and require no proof to elucidate them; like axioms in mathematics, they only require to be stated to be self-evident.” From Randolph’s, Rodney’s, and many other Republicans’ standpoint, the 1796 nullification law represented the righteous will of the people, and was therefore an example of a properly functioning republican government.

Anti-Yazoo Republican Congressmen tried to discredit the sale by associating the speculators with gamblers in financial assets, an unsavory trade according to many Early Republic Americans. During March 1806, Virginia Representative John Randolph worried about Congress’s handling of the Yazoo claims: “and what will be the event if, by little and little, you sanction these claims...you will fall beneath the power of Yazoo men—of speculators in land and paper scrip?” Randolph equated speculators in land and stocks, bonds, or money (paper scrip). Republicans across the new nation opposed what they called the “monied aristocracy.” Other Congressmen voiced similar opinions to Randolph when discussing the Yazoo claims. On January 4, 1808, North Carolina’s Willis Alston argued “his great opposition and aversion to land jobbers and speculators” dictated that Congress investigate a petition presented by Yazoo

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Many Americans perceived speculators as a threat to the integrity of the United States government by undercutting democratic principles. Even Federalist John Adams, writing several years later to Thomas Jefferson, lamented that individuals with excess capital maneuvered into powerful positions within American society and government: "an aristocracy of land jobbers and stock jobbers is equally and irremediably entailed upon us, to endless generations." Randolph’s, Willis’, Adams’ caustic words about “jobbers” of all kinds reflect the apprehension many Americans expressed over their nation’s expanding market economy during the first several decades of the nineteenth century.

Anti-Yazoo Congressmen connected the Yazoo speculation to other large-scale land speculations across the country and worried that if they recognized Yazoo claims other acres would fall into the hands of grasping speculators. On January 29, 1805, John Randolph reminded his colleagues that in 1795 the Connecticut Land Company purchased—"swindled" according to Randolph—3,000,000 acres of Connecticut’s western territories in present-day northeast Ohio. Congress had not canceled Native American claims to this land, and therefore Randolph called their land titles “bad,” and these “bad” titles combined with poor company management to stunt settlement. Importantly, Randolph noted, “when I advert to the application by whom we were then beset [Connecticut Land Company], I find that among them was one of the very persons

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who style themselves agents” of the New England Mississippi Land Company. The Virginian most likely referred to Gideon Granger, an agent for the NEMLC and member of the Connecticut Land Company. Randolph might have also meant Oliver Phelps, the leading member of the Connecticut Land Company and member of the NEMLC. In either case, the Virginian continued that “His gigantic gasp, embraces with one hand the shores of Lake Erie, and stretches with the other to the Bay of Mobile. Millions of acres are easily digested by such stomachs.”

As the House debate on Yazoo continued the next day, Randolph’s fellow anti-Yazoo Republican, John Baptiste Charles Lucas, warned his fellow Congressmen that “while we are debating this great question [Yazoo compensation], the land speculators within these walls or out of these walls are in a silent watch, anxiously waiting for the measures we are going to adopt.” Lucas and Randolph were correct. Many large land companies did anxiously watch the Yazoo issue. The Illinois and Wabash Companies, Ohio Company, Connecticut Land Company, and others collectively claimed millions of acres throughout the United States. Thus, Lucas argued that if “the Georgia land companies” have “a color of title” Congress “may as well give as much to the Illinois Company, and then to the Wabash Company, for they also have a color of title.” Randolph echoed this sentiment the following year, during a March 1806 House debate, during which he warned that “men

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now ready to grasp your lands in Ohio, in Indiana, and your other territories” anxiously awaited the settlement of the Yazoo claims.  

Republicans insisted that land speculators had no place in a republican political economy because of their desire to monopolize land and profit from it. Land had a special place in Anglo-Americans conceptions of political liberty, manly independence, and the proper functioning of a virtuous republic. Many Americans shared Jefferson’s vision of a yeoman republic. According to anti-Yazoo Republicans, land speculators threatened to undermine that vision of egalitarian white male land owners. As Randolph fretted “the whole territory of the people of the United States is at stake” and “the whole of the public land of the United States will follow the fate of the Yazoo business.”

Randolph specifically linked the ownership of the public domain to the people. A ruling for one land conglomerate would wrench millions of acres away from sturdy yeomen. On January 30, 1805, Representative Lucas insisted that he viewed “land speculators as a separate class of men, acting upon principles quite noxious to the rest of society.” Randolph fleshed out those principles when he argued that land speculators “buy only to sell, and sell only to buy.” Speculators maneuvered to make land, the political heart


34 Annals of Congress, House, 1806, 918.


36 Annals of Congress, House, 1805, 1031. The process the Randolph identifies is much like Marx’s description of capital, “buying in order to sell.” He label this M-C-M. Under this formula, money is exchanged into a commodity (in this case land) and then sold to transform it back into money. This process is opposed to “selling in order to buy,” in which a commodity is sold to make money in order to buy another commodity, or C-M-C. Karl Marx, Capital Volume One. Especially Chapter 4.
of a republic, a commodity from which to make a profit and they did so at the expense of yeomen. Thus, Republicans avidly denounced Yazoo speculators and argued, like North Carolina’s Willis Alston, that “the tranquility of the nation, depended much on the decision of this [Yazoo] question.”

If the tranquility of the entire nation did not rest solely on settling the Yazoo claims, determining Yazoo claimants’ recompense undoubtedly involved large sums of government revenue. In terms of monetary value, the Yazoo claims were the largest against the United States during early nineteenth century. New Hampshire Republican Daniel M. Durell posited on February 12, 1808 that the Yazoo titles were “of the first importance; he did not believe there was any individual claim of a citizen against the United States of equal magnitude.” Connecticut Federalist Samuel W. Dana echoed Durrell’s belief. According to Dana, the Yazoo claim “amounted to several millions of acres of land the value of which was estimated at several millions of dollars-perhaps some nearly equal to the whole annual revenue of the United States.”

Durrell and Dana did not bluster. America’s revenue totaled $16,359,460 in 1807, up from $7,389,585 in 1799. If the 5,000,000 acres set aside for claimants during the 1802 Georgia Compact sold for the minimum price set by the federal government of $2 per acre, the claimants could collectively demand at least $10,000,000. Put another way,

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39 “Statement of Receipts into the National Treasury, from Customs, Internal Revenue and Direct Taxes, and Sales of Public Lands, fractions of a dollar being excluded” in The American Almanac and Repository of Useful Knowledge (1830-1861) accessed in American Periodicals.

the sums of money involved in settling the Yazoo issue equaled at least 60% of the federal government’s revenue in 1807.

New England Mississippi Land Company agents sought to use high national revenues to their advantage. On February 12, 1808, Ezekiel Bacon introduced a petition from the New England Mississippi Land Company drafted by Joseph Story. Story, a NEMLC agent, outlined how his duties included supporting the company’s “claims before the Congress of the United States and finally liquidating and adjusting the same.” The federal government’s revenue increased drastically between 1800 and 1808, mainly from tariffs, and this motivated Yazoo claimants’ to push for monetary compensation in early 1808.\footnote{Jefferson’s administration and a Republican dominated Congress repealed all internal taxes so that only the tariff and federal land sales generated federal revenue. Almost all of the revenue came from the tariff. Marshall Smelser, \textit{The Democratic Republic, 1801-1815} (New York: Harper and Row, 1968), 55-57.} Georgia Representative George Troup attacked Story and the land company for only asking for money because “the United States has an overflowing Treasury.” Government revenue for 1808 reached approximately $17,000,000, an annual amount not exceeded until 1816.\footnote{“Statement of Receipts into the National Treasury, from Customs, Internal Revenue and Direct Taxes, and Sales of Public Lands, fractions of a dollar being excluded” in \textit{The American Almanac and Repository of Useful Knowledge (1830-1861)} accessed in American Periodicals.} In other words, the NEMCL members did in fact petition for money when they did because of increased federal revenue.

Tense international circumstances and a Republican Congress combined explosively to devastate federal revenues after 1808. Jefferson’s Republican Administration repealed all internal taxes during 1803, leaving the federal government totally dependent on the tariff and federal lands sales for revenue. In reality, tariffs almost single-handedly supplied the government with money to execute a budget, a
circumstance that proved economically devastating because of Republican foreign policy proclivities. Republicans posited that belligerent European nations—not respecting American neutrality during the 1800s—could be brought to their knees by restricting American trade. As it turns out, restricted trade only succeeded in gouging public coffers. National revenue fell from $17,038,550 at year’s end in 1808 to $7,740,835 by the end of 1809.\(^{43}\) As a result, federal land sales seemed like a viable option to raise revenue.

The Yazoo claims frustrated Congressmen attempting to increase public revenues from Mississippi Territory land sales. National land policy dictated that all federal acres be surveyed before being sent to auction for a minimum of $2 per acre. Prior to surveying, however, all claims to the land other than the United States had to be quieted. On February 12, 1808, North Carolina Republican James Holland observed that the United States had “by a very late acquisition from the Choctaw Indians acquired a large tract of land—part of the [Yazoo] claim.” He made clear “our public lands will not be purchased till the claim is settled.”\(^ {44}\) Holland urged streamlining the sales of public land within the Mississippi Territory at the exact moment that impost revenue began to decline precipitously. He was not alone. Connecticut Federalist Samuel W. Dana observed the Yazoo claims “affected a vast territory…the value of which would be materially affected by the right of it being cleared from all doubt.” The more valuable the land the more money lined government coffers. As a result, Dana posited settling the


\(^{44}\) *Annals of Congress, House, 1808, 1604.*
Yazoo claims was “connected with the great question of public policy.” Selling large swaths of valuable Mississippi Territory land depended on eliminating Yazoo claimants’ rights. It seems likely Congressmen’s desire to sell more land in 1808 stemmed from their concern that public revenue would decline in the coming years.

Thus, by 1808, Congressmen had developed two competing opinions about the Yazoo claims. Many Republicans opposed settling the claims because they believed land speculators disrupted a republican political economy and worried that if they sanctioned the Yazoo claims then the millions of acres would be unavailable to yeoman. Proponents of settlement, both Federalists and Republicans, saw the Yazoo claims as hindering federal land sales in the Mississippi Territory because government officials could not sell the land until all other claims had been canceled. This latter point became particularly important after Republican trade policies devastated tariff-generated revenue during 1808, forcing Congressmen to find an alternative source of revenue.

Republican trade policies had the unintended effect of invigorating the national prospects for the Federalist Party. Arch-Federalist Fisher Ames wrote his fellow Massachusetts-man Josiah Quincy in January 1807: “I declare to you, I fear federalism will not only die, but all remembrance of it be lost.” Republican foreign policy assured that Ames’s pessimistic musings proved to be dismal prophesy. Federalists successfully turned anti-Embargo, and later anti-war, rhetoric into electoral victories at the state and federal levels. This helps to explain why from 1808 to 1810, when discussions over the

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Yazoo claims dropped out of Congressional debates, Congressmen debated Yazoo claims more intensely than they ever had before.

Republicans refused to pass any compensation because they believed corruption voided legal contracts. Republicans’ belief that corruption nullified legal contracts stemmed from an understanding of economic and legal matters that some historians have labeled the “moral economy.” As the description implies, maintaining justice, not profiteering, defined economic relationships under a moral economy.\(^47\) North Carolina’s Nathaniel Macon called the 1795 Yazoo sale “the most flagrant political iniquity ever known” because every Georgia legislator except one received bribes before approving the Yazoo sales.\(^48\) On January 4, 1808, Ezekiel Bacon introduced a petition unanimously approved by Massachusetts’s state legislature, which asked Congressmen to settle the New England Mississippi Land Company’s claim. Georgia Republican William Bibb moved to reject it out of hand. Bibb argued “he would never object to a petition for a lawful object; but when a petition was laid before the house evidently founded in fraud and corruption, he should reject it.”\(^49\) The representative Georgia outlined a particular definition of legitimacy. He argued that any government action that had been completed under corrupt pretenses was illegitimate. Bibb also opposed this petition because Massachusetts James Sullivan supported it and Sullivan owned Yazoo land. Bibb insisted that “the Governor of a respectable State has taken advantage of his


\(^{48}\) Annals of Congress, House, 1809, 735.

\(^{49}\) Annals of Congress, House, 1808, 1277.
elevated situation to press upon the House a private claim." Bibb was right, James Sullivan’s heirs received $9,150.47 worth of Mississippi Stock in 1815. Georgian George Troup railed that Congress was “bound to listen to a memorial couched in decent, proper and respectful terms, but not to the language of insult— and this [asking to received the NEMLC petition] was an insult upon this body, calling upon it to sanction corruption so violent infamous.” Nathaniel Macon, a North Carolina Republican concurred. Speaking on December 14, 1809 about the original Yazoo sale and the NEMLC’s desire for compensation he posited “that cannot be good which originated in fraud, in sin, in iniquity…nothing we can do can make it righteous.” Four days later, on December 18, Troup echoed this belief: the Yazoo act “was an unconstitutional act of an unconstitutional Legislature; a Legislature unconstitutional, because corrupted; and act unconstitutional, because resulting from, and originating, in fraud.” Troup saved his most direct and blunt statement until January 20, 1813: “all contracts founded in fraud are void.” In sum, Republican’s perceived contracts to be legally void if obtained through methods such as bribery or self-interest.

Federalists responded to Republicans by arguing that purchasers unaware of the Georgia legislature’s fraud should not be punished for the corruption of some men. In

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other words, they denied northern purchasers knew about the fraud committed in Georgia. Massachusetts’ Edward Livermore said he knew some of the purchasers and insisted that “no men on the face of the globe” would more readily oppose fraud.\footnote{Annals of Congress, House, 1809, 732.} Livermore’s fellow Massachusetts Representative, Josiah Quincy, wanted to defend those who suffered at the hands of unscrupulous speculators, “some of whom were his constituents.” These individuals were not greedy jobbers, but “humble individuals, who were induced to take part in the speculation, because they believed it honorable.”\footnote{Annals of Congress, House, 1808, 1290. Quincy’s fellow Massachusetts Representative, Jacob Crowninshield also talked about ruined Massachusetts’s citizens. Crowninshield was a Republican, but his interest in his constituents aligned him with Federalists. Annals of Congress, House, 1808, 1291.} Connecticut’s Timothy Pitkin did not believe “whatever fraud might have attached to the original purchasers...could attach to those who purchased subsequently.”\footnote{Annals of Congress, House, 1809, 736.} Federalists attempted to draw a line between what Alexander Hamilton had earlier described as “honest men and knaves, between respectable Stockholders and dealers in the funds, and meer unprincipled Gamblers.”\footnote{Quoted in John C. Miller, The Federalist Era, 1789-1801 (New York: Harper &Row, 1960), 68.} Divisions between “respectable Stockholders” and “unprincipled Gamblers” echoed the Republican focus on morality within the marketplace, but Federalists did not wholeheartedly discredit financial investment.

During 1808 and 1809, when Congressmen more readily engaged in debates over the Yazoo claims, a series of events unfolded in the Mississippi Territory that highlighted why many Congressmen wanted to settle the Yazoo claims. Republican officials worked to keep Yazoo claimants or their families out of government in Madison County Alabama. Madison County lay along the Great Bend of the Tennessee River.
within the borders of present-day Alabama. The area included fertile acres suitable for
cotton production. United States officials officially incorporated Madison County in
December 1808. If Yazoo claimants could win government appointments they might use
their positions to challenge the land titles of men who had purchased the same land
from the federal government. Mississippi Territory Governor David Holmes requested
recommendations for appointments to the militia and justices of the peace for Madison
County from William Dickson. Holmes requested only one thing from Dickson: “In doing
this you will have special care not to enter the name of anyone connected with the
Yazoo claim, or whose friends or relations have an interest in its establishment.”
Holmes continued, “I would not for any consideration that an error should be committed
in this respect.”\(^{60}\) The territorial governor also kept officials in Washington D. C.
informed of his effort to keep Yazoo men out of Mississippi Territory politics.\(^{61}\)
Specifically, Holmes corresponded with Secretary of State Robert Smith. The
governor’s efforts, which were at least partially directed by Smith, seemed to have
worked. Holmes informed Smith during November 1809 that “I have reason to think we
have not in any instance been deceived.”\(^ {62}\) In other words, all political appointees had
no vested interest in the Yazoo claims.

Keeping Yazoo claimants out of government posts in the Mississippi Territory did
not remove the threat of these men destabilizing property ownership within the territory.
One Michael Harrison proved particularly irksome to officials in the Mississippi Territory

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\(^{61}\) David Holmes to Secretary of Treasury [Albert Gallatin] 22 October 1809 in Carter, Volume VI, 22-23.

\(^{62}\) David Holmes to Secretary of Treasury [Albert Gallatin] 29 November 1809 in Carter, Volume VI, 31-32.
and Washington. At some point prior to 1808, Harrison had moved to the Mississippi Territory, sold several Yazoo titles to land in Madison County, and then refused to move off land that he improved, even posting his claim in a newspaper. This is exactly what Federalists feared would happen, especially because Harrison’s land had “been recently entered by another person” in the land office. In other words, the federal government sold Harrison’s land to another person before quieting Harrison’s Yazoo claim.63 Although Harrison was only one claimant, Republican officials worried more about him than the approximately three hundred families a local Sheriff estimated “will keep forcible possession.” Secretary of the Treasury Albert Gallatin wrote President Madison on October 29, 1809 and asked if “Michael Harrison should be immediately removed by force” but did not apply this same standard to the three hundred families.64 At the same time Harrison defied federal officials during late 1809, a Supreme Court case concerning Yazoo claims sat before the nation’s highest court.

**Fletcher v Peck (1810) and Debates over Mississippi’s Statehood**

Political calculations shaped the 1795 Yazoo sale from the beginning, so it should come as no surprise that *Fletcher v Peck* (1810) was almost certainly designed by New England Mississippi Land Company agents as a collusive case. The case arose from a dispute between Robert Fletcher of Amherst, New Hampshire and John Peck of Newton, Massachusetts. On June 1, 1803 Fletcher sued Peck. The issue was that Peck sold Fletcher 15,000 acres of land derived from the 1795 Yazoo sale, which Fletcher asserted Peck did not actually own. Peck was a director of the New England Mississippi

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63 See Carter, Vol. VI, 17-18; 22-23; 25; and 31-33.


Congressional reaction to the Supreme Court case of *Fletcher v Peck* (1810) demonstrates a major ideological divergence between Federalists and Southern Republicans. Republicans believed the judicial branch exercised power at the expenses of the body politic, and Federalists thought a strong judiciary a necessary check on democratic excess. Partisan interests also played a role.66 Republicans worked to remove any Federalist influence in government.67 Upon winning the Presidency, Thomas Jefferson declared that Federalists, entrenched as they were in the federal courts, could turn their “guns on those they were meant to defend.”68 Specifically, Republicans believed Federalist judges drew on British common law in an effort to support wealthy investors over the common man. Jefferson’s party asserted that British monarchical law, and Federalists aping of that law, threatened the fragile American republic.69 Peck’s lawyers used the common law maxim of innocent third-party

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68 Quoted in Smelser, *The Democratic Republic*, 64.

69 Smelser, *Democratic Republic*, 65.
purchasers to defend him. This principle stated that individuals unaware of an original fraudulent act should not be punished for the original parties’ misdeeds. The Supreme Court’s ruling in *Fletcher v Peck* (1810) seemed to justify Republican fears. Railing against the idea that Yazoo claimants were “innocent purchasers,” Georgia’s George Troup blustered that anti-republican English law had corrupted the federal courts and harmed the nation: “the [Yazoo] speculators had hunted up a maxim of common law or equity courts of England, and the [Supreme Court] Judges wielded it for their benefit and to the ruin of the country—the maxim that third purchasers without notice shall not be affected by the fraud of the original parties.”

According to Troup, British sympathies threatened American virtue and republicanism.

