

“Dread of Elder Titles”: John Haywood and the Occult Origins of the Confederacy

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## APPROVAL PAGE

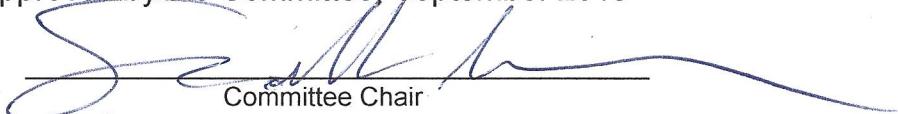
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## ABSTRACT

This work unearths the dark work of John Haywood (1762–1826), an overlooked Tennessee historian and judge who provided foundational historical and legal arguments for the Confederate nation. Published in 1819, his apocalyptic Southern history, *The Christian Advocate*, simultaneously justified Indian Removal and simplified white Southerners' claims of title to land. He thus became the first thinker to give Southerners a sense of place in the deep history of the South; the first to convince them they belonged where they lived. Andrew Jackson, for example, memorized passages from the *Christian Advocate* to convince himself: Southern Indians are the armies of Gog and Magog mentioned in the Book of Revelation; their ancestors massacred the mysterious, slaveholding mound-builders who inhabited the South prior to European contact; and they are waiting on the frontier to annihilate emerging Christian plantations in the young states of Mississippi and Alabama. While writing *The Christian Advocate*, Haywood used his position on the Tennessee Supreme Court to weave its logic into the property laws that became models for those of Mississippi and Alabama. His rulings assured planters that they should not "dread" violating "elder titles" in their sleep, or fear having some future judge determine they did not have a right to their land. By removing demonic Indian murderers, planters were restoring civilization to the Devil's wilderness, an act that would bring about a New Jerusalem. By 1861, Haywood had given historians such as William Gilmore Simms and politicians such as Alexander Stephens something vital: historical arguments justifying the Confederate nation and its slaveholding theocracy. In overlooking Haywood and his influence, historians have missed a bizarre (to us) but nonetheless crucial link between historiography and the emergence of the Confederacy.

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All of any mistakes that remain in this work are my own.

This Ph.D. is dedicated to my parents and the Clasings, for giving me love, joy,  
and hope in this all . . .

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## Preface: Egan's Panorama

John Haywood's historiographical theses rolled off Andrew Jackson's tongue in his winter speech to Congress justifying Indian Removal in 1830, what was, in Jackson's skull, the final nail in the anti-Removal argument's coffin. Southern Indians inhabited a landscape that was not their own. "In the monuments and fortresses of an unknown people, spread over the extensive regions of the West," Jackson argued, "we behold the memorials of a once powerful race, which was exterminated or has disappeared to make room for the existing savage tribes."<sup>1</sup> Jackson's summary of ancient southern history is a paraphrase of an argument Haywood made and richly contextualized in his history, *The Christian Advocate* (1819): "The fortifications in every ancient place, show that a civilized people, who were also numerous, and under a government which could command their services, were infested with hordes of barbarians and free booters, and were finally exterminated by them, at which time their arts were extinguished."<sup>2</sup>

The words were part of an occult historiographical tradition out of vogue in the West since the seventeenth century, one characterized by the historian shattering the arrow of time.<sup>3</sup> The historian wrote history with the

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<sup>1</sup> Andrew Jackson, Second Annual Message to Congress, December 6, 1830, in James D. Richardson, ed., *A Compilation of the Messages and Papers of the Presidents*, 10 vols. (Washington, D.C.: Bureau of National Literature, 1897), Vol. 2, 1084.

<sup>2</sup> John Haywood, *The Christian Advocate* (Nashville: Thomas G. Bradford, 1819), 234.

<sup>3</sup> Throughout this work, by "time's arrow" I mean the metaphor Stephen Jay Gould used to characterize the flow of time in a Darwinian world: "The essence of time's arrow lies in the irreversibility of history, and the unrepeatable uniqueness of each step in a sequence of events linked through time in physical connection—ancestral ape to modern human, sediments of an old ocean basin to rocks of a later continent." See Stephen Jay Gould, *Time's Arrow, Time's Cycle: Myth and Metaphor in the Discovery of Geological Time* (Harvard University Press, 1987), 194. Gould wrote of pre-Darwinian, ahistorical schemes of

assumption that the movements of spirits could break lengthy chains of cause and effect—the only connections that account for the production of events in time, connections apart from which we cannot find meaning in historical events—and weave disparate broken ends together, creating altogether new chains of cause and effect that would otherwise not exist. It did not matter to Haywood whether hundreds or thousands of years had elapsed between the ancient massacre and the recent southwesterly movement of white planters into the southern hinterland, that modern southern Indians were not alive in the ancient era, or that the massacred ancient planters were not Christians. Because of the transcendent nature of spiritual warfare, ancient scores could be—must be—settled whenever Gods, angels, and demons directed, no matter the time. Indians ignorant of the Christian Devil could be prosecuted as part of his army, who their ancestors also fought for by the way, whether they knew it or not. In Haywood's mind, ancient events—whose ripple effects had long ceased—had *just happened* and *were still happening*. The ancient past and present were synchronous, of the same time period, the same era, at times even of the same day.

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taxonomy: "For example, many pre-Darwinian taxonomic schemes were rooted in numerology—the grouping of all organisms into wheels of five, for example, with exact correspondences between spokes of all wheels—so that fishes on the wheel of vertebrates correspond with echinoderms on the wheel of all animals because both live exclusively in the sea, or mammals on the vertebrate circle with all vertebrates on the inclusive wheel, because both are the pinnacles of their respective systems. Such a scheme, proposed by William Swainson and other early nineteenth-century 'quinarians,' might work in an ahistorical world where organisms, like chemical elements on the periodic table, record timeless laws of nature, not complex contingencies of genealogy. Darwin removed the rationale for such numerologies in a single blow. The exterminating angel was history, not evolution itself. Some theories of evolution might permit such an ordered simplicity, but not Darwin's truly historical system with natural selection tracking a complex and unpredictable vector of climatic and geographic change, and with substantial randomness in the sources of variation" (Gould, 194–195).

More particularly, the words come from an argument within the *Christian Advocate* linking southern Indians with ancient Scythian invaders of the Western Roman Empire—skulking like wolves west from their wilderness homeland—as well as the Devil’s army prophesied in Revelation 20, Gog and Magog. Originally Haywood had believed that southern Indians were part of an age old, premillennial war, the Devil’s attempt across the centuries to harass Christians trying to build plantations on earth. But then he changed his mind. Indian wars in the frontier beyond his Tennessee window were so frightening they must have been part of the final, postmillennial war between Christ and Lucifer preceding the end of time itself. Indians would try and massacre the perfected southern plantation as their descendants had its weaker predecessor and Rome. Except this time the stakes were higher, the spiritual warfare more intense: this was the final war. Had Haywood not, amidst writing the *Christian Advocate*, revised his understanding of the apocalyptic timeline, Jackson would have lacked the historical knowledge necessary for self-righteously asking—and ultimately convincing—hundreds of thousands of American citizens, many of them queasy about Removal, to stand idly aside watching the trains of desiccated bodies leaving their burning houses and stolen fields.

Removing Indians, however, was not Haywood’s main purpose. Haywood wrote history so that planting civilization could again thrive in the Old Southwest, the fertile deltas, canebrakes, and valleys out of which the central states of the Cotton Kingdom—Tennessee (1796), Mississippi (1817),

and Alabama (1819)—were carved. For he ultimately concluded that the murdered race were Nordic planters and slaveholders, and once white planters returned, this time with the Christian God's backing in the end times, the region would flourish beyond (even) what it had previously been. It would become, he envisioned, part of the New Jerusalem predicted in Revelation 21.

Yet Haywood also knew that *belonging* in the Old Southwest was, for recent planter emigrants unfamiliar with the ancient American history he uncovered, a difficult concept to embrace. Indians inhabiting the landscape—Cherokee, Creek, Chickasaw, Choctaw, and Seminole—and their white advocates cited rival histories claiming that Indians were the ancient inhabitants of the Old Southwest, and thus Indians belonged there. Thus Haywood wove his ancient history into law—crafting “Haywood’s Doctrine,” what is arguably the most important legal innovation in antebellum southern history—so that planter emigrants could sleep in their cabin lofts above their newly cleared fields without dread of violating elder titles. Because they had removed the Indians, avenging the ancient planters, and because they were planting the landscape, Christian emigrants were the rightful owners. Through writing the *Christian Advocate*, Haywood became the first southern thinker to give southerners a sense of place among the deep history of the American South that threatened to engulf them, the first to convince southerners—via proposed historical facts—that they belonged where they lived.

Haywood's fascination with the occult made him eccentric in antebellum southern historical and legal circles, in a post-Enlightenment environment in which God and spirits were presupposed to exist but were less and less active in the physical/temporal world. Still, after Haywood's death, and stripped cleanly (for the most part) from their rich spiritual context, several of his historical and legal theses persisted in Cotton Belt law codes as well as in the works of Confederate historians such as William Gilmore Simms and Albert James Pickett. In their skulls the mystical New Jerusalem that Haywood had envisioned was the actual Confederacy, and they would build upon Haywood's historical writings to create and legitimize the first nation-state—a theocracy—rooted in racial inequality and plantation agriculture.

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Although it was largely influential Confederate nationalist historians and thousands of oblivious southern lawyers who utilized Haywoodian theses in the later antebellum period, even foreign antiquarians and artists studying and meditating on the history and future of the Old Southwest felt his influence. It is helpful to take in, from this outset, Haywood's retrograde conception of southern history in images. Philadelphia physician and antiquarian Dr. Montrovile Wilson Dickeson (1810–1882) had traveled extensively through the Old Southwest in the 1830s and '40s, sketched images documenting the history of the Mississippi River's banks, and Irish artist John J. Egan painted the sketches to panorama.<sup>4</sup> In Egan's resulting

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<sup>4</sup> For a succinct analysis of Dickeson and his work, see Nenette Luarca-Shoaf, "Excavating a Nineteenth-Century Mass Medium," in *American Art*, Vol. 27, Number 2 (University of

*Panorama of the Monumental Grandeur of the Mississippi Valley* (1850) the audience is taken deep into the Old Southwest and deep into its history, further and further downriver.<sup>5</sup> It is as if the audience has boarded a steamer churning through southern history as it is aligned in Haywood's mind. His

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Chicago Press, in association with the Smithsonian American Art Museum, Summer 2013): 15–21. For a more thorough treatment, see Luarca-Shoaf citation in n5. Such atmosphere is still perceptible today. Historian William Freehling, for instance, comments on this haunting beautifully: "More vivid remains also help reanimate bygone times. A latter-day sojourner can experience southern climates and topographies now exactly as Southerners felt geographic forces then. Many buildings on plantations and in cities have been restored to antebellum appearances. One can still ride old steamboats down the Mississippi, still stay overnight in plantation Big Houses, still stroll through old Charleston, old Natchez, old Savannah. If a historian spends a day, for example, moving from the exquisite gardens of the Louisiana plantation restoration, Rosedown, to the rich manuscripts at the Louisiana State University Library at Baton Rouge, to the haunting church graveyard at St. Francisville, physical and literary artifacts breathe life into each other. After many such days in many parts of the South, the lost world almost seems palpably to loom, daring a traveler from another century to find that South." See Freehling, *The Road to Disunion: Secessionists at Bay, 1776–1854* (2 Vols.) (Oxford University Press, 1990) Vol. I, 9 (quote).

<sup>5</sup> Luarca-Shoaf, "The Mississippi River in Antebellum Visual Culture," Doctoral dissertation, University of Delaware, 2012, 8, 170–239. See also Angela Miller, "'The Imperial Republic': Narratives of National Expansion in American Art, 1820–1860," Doctoral dissertation, Yale University, 1985; Miller, "'The Soil of an Unknown America': New World Lost Empires and the Debate over Cultural Origins," *American Art* 8, nos. 3–4 (Summer–Autumn 1994): 8–27; and Miller, "The Panorama, the Cinema and the Emergence of the Spectacular," *Wide Angle* 18, no. 2 (April 1996): 34–69. For information on the lost panoramas, see John Francis McDermott, *The Lost Panoramas of the Mississippi* (University of Chicago Press, 1958). Despite his lack of concern for time's arrow, throughout his drawings Dickeson was careful to depict strata in the landscape itself. In this he was no doubt drawing upon Charles Lyell's geological theories in his sketches of southern strata; a physician practicing among the Philadelphia literati, he would have been familiar with the research of the British geologist Charles Lyell, whose, writes Luarca-Shoaf, "uniformitarian" view proposed the existence of a continuous cycle of erosion and deposition that occurred over a long period of time rather than being the result of a series of catastrophes. Lyell encouraged the idea of 'superposition,' that is, that the passage of time is visible in the land itself and can be studied by looking at sedimentary layers" (Luarca-Shoaf, "The Mississippi River in Antebellum Visual Culture," 215–216). Lyell was a close friend of Darwin. See, Charles Lyell, *The Geological Evidences of the Antiquity of Man: with Remarks on Theories of the Origin of Species by Variation* (1863), 2<sup>nd</sup> edition (London: J. Murray, 1863). See also Leonard G. Wilson, *Lyell in America: Transatlantic Geology, 1841–1853* (Johns Hopkins University Press, 1998). Moreover, Luarca-Shoaf draws upon historian Thomas M. Allen to suggest that Lyell's findings infused into antebellum US nationalistic discourse: "Allen has proposed a helpful paradigm for conceiving of the American landscape as vertically oriented. He argues that instead of correlating its identity with the expansion of spatial territory, antebellum Americans actually had a sense of their developing nation as growing through time. He asserts that this understanding of time was conceptualized as 'extending perpendicularly into the territory beneath the nation' rather than 'unfolding through horizontal space'" (Luarca-Shoaf, "The Mississippi River in Antebellum Visual Culture," 179). For full context, see Thomas M. Allen, *A Republic in Time: Temporality and Social Imagination in Nineteenth-Century America* (UNC Press, 2008), 165.

language of Gog and Magog and the coming apocalypse is cast aside, for it had been ridiculed, but as in the *Christian Advocate* the arrow of time is shattered. Chains of historical cause and effect along the river's banks are broken and rewoven with other disparate broken ends, all while the cardinal direction remains South, toward the Gulf of Mexico. Upon first glance, and in the eyes of someone unfamiliar with Haywood, this pictorial journey downriver might be merely historically slipshod art, its artists unconcerned with historical argument. Yet the result of this temporal/cardinal asymmetry is a compelling argument. Because each frame of the panorama contains actual and fairly accurate historical details, and the only arrow broken is the arrow of time (never the arrow of cardinal direction), the viewer gets four perceptions: (1) dead struggles in the landscape are *still happening* along the river banks; (2) white planters—from their big houses overlooking the mounds—are preservationists of southern antiquity; (3) the enemies of ancient and modern southern civilizations are the same people, Indians; and (4) if civilization is to flourish in the South the Indians must leave the landscape.

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There were many panoramas of the southern Mississippi in the antebellum period, but Egan's is the only one extant. In dim lit rooms spectators watched yards and yards—some panorama adds claimed, miles—of river and the lands it cuts through go by. Egan's panorama was billed as

consisting of “15,000 feet of Canvass,” though in actuality it was roughly 2,500 square feet.<sup>6</sup>

Scene one is Ohio (figure 1), no date given. Indians in teepees inhabit the landscape disconnected from the ancient mounds and fortifications, pointing to them as if in ignorance of what they are. In the direction of the finger also, steamboats churning downriver, puffing strands of smoke. One cannot tell which creation possesses the Indians’ minds more, the mounds or the steamers.



**Figure 1.** “Marietta [Ohio] Ancient Fortification; A Grand View of Their Walls, Bastions, Ramparts and Fossa, with the Relics Therein Found.” John J. Egan, *Panorama of the Monumental Grandeur of the Mississippi Valley*, scene 1 (mounds at Marietta, Ohio), ca. 1850. Distemper on cotton muslin, 90 in. x 348 ft. Satin Louis Art Museum, Eliza McMillan Trust, 34: 1953. Note the steamers’ smoke rising in strands from the river in the distance.

A few scenes on (figure 2), torch-carrying settlers find mummies in caves, the sky in the distance of the cave of ruins flaming and foreboding (figure 3), no date given.

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<sup>6</sup> Luarca-Shoaf, “The Mississippi River in Antebellum Visual Culture,” 170–239; and “Notes and Documents: a Mississippi Panorama,” The Minnesota Historical Society, 354.



**Figure 2.** "Cave in the Rock [southern Illinois], Stalagmitic Chamber and Crystal Fountain, Desiccated and Mummied Bodies in Their Burial Places; Magnificent Effect of Crystallization." Egan, *Panorama of the Monumental Grandeur of the Mississippi Valley*, scene 5, ca. 1850. Distemper on cotton muslin, 90 in. x 348 ft. Satin Louis Art Museum, Eliza McMillan Trust, 34: 1953.



**Figure 3.** "Terraced Mound in a Snow Storm, at Sunset." Egan, *Panorama of the Monumental Grandeur of the Mississippi Valley*, scene 6, ca. 1850. Distemper on cotton muslin, 90 in. x 348 ft. Satin Louis Art Museum, Eliza McMillan Trust, 34: 1953. Keep in mind many of the scenes are interconnected literally, bleeding into one another (although some less so).

The first year appears a few scenes later (figure 4), 1844. Missouri.

Tornadoes tear through the land panicking black slaves, white masters, and

Indians alike. Given their flimsy teepees, it is clear the Indians will not last long in this landscape, but not for want of trying, holding to the grass.



**Figure 4.** “The Tornado of 1844 [Jackson County, Missouri]; Destruction of Indian Settlements; Horrid Loss of Life.” Egan, *Panorama of the Monumental Grandeur of the Mississippi Valley*, scene 11, ca. 1850. Distemper on cotton muslin, 90 in. x 348 ft. Satin Louis Art Museum, Eliza McMillan Trust, 34: 1953.

Next scene (figure 5), Louisiana, no date given. A settler is chased away from his cabin by wolves, the animal keen exeges across time—such as Cotton Mather and Haywood—identified with demonic Indians.



**Figure 5.** "Louisiana Squatter Pursued by Wolves; Humorous Scene." Egan, *Panorama of the Monumental Grandeur of the Mississippi Valley*, scene 12, ca. 1850. Distemper on cotton muslin, 90 in. x 348 ft. Satin Louis Art Museum, Eliza McMillan Trust, 34: 1953.

Then, as if no time has passed, only the scene has moved downriver, Natchez, 1729 (figure 6). Images come across of the Natchez Indians 'exterminating' the French settlers at Fort Rosalie, scalping them. French flags flutter above the fort as the only signs of civilization in the landscape, the Southern Indians killing it.



**Figure 6.** "Fort Rosalie; Extermination of the French in 1729; Grand Battle Scene; Mode of Scalping." Egan, *Panorama of the Monumental Grandeur of the Mississippi Valley*, scene 14, ca. 1850. Distemper on cotton muslin, 90 in. x 348 ft. Satin Louis Art Museum, Eliza McMillan Trust, 34: 1953.

Next (figure 7), another unknown year and perhaps across river from Natchez, in Louisiana, Indians practice spear throwing beneath a great mound with a plantation house atop it. It is a scene of blades threatening nineteenth-century southern civilization this time. (The steamer in the distance gives the date away.)



**Figure 7.** “Indians at Their Games.” Egan, *Panorama of the Monumental Grandeur of the Mississippi Valley*, scene 16, ca. 1850. Distemper on cotton muslin, 90 in. x 348 ft. Satin Louis Art Museum, Eliza McMillan Trust, 34: 1953.

On the panorama rolls (figure 8) to the landing of General Andrew Jackson, the man Haywood viewed as the savior of Old Southwestern civilization. He visits a largely vacant, mound-riddled Natchez via a steamer, year unknown. It is as if the planting civilization Jackson defends—signified by the plantation house beyond the mounds—is the first to grace Natchez since the construction of the mounds. (Perhaps civilization would have come before Jackson had it not been for the Fort Rosalie massacre.)



**Figure 8.** “Landing of Gen. Jackson.” Egan, *Panorama of the Monumental Grandeur of the Mississippi Valley*, scene 18, ca. 1850. Distemper on cotton muslin, 90 in. x 348 ft. Satin Louis Art Museum, Eliza McMillan Trust, 34: 1953.

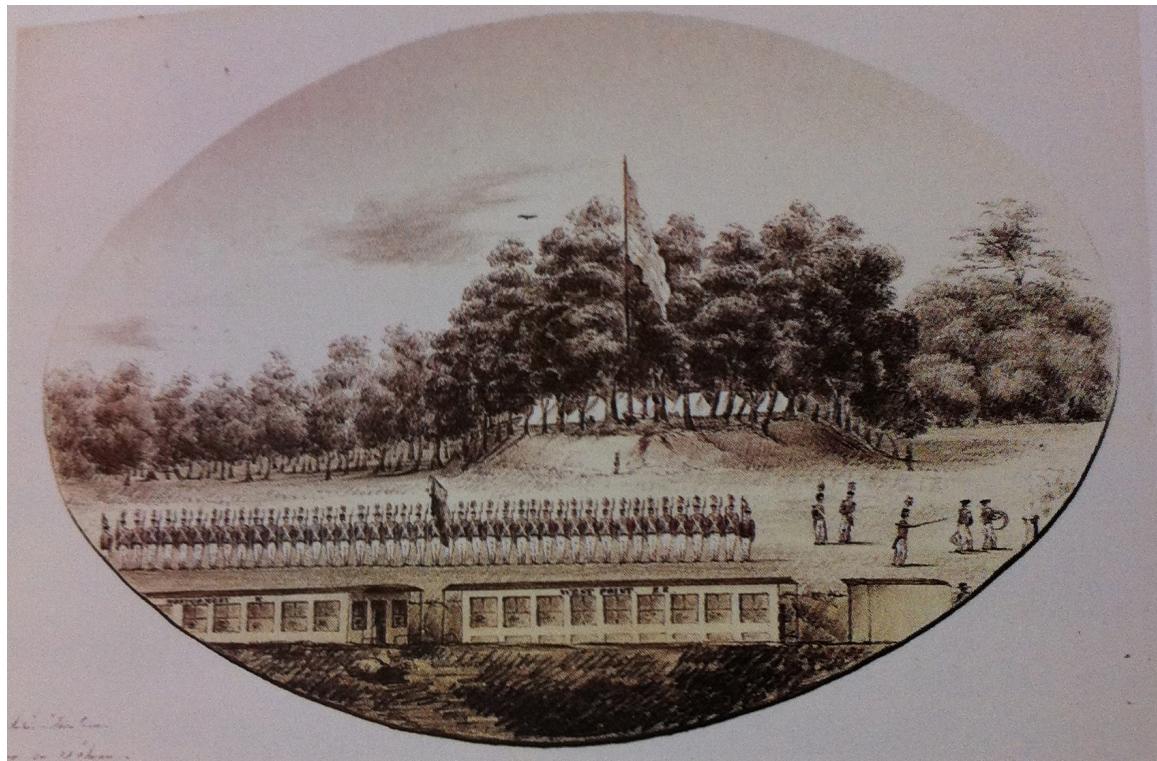
Next (figures 9–10), mistresses and masters out strolling in the lower Mississippi valley while the excavation of an ancient mound is taking place. Civilization, the panorama stresses, lies beneath Old Southwestern fields and woodlots. Two white men, among black slaves digging at the base of the mound, discuss something. One of the men is likely Dickeson, the other dressed as a planter—in wide-brimmed, straw hat—or overseer directing the slaves. The mound is covered with grass, like many unkempt mounds in the Deep South to this day, and like the one in the shadow of which the Montgomery, Alabama militia, the “True Blues,” drilled in the 1850s (figure 11), topped by tall trees. Egan gives the audience vision into the mound itself, rows atop rows of mummies. Off to the side some Indians watch and discuss, keeping their distance as if wary of the implications of the new discoveries. They have been the only ones massacring civilization in the panorama, threatening plantation homes, and no reason within the panorama’s logic to believe they were not somehow responsible (too) for the skeletons filling the mounds.



**Figure 9.** "Huge Mound and the Manner of Opening Them." Egan, *Panorama of the Monumental Grandeur of the Mississippi Valley*, scene 20, ca. 1850. Distemper on cotton muslin, 90 in. x 348 ft. Satin Louis Art Museum, Eliza McMillan Trust, 34: 1953.



**Figure 10.** Egan, *Panorama of the Monumental Grandeur of the Mississippi Valley*, scene 21, ca. 1850. Distemper on cotton muslin, 90 in. x 348 ft. Satin Louis Art Museum, Eliza McMillan Trust, 34: 1953.

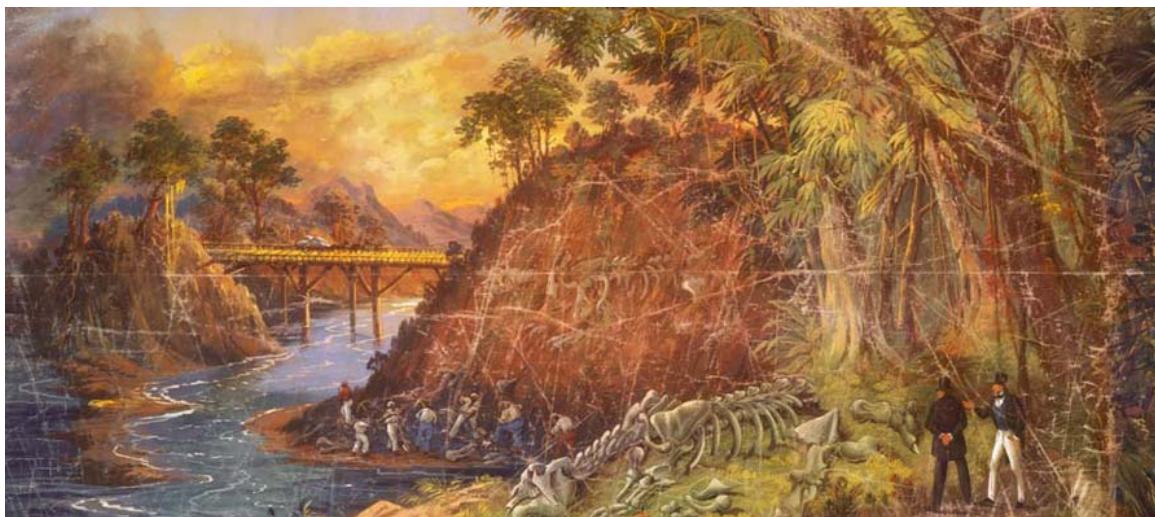


**Figure 11.** Camp Owen Near Old Augusta, Ala., drawing by S. Swan . . . E. Hastings, 1853. Pencil and ink on paper, 8 X 10 inches, Alabama Department of Archives and History. Cat. 171.

After the burial of the earliest European explorer of the Old Southwest, Hernando De Soto (figure 12), and then a later antebellum prehistoric animal excavation (the men wear top-hats, figure 13), the panorama ends with a disconnected Indian gazing at a mound in the distance (figure 14). The sun falls on the horizon. The year is unknown. A mound is still prominent though the Indian's time is done, one senses. Signs of an even greater civilization than the ancient—its roads cut around the mound, its billows of smoke rising in the distance—fill the landscape.



**Figure 12.** “De Soto’s Burial at White Cliffs.” Egan, *Panorama of the Monumental Grandeur of the Mississippi Valley*, scene 22, ca. 1850. Distemper on cotton muslin, 90 in. x 348 ft. Satin Louis Art Museum, Eliza McMillan Trust, 34: 1953.



**Figure 13.** “Mammoth Ravine; Exhuming of Fossil Bones.” Egan, *Panorama of the Monumental Grandeur of the Mississippi Valley*, scene 23, ca. 1850. Distemper on cotton muslin, 90 in. x 348 ft. Satin Louis Art Museum, Eliza McMillan Trust, 34: 1953.



**Figure 14.** “Temple of the Sun by Sunset.” Egan, *Panorama of the Monumental Grandeur of the Mississippi Valley*, scene 24, ca. 1850. Distemper on cotton muslin, 90 in. x 348 ft. Satin Louis Art Museum, Eliza McMillan Trust, 34: 1953.

Art historians Angela Miller and Nenette Luarca-Shoaf have argued that what Egan captured in 1850 are nationalistic yearnings at work in the American mind, the working out of what historian Thomas M. Allen—drawing upon the work of J.G.A. Pocock and Benedict Anderson—has shown was a necessary precondition for emerging antebellum American nationalism(s): “a stable and, crucially, empty temporal container within which national affiliation can express itself.”<sup>7</sup> Miller and Luarca-Shoaf are either stretching the limits of

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<sup>7</sup> Luarca-Shoaf, “The Mississippi River in Antebellum Visual Culture,” 179; Miller, “The Soil of an Unknown America,” 16–20. Quote from Allen, *Republic in Time*, 4, 6–7. (quote) Allen continues, “For both theorists [Anderson and Pocock], time must therefore be homogenous; that is, it must not be filled with competing cultural imperatives pulling individuals away from their national affiliations. For Pocock, this value-free, homogenous time is secular; the escape from the religious saturation of time with chiliastic significance is the principal requirement for the emergence of national political imagination” (Allen, 6–7). See also Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (1983) (New York: Verso, 2006); and J.G.A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton University Press, 1975). Pocock roots the modern nation in Renaissance humanists’ insistence on the conceptual framework of ‘secular history’ over the denigration of the arrow of time by religious eternity (in heaven, the majority of medieval theologians presumed/concurred with Augustine, time was absent, meaningless). For Republican conceptions of time in the early nineteenth century, see a fascinating essay by Chandos Michael Brown, “The First American Sublime,” in Timothy M.

metaphor here, or have bought in too readily into the propaganda Euro-Americans have been telling when politically convenient since the seventeenth century: the hinterland was little but wilderness.<sup>8</sup> For Egan's panorama presented no 'open container,' but a container *full* of skeletons, albeit free from the arrow of time's chains. Perhaps this chronological malleability is what they mean by open container. Nevertheless, empty container or no, they miss the narrative at work in the panorama, civilization getting massacred and then reborn, nor are they specific as to whose particular vision is at work in it. If they had known of the southern cult of antiquity Haywood initiated they would not have missed the narrative and would have been left with little doubt that what Egan captured was the product of an Old Southwesterner's mind, the first modern historian of the landscape. It was the origin of a southern vision for a country, a place whose natives were civilized planters.

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Costelloe, ed., *The Sublime: From Antiquity to the Present* (Cambridge University Press, 2012), 147–171.

<sup>8</sup> See, as a starting place, Roderick Frazier Nash, *Wilderness in the American Mind* (1967) (Yale University Press, 2001).

## Introduction

His origins are become remote as is his destiny and not again in all the world's turning will there be terrains so wild and barbarous to try whether the stuff of creation may be shaped to man's will or whether his own heart is not another kind of clay.

—Cormac McCarthy, *Blood Meridian, or The Evening Redness in the West* (1985)<sup>1</sup>

historiography, n.

1. The writing of history; written history.

—*Oxford English Dictionary*<sup>2</sup>

It is, like so much in the history of biological evolution generally, stranger than what writers of fiction—Flannery O'Connor, say, or William Faulkner—would come up with were they assigned to create an alienating story evoking antebellum southern reality. Yet modern historians scarcely know Haywood. They have not mined or discussed the *Christian Advocate*, what some nineteenth-century Deep Southern lawyers knew to be his most powerful work.<sup>3</sup> As a result, historians have not only missed what nineteenth-century Deep Southern lawyers knew, but facts of an even weightier nature.

One of the most consequential historians in the early antebellum Old

<sup>1</sup> Cormac McCarthy, *Blood Meridian, or The Evening Redness in the West* (New York: Vintage, 1985), 5.

<sup>2</sup> *Oxford English Dictionary*, "historiography, n.". OED Online. March 2014. Oxford University Press. <http://www.oed.com.proxy.wm.edu/view/Entry/87319?redirectedFrom=historiography> (accessed April 15, 2014)

<sup>3</sup> And most of what they do know is wrong and incomplete. This scholarly neglect is no doubt in great part due to the fact that Haywood is more difficult to locate than even his Tennessee plantation, Tusculum, now parking lots and strip malls in the sprawl of Nashville. He left no journal, no writings other than his historiography—there are only a few notes, scattered historical facts about the Old Southwest scratched to paper—the most consequential of which is incredibly difficult to decipher and perhaps easy to cast aside as the inconsequential, kooky babblings of a southern backwoods antiquarian, a man who existed outside the Philadelphian universe. The latter is certain, the former only partially true.

Southwest drew upon the Occult to provide the first ever deep history of the region, a history whose theses he wove into the property laws that helped carve up the Old Southwest for plantations, whose theses Andrew Jackson quoted to help convince Congress to actualize his Indian Removal Policy, and whose theses later antebellum southern lawyers, writers, and historians would use to establish a southern nation, the Confederate States of America.<sup>4</sup>

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<sup>4</sup> The most thorough and best contemporary work on Haywood and his contribution to historiography is historian and archivist Tom Kanon's dissertation, "Material Culture and Public Memory in Nineteenth Century Historical Societies: A Case Study of the Tennessee Historical Society." Kanon gives detailed and insightful descriptions of Haywood's work in 'fathering' Tennessee history. Given that Kanon's subject is the Tennessee Historical Society, however, he does not explore the origins and contents of Haywood's *Christian Advocate*. See Tom Kanon, "Material Culture and Public Memory in Nineteenth Century Historical Societies: A Case Study of the Tennessee Historical Society," Ph.D. thesis, Middle Tennessee State University, 2010.

The only scholar I know to have devoted any study to the *Christian Advocate* is Guy Miles, in his otherwise wonderful dissertation, "Literary Beginnings in Nashville." Miles begins to analyze Haywood's extermination theses, though is understandably confused by Haywood's mid-text revisions and radical turns of thought. He picks up on the fact that Haywood believed the "race of invaders chiefly distinguished by their large stature . . . represented a portion of the barbarians who destroyed the Roman Empire." However, Miles did not pick up on, or understand Haywood's Scythian thesis and its genealogy, and thus conflated the Scythians with "European" tribes, from which Haywood ultimately distinguished the Scythians: "The mobility of European tribes, whose historic migrations could easily be ascertained from the historian [Edward] Gibbon, made the long passage to America credible." See Guy S. Miles, "Literary Beginnings in Nashville, 1815–1825," Doctoral Thesis, Vanderbilt University, 1942, 109 (quote), 92–113.

The eminent Anthropologist and Professor at Penn, Anthony F. C. Wallace, stressed how a belief in an ancient southern 'slaughter' was Jackson's 'moral justification' for the Indian Removal Act, in *Jefferson and the Indians: The Tragic Fate of the First Americans* (Harvard University Press, 1999), 336. Furthermore, Barbara Alice Mann correctly stressed the centrality of the extermination thesis to Jackson's policy in her polemical *Native Americans, Archaeologists, and the Mounds* (New York, 2003), 65; as has Terry A. Barnhart in *American Antiquities: Revisiting the Origins of American Archaeology* (University of Nebraska Press, 2015), 248–249. Neither Wallace nor Mann examine *The Christian Advocate*, however; nor do either understand or illuminate Haywood's position as the *historicizer* of this extermination thesis. There were indeed, as Mann keenly illuminates, many ancient extermination stories and captivity narratives—dating back to Acosta and Mather, some of which will be discussed further in this work—that reflect wide-spread and general fears that such an occurrence had occurred in deep American antiquity (see Mann, 51–113); however, Haywood was the first to, as an historian, give them color, detail, and life. He stressed this goal clear in his *Natural and Aboriginal History*: "If at present the reader may look upon this [history] as conjecture, it will soon be converted into the shape of real history." See John Haywood, *The Natural and Aboriginal History of Tennessee: Up to the First Settlements Therein by the White People in the Year 1768, Including Archaeological, Geological and Historical Annotations Bringing the Ancient Account into Focus with Present*

## The Man

Haywood weighed three hundred and fifty pounds. There are no photographs, only a portrait (figure 15). A contemporary wrote of a “picture” of Haywood “photographed on my memory”:

[H]e sat on an ordinary split-bottom chair, . . . a very large man and very corpulent. His arms, his legs and his neck were all thick and short, his abdomen came down on his lap and nearly covered it to his knees. His head, which rested nearly on his shoulders, was unusually large and peculiarly formed. His under jaw and lower face looked large and strong, and his head above his ears ran up high and somewhat conical, and viewed horizontally it was rather square than round. His mouth was large, expressive and rather handsome.<sup>5</sup>

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*Day Knowledge* (1823), Mary U. Rothrock, ed. (Jackson, Tennessee: McCowat-Mercer Press, Inc., 1959), 104.

<sup>5</sup> S. G. Heiskell, *Andrew Jackson and Early Tennessee History*, 2 vols. (Nashville, TN: Ambrose Printing Co., 1920), vol 2., 84–85. The portrait sketch Heiskell quoted is from “Judge N. Baxter.”



**Figure 15.** Judge John Haywood (1762–1826) by Lloyd Branson (date unknown), Tennessee State Library and Archives.

Scattered like splintered bone fragments in an Old Southwestern field are now disturbing memories of a once familiar and lauded lawyer, judge, and historian. He served as Attorney General of North Carolina (1790–1794), Judge of the Supreme Court of North Carolina (1794–1800), and Judge of the Supreme Court of Tennessee (1816–1826). He authored three histories of the Old Southwest, focusing mainly on the landscape that would become the

state of Tennessee: *The Christian Advocate* (1819), *The Natural and Aboriginal History of Tennessee* (1823), and *The Civil and Political History of the State of Tennessee* (1823). He authored four legal works, each of which serving as a template for legal practice in the states carved out of the Southwest Territory, *A Manual of the Laws of North Carolina* (1808), *A Revisal of All the Public Acts of the State of North Carolina and of the State of Tennessee* (1809), *Duty and Authority of Justices of the Peace* (1810), and *The Statute Laws of the State of Tennessee* (1831). He also played a central role in founding the first historical society in the Old Southwest, The Tennessee Antiquarian Society (1820).

A Chapel Hill law alumnus, “J. B. C., Jr.” mined “traditional accounts” of the Judge for the *North Carolina University Magazine* in 1895, and could not withhold some barbarous images: “[Haywood] is said to have been large and very fat, and of careless and slovenly habits.” Haywood “disregarded all . . . standards of propriety, and insisted on keeping the bosom of his shirt wide open in order that he might the more conveniently scratch his hairy expanse of chest; and they were equally troubled at his primitive custom of holding the leg of a barbecued pig in his fingers while he bit the meat from the bone.”<sup>6</sup> He seemed, J. B. C. Jr. added, always afflicted by a “want of money,” so much so that he “refus[ed] to pay out any money upon a debt except to the Sheriff.”<sup>7</sup> His house in North Carolina was tacky, with “a tall pair of hewn granite gate-posts, with a circular ornament . . . upon the tops” and an unmoored “rail

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<sup>6</sup> J. B. C., Jr., “Why Judge Haywood Left North Carolina,” in *North Carolina University Magazine*, Vol. XIV (1895–1895), 197.

<sup>7</sup> *Ibid.*, 197.

fence” leaned on “disproportionate stone columns.” Not a mile as a crow flies from the gate also loomed a “frame church” Haywood had allowed Baptists to erect. They named it “Haywood’s Meeting-house,” as if some relic from seventeenth-century Massachusetts.<sup>8</sup>

Acknowledging mystery concerning Haywood’s emigration southwest, one of Haywood’s later nineteenth-century fans, ex-Confederate Congressman Arthur St. Clair Colyar, writing at the end of the nineteenth century, recalled what was the Confederate street-wisdom. Haywood was tempted from the piedmont of North Carolina to Middle Tennessee by his close friend, Judge John Overton, lawyer and land speculator, and also friend of Andrew Jackson.

However he left, Haywood likely encountered trouble among the muddy, rutted trans-Appalachian roads his carriage followed to what was then—1807—still called the Southwest.<sup>9</sup> He would have passed through the city, Knoxville, where the Southwest Territory’s first governor erected the first frame house west of the Alleghenies. William Blount’s mansion, it is said, was called by the Cherokee, ‘The House with Many Eyes,’ because they had never seen rippled glass before. In this mansion Blount had convulsed to death by his fireside, sweaty, lonesome, and failed, still many of the Old Southwest’s most fertile and beautiful landscapes out of the clutches of his bony fingers. Haywood was on an errand to carry things through—except, rather than using guns, Haywood would use history.

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<sup>8</sup> *Ibid.*, 198–199.

<sup>9</sup> Col. A. S. Colyar, “Biographical Sketch of Judge John Haywood,” in John Haywood, *The Civil and Political History of Tennessee* (1823) (Nashville, TN: Barbee & Smith, 1891), 6.

One of Haywood's only twentieth-century biographers, Mary Rothrock, sketched the most recent portrait of him in a seventeen-page essay, "John Haywood, Historian of the Western Country." It is a hagiographic and yet sometimes (perhaps unintentionally) unsettling likeness. Born in 1762, in Halifax, North Carolina, Haywood was the son of a tobacco planter, Egbert. Rothrock recounted that, unlike some of the better-known eighteenth-century planter scions, Haywood did not attend the New England—let alone English—colleges, nor the College of William & Mary. "Haywood's educational and cultural opportunities were those obtainable on the frontier of his time." "His only formal schooling was attendance at an academy taught by a minister . . . in an adjoining county." In the minister's company Haywood read "arithmetic, Latin and Greek" and encountered "no glint of information about the natural sciences, geology, [and] anthropology." The natural sciences would, Rothrock stressed to her readers, "absorb him in later life." First, however, as if a chubbier, wealthier Abraham Lincoln, Haywood got what education he could by firelight, apprenticed at the bar, developed a thriving legal career, and became Attorney General for North Carolina.<sup>10</sup>

Drawing from an 1827 obituary, Rothrock included its author's remembrance of the personality Haywood exuded early in his legal career: "His language was copious and strong, his imagination prolific and exuberant, his eloquence original, rich and splendid; in argument he was ingenious, fertile and profound; and if he sometimes erred or did not always convince, he

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<sup>10</sup> Mary U. Rothrock, "John Haywood, Historian of the Western Country," in Haywood, *Natural and Aboriginal History*, xi–xii.

gave continued evidence of his transcendent ability, and sanctified his obliquities by the most seductive incantations.”<sup>11</sup> Rothrock epigraphed her biography with another part of Haywood’s obituary, this one concerning his contribution to the Old Southwest: “He was the lion of the forest, from the terror of whose voice every inferior animal fled; and difficulties and opposition that would have deterred the timid were dissipated by him in the field of reason.” To this Rothrock could only add, “If the appraisal appears a bit fanciful [,] it serves nevertheless to reveal the esteem, tinged with awe, in which Haywood was held by his contemporaries.”<sup>12</sup>

This ‘fact’ is relative. If one digs deep enough, documents from the pens of Haywood’s contemporary enemies tell another story. One of Haywood’s enemies, Patrick Henry Darby, argued as if a minister warning parishioners of the Devil, and prophesying his doom:

I am aware of the inequality of this contest, and of how unequal I am to the cause in which I am engaged. But justice is an attribute of heaven! And truth is of the very essence of God! and though I am not superstitious, yet, I have such confidence in the mind that could suggest, and the hand that could execute, the vast structure of this universe, and hold it in scales of equilibrium, that I have no doubt, but when any part of his moral creation will turn traitor to his principles, and make themselves a curse and scourge to those around them, he has fixed a law, in the nature of things, that will destroy them and all their works, in some form or other; therefore, I am conscious of having God and nature to aid me in the contest. And with such power, it only requires fortitude in adversity, and confidence in fortune, to succeed.

Darby, as no doubt would have many Cherokees if they had known the author of their extermination, hated him:

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<sup>11</sup> Rothrock, “John Haywood,” xi–xii. The obituary is included in the *Knoxville Register* January 3, 1827.

<sup>12</sup> *Ibid.*, xi.

I know John Haywood, personally, to be a profligate unprincipled man; regardless of any moral obligation, or duty whatever. In a moral sense, his whole character is defective in public estimation. Avarice, incontinence, and a contempt for truth and human esteem, are his characteristic attributes. But he has acquired a reputation for talents, that brought him into the place he now occupies; and with many, obtain for him advocates for its retention. That he has a certain species of talents, peculiar to himself, is true. Possessed of a fine voice, and an ardent and imposing manner; loving falsehood and sophistry, more than truth and reason, he practices wrong for the pleasure of doing it, and is always able to give a plausible and pleasant excuse for what he does. He has no pretensions to a knowledge of philosophy, either natural or moral. As an author, he is imbecile, puerile, vulgar, and I may say, foolish. He is destitute of every thing like moral taste, or a love of virtue; and even hates to hear them named. In short, he is nothing, but when he is speaking or writing on the wrongs side of the law; he is then, and for that only, the *greatest man I ever saw*. This gives him a character with the public, because the only great talent he has, enables him to appear to advantage before the world.

Darby went on to single out the *Christian Advocate* in particular, emphasizing—albeit loosely—its arguments' relationship to Haywood's judicial practice:

I have not his "Christian Advocate" to insert his story of John Rains' seeing a "ghost" near Nashville, in a blacksmith's shop making "horse-shoe nails."

Does Judge Haywood believe that John Rains saw a "ghost?" Does he believe that a "frog" locked up in the centre of a petrified rock, perhaps there for a thousand years, (if there at all,) "when exposed to the sun, *hopped off?*" Does he believe that there is a "petrified woman" in "Philadelphia," "in complete preservation," "hair upon the head," "the eyes full," "the nails very plain," and "the whole seemed, to be covered with moss?" Does he believe that there is "in the museum at Philadelphia, a completely petrified bull of the English breed?" And does he believe, that the bull was turned into stone, just at the *instant* that he had lifted "one of his hinder legs" to make an effort "to get out of the sink-hole?"

He could not believe what he was seeing:

Is it possible, that in 1823, in the State of Tennessee, a judge of the supreme court of the state, believes these things? If he does, then he is a maniac; he is a madman, and ought to be chained. On the other hand, if he does not believe them, and still publishes them to the world as *historical facts*, then his derangement is worse than mental! It is the moral disorder of the

mind, and he is a profligate, prostituted wretch, publishing lies; regardless of truth, of virtue, of character, and human esteem! Abandoned, equally, to the moral influences of God and man! Such a monster must be wholly incapable of either comprehending or of administering the law, according to the dictates of truth, or the principles of justice!!!

Darby gloomily ended his Haywood reflection by admitting the power of evil, the power within Haywood's skull:

Great talents, when unconnected with virtue, are in the moral, like tornadoes in the physical world, they sweep the face of the globe, leveling indiscriminately before them the works of nature and of man, and are only calculated to destroy, deform and disfigure, whatever falls within the circle of their power. They have nothing of that analyzing and combining influence, that builds up in the human heart, a temple, dedicated to virtue and good acts, and which softens and beautifies nature. For the time such men last, they are nothing more than so much power, placed in the hands of the evil spirit.<sup>13</sup>

Such darkness lies beneath the surface of even hagiographic depictions. Haywood resigned his office of Attorney General of North Carolina in 1800 because he refused to implement justice in the case against his friend, James Glasgow, North Carolina Secretary of State. Rothrock mentioned this case and the resignation; however, she conspicuously did not go into the case's specifics. She only called Haywood a 'loyal friend' for defending Glasgow against claims of "fraudulent dealing in land warrants"; she did not spell out that Glasgow stood accused of stealing vast tracts of land in the Old Southwest—among them the entire riverine region in the

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<sup>13</sup> Patrick Henry Darby, *The Opinion of Judges Haywood and Peck, of the Supreme Court of Errors and Appeals in the Case of R. G. Waterhouse vs. Martin and Others, Lessee, delivered at Knoxville, May Term, 1824* (Knoxville, TN: Knoxville Register Office, Heiskell & Brown, 1824), iii–v.

northwestern tip of what became Alabama, a region known as the Muscle Shoals.<sup>14</sup>

Like Rothrock, many nineteenth-century Haywood acolytes tried to hide away the specifics of the Glasgow case—in particular, the case's relationship to Haywood's flight from North Carolina. Similar to Colyar's vague temptation story, which Rothrock utilized to explain Haywood's emigration to Tennessee, J. C. B., Jr. spun Haywood's emigration as the result of his aversion to a new North Carolina law "establishing two terms of the Superior Court in each county annually." Jr. cited Haywood's friend, Judge and banker Duncan Cameron, who maintained that Haywood would have rather moved to the Tennessee frontier late in life—which meant establishing a legal practice from scratch in a landscape still bloodied by Indian violence—than stepped up his legal circuit riding in the eastern Carolina region (the new law would have required Haywood to travel to individual counties to settle disputes he could have previously settled in regional courts).<sup>15</sup> Apparently the hundreds of acres Haywood and his family came to possess in Tennessee—none of which the hagiographic accounts mentioned—were just an unforeseen bonus, ironic gain of his own laziness.<sup>16</sup>

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<sup>14</sup> Rothrock, "John Hawyood," xiii. For more on the Glasgow case, see John R. Finger, *Tennessee Frontiers: Three Regions in Transition* (Indiana University Press, 2001), 107–108, 214.

<sup>15</sup> J. B. C., Jr., "Why Judge Haywood Left North Carolina," 191–194 (quote).

<sup>16</sup> Barbara, Byron, and Samuel Sistler, *Tennessee Land Grants*, 2 vols. (Nashville, TN, 1998), vol. 1, 417. Haywood's cousin, John (also, a North Carolina State Treasurer), owned hundreds of acres in Tennessee too, though he never moved there. Our Haywood's wife, Martha, also owned hundreds of acres there; and, although Haywood's will is as shady as his economic situation at the end of his life (his demise was rather quick and unexpected), he clearly passed some of these tracts to his children. The majority of Haywood's land holdings catalogued in *Tennessee Land Grants* are from 1812. Judge Cameron's family, too, owned

Cameron's bizarre explanation for Haywood's emigration, passed down among Chapel Hill law alumni, turns neon when placed in the context in which it was purportedly obtained. Cameron happened, his story went, to run across Haywood in Raleigh when he was making his way southwest. Cameron asked, 'Why are you emigrating?' Haywood answered with the lazy story. Moreover, Cameron recounted this chance meeting when defending Haywood's good name against rumors that Haywood had fled North Carolina because his refusal to prosecute Glasgow had stained his name.<sup>17</sup> J. B. C., Jr. admitted this latter tradition:

Glasgow, whose guilty conscience anticipated conviction, sought Judge Haywood. . . . [H]e went to him secretly by night, and poured out upon the table before him a thousand Spanish silver dollars, and offered them to him as a retainer if he would resign his seat on the bench and appear as his counsel in the approaching trial. The Judge had in North Carolina, as he afterwards came to have in Tennessee, the reputation of being always "hard up" in his finances. The sight of the money was too much for him. He resigned his seat on the bench only eleven days before the meeting of the Court, and appeared before his late associates as Glasgow's counsel.<sup>18</sup>

As to why this midnight meeting stained Haywood's name, however, Jr. tried not to be too hard on him:

The professional mind may be able to view such a transaction dispassionately, and to minimize the element of human imperfection involved in it; but the popular mind, excited and resentful on account of the admitted and proved frauds of its honored and trusted servant, could make no allowance, and would accept no excuse, for such a course of conduct in one who had been appointed to detect and punish those frauds, and who had thus lent his professional skill to shield and defend the perpetrator.

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plantations in the Old Southwest. See Cameron Family Papers, 1757-1978, Southern Historical Collection, University of North Carolina at Chapel Hill.

<sup>17</sup> J. B. C., Jr., "Why Judge Haywood Left North Carolina," 193-194.

<sup>18</sup> *Ibid.*, 192.

And although in his defense of Glasgow Haywood inadvertently exposed a high fallibility in his own legal writings—it was discovered in the trial's aftermath, Jr. admitted, that Haywood had taken part in drafting much of the initial indictment against Glasgow (perhaps before the coins were poured on Haywood's desk)—Jr. assured his reader, “Judge Haywood’s qualities were too substantial and genuine to remain long oppressed or obscured by popular odium or prejudice.”<sup>19</sup>

That land lust was threatening Haywood’s legal career in North Carolina even the thickest hagiography cannot hide; and it might have ruined his career had he not, across the next eight years of his legal practice, authored and advocated a revision in North Carolina law that made him highly popular in Tennessee. Perched like a buzzard gazing down across the most fertile lands of the US in the early Republic, Tennessee was the first state carved out of the Southwest Territory (1796). In order to gain this foothold, in order to truly settle there and get rich planting, emigrant planters needed protection against established eastern planters whose colonial claims dated back to the days when eastern colonies extended *ad infinitum* to the West, as well as protection against the claims, older still, of southern Indians.<sup>20</sup> Toward the end of his legal career in North Carolina Haywood had dug up from juridical catacombs “the doctrine of color of title,” a convoluted ancient

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<sup>19</sup> *Ibid.*, 192, 193. To worsen matters, egregious hypocrisies in Haywood were subsequently made known: “The uncompromising and vigorous character of his defence of [Haywood’s] client may be estimated from the fact that after a verdict of guilty, [Haywood] moved in arrest of judgment upon fifteen alleged errors in the bill of indictment which he had himself assisted to prepare” (192). This is surely the best way a hagiographer could write it.

<sup>20</sup> D. W. Meinig, *The Shaping of America: A Geographical Perspective on 500 Years of History, Volume I, Atlantic America, 1492–1800* (Yale University Press, 1986), 351.

Germanic legal concept that had allowed lords to legally claim possession of land by producing only “the appearance, semblance, or *simulacrum* of title.”<sup>21</sup> Claiming possession in such a way was often as crooked as the language suggests, and no doubt often came down to a might makes right power play. But Haywood invoked the ancient doctrine as precedent to argue that if a white planter originally *believed* himself to be the lawful possessor of a tract of land and could prove to a judge that he had believed this upon cultivating the land—whether he could produce an original title or not—and had proceeded to cultivate it for seven years without being evicted off, the land was his for life. Haywood arrived at his Doctrine by studying the legal reasoning of Matthew Hale, a Puritan jurist who argued that ancient wrongs, ancient massacres, could be righted by the righteous in the present by invoking ancient laws that should have pertained to the ancient crime—as if the ancient past and present are in close proximity, of the same time period. Because the Southern Indians had killed civilization and lived as beasts for centuries in the landscape, emigrant planters could utilize the ancient Roman

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<sup>21</sup> Joshua William Caldwell, *Sketches of the Bench and Bar of Tennessee* (Knoxville, TN: Ogden Brothers & Co., 1898, 39; Henry Campbell Black, *A Dictionary of Law: Containing Definitions of the Terms and Phrases of American and English Jurisprudence, Ancient and Modern* (Clark, NJ: The Lawbook Exchange, Ltd., 1991), 222; Rudolph Huebner, *A History of Germanic Private Law*, published as part of The Association of American Law Schools' *The Continental Legal History Series*, 11 vols. (Boston: Little, Brown, & Co., 1918), vol. 4, 14, 255, 423. Haywood lost the *Weatherhead* case (he and friend, Judge John Overton, were a minority, the only judges upholding the color of title argument), but worked his will successfully once he became Judge of the Supreme Court. In Germanic law, color of title, *Rechtsschein*, was also known as “title of natural right.” For more information on Haywood and the *Weatherhead* case, see Caldwell, 38–39; and *The American Jurist and Law Magazine*, Volume III, January and April 1830 (Boston: Freeman & Bolles, 1830), 271–272. Indeed, aside from missing the wider historical context of Haywood’s revision, Rothrock seems greatly confused about the particulars of the *Weatherhead* case itself, and did not seem to understand the legal definition of ‘color of title.’

<sup>21</sup> Meinig, 351.

law of *ferae bestiae* (law of wild beasts), which held that civilized planters could rightfully claim land roamed by such wolves as Indians. Innovating and advocating this combination of a medieval color of title law with *ferae bestiae*, what became known as “Haywood’s Doctrine,” Haywood allied himself with the Old Southwest against both the Anglican planters of the Atlantic coast—who he feared might one day try and evict emigrants by producing elder titles from the colonial era—and the Southern Indians—who, though he believed they were latecomer, nomadic, and demonic murderers, might try and claim their tribes had possessed the land since antiquity.<sup>22</sup> There was, Haywood perceived, an ancient power to be awakened in the Old Southwest greater than any connections Tennessee’s rivals in land ownership—be they Cherokee, Creek, or Carolinian—could martial in court. Whether the Cherokee could show legal/documentary connection to land titles claimed by their great grandparents, whether Carolinians could do the same—none of this mattered in legal and moral courts because white Tennessee planters were raising plantations in the lands of ancient murdered planters and driving the murderers’ descendants away, restoring the broken chain of title. Haywood’s historical and legal research had led him to believe that restoring this broken chain was not only possible, but the only legal way the Old Southwest could be transferred across time to future generations, the only way emigrant planters could feel secure in their moral and legal claims to it.

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<sup>22</sup> For instance, see John Haywood, *Reports of Cases Adjudged in the Superior Courts of Law and Equity of the State of North Carolina, from the Year 1789, to the Year 1798*, Second Edition (Raleigh, NC: Jos. Gales & Son, printers, 1832).

As Judge on the Supreme Court of Tennessee Haywood would fight to see his Doctrine win out; it was standardized in case summaries and writings such as *The Statute Laws of the State of Tennessee* (part of which Haywood authored), and put into practice in the next states carved out of the Old Southwest, Mississippi and Alabama. Rothrock noticed this. She praised Haywood for his Doctrine: “He was of counsel in a classic case in Tennessee, *Weatherhead versus Bledsoe’s heirs* (1815), in which” he argued that “the possessor need not show connection with a grant for a grant with a valid title.” She stressed with seeming pride how “Haywood’s position . . . in effect supported the cause of Tennessee settlers” and “added greatly to his prestige among his fellow Tennesseans.”<sup>23</sup>

To be sure, Haywood’s desire to move southwest can be explained in part by his North Carolina experiences such as the Glasgow incident, and also by land lust typical of an ambitious antebellum lawyer; but as the complex legal and historical arguments in Haywood’s Doctrine suggest, only in part.

Haywood providing the solution to these problems bespeaks solidarity, a yearning to help other emigrant planters too, and it can be accounted for by the fact that across his life in North Carolina Haywood witnessed, talked to witnesses of, and read about violent events occurring in the Old Southwestern frontier that seemed to be more than just temporally weighty. Well before he emigrated to Tennessee events had unfolded that made him

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<sup>23</sup> Rothrock, “John Haywood,” xv.

start to envision establishing a planting society in the Old Southwest as more than an economic move, but a crusade. Righting the ancient massacre Haywood innovated his Doctrine to pursue was not merely an economic effort, but part of a holy war. The ancient murderers' ancestors were servants of the Devil and still, as wolves, skulking to kill planters in the landscape.

They had tried to maul the first planter state to emerge in the Old Southwest since antiquity. In 1784 John Sevier (1745–1815), a Revolutionary War hero, had assumed leadership of bands of planters who decided to free themselves from the Atlantic aristocracy and found an independent state of planters rooted in East Tennessee's river valleys. Sevier and his frontier planter militia were already, even in these early years, dreaming about even deeper southern possibilities, extending to encompass Creek lands in the Black Belt.<sup>24</sup> Some historians have attributed its name to Sevier's wishing to honor Benjamin Franklin, but this seems unlikely—for the enlightened Doctor was wary of the frontier planters' dreams.<sup>25</sup> Responding to Sevier's query for advice with state-formation, Franklin was cold, "I am too little acquainted with the circumstances to be able to offer you any thing just now that may be of importance." He would only stress one point in particular: the crucial

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<sup>24</sup> Freehling, *The Road to Disunion*, Vol. I, 13–36. See also Kristofer Ray, *Middle Tennessee: Progress and Popular Democracy on the Southwestern Frontier, 1775–1825* (University of Tennessee Press, 2007); Adam Rothman, *Slave Country: American Expansion and the Origins of the Deep South* (Harvard University Press, 2005); and Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Harvard University Press, 2013), 1–45.

<sup>25</sup> Kevin Barksdale, for instance, cannot convincingly account for the discrepancy between "Frankland" and "Franklin," nor does he analyze why Haywood continued using the term "Frankland" long after the actual eighteenth-century inhabitants of "Frankland" increasingly called the state "Franklin." See Kevin Barksdale, *The Lost State of Franklin: America's First Secession* (University of Kentucky Press, 2008), 165–166.

importance of “avoiding an Indian war by preventing encroachments on their lands.” Franklin had gotten news in Philadelphia “from the chief of the Cherokees that the North Carolinians on the one side, and the people of your State on the other, encroach on them daily.” Dr. Franklin ended with a warning: “It may be well, however, to acquaint those encroachers that the Congress will not justify them in the breach of a solemn treaty, and that if they bring upon themselves an Indian war they will not be supported in it.”<sup>26</sup>

Contemporary historians know this state as “Franklin,” but Haywood had come to know it otherwise. Looking back across the events occurring in the Old Southwest during his lifetime in his final *Civil and Political History*, Haywood repeatedly called Sevier’s independent state “Frankland.”<sup>27</sup> The term “Franks” has, since the First Crusade, been used by Westerners to refer to the Germanic tribes whose heartland was along the Rhine River in modern-day France and Germany, whose soldiers answered Pope Urban II’s call in 1096 to take part in what were then perceived as apocalyptic events in the Levant.<sup>28</sup> The Frankish periphery extended south into modern-day France, north into Scandinavia, and, after the Norman Invasion of the British Isles in 1066 CE, west into the British Isles. Charlemagne’s Carolingian Empire was said to have emerged out of descendants of Frankish invaders north of

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<sup>26</sup> Haywood, *Civil and Political History*, 183–184.

<sup>27</sup> *Ibid.*, 184, 186. Haywood includes a fascinating quote from one of Sevier’s own—contemporary—advocates who call the Franklanders by this name (186), and Haywood uses “Frankland” over “Franklin” throughout.

<sup>28</sup> See Jay Rubenstein, *Armies of Heaven: The First Crusade and the Quest for Apocalypse* (New York: Basic Books, 2011).

Aachen, invaders ultimately able to preserve Hellenism and Christianity through the European Dark Ages.<sup>29</sup>

The medieval Franks, Haywood would stress in the *Christian Advocate*, had suffered greatly in their pursuit of the Holy Land: “So many of the first crusade were slain in the plain of Nice by the Turkish arrows, that a pyramid of bones informed their companions of the place of their defeat. There was a column or mountain of bones, deep and broad, and which in the siege of Nice the Franks themselves used as the materials of a wall.”<sup>30</sup> Although the Crusaders had been wrong about when the end of time would occur, and lost Jerusalem in 1187 after nearly a century of violence, Haywood admired their work. He came to envision Frankland as a crusader state, the first light in ages to pierce the Old Southwestern darkness.

The ties between Frankland and the Crusades were so strong in Haywood’s mind that he came to believe that battles involving Crusaders and Turks had somehow, in medieval days, spilled over into the Old Southwest. He would claim in the *Christian Advocate* to witness, in the vicinity of Frankland, white, Nordic-like mummies killed by Old World enemies of Christendom, the nomadic Scythians, who he also called “Turks.”<sup>31</sup> Since

<sup>29</sup> See Emile de Bonnechose, *History of France, from the Invasion of the Grans Under Clovis, to Accession of Louis Philippe*, 2<sup>nd</sup> edition, translated by William Robson (London: G. Routledge & Co., 1856), 5–7; Edward Gibbon, *History of the Decline and Fall of the Roman Empire* (1776–1789), fourth American from the last London edition, 6 vols. (New York: J & J Harper, 1826), vol. 1, 233–234; and Christopher Tyerman, *God’s War: A New History of the Crusades* (New York: Penguin, 2006), 35–38.

<sup>30</sup> Haywood, *Christian Advocate*, 41.

<sup>31</sup> Haywood used the terms “Scythian” and “Turk” interchangeably to describe planters’ demonic enemy throughout the *Christian Advocate*’s pages. He believed they originated from Media, modern-day Iran, the anti-Christian, pagan and Muslim world (not all of Iran was Islamicized). From Media, sometime deep in antiquity, they “began to invade and settle all

antiquity these barbarians had roamed the Eurasian and American wildernesses like wolves, threatening civilization and doing the Devil's bidding. Haywood hunted their tracks across the historical landscape forming in his mind—through antiquity and into the antebellum Old Southwest.<sup>32</sup> The Crusades were not over. In the end times Christendom, of which Frankland was a shining outpost, “will be fallen upon by all Mahometan states and

Europe; the north of Africa, Persia, India, Armenia, Mesopotamia, China, the east part of Europe,” from whence they likely “penetrated into America.” See Haywood, *Christian Advocate*, 131, 210.

<sup>32</sup> The last prominent American historian before Haywood to make the Scythian=contemporary Indians equation was the Puritan minister, Cotton Mather (1663–1728), who Haywood likely read. However, Mather was less interested in defining the specific place from whence the Scythians attacked Rome than the English Enlightenment historian, Edward Gibbon (1737–1794), who ridiculed the Matherian characterization of the Scythians; an act for which Haywood disliked Gibbon. Gibbon described the Scythians with greater precision in his *History of the Decline and Fall of the Roman Empire* (1776–1789), bringing to the reader’s attention that in ancient times the word “Scythian” was invoked loosely to describe an array of nomadic peoples in the Asian steppes (spreading to the cardinal directions from their ancient origination in the rim of the Black Sea). Scythians were important, Gibbon stressed, because they were part of the—what might be called, in retrospect, Gibbon’s rather Tolstoian—explanation of the Roman Empire’s decline and fall: “In this disastrous period of the fall of the Roman empire, which may justly be dated from the reign of Valens, the happiness and security of each individual were personally attacked; and the arts and labours of ages were rudely defaced by the barbarians of Scythia and Germany.” Even though the Germanic tribes—the Franks included—haunting the Roman Empire’s fringe took advantage of Rome’s weakness, Gibbon singled the Scythians out as particularly vile: “The original principle of motion was concealed in the remote countries of the North; and the curious observation of the pastoral life of the Scythians, or Tartars, will illustrate the latent cause of these destructive emigrations.” He characterized the Scythians thus: “In every age the immense plains of Scythia, or Tartary [Central Asia], have been inhabited by vagrant tribes of hunters and shepherds, whose indolence refuses to cultivate the earth, and whose restless spirit despairs the confinement of a sedentary life.” Gibbon shared the Enlightenment historiographical tradition’s disdain for nomadism and superstition, and was blunt, “In every age, the immense plains of Scythia, or Tartary, have been inhabited by vagrant tribes of hunters and shepherds, whose indolence refuses to cultivate the earth, and whose restless spirit despairs the confinement of a sedentary life. . . . The thrones of Asia have been repeatedly overturned by the shepherds of the North; and their arms have spread terror and devastation over the most fertile and warlike countries of Europe.” See Gibbon, *History of the Decline and Fall*, Vol. III, 10–11.

The Franks, to the contrary, had eventually become Romanized, carrying Western Civilization to unexpected heights: “As the posterity of the Franks compose one of the greatest and most enlightened nations of Europe, the powers of learning and ingenuity have been exhausted in the discovery of their unlettered ancestors.” The Franks had come from “the northern parts of Germany,” the landscape which “gave birth to that celebrated colony of warriors.” Indeed, the English word for “Frank,” Gibbon added, was “Freemen,” and they soon cradled the Hellenism Rome had saved and innovated in their arms. See Gibbon, *History of the Decline and Fall*, Vol. I, 233–234.

countries; by the Tartar tribes; by the Persians; by the people of European and Arabia [-] Turkey; by the [modern] states of Barbary, Egypt and the people of Etheopia[—]on the east side of the Mediterranean sea, in the territories of Israel, near the ancient Samaria and Scytopolis, built in ancient times by the Scythians"; and by the Southern Indians, the Scythians' descendants, the arm of the Devil's army that would attack plantations in the Old Southwest.<sup>33</sup>

These attacks, Haywood perceived, had already started in the vicinity of Frankland. He had heard stories—many of which would fill the notebooks he kept for his *Civil and Political History*—of children getting scalped on the wood edge, their legs dangling from Indians' hands while their parents watched helplessly, crossed sites where the land had once been blood soaked by Cherokee warriors seeking to frighten Franklanders out of the landscape. Thus the desire growing in Haywood to help emigrant planters survive and to also warn them lest they be surprised by the height of the scarlet tide surely coming before the Devil's final defeat. "These facts [the history of the crusades]," Haywood went on, "if they can answer no other purpose, will. . . . teach us at least not to despise as impossible the desolating warfare and carnage which the scriptures teach us to expect in the latter days, and which the false religions of the earth may again excite in their last struggles for existence."<sup>34</sup>

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<sup>33</sup> Haywood, *Christian Advocate*, 35–36.

<sup>34</sup> *Ibid.*, 41.

Frankland ultimately failed as a state in 1788 due to opposition from the U.S. Government and “internal strife.” In the immediate aftermath of the Revolution many easterners deemed embracing such an Indian-provoking frontier outpost as a prospective fourteenth state too risky, and there developed civil war between emigrant planters who wanted to resist the U.S. Government and those who decided to obey, to maybe stop pushing the limits of the frontier further southwest for a time. But emigrant planters kept moving across the Appalachians, seeking to push the frontier back and back, and Haywood’s prediction proved right. Indian wars raged, civil war continued, and the post-Revolutionary era, the 1780s through 1820s, became the bloodiest era in the Old Southwest until the Civil War of the 1860s—hatchets, sabers, and guns frequently glistening at the thresholds of neighboring villages and plantations.<sup>35</sup>

Haywood could never let go of Franklanders’ visions, however, and believed that Frankland should have been allowed to persist, that this strong planter’s foothold against the Southern Indians and the East should have been maintained. “[T]hat no real and solid advantages were to be expected from [Frankland’s] further connection with her [North Carolina],” he argued, “was the opinion which every experienced politician should have formed.”<sup>36</sup> The frontier was too savage a place for plantations to survive without a sympathetic government’s backing:

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<sup>35</sup> Meinig, 351. For greater depth on the State of Franklin (or “Frankland,” as Haywood called it), see Barksdale.

<sup>36</sup> Haywood, *Civil and Political History*, 181.

[I]t is right to remember, in justice to those who once appeared on the side of the new government [of Frankland] . . . that the face of affairs was quite different at the time of the convention of Frankland, which resolved upon independence, and in the fall of the year 1786. Before this juncture there was no governmental head to which the people of the western counties could carry their complaints. . . . North Carolina felt herself as much estranged from the inhabitants of the western counties as she was with respect to any other State or Territory in the United States. . . . [N]either did North Carolina conceive herself bound to exert her strength or resources for the defense of the western counties . . . .<sup>37</sup>

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Upon emigration to Tennessee, Haywood would devote the remainder of his life to writing history and law that would actualize Franklanders' visions, havocking Dr. Franklin's dream of a South shared by Indians and whites and ruled from the East. Haywood had emigrated to the right city. Judge Overton, the friend who tempted Haywood southwest, was Andrew Jackson's land speculation partner. Overton and Jackson had already bought and sold together (at great loss) fifty thousand acres in the Old Southwest by the year Tennessee achieved statehood, and it would be Overton who toasted Old Hickory on behalf of all Tennesseans at the 1818 "Ball of commemoration" celebrating the obliteration of Chickasaw land claims to western Tennessee.<sup>38</sup> Overton shared Jackson's love for Old Southwestern antiquity and landscape, and there was more than even the Chickasaw claims to celebrate. By 1818 fertile Creek lands—further south, still—had been won for plantations by Jackson and his army of Tennesseans. Haywood might have been at the ball—perhaps taking a break from writing the *Christian Advocate*, which he

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<sup>37</sup> *Ibid.*, 180–181.

<sup>38</sup> Robert V. Remini, *Andrew Jackson: Volume I, The Course of American Empire, 1767–1821* (1977) (3 vols.) (New York: History Book Club, 1998), 87–89; and Remini, *Andrew Jackson and His Indian Wars*, 181.

would publish a year later—toasting with claret, spilling it off the goblet's sides and staining the wood floor like blood. By this time Haywood had North Carolina friends and relatives wishing to follow him southwest, leaving “640 acres in Tennessee in the Chickasaw Purchase” to their beloved daughters and sons.<sup>39</sup> By this time Jackson and Overton had each erected houses on ancient mound tops: Jackson, his slaving house in the outskirts of Natchez; Overton, his plantation home, “Traveler’s Rest,” in the outskirts of Nashville. Traveler’s Rest was moored to the earth by so many Indian skulls Overton called the hill “Golgotha.” Overton’s slaves would find them protruding from his basement walls and jutting up through the fields.<sup>40</sup> By now Jackson and Overton were pursuing wars against the Seminoles into the swamps of Florida with their greatest anti-Indian enthusiasm yet. The frontier violence of the early nineteenth century had been so shocking that Jackson was beginning to seek ways to rid the Old Southwest of every Indian entirely, what Haywood’s *Christian Advocate* would give him the argument to do.

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<sup>39</sup> *Abstracts of Wills Recorded in Orange County, North Carolina 1752–1850*, compiled by Ruth Herndon Shields (Greenville, S.C.: Southern Historical Press, Inc., 2001), 102. The entry, E 24, is for “William Sheppard,” whose son seems to be named after Haywood’s father, “Egbert.” Haywood is listed as the witness, and the only one listed as receiving anything in particular is Sheppard’s (gran?) daughter, “Margaret L. Sheppard,” who received the Chickasaw acres. Sheppard’s will was dated “6 April 1821.”

<sup>40</sup> Roger G. Kennedy, *Hidden Cities: The Discovery and Loss of Ancient North American Civilization* (New York: The Free Press, 1994), 65, 159. Regarding Jackson’s slaving house atop mound, see Ian Brown, “Statements of Power: Cemeteries on Indian Mounds,” a paper presented at the Association for Gravestones Studies Thirtieth National Conference and Meeting, New Hampshire, June 20-24, 2007. Brown, a professor of Anthropology at the University of Alabama, cites from the Journal of B. L. C. Wailes, April 20, 1853. Overton’s fascination with antiquities did not stop here: in 1819 he would assist Jackson in naming a well-situated Tennessee stop along the North American Nile “Memphis.”

Haywood died in the rain and cold at Tusculum in December of 1826. He was traveling home through the low hills around Nashville and, according to Rothrock, “the horses became sullen and refractory and Haywood was compelled to get out of his Dearborn [carriage] and walk for some distance over wet and muddy ground.” According to a local newspaper, he was attacked with painful sensations of a vesical nature, as he expressed himself, accompanied with high fever and suffocated excitement of the whole system. In his disordered state he reached home . . . in great pain and alarm, with reiteration of severe chills, fever and other symptoms of an enlarged and probably indurated liver.

He died “after great suffering, fever and delirium” four days before Christmas.<sup>41</sup>

Given all Haywood helped emigrant planters achieve, and given the richness of his intellectual world, it is fascinating that across the twentieth century he was forgotten. In the present time southern lawyers and historians furrow their brows, stare blankly when asked who he was, he who gave them their history, shaped their law and land. By the year Rothrock wrote her biography her thin narrative was as deep as historians had shoveled down Haywood’s grave, far from scraping even the casket top.

William Battle, the eminent law professor at Chapel Hill, and first editor of Haywood’s North Carolina legal reports in the years following his death, wrote in an 1860 edition of *North Carolina University Magazine*, Haywood was “one of the most learned and profound lawyers in the Union.”<sup>42</sup> Writing at

<sup>41</sup> Rothrock, xxiv; Rothrock cites Haywood’s obituary in the *Nashville Republican*, January 6, 1827.

<sup>42</sup> William H. Battle, “Judge Haywood and His Contemporaries,” *North Carolina University Magazine*, Vol. X, no. 6 (1861): 215.

the end of the nineteenth century, Joshua William Caldwell, historian of Tennessee's constitution, said of Haywood's antebellum celebrity: "Of no Tennessean except Andrew Jackson, and possibly Davy Crockett, have so many amusing stories been told."<sup>43</sup> Similar praises of Haywood echoed among other turn-of-the-century southern lawyers. Haywood was yet the toast of the southern judiciary, wrote J. B. C., Jr., a man native North Carolinians and Tennesseans should revere:

Haywood has been thought to have exercised a more prevailing influence than any other single person in determining the course of our judicial development. The same might be said of his influence as a judge in Tennessee. Some of the rules and maxims still governing our courts of law and the rights of private parties, received their present form from his hand. And in Tennessee it is said that the principles introduced and established in the legal system of that State by him, were of so fundamental a character, and had such immediate and important results, that they shook the fabric of the new institutions, and in many quarters brought great odium upon Judge Haywood.<sup>44</sup>

Jr.'s mentors had taught him Haywood's antebellum fame and influence:

Judge [William] Battle used to say that in our sub-revolutionary period the three greatest Common lawyers in America were Theophilus Parsons of Massachusetts, Luther Martin of Maryland, and John Haywood of North Carolina; and my old law preceptor, the late William K. Ruffin, eldest son of Chief Justice Ruffin, and himself a lawyer every way worthy of his name, recommended . . . to me . . . the example of Judge Haywood, who, he would say, . . . was the greatest lawyer North Carolina had ever produced. By the greatest lawyer, he would explain that he meant not merely greatest by his attainments and ability in the conduct of business and in the exposition and application of legal principles, but by the position which he held in the development of our State history and jurisprudence. In the opinion of Mr. Ruffin, Judge Haywood had a greater share than any other man in influencing and guiding the courts of the State during that critical period when it had to be considered and determined in what manner and in what degree the principles and methods of the Common Law should be changed or modified before they could be incorporated in the fabric of our civil and political life.<sup>45</sup>

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<sup>43</sup> Caldwell, 40.

<sup>44</sup> J. B. C., Jr., "Why Judge Haywood Left North Carolina," 200.

<sup>45</sup> *Ibid.*, 189–190.

Given the power of Haywood's work, Colyar could only lament how Deep Southerners outside of the legal profession had forgotten the mind whose work made their world possible:

Picking up here and there a scrap as to the inner and social life of Judge Haywood, then turning to his books, his "Civil and Political History of Tennessee," in which is preserved for future generations a diary of our ancestors of deepest interest which would have been lost if he had not lived, and then reading his curious researches into the mysteries of the "Natural and Aboriginal History" of the land we occupy before our ancestors came; and then his still more curious book, the "Christian Advocate," and then turning to the legal store-house in which, as Judge of the Supreme Court of two States, he laid the foundation of a judicial system broad and deep, tempering as only a great and good man could the stern mandates of the common law with equity and mercy, the reader of biography, ancient and modern, will ejaculate: "Where is his monument?" The echo must be: "The fitful fever of life being over, he sleeps well," but there is not a stone to mark the place.<sup>46</sup>

No grave marked the resting place of the man who had played a central role in founding the Tennessee Antiquarian Society, where the fragments of the sinister "pigmie bones" he wrote about in the *Christian Advocate* would be analyzed by Judge Overton, deposited, and guarded.<sup>47</sup> No grave, Colyar continued, marked the man who, through his *Civil and Political History*, did more than anyone else to immortalize Jackson and other lesser-known defenders of Tennessee civilization against the tomahawk:

Somewhere about the home he loved so well, somewhere on the farm, and, perhaps, near the spot where he wrote books and where he so beautifully tempered the law with mercy in preparing his judgments, and where he pointed the young lawyer the way to fame with uprightness in his profession—somewhere here, but nobody knows just where, his remains repose. The descendants of a race of men whose deeds of valor and intellectual prowess put them at the very front, we must be painfully conscious of our indifference to their memories. Jackson's tomb is in decay; a few noble women are trying to rescue it—working with but little support to preserve and perpetuate the

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<sup>46</sup> Colyar, "Biographical Sketch," 13.

<sup>47</sup> Tom Kanon, "Material Culture and Public Memory," 65.

reputation of the living—for Jackson himself is immortal. While Pakenham, the vanquished, whose lifeless body Jackson sent back to Westminster Abbey, is made the subject of England's great appreciation of public service by a work of art for all England to see, Jackson, the victor, who with raw troops freed his country from an invading army, afterward under Wellington, at Waterloo, is, by the government for which he did so much, left, so far as it is concerned, without a stone to mark his resting-place; and his own State, whose very name he immortalized, niggardly commits his memory to a few loving women, who, like the women after the crucifixion, in sadness and sorrow looked after the body, are doing what they can to rescue the tomb of Tennessee's immortal hero. And it was only through the Tennessee Historical Society, after the State's neglect for more than seventy years, that the remains of John Sevier, the immortal hero of King's Mountain, and who for twenty years stood on the frontier and protected the women and children from the Indians' tomahawks, were rescued from a forgotten grave in a distant State. And the very founder of our judicial system is so far forgotten that not a finger can point to the spot where his bones lie. Tennessee is badly in need of a revival in the religion which intensifies *love of country* and binds us to our dead heroes.<sup>48</sup>

The absence of Haywood monuments decorating the post-bellum Deep Southern landscape might have gone easier on Colyar's mind had Colyar known the full extent of Haywood's postmortem power, the power of Haywood's ghost. Or, more likely, Colyar's disbelief and fury would have heightened. For the far-reaching sequences of cause and effect Haywood set into motion during his own lifetime would likely have died entirely had not his legal- and historical theories remained in motion decades after his death. Colyar's good friend, the Confederate eugenicist and atheist Frank Lowber James, cradled Indian skulls in his palms in the lantern light during the 1870s, searching for signs of where things were headed for his destroyed nation. Had Haywood not sought to instruct young Tennesseans in the divination practice of searching in the past for the future, weaving the conclusions it gave into the very property laws that helped carve up the Old Southwest into

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<sup>48</sup> Colyar, "Biographical Sketch," 13–14.

a plantation society, it is difficult to imagine there existing an ex-Confederate holding up Indian skulls to the lantern in the second half of the nineteenth century.

### His History

In *The Christian Advocate* (1819; from here on, “CA”) Haywood connected ancient southern history with the biblical history of the future apocalypse. Yes, the Southern Indians were depraved and warlike, and had murdered an ancient planting civilization in the Old southwest, but he wrote that ancient history to reach contemporary planters, particularly younger ones, and inspire them to become Christians. Haywood “flatters himself” in his preface, “that such a collection and presentation [of ancient southern history] . . . may lead some to examine and to reflect, who otherwise would not do so.” He believed “investigation in most instances will lead to conviction”: “The production [the history] being of Tennessee, will lead our young men, because of its novelty, and because of their predilection for the works of their own country, to give it a reading: and thus they will be initiated into an investigation which may be followed by the happiest consequences.” Give them historical “examples of the profoundest abilities who have embraced with fervid sincerity those doctrines” and “the darkness of infidelity may be dissolved.” Then the Devil and his armies would surely lose because they would have no power over planters’ souls: “their researches will soon place them far above the reach of infidelity.”<sup>49</sup>

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<sup>49</sup> Haywood, *Christian Advocate*, 1–2 of preface.

Haywood divided the CA into three “books”—“Of Prophesy,” “The World was Made and will Perish,” and “All Men are from One Common Ancestor”—each divided into chapters, but each book builds on the previous to convince planters of five points: (1) the end of time is coming; (2) you should follow Christ in the end times; (3) the Old Southwest is an ancient landscape entwined with biblical history and prophesy; (4) you have much in common with ancient planters in the Old Southwest; and (5) the Southern Indians massacred the ancient planters and are waiting outside your plantations to massacre you. The language is often convoluted, and a glance at the Table of Contents—particularly the various chapters within each book—could lead one to believe the book is a compilation of a kooky armchair historian/theologian’s meditations on random theological and historical questions such as “Of the Millenary Sabbath,” “Of Prophetic Signs,” “Of Planetary Infirmity,” or “The Aboriginal American Emigrated from Asia.” However, taken together, the sum amounts to an argument about who belongs in the Old Southwest, and who should be driven out of it.

Colyar was but a child when Haywood was in his prime; yet, writing in the 1890s, he could vividly recall Haywood’s historiographical goals. Haywood had “the fixed purpose to perpetuate the deeds of a great and long-suffering people and to hold up to the coming generations, as examples for them to imitate, Sevier, Jackson, and Robertson . . .”<sup>50</sup> Colyar too hinted that the CA was the most potent of Haywood’s histories, “a book of rare merit,” and spent more space thoroughly discussing it than the *Civil and Political*

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<sup>50</sup> Colyar, “Biographical Sketch,” 8–9.

*History* for which he was writing the Preface.<sup>51</sup> The “Natural and Aboriginal History of Tennessee,” wrote Colyar, “is a book which seems never to have reached the public.” It was crude, “badly printed, without head-notes, and with many mistakes of the printer. I can only hear of two copies; one of these I found preserved as a sacred relic by the judge’s grandson . . .”<sup>52</sup>

The CA is indeed southern history little known—if at all—among modern scholars and popular audiences alike. Perplexed by what it contained, Rothrock tried to rationalize what she could of it but hid detailed description of its contents from her readers like a skeleton:

In 1819 a homely little book the *Christian Advocate*, issued from the press of Thomas G. Bradford, a Nashville printer. . . . Haywood’s ‘s own classification of the book—his first venture into authorship outside the legal profession—is to be found in a letter he wrote his cousin John Haywood, North Carolinian state treasurer, “I have finished my book upon philosophical theology and will have it bound and sent to you.” It is not known how many copies of the *Christian Advocate* were printed. Evidently it was a small edition, with little circulation, for the book has always been rare.

Rothrock stressed, “Few have seen a copy, fewer still have read it and it is fairly certain none has understood it. No advertisement or contemporary review has been found that would indicate that the CA received any public attention whatever at the time of its publication.” She speculated that perhaps this was due to “The machinery of book distribution in the early 1800’s,” which “was imperfect at best, depending largely on the enterprize of the printer.” Moreover, “It may be conjectured that by the time the *Christian Advocate* saw the light its author had galloped on to other interests; or perhaps that he had written and printed it less for public consumption than as an aid to his own

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<sup>51</sup> *Ibid.*, 10.

<sup>52</sup> *Ibid.*, 9.

thought." Then, it dawned on her, "In fact he did rework much of the latter half of the *Christian Advocate*, and include it in his next book, *The Natural and Aboriginal History of Tennessee [1823]*," the history for which he is relatively famous among Tennessee historians and antiquarians. In the latter history, published only four years after the CA, there is no apocalyptic war at work in the Old Southwestern landscape, few spirits flying through the air. Rothrock, who spent little time reading Haywood's "homely little book," and who is among those who have misunderstood it, nevertheless admitted one reason for its significance: "For the present purpose, [the CA's] value lies in what it reveals about the ideas that were occupying Haywood's mind in 1819, his voluminous reading in ancient history and travels, and the trend of his thought toward a comprehensive history of Tennessee. . . . This was the gestation period," she felt sure, "for his first history, *The Natural and Aboriginal History.*"<sup>53</sup>

Rothrock got the CA as wrong as Haywood's character. There is evidence suggesting that Haywood's apocalyptic 'little book' was quite widely read in the early antebellum period. An unknown antebellum analyst of Haywood's juristic contribution wrote in the first volume of *The South-Western Law Journal and Reporter* (1844), "Another work which he published during his residence in Tennessee, was entitled '*The Evidences of Christianity*.'" One can see quite clearly from this author's review of it, that "*Evidences*" is in fact the CA—for Haywood wrote nothing else remotely similar. The author continued, "It was much read in Tennessee at the time of its publication, but is

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<sup>53</sup> Rothrock, "John Haywood," xvi–xvii.

now nearly out of print.”<sup>54</sup> There are only fourteen known copies extant, but this is unsurprising for what was the first southern history printed in the Old Southwestern frontier; moreover, it is beside the point. This anonymous author was right—at least—in this much: the CA was widely read within early Tennessee legal and political circles, among Haywood’s friends. The argument produced by Haywood’s Scythian thesis within the CA would, in the winter of 1830/31, sound through the jaw of President Andrew Jackson to congress. So, yes, widely read indeed.

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As the chief aim of this work is to demonstrate the relationship between antebellum southern historiography and the unfolding of future events (especially the relationship between historiography and law, war, and genocide), it is divided into two parts. Part I, “Historiography,” Chapters 1–4, focuses on the immediate historical context of Haywood’s crafting of the CA and analyzes the CA’s arguments and their genealogy, ending with the history’s most glaring intersection with the turn of future events, Jackson’s paraphrasing of the CA in his Indian Removal speech to Congress. Part II, “History,” Chapters 5–Conclusion, illuminates the wider reach of the CA’s historical theses, their interconnection with the foundational property laws of the Old Southwest—in particular, their part in ensuring that the coffined bones of retrograde, early modern legal thought would, like the valley of bones in Ezekiel 37, rattle and resurrect to shape the Old Southwestern judiciary

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<sup>54</sup> “Memoir of John Haywood,” in Milton A. Haynes, ed., *The South-Western Law Journal and Reporter*, 2 vols. (Nashville, TN: Cameron & Fall, June 1844), vol. 1, 269–270.

throughout the foundational years of the antebellum era. Southern nationalism and the cradling of the Confederacy itself would arguably have been impossible without Haywood's brutal historical arguments seeping into the dry jargon riddling antebellum Old Southwestern law books whose words historians have scarcely analyzed. Emigrant planters now had a historical source and a legal basis from which they could explore the landscape's history deeper still. Through drawing upon the Old Southwestern historical landscape that the CA constructed, and the antebellum southern physical landscape—a cotton kingdom—that the CA helped actualize, William Gilmore Simms (1806–1870), arguably the most eminent later antebellum southern historian (as well as poet and storyteller), and historians belonging to a southern cult of antiquity he and Haywood influenced would seek to buttress the world emigrant planters were seeking to build by *unifying* disparate Old Southwestern worlds. The *entire* slaveholding South, Indian and white, would be unified—from its Old Southwestern heart, the future cradle of the Confederacy—for a war against emerging philanthropist and abolitionist threats from without. For it is surely one of the most perplexing questions in southern history, how hordes of planter emigrants and their children could—within, for most of them, thirty years—come to see themselves as *natives* fighting northern invaders in defense of the institution of slavery and their own country in the spring and summer of 1861.

## Chapter 1: Tusculum

Theirs was a world of wonders. Ghosts came to people in the night, and trumpets blared, though no one saw the trumpeters.

—David Hall, *Worlds of Wonder, Days of Judgment: Popular Religious Belief in Early New England* (1989)<sup>1</sup>

It was an aspiring Tennessee lawyer, J. C. Guild, who related the only extant account of Judge John Haywood at Tusculum, the plantation where the Judge composed the moral and legal justification for white southerners' claims on the ancient land beneath their feet. Guild had visited "the old Judge" at his Tennessee plantation, what has been called the first law school in the Old Southwest, seeking a law license. Guild walked up in the sun:

The simplicity of his younger days had not essentially changed. His age and great size made it extremely difficult for him to move about. He was therefore seated, with his books around him, under the trees in his yard, upon a large untanned bull's-hide spread out upon the ground. When the progress of the sun brought its rays to bear upon him, he would call a stout negro man . . . who catching hold of the tail of the bull's-hide would draw the old man and his books to another spot better protected from the sun; and so during the day he would travel around with the shadow of his mighty oaks, and pursue his studies and meditations in primitive comfort.<sup>2</sup>

John Andrews Murrell, slave-catcher and conductor upon the so-called "Reverse Underground Railroad," remarked of Haywood's writing environs: "Old Judge Haywood up in Nashville—he lays around all day on a bull's hide

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<sup>1</sup> David Hall, *Worlds of Wonder, Days of Judgment: Popular Religious Belief in Early New England* (Harvard University Press, 1989), 71.

<sup>2</sup> Caldwell, 202.

under a tree, and he's so fat it takes three niggers dragging at the tail to haul him into the shade . . . .”<sup>3</sup>

Other than how he wrote at Tusculum, we also know that Haywood feared spirits flying through the air and shaping the biological world in its vicinity. Haywood’s posthumous legal editor, Battle, reflected that Haywood’s eye for the landscape, the road even, just beyond his porch brought to mind Robert Burns’s poem on the occult, “Tam O’Shanter.” After Tam had been out drinking too late with his friends, leaving his bitter wife raging, on the midnight road home from the tavern he encounters a coven dancing with ghosts in an antique church’s ruins, and is thereafter chased by the Devil. It fascinated Battle that Haywood could not confine his similarly rich world of spirits to Tusculum’s fireside in late evenings, but related ghosts as history in the CA. Haywood, as much as Burns’s character, Tam, was a “ghost-seer”:

Henry Pugh, Esq., of Stewart County in this State, formerly resided in North Carolina, in Bertie County, eight or ten miles from Windsor. His elder brother died, and sometime afterwards another brother riding from Windsor, suddenly saw the hand of a man on the mane of his horse, and a man walking with the horse as he travelled, and kept up with him. He knew him to be his elder brother, and hastened the gait of his horse; after continuing to walk some distance, the apparition pronounced these words “*Prepare for death,*” and instantly disappeared. The living brother came home, told the family what he had seen and heard; began his preparations, and in a short time afterwards was taken sick and died.<sup>4</sup>

In the universe of Tusculum, Battle stressed, spirits “act . . . upon insects, small quadrupeds and reptiles unconnected with the presence of

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<sup>3</sup> John A. Murrell’s Description of Judge Haywood, included in *Tennessee: A Guide to the State*, Federal Writer’s Project (State of Tennessee, 1939), 384. Murrell operated chiefly upon the Mississippi River, and also stole slaves from Deep Southern masters and sold them for profit.

<sup>4</sup> Battle, 213–214. This story in appears in Haywood, *Christian Advocate*, 178.

man." Another for instance from the pages of the CA, an insane stitching together of supposed freakish spirit intersections with nature across time:

[A]bout twenty years ago, in all directions from Nashville, and to the distance of many miles, bees were seen, as if in much hurry, flying towards that point. There they actually met on the plantation of Judge McNairy, settling in swarms upon the fences, trees, rocks and other convenient places, and after remaining there several days dispersed. Not many years ago, the squirrels assembled in vast numbers, and crossed some of the North American rivers. In the year 1059 an immense number of snakes assembled in a plain near Turkey in Flanders, and forming themselves into two bodies fought with incredible fury, until the one had nearly destroyed the other. The people killed the other band.<sup>5</sup>

Other than these observations, all we have to evoke Tusculum's universe are further details revealed in the CA and in Haywood's scanty notes extant.

The CA's theses are unintelligible apart from an understanding of the Old Southwestern landscape as Haywood experienced it while meditating on the past, conceiving his theses. Whatever reading or past experience conditioned Haywood's writing of history on a given day, we can be sure that the last cause came from the immediate vicinity of Tusculum. This chapter conveys how "signs" in the landscape around Tusculum combined with his understanding of the Book of Revelation, the history of Western Civilization, and recent Old Southwestern history to convince Haywood that the apocalypse was underway. The chapter begins with evocations of the universe of Tusculum as Haywood experienced it in his day-to-day legal and historiographical activities. It pries open the coffin for the skull, so to speak,

<sup>5</sup> *Ibid.*, 214. This story appears in Haywood, *Christian Advocate*, 170.

wherein swirled violent memories and historical theses. It moves on to mine Haywood's understanding of apocalyptic chronology and the history of Western Civilization as revealed in the CA, and ends with an illumination of his only historical notes extant ("A Historian's Gory Notes"), dark revelation of the recent history that provoked him to accomplish all he wanted to accomplish with historiography.

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Haywood was skittish in his new region. Book II of the CA, "The World was Made and will Perish," is an outcry that movements in the land and air surrounding Tusculum had him on edge. "An aged witness once said on a trial in Hillsborough," Haywood recounted, "where the boundaries of land were in question, that a certain white oak, when he knew it many years ago, was the marked corner of the tract; and that there was then upon it the head of a man painted by the Indians upon the wood." There were doubters, "The jury did not agree," to be sure; however, "before the . . . next term, witnesses were taken to the tree, and in their presence the bark was taken off on that side of the tree which face the old Indian path that crossed the creek there. The head was found unfaded and in well proportioned form."

And there were mounds everywhere: "Near one of those mounds, which are very numerous in West Tennessee, was found the representation of a woman's head in sculptured stone, well formed with red lips, lively eyes, nose, ears, forehead and all parts of the head completely represented, and polished." The way Haywood encountered this particular red-lipped woman's

head: “This I saw; Mr. Lyons put it up for a sign for his tavern, and called it the Indian queen.”<sup>6</sup>

The Puritan minister Cotton Mather had feared for Haywood-like southerners’ predicament as early as the turn of the eighteenth century. Historian Jon Butler has emphasized that for much of the seventeenth and eighteenth centuries southern Christian colonists had weaker institutions than their New England brothers and sisters, fewer churches on the skyline.<sup>7</sup> At the turn of the eighteenth century, as the Devil was renewing his massacres on northern frontier villages like Deerfield, Massachusetts, Mather authored three pamphlets—*A Letter to Ungospelized Plantations* (1702), *An Essay to Direct the Frontiers* (1707), and *The Old Paths Restored* (1711)—to aid his afflicted brothers and sisters on the frontier, and in the South.<sup>8</sup> It was clear to Mather “That places which have no *Evangelical Ministry* in them, are miserably destitute” and “Barbarous.”<sup>9</sup> Southerners living on the frontier were “Exposed unto the Incursions of a *Barbarous Enemy*”; southerners experienced “*Hazards and Sorrows* by your being in the Exposed *frontiers* of the Land. . . . by living so near unto a Barbarous *Enemy*.” What Mather had heard of the frontier sickened him:

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<sup>6</sup> Haywood, *Christian Advocate*, 193.

<sup>7</sup> Jon Butler, *Awash in a Sea of Faith: Christianizing the American People* (Harvard University Press, 1990), 98–128. See also Alan Gallay, *The Indian Slave Trade: The Rise of the English Empire in the American South, 1670–1717* (Yale University Press, 2002), 227–230.

<sup>8</sup> Charles Chaney has noted how Mather wrote *Letter to Ungospelized Plantations* and *Essay to Direct the Frontiers* in order to warn, encourage, and guide Christians living on the frontiers, and *Old Paths Restored* was “to strengthen churches in the southern colonies. Numerous copies were sent to South Carolina.” See Chaney, *The Birth of Missions in America* (William Carey Library, Pasadena, California, 1976), 87, n39.

<sup>9</sup> Cotton Mather, *A Letter to Ungospelized Plantations* (Boston, 1702), 8–9.

Every now and then, we hear of some, who in Planting their *Corn*, alas, have their *Fields water'd with their Blood*. Some, who while *Mowing their Grass*, are Cut down by the *Scythe of a Bloody Death*: Some, who stepping forth to look their *Cattel*, have themselves become *Sheep for the Slaughter*. *The Serpent by the Way, the Adder in the Path*, does often surprise you, with horrible Desolations."

Mather was clear about who the Serpent was employing: "*Wild Indians.*"<sup>10</sup> Wolves came to mind: "The *Evening Wolves*, the rabid and howling *Wolves of the Wilderness*" who can "Havock . . . you, & *not leave the Bones till the morning . . .*"<sup>11</sup> The frontier, in Mather's mind, was "*The Country of Death.*" It was "infested with *Serpents*," some of who could be "*winged Serpents . . . h[anging] about the Trees,*" hiding, waiting to strike.<sup>12</sup> The only solution was to watch, pray, and kill them: "Yet we cannot but Earnestly call upon you, That you would not *Remit* of your *Watchfulness*, or let any thing ly in such a Posture, as to lay your selves open unto a *Skulking Enemy*. Be kept *Awake . . . !*" Mather warned.<sup>13</sup>

The frontier was "the very *Mouth of the Destroyer*," and thus to let down one's guard was to invite the Devil in: "Ah! Land of *Unwalled Villages*: what will become of thee, if thy Abominations make the *Holy Angels* Lothe to be a *Wall of Fire* round about thee! They will invite the *Devils*, who delight in the Ruines that Sin brings on the Children of men, to do what they can as the

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<sup>10</sup> Mather, *An Essay to Direct the Frontiers* (Boston, 1707), 3–4. Mather likely has the recent massacre at Deerfield, Massachusetts (1704) on his mind. For he insinuates that there is a conspiracy between the Catholic Church, France, and Native Americans. Native Americans were "headed . . . by *French Papists*, breaking in upon . . . and then . . . *Killing . . .* some, and seizing and snatching away others, for a *Captivity*, full of miseries too Tragical to be otherwise Pointed out . . ." (Mather, *An Essay*, 4–5). For more on Deerfield and its legacy, see John Demos, *The Unredeemed Captive* (New York, 1995).

<sup>11</sup> Mather, *An Essay to . . . the Frontiers*, 14.

<sup>12</sup> *Ibid.*, 19–20.

<sup>13</sup> *Ibid.*, 23.

*Angels of Death among you.*<sup>14</sup> Frontier Christians should take care to not let their houses become “*Houses full of Doleful Creatures, with Owls dwelling there,*” where witches dance.<sup>15</sup> Southern ministers, in particular, needed to keep vigilant of the most basic Reformed doctrines: “*Stand fast in the Grace of God, and beware of all Opinions contrary to the Doctrines of Grace which we have Received. Let it be Awfully Considered, That if the Churches once forego these Doctrines, they forego very much of the Christian Religion; their Glory will be gone; the Presence of the Lord Jesus Christ by His Holy Spirit breathing in His Institutions will be withdrawn . . .*”<sup>16</sup> For Mather sensed that from earliest contact the Devil was successful at buying southern souls: “The *Indians* would sell to the *Europeans* at their first Arrival in the Southern Regions, the best Jewels, and Metals, for a few *Glass-beads.*” In New England, Mather had preached amidst an Indian threat from the northern frontier in the late 1680s, things must be different. “Let your Thoughts be, that you have *Souls* not to be so basely *Truckt away; Souls* not to be Sold for *Songs*, whatever the *Flesh, the World, or the Devil* may *sing unto you.*”<sup>17</sup>

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There were crows, yellow jackets, and snakes imprinting their dark omens in rivers and even on very plantation bedrocks: “At the house where colonel Seawell lately lived, in the county of Davidson, in West Tennessee,

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<sup>14</sup> *Ibid.*, 28, 40.

<sup>15</sup> *Ibid.*, 47.

<sup>16</sup> Mather, *The Old Paths Restored* (Boston, 1711), 12–13.

<sup>17</sup> Mather, *Souldiers Counselle and Comforted: a discourse delivered unto some part of the forces engaged in the just war of New-England against the northern & eastern Indians* (Boston, 1689), 24.

which plantation John Mayfield now occupies on Mill creek, is a stone hearth, and upon it are the tracks of crows of different sizes, impressed no doubt when it was mud, but since converted into stone.”<sup>18</sup> Or, “A nest of yellow jackets, with the young ones in it, all petrified, was taken from the Ohio river, and was seen by Mr. Hayes in the fall of the year 1807. . . .”<sup>19</sup>

Gloomiest of all, again “In Davidson county . . . on the plantation of captain Coleman, at the bottom of his spring house, from which the earth had been removed in searching for the foundation, is a rock on which the house is placed. On the surface of this rock are petrified snakes, partly incorporated with the stone.”<sup>20</sup> Although these petrifications seemed natural, Haywood believed otherwise: “If all these signs proceed from natural causes, as all the phenomena of nature do; yet infinite wisdom has disposed of natural causes so as to produce the uncommon appearances we sometimes behold, and at periods but shortly precedent to the important occurrences which they announce the approach of, just as we apprehend the coming of rain or fair weather, by the signs we see, are the fore-runners of them.”<sup>21</sup>

Haywood noticed “Spots in the sun,” and earthquakes “through all the earth.” There are “electric appearances on the masts of vessels as they approach land” in the harbors, and the Mississippi River is rising and falling “12 or 14 feet” within a minute. “The streams of water in Tennessee,” Haywood noted, “have been ever since more copious than before.” Hell

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<sup>18</sup> Haywood, *Christian Advocate*, 143.

<sup>19</sup> Haywood, *Christian Advocate*, 149.

<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.*, 147.

seemed ascending: "In many places in West Tennessee old sulphur springs have recommenced running which some years before had dried up." Or, "The earth, in the western part of West Tennessee, opened in several places, and white sand issued from the apertures." Or, "Near New Madrid hot water issued from the holes, of a dark colour, and of a strong sulphureous smell. Where the white sand was thrown up, it lay around the hole in a circular form." Even deeper below, "In some places there issued from the earth something like wind from the tube of a bellows passing through burning coal."<sup>22</sup>

Death was on the air:

The day next but one, before the first earthquake, was darkened from morning to night by a thick fog, and divers persons perceived a sulphurous scent. The wind ceased, and there was a dead calm, without the least breath of air on the day of the earthquake. The motions of the earth were undulating; the part agitated quivered like the flesh of a beef just killed.

Haywood pointed out to the reader that this was all "about the time of the disappearance of the comet," and "Explosions like the discharge of a cannon at a few miles distance were heard, and at night flashes of lightning seemed sometimes to break from the earth."<sup>23</sup>

These occurrences in nature were felt across the Mississippi Valley, even into middle and East Tennessee: "For two or three months the shocks were frequent, almost every day; then they gradually decreased in motion, and took place at longer intervals. In May, 1817, they were in Tennessee at the distance of several months apart, and were but barely perceptible." But

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<sup>22</sup> *Ibid.*, 113–114.

<sup>23</sup> *Ibid.*, 114.

"When the shocks came on, the stones upon the surface of the earth were agitated by a tremulous motion like eggs in a frying pan, and altogether made a noise similar to that of a wagon's wheels on a pebbly road. The frightened horses ran snorting in the field; the hogs squealed; the dogs barked; and the fowls descended from the roosts."<sup>24</sup>

The atmosphere seemed particularly bad in Indian country. "These are all through the Chickasaw country," Haywood warned. "In some places west of the Mississippi a troublesome warmth of the earth was perceptible to the naked feet."<sup>25</sup>

It was as if nature was trying to communicate: "The ponds of water, when there was no wind, had a troubled surface the whole day preceding any great shock. A deep gloom presided over the face of nature." Farmers could sense it with their weather eyes in the fields, and to many—including Haywood—there seemed *personality* behind it all: "A dead calm *brooded* over exhausted principles" [emphasis mine]. People had trouble drinking the water they fetched from fountains with pails: "In the time of the earthquakes the fountains received into their beds muddy water, too thick to be drank." The very air seemed at times to be *alive*: "In the time of the earthquakes a murmuring noise, like that of fire disturbed by the blowing of a bellows, issued from the pores of the earth. A distant rumbling was heard almost without intermission, and sometimes appeared to be in the air." It afflicted plantation homes: "Bricks fell from the tops of chimnies." It wrecked mighty trees: "On

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<sup>24</sup> 114–115.

<sup>25</sup> *Ibid.*, 114.

the west side of the Mississippi the trees were in many places split from the root upwards, the roots themselves being divided; in some instances the tree was wholly split to pieces; and in others, leaving a vacuum between the dissevered parts." There were almost too many different signs for Haywood to mention: "In some parts of the Mississippi, the stream was swallowed up for some minutes, by the seeming descent of the water into some great opening of the earth, at the bottom of the river. Boats were ingulphed and never more heard of."<sup>26</sup>

In Haywood's mind these disturbances had a supernatural quality:

The effluvia that caused the dimness of the day seemed to be neither clouds nor smoke, but resembling both. It was too light for clouds, and too much attenuated for common smoke, and was of a lighter cast. It seldom terminated in condensation, as Tennessee vapors usually do.<sup>27</sup>

One can imagine Haywood nervously looking out Tusculum's windows and tracing the shocks and signs across a map with his chubby fingers: "The motion was not felt further to the westward than Gallatin, that we have heard of."<sup>28</sup> The strangeness in nature caught people's eyes even when they were not seeking it, riding along and casting their eyes down at streams in the light of day: "General Cocke, of Rutledge, was riding near a stream of water, and by the reflection in the water, was led to observe them. They were seen by Judge Roan and Mr. McCannick, at Knoxville, and by many others."

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<sup>26</sup> *Ibid.*, 114–116.

<sup>27</sup> *Ibid.*, 115–116.

<sup>28</sup> *Ibid.*, 116.

There were skeptics, Haywood admitted: "Some persons imagine that earthquakes are the effects of natural causes . . . ."<sup>29</sup> He continued: "Let it be admitted, that all the phenomena which are mentioned in this chapter, were produced by natural causes; so are all uncommon appearances, except those which accompany the divine presence." Nevertheless, this did nothing to lessen Haywood's case that spirits moved about the landscape:

But they do not therefore cease to be signs to us of things that are to come. They are not therefore less the signs predicted; Luke, ch. 21, v. 25. The causes are so arranged, by incomprehensible wisdom, as to produce such appearances at the very times the latter are necessary to pre-signify what is coming.<sup>30</sup>

As to 'what' was coming, Haywood did not follow up directly; he only wrote directly after ". . . what is coming," that, "In Iredale county, in North Carolina, about the same time [the turn of the nineteenth century], and shortly before the great emigration which began the next year, and ever since, hath continued from almost every country into the western states and territories of the United States." This emigration, too, had a supernatural quality to it: "There was exhibited vast numbers of human beings, of all sizes, going round the Mountain in the Air, and in a westwardly direction. This indeed hath been properly accounted for on philosophical principles; yet still it was followed by important events." God's hand, Haywood assured the reader, guided the emigrants:

The vast multitudes that throng hither from all countries, may, in due time, be used by Providence to accomplish the emancipation of some oppressed nation; if not by martial aid, at least by examples evincive of the value of freedom, and by teaching the method both to acquire and preserve it. Who

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<sup>29</sup> *Ibid.*, 120.

<sup>30</sup> *Ibid.*, 125.

can tell what improvements, in religion and politics, may follow those emigrations; adding a still great blaze to that which is destined to enlighten the world; Matt. Ch. 14, v. 10, ch. 23, v. 35.”<sup>31</sup>

God’s hand on Haywood and his fellow emigrants meant, however, that the Devil and his armies would be circling the wagons.

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The atmospheric events Haywood was witnessing from Tusculum were part of, he says explicitly in Book I, “Of Prophesy,” the apocalypse. Aside from what his weather eye told him, he believed this because of the undeniable prophesy-fulfillment Claudio Buchanan’s *Christian Researches in Asia* (1811) illuminated. Buchanan, a Scottish missionary to India, had argued that the Gospel reaching the far ends of the earth signaled the Last Days predicted in the Book of Revelation.<sup>32</sup> Haywood wove the emergence of the United States on the world stage into Buchanan’s eschatology: the entire world was finally hearing Christ’s Gospel, and in Haywood’s mind the United States of America was playing the key role. The Book of Revelation and the history of Western Civilization told him everything else he needed to know. The apocalypse prophesied in the Book of Revelation would continue to play out across the nineteenth century, perhaps ending at the Millennium itself, when Christ would reign on earth for one thousand years.

“In the Apocalypse,” Haywood reasoned mainly from reading the first seventeen chapters of Revelation, “are mentioned seven seals of the book,

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<sup>31</sup> *Ibid.*, 125–126.

<sup>32</sup> *Ibid.*, 28. See Claudio Buchanan, *Christian Researches in Asia: With Notices of the Translation of the Scriptures into the Oriental Languages*, 4<sup>th</sup> edition (London: G. Sidney, Northumberland-street, 1811).

seven horns of the lamb, seven eyes . . . seven questions of the dragon, seven beads of the woman . . . seven angels, seven trumpets, seven vials, seven plagues.”<sup>33</sup> Haywood paid close attention to the seven trumpets, what he called “the seven trumpets of Joshua,” which, he believed, “emblem” the “seven portions of time.” He then applied his reading of Revelation to what he knew of the history of Western Civilization. The fifth and sixth trumpets signified the Dark Ages, and the era of Islam’s advance through the Holy Land (respectively), even into Iberia. Since this was the case, it followed logically that the seventh trumpet “is now blowing.”<sup>34</sup>

Thus in the CA Euro-Americans are prime actors in the historical drama of the Last Days as predicted in Revelation and borne out by Western history. The forces of antichrist had been unleashed back in the first century Common Era, during the reign of the Roman emperor Nero, a pagan who crucified, mauled, and burned Christians in the Roman streets and coliseums. Things intensified during the early modern period, when, after the population was cut in two by the Black Death, the Catholic Church that had survived the Roman Empire’s fall actually ratcheted up its persecution of *true* Christians. The Scold’s Bridle and Ducking Stool of the Inquisition, Bloody Mary’s pyres

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<sup>33</sup> Haywood, *Christian Advocate*, 60. See The Book of Revelation, Chapters 1–17, King James Bible.

<sup>34</sup> Haywood, *Christian Advocate*, 61. Haywood likely drew loosely also upon Buchanan here, who also tried to fit the history of Western Civilization into the apocalyptic timeline in the Book of Revelation. However, he only cites Buchanan twice, and when asserting that the 1810s were the Last Days. See Haywood, *Christian Advocate*, 8, 28.

of wood and hay—all of these ghastly persecutions signaled that the apocalypse was reaching its more intense stages.<sup>35</sup>

There had been flickers of light in these dark times, to be sure—the Christianization of Rome, the preservation of Western Civilization through the Carolingian Empire and then, Britain. Of these, the Protestant Reformation burned the brightest for Haywood. For him the Reformation inspired the American Revolution: “Since the reformation indeed, and the portion of freedom and light which followed it, a few revolutions in Europe have thrown some light upon political principle.” The light “has travelled to America and has grown into a blaze of illumination, which promises much acquisition.”<sup>36</sup>

But where did America’s rise fit into the apocalyptic chronology dictated in Revelation? Was the Millennium—Christ’s peaceful reign on earth predicted in Revelation 20—not yet come, and American empire its vessel; or was the Millennium metaphorical and past, and the battle with Gog and Magog—the final battle between good and evil—about to rage? Whatever the case, there was likely massacre ahead. If the Millennium had come, then the final battle was close. If the Millennium was about to dawn, it had not dawned fully yet, and there would be Armageddon—a massive premillennial, apocalyptic battle.<sup>37</sup> But the Lord was merciful; future victims of God-ordained

<sup>35</sup> For examples of punishments made popular through the Inquisition, see William Andrews, *Old-Time Punishments* (London: Simpkin, Marshall, Hamilton, Kent & Co., 1890).

<sup>36</sup> Haywood, *Christian Advocate*, 67.

<sup>37</sup> In Revelation, the battle of Armageddon occurs (Revelation 16) before the Millennium, and, after the Millennium, the final battle with Gog and Magog (Revelation 20). Interpretations of these two battles vary—wide variance about the relationship between prophesy/vision and history being symptomatic of all apocalyptic literature—and they have often been confused and melded together by Christian theologians across history, depending upon whether a theologian is a premillennialist or a postmillennialist.

killing could take heart. Study the scriptures, believe American preachers, and you would know how to avoid the wrath of God.

Before the 1770s, Haywood continued, true “followers of Christ” had indeed “drank the wormwood of tribulation,” but it was not until this decade that the Devil and his antichristian forces had met with powerful, bloody resistance: “At length appeared the year 1777, in the time of a seven years’ war, which twelve infant colonies began for the rights of conscience and freedom from oppression.” Scriptural portents abounded: “On the 7<sup>th</sup> day of June, 1775, they called themselves the twelve united colonies, and in September, which anciently was the 7<sup>th</sup> month, they convened. In this year, 1777, thus remarkably introduced, were united three of these perfect numbers, indicative of a new era that was about to commence.”<sup>38</sup>

The American Revolution gave keen exegetes like Haywood a breathtaking vision of the path to a future revealed in Revelation 20, the uniting of the world under the yoke of a peaceful empire: “In this year [1777] were trumpeted to the world the American constitutions, declaring the unalterable civil and religious rights of man and the dignity of his nature.” The French and Spanish (Catholic) havens of antichrist were wrecked by the divinely inspired proclamations given from the rooftops of a shining American city on the hill: “France, Italy, Hayti and Spanish America, the seats of antichristian sovereignty, have imbibed and imitated these [Protestant, democratic] principles.”<sup>39</sup>

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<sup>38</sup> Haywood, *Christian Advocate*, 87–88.

<sup>39</sup> *Ibid.*, 88.

But the building of the peaceful empire had been gory, a time of “turbulence, violence and rage.”<sup>40</sup> Saints’ blood had flown. Musket and cannon balls had cut through patriots’ skulls and ribcages in lowcountry swamps and in southern Appalachian coves; dragoon sabers had slashed even the faces of youthful patriot messengers—trapped by some of Banastre Tarleton’s Dragoons in a frame house in the Waxhaw upcountry, Andrew Jackson received a saber cut across his hand and head.<sup>41</sup> The antebellum Charlestonian lawyer, author, and historian of the ancient South, William Gilmore Simms, painted the blood-dimmed atmosphere of this southern Revolutionary theater vividly in his *The Life of Francis Marion* (1846): Pagan Indian allies of the British had hatcheted patriots’ wives and daughters, and enslaved their sons.<sup>42</sup>

It was during this violent time, in 1781, at the age of nineteen, that Haywood served as a clerk on the Hillsboro, North Carolina Court of Oyer and Terminer. As clerk he would have read cases resulting from cyclic violence between loyalists, Indians, and rebels in the Revolutionary era backcountry, as well as cases resulting from land disputes between planters pushing the western boundaries of the state and planters back east. He took the job so

<sup>40</sup> *Ibid.*, 95.

<sup>41</sup> See Jon Meacham, *American Lion: Andrew Jackson in the White House* (New York: Random House, 2008), 12.

<sup>42</sup> See William Gilmore Simms, *The Life of Francis Marion* (New York: G.F. Cooledge & Brother, 1846). See also the “Captivity narrative of Joseph Brown,” included in James Gettys McGready Ramsey, *The Annals of Tennessee: To the End of the Eighteenth Century* (1853) (Knoxville: East Tennessee Historical Society, 1967), 509–516. Joseph’s father, Colonel James Brown, had fought for North Carolina in the American Revolution. For more on this troubled world of Indian relations in early Tennessee, see Ray, *Middle Tennessee*. For more on the wider significance of the violent era see Fred Anderson and Andrew Cayton, *The Dominion of War: Empire and Liberty in North America, 1500–2000* (New York: Viking, 2005).

seriously that several years after the Revolution, in 1786, he asked the Governor of North Carolina to serve on a court of oyer and terminer further west, closer to the Indian violence then threatening the frontier: “[I]f . . . Your Excellency shall be of opinion that the infinite honor done me by the Assembly of appointing me to a judicial post in the western country requires that I should risk my life through hostile savages to execute their commission, be so good as to send me an Oyer and Terminer commission, and at the peril of my life I will attempt the exercise of my very exalted office.”<sup>43</sup> Haywood’s request was not granted, but his request illuminates the nature of his mind in the Revolution’s aftermath, how he was willing to risk his life—even look for a fight—for the sake of North Carolina’s western interests, for defending his planter’s world from enemies.

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Although Haywood ended up remaining in North Carolina in the decade after the Revolution, his sense of apocalypse persisted. Demonic forces had, sometime early in the 1790s, possessed the revolutionaries in France.<sup>44</sup> Like John Adams and Alexis de Tocqueville, and many Federalists and moderate Democratic-Republicans in the early Republic, Haywood believed that the French Revolution had gone too far, that it had ultimately privileged reason over faith, and, in so doing, forfeited liberty. Unlike

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<sup>43</sup> Samuel A’Court Ashe, *Biographical History of North Carolina from Colonial Times to the Present*, 9 vols. (Greensboro, NC: Charles L. Van Noppen, 1907), vol. 6, 276–277.

<sup>44</sup> See Ruth Bloch, *Visionary Republic: Millennialism in American Thought, 1756–1800* (Cambridge University Press, 1985), 119–202. Haywood was not alone; however, Haywood does not seem to draw upon the eschatological literature that Bloch identifies as being published in the Revolution’s aftermath.

Tocqueville and Adams, however, Haywood believed that the American- and French Revolutions were part of the apocalyptic war between good and evil (respectively).<sup>45</sup>

Aside from Revelation, Haywood meditated long on the Book of Daniel, a writing often used by Christian theologians as a companion to interpreting the former. Daniel's vision—revealed in Daniel 7—rendered the apocalyptic age of revolution that Haywood inhabited both clear and confusing. The prophet, Haywood wondered, could have been describing the last clashes before the Millennium's dawn, the Battle of Armageddon described in Revelation 16. Daniel describes four animals in combat—a lion, a bear, a leopard, and a violent and powerful beast he had never before imagined: “I saw in the night visions, and behold a fourth beast, dreadful and terrible, and strong exceedingly; and it had great iron teeth: it devoured and brake in pieces, and stamped the residue with the feet of it: and it was diverse from all the beasts that were before it; and it had ten horns.”<sup>46</sup> Was this fourth beast France, whose revolutionary atheism, Haywood believed, produced Napoleon's dictatorship and his devastating imperial wars? During the year 1793, this beast went on the hunt to murder “the religion of Christ” before it was too late for any evil to win: “the dragon of Atheism pursued her [the religion of Christ] hard, “ready to devour her offspring.” This hunt was, Haywood noted, the “time the operations of the guillotine went on with

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<sup>45</sup> For wider context of early millenarian movements in America, see Michael St. Clair, *Millenarian Movements in Historical Context* (New York: Garland Publishing, 1992), 267–303. See also Ronald G. Walters, *American Reformers: 1815–1860* (New York, 1978, 1997). Haywood was not alone nationally, but as a southerner he was an innovator in the 1810s.

<sup>46</sup> The Book of Daniel, Chapter 7, verse 7, King James Bible.

unintermitting fury," and when "The Bible and Testament, the two witnesses which troubled infidelity, were proscribed and banished" by the French Republic.<sup>47</sup>

Was England the lion, Russia the bear, and "The leopard . . . emblematical of the American empire"? This must be this case, because of America's close connection with England in the past: "She [the leopard] is descended from the lion, as the leopard is by intermixture with others." Daniel envisioned the leopard to have four heads, and Haywood figured this was because "This power [the leopard] had existed long enough when seen in the vision of this prophecy to have had four executive heads or presidents: Washington, Adams, Jefferson and Madison."<sup>48</sup>

By the end of the first decade of the nineteenth century, Haywood related, apocalyptic violence had spread across the earth, even across the cold steppes of Russia. Tsar Alexander I had resorted to burning his own land and people in order to stop Napoleon:

The Russian bear, disabled by the battle of Austerlitz and the wars it had carried on before that time, and brought to fall on its side by defeat, having yet in the mouths and conversations of its rulers the carnage and effects of the late battle, is again called upon to rise and destroy much flesh: he burns Moscow and desolates the country around it to a great extent; more than 80,000 men are slain in the battle of Borodino, a great part of them lie unburied; the retreating army of 600,000 men, with its horses and beasts of burthen, strew the country for several hundred miles with dead bodies, and finally is almost annihilated.<sup>49</sup>

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<sup>47</sup> Haywood, *Christian Advocate*, 97. Haywood seems to be borrowing liberally from the Old and New Testament books, and without alerting the reader of his distinctions between Daniel's four animals and the dragon chasing the woman in Revelation 12.

<sup>48</sup> *Ibid.*, 93–94.

<sup>49</sup> *Ibid.*, 94.

In all, between Lexington (1775) and Waterloo (1815), Haywood estimated that “5,000,000 human beings” died.<sup>50</sup> He was awed by the work and will of God: “Is it incredible that these times, rendered so remarkable, not only by the destruction of men, but also by the momentous events which turned upon them, should be spoken of in the prophecies? See Rev. ch. 11, 12 and 16,” he cited.<sup>51</sup>

Should a youth be inclined to doubt that these revolutionary events were part of a divine plan, Haywood gave further citations from Isaiah 18 that would assure all of the doubting Thomases. Although authored before Daniel in time, Isaiah supplemented Daniel’s prophecy about the four animals, and the leopard in particular.<sup>52</sup>

Isaiah had prophesied that America would (one day) emerge from the violence victorious. Recent history, in Haywood’s mind, proved this. Given what Russia suffered at Napoleon’s hands, and Europe’s weakened, postwar state, America was in the best position going forward. Isaiah called America a “land shadowing with winds, which is beyond the rivers of Ethiopia,” a land “that sendeth ambassadors by the sea, even in vessels of bulrushes upon the waters, saying, Go, ye swift messengers, to a nation scattered and peeled, to a people terrible from their beginning hitherto,” and save a remnant of them.<sup>53</sup> Isaiah, Haywood reasoned, discussed the American leopard in these verses,

<sup>50</sup> *Ibid.*, 96–97. Haywood is close here; in his thought-provoking work, *The Better Angels of Our Nature: Why Violence Has Declined* (New York: Viking, 2011), Steven Pinker puts the death figure of the Napoleonic Wars at between 2 and 4 million. See Pinker, 184.

<sup>51</sup> Haywood, *Christian Advocate*, 96–97.

<sup>52</sup> The Book of Daniel, Chapter 7, verse 12, King James Bible.

<sup>53</sup> Haywood, *Christian Advocate*, 89. Haywood is here quoting Isaiah 18.

America's influence upon the entire world, and, in particular, America's rescue of the Jewish remnant:

Which is the land shadowing with winds, and which is the country beyond the rivers of Ethiopia from Jerusalem where these words were spoken[?] It is a land or country, using a large commercial navy, whose canvass shades the ports of distant climes. It is a country lying westward from Jerusalem or the Nile.

This land was "The American continent, which sendeth ambassadors or ministers of peace, the preachers of the gospel by sea."<sup>54</sup>

The people "scattered and peeled," Haywood stressed, were the Jews. They had been "persecuted by all nations," but had been embraced warmly by the United States: "In the year 1777, when the 7<sup>th</sup> trumpet, in other words, the trumpet of the great Sabbath, began to blow, these people, the Jews, were for the first time in the world since their dispersion, made by the American constitution naturalized citizens, released from all oppression, capable of partaking of all the privileges which our own people enjoyed, discharged from all the shackles and restraints imposed upon them by our laws before the revolution, according to which they could not be jurors, witnesses, judges, legislators or inheritors from their parents, nor were capable to dispose of their property by will."

Furthermore, just in case a Thomas still remained among his readers after this heavy dose of scripture and exegesis, Haywood addressed the issue of how boats made of bulrushes could have anything to do with modern America and its missionary potential: "By vessels made of bulrushes, is meant light

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<sup>54</sup> Haywood, *Christian Advocate*, 89.

vessels used for commerce and transportation, like those in which the American missionaries have sailed to India.”<sup>55</sup>

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Haywood realized that, once one heard the Gospel, one had to live up to high standards. He often used the Jews as a particularly good exemplum of God’s wrath in the event of a people refusing Him. “When, like Jerusalem, the people of other states or cities are contaminated by impieties which brought ruin on her, and are described in Jeremiah, ch. 9, v. 3 and 8, the same fate which entangled her, or a like one is not far from them.”<sup>56</sup> Haywood stressed that there might not have been such a smallish remnant of Jews if they had believed—and not killed—Christ: “Did he [Christ] not speak in clear terms of the magnitude of their misfortunes? Did he not show to them in few words, how the attack upon Jerusalem should be commenced, discontinued and renewed?”<sup>57</sup> The scriptures, Haywood stressed, “have foretold the subversion of Ninevah, of Babylon, and of the Persian dynasty.”<sup>58</sup> This being the case, there was no excuse even for the Jews killed by immoral Roman and Catholic persecutors across the Common Era: “[The scriptures] foretold the general dispersion of the Jews by the Romans and the taking of the city by the

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<sup>55</sup> *Ibid.*, 89–90. Haywood is likely here also drawing on Buchanan (though he gives no citation), who included a chapter “Respecting the Jews” in his *Christian Researches*. Buchanan emphasizes Jews being objects of God’s wrath for killing Christ, but is a bit more optimistic than Haywood with regard to God’s creating them for some glorious future purpose, a beautiful reunification with the God from which Buchanan believed they had turned. For more on the incorporation of Jews into American civil society, see Thomas Curry, *First Freedoms: Church and State in America to the Passage of the First Amendment* (Oxford University Press, 1986); and Monica Najar, *Evangelizing the South: A Social History of Church and State in Early America*, (Oxford University Press, 2008).

<sup>56</sup> Haywood, *Christian Advocate.*, 5–6.

<sup>57</sup> *Ibid.*, 32.

<sup>58</sup> *Ibid.*, 104.

Saracens. These events answered to the predictions of the prophets, and are enough to prove that the prophecies are the offsprings of divine prescience.<sup>59</sup> Haywood could only marvel at how one could fail to heed the prophesy of one's own scriptures: "Are not the same passages in their Bibles, copies in the Hebrew tongue from their ancient sacred books, as well as in our translations? . . . The irresistible and inevitable consequence is [to believe] that these passages were dictated by the Divine Spirit."<sup>60</sup>

The great casualties Jews had met with across time were thus not necessarily undeserved: "The Jews, the bitter enemies of the gospel, declare the existence of these prophecies from the ties spoken of in them. They form part of the Hebrew Bible, and [yet] the Jews yet look for the future fulfillment of some parts [the coming of the Messiah] of them."<sup>61</sup> After discussing the pogroms committed by crusaders en route to the Holy Land during the First Crusade, Haywood could not help but reflect: "The displeasure of Heaven and its visitation of the Jews, in little more than thirty-three years after the crucifixion, is one amongst other proofs of the divinity of Christ."<sup>62</sup>

The same went for other unfortunate heretical and pagan peoples. The lesson was clear, but He was also merciful. Refuse Christ and you will be injured or annihilated. Turn to Him, conforming to His ways, and you will be saved. Because of printing presses, translations, and missions, southern Indians like the Cherokee and Creek (now) had no excuse for resisting the

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<sup>59</sup> *Ibid.*, 104.

<sup>60</sup> *Ibid.*, 19.

<sup>61</sup> *Ibid.*, 104–105.

<sup>62</sup> *Ibid.*, 29.

Gospel, and, if they persisted in their resistance, no excuse for being damned to Hell. The rise and refinement of science had made the apocalypse and its righteous judgment possible. “[T]he scriptures,” Haywood noted, had been “translated into all languages, and copies multiplied without number, and almost as it were comparatively without labor and without expense.” The “whole world” was “laid open to the influence of christianity.” Over the peace, joy, and promise of this all Haywood was ecstatic:

Transcendent example of gospel truth! How can we contemplate the invention of the compass; the navigator’s needle and the art of printing, all discovered in due and proper time, and opening the way to all countries and islands, and to the understandings of their inhabitants, without falling prostrate in the presence of Him who is the essence of truth, and without being ashamed of the ignorance which can impose on us the shackles of unbelief. The human race traveling for ages through the valley of thick darkness and uncertainty, now ascend towards the eminence where ethereal light displays the richness and the reality of divine truth, as set forth in the holy book of our faith.<sup>63</sup>

“[B]y a secret inspiration from Heaven,” Haywood wrote, “the poor Indian . . . is taught to look for” the one true God, “in common with his learned superior.” Haywood was confident: “The progress which science now makes, renders it impossible that such a state should not occur.”<sup>64</sup> In refusing, no unrepentant, unreconstructed southern Indian could escape God’s wrath.

Like it or not, God’s clutching of America meant that the price of disobedience was high. Refuse the Gospel, or obstruct the Gospel’s spreading to the far reaches of the wilderness by violating Christian homes and institutions, and God’s wrath would pour down upon you. “How ought they,” Haywood lamented like Christ weeping over Jerusalem, “to love the

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<sup>63</sup> *Ibid.*, 98–99.

<sup>64</sup> *Ibid.*, 265.

Americans for their humane policy. How clearly will they be able to see in this instance that Christianity enlightens the mind, fills it with charity, ennobles and civilizes the nations that receive it . . . ." Why "will they not believe the American preachers in earnest," when "told that their good is what these preachers desire?" For heaven's sake, "Will they not be conformable to their doctrines who have been so favorable to them, and take pleasure in the name of the country which hath sent them forth?"<sup>65</sup>

Particularly hairy among the verses Haywood quoted in the first sentences of his first chapter of Book I, "On Prophesy," are these from Jeremiah—descriptions of the condemned, and of their fate:

[T]hey bend their tongues like their bow for lies. . . . [T]hey proceed from evil to evil, and they know not me, saith the Lord. . . . Thine habitation is in the midst of deceit, through deceit they refuse to know me, saith the Lord.

They deserve judgment: "Therefore, thus saith the Lord of Hosts, behold I will melt them and try them . . ." Even though they seem kind on the outside, inside they are wicked: "Their tongue is as an arrow shot out, it speaketh deceit: one speaketh peaceably to his neighbor with his mouth, but in heart he layeth his wait." God decides to annihilate them: "I will make Jerusalem heaps and a den of dragons, and I will make the cities of Judah desolate without an inhabitant."<sup>66</sup>

Haywood's decision to preface his CA with vengeful scriptures filled with bow and arrow images might seem innocent, even in his early-nineteenth

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<sup>65</sup> *Ibid.*, 91. Bloch picks up on northern missionaries' evangelistic hopes for Native Americans, but not the sinister mentality that such a hope predisposed the populace for should Natives refuse Christ. See Bloch, 202–233.

<sup>66</sup> Haywood, *Christian Advocate*, 6.

century Tennessee context, if he had not—in the very next sentences—used these scriptures as “emblems” predicting the extermination of southern Indians: “The idolatry and infidelity that drew down the vengeance of Heaven upon the people of Canaan, before the settlement of the Israelites there, have darkened and drawn down the like indignation upon the aboriginal nations of America which have been exterminated by the Europeans.”<sup>67</sup>

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In her seminal work, *Visionary Republic* (1985), historian Ruth Bloch complicated what had been rather polar characterizations of the American Revolution’s secular or religious cause(s) by demonstrating how widely millennial thought affected revolutionary expectations among theists, deists, and atheists alike (even Thomas Paine gets a mention for his utopian dreams). Whether one believed in Christ coming to reign for a literal millennium on earth as predicted in the Book of Revelation, whether one even shared the Christian faith at all, Bloch argued that millennialist strains of thought—disseminated in sermons, pamphlets, and newspapers—shaped the hopeful visions of the future that numerous revolutionaries and inchoate American citizens beheld in the dramatic last decades of the eighteenth century.

However, Bloch was not aware of Haywood or his writings because she scarcely analyzed the South. For this reason she missed fascinating, divergent millennial conceptualizations, arguably the most deadly in American history, in arguably the richest spiritual landscape in America since

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<sup>67</sup> *Ibid.*, 6–7.

seventeenth-century New England. Charleston figures into Bloch's history when influential ministers preach there or pass through the low country, but little of the complex turn-of-the century southern world of spirits appears. Bloch is honest about her primary reason for limiting the scope from the outset:

Any study based on printed source material cannot avoid over-representing the literate. Literacy was comparatively high in late eighteenth-century America, but it was far from universal. It has been estimated that about 75 percent of the adult white males could read (more in New England and fewer in the South).<sup>68</sup>

No doubt the southern sources are scarce, especially sources of the early nineteenth century. Indeed, aside from the Bible itself, Haywood lists few sources for his own eschatology.<sup>69</sup> Regardless, it is clear that Haywood was drawing upon an intellectual world distant from the world Bloch evokes. The obvious reason for this is because he *lived* in a different world. In Bloch's account it is as if the southern frontier does not exist. This absence especially affects the nature of the world Bloch sees during the 1810s, the time Haywood is writing the CA: once the French Revolution and Napoleonic Wars are over, the Federalists win out and for many an unprecedented 'era of good feelings' begins. Given the limitations of her sources, Bloch could not have known that no era of good feelings existed in the Old Southwest. The region

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<sup>68</sup> Bloch, xvi (quote). Bloch is close to catching the atmosphere of the southern frontier on 221, but leaves it.

<sup>69</sup> As mentioned, he does list Buchanan's *Christian Researches in Asia*, but little else other than biblical references.

was stricken by cycles of violence from the Revolution through 1819, a long Southern War threatening even that year to persist yet.<sup>70</sup>

### A Historian's Gory Notes

A later antebellum admirer of Haywood, New England lawyer and historian Albigence Waldo Putnam (1799–1869), included gory scenes of the Revolution and its wake in Tennessee in his *History of Middle Tennessee* (1859). Putnam had emigrated from New England to Nashville in the 1830s, later becoming president of the Tennessee Historical Society. Putnam was moved by the bloodiness of the formative era of Tennessee history:

1781

And now, although there was such evident danger, and the outer or feebler stations were abandoned, some of the people would linger around these new homes, or make occasional visits to them; and thus were a number exposed to the hidden foe, and slain. Among the loiterers near Mansker's were David Goin and Patrick Quigly. They were "caught napping." The Indians gave them "a nap that knows no waking. . . ."

Their bodies were found together in the house, and in such a position as proved that they had been killed "outright when asleep." They felt not when their scalps were taken. But in the history of these settlements we have to record a number of cases where persons were scalped, and lived to good old age thereafter. An instance must be mentioned at this very time.

A crueler incident than even these, Putnam related, occurred in the landscape where now stands the Greek Revival plantation home of Confederate General William Giles Harding, "Belle Meade": "The Dunhams had settled at their 'location,' that body of land which is now beautifully improved and embellished, well known as 'Belle Meade,' the residence of General William G. Harding. They had erected a log-house, and made

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<sup>70</sup> Regarding the era of good feelings on the southern East Coast (or lack thereof), see Alan Taylor, *The Internal Enemy: Slavery and War in Virginia, 1772–1832* (New York: Norton, 2013).

considerable advances in the construction of ‘Dunham’s Station,’ but were now, like others, compelled to seek safety in a better strong-hold, therefore they moved to the Bluff—‘moved to town.’” In the days of winter preparation, the cutting of wood in the far fields, “Mrs. Dunham directed her little daughter to go to the place where some wood was cut, and bring her an armful of sticks and chips. The pile of wood, recently cut, was not more than three or four hundred yards from the Fort, somewhere near the junction of Spring and College Streets.” The landscape then was ugly: “The tops of trees which had been cut down were imprudently left as they fell among the small cedars and privet bushes, which grew thickly all over the ground south of the Square to the branch.” And “In or near this wood and tree-tops, Indians were concealed.” She did not sense the foreboding: “As the little girl approached to gather wood, ‘the savages gathered her.’” The girl “screamed at the top of her voice, and the mother, without a moment’s reflection or hesitation, ran out to her relief.” Her husband was “at dinner” with the other men of the settlement, and when they heard the screams they ran in its direction, only to witness nightmarish scenes: “The mother, being in advance, was shot by the Indians, and quite dangerously wounded.”

As he continued to tell the nightmare, Putnam finally provided its source: “Judge Haywood says, ‘Mrs. Dunham lived many years, but not having perfectly recovered her health, she afterwards died.’” The little girl’s death, however, was both more brutal and prolonged: “The Indians had caught her by the hair, held her in terror, by her cries to attract persons from

the fort." It was the last scene her mother saw on this earth: "They were cutting off her scalp as the mother ran towards them and was shot down." Nor was there quick enough satisfaction: "At the sight of the men rushing from the fort, armed to attack them, the Indians fled into the thickets," leaving the mauled little girl to wallow in her blood and hair. Haywood, Putnam tells the reader, knew of this scalped girl's appearance: "They had cut and pulled off the skin from the top of her head, with an irregular circular cut, having a diameter of about six inches. Judge Haywood adds, 'They did not kill her, for she is still alive.'" Still, after we cannot know how many years, or by what direct cause, the scalping proved mortal: "And yet it devolves upon us to say that, like her mother, 'she afterwards died.'"<sup>71</sup>

Haywood scattered scalping stories like this in his *Civil and Political History of Tennessee*, and all of the quotes Putnam used above are in fact Haywood's own words. Hunting through the archives it becomes clear that Haywood meditated on them long, preserving them close; his miscellaneous notes are filled with sources containing descriptions of events like the following, to the exclusion of peaceful accounts. Notes about Indian violence are the only notes of Haywood's that exist:

#### **January 20, 1789.**

Captain Hunter killed and Hugh F. Bell wounded. Indians pursued by white men. Major Kirkpatrick killed. James Foster and William Brown wounded. Hostilities continued—Jacob Mills, John Dunham, William Dunham, and Joshua Norrington killed. Col. Robertson shot through the foot at his station. Elijah Robertson and Sampson Williams ordered to pursue Indians. Tittsworth Family attacked at Sulphur Fork and Red River. Daughter of Isaac Tittsworth escaped and taken prisoner by Indians. (Text states that all members of

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<sup>71</sup> Albigence Waldo Putnam, *History of Middle Tennessee* (Nashville, TN, 1859), 127–128.

Tittsworth family were killed.)

**March, 1792.**

House of James Thompson attacked. Thompson, his wife and daughter, Betsy, killed and scalped. Mrs. Caffrey and her son and Alice Thompson made prisoners. (Text does not give first name of Thompson's daughter.)<sup>72</sup>

It is astonishing the number of violent stories involving Indians chopping up planter emigrants Haywood's modern history of the Tennessee region—where he incorporated the notes—contains. "In the spring of the year 1782 a party of Indians . . . shot down David Hood, whom they scalped and stamped, as he said," and left for dead. And,

Supposing the Indians gone, Hood got up softly, wounded and scalped as he was, and began to walk toward the fort on the bluff, when, to his mortification, he saw standing upon the bank of the creek a number of Indians, the same who had wounded him before, making sport of his misfortunes and mistake. They then fell upon him again, and having given him in several places new wounds that were apparently mortal, they left him. He fell into a brush-heap in the snow, and next morning was tracked and found by his blood and was placed, as a dead man, in one of the out-houses and was left alone. After some time he recovered and lived many years.<sup>73</sup>

Haywood may have actually met Hood (hence the familiarity of voice with regards to Hood's survival and the end of Hood's life).

There was a similarly familiar event in 1785 that left Haywood particularly chilled. It appears amidst diverse scenes of Tennessee gore, and Haywood writes of himself and his plantation in the third-person:

In the year 1785 Moses Brown was killed by the Indians, near the place on Richland Creek where Jesse Wharton, Esq., now lives, then called Brown's Station. In this year, also, the Indians killed Edmund Hickman, a

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<sup>72</sup> John Haywood, "Notes," John Haywood Papers, processed by Danya K. Downey, transcribed by Jennifer Kitchel, Gwynn Thayer, and J. P. Richiuso, Tennessee State Library and Archives, Nashville, TN.

<sup>73</sup> Haywood, *Civil and Political History*, 133–134.

surveyor. They came upon him in that part of the country which is now Hickman County, on Piney River, whither he. Col. Robertson, and Col. Weakly had gone in company to survey entered lands. In this year, also, they killed a man who lived with William Stuart, on the plantation where Judge Haywood now lives, in the forks of Mill Creek, on that part of the plantation where John Buchanon once lived.<sup>74</sup>

1787 too was a particularly violent year in the *Civil and Political History*, Putnam emphasized. Mimicking Haywood's Old Testament tone, Putnam prefaced the annual dramatically:

And now the thickened sky,  
Like a dark ceiling stood.

This year had been so bad the verbose Putnam thought it best to "condense from

Haywood":

They killed old man Price and his wife, and *chopped the children*. These are the Judge's expressive and descriptive worlds. This was at Hendrick's Station, on Station Camp Creek. The savages seemed to take pleasure in mangling the bodies of their victims. Newar the same time and place they killed a boy named Baird, and "split and scalped him." At a short distance above Bledsoe's Lick they killed William Hall and his son, and another person. The mangled and bloody bodies of these men were brought in to Bledsoe's Station, and laid upon the floor in the presence of three pregnant women, whose after-born children were *marked*, one as if a bullet had been shot through the head, and the two others upon the backs of their necks with red streaks, as of blood streaming down from "scalped heads."<sup>75</sup>

Or, visit 1795:

On the 27<sup>th</sup> of January a party of Indians killed George Mason on Flat Creek, about twelve miles from Knoxville. In the night he heard a noise at his stable, and stepping out, his return to the door was instantly cut off by Indians. He sought safety by flight, and was fired upon and wounded. Nevertheless he reached a cave, a quarter of a mile from his house, out of which they dragged and killed him, and they returned to the house in which were his wife and children. As they returned, Mrs. Mason heard them talking to each other, and at first supposed they were neighbors coming to see what

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<sup>74</sup> *Ibid.*, 224.

<sup>75</sup> Putnam, 254, 256–257. Putnam is quoting from Haywood, *Civil and Political History*, 229–230.

was the cause of the firing they had heard, but understanding both the English and German languages, and observing that they spoke in neither of these, she instantly perceived that they were the Indians returning to the house.

It was a situation in which any husband would never want to find his wife, nor his wife her children, and Haywood described the scene as vividly as he could:

She had that very morning inquired and learned how the double trigger of a rifle was set. The children were luckily all of them asleep, and she had taken care not to awaken them. She shut the door, and barred it with benches and tables, and took down the rifle of her husband, which was well charged. She placed herself directly opposite to the opening which would be made by pushing the door from its connection with the wall and the receiver of the bolt of the lock which was fastened to it. Upon her own fortitude now solely rested the defense of her own life and the lives of her five little children. She stood in profound silence.

Then the wolf-like devils approached: "The Indians came to the door and shoved against it, and gradually forced it wide enough open to attempt an entrance." They might rape her as well as kill her kids: "The body of one of them was thrusting itself into the opening, and prizing the door still farther from the wall; another stood behind him pushing him forward, and another again behind him pushing the middle one forward."

But she scarcely saved herself and what remained of her family by taking up the gun:

She set the trigger of the rifle, put the muzzle near to the body of the foremost, and in a direction for the ball, after passing through the body of the foremost, to penetrate those behind. The rifle fired, the foremost fell, the next one to him screamed. They were both dangerously wounded. She uttered not a word. It occurred to the Indians that armed men were in the house, and not knowing what their number might be, they withdrew without any further attempt on it. They took three horses out of the stable and set it on fire. Their trail was searched for and found. Their number was at least twenty-five.<sup>76</sup>

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<sup>76</sup> Haywood, *Civil and Political History*, 473.

Within the *Civil and Political History*, Haywood actually harmonized his own voice with William Blount's (Governor of the Southwest Territory) genocidal sentiments regarding the Creek Indians, the same words that ultimately played a part in inspiring Jackson to prosecute his Creek War. In Haywood's uncritical paraphrase, Blount "Asserted that the upper Creeks had killed and robbed the citizens of the United States from the day of the declaration of independence to that day, without cause or provocation . . . with impunity; except that some few of them had been killed by the citizens in defense of themselves, their wives, and children, their houses, and their property, or in their flight, with scalps and horses in their possession, which had brought them to believe and to boast that they were superior to the citizens of the United States in war." Moreover, until the upper Creeks were made in turn to feel the horrors of war, and thereby learn the true value of peace and a sense of their inferiority, "is see," said he, "no reason to hope that they will observe a more peaceful conduct than they have hitherto done, except so far as they shall in a greater degree be restrained by defensive measures. One certain effect of the upper Creeks having so long killed and robbed with impunity the citizens of the United States has been that more or less of the Cherokees—generally of the lower towns—and of the lower Creeks too, have attached themselves to the upper Creek warriors, and aided them in the perpetration of murders and thefts.

Haywood-Blount went on, if "they are suffered to pass on with impunity," failing to confront them "could terminate only in a hostile confederacy or union of the southern tribes." But, Haywood-Blunt said, there was a solution: "On the contrary, should an expedition be carried on against the upper Creeks, and should the whole of them be exterminated, it would be but justice as respects them—a nest of murderers and thieves—and would

serve as an example to such of the lower Creeks and Cherokees as have been hitherto hostile to the United States. . . ." For "The upper Creek towns" were "the source of all the acts of hostility suffered by the citizens of the United States resident on the southwestern frontier, the root of the evil. Destroy them," Haywood-Blount believed, "and peace would be the consequence to those citizens. . . ."<sup>77</sup>

As we will see in Chapter 2, Andrew Jackson had many of the same—and similar—stories and theories reddening his mind when he, intervening in the Creek Civil War of 1814, prosecuted his Creek and Seminole Wars. Yet Haywood was not fighting the battles in the field, could not be traced physically to any atrocity, which is why it can seem that all he did was toss his hands up and beg with a smile or smirk, 'If the Southern Indians had read the bible they would—and should—not have been surprised by the fire and brimstone raining upon their world': "Now how is it to be accounted for that . . . portions of scripture in the first century, so exactly describe what actually came to pass in the 14<sup>th</sup> and thence forward, particularly the operations and powers of artillery not discovered till the year 1330, and more pointedly still the materials which would be used to render them so, together with their effects, brimstone, a fire and smoke."<sup>78</sup>

Perhaps Haywood's sentiment in the face of southern Indian suffering is summed up best through further admonitions to those of his students who were atheistically inclined:

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<sup>77</sup> *Ibid.*, 474–475.

<sup>78</sup> Haywood, *Christian Advocate* 85–86.

You say that man is free to pursue the course of virtue, if he will, and to arrive at happiness without any redemption. At the same time you know well that far the greater part do not. Must their failures be attributed to God's cruelty; if not, neither is the fall of man; if he did fall, it ought not to be attributed to it, and so cannot fairly be made an argument against it. The fall, with the plan of redemption, is far more rational than the original corruption of the human race without it. You ask why all this circuitry? Why not lop off the fall and the redemption, and make men perfect and happy at once? Do you see that corn field before us? Why does it first sprout, then grow, then form the blade and then tassel and shoot before the grain is formed? Why not make the grain at once without this circuitry? It is a part of nature's plan. And if we could see the cause of the circuitry, in both cases or in either, it would be consistent with infinite wisdom. . . . Why not make men free from disorders . . . ? It is against the course of nature to adopt the argument you rely on. Does the thunder roll, the lightnings flash, the waves foam, or the floods overflow, without a cause? In the economy of nature is there any effect which is not produced by a cause? And are the sufferings of man without one? Do evils fall upon him uniformly by accident, and without any cause? What means the host of passions that blow in storms upon the troubled ocean of his soul? What means the embattled legion, the smoking cannon, the furious onset, the dying shriek, the crimsoned field, the bereaved mother, the weeping orphan, and the fainting wife? What means the dark assassin, the mixer up of the poisoned dose? What means the catalogue that fills the medical volume? Why the trembling earth, the gaping chasm, the sinking city and the disappearing multitude? The angry billow, the abrupt precipice, the swallowing quagmire, the burying snow, the deadly syroc, the burning sand, the corrupted atmosphere, the mortal pestilence, the Egyptian plague, the cold fever? Why the belching volcano, and the bloody deeds of despotism? The fiery inquisition, the guillotine, the axe, the knout, the dripping water on the shave head? And all the engines of death and torture which inventive malice hath contrived? Thee and all the ills which flesh is heir to, serve to deter man from the course of his wickedness, and were he not following that course, would be incapable of any assignable object. Is it not evident that they act as corrective?<sup>79</sup>

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But there is more. The destruction of Indians, it turns out, is prophesy. In retrospect, we see that Haywood begins an argument for their destruction in the CA's opening book, an argument he will execute in Book III.

#### OF GOG AND MAGOG

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<sup>79</sup> *Ibid.*, 182–183.

Ezekiel lived in the year 595 before Christ. . . . The ten tribes were carried into captivity in the year before Christ 735; and the residue of them in the year 677 before Christ. And in the year before Christ 606 Jerusalem was taken, and the Jews carried captives to Babylon. It is said by some learned men, that this chapter 38, relates to the invasion of Greece by Xerxes, which took place in the year before Christ 481; one hundred and fourteen years after this prophecy.

Then, through a range of pointed questions meant to scaffold his suggestion—or, what might be better described as an oblique argument proving—that America is the land in which Ezekiel's prophesies will be fulfilled, Haywood begins subtly blurring distinctions between ancient and modern time:

May a remark be here permitted? Were there any of the Etheopians or Lybians in the army of Xerxes? Did they come to the mountains of Israel in that invasion? *to the land that is gathered out of many people?* to the united tribes of Israel, spoken of, ch. 37, v. 16? To a *land of unwalled villages?* because it is but just settled?

It is as if in Haywood's mind the world of ancient Israel is blurring with the Old Southwestern frontier, even with tectonic and atmospheric events in Tusculum's vicinity. He begs more questions:

Was there an earthquake contributing to the defeat of the Persian army? that alarmed the whole animal creation throughout the world? Prostrating the mountains and walls of cities and fortified places? Were they assailed from Heaven with rains and inundations? Hail stones, fire and brimstone, compelling the nations to see that their defeat was a dispensation of Heaven? Did fire from the earth or Heaven affect the country of Hieropolis?

Guiding the reader toward envisioning the fulfilling of ancient prophesies in the near future, Haywood gives what he believes is the obvious answer: "None of these circumstances agree with that expedition. This chapter, and 39, are predictions of the restoration of the Israelites to their own country, and

of the circumstances which will be attendant on their return. Ch. 39, v. 21, 22, 23, 24, 25, 26, 27, 28 and 29."