Southern Republicans urged resistance to the *Fletcher v Peck* decision because it sanctioned corruption within American political institutions. They used the case to attack the legitimacy of the judiciary and undermine the theory of judicial review. On April 17, 1810, John Randolph warned the “abandonment on the part of the house of an examination” of the Yazoo claims would have the appearance “of acquiescence in that judicial decision [*Fletcher v Peck*].” Georgian George Troup pushed further: the court’s ruling “was a decision which the mind of every man attached to Republican principle must revolt at.”

Troup believed that the legislative branch, not the judicial branch, should hold the ultimate governmental power.

Troup, and other Republicans, believed *Fletcher v Peck* destabilized all American land titles within the Mississippi Territory because they interpreted the ruling as granting huge swaths of the territory to Yazoo claimants. After urging anti-Yazoo Congressmen

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70 Annals of Congress, House, 1813, 857-858.

to “revolt at” the ruling during April, Troup raised the stakes in December by turning the
discussion to the physical removal of settlers from the Mississippi Territory. He
reminded his fellow Congressmen that “by the law of 1807, the president was
authorized to remove, by force, from the public lands, persons claiming under any other
titles in such as were derived from the United States.” A close hewing to the letter of the
law mattered to Troup’s argument. As he saw it, because the federal judiciary had
recognized Yazoo claimants’ title in *Fletcher v. Peck*, a conflict of sovereignty still
existed in the Mississippi territory. Congress had claimed sovereignty over the
Mississippi Territory, but “the Supreme Court on the other hand, had declared [parts of
the Mississippi Territory] not to be in the [possession] United States, but in [the
possession of] those persons claiming under the Yazoo speculation.”

Therefore, Troup argued the United States, by which he meant Congress, must either accept the ruling,
and admit they did not control acres claimed by Yazoo claimants, or resist the ruling and
do what many Republicans had long wanted, deny the legitimacy of the claims. He
urged adamant resistance.

After the Supreme Court validated Yazoo claimants’ property rights in *Fletcher v Peck* (1810), Republicans fretted that holders of Yazoo titles could eject settlers from
southern land. Their fear had grounding in actions taken by the New England
Mississippi Land Company. John Peck placed advertisements in the *National
Intelligencer* that warned “settles and all persons contemplating making purchases of
land in the Mississippi territory” that the NEMLC titles were good and that the company

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73 Historians have not taken this concern seriously. Haynes, *The Mississippi Territory*, 198. Haynes writes fears of Yazoo claimants in the Mississippi Territory “proved groundless.”
would take legal action against any settlers not purchasing from them. Peck requested that printers in Georgia, Tennessee, Kentucky, North and South Carolina, Mississippi, and the Orleans Territory reprint the advertisement.\textsuperscript{74}

Peck's actions explain, in part, Congressional concern over the claims. In December 1810, Georgia's George Troup asked what would be the result "if that description of persons claiming the territory, in whose behalf a decision was lately made, taking forcible possession, should obtain such a footing as to be able to oppose to [sic] the authority of the United States [with] a considerable force"? Answering his own question, Troup argued that "there would perhaps be no alternative but for the United States to remove them [Yazoo men] by an exertion of its military power."\textsuperscript{75}

Forceful removal of unlawful settlers on national lands—most often squatters—happened periodically, justifying Troup's fears concerning violent confrontations over land titles. During a March 1814 House session, Mississippi Territory representative William Lattimore expressed fears that Yazoo claimants would use federal courts, as soon as these courts existed in the territory, to remove settlers living on Yazoo land. He dreaded the consequences to follow if "a whole community of twenty-thousand persons were to be ejected, evicted, driven from possession." He begged the House to "preserve the rights and peace of the people of the Territory he represented, to preserve them from litigation and vexation, from distress, from blood."\textsuperscript{76} New Hampshire Republican John A. Harper warned that when the Mississippi Territory became a state, "the Yazoo claimants can bring ejectment and force the honest planter to come here [Washington],

\textsuperscript{74} August 1, 1810, \textit{Democratic Press}, 2.

\textsuperscript{75} Annals of Congress, House, 1810, 415.

\textsuperscript{76} Annals of Congress, House, 1814, 1851 and 1852.
to vindicate his title before the Supreme Court; and the whole county will be in
dispute.” Yazoo claimant did file at least one suit against settlers not holding Yazoo
title.\textsuperscript{78}

Congressmen fell silent on the Yazoo claims from December 1810 through
January 1813.\textsuperscript{79} Several happenings explain this silence. First, Yazoo claimants likely
assumed the Supreme Court’s favorable ruling in \textit{Fletcher v Peck} (1810) would propel
Congressional action in their favor. Or perhaps, the Supreme Court’s ruling would prove
enough on its own. Second, the urgency of settling domestic disputes dampened in the
face of increasingly tense international circumstances and a stagnant economy.\textsuperscript{80}

Passing a variety of restrictive trade measures between 1807 and 1809, Republican
legislators succeeded only in creating an economic downturn.\textsuperscript{81} In response, Madison’s
administration decided to open trade with both Britain and France, but only until one
revoked its restrictions, when American would cease trade with the other. Napoleon’s
political astuteness wreaked the plan by playing America and Britain off each other.\textsuperscript{82}

Third, Native Americans from the Ohio Valley through the Tennessee Valley united in

\textsuperscript{77} Annals of Congress, House, 1813, 1071.

\textsuperscript{78} For the court case see \textit{Niles’ Weekly Register}, November 28, 1829.

\textsuperscript{79} C. Peter Magrath discusses how during 1811 Representatives referenced \textit{Fletcher v. Peck} and the
Yazoo claims when debating whether or not to lower the number of Supreme Court Justices needed to
hear a case. Magrath, 86-87.

\textsuperscript{80} Donald R. Hickey, \textit{The War of 1812: A Forgotten Conflict} (Urbana: University of Illinois Press, 1989),
46.

\textsuperscript{81} For a detailed discussion of America’s economy and foreign trade between 1790 and 1814 see
Douglass C. North, \textit{The Economic Growth of the United States, 1790-1860} (Englewood Cliffs: Prentice-
Hall, 1961), 17-58. For an in-depth discussion of trading restrictions see Smelser, \textit{The Democratic
Republic}, 138-225. All 25 Federalists who cast ballots in the House voted against the Embargo Act on
December 21, 1807, House Vote #30 accessed on \url{https://www.govtrack.us}.

\textsuperscript{82} Smelser, \textit{The Democratic Republic}, 196.
an effort to drive whites east during 1810: Americans blamed the British. Unwilling to admit Native Americans made decisions based upon their own calculations, white Americans decried the “ANGLO-SAVAGE WAR.” According to the *Niles Weekly Register* “we have had but one opinion as the cause of the depredations of the Indians, they are instigated and supported by the British in Canada.” Relations between the United States and Britain deteriorated rapidly between 1810, and America’s declaration of war passed Congress on June 18, 1812. While direct Congressional debate over the Yazoo claims dropped out of the historical record, the issue of determining property rights to millions of acres simply would not die.

Clashes over Yazoo claims surfaced during the long process of determining Mississippi’s admission into the Union, mobilizing Federalists along party lines. Federalists had opposed westward migration since the 1790s. Voters in Vermont, Kentucky, and Tennessee turned increasingly Republican. So too did voters in Ohio, Louisiana, and Indiana. Mississippians would certainly vote Republican as well. During the 1810s, residents of the Mississippi Territory repeatedly petitioned for statehood. Even more damning for Federalists, Mississippi residents requested their territory be divided into two new states. As a result, Federalists adamantly opposed the addition of Mississippi. But declining political power only explains so much of Federalist opposition to Mississippi’s statehood.

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86 November 24, 1812, House Vote #234. accessed on https://www.govtrack.us. 26 of 27 Federalists who cast ballots voted against Mississippi’s admission.
The Yazoo claims also motivated Federalists and some northern Republicans to vote against Mississippi’s admission. On March 13, 1812 the House debated adding a stipulation to Mississippi’s acceptance as a state. The amendment outlined that no “grant, deed, or other conveyance, heretofore derived from any authority whatever, be read in evidence in any court of said State against any grant derived from the United States, unless the validity of the same shall have been recognized by the United States, or some special tribunal constituted by them for that purpose.” The amendment took direct aim at Yazoo claimants, whose claims had not yet been validated “by the United States, or some special tribunal constituted by them for the purpose.” No one knew this more than Massachusetts Republican Ezekiel Bacon, the chairman of the Ways and Means Committee, and the New England Mississippi Land Company’s agent. With resignation, Bacon sighed that “it was so well understood what was the object of this motion, that it was unnecessary to explain the grounds of objection to it. He merely rose to require the yeas and nays on its adoption.” Every single Federalist voted against the amendment, so too did seven northern Republicans. Not surprisingly, Representatives from New York and Massachusetts voted against an addition that would hurt Yazoo claimants. The wealthiest Yazoo claimants lived in Massachusetts and New York. Representatives from these two states accounted for six of the seven Republican votes against adding the amendment.

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88 House Vote #103 accessed on https://www.govtrack.us.
The Political Economy of War(s)

No matter how Congressmen decided to deal with the Yazoo claims, widespread American expansion into the Mississippi Territory seemed unlikely before 1814 because southern Native Americans firmly controlled the region. Chickasaws, Choctaws, Cherokees, and Creeks simply outnumbered white Americans in the region throughout the early 1800s. Four thousand Chickasaws controlled northern Mississippi, northwestern Alabama, and western Tennessee; 15,000 Choctaws lived between the Pearl River and the Tombigbee in southern Mississippi and Alabama; 15,000 Cherokees occupied southern Kentucky, Tennessee, and northern Alabama and Georgia; and 15,000 Creeks lived in eastern Alabama and western Georgia.  

Southeastern Native Americans had no need nor the desire to sell their land to white Americans. The Federal Government could neither entice southeastern nations to sell land nor forcefully acquire more acres between 1790 and 1814. Americans did receive cessions from the Choctaw (1805), Chickasaw (1805), and Cherokee (1806) that opened up the lower Tombigbee and Huntsville areas to white settlement, but the vast majority of Alabama and Mississippi remained under Native American control before 1814.

As Congressmen bickered over settling Yazoo claims between 1802 and 1814, white Americans continued to trickle into the Mississippi Territory. Native American control of the territory, geographic constraints on shipping goods, and unfavorable geopolitical circumstances collectively stymied further white American migration. By 1810

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89 For population estimates see Rothman, *Slave Country* 41 and Abernethy, *Formative Period*, 22.

approximately 37,000 Americans, with enslaved blacks making up between 40-50% of that number, lived in present-day Mississippi and Alabama. About 30,000 of these settlers clustered around the Natchez area in Mississippi, 5,000 in the lower Tombigbee basin in southern Alabama, and another 2,000 in the Tennessee Valley of northern Alabama.\textsuperscript{91} White Americans focused their economic activity on trading for deer skins with Native American nations and using enslaved African-American labor to grow tobacco, indigo, and cotton. The presence of chattel slavery demonstrates white Americans' belief that conquering a “wilderness” demanded slave labor. Natchez planters informed Congress that without slavery “the farms in this District would be but of little more value to the present occupiers than equal quantity of waste land.”\textsuperscript{92} Cotton production dominated African Americans’ labor by 1800. Natchez slaves produced the most cotton because of the region’s easy access to New Orleans. Tennessee Valley and Tombigbee planters had a harder time getting cotton to market. Valley planters had shoals along the Tennessee River to traverse, passable only during a few months of the year.

With the outbreak of a war among southeastern Native Americans, the geopolitical situation in the Old Southwest began to shift, and white Americans exploited this conflict in order to aggressively expand into the Mississippi Territory. Tensions within Muskogee culture erupted into violence during 1812 and land-hungry Americans

\textsuperscript{91} For estimates that differ, see Haynes, \textit{The Mississippi Territory}, 134 and Thomas D. Clare and John D. W. Guice, eds., \textit{The Old Southwest, 1795-1830: Frontiers in Conflict} (Norman: University of Oklahoma Press, 1996), 162-165. The Natchez region was the easiest region to reach, therefore more settlers made their way along the Tennessee River and then down the Mississippi. Unlike residents in Huntsville or the Tombigbee basin, Natchez residents also did not have to deal with Spanish authorities at Mobile in order to ship their goods to foreign markets. Therefore, Natchez attracted the most residents before 1814.

\textsuperscript{92} Quoted in Rothman, \textit{Slave Country}, 49.
entered the fray to gain cotton acres.\textsuperscript{93} American militias from Georgia, Tennessee, and Mississippi allied with Muskogee soldiers and burned dozens of towns harboring Red Stick Creeks. According to Americans and their Muskogee allies, Reds Sticks threatened the peace in the Old Southwest. Americans failed to distinguish between their allies and the Red Sticks, as many enlisted man fought to kill or subdue \textit{all} Native Americans.\textsuperscript{94} Andrew Jackson led US Troops and fully supported removing Native Americans from Alabama. After the Battle of Horseshoe Bend during early 1814, Jackson dictated punishing terms on all Creeks in Treaty of Fort Jackson, signed on August 9, 1814. The treaty opened lands in the northern and central parts of present-day Alabama for resettlement by white Americans.\textsuperscript{95} Ironically, only one Red Stick Creek signed the treaty. Jackson browbeat his former Creek allies into ceding their lands along with the Red Sticks. Even before Jackson squeezed these ill-gotten gains from Creeks, Congress viewed Alabama land as ripe for exploitation.

The battle for the Old Southwest intensified American’s desire to assert sovereignty over the Mississippi Territory, a process which the Yazoo claims impeded. On February 13, 1813, as Muscogee and American relations continued to sour within the Mississippi Territory, Congressman John Harper (Rep. NH) asserted that “the interests of the people of the Mississippi Territory loudly demand” a Yazoo compromise. Harper referred specifically to the interests of white Americans, to the exclusion of

\textsuperscript{93} For example, Andrew Jackson preached acquisition of land to recruit militiamen from Tennessee. Rothman, \textit{Slave Country}, 121.


\textsuperscript{95} These lands were devastated during the Red Stick War, as Jackson’s militia and his Creek and Cherokee allies burned dozens of towns.
numerous Native American nations and the Spanish. He continued that “it is necessary for their prosperity that the wilderness should be cultivated; that their population should be increased, and every facility should be given to new settlers.” Americans outside of Congress also demanded an expansion of white settlers into the Mississippi Territory. For example, Andrew Jackson continually pushed for sales of public land in the Mississippi Territory as a geopolitical defense for the United States.

Representative Harper posited that the Yazoo claims hindered the establishment of America’s republican government in a geopolitically sensitive area. Harper’s, Jackson’s, and other American’s logic rested on an interlocking vision between how the American government sold public land and how republican society functioned. Harper outlined this reasoning, by compensating Yazoo claimants, “all doubts as to our title will be removed…and…who is there that does not know that while these claims remain uncompromised the Indian title will remain, and consequently these lands be kept from market?” The order of operations was this: settle the Yazoo claims; quite Native American titles (violently if necessary); survey the land; and finally, sell the land at public auction. The Yazoo claims, therefore, hindered getting Mississippi Territory acres to market. Just as importantly for Harper and Jackson, the type of people settling the Mississippi Territory mattered. Harper argued, “the importance of that section of the country to this nation is incalculable.” Only by populating the area with “a vigorous yeomanry” could the Mississippi Territory be defended from the Spanish and Southeastern Native Americans.

Government officials and champions of the United States’ expansion into the Mississippi Territory linked yeoman settlement to American military strength. John

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Harper posited American settlers needed federal military aid not because the Spanish and Southeastern Native American nations surrounded the territory, but because the territory was “distant more than four hundred miles from a vigorous yeomanry” and therefore “must be protected by regular troops.” Harper, and many other Republicans, assumed a flourishing yeoman population could defend its own. Military security was essential to protecting America’s burgeoning Old Southwest trade. Harper explained to his fellow Congressmen the “well known” fact that all western trade flowed through the Yazoo territory, down the Mississippi River, and out of New Orleans. Traders “descend by water, and return by land; that in returning they have to pass through these disputed lands, for four hundred miles, which are and will be a wilderness until this dispute is settled; and the hardships, expense, and risks of life and property, from thence resulting, is apparent.” Accordingly, Republicans firmly believed that if numerous American yeomen occupied the Mississippi Territory federal military aid would be unnecessary. Harper even claimed if John Adams’ administration had settled the Yazoo claims “there would have been no more need of an army to-protect the Mississippi than there is of an army to protect the Potomac.”

Thus, white Americans transformed the Native American conflict into an excuse for the United States military to force all Native Americans to cede millions of acres; this created a situation where white American expansion in to the Mississippi Territory looked likely. Settling the Yazoo claims, as Harper insisted, seemed imperative. However, the majority of Harper’s party, as indicated by a February 15, 1813 House

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vote, still opposed settling the claims. On that day, sixty-two Republicans and two Federalists voted to delay considering a Yazoo settlement, whereas twenty-two Republicans and thirty-one Federalists voted to debate the issue. Importantly, the Twelfth Congress debated this bill. Anti-war sentiment among American voters ensured the Thirteenth Congress put Federalists in their most powerful position since the 1790s.

Federalists regained substantial political power between the 1807 Embargo and the 1814 Treaty of Ghent. Philip J. Lampi convincingly demonstrates that their revival depended on manipulating “the method of apportioning representatives, the drawing of boundaries for election district, and the means by which representatives were elected,” as well as international circumstances, and economic depression. Federalists were able to leverage their anti-Embargo and anti-War of 1812 stances into political gains at both the state and federal levels. Their gains from the Twelfth Congress to the Thirteenth Congress were impressive for a party nearly dead in 1807. Federalists Representatives jumped from 36 in the Twelfth Congress to 65 in the Thirteenth Congress. When the Thirteenth Congress assembled in early 1813, Federalists, having voted for compensating claimants since 1804, now looked to be in an excellent position to pass compensation.

Federalists and Northern Republicans conceived of settling the Yazoo claims within the political economy of war. War with Britain had hindered New England’s


100 I calculated this number by looking at votes on govtrack.us. Each vote lists the party affiliation of the Representative.
mercantile economy and sent many Northeastern ports into recessions. Federalists’ opposition to war even pushed politicians from Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont to contemplate secession from the nation. Early Republic politicians viewed the Constitution as a compact between various sectional interests.¹⁰¹ New England politicians alleged their interests, specifically the protection of shipping, were ignored by a federal government concerned with supporting southerners. Therefore, New England Congressmen increasingly regarded the Yazoo claims as a serious sectional issue. New Hampshire Republican John Harper posited the Yazoo claims offered “in some part, an explanation of the causes of irritation, which exist in the North.” Removing “the cause by allowing the injured and virtuous citizens those rights to which they are entitled [compensation]…and you lay a foundation for the restoration” of the North’s confidence in the Federal government. Harper admitted “to be sure, there are other causes of irritation” between the North and South, “but certainly one of the great obstacles to national harmony would be destroyed” by settling the Yazoo claims.¹⁰² John Adams thoroughly agreed. He wrote James Madison on November 17, 1812, immediately after the elections for the Thirteenth Congress. Adams insisted that “the Elections in New England hitherto demonstrate a disconnect from the Potomac to Nova Scotia.” He noted this derived from a variety of reasons, but he only explicitly mentioned one: “There is one on many years standing which has been constantly increasing in its operation and has had a more malignant effect in our late Elections


than a stranger could well imagine. I mean the claim to the Georgia Lands.”

The 1807 Embargo and the War of 1812 had turned the Yazoo claims into a sectional issue for Northern Republicans.

**Creating Mississippi Stocks**

The Thirteenth Congress shifted from debating about whether or not to compensate Yazoo claimants to hammering out the details of what a settlement should look like. First, legal technicalities deriving from the 1802 Georgia Compact dissuaded Congressmen from granting Yazoo claimants right to land in the Mississippi Territory. The original Georgia Compact (1802) dictated that the Yazoo lands reverted to Georgia, if, within one year of the compact’s passage, no settlement had been reached between the federal government and Yazoo claimants. No Congressman knew this more than the Mississippi Territory’s representative George Poindexter. On December 14, 1809, when debating a petition from Yazoo claimants asking for compensation, Poindexter expressed the problem with conferring land titles to the Yazoo petitioners. He noted that “if the House were to cede land to the petitioners as prayed, it [the land] would immediately become the property of the state of Georgia.” Poindexter made this assertion based upon the April 24, 1802 agreement. If Congress granted Yazoo claimants land then Congressmen “would confer no title, because it would be in contravention of the very agreement on which they had proceeded to legislate.” Poindexter offered what he considered the only two available options for national

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104 The representative from the Mississippi Territory could speak in Congressional debates, but had no vote.
legislators: “either the articles of session must be repealed, or the prayer of the memorialists must be rejected.”

Massachusetts’ Ezekiel Bacon disagreed. He pointed to a March 3, 1803 act passed by Congress that regulated “grants of land south of the state of Tennessee.” That law stipulated that “so much of 5 millions of acres as may be necessary to satisfy claims against the land is reserved for that purpose.” Bacon claimed “this section of the law obviously had in view the claims of the petitioners [Yazoo claimants].”105 The five millions acres was reserved for settling Yazoo claims, but like all Congressional legislation passed between 1802 and 1814 concerning the Yazoo claims, the law was purposefully vague. Taking a firm stance one way or another would elicit passionate opposition from either the pro- or anti-Yazoo side. Therefore, Congressmen decided to avoid the legal quagmire of granting land titles to Yazoo claimants.

Representatives instead turned to the report issued by Albert Gallatin, Levi Lincoln, and James Madison during 1803 in which they recommended settling with Yazoo claimants despite company men having no legal right to the land. This report did recommend bestowing land titles on Yazoo claimants. But, it also gave claimants the option of receiving $2,500,000 worth of “certificates bearing interest” or $5,000,000 worth of certificates bearing no interest. These certificates would entitle the holder to cash payments generated out of Mississippi Territory land sales, and could only be redeemed after Georgia received the promised $1,250,000. According to the report, each individual claimant could decide if they wanted land, an interest bearing certificate,

or a non-interest bearing certificate.\textsuperscript{106} Congressmen in the 13\textsuperscript{th} Congress rejected recognizing Yazoo claimants title to specific acres as a viable option. They instated turned to a modified version of the certificates Gallatin, Lincoln, and Madison proposed in 1803.

Southern Republicans opposed the creation of certificates to compensate Yazoo claimants because they saw these certificates as benefiting speculators at the expense of yeoman farmers. In other words, they still argued that the Yazoo sales did not fit within a republican political economy. On March 23, 1814 South Carolina’s Samuel Farrow asked his fellow Congressmen: “Do you believe, if you pass the bill, that class of people [yeomen] will derive any advantage by it?” He warned his fellow Representatives that speculators “have known for two months…that the bill now under consideration will pass this session, and they have purchased up from those honest people their shares for very trifling sums before this time.”\textsuperscript{107} Farrow posited that a wealthy and well informed few would profit from compensating claimants in the way proposed by Federalists and Northern Republicans. Georgian John Forsyth expressed similar views. He opposed, for example, allowing Mississippi stock to be receivable for payment at Mississippi Territory land offices. Forsyth demanded Georgia receive the full $1,250,000 promised the state in the 1802 Georgia Compact before claimants have a chance to profit from their speculations. Georgia’s money was to come from the proceeds of land sales in the Mississippi Territory, but if Mississippi stock was accepted at these offices,


\textsuperscript{107} Annals of Congress, House, 1814, 1889.
little cash would be collected. This would mean the Yazoo bill provision outlining 
Georgia’s payment “would be thus completely evaded.”

Federalist Thomas Jackson Oakley sharply disagreed with Forsyth’s contention 
that Mississippi stocks should not be receivable at federal land offices within the 
Mississippi Territory. Oakley argued that if Forsyth’s amendment passed it would lower 
the value of the certificates, which House members must have already agreed would 
not bear interest: “not bearing interest, [the certificates] would lose much of their value if 
the proposed amendment prevailed” because land sales in the Mississippi Territory 
might not generate enough revenue for many years to come. He implied that these 
certificates would be valuable because of their transferability into land. By making this 
assertion, Oakley signified his belief that the certificates would end up in land offices in 
the Mississippi Territory. Oakley, a Federalist, assumed these certificates would aid 
white Americans westward migration.

Republicans and Federalists took some steps to mitigate the potential 
speculative impact of Mississippi stocks. Amidst a flurry of hotly debated provisos in 
early 1814, North Carolina Republican Bartlett Yancey’s recommended to make sure 
“that no persons or persons, making payment for land in certificates authorized to be 
issued by this act, shall be entitled to discount for prompt payment, now allowed by law 
to purchasers of public lands.” Yancey referred to the federal government’s policy of 
granting a discount on land paid for in cash to the full amount, as opposed to buying on 
the four-year credit system. Theoretically, barring purchasers from using Mississippi 

stock to acquire this discount would prevent massive amounts of land being purchased with little to no cash, a situation speculators could use to acquire massive amounts of land cheaply. Opposed to other provisos that engendered massive debate, the House quickly and unanimously approved Yancey’s modification to the Yazoo compensation bill. This demonstrates that although Republicans and Federalists disagreed sharply over what fit and did not fit within a republican political economy, they did generally agree that too much speculation was, in fact, a detriment to republican governments.

Congress passed compensation for Yazoo claimants on March 26, 1814, and Federalists increased political clout had a direct impact on Yazoo compensation. It is important to note that the Thirteenth Congress had thirty six more seats than the Twelfth Congress because federal officials finally reapportioned districts based on the 1810 census. More importantly, this increase does not wholly explain the passage of Yazoo compensation. Federalists made up approximately 25% of the Twelfth Congress and approximately 36% of the Thirteenth Congress, meaning they had a substantial real increase in voting power. With a total of 179 Representatives in the Thirteenth Congress, Federalists picked about 8 real votes. The reapportionment did aid Yazoo claimants because Massachusetts and New York gained a total of twelve extra seats, and Representatives from these two states voted overwhelming for compensation, whether they were Republicans or Federalists. A quick comparison between two votes from the Twelfth and Thirteenth Congress will demonstrate that increased Federalist representation resulted in compensation for Yazoo claimants. A February 15, 1813 vote that directly tested Congressmen’s position on the sale failed by a count of 65 to 53. 62 Republicans, 2 Federalists, and 1 man without an identifiable party affiliation outvoted
22 Republicans and 31 Federalists.\textsuperscript{111} The final vote that granted Yazoo claimant’s compensation passed 81 to 76. All 56 Federalists casting ballots united with only 25 Republicans to outvote 76 Republicans.\textsuperscript{112}

President James Madison signed the bill into law on March 31. The final bill provided for up to $5,000,000 of Mississippi stock to be issued to Yazoo claimants. Anyone claiming Yazoo compensation would have to travel to Washington D.C. and register their claims at the Secretary of State’s office. Claimants had until January 1, 1815 to enter their claims, although Congress continued to extend this time deadline through December 1816.\textsuperscript{113} The extensions provided time for claimants to be notified and make arrangements to travel to Washington, a task particularly important because the stocks were not to be issued until “at least nine-tenths of the whole lands claimed by virtue of the sales made by the Legislature of the State of Georgia” had been registered. The compensation bill declared that once claimants entered their claims in the Secretary of State’s office, they had no more claim to land within the Mississippi Territory. The bill securitized land at the same time it allowed the federal government to sell the land without fear of overlapping claims.\textsuperscript{114}

\textsuperscript{111} The vote was on whether Congressmen wanted to consider a compensation bill passed by the Senate.

\textsuperscript{112} House Vote #148. Accessed on https://www.govtrack.us/congress/votes. The number of votes for Yazoo compensation is listed as 84, with 57 Federalists and 27 Republicans. Counting the actual votes for and against the sale listed in the House journal for March 26, 1814 reveals that the actual count was 81 to 76. The discrepancy is explained by cross-checking all the names/party of those listed as voting in the Annals of Congress House report and those listed as voting on the govtrack website. William Hale, a Federalist from New Hampshire, is listed as voting on the online tally but he is not listed in the Annals of Congress. Likewise, Republicans Isaac Williams (NY) and John Jackson (VA) are listed as voting for compensation, but their names do not appear in the Annals of Congress vote.

\textsuperscript{113} Annals of Congress, House, 1816, 182.

\textsuperscript{114} “An act providing for the indemnification of certain claimants of public lands in the Mississippi Territory,” March 31, 1814, US Statues at Large, 3:116-120.
Congressmen’s decision to securitize the land claims and make them transferable led to these stocks circulating on securities markets. Investors across eastern cities signified their belief that securitized land was a profitable investment when they purchased Mississippi stocks. The land, of course, was tied to the Mississippi Territory. This is another way of saying that Mississippi stocks circulated on securities markets because white Americans knew these slips of paper signified the transformation of Native American land into cotton plantations. In the next few years, white Americans deposited over $2.4 worth of Mississippi stock into land offices within the Mississippi Territory, later Mississippi and Alabama. This massive influx of capital both underwrote slavery’s westward expansion and caused the Panic of 1819 in the Old Southwest.
Figure 5-1. Boundaries of the Mississippi Territory in Gary Alden Smith, State and National Boundaries of the United States (Jefferson, NC: McFarland, 2004), 92.
White residents of Lawrence County, Alabama believed their “difficulties and distress” emanated “directly from the policy and laws of the United States.” In their 1829 petition to Congress they blamed the federal government for creating flush economic times during the 1810s—perhaps an odd strategy when registering a complaint. High cotton prices and easy credit had produced an orgy of land speculation across the Old Southwest; ultimately this boom had disastrous results. Plummeting cotton prices in 1819 left planters dearly overextended on federal loans used to purchase land. The Lawrence County residents did not hold the federal government accountable for sinking cotton prices, as each man had “to judge for themselves of the certainty and stability of the prices of cotton.” Their assumption was this: an individuals’ business acumen determined success or failure in the volatile marketplace. According to residents of Lawrence, however, the federal government distorted the 1810s land market by flooding the market with millions of dollars worth of Mississippi stock. Petitioners’ overextended finances derived not from individual financial miscalculations, but from the “five millions of dollars of Mississippi stock, issued by the United States to the claimants under the Yazoo purchase,” which “created an artificial capital” allowing for rampant speculation.¹ Moreover, the competition for borrowers engendered between state banks and the Second Bank of the United States (BUS2) “put it into the power of every one possessing credit to borrow any amount of money he desired.” From this perspective, the federal

¹ Daniel S. Dupre posits that the common theme Americans focused on when discussing the Panic of 1819 was how the “artificiality of banking or trade had distorted and corrupted the natural order of the economy, leading to a false prosperity that ultimately led to depression.” Americans also viewed stocks and bonds as creating “artificial” prosperity. Dupre, “The Panic of 1819 and the Political Economy of Sectionalism,” in Cathy Matson, ed. The Economy of Early America: Historian Perspectives and New Directions (University Park: The Pennsylvania State University Press, 2006), 277.
government single handedly unleashed a horde of ravenous “speculators, literally loaded with Mississippi stock and bank notes,” who drove up Alabama land prices. The reckless speculation helped to precipitate the Panic of 1819 in the Old Southwest, which ultimately forced many white Alabamians to foreclose on their land.

Mississippi stock enabled white Americans to overextend their investments in Alabama and Mississippi land between 1817 and 1819. When international circumstances shifted during 1819, and cotton prices dropped precipitously, Old Southwest farmers and planters could not pay the remaining instalments on their land. Mississippi stocks, then, provided the capital with which white Americans created a speculative bubble—the leveraging of all available capital and credit to invest in a single asset that drives that asset’s price far higher than market value—in Old Southwest land. Historians and economists focus on banks and their actions in underwriting this speculative bubble which burst in 1819. The Lawrence country residents’ petition

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2 “To the Senate and House of Representatives of the Untied States in Congress assembled,” Senate, December 21, 1829, American State Papers: Public Lands, 6:12. For similar views, see also the petition titled “Applications of Alabama for Relief of Purchasers, Postponement and Changes of Sales, and for Granting Pre-Emption Rights to Occupants of the Public Lands,” in American State Papers: Public Lands, 6:10-11 and Charles Tait to John Williams Walker, October 16, 1820, in Walker Papers, Alabama Department of Archives and History. Tait wrote to Alabama Senator Walker that “the creation of the Mississippi Stock” inflated “the price of Alabama lands.”

suggests that more than the action of banks were responsible for the Panic in Alabama and Mississippi.

An activist federal government created Mississippi stocks. These federal securities, the culmination of a multi-decade partisan struggle, circulated on northeastern securities markets, transformed Native American acres into private property for white Americans, and underwrote the first great westward surge of American slavery. Mississippi stocks linked northeastern securities markets to the disposition of Native American land, and the spread of American slavery into Alabama and Mississippi. Few objects so clearly demonstrate the linkages between northeastern capital markets, white American’s violent takeover of Native American land, and the brutal rise of a new cotton-based labor regime across the Deep South.

This chapter highlights the various decisions white Americans made that resulted in the transformation of the Mississippi Territory into the cotton producing states of Mississippi and Alabama, admitted to the union in 1817 and 1819 respectively. First, it explores how the US military and federal surveyors and land office officials, and the federal government’s land policy, laid the foundation for white expansion into Alabama and Mississippi, but particularly Alabama. Scholars place Mississippi center stage when discussing the expansion of slave country, but this reads history backwards from the 1830s and 1840s. Americans traveled into Alabama during the 1810s at a higher rate than Mississippi because federal officials canceled Native American land claims,

surveyed these lands, and offered the acres for sale. Next, I demonstrate how
Mississippi stocks linked financial markets and the expansion of slavery.  
Finally, this chapter highlights how Mississippi stock traveled from northeast markets into Alabama
and Mississippi, and how these stocks underwrote slavery’s spread while at the time
creating a bubble in land that eventually burst when cotton prices dropped in 1819.

**The Federal Government and Old Southwest Land**

Mississippi stocks provided upwards of 50% of the capital white Americans used
to purchase Mississippi and Alabama land between 1817 and 1819. White Americans
traveled into the Old Southwest with Mississippi stocks in their pockets, enslaved
African Americans in tow, and the desire to purchase land recently controlled by Native
Americans. Mississippi stocks did not provide the impetus for white Americans to rapidly
migrate into Alabama with enslaved laborers. American’s seeking to expand Jefferson’s
‘Empire of Liberty’ into the Mississippi Territory focused on more material matters:
cotton. However, Mississippi stocks did provide the capital for completing the

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4 Scholars have focused extensively on Early Republic banking at the expense of analyzing nascent
securities markets. The literature on banking in antebellum America is immense. Good places to start are
Bray Hammond, *Banks and Politics in America From the Revolution to the Civil War* (Princeton: Princeton
University Press, 1957); J. Van Fenstermaker, *The Development of American Commercial Banking:
1782-1837* (Kent: Kent State University Press, 1965); Howard Bodenhorn, *State Banking in Early
America: A New Economic History* (Oxford: Oxford University Press, 2003); Stephen Mihm, *A Nation of
Counterfeiters: Capitalists, Con Men, and the Making of the United States* (Cambridge: Harvard University
Press, 2007); and Sharon Ann Murphy, “Banks and Banking in the Early American Republic,” *History
Compass* 10 (2012): 409-422. A recent spate of works by historically-minded economists demonstrates
the close relationship between banks and securities markets. Richard Sylla, “U.S. Securities Markets and
Sylla, “Political Economy of Financial Development: Canada and the United States in the Mirror of the
Other, 1790-1840,” *Enterprise and Society* Vol. 7 No. 4 (December 2006): 653-665; David J. Cowen,
Lender of Last Resort,” working paper International Economic History Congress (Helsinki, August 2006):
1-35; Sylla, Jack W. Wilson, and Robert E. Wright, “Integration of Trans-Atlantic Capital Markets, 1790-
1787-1836: Emergence, Development, Integration” (database); Wright, “Alexander Hamilton and the
Street, Philadelphia, and the Birth of American Finance* (Chicago: University of Chicago Press, 2005);
transformation of Alabama and Mississippi into slave country. Importantly, those men most responsible for opening up the Old Southwest to white resettlement—Andrew Jackson and his Creek War subordinates—later funneled tens-of-thousands-of-dollars worth of Mississippi stock into Alabama and Mississippi.

Creek War veterans gloated over Alabama’s fertile acreage in correspondences to family and acquaintances. Officer Gilbert Russell let James Monroe know he was “delighted” about the spoils of war and that he intended “to concentrate what interest I have in the world and locate myself on the Alabama River.”5 James Campbell of Tennessee perused the map of one surveyor, Major Thomas, commenting that “from his description of it it must be one of the richest spots in the whole southern country.”6 Campbell’s relative, John, gushed upon hearing from “the best authority” that “there has not been a single instance of any person settling in this country who has had anything of a capitol [sic] who has not become wealthy in a few years.”7 David Ireland wrote his friend John Haride, a recent Scottish emigrant living in Richmond, Virginia, about Alabama’s potential. Hardie forwarded the tales of wealth to his family in Scotland: “being in its infancy [Alabama] is one of the best places in the United States for making money.” Even more importantly, because the “price they [Alabamians] receive for one year’s crop [cotton] will pay for the price of the land,” swarms of “emigrants” left eastern states to start again in a land of plenty.8

5 Rothman, Slave Country, 181.
6 Rothman, Slave Country, 181.
7 Dupre, Transforming the Cotton Frontier, 41.
8 Quoted in Dupre, Transforming the Cotton, 41.
News of Alabama’s cotton land spread rapidly beyond personal networks and drew a torrent of white Americans, dragging enslaved African Americans with them, into the Old Southwest. North Carolina planter James Graham commented on the pathological need to drift south and west: “The Alabama Fever rages here with great violence and has carried off vast numbers of our Citizens. I am apprehensive, if it continues to spread as it has done, it will almost depopulate the country. There is no question this fever is contagious.”\(^9\) For Graham, diseased migrants reflected a pathological need to migrate onto more golden acres. Hindsight shows that depleted soils drove white farmers west as surely as high cotton prices pulled them from the east. Baltimore’s *Niles Weekly Register* warned that so many would-be-slave masters clogged Alabama’s growing towns that travelers risked “absolute starvation unless they are shortly relieved by supplies from other parts.”\(^10\) Planters, poor whites, and the enslaved covered the roads west in large swarms of humanity. Philip Foote wrote his father from Huntsville: “I never saw such a Migration in my life.”\(^11\) Despite Foote’s awe, the migrants’ numbers are quantifiable. Alabama’s population skyrocketed from 35,000 to 127,000 between 1817 and 1820, 85,000 whites and 42,000 blacks, mostly slaves.\(^12\) A white man on the make went to Alabama, more often than not dragging along enslaved African Americans against their will.

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Mississippi stock thus acted as a tool by which Americans transferred acres formerly occupied by Native Americans into the public domain and then into private hands. In this sense, Mississippi stock represented another arm of the federal government designed to remove Native Americans and their claims to land ownership. The federal government’s use of securities markets to fuel expansion has not been explored by historians and provides more evidence that the federal government was instrumental in westward expansion. Congressmen knew full well that American claims to the Mississippi Territory rested on shaky foundations. As a result, national legislators used Mississippi stock to encourage migration into the region that could tip the balance of power in favor of white Americans.

Congressmen’s plan to unleash a flood of Anglo-Americans into the Mississippi Territory worked, but buying land in the Old Southwest was not a straight forwarded endeavor. Native American resistance, disease, low funds, conflicts with squatters, and apathy delayed surveyors’ work in the Mississippi Territory. The federal land system’s structure also delayed surveying. America’s land policy derived from the Land Ordinance of 1785, which directed government surveyors to create systematic grids broken down into 640 acre tracts and then draw corresponding plats. Prior to any surveying, all Native American land claims had to be extinguished. Land office officials gave the plats to purchases once they completed payments on the land. Originally meant to raise revenue for a debt ridden Continental Congress, and applicable only to

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14 A plat is a drawing of the surveyed land. These were deposited at land offices and then transferred to purchasers of the land. For more on plats see Martin Bruckner, The Geographic Revolution in Early America: Maps, Literacy, and National Identity (Chapel Hill: University of North Carolina Press, 2006).
the Northwest Territory, Congress extended the policy south of the Tennessee River on March 3, 1803. Problems continued apace and sales did not commence until December 26, 1806 at St. Stephens and March 3, 1807 at Nashville, Tennessee, and August 4, 1817 at Milledgeville, Georgia.