Now, in a necromantic act typifying Haywood's ability to travel in time mid paragraph, even mid sentence, Haywood begins to pull back the argument's curtain: "It is not impossible perhaps but that this prediction remains yet to be fulfilled, and will perhaps be accomplished when the Israelites shall return to their own country and begin again to occupy it." The apocalyptic events in Ezekiel have not yet happened, for, as we have seen, the apocalypse must be preceded by the following events: "The Israelites and Jews coming from all quarters of the world, and bringing with them, their wealth will be very numerous and very wealthy; and will be fallen upon by all Mahometan states and countries; by the Tartar tribes . . ." Then the enemies of Jehovah would tremble and die: "The invaders may perhaps be destroyed by an earthquake and inundation, and their dead bodies be scattered through a great extent of country. . . . and the people . . . shall be consumed as by fire." As we have seen, signs of its nearness abounded: "The continual agitations of the earth, the zeal used to spread the gospels everywhere, returning compassion for the Israelites; the increase of science . . ." Haywood was certain: "All these circumstances, at least manifest, that in a very few years from the present day, the things predicted by the prophet, and which we are endeavoring to contemplate, may not be impossible, although many may be inclined to believe that they are improbable."

Next he pulls the curtain fully back: “It is understood by some that the Jews will not literally be restored to their own country: but only to the true faith,” Christianity. If the Jewish country is metaphorical, then the landscape in which the apocalypse will unfold could be anywhere—perhaps even in an uncultivated American wilderness. As we have seen: “If it be the design of Providence, in the time of the Millennium, to unite all mankind under one theocratic government [America], and in these times to give to our holy religion the complete perfection which is able to preserve such a union for ten centuries, then such union must have a head or a center, from whence issue the rays of light and instruction to be communicated from time to time to all men, who, by frequent visitations, may draw from thence the substantial doctrines which are to felicitate the enlightened world.” In the next instant, however, Haywood reverts to innuendo, his language slippery and vague: “In such a *state* Jerusalem would at once be looked to, as being more conveniently situated, than any others spot upon earth” [*emphasis mine*].

Given America’s rescuing of the Jewish remnant, to what does “*state*” refer? We know from Book I: Haywood perceives Jerusalem as, in the end times, existing within its resuscitator, America. With this in mind, Haywood’s next sentences grow eerie:

And why is it, that the Jews to this day have the most ardent desire to return to the country of their fathers? Providence and the prophecies do not deceive them. . . . The posterity of Abraham are to have the land of Canaan for an everlasting possession. Lev. Ch. 26, v. 33 and 34; “The land shall enjoy her Sabbaths as long as it lieth desolate.” It shall not be occupied and cultivated by others; it shall be waste and rest on the Sabbath day and Sabbath years, but still be used again and cultivated in after times.

"And why" would God have arranged for it to be "uncultivated and in the situation we now see it?" Great massacres in the ancient southern past must have been allowed by Providence so "That the soil may improved by rest and may not be exhausted, and that the country, being almost uninhabited, may be ready for the reception of the Israelites, when they come again to possess it?" But children of Israel should not fall victim to nightmares brimming with dashed expectations: "The scriptures, which cannot deceived, have not excited expectations merely to disappoint and deceived these people. See furthermore, Ezekiel ch. 39, v. 25, 27 and 28; Isa. Ch. 2, v. 2 and 3, ch. 30, v. 15, ch. 62, v. 12."<sup>80</sup>

From this optimistic point, Haywood again visits the Crusades, concluding outright that they are not yet over.

One of the events spoken of in Revelations, ch. 9 and 16 (?), which is itself to be the type of a future one, and of the same character, may signify the mischiefs which the papal usurpations would bring upon mankind at a future time; and to give some representation of the tremendous contests which were to precede the decline of papal power; and those also, which were to precede the final re-establishment of the Jews in their own country. Let us read this chapter, and then turn for one moment to the seven crusades between the years 1096 and 1270 . . ."<sup>81</sup>

We have seen that Haywood interpreted southern reality through "emblems." Past and present events contained signs of the far future.

Haywood expounds on this practice of historical divination early in the CA, in a paragraph displaying a logic one has to read in his own words to believe:

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<sup>80</sup> *Ibid.*, 34–37.

<sup>81</sup> *Ibid.*, 38.

It is believed that prophecy foretells one thing, which, when it comes, is the type of another, and that again of a third, and so on, till the thing represented finally takes place. Daniel, ch. 7, v. 24, is an instance. The ten horns represented ten generals, made governors of Alexander's dominions after his death; four of whom divided by treaty those dominions amongst themselves, the others having perished. Descended from one of which four was Antiochus Epiphanes, who took Jerusalem, plundered the temple and abolished the daily sacrifice for three years and an half; that is to say, from 160 to 164 before Christ. His subduing three kings, Heliodorus, Ptolemy, Philometer and Artaxes king of Armenia. His having killed 40,000 Jews, polluted the temple, set up idols in every part of the country, and carried on against the Jews the most furious persecution that ever was heard of, for refusing to conform to the religion established by law in his dominions. All this happened according to prophecy; but it was, when it did happen, the type of something then in future to be realized.

The history of the ancient Levant spoke of future pogroms against Jews by Catholics during the Crusades, of further persecution still:

The three years and an half are a time, times and half a time; the scriptural meaning of which is 42 months, or 1260 days, or scriptural years of 360 days to the year. *This prefigured the rise of Popery*, and the ten kingdoms of Europe that would for a long time be subject to it, and afterward the French revolution to give it a deadly wound, from which it might recover for a time so as to live or exist, but not completely recover; for a mortal wound can never be perfectly healed but will shortly bring on death. Remember that in 1808 the papal government was for a awhile overturned by the French, and its territory annexed to the kingdom of Italy.

But out of the gloom was also prophesied brightness:

Also, that in 1811 the institution for converting the Jews was formed soon after the Bible Society. That the former has caused the New Testament to be printed in the Hebrew, for the use of the Jews; and that every where in the East, where are millions of Jews and Israelites, that all possible pains are taken, by means of missionaries and the presses, to re-unite them with the Christians.

Of course, historical divination is a messy business, and not for those befuddled by slight incongruences: "In each event there is some circumstance not applicable to the others, but solely to that which it applies to. Bearing this

in mind, read Daniel, ch. 7 and 8, and ch. 11 of the Revelations.”<sup>82</sup>

Nevertheless, and moving right along (such dramatic shifts amidst forests of questions are typical of Haywood’s writing), now that the people of Israel are being restored to true religion in the metaphorical Jerusalem, another crusade will be waged, one reaping the wisdom gained from hindsight; the mistakes of the Franks would not again be repeated. Only the enemies of God—and no Jews—would get cut, shot, and destroyed this time.

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<sup>82</sup> *Ibid.*, 7–8. Much of Haywood’s reasoning here is scarcely intelligible; however, Haywood is here analyzing the Mediterranean world and its periphery in the second and first centuries, BCE, the centuries following Alexander the Great’s death (323 BCE).

## Chapter 2: The Southern Crusade

They had killed and were skinning a deer;  
 They thought not that Indians and danger were near,  
 For they were both brave men, who never knew fear;  
 And laughing and talking, kept skinning the deer.  
 The Indians, they heard them, ad slyly crept near,  
 And fired down upon them, not front, but in rear,  
 And wounded Phil. Mason, not badly, 'tis clear,  
 For he fled, with Nic. Trammel, half-way to the station,  
 While Nic hastened on to 'rouse the whole nation.  
 Phil. tied up his wound, looked sharp for the foe,  
 And for his friend Trammel and others, who'd go,  
 And fight to the utmost for the fat doe.

—Albigence Waldo Putnam, poetic paraphrase  
 of a passage from John Haywood's *Civil and  
 Political History of Tennessee* (in Putnam's  
*History of Middle Tennessee*, 1859)<sup>1</sup>

Some Cherokees came about this time to Nashville, to attend the ensuing conferences. They gave information that a large party of Creeks had passed the Tennessee, on their way to Nashville, to "take hair," as they called it, and to steal horses.

—Haywood, *Civil and Political History*<sup>2</sup>

Historically, the most visible motive, and the one that best explains the excess of killing, is a type of fear: theriophobia. Fear of the beast. Fear of the beast as an irrational, violent, insatiable creature. Fear of the projected beast in oneself. The fear is composed of two parts: self-hatred; and anxiety over the human loss of inhibitions that are common to other animals who do not rape, murder, and pillage. At the heart of theriophobia is the fear of one's own nature. In its headiest manifestations theriophobia is projected onto a single animal, the animal becomes a scapegoat, and it is annihilated. That is what happened to the wolf in America. The routes that led there, however, were complex.

—Barry Lopez, *Of Wolves and Men* (1978)<sup>3</sup>

Chronic war, seemingly endless cycles of violence, had raged just outside Haywood's window in the Revolution across his youth, continued for decades afterward, and raged yet.

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<sup>1</sup> Putnam, 223–224.

<sup>2</sup> Haywood, *Civil and Political History*, 344.

<sup>3</sup> Barry H. Lopez, *Of Wolves and Men* (New York: Charles Scribner's Sons, 1978), 140.

Stories of this southern war linger in the oral history of East Tennessee. As late as the 1930s in Cades Cove, before the inhabitants were evicted to make room for the Great Smoky Mountain National Park (1934), women in hats on the hillside would tell their children of the inhabitants of the graves in the hollow, the highest southern mountains, as if purplish stone, castling them all: one similar day in the 1810s Scots-Irish girls were tending cattle on a hillside. Cattle scatter and it is the sound of attacking Cherokees. “Screams of the women were heard,” and:

About daylight the searchers reached the location where the children had been captured, and traced their path up the hill. At the summit they found six of the children scalped. Five were dead, but Lydia Burchfield was still breathing, and when taken to her father . . . she was able to faintly whisper “mother.” Her scalping had been less severe than the others and had been more carefully removed from her skull.<sup>4</sup>

Haywood was captivated by this war, and got his facts for it directly from conversations with Indian attack victims and Indian fighters such as Lydia Burchfield and Andrew Jackson. Colyar recounted,

When Judge Haywood came to Tennessee, the people were living who had passed through this long Indian war. [Andrew] Jackson, [John] Sevier, and [James] Robertson, three of the most remarkable men that this or any other country has produced, were living; they were all the intimate friends of Judge Haywood, and from [Jackson, Sevier, and Robertson] and his associates on the bench, who had all been Indian fighters, and the citizens generally, some of whom had felt the blows of the tomahawk, and all of whom had shared in the dangers and hardships of the long struggle with savage foes, he collected the facts for his “History of Tennessee.”<sup>5</sup>

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<sup>4</sup> For the story printed, see A. Randolph Shields, *The Families of Cades Cove, 1821–1936* (Published by the author, Maryville, TN, 1981), 185. This remembered event is said to have occurred in McDowell County, North Carolina, and Lydia Burchfield, the story’s survivor, later moved to Cades Cove, Tennessee, passing it on.

<sup>5</sup> Colyar, “Biographical Sketch,” 8–9.

Tusculum was within walking distance from the Hermitage, and although little correspondence between them is extant, Colyar indicated their patriarchs were close.

At the war's heart, Haywood believed, was a struggle to build plantations in the Old Southwest. Historians of the South have not paid enough attention to this war and its relationship to the rise and making of the Cotton Belt, have not put it in its proper context, a planter's crusade, nor have they pieced the war together in its entirety.<sup>6</sup> This forty-year southern war affected much of Tennessee, Mississippi, and Alabama between 1776 and 1819 and after the Revolution became chiefly a war between Euro-American settlers and Native Americans, most of who had been British allies—a war of homesteads, villages, and forts. In missing the fullness of this war historians have missed the origins of the Confederate struggle, a decades long war planters fought in the Old Southwest to establish and then maintain a planting society. It began with the first state to exist in the modern Old Southwest, Frankland, and did not end in Haywood's lifetime.

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<sup>6</sup> For instance, Adam Rothman gives the war an evocative glimpse in *Slave Country*; Robert Remini fragments it in *Andrew Jackson and His Indian Wars* (New York: Viking, 2001), as does Anthony F. C. Wallace in his brilliant studies of Jefferson- and Jackson and Indian wars, *Jefferson and the Indians* and *The Long, Bitter Trail: Andrew Jackson and the Indians* (New York: Hill and Wang, 1993). More recently there have appeared further micro- and fragmented histories: Richard D. Blackmon, *Dark and Bloody Ground: The American Revolution Along the Southern Frontier* (Westholme Publishing, 2013); and Charles H. Faulkner, *Massacre at Cavett's Station: Frontier Tennessee during the Cherokee Wars* (University of Tennessee Press, 2013). The most thorough treatment, so far, is Finger, *Tennessee Frontiers*, although ideology is glaringly absent in his analysis; and he, too, fails to capture its *longue durée*. The most successful in capturing the planters' ideology, James Carson's thought-provoking article, "The Obituary of Nations": Ethnic Cleansing, Memory, and the Origins of the Old South," *Southern Cultures*, Vol. 14, Number 4 (Winter 2008): pp. 6–31; which is short on the full sweep of events.

As we have seen, Haywood was a student of the medieval Crusades, an apologist for violence in the name of the Christ, for Christians becoming God's finger against those who oppose Him. However, the Southern Crusade, Haywood was clear, was a Protestant one. It was a *planter's crusade because it was Protestant.*<sup>7</sup> Haywood articulated this spirit and logic early in the *Civil and Political History*:

The right of the Indians to the soil was [once] much less defined and understood than at this day. It had been an established maxim of national law amongst the European monarchs who embraced the doctrines of the Reformation that the pope had not—as he formerly pretended—as the vicegerent of Christ and the successor of St. Peter, a right to dispose of all unsettled and infidel countries; but, on the contrary, that the first discoverer of such places who took possession in the name of their sovereign entitled the country of the discoverer to the dominion and sovereignty of the soil. Without this maxim the rights to lands within chartered limits are without a solid basis to support them. The maxim, it is true, is beyond the limits of ordinary comprehension, and, like compensation in the case of common recovery, is founded upon a presumption which the law will not suffer to be disproved. . . . The right to the soil being thus established in the community, and the right of the Indians being only usufructuary—and that too by the favor and permission of the allodial owners, the State, or the community—in consequences it follows that no individual purchase can be valid. Upon this ground it was that such purchases were forbidden, both under the regal government and by the Constitution of North Carolina.

Haywood went on to expound upon the planter/Reformation connection. Plantations must be established in the Old Southwest if the landscape is to be owned at all. When Euro-American's first emigrated to the Old Southwest what they found was wilderness:

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<sup>7</sup> Historian Jorge Cañizares-Esguerra has illuminated the mentalities and theological presuppositions—for all the theological and cultural differences—binding Protestant and Catholic colonialists in the Americas, and more, indeed, stands to be said. See Cañizares-Esguerra, *Puritan Conquistadors: Iberianizing the Atlantic, 1550–1700* (Stanford University Press, 2006). David E. Stannard makes a similar, if not more polemical argument in *American Holocaust: The Conquest of the New World* (Oxford University Press, 1992).

When the first settlers came to this bluff in 1779–80, the country had the appearance of one which had never been cultivated. There were no signs of any cleared land nor other appearance of former cultivation. Nothing was presented to the eye but one large plain of woods and cane, frequented by buffaloes, elk, deer, wolves, foxes, panthers, and other animals suited to the climate. The land adjacent to the French Lick, which Mr. Mansco in 1769 called an old field, was a large, open piece, frequented and trodden by buffaloes, whose large paths led to it from all parts of the country, and there concentered . . . .

This truth—"planters own the land"—was revealed by excavating the soil.

"The country, as far as to Elk River and beyond it, had not a single permanent inhabitant except the wild beasts of the forest, but it had been inhabited many centuries before by a numerous population. At every lasting spring is a large collection of graves, made in a particular way, with the heads inclined on the sides and feet stones, the whole covered with a stratum of mold and dirt about weight or ten inches deep."

There had once been owners: "At many springs is the appearance of walls inclosing ancient habitations, the foundations of which were visible wherever the earth was cleared and cultivated, to which walls intrenchments were sometimes added. These walls sometimes inclose six, eight, or ten acres of land; and sometimes they are more extensive." But the owners had perished: "Judging from the number and frequency of these appearances, it cannot be estimated but that the former inhabitants were ten times, if not twenty times, more numerous than those who at present occupy the country." Such annihilation could be the fate of planters across time if precautions were not taken:

Voracious time has drawn them, with the days of other ages, into her capacious stomach, where, dissolving into aliments of oblivion, they have left

to be saved from annihilation only the faint and glimmering chronicles of their former being. Were it not for the short alphabet which we now have, possessing the wonderful power of perpetuating the existence of things in some future age, the fresh-born man of the day, traveling over the remains of ourselves, might find himself puzzled with the perplexing question: What human being formerly lived here?<sup>8</sup>

Pray and fight so that it would not one day be Haywood's civilization; pray and fight to establish it; pray and fight to prevent it. If the Devil could haunt medieval Christendom by invading the Holy Land, surely he would attempt worse in the Last Days. They were similar in cruelty and culture to the Cherokees now haunting Tennessee:

They are, as they always have been, armed against all mankind; they kill in private war, and with impunity their own countrymen who give them offence. Before the time of Mahomet they had fought 1700 battles. Those whose kinsman is slain, have a right, the same that the Cherokees now practise, of retaliating upon any of the kindred of the aggressor, and when one of the family of the latter falls, his friends can make reprisal. They know no difference between the terms stranger and enemy.<sup>9</sup>

And, of course, one can trace Arab evil back to Genesis: "It is admitted, by the most unbelieving historians, that the Arabs are the posterity of Ishmael. The language and inhabitants of Arabia have never been changed." Haywood backed these arguments up by citing a range of verses from Genesis as well as Ezekiel. He thanked God, "How genuine are the marks of this ancient history. How forcibly does immortal truth break in upon the unwilling mind and subdue it."<sup>10</sup> Bloody threads connected the modern and ancient worlds yet. Crusades were not over.

<sup>8</sup> Haywood, *Civil and Political History*, 107–109.

<sup>9</sup> Haywood, *Christian Advocate*, 15–16.

<sup>10</sup> *Ibid.*, 16–17.

This chapter evokes Haywood's vision of recent Old Southwestern history, drawing upon Haywood's modern history of Tennessee, *The Civil and Political History of Tennessee* (1823) to capture a chronological picture of the war raging within—and at times, without—Haywood's skull as within it swirled the ancient historical events and theses contained in the CA, which Haywood wrote sometime between 1810 and 1819. In order to achieve this the chapter utilizes French sociologist Maurice Halbwachs's theory of "gripping abbreviation" to connect Haywood's vision of this *longue durée* of settler/Indian warfare in the Old Southwest to collective memories passed across time and the continent from the root of seventeenth-century, Puritan New England, and from even earlier, the Deuteronomist historiography from the ancient Levant ("The Nevi'im" and "Wolves"). Then, once Haywood's vision of the War is stitched together, the chapter draws from a range of sources to project Haywood's vision of the war past the specific events—largely those occurring within the limits of Tennessee, and even there far from exhaustive—as well as past the last year about which he wrote, 1796, the year Tennessee achieved statehood. Events in harmony with Haywood's stitching are woven into—and perhaps most revealingly, into the end of—his *Civil and Political History*, projecting the reach of the Southern Crusade beyond its limits. The years of southern war between 1790 and 1819 manifest as they might have in Haywood's mind had he written their entire history, real events colored in Haywood's red. After some wider context ("Mortality Statistics," "Beginnings"), the projection begins with the first attempt to

construct a Euro-American planter state in the Old Southwest (“Frankland,” in the 1780s), then shifts chronologically to different decades (“The Southwest Territory,” “Statehood,” and “Holy War”) in order to illumine the worlds of war encompassed within a *longue durée* that did not end fully until after all of Indian Removal was carried out, the 1830s. There were witch-hunts, attempted burnings at the stake, and the most violent events in the modern Deep South before the Civil War, all for the sake of establishing a planter state, and Haywood’s apocalyptic thesis in the CA cannot be understood apart from this context.

### Gripping Abbreviation

The nineteenth century threatened to continue too bloody for even the optimistic exegete in Haywood to believe that the American Revolution, what he had initially believed was part of Armageddon, had brought about a millennium of peace. Rather, Haywood would revise in the CA, what planters in the Old Southwestern frontier had experienced and were experiencing in 1819 (yet) was all part of the final, postmillennial war between God and Satan prophesied in Revelation 20: the war of Gog and Magog, the war preceding the end of time itself.

Others, of course, perceived the southern war less apocalyptically, and capturing the perspectives of the many it affected remains for future scholars to accomplish. Given the aims of this work, however, this chapter illuminates the Crusade primarily as Haywood perceived it: a war between good and evil, a war for Christian plantations in the frontier, the enemies of God and of

planters—they were one—waiting like wolves in the wilderness beyond the cleared fields. Moreover, while this chapter does survey the Crusade in a chronological manner, primacy is given to events as they became stitched together in Haywood’s mind. French sociologist Maurice Halbwachs (1877–1945) called this stitching together “gripping abbreviation,” the creative act through which “collective memory,” the most powerful form of memory, is sustained and perpetuated. One, wishing to evoke an *idea* of an important *event*, stitches together loosely connected *fragments/scenes* from an array of *events*, each *fragment* relatively loosely connected to the other *fragments* in terms of cause and effect. The stitched *fragments* successfully comprise an *idea of the event* by resembling—in sequencing, material, or spirit—an inherited/traditional’ *idea* of a similar *kind of event*. For example, Halbwachs analyzed French historian François-René de Chateaubriand’s (1768–1848) memoirs, *Mémoires d’outre-tombe* (“Memoirs from Beyond the Grave”), in which Chateaubriand evoked his ‘early family life,’ his boyhood experience of growing up in a castle in Combourg (Brittany).

Halbwachs asked:

When Chateaubriand in a famous page tells how evenings were spent at the manor of Combourg, is this an account of an event that happened only once? Was he particularly impressed, on one evening more than any other, by the silent comings and goings of his father, by the appearance of the hall, and by the details that he throws into relief in his depiction?

The answer:

No: [Chateaubriand] undoubtedly assembled in one single scene recollections of many evenings that were engraved in his memory and in that of his family. What he portrays is the summation of an entire period—the idea of a type of life. . . .

What we find is a reconstructed picture. In order to see it come to life in its bygone reality, it is through reflection rather than from its suspension that the author chooses this particular physical trait or that particular custom. So it is, for example, that he says of his father: "He wore a robe of white wool which I have seen only on him; his half-bald head was covered by a large cap which stood up straight . . . he inclined his dry and white cheek toward us, without responding." Regarding his mother he says that she "threw herself with a sigh onto one of the old daybeds in blazing Siamese style." He mentions "the great silver candlestick with its candle" and the clock which scanned this nightly walk, and the small tower to the west. All these details are intentionally collected to evoke effectively the characters of his parents and the monotony of this sequestered existence—which was, after all, shared by many provincial nobles of the period—and to reconstruct the habitual atmosphere of such strange family evenings.

All of this, however, does not mean that Chateaubriand's stitching is useless or even (necessarily) anti-historical. Halbwachs concluded, "Even though [Chateaubriand's stitching] is a summary of collective reflections and feelings"—even though Chateaubriand picked out certain features of his parents/described certain materials meant to provoke certain feelings in the reader—Chateaubriand's stitching "still projects a singularly vivid image on the screen of an obscure and unclear past." Halbwachs elaborated,

A given scene which took place in our home, in which our parents were the principal actors, and which has been fixed in our memory therefore does not reappear as the depiction of a day such as we experienced it in the past. We compose it anew and introduce elements borrowed from several periods which preceded or followed the scene in question. The notion we have at this moment of recreation of the moral nature of our parents and of the event itself—now judged from a distance—imposes itself on our mind with so much power that we cannot escape being inspired by it. The same is true regarding those events and figures that arise out of the totality of family life, which summarize it and which serve as landmarks for whoever wishes to localize details and circumstances of lesser importance.<sup>11</sup>

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<sup>11</sup> Maurice Halbwachs, *On Collective Memory* (1952), Lewis A. Coser, ed. (University of Chicago Press, 1992), 60–61. Halbwachs is quoting from Chateaubriand's memoirs; see François-René de Chateaubriand, *Memoirs of Chateaubriand, from His Birth, in 1768, till His Return to France in 1800* (London: Henry Colburn, 1849), 123. For more analysis on Halbwachs's "gripping abbreviation," see David Middleton and Steven D. Brown, "Memory and Space in the Work of Maurice Halbwachs," in Peter Meusburger and Michael Heffernan, eds., *Cultural Memories: The Geographical Point of View* (Springer, 2011), 34, 29–50.

A similar mnemonic phenomenon applies to Haywood's historicization of the southern war near—and at times through—which he lived. In *The Civil and Political History* Haywood stitched together gory events from the war that were part of a transhistorical narrative whose origins were more than a century old, a narrative about more than brutally silencing anticolonial contestation, or war fought over landscape and for kin and tradition.<sup>12</sup> Increasingly toward the violent decades of the 1780s and 1790s, Haywood devoted several pages of each chapter to Indian attack victim lists—infants tomahawked, women and children gutted in the hay- and cornfields' periphery. A typical section title, for instance: "Persons Killed by the Indians, 1790, 1791, 1792."<sup>13</sup> A few exempla, bloody to the point of monotony, are included across the chapter.

### The Nevi'im

It should come as no surprise to any reader of the CA that Haywood's gripping abbreviation is also rooted in biblical exegesis. Aside from the Book of Revelation, it was the Nevi'im, the series of Old Testament books concerning the (dis)possession of the Promised Land and Jehovah's judgment upon those who cross Him.

The Nevi'im is a historiography dating to the earliest biblical manuscripts, the Deuteronomist literature. It divides quite naturally—and traditionally has been divided—into two sections of four: (The Former

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<sup>12</sup> See Cañizares-Esguerra, 154, 120–177. Cañizares-Esguerra dates this biblical narrative of New World history and nature deep into the early modern era. Specifics are unpacked and analyzed further below.

<sup>13</sup> Haywood, *Civil and Political History*, 338 (section title), 341–343 (typical list).

Prophets) Joshua, Judges, Samuel, Kings, and Isaiah; and (The Latter Prophets) Jeremiah, Ezekiel, and the Twelve Minor Prophets (Hosea, Joel, Amos, Obadiah, Johan, Micah, Nahum, Habakkuk, Zephaniah, Haggai, Zechariah, and Malachi).<sup>14</sup> The first four appear in Haywood's footnotes in the CA often, books recounting and analyzing the possession and loss of the Promised Land: in Joshua Jehovah leads His people to take Canaan, the Promised Land; in Judges, the Israelites go through cycles of turning away from Jehovah, only to be restored to his favor by faithful leaders—Judges—commanding their fellow Israelite's respect, leading their fellows to worship Jehovah with all of their being; in Samuel the cycles of disobedience continue, the Philistines prick and threaten Israel until Jehovah raises up a poor shepherd, David, to defeat the giants and establish a powerful kingdom, Judah; and Kings David's house falls and the Babylonian Captivity begins.<sup>15</sup>

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<sup>14</sup> See Marvin A. Sweeney, "The Emerging Field of Jewish Biblical Theology," in Zev Garber, ed., *Academic Approaches to Teaching Jewish Studies* (University Press of America, 2000), 89.

<sup>15</sup> A few citations typical of Haywood's CA: "It is not denied but that they used navigation in the ages soon after the deluge, and at the time of Abraham; Gen. ch. 12, v. 6; ch. 49, v 13; Judges ch. 5, v. 17" (*Christian Advocate*, 237). "OF ISAIAH: If someone else, and not Isaiah, wrote the prophecy concerning the capture of Babylon by Cyrus, after the event, in order to compliment Cyrus, how comes it that the remaining part of the prophecy stands to this day verified by events long posterior to the death of Cyrus in the 529<sup>th</sup> year before Christ"? . . . Is the site of Babylon now to be found? Is it inhabited by men? Is it not the resort of beasts of prey, of serpents, lizards, toads and wild fowls of various sorts?" (*Ibid.*, 10). "How will you account for the exact agreement of this prophecy from the times of those historians to this day? Is this wonderful coincidence of the fact with the prediction for all this time mere chance? How was it possible for human understanding to foresee the continuation of such a state for so great a length of time, from 30 years before Christ to this day? See Isaiah ch. 13 . . . Dan. Ch. 5, v. 1 and 22, ch. 5, v. 28, ch. 18, 19 and 20 of 2d Kings, were copied from Isaiah. . . . If copied from Isaiah, the latter must have been written before the former; if the former, then Isaiah being named in Kings, must have lived before, and probably the Book of Kings was written before the expedition of Cambyses into Egypt, between 529 and 524 before Christ, and before the revolt of Babylon, 516 before Christ, and before the Persian invasion of Greece, in the year 494 before Christ; for in the Book of Kings is no allusion to any circumstance contained in the histories of their wars, though carried on by the sovereigns

Within the first four books of the Nevi'im Joshua leads the Israelites into Canaan, performing Jehovah's command of *Herem*, annihilation of all those who oppose Him in the landscape (as an offering). Jehovah had commanded it in the Book of Deuteronomy:

When the Lord your God brings you into the land that you are entering to take possession of it, and clears away many nations before you, the Hittites, the Gergashites, the Amorites, the Canaanites, the Perizzites, the Hivites, and the Jebusites, seven nations more numerous and mightier than yourselves, and when the Lord your God gives them over to you, and you defeat them, then you must devote them to completed destruction. You shall make no covenant with them and show no mercy to them. You shall not intermarry with them, giving your daughters to their sons nor taking their daughters for your sons, for they would turn away your sons from following me, to serve other gods. Then the anger of the Lord would be kindled against you, and he would destroy you quickly. But thus shall you deal with them: you shall break down their altars and dash in pieces their pillars and chop down their Asherim and burn their carved images with fire.

More specifically, put to the sword even enemies beyond the pale, enslaving their women and children. But to those in the land of which Jehovah gave you possession slaughter them all:

And when the Lord your God gives it into your hand, you shall put all its males to the sword, but the women and the little ones, the livestock, and everything else in the city, all its spoil, you shall take as plunder for yourselves. And you shall enjoy the spoil of your enemies, which the Lord your God has given you. Thus you shall do to all the cities that are very far from you, which are not cities of the nations here. But in the cities of these peoples that the Lord your God is giving you for an inheritance, you shall save alive nothing that breathes, but you shall devote them to complete destruction, the Hittites and the Amorites, the Canaanites and the Perizzites, the Hivites and the Jebusites, as the Lord your God has commanded, that they may not teach you to do according to all their abominable practices that they have done for their gods, and so you sing against the Lord your God.<sup>16</sup>

of India, which then belonged to the Persian empire; therefore Isaiah lived before the earliest of those periods" (*Ibid.*, 11–12).

<sup>16</sup> Deuteronomy 7: 1–5; and 20: 13–18, English Standard Version. For a counterintuitive—but fascinating take on the Old Testament wars of Israel, see Paul Copan and Matthew Flannagan, *Did God Really Command Genocide? Coming to Terms with the Justice of God* (Grand Rapids, MI, 2014).

The second four books—continuances of the Israelite fall and restoration cycles—appear less frequently in the CA’s footnotes, with one exception. As we have seen, the Book of Ezekiel, containing Ezekiel’s visions from a Babylonian prison, features centrally: Ezekiel’s prophecy concerning the final battle with the Devil’s armies, Gog and Magog, Jehovah’s promise to punish those who had attacked Israel and restore His people to their land.

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This struggle for the Promise Land, this Deuteronomist historiography, goes deep in American literature. It is at work most prominently in Cotton Mather’s history of New England, *Magnalia Christi Americana* (1702). As Sacvan Bercovitch stresses, “the *Magnalia* is ‘an history,’ Mather tells us, ‘to anticipate the state of New-Jerusalem.’” As if a blending of the CA and *Civil and Political History*, “the *Magnalia* begins by exploring New England’s ties to the Reformation and ends by projecting the theocracy into the future.” Moreover, “the *littera-historia* Mather records in his narrative sections, from the discovery of America (book 1) to the colonists’ final conflict with the Tempter (the Indian wars, in book 7), express the movement of sacred time.”<sup>17</sup> Bercovitch goes on to quote from John Higginson’s original preface to the *Magnalia*: “It hath been deservedly esteemed one of the great and wonderful works of God in this *last age*, that the Lord stirred up the spirits of so many thousands of his servants . . . to transport themselves . . . into a desert land in America . . . in the way of seeking *first the kingdom of God*. . . .

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<sup>17</sup> Sacvan Bercovitch, *The Puritan Origins of the American Self* (Yale University Press, 1975), 49.

Surely of this *work*, and of this *time*, it shall be said, *what hath God wrought?*"

The Old Testament histories were, for Higginson (as for Mather), a kind of Lord's Prayer for historians:

and this is one reason why the Lord commanded so great a part of the *Holy Scriptures* to be written in an *historical way*, that the wonderful works of God towards his church and people . . . might be known *unto all generations*: and after the *scripture-time* . . . he hath stirred up some or other to write the *acts and monuments* of the church of God in all wages; especially since the *reformation of religion* from anti-christian darkness. . . . And therefore surely it hath been a duty incumbent upon the people of God, in this our New-England, that there should be extant, a true *history* of the wonderful works of God in . . . America: which . . . may stand as a monument, in relation to future times, of a fuller and better *reformation* of the Church of God, than it hath yet appeared in the world.<sup>18</sup>

Mather's connection between Deuteronomist historiography and Indian history is deliberate. As historian Richard Slotkin has stressed, for Mather, the New England Indian Wars of the seventeenth and eighteenth centuries were part of "a holy crusade."<sup>19</sup> Mather devoted the entire Seventh Book of the *Magnalia* to analyzing this crusade. His opening lines:

Two Colonies of Churches being *brought forth*, and a Third conceived within the Bounds of *New-England*, by the Year 1636, it was time for the *Devil* to take the *Alarum*, and make some attempt in Opposition to the *Possession* which the Lord Jesus Christ was going to have of these *utmost Parts of the Earth*. These *Parts* were then covered with Nations of Barbarous Indians and Infidels, in whom the *Prince of the Power of the Air* did *Work as a Spirit*; nor could it be expected that Nations of Wretches, whose whole Religion was the most Explicit fort of *Devil-Worship*, should not be acted by the Devil to engage in some early and bloody Action, for the Extinction of a Plantation so contrary to his Interests, as that of *New-England* was.<sup>20</sup>

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<sup>18</sup> *Ibid.*, 49–50. Bercovitch is here quoting Higginson.

<sup>19</sup> Richard Slotkin, *Regeneration Through Violence: The Mythology of the American Frontier, 1600–1860* (Wesleyan University Press, 1973), 120, 433 (quote).

<sup>20</sup> Mather, *Magnalia Christi Americana* (in seven books) (London, 1702), Book VII, 41–42.

Moreover, like Haywood in the *Civil and Political History*, Mather reminded the reader of Indian violence throughout *Magnalia*, often grouping together quite detailed and violent stiches. For instance, stitch:

Know then, that in *March 28*, the Indians burnt about Forty Houses at *Rehoboth*; and on *March 29*, about Thirty Houses at *Providence*; For the English retiring into Garrisons, could not but leave their Houses open to the Impressions of the Adversary. In the beginning of *April* they were Mischievous at *Chelmsford* and *Andover*, and that they might by their Cruelty discover whose Children they were, they would cut out the Tongues of the Dumb Creatures, leaving them alive in Misery; and putting others of those *poor Creatures* alive into Hovels, they would set them on Fire. . . .

Stitch, “But the worst part of the Story is, that Captain *Wadsworth*, one worthy to Live in our History, under the Name of *A Good Man*, coming up after a Long, Hard, Unwearied *March*, with Seventy Men unto the Relief of Distressed *Sudbury*, found himself in the Woods on the sudden surrounded with about Five Hundred of the Enemy,” and was killed. Stich,  
 The Indians took Five or Six of the English Prisoners; and that the Reader may understand . . . what it is to be taken by such *Devils Incarnate*, I shall here inform him: They *Stripp'd* these unhappy Prisoners, and caused them to Run the *Gantlet*, and Whipped them after a Cruel and Bloody Manner; they then threw Hot Ashes upon them, and cutting off Colllops of their Flesh, they put *Fire* into their Wounds, and so with Exquisite, Leisurely, Horrible Torments, *Roasted* them out of the World.<sup>21</sup>

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The Nevi'im must have weighed heavily upon Haywood's mind as he synthesized the thousands of events in the *Civil and Political History*. Deuteronomist historiography drives much of the *Civil and Political History*; the Nevi'im's exegetical framework scaffolds Haywood's narrative of the years between the Revolution and Tennessee Statehood—the destruction of God's

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<sup>21</sup> *Ibid.*, 51.

enemies in a fertile landscape so that His chosen people can inhabit it, reaping its milk and honey. Like the Nevi'im of the Old Testament, this part of the *Civil and Political History* divides quite naturally into four narrative sections, a structural attribute which evokes a gripping abbreviation of the Nevi'im's quatrain structure (two divisions of four sections): the establishment of Watauga, of Frankland, the Southwest Territory, and the State of Tennessee. The convoluted violence havocing the landscape—due to nearly two centuries of imperial and colonial struggles in North America involving great powers from Europe, Africa, and the Americas—is reduced through Haywood's gripping abbreviation to a holy crusade for plantations, a war between good and evil. However, given the aims of this chapter I use Ramsey, Pickett, and secondary sources on the Creek and Seminole Wars to project Haywood's view of this period about which he did not explicitly write, revising his quatrain, so to speak. After a brief description of Watauga, I begin with Frankland, adding my own projection of Haywood's historical viewpoint onto the period of the Creek and Seminole Wars (1812–1819) as the fourth division.<sup>22</sup>

Likely aware of harsh reactions against his scripturally explicit CA, such as Darby's, however, Haywood did not cite scripture in his history of modern Tennessee. Indeed, if one is unfamiliar with the CA, as have been all recent analysts of the *Civil and Political History*, one can read blind to its Deuteronomist backbone entirely. But there is no evidence at all that

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<sup>22</sup> For an account of Watauga, see Haywood's *Civil and Political History*, Chapters 4–5; and Ramsey's *Annals of Tennessee*, 100–150.

Haywood moved away from his theology between 1819 and 1823, the publication dates of the CA and *Civil and Political History* respectively. To the contrary, the nature and trajectory of Haywood's judicial stances across the 1810s and early 1820s (covered in Chapters 4 and 5) suggest that he remained committed to the historical and juridical theses buttressing the CA's arguments to his grave. Moreover, citations from the Nevi'im riddle Haywood's arguments about the apocalyptic nature of America's place in the world in the CA, and we have no reason to believe their theses were not yet glowing in Haywood's mind less than four years later.

### Wolves

Haywood's very language in the *Civil and Political History* is biblical, often weighty as the Old Testament of the King James Bible. "The Chickamauga Indians and those of the lower Cherokee towns went *thither* with some of the Creeks, killed some of the settlers, and took away their horses" [emphasis mine].<sup>23</sup> Euro-American planters settling the Old Southwest were like the children of Abraham separating from those of his brother Lot:

The sovereignty of North Carolina over the ceded territory instantly expired. North Carolina was relieved from all her inquietudes, and the western people with joyful alacrity began to open for themselves the paths to prosperity and glory. The separation was not like that of a disconsolate mother parting from a beloved daughter, but rather like that where Abraham said unto Lot: "Separate thyself, I pray thee, from me: if thou wilt take the left hand, then I will go to the right; or if thou depart to the right hand, then I will go to the left."<sup>24</sup>

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<sup>23</sup> Haywood, *Civil and Political History*, 119.

<sup>24</sup> *Ibid.*, 215. Haywood is quoting from Genesis 13: 8–9.

Lot headed east, the way of Sodom and Gomorrah, cities God would damn: "Then Lot chose him all the plain of Jordan; and Lot journeyed east: and they separated themselves the one from the other. Abram dwelled in the land of Canaan, and Lot dwelled in the cities of the plain, and pitched *his* tent toward Sodom."<sup>25</sup>

Haywood's typology was often early modern, Puritan American. The Indian enemy "skulked" in the field edges like wolves, the animal historians such as Increase and Cotton Mather had evoked in their histories of New England when describing Indian movements.<sup>26</sup> For instance, Increase chronicled: "*April 24 [1676]. Skulking Indians did some mischief in Braintry, but the inhabitants received not any considerable damage by them.*"<sup>27</sup> Like in the modern Alaskan backcountry, the skulking wolf did not always attack. When it did the damage was so cruel that in 1675 the Massachusetts General Court had made the equivalent of a rabid Indian hunting law: "it shall be lawful for any person, whether English or Indian, that shall finde any Indian travelling or skulking in any of our Towns or Woods . . . to command them under their Guard and Examination, or to kill and destroy them as they best may or can."<sup>28</sup> An example typical of what re-ran in Increase's mind:

About this time they killed several *English* at *Taunton*, and Burnt divers Houses there. Also at *Swanz*, they caused about half the Town to be consumed with merciless Flames. Likewise *Middlebury* and *Dartmouth*, in *Plimouth Colony*, did they burn with Fire, and barbarously murdered both men

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<sup>25</sup> Genesis 13: 11–12, King James Bible. God destroys Sodom in Genesis 19.

<sup>26</sup> See Jill Lepore, *Name of War: King Philip's War and the Origins of American Identity* (New York: Alfred A. Knopf, 1998); and Cañizares-Esguerra, 154.

<sup>27</sup> Increase Mather, *A Brief History of the War with the Indians in New England: from June 24, 1675 (when the first Englishman was Murdered by the Indians) . . .* (London, 1676), 27.

<sup>28</sup> *At a Council Held in Boston August the thirtieth 1675* (Cambridge, Massachusetts, 1675), quoted in Lepore, 183.

and women in those places, stripping the slain, whether Men or Women, and leaving them in the open Field, as naked as in the day wherein thy were born. Such also is their Inhumanity, as that they flay off the skin from their Faces and Heads of those they get into their hands, and go away with the hairy Scalp of their Enemies.<sup>29</sup>

The same, too, played in his son's mind; how Cotton could write of the necessity of Indian hunting in seasons when colonists were getting hatcheted. "Once you have but got the Track of those Ravenous howling Wolves," Cotton wrote, "pursue them vigourously; *Turn not back till they are consumed.* . . . Beat them small as the *Dust before the Wind.*" After highlighting this latter quote in his polemical history of the European discovery of America, *American Holocaust* (1992), historian David Stannard stressed its literality just in case a modern reader were to cast the words as too over the top to have been seriously meant, or taken seriously by colonists:

Lest this be regarded as mere rhetoric, empty of literal intent, consider that another of New England's most esteemed religious leaders, the Reverend Solomon Stoddard [eighteenth-century revivalist Jonathan Edwards's grandfather], as late as 1703 formally proposed to the Massachusetts Governor that the colonists be given the financial wherewithal to purchase and train large packs of dogs "to hunt Indians as they do bears." There were relatively few Indians remaining alive in New England by this time, but those few were too many for the likes of Mather and Stoddard. "The dogs would be an extreme terror to the Indians," Stoddard wrote, adding that such "dogs would do a great deal of execution upon the enemy and catch many an Indian that would be too light of foot for us." Then, turning from his equating of native men and women and children with bears deserving to be hunted down and destroyed, Stoddard became more conventional in his imagery: "if the Indians were as other people," he acknowledged, ". . . it might be looked upon as inhumane to pursue them in such a manner"; but, in fact, the Indians were wolves, he said, "and are to be dealt withal as wolves."<sup>30</sup>

Barry Lopez, the nature writer whose analysis—aside from Puritan historians' own words—influenced Stannard's analysis of Indians as wolves,

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<sup>29</sup> Increase Mather, *A Brief History . . .*, 4.

<sup>30</sup> Stannard, 241. Stannard is quoting Mather, *Souldiers Counseled and Comforted*, 28.

captured the literality with which many Puritans meant the equation in his meditation, *Of Wolves and Men* (1978): “Newly arrived Protestant ministers drew parallels between the savage paganism of the Indian and the wolf. Both, they preached, tried the souls of men with their depredations, and the ministers urged colonists to give in to neither.” Lopez pointed out that parishioners would then act on their ministers’ sermons:

The colonist had no experience in dealing with Indians and knew little more about killing wolves. But since the two seemed so alike, he fell to dealing with them in similar ways. He set out poisoned meat for the wolf and gave the Indian blankets infected with smallpox. He raided the wolf’s den to dig out and destroy the pups, and stole the Indian’s children and sent them to missionary schools to be rehabilitated. When he was accused of butchery for killing wolves and Indians, he spun tales of Mohawk cruelty and of wolves who ate fawns while they were still alive, invoking the ancient law of literal equivalents.<sup>31</sup>

Ministers’ historical and biological claims matter more than modern historians frequently assume. Confronted by capitalist settlers wielding advanced technology, indigenous groups’ fates seem written before the massacre, whether their exterminators are Catholic, Protestant, or Deist; or soldiers, planters, or merchants.<sup>32</sup>

<sup>31</sup> Lopez, 170–171. Stannard notes the counterintuitive truth of Lopez’s words in *American Holocaust*; see Stannard, 241.

<sup>32</sup> Driven by a truly admirable moral sense (lacking in too many historians of such atrocities), Theda Perdue and Michael Green summarize—and exemplify—the standard racism and greed arguments in *The Cherokee Nation and the Trail of Tears* (*The Cherokee Nation and the Trail of Tears* (New York: Viking Penguin, 2007)). Moreover, for all its brilliant insights into the emergence of the Old South, Carson perpetuates this reductive strain of thought in “Obituary of Nations.” On the other side of this misguided spectrum, of course, are arguments by historians such as Francis Paul Prucha and Robert V. Remini. See Prucha, “Andrew Jackson’s Indian Policy: A Reassessment,” in *The Journal of American History*, Vol. 56, No. 3 (Dec., 1969): pp. 527–539; and Remini, *Andrew Jackson and His Indian Wars*. Their arguments verge on justifications. For more see Chapter 4 (and notes), in which arguments for Removal are analyzed in greater depth.

He never converted to Congregationalism, and he was a southerner. Still, for all that, Haywood wore the black cloak of the Puritan tradition as he wrote. For this wolf typology is absent entirely in histories of the early modern- and modern South written across the eighteenth and (early) nineteenth centuries, the work of historians such as William Byrd II (1674–1744) and Enlightenment historians such as Thomas Jefferson (1743–1826) and David Ramsey (1749–1815).<sup>33</sup> Stannard was unaware of Haywood's influence and legacy, but wrote as part of his conclusion to *American Holocaust* lines that could have been written to foreshadow the remainder of this work: "For two hundred years to come Washington, Jefferson, Jackson, and other leaders, representing the wishes of virtually the entire white nation, followed these ministers' genocidal instructions with great care. It was their Christian duty as well as their destiny."<sup>34</sup>

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<sup>33</sup> See William Byrd II, *History of the Dividing Line, and Other Tracts: from the Papers of William Byrd, of Westover, in Virginia, esquire* (1728–1736), 2 vols. (Richmond, 1866); Thomas Jefferson, *Notes on the State of Virginia* (Baltimore, 1800); and David Ramsay, *The History of the Revolution of South-Carolina, from a British Province to an Independent State*, 2 vols. (Trenton, 1785), and *The History of South-Carolina from its First Settlement in 1670, to the Year 1808*, 2 vols. (Charleston, 1809). Also, see less influential histories such as John Filson, *The Discovery, Settlement, and Present State of Kentucky* (Wilmington, Delaware: James Adams, 1784); Amos Stoddard, *Sketches, Historical and Descriptive, of Louisiana* (Philadelphia: Small for Carey, 1812); and James H. McCulloh, *Researches on America: Being an Attempt to Settle Some Points Relative to the Aborigines of America, & etc.* (Baltimore, MD: Robinson, 1817), 2<sup>nd</sup> Edition. \*In none of these histories does the wolves = Indian typology appear, nor does the violent and apocalyptic imagery reach so gory an extent, so reddish a hue. A quote from Byrd is illustrative of the great difference between Haywood (and the Matherian tradition) and his contemporaries: "This man [a frontier settler] is the highest Inhabitant on the South side of the Dan, and yet reacons himself perfectly safe from danger. And if the Bears, Wolves, and Panthers were as harmless as the Indians, his Stock might be so too" (Byrd, Vol. II, 30). For more on the dominance of Enlightenment- and Romantic historiographical traditions in the American South, see also Michael O'Brien, *Conjectures of Order: Intellectual Life and the American South, 1810–1860*, 2 vols. (UNC Press, 2004). As Chapter 3 will argue, however, it is one of the theses of this work that O'Brien's treatment completely overlooks a strong 'providential' historiographical school alive in the early antebellum Old Southwest and in the backwoods.

<sup>34</sup> Stannard, 241.

## Mortality Statistics

More (even) than Increase and Cotton, Haywood detailed Native American violence against Euro-Americans as if an armchair anatomist interested in hatchet victim mortality data. When historicizing Euro-American violence against Native Americans, however, he was frugal with adjectives (as were Increase and Cotton); he most often wrote of Euro-American violence in justificatory terms, downplaying its extent and dimming its nature.

Mortality statistics on this southern war are, given the blurry state of its historiography and the thin records of the Old Southwestern frontier, difficult to produce. Still, a few points go far. Historians continue to crowd popular bookshelves writing about the highest death-count in modern American History, the Civil War, in which roughly two percent—over 600,000 souls—of the American nation perished. In two theaters of the southern war alone, the death percentages for Native Americans were equal or higher. Close to twenty percent of the Cherokee population, roughly two thousand souls, were killed or wounded during fights with Euro-American Whigs during the American Revolution, many of them women and children fleeing villages burning down; compared with roughly one thousand Euro-American Whigs in South Carolina and its backcountry (the deadliest southern colony for Euro-Americans during the Revolutionary War years), less than two percent of its Euro-American population.<sup>35</sup> The Revolution so consumed the Cherokee that

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<sup>35</sup> The Native American mortality statistics in the Revolutionary War are still murky, and much work remains to be done, although more detailed calculations are greatly at the mercy of thin records and poor record keeping. I have computed these figures from population statistics and mortality/casualty data from the sources below. For Cherokee and Euro-American

historian Theda Perdue marks 1781 as the year they “laid down their weapons.”<sup>36</sup> Still, smaller bands—and once, an army—would continue to fight and frighten the settlers in the Tennessee region across the 1790s.

Deeper into the Old Southwest, fifteen percent of the Creek population, roughly fifteen hundred souls, perished in the Creek War (1813–1814), compared with roughly one hundred and twenty U.S. soldiers and volunteers out of a population of 30,000 souls, less than one percent of the Euro-Americans living in the Mississippi Territory (under whose governance the landscape fell at the time of the war).<sup>37</sup>

population stats during the Revolution see Tom Hatley, *The Dividing Paths: Cherokees and South Carolinians through the Revolutionary Era* (Oxford University Press, 1999), 146. For South Carolinian casualties during the Revolution, see John W. Gordon, *South Carolina and the American Revolution: A Battlefield History* (University of South Carolina Press, 2003), 1. For the effects of the Revolution on the Cherokee population, see Russell Thornton and Matthew C. Snipp, *The Cherokees: A Population History* (University of Nebraska Press, 1990), 30, 37–40. The high Cherokee mortality rate during the Revolutionary years can be accounted for by warfare and smallpox, the latter of which had afflicted the Cherokees in ebbs and flows across the eighteenth century (Thornton and Snipp, 33). For estimates of Cherokee battle deaths in the Revolution, see Terry M. Mays, *Historical Dictionary of the American Revolution* (Lanham, Maryland: The Scarecrow Press, 2010), 65. For singular brutality of the Whig war against Cherokees in terms of pre nineteenth-century British American warfare, see John Grenier, *The First Way of War: American War Making on the Frontier, 1607–1814* (Cambridge University Press, 2005), 152–153. Grenier stresses the war’s brutality, but does not offer any mortality statistics.

<sup>36</sup> Perdue and Green, 19.

<sup>37</sup> Claudio Saunt, *A New Order of Things* (Cambridge University Press, 1999), 270, n125; and J. Anthony Paredes and Kenneth J. Plante, “A Reexamination of Creek Indian Population Trends: 1738–1832,” *American Indian Culture and Research Journal* 6:4 (1983): 12. Saunt estimates the deaths suffered by Creeks to be roughly fifteen hundred souls. Paredes and Plante estimate the Creek population in the 1810s to be between ten and twelve thousand souls. The Creek population still, however, was on the increase, as it had been since the early eighteenth century. Paredes and Plante suggest that, while not true of the Native American population as a whole (such as, for instance, the Cherokee to their north), farming, firearms, and European medicines may have, in some cases, increased the population. This, they find, was true of the Creek Indians; although—and this was certainly true in the aftermath of the Southern War—an increase in population in no way necessarily means an increase in quality of life on the whole, far from it—although it sometimes can. For a recent tackling of these convoluted and weighty biological and ecological problems, see, for instance, Jared Diamond, *Collapse: How Societies Choose to Fail or Succeed* (Penguin, 2011), and Pinker, *The Better Angels of Our Nature*. Lastly, for more on the Euro-American population of the Mississippi Territory—what became the states of Mississippi and Alabama in 1817 and 1819, respectively—during the 1810s, see Robert V. Haynes, *The Mississippi*

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Even though they were fewer per capita, however, the deaths of Euro-American farmers, women, and children should not—and indeed, given their effects, cannot—be minimized. For instance, early during the Creek War (1813), and excluded from the U.S. military casualty statistics cited above, over two hundred Euro-Americans—among them women and children—hiding in a plantation in the southern Mississippi Territory were killed by Creeks led by a Scots-Creek commander, William Weatherford, in what became known as the “Fort Mims Massacre”—Fort Mims a high lick of that chronic war’s flame.<sup>38</sup>

Although records are thin before the Southwest Territory was formed (1790) and before the first state, Tennessee, was carved out of it (1796), historian Adam Rothman has rightly pointed out that for many Euro-American settlers the postrevolutionary southern frontier was experienced as “a Hobbesian world where”—in the words of Henry Knox, Secretary of War—“the sword of the republic only, is adequate to guard a due administration of justice, and the preservation of the peace.”<sup>39</sup> Allowing even for U.S. politicians’ and propagandists’ exaggerations, Rothman has stressed, “The violence of the postrevolutionary southern frontier was real, and its

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*Territory and the Southwest Frontier, 1795–1817* (University of Kentucky Press, 2010), 334. African-American slaves comprised roughly twelve percent of the total population, which was just over forty thousand souls (in total).

<sup>38</sup> Saunt, 267.

<sup>39</sup> Rothman, *Slave Country*, 12. A hero of the Revolutionary War, Knox became the first U.S. Secretary of War, 1789–1794; in his honor Knoxville, Tennessee—the cradle of the Southwest Territory—was named.

consequences were devastating.”<sup>40</sup> The records are so thin and anecdotal, however, historians are often reduced to describing its extent through generalizations. For instance, in his 2010 essay, “Violence, Statecraft, and Statehood in the Early Republic,” historian Kevin Barksdale described the casualties (Euro- and Native American) that resulted from the State of Frankland’s Indian land policy to be in the “hundreds,” produced through a “cycle of retaliatory violence.”<sup>41</sup> Such vague generalizations are typical of the historiography. Rothman has woven some wider settler casualty numbers from the era with somewhat greater precision, providing a good starting point for future studies:

One observer estimated that 200 Kentuckians were killed between 1783 and 1787. Georgia authorities reported that the Creeks had killed 72 white and 10 black people, and taken 30 white and 110 black prisoners, between 1787 and 1789. More than 100 black and white inhabitants of the Southwest Territory were killed, wounded, or taken prisoner from January 1791 to November 1792.

Of course, Rothman lamented, “Statistics on Indian casualties were [most often] not reported to the authorities,” and it is not difficult to imagine why. Records of the sum their casualties are thinner during this decade (Haywood is again quite scanty with details), but we know that their violence was returned enough that, by 1794, even these were dropping their arms in exhaustion and dejection. Even so, fortunately for historians numerous brutalities yell through the thin records yet:

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<sup>40</sup> *Ibid.*, 11.

<sup>41</sup> Kevin T. Barksdale, “Violence, Statecraft, and Statehood in the Early Republic,” in Bruce Stewart, ed. *Blood in the Hills: A History of Violence in Appalachia* (University of Kentucky Press, 2010), 44.

Creek and Cherokee diplomats made it clear that their people suffered greatly from trespassing, theft, and murder at the hands of the white intruders. As one Cherokee agent protested, “Their flourishing fields of corn and pulse were destroyed and laid waste; some of their wives and children were burnt alive in their town houses, and the most unrelenting barbarity; and to fill up the measure of deception and cruelty, some of their chiefs, who were ever disposed to peace with the white people, were decoyed, unarmed, into their camp, by the hoisting of a white flag, and by repeated declarations of friendship and kindness, and there massacred in cold blood.”<sup>42</sup>

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The 1780s to the first half of the 1790s was a particularly dark era for Euro-American settlers, an unlucky window of time in which the greatest amount of settlers lived scattered and isolated in a frontier still—albeit less and less, with each year of Euro-American encroachment—contested fiercely by Native Americans. Until the turn of the nineteenth century—in more remote parts of the Mississippi Territory, even into the 1810s—Euro-American settlers in the Old Southwest were a minority in a still Native American world, many of them, like Haywood, Christian pilgrims and crusaders in a pagan wilderness. The Euro-American population of the Southwest Territory was roughly 66,000 in 1796, its last year of existence, compared with roughly 50,000 Native Americans in the Old Southwest (region).<sup>43</sup> Yet this 27,000-soul difference is deceiving. A majority of the 66,000 settlers—roughly 55,000—lived in the eastern region of what would become, later that year,

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<sup>42</sup> Rothman, *Slave Country*, 11–12.

<sup>43</sup> The total population of Tennessee in 1796 was roughly 77,000, the difference accounted for by counting African-American slaves. For population stats on the Tennessee region, see Paul H. Bergeron and Stephen V. Ash eds., *Tennesseans and Their History* (University of Tennessee Press, 1999), 63, and Ray, *Middle Tennessee*, 60; for population stats on Native Americans in early Mississippi and Alabama (Creek, Chickasaw, and Choctaw), see Rothman, *Slave Country*, 40–41; for population stats on the Cherokee, see William L. Anderson, *Cherokee Removal: Before and After* (UGA Press, 1991), 87.

Tennessee.<sup>44</sup> The Euro-American population of Middle Tennessee, where Tusculum would stand, remained less than ten thousand Euro-American souls in 1800.<sup>45</sup>

To see into settlers' late eighteenth-century planter emigrants' nightmares is to see cabins burning and cornfields painted in scarlet hues. Ten thousand Christians with knowledge of tens of thousands of pagans in the vicinity could awake terrified in the night despite prayers for protection, shadows from the fire or odd hoots and howls from the woods outside their cabin homes. Or, isolate a group of souls in the woods, a mile or more away from the nearest Christian or clearing, have them hear word of a massacre in a clearing miles away. The terror of an isolated settler family learning of another isolated settler family disfigured beyond recognition is difficult for modern urban- and suburbanites to imagine. If a family was killed in a sparsely settled community of four in adjacent hollows, a fourth of the world was gone. If the community was Christian, God had handed his chosen over to torment, turned his back, or was gone from the region.

As we have seen, such grisly scenes consume the only historiographical notes extant from Haywood's writings, the kind of scenes he stitched together to tell the history of the Southern Crusade in the *Civil and Political History*. And though, given the rapidly growing population of Euro-American planters and the state of the already war-ravaged Native American population, once it was past this 1790s-style violence most probably could not

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<sup>44</sup> Bergeron and Ash, 63.

<sup>45</sup> Ray, 60–61, 87–89.

return, its specter—or worse—threatened to again scarlet the Old Southwest in 1819, when Haywood was finishing the CA. Before Indian Removal the Old Southwest could still feel very much like a contested landscape, and much of Mississippi and Alabama—the states carved out of the Mississippi Territory—in the 1810s was as thinly populated by Euro-Americans as Middle Tennessee in the 1790s.<sup>46</sup>

### Beginnings

In July of 1776, Haywood chronicled, a “body of Cherokees, who came up the Nolichucky under the command of Old Abraham, of Chilhowee, attacked the fort at Watauga, in which were James Robertson (who commanded), Capt. Sevier, Greer, and others—forty in all. In the morning at sunrise they made the attack, and were repulsed by the fire from the fort with some loss.” The Indians hunted the landscape surrounding the fort like emaciated wolves: “From that time they skulked around the fort for three weeks, till a party from Virginia came to the relief of the garrison.” Stealth in the landscape they captured a woman: “At Watauga the Indians took Mrs. Bean prisoner.”<sup>47</sup>

One of Tennessee’s most respected later antebellum historians, Knoxville physician James Gettys McGready Ramsey, evoked her trial in his *Annals of Tennessee* (1853). The woman in J.G. M. Ramsey’s Indian captivity narrative bears strong resemblance to the heroine in “Bonny House O’ Airlie,” a Scottish ballad in which Protestants take a captive Jacobite up a hill to

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<sup>46</sup> See Haynes, 334, and compare with Ray’s population data for Middle Tennessee, in Ray, 87–89.

<sup>47</sup> Haywood, *Civil and Political History*, 65.

make her watch her house burn down in the distance. After answering her captors' questions designed to aid them in burning and starving her village, she is guided up:

After she was taken into captivity . . . [she] . . . was condemned to death. She was bound, taken to the top of one of the mounds, and was about to be burned, when Nancy Ward, then exercising in the [Cherokee] nation the functions of the Beloved or Pretty Woman, interfered and pronounced her pardon. Her life was spared.<sup>48</sup>

Haywood did not include Ramsey's dramatic detail of her captivity itself, perhaps assuming his readers, alive closer to the event, knew about it already. Still, her captivity's context, Haywood made clear, was dramatic: "During the time they were about the fort the Indians killed James Cooper and son and a man by the name of Tucker. They made captive a boy by the name of Moore, whom they led to one of their towns and burned." In these descriptions one can sense Haywood's apocalyptic memory of the Revolutionary Era. After capturing Mrs. Bean, the Indians split "into small squadrons, [and] visited with fire and the tomahawk the whole country, from the lower end of what is now Sullivan County to the Seven Mile Ford in Virginia. The inhabitants were all shut up in forts, and massacres were committed every day."<sup>49</sup>

Watauga was, for Haywood, a shining city in the blackness. Ramsey summarized the origins of this settlement along the Watauga River in modern-day East Tennessee: "Being thus without any regular government,

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<sup>48</sup> James Gettys McGready Ramsey, *The Annals of Tennessee: To the End of the Eighteenth Century* (Charleston, SC: John Russell, 256 King Street, 1853), 157. See also "Bonnie House O' Airlie," in John Harrington Cox, ed., *Folk-Songs of the South* (Gretna, Louisiana: Pelican Publishing Company, 1998), 128–129.

<sup>49</sup> Haywood, *Civil and Political History*, 65.

the people of Watauga, in 1772, exercised the ‘divine right’ of governing themselves. They formed a written association and articles for the management of general affairs,” none of which had survived.<sup>50</sup> The “written association” the founders—among them John Sevier—produced was, according to one modern historian, “modeled loosely after the Mayflower Compact of 1620.”<sup>51</sup> Ramsey wrote all he knew about the government’s structure: it was “paternal and patriarchal—simple and moderate, but summary and firm.” A light in the wilderness Ramsey certainly viewed the Watauga Compact; it was, he stressed, “the first written compact for civil government any where west of the Alleghanies.”<sup>52</sup>

Ramsey’s characterization of the compact as “a written association” was Haywood’s direct phrasing, though Ramsey’s praise of Watauga was quite moderate by comparison. Haywood conceived of Watauga as “the first settlement in East Tennessee,” an attempt by Godly emigrants to set up a planter civilization in a region tyrants in the coastal colonies as well as savages in the hinterland wanted to control. Still, with the Proclamation of 1763 line—drawn down the backbone of the Appalachians by King George III in order to forbid English colonists from settling beyond the Appalachians and provoking more Indian violence—practically nullified by the Revolution, “[F]ull streams of emigration began to flow in various directions from the misgoverned province of North Carolina.” And by God’s grace “The day of

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<sup>50</sup> Ramsey, *Annals*, 106.

<sup>51</sup> William Lyons, *Government and Politics in Tennessee* (University of Tennessee Press, 2001), 4.

<sup>52</sup> Ramsey, *Annals*, 106–107.

retribution was not far behind," when "in the dawn of the revolution, the enraged populace . . . exhibited many of those models of excellence in match coats of tar and feathers, which frequently they were hardly restrained from decorating with the illumination of liquid flame."<sup>53</sup>

God had brought this first settlement about, His hand guiding its leading planters. For instance, when James Robertson "came to the Watauga, in 1770, he found one Honeycut living in a hut, who furnished him with food for his subsistence. He made a crop this year on the Watauga." Then calamity befell the planter. "On recrossing the mountains he got lost for some time, and, coming to a precipice over which his horse could not be led, he there left him and traveled on foot. His powder was wetted by repeated showers of rain, and was so spoiled that he could not use it for the purpose of procuring game for his food." He was withering: "For fourteen days he wandered without eating, till he was so much reduced and weakened that he began seriously to despair of ever returning to his home again." Then God sent help. "[T]here is a providence which rules over the destinies of men, and preserves them to run the race which is appointed for them. Robertson "was accidentally met by two hunters," who saved him.

God, Haywood was assured, could even use the wrong practiced by some planter emigrants for right: "Some transient persons who had come to the Watauga previously to Robertson, intending to become residents there, were mend of bad character . . . [S]ome came thither who had withdrawn from the demands of public justice in their own country, and sought the most

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<sup>53</sup> Haywood, *Civil and Political History*, 50–52.

remote and inaccessible frontiers that they could find." But "They formed a barrier on the frontier between the savages and the industrious cultivators of the soil."<sup>54</sup>

In reality, though Haywood and Ramsey had not been able to find it within themselves to put it clearly, all Euro-American "industrious cultivators of the soil" at Watauga were criminals. Haywood's own words: "Early in [the year 1772] the authorities of Virginia made a treaty with the Cherokees, by which a boundary was fixed between them, to run west from the White Top Mountain, in latitude thirty-six degrees thirty minutes."<sup>55</sup> The Cherokee at this time claimed fertile valleys and high mountains from the base of the southern Appalachians at the meeting of modern-day Alabama, Georgia, Tennessee, and the Carolinas, northwest across the mountains to Middle Tennessee and into southern Kentucky.<sup>56</sup> The Old Southwestern landscape, however, was too gorgeous. Ramsey rationalized:

About this time another stream south of them was found to present strong allurements, and to hold out great inducements to emigrants to settle upon it. The Nollichucky [River] finds its source in the midst of the highest mountains in the United States. The scenery near it is romantic and Alpine. Its numerous tributaries, descending the northern slope of these stupendous heights, bear upon their currents the soil that forms and enlarges its rich alluvial. The bottoms were covered with the most luxuriant cane-brakes; the vallies near it abounded in game, and presented the most inviting prospect of present success to the hunter and grazier, and of a rich requital in future for the toils of the husbandman. The temptation to occupy it could not be resisted by the emigrants . . . .<sup>57</sup>

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<sup>54</sup> *Ibid.*, 53–54.

<sup>55</sup> *Ibid.*, 54.

<sup>56</sup> See Perdue and Green, 1–20, and Finger, 19–53, for an overview of the extent of Cherokee holdings (the former succinct, the latter thorough).

<sup>57</sup> Haywood, *Civil and Political History*, 109–110.

Although there was never harmony of viewpoints among their leaders, the Cherokee extended terminal (often eight-year) leases to the planter emigrants, who, feeling the tension, lived in fear of attack and eviction. The settlers knew the Cherokee noticed them inching forward. Haywood paraphrased a Cherokee chieftain's speech revealing just that. The year was 1775, and "Oconostota, rose and delivered a very animated and pathetic speech. He began with the very flourishing state in which his nation once was, and spoke of the encroachments of the white people, from time to time, upon the retiring and expiring nations of Indians who left their homes and the seats of their ancestors to gratify the insatiable desire of the white people for more land."

Oconostota's lamentation was as bleak as it was pathetic: "Whole nations had melted away in their presence like balls of snow before the sun, and had scarcely left their names behind, except as imperfectly recorded by their enemies sand destroyers." Haywood could scarcely find here a sign of Cherokee strength: "It was once hoped that they would not be willing to travel beyond the mountains, so far from the ocean, on which their commerce was carried on, and their connections maintained with the nations of Europe." Haywood had the chief grudgingly recognizing the power of the Holy Spirit in his pathetic wails: "But now that fallacious hope had vanished; they had passed the mountains, and settled upon the Cherokee lands, and wished to have their usurpations sanctioned by the confirmation of a treat. When that should be obtained the same encroaching spirit would lead them upon other

lands of the Cherokees." Perhaps because of this divine insight, grudgingly though it was received, Oconostota saw the future:

New cessions would be applied for, and finally the county which the Cherokees and their forefathers had so long occupied would be called for; and a small remnant which may then exist of this nation, once so great and formidable, will be compelled to seek a retreat in some far distant wilderness, there to dwell but a short space of time before they would again behold the advancing banners of the same greedy host; who, not being able to point out any further retreat for the miserable Cherokees, would then proclaim the extinction of the whole race.

In his weakness the chief "ended with a strong exhortation to run all risks and to incur all consequences, rather than submit to any further dilacerations of their territory. But he did not prevail . . ."<sup>58</sup>

Still, had it not been for what Haywood called "another Pocahontas," a woman named Nancy Ward, the Wataugans might have lost their foothold in the Old Southwest.<sup>59</sup> Ward spoiled a great attack. With her words in their minds militiamen set out to stop the Cherokee advance near modern-day Kingsport, Tennessee, twenty miles across Virginia's southwestern border, initiating what became known as the Battle of Long Island Flats. "The Indians," Haywood chronicled, "began the attack with great fury, as if certain of victory, the foremost hallooing, 'The Unacas [what Haywood believed was the Cherokee slang for 'white man'] are running; come on and scalp them.'" But their threats were no match for Wataugans' firepower. Scarlet trails crossed the field: "The blood of the wounded could be traced in great profusion in the direction of the enemy's retreat." Fortunately for the

<sup>58</sup> Haywood, *Civil and Political History*, 58–59.

<sup>59</sup> *Ibid.*, 60. Little is known about Ward.

Wataugans, God was good: “In this miracle of a battle we had not a man killed, and only five wounded, who all recovered. But the wounded of the enemy died till the whole loss killed amounted to upward of forty.” The battle lasted ten minutes.<sup>60</sup>

The day this battle happened was the same day Old Abraham of Chilhowie attacked the fort at Watauga. Sevier was inside it, helping rain the rifle-fire down so that Old Abraham was “repulsed . . . with some loss.”<sup>61</sup> This was also the struggle amidst which the woman above—as if in the “Bonnie House of Airlie”—was captured, and could not be pursued, Ramsey related, because like wolves “the Indians remained *skulking* about in the adjacent woods for twenty days” [emphasis mine].<sup>62</sup> This, Cotton Mather’s word for evoking wolf-like movements, Ramsey clearly picked up from Haywood’s own summary of the woman’s captivity above.<sup>63</sup>

But doing “some loss” to the Cherokee was not enough, for “During the time they were about the fort the Indians killed James Cooper and son and a man by the name of Tucker.” More disturbingly, in Haywood’s mind, “They made captive a boy by the name of Moore, whom they led to one of their towns and burned.” And along their line of retreat the Cherokee “destroyed and bore down all before them. Dividing themselves into small squadrons, they visited with fire and the tomahawk the whole country, from the lower end of what is now Sullivan County (the northeastern tip of modern-day

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<sup>60</sup> *Ibid.*, 63–64 (quotes).

<sup>61</sup> *Ibid.*, 65.

<sup>62</sup> Ramsey, *Annals*, 156–157. Still, she too was ultimately saved through the influence of the Old Southwestern Pocahontas.

<sup>63</sup> Haywood, *Civil and Political History*, 65.

Tennessee) to the Seven Mile Ford in Virginia. The inhabitants were all shut up in forts, and massacres were committed every day."

As they had once earlier, Wataugans solicited revenge: "The government of Virginia, indignant at aggression so unprovoked and so offensive, soon acted in a manner suitable to her exalted sense of national honor."<sup>64</sup> Haywood was rather terse in describing the Cherokee suffering that resulted from the revenge. Fortunately, however, James Mooney (1861–1921)—more thorough with details of Cherokee suffering during the Revolution than any nineteenth-century historian—did his best to harmonize oral- and any fragments of written histories detailing the raid to capture the destruction's extent in his ethnography, *Myths of the Cherokee* (1900). "In August of that year the army of North Carolina, 2,400 strong . . . crossed the Blue ridge at Swannanoa gap, and . . . struck the first Indian town, Stikâ'yi, or Stecoee, on the Tuckasegee, near the present Whittier." Where they could not find Indians they sought to kill them off via starvation:

The inhabitants having fled, the soldiers burned the town, together with an unfinished townhouse ready for the roof, cut down the standing corn, killed one or two straggling Indians, and then proceeded on their mission of destruction. Every town upon Oconaluftee, Tuckasegee, and the upper part of Little Tennessee, and on Hiwassee to below the junction of Valley river—thirty-six towns in all—was destroyed in turn, the corn cut down or trampled under the hoofs of the stock driven into the fields for that purpose, and the stock itself killed or carried off.

The living fled the fire and famine to the mountains: "Before such an overwhelming force, supplemented as it was by three others simultaneously advancing from other directions, the Cherokee made but poor resistance, and

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<sup>64</sup> *Ibid.*, 65–66.

fled with their women and children into the fastnesses of the Great Smoky mountains, leaving their desolated fields and smoking towns behind them.<sup>65</sup> Cherokee casualties from this particular assault are unknown and perhaps unknowable, but Mooney was haunted:

The effect upon the Cherokee of this irruption of more than six thousand armed enemies into their territory was well nigh paralyzing. More than fifty of their towns had been burned, their orchards cut down, their fields wasted, their cattle and horses killed or driven off, their stores of buckskin and other personal property plundered. Hundreds of their people had been killed or had died of starvation and exposure, others were prisoners in the hands of the Americans, and some had been sold into slavery. Those who had escaped were fugitives in the mountains, living upon acorns, chestnuts, and wild game, or were refugees with the British.<sup>66</sup>

The Wataugans thus persisted in the Indian-clearing landscape, though the Watauga Association disbanded after the Revolution, when the new state of North Carolina claimed the land.<sup>67</sup> By 1783, two years after the last Revolutionary War battle's end, only a thin line of forts protected Euro-Americans who cautiously made homes near the Overhill Towns, the Cherokee country of modern-day East Tennessee (across the Appalachians from the Middle and Lower Towns running west through the Carolina piedmont, across northern Georgia and modern-day Alabama).<sup>68</sup> War's cyclic violence persisted too.

### Frankland

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<sup>65</sup> George Ellison, ed., *James Mooney's History, Myths, and Sacred Formulas of the Cherokees* (Asheville, NC, 1992), 49.

<sup>66</sup> *Ibid.*, 53.

<sup>67</sup> For a quick synopsis of the Watauga Association, see W. Calvin Dickinson, "Watauga Association," in *The Tennessee Encyclopedia of History and Culture*, n.d. <http://tennesseencyclopedia.net/entry.php?rec=1475> (May 9, 2014). See also Ben Allen and Dennis T. Lawson, "The Wataugans and the 'Dangerous Example,'" *Tennessee Historical Quarterly*, no. 26 (1967): 137–147.

<sup>68</sup> Finger, 26.

Frankland was the first postrevolutionary, Euro-American state to emerge in the Old Southwest. It was founded in 1784, Wataugan John Sevier its first governor.<sup>69</sup> Freed from the English King and Parliament through the Revolution, more of Jehovah's followers were crossing the mountains, keeping their lamps trimmed and burning in the wilderness.<sup>70</sup> Of course, for the duration of Frankland's short life its domain was far from 'settled,' only an endangered frontier outpost in what is now East Tennessee.

Haywood described Frankland's vastness:

Beginning at a point on the top of the Alleghany or Appalachian Mountains, so as a line drawn due north from thence will touch the bank of New River, otherwise called Kenhawa, at the confluence of Little River, which is about one mile above Ingle's Ferry; down the said river Kenhawa to the mouth of the Rencovet, or Green Briar River; a direct line from thence, to the nearest summit of the Laurel Mountain, and along the highest part of the same, to the point where it is intersected by the parallel of thirty-seven deg. North latitude; west along that latitude to a point where it is met by a meridian line that passes through the lower part of the rapid of Ohio; south along the meridian to Elk River, a branch of the Tennessee; down said river to its mouth, and down the Tennessee to the most southwardly part or bend in said river; a direct line from thence to that branch of the Mobile, called Donbigbee . . .<sup>71</sup>

Ramsey elaborated, the Franks "had thus affixed such boundaries to their proposed commonwealth, as embraced not only the people and State of Franklin, but much of the territory of Virginia and the present Kentucky on the north, and of Georgia, and what is now Alabama, on the south."<sup>72</sup>

<sup>69</sup> See Introduction.