Sales of Alabama land increased between 1814 and 1817, but did not reach massive proportions until early 1818 because more Native American titles had to be quieted. Andrew Jackson, and his Creek War subordinates, led the charge to eliminate Native American titles from northern Alabama. Jackson frequently encouraged President James Monroe to survey Old Southwest land. Drawing on his experience traversing the land during the Creek War Jackson urged the President that military necessity demanded peopling the “frontier” with white Americans. On October 23, 1816 he argued it was vital to have “our frontier defended by [a] strong population.” The federal government could populate the territory, and make money, by surveying the lands quickly: “The vast capital now held up for the purchase of this land, if offered for sale before the holders turn it to other objects, will ensure the treasury an immense sum of money, and give to the government a permanent population, capable of defending the frontier.” Naturally, Jackson advised lands be “prepared for market as early as

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15 Doster, “Land Titles.”

16 The Nashville Office was moved to Huntsville, Alabama in August 1811 and the Milledgeville Office was moved to Cahaba, Alabama in 1819. Purchasers bought land in present-day Alabama at these two offices, despite their location in Tennessee and Georgia.

17 Historians have expertly demonstrated the tenuous claims the federal government exercised over western land between 1776 and 1810s. Even more convincingly, scholars have shown westerners’ did not automatically see citizenship within the young nation as conducive to their communities’ goals. For a few examples see Peter J. Kastor, The Nation’s Crucible: The Louisiana Purchase and the Creation of America (New Haven: Yale University Press, 2004); Kevin T. Barksdale, The Lost State of Franklin: America’s First Secession (Lexington: University of Kentucky Press, 2008); Watson Jennison, Cultivating Race: The Expansion of Slavery in Georgia, 1750-1860 (Lexington: University of Kentucky Press, 2012).
possible." The General proposed a plan to hasten surveying; divide the Creek Cession into two surveying districts. He even suggested someone for the northern surveying position: John Coffee, husband to his niece. Per Jackson's request, Coffee received the position in early 1817.

During 1816 and 1817, Jackson and Coffee worked in tandem to erase Native American land claims by making sure survey lines mapped questionable Creek cessions from the Treaty of Fort Jackson into America's public domain. They did so by ignoring Cherokee, Chickasaw, and Choctaw claims. For example, Jackson believed that Creeks had controlled land in northern Alabama that was really within Chickasaw territory. As a result, he thought that land forfeit under the 1814 treaty. Jackson sought to bully Chickasaws into granting more land by using surveys of dubious nature, conducted by Coffee, and invocations of President Monroe's authority. Technically, Coffee had no legal authority to survey on his own. Surveys of public land were to be conducted by a team of three commissioners. Even more damning, Coffee should not have even been a part of the surveying team. Jackson's crony, Edmund P. Gaines, bypassed Benjamin Hawkins, who was supposed to be the third federal surveyor, and gave the third letter of appointment to Coffee instead. After gaming the system to get

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19 Roighbough, The Land Office Business, 100.

20 Survey lines represented more than a line on a map. Surveyors often notched trees with axes or burned tree trunks to identify boundary lines. Both lines on a map and in the woods signified possession and represented a way for Anglo-Americans to materially represent power relations. In the minds of Americans, a line on a map or in the woods demarcated absolute ownership. Jackson and Coffee knew and exploited this fact. For surveying lines see Hudson, Creek Paths and Federal Roads.
Coffee appointed, Jackson urged his friend to survey now and beg forgiveness later.\textsuperscript{21} To make sure the job got done, Jackson knowingly ordered an illegal escort of 25 mounted gunmen to accompany Coffee on February 13, 1816.\textsuperscript{22} Jackson did not stop there. On the same day he penned a threatening letter to Chickasaw leader George Colbert in which he played at a type of brinkmanship: “I have to repeat, the line will be run by Genl. Coffee & if yr. People attempt to interrupt him you will bring destruction on yourselves. The President I repeat wants not any land that you have a good claim for, & if the line includes any of it he will restore it on your showing that you are entitled to it.”\textsuperscript{23} Jackson essentially invoked President Monroe’s name to threaten violent retribution at stopping a blatantly illegal survey. The General gambled that any white American considering Coffee’s survey lines and claims presented by Chickasaws would clearly choose the surveys as more “legitimate” representations of ownership.

Southern Indians clearly knew the extent of their territories. A Chickasaw leader noted that “when the American people come you may go to them, and show your lines, they are a just people…they will respect them.”\textsuperscript{24} A meeting convened between Creeks, Cherokees, Chickasaws, Choctaws, and Americans to determine how much land Creeks ceded during the Treaty of Fort Jackson (1814) led to representatives from each southern nation retelling their histories. These efforts demonstrate a clear spatial

\textsuperscript{21} Andrew Jackson to John Coffee, February 13, 1816 in The Papers of Andrew Jackson: Volume IV, 11.

\textsuperscript{22} Jackson to Coffee, February 13, 1816 in The Papers of Andrew Jackson: Volume IV, 11.

\textsuperscript{23} Andrew Jackson to George Colbert, February 13, 1816, in The Papers of Andrew Jackson, Volume IV, 13.

\textsuperscript{24} Angela Pulley Hudson, Creek Paths, Federal Roads: Indians, Settlers, and Slaves and Slaves and the Making of the American South (Chapel Hill: The University of North Carolina Press, 2010), 119 and quote on 49. The Chickasaw leader most likely spoke these words directly after the American Revolution. The point being that southern Indians understood their boundaries with perfect clarity. See 191, note 53.
understanding of their territory. Federal officials at the meeting noted “the boundary lines between the Cherokees, Creeks, and Choctaws depend entirely upon tradition, and that there is no record [or] evidence of them.” In other words, most white Americans viewed property ownership as the ability to produce a slip of paper denoting where one’s land rested. Native American claims evaporated under this formula.

Jackson’s and Coffee’s illicit activities did not go unnoticed by Washington officials. A March 22, 1816 treaty with the Cherokees unsettled the duo’s plan by affirming Cherokee rights to land in northern Alabama, lands Coffee surveyed in hopes of nullifying Cherokee claims. Jackson was incapable of understanding how Coffee’s surveys did not guarantee American ownership over the disputed area. He protested to President Monroe in May: “the whole evidence of the right of the territory ceded by the creeks, which included in the lines ran by him [Coffee], the evidence of right in the creeks to the territory thus included in the lines ran by Genl Coffee appear clear & conclusive.” In essence, Jackson used circular logic to make his point. The lands surveyed fell within America’s public domain because the survey lines demonstrated that they did. He forgot to mention the doubtful legality of the surveys. Then Secretary of War, William H. Crawford, certainly did not miss this point. He lambasted Jackson for pushing Coffee to survey lands clearly still in dispute, arguing the surveyor(s) had “no power to run lines not defined. The Northern and Western boundaries of the session [Creek Session from Treaty of Fort Jackson] were not defined” and therefore “it is difficult to conceive how the commissioners who had no power [here Crawford refers


26 Andrew Jackson to James Monroe, May 12, 1816, in The Papers of Andrew Jackson: Volume IV, 28.
directly to Coffee] to make conventions with the tribes who interest might be affected, could undertake to define and run them.\textsuperscript{27} Jackson’s and Coffee’s strategy seemed ready to stall. But if the general and surveyor could not open the lands to Anglo-American settlement through subversive means, they would have to turn to more conventional methods, treaties. Treaties negotiated with the Cherokees, Choctaws, and Chickasaws during September and October 1816 and July 1817 cleared all remaining southern Indian claims on northern Alabama lands. Jackson or Coffee negotiated for the United States in all of these treaties.\textsuperscript{28}

While Jackson and Coffee struggled to open up Southwestern lands by any means necessary, millions of dollars worth of Mississippi Stock began to circulate on northeastern securities markets. By 1816, when Mississippi Stock appeared as payment for the first time in the Mississippi Territory, the stock had become one of the most actively traded securities in the entire nation. Congressmen’s decision to compensate Yazoo claimants with transferable securities that could be used to pay for land in the Mississippi Territory was about to reshape the geography of American slavery and drive the Old Southwest into the Panic of 1819.

\textbf{Mississippi Stock, Securities Markets, and Banks}

The non-interest bearing bonds known as “Mississippi stock,” “Yazoo stock,” “Mississippi scrip,” “Yazoo scrip,” and officially listed on the New York Stock Exchange

\textsuperscript{27} William H. Crawford to Jackson, May 20, 1816 in \textit{The Papers of Andrew Jackson: Volume IV}, 32. Crawford’s emphasis as Coffee was the only one illegally working there because he did not wait for others.

as “Yazoo/Mississippi (US),” represented a securitized land claim.\textsuperscript{29} Out of the possible $5,000,000 Mississippi stock Congress agreed to issue in 1814, the committee tasked with sorting through claims ended up issuing a total $4,241,725.80.\textsuperscript{30} Circulating in $25, $75, $150, $300, $600, or $1,000 denominations, the bonds could be used in one of two ways. First, they could be exchanged for cash at the Treasury Office in Washington D.C. The 1814 bill creating the stocks earmarked a very specific revenue stream to pay Yazoo claimants. The money could only come from federal land sales within the Mississippi Territory, but that money had to cover surveying expenses and the $1,250,000 owed to Georgia for the state’s western territories before any money could be used to pay claimants.\textsuperscript{31} The federal government still owed Georgia $377,042.73 on December 8, 1817.\textsuperscript{32} Second, Mississippi stocks could be presented at any federal land office in the Mississippi Territory—later the states of Mississippi (1817) and Alabama (1819)—and grant the holder a 95% discount on their land purchase. For every $100 of Yazoo stock put towards a land purchase, the holder only had to pay $5 in cash or specie. As a result, future land owners could get land on the cheap by buying discounted Yazoo stock. Luckily for holders of Mississippi stocks who did not want to purchase land in Alabama or Mississippi, Congressmen had made the financial

\textsuperscript{29} Technically, Mississippi stocks were neither bonds (public debt) nor stocks (equity in a company). During the 1700s and early 1800s, however, people continually referred to securities (both stocks and bonds) as “stocks.” Stuart Banner, \textit{Anglo-American Securities Regulation: Cultural and Political Roots, 1690-1860} (Cambridge, UK: Cambridge University Press, 1998), 8.

\textsuperscript{30} For total amount issued see \textit{The National Register, a Weekly Paper, Containing a Series of the Important Public Documents and…} December 21, 1816. Accessed through \textit{American Periodicals}.

\textsuperscript{31} The bill reads that this money can be paid only “after the money due to the state of Georgia, and the expense of surveying such lands have been satisfied.” March 31, 1814, “An Act Providing for the Indemnification of Certain Claimants of Public Lands in the Mississippi Territory,” US Statutes at Large, 3:117.

instruments transferable. As a result, Mississippi stocks quickly circulated on northeastern security markets. Alternatively, those unwilling to either move to the Mississippi Territory or sell their stock could wait to cash in the bonds at the Treasury Office in Washington D.C.

Congressmen created an entirely new type of financial security when they approved the issuance of Mississippi stock, and white Americans quickly saw the stocks as a way to increase the number of Anglo Americans in the Mississippi Territory. Unlike US government bonds, Mississippi stocks did not earn interest. Unlike stocks issued by corporations, Mississippi stocks did not represent partial ownership in a company and entitle holders to company dividends. Instead, Mississippi stocks securitized land claims. Congressmen made these securities exchangeable for a one time cash payment from the federal government or gave the holder the option to purchase land in the Mississippi territory. Contemporary Americans recognized the novelty of this new federal security. A November 9, 1815 article in *Relfs Philadelphia Gazette and Daily Advertiser* read that “as a new species of public stock issued by the government of the United States, has made its appearance in our market, perhaps it may to useful briefly to notice it.” The advertisement explained how the stocks worked and then noted that “thirty millions of acres are already freed from the Indian title.” The acres available for purchase with Mississippi stocks were “well situated with respect to climate” and soil. The advertisement did not explicitly mention cotton or enslaved African American labor, but the Philadelphia editor implied that these acres would be covered with enslaved laborers when he mentioned many of those moving to Madison County, Alabama were
“wealthy planters from Georgia and South Carolina.”33 Planters moved to Alabama to set up cotton plantations. Before any planters moved into Alabama or Mississippi, investors had to acquire the physical Mississippi stocks.34

Yazoo claimants, or their legal representatives, traveled to the Treasury Office in Washington D.C. in order to receive Mississippi stocks. Purchasers who had not withdrawn money from the Georgia treasury or had bought land from one of the original four companies could apply for compensation. To receive their recompense, Yazoo claimants had to present evidence to a federal committee at the Treasury Department in Washington D. C.35 Secretary of State James Monroe, Secretary of the Treasury Alexander James Dallas, and Attorney General Richard Rush were supposed to review the claims, but Congressmen accepted their petition to be excused from this obligation. In their place, James Madison appointed, and Congress approved, Francis Scott Key, Thomas Swann, and John Law.36 For three years these men sorted through various claims. They did not award compensation to everyone who applied.37 The amount of claims they did award varied from several hundred dollars to over one hundred thousand dollars. Awards went to individuals and corporations.38

33 Relfs Philadelphia Gazette and Daily Advertiser, November 9, 1815, 3.
34 Unfortunately, in the thirteen archives I visited, I could not find any extant Mississippi stocks. I could only find New England Mississippi Land Company stocks.
37 A list of claims rejected can be found in American State Papers: Public Lands, 3:482-483.
38 For a list of claimants who received Mississippi stock, see American State Papers: Finance, 3:281-283.
Mississippi stock circulated widely on American securities markets. Economist Richard E. Sylla writes that only “the largest and most actively traded” securities made newspaper listings. Sylla, economist Jack Wilson, and historian Robert E. Wright compiled an unparalleled database of American securities traded between 1790 and 1860: Early U. S. Securities Prices. They accumulated the data from periodicals in Alexandria, Baltimore, Boston, Charleston, London, New Orleans, New York, Norfolk, Philadelphia, and Richmond. Their database lists Mississippi stock as appearing in Baltimore newspapers between September 5, 1818 and August 26, 1820. New York papers listed the stock from June 10, 1817 to June 15, 1821. Boston and Philadelphia prices are surprising absent from the database. Newspapers in both cities actively traced the price of Mississippi stocks, so too did investors, meaning brokers actively traded these securities during the late 1810s and early 1820s in all major northeastern cities.  

Americans did not invent securities markets. In fact, the kinds of institutions at work stitching together northeastern capital markets and Alabama and Mississippi land had a long history. Italian city-states, especially Venice, created government debt during

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39 These three scholars and a team of researchers received a grant to compile, and then make freely available, the prices of stocks culled from various periodicals in the cities of Alexandria (VA), Baltimore, Boston, Charleston, London, New Orleans, New York, Norfolk, Philadelphia, and Richmond. See, http://eh.net/database/early-u-s-securities-prices/.

40 See, for example, Columbian Centinel (Boston). The first listing of Mississippi stock appears on November 27, 1816 and ran through at least December 20, 1820. Philadelphia papers also tracked sale prices, taking the time to note when Mississippi stock was not for sale. “Money and Stocks,” October 27, 1819, Franklin Gazette. This article notes that there is “little or no Mississippi stock in the market.” Boston investor John Coffin Jones tracked the price of Mississippi stock from September 1814 through at least November 1819. See John Coffin Jones Business Records, 1768-1829, Carton 3, Folder 18, Baker Business School, Harvard University.

41 The brief history of this markets that follows is an effort to make securities markets a more central part of Early Republic history.
the fourteenth century that was divided into small enough denominations to be bought and sold by investors. Holland adopted similar practices during the mid-sixteenth century. It was in late seventeenth-century England, however, where the first large-scale and vibrant secondary market in long-term public debts (bonds) blossomed. First issued in 1693, England’s governmental debt allowed the island nation to outspend its imperial rivals by relying on private investment in government bonds and shares of the Bank of England (1694). Private joint-stock companies’ equity shares joined government obligations on English securities markets during the 1690s. The pooling of resources achieved in joint-stock companies grew out of a long medieval tradition of combining assets in order to fund merchant ventures. Despite the rapid rise in stock issuances by private companies, English securities markets consisted primarily of public debt (bonds) during the late 1700s and early 1800s.

Americans adopted from England the institutional structure and every-day functioning of securities markets. Like English brokers, Americans traded a higher volume of government bonds than private stocks until sometime in the first several decades of the nineteenth century. As in England, leading American cities such as New York, Boston, and Philadelphia developed business districts. Stock brokers migrated to these areas of the city and often had to either pay fees to a stock broker association or

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municipal government in order to sell securities.\textsuperscript{43} Specific institutions or buildings, such as Philadelphia’s Board of Brokers (1790), Boston’s Exchange Coffee House (1809), or New York’s Stock Exchange (1817) became the center of securities trading. Coffee houses and taverns provided convenient places to discuss business transactions and trends while awaiting the most recent financial news from domestic and foreign ports. These haunts doubled as places to sell securities. For example, a Philadelphia paper ran the following ad under the title “Mississippi Stock” on December 9, 1816:

On Friday, the 13\textsuperscript{th} day of December inst. at 7 o’clock in the evening at the Spread Eagle Tavern, NE corner of Ninth and Market streets, will be exposed to sale by Public Auction, Thirty-two thousand Eight Hundred and Ninety Dollars & 82 cents of Mississippi Stock, (commonly called Yazoo stock) issued under the act of Congress, passed 31\textsuperscript{st} March 1814. The Terms will be made known at the time of sale.\textsuperscript{44}

Though part-time brokers did run many security sales, as much as 66% of the security trading during the late 1700s and early 1800s happened outside official exchanges in taverns or coffee houses.

Americans inherited an ambiguous relationship with stock brokers and the paper they hawked from the English. Stuart Banner posits that Englishmen generally supported securities markets, primarily because the markets grew rapidly once established. Critics attacked securities markets and brokers most strongly in response to economic downturns. Many detractors believed securities markets existed only within a realm of deceit. Others saw political and social threats in financial markets. Publically

\textsuperscript{43}Domenic Vitiello, \textit{The Philadelphia Stock Exchange and the City It Made} (Philadelphia: University of Pennsylvania Press, 2010), 17.

traded debt meant more taxes, and securities unsettled the social order by increasing the fluidity between social classes. Finally, English critics believed stock trading drained capital from other more productive economic pursuits. Except for the fear of social disruption through securities markets, Americans revived these old English critiques of stock markets in the nineteenth century. The federal government's assumption of states' debt in 1790 greatly benefited wealthy and political powerful men at the expense of ordinary citizens. As a result, many Americans believed stock markets could upset a republican political system. They also readily critiqued stock brokers and securities markets as supporting unproductive uses of money and being built upon a web of deceit.45

American securities markets underwrote the rapid spread of state-charted banks during the early nineteenth century.46 As more businessmen increasingly turned to the corporation to legally structure their companies, banks sought corporate charters from state legislatures, who eagerly consented. Banks then issued equity securities—stocks—to raise startup capital and to later increase the bank's capitalization. Economist Richard Sylla explains the simple, yet powerful, synergy created between the growths of securities markets and banks: "having active stock markets encouraged investors to own bank stocks. The other side of this coin was that it made it easier for corporate banks to form and to raise equity capital."47 Moreover, almost as soon as


these [securities] markets emerged, securities—both government debt and corporate stock—became useful as collateral for bank loans and objects of bank investment. America’s nascent securities markets proved successful in aiding the creation of banks because the markets for stocks reached “arbitrage” levels quickly. In other words, the price of stocks in New York, Philadelphia, Boston, and other cities were similar and fluctuated in tandem. Efficient securities markets provided capital for spreading banks and helped America’s economy grow. State-chartered banks grew at an exponential rate: 2 in 1791; 27 in 1801; 101 in 1811; and 205 by 1816. By the 1810s, Americans had access to millions of dollars in newly minted paper—bank notes and securities—to drive the engine of economic growth.

Mississippi stock’s debut on America’s high-powered securities markets was inglorious. The literary journal Atkinson’s Casket reflected that “some of our readers will remember the speculation in Yazoo stock with the unenviable feelings of lame ducks on the stock exchange.— The first broker who offered the script for sale was laughed at.”

Early bird purchasers, however, received the proverbial worm: “those who bought low

48 Sylla, “U.S. Securities,” 89.

49 Sylla, “U.S. Securities,” 93. Sylla makes clear that he does not “mean to imply that either banking capital or the number of banks is the best or even appropriate measure of the importance of banks to a country’s economy. My point is simply that for earlier periods of financial history, such as the one discussed here, such measures are the only ones currently available for making cross-national comparisons.”

50 These numbers are drawn from Warren E Weber, “Early State Banks in the United States: How Many Were There and Why Did They Exist?” in Federal Reserve Bank of Minneapolis Quarterly Review Vol. 30 No. 2 (September 2006): 28-40. Since they were not state banks, these numbers do not include the First and Second Banks of the United States. For Weber’s methodology of selecting and counting banks see 29-30. I believe Weber’s methodology produces a more accurate count than either Joseph Van Fenstermaker’s The Development of American Commercial Banking: 1782-1837 (Kent, OH: Kent State University Press, 1965) or the 1876 Report of the Comptroller of the Currency, sources used by almost every other historian discussing banking during the Early Republic in Antebellum decades.
and held it [Yazoo stock], ultimately realised a large profit.”

Even so, three years after Yazoo stock’s initial offering the War Department’s Inspector General Daniel Parker noted that “the holders of it [Mississippi stock] would generally prefer to cash it & vest the proceeds in bank stock.” Parker’s observation aside, Mississippi stock traded actively within the country’s stock markets. With a lackluster start and no interest payments forthcoming, why purchase Mississippi stock?

Mississippi stock became more attractive when Congressmen chartered the Second Bank of the United States (BUS2) in 1816. After public stockholders met on October 28 and 29, 1816, many investors assumed stock and bond prices had to rise. Inspector General Parker confirms investors’ expectations in a letter the Andrew Jackson: “the meeting of the money chargers at Phila. to organize the great bank last fall increased the price of all kinds of stock.” More specifically, on January 6, 1817, Parker informed Jackson that Mississippi stock had risen from $40 to $68. This was almost certainly the value of the $75 Mississippi stock, which meant the stock was trading below par. Parker’s letter to Jackson is a rare instance when Americans referred

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54 Parker to Jackson, Feb 10, 1817, in *The Papers of Andrew Jackson: Volume IV*, 90.

to the actually price of Mississippi stock. When newspapers listed the stock, editors listed the percentage of par value the stock sold for, not the monetary value.

Many Americans believed that the BUS2’s money would stabilize the economy by simplifying tax and land payments to the federal government, therefore raising the price of land. The dizzying array of bank notes floating throughout the economy created uncertainty for Americans paying for land and taxes.56 An August 1, 1816 U. S. Treasury report bemoaned “the complexity inevitably arising [in attempting to receive debts due the government-taxes and land office deposits] from the various kinds of paper in circulation as money, upon some of which minute calculations were required.” Only “the restoration of an uniform currency, can alone terminate this evil.” Nevertheless, because in most states “the notes of local banks constituted the general circulating medium” and because the government did not want to deprive “the people of their only means of paying the public taxes, and of transacting the pecuniary business of life,” local bank notes were accepted for all debts due the government.57 The establishment of the Second Bank of the United States and the printing of money from that bank provided notes guaranteed to hold their value. Strong notes meant a strong economy, which resulted in higher land values.

**Mississippi Stock and Cotton**

The primary reason inventors purchased Mississippi stock was because cotton grew well in Alabama and Mississippi. Profits to be gained by planting cotton seemed unending during the 1810s. Prices hovered over twenty cents per pound. Plantation

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owners dreamed of wealth. Since enslaved laborers fueled the cotton boom, those fantasies proved to be nightmares for African Americans.\textsuperscript{58} Slaves on cotton plantations in northern and western Alabama were expected to harvest 1,000 pounds a year. At 25 cents per pound, each field hand created $2,500 of wealth every year. One Huntsville, Alabama planter supposedly extracted 1,850 pounds per person during 1820.\textsuperscript{59} Not surprisingly, Andrew Jackson argued that “I have no hesitation in saying that this section of the country presents to the capitalist greater prospects of advantage—than any other” in the nation.\textsuperscript{60} Little wonder slave owners across Alabama’s, Mississippi’s, and Louisiana’s black-belt introduced a new, more punishing, labor regime called the pushing system. Planters weighed the cotton picked each day by African Americans not only against their previous day’s accumulation, but also against the yield of the plantation’s fastest picker. Brutal nighttime whippings awaited any person falling short of their daily quota.\textsuperscript{61} High cotton prices and exploitive labor practices slowly transformed cotton into America’s most valuable crop during the 1810s.\textsuperscript{62}

In fact, the continued value of Mississippi stock rested on the effectiveness by which white planters could force African American slaves to plant, hoe, weed, pluck, pile, and move cotton at a profitable rate. Black hands digging and hoeing in northern


\textsuperscript{59} Abernethy, \textit{The Formative Period}, 188, n.38.

\textsuperscript{60} Andrew Jackson to Francis Smith, March 29, 1817, in \textit{The Papers of Andrew Jackson: Volume IV}, 105.


\textsuperscript{62} Foodstuffs, especially wheat, had previously dominated goods shipped overseas. Nelson, \textit{A Nation of Deadbeats}, 80.
Alabama could excite the call and yell of stockbrokers across the Northeast. Boston, Philadelphia, and New York brokers knew slips of paper they exchanged for cash or promises of future payment rested on the backs of enslaved southerners.\(^63\) This is more than a rhetorical point. Bonds and stocks themselves do not have any inherent value. They are mere slips of paper.\(^64\) Investors purchasing securities—whether insurance stocks, government bonds, or Mississippi stocks—identified each security’s value with future returns promised by the issuing entity. Value derived not only from an insurance company’s, bank’s, or government’s immediate wealth, but the expectation each entity would consistently create new wealth in the future. Traders invested not in an actual commodity, but on the potential that commodity represented. Mississippi stock resembled all other securities in this regard. Other securities value rested on profits of individual companies or tax returns of the federal government, but Mississippi stocks’ future value rested on fluffy bolls of cotton and the hands and backs of enslaved individuals.\(^65\)

\(^63\) Few historians have explicitly explored how northern financial markets and southern slavery were mutually supporting. Perkins, *American Public*; Kilbourne, Jr., *Slave Agriculture*; Baptist, “Toxic Debts”; Nelson *A Nation of Deadbeats*. Even so, these books tend to observe banks, not securities markets per se.

\(^64\) Objects of given value and meaning by the societies in which they move. For an example of how paper money became valued in early nineteenth-century America see, Mihm, *A Nation of Counterfeiters*.

\(^65\) Other scholars, mainly economists, have focused on government bonds paying interest or stocks issued by private companies. See the second half of note 4 above. Mississippi stock highlights the fluidity in the securities market and demonstrates that investors and the creators of the bonds had a wider view of what constituted a “security.” Simply because Mississippi stock represented land did not mean that investors shunned the security. In fact, precisely because it was tied to profits generated by enslaved laborers, investors found the stock an attractive purchase.
Significantly, by 1820, lands in the former Mississippi Territory, now the states of Mississippi (1817) and Alabama (1819), grew half the country’s cotton.\textsuperscript{66} Many of the cotton plantations in these two states were bought with Mississippi Stock. Cotton’s ascendance to become America’s most valuable export goods can best be described as meteoric.\textsuperscript{67} Take, for example, Liverpool custom agents’ reaction to eight bags of cotton confiscated from a US ship during 1784. The agents flatly refused to believe that America could produce even this pathetic amount of cotton.\textsuperscript{68} The agents were wrong in that specific instance, but they had the big picture correct. The United States produced only 2,000,000 pounds of cotton during 1791, an inconsequential 0.4% of the world’s total output. Similarly, cotton from the United States accounted for only 0.16% of British raw cotton imports between 1786 and 1791. Between 1796 and 1800, however, that percentage jumped to 24.08. During the years between 1806 and 1810 the number increased again, to 53.14%. Within that span, the second largest exporter of cotton to Britain, the British West Indies, managed to provide only 16.23 %.\textsuperscript{69} Total American cotton exports rose just as dramatically; approximately 8,000,000 pounds in 1795;

\textsuperscript{66} This interpretation is drawn from the works of Brian Schoen, \textit{Fragile Fabric of Union}; Joyce E. Chaplin, \textit{An Anxious Pursuit}; and Adam Rothman, \textit{Slave Country}. All these scholars agree that cotton’s rise as an important export crop happened during the late eighteenth and early nineteenth centuries. Several changes in weaving technology in England during the 1790s and 1800s allowed looms to churn out more cloth. As British domestic demand for cotton clothing increased, the Empire began to search out larger and larger supplies of raw cotton. America eventually answered the call. In other words, one great event did not precipitate a “cotton revolution.” For an interpretation de-emphasizing cotton’s importance to America’s export trade and Britain’s import trade, at least until the Panic of 1819, see Nelson, \textit{A Nation of Deadbeats}.

\textsuperscript{67} This is not to assert cotton’s rise as inevitable. Instead, it is meant to illuminate that between the American Revolution and 1820, a relatively short period of time, the crop moved from the margins of America’s export trade to its center piece. In a five-year span, 1795-1800, cotton surpassed rice, tobacco, and indigo as the Lower South’s chief agricultural commodity. Schoen, \textit{The Fragile Fabric of Union}, 45.

\textsuperscript{68} Schoen, \textit{The Fragile Fabric of Union}, 23-24.

\textsuperscript{69} Schoen, \textit{The Fragile Fabric of Union}, 41 and 45-47.
50,000,000 pounds in 1801; 83,500,000 pounds in 1811; and 174,500,000 pounds by 1819. By the second decade of the nineteenth century American cotton almost single-handedly fueled Britain’s most prolific industrial sector, English cotton mills.

**Mississippi Stock’s Three Routes to the Old Southwest**

Americans used the majority of Mississippi stock to pay for land in Alabama or Mississippi Federal Land Offices. They transmuted $2,379,574 million dollars worth of Mississippi stock into Alabama and Mississippi land, this was approximately 56% of the total $4,241,725.80 issued. These federal securities accounted for upwards of 50% of the capital invested in Alabama and Mississippi land offices between 1817 and 1820. White Americans moved Mississippi stock between securities markets in Baltimore, Boston, New York, Philadelphia, and Washington D. C. to federal land offices in the Old Southwest through three primary methods. Southern slave owners and land speculators sent agents to one of the above cities to purchase the security. Upon returning, purchasers would either invest the stock in land or resell it on local markets. Andrew Jackson, John Coffee, Arthur P. Hayne, Edmund P. Gaines, Daniel Parker, and George Martin organized a network to speculate in Alabama land with Mississippi stock. Their network deserves special attention because these men occupied government positions—Coffee, for example, was Alabama’s head surveyor—that gave them unparalleled knowledge of Alabama land and they used that knowledge to form several land speculating companies. Jackson tended to stay on the periphery of their collective

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70 Estimates taken from Lewis C. Gray, *History of Agriculture in the Southern United States to 1860: Volume II* (New York: Peter Smith, 1941), 1026. Gray lists bales and then approximate weight of 500 pounds.


72 For amount of Mississippi stock, American State Papers, Finance, Vol 3, 286-287 and 432.
endeavors, but it is possible he did so to protect a budding political career. He purchased Yazoo land on October 2, 1797 and any association with the sale might damage his reputation. Northerners also purchased Alabama land with Mississippi stock. They either received stocks in compensation for their original claims or purchased the stock on security markets and then sent agents to purchase the land in their name. Simon Gratz of Philadelphia illustrates this point. He and his brother participated in a wide range of economic endeavors and their purchase of a cotton plantation in Alabama highlights how investors from across the nation recognized slavery’s profitability. Finally, and most rarely, northerners relocated to the Old Southwest and brought Mississippi stock with them to purchase land. Bostonian Samuel Dexter fled that city after his banking network collapsed in 1809. His speculative tendencies stayed with him. He purchased land in Montgomery, Alabama with Mississippi stock.

A group of Jackson’s Creek War subordinates organized a loose network in order to speculate in Alabama acres. They specifically focused on acquiring Mississippi stock. This network included Jackson, John Coffee, Arthur P. Hayne, Edmund P. Gaines, Daniel Parker, and George Martin. Each man had served under or with Jackson during the Creek War. Coffee married Jackson’s niece and received his appointment as Alabama’s northern surveyor through Jackson’s connections. Coffee also negotiated several Native American treaties on behalf of the federal government. Hayne and Gaines continued their military careers after the Creek War. Gaines reached the rank of Brigadier General, and he represented the government in negotiations with the Creeks.

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73 American State Papers: Public Lands, 1: 214.
during the late 1810s. Parker and Martin also served with Jackson. Parker eventually asked Jackson to help him speculate in Alabama land. The six men neither worked together on every undertaking, nor did they always profit equally from their activities. Nevertheless, understanding how this network functioned and what they accomplished, often by dubious means, highlights Mississippi stock’s role in underwriting land speculation in Alabama and Mississippi.

Jackson’s letters during late 1816 and early 1817 reveal that he dispatched an agent to purchase Mississippi stock on eastern securities markets. During late 1816, in the midst of negotiating treaties with Southeastern Native Americans, Andrew Jackson and John Coffee decided it was time to speculate in fertile cotton land. Daniel Parker wrote Jackson and Coffee in late 1816 asking advice on the best way to speculate on Alabama land and mentioned that he inherited Mississippi stock from a deceased relative. Jackson’s ability to rapidly fire off a coherent suggests familiarity with the subject. His purchase of Yazoo land makes it likely Jackson followed the development of Yazoo compensation closely. On December 9, 1816, Jackson replied to Parker that he would purchase land for any individual or company forwarding him “any amount of [Mississippi] stock from ten thousands dollars upward.” Jackson did not wait to hear back from Parker before dispatching George Martin to Washington, D.C. to purchase Mississippi stock. Jackson gave Martin “a power of attor. [attorney] to make an engagement with any Gentlemen or company” on the terms Jackson described to

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Andrew Jackson to Daniel Parker, December 9, 1816 in The Papers of Andrew Jackson: Volume IV. Jackson proposed three scenarios: he would receive $10,000 to invest in lands, making the required 25% down payment with his own money, and receive one-third of the land purchased in return; he would invest all the stocks in land and in 3 years deed $10,000 worth of land to those investing; or, if someone(s) gave him $10,000 worth of Yazoo scrip, in 5 years he would pay back the face value of the bills or bonds.
Parker in the December 9 letter.\textsuperscript{75} Martin took his job seriously. Parker wrote to Jackson on February 10, 1817 from Washington, letting the General know that “I understand he [Martin] proposes to go to Maryland very soon—From the best information I can obtain he will not find Mississippi stock so low as to answer his views.”\textsuperscript{76} “His views” were almost certainly price ranges Jackson outlined. Mississippi stock, likely the $75 denominations, had recently jumped in price from $40 to $68 a share.\textsuperscript{77} Basically, the stocks were not selling at the same discounted rated as before. Jackson knew buying heavily discounted Mississippi scrip in the northeast would allow Old Southwest planters to create windfall profits by acquiring prime cotton acres cheaply. Judging from Parker’s estimation that Martin would not be able to find the bond as cheaply as he wanted, Jackson had just missed an opportunity to reap spectacular earnings. Nevertheless, Jackson ordered Martin and Parker to purchase Mississippi stock.

Exploring Jackson’s networks sheds lights on the question of how the financial bubble grew because of Mississippi stock. The General’s first chance to purchase Alabama lands came in August 1817 at Milledgeville, Georgia when lands in central Alabama went up for auction. Officials purposefully held the auction over 200 miles from the lands being sold, so that wealthy slave owners did not have to rub elbows with squatters seeking to purchase land on which they lived. Jackson enthusiastically awaited the sales as he negotiated Cherokee land cessions during June. When the time came, Jackson made sure his agent, Arthur P. Hayne, was in Georgia. Once in

\textsuperscript{75} Andrew Jackson to Daniel Parker, December 27, 1816 in \textit{The Papers of Andrew Jackson: Volume IV}.

\textsuperscript{76} Daniel Parke to Andrew Jackson, February 10, 1817, in \textit{The Papers of Andrew Jackson, Volume IV}, 90.

\textsuperscript{77} Abernethy, \textit{The Formative Period in Alabama}, 66.
Milledgeville, Hayne wrote Jackson that “to tell you with any degree of certainty, what our prospects are, is at present impossible, but I am sanguine that it will terminate in a handsome little speculation.”\textsuperscript{78} Hayne purchased thousands of acres during August 1817. He went to Milledgeville equipped with cash and Mississippi scrip. Jackson’s representative used more cash than scrip to buy land, but Mississippi stock increased the speculators’ ability to purchase acres. Hayne deposited $9,518.48 in stock at the Milledgeville land office between August 11\textsuperscript{th} and 16\textsuperscript{th}.\textsuperscript{79} Compared to the tens-of-thousands of cash he spent, this number seems inconsequential, but Mississippi stock had a multiplying effect on Hayne’s remaining money. Hayne had to only place 5% cash down along with his $9,518.48 in stock for the first of four installments. The stock allowed him to place down payments on thousands of more acres than if he possessed only cash. Purchasers had 40 days to complete the first 25% of the total payment, meaning that Hayne still owed $38,073.92 for the 2\textsuperscript{nd}, 3\textsuperscript{rd}, and 4\textsuperscript{th} installments.

Jackson’s speculative network now depended on profitable crop returns in order to cover almost $40,000 in outstanding debt. In order to pay off this sum, Jackson’s network needed at least two harvests and the price for short stable cotton to stay in the mid 20 cents per pound.\textsuperscript{80} This was indeed “a handsome little speculation;” or, at least, a risky one.

\textsuperscript{78} Arthur Peronneau Hayne to Andrew Jackson, August 5, 1817, in \textit{The Papers of Andrew Jackson: Volume IV}, 131.

\textsuperscript{79} “Milledgeville Land Book,” previously known as “Land Book 300,” ADAH.

\textsuperscript{80} This estimate is based off of Jackson’s letter on June 11, 1817, when he estimates the enslaved African Americans on his Alabama plantation would produce between 80 and 90 bales of cotton. Assuming each bale weighed 500 pounds, cotton sold for 25 cents per pound, and taking Jackson’s higher estimate of 90 bales, Jackson would make $11,250. This does not include any expenses and it also assumed that all the bales had 500 pounds, an estimate that historians now question. Moreover, this
Jackson’s treatment of his Alabama slaves illuminates that investors purchased Mississippi stocks so they could brutally force African Americans to grow cotton and then reap the profits. June 11, 1817: Andrew Jackson spent the day on his Alabama plantation thinking about cotton. He took great pleasure in the cotton’s quality, gushing to his wife that the “cotton far excells any crop I have seen, & I think we may calculate on, from Eight, to Ninety Bales.”

During harvest season, three months later, Jackson’s high hopes appeared thwarted. His overseer was failing; the employee sat idly by as George, Aron, and Squire refused to work. Their refusal to work likely did not derive from a strategy of resistance against slavery, as an illness swept through the house, killing a Mrs. Wilson. Jackson did not care. He demanded George, Aron, and Squire get “back up again” and another overseer be found because “an active man must be had or our crop cannot be got in.” In other words, Jackson’s slaves had no time to get sick during harvest season: a competent overseer should have known that and used any means necessary to get them “back up again.” These assumptions about George’s, Aron’s, and Squire’s obligation to work through a possibly deadly sickness, and Jackson’s concern over a lenient overseer unwilling to use forceful means of motivation, speak to slavery’s brutality. Ensuring a successful cotton harvest, even at the expense of a person’s life, offers a revealing window into the cold calculus of slaveholder’s decisions. George, Aron, and Squire represented investments to Jackson; investments

estimates takes 25 cents, the highest price cotton sold for during the 1810s, as its price point. In short, several years of cotton production on multiple plantations would likely be needed to pay off the debt.