<sup>70</sup> See Douglas Seefeldt, Jeffrey L. Hantman, and Peter S. Onuf, eds., *Across the Continent: Jefferson, Lewis and Clark, and the Making of America* (UVA Press, 2005).

<sup>71</sup> Haywood, *Civil and Political History*, 168.

<sup>72</sup> Ramsey, *Annals*, 322.

Violence spilled over into Frankland as it often does when colonizers again stir an already broken hornet's nest. The Cherokee were so devastated during the Revolution that in the Treaty of Hopewell (1785) they agreed, as historian John Finger put it, "to bury the hatchet forever, to forsake the law of blood revenge, to recognize the sovereignty of the United States, and to accept federal supervision of trade." The U.S. would likewise recognize Cherokee possessions, and hold settlers back from further encroaching against the Cherokees' will.<sup>73</sup>

Yet as exegetes such as Mather and Haywood knew, following God into the wilderness meant inviting more of the Devil's afflictions. Evil is never content with merely holding on to what it has. Haywood explained:

Preparatory to the treaty of Hopewell, which the Cherokees made with the United States, they refrained in a great measure, both before and for some time after the treaty, from incursions into the frontier settlements on the waters of the Holston. That treaty proposed to give peace to all the Cherokees, but they soon began to believe that the gift which they had received was not of much value, and shortly became tired of the quietude derived from it.<sup>74</sup>

In reality, however, Frankland's very existence depended upon crossing Hopewell's lines.<sup>75</sup> Hatred and anger boiled among the Cherokee. Not since the 1760s, the days of Neolin the Prophet, had a pan-Indian movement so strongly affected the frontier. As more aspiring white planters crossed the Appalachians, there came new apocalyptic visions. Some of the concepts and imagery were no doubt taken from exposure to Christian missionaries; nativist prophets drew a line in the dirt saying that anyone who

<sup>73</sup> Finger, 118.

<sup>74</sup> Haywood, *Civil and Political History*, 175.

<sup>75</sup> Finger, 119.

is for ‘white men’s ways’ is evil, and will go to Hell. There were witch-hunts not seen in such strength since seventeenth-century Massachusetts. Even moderate anti-Removal leaders, like Black Hoof (Shawnee), were accused of witchcraft, and some were burned. From the Shawnee in the North—inspired by Tecumseh’s brother, Tenskwatawa—prophets riled up, sought to unite, and, at times, did unite a wide array of Indians, among them militant Cherokees and eventually Creeks and Seminoles, who became known as the Red Sticks.<sup>76</sup>

Haywood chronicled, “In the spring of the year 1786 [the Cherokee] made open war upon those settlements. They attacked the house of Biram, on Beaver Creek, in the section of country which is now a part of Knox County, and killed two men.” The Franklanders killed back: “Several parties were raised and set in pursuit of them. Among others, Gov. Sevier raised a company of volunteers and followed them. . . . They . . . destroyed three Indian towns called the Valley Towns, and killed fifteen Indians and encamped in a town in the vicinity.” The Cherokees had expected the killing: “It was ascertained from the best information that John Watts [known as “Young Tassel”], at the head of one thousand Indians, was endeavoring to draw Sevier and his troops into a narrow defile of rocks.”

For a moment the fighting ceased until a better time where greater killing could be done: “Considering existing circumstances, it was thought

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<sup>76</sup> Gregory Evans Dowd, *A Spirited Resistance: The North American Indian Struggle for Unity, 1745–1815* (Johns Hopkins University Press, 1992), 33, 39, 123–190. For more on Native American witchcraft in the late colonial, and early antebellum, see Matthew Dennis, *Seneca Possessed: Indians, Witchcraft, and Power in the Early American Republic* (University of Pennsylvania Press, 2010).

most prudent to return home with his troops, and to procure re-enforcements, his corps consisting at this time of not more than one hundred and sixty men. They returned home by the same route they had come.”<sup>77</sup>

And a hundred better times were coming, the Cherokee increasingly angry about Franklanders infringing on more and more of their land. A Euro-American witness left an account in the aftermath of the avoided massacre, which Ramsey included: “At my arrival in this place, I found the Indians in greater confusion than I had ever seen before, owing in part to Colonel John Logan’s expedition against them, together with daily encroachments of the Franklincents [another phrasing of ‘Franklanders’] on their lands.”<sup>78</sup> Logan, tracking a war party of Chickamauga “raiders,” mistook a group of peaceful Cherokee for Chickamauga and killed seven.<sup>79</sup> The Franklanders had “actually opened a land office for every acre of land . . . which includes several of [the Cherokees’] principal cornfields, and a part of their beloved town, Chota, and the whole town of Rial, and are now settling on the banks of the river.” Unless something changed, peace would be exceptional in this landscape. “My opinion is,” the witness concluded, “there will be a great deal of mischief done, if not an open war, unless the Franklincents can be removed off their land; which, I am well assured, cannot be done without an armed force.”<sup>80</sup>

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<sup>77</sup> Haywood, *Civil and Political History*, 175–176.

<sup>78</sup> Ramsey, *Annals*, 359–360.

<sup>79</sup> *The Kentucky Encyclopedia*, John E. Kleber, ed. (University of Kentucky Press, 1992), 567.

<sup>80</sup> Ramsey, *Annals*, 360.

This witness was correct; Ramsey directed the reader to Haywood's *Civil and Political History*.<sup>81</sup> Haywood had painted the landscape and its *mentalité*:

The Cherokees began in the first months of the year 1788 to burn with a desire for war. It seemed, indeed, as if nothing could insure peace but their total extinction. The knowledge of their hostile designs was made public by their massacre of Kirk's family.

Scenes of Sophoclean tragedy followed: "In the month of May, 1788, Kirk lived with his family on the south-west side of Little River, twelve miles south of Knoxville. While he was absent from home an Indian by the name of Slim Tom, known to the family, came to them and requested to be supplied with provision, which they gave him." Even what looks like sheep can hide wolves: "He withdrew, having seen who were there and the situation they were in with regard to defense. He soon afterward returned from the woods with a party of Indians, fell upon the family, massacred the whole of them—eleven in number—and left them dead in the year." The sorrow is difficult to consider: "Not long afterward, Kirk, coming home, saw his dead family lying on the ground."

Who could abide such evil? "He gave the alarm to the neighborhood, and the militia assembled under the command of Col. Sevier to the number of several hundred. . . . They marched under command of Col. Sevier to the Hiwassee River, and early in the morning came upon a town which had been burned in 1779." Fortunately not all had been burned that year: "The Indians who were in [the village] fled and took to the river. Many were killed in the

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<sup>81</sup> *Ibid.*, 419.

town, some were made prisoners, and many were fired upon and killed in the river." This time there should none remaining:

They burned the town, and returned to Hunter's Station. On the next day they went up the Tennessee to the towns on that river, killed several Indians, burned the towns, and returned to the station. Tallassee, on the upper part of the Tennessee, was one of these towns. The Indians fled from their different towns into the mountain, but were pursued by the troops and many of them killed.

But some remained:

Abraham, a friendly Indian, with his son, who lived on the north side of the Tennessee [River], had declared publicly that if the Indians went to war he would remain at his own house, and would never quit it. When the troops came to the south side, Hubbard [a militiaman] sent for Abraham and his son to come over the river to the troops. They came accordingly.

Hubbard "directed them to return, and bring with them 'The Tassel' [John Watts's father] and another Indian, that he might hold a talk with them. They also held up a flag, inviting those Indians to come to them." Abraham and son walked up with the Tassel "and were put into a house." Sevier, of course, "was absent for some time on the business of his command" and "[d]uring his absence those who were left behind permitted young Kirk, the son of him whose family was killed, to go with a tomahawk into the house where the Indians were inclosed . . ." Inside it "Kirk stuck his tomahawk into the head of one of them, who fell dead at his feet, the white people on the outside of the house looking in upon them. The other Indians, five or six in number seeing this, immediately understood the fate intended for them."

Kirk approached them each with the reddened hatchet. "Each man cast his countenance and eyes to the ground, and one after the other received from the hands of Kirk upon the upper part of the head the fatal

stroke of the tomahawk, and were all killed." It is difficult to quit the cycle of violence. "Sevier, returning, saw the tragical effects of this rash act, and, on remonstrating against it, was answered by Kirk, who was supported by some of the troops, that if he had suffered from the murderous hands of the Indians as he (Kirk) had, that he (Sevier) would have acted in the same way." Of course he would have. "Sevier, unable to punish him, was obliged to overlook the flagitious deed and acquiesce in the reply."<sup>82</sup>

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Although Frankland ultimately collapsed in 1788, unable to combat pressure from the U.S. Government to disband (Franklanders seemed to stoke Indian troubles in excess, something President Washington's administration could not abide), cyclic violence continued because Euro-American settlers continued crossing the Appalachians to build farms and plantations.<sup>83</sup>

### The Southwest Territory

As would many future Deep Southerners, William Blount, the Governor of the Southwest Territory, set about to "scourge" and destroy the Cherokee who haunted the fertile land emigrants like the Haywood, Jackson, and Overton wanted, a deed he called "a Party of Pleasure." The Cherokee hated

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<sup>82</sup> Haywood, *Civil and Political History*, 194–195.

<sup>83</sup> Sevier and other Franklanders even contemplated giving their loyalty to Spain if that would ensure Frankland's survival. However, for quite obvious reasons they decided that was too risky and even self-defeating. See Finger, 124–125. Among others things, Spain was Catholic, and had assisted southern Indians in attacking British planter emigrants for much of the eighteenth century. See Gallay, *The Indian Slave Trade*.

him, and grinned when he died. They called him “The Dirt Captain,” and Haywood respected his efforts greatly.<sup>84</sup>

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The image of Blount House, Knoxville—high on the steep banks of the Tennessee River, and the first frame-home built west of the Alleghany Mountains—conveyed Cherokee declension. In 1790, Blount crossed the mountains from North Carolina to assume governorship of “The Territory of the United States South of the River Ohio,” a post he received from President Washington. The Territory encompassed much of modern-day Tennessee. With money and fertile fields reflecting in his eyes, Blount argued that his state should cede all her western claims to the Federal Government. Like Haywood, Blount was an emigrant from eastern North Carolina who became increasingly angry toward the government of his old home. Unlike North Carolina, the new U.S. Government could offer settlers sufficient protection against the Cherokees they despised. The Federal Government seemed simultaneously less afraid of the consequences of violence against Indians and less sympathetic toward the British colonial land grant claims made by large planters back east. For these men perhaps the Federal Government might coerce the Cherokee into giving more of their lands away to planter emigrants.<sup>85</sup>

In the summer of 1791, Governor Blount summoned Cherokee chieftains to the settlement at James White’s Fort, a haven for threatened

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<sup>84</sup> Henry Thompson Malone, *Cherokees of the Old South: A People in Transition* (University of Georgia Press, 1956), 36–37.

<sup>85</sup> Finger, 113–128.

settlers built after the Revolution. Perched on a hill above the Holston River, Blount threatened the Cherokee. If they continued tomahawking whites who made lives on the fertile lands from the Holston south to the foothills of the Appalachians, the anger of the United States would rain down worse than in the Revolution. The government would also pay an annuity for opening up more Cherokee lands to Euro-American planter emigrants, this time the fertile valleys in the vicinity of modern-day Maryville, Tennessee (roughly fifteen miles south of modern-day Knoxville), some of the most beautiful landscapes in all of the Old Southwest.<sup>86</sup> Furthermore, the government would start promoting civilization among the Cherokee, providing them spinning wheels, steel hoes, and looms. There were then still hopes among politicians and missionaries that 'civilized' Indians could remain in the landscape, planting side-by-side with Euro-Americans.<sup>87</sup> Reluctantly, the chiefs signed the Treaty of the Holston; however, for all the effects of its terms—pacifying and threatening some Cherokee villages into submission and encouraging more planter emigrants—the treaty did not stop the cycles of violence.

More planter emigrants crossed the landscape in 1791, past even the Maryville vicinity. Haywood compiled fragments of scenes from this bloody summer. He produced a quite typical summer of violence during the Southern Crusade as a sequence of stitches:

The hostility of the Indians was very distressing through ha great part of 1791. In the month of May of the same year John Farris and his brother, of Lincoln County, about three miles from home, were fired upon by a party of

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<sup>86</sup> *Ibid.*, 134–136.

<sup>87</sup> William McLoughlin, *Cherokees and Missionaries, 1789–1839* (Yale University Press, 1984), 14.

Indians, who wounded Farris in the shoulder and broke his arm. Also, in the same month, in Nelson County, Ky., from the Rolling Fork, a number of horses were taken. One Miller and his family, five in number, were killed, and his house robbed. This party was followed southwardly. One Indian was killed when they were overtaken, and one wounded. On Tuesday, the 23d of August, 1791, near Mockason Gap, in Russell County, Va., Mrs. McDowell, wife of William McDowell, and Frances Pendleton, daughter of Benjamin Pendleton, aged about seventeen years, were killed and scalped. Mrs. Pendleton and a boy eight years of age were carried into captivity. At the same place, on Friday, the 26<sup>th</sup> of August, 1791, at 8 o'clock in the morning, seven Indians came to the plantation of Elisha Farris, killed and scalped Mrs. Farris, Mrs. Livingston, and a child of Mrs. Livingston, about three years of age; and wounded Mr. Farris, so that he died at about 2 o'clock. They carried off Nancy Farris, aged about nineteen years. The Indians stripped those they had killed on both days, and laid the women on their backs extended at full length.<sup>88</sup>

That autumn, Blount named the settlement near where he negotiated the Holston Treaty "Knoxville," declaring it capital of the Southwest Territory, summoning greater hordes of settlers to this foothold in the frontier. The next year, 1792, Blount built the House of Many Eyes upon the Holston riverbank in Knoxville's heart, and summoned his wife.

However, this summons, if not, too, the other, carried with it a foreboding: Mary Grainger Blount's carriage wrecked on a mountainside and the bones in her arm broke into splinters.<sup>89</sup> Then came more violence, this time mostly from Cherokees in the north of modern-day Alabama, part of the Cherokee domain known as the Middle Towns (combined with unreconstructed bands from the Overhill Towns), near the heartland of the completely unfettered Creeks. There were also rumors that the Spanish Governor of New Orleans, Hector, Baron de Carondelet, was working to form

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<sup>88</sup> Haywood, *Civil and Political History*, 269–270.

<sup>89</sup> Betsey Beeler Creekmore, *Knoxville* (University of Tennessee Press, 1958), 32–35, 38–44.

a pan-Indian alliance against the planters at Knoxville, a threat from the deeper South.<sup>90</sup>

The ground grew so bloody, Haywood recounted, that “Gov. Blount, no longer able to be a tame spectator of the numberless injuries inflicted upon his county, nor to view the sufferings of the unoffending inhabitants with the cold indifference which is said to have marked the conduct of the government of the Union at this time, ordered Gen. Sevier into service with a part of his brigade,” hoping to station them as the start of what would become a militarized buffer zone between Indian villages and settlers.

Planters in the Southwest Territory had, Haywood stressed, been “every day harassed with Indian massacres and robberies, without any aid from the government to shield them from their outrages.” Blount’s threat of raining down the power of the Federal Government was not working due to a palpable disconnect between the needs of the Old Southwest and the North and East:

The Indians, though they rioted in the excess of cruelty against the people of Cumberland and the Holston, and were preparing to bring fresh and multiplied misfortunes upon them, were viewed by the government of the Union with indifference, and not even with displeasure. The people of the United States turned a deaf ear to the tale of suffering anguish which the western people never ceased to utter. They were unwilling to incur the expenses of more Indian wars, and they held all that could be aid upon the subject as a threadbare story, which they had no longer any patience to hear.<sup>91</sup>

By the autumn of 1792 Blount declared that he had given up on coexisting with the Cherokee. Haywood chronicled, “In the month of

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<sup>90</sup> Finger, 1–22, 137.

<sup>91</sup> Haywood, *Civil and Political History*, 283–284.

November, 1792, Gov. Blount explained to the Secretary of War the causes of the unceasing hostilities of the Indian. He remarked that the evils inflicted upon the settlers . . . could not be charged" to anyone other than the Cherokee themselves. The violence could only "be accounted for from Indian education," their culture and morality: "all national honors were acquired amongst them by the shedding of blood. Consequently all who wished for national honor would shed the blood of the white people, as Indians no longer killed Indians, the ancient practice when the principle was established." Moreover, "The want of government, both in the Creeks and Cherokees, was such that all the chiefs in either nation could neither restrain nor punish the most worthless fellow in it for a violation of existing treaties, let the enormity of it be ever so great or evident . . ." Thus, went Blount's (and Haywood's) logic, "The massacres and depredations of the Indians were not chargeable . . . to encroachments on their hunting grounds."<sup>92</sup>

The fight against the horror, Blount knew, must draw its spirit from the planters of the Old Southwest themselves, men like Sevier. Blount's strategy: erect knew fortifications in key river and mountain crossings, post in them militiamen who had vested interests in standing guard, and maintain lines with musket balls so perilous to cross that eventually less and less Indian warriors would attempt to cross through. "The numerous depredations committed in this year, [Blount] thought, showed clearly that more Indians than the lower

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<sup>92</sup> *Ibid.*, 286–287.

Cherokee towns were engaged in them, and the necessity of building fortifications on the frontiers.”<sup>93</sup>

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Nor was Blount able to achieve this, Haywood stressed, before violence again cycled through. Stitch, “Tuesday, the 22d of January, 1793, John Pates was killed by the Indians on Crooked Creek, about sixteen miles from Knoxville,” and scalped four times, not (apparently) a hair left on his skull. “On the 6<sup>th</sup> of March, 1793, on the road near the Hazel Patch, several men and a woman and a child were fired upon by a party of Indians, supposed to be Cherokees. The child was taken prisoner, and two men were wounded, who got back to the station.” Stitch,

Saturday, the 9<sup>th</sup> of March, James Nelson and Thomas Nelson, two brothers, were killed and scalped by Indians on the Little Pigeon, about twenty-five miles from Knoxville. The Indians had formed an ambuscade on a path near Mr. Nelson’s house. These young men were stricken by eight balls, from which it was conjectured there was that number of Indians. They were headed by a fellow called Towakka, who also headed the party that formerly killed Richardson.

Stitch, “Monday, the 18<sup>th</sup> of March, 1793, two young men by the name of Clements were killed and scalped about sixteen miles below Knoxville.” Stitch, “Sunday, the 20<sup>th</sup> of March, a party of seven or eight Indians killed and scalped William Massey and Adam Greene, at the gap of Powell’s Mountain, on the Clinch, about twenty miles from Hawkins Court-house.” Stitch, “Saturday, the 26<sup>th</sup> of March, 1793, nine men and ten women and children were attacked near the Hazel Patch by a party of Indians . . .” Only three men survived. Stitch,

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<sup>93</sup> *Ibid.*, 288.

Thursday following [,] Gen. Logan, with seventy men, went in search of the rest of the company. On the ground where the engagement had taken place they found a little girl who had been taken prisoner a few weeks before, and who, during the engagement, made her escape and hid herself. They also found a child of one of the company some distance from the place of action, nearly, exhausted, but who finally recovered. They were led to this discovery by the barking of a dog, which had remained with the child from the time its parents had forsaken it.”<sup>94</sup>

Haywood recorded such events to the smallest detail. Stitch,

On Monday, the 1<sup>st</sup> of July, the Indians burned two houses on the plantation of Mr. Hogan, on Baker's Creek, twenty-four miles from Knoxville, in which all his household furniture and a quantity of flax were consumed. On the same night they destroyed a quantity of corn belonging to a Mr. Logan.

On the 2d of July the Indians fired upon a man on Pistol Creek, and burned the house of a Mr. Hogan, on Nine Mile Creek, with his crop of flax and part of his crop of corn.

Shortly afterward they stole seven horses from Bird's Station, twelve miles below Knoxville, and the clothes of four families which were in the wash.

On the night of the 2d of July, at Kelly's Station, eleven miles from Knoxville, the Indians cut up a plow belonging to Mr. Conner, and carried off the irons.

On Wednesday, the 3d of July, Ensign Joel Wallace was fired upon by six Indians, at the head of Pistol Creek, fifteen miles from Knoxville. One ball struck a large knife that was fastened to the belt of his shot-bag, and shattered the handle to pieces, some of which cut his breast.<sup>95</sup>

Just a few pages over, perhaps the most nightmarish stitch of all. “On Friday, the 30<sup>th</sup> of August [1793], two Indians went to the house of Sebastian Holly, on the south side of the Nolichucky, in Washington County, fifteen miles from Jonesborough, wounded and scalped his wife, and killed his daughter, thirteen years old, cut off her head, carried it some distance, and skinned it.” Stitch, “On the 3d of September a party of about fifteen Indians attacked the house of Zephaniah Woolsey, on the south side of Nolichucky River, ten miles from Greene Court-house, shot his wife through the head,

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<sup>94</sup> *Ibid.*, 297.

<sup>95</sup> *Ibid.*, 302.

and wounded a young woman through the thigh." Then "They caught a small girl in the yard, and scalped her. Mr. Woolsey, though shot through the breast and head, recovered."<sup>96</sup>

Even with Sevier and his mounted militia on patrol in 1793, sometimes whole evil armies manifested out of the shadows of the hills and woods:

The Cherokees made the expected incursion into Hamilton District on Wednesday the 25<sup>th</sup> of September, in a body consisting of at least one thousand men. In many places they marched twenty-eight files abreast, each supposed to consist of forty men. They had also about one hundred horses. They crossed the Tennessee below the mouth of Holston on Tuesday evening, marched all night toward Knoxville, and about sunrise or a little after, attacked and carried the house of Alexander Cavit, seven miles below Knoxville, and killed his whole family, thirteen in number. They treated the poor women and children with the utmost indelicacy. When the Indians attacked the house, there were only three gunmen in it, who defended it till they had killed one Creek and one Cherokee, and wounded three more. The Indians then offered terms if they would surrender—that their lives should be spared, and that they should be immediately exchanged for the Indian prisoners amongst the whites—which were accepted. But as soon as they left the house Doublehead and his party fell upon them and put them to death . . .  
<sup>97</sup>

Across the summer of 1794 the attacks evolved more and more symbolically in Haywood's mind. "On the 24<sup>th</sup> of July [1794] a party of Indians killed John Ish at his plow in his field," Haywood chronicled, "within one hundred and eighty yards of his own block-house, and scalped him. Ish lived eighteen miles below Knoxville. He left a wife and eleven children, the eldest not more than eleven years of age." The "murderers" were seen passing through the woods with his "fresh scalp about the middle of the afternoon."<sup>98</sup>

<sup>96</sup> *Ibid.*, 306.

<sup>97</sup> *Ibid.*, 306–307.

<sup>98</sup> *Ibid.*, 322.

They were targeting plows and plowshares, burning and bending the planter's very symbols.

Amidst this violence of the 1790s, even the aging optimist Thomas Jefferson was growing gloomy brooding inside Monticello's Indian Hall, its antlers, wampum, and hatchets turning darker and reddish hues in the sunlight coming through the many windows.<sup>99</sup>

Nor were Blount, Jefferson, and Haywood alone among nightmared southern leaders. Although the origin of Andrew Jackson's Indian fears, like Haywood's, was likely in the apocalyptic experience of the Revolutionary War, his fears were stoked in the years between 1790 and 1818. In 1794 Jackson had taken part in an assault on Nickajack (near modern-day Chattanooga), an assault that would become known as the backbreaker of the Cherokee resistance in Tennessee—American soldiers responded there to the army that out of the shadows descended like devils upon the Cavit family. With over five hundred U.S. dragoons, Jackson freed white slaves and killed Cherokee warriors as punishment for heinous crimes. The crimes, the freed slaves reported: "a scalp dance had been held . . . over the scalps lately taken" in Indian raids in the Tennessee region. The dragoons found scalps among the killed warriors, and also—equally alarming—guns supplied by the King of Spain.<sup>100</sup>

It was in fear of this latter storm that the Governor wrecked his political career, conniving with England and her Indian allies—in what became known

<sup>99</sup> See Wallace, *Jefferson and the Indians*.

<sup>100</sup> Remini, *Andrew Jackson and His Indian Wars*, 34–35. Remini is quoting slaves from Ramsey, *Annals*, 602–617.

as “The Blount Conspiracy” (1797)—for more martial support than the infant Republic seemed willing to provide against a rising fear among planters, at the century’s turn, of Spanish designs to prevent further westward expansion.<sup>101</sup> As Haywood ended the *Civil and Political History* at 1796, he did not have to comment on this soiling of the Governor’s name. Haywood of course knew about the Blount Conspiracy by the time he wrote the latter work, and he no doubt understood Blount’s maneuver in sympathetic terms: it was not a love for the British that motivated Blount, who served in the Continental Army during the Revolution; it was a yearning to preserve the emigrant planters’ foothold in the Old Southwest. This is what a majority of Tennesseans believed in any case. They hailed Blount as their advocate and elected him to the state senate in 1798.<sup>102</sup> One Tennessee judge recalled,

The State, whose new honors were heaped upon Gov. Blount, contained at that time, that same Jackson, and those heroic Tennesseans, Blount’s friends, who conquered the [Indians] and did not ‘deliver New Orleans into,’ but from the hands of Great Britain. The people of Tennessee were greatly indignant at the attempted dishonor and indignity put upon themselves and their representative, and, as they were neither moral nor physical cowards, they had the manliness to stand by Blount in his troubles, and resented his treatment by heaping fresh honors upon him, and they were

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<sup>101</sup> John Gray Blount to John Sommerville, July 11, 1797, in *The John Gray Blount Papers, Vol. III*, William H. Masterson ed. (Raleigh: State Department of Archives and History, 1965), 155. The Southwest Territory transformed into the state of Tennessee in 1796, and Blount was elected a senator. In 1797, however, the Senate expelled him for treason. Spain threatened to cede Louisiana to Napoleon, who vowed to cut Americans off from its waters. Loss of the Mississippi, for Blount, meant the devaluation of west Tennessee—it would cut trade with the Gulf of Mexico. The weakening, too, might subject the frontier again to Indian attacks.

While Spain mused on giving Louisiana back to the French, she also warred with England, and thus Blount covertly drew up support for England against Spain even though America officially remained neutral. Spies notified John Adams, and Blount was nationally ruined. See Creekmore, 38–44, and Ramsey, *Annals*, 699–701.

<sup>102</sup> See Creekmore, 38–44; and Ramsey, *Annals*, 699–701.

ever ready to vindicate, as they did, their own good name and honor in battle against Indians and English . . . .<sup>103</sup>

### Statehood

Promoting raids like Jackson's is how Blount whittled away the Cherokees' stronghold in the fertile valleys of the Tennessee region—summoning more and more planter emigrants, more militiamen patrolling mountain passes to the Southwest and returning violence for violence, ever vigilant of Spanish-backed Creek/Cherokee invasions from the Southwest. Haywood was typically much less precise, much less descriptive when it came to Sevier and the militias' vengeance. When they did kill women, for instance, it was by accident: "two squaws, who were mistaken for men; and took sixteen women and children prisoners . . . ."<sup>104</sup> Or, clearly if not colorfully, he would write, "After Gen. Sevier's expedition the Indians did less mischief on the frontier than they had usually done for some time before . . . ."<sup>105</sup>

Blount was the leader who helped summon enough settlers to declare statehood in 1796, recruiting militias until enough planters settled the state to ensure peace (eventually even savages would understand the odds of victory were too steep to risk attacking). For the state of Tennessee—ancestor of Watauga and Frankland, the first successful state in the Old Southwest—is the political origin of the Planter Kingdom, the moment when Tennessee planters' success—even, existence—became inextricably entwined with the Deeper South, what was then the frontier of the Old Southwest. It would

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<sup>103</sup> Marcus Joseph Wright, *Some Account of the Life and Services of William Blount* (Washington D.C.: E. J. Gray, 1884), 137–138.

<sup>104</sup> Haywood, *Civil and Political History*, 303–304.

<sup>105</sup> *Ibid.*, 310.

become Mississippi and Alabama, the Confederacy's cradle. The Dirt Captain believed that Indians inhabiting the fertile lands even further south "must be humbled before you can enjoy peace and I fear that wished for period will never arrive until this Territory becomes a State and is represented in Congress."<sup>106</sup>

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In great part to due to his favor in Blount's eyes, Jackson was elected a delegate to Tennessee's constitutional convention, launching his political career. Nearly two decades later he would carry through Blount's envisioned reckoning by avenging the deaths of more of his own friends.

Across the 1790s, Jackson, like Blount and, as we shall see, Haywood, claimed to have witnessed too many burned cabins and scalped corpses to pursue anything but war. Later in 1796, Jackson, by then a Tennessee Congressman, grew infuriated when President Washington refused to pay Tennessee militias for engaging in unofficial raids against the Cherokee like the one he participated in at Nickajack. Jackson believed that such violence was "just and necessary." War was being "waged upon the State," to the extent that "the knife and tomahawk were held over the heads of women and children," and "peaceable citizens were murdered."<sup>107</sup>

Moreover, as Blount had stressed in his argument for Tennessee statehood, the murderers were not just Cherokee. Cherokee allies from

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<sup>106</sup> William Blount to James Robertson, November 22, 1794, quoted in Remini, *Andrew Jackson and His Indian Wars*, 35.

<sup>107</sup> Jackson speech before 4<sup>th</sup> Congress, 2<sup>nd</sup> Session, quoted in Remini, *Andrew Jackson and His Indian Wars*, 37–38.

further south had killed as close as seven miles away from Blount House, “put[ting] Every man woman and Child to Death in the most Cruel and inhuman manner.”<sup>108</sup> Sevier channeled many settlers’ anger in a 1797 letter to Jackson: “we should find in all the southern tribes inveterate enemies.” Jackson scholar Robert Remini notes that Sevier’s statement “expressed the fear that westerners almost universally entertained.”<sup>109</sup>

The deeper southern Indians of which Blount and Jackson wrote were the prophet-inspired Red Sticks. By 1812 a scarlet tide was spreading out of modern-day Alabama, and would ultimately provoke the Creek Civil War, what brought Jackson deeper south.

In the spring of 1812 a Creek war party, coming back from meeting with Shawnee in the North, crossed the Duck River and saw Martha Crawley’s children playing in the yard. Seeing the Creeks coming, Martha hid her youngest children in the cellar, but not before the two playing in the yard were killed like poultry. The Creeks ripped Martha away from the house and enslaved her as their cook.

William Blount’s brother, Willie, then Governor of Tennessee, issued a call for their punishment and removal—beyond the Mississippi—that Jackson was quick to heed. Jackson owned fertile land along the Duck River, and like so many aspiring big planters lusted for lands even more fertile, lands from

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<sup>108</sup> *Ibid.*, 39.

<sup>109</sup> John Sevier to Andrew Jackson, January 29, 1797, quoted in Remini, *Andrew Jackson and His Indian Wars*, 41.

where the Creek had come. Jackson's 'heart bled within him' for those killed by the Red Sticks.<sup>110</sup>

Adding to the gloomy atmosphere, what William Blount had feared was almost always inextricably entwined with Indian invasion—foreign, European invasion—threatened the Old Southwestern landscape again during the War of 1812. When red-cloaked British troops lit the Executive Mansion, and Pakenham threatened New Orleans, nightmares of annihilating Indian attacks in the Old Southwestern frontier glowed stronger in pioneer planters' skulls. Such threats grew increasingly apocalyptic the more familiar aspiring planters became with the Deep Southern fertile soils, the more they experienced, and envisioned even shinier futures of planter kingdoms bright as cotton. By the 1850s, the black soil surrounding Alabama's first capital, Cahawba, would make it—now a ghost town—one of the wealthiest spaces, per capita, in the United States, and the Cotton Belt cutting across Mississippi, West and Middle Tennessee, Alabama, Georgia, and the South Carolina upcountry would produce two-thirds of the world's cotton.<sup>111</sup>

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<sup>110</sup> Remini, *Andrew Jackson and His Indian Wars*, 55; paraphrased quote from Jackson to Willie Blount, June 4, 1812, quoted in Remini, *Andrew Jackson and His Indian Wars*, 55.

<sup>111</sup> Linda Derry, "Fathers and Daughters: Land Ownership, Kinship Structure, and Social Space in Old Cahawba," in Anne Elizabeth Yentsch and Mary C. Beaudry eds., *The Art and Mystery of Historical Archaeology: Essays in Honor of James Deetz* (Ann Arbor, MI: CRC Press, 1992), 216. See also, See Mark Fiege, "King Cotton: The Cotton Plant and Southern Identity," in Fiege, *The Republic of Nature: An Environmental History of the United States* (University of Washington Press, 2012), 102. The vast tracts of relatively cheap, fertile planting lands opened after the Revolution allowed many aspiring masters and second sons of wealthy Virginian and Carolinian patriarchs to flee their modest or nonexistent holdings on the over-farmed landscape hugging the Atlantic coast and become mighty masters on the frontier. See Rothman, *Slave Country*, 37–165. Once the Cotton Gin fell into wide use, and planters could profit from growing 'upland,' short-staple cotton (likely derived from cotton seeds in southern Mexico) deep in the southern hinterland, there was holocaust across much of the Old Southwestern landscape. See Joyce Chaplin, *An Anxious Pursuit: Agricultural Innovation & Modernity in the Lower South, 1730–1815* (UNC Press, 1993), 153–154.

## Holy War in the Black Belt

It is little wonder war's cyclic violence flared in the Indian-thinning, early antebellum world of an emerging slave-society in the Black Belt. Haywood-influenced, later antebellum Alabamian lawyer and historian, Albert J. Pickett, chronicled in his *History of Alabama* (1851) how the fiery stake, a medieval punishment, persisted across the nineteenth century's threshold. An heiress to one of the first "mixed" planting families in the Old Southwest would in a future winter in 1814 find herself "surrounded by lightwood fires, designed to consume" her. Her name was Sofia Durant, and her father was Lachlan McGillivray, a highlander from Dunmaglass, Scotland. Her mother was Sehoy Marchand, the daughter of a Creek woman and French fur trader.

Those who would burn Sofia at the stake targeted her, tied her to it because she had "an air of authority about her" and possessed "an Indian tongue," because she had dark skin and she wore a darkly hoop dress, perhaps crepe, through the plantation house halls as if she was a mistress—she was—and peered out of the house's darkness at black slaves crooked-backed in her husband's corn fields.<sup>112</sup> Historian Claudio Saunt has shown how—once hordes of aspiring white planters crossed the Appalachians at the turn of the nineteenth century—prophet-inspired Creeks who wore the color of blood on their skin, the Red Sticks, wanted Creek women who refused to

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Indeed, as historian James Carson as has argued, opening up the Old Southwest for sake of the cotton crop was a powerful economic driver of Indian Removal. See Carson, "The Obituary of Nations."

<sup>112</sup> Albert James Pickett, *History of Alabama: and Incidentally of Georgia and Mississippi, from the Earliest Period* (1851) (Montgomery, AL: River City Publishing, 2003), 419, 574–575.

work in the fields mutilated like the cattle whose bellies they also cut open and let them roam around with spilling guts until they were dead.<sup>113</sup> Other southerners wanted Indians like Sophia to stay because of her civilizing example. Those whites in power, however, found themselves increasingly believing that the contemporary Indians should be ripped from their world.<sup>114</sup>

Between 1813 and 1814 Jackson prosecuted the Red Sticks deep into the Black Belt. What gory scenes this prosecution provoked. Pickett described one incident, one conflux of events that richly contextualizes the times in which Haywood wrote the CA— “The Fort Mims Massacre.” Pickett prefaced his description by stressing *place*: “Being about to relate a horrible affair, in which people of all ages and both sexes were subjected to savage butchery, a particular description of the place where it occurred is deemed necessary.” It was the plantation of Samuel Mims, one mile east of the Alabama River, and on the banks of Lake Tensaw. The Big House was “a large frame building of one story, with spacious shed-rooms.” As signs of the times, “Around it pickets were driven, between which fence rails were placed.” Moreover,

Five hundred port-holes were made, three and a half feet only from the ground. The stockading enclosed an acre of ground, in a square form, and was entered by two ponderous but rude gates, one on the east and the other on the west. Within the enclosure, besides the main building, were various out-houses, rows of bee-gums, together with cabins and board shelters, recently erected by the settlers, wherever a vacant spot appeared.

Signs of Indian influence, fear, and planter aspirations were everywhere: “A large potato field lay adjoining on the south, in which were a

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<sup>113</sup> See Saunt, 249–272.

<sup>114</sup> Perdue and Green, 43–67.

row of negro houses,” and “On the east the flat lands continued for several miles, interspersed with cane marshes and some ravines.” But also present was the dark and humid landscape that would haunt southerners across the antebellum period and beyond: “Woods intervened between the picketing and the lake, while in a northern direction cane swamps, which grew denser as they approached the river, were hard by.” Pickett forebodingly concluded, “It was altogether a most ill-chosen place for a fort, as it ultimately proved.”<sup>115</sup>

Creeks returning from witnessing their friends and brothers shot and killed in a skirmish at Burnt Corn Creek decided to take revenge on Mims’s plantation, his “fort.” Aside from its symbolic power, it was a bull’s-eye target because close to five hundred souls, frightened emigrant planters and their slaves, wives, and families from the vicinity had flocked behind the stockades. Besides Indian atrocity stories—and even their witnesses—troubling Black Belt planters’ minds, heinously shrieking cattle walked the Black Belt landscape, their Creek-cut guts spilling out as terror tactic.<sup>116</sup>

The Creeks gained intelligence of the Mims plantation’s particulars from escaped slaves subsisting in the vicinity. Although, a “negro runner,” who Pickett identified as “Randon’s negro,” alerted the planters within the fort of a coming attack, “But the Indians not appearing the negro was pronounced to be a liar.” He “was tied up and severely flogged for alarming the garrison, with what [was] deemed a sheer fabrication.” The soldiers “reposing on the ground,” the planters “playing cards,” the “girls and young men . . . dancing,”

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<sup>115</sup> Pickett, *History of Alabama*, 528.

<sup>116</sup> See Saunt, *New Order of Things*.

and the “hundred thoughtless and happy children sport[ing] from door to door, and from tent to tent” did not suspect the attack because “Randon’s negro was again sent out to attend the cattle, but seeing a large body of Indians fled to Fort Pierce,” did nothing, “being afraid to communicate the intelligence to those who had whipped him.” Meanwhile, another slave who had been suspected of giving a false report was bracing for the whip: “Fletcher’s negro, by the reluctant consent of his master, was tied up and the lash about to be applied to his back.”<sup>117</sup>

Then, it happened: in one “awful moment one thousand Creek warriors, extended flat upon the ground in a thick ravine, four hundred yards from the eastern gate, thirsted for American blood.” This cruel day “No eyes saw them but those of the chirping and innocent birds in the limbs above them.” Haywood, had he been alive to read them, would have likely found Pickett’s Darwinian-like evocation of war in sunny fields unsettling. For nature did not seem to portend: “The mid-day sun sometimes flashed through the thick foliage, and glanced upon their yellow skins, but quickly withdrew, as if afraid longer to contemplate the murderous horde.” More evil still would Haywood have found the scenes Pickett painted unfolding: “There lay the prophets, covered with feathers, with black faces, resembling those monsters which partake of both beast and bird. Beside them lay curious medicine gags and rods of magic. The whole ravine was covered with painted and naked savages, completely armed.” Or, as “Major Beasley rushed, sword in hand,” to shut the stockade gate, “Indians felled him to the earth with their clubs and

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<sup>117</sup> Pickett, *History of Alabama*, 531–532.

tomahawks, and rushing over his body into the additional part of the fort, left him a chance to crawl behind the gate, where he shortly after expired." The hordes were "headed by five prophets, whom the Americans immediately shot down, while engaged in dancing and incantations." Fortunately they were shot down, for this act "greatly abated the ardor of the enemy, many of whom retreated through the gate for the moment."<sup>118</sup>

But the forces the prophets called rained down on the plantation: "The number of savages was so great that they apparently covered the whole field, and they now rent the air with their exulting shouts. Many of the younger prophets surrounded the main building, which was full of women and children, and danced around it, distorting their faces, and sending up the most unearthly screams." As things worsened in this hell "The women now animated the men to defend them, by assisting in loading the guns and bringing water from the well." One woman, "Mrs. Daniel Bailey," bayoneted a sergeant who was "trembling against the wall." Some "ascended to the roof of Mims' dwelling, knocked off some shingles for port-holes, where they continued to shoot the lusty warriors on the outside of the picketing." But the Red Sticks "now set fire to the main building, and many of the out-houses," burning the inhabitants alive. "The shirks of the women and children went up to high heaven." David Mims himself fled, trying to reach the loom-house, when he "received a large ball in the neck; the blood gushed out; he exclaimed: 'Oh, God, I am a dead man!' and fell upon his face." Then "A cruel warrior" approached the dying Mims and "cut around his head, and waved his

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<sup>118</sup> *Ibid.*, 532–533.

hoary scalp exultingly in the air. The few Catholics in the stockade “kneeled around the well and crossed themselves,” but “while interceding with the MOST HIGH, were despatched with tomahawks.” This happened, Pickett related, as Mims’s house fell to the ground, the “scorched bodies” of the burn victims falling through windows and other gashes and holes with it.<sup>119</sup>

Witnesses of the aftermath beheld the prophets’ work:

Returning again to the fatal spot, every house was seen to be in flames. The bastion was broken down, the helpless inmates were butchered in the quickest manner, and blood and brains bespattered the whole earth. The children were seized by the legs and killed by beating their heads against the stockading. The women were scalped, and those who were pregnant were opened, while they were alive, and the embryo infants let out of the womb.<sup>120</sup>

“Bodies lay in piles, in the sleep of death, bleeding, scalped, mutilated,” some “still cracking and frying upon the glowing coals,” only “half burned up.” Signs of the gore could be seen from far off. When “Late in the evening the firing ceased,” one witness “saw clouds of black smoke rise above the forest trees, which was succeeded by flames.”<sup>121</sup>

Aside from the malevolent arts practiced, worse news still: a “party” of Indians who had participated in the massacre were known to have gone “to Pensacola with the scalps” of many of Fort Mims’s inhabitants “suspended upon poles.”<sup>122</sup> Unsurprisingly (it being during the War of 1812), “The British

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<sup>119</sup> *Ibid.*, 534–535.

<sup>120</sup> *Ibid.*, 536–537.

<sup>121</sup> *Ibid.*, 540.

<sup>122</sup> *Ibid.*, 539.

agents at Pensacola had offered a reward of five dollars for every American scalp," wrote Pickett.<sup>123</sup>

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This forty-year war in the Old Southwest had Haywood interpreting the landscape and sky with a Puritan-like weather eye. Such an atmosphere can be sensed in the supernatural overtones of Pickett's retrospective, later antebellum prose. Even more, one gets the sense that Jackson himself believed his army was fighting a holy war against demonic, Indian prophets. This phenomenology would explain, for instance, why Jackson, in the words of his biographer, Robert Remini, once lamented he "had missed the opportunity of wiping out the hostiles entirely."<sup>124</sup>

More revealingly, this supernatural atmosphere goes a long way in explaining why Jackson chose Creek holy ground for what he hoped would be the final battle in the Creek War, Horseshoe Bend, and why he proclaimed what he proclaimed there upon victory.<sup>125</sup> Jackson found Monahee, the high priest of the Red Stick Creeks, among the eight hundred Red Sticks slain. Monahee's mouth had been blown by grapeshot. Jackson believed that "it was 'as if Heaven designed to chastise his impostures by an appropriate punishment.'"<sup>126</sup> Jackson wrote his wife, Rachel, "the firing and the slaughter continued until it was suspended by the darkness of the night"; and that they were so meticulous with attempting to annihilate the Red Sticks, "It was dark

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<sup>123</sup> *Ibid.*, 537.

<sup>124</sup> Remini, *Andrew Jackson and His Indian Wars*, 67.

<sup>125</sup> *Ibid.*, 75. For Battle of Horseshoe Bend stats, see Saunt, 270.

<sup>126</sup> Remini, *Andrew Jackson and His Indian Wars*, 78. Remini is quoting from a letter Jackson wrote to Willie Blount, March 31, 1814.

before we finished killing them.”<sup>127</sup> But the mutilation resumed when the sun came up. Remini recounts, “Tennessee soldiers were observed cutting long strips of skin from the bodies of the dead Indians to make bridle reins of them.”<sup>128</sup> Jackson killed roughly eight hundred Red Sticks, and lost roughly thirty. He said of his men, “There never was more heroism or roman courage displayed.”<sup>129</sup>

In the end of the Creek War, fifteen percent of the Creek Nation was put to the sword, fire, or gun. Among the rubble of their towns gaunt, hungry refugees wept, moaned, or blankly stared.<sup>130</sup> In the account settling after Horseshoe Bend, an increasingly apocalyptic mentality glares through Jackson’s skull: “We will destroy our enemies because we love our friends & ourselves.”<sup>131</sup> Jackson claimed roughly twenty-three million acres, what, Remini notes, became “roughly three-fifths of the present state of Alabama and one-fifth of Georgia!”<sup>132</sup> As historian James Carson has stressed, Jackson’s work in the Creek War was the beginning of the Cotton Kingdom.<sup>133</sup> Jackson wrote Rachel “he could foresee the time when ‘the Banks of the alabama will present a beutifull view of elegant mansions, and

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<sup>127</sup> Remini, *Andrew Jackson and His Indian Wars*, 78. Remini is quoting a letter from Jackson to Rachel, April 1, 1814.

<sup>128</sup> Remini, *Andrew Jackson and His Indian Wars*, 79.

<sup>129</sup> *Ibid.* Remini is quoting Jackson to Thomas Pinckney, March 28, 1814.

<sup>130</sup> Remini, *Andrew Jackson and His Indian Wars*, 80.

<sup>131</sup> *Ibid.*, 88. Remini here quotes Jackson from a “talk” he gave the Creeks on August 1, 1814, included in the University of Tennessee Press’s *Andrew Jackson Papers*, Volume III.

<sup>132</sup> Remini, *Andrew Jackson and His Indian Wars* 88.

<sup>133</sup> See Carson, “The Obituary of Nations.”

extensive rich & productive farms and will add greatly to the wealth as well as the security of our Southern frontier.”<sup>134</sup>

### War Coterminous

Horseshoe Bend did not end the Creek war the Old Southwest. As soon as 1816, an even deeper south pricked at Old Southwestern planters' minds. There roughly three hundred escaped slaves—rivaling Indians increasingly as Deep Southern planters' deepest fear—had massed inside a Spanish fort just across the Florida border. Dressed in red coats, they were rumored to be in possession of muskets, pointing them out warily at onlookers. This the newly emigrated Black Belt planters could not abide. Jackson ordered troops across the border, had it destroyed, over two hundred escaped slaves killed. Even so, Florida, it turned out, was also refuge for the other planters' fear, Red Sticks. The Seminole belonged to the “Creek confederation,” and indeed spoke Muskhogean. Seminole country became a haven for Red Sticks wishing to take more planter scalps.<sup>135</sup>

Secretary of War John C. Calhoun heard of this threat directly from Jackson: these “marauders,” Jackson wrote, must be punished.<sup>136</sup> In 1817 Calhoun appointed Jackson head of his U.S. army against the Seminoles, holding towards Jackson, “feelings of respect, which any lover of his country

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<sup>134</sup> Remini, *Andrew Jackson and His Indian Wars*, 92. Remini is quoting a letter from Jackson to Rachel, August 23, 1814.

<sup>135</sup> *Ibid.*, 130–132 (quote).

<sup>136</sup> *Ibid.*, 133–134. Remini includes this quoted material from a letter from Jackson to Calhoun, December 16, 1817 (134).

has towards you.”<sup>137</sup> Remini keenly notices this move’s context: “From the beginning of Jackson’s direct involvement in the Creek War and the War of 1812 he had steadfastly insisted that the only way to bring about a ‘permanent’ peace in the south was to drive foreigners from the Gulf Coast.”<sup>138</sup> Calhoun and Jackson were prosecuting the war to bring about the Millennium.

Louis de Onís knew that this had been the case as early as 1821: “Hence it comes, that the American name is abhorred among the Indians who border upon the United States; and that any nation will find them always ready to make war upon these people, whom they look upon as the most perfidious upon earth, and as having systematically conspired to exterminate or destroy them.”<sup>139</sup> Onís recounted the very war Jackson, by Calhoun’s bidding, is about to prosecute against the Seminoles and their Spanish allies in Florida. He began with the war’s immediate context: “Although the federal government boasts of the tenderness and philanthropy with which it treats them, it cannot but be observed, that whatever may be its disposition to cherish sentiments so becoming the present age, and all free countries like that of America, the fact is, that the Indians are daily despoiled of their lands by purchases, for the most part fraudulent, or by treaties but little equitable, as well as by force of arms.”

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<sup>137</sup> Remini, *Andrew Jackson and His Indian Wars*, 136–137. Remini quotes a letter from Calhoun to Jackson, December 29, 1817 (136).

<sup>138</sup> Remini, *Andrew Jackson and His Indian Wars*, 139.

<sup>139</sup> Louis de Onís, *Memoir Upon the Negotiations Between Spain and the United States of America* (Washington, D.C.: E. De Krafft, 1821), 38. This work was published in Spanish in Madrid in 1820, and translated into English in 1821, by Tobias Watkins.

There had been in the Old Southwest, since the 1790s, a familiar sequence of events:

It frequently happens, that the settlers, established on the frontier or near the lands of the Indians, make incursions into them, and rob them of their cattle, and of every thing upon which they can lay their hands. [The Indians] complain to the governors and authorities of their respective State or Territory, and in many cases to the federal government; but justice is not always done to them, nor any satisfaction given. A series of these outrages at length wearies their patience; and when they find a fit opportunity, they take vengeance into their own hands, attack those who enter their grounds to lay them waste, or drive off their cattle, and either murder them, or sometimes pursue them beyond the frontier, committing reprisals upon the American possessions, with the ferocity belonging to their nature. When either of these events happens, the cry of alarm and indignation resounds through the whole United States, and the government sends an army to chastise the Indians.

"Such is the motive," Onís concluded, "or apparent cause of the deadly and exterminating wars, which have been hitherto waged against these unhappy beings." Here Onís is alluding to William Blount's wars and Jackson's Creek Wars: "The government always entrusts the conduct of them to impetuous generals, who suffering themselves to be carried away by a passion for war, even to the overwhelming in ruin these almost defenceless and wretched aborigines, pursue them with fire and sword, burn their miserable cabins, and put to destruction all who are not so fortunate as to escape to distant forests or inaccessible mountains."<sup>140</sup>

Onís found the most recent violence of the Seminole War revolting, though it really was but a perpetuation of the kind of violence endemic to the Old Southwest since the 1790s: "The two campaigns of General Jackson against the Indians of the Floridas, present some examples of what I have stated [attempted extermination], particularly the last, which, perhaps, if we

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<sup>140</sup> *Ibid.*, 35–36.

examine its circumstances, exceeded all the rest in horrors, the remembrance of which will last for ever.”<sup>141</sup> And Onís was partially right about the trajectory of these genocidal events in the early nineteenth-century Old Southwest—only partially, however, because Calhoun had appointed Jackson under the authority of President Monroe with rather hazy orders for how to handle the Seminole problem. To be sure, the frontier was to be defended against Indian attacks, but many in Congress and, even more, Spain, believed it an international crime for Jackson to invade Florida without a formal declaration of war. Calhoun’s commissioning of Jackson was far from public, and, furthermore, Jackson had bolstered his army’s numbers by raising dragoons from Tennessee, many of their officers—and many of the “volunteers” themselves—veterans of the Creek War. Jackson wrote Calhoun that when he set out from Nashville in the winter of 1818, “Volunteers were flocking to the standard of their Country.” Expressing a vision that would show its face often in the antebellum Deep South, Jackson envisioned his troops as Israelites struggling in a devil-filled “wilderness.”<sup>142</sup>

And it was not just the religious nature of Jackson’s envisioning of the war that ratcheted up the horror, but the dangerous cocktail that the “negro” and Seminole threat—perceivably backed by the funding and guns of Spain and even Britain—presented. Based upon the captured correspondence of British traders in Florida, Jackson believed he had proof the Spanish and

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<sup>141</sup> *Ibid.*, 37.

<sup>142</sup> Remini, *Andrew Jackson and His Indian Wars*, 138–141 (quotes). Remini quotes a letter from Jackson to Calhoun, January 27, 1818, and another from Jackson to Rachel, March 26, 1818.

British were backing Seminoles and Red Sticks against the United States. Worse, when Jackson's army passed through a Mikasukian village in North Florida, they saw "A *Red Pole*, was erected, crowned with [fifty] scalps, recognized by the hair, as torn from the heads of the unfortunate companions" of a convoy the Seminole had overtaken in a surprise attack.<sup>143</sup> In particular, among those resisting Jackson's army was the Creek prophet, Josiah Francis; he, as Remini relates, "claimed [he] had power to change the direction of bullets in flight, cause earthquakes, or summon lightning to strike a victim." And Prophet Francis was begging the British for help.<sup>144</sup>

The violence that ensued from this apocalyptic climate would be perpetuated by Nat Turner in 1831, John Brown in 1856 and 1859, the 54<sup>th</sup> Massachusetts Infantry in the outskirts of Charleston, South Carolina in 1863, and countless unknown slaves on plantations across the South across the antebellum era. It was often free, runaway African Americans fighting with Seminoles (and Creeks) against white troops from Tennessee and the Old Southwest generally.<sup>145</sup> Jackson set the Mikasuki village wherein he had found the scalp pole on fire, as well as any dwellings he came across wherein he believed hostile Seminoles or Red Sticks hid. Too, Remini notes, he "confiscated" their food supplies and [drove] them into the swamps, where he believed they would starve."<sup>146</sup> Those Scots, Creeks, and Englishmen who had been discovered helping the Seminoles, African Americans, and Red

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<sup>143</sup> Remini, *Andrew Jackson and His Indian Wars*, 145–147 (quote). Remini is quoting a letter from Jackson to Calhoun, April 8, 1818.

<sup>144</sup> Remini, *Andrew Jackson and His Indian Wars*, 5 (quote), 155.

<sup>145</sup> *Ibid.*, 152–153.

<sup>146</sup> *Ibid.*, 154.

Sticks survive in Florida were executed, among them Alexander Arbuthnot, who (mistakenly) trusted his life to Jackson's mercy, and claimed he had honestly been providing the Indians powder and shot for hunting (for survival). But Jackson envisioned such helpers of belligerent Indians as monsters, and had Arbuthnot shot and others hanged.<sup>147</sup>

Like in the medieval crusades, the cycles of violence that Jackson perpetuated out of Creek Country, across the Florida border got out of his hands. In the spring of 1818, William Wyatt Bibb (1781–1820), Governor of the Alabama Territory, joined in the violence, calling militias to the border should the violence spill back across the frontier, and Georgia's governor, William Rabun, did similarly. Rabun's militia butchered an Indian village full of women and children, many of whom Jackson had given his word he would protect.<sup>148</sup> Although this event upset Jackson, he kept perpetuating his violent policy, eventually demanding other Spanish forts in Florida at gunpoint, and as Onís suspected, intending to gain Florida (which his first invasion ultimately helped achieve) and even Cuba, a southern project historian Walter Johnson has recently placed in its larger antebellum context.<sup>149</sup>

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<sup>147</sup> *Ibid.*, 156.

<sup>148</sup> *Ibid.*, 158.

<sup>149</sup> *Ibid.*, 160–162. For southern imperial aspirations, see Walter Johnson, *River of Dark Dreams*.

## Chapter 3: Retrograde Historiography

All violence, all morality, is controlled by the arrow of time, and becomes its opposite. The Arrow of time is also the arrow of morality.

—Martin Amis, interview with  
*The Guardian*, February 1, 2010<sup>1</sup>

In nineteenth-century America, hell was a generic term for a rough or difficult stretch of country, such as the wildly eroded Hell's Half-Acre in Wyoming. Similarly, the thermal features of Yellowstone Park were originally called Coulter's Hell, after the explorer and mountain man John Coulter. The word was also used to designate the most lawless sections of frontier towns like Fort Worth and San Antonio, as well as particularly dangerous and rough parts of the urban landscape, such as Hell's Kitchen in New York City. In the southern Appalachians, a hell is a dense, extensive growth of laurel or rhododendron. Horace Kephart, in *Our Southern Highlanders*, defined the term this way: "A 'hell' or 'slick' or 'woolly-head' or 'yaller patch' is a thicket of laurel or rhododendron impassable save where the bears have bored out trails.

—Charles Frazier, "Hell"<sup>2</sup>

For Jackson and his aspiring planter friends the Creek and Seminole Wars were ultimately so successful, so devastating to Native Americans living in the Black Belt that by 1823, when Haywood published his *Natural and Aboriginal History of Tennessee*, he could write of modern southern Indians largely in the past tense:

Within the limits of Tennessee are some geological phenomena, both upon the surface of the earth and below it, which ought to be recorded for the benefit of naturalists. And at the same time there are numerous aboriginal vestiges; which added to those already preserved, may at some future day help to elucidate what we so much desire to know, the history of the primitive settlers in this continent, with that of their exterminators, whom we in succession have exterminated.<sup>3</sup>

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<sup>1</sup> Martin Amis, interview with *The Guardian*, February 1, 2010,  
<http://www.theguardian.com/books/video/2010/feb/01/book-club-martin-amis-times-arrow>. See also Martin Amis, *Time's Arrow: or, the Nature of the Offense* (New York: Harmony Books, 1991).

<sup>2</sup> Charles Frazier, "Hell," in Barry Lopez, ed., *Home Ground: Language for an American Landscape* (Trinity University Press, 2006).

<sup>3</sup> Haywood, *Natural and Aboriginal History*, 49.

This near extermination of Native Americans in the Old Southwest came to full fruition through Indian Removal, the policy for which the CA provided crucial, last minute buttressing. The CA's Indian arguments, however, cannot be fully comprehended apart from a survey of—and at some key points, an immersion in—the theological and historical traditions from which the CA draws its rich allusions, its very language. It is an early modern, occult historiographical tradition unpracticed among the leading northeastern intelligentsia since the late seventeenth century. In this tradition the arrow of time is shattered so that groups of people separated by great distances in space and time are cast as members of the same army working for the same purpose—destroying God's chosen people, a people who many of them know absolutely nothing about and have never met. In this tradition the ancient past and present are synchronized. The methodological distance between Haywood and his top-tier Western contemporaries is staggering, and should be kept in mind throughout the remainder of this work.

It is crucial to note that the form of occult historiography Haywood utilized throughout the CA was not the professional standard in the early nineteenth century. This chapter demonstrates that rather than mimic the best Enlightenment historians and his contemporaries writing within the Enlightenment tradition, Haywood mimicked early modern historians of ancient America withering in graves almost a century before his own lifetime, innovating off of them. The chapter begins with exempla of the Enlightenment tradition—attributed to the influence of David Hume's skeptical

historiographical methodology—Haywood wrote against (“Humean Warning”), then shifts to exempla of that tradition expressed by his more immediate contemporaries (“Attempted Heeding” and “Interim”), before closing with exempla establishing Haywood utilizing an early modern, occult historiographical tradition when innovating his own history, the CA (“A Most Brutal Historiography,” “Massacre,” and “Southern Scythia”).

Like Cotton Mather, Haywood argued that the Southern Indians were descendants of ancient Scythians. Haywood then added to Mather’s Scythian thesis by arguing that American Indians massacred a mysterious southern moundbuilding civilization likely consisting of the first great slaveholders, ancient Egyptian colonists likely (he becomes more and more convinced) defended by—or themselves resembling—ancient, Germanic-like *whites*.

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Historians such as Michael O’Brien have made significant headway into the catacombs of antebellum southern intellectual thought, a subject that had been largely neglected by American historians after the Civil War; it has been often presupposed that there *was not* much intellectual life in the Deep South worth studying. In his heavy, two volumes of *Conjectures of Order* (2004), O’Brien has exposed this old lie.<sup>4</sup> Still, at this early point the catacombs are so deep and convoluted, there are vast intellectual landscapes of the antebellum South still silent, as if they had never existed and affected. The greatest silence comes from the Confederacy’s Cradle, the Old Southwest—for O’Brien’s history is weighted heavily toward analysis of the

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<sup>4</sup> See O’Brien, *Conjectures of Order, 1810–1860*.

intellectual centers of the southern Atlantic coast, cities such as Charleston and Savannah, as well as eastern antebellum university cities such as Williamsburg, Charlottesville, and Chapel Hill.

As a result of this lacuna, the history of antiquarian American historiography is far from complete. For instance, in Andrew John Lewis's history *Democracy of Facts: Natural History in the Early Republic* (2011), Haywood receives less than a paragraph, and the CA is not mentioned at all. Lewis correctly notes, "[Haywood's] chapters that concerned the ancient history of the region . . . included myriad and unverifiable accounts of individuals excavating relics, discovering coins, and positing their own theories as to what these objects were and what they meant." Haywood "played fast and loose with evidence." Other than these correct insights, Lewis gave Haywood a rather superficial reading, citing only his less powerful, tamed *Natural and Aboriginal History*, picking up on Haywood's flirtation in that work—far from committed—with a hypothesis similar to James Adair's, whether "the Lost Tribes of Israel had visited or settled in North America."<sup>5</sup>

In fairness, it is understandable that Lewis would give Haywood such little space, out of touch as Haywood was with Philadelphia intellectual circles. One will not find any analyses of Haywood's in the holdings of the American Philosophical Society or Library Company of Philadelphia, or in the University of Pennsylvania's special collections. To study Haywood, and learn

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<sup>5</sup> Andrew John Lewis, *A Democracy of Facts: Natural History in the Early Republic* (UPenn Press, 2011), 102.

of his influence, one must head southwest for the Deep South, opening up to imaginative worlds generated from older kinds of historiography than those which Enlightenment-era Philadelphian naturalists consulted and continued.<sup>6</sup>

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Although Enlightenment historiography oftentimes denigrated indigenous societies, and was oftentimes—sometimes unconsciously—a promoter of western imperialism, scholars of Indian Removal have underappreciated this historiographical tradition’s effect on the Removal debates.<sup>7</sup> This underappreciation is likely due less to their unwillingness to mine the epistemological foundations of the modern discipline of History—although Anthropologists and scholars of Literary Studies have done a more thorough job of this, as of yet, than have historians and scientists—than their misunderstanding of the central arguments in the Removal debates.

It is also likely that if historians knew the implications and effects of the early modern, occult historiographical tradition against which the Enlightenment historians wrote, they would be more appreciative. Indeed, there is no better grain against which to analyze Haywood’s ancient history in Chapter 4, this work’s most alienating contents. If an historian’s facts are wrong and methodology right—this pertains in some cases to histories by David Hume, William Robertson, and Benjamin Smith Barton, analyzed

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<sup>6</sup> See Introduction, n56.

<sup>7</sup> For whiggish interpretations of empire, see, for instance, Niall Ferguson, *Empire: the Rise and Demise of the British World Order and the Lessons for Global Power* (New York: Basic Books, 2002); and Steven Pinker, *The Better Angels of Our Nature: Why Violence Has Declined* (New York: Viking, 2011). For the opposite perspective, see, for instance, Howard Zinn, *A People’s History of the American Empire* (New York: Metropolitan Books, 2008); and David Stannard, *American Holocaust*.

below—his errors can be controlled, fairly quickly mended, his history remaining of some use for future scholars wishing to know the truth about the past. But if the methodology is erroneous, the reviser is slowed by a hell scarcely passable except by meticulous research, starting all over again. The original history is worthless except as an exemplum of the consequences of professional malpractice.

### Humean Warning

Writing *An Enquiry Concerning Human Understanding* (1748) in the shadows of Edinburgh Castle in the middle of the eighteenth century, David Hume had articulated the skeptical approach to historiography—which he would soon demonstrate in his *History of England* (1754–61)—that undergirds the modern discipline of History: (1) if you cannot find robust empirical proof, do not hide your speculations away in the language of certainty; and (2) the writing of history cannot be separated from the conditions and limits of the present moment (Hume meant this in an optimistic way, believing that rigorous historical synthesis could moderate partisan histories). Hume directed both points—and especially the second—towards a particular branch of the early modern, occult historiographical tradition he wrote against, one best characterized as theologically infused, “providential history.” In American historiography, the histories of José de Acosta and Cotton Mather, analyzed below, can serve as exempla. No longer, Hume believed, could the supernatural be invoked as a satisfactory causal explanation for specific material events such as farming, loving, warring, or dying. No longer could

historians conjure up spirits to shatter the arrow of time. In the Enlightenment's wake, aside, perhaps, from with regards to the creation of the universe and the origin of human life, unseen gods and spirits seemed to have been stripped of their explanatory power in the day-to-day turning of material events, nor were there transcendent spiritual wars going on in the landscape, synchronizing the ancient past and present.<sup>8</sup>

Hume's skepticism anchored his historical methodology, and this skepticism is perhaps best encompassed by these words from *An Enquiry*:

In a word, then, every effect is a distinct event from its cause. It could not, therefore, be discovered in the cause, and the first invention or conception of it, *a priori*, must be entirely arbitrary. And even after it is suggested, the conjunction of it with the cause must appear equally arbitrary; since there are always many other effects, which, to reason, must seem fully as consistent and natural. In vain, therefore, should we pretend to determine any single event, or infer any cause or effect, without the assistance of observation and experience.<sup>9</sup>

Dugald Stewart (1753–1828), an influential philosopher of the later Scottish Enlightenment, characterized Hume's historiographical methodology as “Conjectural History,” which Stewart described thus: “when we are unable

<sup>8</sup> See Nicholas Phillipson, *David Hume: The Philosopher as Historian* (New York: Penguin Books, 2011); David Hume, *An Enquiry Concerning Human Understanding* (1748), Tom L. Beauchamp ed. (Oxford University Press, 2000); and Hume, *The History of England* (1754–1761), William Cooke Stafford ed. (London: The London Printing and Publishing Company, Ltd., 1867), 4 Vols. Humean historiography has often been distinguished from providential historiography by the term “philosophical history,” what, Phillipson, argues, characterizes Voltaire, Hume, Robertson, and Gibbon. See Phillipson, “Providence and Progress: an Introduction to the Historical Thought of William Robertson,” in Stuart J. Brown, ed., *William Robertson and the Expansion of Empire* (Cambridge University Press, 1997), 68–69. Moreover, Sacvan Bercovitch characterized Mather’s histories as a *synthesis* of “ecclesiastical” and “providential” history: for Mather, God’s salvific plan for His *elect* was worked out through nature. But this, in light of the word “providence” (“The protective care of God”; or “Timely preparation for future eventualities”) is really a distinction without much of a difference; for Mather certainly viewed history as foreseen and foretold—and thus, acted upon—by God. Thus, in this work “Providential Historiography” means what it says. See Oxford English Dictionary, “Providence,” and Bercovitch, 35–46.

<sup>9</sup> Hume, *An Enquiry Concerning Human Understanding*, 27.

to ascertain how men have actually conducted themselves upon particular occasions,” we must consider “in what manner they are likely to have proceeded, from the principles of their nature, and the circumstances of their external situation.”<sup>10</sup> Historian of philosophy Simon Evnine describes conjectural history as “a kind of triangulation. To conjecture about the progress of some human institution or activity, we have to fix two other points: the external circumstances in which people are likely to have found themselves and human nature, in particular the nature of the human mind, at the relevant time.”<sup>11</sup> Philosopher Alix Cohen notes how this presumed knowability of the human mind across time has led many philosophers to accuse Hume of “ahistoricalism: Hume believes human nature is an unchangeable substratum, and thus cannot account for historical change.” However, Cohen astutely points out the problem with this rather superficial reading of Hume’s point: “Hume’s twofold theory of human nature is the means to rebut [this accusation]: he holds, on the one hand, that human nature is uniform enough to allow historical understanding, but, on the other hand, that the influence of the context on the social nature of man leaves sufficient room to account for historical change.”<sup>12</sup> In other words, no

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<sup>10</sup> Dugald Stewart, *Account of the Life and Writings of Adam Smith*, reprinted in Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, ed. E.G. Wakefield (London: Charles Knight & Co., 1843), iv, cited in Simon Evnine, “Hume, Conjectural History, and the Uniformity of Human Nature,” *Journal of the History of Philosophy*, Vol. 31, No. 4 (October 1993): 589. Evnine writes, “Stewart explicitly associates the method with Hume. He writes that his term ‘conjectural history’ ‘coincides pretty nearly in its meaning with that of *Natural History* as employed by Mr. Hume,’ referring to Hume’s *Natural History of Religion*” (Evnine, 590).

<sup>11</sup> Evnine, 589–590.

<sup>12</sup> Alix Cohen, “In Defence of Hume’s Historical Method,” *British Journal for the History of Philosophy*, Vol. 13, no. 3 (2005): 489–490. Evnine, too, notes, “The simplest way of

historiographical methodology is perfect, but Hume's forms the basis for the best methodology we have in light of Darwinian reality, the limits evolution places upon us.<sup>13</sup>

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satisfying this requirement is to hold that the nature of the human mind is constant, since that would mean that we have only to look at ourselves to know what the human mind must have been like in ages past" (Evnine, 590).

<sup>13</sup> The human brain has *functioned* relatively the same, within reason, since the emergence of first civilizations, which is why we can presume at all to understand past writings and the context of past actions. By 'within reason,' I mean, of course, that although none of our brains are the *same* as our ancestors' (given alterations in environment, diet/consumption), perhaps even a hundred years ago (we are still in the infancy of neuro-scientific discovery), our writing and teaching of history must *presume* that we share many of the same responses to/experiences of nature's stimuli. However, such commonality only forms the most *basic* of sameness, which, as Cohen argues, gives us the ability to creatively attempt to measure the *distance* between our experience of the changing world with that of our ancestors'. For nuanced perspective on evolutionary psychology/the burden of the past our minds inherit through genes, see Steven Pinker, *The Language Instinct: How the Mind Creates Language* (New York: William Morrow and Co., 1994); and *The Blank Slate: the Modern Denial of Human Nature* (New York: Penguin Books, 2002). Cohen stresses Hume's argument that "human beings, like other parts of nature, are governed by causal laws." She quotes Hume's *Enquiry Concerning Human Understanding and Concerning the Principles of Morals* (a compilation of the two works [Oxford: Clarendon]):

Where would be the foundation of morals, if particular characters had no certain or determinate power to produce particular sentiments, and if these sentiments had no constant operation on actions? [...] It seems almost impossible, therefore, to engage either in science or action of any kind without acknowledging the doctrine of necessity, and this [includes] inference from motive to voluntary actions, from characters to conduct.

Cohen continues, "But the necessity of these laws—which are derived from historical experience in a wide sense—is always inferred. Because of its empirical origin, it is subject to variation. In other words, the constancy of human nature in history is open to the influence of context: 'Man is a very variable being, and susceptible of many different opinions, principles, and rules of conduct. What may be true, while he adheres to one way of thinking, will be found false, when he has embraced an opposite set of manners and opinions.' The causes that constitute the influence of circumstances, and thus explain these differences, are what Hume calls 'moral causes.'" She quotes from Hume's *Of National Character* (1748):

By moral causes, I mean all circumstances, which are fitted to work on the mind as motives or reasons, and which render a peculiar set of manners habitual to us. Of this kind are, the nature of the government, the revolutions of public affairs, the plenty or penury in which people live, the situation of the nation with regards to its neighbors, an such like circumstances.

She concludes, "Thus, the principles of human nature are similar to the principle of gravity; and the particular circumstances in which each society finds itself are comparable to the 'inclinations of the ground.' For instance, culture deeply influences which qualities are found to be useful or agreeable, and so culture, rather than nature, determines the qualities that a people will find of merit" (Cohen, 491–493).

No eighteenth-century historian better demonstrated the Humean approach to southern antiquity than the Scottish historian, William Robertson, Principal of the University of Edinburgh. This fact is, upon first thought, somewhat counterintuitive. Robertson was also an ordained Presbyterian minister who, in an early publication, expressed strong belief in the ability of theologians to trace God's hand at work "in the government of the world." He also criticized Hume's reduction of *all* religion—and monotheism in particular—to superstition (Hume's definition of religion, in essence: a set of false beliefs about the nature of reality).<sup>14</sup>

In his *History of America* (1777), however, Robertson focused primarily on the human psyche operating within the natural world, constructing a strikingly modern account of ancient Native American origins. He argued, for instance, that the first human inhabitants of North America likely came across a land bridge. His reasoning: "The bear, the wolf, the fox, the hare, the deer, the roebuck, the elk, and several other species, frequent the forests of North America no less than those in the north of Europe and Asia. It seems to be evident, then, that the two continents approach each other in this quarter, and are either united, or so nearly adjacent, that these animals might pass from the one to the other."<sup>15</sup>

Beyond the land bridge hypothesis, Robertson believed it intellectually dishonest and violent to the subject matter to venture much further: "The condition and character of the American nations at the time when they

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<sup>14</sup> See Phillipson, "Providence and Progress," 56–57, 61–65. For Hume on religion, see Hume, *Dialogues Concerning Natural Religion*, 2<sup>nd</sup> edition (London, 1779), 83.

<sup>15</sup> William Robertson, *The History of America* (2 Vols.) (Dublin, 1777), Vol. I, 272–272.

became known to the Europeans, deserve more attentive consideration than the inquiry concerning their original. The latter is merely an object of curiosity; the former is one of the most important as well as instructive researches which can occupy the philosopher or historian.”<sup>16</sup> Although some historians had “entered upon this new field of study with great ardour,” they had, “instead of throwing light upon the subject, . . . contributed . . . to involve it in additional obscurity.” They had been “Too impatient to inquire,” and thus had “hastened to decide.” They “began to erect systems, when they should have been searching for facts on which to establish their foundations.” They had forsaken reason for enthusiasm.<sup>17</sup> Robertson was strident: because ancient southern history was so “intricate and obscure, it is necessary to carry it on with caution.” The “superficial remarks of vulgar travellers, of sailors, traders, buccaneers, and missionaries” ought to be handled like poisonous snakes. “Without indulging conjecture,” he continued, “we must study with equal care to avoid the extremes of extravagant admiration, or of supercilious contempt for those manners which we describe.”<sup>18</sup>

To be sure, Robertson was not always kind to modern Indians. His conception of property law, for instance, was Lockean. “Nations which depend upon hunting are strangers to the idea of property,” he reasoned.<sup>19</sup>

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<sup>16</sup> *Ibid.*, 281.

<sup>17</sup> *Ibid.*, 286.

<sup>18</sup> *Ibid.*, 288.

<sup>19</sup> *Ibid.*, 337–338. It should also be noted that, in the paragraph after this, Robertson goes on to praise an aspect of this state: “People in this state retain a high sense of equality and independence” (338). For Robertson’s Lockean property conception, see Armitage, “The New World and British Historical Thought,” 67. Furthermore, Phillipson classifies Hume and Robertson as historiographers of conjectural history, which is, again, to say, subscribers to the belief that “the physical, mental, social, political, religious, military, and cultural

Such conclusions were utilized, we shall see, by proponents of Indian Removal to argue that the Southern Indians did not truly own the land upon which they were born. This should come as no real surprise. The point of emphasizing the Scottish Enlightenment historiographical tradition's conclusions regarding ancient American history, however, is to hold Haywood accountable by coloring the borders of the CA with histories conceived relatively close to it in time and establish the fact that, well before the research of John Wesley Powell and East Tennessean, Cyrus Thomas, effectively obliterated moundbuilder myths, Haywood could have drawn upon sources—still among the most respected western histories in the early antebellum era—that said otherwise.<sup>20</sup> Indeed, Haywood had Robertson's *History of America* before his eyes, but chose to ignore its greatest warnings.

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Scholars of Robertson's *History of America* have not sufficiently stressed its Humean analytical disposition, a missing due in great part to the fact that they have not analyzed Robertson against the American historians writing about ancient America in the decades following Robertson's death.<sup>21</sup>

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characteristics of any society were determined by its means of subsistence. See Phillipson, "Providence and Progress," 64.

<sup>20</sup> See Robert Silverberg's classic, *Mound Builders of Ancient America: the Archaeology of a Myth* (Greenwich, Connecticut: New York Graphic Society, 1968); and Miller, "The Soil of an Unknown America, 27, n7.

<sup>21</sup> For instance, Phillipson, a brilliant historian and authority on Scottish Enlightenment historiography, has scarcely analyzed Robertson vis-à-vis antebellum historiography on ancient America, nor has he compared Robertson's history deeply against early modern historiography on ancient America. Part of this no doubt has to do with differences of approach between contemporary British, European, and American historiographies. And it is in great part due to a conversation I had with David Allan at St. Andrews that I came to appreciate the novelty of Robertson's historiographical approach to ancient America. For wider context on the Scottish Enlightenment, see David Allan, *Virtue, Learning, and the Scottish Enlightenment* (Edinburgh University Press, 1993). David Armitage celebrates

Robertson was not, here, overtly concerned with the apocalypse, devils, or harmonizing his historical theses with the word of God.<sup>22</sup> He wrote like a deistic rationalist; the “hand of nature” shapes the human frame and earthly events, rather than God’s fingers.<sup>23</sup> Nor was it likely that angels and demons flew through the American air: “Wherever imaginary beings, created by the fancy and the fears of men, are supposed to preside in nature, and become the objects of worship, superstition always assumes a more severe and atrocious form.”<sup>24</sup>

Most glaring in terms of Haywood and the Deep Southern historiographical tradition he initiated, however, is a particular attribute of Robertson’s historiographical disposition that scholars have missed, Robertson’s revulsion for the ancient American chieftains and his hope for the modern Indians escaped from that ancient, theocratic world.<sup>25</sup> Against the

Robertson beautifully in his essay “The New World and British Historical Thought,” but its illumination of Robertson is limited by a similar lack of wider early American historiographical scope. See Armitage, “The New World and British Historical Thought: From Richard Hakluyt to William Robertson,” in Karen Ordahl Kupperman, ed., *America in European Consciousness, 1493–1750* (UNC Press, 1995). Lastly, Phillipson does note the potential tensions Robertson faced in his mind when it came to writing conjectural vs. providential history, but is otherwise leaves this analytical stone unturned. See Phillipson, “Providence and Progress,” 56–57.

<sup>22</sup> This was not always the case, and could result from the fact that, given the new landscape, the new arena, so to speak, he was not as tempted to incorporate biblical imagery, allusion, harmony. Or intended audience could account for the divergence; for a divergent, younger Robertson writing to a mainly Christian audience, see Robertson’s sermon to the Society of the Propagation of Christian Gospel, *The Situation of the World at the Time of Christ’s Appearance, and Its Connexion with the Success of His Religion, Considered* (Edinburgh, 1755). This was Robertson’s first publication. See Phillipson’s analysis of it in Phillipson, “Providence and Progress,” 68–69.

<sup>23</sup> Robertson, *The History of America*, Vol. I, 296. For instance, when describing humans and animals, Robertson writes in this way: “The passions implanted in the human frame by the hand of nature acquire additional force . . . .” (296).

<sup>24</sup> Robertson, *History of America*, Vol. II, 309.

<sup>25</sup> Phillipson points out that Robertson did not focus at all on ancient North America, but kept to the South. This is not the case, however, as Robertson’s Natchez analysis below makes clear. To be sure, Robertson was concerned with criticizing Spanish colonization, but this in

reddish hues of Haywood and later antebellum southern historians influenced by him, this revulsion shines.

Robertson did not revere the ancient moundbuilders. Revealingly, Robertson was as severe on theocracy and superstition as he was historical malpractice. The three were connected in his mind. The particular “imaginary beings” he discussed in the above instance were the gods of the southern moundbuilders, the Aztecs, and Mississippians. “Spanish accounts” documenting the “progress” of Aztec civilization were, he argued, “highly embellished.” Robertson called such romantic, reverential history skullduggery: “There is not a more frequent or a more fertile source of deception, in describing the manners and arts of savage nations, or of such as are imperfectly civilized, than that of applying to them the names and phrases appropriated to the institutions and refinements of polished life.” Such reasoning was anti-historical, professional malpractice:

When the leader of a small tribe, or the head of a rude community, is dignified with the name of king or emperor, the place of his residence can receive no other name but that of his palace; and whatever his attendants may be, they must be called his court. Under such appellations, they acquire, in our estimation, an importance and dignity which does not belong to them. The illusion spreads, and giving a false colour to every part of the narrative, the

no way prevented him from analyzing what would become known in the 1980s as the Mississippian chiefdoms. See Phillipson, 62–63. Moreover, Phillipson’s analysis of Robertson’s characterization of the Incas and Aztecs (though Robertson was kinder to the Incas than the Aztecs)—Phillipson characterizes Robertson as relatively kind to both—is greatly out of tune in light of his characterization of the rather ‘independent’ Indians who survived that world. See Phillipson, 68–71 and compare with the analysis of Robertson that follows below. For pictures of the world that emerged in the chiefdoms’ ashes, see Robbie Ethridge, “Mapping the Mississippian Shatter Zone,” in Ethridge and Sheri Shuck-Hall, eds., *Mapping the Mississippian Shatter Zone: The Colonial Indian Slave Trade and Regional Instability in the American South* (University of Nebraska Press, 2009); and Stephen A. Kowalewski, “Coalescent Societies,” in Thomas J. Pluckhahn and Robbie Ethridge eds., *Light on the Path: The Anthropology and History of the Southeastern Indians* (University of Alabama Press, 2006).

imagination is so much carried away with the resemblance, that it becomes difficult to discern objects as they really are.<sup>26</sup>

In his analysis of human sacrifice, Robertson does not significantly diverge from recent historical and anthropological accounts.<sup>27</sup> The theocratic religion anchoring the ancient southern chieftains sickened him. For instance, he wrote that Aztec religion increased their brutality:

The aspect of superstition in Mexico was gloomy and atrocious. Its divinities were clothed with terror, and delighted in vengeance. They were exhibited to the people under detestable forms, which created horror. The figures of serpents, of tigers, and of other destructive animals, decorated their temples. Fear was the only principle that inspired their votaries. Fasts, mortifications, and penances, all rigid, and many of them excruciating to an extreme degree, were the means employed to appease the wrath of their gods; and the Mexicans never approached their altars without sprinkling them with blood drawn from their own bodies. But, of all offerings, human sacrifices were deemed the most acceptable. This religious belief, mingling with the implacable spirit of vengeance, and adding new force to it, every captive taken in war was brought to the temple, was devoted as a victim to the deity, and sacrificed with rites no less solemn than cruel. . . . Under the impression of ideas so dreary and terrible, and accustomed daily to scenes of bloodshed, rendered awful by religion, the heart of man must harden, and be steeled to every sentiment of humanity.

Theocratic superstition had made the southern moundbuilders more sinister than the less-civilized “savages” throughout the Americas:

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<sup>26</sup> Robertson, *History of America*, Vol. II, 299.

<sup>27</sup> For instance, see Christina Snyder, *Slavery in Indian Country: the Changing Face of Captivity in Early America* (Harvard University Press, 2010), 36; F. Kent Reilly III, “The Petaloid Motif: A Celestial Symbolic Locative in the Shell Art of Spiro,” in F. Kent Reilly III and James F. Garber, eds., *Ancient Objects and Sacred Realms: Interpretations of Mississippian Iconography* (University of Texas Press, 2007), 46; and Ralph Linton, “The Origin of the Skidi Pawnee Sacrifice to the Morning Star” (1926), in George W. Stocking, Jr., ed., *American Anthropology, 1921–1945: Papers from the American Anthropologist* (The American Anthropological Association, 1976), 118–126. Among the most disturbing sacrifices is the Morning Star sacrifice. A motif among gorgets found at Moundville, Alabama depicts the Morning Star scaffold (see Reilly and Garber, 138–139). James Brooks gives a vivid description of this sacrifice ceremony in *Captives and Cousins: Slavery, Kinship, and Community in the Southwest Borderlands* (UNC Press, 2002). See also Timothy R. Pauketat, *Cahokia: Ancient America’s Great City on the Mississippi* (New York: Penguin Books, 2009), 102–103, 112–113, 131–134.

The spirit of the Mexicans was, accordingly, unfeeling; and the genius of their religion so far counterbalanced the influence of policy and arts, that notwithstanding their progress in both, their manners, instead of softening, became more fierce. To what circumstances it was owing that superstition assumed such a dreadful form among the Mexicans, we have not sufficient knowledge of their history to determine. But its influence is visible, and produced an effect that is singular in the history of the human species. The manners of the people in the new world who had made the greatest progress in the arts of policy, were, in several respects, the most ferocious, and the barbarity of some of their customs exceeded even those of the savage state.<sup>28</sup>

Robertson was horrified to an even greater extent when contemplating the theocracy and superstition of the Natchez chiefdom along St. Catherine's Creek, Mississippi:

Among the nation of the Natchez, situated on the banks of the Mississippi, a difference of rank took place, with which the northern tribes were altogether unacquainted. Some families were reputed noble, and enjoyed hereditary dignity. The body of the people was considered as vile, and formed only for subjection. This distinction was marked by appellations which intimated the high elevation of the one state, and the ignominious depression of the other. The former were called *Respectable*; the latter, the *Stinkards*. The great Chief, in whom the supreme authority was vested, is reputed to be a being of superior nature [,] . . . the brother of the sun, the sole object of their worship. They approach this great chief with religious veneration, and honour him as the representative of their deity. His will is a law to which all submit with implicit obedience. The lives of his subjects are so absolutely at his disposal, that if any one has incurred his displeasure, the offender comes with profound humility, and offers him his head. Nor does the dominion of the chiefs end with their lives: their principal officers, their favourite wives, together with many domestics of inferior rank, are sacrificed at their tombs, that they may be attended in the next world by the same persons who served them in this; and such is the reverence in which they are held, that those victims welcome death with exultation, deeming it a recompense of their fidelity, and a mark of distinction, to be selected to accompany their deceased master. Thus a perfect despotism with its full train of superstition, arrogance, and cruelty, was established among the Natchez . . .<sup>29</sup>

In case the reader retained any further doubt, Robertson was explicit:

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<sup>28</sup> Robertson, *History of America*, Vol. II, 303.

<sup>29</sup> Robertson, *History of America*, Vol. I, 344.

By [superstition's] fatal influence, the human mind, in every stage of its progress, is depressed, and its native vigour and independence subdued. Whoever can acquire the direction of this formidable engine, is secure of dominion over his species. Unfortunately for the people whose institutions are the subject of inquiry, this power was in the hands of their chiefs.<sup>30</sup>

So great was Robertson's fear of the theocracy and superstition he perceived in the ancient South, he near broke his back to give as vivid exempla as possible. The most unsettling among his exempla involved captive burnings, the respected old men deliberating over just how to do it right:

The fate of the prisoners remains still undecided. The old men deliberate concerning it. Some are destined to be tortured to death, in order to satiate the revenge of the conquerors; some to replace the members which the community has lost in that or former wars. . . . A scene ensues, the bare description of which is enough to chill the heart with horror, wherever men have been accustomed, by milder institutions, to respect their species, and to melt into tenderness at the sight of human sufferings. The prisoners are tied naked to a stake, but so as to be at liberty to move round it. All who are present, men, women, and children, rush upon them like furies. Every species of torture is applied that the rancor of revenge can invent. Some burn their limbs with red-hot irons, some mangle their bodies with knives, others tear their flesh from their bones, pluck out their nails by the roots, and rend and twist their sinews. They vie with one another in refinements of torture. Nothing sets bounds to their rage but the dread of abridging the duration of their vengeance by hastening the death of the sufferers; and such is their cruel ingenuity in tormenting, that , by avoiding industriously to hurt any vital part, they often prolong this scene of anguish for several days . . .<sup>31</sup>

Ultimately, though, the picture had since brightened in Robertson's eyes. The South had only grown less theocratic and despotic with the death of the chieftains. "Far the greater part of their captives," Robertson stressed,

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<sup>30</sup> *Ibid.*, 348.

<sup>31</sup> *Ibid.*, 358–359.

"was anciently sacrificed to their vengeance, and it is only since their numbers began to decline fast, that they have generally adopted milder maxims."<sup>32</sup>

Just as Gibbon—another historian writing in the skeptical tradition—noticed with the Roman Empire, Robertson noticed with southern antiquity: southern chieftains' cruelty and superstition ultimately undid them. "One of the female-slaves," Robertson stressed during his analysis of the roots of the Aztec downfall, "whom [Cortés] had received from the caíque of Tabasco, happened to be present at the first interview between Cortes and his" hosts in Tabasco. "This woman, known afterwards by the name of Donna Marina," used her knowledge of her Tabascan masters to help Cortés cripple them.<sup>33</sup>

When Cortés finally made it deep into Mexico, Robertson stressed, the chieftain-oppressed "natives, instead of opposing the entrance of those fatal guests into their country, assisted them in all their operations, with an alacrity of which they had ere long good reason to repent."<sup>34</sup> The Natchez chieftains too, because of their despotism and arrogance, brought upon their people "a singular fatality," which resulted in their people "tast[ing] of the worst calamities . . ."<sup>35</sup> In such an oppressed state, "Neither the courage nor number of the natives could repel a handful of invaders. The alienation and enmity prevalent . . . prevented them from uniting in any common scheme of defence, and while each tribe fought separately, all were subdued" by

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<sup>32</sup> *Ibid.*, 367. The "they" to whom Robertson is here referring are the ancient chiefdoms and tribes themselves; however, as has been clearly demonstrated, it is clear that Robertson associates the cruelties and barbarisms of American antiquity with the chieftains and their theocratic system of power.

<sup>33</sup> Robertson, *History of America*, Vol. II, 12; see also Gibbon, *History of the Decline and Fall of the Roman Empire*.

<sup>34</sup> Robertson, *History of America*, Vol. II, 13.

<sup>35</sup> Robertson *History of America*, Vol. I, 344–345.

Europeans.<sup>36</sup> It was most certainly not because of any extermination from without, no apocalyptic annihilation, that the southern moundbuilding civilizations fell. Demonic armies, or ancient giants, did not massacre the moundbuilders; other Indians and Europeans easily conquered the moundbuilders due to the oppressive and unstable nature of their own indigenous theocratic despotism.

### Attempted Heeding

No American historian of American antiquity exemplified the Enlightenment historiographical tradition better than Pennsylvania physician, naturalist, and historian Benjamin Smith Barton (1766–1815). Barton grew up in the Pennsylvanian countryside along Conestoga Creek, in the outskirts of Carlisle, where his father, an Irish emigrant, was an Anglican missionary to Native Americans. In 1784 Barton studied medicine under William Shippen, Jr., at the College of Philadelphia (what became the University of Pennsylvania) before traveling to the University of Edinburgh in 1786, continuing his medical studies amid the Scottish Enlightenment. While in Scotland, Barton paid close attention to the ancient barrows in the landscape, and may even have traveled to Ireland, analyzing its barrows. He returned to America in 1789 to lecture at the University of Pennsylvania, where, eventually, in 1798, he succeeded Benjamin Rush to the Professorship of the Theory and Practice of Medicine. In Philadelphia Barton was able to also find

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<sup>36</sup> *Ibid.*, 369.

colleagues sharing his interest in antiquities, and served as vice president of the American Philosophical Society from 1802 to 1815, the year he died.<sup>37</sup>

Barton wrote his first treatise on ancient America, *Observations on Some Parts of Natural History* (1787), while a student at Edinburgh, and Humean skepticism pervades its arguments. Indeed, Barton's first history is a brilliant example of an historian's methodology saving his history and furthering the conversation over truth. Barton's conclusion about Indian origins in *Observations* is false, and yet his skepticism posed much less a threat to brutalizing truth than Haywood and the early modern, occult historiographical tradition's theologically-derived certainty.

Barton's goals and sense of purpose are Humean:

The facts and observations contained in the foregoing section, are, of themselves, sufficiently numerous to serve as DATA, from which we might deduce inferences of some importance in the ancient *History of North America*.

But as in *Philosophy*, so in *History* also, it should be the serious duty of every inquirer to augment the volume of facts, and to indulge as little as possible in the reveries of FANCY and CONJECTURE.<sup>38</sup>

He wore his fallibility on his sleeve from the first pages: "Notwithstanding all the labours of the learned, we are still much in the dark concerning the origin of the American nations." Still, he was optimistic: but what has hitherto been unaccomplished . . . is, perhaps, reserved for the

<sup>37</sup> University of Pennsylvania Archives and Records Center, Historical Features, Penn Biographies, "Benjamin Smith Barton," n.d.

[http://www.archives.upenn.edu/people/1700s/barton\\_benj\\_smith.html](http://www.archives.upenn.edu/people/1700s/barton_benj_smith.html) Barton left Edinburgh without receiving the M.D. due to falling into debt and thereafter moved to Germany, where he studied at the University of Göttingen, but did not receive an M.D. There are of yet unfortunately no thorough book treatments of Barton and his legacy.

<sup>38</sup> Benjamin Smith Barton, *Observations on Some Parts of Natural History: to which is Prefixed an Account of Several Remarkable Vestiges of an Ancient Date, which have been Discovered in Different Parts of North America* (2 parts) (London: C. Dilly, 1787), Part I, 29.

genius of some future American: it will at least be in his power to dissipate a part of the gloom, in which the present subject is involved." And the work would be necessarily hard and rigorous: "let [the scholar] learn the languages of the natives, compare them with those of the nations of the old world and, and his labours will be amply rewarded.—It is thus only he can redeem the history of the origin of a people, some of whom have, probably, once made a distinguished figure on the theatre of the world . . . ."<sup>39</sup>

Barton is clear about the kind of historian he is writing against: "In an inquiry such as the present, he should more especially guard against indulgences of this nature; because there is a strange propension in man to dwell on the more obscure and hidden subjects of knowledge:—to EXERCISE his IMAGINATION whilst his JUDGMENT is suffered to remain PASSIVE."<sup>40</sup>

Like any young, self-conscious scholar, Barton must have had nightmares about doing violence to his subject matter:

Unaccustomed therefore as I am to researches of this kind, the humble business of relating facts will better befit me.—I will attempt then to check the speculative spirit of the young man; I will be content to appear the faithful narrator, and I will leave those, who may honour this little work with a reading to draw their own conclusions; each, it is probable, will think differently on the subject; my opinion then, even though I were capable of forming one, would not only be useless, but impertinent.<sup>41</sup>

Like many young, self-conscious scholars, he was slow to notice his own biases: "Notwithstanding all the inquiries which have been made, the oldest INDIANS are incapable of giving any account of this curious ANTIQUITY:

<sup>39</sup> *Ibid.*, iv–v.

<sup>40</sup> *Ibid.*, 29.

<sup>41</sup> *Ibid.*, 11–12.

they, indeed, seem to regard it with a species of veneration; but then it is to be remembered, that many of the productions of NATURE, such as the falls or rapids of a river, a mountain, a tree, or a reptile of uncommon size, nay, even the production of ART, such as a watch, a compass, and many others, are regarded with a similar superstition.”<sup>42</sup>

Moreover, when noting that few contemporary Indians constructed mounds, Barton stressed to the reader: “But, it will perhaps be inquired, are there not vast countries in NORTH AMERICA, with which we are as yet entirely unacquainted? And may not some of these countries be the residence of a people, who among other customs, (materially different from those of the nations which are known to us) may still reserve that of entombing their dead in large eminences?” To be sure, he admitted:

I acknowledge the justness of the question: I am not ignorant what an immensity of AMERICAN territories has hitherto been untrodden by the footsteps of CIVILIZED MAN; and how many ages must probably elapse, are even a small portion of it can be accurately investigated.

It would then be presumptuous to assert, that the practice alluded to does no longer exist; what I have said above has reference to those nations of INDIANS only whose manners, &c. are known to us.<sup>43</sup>

Still, Barton could not stop himself from refusing his own advise against speculating on incomplete evidence when hanging his lantern into the dark: “When we consider, therefore, that these nations have not furnished us with one monument of their industry or of their skill, we are naturally led to inquire by whom the several remarkable remains, (of which such frequent mention has been made in the foregoing pages) were constructed?” And it

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<sup>42</sup> *Ibid.*, 20.

<sup>43</sup> *Ibid.*, 26–27.

gets a bit worse from this point, although Barton nobly never allowed himself to escape his limitations in front of his readers:

It was, originally, my intention to have declined giving any opinion on the subject; as I advanced, however, in the work, I became more confident: I ventured to conjecture, and, at length, I even determined to give my conjecture to the PUBLIC. In doing this, I perhaps forgot for a time that prudent diffidence, which in the eyes of some of my readers might have extenuated many of the errors of this little work. But I am confident that to others, a conjecture, though unsupported by age or by reputation, will not be unacceptable; I shall not, therefore hesitate to offer one, though I do it with the greatest diffidence.<sup>44</sup>

It is almost as if Robertson felt like he needed to apologize to future readers before entertaining the idea that, given how the American Indians now live, the Welsh are possible candidates for the ancient mounds' source: "Among the number of the nations which have contended for the merit of this important discovery, which produced a revolution in the accumulated knowledge of some thousand years, the inhabitants of a small part of BRITAIN called WALES, have supported their pretensions by an appeal to the page of history, and by other authorities."<sup>45</sup>

Then again, his skepticism forced him to offer a qualification:

Yet so strange is the infatuation of man, that instances might be adduced, where an inference of some magnitude has been drawn from the similarity of a noun or a verb in two different quarters of the earth.

The favourers of the colonization of a part of AMERICA, by Prince Madoc and his adherents, are a remarkable example of the truth of this observation. By some attention to the language of the natives of the southern continent of AMERICA, it has been observed, that the word PENGUIN (which is also a *Welsh* word) was the name applied to one of the birds peculiar to that region.<sup>46</sup>

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<sup>44</sup> *Ibid.*, 40–41.

<sup>45</sup> *Ibid.*, 42.

<sup>46</sup> *Ibid.*, 46.

The direct inspirer of this skeptical qualification was the Principal of his university's—Robertson's—historiography: "This celebrated historian remarks, that if 'the Welsh, towards the close of the twelfth century, had settled in any part of America, some remains of the Christian doctrine and rites must have been found among their descendants . . .'"<sup>47</sup>

Just because a conjecture is based upon scanty evidence, to say the least, however, did not mean that American citizens would not embrace it:

It may, perhaps, be supposed that I have taken an unnecessary trouble in attempting to controvert the opinion of those who imagine, that America was discovered and colonized by Prince Madoc and his countrymen.

But rude and conjectural as this opinion most certainly is, it has of late been embraced by many, in different parts of AMERICA; and the remains which have been discovered near *Lexington*, those at the river *Muskingum*,<sup>48</sup> and many others, are there considered as the workmanship of the WELSH.

Indeed, "Those who are acquainted with the antiquities of BRITAIN, the barrows . . . will, perhaps, be thought to afford a strong argument in support" of the Prince Madoc/Welsh hypothesis. "These [American] barrows considerably resemble the *British conic tumuli* . . ." Yet the work of another skeptic writing in the Enlightenment historiographical tradition, Thomas Jefferson, called this archaeological point into question. In his *Notes on the State of Virginia* (1785), Jefferson concluded that grave mounds he excavated in his planting lands along the Rivanna River were, contrary to fanciful hypotheses arising in the young nation, the monuments of ancient

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<sup>47</sup> *Ibid.*, 47. Barton is quoting here from Robertson, *History of America*, Vol. I, 437–438.

<sup>48</sup> Barton, *Observations on Some Parts of Natural History*, Part I, 48. Barton is likely here referring to the Marietta mounds in modern-day Ohio.

Indians.<sup>49</sup> Barton had been inspired by it: "But the American barrows, although several of them have been opened with accuracy by Mr. Jefferson, and other ingenious gentlemen, are found to contain bones only, whereas the British 'are productive, when neatly and correctly explored, of many curious and valuable relicts.'"<sup>50</sup>

Finally, before Barton offered the conjecture he was originally reticent to offer, another caution: "But we are, and must for ever be ignorant of the time when these eminences were constructed: all we can say on this head is, that their antiquity is very great, perhaps, far beyond the annals of any of the AMERICAN NATIONS."<sup>51</sup>

Barton, in the end, could not write the Irish barrows—likely haunting his memory since he had visited them across the Irish Sea—from his mind. In gloomy Edinburgh, he wrote: In *Ireland*, however, eminences similar to many of the *American* still exist in great numbers.<sup>52</sup> He went on, "Nor are the eminences the only remains which are found in IRELAND similar to those of AMERICA. The RATHS or FORTS . . . bear a great similitude to shoe near LEXINGTON, near the MUSKINGUM, and to others in different parts of

<sup>49</sup> Merrill Peterson, ed., Thomas Jefferson, *Notes on the State of Virginia* (1785) (1984), 223–226. For greater context on Jefferson's archeological dig upon the banks of the Rivanna, and debates about Jefferson's anthropological legacy, see David Hurts Thomas, "Thomas Jefferson's Conflicted Legacy in American Archaeology," in Douglas Seefeldt, Jeffrey L. Hantman, Onuf, eds., *Across the Continent* (UVA Press, 2005), 84–131.

<sup>50</sup> Barton, *Observations on Some Parts of Natural History*, Part I, 48–49. Barton is quoting here from James Douglas's *Nenia Britannica: or, a Sepulchral History of Great Britain* (1793); and is also referring to Thomas Jefferson's *Notes on the State of Virginia* (1785). See Merrill Peterson, ed., Thomas Jefferson, *Notes on the State of Virginia* (New York, 1984), 223–224.

<sup>51</sup> Barton, *Observations on Some Parts of Natural History*, Part I, 59.

<sup>52</sup> *Ibid.*, 63.

AMERICA.”<sup>53</sup> Barton had studied that the raths “were built by the Danes; but I have not been able to learn at what period.” Thus, Barton’s 1787 hypothesis: “From these circumstances I am induced to think, that the DANES have contributed to the peopling of AMERICA; and that the TOLTECAS, or whatever nation it may have been, that constructed the eminences and fortifications in that continent, were their descendants.” Then doubt and fear creep in: “I will not attempt to ascertain the area at which the DANES migrated to the NEW WORLD. History, so far as I know, is silent on this subject; but we well know that long before the *Norman Invasion*, these people were remarkable for the boldness and the extent of their voyages: they penetrated into *Iceland*, *Greenland*, and other parts of *Europe*, and nothing could obstruct the daring spirit which actuated them.”<sup>54</sup> And of course: “I submit [this] to the PUBLIC, with the greatest diffidence; and as the first effort of a very young man, it may, perhaps, be received with candour:—I know, at least, that I am addressing myself, principally, to a candid and a generous nation.”<sup>55</sup>

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Fortunately for Barton (and posterity), his Humean methodology was constantly reining him in, cautioning him against making arguments without testable evidence, reminding him that he was not writing scripture dictated him through God’s mouth.

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<sup>53</sup> *Ibid.*, 64. Barton is again here likely referring to the Marietta works in Ohio.

<sup>54</sup> *Ibid.*, 65.

<sup>55</sup> *Ibid.*, 67.

Indeed, in 1797, back in America and Professor of Materia Medica at the University of Pennsylvania, Barton dedicated a *revision* of his Indian hypothesis to Mr. Jefferson, appropriately named *New Views of the Origin of the Tribes and Nations of America*. Barton was honored, elated even, to have the chance to make this revision:

SIR,

IF the following pages were more perfect, and of course more worthy of your notice, I should have taken additional pleasure in inscribing them to you. Even, however, in their present imperfect state, I flatter myself that you will receive them as a testimony of my high sense of your talents and virtues, and of your eminent services to your country.

Barton continued, "These pages are, with peculiar propriety, inscribed to you. I now not that any person has paid so much attention to the subject which they involve; I know no one who places an higher value upon the question which I have ventured to discuss." Barton knew that

Although, in the progress of my inquiry, I have differed from you, in one or two essential points, I cannot suppose that on that account the investigation of the question will be the less agreeable to you. I am confident, from my personal acquaintance with you, that you are anxious for the discovery of truth, and ardent to embrace it, in whatever form it may present itself. It is the jewel which all good and wise men are in pursuit of. It is the *punctum saliens* [leaping point] of science.

And perhaps it was growing up in the vicinity of the Conestoga Massacre, the ghosts of Paxton Boys hatcheting innocents in his nightmares, but Barton had come to realize that the writing of ancient American history had to do with Indian extermination:

"I regret, with you, Sir, the evanishment of so many of the tribes and nations of America. I regret, with you, the want of a zeal among our countrymen for collecting materials concerning the history of these people."<sup>56</sup>

Barton now believed that "Natural History, which opens the door to so much precious knowledge concerning mankind, teaches us, that the physical differences between nations are but inconsiderable." Even modern Americans could fall into a savage state: "history informs us, that civilization has been constantly preceded by barbarity and rudeness. It teaches us, a mortifying truth, that nations may relapse into rudeness again; all their proud monuments crumbled into dust, and themselves, no savages, subjects of contemplation among civilized nations and philosophers." He forebodingly had to wonder, "In the immense scheme of nature, which the feeble mind of man cannot fully comprehend, it may be our lot to fall into rudeness once more."<sup>57</sup>

With Hume, Barton recognized that culture and nature combined to shape similar human minds everywhere: "There are good reasons for conjecturing, that the ancestors of many of the savage tribes of America are the descendants of nations who had attained to a much higher degree of polish than themselves." Enlightened analysis had guided Barton to throw away his Danish hypothesis: "My inquiries, at least, seem to render it certain,

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<sup>56</sup> Barton, *New Views of the Origin of the Tribes and Nations of America* (Philadelphia: John Bloren, 1797), iii–v. The Conestoga Massacre happened in the vicinity of Lancaster, Pennsylvania in 1763, part of the cycles of violence in the American frontier involving angry Euro-American settlers resentful of Indian attacks in the wake of Euro-American's pushing further into the trans-Appalachian west, and also resentful of colonial governments refusing to aid them in their westward push. See Kevin Kenny, *Peaceable Kingdom Lost: the Paxton Boys and the Destruction of William Penn's Holy Experiment* (Oxford University Press, 2009).

<sup>57</sup> Barton, *New Views*, v.

that the Americans are not, as some writers have supposed, specifically different from the Persians, and other improved nations of Asia."

The connections Barton noticed between governmental policy and historiography are striking: "The inference from this discovery is interesting and important. We learn that the Americans are susceptible of improvement."<sup>58</sup> Getting ancient American history right meant not only helping Indians survive in an increasingly industrial, capitalistic West, but also helping Indians live better lives. Barton's new vision was blatantly Jeffersonian—positivistic, idealistically optimistic. An empire of democracy—paradoxical though it sounds—might be spread across the continent by Enlightenment missionaries:

If civilization be a blessing; if man by relinquishing the condition of the savage or barbarian, assumes a more independent station in the range of human affairs; if in proportion to his advancement to improvement (I speak not of a vicious refinement), he is even fitting himself for the enjoyment of higher comforts, of unmeasured happiness elsewhere; it is surely worth y they attention of the good and wise to endeavor to extend the empire of civility and knowledge among the numerous nations who are scattered over the countries of America.

Then, foreboding set in: I known not, Sir, whether ever the government of our country will think the civilization of the Indians a matter of as much importance as I do."<sup>59</sup> Indian opponents, Barton knew, formed a strong party in the landscape, and like him, they were writing histories. "The libraries of ancient and of modern times," Barton lamented, "have been ransacked" by historians holding contempt for proper methodology. They were "men of learning and of labour," of "genius and imagination," and their "eloquence has

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<sup>58</sup> *Ibid.*, v–vi.

<sup>59</sup> *Ibid.*, vi.

sometimes moulded the subject into beauty." However, in their skulls "religious prejudices, which mix themselves with so many of the actions and the thoughts of men, have only tended to obscure the question, by creating proofs, and by poisoning the sources of a purer information."<sup>60</sup> Still, Barton's conscience must have its way regardless: "I must confess, that I derive a portion of my happiness from supposing that they will. Should I be disappointed, I shall have no occasion to look back, with pain or remorse, to the times when I have indulged my feelings on the subject."<sup>61</sup>

Barton, a bit more mature, and now holder of a prestigious chair at Penn, possessed the reasoning and courage to, like Hume and Robertson, write against the entrenched early modern historiographical grain:

[T]he theories of all the writers on the subject may, as far as my memory serves me, be distributed into two great classes. The first class embraces those writers who suppose, that the countries of America derived their inhabitants from Asia, from Europe, from Africa, or from the unknown Atlantis. The second class embraces those who suppose, that the Americans are in strict language the aborigines of the soil, and not emigrants from other parts of the world.<sup>62</sup>

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Scholars have not analyzed Barton's quite revealing dichotomy. Notice that in this first class Barton lumps in together the Asian and European origin theses, juxtaposing them with what could be called the "time immemorial" thesis, the second class, who believed that Indians had lived in the American landscape for so long that *origins* mattered little. One might as well enquire as to the origin of man, a question which, pre- Darwin, was, to skeptics'

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<sup>60</sup> *Ibid.*, ii–iii.

<sup>61</sup> *Ibid.*, vi–vii.

<sup>62</sup> *Ibid.*, iii–iv.

satisfaction at least, unanswerable. Advocates of the second class were still the minority among historians when Barton wrote in the 1790s, overshadowed by historians such as James Adair, in Barton's eyes the kookiest among the first class. In spite of all the useful ethnographic details he captured, Adair managed to argue in his *History of the American Indians* (1775)—supported often by bogus symbolic analysis, no less—for the Hebrew origins of Indians.<sup>63</sup>

Advocates of the first position, Barton lamented, held the power: "The favourers of the first opinion are much the most numerous; and, in general, they have been men of the most learning and research. On this side are placed Joseph Acosta, . . . John De Laet, Hugo Grotius, . . . and an hundred others."<sup>64</sup> In his *De Origine Gentium Americanarum Dissertatio* (1642), Grotius argued that the Indians were Scandinavian emigrants, and de Laet, disagreeing with Grotius, proposed the Scythians in *Joannis de Laet Antwerpiani Notae ad Dissertationem Hugonis Grotii de Origine Gentium Americanarum* (1643).<sup>65</sup> In agreement with these early modern historians, and against infidels such as Jefferson, "of course, the clergy take their stand." For most theologians the latter was the only historiographical game in town.

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<sup>63</sup> *Ibid.*, iii. See Kathryn E. Holland Braund, ed. James Adair, *History of the American Indians* (1775) (University of Alabama Press, 2005).

<sup>64</sup> Barton, *New Views*, iv–v.

<sup>65</sup> See Hugo Grotius, *De Origine Gentium Americanarum Dissertatio* (Paris and Amsterdam, 1642); and Johannes de Laet, *Joannis de Laet Antwerpiani notae ad dissertationem Hugonis Grotii de origine gentium Americanarum: et observations aliquot ad meliorem indaginem difficillimae illius quæstionis* (Amsterdam, 1643). For a good summary of the latter two historians, see the classic, Justin Winsor, "The Progress of Opinion Respecting the Origin and Antiquity of Man in America," in Winsor, ed. *Narrative and Critical History of America* (8 vols.) (New York: Houghton Mifflin, 1889), Vol. I, 369–370. This Scythian thesis had been forwarded by Acosta, and would be utilized by Cotton Mather, both of which are analyzed below.

Given the Genesis account, combined with the young age of the earth asserted by most clergymen (and most Euro-Americans in general in the early nineteenth century), some kind of relatively recent emigration from Europe, Asia, or Africa was the only option.<sup>66</sup>

Prominent among the first class's opponents was "the author of *Le Philosophe Douceur* (1775), the late Mr. de Voltaire." Although this minority had mostly "examined the question in a very superficial manner," Barton, like Jefferson, was inclined to agree with its skeptical bent, best exemplified by Voltaire in *The Philosophy of History* (1766). Although Voltaire held to a pre-Darwinian multiracial hypothesis to explain the diversity among human appearances, he was humble enough to realize the inadequacy of the current nature of history and science to answer origins questions authoritatively, and in this much is in tight harmony with Hume's methodology:

Can it still be asked from whence came the men who people America? The same question might be asked with regard to the Terra Australis. They are much farther distant from the port which Columbus sat out from, than the Antilles. Men and beasts have been found in all parts of the earth that are inhabitable; Who placed them there? We have already answered he [Voltaire was a Deist] that caused the grass to grow in the fields; and it is no more surprising to find men in America than it is to find flies there.<sup>67</sup>

Scholars have missed that Barton became a member of a minority *within* a minority most probably damned to Hell. For like Voltaire, Robertson, and Jefferson, Barton was ultimately agnostic about Indian origins. This is to

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<sup>66</sup> Barton, *New Views*, v. See also Gary D. Rosenberg, ed., *The Revolution in Geology from the Renaissance to the Enlightenment* (Boulder, Colorado: The Geological Society of America, 2009).

<sup>67</sup> Barton, *New Views*, v–vii. Barton is quoting from Voltaire, *The Philosophy of History* (London, 1766). Barton says of *Le Philosophe Douceur* (Berlin, 1775), "I have never seen this work" (Barton, *New Views*, vi).

say that Barton's characterization of the 'two classes' of historiographical thought on ancient America are too general to describe the nuance in Barton's approach. Like Robertson and Jefferson, although he believed it was *probable* that sometime deep in the ancient past Indians emigrated to America from somewhere within the massive Asian continent, Barton's Humean methodology prevented him from claiming to know with anything like certainty precisely when or wherefrom.<sup>68</sup> He summed his revision up:

It must be confessed that climate and food, and other physical causes, are adequate to the production of great changes in the constitution of mankind. But these changes are wrought only in a long course of time. Many centuries have not been able to efface the resemblances in figure and complexion of the Americans to the Asiatics. Independent on language, on religions, on mythology, on traditions, on customs and manners, the naturalist, or man of observation, would be induced to declare, that the nations of America and many nations of Asia are the same. So certain are physical tests, since they are confirmed by the similarity of language.<sup>69</sup>

Lastly, Barton revised one other point that deserves celebration. He had been too quick, too biased and closed minded to write off Indian oral histories in his earlier *Observations*. [W]ere it not for the traditions of many American nations we might for ever remain in doubt concerning the real origin

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<sup>68</sup> Voltaire's teacher, the Jesuit historian Pierre François Xavier de Charlevoix (1682–1761) captured, Barton wrote, his sentiments about deep time in ancient America best in his *Voyages to North America* (1766): "I conclude, that if those characteristical Marks [of any language in Europe or Asia] are found in the *American Languages*, we cannot reasonably doubt of their being truly original; and, consequently, that the People who speak them have passed over into that Hemisphere, a short Time after the first Dispersion of Mankind; especially if they are entirely unknown in our Continent" (Barton, *New Views*, xi–xii). Barton is quoting from Charlevoix, *Voyages to North America* (2 vols.) (Dublin: John Exshaw and James Potts, 1766), Vol. I, 43. This is a somewhat ironic inspiration in that Charlevoix, a Jesuit, wrote in part to reconcile American origins with the biblical account of Noah's flood. Still, his methodology is often strikingly historicist, and as a result, his findings often nuanced. For a fascinating summary of the early modern interest in American origins, see Charlevoix, 1–48. For context on Charlevoix, see David Allen Harvey, *The French Enlightenment and Its Others: the Mandarin, the Savage, and the Invention of the Human Sciences* (New York: Palgrave Macmillan, 2012), 78–82.

<sup>69</sup> Barton, *New Views*, xvi–xvii.

of these people.”<sup>70</sup> When discussing the Delawares, Barton pointed out, perhaps with a grin, “The name by which these Indians are best known, that of Delawares, was imposed upon them by the English, because they inhabited the waters of the river Delaware. The French writers call them Loups. They, I have already observed, call themselves Lenni-Lennàpe, which signifies the ORIGINAL PEOPLE.”<sup>71</sup>

Beyond this point, given the scientific and historiographical limits of the time, the ancient American past remained near pitch dark yet. Hume, Robertson, and Jefferson all feared the danger of historians claiming to know something they do not know, and compassionate Barton—having been mistaken in 1787—must have sensed this danger deeply. Would that Haywood had.

Barton spent the remainder of *New Views* about the gritty work of analyzing specific Native American words, confident that in some way the facts would help future historians refine and refine truth; for instance:

#### XLVII. W IN T E R.

Lenni-Lennàpe. – *Lowan*.<sup>72</sup>

#### Interim

If Haywood wrote against Enlightenment historiography of ancient America entirely, he scarcely harmonized with less rigorous and quite visionary contemporaries writing just before, and during the time in which he wrote the *CA*.

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<sup>70</sup> *Ibid.*, xv.

<sup>71</sup> *Ibid.*, xxv.

<sup>72</sup> *Ibid.*, 64.

Haywood was not the only of his contemporaries to propose an extermination thesis to account for the disappearance of a seemingly civilized race capable of mound building. Historians Amos Stoddard, John Filson, and James McCulloh each toyed with an ancient massacre as explanation.<sup>73</sup> Each of these historians also hypothesized that ancient Welsh emigrants might have built the mounds, among other explanations. Rumors of white descendants of the earliest human inhabitants of North America date back deep into the colonial past, and such hypotheses were indeed the well of ideas, of possibilities, into which Haywood dipped his pail. More important among these contemporaneous histories, however, is what they reveal of the void Haywood sought to fill.

For instance, Stoddard, Commandant of the Upper Louisiana Territory, observed in his *Sketches of Louisiana* (1812): “Historians have but partially noticed that country; none of their works seem to embrace, in regular detail, any considerable number of years; they are extremely barren of events, and unfortunately contain many chasms. These are in part supplied from some ancient manuscript journals, and other documents, to which I gained

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<sup>73</sup> Similarly, Constantine Rafinesque (1783–1840) wrote of ancient wars in his *Annals of Kentucky* (1824), but nor was Haywood in discussion with him. See Rafinesque, *Annals of Kentucky: with a Survey of the Ancient Monuments of North America* (Frankfurt, KY: 1824). Rafinesque did consult Haywood, though he does not tell us which text. Rafinesque’s is a bogus history methodologically pell-mell, but he does not use words like “extermination” nor call anyone in the landscape “murderers.” See also Lewis, *Democracy of Facts*, 103. Lewis spends considerably more time on Rafinesque than Haywood; see n5.

access; yet it is to be regretted that materials are still wanting to exhibit even the prominent historians features of Louisiana.”<sup>74</sup>

Moreover, “The paucity of veracious materials, forbade the hope of an entire and complete work, and therefore SKETCHES only have been attempted. That there are many omissions and errors, is more than probable; but who is able at this early period, to supply the first, or fully to correct the second?”<sup>75</sup> It was the same with much of the Old Southwest in the early nineteenth century. John Filson, historian of Kentucky, lamented this in the 1780s, but was hopeful: “The day is not far distant, when the farthest recesses of this continent will be explored, and the accounts of the Welsh established beyond the possibility of a doubt, or consigned to that oblivion which has already received so many suppositions founded on arguments as plausible as these.”<sup>76</sup>

Thus, the purpose of Stoddard’s *Sketches*: “to excite a spirit of enquiry. The subject is particularly interesting to the learned, at least of sufficient importance to awaken their curiosity, and to stimulate their enterprise; it

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<sup>74</sup> Stoddard, *Sketches, Historical and Descriptive, of Louisiana*, vi. Stoddard was a lawyer and soldier. A brief biography of him can be found in Lee Ann Sandweiss, ed., *Seeking St. Louis: Voices from a River City, 1670–2000* (Missouri Historical Society Press, 2000):

In 1804, Captain Stoddard became the central figure in the transfer of the Upper Louisiana Territory. In a period spanning two days, Stoddard received the territory from Spain in the name of France (a cession that had been agreed upon three years earlier but never formally completed), delivered the territory to the United States from France, and then assumed command as its first Civil Commandant. With the purchase of Upper Louisiana, the United States more than doubled in size. The following states emerged from the acquired land and were admitted to the Union: Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, North and South Dakota, Oklahoma, and Wyoming (Sandweiss, 35).

<sup>75</sup> Stoddard, vii.

<sup>76</sup> Filson, *The Discovery, Settlement, and Present State of Kentucky*, 98.

cannot be too often revived, nor too strictly investigated.”<sup>77</sup> Had he not died of tetanus, Stoddard might have heeded his own call. But in 1813 he was hit by shrapnel fighting Indians allied with the British in Canada, contracted tetanus, and died writhing in pain, his jaw locked tight.<sup>78</sup>

McCulloh too, voiced the task—exposed the gap—in 1813, at first in a way with which Haywood, and many who came after him, would certainly have agreed:

It seems to be of little use to enlarge upon the importance of the subject, I have undertaken to write on;—every thing connected with the history of man attracts our sensibility; and as men look forward to remembrance after their departure from earth, and cannot separate the idea of still existing, from their present consciousness, so we are also looking backward to the former races of living men, the possessors of the same earth in which we find ourselves, and who we feel must have been actuated by like views, desires, fears, and subject to all the changes, casualties, joys and misfortunes, which are in the picture of the world before us at present. This interest is manifested in all the inquiries which men have incessantly directed towards their progenitors; and in the memorials of every kind, which they have attempted to set up and preserve. The common morality to which all generations are subject, adds to a peculiar feeling and tenderness to the interest universally felt; when we inquire for those who have been, and no longer are. We look back for the traces of their being, with a pleasing pensive desire to know more of them;—a desire which is not quashed; but rather grows under the difficulty of carrying on the inquiry, through the accumulation of years and ages.

Put another way,

though the obscurity which at once excites and opposes the inquiry, hangs, like an immovable cloud, upon the eldest times of nations, yet it is capable of some enlightening from the reflection of circumstances, incidents and narrations, coincident and coeval, that from one side or the other break into the darkness. The collection, arrangement and exposition of these become

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<sup>77</sup> Stoddard, 488.

<sup>78</sup> Charles Kitchell Gardner, *A Dictionary of All Officers, Who Have Been Commissioned, or Have Been Appointed and Served, in the Army of the United States . . .* (New York: G. P. Putnam and Company, 1853), 430.

the object of inquisitive persons, and facilitate the acquisition of such knowledge as is desired upon the subject.<sup>79</sup>

But just as Haywood did not share Filson and Stoddard's humility, nor would he have agreed with McCulloh—Maryland physician educated at the University of Pennsylvania, and admirer of William Robertson—on the problems of theologically-steeped historiography:

From the days of Noah, distinguished in most of the ancient histories, till about 500 years before Christ, we have scarcely a fact to rest upon; and if serious difficulties arise to historians in treating of events after this period, when history assumes a form tolerably connected and regular, what shall they not have to struggle with, who, in pursuit of their object, are forced on those ages, the remembrance of which is only preserved in monstrous and mutilated traditions? They indeed hint of great events that have passed, and exploits famous in the transaction; but the story has died with the actors and witnesses, and is for ever lost.<sup>80</sup>

But as if beckoning a Haywood-type to fill the lacuna, McCulloh went on:

Perhaps no event in the history of the world, ever excited such interest among the philosophick and inquiring, as the discovery of America; almost every circumstance connected with this continent was the subject of infinite debate and speculation. In process of time many of these obscure and difficult points were explained away, and settled to the general satisfaction of the literary world; but other questions, and some of them of the greatest importance to philosophers, have been left nearly if not wholly in their original obscurity. Among these is the origin of the American Indians. Whence come they? In what age did they arrive, and in what manner?<sup>81</sup>

McCulloh suspected a great massacre of what he describes as "imperfectly civilized" people who constructed the "rude" mounds, but ultimately admitted of the massacre and its times: "It is much to be regretted, that so little exertion has been made by our countrymen to investigate these

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<sup>79</sup> McCulloh, *Researches on America*, xii, xiii.

<sup>80</sup> *Ibid.*, xiv–xv.

<sup>81</sup> *Ibid.*, xviii.

curious antiquities. The few specimens that are seen, are only such as chance and accident have thrown in the way; and even when thus brought to light, the ignorance or carelessness of the possessors, either wantonly destroy, or suffer these interesting curiosities to be lost.<sup>82</sup> Indeed, ultimately, though he could speculate daylong, all the wise man could conclude was:

[W]ith the mounds and fortifications of America, we have no agreeable, no inspiring associations. We see “The bones of men in some forgotten battle slain,”—we see the labours of their hands desolated,—their rude works overgrown by the trees of the forest;—whilst the nation that raised these works, together with her patriots and her heroes, has disappeared, and has not left even a name behind. And the last and only remembrance of them which has reached our time, has been only preserved by a recollection of their ruin and extermination, and the terrible effusion of their blood.<sup>83</sup>

In light of what Haywood would write, McCulloh concluded with stunning honesty:

I must acknowledge, previous to concluding this inquiry, that I am not satisfied in every point with my conjectures upon these American antiquities. Indeed, the credulity of any one must be uncommonly great, who could believe, he had thoroughly investigated and explained such ancient and mysterious difficulties. We are without records or traditions, or in fact any other help than a plausible theory; and other theories may perhaps explain and reconcile the difficulties under which the subject lies, just as well; and I am afraid, that all the light which will be ever thrown upon the subject, will be through the uncertain medium of conjecture.<sup>84</sup>

Given the nature of the evidence and the fury of public interest in this crucial subject matter, however, McCulloh was certain about one thing: “Time, philosophical research and examination, may perhaps give us a knowledge of these remains; but at present we must be silent, and leave them in almost

<sup>82</sup> *Ibid.*, 201 (first quote), 209 (second and third quotes).

<sup>83</sup> *Ibid.*, 209–210.

<sup>84</sup> *Ibid.*, 219–220. McCulloh did, prior, include the account of one, “Mr. Thomas Bodely” and others, who, in the late eighteenth and early nineteenth centuries, heard accounts from deep in the interior that, at some point in the past, an ancient band of whites had been massacred by Indians; but he acknowledged the details were sketchy and slim (See 210 –211).

cimerian darkness.”<sup>85</sup> As if Rebecca Nurse out of Arthur Miller’s *The Crucible* (1953)—“There is prodigious danger in the seeking of loose spirits”—McCulloh echoed something that Filson had also found out: this distant past “darkly glimmers” from “the obscurity of [the] ages.”<sup>86</sup>

It is fascinating to notice that Haywood and those in the cult that followed him would seek to achieve all of these goals; as far as they were concerned, by 1865 at least, it would not be a stretch to say they were successful.

### A Most Brutal Historiography

In *The Name of War* (1998), historian Jill Lepore has demonstrated the brutal ends Cotton and his father, Increase Mather were capable of using the writing of history to achieve. Lepore does not explore Cotton Mather’s conjuration of the Scythians, but she illuminates and emphasizes the murderous effects of the vile language both Cotton and Increase used in their histories of King Philip’s War. The word-painted images of irredeemably “treacherous,” “barbarous,” and “satanic” savages constructed by this father-son historian duo took root deep in the American conscience, Lepore argues, and influenced events far beyond the seventeenth century—massacres of Native Americans across the nineteenth-century Indian Removal to Wounded Knee. After stressing the annihilating power of written history—a power Cotton and Increase proudly acknowledged as they waged their war against the Devil—Lepore closes her history with an example of how intimately

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<sup>85</sup> *Ibid.*, 220.

<sup>86</sup> *Ibid.*, 201. See Arthur Miller, *The Crucible* (1953) (New York: Penguin Books, 1996), 28.

connected the most prominent seventeenth-century New England Indian histories were with the greatest Indian debates of the nineteenth century. What is known today as The Mount Hope Rock in Bristol, Rhode Island, is a writing rock dedicated to “Metacomet, Great Sachem”—King Philip, Cotton Mather’s enemy. Although it cannot be confirmed today (the writing is too faded), in 1919 Edmund Delabarre, a professor at Brown University, translated the previously indecipherable message using Sequoyah’s Cherokee syllabary. Lepore points out:

The inscription . . . had to have been made after 1821, when the Cherokee syllabary was invented, but before 1835, when the curious rock was first noticed. This window of time, intriguingly, coincides not only with a peak of interest in King Philip’s War—ushered in by Washington Irving’s 1814 essay [“Philip of Pokanoket”] and sustained, after 1829, by Edwin Forrest’s *Metamora*—but also with Cherokee resistance to Indian removal (itself made possible by the invention of the syllabary). Whoever carved an inscription in the Cherokee syllabary on a rock in Rhode Island to praise Philip may perhaps have been spelling out the links between Cherokee and Wampanoag resistance.<sup>87</sup>

Haywood’s CA is but another example of the symmetry and synchronicity between these two regions across these two eras.

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Where Filson, Stoddard, and McCulloch were humble and wary, Haywood was bold and certain in the way of an earlier American, pre Enlightenment way of viewing nature. Haywood rested his history in the CA on the same un-provable presuppositions upon which Mather rested his *Magnalia Christi Americana*: the ancient events described in biblical history predicted the events that must necessarily unfold, given the age of the earth,

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<sup>87</sup> Lepore, *Name of War*, ix–xxi, 34, 227–229.

in the near future; that invisible agents flew through the air and were capable of influencing the turn of historical events; and that the movements of nature were often guided by the hand of providence.<sup>88</sup>

Like Haywood's CA, the early modern historiography of the ancient South—and ancient North America generally—was deeply and rather explicitly influenced by biblical history.<sup>89</sup> Early-modern historians, Mather among them, used genealogies from the Old Testament to understand New World species, and biblical prophesies to foresee—and then hail and hasten—their future. One of the most disturbing common links between these histories is the authors' willingness to accept that massacres of entire groups of beings in America can be God-ordained. For instance, when Mather analyzed an unearthed seventeen-foot thighbone and a six-inch high, four-pound tooth big enough to hold "Half a pint of Liquor," he was certain it was not a fragment of a mastodon, "the Remains of an *Elephant*."<sup>90</sup> Rather, Genesis 6:4 declared that in the dusk of early antiquity "there were giants on the Earth" called "*Nephilim*," and because Mather sought to square all antiquities with biblical history, the giant thesis was more likely.<sup>91</sup>

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<sup>88</sup> See David Levin, *Cotton Mather: The Young Life of the Lord's Remembrancer, 1663–1703* (Harvard University Press, 1978), 250–269; Bercovitch, 35–71, and n8.

<sup>89</sup> See Cañizares-Esguerra, 83–177.

<sup>90</sup> Mather, Letter to the Royal Society, November 17, 1712, in David Levin, "Giants in the Earth: Science and the Occult in Cotton Mather's Letters to the Royal Society," *William and Mary Quarterly*, Third Series, Vol. 45, No. 4 (Oct., 1988): 768.

<sup>91</sup> *Ibid.*, 761–762. Mather wrote that *Nephilim* "may signify, *Fallen Ones*" (762). Mather's theory for just how the giant bodies were 'grown':

We have heard from Others, and our Faithful Microscopes also, which our Fathers knew not, *have told us, what wonderful things the Great GOD has done, in Creating the Seminal part of the world*. Among the Vegetables, the Least Part of that which we call, *The Seed*, is really so. The *True Seed* lies in so Little Room, that it is not Visible to the Naked Eye. The Rest serves but as a *Lodging* for it, & for its most proper *Nourishment* and *Expansion*, at the First Opening

Furthermore, Mather linked the disappearance of the giants with God's wrath and judgment:

The *Giants* thus brought forth, by *Parents* not exceeding the common Stature, were such a plague unto the world, that if a *Flood* had not Exterminated *them*, they would in a while, have Exterminated all the rest, without a *Flood*; unto *Them alone the Earth had been given, & no Stranger or Common Man, had passed among them*. It was most agreeable, That this plague should come upon the world, in the way of *Generation*; (as *another* has done since!) and that when the Carnalities of the world, were grown to a *Gigantic* Enormity, they should be [cha-page torn] stized with a *Gigantic* posterity. And that we now suffer no more of this plague, as well as that it was once inflicted, is owing to that *Vigilant* and *Immediate PROVIDENCE* of GOD, which is employ'd about the *propagation of Mankind*; and whereof, the *proportion* of SEXES, the *Difference* of FACES, (to which I may, for a Third Instance add, what has rarely been mentioned, The Variety of HANDS written by the many Hundreds, all of whom Learn to write of the *Same Tutors!*) are Instances that call for our contemplation and Astonishment.<sup>92</sup>

God exterminated the wicked giants, Mather reasoned, through the Great Flood. The giants *had* to be exterminated in order for New England to shine in the dark wilderness (far more powerful than the Algonquian, the giants could have prevented New England from flourishing but for God's winds and waters). Apparently God was working plans in the South, too:

of it. But in that *Little Room*, there lies the *whole plant*, in all the *True parts* of it; which is afterwards evolved and extended, & filled up, with its *Adventitious Nutriment*, until it be carried as far as the Original *Stamina* are capable: And *then*, the *Growth* stops. But perhaps towards the *Period* of the *Growth*, so weak may be the *Stamina*, that according to the *Strength* of the *Soyl* that nourishes it, & some other Circumstances, the *Growth* may be more or Less, but a *Little* varied. And why may not the *Seeds* of *Animals* have the Same said of them, that we see and say concerning the *Seeds* of *Vegetables*? Yea, The *Microscopical Inquisitions* have made it more than probable; That the *True Seeds of Animals* [,-page torn] floating in their Suitable Vehicle, have, Lying in a Space much less than the Naked Eye can discern, & less than the Thousandth part of the Least Visible Grain of Sand, the whole *Bodies* of the *Animals*, even to all their *Nerves* and *Fibres*; which afterward *Grow* as aforesaid, until their Original *Stamina*, cannot be much further carried out. And this, by the way, takes away the Common *Cavil* against, *The Resurrection of the Dead*; That the *Bodies* of [any that?-page torn at bottom] have been devoured by *others*, become the *parts* of them. For according to this *Hypothesis*, there can be no such thing, as a *Confusion of Humane Bodies*. They can, by being Devoured, Lose no more than their *Adventitious Nutriment*. And it is Remarkable, That the *Resurrection of the Dead*, is called, *The Filling of the Dead Bodies*. (Psal. i 10.6 and, Eph.2.i.)

<sup>92</sup> Mather, Letter to the Royal Society, 769.

"[T]he *Americans* in the *Southern Regions*, have Traditions of *Giants*, who were fought and kill'd by a man descended from Heaven. A Spanish commander had the curiosity to Dig, where they said, the *Battle* was fought; and there he found Bones enough to make a *Skeleton* [sic], the *Teeth* whereof were Four Inches Long & Two Broad."<sup>93</sup>

Here Mather is drawing upon José de Acosta's *Historia Natural y Moral de las Indias* (1590), in which Acosta described giants in the ancient history of Mexico: "When I was in Mexico, in the yeare of our Lorde one thousand five hundred eighty six, they found one of those giants buried in one of our farmes, which we call Jesus del Monte, of whom they brought a tooth to be seene, which (without augmenting) was as big as the fist of a man; and, according to this, all the rest was proportionable, which I saw and admired at his deformed greatnes." The extermination of these giants, Acosta was clear, paved the way for civilization: "being armed, and marching in order," rival Indians "defeated all the giants, not leaving one alive." After the annihilation, Mexican Indians "studied with an emulation to encrease and beautifie their common-weale." After "seeing what passed," they "beganne to use some government, and to apparrell themselves, being ashamed of what had passed: for till then they had no shame."<sup>94</sup>

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<sup>93</sup> *Ibid.*, 767–768.

<sup>94</sup> José de Acosta, *The Natural and Moral History of the Indies* (1590) (London: Hakluyt Society, 1880 [reprint of Edward Grimston's 1604 English translation]), Vol. II, 453–454. In particular, Acosta is here describing conflict between the Chichimecas and the Tlascaltecas, each competing for control of the landscape. The giants, Acosta, believed, were a clan/branch of the Chichimecas, who were the ancient inhabitants of Mexico. A remnant of Chichimecas persisted into the historic period, Acosta noted, and formed a society with the conquering Tlascaltecas, who were "a lineage" of a people called Navatlacas, from "the

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Haywood's logic is Matherian: God-ordained genocide could clear the brush for the shining city's foundation. Mather's concept of a long succession of God-ordained, unfortunate exterminations would be the concept that Haywood employed to explain the deep history of the Old Southwest, a concept that made Jackson and hordes of other fellow whites with land claims widen their eyes and smile. This is also the brutal tale that leads Haywood to his most fateful conclusion: the worst murdering in the Deep Southern past involved a mysterious civilization killed by "Scythians," ancestors of the modern American Indians.

The Scythians were also the barbarians from which Mather believed the early modern American Indians had descended. Discussing the development of Massachusetts's seventeenth-century Indian policy, historian of genocide, Ben Kiernan, relates:

[In 1689] Cotton Mather sent Boston soldiers into battle with the cry: "Vengeance, Dear Country-men! Vengeance upon our Murderers. . . . Beat them small as the Dust before the Wind, and Cast them out, as the Dirt in the Streets. . . . Those Ravenous howling Wolves." . . . Five years later, Cotton Mather likened the Indians to ancient Scythians, as Spenser had the Irish a century earlier. Mather added that the devil had brought the Indians to America to hinder the spread of Christianity.<sup>95</sup>

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north," near "New Mexico." The Navatlacas and their descendants, Acosta noted, had always been more 'civilized' than the Chichimecas. See Acosta, 449–454.

<sup>95</sup> Ben Kiernan, *Blood and Soil: A World History of Genocide and Extermination from Sparta to Darfur* (Yale University Press, 2007), 241. For full quote, see James Axtell, "Scholastic Philosophy of the Wilderness," *William and Mary Quarterly*, 3d Ser., vol. 29 (1972): 358, 348–349. Juan Ginés de Sepúlveda (1490–1573), the first prominent historian of the Spanish conquistadores' movements in the Americas, compared Native Americans to "Scythians," the nomadic barbarians haunting the Hellenistic world's—and future Roman Empire's—pale. But the comparison is not as it first seems; as Kiernan observes: "Only the more courageous Mexicans, 'the most human' of the Indians, bore comparison . . . to the Scythians, traditional enemies of the Church" (Kiernan, 75). In other words, the majority of Natives in the New World only compared to the Scythians in the way they lowered the hellish level of barbarism

In his history, *Dark Vanishings* (2003), Patrick Brantlinger expands on the meaning behind Mather's description of New England Indians as exterminating, Scythian, "howling wolves":

[I]t is not the Indians who are threatened with extinction, but the Puritans. This threat, however, coupled with the belief that the Indians are the irreclaimable creatures of Satan, prompts Mather to advocate their extermination: "So . . . the infant colonies of New-England, finding themselves necessitated unto the *crushing of serpents*, while they were but yet in the *cradle*, unanimously resolved, that with the assistance of Heaven they would root this 'nest of serpents' out of the world."<sup>96</sup>

While it cannot be proven beyond doubt that Haywood read Mather's histories directly—unlike with Hume and Robertson, Haywood does not cite Mather directly—he clearly studied Mather's findings in some form, and the symmetry of their conclusions across more than a century is stunning. Mather

beneath what it had been in antiquity. Comparisons to Scythians persisted even in American histories written by Protestants. New-England Puritan historians, Kiernan observes, followed Sepúlveda, as well as the early-modern indictor of Irish ethnicity, Edmund Spenser. In Spenser's eyes, Kiernan writes, "the Irish were contemporary counterparts of the barbarians Rome had conquered and enslaved, with no more right to their lands than any surviving inhabitants of the scorched earth of Carthage" (Kiernan, 176–177). Kiernan further stresses:

English policy was to "utterly root [Indians] out." In June 1637, Massachusetts Bay [Colony], reasserting its control over Connecticut, sent 120 men to destroy the surviving Pequots as "enemies of God's people." Two hundred voluntarily surrendered to the Narragansetts [English allies at the time], who killed two of them. Massachusetts forces quickly seized the rest. [Historian] William Hubbard described in his *Present State of New England*, an echo of Edmund Spenser's *View of the Present State of Ireland* published in 1677, how the adult males were sent to a classical hell: "The Men among them to the Number of thirty were turned presently into Charons Ferry-boat, under the Command of Kipper Gallop, who dispatched them a little without the harbor." The women and children "were disposed of" as slaves (Kiernan, 232). See also Juan Ginés de Sepúlveda, "Democrats Alter; or, On the Just Causes for War against the Indians" (1544), in *Introduction to Contemporary Civilization in the West*, 2<sup>nd</sup> ed. (New York, 1954), 1: 496; Edmund Spenser, *A View of the State of Ireland* (1596), Andrew Hadfield and Willy Maley eds. (Oxford, 1997), 44–47, 49–52, 61–66; Edwin Greenlaw et al., eds., *The Works of Edmund Spenser: A Variorum Edition*, Volume 10, *The Prose Works* (Baltimore, 1949), 10:92n; and William Hubbard, *The Present State of New England, Being a Narrative of the Indian Wars in New-England* (London, 1677). Furthermore, Jorge Cañizares-Esguerra traces the English origin of the Scythian thesis to the historian, Joseph Mede. See Cañizares-Esguerra, *Puritan Conquistadors*, 99.

<sup>96</sup> Patrick Brantlinger, *Dark Vanishings: Discourse on the Extinction of Primitive Races, 1800–1930* (Cornell University Press, 2013), 49. The quote from Mather is from Mather, *Magnalia*, Book VII, 42.

had waded in a river passing through the town of Dighton, Massachusetts to transcribe the markings on a “mighty *Rock*.” There were “about half a score *lines*, near ten foot *Long*, and a foot and half *broad*, filled with strange Characters . . . .” Mather was at an uncharacteristic loss, this kind of writing at odds with his notion of wolves. “No man alive knows,” he wrote, baffled, “*How or When the rock was carved . . . .*”<sup>97</sup>

Haywood knew there were similar writing rocks in his vicinity: “Upwards of 80 miles below the Lookout mountain on the Tennessee river, boatsmen, as they descend the river, see painted characters, at which is called the Paint rock, in the neighborhood of for Deposit, not far from John Thompson’s.” One had to squint hard to see exactly what the characters said, the sun gleaming off the water, and the characters’ faded nature: “These paintings are of difficult access, owing to the extraordinary height of the rock on which they appear. The characters are said to have stood there for ages.”<sup>98</sup> Given how the riddle perplexed him, Haywood had also studied Mather’s transcription of Dighton Rock:

There is a rock, called the writing rock, on Taunton river, near Dighton, in Massachusetts. The inscription is on a large rock . . . at Dighton, in Massachusettss, in strange characters. A copy of it has been made, and copies were multiplied and sent to many learned bodies in different parts of Europe.<sup>99</sup>

But whereas Dighton Rock jaw-dropped Mather, Haywood knew from his research that the Scythians were not the first human inhabitants of North

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<sup>97</sup> Mather, lines ending “The Epistle Dedicatory” to *The Wonderful Works of God* (Boston, 1690).

<sup>98</sup> Haywood, *Christian Advocate*, 228–229.

<sup>99</sup> *Ibid.*, 286.

America. “The letters are oriental,” Haywood wrote, “partaking of the characteristic forms of the Sanscrit and the Taliiek, and written from right to left.”<sup>100</sup>

Causing Hume and Robertson to writhe in their caskets, Haywood blurred the line between half-cocked speculation and fact, suggesting with high specificity “whence they came.” Dighton Rock’s authors had, to cut to the chase of Haywood’s analysis (worked out over several hundred words), likely emigrated from ancient Egypt. The writing was obviously “oriental,” Haywood argued, most likely from Phoenicia or Carthage. In what shines as his typical style, Haywood was careful, of course, to caution his reader: “but whether [the writings came] from Phoenicia or Carthage, or elsewhere, is not ascertainable.” He is now safe to devote pages to speculation dressed in fact’s clothing. “Now let us reflect for a moment,” he continued harmlessly and subtly, “that Phoenicia was settled from Egypt, and Carthage from Phoenicia.” Moreover, “When we reflect again upon the circumnavigation of Africa, which was effected 613 years before Christ by the Phoenicians, under the direction of Necko, king of Egypt, and in the year of the world 2391, we can readily conceive that navigators, who could perform that voyage, could also have sailed across the Atlantic.”<sup>101</sup>

<sup>100</sup> *Ibid.*, 287.

<sup>101</sup> *Ibid.*, 287–288. Furthermore, the emigrant Egyptians likely stopped at the island of Atlantis for sustenance during their Atlantic crossing. Haywood knew this because of ancient Egyptian histories he had consulted: “The Egyptian priests gave to Solon, who died 549 before Christ, a narration, which Pluto took from his memoirs”; this narration contained in Solon’s memoirs, Haywood related, “mentions the Atlantis as a very large island in the Atlantic . . .”

Haywood's attempt to connect Mather's transcription with Egypt—across so much time and amidst such obvious ambiguity—is a first clue into the CA's ancient southern history. By the end of his Dighton rock analysis, Haywood is calling the writing "hieroglyphic," and praising the sophistication of ancient Egyptian civilization. "The priests of Egypt . . . were the living depositaries of all the sciences," he stressed, and may even have "possessed the original history" of the world, the history upon which "Mosaic history"—the biblical history of the creation itself—was based.<sup>102</sup>

Haywood's linking of Dighton rock to Egyptian emigration reveals an argumentative design that appears quick in the first chapters of the CA, although few careful readers would notice it that early. As early as page twelve, when Haywood is getting his exegesis of Old Testament prophesies going, he devotes a brief chapter to Egypt's rise and decline, "Of Egypt," stressing:

Egypt is admitted, by all men of learning, to have been the inventress of all the arts . . . She was [in deep antiquity] the most civilized and enlightened of all the nations of the world. She excelled in navigation, in letters, in war, in architecture, astronomy, mineralogy, commerce, geography and geometry. Her ships had sailed around Africa, going from the Red Sea and returning through the Pillars of Hercules to the mouth of the Nile. Her edifices were the most stupendous and magnificent that the world ever saw. From that period her grandeur hath declined. She is the most insignificant of all nations.<sup>103</sup>

But have no worry. Haywood believed that Egyptian greatness would be *resurrected* by a modern nation in the last days:

Then [in the last days] will be rubbed away the rust of the human understanding. Then will the Egyptian intellect, like the silver-tipt cloud and the streaming lightning, recover its ancient brilliancy, and drive before it the

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<sup>102</sup> *Ibid.*, 290.

<sup>103</sup> *Ibid.*, 12–13.

trembling shades of night. Then, under one united government, the effect of pure wisdom will be embraced as brothers the whole of emerged humanity.<sup>104</sup>

Although he cites no authority for this apparent equation of a resurrected Egyptian civilization with John's Revelation of Christ's one thousand year reign on earth, the Millennium, Haywood hints at this thesis throughout his ancient history in the third book of the CA. Here Haywood is flirting with what Scott Trafton has identified as the "patriarchal" and "classical" antebellum American notion of ancient Egyptian civilization, envisioning a mystical and intellectual connection between a glorified ancient Egypt—"the grand triumvirate of grand ancient civilizations, a third of the holy trinity of Greece, Rome, and Egypt"—and the South. Such an affinity was a convenient rebuttal, Trafton relates, to the powerful slave spirituals countless masters increasingly heard echoing across the cotton fields, conjuring up awkward images of Moses, anointed retroactively by the Christian God, in order to let His people go.<sup>105</sup> This great slaveholding civilization was so great that even Greece and Rome owed their civilizations to Egyptian roots.

### Massacre

It is in explaining the death of a great Egyptian-inspired American civilization that Haywood invokes Mather's Scythians = modern Native Americans thesis. Throughout the entire chapter he devotes to analyzing Native American origins, Haywood concludes that the only way to explain the great mounds and earthworks riddling the Deep Southern landscape is Old

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<sup>104</sup> *Ibid.*, 13.

<sup>105</sup> Scott Trafton, *Egypt Land: Race and Nineteenth-Century American Egyptomania* (Duke University Press, 2004), 5 (quote), 1–39.

World origination: “Mexico, and all those who lived upon the great rivers connected with the Mexican gulph, were in ancient times peopled from the continent of Asia, by Egyptian colonists, or by a people of near extraction from them and that all are descended from one common original stock, who in the first ages of the flood were settled in the countries that are in the neighborhood of mount Ararat.”<sup>106</sup> Like Mather, and, more famously, Montesquieu, Haywood believed that all humans descended from a common ancestor, Adam, but that climate and custom had differentiated the “races” since the dispersion from Eden, and again after the Great Flood described in Genesis.<sup>107</sup> Through a series of migrations, Egyptian colonists of colonists very much like them had spread the seeds of their scientific knowledge—the foundation of their civilization—into Europe and Asia and, eventually, a group had “sailed to America,” whether from Africa or by way of Europe or Asia Haywood could not be certain. (Mather’s Dighton rock finding had apparently influenced Haywood to believe it was most likely the former.)<sup>108</sup>

An Egyptian link seemed the best explanation for the arresting signs of ancient civilization that riddled the countryside around Tusculum. Take, for instance, this site in the Nashville outskirts:

In Franklin county, south of the Tennessee river, about 8 miles from the river, on Spring creek, in the Alabama territory, are the remains of an ancient intrenchment; within them is a mound of the dimension of 100 yards at the base, and of about 15 feet elevation at this time; there is a large level area upon the top; trees stand upon the mound and upon the sides as large as any trees upon the surrounding country. About a quarter of a mile to the

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<sup>106</sup> Haywood, *Christian Advocate*, 223–224.

<sup>107</sup> *Ibid.*, 187, 225, 249. For more on antebellum southerners’ interpretations of Montesquieu, see O’Brien, *Conjectures of Order*, Vol. I, 222.

<sup>108</sup> Haywood, *Christian Advocate*, 220–224.

west is another mound of the same size; and south-west from the intrenched mound, at the distance of about 400 yards, are the remains of a semi-circular intrenchment; in several parts of it the embankment is yet visible, and is three or four feet high; here are two gateways, one on the north and one on the south, which are overlooked by two circular mounds within each of them of about 15 feet elevation, and about 30 or 40 feet at the base. The trees here too are as large as those in the neighboring grounds.

Just twenty-five miles further south was another. "On the west fork of Flint river, in Lawrence county, 25 miles south of the Tennessee, in the Alabama territory, is a mound about 15 feet high and about 100 yards in circumference at the base; has a flattened top." The pyramidal nature of these mounds seemed Egyptian.

These fortifications greatly resemble in miniature the military intrenchment[s] . . . of the town of Cuernavaca, in Mexico, called the intrenchment of Xochicolo, where there is an insulated hill of 117 metres of elevation, surrounded with ditches, and divided by the hand of man into five terraces covered with masonry. The whole forms a truncated pyramid, of which the four faces are exactly laid down according to the four cardinal points. The stones are of a regular cut, and are adorned with hieroglyphical figures; among which are crocodiles spouting up water, and men setting cross-legged in the Asiatic manner.<sup>109</sup>

Whoever the ancient, civilizing emigrants were precisely, Haywood envisioned the Deep Southern country on the periphery of the Gulf of Mexico as the crucible out of which American civilization was forged: "Here it is to be presumed was the heart of American population, which it distributed to all the rivers that emptied into the Mexican gulf." Because of the power, technology, and influence of these colonists, met with the fertile soils of the Gulf Plain,

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<sup>109</sup> *Ibid.*, 307–308. It is thus doubtful Haywood knew that alligators had inhabited creeks cutting far into the Alabama upcountry, and were killed in such creeks as recent as the first half of the twentieth century. The elementary school in the Tuscaloosa County countryside where I attended first through sixth grades, Westwood Elementary, still has a large gator mounted in entirety on the wall of its central hall. This gator was killed sometime in the early twentieth century, in the creek that runs behind my great-grandmother's house, Big Creek. The gator remains the school's mascot.

Haywood begged, “Are we to be surprised that the like arts were once on the great rivers that come from the Alleghanies, and the mountains between the Missouri and the Columbia, and all running into the gulf of Mexico?” He answered his own question confidently, “This is unquestionable.” There was only one other crucial question yet unanswered: “The only doubt is: how came those ancient fabrics in ruins? And when were laid aside those religious systems which seem to have been completely supplanted by a new race, having no knowledge of the former worship or rituals, at least for all the countries east of the Mississippi and Missouri, as far as to the Allegheny mountains, and perhaps to the Atlantic ocean, eastwardly?”<sup>110</sup>

Making an historical connection that would prove ghastly, Haywood answered this question too. The culprit was early modern, barbarian Indians emigrating from the North. “Here we may look,” he argued, “to the vestiges of those nations, who poured from the northern hive, and spread devastation and darkness through all the old world in those centuries, when Roman greatness surrendered its dignity and expired.”<sup>111</sup> Like Robertson, Haywood considered it a “fact” that “the people of America”—by this Haywood meant the Indians European colonists discovered living in the landscape—“emigrated from Asia.” However, unlike the civilized Egyptian colonists, these emigrants reached America “not by navigation from the Mediterranean.”<sup>112</sup>

Haywood cited no historian to support this point, apparently using nothing more than the Bible and common sense.

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<sup>110</sup> Haywood, *Christian Advocate*, 308.

<sup>111</sup> *Ibid.*, 308.

<sup>112</sup> *Ibid.*, 319.

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In equating the Southern Indians and Scythians, Haywood is consistent with the Matherian tradition. It is likely no coincidence, however, that ‘the North’ is the place from which the pan-Indian prophets—inspired by Tecumseh and his brother, Tenskwatawa—came, riling up Indians in the Deep South. Moreover, in making this Scythian connection Haywood is also in line with the anonymous writer of an obscure 1762 pamphlet, *An Enquiry into the Origin of the Cherokees*. It was written during the time when the Pan-Indian movement took wings, Neolin, the Lenni-Lennape prophet receiving visions that would several decades later inspire Tecumseh, who would inspire the Creek Red Sticks.