81 Andrew Jackson to Rachael Jackson, June 11, 1817, in The Papers of Andrew Jackson: Volume IV, 117.

he determined could be replaced with proceeds from the cotton harvest, even in one of
them perished bringing in the crop.

Jackson’s network used their government positions to personally profit from
speculation in Alabama land. The six men knew the terrain because of their military
service in the Creek War and could therefore identify the best tracts of land. They also
gained unparalleled knowledge about the best land from John Coffee, the federal
government’s head surveyor in Alabama. Land speculators coveted federal surveying
jobs. Southern Surveyor General Thomas Freeman complained to Land Commissioner
Josiah Meigs that many surveyors only wanted to “amuse themselves in viewing &
exploring the country at public expense for Speculative purposes.”83 During 1814,
Freeman received dozens of applications for the job of surveying the Creek cession in
Alabama. Andrew Jackson used his political capital to ensure Coffee became
surveyor.84 Jackson ruthlessly exploited Coffee’s knowledge to speculate on choice
lands, as did Coffee himself. Their network’s access to information is evident from the
experience of Arthur P. Hayne in Milledgeville, Georgia during August 1817. Hayne
desired to peruse the notes of one Mr. Leake, a surveyor, a task that “would cost but a
trifle.” After talking with the man, Hayne decided his own “information is much more
correct than his [Leake’s],” and therefore not worth the trifling fee.85 Information became
monetized during the highly contentious game of buying public land because if choice

83 Rohrbough, The Land Office, 97.
84 Andrew Jackson to James Monroe, November 12, 1816 in The Papers of Andrew Jackson, Volume IV, 74.
85 Arthur P. Hayne to Andrew Jackson, The Papers of Andrew Jackson, Volume IV, 131.
land could be purchased cheaply, planters stood to make a higher return on investment. In this game, Coffee had premium data.

Coffee used his peerless knowledge of Alabama land and utilized Mississippi stock to invest in tens-of-thousands of acres between 1818 and 1820. Investors like Coffee, who utilized Mississippi stock, helped drive up the price of Alabama land. Coffee focused on sales at the Huntsville, Alabama land office. Sales at this office increased exponentially starting in September 1818. By October 1819, white American had purchased a total of $26,877,951 worth of land at federal offices across the entire country, $8,500,000 of that derived from sales at the Huntsville office. In short, the most valuable acres in America were in Madison Country, Alabama. Coffee either owned, or owned large portions of, four land speculating companies in Madison County, all founded during 1818: the Cotton Port Land Company, the Cypress Land Company, the Marion Land Company, and the Muscle Shoal Land Company. He purchased tens-of-thousands of acres at the Huntsville office. He deposited tens-of-thousands of dollars worth of Mississippi stock for these four companies. For example, Coffee bought one Major Brahan, a fellow member of the Cotton Port Land Company, 7,230 acres using $4,950 of Mississippi stock and $200 cash. The cash and Mississippi stock covered the required 25% first installment of $4,723.95 and also paid a little towards the second installment. Coffee converted tens-of-thousands of dollars in Mississippi stock into

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86 See John Coffee Papers, ADAH.
87 April 7, 1818 letter from Coffee to Major Brahan. John Coffee Papers, Business Letters, 1818, ADAH.
land purchases at Huntsville land office.\textsuperscript{88} The influx of money from well-connected and funded speculators like Coffee drove up the price of land.

Southerners were not the only Americans enticed by land speculation in the Old Southwest. Philadelphian Simon Gratz’s strategy to invest in this land linked northern financial markets and southern slave plantations. Gratz inherited a merchant empire from his grandfather-in-law, father, and great uncle. Michael Gratz, Simon’s father, and Michael’s brother, Barnard, moved from Germany to Philadelphia in 1764 and 1759 respectively. The brothers started B. and M. Gratz, a mercantile firm that shipped goods to Caribbean and Canadian colonies, but their business cast an even wider net after Michael married Miriam Simon, daughter of Joseph Simon. Simon conducted extensive inland trade with Native Americans, speculated on western land, and his Lancaster factory pumped out guns for American revolutionaries. Michael’s marriage to Miriam fused B. and M. Gratz and Joseph Simon’s business interests together.\textsuperscript{89} When Samuel and his brother Hyman inherited the business in 1798, the family was firmly embedded in Philadelphia’s mercantile elite. The brothers continued to purchase western lands, supply goods to settlers, produce guns, and trade at Caribbean and Canada ports, but they also opened a grocery store and began trading with merchants in Brazil, India, and China.\textsuperscript{90} To protect their cargoes, the Gratzes bought policies issued by the Insurance Company of North America.\textsuperscript{91} Members of the Pennsylvania Company for Insurance on

\begin{itemize}
\item \textsuperscript{88} Huntsville Land Books, ADHD.
\item \textsuperscript{89} Dianne Ashton, \textit{Rebecca Gratz: Women and Judaism in Antebellum America} (Detroit: Wayne State University Press, 1997), 39-50.
\item \textsuperscript{90} Edwin Wolf 2\textsuperscript{nd} and Maxwell Whiteman, \textit{The History of the Jews of Philadelphia from Colonial Times to the Age of Jackson} (Philadelphia: The Jewish Publication Society of America, 1956), 339.
\item \textsuperscript{91} Wolf, 2\textsuperscript{nd} and Whiteman, \textit{The History of the Jews}, 340.
\end{itemize}
Lives and Granting Annuities, the forerunner to First Pennsylvania Bank, elected Hyman
director in 1818 and he eventually moved into banking.92 Simon specialized in banking
and transportation speculation. Partners organized the Schuylkill Bank at Simon’s
counting house on December 31, 1813 and members elected him an early director of
the Chesapeake and Delaware Canal Company.93

Sitting at the cutting edge of a rapidly changing economy gave these brothers a
vantage point from which to pick and choose profitable investments. Their choice to
invest in slave-base ventures is significant because it illuminates how financiers from
across the nation recognized, and sought to gain from, slavery’s profitability. To
facilitate their investment in slavery, Simon purchased Mississippi stock. This action
could be read as an effort to extend the family business into stock brokering, or a smart
investment because the Gratzes could re-sell the bonds on securities markets or
demand payment from the Federal Government. They did neither. Instead, during
September, 1817 Simon sent an agent to Milledgeville, Georgia, who purchased over
4,800 acres of Alabama land with approximately $2,250 in Mississippi stock and $122 in
cash.94 Why? The Gratzes shipped tobacco, whiskey, hemp, and saltpeter from
Kentucky to New Orleans. The brothers were large enough suppliers of Kentucky
plantation owners that Henry Clay drew bill of exchanges upon the Philadelphia men.95

The Gratzes exchanged their Kentucky goods for cotton in New Orleans, which packed

92 Dianne Ashton, Rebecca Gratz: Women and Judaism in Antebellum America. Detroit: Wayne State


94 “Milledgville Land Book,” 166. ADHD. John R. Coats and John H. Brinton also purchased cotton land
with Mississippi stock. I can find no record of them or what happened to their land.

(Lexington: University of Kentucky Press, 1959), 815.
the shelves in their Philadelphia store. Simon likely purchased the land so that his business could grow its own cotton and not be dependent on New Orleans cotton factors.

Two letters between Bolling Hall and Simon Gratz reveal that Hall, a former US Representative from Georgia, worked as Gratz's manager at an Alabama cotton plantation from at least August 1821 through August 1832. Hall wrote to “Messr. Simon Gratz and Brother” on August 21st, 1821: “our present prospect for crops of cotton are flattering.” By purchasing an Alabama plantation Simon and Hyman gained their own cotton supply and Hall’s presence in Alabama gave them up-to-date information on each year’s cotton market. Their manager wrote “I am Convinced that there is not one fourth capital sufficient to purchase the Cotton which will be raid [in the neighborhood].” If they desired, the brothers could enter the cotton trading business with distinct advantages.

Simon Gratz and Bolling Hall discussed a plan that would place them in a position to profit from cross-sectional trade. In the August 21, 1821 letter, Hall mentions what must have been an ongoing conversation between the two men: “On the subject of exchanging with manufacturers, cotton for such cloth as would be suitable for our negroes in the summer and winter I should be glad to see a sample.” Hall refers to an unidentifiable “they” who are attempting to convince the manufacturers, likely in the Philadelphia area, that exchanging raw cotton from southern plantations for finished slave clothes manufactured in the north would “give them [the manufacturers] a ready

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97 Bolling Hall to Simon Gratz and Brother, August 21, 1821. *Gratz Collection*. Case 8 Box 11. HSP.

98 I can find no record of Simon and Hyman purchasing slaves.
market for their course materials, employment for a greater number of hands, and a profitable business. Hall's assumption that northern factories should clothe southern slaves with garments made from southern cotton demonstrates how citizens of the Early Republican citizens conceived of markets not divided between a "capitalist" North and "agrarian" South, but as interconnected. No information exists as to whether this plan bore fruit. Hall eventually purchased land from Hyman and Simon around Montgomery during 1832 and it is unclear if the Gratzes continued to own cotton plantations after this date.

The Gratz brothers likely wanted to carve out a niche of selling raw cotton to numerous small proprietary cotton manufacturing firms in Philadelphia. Outworkers contracted by these small firms huddled in the back rooms of Philadelphia houses and apartments in order to sow, weave, and finish cotton materials on a scale far smaller than the enormous New England mills. The model proved effective: hundreds of these arrangements animated the city of Brother Love's textile industry. As a result, Gratz sought to supply raw cotton at a lower price by cutting out the middle-man. His arrangement could only work in a city with hundreds of production sites. Larger incorporated companies would never buy the small production of cotton from a single plantation. Several hundred pounds of raw cotton, however, would bring eager buyers in

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99 Bolling Hall to Simon Gratz and Brother, August 21, 1821. Gratz Collection. Case 8 Box 11. HSP.

100 The Gratz brothers were not the only people to think of this cross regional trade in cotton and slave clothing. John Taylor of Caroline, the South’s premier political economist during the Early Republic, saw this cross regional trade as the natural outgrowth of the division of labor and encouraged it. John Tyler, Tyranny Unmasked. Philadelphia Merchant Thomas P. Cope noted that Philadelphians owned at least 140,000 bales of cotton in New Orleans at the end of the War of 1812. Philadelphia Merchant: The Diary of Thomas P. Cope, 1800-1851, ed. Eliza Cope Harrison (South Bend, IN: Gateway Editions, 1978), 302.

a market like Philadelphia where only a handful of employees labored to create cotton cloths.

Bolling Hall, the Gratz’s plantation manager, demonstrates how white Americans directly linked the removal of Native Americans and the westward expansion of American slavery. After returning to Washington from the Mississippi territory, Hall wrote Philadelphia lawyer Charles Jared Ingersoll on February 3, 1817. He outlined a vision of the Old Southwest dependent on the removal of Native Americans. Hall wrote Ingersoll to “afford some amusement in your leisure moments that your fertile imagination might dwell with some degree of pleasure at the pleasing change which must soon take place, in viewing the wilderness converted into farms. When the house [?] of civilized man should be erected on the spot where the hut of a savage, decorated with human scalps, once stood.” How was this supposed to happen? Hall did not state directly, but by asking Ingersoll about the price of Mississippi stock on Philadelphia market he strongly implied that these federal securities would be one tool by which to transform “wilderness” into slave labor camps.

The final way in which Mississippi stocks traveled from eastern markets to Old Southwest land offices was with northerners who permanently relocated to Alabama or Mississippi. Boston’s Andrew Dexter Jr. made this transition. Dexter Jr. was a banking man. The Bostonian learned the business from his uncle, Hon. Samuel Dexter, but the pupil far outstripped the master. The young banker’s empire rose from the brick and mortar of the Exchange Coffee House. Here, Boston’s commercial elite exchanged financial information, transferred stocks, brokered trade contracts, and exerted as much influence over Boston’s economic development as they could. Dexter paid for the
Coffee House’s construction with bank notes issued from banks he controlled. All of them were far from Boston and had little specie to actually back up the notes. One of his Rhode Island banks had issued more than $600,000 in notes by March 1809, with exactly $86.48 of specie in its vaults.\textsuperscript{102} When news reached the seaport town that Dexter’s numerous banks had insignificant specie reserves, confidence in the notes evaporated, and so did Dexter’s fortune. Andrew Dexter Jr., therefore, knew both the power and vulnerability of paper assets.

Dexter’s story does not end as a failed banker in Boston; instead, he sought to exploit the power of Mississippi stocks, which he inherited from his uncle and father, to purchase land in Alabama with no cash. His uncle and father had been savvy businessmen looking to invest in any profitable venture. When they both passed away in 1816 Dexter found himself heir to $27,742.20 worth of Mississippi stock. He packed his bags and headed south. During August, 1817, Dexter purchased 320 acres of land along the headwaters of the Alabama River with Mississippi stock. In fact, the former sharp-dealing banker may have attempted to bribe a Milledgeville Land Office clerk with the federal bonds. Mississippi stock entitled land purchasers to pay only 5% of their total payment in cash or specie, but Dexter extensively overpaid for his land in stock. John Taylor, the man in charge of reconciling all transactions at the Milledgeville office, wrote to Josiah Meigs, Commissioner of the United States General Land Office during October 1817: “you will also find there is more stock returned in the List of Stock, that is stated by the monthly returns to have been received, this is owing to an overpayment of Stock in large Certificates made by Mr Dexter.” In other words, the August numbers had understated the amount of stock given to the office. Taylor noted this happened “during

\textsuperscript{102} Kamnesky, \textit{The Exchange Artist}, 9.
my illness,” when his clerk worked unsupervised for the month of August. Perhaps the clerk and Dexter reached an agreement where Dexter avoided paying the 5% in cash by giving the clerk Mississippi stock. Dexter certainly had stock to spare. Taylor also suggests that others had successfully paid more in stock to avoid paying the full 5% in cash required of them during August. He notes “the receipt (in some instances) of one or two dollars or factions of dollars [in Mississippi stock] overpaid by purchasers who chose rather to do so than to pay a smaller quantity of stock and pay the balance of the Instalment in cash.” ¹⁰³ In other words, it looks like Land Office officials periodically took extra Mississippi stock in lieu of the 5% required cash payment. This meant anyone who could acquire Mississippi stock cheaply could purchase the most profitable acres in the entire nation for a steep discount; the difference between the amount paid for Mississippi stock and the face value of the stock; on top of this discount, they could, apparently, avoid even the 5% cash payment.

Those bringing Mississippi stock into the Old Southwest tried to make money by trading Mississippi stock in “tertiary markets.” These are markets where commodities previously purchased in one market are re-sold on a separate market. Contemporaries were aware that Mississippi stock traveled great distances. One report sent to St. Stephens, Alabama from Washington D. C. requested that all newspapers in the country announce the pending land sales because “Mississippi Stock” had been “dispersed in all parts of the Union.” ¹⁰⁴ Extra Mississippi stock circulated around the


¹⁰⁴ Josiah Meigs to Israel Pickens and Samuel Smith, March 21, 1817 in Carter, ed., The Territorial Papers of the United States Volume VI, 782.
land offices at Milledgeville, Nashville, St. Stephens, Cahaba, and Huntsville. Nicholas Gray, receiver at the Washington land office near Natchez, Mississippi, noted Mississippi stock “is sold at $25 p ct discount.” At least some federal officials approved of individuals reselling the stock once it traveled to the Old Southwest. Josiah Meigs, head of the General Land Office, looked approvingly on the practice of a wide distribution of Mississippi stock: “it appears to me, that the more stock brokers there are, the better is the chance of a simple citizens to turn his Cash to advantage when he wants to purchase or pay for public Land.” According to Meigs, Mississippi stock increased yeomen’s chances of purchasing land in Alabama or Mississippi.

White Americans looking to sell Mississippi stock in the Old Southwest found this seemingly straightforward tasked complicated by the nature of Early Republican banking. Bank bills tended to hold value only within the geographic area of the issuing bank. Bills from banks with stronger reputations and more capital, such as New York banks, held value better than, say, bills from Alabama or Mississippi banks, as the notes traveled further from the issuing bank. Daniel Parker ran into precisely this problem when he had an agent sell $5,000 worth of Mississippi stock in the Old Southwest during the summer of 1819. Writing from Washington in July, Parker wrote his agent that “I have rec’d yours [letter] of June 6th from N. Orleans” concerning the $5,000. To his dismay, Parker discovered that “at the time you took the stock it would have sold here for 94 or 5.” The 94 and 95 referred to percent of face value (or par value). Parker suggested this would have netted him more profit because he was going to receive

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payment “in Nashville without interest + in money not worth here [Washington] as much as the stock was at that time.” Bills from banks in Alabama, Louisiana, Mississippi, or Tennessee did not maintain a strong value on the east coast. Parker knew that selling the stock on Washington’s security market or elsewhere and being paid in other bank notes with stronger values would have given him more buying power than the notes he was going to receive from the Tennessee bank. Overall, however, the potential financial benefits from moving Mississippi stock from eastern securities markets to the Old Southwest outweighed the potential pitfalls of this process. White Americans carried over $2,000,000 worth of this stock into the Old Southwest between 1817 and 1820.

Mississippi Stock, the Panic of 1819, and Slavery’s Westward Spread

The federal government’s issuance of Mississippi stocks and white Americans decision to sell those stocks on securities markets greatly contributed to the Panic of 1819 in Alabama and Mississippi while simultaneously underwriting American slavery’s expansion into the region between 1816 and 1819. Past accounts of the Panic of 1819 downplay the significant role Mississippi stocks played in creating the speculative bubble, whereas histories of slavery’s westward spread into Alabama and Mississippi during the 1810s ignore the role of securities markets in facilitating this expansion.¹⁰⁷

Securities markets did not just wed plantation slavery to trans-Atlantic Anglo-American finance during the 1830s and 1840s, white Americans used these financial intermediaries to push slavery into the Alabama and Mississippi during the 1810s. These federally created slips of paper, which Americans funneled through efficient securities markets from the northeast to the southwest, were one of the raw materials Americans used to dispossess Native Americans of their land and drag slaves into the Old Southwest.

Typical accounts of the Panic of 1819 depict the first nation-wide depression as originating from a combination of factors, both internal and external to the United States. The internal factors help explain how the speculative bubble formed. First, a generous federal credit policy allowed many Americans to purchase land by placing a 25% down payment. The remaining 75% was due over the next three years in annual installments. Theoretically, this allowed farmers to make enough money during each harvest to pay off their remaining balance. Many Americans acquired the necessary cash to purchase land from the millions of dollars worth of state bank notes inundating the economy after the number of state banks increased from 2 in 1791 to 205 by 1816. The Second Bank of the United States, acting as a de facto central bank, did not curb this massive printing of bills. Americans, across the Old Northwest and Old Southwest, purchased land at an


unprecedented rate. External factors help explain the timing of the Panic of 1819. European demand for American farm goods, especially cotton and wheat, stayed high during the Napoleonic Wars and for several years thereafter. Warring European nations could not produce the food and raw material they needed. American farmers and planters had high hopes that prices would stay high into the foreseeable future, and they purchased land they might otherwise have not. On top of these two intertwined developments, the Bank of England undertook a re-coinage campaign beginning in 1816, drawing a massive amount of American specie across the Atlantic. Finally, England and the United States enacted numerous tariffs and restrictive trade policies that ultimately decreased American exports by late 1818 and early 1819. The prices of cotton and wheat plummeted. The Panic of 1819 rippled from creditor to creditor as each sought to force payment so they could repay someone else.109

Importantly, the models of the Panic of 1819 that explain how the speculative bubble grew do not explain the series of events that unfolded in the Old Southwest. Most accounts focus on the role of state banks pumping money into the economy. Recent work challenges this contention, especially in Alabama and Mississippi. Economists have recounted the number of state banks operating between the Revolution and 1820. Their findings have profound implications for understanding the panic in the Old Southwest, a region with only four banks by 1819. Despite the low number of banks in this region, historians insist that bank notes from North Carolina, Virginia, Tennessee, and especially Kentucky, augmented the money supply in Alabama and Mississippi during the 1810s. However, Warren E. Weber posits that

potentially far fewer notes circulated throughout Alabama during the 1810s than previously believed. He specifically re-evaluates the oft-cited “litter” of 47 banks chartered in Kentucky during 1818, which collectively were supposed to have pumped millions of dollars worth of notes into Alabama’s money supply, helping fuel land speculation.\textsuperscript{110} Weber finds no evidence to confirm the opening of 32 of these 47 banks. Fourteen more banks only opened with a limited window, which would have kept the exchange of notes lower than at a full service bank.\textsuperscript{111} In other words, the previously assumed volume of bank notes in Alabama is too high.