In 1761, Colonel Henry Timberlake had led the first British expedition deep into Cherokee country in order to try and quell Cherokee attacks upon English settlers and allies on the frontier. They headed southwest from Virginia’s colonial capital, Williamsburg, toward the highcountry of southern Appalachia, modern day East Tennessee and western North Carolina. Timberlake took quite detailed notes of Cherokee lifeways throughout his time among them. When he returned to Williamsburg, Timberlake had several Cherokees with him, and took them to London to show the Hanoverian King. The author of *An Enquiry* was a fellow at Oxford, and based his observations on the Cherokees and notes Timberlake brought. His argument was clear. “[T]here are certain NOTÆ GENTILITIÆ or *Family Marks*, which were intended [by God] to distinguish, and *for ever* to keep separate the three Sons

of *Noah* and their Descendents, who are recorded in *Gen. 10.* to have peopled the whole Earth." God did this, "*Moses tells us,*" to "make it impossible for them to mix and blend together." He stressed, "[S]uch a Distinction of Nature . . . cannot be crossed . . ." For although "they [may] mix with Creatures of another Sort, yet no third Being can be propagated by the other two: Hence the same Word is the Hebrew Name for a *Mule;* which, though it be the issue of the Horse and Ass, yet hath no Power to raise a new Species like to itself."<sup>113</sup>

Like Mather and Haywood, this author went far back in biblical history to establish a point from which to interpret previously unknown beings in the present. Noah had three sons, and thus the various genealogies of humankind must trace back to the three, Shem, Ham, and Japheth. Black Africans descended from Ham, this author knew, and the Cherokee from "*Meshek[,] the Son of Japhet.*"<sup>114</sup> The particular marks in question were these: "The *Cherokee* is not only the *painted*, but the SHORN OR BALD-PATED Indian, *having no hair on his Head, and wearing a Kind of Skull Cap . . .*" These marks were conclusive: "glaring Proof of their *Scythian* Origin."<sup>115</sup> And they were proud of this: "[I]f the *Athenian*, ornamenting his Hair with golden Grashoppers, intended this as a Badge of Honour, and a Mark of his Family, and herein boasted of being a *Son of the Earth . . .* I may venture to say on

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<sup>113</sup> *An Enquiry into the Origin of the Cherokees, In a Letter: To a Member of Parliament* (Oxford: Printed at the Theatre in the Turl: and sold by J. Fletcher in St. Paul's Church-Yard, London, 1762), 3. He added: "In like manner, tho' divers Individuals all over the World mix and incorporate with different People, and in length of Time assimilate themselves to the Ways and Manners of those, with whom they sojourn; yet these *Mules* will never raise a People of a third Sort compounded of the other two" (3).

<sup>114</sup> *Ibid.*, 6.

<sup>115</sup> *Ibid.*, 14.

the same Principle that the *Cherokee*, wearing a Skull-Cap & painting his Face, has the same Thing in View, i.e. to own himself to be a *painted and bald-pated Scythian*, the Descendent of *Meshek*.<sup>116</sup> Scythians are “hasty and quick of Resentment, and brave in War; so that they are often quarelling with their Neighbours,” and thus “*Wars are frequent among them.*”<sup>117</sup> Strikingly, one people they looked down upon was the Egyptians: they “maintained against the *Egyptians* . . . that they were the more *antient* People . . . ”<sup>118</sup>

Haywood never cites this pamphlet, but it is the only known Scythian=southern Indians argument published across the century between Mather’s lifetime and Haywood’s *CA*, and certainly proves that Mather’s argument and logic persisted in discussions of southern Indians across the eighteenth century.

### Southern Scythia

By the phrase “northern hive,” Haywood meant a Scythian haunt in the periphery of the ancient Mediterranean World, what became the Roman Empire, and then, the American North itself: the Scythians marauded the ancient Mediterranean World, thereafter moving (over several generations) “over the passage by land between the Copper Mine river and the eastern coast of America.”<sup>119</sup>

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<sup>116</sup> *Ibid.*, 18–19.

<sup>117</sup> *Ibid.*, 23.

<sup>118</sup> *Ibid.*, 18.

<sup>119</sup> Haywood, *Christian Advocate*, 320. The Coppermine River flows through Canada, emptying in the Arctic Ocean at Coronation Gulf. As late as the eighteenth century, explorers had hoped the Coppermine would lead to a Northwest Passage. See Derek Hayes, *Historical Atlas of Canada: Canada’s History Illustrated with Original Maps* (Vancouver: Douglas & MacIntyre, 2002), 136.

Haywood, like Mather, went back and back again to the bible for further context, greater explanatory power. “[A]fter the reduction and ruin of Nineveh and the melting of the Assyrian, Median and Persian empires into one,” Haywood argued, “Americans and Scythians were blended before the migration of the latter.” Haywood culled from ancient and modern historiography to make this point, utilizing Herodotus’s description of Scythian religion, and mixing it with Robertson’s descriptions of the Natchez Indians. The Scythians “worshiped the sun, and moon, and fire, and particularly the rising sun; See . . . Herodotus, b. 1, ch. 131 . . . ,” Haywood paraphrased. “Now,” he continued, “turn to 2 Rob. His. Am. 198 and the following pages, and you will find that the people of Natchez worshipped the sun, and preserved in their temples a perpetual fire.”<sup>120</sup>

Although Haywood cites Robertson’s *History* here, he fails to heed Robertson’s sobering warning regarding speculating wildly about the ancient southern past. Haywood is egregiously wrong. Inhabiting the banks of the Mississippi, and along St. Catherine’s Creek, the Natchez were among the *last* of the Mississippians. The great mounds they constructed can still be seen along the Natchez Trace—the ancient system of Indian roads connecting the Mississippi Delta to the Middle Tennessee upcountry—and in the dark and humid vicinity of Natchez.<sup>121</sup> Historian Christina Snyder stresses,

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<sup>120</sup> Haywood, *Christian Advocate*, 210–211. For the destruction of Nineveh, the city Jonah reluctantly saved, see The Book of Nahum, Chapter 1, verse 1. A century after Jonah, Nineveh’s citizens were apparently not as persuadable.

<sup>121</sup> For an excellent essay on the Natchez Trace’s deep history, see Dawson A. Phelps, “The Natchez Trace: Indian Trail to Parkway,” *Tennessee Historical Quarterly*, Vol. XXI, No. 3 (September, 1962): 3–5.

"The Natchez . . . are remarkable because they preserved their ancestors' Mississippian culture longer than other Native groups. Although many Native polities experienced dramatic population losses and dislocation during the seventeenth and early eighteenth centuries, the Natchez successfully maintained their society and remained in their traditional homeland."<sup>122</sup> The Natchez chiefdom collapsed in the 1730s, after French colonists massacred back relentlessly after suffering massacre at the hands of Natchez warriors angry with French squatters spreading deeper into Mississippi.<sup>123</sup>

Still, Haywood continued as if Robertson had never described the Natchez chiefdom, as if the real Natchez chiefdom had never really existed. A sword, Haywood related, had been found in Giles County, along "Richland creek, one of the branches of [the] Elk." Haywood argued that it had likely been used by a high, Egyptian- or Roman-like civilization to keep the barbarians from mauling their young, their wives—to keep the Scythians-descendants from killing off their civilization: "[T]he inhabitants on Elk river were in a state of civilization and subject to an empire which extended to the ocean, which probably has yielded, as that of the Romans did, to the attacks of barbarous tribes that overran Italy in the fifth century, desolating the country, and turning it into a wilderness and lakes for several hundred years." A "coin" was also found in the close vicinity, which Haywood took to be "confirmation of the [latter] supposition." Like so many of the distressing artifacts discovered in the Old Southwest, the coin, along with ancient "fire

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<sup>122</sup> Snyder, 13. See also James F. Barnett, *The Natchez Indians: a History to 1735* (University of Mississippi Press, 2007).

<sup>123</sup> Barnett, *The Natchez Indians*, 101–131.

coals" and "images" were "found by ploughing up the ground."<sup>124</sup> This happened enough by accident, ambitious planters cutting up the forests of the Old Southwest for the sake of more and more cash crop yields. But this particular time was premeditated, after an ancient earthworks was found. Haywood twiddled the coin in his own chubby fingers: "I have now before me a small coin of the size of a nine-penny piece; it was found lately in digging a cellar at Mr. Norris's in Fayetteville, on Elk River, which empties itself into Tennessee; it was about 200 yards from a creek which empties into Elk, and in the ruins of a very ancient fortification on the creek." It seemed to Haywood the coin was plunder the Scythians had passed down among themselves from the dark times when they harassed Rome: "On one side of the coin is the image of an old man projected considerably from the superficies, with a large Roman nose, his head covered apparently with a cap of curled hair, and on this side on the edge, in old Roman letters, not so neat by far as on our modern coins, is the word *Antoninus*."<sup>125</sup>

There were other signs of massacre too: "In Grainger county, about thirty miles east of Knoxville, and the same distance west of Hawkins county, is a cave. In it, at the first settlement of the country, were found 110 sculls of human beings, without any other part of the body." News of them seemed to spread by word of mouth. "They have been partly carried away, from time to

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<sup>124</sup> Haywood, *Christian Advocate*, 221.

<sup>125</sup> *Ibid.*, 189. Haywood continued about the coin, "Aug. Pl. us. P P; R I. III. Cos. On the other side the projected image of a young man, apparently 18 or 20 years of age; and on the edge Aurilius Caesar, A U G P III Cos. The U is written V. P P. R I. I take to mean Principes pontifex, and R I. Romanus Imperater. The Aug. Pl. I take to mean Augustus, pro-consul."

time," Haywood noted, "by the curious."<sup>126</sup> Furthermore, again doing violence to Robertson's skeptical historical methodology, Haywood linked this gory event to the work Scythians or, at least, those he had already compared to Scythians, the Natchez:

Mr. Robertson says the Indians about Natchez sacrificed human victims, and particularly prisoners taken in war, leaving the head and the heart for the deity, and eating the rest of the sacrifices themselves. This cave might have been a place consecrated to the deity, and the sculls within, offerings to him, which have, by means of the sanctity of the place, remained there undisturbed.

As one might expect, full skeletons linked by burial artifacts to modern Indians were found not terribly far away: "Near Carthage, which is on the Cumberland river, on the north side about 60 miles above Nashville, have been lately found in a cave human skeletons, with water vessels of earthenware of Indian fabrication, standing at the head of each skeleton."<sup>127</sup> This latter possibility made sense in context of Scythian religion, Haywood pointed out: "The Scythians . . . believed in the time of Pythagoras, if not before, in the soul's immortality, and in its travels to another world, and they threw into the grave the utensils supposed to be most necessary for the accommodation of a traveller."<sup>128</sup>

Even more glaring than his violence to Robertson, however, is Haywood's attempt to blame the Southern Indians for the ancient massacre. For instance, could not the Egyptian colonists have massacred a group of their own? No, Haywood argues; the archaeological evidence does not

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<sup>126</sup> *Ibid.*, 196–197.

<sup>127</sup> *Ibid.*, 197.

<sup>128</sup> *Ibid.*, 197–198.

support such theses. The ancient Egyptians never would have adorned their graves so:

I am aware that the Patriarchs, the Egyptians and Persians, all buried their dead. Cyrus, at the time of his death, expressly commanded it; Herod. B. 3, ch. 16; Xenophon Cyropedia Lib. 8, pg. 238. But these burials were not accompanied with presents thrown into the grave to be used by the deceased on his journey to the other world.<sup>129</sup>

While Herodotus did not explicitly state whether the Egyptians placed utilitarian objects for their dead loved ones' night journey, his descriptions of ancient Egyptian burial customs are filled with detailed descriptions of Egyptian embalming practice and grave decoration generally. For instance, royals lie mummified in tombs with elaborate stone carvings meant to represent palm trees and "costly decorations."<sup>130</sup> Beloved daughters lie in protective cattle statues made of gold.

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<sup>129</sup> *Ibid.*, 197.

<sup>130</sup> Robert B. Strassler, ed., *The Landmark Herodotus: The Histories* (New York: Pantheon Books, 2007), 146–154, 170, 174, 176, 197–198.

## Chapter 4: Devil Hunting

For example, many pre-Darwinian taxonomic schemes were rooted in numerology—the grouping of all organisms into wheels of five, for example, with exact correspondences between spokes of all wheels—so that fishes on the wheel of vertebrates correspond which echinoderms on the wheel of all animals because both live exclusively in the sea, or mammals on the vertebrate circle with all vertebrates on the inclusive wheel, because both are the pinnacles of their respective systems. Such a scheme, proposed by William Swainson and other early nineteenth-century “quinarians,” might work in an ahistorical world where organisms, like chemical elements on the periodic table, record timeless laws of nature, not complex contingencies of genealogy. Darwin removed the rationale for such numerologies in a single blow. The exterminating angel was history, not evolution itself. Some theories of evolution might permit such an ordered simplicity, but not Darwin’s truly historical system with natural selection tracking a complex and unpredictable vector of climatic and geographic change, and with substantial randomness in the sources of variation.

Stephen Jay Gould, *Time's Arrow, Time's Cycle*<sup>1</sup>

The longer one reads the hundreds of pages contained in the CA, in particular its third book, one senses how powerfully the Southern Indian wars raging recently in Tusculum’s vicinity shaped Haywood’s interpretation of ancient southern history, events powerful as the apocalyptic signs in nature that had started shaking Tusculum’s very walls: “On the 2d of August, 1818, about 4 o’clock in the morning, there was an earthquake in Davidson, which shook the houses for a few seconds. Its undulation seemed to be from east to west.”<sup>2</sup> Discovery of a living remnant of a race of “barbarous and uncivilized” murderers in the Old Southwest moved Haywood to, in hopes of forecasting their next movements, track the race’s prior movements across southern history. He knew that the Scythians had spread “themselves to the south as far as McKenzie’s river, and to the east to the St. Lawrence, and thence to the

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<sup>1</sup> Gould, *Time's Arrow, Time's Cycle*, 194–195.

<sup>2</sup> Haywood, *Christian Advocate*, 134.

countries between the Alleghany mountains and the Atlantic ocean." They had "passed through the country between the head of the St. Lawrence and the Mississippi, and through all the countries watered by the northern branches of the Mississippi, as far as to the country now called Florida . . . ." Over time, they had "finally . . . succeeded in destroying all the former inhabitants, and in annihilating all the arts known to them, and their religion also."<sup>3</sup>

This is not to say that the murderers did not take what vestiges of their victims' civilization they could, and raise it in their new Deep Southern home. Haywood explained the smaller mounds in the countryside in this way, "The mounds we every where see are evidences of a Scythian origin, for in the time of Herodotus they buried their dead under hills of dirt thrown over them, which he says were to be seen from the Volga to the Eastern ocean."<sup>4</sup> Some of the invading Scythians had apparently intermixed with the Egyptian colonists before they killed them off: "The fortifications in every ancient place, show that a civilized people, who were also numerous, and under a government which could command their services, were infested with hordes of barbarians and free booters, and were finally exterminated by them, at which time their arts were extinguished." The freebooters, Haywood argued, left a relatively small number of their own people—compared to the number of colonists they had massacred—after the great killing, which explained any thin persistence of mound-building and artistic expression southern planters currently

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<sup>3</sup> *Ibid.*, 320.

<sup>4</sup> *Ibid.*, 233.

encountered: “these bands were raised in a northern climate, and did not pursue them into the southern parts of America so as to remain there in great tribes, but left a remnant there after ravaging the country, who again cultivated some of the arts which had escaped the general wreck, until discovered by the Europeans.”<sup>5</sup>

Haywood furnished a vivid example of a sign of this remnant’s work:

Mr. Craighead’s house, in the county of Davidson, near Haysborough, stands on an Indian mound; sixty or seventy yards from that is another mound of smaller size. Inclosing these, at some distance, say 100 yards, are the remains of an old wall, intended to be rectangular, but is not. The mound is perhaps 60 feet at the base on all sides; its form is quadrangular; there is a sunken place not far from it, now nearly filled up by the dirt washed in it from time to time, and rubbish thrown in it; on the top there is a small hollow near the centre. Here probably was the town house and fortification of a small tribe; some of them however living in houses without the wall, but near enough to fly to it on the approach of danger. A hole was probably left at the top for the smoke to escape through. . . . Had they possessed the use of iron, they would have cut down trees and would have made convenient houses for each family, without making a great house for all, probably by the united labor of all, of which the chief tegument was dirt. The other mound, of smaller size, and not hollow upon the top, contains many human bones, which show evidently that it was a place where the dead were deposited.<sup>6</sup>

This chapter unearths the historiographical dimensions of Jackson’s successful implementation of Indian Removal. It begins with Haywood’s invocation of Cotton Mather’s second thesis, his identification of the Southern Indians as not only descendants of ancient Scythians, but as the Devil’s army prophesied in Revelation 20 (“Gog and Magog”), and then demonstrates Haywood’s *revision* of the apocalyptic timeline (“Crusader Historiography”), terrain beyond which even Mather walked. Midway through writing the CA

<sup>5</sup> *Ibid.*, 234–235.

<sup>6</sup> *Ibid.*, 191–192.

Haywood came to believe that in fighting the Southern Indians, planters were not fighting important premillennial battles, but the final battle between good and evil before the end of time itself. This revision is the specific historiographical context surrounding the CA passage Jackson utilized to counter the most powerful anti-Removal arguments. The chapter then analyzes the national debate over Indian Removal in 1829–1830, illuminating how centrally the ancient southern landscape featured in pro- and anti-Removal arguments (“Nature of the Removal Debates”), and closes with analysis of Jackson’s use of the CA to win the debate (“An Occult Historian’s Power”). For beyond providing Jackson with an argument to trump the most powerful anti-Removal arguments, Haywood’s revision of the apocalyptic timeline also filled Jackson with an urgency to see the rest of his war against southern Indians through.

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Sites of the massacres’ mounds, Haywood stressed, riddled much of the fertile Deep Southern landscape: “The same appearances are at every place in the country where the land is rich and there is a perennial spring.” The *layered* Deep Southern landscape provided the student of archaeology with Deep Southern history in microcosm, and, in particular, an accounting of the degenerate state of the modern Indian inhabitants: “These [sites] show at once their [the invaders and their descendants] population, their wards, their manners, their incivilization, their ignorance of the primary arts and of the use of iron.” Evidence of Scythian ignorance was all around: “Every where in

North Carolina and in Tennessee are found pieces of hard flint, of a triangular form, with one sharp angle drawn to a point, with a handle inserted in an arrow, the sides as well as the point being sharp, formed evidently by the breaking off parts with another stone till made fit for the intended purpose." Haywood chuckled, "This would have never been resorted to, if an iron spike could have been procured."<sup>7</sup>

And among the massacres' mounds were found the massacres' victims. Peering down into caverns exposed by pick and shovel in these smaller mounds, Haywood came eye-to-eye socket with the effects of barbarism. Mummies linked with the great southern civilization were inevitably found, some even white-skinned and auburn-haired:

Concerning the two mummies lately found in West Tennessee. This is the account of Mr. Fisk, a gentleman every way to be relied on, both as a scientific and an honorable man. Before, says he, I heard of the discovery and could visit the place which is about 40 miles from this (his place of residence in Overton county), the adult had been buried again, and of course I did not see it; and the child having been rained upon after its disinterment, the parts of it which were most exposed to the weather had become not only considerably blackened but foul. Some of the limbs, too, were cut off and carried away as curiosities. The skin was decayed and tender, and pale where not altered by the wettings, so discolored as to indicate nothing of its original complexion. Its flesh had almost entirely dried away. Its eyes had sunk down and suffered the lids to settle in the sockets. The teeth remained, but were very brown, stained perhaps by the rain and dirt; and there was still some hair upon its head, the color of which was auburn. The knees were drawn up toward the chin, and an undressed deer-skin was wrapped about it, with the hairy side upwards. It was then crowded into a basket about two feet long, less than ten inches wide, and of the same depth, furnished with a few last presents, and overspread with various *clothes*, and with deer-skins dressed and undressed, and buried about three or four feet deep in dry earth, mixed with a number of salts, some of which, probably, had preserved the carcasses in this unseals manner from putrefaction. The place of repose was up a steep side hill, not in a cave, but rather a gallery, sheltered above by

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<sup>7</sup> *Ibid.*, 192.

impervious rocks, and a superincumbent slope of earth, of course always dry. It was in White county, near Cumberland mountain.<sup>8</sup>

Another account of a similar white, auburn-haired mummy was published in 1829. Charles Cassedy, a Tennessee journalist (and possibly a rural doctor), recounted his investigation of a cave-tomb in 1811. Intrigued by the stories, Cassedy set out with sharp implement—perhaps a spade, knife, or bayonet—and a lantern. His account shows that Haywood was far from alone in his ancient fascinations, shows how far southerners would go, even to the point of scraping eyeballs out, to learn the truth about the ancient southern past:

The body itself, when divested of its envelopes and exposed to a clear and strong light, was of a faint brownish hue, and the limbs of very delicate and feminine proportions. The whole bony, muscular and tendinous structure of the frame, with the exceptions which will be presently noticed, was entire, even to the points of the toes and fingers, which still retained the nails; nor was the proportionate and muscular swell of the trunk and limbs any more shrunk or depressed than might have been expected from the emaciations incident to a bed of sickness.

There had been other curious anatomists too: "With the exception of a slight injury to the right side of the head, originating probably from the awkwardness and inattention of those who discovered and first raised the body, and a transverse cut across the abdomen of some length, the muscular system was entire, and the skin was unbroken."

Still Cassedy persisted in his analysis, captivated by this ancient woman:

The feet were partially drawn up and the hands crossed over the breasts, on which was found a fan, apparently constructed of the tail feathers of some bird of considerable size. The hair was of fine and glossy texture, of a bright

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<sup>8</sup> *Ibid.*, 194–195.

auburn color, and of a length not distinctly recollect; and respecting the face particularly, it is a remarkable fact, and scarcely credible, that the cheeks were full and the eyelids prominent as in life.

So he took a tool and cut:

The fact, however, was otherwise, and I soon discovered the causes of the error. On separating the lids with the blade of a knife I found, as might be expected, that the eyeballs had entirely disappeared, and that their orbicular cavities were completely filled with a blue or greenish mold, which had been mistaken by the author of the manuscript, probably in a moment of trepidation, for the humors—coats—and native color of the eye.<sup>9</sup>

By 1912, Cassedy's mummy was known as "The Aboriginal Belle of Tennessee."<sup>10</sup>

More nightmarish were reminders of the culprits of such deaths that kept popping up in the landscape. Haywood continued his violent history, "In the same county, on the west side of Cumberland mountain, in West Tennessee, near to the line of Warren county, and about eight miles south or south-west of the spot on which were found the two human bodies, one of which is above described, is a cave in the spur of the mountain, with a small entry on one side, but on the other, another mouth of much larger size." In this cave some of the sinister giants Acosta and Mather had described showed their decayed face:

Half a mile from the small entry, the bones of some large animal are found lying all together. Some of the teeth were taken up, and weighed 7 or 8 pounds. A horn of much larger size than the horn of the largest buffalo, but resembling it in shape, was taken up from amongst or near to these large

<sup>9</sup> Cassedy's account was printed in W.E. Beard, *It Happened in Nashville, Tennessee: A Collection of Historical Incidents which Occurred in Nashville, are Commemorated there, or in which Nashville People were Actors* (Nashville, TN: Nashville Industrial Bureau, 1912), 13–15.

<sup>10</sup> Beard, *It Happened in Nashville*, 11.

bones. And in the cave a prodigious large claw with very large nails; but it does not appear whether found with the bones abovementioned or not. Many bones also, of smaller beasts, were in this cave. . . . It is called the Big Bone Cave.<sup>11</sup>

In the spirit of Acosta and Mather, Haywood explained the existence and purpose of these giants by utilizing biblical history. He connected them with the Devil's American agents. In "Cherokee country," he pointed out, pioneers had discovered "large human tracts with six toes . . . impressed upon a rock." Eerier, "A jaw bone was taken from the mounds near Natchez, which the gentleman who saw it could with the case put over his face."<sup>12</sup> Although Haywood did not know precisely the heyday in which these giants preyed upon the Deep Southern landscape, he knew (ultimately) where they had come from:

[A]s to the period of their [the giants'] primary emigrations, the large skeletons every where found, and the large footsteps impressed upon rocks, leads us back to times when men of large stature occupied Scythia and the countries east of the Indus. The scriptures, Homer, Herodotus and Plutarch, all speak of them; and these recent discoveries beget undeniable evidences of the fact.<sup>13</sup>

Haywood also knew the reason few, if any, giants remained: "The life of man has gradually shortened since the flood. Abraham, in 1857 before Christ, died at the age of 175; in 1857 before Christ, Joseph died at the age of 110; in 1689 before Christ, Moses died at the age of 120 . . ." It followed that, "from thence forward, the same decrease is observable." Haywood attributed the source of this decrease to "The insalubrity of the atmosphere." This atmospheric change, Haywood explained, "has evidently augmented,

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<sup>11</sup> Haywood, *Christian Advocate*, 195.

<sup>12</sup> *Ibid.*, 203.

<sup>13</sup> *Ibid.*, 214.

from some cause or other, ever since the flood[,] . . . the size of the large man of ancient days.”<sup>14</sup> Moreover:

The descendants of the Scythians, Gauls, and Ammonites, are at this time very remarkable for their size. I conclude it was some time after the Scythian tribes, which originally came from Medea, and had their first king one thousand years before the reign of Darius the Mede, also some time after the doctrine of the soul’s immortality was brought in their country by Anacharsis, who lived 557 before Christ; for all through America that doctrine was believed, and must have been learned by the Scythians before their departure.

Familiarity with this biblical history allowed Haywood to date the Scythian emigration to North America with some precision: “Their emigration then may be placed after the time of Herodotus, 400 before Christ. . . . in the times when their first inroads were made upon the Roman and Greek territories, between the time of Darius and the birth of Christ.”<sup>15</sup> “When the giants of Scythia yet retained their enormous bulk, and had become so numerous as to be unable any longer to subsist in their native countries,” Haywood stressed, they “poured themselves into all regions in quest of subsistence.”<sup>16</sup> There could be little doubt; Scythians had in antiquity “penetrated into America,” singing “the songs and ballads made by their bards upon occasion of the capture of Ninevah,” that ancient wicked city.<sup>17</sup> And the modern Indians were there grandchildren.

### Gog and Magog

As early as the fourth century CE, there were Christian theologians preaching that in antiquity Alexander the Great had barricaded the demonic

<sup>14</sup> *Ibid.*, 214–215.

<sup>15</sup> *Ibid.*, 215.

<sup>16</sup> *Ibid.*, 217.

<sup>17</sup> *Ibid.*, 210, 320.

people of Gog and Magog behind a wall in the Far North, and that sometime in the final era before the end of time the Devil was going to unleash them upon the world.<sup>18</sup> They looked to Revelation 20 to divine the timing of the attack. It would come after the Millennium, the peaceful thousand years in which Christ would reign on earth after his Second Coming. The Devil would be caged. Then, “when the thousand years [the Millennium] are expired, Satan shall be loosed out of his prison . . .”<sup>19</sup>

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In a cave along the Cumberland River near Carthage, Tennessee, miners found a mummified female “with yellow hair and the flesh shriveled; around the wrist of it was a silver clasp, inscribed with letters resembling those of the Greek alphabet, but unknown.”<sup>20</sup> Haywood had already hypothesized that “The auburn hair of the mummy in White county proves that the ancient inhabitants were of a different complexion from those found in America by the Europeans.”<sup>21</sup> And when discussing ancient artifacts unearthed, Haywood at times called the mounds ‘ours’: “These facts may be applied to the plates found in *our* mounds with human bones . . .” [emphasis added].<sup>22</sup>

In Haywood’s mind, there had been Germanic whites fighting alongside the Egyptian colonists, or otherwise included among their numbers.

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<sup>18</sup> See E. J. Van Donzel and Andrea B. Schmidt, *Gog and Magog in Early Eastern Christian and Islamic Sources* (Leiden: Brill, 2009), xvii.

<sup>19</sup> The Book of Revelation, Chapter 20, verses 7–8, King James Bible.

<sup>20</sup> *Ibid.*, 291–292.

<sup>21</sup> *Ibid.*, 237.

<sup>22</sup> *Ibid.*, 296.

Once we consider Haywood interpreting the recent history affecting the Deep Southern landscape through his spiritually infused worldview, it is not at all difficult to imagine Haywood growing chill-bumped contemplating these discoveries. It is difficult not to envision the prickly hair on the back of his chubby, balding neck rising.

When describing ancient southern chieftains and their mounds, Haywood can be imagined sitting at this desk, projecting the emerging Deep Southern ideal of the planter/patriarch in his independent plantation domain onto his dead subject matter. After describing the “heart of [ancient] American population,” for instance, he included this quote from Humboldt: “In these American constructions every habitation of a great lord formed a separate district, in which the courts, streets, walls and ditches were distinguished.”<sup>23</sup> It appeared to Haywood that in ancient North America “The vestiges of the arts are more abundant in the south than in the north, upon a more august plan, and seem to have been used with a more skilful hand.”<sup>24</sup> But this world was no more.

Often in the CA’s pages there was a pessimism and fear at work in Haywood’s local historical thinking that is diametrically opposed to his millennial hope for the wider Tennessee area, and he never gives his reader a clear explanation for it. He had read that the Scythians could turn “themselves into wolves, and [then] again . . . resume the human shape.” Living so close to the frontier, he knew well that “The Indians of America

<sup>23</sup> *Ibid.*, 308. Here Haywood is quoting, near verbatim, Humboldt’s descriptions of Central- and South American antiquity in his *Political Essay on the Kingdom of New Spain* (1811).

<sup>24</sup> Haywood, *Christian Advocate*, 311.

initiate with great exactness all sorts of animals, wolves, turkeys, owls, deer, &c. in hunting and in war, when they mean to deceived their enemy or the animal they pursue.”<sup>25</sup> When meditating on the brutality of King Philip’s War, Mather described the Algonquians as ravishing wolves. Jill Lepore singles this Puritanical descriptive move out in *The Name of War*: “In condemning Indian cruelties, New England’s colonists often lumped violations of the laws of nations and the of the laws of nature together, as when Roger Williams said that the Indians ‘had Forgot they were Mankind, and ran about the Countrie like Wolves tearing and Devouring the Innocent, and peaceable.’” Analyzing this werewolf comparison, Lepore includes a proclamation the Massachusetts Council put out in 1675: “its is the manner of the Heathen that are now in Hostility with us, contrary to the practice of the Civil Nations, to execute their bloody Insolencies by stealth and sculking in small parties, declining all open decision of their controversie, either by Treaty or by the Sword.”<sup>26</sup>

Haywood believed that the Scythian murderers of ancient southern civilization had, in antiquity, gained a reputation similar to that of Indians on the early nineteenth- century southern frontier: the Scythians “killed and scalped their prisoners, and drank their blood, and made drinking vessels of the heads of their enemies.”<sup>27</sup> Haywood gave nauseating details. “It is already remarked of the Scythians,” he stressed as if he had not yet gotten his point clearly across, “that before the time of Herodotus they scalped their dead

<sup>25</sup> *Ibid.*, 260.

<sup>26</sup> Lepore, 112–113. Lepore is quoting from Roger Williams to Robert Williams, April 1, 1676, *The Correspondence of Roger Williams*, ed., Glenn W. LaFantasie (Providence: Brown University Press, 1988), 2: 720.

<sup>27</sup> Haywood, *Christian Advocate*, 210.

enemy and carried about his scalp in triumph. Their cruelty to prisoners extended to the remotest parts of Asia.”<sup>28</sup>

These Scythian-descendants might be elected to damnation, beyond redemption, Haywood fretted. Aside from their biological link with ancient Scythian giants, the Southern Indians were also biologically related to the apocalyptic army assembled by the Devil in Revelation 20. Haywood wrote it plain: “the descendants of Magog” were, “in other words . . . the ancient Scythians.”<sup>29</sup> Unafraid of redundancy, he put it a second time, “the Scythian tribes . . . were actually called Gog and Magog [in antiquity], from whom they descended.”<sup>30</sup> Besides the gory imprint and boney wreckage they left in the Deep Southern landscape, Haywood believed that Scythians had haunted wide swaths of the early American landscape, even infusing their identity into American nomenclature. “If this [the Scythian/Gog Magog link] be assented to,” Haywood reasoned, “then I offer as the evidence of a connection between them and the ancient inhabitants of the state of Massachusetts, the name of a pond lying near the boundary line of Connecticut and Massachusetts.” The name: “Cha[?]gog-Gag-Gog, Men-chog-Gag-Gog, Gog-a-Gog.” It followed from this that “The name Gog was known to the people who gave this name to the pond.” Furthermore, “It was with them a favorite term.” It is not clear

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<sup>28</sup> *Ibid.*, 259–260.

<sup>29</sup> *Ibid.*, 131. And the trouble was not solely in North America; by the 1810s, Haywood believed, descendants of Scythians and Magog had emigrated, infiltrating with societies in “the four quarters of the earth” (131). Indeed, Haywood believed that by 1817, these descendants had come to define Europe, Asia, Africa, and the Americas: “Truly is it said, in prophetic style, that Europe, Asia, Africa and America, are Gog and Magog. . . . See Rev. ch. 19 v. 18 and 19; Eze. Ch. 29, v. 17, 18, 20 and 21, ch. 17. V. 16” (132).

<sup>30</sup> *Ibid.*, 283.

just how Haywood knew this—he gave no citation/argument—but he expounded a bit further:

The name is Gog with the prenomen Gag-Gog; or it is Gog with three distinctive descriptions. Whence it is easy to infer, that there were in the county many other Gogs, with some but not all of the same distinctive appellations. Just as in North Carolina we have North Washington and South Washington.<sup>31</sup>

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Whence—aside from Haywood’s own mind—comes this dramatic theological leap? Mather is the only American historian that did similarly. In the *Magnalia*, Mather introduces a second thesis regarding the Scythians and their Indian ancestors. He is clear: the Indians are going to revolt against the New Jerusalem in the wake of the Millennium. Like many Protestants across time, Mather believed that Christ would reign on earth for a peaceful one thousand years before the final battle with Gog and Magog.<sup>32</sup> In Mather’s view the New Jerusalem was likely New England, and he had a sense of the wilderness region and people from which the Devil’s final army would come.<sup>33</sup> Mather’s second thesis:

The learned Joseph Mede [1586–1639] conjectures that the American hemisphere will escape the conflagration of the earth, which we expect at the descent of our Lord Jesus Christ from Heaven: and that the people here will not have a share in the blessedness which the renovated world shall enjoy, during the thousand years of holy rest promised unto the Church of God: and that the inhabitants of those regions, who were originally Scytheans, and therein a notable fulfillment of the prophecy, about the enlargement of Japhet,

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<sup>31</sup> *Ibid.*

<sup>32</sup> See the Book of Revelation, Chapter 20.

<sup>33</sup> Levin, *Cotton Mather*, 102–103. Mather, of course, like Haywood, rarely claimed to be *certain* of these locations and events (see, for instance, Levin, 262–269), but as Jill Lepore has shown (see *Name of War*), his historical hypotheses, like Haywood’s, were taken seriously, were deadly. Although historians will likely debate the extent to which Mather and Haywood winked their eye while expressing dubious qualifications preceding weighty prophetic claims.

will be the Gog and Magog whom the devil will seduce to invade the New-Jerusalem, with an envious hope to gain the angelical circumstances of the people there. All this is but conjecture. However, I am going to give unto the Christian reader an history of some feeble attempts made in the American hemisphere to anticipate the state of the New-Jerusalem, as far as the unavoidable vanity of human affairs and influence of Satan upon them would allow of it; and of many worthy persons whose posterity, if they make a squadron in the fleets of Gog and Magog, will be apostates deserving a doom, and a doom with the legions of the grand apostate, that will deceived the nations to that mysterious enterprize.<sup>34</sup>

Moreover, there is one obscure document that links Mather's Scythian=modern Indians thesis, Mather's second thesis, and the Cherokee in Tennessee country. In its final pages, the anonymous Oxford author of the 1762 pamphlet went further than labeling the Cherokee as descendants of Scythians. Clearly this author had read either Mede or Mather:

The 38<sup>th</sup> and 39<sup>th</sup> Chapters of *Ezekiel* contain a Prophecy, not yet fulfilled; and which *may* be brought to pass, in God's due time, by them [the Cherokee]. This I mention with the profoundest Reverence and Modesty. But, whereas the *northern Parts* v. 15 from which the Storm will arise, will suit the northern Parts of America, as well as of Europe; and *Gog of the Land of Magog*, i.e. *Tartary* [the *Mogul Tartars* being at this Day called *Magog* by the Arabian Writers] will mean those Sons of *Magog*, who out of *Tartary* passed into *America* through the Streights of *Anien*; and returning back into *Europe* the same Way, may one Day league themselves with their Brethren in *Europe* under the Banner of the *Turk*.—Whereas also the fixed Sons of *Japhet*, whom the Prophet mentions, were always Neighbours, and most probably will be found the Families, of which the *American Nations* of the *North* now consist.—Whereas *Gog* their Chief, and his Sons are the fierce and rebellious *Titans*, who of old obstinately withheld the Will of Heaven; and the *Americans* seem not much disposed to embrace the Gospel of Christ, notwithstanding the many Opportunities they have had of so doing near 200 Years.<sup>35</sup>

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<sup>34</sup> Mather, *Magnalia*, Book I, 4–5. Mede was an early modern English historian. Haywood never cited Mede; thus the closest historiographical link for the God/Magog thesis remains Mather. Mede is most certainly the next step backwards in the genealogy of the Scythian and Gog/Magog idea, in any case. For more on Mede, also Chapter 3, n95; and Cañizares-Esguerra, *Puritan Conquistadors*, 99.

<sup>35</sup> *An Enquiry into the Origin of the Cherokees*, 26–27.

The verses from Ezekiel to which the author alludes describe Gog and Magog's assault on God's chosen people:

Thus saith the Lord GOD; It shall also come to pass, *that* at the same time shall things come into thy mind, and thou shalt think an evil thought: And thou shalt say, I will go up to the land of unwalled villages; I will go to them that are at rest, that dwell safely, all of them dwelling without walls, and having neither bars nor gates, To take a spoil, and to take a prey; to turn thine hand upon the desolate places *that are now* inhabited, and upon the people *that are* gathered out of the nations, which have gotten cattle and goods, that dwell in the midst of the land. . . . And thou shalt come from thy place out of the north parts, thou, and many people with thee, all of them riding upon horses, a great company, and a mighty army: And thou shalt come up against my people of Israel, as a cloud to cover the land; it shall be in the latter days, and I will bring thee against my land, that the heathen may know me, when I shall be sanctified in thee, O Gog, before their eyes.<sup>36</sup>

The author ended his pamphlet by begging a question: "Whether the present Nations of North America may not in fact consist of those Families, which are expressly mentioned by *Ezekiel*? And, Whether their Prince and Leader may not one Day unite and gather them together, to set at Defiance their present *European* Masters; to wrest the Dominion out of their Hands, and in their turn [for so the Prophet's Words v. 12. will mean] TO SPOIL THE SPOILERS AND TO PLUNDER THE PLUNDERERS."<sup>37</sup>

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Haywood did, after performing the logical and historical necromancy necessary for finding the tracks and signs of the Devil's army in the Deep Southern landscape, give a small nod to his anticipated skeptics: "If this evidence be of no value, let it be dismissed . . ." But then he showed his truer feathers: "but if it weighs any thing, retain it, and add it to the other

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<sup>36</sup> The Book of Ezekiel, Chapter 38, verses 10–15, King James Bible.

<sup>37</sup> *An Enquiry into the Origin of the Cherokees*, 26–27.

evidences upon this head.”<sup>38</sup> His feathers were ruffled, he admitted, when skeptical historians such as Gibbon applied their relentless scrutiny to claims seemingly hidden behind antiquity’s misty veil and, for all that, true to common sense. Gibbon had expressed a bit of ridicule and contempt for Christianity when describing “The Conquests of the Hungarians” in his *History of the Decline and Fall of the Roman Empire*, writing: “When the black swarm of Hungarians first hung over Europe, they were mistaken by fear and superstition for the Gog and Magog of the Scriptures, the signs and forerunners of the end of the world” [emphasis mine].<sup>39</sup>

Although, Haywood complained, the “rampart of Gog and Magog” was “supposed by Mr. Gibbon, to be imaginary,” Haywood knew better. The Church had perpetuated the oral histories that ancient Jews, and then Christians had passed down about Alexander’s barricade because there was a wall in the North that fit the ancient narrative: “It is a long wall, as a recent description states, of huge stones, seven feet thick, twenty-one feet in length or height, and artificially joined without iron or cement. The wall runs above three hundred miles from the shores of Derbend, over the hills and through the vallies of Daghestan and Georgia.” Feeling Gibon’s critical eye still glaring, Haywood attempted to poke it out despite the lack of clear documentary evidence from antiquity confirming that this structure was indeed the one Alexander built to imprison the Devil’s apocalyptic army: “[Even] If every thing relative to its formation be imaginary, the name is

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<sup>38</sup> Haywood, *Christian Advocate*, 283–284.

<sup>39</sup> Gibbon, *History of the Decline and Fall of the Roman Empire*, Vol. V, 392.

real.”<sup>40</sup> It is almost as if, in instances like this, Haywood knew he had been skinned.

In the face of criticism from Humean skeptics like Gibbon, Haywood ultimately flipped his middle finger, continuing forward in his arguments as if such legitimate (to say the least) criticisms were—or even could be—made. Haywood knew in his heart what Gibbon’s methodological problem was: “Mr. Gibbon, though he always in his narrations, regards truth with the most exact scrupulosity, is never inclined in his reflections, to say much, if any thing, in favor of the christian religion.”<sup>41</sup> Haywood could not fathom such small-mindedness. What the Bible contained was “dictated by the Divine Spirit”; therefore, “How must the enlightened mind be satisfied, by such instances of wonderful foreknowledge, that the scriptures are of God.”<sup>42</sup>

Haywood’s historiographical philosophy is diametrically opposed to Gibbon’s skepticism: “[M]y principal object now is, to evince, that one historical event may be a primary prefiguration of a grand event, which, in the

<sup>40</sup> Haywood, *Christian Advocate*, 283. Haywood eventually introduces what he should have introduced all along. The obstacle facing ancient Scythians (or Scythian-descendants, Hungarian/Turkish horsemen—Gibbon did not claim to know their identity to high precision, nor did he link them with Satan) was mostly natural—Gibbon knew it as “the Albanian and Iberian gates” (Gibbon, *Decline and Fall*, Vol. IV, 90; for more on the myth of Gog and Magog, see Van Donzel and Schmidt). Furthermore, Haywood eventually admitted that this rampart of Gog and Magog had been called “the Iberian gates,” and then went on to disclose, little by little, his blindness to the foreign landscape. To be sure, Gibbon had never walked the landscape either, but as is made evident through the example of Robertson, unfamiliarity and un-intimacy with the landscape does not inherently produce poor historical methodology. Moreover, it is already evident that Haywood’s familiarity with his home landscape affected his logical and historical mistakes little. In reality, the rampart, or gates that Haywood described are part mountain and part fortress. There is a gorge in the Caucasus Mountains cut through by the river Terek, and ancient Georgian kings had built fortresses—kept up by the Persians and Mongols—in the gorge to hinder unwanted passers through (see Van Donzel and Schmidt, 53–54; The gorge is known today as the Darial Pass).

<sup>41</sup> Haywood, *Christian Advocate*, 56.

<sup>42</sup> *Ibid.*, 19, 20.

intermediate time, may be followed at different and distant periods, with divers similar ones in succession, to revive the remembrance of the first, and to excite a more lively expectation of the last.”<sup>43</sup>

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In locating the Devil’s army of Gog and Magog so specifically, Haywood sealed the Southern Indians’ fate. For his historical writing in the CA is riddled by a profound *uncertainty* concerning apocalyptic chronology. In Revelation 20, the final battle between Gog and Magog and Christendom occurs after the Millennium, when the Devil is again unleashed in the world. As long as Gog and Magog are identifiable and havocking the *frontiers* of the earth in the current time, however, the present’s position vis-à-vis the Millennium is never certain. If the Devil’s army, all of the sudden, threatens the *center*, then the Millennium has already passed (even if unnoticed), and the final battle between good and evil is dawning.

Haywood’s apocalyptic uncertainty is perhaps best conveyed in the different expectations for the future that he entertains, at times, almost simultaneously. Perhaps the rest of the nineteenth century would unfold as the Millennium of peace and health, a resurrected, Egyptian-like Southern civilization rising and prevailing by God’s own hand. Quite early in the CA Haywood begs, “[I]s it improbable that in 50 years more . . . man will have arrived at the utmost height to which his intellect can soar, and will have descried in physics and in government all that is necessary for the

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<sup>43</sup> *Ibid.*, 136.

prolongation of life, the printing of truth and the art of embracing, under one perfect government, the whole of the human race?" Even the Southern Indians, it sometimes seems, might be capable of joining: "Navigation, ancient and modern, hath shown us the human savage, naked in mind and body, destitute of science, of arts, of ideas and almost of language; he hath gradually learned the breaking of animals to his use, the culture and improvement of the earth, the travers of the ocean and the art of astronomy, he hath ascended to commerce, to the invention of mechanic arts, to government, legislation, to philosophy and to the multiplied and multiplying hosts of new discoveries which themselves produce, in ten-fold ratio, others which propagate in like proportion." Thanks to colonization, the horizon was burning bright:

We are justified in saying so, by a retrospect of the past, man will never relapse into his original ignorance. We can mark in history the dawning of his understanding and its progress to this day; when, comparatively speaking, he is now the meridian sun, instead of the dullest of the twinkling stars. The times in which we live is the day glittering with light, instead of the darkness of the cavern, which formerly admitted but a solitary ray. With unwearied and rapid flight we soar into the highest regions of wisdom's stars, before untasted and unexplored; and what will be the future learning in physics, for the prolongation of life . . .<sup>44</sup>

Other times, though, doubt creeps in. "To what height they may arrive," Haywood cautions, "we cannot say: nor where is the limit that bounds the human intellect . . ."<sup>45</sup> Just as Haywood is so bold, at one point, to give a precise date for the Millennium's dawn, "The seventh Millennium . . . will

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<sup>44</sup> *Ibid.*, 108.

<sup>45</sup> *Ibid.*, 108.

commence 88 years from this time"; he backs off thereafter: "If it be true, that the seventh Millennium will be a time of rest or peace . . . [emphasis mine]"<sup>46</sup>

Such doubts end up damning the Southern Indians. Haywood's uncertainty is intertwined with an astonishing nerve to challenge readers to take un-provable theological speculations as both written into, and predicted by the historical record. Perhaps the uncertainty and nerve are intertwined—what bold historian, what God-communing millenarian, has been able to accurately predict the apocalypse? As it was for Christian millenarians in the past, it would be for Haywood in this exegetical and prophetic conundrum: one must study current events with a close eye to determine whether the Devil has given his army a *reveille*.

### Crusader Historiography

The Millennium, in Haywood's mind, was 'literal,' but it might not have been a full or exact thousand years in the future. As early as the fifth century, theologians such as Augustine had argued that the Millennium was the present, and such flexible interpretations of the Millennium were certainly popular in nineteenth-century America.<sup>47</sup> The final battle, rather than the millennium, could be at the doorstep.

<sup>46</sup> *Ibid.*, 62.

<sup>47</sup> See, for instance, Butler, *Awash in a Sea of Faith*; James West Davidson, *The Logic of Millennial Thought: Eighteenth-Century New England* (Yale University Press, 1977); Bloch, *Visionary Republic*; Walters, *American Reformers*; Ruth Alden Doan, "Millerism and Evangelical Culture," and Ronald D. Graybill, "The Abolitionist-Millerite Connection," in Ronald L. Numbers and Jonathan M. Butler eds., *The Disappointed: Millerism and Millenarianism in the Nineteenth Century* (University of Tennessee Press, 1993). As Bloch stresses/laments, "millennialism" has been defined by historians quite widely (see Bloch, 1–12).

Recently, historian Jay Rubenstein has illuminated the ways millenarian First Crusaders revised their understanding of their position vis-à-vis the Millennium amidst the throes of war, and the same revision occurs in Haywood's writing about Gog and Magog in the CA. In *Armies of Heaven: The First Crusade and the Quest for Apocalypse* (2011), Rubenstein argues that many First Crusaders believed they were taking part in the apocalyptic battles that would, John had predicted in Revelation, precede the peaceful Millennium. But along the crusaders' route to Jerusalem the gore kept prolonging. In this violent context, careful visionaries altered crusading mentality, conjuring up new dreams: "As visions of one thousand years of unbroken peace started to fade, . . . dreams of a final world empire striking one last blow against the dragon . . . haunted the thoughts of the crusaders."<sup>48</sup>

"This happy fantasy," Rubenstein warns, "just needed a prophet to give it substance," and the infamous Peter the Hermit was its visionary.<sup>49</sup> Believing the "Saracens" to be representative of the Devil's final surge against the Holy God—rather than the (mere) final impediment to the Millennium's dawn—crusaders proceeded to massacre Muslims and Jews in Jerusalem after breaching her walls in the summer of 1099 in order to hasten on the Christian eternity, a new heaven and a new earth. Rubenstein relates that upon crusaders crossing her walls, "a celebratory massacre began." Cobbling together what eyewitness accounts and oral histories they could, twelfth-

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<sup>48</sup> Jay Rubenstein, *Armies of Heaven: The First Crusade and the Quest for Apocalypse* (New York, 2011), 267 (quote), 266–271.

<sup>49</sup> *Ibid.*, 266–271.

century historians of the crusade were, Rubenstein notes, “haunted” by the scenes they wrote. Rubenstein paraphrases, they wrote that the “blood rose so high that it seeped through the tops of the Franks’ boots.” Or “the Franks splashed around in Saracen blood up to their calves”; or “Rivers of Saracen blood flowed fast and deep and carried severed limbs and heads down the streets, torsos and extremities mixed and intermingled so that no one could have put them back together again, if anyone had been inclined to try.”<sup>50</sup>

Haywood became a similar prophet in his own time and context. Through his ruminations on Gog and Magog in the CA, Haywood flirted with the First Crusader historians’ revision. If contemporary southern Indians like the Cherokee and Creek were the armies of Gog and Magog, then Haywood might have been wrong about where the current time, 1817–1818, fit in the apocalyptic sequence of events. At times events in the Old Southwestern frontier provoked within Haywood a worry that the post-millennial battle between the forces of Christ and Gog and Magog was quite near. Perhaps the Great Millennium of peace—Christ’s rule on earth—had already passed.

Haywood knew from his reading of Revelation 20 that the Devil’s army would “invade” an empire compassionate to the Jews—an empire that

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<sup>50</sup> *Ibid.*, 290–291, 286–292; see also Christopher Tyerman, *Fighting for Christendom: Holy War and the Crusades* (Oxford University Press, 2004), 44. Rubenstein continues:

But no writer raised the level of violence, and blood, higher than Raymond of Aguilars. “And what happened there? If I tell you the truth, it will be beyond belief. Let it suffice to say that in the temple and around the portico of Solomon they were riding in blood to their knees, and up to the reins of the horses.” Raymond drew upon a specific source here: Revelation 14:20. There, an angel of the Lord gathers the harvest of the earth and runs it through the wine press of God’s wrath. “And the wine press was trodden outside the city, and blood flowed from the wine press, as high as a horse’s bridle, for a distance of about 200 miles.” The fact Raymond used a biblical allusion here does not mean that he did not at the same time remember seeing exactly what he described. As the chaplain witnessed and recollected the battle, in his mind he saw the Apocalypse (Rubenstein, 291).

ultimately helps restore the Holy Land to the Jews—only to be “assailed from Heaven with rains and inundations . . . hail stones, fire and brimstone, compelling the nations to see that their defeat was a dispensation of Heaven . . .”<sup>51</sup> How, Haywood pleaded, could it seem otherwise? “The continual agitations of the earth, the zeal used to spread the gospels every where, returning compassion for the Israelites; the increase of science,” all pointed to Gog and Magog’s coming attack upon Christendom: “All these circumstances, at least manifest, that in a very few years from the present day, the things predicted by the prophet, and which we are endeavoring to contemplate, may not be impossible, although many may be inclined to believe that they are improbable.”<sup>52</sup> Consider, Haywood asked his readers, further proof: “If the Jews are to be established in this century, and settled in their own country, this being the year 1818, how long until the time for the commencements of the restoration, the great war, and the bringing into the field, from all parts of the earth, the mighty army which is there to receive its defeat? Are not these commencements necessarily near at hand?”

Haywood sought to crash through the page and grab his readers by the neck: “If you are forty years of age, you may safely say, I have lived in an age where more signs and wonders have been produced than in all the other ages of the world.” The Devil and his army’s footprints “call upon all men to be attentive,” for they are massing in the frontier: “Gog, the land of Magog, is not

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<sup>51</sup> Haywood, *Christian Advocate*, 35–36. Haywood was so bold as to phrase this as a rhetorical question proving that, because this had not happened in the past, it must be at the doorstep.

<sup>52</sup> *Ibid.*, 36.

now, as formerly, the countries north and south of the Euxine [Black] and Caspian Seas; but also all those just now mentioned into which they have emigrated.”<sup>53</sup>

After writing this interrogative petition to his readers, Haywood gave another hint that, in thinking of the ancient southern past, a modern project of genocide was on his mind. “In America,” he concluded about the current time, “the original emigrants are suffering extermination from their own brethren of the same lineage with themselves, for the wrongs they have formerly inflicted upon them.” This reads confusing, and borders on incoherence, upon first read, and isolated from its context. But its context is a revelator of the rich historical narrative Haywood is at work constructing throughout the CA. He continued:

By and by all the countries of Magog may be overwhelmed for attempting to prevent what the Almighty hath promised, and will surely accomplish, to the ruin perhaps of all other empires of the world. For to the Jews will be communicated that secret in government, which man hath not been able, of himself, to discover; that which is the perfect form, securing to men all that governments are instituted with a view of attaining; the complete happiness and permanency of all its parts. This grand secret will, in the progress of science, be made known, and by it shall all the countries of Gog and Magog be swallowed up in one grand empire, to the utter subversion of all others.<sup>54</sup>

Throughout his writings on southern antiquity in the CA, Haywood distinguished between “emigrants” and “colonists.” He reserved the word “emigrant” for “aboriginal Americans”—the Scythians and their descendants alone. Colonists, in his mind, were crusaders who brought civilization to barbarian spaces; emigrants were barbarians that only brought themselves.

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<sup>53</sup> *Ibid.*, 130.

<sup>54</sup> *Ibid.*, 130.

By “original emigrants,” Haywood meant the Scythians and their descendants, “the southern Indians”: “The Choctaws, the Chickasaws, the Cherokees and Muscogies [Creeks] . . . are all emigrants from other countries, and they all had to fight their way into the territories which they now possess.”<sup>55</sup> The Egyptians and the Germanic-like mummies turning up in tumuli were colonists in the CA, disseminating their superior knowledge in the landscape.

Haywood’s meaning here is chilling to comprehend; it involves watching an argument for genocide unfold before your eyes: through Adam, of course, the colonists and emigrants are related, “of the same lineage.” Still, at some point in time the Scythian colonists had become possessed, handed over to or overtaken by the Devil. Although it was sad to watch other humans be put to death—as we shall see, even Jackson could weep—the emigrants must be punished by the colonists for the wrongs they have inflicted upon colonists across the ages.

It becomes apparent that Haywood is not about the task of casting civilized, Euro-American planters as mere “emigrants.” Although he cites no theorist, here he is buttressing his evolving case against the Southern Indians’ very existence by making an appeal to a kind of Thomistic conception of just war, prominently worked out in the early modern New World context by Hugo Grotius, Richard Hakluyt, and Samuel Purchas.<sup>56</sup> The barbarous

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<sup>55</sup> *Ibid.*, 261.

<sup>56</sup> Andrew Fitzmaurice, “Moral Uncertainty in the Dispossession of Native Americans,” in Peter C. Mancall, ed., *The Atlantic World and Virginia, 1550–1624* (UNC Press, 2007), 394–399. Fitzmaurice connects Grotius (riffing off of the arguments of the Salamanca school of thought, specifically Francisco de Vitoria), Hakluyt, and Purchas through Purchas’s inheritance of Hakluyt’s papers, and continuing to develop arguments regarding certain

Southern Indians had been scalping civilized white colonists (fellow, equal sons of Adam) now for centuries, and for this treachery—whether modern Euro-American planters had any stronger case for southern nativity than the auburn- and blonde-haired mummies they had been digging up—the Southern Indians, as a people, were morally accountable, and must be held so.

Haywood's exegetical warrant against the Southern Indians—they were Gog and Magog—only made his historical case stronger, and he had even more dirt. It turned out, he reasoned, the United States of America was the world-unifying empire, the “Israel” around which Gog and Magog would unite for to massacre; and the United States would be God's terrible sword against them. America would wipe Gog and Magog from the earth's face, killing the Devil for good. Haywood was all but calling his reader to arms: “All these warnings are not for nothing. Be not so incredulous as to think so. The greatest moral and natural struggle that ever was, we are told, shall be the forerunners of peace.”

But the Word of God can be a tricky document, ‘a hard road to travel,’ as they say. For next, in an interpretation that epitomizes his vast apocalyptic uncertainty, as well as his willingness to limberly use the basic apocalyptic chronology in Revelation 20, Haywood wrote: “The greatest and most destructive war and earthquake that ever were, we are told, shall happen before the Millennium. It will not be unwise to be prepared, if possible, at

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conditions that make war ‘just’; for instance, if Indians did not farm, or have an apparent ‘civilization,’ treatment as ‘equals’ did not apply.

least, in expectation of these awful times [emphasis mine].” He continued this—as far as the quite clear apocalyptic chronology of Revelation 20 is concerned—ahistorical interpretation, “It is said the Millennium will be preceded by the greatest of all wars, in which Gog and Magog shall be concerned, and by such an earthquake as is here described; and by such signs as the gospels describe.”<sup>57</sup> Here Haywood is confusing the battle of Armageddon mentioned in Revelation 16—a battle in which demonic spirits rouse kings to carry war across the earth, attacking the people of God—with the final battle in Revelation 20. Revelation 20 is clear that the greatest battle in history, the Devil and his army’s last stand, will occur *after* the Millennium: “And when the thousand years are expired, Satan shall be loosed out of his prison, and shall go out to deceive the nations which are in the four quarters of the earth, Gog and Magog, to gather them together to battle: the number of whom *is* as the sand of the sea.” Then the Devil and his army are “devoured” with fire and brimstone, come “down from God out of heaven,” and “the devil that deceived them was cast into the lake of fire and brimstone, . . . tormented day and night for ever and ever.”<sup>58</sup>

<sup>57</sup> Haywood, *Christian Advocate*, 129.

<sup>58</sup> The Book of Revelation, Chapter 20, verses 7–10, King James Bible. Regarding Revelation 16, this battle of Armageddon has, for much of the modern period, been confused with the battle of Gog and Magog that Revelation describes as occurring *after* the Millennium. In *A General and Connected View of the Prophecies* (London: F. C. and J. Rivington, 1809), Anglican theologian George Stanley Faber put it clear, however: “The Apocalypse shews . . . the *battle of Armageddon* immediately before the Millennium, and the *battle of Gog and Magog* immediately after it. . . . (Faber, 102). Here Faber is quoting the Scottish minister Alexander Fraser’s *Key to the Prophecies* (Philadelphia: D. Hogan, 1802), 455–456.

Whether or not Haywood's exegesis was correct, when the implications of his historical argument were coupled with his just war thesis the morally necessary thing to do for planters became clear: kill. The signs of an upcoming great battle were all around: "The air, the sea, the earth and the Heavens are disordered, because of these things which are coming upon the earth; Luke ch. 21, v. 26. There are signs in the sun, and in the moon, and in the stars, and upon the earth distress of nations and perplexity; the sea and the waves roaring; Luke, ch. 21, v. 25." Haywood lamented, however, "but no one regards them; Matt ch. 24, v. 37."<sup>59</sup> But readers of the CA should take

<sup>59</sup> Haywood, *Christian Advocate*, 129. Cherry picking from Revelation even more liberally, and, now, near the point of incoherence, Haywood brings in again Revelation 16 to help make his point about the apocalyptic significance of great earthquakes: "So probably will be the case of mankind in the coming of that day, spoken of in Rev. ch. 16, v. 18." Revelation 16 describes the premillennial signs like hail and earthquakes.

Moreover, it seems highly likely that, while meditating on Revelation 20 during his writing of the CA, Haywood saw its symmetry with Daniel 7, gaining even greater assurance that he was correct. Daniel 7 and Revelation 20 are highly symmetrical in action and plot. During Daniel's vision of the four beasts (the same beasts among which Haywood pondered whether the United States was the favored leopard), a fourth, heathen-like beast tries to massacre the victorious leopard, "devour[ing] and brak[ing] its enemies] in pieces . . ." Although Haywood ponders whether this beast was Revolutionary France, it is surely open to other interpretations strikingly harmonious with Haywood's descriptions of Scythians, Gog and Magog, and Southern Indians. Whatever the case, Daniel is clear that the fourth beast *would* have exterminated the saints if it had not been stopped by "the Ancient of days," who exegetes have traditionally interpreted as the Christ. The Ancient of days "destroyed" the beast's "body" by annihilating it with a "burning flame." (See The Book of Daniel, Chapter 7, verse 7, and 11–13, King James Bible.) This violent, salvific part of Daniel's vision is symmetrical with Revelation 20:9. The Devil's army "[en]compassed the camp of the saints," the prophet writes, "and fire came down from God out of heaven, and devoured them" (See the Book of Revelation, Chapter 20, verse 9, King James Bible).

Perhaps, however, a perceived synchronicity between Daniel 7 and Relation 20 was the source of Haywood's persistent fear, rising from the CA's every page. For an optimistic reading of Daniel 7—and its equation with Revelation 20—could quite easily be complicated and darkened. Several verses after verse 11, Daniel tells the reader that he had asked an angel to help him interpret the vision, and the angel makes it seem as if this fourth beast afflicted "the saints" quite cruelly, painfully, and "made war" and "prevailed against them[.] Until the Ancient of days came." By this time the fourth beast had "devour[ed] the whole earth . . . and br[oken] it to pieces." To be sure, the Ancient of days would eventually rescue the saints, and give them possession of "the kingdom"; but not until after terrible, excruciating suffering (See the Book of Daniel, Chapter 7, verses 15–28, King James Bible). Haywood does not mention this symmetry outright, but something of its like seems to be at work viciously in his brain, haunting him, like Daniel, with violent night visions, violent possibilities.

heed, the Devil despised all for which the United States stood, and would raise his armies to devour her. This is why, remember, Haywood told the reader he wrote: to inspire young men to take up arms. Youths, feel the pricking foreboding, black as a crow in a sunny field: “not till after the most dreadful carnage that ever afflicted the inhabitants of the earth” would there ever anything like a peaceful millennium.<sup>60</sup>

If Haywood was right—if the Millennium had already passed and the United States was the great empire uniting Christendom—the Devil’s army was hiding in the frontier outside Tennesseans’ plantation home and cabin windows.

Haywood’s irascible historical confidence—even in the face of historical confusion and malpractice—would influence a president of the United States to visit genocide against the Southern Indians, the Cherokee and Creek, Choctaw and Chickasaw. And it was not as if Haywood was unaware that his ‘historical discoveries’ would affect the current time and future: “Now let us advert to the *consequences* of various circumstances in these discoveries,” he reflected midway through the CA [emphasis mine].<sup>61</sup>

Haywood’s thesis was about its work in what is arguably Jackson’s most persuasive speech to Congress for Indian Removal, his Second Annual

True, Haywood could keep on the mountain’s sunny side; maybe the bloody tide was not coming, but receding for the peaceful Millennium. “The Turkish empire,” he optimistically proclaimed, “is now crumbling into ruins,” and perhaps all of the forces of antichrist would soon, as if cut by the same scythe blow: “With [the Turkish, Ottoman empire] will perish Mahometanism soon after the abolition of popery” (See Haywood, *Christian Advocate*, 86).

<sup>60</sup> Haywood, *Christian Advocate*, 86.

<sup>61</sup> *Ibid.*, 232.

Message to Congress given nineteen days before Christmas, 1830, what, in Jackson's mind, broke the back of anti-Removal activists' arguments.

### Nature of the Removal Debates

Historians have forgotten how dearly Jackson *needed* an argument to achieve the final ripping away of Indians from the Old Southwest. Jackson's need glares in the public debates over removal ongoing outside the halls of Congress. In the national debate over Indian Removal the ancient southern landscape featured centrally. Both Jackson and his opponents ultimately sensed that the duration of southern Indians' presence in the landscape from time 'immemorial' would be what morally swayed the citizens who would watch—and many help—it happen, not some esoteric, philosophical argument over the implications of Lockean natural law or some other.<sup>62</sup> In other words, a deep sense of history, the principal debaters believed, would be what guided the nation's actions toward the Southern Indians. In spite of what historians have traditionally argued, the holy grail up for grabs was not, ultimately, whether the Southern Indians were civilized enough, or the racial

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<sup>62</sup> Locke famously argued that "where there being more land than the inhabitants possess and make use of, any one has liberty to make use of the waste . . . ." a thesis he inherited and innovated from a deep early modern tradition. See Fitzmaurice, "Moral Uncertainty in the Dispossession of Native Americans," 383–384; and John Locke, *Two Treatises on Government* (1689) (London: Whitmore and Fenn, Charing Cross, 1821), 348–352. The implication was, for many colonialist readers of Locke, that uncultivated land was up for the taking, and many colonizers in the New World came to envision Indian land as uncultivated and, thus, free for the taking. However, as Lee Ward has recently stressed, this particular colonial 'apology' was not explicit in Locke's writing, and rested more on the interpreter's inclination. For instance, Ward points out, the same thesis regarding utilizing wasted land could be turned on a powerful European king by his peasants. See Ward, *John Locke and Modern Life* (Cambridge University Press, 2010), 281–291. For the erratic and often radical shifts in early modern English thought regarding Indians, see Joyce E. Chaplin, *Subject Matter: Technology, the Body, and Science on the Anglo-American Frontier, 1500–1676* (Harvard University Press, 2001).

equals of whites, but whether they were truly natives of the landscape.<sup>63</sup> The historiographical traditions that produced the radically divergent ancient southern theses represented by Barton and Haywood would clash again.

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Arguably no one writer channeled the most powerful anti-Removal arguments more than the New England missionary Jeremiah Evarts. In 1829, writing under the name “William Penn,” Evarts published essays in *The National Intelligencer*, compiled in the same year as *Essays on the Present Crisis in the Condition of the American Indians*. Historian Francis Prucha wrote of Evarts, “The campaign [against Removal], although on the surface a great outpouring of Christian sentiment and a spontaneous upsurge of public opinion, was in fact largely the inspiration and the work of one man, the secretary of the American Board of Commissioners for Foreign Missions, Jeremiah Evarts.”<sup>64</sup> This of course, was far from the case. Others would join, and—more threateningly for pro-Removal planters and politicians—the public would read.<sup>65</sup> But as historian Tim Garrison has pointed out, Evarts “laid out in exacting detail the moral and legal reasons for rejecting the Indian Removal

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<sup>63</sup> For instance, Tim Garrison has argued that early antebellum racial theories caused planters to want the inferior Indians out of the landscape, one in which Anglo-Saxons were sure to dominate. He perceives this racist ideology, in combination with planter greed, as motivating southern state legislatures to see Indians as non-citizens without rights to the landscape. This was no doubt true, but misses the central issue of the Removal debates, southern nativity from time immemorial, the issue to which Haywood gave Jackson the firepower to powerfully speak. See Tim Garrison, *The Legal Ideology of Removal: The Southern Judiciary and the Sovereignty of Native American Nations* (UGA Press, 2002), 13–33.

<sup>64</sup> See Francis Paul Prucha *The Great Father: The United States Government and the American Indians* (University of Nebraska Press, 1995), 201 (quote).

<sup>65</sup> See, for instance, Alisse Portnoy, *Their Right to Speak: Women’s Activism in the Indian and Slave Debates* (Harvard University Press, 2005). Portnoy illuminates how antebellum women activists—during the climate of the Second Great Awakening—identified their own struggle with Indian Removal, felt solidarity, and raised their voices.

Bill.”<sup>66</sup> Had advocates such as Evarts not written, stressing the points they stressed, Jackson might not have needed to invoke Haywood.

Because of past treaties the United States had made with the Southern Indians after the Revolution, such as the Treaty of the Holston, Evarts prophesied judgment if Jackson went through with Removal: “The character of our government, and of our country, may be deeply involved. Most certainly an indelible stigma will be fixed upon us, if, in the plenitude of our power, and in the pride of our superiority, we shall be guilty of manifest injustice to our weak and defenseless neighbors.”<sup>67</sup> He worried over a coming doom for a state going back on its word: “The people of the United States wanted a peace. We invited the Cherokees to lay down their arms. . . . Having, in the days of our weakness, and at our own instance, obtained a peace for our own benefit, shall we now, merely because no human power can oppose an array of bayonets, set aside the fundamental article, without which no treaty could ever have been made?”<sup>68</sup> Put another way:

If this case should unhappily be decided against the Cherokees, (which may Heaven avert!) it will be necessary that foreign nations should be well aware, that the People of the United States are ready to take the ground of fulfilling their contracts so long only, as they can be overawed by physical force; that we as a nation, are ready to avow, that we can be restrained from injustice *by fear alone*; not the fear of God, which is a most ennobling and purifying principle; not the fear of sacrificing national character, in the estimation of good and wise men in every country, and through all future time; no the fear of present shame and public scorn; but simply, and only, the fear of bayonets and cannon.<sup>69</sup>

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<sup>66</sup> Garrison, 107.

<sup>67</sup> Jeremiah Evarts, *Essays on the Present Crisis in the Condition of the American Indians* (Boston: Perkins & Marvin, 1829), 4. These essays were originally published in *The National Intelligencer* earlier in 1829, and were compiled into one volume.

<sup>68</sup> *Ibid.*, 28.

<sup>69</sup> *Ibid.*, 46.

Still, Evarts had reason for optimism: “The Great Arbiter of Nations never fails to take cognizance of national delinquencies. No sophistry can elude his scrutiny; no array of plausible arguments, or of smooth but hollow professions, can bias his judgment; and he has at his disposal most abundant means of executing his decisions. In many forms, and with awful solemnity, he has declared his abhorrence of oppression in every shape . . .”<sup>70</sup> Even so, Evarts was optimistic that if his argument was irrefutable, the evil of Removal would not happen: If people “are misled by an erroneous view of facts, or by the adoption of false principles, a free discussion will relieve their minds.”<sup>71</sup> In Evarts’s mind “The great principles of morality are immutable. They bind nations, in their intercourse with each other, as well as individuals.”<sup>72</sup>

Despite stressing morality and legal precedent, however, Evarts knew that ultimately the entire debate came down to one question. “The simple question is: *Have the Indian tribes, residing as separate communities in the neighborhood of the whites, a permanent title to the territory, which they inherited from their fathers, which they have neither forfeited nor sold, and which they now occupy?*”<sup>73</sup>

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Historians have missed that the most powerful arguments against Removal were ultimately based less upon morality and judicial precedent in

<sup>70</sup> *Ibid.*, 4–6.

<sup>71</sup> *Ibid.*, 4.

<sup>72</sup> *Ibid.*, 94.

<sup>73</sup> *Ibid.*, 6.

the colonial era than upon ancient history itself.<sup>74</sup> Sure, the anti-Removal side claimed that a just God would be angry at the greedy planters moving the Southern Indians off the land previously sealed off from settlement in treaties. However, what mattered most—what it ultimately came down to—was whether the Southern Indians had always possessed the land. Depressingly, moreover, in analyzing the prominent anti-Removal arguments as an historian one thing is sure: when it comes to the ancient South their premises are vague and quite weak in the face of the historical and theological specificity with which Haywood worked. After meditating on Haywood's extermination thesis, survey, for instance, the structure of Evarts's argument for Cherokee land rights:

The Cherokees contend, that their nation has been in possession of their present territory from time immemorial; that neither the king of Great

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<sup>74</sup> Moreover, Francis Prucha did not take Evarts's points seriously enough, did not sufficiently analyze his methodology: "Jeremiah Evarts and his friends tried to make the removal question simply a moral issue." See Prucha, *The Great Father*, 205 (quote). In my opinion the best work on the reasons for Indian Removal was done by the University of Pennsylvania anthropologist and historian, Anthony F. C. Wallace, in *Jefferson and the Indians and Long, Bitter Trail*. Wallace illuminates the ways that frontier violence near the turn the nineteenth century shaped the ways white emigrants and policy makers viewed 'the Indian problem,' and, indeed, caused even optimists like Jefferson to see Removal as inevitable. Robert V. Remini gave—though it was perhaps intended to be a rationalization—what is little more than an apology for Jackson's Removal policy in *Andrew Jackson and His Indian Wars*. And Remini is not alone. Prucha had given a similar, but more exhaustive treatment in *The Great Father*, still too much in tune, unfortunately, with an earlier rationalization of his in "Andrew Jackson's Indian Policy: A Reassessment," *Journal of American History* 56 (December 1969): 527–539, an argument that Remini embraced. In *Fathers and Children: Andrew Jackson and the Subjugation of the American Indian* (New York, 1975), Michael Paul Rogin gives a brilliant—and quite compelling—psychoanalytical argument, in which the Indians must go because they tempt 'civilized' whites too much to be free and wild. However, as Wallace noted, Rogin's thesis is not a sufficiently full explanation, and is at times, for all Rogin's archival mining, at odds with, or reductive of, the words themselves (see, for instance, Wallace, *Long, Bitter Trail*, 13). See also Stuart Banner, *How the Indians Lost Their Land: Law and Power on the Frontier* (Harvard University Press, 2005). Banner sees Indian Removal as less a diversion from past American Indian policy than a flashpoint illuminating a depressing general trend, government officials offering 'protection' to Indians, the end result being removing them for their own good. The underlying reason governments offered protection was, of course, a racial one: Indians were perceived as too inferior to own land properly or govern themselves.

Britain, nor the early settlers of Georgia, nor the State of Georgia after the revolution, nor the United States since the adoption of the federal constitution, have acquired any title to the soil, or any sovereignty over the territory; and that the title to the soil and sovereignty over the territory have been repeatedly *guaranteed to the Cherokees, as a nation*, by the United States, in treaties which are now binding on both parties.

Evarts believed the Cherokees' right to their land rested in their ancient ancestors: "This territory was in possession of their ancestors, through an unknown series of generations, and has come down to them with a title *absolutely unincumbered in every respect*. It is not pretended, that the Cherokees have ever alienated their country, or that the whites have ever been in possession of it." Moreover:

If the Cherokees are interrogated as to their title, they can truly say, "God gave this country to our ancestors. We have never been in bondage to any man. Though we have sold much land to our white neighbors, we have never bought any from them. We own the land which we now occupy, by the right of the original possessors; a right which is allowed in all countries to be of incontestable validity. We assert, therefore, that no human power can lawfully compel us to leave our lands."<sup>75</sup>

Evarts drove this central point of his anti-Removal argument into the dirt: "[The Cherokee] have a perfect right to their country,—the right of peaceable, continued, immemorial occupancy;—and although their country may be *claimed* by others, it may lawfully be *held* by the possessors against all the world." In a footnote to this statement, he added:

Some shallow writers on this subject have said, that "the Cherokees have *only* the title of occupancy"; just as though the title of occupancy were not the best title in the world, and the only original foundation of every other title. Every reader of Blackstone knows this to be the fact. As to the past, the Cherokees have *immemorial occupancy*; as to the future, they have a perfect right to *occupy their country indefinitely*. What can they desire more?<sup>76</sup>

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<sup>75</sup> Evarts, 7–8.

<sup>76</sup> *Ibid.*, 10.