Examining the Planters’ and Merchants’ Bank of Huntsville’s balance sheets shows that Mississippi stocks, not banks notes, fueled land speculation in Alabama. The Huntsville bank discounted $417,834.40 worth of notes through June 1819.\textsuperscript{112} Discounting consisted of accepting other bank’s notes and returning notes from the discounting bank. In other words, Bank A would accept notes from Bank B and return Bank A notes for less than the total amount accepted from Bank B. The difference was the “discount.” In effect, this discount represented the risk a bank took in accepting bills from a distant institution. The flood of speculators inundating Huntsville wanted local money because it held its value in the local economy. Almost all of the $417,834 discounted notes certainly went to the Huntsville Land Office to make down payments for land. The Land Office accepted $1,500,000 of capital in down payments between the beginning of 1819 and the summer of 1819, but only $500,000 came from bank notes.


\textsuperscript{111} Weber, “Early State Banks in the United States.”

\textsuperscript{112} “A Statement of the Planters’ and Merchants’ Bank of Huntsville, Thursday, June 1, 1820,” \textit{American State Papers: Finance Vol. III}, 782.
The remaining $1,000,000 came from Mississippi scrip.\textsuperscript{113} The roughly $500,000 listed as discounts in the Huntsville bank’s balance sheets corresponds almost directly to the amount of cash used as down payments at the Huntsville Land Office. In other words, previous accounts of speculation in Alabama lands during the 1810s stress the use of bank notes and miss the dominant role played by Mississippi scrip in creating a land bubble in the Old Southwest.

White Americans use of Mississippi stock created the land bubble in the Old Southwest. An asset bubble exists when one particular investment, in this case land, becomes the focal point of economic activity. Investors leverage money in any way possible to obtain capital or credit in order to buy that asset. Eventually, sources of capital or credit dry up and the bubble bursts. In many ways, Alabama was the American land bubble during the late 1810s. Lands sold in Alabama accounted for over 25% of national land sales during the 1810s, but 55% of the national land debt of $22 million.\textsuperscript{114} After the crash, Alabamians suffered more economic woe than any other state’s residents.\textsuperscript{115} In fact, Congressmen helped led the charge to extend the time debtors had to pay the federal government for their land.\textsuperscript{116}

Land office statistics illuminate the dominate role played by Mississippi stock in fueling the land speculation in Alabama and Mississippi. There were three federal land offices in Alabama during the late 1810s: Cahaba, Huntsville, and St. Stephen’s.

\textsuperscript{113} Dupre, Transforming the Cotton Frontier, 43.

\textsuperscript{114} Total federal land debt at the end of 1819 was $22,000,657.64. Alabama and Mississippi land sales accounted for $12,132,361.16 (55%) of this total. Songho Ha, The Rise and Fall of the American System: Nationalism and the Development of the American Economy, 1790-1837 (New York: Routledge, 2009), 39.

\textsuperscript{115} Nelson, A Nation of Deadbeats, 73.

\textsuperscript{116} Rohrbough, The Land Office Business, 150.
Between 1816, when white Americans first entered Mississippi stock as payment at Huntsville and St. Stephens, and 1820, investors placed a total of $4,691,784.39 down. This number appeared on a federal report under the heading “Amount paid by purchasers.” But, as that same report noted, “the amount of 'Mississippi stock' is included in the column of 'amount paid by purchasers.'” The amount of Mississippi stock purchasers entered between 1816 and 1820? A whopping $2,100,802.44. This means that purchasers paid $2,590,891.95 worth of bank bills and $2,100,802.44 worth of Mississippi stock in to Alabama land offices. This federally created stock account for nearly 45% of all capital paid into Alabama land offices between 1816 and 1820.\footnote{117} Statistics for Mississippi look similar. In 1817 purchasers paid $344,590.99 into Mississippi land offices, of which $133,753.33 (39%) was in Mississippi stock. That percentage jumped up to fifty in 1818, when purchasers paid $259,991.19 into federal land offices in Mississippi and of that $127,423.75 was Mississippi stock.\footnote{118} These federal stocks facilitated a massive investment in Old Southwest land.

How white Americans used Mississippi stocks also helps explain how the asset bubble grew. White Americans primarily used this stock to make payments on credit. Huntsville’s office sold more land than any other office during the late 1810s. Every single purchase on credit at Huntsville used Mississippi stock. Purchasers spent most of their cash buying land outright. They then used their remaining cash to satisfy the 5% requirement when using Mississippi stock, but since they were purchasing on credit, they only had to pay 5% of the 25% down payment in cash. That purchasers used

\footnote{117} American State Papers: Public Lands, 5: 384-385.  
\footnote{118} American State Papers: Finance, 3:286.
Mississippi stock to make 95% of the first of four down payments is vitally important to understanding the asset bubble. White Alabamians’ expended most of their cash after they paid for land in full, and their ability to pay the remaining installments due on land they bought on credit completely depended on cotton prices staying high. The pattern varied slightly at St. Stephens and Cahaba, but most down payments for land bought on credit included Mississippi stock. St. Stephens in particular mirrored Huntsville, almost all of the thousands of down payments used Mississippi stock. They differed in the amount purchased, with purchases tending to be smaller. Cahaba, located in the center of the state, making it physically harder to get to, had credit payments that were more mixed between cash and Mississippi stock. Nevertheless, credit purchases made in former Mississippi Territory land offices depended on federal stocks.\textsuperscript{119}

White Americans poured into the Alabama Territory between 1816 and 1820, and they dragged tens-of-thousands of enslaved African Americans with them.\textsuperscript{120} Alabama’s population skyrocketed from 35,000 to 127,000 between 1817 and 1820, 85,000 whites and 42,000 blacks, mostly slaves.\textsuperscript{121} During the 1810s and 1820s, white planters and slave traders dragged more enslaved men and women into Alabama than any other state. Most of this forced migration in the 1810s came after 1814. During the 1810s, white Americans brought at least 35,500 slaves into Alabama. During that same

\textsuperscript{119} See Huntsville, St. Stephens, and Cahaba land books, ADAH.

\textsuperscript{120} As John Craig Hammond observes, historians have a tendency to conflate the growth of American slavery in the post-War of 1812 Old Southwest with the growth of racial slavery deriving from European empires and Native American nations in the pre-War of 1812 Old Southwest. A focus on the history of Mississippi stock clarifies his point that American slavery did not surge westward until the mid and late 1810s. John Craig Hammond, “Slavery, Settlement, and Empire: The Expansion and Growth of Slavery in the Interior of the North American Continent, 1700-1820,” \textit{Journal of the Early Republic} 32 (Summer 2012): 175-178.

\textsuperscript{121} Kamensky, \textit{The Exchange Artist}, 264 and Usner Jr., “American Indians,” 317.
decade, white Americans dragged 9,123 African American men and women into Mississippi and 20,679 into Louisiana.\textsuperscript{122} Planters traveled to Alabama because Andrew Jackson and others had violently canceled Native American land claims and because federal surveyors had completed their tasks of transforming large swaths of Alabama into geometrically measured space. When these white planters rode into Alabama as the vanguard of what Ira Berlin calls the “second middle passage”—the interstate slave trade that would forcefully relocate approximately 1,000,000 enslaved African Americans from the Upper South to the Cotton South—they did so with Mississippi stock in their pocket.

Studying Mississippi stock’s journey from Northeast to the Old Southwest re-centers the role of the federal government during the young Republic’s first several decades. The government’s played an indirect role in causing the panic, but an important one nonetheless. Exploring investment in Mississippi stock reveals that while the federal government remained a distant presence for many Americans during the Early Republic, the national state powerfully influenced historical events. Releasing millions of dollars worth of bonds into an economy with thriving securities markets demonstrates Congress’s willingness to urge investment in slavery. Capital markets, in other words, provided means for investors in Mississippi stocks to stitch together slavery and capitalism. Mississippi stocks attracted speculation because they represented an instrument with which to invest in southern land. In essence, capitalism funded slavery’s westward migration and slavery provided the speculative momentum to crash America’s developing capitalist economy.

\textsuperscript{122} Baptist, \textit{The Half Has Never Been Told}, 3. During the 1820s, 54,156 enslaved African Americans were forced into Alabama. Mississippi saw an increase of 19,556. Only in the 1830s were more slaves brought into Mississippi, and then the numbers were close: 101,810 to 96,520.
CHAPTER 7
CONCLUSION: MEMORIES AND USES OF YAZOO

Bribery wasn’t against the law at the time, but I don’t think anyone would doubt what the Yazoo company did, although not illegal, was corrupt.
—Zephyr Teachout

Interview by Samuel Rubenfeld
Wall Street Journal, December 1, 2014

As Wall Street Journal reporter Samuel Rubenfeld’s interview with Zephyr Teachout, an associate professor of law at Fordham University, suggests, many Americans still connect the 1795 Yazoo sale to immorality and corruption.¹ Teachout’s book, Corruption in America: From Benjamin Franklin’s Snuffbox to Citizens United (2014), on which Rubenfeld’s focuses on in his interview, offers a panacea to present-day corruption in American politics: make sure statesmen focus on the public good and not their private interests.² Teachout offers a modern-day plea for the return to certain classical republican values. Her argument reveals Americans continue to deploy their understanding of the 1795 sale for political purposes. Her focus on the sale’s venality would please James Jackson, John Randolph, and other anti-Yazooists; it echoes their insistence that the Yazoo sale was incompatible with a republican government. I have endeavored to demonstrate how focusing on the fraudulent nature of the sale, at the expense of understanding the larger contexts in which the sale unfolded, obscures far more important aspects of the entire Yazoo affair.

¹ The almost single-minded focus on corruption also results in basic errors in regard to the history of the sale. In the above quote, Teachout refers to “the Yazoo company,” when in actuality there were four companies in 1795. Later in the interview, Teachout posits that “the Yazoo Corp., set up by Patrick Henry and other revolutionaries, gave stock in company to almost everyone in the Georgia legislators.” This is inaccurate. All the evidence we have points to James Gunn, who headed the Georgia Company, passing the bribes. It is possible, even likely, that other companies helped to foot the bill, but this is not what Teachout argues. See, http://blogs.wsj.com/riskandcompliance/2014/12/01/zephyr-teachout-tackles-corporate-corruption/.

² Zephyr Teachout, Corruption in America: From Benjamin Franklin’s Snuff Box to Citizens United (Cambridge: Harvard University Press, 2014).
Before revisiting the payoff of focusing on these larger contexts, it is beneficial to briefly trace how Americans remembered the 1795 sale, and its repercussions, over the nineteenth and twentieth centuries. This is not an exhaustive analysis. Instead, it is meant to demonstrate that many Americans remembered the Yazoo sale, and to illuminate how Americans consistently focus on the sale’s corruption. This conclusion sheds some light on why historians overlook the aspects of the sale I highlight. Many later writers uncritically accepted anti-Yazooist’s obsession with corruption as evidence that all Americans, at all times, focused on this aspect of the sale.

Focusing on how some Americans remembered Mississippi stock sheds light on an event of historical significance during Jacksonian America: the Bank War. During early February 1831, Missouri Senator Thomas Hart Benton, a dyed-in-the-wool Democrat and President Andrew Jackson’s firmest Congressional supporter, argued that his party, whose membership despised the Second Bank of the United States, would accept the bank if it issued money that functioned like Mississippi stock.

Historians writing on the Bank War nearly always quote from Benton’s February 2, 1831 diatribe against the 2BUS.3 But scholars have paid less attention to Benton’s contention

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that he would accept an amendment to the Bank proposed by President Jackson. According to Benton, this proposed amendment would strip the 2BUS “of all power to make loans and discounts.” As a result, “it loses the essential feature, and had as well lose the name, of a bank.” Instead, the former shell of the 2BUS would become “an office in the treasury, limited to the issues of a species of exchequer bills, differing from the English bills of that name in the vital particular of a prompt and universal convertibility into coin.” These paper bills would meet a real need across the country by providing a currency that stayed at par value no matter where it traveled. In Benton’s words, “payable every where, they would be at par every where.” Benton saw the bills circulating at par—or having the face value match the value of specie for which the bill could be exchanged for—as essential.4

The Missouri Senator bolstered his support of Jackson’s proposed amendment by highlighting the history of Mississippi stocks. In other words, the he did not just theorize about what these hypothetical treasury bills might look like. He looked to recent history for an example: “This is not opinion, but history. Our own country, this Federal Government, has proved it; and that on a scale sufficiently large to test its operation, and recent enough to be remembered by every citizen.” Benton referred to “Mississippi scrip.” He argued that the function of a Mississippi-stock-like currency had to be expanded because those notes were “limited to a single branch of the revenue, namely, lands.” The Treasury would have to make sure any future currency issued along the same lines as Mississippi stock did not run into the same problem the federal government had with Mississippi stock; which, according to Benton, was that “the

4 Register of Debates, Senate, February 2, 1831, 75.
quantity of scrip, five millions of dollars, was excessive, compared to the fund for its redemption.”⁵ These suggestions aside, Benton focused on Mississippi stock’s quick rise to par value (or nearly par value). The life of the stock—at least for Benton—demonstrated that the federal government could create a nationally circulated paper currency. Even the most Jacksonian of politicians could envision the federal government issuing paper money as long as that currency mimicked Mississippi stock.

Benton’s decision to draw on Mississippi stock shows the continual staying power the stock had in American political culture. Benton’s assumption that everyone remembered it hints that wide-spread newspaper coverage injected knowledge about the Yazoo sales and the stock into Americans’ collective memory.⁶ Importantly, Mississippi stock represented an option for currency that Americans choose not to follow during the Antebellum Era. Benton’s (and Democrats’) attack on the 2BUS did not stop them from incorporating hundreds of banks at the state level. These banks pumped out millions of dollars’ worth of banknotes. But Benton’s February 1831 speech clearly reveals that even avidly anti-federal banking Democrats would have considered federally created paper money if that money was created on their terms.

Unlike Benton, most Americans remembered the 1795 sale, not Mississippi stock. Over the course of the nineteenth and twentieth centuries, Americans continued to focus on the sale’s corrupt beginnings whenever they put their thoughts about the sale in writing. Newspaper editors compared a wide range of actions to the Yazoo sale in order to demonstrate those actions’ venality: they used the sale as a short hand for

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⁵ Register of Debates, Senate, 1831, 75.

⁶ At least one literary journal, printed around the same time as Benton’s speech, also insisted that Americans remembered Mississippi stocks. See Samuel C. Atkinson, Atkinson Casket (Philadelphia: Samuel C. Atkinson, 1833), 448. Accessed through American Periodicals.
government corruption, they compared any government action they deemed immoral to the sale, and they criticized private interests’ ability to shape government policy by comparing these actions to the sale.

Americans continued to use Yazoo as a metaphor for immorality and corruption throughout the Antebellum Era, and through these accusations implied that the Yazoo sale did not fit within a properly functioning republican government. Hezekiah Niles’ nationally circulated Niles’ Weekly Register reprinted a Southern Recorder (Milledgeville, GA) article on October 13, 1821 that crystalized many Antebellum Americans’ opinion of the sale. The article was entitled “Yazoo Fraud and Bribery.” It began by stating that “of the many attempts which adventurers have made to enrich themselves, at the public expense, by practicing on the cupidity of statesmen, none were more flagitious than the Yazoo fraud.” Other antebellum editorialists insisted that the legal theory undergirding Fletcher v Peck (1810) adopted certain anti-republican English precedents at the expense of justice. An October 21, 1834 New-Hampshire Gazette article, re-printed from the Philadelphia Aurora, lambasted the judicial branch of the federal government and the Second Bank of the United States. The editorialist accused both institutions of “assuming powers of common law, which are denied to them, they have undertaken to legislate…and always adverse to moral justice.” The article stressed this was not a new occurrence. Their first example was “their [Supreme Court’s] conduct on the infamous Yazoo speculation,” in which the Supreme Court adopted a common law principle of innocent purchasers to validate a contract founded

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7 “Yazoo Fraud and Bribery,” Niles’ Week Register, October 13, 1821.
on fraud. Still other articles critiqued the speculative nature of the Yazoo sale.

Numerous articles across the country that focused on land speculation in Texas, New Mexico, and California following the Mexican-American War lamented that land grabs in these territories outshined even the Yazoo speculation. One article insisted that Gulliver’s travels to Lilliput, “the adventures of Sindbad the sailor,” the South Sea Bubble, and “the Yazoo speculation, were all pretty reasonable and practical things, compared with this liberty crusade over the sands and volcanic mountains of New Mexico and California, hunting up magnificent regions of fertility that only existed in imagination.” Yazoo could be uttered in the same breath as two literary masterpieces and an incredibly well-known financial disaster without explanation because Americans already knew what “the Yazoo fraud” was all about.

Georgians focused on the sale’s corrupt birth in newspaper articles and histories of the state during the Antebellum Era. They also used their memories of the sale for political purposes. In a battle regarding the state ownership of a railroad company during December 1843, one editorialist fretted that the state legislature might sell the state-owned Western and Atlantic Rail Road. Drawing specifically on the burning of the

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8 New-Hampshire Gazette, October 21, 1834. An April 8, 1833 New York Spectator article also referenced the Yazoo sale in relation to banking legislation, but this time in reference to New York’s Safety Fund. That fund, which according to the editorialist altered several banks’ existing charters, was “an act of bad faith, such as we believe the annals of no legislature can exhibit, save that of Georgia, which burnt the public records, in the matter of the Yazoo land frauds.” For an explanation of the Safety Fund, see Jessica M. Lepler, The Many Panics of 1837: People, Politics, and the Creation of a Transatlantic Financial Crisis (New York: Cambridge University Press, 2013), 160-163.


Yazoo sale on February 15, 1796, this writer blustered that if the legislature sold the railroad company that “fire should be called from Heaven to burn the corrupt record. It will be worse and more damning than the Yazoo Sale, and the fumes of popular vengeance will suffocate those who advocate it.” The editorialist continued in a distinctly political vein: “The Whigs will be responsible for the iniquity.” The sale’s corrupt nature mixed with a partisan political culture and made it an effective tool with which to attack politicians on the opposite side of the aisle.

Early histories of Georgia also highlight the corrupt nature of the sale. Two mid-nineteenth authors helped to keep Yazoo part of Georgians’ conception of their own past. George White and George Gilmer discussed Yazoo in terms of bribery and corruption, but they also offered a more holistic depiction of the Yazoo affair than later writers. White visited archives for ten years in order to pen three books, one of which was *The Yazoo Fraud* (1852). He professed to write the book to “disseminate information among the people” and let them form their own opinion of the sale, but White clearly felt the Yazoo sale morally repugnant. He opened this text with the following lines: “The complier deems it unnecessary to insert the names of the parties implicated in the Yazoo Sale, or Fraud, as it is sometimes called. Georgia has outlived the reproach of that disgraceful affair.” The documents White assembled give a chronologically full history of Yazoo, from the first sale in 1789 to Congress’s issuance of Mississippi stock in 1814. This breadth fell out of many later narratives. Georgia

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12 George White, *The Yazoo Fraud* (Marietta, GA: Forsyth, 1852), 61 and 3. White also condemns the Yazoo sale in one of his earlier works. This one has a short section on Yazoo, see White *Statistics of the State of Georgia (…)* (Savannah: W. Thorne Williams, 1849), 48-54. This account stressed corruption and bribery more than *The Yazoo Fraud.*
Gilmer wrote *Sketches of Some of the First Settlers of Upper Georgia, of the Cherokees, and the Author* (1855) to defend his political reputation. He mentions the Yazoo sale and bribery multiple times, but most prominently when discussing George Matthews, Georgia’s governor who had signed the 1795 sale into law. Gilmer portrayed Matthews as gallantly resisting the earlier waves of land speculation but finally succumbing to the flood tide: “Stout as the Governor’s spirit was, he had to yield to the storm.” Under Gilmer’s pen the sale emerged from bribery, but also a general mania of speculation not attributable to any one person.

Newspaper editors across the country kept the memory of the sale alive as the nineteenth century progressed, and they also continued to harp on the themes of morality and corruption. Articles from various places across the country suggest that many Americans still knew about the sale, but had forgotten the exact details of its unfolding. The Illinois *Rockford Daily Register* mentioned Yazoo in a fascinating discussion on the cultural stereotype of a “lobbyist” in a June 23, 1886 article. They insisted that the first “lobby” in American history was led by Yazoo investors. They also called all lobbying efforts “schemes,” implying their unnatural existence within the political arena. This article carried a more in-depth narrative of the sale than typical accounts before the Civil War, suggesting readers might have known about the sale but needed to be filled in on the details. A few decades earlier, the *Philadelphia Inquirer*

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15 Ibid., 61.

16 *The Rockford Daily Register*, June 23, 1886.
printed an article entitled “A Curious Bit of Southern History.” This article described the burning of Yazoo documents and focused on the corrupt nature of the 1795 sale. But this article also offered a heavily detailed account of the sale.\textsuperscript{17} Even articles published in Georgia, like the one in the March 22, 1887 edition of the \textit{Macon Weekly Telegraph}, offered long chronicles of the sale.\textsuperscript{18} But editors still focused on corruption. The title of the 1887 \textit{Macon Weekly Telegraph} article was “The Yazoo Land Frauds. Corrupt Legislation in the Eighteenth Century.”

In order to flesh out how Georgians learned about the sale during the late nineteenth century, it is illustrative to look briefly at school textbooks. These textbooks ensured that all Georgians attending school learned about the Yazoo sale. Middle school teachers in Georgia still teach the Yazoo sale and their lesson plans privilege the sale’s corrupt origins.\textsuperscript{19} This is not surprising. The version of the sale’s history most Americans are familiar with fits well within stories they want to tell themselves about the righteous nature of past generations rising up to stop political corruption. During the late nineteenth century, however, Georgia history textbooks did not stress the corrupt nature of the sale. The earliest textbooks, the first of which was published in 1884, contained chapters or sections on Yazoo. Some discussed the “fraudulent sale,” but others simply relayed the bare-boned chronological structure of the Yazoo sales (these accounts were

\textsuperscript{17} “A Curious Bit of Southern History,” \textit{The Philadelphia Inquirer}, August 4, 1868, 2. Reprinted from the Springfield, Massachusetts \textit{Republican}.


\textsuperscript{19} A website designed to detail the history of Georgia focuses on the sale’s corruption: http://georgiainfo.galileo.usg.edu/topics/history/article/revolution-early-republic-1776-1800/yazoo-land-fraud. Roderick Earl, a Georgia middle school teacher, has a Prezi on the Yazoo sales: https://prezi.com/rouorc7lo-tj/yazoo-land-fraud/. A Power Point presentation, “Yazoo Land Fraud,” through Henry County School District, is available. Another, called “Land Policies in the early 1800s,” was put together by the Glynn County School system.
not particularly accurate narratives).20 One text book by Lawton B. Evans, *A History of Georgia for Use in Schools* (1904), relays that “the legislature and the governor were accused of having been bribed to pass the act.”21 At this point, Georgians did not claim the sale was morally upright, but they had moved away from harping on the sale’s immorality.

During the early twenty century, Georgia history textbooks began to place more emphasis on the sale’s corrupt beginnings. J. Harris Chappell’s *Georgia History Stories* (1905) returned morality and corruption to center stage when discussing Yazoo in school books. Chappell assailed James Gunn for role in shepherding the Yazoo sale through Georgia’s legislature: “He was a coarse, brutal, blustering fellow, utterly unprincipled, but very shrewd.”22 Chappell then places bribery and corruption at the heart of his analysis of the Yazoo sale, claiming “it is the strangest instance of the wholesale corruption of public officials in American history.”23 Chappell also championed the “brave and fiery” James Jackson, who, according to the author, single handedly saved Georgians from the blight of Yazoo.24 In other words, Chappell fell in line with the anti-Yazooist narrative constructed during the 1790s and 1800s.

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22 J. Harris Chappell, *Georgia History Stories* (New York: Silver, Burdett, 1905), 238.

23 Ibid., 243.

24 Ibid., 235-250.
Editorials during the first two decades of the twentieth century reveal that Georgians still understood the sale to be about corruption, and they still compared the Yazoo affair to events unfolding in politics that they did not like. An April 10, 1910 *Augusta Chronicle* article, entitled “The Yazoo Land Fraud,” described the history of the sale and focused on corruption. A series of articles about a political battle over the Georgia Railway and Power Company, printed between 1917 and 1922, compared that struggle to what transpired during the Yazoo “fraud.” One such article, published in the *Augusta Chronicle* on January 1, 1922, contained an interview with the famed Populist turned bigot Thomas E. Watson. Watson attacked Georgia Governor Thomas W. Hardwick’s decision to cut a deal between the state-owned Western and Atlantic Railroad Company and the Louisville and Nashville Railroad, a move Watson called “the most perfidious official act since the Yazoo Fraud.”

Americans focus on the sale’s corruption stayed consistent throughout the twentieth century. To this day, popular literature and most scholarly work focuses on corruption when discussing the Yazoo sale. Two books aimed at more popular audiences, Nathan Miller’s *The Founding Finaglers* (1976) and Laurence J. Yadon’s and Robert Barr Smith’s *Old West Swindlers* (2011), both use Yazoo to discuss corruption and overall immoral behavior. Yazoo has an entry in George C. Kohn’s *The

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New Encyclopedia of American Scandal (2000). My particular favorite is the sale’s appearance, under a chapter on James Wilson, in Brian Thornton’s The Book of Bastards (2010). John T. Noonan Jr.’s Bribes: The Intellectual History of a Moral Idea (1984) is directed at academic audiences but still uses Yazoo as a case study for what bribery has meant to different people over the course of history. Similarity, Zephyr Teachout’s book, discussed above, also explores the Yazoo affair in order to talk about corruption in American history and specifically in American politics.

I do not mean to imply that studying the history of corruption or what corruption meant to different people at different times is an unworthy scholarly endeavor. Many of the above mentioned studies offer astute analysis of corruption throughout American history. I do argue that this line of analysis has obscured the real importance of the both the 1789 and 1795 Yazoo sales.

A focus on the sale’s corruption distracts from the reality that Georgians used the both Yazoo sales to undercut Native American territorial claims. State legislators hoped the Yazoo sales would result in increased Anglo-American settlement in the heart of Native American controlled territory. They assumed an increase in white population would result in land cessions from Native Americans. Statesmen also assumed, incorrectly, that federal officials would help them subdue Native Americans, and Georgia politicians tried to leverage aid from the federal government by passing both the sales. Georgians also wanted to use some of the money gained from the sales to help cancel Native American land claims. While Georgians remained frustrated by most

federal officials’ consistent support of Native American land rights throughout the 1790s, by the War of 1812 Congressmen had decided increased white settlement in the Mississippi Territory was to the benefit of the nation. They created Mississippi stocks to aid white migration into the Old Southwest with the express purpose of denigrating Native American territorial rights. More armed whites meant more control over the region.

From 1796, after the Rescinding Act, through 1814, when Congressmen created Mississippi stocks, many Americans worried about canceling Yazoo claimants’ title to land in what became the Mississippi Territory—later the states of Mississippi and Alabama. White Americans wanted to own land in fee-simple, which meant their title was unencumbered by any other claim. The federal government also wanted to sell land in fee-simple. This meant some political entity had to cancel the Yazoo claims before land sales could progress without fear of conflicting titles. As time progressed, Americans basic concern with canceling Yazoo claims in order to ensure smooth land sales morphed into fear over the nation’s geo-political security in the Old Southwest. According to many Congressmen during the first half of the 1810s, settling the Yazoo claims impeded white settlement in the Mississippi Territory, and this threatened the safety of Anglo-American settlements. Men like Andrew Jackson ruthlessness opened the Old Southwest to white resettlement by forcing treaty cessions from Native Americans and supporting illegal surveying. In the midst of white Americans clearing Native American title, Congressmen created Mississippi stocks with the intention of speeding Anglo-American settlement in the Mississippi Territory.
Where white southerners went, they dragged enslaved African American men, women, and children. Yazoo investors and politicians supporting the sale assumed enslaved laborers would work the fertile soil of Yazoo country. When Eli Whitney created the saw tooth cotton gin in 1793, investors simply reimagined the crop these men and women would plant and harvest. The study of the Yazoo sales, particularly the 1795 sale, highlights the rapid expansion of American slavery into Alabama and Mississippi between 1816 and 1819. Mississippi stocks accounted for nearly 50% of the capital invested in Alabama and Mississippi land offices during these years. A federally created stock, emerging from political struggles over the 1795 Yazoo sale, underwrote the expansion of American slavery during the second half of the 1810s. Securities markets facilitated slavery’s westward spread, and investors put their money into Mississippi stock because they recognized slavery and cotton as profitable investments. Capitalism and slavery were mutually reinforcing during the Early American Republic.

Investors and politicians from across the nation recognized the potential profits to be garnered from Yazoo investment, and northern and southern politicians supported the sale. Leading northern businessmen, who were involved in overseas trade, banking, insurance, stock brokering, early industries, and slave trading, invested in Yazoo land, company stock, and later Mississippi stock. So too did southern slave owners. Similarly, politicians from northern and southern states supported the sale and later the settlement of Yazoo claims. Interestingly, most southerners opposed the sale because their strict adherence to classical republican principles made them suspicious of the bribery present at the beginning of the sale. Most of these men supported Jefferson’s party, the Republicans. Federalists, predominantly a New England based party, avidly supported
the sale because they believed that contracts had to be enforced, even if executed under suspicious circumstances. Northern Republicans did support settling the Yazoo claims, especially by the second decade of the nineteenth century, when they recast settlement of the claims as a sectional grievance. Americans political responses to the Yazoo sale created a fascinating political situation. Southern politicians, who generally moved to entrench slavery during the first three decades after American independence, tended to denounce the Yazoo affair, a project designed, in many ways, to spread slavery westward. Northern politicians, who were increasingly taking steps to end slavery during the first three decades after American independence, avidly supported a project designed to spread slavery, and they demanded recompense for their constituents that unleashed the beginning of what scholars call “The Second Middle Passage.” The spread of American slavery into the Old Southwest proved so profitable that white Americans poured capital, especially Mississippi stocks, into these acres, causing the Panic of 1819 in Alabama and Mississippi.

The Yazoo sales, the sale’s repercussions, and the memories of the sales were all inherently political. By this I do not only mean that the sales incited partisan responses, although Federalists and many Republicans certainly viewed the sales as a partisan issue. I also mean that struggles over whether or not to pass the Yazoo sales had to go through legislative committees, that a vibrant and politically geared newspaper industry avidly attacked or defended the sale, and that Americans constructed arguments about how government should function out of what they saw as the facts of the Yazoo affair. By political I also mean that some individuals had the economic and political capital to influence the repercussions of the sales in their favor,
whereas others did not. For example, Yazoo investors eventually received Mississippi stocks because their resources, both monetary and political, allowed them to lobby Congress for over a decade. They sales remained political over the nineteenth and twentieth centuries, as Americans continue to remember the Yazoo sales, especially the 1795 sale, and deploy these memories for political purposes.

One can still get a taste of Yazoo today. A series of a dozen plates commissioned by the Transylvania Club of Sandersville, Georgia chronicles the history of the Peach State. An interested antiquarian (or graduate student) can select their favorite moment in Georgia history emblazoned on a Wedgwood fine-china plate. The Transylvania Club offers the white plates with either blue or red images. The plates depict scenes ranging from John Wesley instructing Native Americans to Richmond Academy to the “Burning of the Yazoo Act.” The front of the latter plate depicts Governor Jared Irwin and leading state politicians setting the 1795 sale ablaze (Figure 7-1). C.H. Warren drew the image, which first appeared in a 1904 Georgia history textbook.31 The following is imprinted on the back of the plate, in all capitals:

Burning of the Yazoo Act. Gov. Jared Irwin signed the Rescinding Yazoo Act Feb 13th 1796. And the Yazoo fraud papers were burned before the capitol in Louisville Feb 15th, 1796. With fire drawn from heaven by a magnifying lens.

Despite anti-Yazooists’ conscious efforts to destroy evidence, and therefore limit future generations’ ability to studying the sale, telling the history of the Yazoo sales in their entirety is imperative if we are to understand the intertwined histories of white Americans dispossessing Native Americans of land, planters and slave traders moving

31 Lawton B. Evans, A History of Georgia for Use in Schools (New York: University Publishing, 1904), 147. The finding aid at Georgia Historical Society dates this painting to 1913, but the painting appears in the Evans’ 1904 textbook.
enslaved Africans Americans onto the cotton frontier, financial markets, and American governance.
Figure 7-1. “Burning of the Yazoo Act” Wedgewood Plate for the Transylvania Club of Georgia
South Carolina Yazoo Company

Thomas Washington
A swindler who was executed in 1791 by the state of South Carolina for counterfeiting certain bills of the state.

Alexander Moultrie
The Attorney General of South Carolina during 1791. His brother had been state governor, and would be again.

Isaac Huger
A Federalist, he received the appointment of provost marshal in the State of South Carolina as a reward for his politics.

William Clay Snipes
A wealthy planter form St. Bartholomew Parish, South Carolina. He owned over 80 slaves in 1790. He also speculated in federal debt securities.

Tennessee Yazoo Company

Thomas Carr
A Georgian active in local and state politics.

Zachariah Cox
Cox participated in multiple Old Southwest schemes from the 1780s onward. He was put in jail in Natchez during 1798, because new governor, Winthrop Sargent, believed Cox was plotting against him. Cox escaped to New Orleans, was invited back to Natchez by Spanish officials—who were in the process of leaving—and once there, arrested by federal officials. He spent three months in jail before being released; he returned to Georgia. He still had a penchant for land speculating, a habit that resulted in his bankruptcy during the mid-1790s.

Thomas Gilbert
I can find nothing about Thomas Gilbert.

John Sevier
Sevier helped to found the break-away state of Franklin during the 1780s. Later, helped Tennessee break way from North Carolina and then elected governor of that new state. This is another way of saying he worked tirelessly to dispossess Native Americans of their land and as governor of Franklin planned to launch a dual attack on Native Americans with Georgia militia. The plan fell through due to poor finances.

John Strother
A land surveyor originally from Virginia.
Virginia Yazoo Company

Patrick Henry
Henry spoke and wrote passionately against adopting the Constitution. He contemplated moving to Yazoo country during 1790 to escape what he considered a tyrannical federal government. He was also deeply in debt at this time. His grudging acceptance of the Constitution came suspiciously close to when Secretary of the Treasury Alexander’s funding play raised the value of US securities. Henry had purchased these pieces of paper, at a severe discount, in order to pay for Yazoo land. Suddenly, a federal government he hated provided him a way out of debt. He did not move to Yazoo country.

Francis Watkins
Watkins was Prince Edward County, Virginia clerk from 1783 to 1816.

John B. Scott
Patrick Henry's land agent.

John Watts
I can find nothing on Watts.

David Ross
Indian trader from Virginia.

William C. Ellis
I can find nothing on Ellis.

Abram B. Venable
Venable was a US Representative and Senator from Virginia. He was also a lawyer and planter.

1795 Companies

Georgia Company

James Gunn
US Senator from Georgia. Active in state politics. He pushed the sale through the state legislature.

Matthew McAllister
McAllister was a Georgian and he practiced law in Savannah. He served as an U.S. District Attorney for Georgia.

George Walker
Walker was also from Georgia and a lawyer. He served at the state’s Attorney General.
Georgia Mississippi Company

Thomas Cumming
It appears that Cumming was lawyer in Georgia.

Thomas Glascock
Shop owner in Augusta, Georgia.

Ambrose Gordon
A Veteran of the Revolution originally from New Jersey, he settled in Augusta after the war served as a Justice of the Peace in Richmond County.

Nicholas Long
Owned land and slaves in both North Carolina and Georgia. Had enough wealth to bequeath slaves to his children upon his death.

Tennessee Company

Zachariah Cox
See 1789 description.

William Maher
A Charleston merchant who left for Europe shortly after the sale, presumably to sell company land.

Upper Mississippi Company

Wade Hampton
See 1789 description.

John C. Nightingale
Nightingale came from a slave trading family from Providence, Rhode Island. He owned two slavers and also backed Eli Whitney’s cotton gin.

John B. Scott
See 1789 Description

Men Invested in Multiple Yazoo Companies

Wade Hampton (1795)
Hampton, one of the wealthiest planters in the South, was involved in the Upper Mississippi, Tennessee, and Georgia Companies.

Zachariah Cox (1795)
Tennessee and Georgia Companies
New England Mississippi Land Company

George Blake
A well-connected Boston lawyer, who President Jefferson appointed to the federal district attorney in Boston in 1801. Appears to have been a lawyer for and member of the NEMLC.

Samuel Brown
Moved from Newport, Rhode Island to Boston during Revolutionary War. Brown was a merchant, sponsoring ventures to the West Indies and China, and eventually became Boston’s navy agent. He also served as a director of the Union Bank of Boston.

Benjamin Hichborn
A lawyer and man of prominence in Boston. He was selected to give the July 4, 1784 oration.

Benjamin Joy
A Boston lawyer.

Ebenezer Oliver
I can find nothing on Oliver.

John Peck
The defendant in the court case Fletcher v Peck.

Thomas L. Winthrop
Massachusetts merchant and politician. He served as Lt. Governor of the state in 1826. He was elected a member of the American Antiquarian Society in 1813 and became the president of the society in 1831.
APPENDIX B
PROMINENT INVESTORS AND POLITICIANS INVOLVED IN THE SALES

Ezekiel Bacon
Bacon served as a US Representative from Massachusetts. He chaired the powerful Ways and Means Committee and was employed as a New England Mississippi Land Company agent.

William Blount
Blount was an interested party to the 1789 Tennessee Yazoo Company. Before that, Blount speculated in lands claimed by North Carolina and that would become the state of Tennessee. George Washington appointed him Governor of the Southwest Territory in 1790.

Albert Gallatin
Gallatin, born in Switzerland, he immigrated to the United States and became an active member of the Republican party. He served as a US Representative and Senator, a US Ambassador, and as the Secretary of the Treasury. He tried to invest in 1795 land.

Joseph Martin
Acquaintance of Patrick Henry. Congress appointed Martin deputy agent for the Cherokee and Chickasaw. He kept Henry and the Virginia Yazoo Company informed about western lands.

Thomas H. Perkins
Out of the all those involved in the Yazoo affair, Perkins’ life story stands out and appears unbelievable. He came from merchant family in Boston. Near the beginning of his career he was involved in the slave trade to in the French colony of Saint-Domingue. One of the first Americans to trade with China, Perkins traveled to Canton himself during the late 1780s. Perkins and his brother would eventually smuggle Turkish opium into China. He later invested in mining and the Lowell Mills.

Winthrop Sargent
Sargent became the first governor of the Mississippi Territory. He funneled the sales of Yazoo lands during the early 1800s.

Joseph Story
An agent for the New England Mississippi Land Company. Story was a nationally prominent lawyer and state politician from Massachusetts. He also served from 1808 to 1809 as a US Representative. He became a Supreme Court Justice in 1811 and served until 1845.

James Wilson
Wilson was one of the original Supreme Court Justices appointed by George Washington. He invested tens-of-thousands of dollars in the 1795 Yazoo sale.
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BIOGRAPHICAL SKETCH

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