And to those who invoked Lockean theories of property to trump ‘time immemorial’ possession claims—arguing that Cherokees’ ancestors did not practice agriculture, and thus could not have truly owned land in the Old Southwest—Evarts knew better: “At the earliest period of our becoming acquainted with their condition, they had fixed habitations, and were in undisputed possession of a widely extended country. They were then in the habit of cultivating some land near their houses, where they planted Indian corn, and other vegetables.”<sup>77</sup>

Because Evarts did not foresee Jackson’s employment of Haywood’s history of the ancient extermination, his argument falls short. Beyond the above holes that the depth and specificity of Haywood’s argument exposes, however, it gets even worse. Evarts, seeking to move readers’ hearts after swaying their minds, unknowingly begged the very question that Haywood had already answered, and which Jackson employed in his winter 1830 speech: “Have they invaded our settlements, driven off the inhabitants, and established themselves in an unrighteous possession, of which they are now about to be divest?” Evarts could not imagine how any honest person could help but see that the Cherokees’ “only offence consists in the possession of lands, which their neighbors covet.” He believed “that the Cherokees are not charged with having . . . done any thing to forfeit the guaranty” of the lands they claim to own, which had been guaranteed to them by earlier U.S. treaties.<sup>78</sup> Furthermore, Evarts did not know of Haywood’s Gog and Magog

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<sup>77</sup> *Ibid.*, 8.

<sup>78</sup> *Ibid.*, 88–89.

thesis, many of the Cherokee “are bound to us by the ties of Christianity which they profess, and which many of them exemplify as members of regular Christian churches.”<sup>79</sup> There was nothing Christian, in Haywood’s mind, about the Devil’s armies.

It should also be noted, however, that ignorance of Haywood is not the only thing that explains the failure of Evarts’s historical arguments. Evarts actually made the mistake of contrasting antebellum southern Indian policy with seventeenth-century New England, the very intellectual world that Haywood’s mind reflects. Evarts argued that if one looked closely into the dusky past, “he will also find a commendation of the manner in which the Puritan settlers of New England . . . obtained possession of the lands of the natives, viz: by the consent of the occupants, and not by a reliance on the charters of kings.”<sup>80</sup> In Evarts’s mind the Puritans treated the Indians such as the Wampanoag, Narragansett, and Iroquois kindly:

None of the Protestant colonists professed to act upon such principles; and the first settlers from England, as a general thing, if not universally, obtained of the natives, by treaty, the privilege of commencing their settlements. Whenever they afterwards got possession of lands by conquest, they did so in consequence of what they considered to be unprovoked wars, to which the Indians were instigated, either by their own fears and jealousies, or by the intrigues of European nations. It is undeniable, that the English colonists, as a body, and for a hundred and fifty years, disavowed, in principle and practice, the doctrine that the aborigines might be driven from their lands because they were an uncivilized people, or because the whites were more powerful than they. I have not been able to find an assembly of legislators, anterior to December 1827, laying down the broad principle, that, in this case, *power becomes right*; a memorable declaration, which was made by the legislature of Georgia, in one of the paroxysms of the present controversy.<sup>81</sup>

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<sup>79</sup> *Ibid.*, 89.

<sup>80</sup> *Ibid.*, 56.

<sup>81</sup> *Ibid.*, 58.

There were also more subtle misunderstandings of what had been happening in the South since Overton built Golgotha, and Jackson and Overton named Memphis: “I close this number by requesting all our public men to meditate upon the following words of a very sagacious king:—*Remove not the old land mark; and enter not into the fields of the fatherless;* that is, of the weak and defenceless; *for their redeemer is mighty; He shall plead their cause with thee.*”<sup>82</sup> Evarts was blind to what Jackson, Haywood, and cult were doing: “It is now proposed *to remove the landmarks*, in every sense; — to . . . burn 150 documents, as yet preserved in the archives of State, under the denomination of treaties with Indians, and to tear out sheets from every volume of our national statue-book and scatter them to the winds.”<sup>83</sup>

But as it went with the historically-half hazard Evarts, he could go from blindness to 20/20 vision: “[I]t would have been idle and dangerous for the settlers to have pretended any other right to the country, than that which they had acquired with the consent of the natives.”<sup>84</sup> Evarts, it turns out, was a better prophet than historian, his future warnings more accurate than his depictions of the past. In one particularly sobering quote on the future, he meditated on the possibility of an extermination that will follow Removal. The vision is so gory and sorrowing it is almost as if he avoided having it:

Even the agents of the United States, who have been employed with a special view to make the scheme popular, admit that there is a deficiency of wood and water. Without wood for fences and buildings, and for shelter against the furious northwestern blasts of winter, the Indians cannot be

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<sup>82</sup> *Ibid.*, 43.

<sup>83</sup> *Ibid.*, 101. See also Barbara J. Heath and Jack Gary, eds., *Jefferson's Poplar Forest: Unearthing a Virginia Plantation* (University of Florida Press, 2012).

<sup>84</sup> Evarts, 66.

comfortable. Without running streams, they can never keep live stock; nor could they easily dig wells and cistern for the use of their families. The vast prairies of the west will ultimately be inhabited. But it would require all the wealth, the enterprize, and the energy, of Anglo-Americans, to make a prosperous settlement upon them.<sup>85</sup>

It is as if Evarts wanted to avoid the dreadful conclusion derived from the facts—the plans—of the current time. He could not bring himself to fully say what he saw happening round him: “But who will dare to advocate the monstrous doctrine, that the people of a whole continent may be destroyed, for the benefit of the people of another continent?”<sup>86</sup>

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Tragically for Evarts, his essays seem to be a direct rebuttal of the prominent arguments articulated in Jackson’s *first* speech to Congress on Indian Removal, given in December of 1829, in which Jackson does not invoke Haywood’s extermination thesis. Jackson proclaimed to Congress:

Our ancestors found them the uncontrolled possessors of these vast regions. By persuasion and force they have been made to retire from river to river and from mountain to mountain, until some of the tribes have become extinct and others have left but remnants to preserve for awhile their once terrible names. Surrounded by the whites with their arts of civilization, which by destroying the resources of the savage doom him to weakness and decay, the fate of the Mohegan, the Narragansett, and the Delaware is fast overtaking the Choctaw, the Cherokee, and the Creek. That this fate surely awaits them if they remain within the limits of the States does not admit of a doubt.<sup>87</sup>

Jackson does not mention any ancient massacre, or extermination, nor try and even imply that the Cherokee, Choctaw, and Creek had not for centuries

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<sup>85</sup> *Ibid.*, 98.

<sup>86</sup> *Ibid.*, 57.

<sup>87</sup> Jackson, First Annual Message to Congress, December 8, 1829, in Richardson, ed., *A Compilation of the Messages and Papers of the Presidents*, Vol. 2, 1021.

inhabited the Old Southwest. Jackson's point was academic, and reiterated in the late winter of 1829/30 by Jackson's friend, John Bell of Tennessee.

Knowing Bell's explication of Jackson's first address is necessary for feeling sufficiently the power of his second in the winter of 1830/31. "No respectable jurist," Bell argued, "has ever gravely contended, that the right of the Indians to hold their reserved lands, could be supported in the courts of the country, upon any other ground than the grant or permission of the sovereignty or State in which such lands lie." He looked back for lessons from seventeenth-century New England: "The province of Massachusetts Bay . . . during the early period of its history, granted other lands to various friendly tribes of Indians." Even Puritans friendly to Indians, Bell pointed out, understood this point:

[Daniel] Gookin [1612–1687], the great protector and friend of the Indians, about the time these grants were made, was asked, why he thought it necessary to procure a grant from the General Court for such lands as the Indians needed, seeing that "they were the original lords of the soil?" He replied, that "the English claim right to the land by patent from their King."

Bell concluded, "No title to lands, that has ever been examined in the courts of the States, or of the United States, it is believed, has been admitted to depend upon any Indian deed of relinquishment, except in those cases where, for some meritorious service, grants have been made to individual Indians to hold in fee-simple."<sup>88</sup>

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<sup>88</sup> John Bell, "Report from the Committee of Indian Affairs," given before the U.S. Congress February 24, 1830 (Report No. 227), 5. Gookin was a friend of John Eliot's. See Daniel Gookin, *The Doings and Sufferings of the Christian Indians* (1677) (published for first time in 1836).

It was, Bell, stressed, only the “Humanity, and the religious feeling of the early adventurers” that “forbade that [the Indians] should be thrust with violence out of the land” in early America.<sup>89</sup> Indeed, “It is asserted, upon the ground of ownership and political sovereignty, and can be sustained upon no other principles than those which our ancestors supposed to be well founded, when they denied to the Indians any right to more land than they required for their subsistence by agriculture.”<sup>90</sup> Indians had no real rights to the land because of natural historical laws, such as those outlined by Locke and, earlier, Samuel Purchas.<sup>91</sup> Bell summarized, stressing the power of planters, “The rigor of the rule of their exclusion from those rights, has been mitigated, in practice, in conformity with the doctrines of those writers upon natural law, who, while they admit the superior right of agriculturists over the claims of savage tribes, in the appropriation of wild lands, yet, upon the principle that the earth was intended to be a provision for all mankind, assign to them such portion, as, when subdued by the arts of the husbandman, may be sufficient for their subsistence.”<sup>92</sup> More callous still, Bell admitted, Removal to the far West was a kind of mitigated wrath that Indians deserved:

To pay an Indian tribe what their ancient hunting grounds are worth to them, after the game is fled or destroyed, as a mode of appropriating wild lands, claimed by Indians, has been found more convenient, and certainly it is more agreeable to the forms of justice, as well as more merciful, than to assert the possession of them by the sword. Thus, the practice of buying Indian titles is but the substitute which humanity and expediency have imposed, in place of

<sup>89</sup> Bell, “Report,” 4.

<sup>90</sup> *Ibid.*, 6.

<sup>91</sup> See Fitzmaurice, “Moral Uncertainty in the Dispossession of Native Americans,” 383–409. For greater context on the early modern English tradition regarding Indians, see also Chaplin, *Subject Matter*.

<sup>92</sup> Bell, “Report,” 5.

the sword, in arriving at the actual enjoyment of property claimed by the right of discovery, and sanctioned by the natural superiority allowed to the claims of civilized communities over those of savage tribes.<sup>93</sup>

Despite the noble efforts of missionaries like Evarts, Bell stressed, the Indian, it had been recently proven beyond all doubt, was too “erratic” and “warlike” to live among. “From the time of the first permanent lodgement of the white man upon these shores, the destiny of the red man was placed, perhaps, beyond the reach of human agency. There was one remedy—to have abandoned the continent to the undisturbed possession of the Indian.” And it would be the same in any country; any government, any civilized people would be right to rid themselves of such savages: “In the primitive condition of these tribes, they would have been independent in fact, if they had inhabited within the jurisdiction of the most powerful European State; and it would have been necessary to the safety and order of the established society, either to exterminate them in war, or to find out some other mode of making their existence compatible with those objects.<sup>94</sup>

Civilization, tragic though it might be, was not a workable option. “The Cherokees are generally understood to have made further advances in civilization than the neighboring tribes, and a description of their real situation may make it of less importance to notice, in detail, the condition of the others.”<sup>95</sup> Bell continued,

The population of what is called the Cherokee nation, East of the Mississippi, may be estimated at about 12,000 souls. Of these, about 250 are white men and women, who have married into Indian families. About 1200 are slaves;

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<sup>93</sup> *Ibid.*, 6–7.

<sup>94</sup> *Ibid.*, 7–8.

<sup>95</sup> *Ibid.*, 21.

and the balance of the population consists of the mixed race and the pure blooded Indians; the former bearing but a small proportion to the latter caste.

It was only by white blood that any of the Cherokee had become 'civilized,' and even white blood had limits to its power:

Humanity would be gratified to find, in the composition of this infant society, and in the operation of the government established by it, the means of improving and elevating the aboriginal race of the Indians; but the committee are constrained to believe, from the effects of the new institutions, and the sentiments and principles of most of those who have the direction of them, that the Cherokee Indians, of pure blood, as they did not understand the design, so they are not likely to profit by the new order of things.<sup>96</sup>

The pure blooded Cherokee—savages—were dangerous, Bell warned, and were only getting angrier watching their white and mixed race chiefs—such as John Ross and James Vann—preside over plantations of black slaves farming in the fields, their wives swaying hoop-skirted in the halls; and these newly cleared planting lands further encroaching on tribal hunting lands: "The same causes which have contributed to elevate the character and increase the comforts of the mixed race have tended to diminish the means of subsistence among the Indians of purer blood."<sup>97</sup>

Bell, like Haywood, had studied seventeenth-century New England, and its history taught him that the future picture was so gloomy that even if southern missionaries had the success of say, John Eliot, pureblooded Cherokees, given their nature, would still threaten civilization:

If the past could be recalled, and the eight or ten thousand Indians, including children, who, it is said, at one time, in Massachusetts and New Plymouth colonies, attended church regularly and orderly, supplied many of their own teachers, and a great portion of them being able to read and write, could be transplanted into some territory upon the Western frontier, and there, under

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<sup>96</sup> *Ibid.*, 21–23.

<sup>97</sup> *Ibid.*, 24.

the protection of the whites, but free from the actual and constant presence of a superiority which dispirits them; and from those vices which have always been their worst enemies, the problem of Indian civilization might be solved, at least, under the most favorable circumstances.<sup>98</sup>

Moreover, just as Haywood had, Bell harmonized early American history with the recent southern past to give a warning: "There are thousands of living witnesses to the fact, that the treaties of 1790 and 1791, made with the creeks and Cherokees, can be said to have procured scarcely a temporary suspension of hostilities." Many could remember "September, 1792," autumn coming, "upwards of seven hundred Cherokee and Creek warriors attacked Buchanan's station, within four miles of Nashville, headed by the notorious John Watts, one of the signers of the treaty of Holston." Had it not been for "A dangerous wound received by Watts, during the attack," it "was supposed by many" that the station would have been massacred. Remember "September, 1793," the joe pye weed in last purple bloom, when "between twelve and fifteen hundred Indians, of the same tribes, invaded the settlements on the Holston river, and actually destroyed Cavit's station, in the neighborhood of Knoxville."<sup>99</sup> As long as they remained near, The Southern tribes do not present the case of a few hundred, or a few thousand Indians, who may have remained on a reservation enclosed by the white population of other States: they present the *materiel* of a future mass of wretchedness and degradation, which, to those who have duly considered the Indian character, and the causes which have heretofore, and, under similar circumstances will continue to depress and debase their condition, must appear truly frightful.<sup>100</sup>

Caution as to enacting Removal forthwith was for the nearsighted.

<sup>98</sup> *Ibid.*, 25.

<sup>99</sup> *Ibid.*, 18.

<sup>100</sup> *Ibid.*, 20.

That the greatest portion, even of the poorest class of the Southern Indians, may, for some years yet, find the means of sustaining life, is probable; but, when the game is all gone, as it soon must be, and their physical as well as moral energies shall have undergone the farther decline, which the entire failure of the resources of the chase has never failed to mark in their downward career, the hideous features in their prospects will become more manifest.

It was clear, "upon the whole, the mass of the population of the Southern Indian tribes are a less respectable order of human beings now, than they were ten years ago."<sup>101</sup>

If something was not done, Bell pleaded, scenes like the following, like in the time of King Phillip's War long ago and like the more recent violent southern past, would become more and more frequent, maybe more frequent than ever:

*Extract of a letter from James Rogers to the Secretary of War, dated Calhoun, December 26, 1828.*

The Cherokees opposed to the emigration of the Indians East of the Mississippi hold out their enmity towards those emigrating to the West of it. No longer than last night, an attack was made on Major John Walker by Archibald Foreman, who is no High Sheriff of Ammokee district, and who was heretofore Marshal of this now independent nation of Cherokees East of the Mississippi.

On yesterday I rode about a mile from the Cherokee agency, and was attacked by the Path-Killer, an Indian, who struck me several times with rocks, and who avowed his intention to kill me, and any one who would aid me in my business of enrolling the Cherokees for Arkansas.

Major Walker is an emigrant, and was beat in consequence of his exertions in the cause.

CHEROKEE AGENCY, 3d January, 1829.

SIR: On Christmas day, Major Walker, an emigrant, unfortunately went to an Indain dance about four mils from this: as soon as he arrived, Archy Foreman, (the same who was concerned in the assault on Capt. Rogers with

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<sup>101</sup> *Ibid.*, 21.

Speers,) and others, commenced an assault on him, and beat him so that his life was despaired of, or at least doubted for several days.<sup>102</sup>

More to the point of Jackson's need, such scenes also foreshadowed what citizens would have to risk enduring in order to forcefully remove thousands from their ancestral homes.

As of the winter of 1829/30, such was the extent of the argument Jackson had; as of 1829 Jackson had either not read the CA or had not found reason to wield his most powerful weapon of argument against Evarts. Evarts was not stupid, and would not have centrally showcased arguments that Jackson was easily able to refute in his speech to Congress in the winter of 1830/31 had he been aware of them. Neither was Theodore Frelinghuysen, the man who brought Evarts's emotional opposition into the legislative halls. On April 6, 1830, over a month before the Removal bill passed, Frelinghuysen, a senator from New Jersey, gave an emotional anti-Removal speech before the Senate. His strongest point was one of Evarts's: the Indians had lived in America since ancient times, a fact self-evident to most colonial governments who, in the seventeenth and eighteenth centuries, transacted with them as if they were the title holders, buying land from them, even proclaiming it illegal for settlers to cross the Appalachian mountains and infringe on ancient Indian hunting grounds.

It is a subject full of grateful satisfaction, Mr. President, that, in our public intercourse with the Indians, ever since the first colonies of white men found an abode on these western shores, we have distinctly recognized their

<sup>102</sup> *Ibid.*, 30. This sequence of letters was appended by Bell and committee, apparently to buttress their points.

title; treated with them as the owners, and in all our acquisitions of territory applied ourselves to these ancient proprietors, by purchase and cession alone, to obtain the right of soil. Sir, I challenge the record of any other or different pretension. When or where did the assembly or convention meet which proclaimed, or even suggested to these tribes, that the right of discovery contained a superior efficacy over all prior titles.<sup>103</sup>

Frelinghuysen quoted from the Proclamation of 1763 to drive home this point: "And whereas it is just and reasonable, and essential to our interest and the security of our colonies, that the *several nations* or tribes of Indians *with whom we are connected, and who live under our protection*, should not be molested or disturbed in the possession of such parts of our dominions and territories, *as not having been ceded to or purchased by us*, are reserved to them or any of them as their hunting grounds."<sup>104</sup>

Of course, even this proclamation's language contained evasions, attempts to presume as if King George was 'allowing' the Indians to remain on their hunting grounds out of the benevolence of his heart, and pro-Removal politicians such as John Bell—as we have seen—argued this very point in Congress. And although Jackson and Bell's rebuttal was rather esoteric, rooted as it was in a Lockean conception of natural law and quite sketchy revisions of colonial American history, it was enough when coupled with the Old Southwestern planting interest in both houses of the legislature, to pass by a small margin: twenty-eight to nineteen in the Senate, and one

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<sup>103</sup> Theodore Frelinghuysen, *Speech Delivered in the Senate of the United States, April 6, 1830 on the Bill for an Exchange of Lands with the Indians Residing in Any of the States or Territories, and for Their Removal West of the Mississippi* (Washington: Office of the National Journal, 1830), 10.

<sup>104</sup> *Ibid.*, 10–11. Frelinghuysen is here quoting directly from the Proclamation of 1763, issued by King George III.

hundred-two to ninety-seven in the House.<sup>105</sup> For with the expulsion of the Choctaw, Cherokee, and Creek from the Deep South, politicians in Mississippi and Alabama such as Walter Leake and William Wyatt Bibb could proclaim the arrival of a new era, a planter kingdom anchored by Christianity and chattel slavery.<sup>106</sup>

### An Occult Historian's Power

Something Jackson read or heard between December 1829 and December 1830 had to convince him that, should Indian Removal pass, he would have enough to convince the heads and hearts of the citizenry so that would be saviors such as Evarts would find un-persuaded eyes staring blankly back at them during the crunch-time when Cherokee women started wailing and clawing riding away in wagon backs or walking from burning villages, some of them with children in their arms whose fathers were shot or bayoneted because they refused to go.<sup>107</sup> For it was public demand for an answer—stirred up by essays like Evarts's and speeches like Frelinghuysen's—that led Bell to give his long and detailed speech:

The execution of this policy has been interrupted by causes which threaten to delay it for some time, if not to defeat it altogether. The most active and

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<sup>105</sup> Colin G. Calloway, *Pen and Ink Witchcraft: Treaties and Treaty Making in American Indian History* (Oxford University Press, 2013), 132.

<sup>106</sup> See Garrison, 13–33; and Carson, “Obituary of Nations,” 11–16. Carson illuminates the synchronicity between Indian Removal and Deep Southern politicians in Mississippi and Alabama etching race-based, chattel slavery into the Old Southwestern landscape. ‘Free Indians,’ Carson argues, had complicated the polar racial relationship planters longed for, freedom equating to white and white only.

<sup>107</sup> As to precisely when Jackson gained this insight between his first annual message to Congress and the above address, his second, it cannot be known; complete records of the congressional debates do not exist. Given the intimates shared between Haywood and Jackson, however—and indeed their own friendship—it is not surprising that Jackson either picked up the CA looking for ammunition or a mutual friend recommended its thesis as useful for the current debate.

extraordinary means have been employed to misrepresent the intention of the Government, on the one hand ,and the condition of the Indians on the other. The vivid representations of the progress of Indian civilization, which have been so industriously circulated by the party among themselves opposed to emigration and by their agents, have had the effect of engaging the sympathies, and exciting the zeal, of many benevolent individuals and societies, who have manifested scarcely less talents than perseverance in resisting the views of the Government.

The effect of Evarts and comrades, Bell fretted, was reaching inside even the Indians' skulls:

The effect of these indications of favor and protection has been to encourage [southern Indians] in the most extravagant pretensions. They have been taught to have new views of their rights. The Cherokees have decreed the integrity of their territory, and claimed to be as sovereign within their limits, as the States are in theirs.<sup>108</sup>

This latter conclusion, of course, just reveals that, not only was Bell and Jackson's argument in the winter of 1829/30 abstruse, it was disconnected from the nature of reality most southerners, Indians and whites, experienced. Contrary to Bell's belief, it did not take speeches and pamphlets from anti-Removal activists to awaken the Cherokee to the evils of Removal. John Ross, part Scots and part Cherokee, and chief of the anti-Removal Cherokee majority, reiterated in 1836 what he had known before 1830. Ross refused to sign the Treaty of New Echota, the U.S. Government's attempt to enact the removal of the Cherokee from the South. Ross feared even the far West would not be good enough for land-hungry U.S. citizens and the politicians they elected: "This policy will *legislate the Indians off the land* [itself]!" Ross knew from his reading of history that anything was indeed possible: "That all these things are possible, is proved by the present posture

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<sup>108</sup> Bell, "Report," 2.

of affairs in the region of our birth, our sacred inheritance from our fathers. It is but a few years, since the apprehension of scenes like those from which the United States acknowledges her incompetency to protect us, even under the pledge of Treaties, would have been regarded as a morbid dream.”<sup>109</sup>

In other words, Bell and Jackson knew that convincing congressmen was entwined with convincing their constituents and even the Indians *themselves*, all who would be witnessing the Removal unfold in real time. As egregious as these legal and historical ‘errors’ were, the outcry demanded a detailed justificatory explanation:

“A due respect for the opinions of a number of respectable citizens in various sections of the Union, requires that some notice should be taken of the grounds which have been assumed in support of the pretensions of the Indians, and of the obstacles which, in the opinion of the committee, lie in the way of their indulgence by the Government.”<sup>110</sup>

Despite Ross’s protestations, still, the treaty was ratified in the Senate in 1836, and the Cherokee Removal—the so-called Trail of Tears—carried through in 1837–38. Ross’s rival, The Ridge, signed the treaty. Ridge believed that living further west—ultimately to Oklahoma—was his nation’s most painless option.<sup>111</sup> There simply were not enough people convinced that the Cherokee—and other southern Indians—held a right to live in the

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<sup>109</sup> John Ross, “Letter From John Ross, Principal Chief of the Cherokee Nation of Indians” (“Laid Before the Senate and House of Representatives at the City of Washington, on the Twenty-first Day of June, Eighteen Hundred and Thirty-six”), 6.

<sup>110</sup> Bell, “Report,” 3.

<sup>111</sup> For a succinct account of the Cherokee Removal, see Perdue and Green, *The Cherokee Nation and the Trail of Tears*.

landscape where they claimed their ‘fathers’ had lived since time immemorial. As a result, upwards of eight thousand Cherokees would die, most emaciated, vomiting, starving, or freezing to death, cut nearly in two by the feeling of cholera setting in on dreary Mississippi roads or internment camps east of the Mississippi River, for instance; less shot or stabbed.<sup>112</sup>

It is in this context that Jackson’s speech to Congress in the winter of 1830/31 makes full sense. The Indian Removal Act did not mandate Indian removal outright. Rather, according to historian Francis Prucha, The measure, like the president’s message, made no mention of coercion to remove the Indians, and on the surface it seemed harmless and humane enough, with its provisions for a permanent guarantee of possession of the new lands, compensation for the improvement left behind, and aid and assistance to the emigrants. But those who knew the policy and practice of Jackson . . . and the adamant stand of the Indians against removal understood that force would be inevitable.<sup>113</sup>

Addressing Congress in the wake of a year of debate, the passing of an Act by a very close vote the previous spring, and *all* his work ahead of him, Jackson called upon his deceased friend, Haywood. Ignorant of Haywood, Evarts, Frelinghuysen, and Ross had no match for the summary of the first deep history of the ancient South which Jackson quoted, effectively coffining the anti-Removal side of the debate—for they could come up with no argument to convince the South otherwise. “In the monuments and fortresses of an unknown people, spread over the extensive regions of the West,”

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<sup>112</sup> *Ibid.*, 139–140. Exact numbers are difficult to compute; most estimates range from four to ten thousand Cherokees killed. For a thorough treatment of the phenomenology of cholera in the antebellum US, see Charles E. Rosenberg, *The Cholera Years: The United States in 1832, 1849, and 1866* (University of Chicago Press, 1987). See also Grant Foreman’s classic, *Indian Removal: The Emigration of the Five Civilized Tribes of Indians* (1932) (University of Oklahoma Press, 1972), 93.

<sup>113</sup> Prucha, *The Great Father*, 195. Prucha gives a wonderful summary of the convoluted history of removal movements within the early U.S., 183–195.

Jackson argued, “we behold the memorials of a once powerful race, which was exterminated or has disappeared to make room for the existing savage tribes.”<sup>114</sup> Although it cannot be proven with certainty that President Jackson read the CA, his conception of events in the ancient South surely did not enter his brain out of the air. His summary of ancient southern history is a paraphrase of an argument Haywood made in the CA: “The fortifications in every ancient place, show that a civilized people, who were also numerous, and under a government which could command their services, were infested with hordes of barbarians and free booters, and were finally exterminated by them, at which time their arts were extinguished.”<sup>115</sup> Other sentiments from the CA, furthermore, echoed yet:

And is it supposed that the wandering savage has a stronger attachment to his home than the settled, civilized Christian? Is it more afflicting to him to leave the graves of his fathers than it is to our brothers and children?<sup>116</sup>

It is difficult to watch an Occult historians’ power do its work, even in one’s mind’s eye. It is disappointing to see that Evarts—and through him, many of the implications of the Enlightenment historiographical tradition as exemplified in Barton—would lose his argument with Jackson, even though the full extent to which arguments affected the passing of, and carrying out of Indian Removal cannot, of course, be known. However, for all that, once one takes in the force of Haywood’s argument in Jackson’s mind, and rolling off Jackson’s tongue, it becomes apparent that had Jackson and the pro-

<sup>114</sup> Jackson, Second Annual Message to Congress, December 6, 1830, in Richardson, ed., *A Compilation of the Messages and Papers of the Presidents*, Vol. 2, 1084.

<sup>115</sup> Haywood, *Christian Advocate*, 234.

<sup>116</sup> Jackson, Second Annual Message to Congress, 1085.

Removal planters and politicians not believed in, and propagated Haywood's historical theses, they would not have been able to rip the Southern Indians from the landscape with such self-assurance and, resultantly, such force. Indeed, so strong was Jackson's belief that he was right, even when the Cherokee won an appeal to the U.S. Supreme Court (*Worcester v. Georgia*) in 1831, Jackson—with hordes of Old Southwestern planters standing behind him—refused to enforce the ruling.<sup>117</sup>

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<sup>117</sup> Garrison, 4–5. Garrison does not analyze Jackson's mind, but does stress that part of what motivated Jackson to persist is how popular his decision was in his homeland, the Old Southwest.

## Chapter 5: Haywood's Doctrine

In May of 1824, a failing Old Southwestern lawyer, Patrick Henry Darby, barged into a Knoxville courtroom. Like a dishonored prophet, he produced a pamphlet from his coat and made a speech summarizing its contents. He said something like this:

Judge Haywood was once a person of some genius; but it is wholly impossible, that a man who is capable of writing and publishing such books, could, at his soundest moments, have ever been a man of solid judgment. Even madmen, who have once been men of talents, have some lucid intervals; when their minds, like the Sun in a cloudy day, will now and then burst forth, and shine with a splendid radiance! As for his, it is not hid, but extinguished. Whatever his judgment may have been, it is certainly now no more. He has written about "ghosts," and "petrifications," and searched for "antiquities," and sophisticated away his reason, to prove the genealogical descent of the inhabitants of America, as to be from Asia, until it would seem, that he brought his mind to the belief, that he is, himself, descended, in the right line, from either Moses or Mohomet! That he is about to usher in the millennium! That oaths, constitutions, legislative authorities, and even the opinion of other judges, are nothing to him, and even beneath his notice. And that he has a prescriptive right, from this Asiatic ancestor, to make law by decisions, which the rest of mankind are bound to obey.<sup>1</sup>

Little is known about Darby. However, according to one recent account, he had come to Nashville in 1815 to contract "with heirs of original grantees and sought to eject those holding possession without linkage to the original holders."<sup>2</sup> In other words, Darby was disputing the laws and historical arguments Haywood had crafted in the 1810s to give new emigrants to the

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<sup>1</sup> P. H. Darby, "The Opinion of Judges Haywood and Peck, of the Supreme Court of Errors and Appeals in the cases of R. G. Waterhouse vs. Martin and others, Lessee," delivered at Knoxville May Term, 1824, with a Commentary by Patrick H. Darby, one of the Counsel for the Defendant, Knoxville, 1824, pg. 58, included in Miles, "Literary Beginnings," 88–89.

<sup>2</sup> J. Roderick Heller, *Democracy's Lawyer: Felix Grundy of the Old Southwest* (LSU Press, 2010), 136. Grundy was a friend of Haywood's.

Old Southwest priority over older claimants to fertile lands.<sup>3</sup> Public opinion in Tennessee was against Darby, and all that is known is that Haywood and his friends moved to have Darby disbarred, and he removed from Tennessee into obscurity, his reputation ruined. One of the few publications containing his biography remembers him as a “quarrelsome and aggressive man of uncertain origin.”<sup>4</sup>

Darby’s pamphlet demonstrates the extent to which Haywood’s legal opponents knew the powerful ways Haywood was interweaving historical and legal arguments, arguments that threatened them with great harm. And though Darby had not fully comprehended Haywood’s historical arguments in the CA, Darby saw and feared the legal power Haywood was deriving from his historiography.

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<sup>3</sup> To be sure, Darby was arguing against Haywood in order to support wealthy landholders on the East Coast who had purchased these lands during the land speculation boom that occurred after the American Revolution, or held titles to these lands dating back to the colonial and proprietary days—in Virginia and Carolina—of the seventeenth and eighteenth centuries. But whether he knew it or not his argument that “connection” to prior title must be proven beyond doubt in order for one to possess land in the Old Southwest flew in the face of everything for which Haywood and aspiring Deep Southern planters stood.

Nothing is known about Darby’s views towards the claims of southern Indians, but Andrew Jackson’s posturing on the “connection” debate is telling. Jackson was originally (with Darby) in favor of honoring prior, East Coast planters’ grants in the Old Southwest due to family possessions he had gained through the pell-mell, evolutionary process across the colonial era to the early Republic, the joyous days when the Proclamation of 1763 was no longer in effect and pre 1763 chains of title were re-awakened, capable again of being actualized. During the 1810s Jackson apparently believed his lands were safer protected against aspiring planters who might squat on them than Indians. However, at some point during the 1820s, after a decade of Indian wars in which he established solidarity with aspiring planters who did not yet own lands in the Old Southwest, Jackson reversed his views on the matter. As we have seen, when he became President, through his Indian Removal policy Jackson effectively invalidated *all* prior possession acknowledgments made in treaties with the Southern Indians in the colonial, British past and the early Republic. See Prucha, *The Great Father*, 191–192; for a novel, fascinating take on Jackson’s solidarity with southern planters, see Mark R. Cheathem, *Andrew Jackson, Southerner* (LSU Press, 2013).

<sup>4</sup> Author unknown, *The Filson Club History Quarterly*, Vol. 72 (1998): 131.

Haywood saw his use of history as benevolent, however; through his Color of Title Doctrine he would take part in “quieting men’s estates,” helping emigrant planters look in the well and see reflecting back at them a rightful owner.<sup>5</sup>

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This chapter illuminates how Haywood’s ancient historical theses contained in the CA operated vitally in his Color of Title Doctrine, the legal innovation that made him the idol of later antebellum Deep Southern lawyers and should have made him the toast of the evening in thousands of plantation halls across the antebellum Old Southwest; though as is often the case with the implications of historical and legal theses, most emigrant planters reaped the benefits without knowing who to thank. The chapter begins with a definition of Haywood’s Doctrine and then traces its genealogy (“The Ghost of Matthew Hale”). Like Haywood’s historiographical methodology, his legal thinking was early modern, influenced by the English jurist, Matthew Hale (1609–1676). The remainder of the chapter (“Possession”) demonstrates Hale’s influence upon Haywood—activating ancient laws to shatter the arrow of time, synchronizing the present and an ancient past—while analyzing the success of Haywood’s Doctrine in the courts. Across the years that Haywood collected Indian artifacts and worked out his apocalyptic historical theses he was also using his influence as a Judge to innovate property laws in the young state of Tennessee, which in turn shaped the laws in the emerging

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<sup>5</sup> Miles, 85. Haywood himself characterizes the colonial doctrine from which he innovates his Color of Title argument this way in his *Civil and Political History*, 17–18.

states of Mississippi and Alabama. Haywood's legal and historical synthesis—utilizing his ancient massacre thesis to innovate land ownership law—would provide hordes of white emigrant settlers a historical, moral, and legal basis for their claims to the recently contested, bloodied land upon which they were constructing their new homes, the most fertile lands in the Old Southwest, what would become the Cradle of the Confederacy.

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Haywood's Doctrine was a bold, nuanced, and powerful argument stipulating that whoever rightfully claims connection to an ancient deed, grant, or title, owns land in the Old Southwest. 'Rightfully' making this claim meant that an emigrant should buy from a land agent that one honestly *believed* obtained the title through the proper ancient chain (vague as it may be), and then "cultivate and improve" the land for seven years.<sup>6</sup> Haywood put it clearly in his 1818 legal reports from Tennessee: "Color of title is where the possessor has a conveyance of some sort by deed or will or inheritance, which he may believe to be a title." Even clearer: "And as to the question what is color of title? A deed from one apparently an owner is a color of title; because it is a conveyance having the form and appearance of a valid legal conveyance, though it is not so in reality. So of a devise, descent or the like from an apparent owner."<sup>7</sup>

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<sup>6</sup> John Haywood, *Reports of Cases Adjudged in the Superior Courts of Law and Equity . . . For the State of North Carolina From the Year 1797 to 1806*, 2 vols. (Raleigh, NC: William Boylan, 1806), vol. 2, 93.

<sup>7</sup> John Haywood, *Reports of Cases Argued and Adjudged in the Supreme Court of Errors and Appeals of Tennessee* 5 vols. (Nashville, TN: T. G. Bradford, 1818), vol. 5, 185 (first quote), 284 (second quote).

These legal innovations—praised as “open-minded” by Rothrock—were in actuality decayed medieval and early modern concepts he had recovered.<sup>8</sup> In the momentous *Weatherhead* case held in December of 1815, after which Tennessee Supreme Court judges increasingly upheld Haywood’s Doctrine, Haywood argued for “the doctrine of color of title.” It was an ancient Germanic legal concept—practiced also in seventeenth-century England—that allowed a lord to legally claim possession of land by producing only “the appearance, semblance, or *simulacrum* of title.”<sup>9</sup> It did not matter to Haywood that “the doctrine of a connection of title”—the necessity of a landowner showing “regular chain of title,” rather than a mere “seven years’ possession with a color of title”—was supported by explicit language in an act passed by the Tennessee General Assembly.<sup>10</sup> Nor did he care whether, as some

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<sup>8</sup> Rothrock, “John Haywood,” xv.

<sup>9</sup> Caldwell, 39; Henry Campbell Black, *A Dictionary of Law: Containing Definitions of the Terms and Phrases of American and English Jurisprudence, Ancient and Modern* (Clark, NJ: The Lawbook Exchange, Ltd., 1991), 222; Rudolph Huebner, *A History of Germanic Private Law*, published as part of The Association of American Law Schools’ *The Continental Legal History Series*, 11 vols. (Boston: Little, Brown, & Co., 1918), vol. 4, 14, 255, 423. Haywood lost the *Weatherhead* case (he and friend, Judge John Overton, were a minority, the only judges upholding the color of title argument), but worked his will successfully once he became Judge of the Supreme Court. In Germanic law, color of title, *Rechtsschein*, was also known as “title of natural right.” For more information on Haywood and the *Weatherhead* case, see Caldwell, 38–39; and *The American Jurist and Law Magazine*, Volume III, January and April 1830 (Boston: Freeman & Bolles, 1830), 271–272. Indeed, aside from missing the wider historical context of Haywood’s revision, Rothrock seems greatly confused about the particulars of the *Weatherhead* case itself, and did not seem to understand the legal definition of ‘color of title.’

<sup>10</sup> Caldwell, 37–39; *The American Jurist and Law Magazine*, Vol. III, 267. The crux of the controversy between advocates of ‘connection of title’ vs. those of ‘color of title’ had to do with interpretation of the Tennessee General Assembly’s Act of 1797, which declared that one could claim ‘possession’ of land “*by virtue of a grant or deed of conveyance founded upon a grant.*” Advocates of ‘connection’ took this to mean: “a party must be able to *connect* himself with a grantee by an uninterrupted chain of mesne conveyances. If a link in his title were wanting, his possession, how long soever continued, would not be sanctified by the lapse of time.” Advocates of ‘color,’ in contrast, “held that no connexion between the possessor and the grantee was necessary, but if he had had seven years peaceable possession of *granted land*, by virtue of an informal deed from the true owner, or by virtue of

argued, he was “unsettling . . . the current of decisions for more than a century” of southern jurisprudence.<sup>11</sup>

Rather, Haywood relied upon *history* to argue for color of title. Before he arrived in Tennessee, Haywood had worked his Color of Title Doctrine out in a legal argument so brilliant that few judges could ultimately resist its power. He reached it through meditations on late medieval/early modern European juridical practice. “[B]efore the year 1793, and up to that period,” he wrote in a legal report on the subject, North Carolina’s magistrates practiced the same statute of limitations “as did the statute of James the first, by the judges in England. Possession for seven years, barred the right of possession, which had been in the plaintiff, vested the same in the possessor, and barred the claim of ejectment founded on the right possession in the plaintiff.”<sup>12</sup> Although this seventeenth-century logic seemed alien to some southerners at the turn of the nineteenth century, it was only because they had a dim view of early modern southern history. An act containing this logic, Haywood pointed out in a legal report written in April 1798, had been written into law as near in the past as 1715, and he sought to reactivate it. If one wanted to understand the Act’s true “nature,” it must “be collected from a recurrence to the *circumstances* of this country at the time of passing the act [emphasis mine] . . . .” Specifically, Haywood continued,

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a formal deed from the only reputed owner, his possession would be ripened into an exclusive title” (*American Jurist*, 267).

<sup>11</sup> “Memoir of John Haywood,” in Haynes, ed. *The South-western Law Journal and Reporter*, vol. 1, 267–268. Interpretation of the arc of—or trends in—the common law tradition was quite flexible in the early antebellum South. See, for instance, Everett Dick, *The Dixie Frontier: A Social History* (1948) (Knopf, 1993), 225–236.

<sup>12</sup> Haywood, report for *Barton’s Lessee v. Shall*, in *The American Jurist and Law Magazine*, Vol. III, 257.

The act was passed in 1715, when the country was thinly inhabited, and it was the policy of the legislature to encourage its population. In many instances the same land was covered by two or more grants; and frequently when a later patentee or those claiming under him, had settled on the land comprised in his grant, and had cleared and improved it, he was turned out of possession by the exhibition of a prior grant. This tended to discourage the making of settlements, and of course, to repress population. The legislature therefore provided the act of limitations [Act of 1715] to obviate these mischiefs; and it was the *intent* of this act, that where a man settled upon, and improved lands upon supposition that they were his own, and continued in the possession for seven years, he should not be subject to be turned out of possession. Hence arises the necessity of *color of title*, for if he has no pretence of title, he cannot suppose the lands are his own, and he settles upon them in his own wrong. . . .<sup>13</sup>

Medieval and early modern color of title laws are not the only old laws Haywood relied upon to argue for color of title, however. It was only possible to claim ownership of land under color of title because there had been an ancient crime in the Old Southwest, and the proper chain of titles had been broken. In moving the Southern Indians off the landscape, and farming it like the ancient chieftains had, emigrant planters could *believe* themselves to be the rightful owners. For instance, when Haywood was emphasizing in his CA that the Southern Indians—the Cherokee and Creek in particular—were murderous emigrants to the Old Southwest, he was thinking about the illegality of their actions: “Their right to the soil does not rest on any species of purchase, either imposed on the weaker nation, or fairly made by the offer of an equivalent. Extermination was the security they desired.”<sup>14</sup> Because the Southern Indians had killed civilization and lived as beasts for centuries in the landscape, emigrant planters could utilize the ancient Roman law, *ferae*

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<sup>13</sup> *Ibid.*, 263. A “Judge [David?] Stone” co-authored this response; nevertheless, Haywood’s was the name widely associated with this argument in North Carolina and Tennessee at the turn of the nineteenth century. See Caldwell, 37–38.

<sup>14</sup> Haywood, *Christian Advocate*, 261.

*bestiae* (law of wild beasts), dating back to Aristotle, which held that civilized planters could rightfully claim land roamed by such beasts as Indians.

It is important to note, however, that Haywood's Doctrine was not generated simply because it was a 'rationalization' conjured up quickly to help any white squatter settle the Old Southwest.<sup>15</sup> Haywood's Doctrine was composed of interwoven strands of theological, historical, and legal arguments burning in his mind at the time he was researching and writing the CA, the same time period he was arguing for color of title in the Tennessee courts. Indeed, because Haywood's argument for color of title was based upon belief—"for if he has no pretence of title, he cannot suppose the lands are his own, and he settles upon them in his own wrong"—it was not always easy to prove. There were several cases near the turn of the century in which Haywood argued that the defendant had not proven color of title sufficiently. Wrote one antebellum legal analyst, even though Haywood "indeed was the great champion of this doctrine," the doctrine "did not operate in favor of one

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<sup>15</sup> Most often the plantationization of the antebellum Deep South—achieved primarily through illicit land-grabbing, genocide, and chattel slavery—has been accounted for by historians in terms of either economic interests or some kind of vague, though misguided, paternalistic good will, or a combination thereof. These explanations, to be sure, account for facets of numerous evils committed in the world—and no doubt account for some of the crucial events that unfolded in the antebellum southern past. However, against the pages of Haywood's writings, writings responsible for directing the very course of those events, such easy explanations weaken. For the most recent economic accounting, see Johnson, *River of Dark Dreams*; for a rather recent combination thereof, see Rothman, *Slave Country*. For vague, paternalistic accountings, see Remini, *Andrew Jackson and His Indian Wars* and the classic, Prucha, "Andrew Jackson's Indian Policy: A Reassessment." And for illuminations of what made the plantation Deep South, see Carson, "The Obituary of Nations"; and Walter Johnson, *Soul by Soul: Life Inside the Antebellum Slave Market* (Harvard University Press, 1999).

who settled on the land of an individual proprietor, knowing he was a trespasser in so doing, which he must know, if he had no *color of title*.<sup>16</sup>

Haywood's Color of Title doctrine did, nevertheless, meet a great need for emigrant planters, a need manifesting from a problem that historians of the Deep South have missed: planters emigrating to the Old Southwest faced the problem of believing they rightfully owned the foreign landscape to which they wished to belong, a landscape haunted with foreign peoples and artifacts.

Historians have given nostalgic modern southern expressions about connection with the antebellum past little serious attention. In turning their eyes or scoffing modern nostalgic expressions off, however, historians miss the most fascinating subject matter a historian can study: synchronicity.

Before the film adaptation of Jeff Shaara's *Gods and Generals* (1997; film 2003) begins with regimental standards blowing in the wind, words from George Eliot's novel, *Daniel Deronda* (1876), digitally manifest on the screen:

A human life, I think, should be well rooted in some spot of a native land, where it may get the love of tender kinship for the face of the earth, for the labors men go forth to, for the sounds and accents that haunt it, for whatever will give that early home a familiar unmistakable difference amidst the future widening of knowledge. The best introduction to astronomy is to think of the nightly heavens as a little lot of stars belonging to one's own homestead.<sup>17</sup>

Although the film—the prequel to “Gettysburg,” a film based upon Michael Shaara's bestseller *The Killer Angels* (1974)—fared poorly in the wider world, certain of its themes met a warmer embrace among largely white, southern

<sup>16</sup> *The American Jurist and Law Magazine*, Vol. III, 262–263 (quote), 264.

<sup>17</sup> George Eliot, *Daniel Deronda* (1876) (Hertfordshire: Wordsworth Editions Limited, 1996), 15. (George Eliot was the pen name used by the English writer Mary Anne Evans.) See also the movie, “Gods and Generals” (Turner Pictures, 2003), based upon Jeff Shaara's novel, *Gods and Generals* (New York: Ballantine Books, 1996, 2011).

“Civil War buffs” and re-enactors. Though many buffs—with critical eyes for weapons, accents, and stitching—took issue with the film’s historical accuracy, few disputed the deep connection it conveyed between southern landscape and southern soldier.

The history of this belief can be traced to the work of the cult of antiquity that expanded from Haywood’s Middle Tennessee into the Cotton Belt landscape during the middle antebellum era, into Mississippi, Alabama, and even into the Cotton Belt’s fringe, an older South, the South Carolina upcountry—an event covered in this work’s final chapters. However, before the Cotton Belt could gain all of its population of aspiring planters and second-sons from the East Coast and Upper South, emigrants had to *believe* they could uncontestedly own land in the Old Southwest. This act could not be achieved merely by force, or ‘squatting’; civilizations rarely grow and flourish with questions of legitimacy haunting them—afflicting citizens’ *consciences*—from the history contained in the landscape beneath, let alone from living beings in the frontier periphery. The emigrant planters needed a Judge on their side who could write their connection with the landscape over all others in the law books, backed by oaths to God.

The Confederate congressman from Tennessee, Colyar, characterized Haywood’s judicial influence this way: “The Tennessee lawyer of the present day, if he traces the history of familiar principles, especially in relation to land titles and other questions peculiar to our jurisprudence, will be surprised to find how many of them had their origin (for many of them were new

questions) in the massive brain of Judge Haywood; and it would be difficult to find one of his well-considered cases that has since been overruled.”<sup>18</sup>

### The Ghost of Matthew Hale

Although Rothrock did not know it, Haywood derived the legal theory behind the brilliant legal interpretation for which she praised him from reading the cases of the early modern English jurist, Matthew Hale (1609–1676). Once understood, Hale’s juridical reasoning is seen undergirding Haywood’s *Weatherhead* arguments and the juridical arguments within the CA, Hale’s ghost shaping some of the weightiest events in the antebellum Old Southwest thanks to Haywood’s summoning.

It was well known in later antebellum southern legal circles that while other southern lawyers preferred “the authority of the English modern cases,” Haywood fought “for the law as laid down in Coke, Hale and Hawkins.”<sup>19</sup>

A bit about Hale, the legal thinker of the three whose ghost most shaped Haywood’s juridical and historiographical logic. “As chief justice of the King’s Bench” during the Puritan Revolution, writes legal historian Kunal Parker, “Hale upheld the common law [tradition] throughout the Protectorate.” Parker provides us insight into Hale’s mind: “Hale . . . adhere[s] to the myth of the common law as a self-given law that acquires force through repetition. He insists throughout the *History* that ‘the formal and obliging Force and Power

<sup>18</sup> Colyar, “Preface,” 10. See also Timothy S. Huebner, *The Southern Judicial Tradition: State Judges and Sectional Distinctiveness, 1790–1890* (UGA Press, 1999), 43.

<sup>19</sup> “John Haywood,” in Haynes, ed. *The South-western Law Journal and Reporter*, vol. 1, 126. Hale was greatly influenced by English Judge, Edward Coke (1552–1634).

[of the Common Law] grows by long Custom and Use.”<sup>20</sup> (The “*History*” to which Parker refers is Hale’s influential *Historia Placitorum Coronæ* [“History of the Pleas of the Crown”], the legal history in which Hale argues that rape is not a crime if it occurs within marriage.<sup>21</sup>)

Hale, like Edward Coke, believed the “judge’s task” was “to keep as near as may be to the certainty of the law, and the consonance of it to itself, that one age and one tribunal may speak the same things, and carry on the same thread of the law in one uniform rule as near as is possible.”<sup>22</sup> To be sure, this is a problem numerous jurists in the Western tradition have faced (and yet face), interpreting laws passed in the past in novel moments, unforeseen circumstances of the present; however, Hale seems *obsessed* with activating ancient laws to shape the present, harmonizing the present and ancient past, to a degree his participation in English Common Law tradition cannot fully explain (for within this tradition jurists were divided about how weightily past custom should figure in evolving the law). Through the expertise of judges, he believed, the spirit of old laws, the laws of great, “ancient governments” could be recovered, awakened, reinterpreted,

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<sup>20</sup> Kunal M. Parker, *Common Law, History, and Democracy in America, 1790–1900: Legal Thought Before Modernism* (Cambridge University Press, 2011), 38, 40.

<sup>21</sup> Matthew Hale, *Historia Placitorum Coronæ*, 2 vols. (London: T. Payne, 1778), vol. 1, 629. Hale’s *Historia* was originally published posthumously, in 1736. Regarding the crime of marital rape, Hale argues, “But the husband cannot be guilty of a rape committed by himself upon his lawful wife, for by their mutual matrimonial consent and contract the wife hath given up herself in this kind unto her husband, which she cannot retract.” See also Sharon Block, *Rape & Sexual Power in Early America* (UNC Press, 2006), 129–136, 139, 142, 180. Block stressed that Hale was very weary of falsely condemning a *man* of such a crime; and, furthermore: “Hale’s standards of evidence and cautionary advice would be repeated in courtrooms well into the nineteenth century and beyond (a televised rape trial in 2003 featured a defense lawyer paraphrasing Hale’s warning about the difficulty of defending an innocent man from rape in his closing argument)” (Block, 130–131).

<sup>22</sup> Hale quoted in Alan Cromartie, *Sir Matthew Hale, 1609–1676: Law, Religion, and Natural Philosophy* (Cambridge University Press, 1995), 101.

adapted, preserved, and—therefore—utilized to either effect change or maintain stasis in the current time.<sup>23</sup>

But in order to summon Hale's ghost, would-be conjurers like Haywood had to first survive intellectually the razors wielded by several iconoclastic historians, philosophers, and economists of the Scottish Enlightenment who took issue with Hale's theory. Henry Home (Lord Kames), David Hume, and Adam Smith—arguably the most influential thinkers in eighteenth-century western thought—urged judges to help free humanity from legal shackles of the past. In Home's thinking, just because a tradition was old did not mean it was right:

The feudal law was a violent system, repugnant to natural principles. It was submitted to in barbarous times, when the exercise of arms was the only science and the only commerce. It is repugnant to all the arts of peace, and when mankind came to affect security more than danger, nothing could make it tolerable, but long usage and inveterate habit.<sup>24</sup>

Parker stresses: "Kames's understanding of history as a movement away from feudalism toward commerce went along with a pronounced sense that history was also about moving away from form toward underlying substance, from outward trappings to abstraction." Thus "The shedding of form, religious as well as legal, was," in Home's progressive hope for western posterity, a

<sup>23</sup> *Ibid.*, 100–103.

<sup>24</sup> Henry Home, Lord Kames, *Historical Law-Tracts* (1761) (Union, NJ: Lawbook Exchange, 2000), 186; quoted in Parker, 51–52. To be sure, Home reasoned, it might not be practicable to overrule all outmoded laws in a day; he wrote: "It behoved however to yield gradually, to the prevailing love of liberty and independency; and accordingly, through all Europe, it dwindled away gradually, and became a shadow, before any branch of it was abrogated by statute." Still, for Home, the crucial point remained nonetheless.

“historical mandate.” It was “a movement away . . . from a fetishization of sensible form toward a recognition of substance or abstraction.”<sup>25</sup>

Home argued that divinity and tradition had no bearing upon moral truth. Legal historian Michael Lobban writes: “Kames argued that man perceived his duties not by reason, divine law or self-interest, but by a moral sense, which allowed him to discern the qualities of right and wrong, just as he was able to perceive colour, taste or smell. People instinctively approved of certain actions and disapproved of others.” Like his protégé, David Hume, Home rooted the principles of moral law in human nature:

Observation of man’s nature, [Home] noted, revealed that, unlike beasts of prey, man could only live comfortably in society. However, rather than using this merely as a postulate in his moral theory, Kames used it empirically, noting that it was dangerous to “assert propositions, without relation to facts and experiments.” In Kames’s view, a theory was necessary which could describe the changes in the social condition of man, and consequential changes in ideas about duties.

Home took issue with jurists like Hale who were overly obsessed with reconciling ancient laws with the present. Lobban continues:

In the preface to this *Historical Law Tracts*, he famously criticized those who studied law as if it were a mere collection of facts. To make sense of the law, he said, one had to study it historically, and philosophically, searching for the underlying principles of doctrine, rather than merely describing it. “The law of a country is in perfection when it corresponds to the manners of the people, their circumstances, their government,” he wrote: “And as these are seldom stationary, law ought to accompany them in their changes.”<sup>26</sup>

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<sup>25</sup> Parker, 53.

<sup>26</sup> Michael Lobban, *A History of the Philosophy of Law in the Common Law World, 1600–1900*, in Enrico Pattaro ed., *A Treatise of Legal Philosophy and General Jurisprudence*, 8 vols. (Dordrecht, The Netherlands: Springer, 2007), vol. 8, 115. Lobban is quoting here from Home’s *Essays on the Principles of Morality and Natural Religion* (1758), 3<sup>rd</sup> Edition (Edinburgh: John Bell, 1779), 75; and Home, *Select Decisions of the Court of Session, from the Year 1752 to the Year 1768* (second edition) (Edinburgh, 1799), p. iii; quoted in David Lieberman, “The Legal Needs of a Commercial Society: The Jurisprudence of Lord Kames,” in Istvan Hont and Michael Ignatieff, eds. *Wealth and Virtue: The Shaping of Political*

Hale's eighteenth-century advocate, William Blackstone (another of Haywood's influences), articulated the mentality against which Home and Hume wrote well when he issued his call for "a gradual restoration of that ancient constitution, whereof our Saxon forefathers had been unjustly deprived." Moreover, this kind of belief in an Edenic past is *why* Hale and Blackstone placed such weight in the law's letter; if "relics of Saxon liberty" had persisted in the current time, then they must be preserved and adapted.<sup>27</sup>

This yearning to build—go *back* to—a good world by shattering the arrow of time, synchronizing the ancient past and the present, is the most unsettling component of Hale, Blackstone, and Haywood's legal and historical thinking, and David Hume vividly captured the yearning's error, its ahistoricity, in his *Enquiry Concerning the Principles of Morals* (1751):

Suppose . . . that it should be a virtuous man's fate to fall into the society of ruffians, remote from the protection of laws and government; what conduct must he embrace in that melancholy situation? He sees such a desperate rapaciousness prevail; such a disregard to equity, such contempt of order, such stupid blindness to future consequences, as must immediately have the most tragical conclusion, and must terminate in destruction to the greater number, and in a total dissolution of society to the rest. He, mean while, can have no other expedient than to arm himself, to whomever the sword he seizes, or the buckler, may belong: To make provision of all means of defence and security: And his particular regard to justice being no longer of USE to his own safety or that of others, he must consult the dictates of self-preservation alone, without concern for those who no longer merit his care and attention.<sup>28</sup>

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*Economy in the Scottish Enlightenment* (Cambridge University Press, 1983), 209; quoted also in Parker, 51–52.

<sup>27</sup> Lobban, 103. Lobban quotes from *Blackstone's Commentaries*. See *Blackstone's Commentaries* (1765), Abridged and Adapted, 2nd edition (London: W. Maxwell, 1856), 436, 671.

<sup>28</sup> David Hume, *An Enquiry Concerning the Principles of Morals* (1751), Tom L. Beauchamp ed. (Oxford University Press, 1998, 2003), 15–16.

In other words, experience, philosophical reflection, and scientific research showed Home and Hume that most ancient laws, crafted in their own particular circumstances, were not inherently good, or naturally to be revered. It follows that it would be a mistake to be quick and gleeful in applying ancient laws to adjudicate modern transgressions. Even more, it would be a grave mistake to follow the implications of Hale's legal theory to their logical ends—to seek to remedy a never yet atoned for transgression of ancient laws by activating ancient laws against *living* descendants of the (supposed) transgressors in order to better civilization, and bring it *back* to Eden. The nineteenth-century British jurist and Cambridge professor, Andrew Amos, understood this particular danger in Hale, and in those who would apply Hale to the modern world (what advocate of Hale's theory could not?): "A case is descanted upon, as mathematicians reason upon cannon-balls projected in vacuo, or physiologists upon skeletons; but the recurrence of the identical circumstances detailed by Hale, denuded of all others that may be material, is in the highest degree improbable, unless, perhaps, in a special verdict, or at that æra of recurring events, when the ancients thought that the Trojan war would be fought over again."<sup>29</sup> Moreover, Hale's anti-historical thinking wrought gruesome events in the world, making it rational for judges to persist in advocating morally outdated punishments: "He can, for instance, with his pen, burn a woman, or a heretic, or disembowel a traitor [,] . . . hang a witch, press a taciturn man or woman to death, corrupt blood, or cut off ears

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<sup>29</sup> Andrew Amos, *Ruins of Time Exemplified in Sir Matthew Hale's History of the Pleas of the Crown* (London: V. and R. Stevens, 1856), 2–3.

and slit nostrils, without hinting dislike at the disproportion, impolicy, or barbarity of such outrages on human nature. He can dismiss a man to his home, and a woman to the gallows for the same offence, without further remark, than, that it is by the law of clergy.”<sup>30</sup>

### Possession

An antebellum legal historian summarizing—and praising—Haywood’s juridical brilliance in advocating his Color of Title Doctrine in cases such as *Weatherhead vs. Bledsoe* (1815), concluded his analysis by noting the consonance of Haywood’s Doctrine with antiquity. The medieval German doctrine of color of title was actually of Roman origin:

[I]t is gratifying to find that the wisdom of the Romans founded the law of usucaption and prescription upon the same principle. We recognize a strong similarity between the language of the advocates of color of title, and the following provisions of the Roman law.

“By the civil law, whoever had *fairly* obtained a thing from one whom he *supposed* the true owner, although in reality he was not, and if of a movable, had possessed it *bona fide* for one year either in Italy or the provinces; or if immovable, for two years within the limits of Italy, should prescribe to such thing by use: and this was held to be law, lest the dominion of property of things, should be uncertain.”<sup>31</sup>

Thus in *Weatherhead* Haywood activated ancient laws to argue that even if an original title could be produced, as long as the defendant—*Weatherhead*, for instance—bought the 640 acres from someone claiming to be the owner but who was not, obtained a deed or will stating the property had been transferred to him, and planted it seven years without dispute, the land belonged to the one—*Weatherhead*, not *Bledsoe*—who planted it

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<sup>30</sup> *Ibid.*, 7.

<sup>31</sup> *The American Jurist and Law Magazine*, Vol. III, 263, 267, 280 (Roman quote).

believing he was the owner. Theoretically, thus, it did not matter to Haywood whether or not Weatherhead had the original, oldest title in hand, which belonged to Bledsoe; it mattered more what Weatherhead *believed* when planting the land.<sup>32</sup> Of course, this belief only mattered, however, because of what had occurred in ancient southern history. For it was only rational for Haywood to apply Hale if he rested his Color of Title Doctrine on the ancient transgression he detailed in the CA. Had there not been an ancient massacre in the Old Southwest, it turns out, no one could in their right mind claim possession of the landscape through color of title.

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Understanding Hale's activation of ancient laws is not easy, and thus some of Haywood's own friends and colleagues misunderstood his Color of Title Doctrine, nor were they aware of why he advocated it (like the hordes of emigrant planters, they merely liked the results). Inspired by Haywood's interpretation of the Act of 1715, Judge Alfred Moore, future Justice of the United States Supreme Court, ruled the case of *Armour vs. White* thus: "A naked possession for seven year, without entry or claim, will bar the right of entry, of all adverse claimants: And a possession, with colour of title for seven years, will give to the defendant in possession, an absolute right against all others forever."<sup>33</sup>

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<sup>32</sup> Jacob Peck, *Reports of Cases Argued and Adjudged in the Supreme Court of the State of Tennessee*, 7 vols. (Louisville, KY: Fetter Law Company, 1903), 2<sup>nd</sup> edition, vol. 1, 250–251.

<sup>33</sup> Alfred Moore quoted in John Haywood, *Reports of Cases Adjudged in the Superior Courts of Law and Equity . . . For the State of North Carolina From the Year 1797 to 1806*, Vol. II, 88.

In 1806 Haywood appended a *note* to his report of the case. Although delighted with the ruling—“(though the decision in this case was proper for other reasons)”—“This distinction between a seven years naked possession, and a seven years possession with colour of title . . . is as I apprehend, founded upon a wrong construction of the act of limitations [Act of 1715].” Haywood believed this false distinction was “a mistaken idea” that “has encouraged those having no title, colourable or otherwise, to settle upon the lands of others, and commit trespasses . . . .” The act had “been made the disturber of repose, the mother of inquietude, the stirrer up of controversies, and a net to entangle men’s titles.” It was therefore “of very great importance to the public . . . that this act should not be misunderstood.”<sup>34</sup> One legal scholar writing in the 1830 put it well: “Should [Moore’s] construction prevail, the whole fabric of the perpetual bar, which some lawyers and judges [Haywood chief among them] had been erecting, with infinite pains, . . . must tumble in ruins about their ears.”<sup>35</sup> The reason why Moore’s distinction would crash the edifice Haywood and comrades had been working painfully and diligently to raise is far from obvious, and not solely because it would be socially disruptive for settlers to claim to own land by merely nakedly possessing it. Though it was in all likelihood a slip of tongue, mere failure to understand Haywood’s Doctrine fully, Moore’s reasoning would be an apology for what the Southern Indians had done after the ancient massacre, and would initiate a decline to anarchy and barbarism.

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<sup>34</sup> John Haywood, *Reports of Cases Adjudged in the Superior Courts of Law and Equity . . . For the State of North Carolina From the Year 1797 to 1806*, Volume II, 88, 96.

<sup>35</sup> *The American Jurist and Law Magazine*, Vol. III, 265.

Throughout the remainder of the appended note, Haywood applied Hale's legal theory to southern history—both ancient and early modern—to make a critical argument *fleshing out* in full his Color of Title Doctrine. The argument is scarcely noticeable but for placing Haywood's legal diction in the flicker of the CA's sketch of the arc of ancient to modern southern history. However, when Haywood's appended note is analyzed in the glare of his beliefs conveyed in the CA a fascinating argument emerges. In the background of Haywood's mind the armies of Gog and Magog likely marched in the landscape, and were in 'naked possession' of the Old Southwest, having settled it, like beasts, by murder. There being a crime, if the Southern Indians or their advocates dared to seek protection under the Act of 1715 or any such law, they would be exposed as the wolves they were. As an added bonus, moreover, any wealthy land speculators in the Carolinas with titles to the hinterland from the colonial days when each coastal colony claimed vast western tracts *ad infinitum* would likewise have trouble evicting emigrant planters who could powerfully claim color of title.

Haywood envisioned the early modern South as a landscape "in a state of great inquietude." He had studied the violent history of Virginia and the Carolinas closely. Given the chieftains' murder, right ownership had been broken across the South and life was chaotic. And although he did not study the ancient history of the Atlantic South, Haywood knew that the east coast was the first place the Scythians had landed in the New World, and that ancient Southern civilization spread from the Old Southwest—its heartland—

outward (see Chapters 3 and 4). Thus land in the Carolinas and Virginia was not transmitted rightly from one owner to another; Indian wars—such as the Anglo-Powhatan and Yamasee Wars—persisted; the landscape was too much in heathen disarray for just law to prevail. Demonstrating his deep knowledge of early seventeenth-century English legal history, Haywood pointed out: “The 21 Jac. 1 cap. 16, was not in force, nor indeed any statute made after the fourth year of [James I’s] reign in the year 1607, that being the . . . legally authorized” epoch “of the settlement of the country.” Things were so bad that “no disputes were known between claimants by grant, on the one hand, and bare possessions on the other.”<sup>36</sup> In this dim century, “There existed “great evils, demanding the interposition of the legislature.” There was “want of a certain established mode of conveyance” of land from one rightful owner to another. As a result, there had been “titles . . . irregularly obtained,” and these needed “confirmation.”<sup>37</sup> Indeed, Haywood argued that in the early modern American coastal landscape, governors, proprietors, and aspiring emigrants alike lived in fear of failing at this weighty task: “the dread of elder titles and the expectation of heirs, under dormant deeds and grants, was ‘likely in a short time to leave much land unpossessed.’”<sup>38</sup>

If the reader doubted Haywood’s expositions, he could look hard into his own family history and ask his own fathers about the reality of this antique

<sup>36</sup> Haywood, Report for *Waterhouse v. Martin* (1824), in *The American Jurist and Law Magazine*, Vol. III, 95–96.

<sup>37</sup> Haywood, *Reports of Cases Adjudged in the Superior Courts of Law and Equity . . . For the State of North Carolina From the Year 1797 to 1806*, Volume II, 89. For violent 17<sup>th</sup>-century south, see Chaplin, *Subject Matter*.

<sup>38</sup> Haywood, *Reports of Cases Adjudged in the Superior Courts of Law and Equity . . . For the State of North Carolina From the Year 1797 to 1806*, Volume II, 92.

fear: “our ancestors . . . were contemporary with the first operations of the act.”<sup>39</sup> This seventeenth-century climate of dread and insecurity was why the Carolina legislature passed its Act of 1715, the ancient color of title law which Haywood activated in the antebellum Old Southwest: “it was necessary to remove these obstacles to population, and to . . . provide some criterion by which a man might know of whom to buy lands . . .”<sup>40</sup> If planting civilizations are to succeed, Haywood knew, planters must feel like they have a “permanent” place; only then will they “clear, cultivate and improve the lands, and such as they might transmit [the lands] to posterity.”<sup>41</sup>

Moreover, in a move inextricably entwined with his understanding of ancient southern history, Haywood argued that no one, however bold or desirous, could justifiably “create any title *de novo*” on southern soil, whether “upon the ground of possession or otherwise.”<sup>42</sup> This meant that by holding the murderous Indians accountable for their ancient crime, moving them off the coastal landscape, early modern planters had *restored* the legal basis for transmitting land across southern generations. Thereafter, by activating the ancient laws contained in the Act of 1715, the ancient titles could be *transmitted* and *perpetuated*. Haywood gave no description of precisely *how* these necromantic acts were achieved in his 1806 note (or elsewhere); he only asserted that no titles to land in the South could be created anew, and that the first rightful land contracts after the murder of the ancient chieftains

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<sup>39</sup> *Ibid.*, 95.

<sup>40</sup> *Ibid.*, 92.

<sup>41</sup> *Ibid.*, 93.

<sup>42</sup> *Ibid.*, 97.

"were legalized by compact between the King and Lords proprietors" and secured through the Act of 1715.<sup>43</sup> Assertion though all of this was, it was a logical—and indeed correct— inference from the history described in the CA. Recall the ancient Egyptian- or Frank-crafted sword unearthed along "Richland creek, one of the branches of [the] Elk" River was reminder of that sinister massacre: "[T]he inhabitants on Elk river were in a state of civilization and subject to an empire which extended to the ocean, which probably has yielded, as that of the Romans did, to the attacks of barbarous tribes that overran Italy in the fifth century, desolating the country, and turning it into a wilderness and lakes for several hundred years."<sup>44</sup> Haywood could thus argue: "We may perceive the soundest policy and justice, in protecting the possessions and confirming the titles of those who have paid for their lands, obtained grants and deeds, and settled down upon them, and who have cleared, *cultivated* and improved them for seven years together, believing them to be their own; and who in all that time, have received no information from a prior grantee, or those standing in his place, or their better title" [emphasis mine]. This being the case, "we can perceive no motive for extending the same protection to a naked possessor or trespasser," the Southern Indians.<sup>45</sup>

In arguing this latter point it seems that Haywood is utilizing Locke's understanding of "natural law" against the Southern Indians struggling to

<sup>43</sup> Haywood, *Reports of Cases Adjudged in the Superior Courts of Law and Equity . . . For the State of North Carolina From the Year 1797 to 1806*, Volume II, 92.

<sup>44</sup> Haywood, *Christian Advocate*, 221.

<sup>45</sup> Haywood, *Reports of Cases Adjudged in the Superior Courts of Law and Equity . . . For the State of North Carolina From the Year 1797 to 1806*, Volume II, 96.

survive in the Old Southwest, not too far from Tusculum, not far from the Hermitage. Only “Industrious and Rational” humans could rightfully own land, Locke argued.<sup>46</sup> Haywood quite probably learned this Lockean natural law theory, if not from Locke’s writings themselves, then from even older sources that influenced Locke. A promoter of the Carolina Colony, Locke would have been familiar with the literature promoting the first permanent British colony in America. Virginia’s promoters stressed several points of which Haywood would approve, including listing evangelization as central to colonial ventures. However, most important among the earliest Virginian arguments for permanent settlement—and land ownership—was William Strachey’s inversion of the Salamanca argument for Native American land-rights: Indians are cultured humans, however different, and thus had natural rights to the land they inhabited. Historian Andrew Fitzmaurice captures the inversion brilliantly: “Rather than recognize that Indians lived in civil societies, as [the Salamanca school] had done, [Strachey argued that] the English needed to start describing Native Americans as devoid of society, closer in this respect to animals than humans, living off nature rather than exploiting it.” Fitzmaurice quotes Strachey: “Who will think it is an unlawful act, to fortifye, and strengthen our selves (as Nature requires) . . . in the wast and vast, unhabited groundes of their amongst a world of which not one foot of a thousand, do they either use or know how to turne to any benefit, and therefore lyes so

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<sup>46</sup> Locke quoted in Daniel H. Usner, Jr., *Indian Work: Language and Livelihood in Native American History* (Harvard University Press, 2009), 8. Usner is here quoting from Locke’s *Two Treatises of Government* (1689). See, for instance, John Locke, *Two Treatises of Government* (London: Whitmore and Fenn, Charing Cross, 1821), 214. See also Andrew Fitzmaurice, “Moral Uncertainty in the Dispossession of Native Americans,” 384.

great a Circuit vayne and idle before them?" Here Strachey and the Virginians invoked an older Roman law, *ferae bestiae* (law of wild beasts), dating back to Aristotle, which held that the barbaric and uncivilized—the animals (this was the logic in Aristotle's argument that hunting was just)—were always naturally subservient and secondary to the civilized.<sup>47</sup>

Rather than merely resting his argument for Color of Title Doctrine upon Lockean principles and early colonial historical precedent, however, Haywood rested the basis for Old Southwestern landownership upon ancient southern history itself. It was not as simple as Lockeans would have it. The primary reason white settlers needed "security" inhabiting their newly proclaimed 'country,' Haywood argued, was because on any given landscape "there might be unknown prior grants to that under which [white settlers] purchased." This South had such a deep history that it was *riddled* with "Ancient titles" in the seventeenth century.<sup>48</sup> Arguing against (illegitimate, illegal) claims of the Southern Indians, though troubling, was not the highest worry; having murdered the last living civilized landowners in the South, the Southern Indians really had no just connection with any chain of ancient Southern inheritance—whether, as their advocates liked to point out, they farmed, built plantations worked by African slaves, or not. The only titles that mattered in the broken, early modern South were "Ancient titles to lands

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<sup>47</sup> Fitzmaurice, 383, 385, 399 (quote). Fitzmaurice is quoting from William Strachey, *Historie of Travell into Virginia Britania* (1612), Louis B. Wright and Virginia Freund, eds., Works Issued by the Hakluyt Society, 2<sup>nd</sup> Ser., no. 103 (London, 1953), 25.

<sup>48</sup> Haywood, *Reports of Cases Adjudged in the Superior Courts of Law and Equity . . . For the State of North Carolina From the Year 1797 to 1806*, Volume II, 92. When discussing this early colonial history that necessitated the Act of 1715, disputes due to the presence of "Ancient titles" are the *first* kind of dispute that Haywood lists.

granted by the governor of Virginia" and the Lord Proprietors of Carolina. Only these ancient titles—passed down through Virginian and Carolinian governors—"were likely to disturb those who had obtained titles here."<sup>49</sup> If trespassing against these elder titles how could one feel at home in a landscape that his forefathers did not settle? How could one belong?

Thus the full meaning of the Act of 1715: having *restored* the ancient chain of titles by righting the ancient wrong and moving the Indians off the landscape, having restored the legal transmission of southern land from one rightful owner to another, the governors and lords proprietors had set events in motion that made it possible for early modern southern planters to believe that they owned their land, belonged there, and could thrive there. After 1715, in the wake of centuries of bloody Indian wars and struggle for survival, any white planter in the coastal colonies who obtained a deed and planted land for seven years could truly own it. And although certain of the initial Royal and Proprietary settlements might seem in modern Indian advocates' eyes as 'nakedly possessed,' cutting wide swaths into the wilderness for civilization's sake was justified in these cases because of the ancient massacre, "In the times preceding the act [of 1715], none pretended to hold lands by possessions against a title by a deed or grant; nor was it conceived, that possession could either make or bar a title." After all, "how could it when no law existed for that purpose?"<sup>50</sup> To be sure, Haywood admitted to his readers,

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<sup>49</sup> *Ibid.*, 92.

<sup>50</sup> *Ibid.*, 95. Besides establishing a doctrine of color of title, the Act of 1715 "evinces an intention," Haywood emphasized, *only* "to settle disputes between claimants under opposite

if the act's laws had been *in practice* at the turn of the seventeenth century, before contact, it would have adversely affected the governors and proprietors too: "This is the very reason why [the Act of 1715] never extended to the lords proprietors, so as to bar them by a naked possession of their lands; as it would have done, they being equally subjects with the settlers of the country, had it reached the case of disputes, arising upon possessions unaccompanied with deeds or grants, or naked possession."<sup>51</sup> But then again, if the laws had been in practice that would have meant there had been no massacre, the event that killed the lawmakers and the law-abiding, and the governors, lords, and legislatures could not have rightfully settled the landscape; and, in all likelihood, would not have done.

In sum, Haywood was making a bold, nuanced, and powerful argument stipulating that, under the Act of 1715, whoever can rightfully claim connection to an ancient deed, grant, or title, can own land in the Old Southwest via his Color of Title Doctrine. 'Rightfully' making this claim meant that an emigrant should buy from a land agent or owner that one honestly believed obtained the original title through the proper ancient chain (vague as it may be), and then "cultivate and improve" the land for seven years, righting the ancient wrong.<sup>52</sup> "The true meaning and operation of the [Act of 1715 is] to confirm for ever the title of all such persons, having a colour of title, who may

deeds or grants for the same land"; basis in written deed, in other words, trumped basis in oral deed (92).

<sup>51</sup> *Ibid.*, 95–96.

<sup>52</sup> *Ibid.*, 93.

continue in possession under such title, for seven years without entry or suit in law . . . .”<sup>53</sup> Law, history, and the nature of reality in 1806 demanded that North Carolina—and similarly, Haywood’s future state of Tennessee—continue protecting the honest white planter against those—whether Indian or large coastal landowner—who would ignore legal precedent and ancient southern history itself: through so doing honest white planters would maintain “absolute dominion forever.”<sup>54</sup> This argument, Haywood stressed, was dually fortified by the Common Law tradition: “there is no instance to be found in the judicial records of this country” where “the right of possession . . . had been lost, though not the right of property”; and even if the latter “were . . . a sound position,” he could find no case to support it.<sup>55</sup>

And in coming to Tennessee, Haywood would bring this doctrine to another place that in the early antebellum period was as war-ravaged and chaotic as early modern Carolina. In this way Haywood and Jackson were kin to the Proprietors of the early modern/colonial eras, those who crafted the Act of 1715. Just as the early modern planters back east could not have claimed right to the landscape without establishing order in the frontier, so it was for emigrant planters to the Old Southwest. The unknown antebellum author assessing Haywood’s legal contribution in *The South-Western Law Journal and Reporter* (1844—see Introduction), described the transformation Haywood wrought in Tennessee with this anecdote: “When Judge Haywood came to Tennessee, the profession was much divided in reference to . . . the

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<sup>53</sup> *Ibid.*, 97.

<sup>54</sup> *Ibid.*, 94.

<sup>55</sup> *Ibid.*, 94–95.

[North Carolina] Statute of Limitation of 1715. The questions involved in this Statute had [already] been decided in North Carolina," but doubts soon haunted the populace of its daughter state. Indeed, Tennessee had already based its own General Assembly Act of 1797 upon "the argument of Judge Haywood," which "had the effect to produce the decision that seven years' possession with a color of title would bar an action of ejectment; and that it was not necessary to show a regular chain of title."<sup>56</sup> But the issue remained far from settled; there would be more courtroom battles. The author continues, The *Weatherhead Case* (December, 1815) "was the first leading case, on the construction of this Statute, in which Judge Haywood took part, as counsel." After watching this winter struggle,

A distinguished and able lawyer . . . thus describes the position of Judge Haywood in reference to this case: "No case could have been more thoroughly investigated and ably argued at the bar than that of *Weatherhead*. . . . By the time at which it came up for final adjudication, many cases involving the same questions were in progress in the Circuit Courts; the subject had been very much discussed at the bar and elsewhere; public attention was strongly directed to it, and the faculties of the profession had become quickened and invigorated, all their zeal and energy aroused, and all their resources stimulated into action by the general interest which was now beginning to be felt in the issue; all seemed to anticipate that decisive battle was to be fought, and however it might terminate, that the result would be most disastrous to some and most fortunate to others, and a very doubtful influence to the community at large."

The eyewitness did concede what Rothrock did not, that Haywood actually *lost* the *Weatherhead Case*; but this loss was part of only one battle

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<sup>56</sup> "Memoir of John Haywood," in Haynes, ed. *The South-western Law Journal and Reporter*, vol. 1, 266; *American Jurist and Law Magazine*, Volume III, 267. Tennessee had embraced Haywood's color of title doctrine, articulated in his appended note to *Armour vs. White*: "When in 1797, the [color of title] controversy was at its zenith in North Carolina, the legislature of Tennessee passed their act of that year (c. 43, s. 4.) in which they adopted the doctrine of the advocates of color of title" (*Ibid.*, 267).

in a war that Haywood won: “Notwithstanding Judge Haywood’s great talent, he lost the [*Weatherhead*] case by the opinion of all the Judges, excepting Judge Overton, dissenting. Soon after this opinion, Judge Overton resigned,” and another “died, and their places were supplied by Robert Whyte and John Haywood in the year 1816.” Advocating color of title was like fighting Russian winter, but Haywood persisted: “When Mr. Haywood became a Judge of the Supreme Court [of Tennessee], although he stood alone on the subject of his doctrine of ‘color of title,’ he never yielded it. From that time until 1825, he persevered in his opposition to the construction of the Statute of Limitation which made a connection of title necessary.” But after years and years, day dawned: “From being alone in his view of this law, Judge Haywood found himself at last sustained by all the members of the Court of five Judges, with the exception of Judge Whyte, who was not to be moved from his opinion by popular feeling or the sophistry of legal learning.”<sup>57</sup>

Haywood preached ‘color of title’ into the 1820s, using his position as Judge of the Supreme Court of Tennessee to sway judges into making land ownership easier for aspiring white, Christian landowners emigrating to the Old Southwest, an action that did indeed make him popular in the turn-of-the-century Old Southwest, thickly peopled as it was with Cherokee, Creek, and Seminole Indians (among others). It was “upon th[e] authority of this extra-judicial opinion of Judge Haywood,” recounted the unknown author, that “the

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<sup>57</sup> *Ibid.*, 266–267.

courts of Tennessee . . . have uniformly [since] acted.”<sup>58</sup> Of course, he later pointed out, “Much [of this legal success] was due, no doubt, to the popular feeling which grew up in the country in favor of [Haywood’s] construction of the law, which tended directly to establish the doubtful claims of many resident citizens of Tennessee, against the superior claims of non-residents.”<sup>59</sup> It was also true that what was good for his comrade emigrants was good for his own fattening pocket: “From the moment when he entered the profession, his mind and his energies were constantly directed to the improvement and advancement of his private fortunes, and the attainment of distinction in his profession. Notwithstanding the whole vigor of his powerful mind seemed to have been directed to the science of jurisprudence, he was yet enabled to amass, and leave to his children, a very large fortune.”<sup>60</sup>

Nevertheless, Haywood’s power over the bar was irrefutable, and, even among contemporaries, almost impossible to exaggerate: “Judge Haywood was a fine genius, and a most powerful and unrivalled advocate; in tact and eloquence—such eloquence as reaches the heart and convinces the judgment—he had no equal in Tennessee.” Haywood “acted and felt, that he was the master-spirit, in the settlement and determination of all leading questions of jurisprudence.”<sup>61</sup> It was no stretch to say,

<sup>58</sup> “John Haywood,” in Haynes, ed., *The South-western Law Journal and Reporter*, Haynes vol. 1, 126. Regarding Haywood’s “extra-judicial opinion,” the author of this article is speaking generally in this sentence (126), but later demonstrates the specific translation of this extra-judicial opinion with regards to Haywood’s color of title doctrine (267). See also *American Jurist and Law Magazine*, Vol. III, 280.

<sup>59</sup> “Memoir of John Haywood,” in Haynes, ed., *The South-western Law Journal and Reporter*, Haynes vol. 1, 268.

<sup>60</sup> *Ibid.*, 270.

<sup>61</sup> *Ibid.*, 268.

he impressed his spirit upon the jurisprudence of Carolina and Tennessee, and contributed more than any other man, to give it form and shape. From the year 1786, when he began the practice of his profession, in his native State, to the year 1826, when he died, in this State [Tennessee], he has left in the reports of the adjudications of these States, evidences, in every volume, of his learning, ability, and indomitable energy of character. And even now, his opinions and arguments, whether right or wrong, are more quoted and relied upon in the Courts of both these States, than any other Judge who has ever presided in them.

Even Haywood's chief rival, Judge Felix Grundy, could not help but praise the cunning blob in an obituary the winter of his rival's death: "Whereas the Honorable John Haywood, one of the Judges of this Court, departed this life on 22d Dec. last, as an evidence of that high regard justly due to his legal acquirements, and extensive erudition, and the great public services rendered to his country, in a long life devoted to the profession of the law, of which he was the pride and ornament." Not only was Grundy mourn Haywood, but he would order that all other lawyers in the Old Southwest wear black:

Therefore, 1<sup>st</sup>, It is ordered by the Court, with the unanimous assent of the bar, that the Court, and the several officers, wear crape on the left arm for the space of 30 days. 2d. That a similar proceeding be recommended to all the inferior jurisdictions of the State. 3d. And that these resolutions be entered on the minutes of this Court.<sup>62</sup>

Though lawyers wore black and maybe their women dark-stained crepe, only four years after Haywood was coffined his ghost was already at work in Alabama. For instance (examples abound), the 1828 report of a case before the Alabama Supreme Court, *Smith vs. Lorillard*:

In the case of Smith and Lorillard, the plaintiff recovered in ejectment under peculiar circumstances, on evidence of possession less than twenty years, and a descent cast. Chief Justice Kent, in delivering the opinion of the Court, said, "it is not necessary that the plaintiff in ejectment should in every case show a possession of twenty years, or a paper title. . . . But where

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<sup>62</sup> *Ibid.*, 270–271.

possession alone under claim of right must determine the preference, and neither has enjoyed the premises twenty years, so as to ripen his claim into a right of possession, and toll and entry, there can be no better criterion of right than that the earliest possession, accompanied with a color or plausible claim of title, should decide the preference. . . .”

Although this author actually appears ignorant of the man—and the battle—behind Color of Title Doctrine, thanks to Haywood’s judicial work, the public fear of belonging to the land was being quelled:

I can imagine no general rule that would promise more safety; for through such evidence of right is far from conclusive, it must be admitted that a prior peaceable possession by one as the avowed owner, for a term much less than twenty years, should in common justice, as well as law, entitle him to preference over another who has obtained more recent possession as a trespasser, or by any form of entry without color of right. It is also believed to be necessary to the harmony of society, by removing temptations to intrusion on the possession of others; nor can we perceive any sufficient reason why the rule of title by prior possession, should not be essentially the same in this States that is in the other States of the Union, or in England.

However, there remained work to be done, still worries, still challenges regarding newly cleared and planted lands:

But the contrary may often happen; accident or misfortune may deprive many of their evidence. This danger will continue to increase in every part of the State. In the parts south of the 31<sup>st</sup> degree of latitude, where this controversy arose, the state of titles is now alarming. It is a fact notorious in history, that Mobile is an ancient city; has frequently changed sovereignty; and during a large portion of the time, had been denied a regular organization of government. These are causes which may well expose land titles there to the greatest embarrassment and uncertainty.<sup>63</sup>

Despite Haywood’s successes, after he was placed in the grave there was still the task of meeting the standard for color of title that Haywood wrote into law. Color of title would help those emigrants to the Old Southwest sleep better at night, but other specters yet haunted the Old Southwestern air.

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<sup>63</sup> George N. Stewart, *Reports of Cases Argued and Determined in the Supreme Court of Alabama, Embracing The Decisions Made in the Years 1827 and 1828*, 2 vols. (Tuscaloosa, AL: Wiley, McGuire and Henry, Printers, 1830), vol. 1, 598–600.

## Chapter 6: Haywood's Ghost: William Gilmore Simms and the Indian Origins of Southern Nationalism

It appears to the committee, that, when it is conceded, as it must be, that a State or nation cannot exist, except in connexion with territory . . . .

—John Bell (TN), Speech to the Twenty-first Congress on Indian Removal, February 24, 1830<sup>1</sup>

By the 1830s Haywood's Color of Title doctrine, victorious after a decade-long war in the Tennessee courts, was invoked in Mississippi and Alabama—the next states after Tennessee to be carved out of the Old Southwest—almost without challenge. The Doctrine persisted in their lawbooks across the nineteenth century.<sup>2</sup> The Doctrine's survival in the Deep South was an enormous turn of luck for aspiring cotton planters emigrating southwest, toward the Black Belt, who now could have assurance of rightful ownership to the landscape they would risk their capital—have their slaves risk their backs—to clear.

It is as if some spirit up to now unknown to modern historians had possessed the hordes of planter emigrants—after color of title could be invoked respectably in state courts should a claim be challenged, after Jackson had sent out Haywood's ghost to quiet minds across the Old Southwest during the Removal. Among these hordes was William Simms, father of eminent antebellum historian and poet William Gilmore Simms (1806–1870). His son would take up where Haywood left off, using

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<sup>1</sup> Bell, "Report," 12.

<sup>2</sup> See, for instance, J. S. Jemison, ed., *The Alabama Law Journal*, Vol. II (Montgomery, AL, 1883), 245, 352–353; and Thomas Johnson Michie, ed. *The Encyclopedic Digest of Alabama Reports* (Charlottesville, VA, 1917), Vol. X, 806, 1036.

historiography to give planter emigrants further instructions for the building of their New Jerusalem, what he began to see as a southern country, a southern nation.

Before this nation could come into being, however, southerners needed a *binding tie*. Simms would be the first southern historian to argue that this tie should be slavery—its physical and ideological effects. This chapter is a meditation on the kind of historiographical possibility Haywood opened, and focuses on the early writings of Simms—in particular, a fascinating and revealing exchange between Simms and British writer Harriet Martineau—to reveal Simms's articulation of this tie (“The Boy,” “The Man,” and “Harriet Martineau”). Beyond the tie, however, this chapter exposes what could be called the Indian origins of southern nationalism. Martineau provokes Simms into making a turn in southern historical and philosophical thought no historian has realized was made in the mid-antebellum period (“Puritan Southwest” and “Adams’s Prophecy”).<sup>3</sup> Simms linked Indian Removal with Chattel Slavery—a subject upon which Haywood commented little—as a God-given blueprint to the future southern civilization planter

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<sup>3</sup> So far, James Carson has come closest in his essay “Obituary of Nations,” establishing “ethnic cleansing” as central to the building of the Cotton Belt States, moving the Old Southwest from savage disorder to civilized order. Carson keenly notes: “Questions of state and federal jurisdiction over Indians slid easily into concerns about the security of slavery” (Carson, 13). But Carson does not mine the ideological connections between Removal and Slavery, and, while he identifies Simms as a key literary figure in making the progressive argument—the Indians doomed to fade away for a more advanced, white civilization—he does not mine Simms’s thought, which is actually much more complicated (see Carson, 16–17). Moreover, in his fascinating study of conservatism in Simms’s literature, Masahiro Nakamura has argued that in this exchange Simms “articulates the close relationship between his proslavery thought and his belief in order and human inequality.” Nakamura misses Simms’s connection of Indian Removal with Chattel Slavery as positive events necessary to the building of a *new world*. See Masahiro Nakamura, *Visions of Order in William Gilmore Simms: Southern Conservatism and the Other American Romance* (University of South Carolina Press, 2009), 11.

emigrants to the Old Southwest were seeking to build: Indian Removal and slavery would right the ancient wrong Haywood had brought to national attention, reconcile the banished murderers with their ancient victims, and in so doing help bring about the highest civilization in the Old Southwest since the massacre of the ancient chieftains, securing it against incursions from future enemies ("The Turn").

This chapter's revelations disagree with the dominant scholarship on Simms, which puts the emergence of Simms's southern nationalism—and the idea of southern nationhood itself—in the mid–late 1840s, at the earliest. This is because both Simms scholars and scholars of southern nationalism have not plugged in antebellum southern conceptions of the ancient southern past into their argumentative equations, nor have they sufficiently connected ideas of southern nationhood with the antebellum historiography of the ancient—or even colonial—Old Southwest.<sup>4</sup> It is the contention of this chapter that

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<sup>4</sup> For a thorough summary of this literature, see Nakamura, 1–11. Michael O'Brien, for instance, has questioned the utility of looking for a southern 'nation,' suggesting looking for a southern culture is of more use. See, for instance, O'Brien, *Conjectures of Order*, Vol. I, 13–14. The most recent scholarship on the southern nation, Paul Quigley's *Shifting Grounds*, takes a quite nuanced approach to understanding the development of the idea of a southern nation between 1848 and 1865, correctly emphasizing how fluid this process was, and how the idea of a southern nation was often inextricably intertwined with American nationalism. This is no doubt true, and with this O'Brien and Quigley agree, but the point here is to illuminate the 'Point A' of the genealogy of men and women in the South envisioning themselves belonging to a *different* nation threatened by 'the North,' Mexico, the British Isles, and Europe. The extent to which this Point A—and the events it affected—is entangled with other conceptions of nationalism is beside the point. This Point A, this chapter argues, appears in the 1830s when debates over Indian Removal and chattel slavery combined to make west-hungry planters feel like the future world they were seeking to build was threatened. See Paul Quigley, *Shifting Grounds: Nationalism and the American South, 1848–1865* (Oxford University Press, 2012), 1–15. In his classic study, Avery Craven similarly begins in the 1840s. Both of these studies adhere to the (dominant) tradition of assuming that due to the Compromise of 1850 and the Kansas-Nebraska Act, the 1850s is the decade to study for the origins of southern nationalism. See Avery Craven, *The Growth of Southern Nationalism: 1848–1861* (LSU Press, 1953). Neither Quigley nor Craven, it is important to note, factor in

Simms's historiography is best understood as a new iteration of the Occult historiography of which Haywood is part, one relying upon necromantic obliterations of time. Through studying the formulation of Simms's historiography of the Old Southwest—in particular, the binding tie his 1837 disagreement with Martineau provoked—one witnesses Haywood's vague sketch of a coming theocracy, the New Jerusalem, coming into maturity. One witnesses what is likely the earliest accurate antebellum sketch of the world emigrant planters to the Old Southwest were trying to build, and the earliest detailed prophecy from a southern historian's quill of the American Civil War. For Simms's rich imagination allowed him to extend Haywood's historical and legal theses. Haywood wrote to banish the Southern Indians so that the end of time would come and the New Jerusalem arrive. Simms, drawing on his understanding of the Roman Empire, the crusades in Spain, and perhaps a richer imagination, utilized Haywood's theses to write into being a historical foundation for southern nationalism. All the apparent weaknesses of a society built on removal and violence that Martineau saw and feared were converted to strengths. Southern planters, once they saw their titles clear, fully dressed in the vestments of the ancient ancestors whose bones they had exposed in the tumuli, could in a single generation imagine themselves into a historical empire: a Rome threatened by Vandals, a Medieval Spain bent on reconquest. Haywood provided the story that made southerners into ancient

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conceptions of the ancient southern past, a perspective which—this chapter demonstrates—has its consequences.

ancestors, a lie that took only a decade to percolate. Once that was complete, Simms would give color of title to a Confederate empire.

### The Boy

Born in Charleston, in 1806, to an Irish father and Carolinian mother, William Gilmore Simms's hopes were quickly and tragically placed in the Old Southwest. His mother, a Singleton planter heiress, died in 1808 in childbirth, the same year his father, also William, went bankrupt as a merchant. The father saw Charleston as "a place of tombs," though he took his son's hopes to a place of even greater tombs, Tennessee. According to an early biographer, William Peterfield Trent,

The merry and stalwart [father] ceased making songs . . . and bent beneath these cruel blows. In one week his hair became white, and he resolved to fly. . . . He mounted his horse, and, turning his face toward Tennessee, began a series of wanderings destined to have no little effect upon the imagination of the son he had left behind him.<sup>5</sup>

While his father traveled in the Old Southwest, the boy gained what schooling a bankrupted son could, tutored by an "old Irishman" in Charleston's side streets. And while the boy learned Bunyan's *Pilgrim's Progress* from the Irishman during the day, he learned from his grandmother in evening firelight. Trent recounted, "The grandmother was a shrewd woman, with a stock of stories she was never tired of telling, or the boy of hearing." She had experienced what Haywood had in his own youth: "It was but little more than a generation since Charleston and Carolina had experienced the horrors of a war which was all the more terrible because it was, in the main, a

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<sup>5</sup> William Peterfield Trent, *William Gilmore Simms* (Houghton, Mifflin & Co., 1892), 1–4 (quote).

civil war." More recent, signs of renewed conflicts with the British in the first decade of the nineteenth century stirred old ghosts surrounding her:

A flood of recollections was doubtless unlocked when her grandson rushed in, as we may imagine he did, one January evening, eager to tell all he had heard about sailing-master Basset's brave defense of the schooner *Alligator* against a British frigate. Fighting at their very door must have called up the often told story of how her father fought "day and night at the lines of Charleston, armed with the rifle which past experience had rendered a fatal implement in his hands"; of how he had sent his wife and child away from the city; of the wife's anxiety, and her final determination to share her husband's peril; of how, "in an open row-boat, she descends Cooper River from its sources, and, with muffled oars, passes, at midnight, through the midst of a fearful cannonade, through the thronging barges of the British."<sup>6</sup>

Revolutionary war stories mixed with ghost stories. "Naturally superstitious, she had collected a large stock of weird and ghastly tales, which she was wont to repeat to her imaginative grandson, little fancying that he would one day put them to very good use." Moreover, Trent reasoned, "But the boy's curiosity could not have been confined to the deeds of his patriotic ancestors, or to the supernatural experiences of the heroes of his grandmother's tales. He must often have asked and dreamed about the father whose infrequent letters told of perils and privations endured in warfare with the murderous Creeks."<sup>7</sup>

In order to pacify the boy's mind, the grandmother sought to apprentice him at an apothecary shop, but even after days in the dim shop the boy would hide away from his grandmother to sneak in stories at night. Late in evenings the boy would put his head, a book, and a candle into a box and read,

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<sup>6</sup> *Ibid.*, 5, 7–9. The *Alligator* was a U.S. gunboat assigned to fight the British along the Stono River's mouth, 1813–1815. Its captain was Russell Bassett.

<sup>7</sup> *Ibid.*, 9.

searching history and folklore and trying to make sense of his father's flight into the wilderness.<sup>8</sup>

It was not until 1816 that his father returned, now a plantation owner in the Mississippi Territory. "His affection cheered the lonely boy, and his little poems and impromptu epigrams stimulated a poetic faculty already in use, and possibly produced a shy confession of the box and candle experiment, and an exposure of the verses written under so great difficulties." Still, "his father's tales of adventure were more fascinating than his own or his father's poetry. . . . They would have been interesting told at second hand, but told by the hero himself, in his impressive Irish manner, they carried the boy away, and had a profound influence upon his future career." Barbarous scenes flickered in the boy's mind. "To the day of his death his chief interest and his chief power were to lie in descriptions of hairbreadth adventures, of rough border-life, and of cruel Indian or partisan warfare."<sup>9</sup>

It was not just his father's commanding appearance and personality: "[N]ow upwards of fifty years old, a vigorous man over six feet high, with a florid complexion and snow-white hair." It was who he had served with and what he had done early in his travels through the Old Southwest. Before settling in Mississippi the father had once lived in Tennessee. "On first settling in Tennessee he had become a friend and admirer of that idol of the sturdy backwoodsmen, Andrew Jackson." He had followed his hero into his Southern Crusade. "When volunteers were called for after the brutal storming

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<sup>8</sup> *Ibid.*, 9.

<sup>9</sup> *Ibid.*, 12.

of Fort Mimms (August 30, 1813) by the half-breed Weatherford and his Creek warriors, he had at once followed his hero to the field, enlisting in General John Coffee's brigade of Tennessee mounted gun men.”<sup>10</sup>

It was following Jackson that took the father off the map again, this time deeper south, to Florida. “Horrors of Florida warfare did not daunt him any more than the questionableness of his authority to make the expedition daunted Jackson; and he left Mississippi” in 1818 “to follow his old chieftain.” It was during this time of his father’s second expedition with Old Hickory that the son attempted one of his first tragedies, “upon the time-honored subject of Roderick, the last of the Goths,” Germanic tribes that, once Romanized, sought to defend Iberia against Islamic incursions from North Africa in the eighth century.<sup>11</sup> Here we begin to see a preoccupation similar to Haywood’s—a threatened Christendom, past demises of Christian civilization in Europe.

In the first lines of the latter work, *Count Julian: Or, The Last Days of the Goth* (eventually published in 1845), the boy sketched out how a Christian kingdom falls: “A profligate king and a discontented people, bad counselors and ambitious subjects, are each of them enough for the overthrow of any kingdom. They were all combined for the overthrow of the gothic monarch.” As for Haywood in the vicinity of Tusculum, “signs of evil in the land were numerous. Commotions in the city, rebellions in the mountain—marvels in the

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<sup>10</sup> *Ibid.*, 13.

<sup>11</sup> *Ibid.*, 13–14. In his preface to this work, published in 1845, Simms notes that he had written it much earlier. See William Gilmore Simms, *Count Julian: Or, The Last Days of the Goth* (Baltimore: William Taylor & Co., 1845), v–vi.

heavens, and tremors in the earth—betokened the coming changes . . . ”

Even to those not inclined to superstition,

the actual condition of things spoke for themselves. The day was at hand—a day of blood, carnage, and singular moral not less than political revolution—in the dawn of which—a dawn preceding a long and disastrous night—a moon, according to the prophecy, should give light in place of the sun, and by its baleful and unnatural lustre, the land of the Christian was to suffer through long and successive ages of blight and eclipse.<sup>12</sup>

Crucial to this rising blood tide was a weak priesthood. A corrupt archbishop had manipulated the priests and even King Roderick himself, blinding them to the signs of the coming destruction: “To affect the priesthood was a leading object with the archbishop; and, unfortunately for Roderick, the indifference of the king, openly expressed, upon all matters of religion, contributed in no small degree to facilitate the labors of the conspirator.”<sup>13</sup>

But it was not just the weakened priesthood that signified to the Muslim invaders that Spain was “ripe for invasion.” The “army of the frontier” did not have a sense of itself as “subjects of Roderick, or sons of Spain.”<sup>14</sup> This frontier was North Africa, the left arm of the Umayyad Caliphate then threatening Christian Iberia.<sup>15</sup> In the tragedy’s end, Roderick asked the leader of the frontier armies, Julian—the frontier trader who had been complicit in opening the floodgates for the Muslim invaders from North Africa—how the terror could have come to happen: “[W]hat had thy country done to thee, that thou must gore here with thy cruel weapon? What had these children of the

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<sup>12</sup> Simms, *Count Julian*, 3.

<sup>13</sup> *Ibid.*, 3–4.

<sup>14</sup> *Ibid.*, 181.

<sup>15</sup> See, for instance, John V. Tolan, *Saracens: Islam in the Medieval European Imagination* (Columbia University Press, 2002), 78–85.

soil—these poor herdlings—the women and the children of the land—that though shouldst bring the wolf into the fold, and ravage the cities of they people with the havoc of the African?”<sup>16</sup>

Julian’s reply, “with the agony of hell speaking in [his] visage”: “That is the pang and the shame which thou must answer.” Then the Muslims Julian had let in attacked, and “Fierce and terrible was the conflict.” Amidst the attack Julian killed Roderick by “grappl[ing] him about the waist with a single arm, and with the hand of the other plucked the dagger from the belt of Roderick, and struck with it, once, twice, thrice, to the very heart of the monarch. This done, he flung him from his grasp—writhing and grasping in a mortal agony upon the sands.”

The traitor, too, died there on the field, although less from a gash in the shoulder he had received while grappling for Roderick’s dagger than from psychological agony of a man who was a pitiful witness to his own treachery: It is here! A dreadful fire in my brain!—Spain! Spain!—it is for thee I burn! Thou wilt curse me! Curse me with thy homes made desolate—thy fields ravaged—thy people in captivity. A fearful vision grows up before my sight—the vision of a terrible future from thy enemies and mine.

Simms prolonged Julian’s death scene:

He raved. His form writhed beside that of Roderick. He grappled it with his hands. His eyes swam. He no longer saw the objects around him, or he saw them indistinctly. His hand still grasped the dagger with which he had given the fatal blow to his enemy, and as the conviction was renewed in his mind that it was still his enemy that he grappled, he smote again, once, twice, thrice, even as before when he had slain him; then sinking back, he shrieked as with a shuddering and terrible agony. His dying senses caught the sounds of approaching persons—the heavy tread of cavalry. Voices reached his ears . . .

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<sup>16</sup> Simms, *Count Julian*, 37, 181, 200 (quote).

But rather than Muslim cavalry, it was Pelayo, the man who Simms saw as the savior of Spain—whose bravery in the face of a world's end would inspire a centuries-long Reconquista of Spain from Muslims. Pelayo would become King of Asturias, one of the only Christian holdouts in Al-Andalus. “He proved himself,” Simms stressed, “deserving of the title, and became the real founder of that marvelous race, whose deeds in after centuries, in Europe and America, were among the greatest marvels of human performance. His power did not suffice to expel the Arabs from his country, but he prepared the way for their final expulsion, and preserved the sacred fires of liberty, secures from extinction, in the wild passes of the Asturian mountains.”<sup>17</sup>

This tragedy is *historiographical*—an attempt by young Simms to explain the fall of Gothic Iberia to the Umayyads in the eighth century.<sup>18</sup> But in light of Simms’s wider thought (and in terms of this study), what is most significant about *Count Julian* is its nostalgia. Nowhere is this nostalgia more vivid than in the ending. Pelayo would survive the invasion and, ultimately, resurrect the great Christian civilization that had been ripped to ruins. It was as if one surviving seed had been enough to bring all the prior glory back or a corpse resurrected from attack by wolves. Indeed, the metaphor of the wolves is common in *Count Julian*. When Simms describes the enemy: “The savage is the friend of Julian—the Arab, the African, the wolf . . .”<sup>19</sup>

### The Man

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<sup>17</sup> *Ibid.*, 200–201.

<sup>18</sup> Tolan, 69–70.

<sup>19</sup> Simms, *Count Julian*, 173.

At minimum, *Count Julian* conveys the extent to which during the years the father was traveling throughout the Old Southwest and looking for a place for a plantation, the boy conceived of ancient histories seemingly parallel, if not somehow synchronous. Sometime in this early part of his adult life black powder drifted into the fire in Simms's skull; it was during this time that Simms either came across the CA, or, if not the CA itself, then its arguments. Like Haywood, Simms was drawn to comparisons of the Old Southwestern planter crusade with the medieval crusades, and by the 1830s (at the very least) had taken to using wolf metaphors to describe Muslim, Native American, and, yes, Scythian invaders of civilization. As had Mather and Haywood, Simms came to believe that the modern Indians were descendants of the Scythian hauntings of the ancient Mediterranean World. Utilizing the Scythian thesis is even more glaring in Simms than Haywood, for Simms had romanticized the Goths, and should have known that historians such as Gibbon had charted how the Goths—among other ‘barbarians’—invaded Rome in the fourth century CE, the final era of the Western Empire. Nor was the Scythian analogy popular among historians of American antiquity in the middle antebellum; after Haywood, Simms is the last antebellum historian known to have used it to explain Native American origins.<sup>20</sup> Like Haywood, however,

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<sup>20</sup> Gibbon, *The History of the Decline and Fall of the Roman Empire*. Now, some of the Goths actually emigrated towards the Black Sea in the third century, learning the horsemanship and archery prowess utilized by nomadic peoples inhabiting the western Asian steppe, known in antiquity as “Scythia.” See Barbara H. Rosenwein, *A Short History of the Middle Ages* (Broadview Press, 2004), 2<sup>nd</sup> edition, 40–41. For instance, Herodotus did not know of the Goths, but tended to heathenize horsemen beyond the Hellenistic World’s pale as “Scythians” whose homeland he placed in the rim of the Black Sea. See Tom Holland, ed., *The Histories of Herodotus* (Viking, 2013), 820. Holland describes Herodotus’s concept of “Scythia” as a “large, fluid land extending N of Euxine (Today’s Black) Sea from Ukraine as

Simms tended to idealize the northern European barbarians who ended up bringing about the dark ages because they were European, and Christianized by the time of Charlemagne's Frankish Empire (late eighth century, CE), what Haywood—and, it seems, Simms too—viewed as the successor of Rome in Christendom.

Simms would get closer to Haywood's world yet. He would leave the apothecary shop in the 1820s, and study for the bar. While studying the tradition of southern jurisprudence he soon found the means to travel physically to the landscape that had captivated his imagination, the landscape that threatened his father's life and offered—through warring for planters' dreams—his own father's excitement, sense of purpose, and salvation.

Simms made his first journey to his father's new home in the winter of 1824/25. He went by boat to New Orleans and from there traveled on horseback to his father's plantation in Georgeville, Mississippi, in Holmes County (central Mississippi). His father had just returned on a trip three hundred miles into the 'wilderness.' He soon convinced his son to ride with him across Creek and Cherokee country—northwest out of Mississippi, through Alabama and Tennessee. In these travels Simms drew inspiration from the landscape and its inhabitants—living and dead—for future poetry, history, and fiction. Trent recounts, "Twenty years later, when addressing the students of the University of Alabama at Tuscaloosa, he told them that he had

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*far as the Caspian Sea in S Russia; its various peoples were mainly nomadic and wide-ranging*" (820).

once ridden over that very spot when the silence of the primeval forest was only broken by the fall of his horse's feet and the howl of the distant wolf.”<sup>21</sup>

When traveling with his father across this alien landscape that winter, sometimes they would grow weary and cold and find shelter in a trailside thicket, and sometimes his father would wake him up from his slumber, pointing down to the earthen “pillow” beneath his head. It was a “lonely grave” marked by a crude, wooden cross and Simms wondered whether it was from previous centuries, perhaps one of Soto’s men, a Spaniard’s body broken by Indian axes.<sup>22</sup> The bones buried in the most elaborate ancient graves Simms crossed were not, he would stress in the 1830s, those of ancient Indians. He knew, for instance, that the barbaric Creeks against whom his father warred alongside Jackson “assert themselves to be an original, in other words, a pure, unmixed people.” But he knew better. “This matter is also a subject of very great doubt. It is very doubtful whether the race of Indians known to us now, are the descendants of those who raised the tumuli which are scattered over the face of the country.” He had witnessed too many Creeks and too many mounds to believe in any connection between them. “These tumuli seem altogether older than the people and as much beyond their capacity to raise, as are the thousand more imposing structures which are daily brought to light in our western and south-western forests. It is doubtful whether any of the Indians within the limits of the United States, bury in mounds at all at this

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<sup>21</sup> Trent, 14–15.

<sup>22</sup> *Ibid.*, 15.

moment; and it is not reasonable to think that a wandering people ever did so.”<sup>23</sup>

The very logic of moundbuilding was incompatible with the practices of agriculturally ignorant, scalping wolves. “The erection of these tumuli demanded too a greater amount of labor than the Indian was ever disposed to give to any object; and the race which devolved upon its women all its labor, and limited its agricultural efforts to the cultivation of a pitiable field of maize, was not likely to waste so much of it as these structures called for, on so useless an object as a dead warrior or a famished squaw.” Moreover, There is another and no less important objection to the belief, arising from its inconsistency with a practice better known to exist among them. This is the desire of concealing their dead from the vengeance of their enemies,—a desire which could not be more completely set at nought than by the ostentation of mound-burial. No scalp could possibly have been kept by its owner in a place so public as the tumulus; and wars, lacking all other provocation, would result continually from the mutual desecration of the several places of sepulture chosen by the rival nations of tribes.<sup>24</sup>

Like Mather and Haywood, Simms did not see the modern Indians as civilized possessors of the land, but as wolves roaming across a barren wilderness. He knew from his sources that the Southern Indians had, across the late eighteenth- and through the early nineteenth century, “proceeded to attack the frontier settlers, and committed several shocking murders within the limits of Tennessee and Georgia.” He knew, for instance, from his own father how on “the 30<sup>th</sup> August, 1813, a little before day break, they commenced the attack with a force and fury calculated to strike terror into the

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<sup>23</sup> Simms, *Thle-cath-cha (1837–1838)*, in John Caldwell Guilds and Charles Hudson, eds., *An Early and Strong Sympathy: The Indian Writings of William Gilmore Simms* (University of South Carolina Press, 2003), 61.

<sup>24</sup> *Ibid.*, 61–62.

hearts of those, who at this moment, though warned, were not sure of their propinquity." He knew the anti-Christian, barbarous nature of early nineteenth-century Indian violence: "Instigated by exhortations of the Prophet who had assured them of victory, and promised them a thousand things besides, sublunary and eternal, they rushed to the assault. [The Prophet] led the assault in person with a confident zeal that showed an equal reliance upon his own predictions with that which he had impressed upon his followers." Such frontier battles seemed medieval: "[The Prophet's] force was divided into three bodies; one of these armed with axes, marched boldly up to the pickets in several places, and proceeded to hew them down." The zealot axemen "encircled the fortress, availing itself of every opportunity for favorable assaults, and by their continual clamor, and dreadful cries, diverting and distracting the minds of the few and devoted defenders." Thereafter "A dreadful conflict, hand to hand ensued, and overpowered by numbers, the brave commander perished with every man who stood beside him. . . . The women and children rushed for the block-house when the fate of their defenders was known, but numbers of them were overtaken and cut down before they could reach it." It was hell broken loose in Alabama: "Nor were those who did so more fortunate. The cruel savages put fire to the building, and thrusting back the unhappy inmates as they sought to rush forth from the blazing timbers, they perished miserably among the burning ruins."<sup>25</sup>

Word of the massacre haunted cabins across the Old Southwest: "The panic which their progress excited in the minds of the white borderers is

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<sup>25</sup> *Ibid.*, 67–68.

beyond description. The poor wretches, acting without concert, and scattered over an extensive territory where unanimity was next to impossible, fled in small bodies with their little families to the nearest places of shelter." Many of the settlers fled, "crowded upon the towns in neighbouring States, bringing terror and dismay wherever they came." The Creeks "followed fast upon their heels." The settlers' "homes were no sooner abandoned than they were burnt—their blazing corn-fields frequently gave light to their flying footsteps, and the shot which destroyed their cattle often sounded in the ears. Many fell under the hatchets of the savages, who, scattering themselves in pursuit, left traces of their presence every where in blood."<sup>26</sup>

Thank God for Jackson and Simms's own father. "But if the success of the [Creeks] so far, had intoxicated them, it had also the effect of rousing a spirit which it was utterly beyond their power to lay. On the receipt of the cruel intelligence in Tennessee, the militia of that State were summoned to the standard of a leader who may be termed, by excellence, the very master of Indian warfare."<sup>27</sup> Under Jackson's wrath "[the Indians] were killed almost to a man, and, unhappily, some few of their women and children among them."<sup>28</sup>

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One wonders whether Simms got all of his stories of the eighteenth-century violence in Tennessee from his father, or whether he got some of them from Haywood's *Civil and Political History*, or the CA, Haywood being

<sup>26</sup> *Ibid.*, 68–69.

<sup>27</sup> *Ibid.*, 69.

<sup>28</sup> *Ibid.*, 70.

the first chronicler of those events.<sup>29</sup> Whatever the case, Simms continued the wolf metaphors that Haywood kept alive in Old Southwestern literature, and would, when reflecting on the ancient Southwest in 1845, use Haywood's very language: "Such is the North American Indian. He probably bore an equivalent relation to the original possessors of this continent, with the barbarians of the Northern Hive to Italy, in the days of her luxurious decline."<sup>30</sup> Haywood had also married the classical description of Scythians haunting the ancient Mediterranean World from a 'northern hive' with imagery of southern Indians committing wolf-like attacks out in the blackness in his CA. The sentences share even similar structures: "Here we may look to the vestiges of those nations, who poured from the northern hive and spread devastation and darkness through all the old world in those centuries, when Roman greatness surrendered its dignity and expired."<sup>31</sup>

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<sup>29</sup> Given Haywood's legal influence in the early antebellum, it would be unlikely if Simms got through studying for the bar—what he left the apothecary shop to pursue in the 1820s—without encountering, at the very least, Haywood's Color of Title Doctrine; that is, if he looked through legal codes from the Old Southwest at all. By the 1840s, however, even if Simms had the practice of confining his case-law studies (at least) to South Carolina he would likely—like numerous law students at Chapel Hill—have heard of Haywood's reputation for legal innovation in North Carolina and Tennessee. For instance, the editor of the third volume of *Reports of Judicial Decisions in South Carolina: Decisions in the State of South Carolina, from 1793 and 1816* (1840) writes: "I am aware that a very *able* lawyer, (Mr. Haywood,) of a sister State, gives" a differing "construction" of the "the act of limitations of that State" than South Carolinians typically have given the statute of limitations in their own. The editor stressed that as of 1840 Haywood's Doctrine had not convincingly won out in South Carolina, but conceded Haywood's argumentative prowess nonetheless—a prowess with which he assumed his readers would be familiar. See Joseph Brevard, ed., *Reports of Judicial Decisions in the State of South Carolina, from 1793 to 1816*, 5 vols. (Charleston: W. Riley, 41 Broad-Street, 1840), vol. 3, 163.

<sup>30</sup> Simms, *Literature and Art among the American Aborigines* (1845), in Guilds and Hudson, 104.

<sup>31</sup> Haywood, *Christian Advocate*, 308. As noted in Chapter 3, there is a long western tradition of comparing the ancient Mediterranean World's sackers as attacking from a northern hive, but in writing of American Indians Mather and Haywood were the only other historians to make such a connection; Haywood was the only historian other than Simms to make it when describing southern Indians. It is difficult to imagine Simms possessing the knowledge to

Aside from phrasing and lines, Haywood gave Simms the popularized *narrative* that had grown so powerful in his own lifetime as to seep into Jackson's political speeches and law, a narrative that accounted for the rise and fall of the first great Southern civilization whose ruins riddled the Old Southwest. In linking Southern Indians with the 'northern hive' that attacked ancient Mediterranean civilizations (both the Hellenistic and Roman worlds), Simms was suggesting that the Southern Indians had massacred the ancient moundbuilders. "What is there improbable," Simms asked in this same essay, "in the notion that Powhatan, in his youth, was at the sacking and the conquest of some of the superior nations in the southwest . . . of whom the tradition goes that they were a rich and populous people, accomplished in the arts, who were overrun by an influx of strange barbarians and driven into the sea[?]"<sup>32</sup>

Simms was writing of the crucial task of defending slavery—and conceiving of it properly—this way as early as 1838. In a preface to a reprinting of an 1837 essay examining "The Morals of Slavery," Simms gave a near twenty-year anticipation of Stephens's "Cornerstone Speech":

We should labor in [chattel slavery's] assistance, not so much because she may need our service, as because our feeble race stands so grievously in need of hers. This we can best do, not by persuasive and specious doctrines, and fine flexible sayings, but simply by a firm adherence to what we know, and to what we think we have already gained. As yet, we have, confessedly, but partial glimmerings of her divine presence,—her fixed and all sufficing light!—we must treasure up these gleams and glimpses, few and feeble though they be, until, to our more familiar eyes, star by star, she unfolds her

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articulate such a web of sentiment in such language without Haywood's distillation of his Puritan forebears.

<sup>32</sup> Simms, "Literature and Art," 111.

perfect form, and, with the loveliness and the light of heaven, irradiates the dim cloud that now hangs between here and the earth.

Surely, given the current power of abolitionist sentiment in the press, the future glory may seem naïve. But prayer is powerful; God is faithful: That we shall pray long and vainly for this ideal of the moral world—that we shall look for it, with but little hope, whether in your day or in mine,—is not a matter of difficult prediction while there are so many, and so bold, prophets that proclaim themselves adversely throughout the land. But, that the continued and cheering presence of this blessed hope in the hearts of the few, will at length achieve what they so earnestly seek and sometimes died to realize, may be predicted with not less confidence.

So are science and history:

Let us, at least, labor that we may verify our own desires, and find renewed impulse to our labors, as we behold the industry of those who toil against us, and those things, which we conceived to be justified by their perfect consonance with the divine law. We may neither of us do much in this holy cause, but, if we gather, each, but a single shell from the great ocean of truth—to employ the fancy of one whose constant thought was the best philanthropy—we shall at least diminish the toils of those who shall follow in our footsteps along the shores of the same solitary and unknown regions.<sup>33</sup>

Simms wrote this 1838 preface due to the popularity of an essay he had published in the *Southern Literary Messenger* in the autumn of 1837. A recent book analyzing society in the Old Southwest had his attention, and it would draw out theses from his mind that it is likely he could not have articulated un-provoked, un-angered in his waking hours for nearly another decade. Given their beliefs about the history of the ancient South, neither Simms nor Haywood could have seen this turn coming in their October nightmares other than, perhaps, out of necessity.

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<sup>33</sup> William Gilmore Simms, preface to his 1838 pamphlet on the morals of slavery presented to the South Carolina delegates of the United States Congress, reprinted in *The Proslavery Argument: As Maintained by the Most Distinguished Writers of the Southern States* (Philadelphia: Lippincott, Grambo, & Co., 1853), 175–177.

## Harriet Martineau

The book that provoked Simms was Harriet Martineau's *Society in America* (1837), and in it were blistering critiques of antebellum southern slavery. A radical English thinker admired by Charles Darwin, Martineau had traveled to the United States in 1834 for a kind of Tocquevillian tour of America. Over two years in the young country, she met a past President (Madison), and found like minds among the rising abolitionist movement in New England. She traveled deep into the southern hinterland—from Montgomery to New Orleans, and up through Nashville to Kentucky.<sup>34</sup> She traveled through Haywood's world, the world of Simms's father, and the world of which Haywood and Simms wrote—the landscape of the future Confederacy's cradle.

In the Old Southwest the planters' "sons take land and buy slaves very early; and the daughters marry almost in childhood; so that education is less thought of, and sooner ended, than in almost any part of the world." These "pioneers of civilization . . . care for other things more than for education; or they would not come. They are, from whatever motive, money-getters; and few but money-getting qualifications are to be looked for in them." In this wilderness "The few better educated who come to get money, see the absurdity, and feel the wearisomeness of this kind of literary cultivation; but

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<sup>34</sup> Harriet Martineau, *Society in America*, 2 vols. (New York: Saunders and Otley, 1837), vol. 2, ix. She sketched the general journey in her Introduction: "I traversed the southern States, staying three days at Augusta, Georgia, and nearly a fortnight in and near Montgomery, Alabama; descending next the Alabama river to Mobile. After a short stay there, and a residence of ten days at New Orleans, I went up the Mississippi and Ohio to the mouth of the Cumberland river, which I ascended to Nashville, Tennessee. I visited the Mammoth Cave in Kentucky, and spent three weeks at Lexington" (ix).

the being in such society is the tax they must pay for making haste to be rich." She "heard in Montgomery of a wealthy old planter in the neighborhood, who has amassed millions of dollars, while his children can scarcely write their names." He tried to help when he noticed but it was too late: "Becoming aware of their deficiencies, as the place began to be people from the eastward, he sent a son of sixteen to school, and a younger one to college; but they proved 'such gawks,' that they were unable to learn, or even to remain in the society of others who were learning; and their old father has bought land in Missouri, whither he was about to take this children, to remove them from the contempt of their neighbours." These wretches "are doomed to the lowest office of social beings; to be the mechanical, unintelligent pioneers of man in the wilderness." The lesson was clear and would-be planters should take heed: "Surely such a warning as this should strike awe into the whole region, lest they should also perish to all the best purposes of life, by getting to consider money, not as a means, but an end."

One quickly gets the impression Martineau felt she could not stress the depravity of Old Southwestern culture enough. The implications of what she saw, the evils of slavery in the frontier, demanded she give readers the terror in greatest possible detail:

There is pedantry in those who read; prejudice in those who do not; coxcombray among the young gentlemen; bad manners among the young ladies; and an absence of all reference to the higher, the real objects of life. When to all this is added that tremendous curse, the possession of irresponsible power, (over slaves,) it is easy to see how character must become, in such regions, what it was described to me on the spot, 'composed of the chivalric elements, badly combined': and the wise will feel that, though a man *may* save his soul anywhere, it is better to live on bread and water

where existence is most idealized, than to grow suddenly rich in the gorgeous regions where mind is corrupted or starved amidst the luxuries of nature. The hard-working settler of the north-west, who hews his way into independence with his own hands, is, or may be, exempt from the curse of this mental corruption or starvation; but it falls inevitably and heavily upon those who fatten upon the bounty of Nature, in the society of money-getters like themselves, and through the labours of degraded fellow-men, whom they hold in their injurious power.<sup>35</sup>

In the vicinity of Montgomery she “saw several plantations.” The pitch soil seemed the only positive: “Nothing can be richer than the soil of one to which we went, to take a lesson in cotton-growing. It will never want more than to have the cotton seed returned to it.” She seemed to catch some of the meteorological strangeness that Haywood had earlier documented in the Old Southwest generally: “The water is generally good; but, after rain, so impregnated with lime, as to be disagreeable to the smell and taste.” This fetid-smelling water was another tax on the planter the wilderness placed: it came from the fertile soil. There were many others, one of which was “that no trees can be allowed to grow near the house, for fear of the mosquitoes.” Villages were bleak and bare: “The bareness of the villages of the south is very striking to the eye of a stranger, as he approaches them. They lie scorching and glaring on the rising grounds, or on the plain, hazy with the heat, while the forest, with its myriads of trees, its depth of shade, is on the horizon.”

Bleaker, of course, were the slave quarters.

We visited the negro quarter; a part of the estate which filled me with disgust, wherever I went. It is something between a haunt of monkeys and a dwelling-place of human beings. The natural good taste, so remarkable in free negroes, is here extinguished. Their small, dingy, untidy houses, their

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<sup>35</sup> *Ibid.*, vol. 1, 221–223.

cribs, the children crouching round the fire, the animal deportment of the grown-up, the brutish chagrins and enjoyments of the old, were all loathsome.<sup>36</sup>

Out from such quarters “There were black women ploughing in the field, with their ugly, scanty, dingy dresses, their walloping gait, and vacant countenance. There were scarlet and blue birds flitting over the dark fallows.”

Sometimes even an abolitionist would have to acknowledge the beauty in this world. “There was persimmon sprouting in the woods, and the young corn-plants in the field, with a handful of cotton-seed laid round each sprout.” And “Behind us lay a cotton-field of 7,000 acres within one fence.”<sup>37</sup> Another sunny day “The woods were superb in their spring beauty.” In these woods she saw

the greatest flower of them all, perhaps the most exquisite I ever beheld, is the honeysuckle of the southern woods. . . . It is a globe of blossoms, larger than my hand, growing firmly at the end of an upright stalk, with the richest and most harmonious colouring, the most delicate long anthers, and the flowers exquisitely grouped among the leaves. It is the queen of flowers.

Even when she came across hope and beauty, however, darkness—seemingly just beneath the surface of things—pervaded.

The thickets were in full leaf; and the ground was gay with violets, may-apple, buck-eye, blue lupin, iris, and crow-poison. The last is like the white lily, growing close to the ground. Its root, boiled, mixed with corn, and thrown out into the fields, poisons crows.

Martineau saw walking through such beauty “the common sight of companies of slaves travelling westwards.” Invariably, it seemed, “When we overtook such a company proceeding westwards, and asked where they were going, the answer commonly given by the slaves was, ‘Into Yellibama.’” Other

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<sup>36</sup> *Ibid.*, vol. 1, 223–224.

<sup>37</sup> *Ibid.*, vol. 1, 226–227.

times she would come across “these poor creatures . . . encamped, under the care of the slave-trader, on the banks of a clear stream, to spend a day in washing their clothes.” She studied them close as the flowers: “Sometimes they were loitering along the road; the old folks and infants mounted on the top of a wagon-load of luggage; the able-bodied, on foot, perhaps silent, perhaps laughing; the prettier of the girls, perhaps with a flower in the hair, and a lover’s arm around her shoulder.” She noticed, “There were wide differences in the air and gait of these people.” Yet try as she might she could not focus on any light and airy gaits too long: “It is usual to call the most depressed of them brutish in appearance. In some sense they are so; but I never saw in any brute an expression of countenance so low, so lost, as in the most degraded class of negroes.” There was a dark force at work in the newly cleared Black Belt that transformed slaves into beings worse than animals: “There is some life and intelligence in the countenance of every animal; even in that of ‘the silly sheep,’” but “nothing so dead as the vacant, unheeding look of the depressed slave is to be seen.”<sup>38</sup>

Perhaps she met this force in the strange atmospheric disturbance she felt when visiting “Mammoth Cave” in Kentucky, where, Haywood had chronicled in the CA, there was once a blonde-haired, massacred mummy discovered in the blackness. “The house at the cave stands on the greenest award that earth and dews can produce; and it grows up to the very walls of the dwelling.” As she approached the cave entrance “a blast of wintry wind dashed from it, and chilled our very hearts. I found it possible to stand on one

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<sup>38</sup> *Ibid.*, vol. 1, 215–216.

foot, and be in the midst of melting heat; and leaning forward on the other, to feel half frozen." Witches came to mind. "The ladies tied handkerchiefs over their heads, and tucked up their gowns for the scramble over the loose limestone; looking thereby very picturesque, and not totally unlike the witches in Macbeth." Around her was a "chaos of darkness and rocks, with wandering and inexplicable sounds and motions. . . ." There seemed to be spirits there: "Everything appears alive; the slowly growing stalactites, the water ever dropping into the plashing pool, the whispering airs,—all seem conscious." The dark was so pitch it reminded her of Hell's light. "Milton's lake of fire might have brought the roof into view:—nothing less." She saw no Nordic bones or ghosts, but one wonders whether her local guides told her about them, what she only described as "some horrible tales."<sup>39</sup>

Martineau met with a similar hope dashing when she came across some of the last Creek Indians living in Alabama (small bands were able to resist removal until the later 1830s). They "held slaves." But maybe there was a glimmering. She had heard that "Negroes are anxious to be sold to Indians, who give them moderate work, and accommodations as good as their own." Indeed, "Those seen today among the Indians were sleek, intelligent, and cheerful-looking, like the most favoured house-slaves . . ." But it seemed the further she traveled into the Black Belt, the Creeks she encountered "gave us a grave glance as we passed." They looked unlike benevolent masters capable of helping slaves fleeing white masters:

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<sup>39</sup> *Ibid.*, vol. 1, 170–171.

Some individuals were to be seen in the shadow of the forest, leaning against a tree or a fence. One lay asleep by the roadside, overcome with ‘whiskey too much,’ as they style intoxication. . . . The piazza at the post-office was full of solemn Indians. Miserable-looking squaws were about the dwellings, with their naked children, who were gobbling up their supper of hominy from a wooden bowl.

Martineau “left the Creek Territory just as the full moon rose, and hoped to reach Montgomery by two hours before midnight.”<sup>40</sup>

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Martineau linked slavery and violence in the hinterland. She wrote, for instance, “It is well known that the most savage violences that are now heard of in the world take place in the southern and western States of America. Burning alive, cutting the heart out, and sticking it on the point of a knife, and other such diabolical deeds, the result of the deepest hatred of which the human heart is capable, are heard of only there.” She was certain Whether two or twenty such deeds take place in a year, their perpetration testifies to the existence of such hatred as alone could prompt them. There is no doubt in my mind as to the immediate causes of such outrages. They arise out of the licentiousness of manners.

The licentiousness came from slavery:

The negro is exasperated by being deprived of his wife,—by being sent out of the way that his master may take possession of his home. He stabs his master; or, if he cannot fulfill his desire of vengeance, he is a dangerous person, an object of vengeance in return, and destined to some cruel fate. If the negro attempts to retaliate, and defile the master’s home, the faggots are set alight about him. Much that is dreadful ensues from the negro being subject to toil and the lash: but I am confident that the licentiousness of the masters is the proximate cause of society in the south and south-west being in such a state that nothing else is to be looked for than its being dissolved into its elements, if man does not soon cease to be called the property of man.

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<sup>40</sup> *Ibid.*, vol. 1, 217.

Martineau was sure of how it would happen: "This dissolution will never take place" merely "through the insurrection of the negroes; but," ultimately, "by the natural operation of vice."<sup>41</sup> Old Southwestern society would cannibalize itself until no shard of society or civilization was left.

Even this place's Christianity was violent. Martineau wrote of a church service in the outskirts of Montgomery:

It was Sunday, and we went to the Methodist church, hoping to hear the regular pastor, which is a highly-esteemed preacher. But a stranger was in the pulpit, who gave us an extraordinary piece of doctrine, propounded with all possible vehemence. His text was the passage about the tower of Siloam; and his doctrine was that great sinners would somehow die a violent death. Perhaps this might be thought a useful proposition in a town where life is held so cheap as in Montgomery; but we could not exactly understand how it was derived from the text. The place was intensely light and hot, there being no blinds to the windows, on each side of the pulpit: and the quietness of the children was not to be boasted of.<sup>42</sup>

She was though, throughout, quick to qualify herself, a trait which no doubt gave her theses deeper cut: "It may be said that it is doing an injustice to cite extreme cases of vice as indications of the state of society. I do not think so, as long as such cases are so common as to strike the observation of a mere passing stranger; to say nothing of their incompatibility with a decent and orderly fulfillment of the social relations." During her travels she took careful note of the 'highest' in society. "Let us . . . see what is the very best state of things. Let us take the words and deeds of some of the most religious, refined, and amiable members of society." This was the source of the rot: "It was this aspect of affairs which grieved me more, if possible, than the stormier one which I have presented. The coarsening and hardening of

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<sup>41</sup> *Ibid.*, vol. 2, 119.

<sup>42</sup> *Ibid.*, vol. 1, 220.

mind and manners among the best; the blunting of the moral sense among the most conscientious, gave me more pain than the stabbing, poisoning, and burning.”<sup>43</sup>

In the deepest South, New Orleans, Martineau heard how Madame Lalaurie, a Creole mistress, became a replicator of the barbarous system that had produced her. “A fire broke out at her house,” the story went. “In the midst of the confusion, and when people were beginning to despair of mastering the fire, the report spread that a building the flames were beginning to assail contained slaves, and they must be extricated.” A Judge asked Lalaurie for the keys to the building, and she “began stammering frivolous excuses, and finally declared that there were no slaves in the house.” In such a society it quickly became clear what was going on: “A too well-founded suspicion crossing [the Judge’s] mind, he, with the help of bystanders, broke in the door.” He walked into grisly scenes. “A horrible spectacle was visible: seven slaves were lying in a dark close room, with chains on their feet and hands, and were still living corpses, lacerated by blows, with bleeding shoulders and swollen limbs. One of these wretched men declared that he had been enduring these tortures for upwards of five months, and that he had seen more than one of his companions die by his side.”<sup>44</sup>

Martineau did not recap the details, but stressed the takeaway. Madame Lalaurie’s “fiendish cruelty to her slaves” was, Martineau admitted, “a cruelty so excessive as to compel the belief that she was mentally

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<sup>43</sup> *Ibid.*, vol. 2, 120.

<sup>44</sup> M. Xavier Eyma, “Slavery in America,” an essay appearing in *Bentley’s Miscellany* (London: Chapman and Hall, 1862), vol. 51, 383.

deranged." Still, Lalaurie's "derangement could have taken such a direction nowhere but in a slave country . . ." For Martineau noticed that "[Lalaurie] was described to me as having been 'very pleasant to whites.'" If the judge had not witnessed the torturing who knows how long Lalaurie's friends—who surely harbored suspicions—would have let her keep torturing.<sup>45</sup>

Such was the state of society the further one journeyed from the Atlantic coast.

Alabama, Mississippi, and Louisiana, present the extreme case of the fertility of the soil, the prosperity of proprietors, and the woes of slaves. I found the Virginians spoke with sorrow and contempt of the treatment of slaves in North and South Carolina: South Carolina and Georgia, of the treatment of slaves in the richer States to the west: and, in these last, I found the case too bad to admit of aggravation. It was in these last that the most heart-rending disclosures were made to me by the ladies, heads of families, of the state of society, and of their own intolerable sufferings in it.<sup>46</sup>

Martineau prayed there would emerge some barrier to hold this world's rising tide. "Virginia, now in a very depressed condition, derives her chief revenue from the rearing of slaves, as stock, to be sent to Alabama, Mississippi, and Louisiana." It was like an Old Testament plague encroaching south- and westward across the nation. Almost anyone could see it: The march of circumstance has become too obvious to escape the attention of the most short-sighted. No one can fail to perceive that slavery, like an army of locusts, is compelled to shift its place, by the desolation it has made. Its progress is southwards; and now, having reached the sea there, south-westwards. If there were but an impassable barrier there, its doom would be certain, and not very remote.

And just when—during the first quarter of the nineteenth century—the darkness seemed quite vulnerable to barriers, through innovations in law the

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<sup>45</sup> Martineau, vol. 2, 121.

<sup>46</sup> *Ibid.*, vol. 1, 304.

barriers were broken. Slavery's "doom has been, for the present, cancelled by the admission of slavery into Missouri and Arkansas, and by the seizure of Texas by American citizens. The open question, however, only regards its final limits."<sup>47</sup> And Haywood's Color of Title Doctrine had opened gates that not even the Missouri Compromise could close. Once planters could sleep at night in their cabin lofts overhanging one recently acquired landscape they could sleep as newborns in lofts overhanging another, no matter the dictates of previous laws and titles.

### Puritan Southwest

The Old Southwest was so barbarous one had to go back to the turn of the previous century to find similarity with New England, the goodness against which Martineau compared the Old Southwest. She had traveled to such seventeenth-century landscapes, felt the relative nearness of that hell. She traveled to what had once been the Puritan frontier, Deerfield, Massachusetts, in the early autumn of 1835, for a commemoration of a massacre. She was haunted:

East Mountain, above Deerfield, in Massachusetts, . . . is mingled with grey rocks, whose hue mingles exquisitely with its verdure. We looked down from thence on a long reach of the valley, just before sunset, and made ourselves acquainted with the geography of the catastrophe which was to be commemorated in a day or two. Here and there, in the meadows, were sinkings of the soil, shallow basins of verdant pasturage, where there had probably once been small lakes, but where cattle were now grazing. The unfenced fields, secure within landmarks, and open to the annual inundation which preserves their fertility, were rich with unharvested Indian corn; the cobs left lying in their sheaths, because no passer-by is tempted to steal them; every one having enough of his own. The silvery river lay among the meadows; and on its bank, far below us, stretched the avenue of noble trees,

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<sup>47</sup> *Ibid.*, vol. 1, 348.

touched with the hues of autumn, which shaded the village of Deerfield. Saddleback bounded our view opposite, and the Northampton hills and Green Mountains on the left. Smoke arose, here and there, from the hills' sides, and the nearer eminences were dotted with white dwellings, of the same order with the homesteads which were sprinkled over the valley.

There was such distance between the present this sublimity and the past hell: "The time is past when a man feared to sit down further off than a stone's throw from his neighbours, lest the Indians should come upon him."

Martineau walked down to the villages. "The villages of Hadley and Deerfield are a standing memorial of those times, when the whites clustered together around the village church, and their cattle were brought into the area, every night, under penalty of their being driven off before morning." Many of the homes still bespoke war: "The houses, of wood, were built in those days with the upper story projecting; that the inhabitants, in case of siege, might fire at advantage upon the Indians, forcing the door with tomahawks."

She walked into a home and beheld red visions:

I saw an old house of this kind at Deerfield,—the only one which survived the burning of the village by the French and Indians, in 1704, when all the inhabitants, to the number of two hundred and eighty, being attacked in their sleep, were killed or carried away captive by the Indians. The wood of the house was old and black, and pierced in many parts with bullet-holes. One had given passage to a bullet which shot a woman in the neck, as she rose up in bed, on hearing the tomahawk strike upon the door. The battered door remains, to chill one's blood with the thought that such were the blows death<sup>48</sup> by the Indians upon the skulls of their victims, whether infants or soldiers.

And this "was not the event to commemorate which we were assembled at Deerfield. A monument was to be erected on the spot where another body of people had been murdered, by savage foes of the same race" twenty years before the Deerfield massacre. "Deerfield was first settled

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<sup>48</sup> *Ibid.*, vol. 1, 92–93.

in 1671; a few houses being then built on the present street, and the settlers being on good terms with their neighbours. King Philip's war broke out in 1675, and the settlers were attacked more than once." The commemoration was about *this* tragedy: "There was a large quantity of grain stored up at Deerfield; and it was thought advisable to remove it for safety to Hadley, fifteen miles off. Captain Lothrop, with eighty men, and some teams, marched from Hadley to remove the grain; his men being the youth and main hope of the settlements around." What was a harvest scene in a moment became massacre in the next: "On their return from Deerfield, on the 30<sup>th</sup> of September 1675, about four miles and a half on the way to Hadley, the young men dispersed to gather the wild grapes that were hanging ripe in the thickets, and were, under this disadvantage, attacked by a large body of Indians." The boys and captain "were, almost to a man, picked off by the enemy. About ninety-three, including the teamsters, fell." Heathenly, the Indians "appeared before the village, some days after, shaking the scalps and bloody garments of the slain captain and his troop, before the eyes of the inhabitants. The place was afterwards abandoned by the settlers, destroyed by the Indians, and not rebuilt for some years."

"This was," Martineau lamented, "a piteous incident in the history of the settlement." And rivaling the scenes' haunting was the question of why such events would be memorialized at all: "it is not easy to see why it should be made an occasion of commemoration, by monument and oratory, in preference to many others which have a stronger moral interest attaching to

them. . . . [N]o virtue was here to be had in remembrance; nothing but mere misery." She feared other motives. "The contemplation of mere misery is painful and hurtful; and the only salutary influence that I could perceive to arise from this occasion was a far-fetched and dubious one,—thankfulness that the Indians are not now at hand to molest the white inhabitants." The question should have flashed in any rational onlooker's skull: "the Indians,—'where are they?'"

She knew its answer. It "leaves one less sympathy than one would wish to have with the present security of the settler. The story of King Philip, who is supposed to have headed, in person, the attack on Lothrop's troop, is one of the most melancholy in the records of humanity; and sorrow for him must mingle with congratulations to the descendants of his foes, who, in his eyes, were robbers." After such contemplation Martineau "found it difficult to discover the philosophy of this celebration." But she hoped—with her typical wit—that "A stranger might be pardoned for being so slow."<sup>49</sup>

The day before the commemoration she "went to Bloody Brook, the fearfully-named place of disaster." She "went to the Bloody Brook Inn, and saw the strange and horrible picture of the slaughter of Lothrop's troop; a picture so bad as to be laughable; but too horrible to be laughed at. Every man of the eighty exactly alike, and all looking scared at being about to be scalped." Similarly strange and laughable, outside

We saw . . . the long tables spread for the feasts of tomorrow. Lengths of unbleached cotton for table cloths, places and glasses, were already provided. Some young men were bringing in long trails of the wild vine,

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<sup>49</sup> *Ibid.*, vol. 1, 94–95.

clustered with purple grapes, to hang about the young maple trees which overshadowed the tables; others were trying the cannon.

The morning of the commemoration “the 30<sup>th</sup>[.] was bright, but rather cold. It was doubtful how far prudence would warrant our sitting in an orchard for several hours, in such a breeze as was blowing. . . .” She heard a clanging outside here window. “The wagon belonging to the band passed my windows, filled with young ladies from the High School at Greenfield. They looks as gay as if they had been going to a fair.”<sup>50</sup>

As the moment approached “The wind rustled fitfully in the old walnut-tree. The audience gathered around it were sober, quiet; some would have said dull.” The New England audience was impressionable, capable of learning the great lesson of the massacre’s history: “The girls appeared to me to be all pretty, after the fashion of American girls. Everybody was well-dressed; and such a thing as ill-behavior in any village assemblage in New England is, I believe, unheard of.”<sup>51</sup>

The band played “A German Hymn,” and the speaker spoke. He “spoke of the ‘stately tree,’ (the poor walnut,) and the ‘mighty assemblage,’ (a little flock in the middle of an orchard,) and offered them shreds of tawdry sentiment, without the intermixture of one sound though, or simple and natural feeling, simply and naturally expressed.” His speech pricked and tore at Martineau. It was a “clap-trap of praise and pathos [, and] . . . criminally adventured.” It was, she stressed, “one great evil,” and this was a shame because, unlike their southern countrymen,

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<sup>50</sup> *Ibid.*, vol. 1, 95–96.

<sup>51</sup> *Ibid.*, vol. 1, 97.

These [New England] people are highly imaginative. Speak to them of what interests them, and they are moved with a word. Speak to those whose children are at school, of the progress and diffusion of knowledge, and they will hang upon the lips of the speaker. Speak to the unsophisticated among them of the case of the slave, and they are ready to brave Lynch-law on his behalf. Appeal to them on any religious or charitable enterprise, and the good deed is done, almost as soon as indicated.<sup>52</sup>

Instead, though, Edward Everett—the Massachusetts politician so renowned for his oratory in the antebellum era it seems to us ironic that he is not remembered for his Gettysburg address in the autumn of 1863—gave a speech out of tune with, and retrograde to, modernity. Martineau mentioned that another great politician from Massachusetts, Daniel Webster, was first asked to speak, but refused, saying, “I won’t go and rake up old bloody Indian stories.”<sup>53</sup> Although Webster was anti-removal, his biographer points out that he was a quiet witness to the “heated” Indian Removal debates in Congress, participating little. Indian rights were never on the forefront of this Whig politician’s mind, and it is likely he was too recent a witness to the ways the ‘raking up of bloody Indian stories’ had possessed the nation to jump at another chance to stir that cauldron.<sup>54</sup>

Everett apparently had no similar fear, and stirred the cauldron as some New England witch. He hurled into it antiquated metaphors and theses that may have made Mather and Haywood dance jigs in their far apart graves. They all, little doubt, made Martineau’s stomach turn. She could sense “the whole thing was got up, or its time and manner chosen, for electioneering

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<sup>52</sup> *Ibid.*, vol. 1, 98–99.

<sup>53</sup> *Ibid.*, vol. 1, 95. Martineau quotes Webster. Her source is unknown.

<sup>54</sup> Remini, *Daniel Webster: The Man and His Time* (Norton, 1997), 334–335. There were other internal improvement issues for which he would save his strength, save his risk.

objects; that advantage was taken of the best feelings of the people for the political interest of one.”<sup>55</sup> Everett spoke “grimacing like a mountebank before the assemblage whose votes he desired to have . . .”<sup>56</sup> He wished to assure the audience that God had willed their presence that day over the presence of King Philip’s progeny; God had *ordained* Indian Removal.

Inside his skull Everett hurtled back into time: “As I stand on this hallowed spot, my mind filled with the traditions of that disastrous day, surrounded by these enduring natural memorials, impressed with the touching ceremonies we have just witnessed,—the affecting incidents of the bloody scene crowd upon my imagination.” He walked through the village of Deerfield when it was older than it was when Martineau walked it. “This compact and prosperous village disappears, and a few scattered log-cabins are seen, in the bosom of the primeval forest, clustering for protection around the rude block house in the center. A cornfield or two has been rescued from the all-surrounding wilderness, and here and there the yellow husks are heard to rustle in the breeze, that comes loaded with the mournful sighs of the melancholy pine-woods.” It was a place hunted from the edges by savages and wolves: “Beyond, the interminable forest spreads in every direction, the covert of the wolf, of the rattlesnake, of the savage; and between its gloomy copses, what is now a fertile and cultivated meadow, stretches out a dreary expanse of unreclaimed morass.” To walk through this past world, he stressed, all one had to do was be still.

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<sup>55</sup> Martineau, vol. 1, 95.

<sup>56</sup> *Ibid.*, vol. 1, 98.

I look and listen. All is still, solemnly—frightfully still. No voice of human activity or enjoyment breaks the dreary silence of nature, or mingles with the dirge of the woods and the watercourses.

This past world was alive behind the veil:

All *seems* peaceful and still:—and yet this *is* a strange heaviness, in the fall of the leaves, in that wood that skirts the road;—there is an unnatural flitting in those shadows;—there is a plashing sound in the waters of that brook, which makes the flesh creep with horror. Hark! It is the click of a gun-lock from that thicket; no, it is a pebble, that has dropped from the overhanging cliff upon the rock beneath. It is, it is the gleaming blade of a scalping-knife; no, it is a sunbeam thrown off from that dancing ripple. It is, it is the red feather of a savage chief peeping from behind that maple-tree; no, it is a leaf, which September has touched with her many-tinted pencil.

But just as the savage's evil persisted behind the veil, so too the ultimate victors' war cries still pierced:

And now a distant drum is heard; yes, that is a sound of life, conscious proud life. A single fife breaks upon the ear; a stirring strain. It is one of the marches, to which the stern warriors of Cromwell moved over the field at Naseby and Worcester. There are no loyal ears to take offence at a puritanical march in a transatlantic forest; and hard by at Hadley, there is gray-haired fugitive, who followed the cheering strain, at the head of his division in the army of the great usurper. The warlike note grows louder;—I hear the tread of armed men . . . .<sup>57</sup>

Beyond even the wolf and wilderness metaphors, Everett sounded more and more like a man from the previous century, Mather: "Although the continent of America, when discovered by the Europeans, was in the possession of the native tribes, it was obviously the purpose of Providence, that it should become the abode of civilization, the arts, and Christianity." Everett asked the audience, "How shall these blessings be introduced?" Should "this fair continent, adequate to the support of civilized millions,—on which nature has bestowed her bounties,—on which Providence is ready to

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<sup>57</sup> Edward Everett, *An Address Delivered at Bloody Brook: In South Deerfield, September 30, 1835 . . .* (Boston: Russell, Shattuck, & Williams, 1835), 4–5.

shower its blessings, lie waste, the exclusive domain of the savage and the wild beast?" His answer: "Heaven forbid."

But now it was someone closer in time speaking through his mouth, though almost as far away—if physical distance is any measure—as the previous century, a dead man he had more than likely never heard of. Everett first began reaching into the early modern past to justify the disappearance of the New England Indians: "In the Anglo-American settlements, treaties will be entered into, mutual rights acknowledged; the artificial relations of independent and allied states will be established; and as the civilized race rapidly multiplies, the native tribes will recede, sink into the wilderness, and disappear." The present picture was truly grim: "of the tribes that inhabited New England, not an individual, of unmixed blood and speaking the language of his fathers, remains."<sup>58</sup> Everett begged: "Was this an unavoidable consequence? However deplorable, there is too much reason to think that it was." No good Christian who thinks compassionately about posterity could perceive in what way the forest could have been cleared, and its place taken by the cornfield, without destroying the game; in what way the meadows could be drained and the beaver-dams broken down, without expelling their industrious little builders;—nor in what way the uncivilized man, living from the chase, and requiring a wide range of forest for his hunting-ground, destitute of arts and letters,—belongings to a different variety of the species, speaking a different tongue, suffering all the disadvantages of social and intellectual inferiority, could maintain his place, by the side of the swelling, pressing population,—the diligence and the dexterity;—the superior thrift, arts, and arms,—the seductive vices of the civilized race.

To be fair, Everett would "not say, that imagination cannot picture a colonial settlement, where the emigrants should come in such numbers, with

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<sup>58</sup> *Ibid.*, 5–6.

such resources, with such principles, dispositions, and tempers, as instantly to form a kindly amalgamation with the native tribes; and from the moment of setting foot on the new-found soil, commence the benign work of brotherhood and assimilation, moving forward to a peaceful conquest, beneath the banner of charity. . . .” Still, he concluded, “in a practical survey of life on both sides, such a consummation seems impossible . . .”<sup>59</sup>

The early modern past, Everett proved, gave clear answers to seemingly vexing questions regarding the morality of Indian Removal. Our fathers were wise. “Our fathers regarded the aboriginal inhabitants as heathen. They bestowed unwearied pains to Christianize them, and with much greater success, than is generally supposed.” Our fathers were generous to no avail. The Indians were on the wrong side of history, of Christendom, because they had been cursed by God, handed over to Satan’s arms: “Still the mass remained unconverted, and an ominous inference was drawn from the expulsion of the native races of Canaan. . . .” Here Everett was lumping the Indians in with those European Christians had—since at least the fifteenth century—traditionally cast West Africans: those descendants of Noah’s son, Ham, who made the mistake of seeing his father drunk and naked, and whose progeny Noah (thus) cursed (Canaan).<sup>60</sup>

Then Everett moved deeper into the American past still. If one traveled deeper one would get the full picture. The pre-contact American past, Everett had learned, was tragic:

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<sup>59</sup> *Ibid.*, 6–7.

<sup>60</sup> See Robin Blackburn, *The Making of New World Slavery: From the Baroque to the Modern, 1492–1800* (Verso, 1997), 66–67.

[The Indian's] vices were not all learned of the white settlers. Before the European was known on the continent, [the Indian] was perpetually engaged in exterminating conflicts with the neighboring tribes. His merciless mode of waging war,—the horrors of the scalping-knife and the stake, are of his own invention.<sup>61</sup>

Because of ancient exterminations, when the Puritans arrived all of America was wilderness roamed by wolf-like barbarians. There was no planting civilization, no just and legal claim to the fertile hinterland: “To barbarous tribes, who stand as low in the scale of humanity as the Pequots and Narragansets, the Wampanoags or the Nipmucks, who live by hunting and fishing, with scarce any thing that can be called agriculture, and wholly without arts, the removal from one tract of country to another is comparatively easy.” For this reason, Everett felt the need to point out, Indian Removal was just and even benevolent: “A change of abode implies no great sacrifice of private interest or social prosperity.” It was due to no evil harbored in Puritans’ hearts that the Indians had disappeared. Simply, “[W]ith the advance of civilization, the native tribes” had just “receded. No wars, literally, of extermination, at any time, were waged” by Puritans against Indians.<sup>62</sup>

This was the historiographical narrative that Haywood had, through Jackson’s removal speeches, posthumously infused into the minds of American politicians in the 1830s. It is difficult to imagine Everett possessing such logic had Haywood not written the CA, preserving early modern, Puritan metaphors for latter-day use and offering a President an extermination thesis. Everett was *there* the December day Jackson invoked Haywood in his

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<sup>61</sup> Everett, 7–8. He expounded, “[W]e must look on the Indian, not with the eye of sentiment and romance, but of truth and reality” (7).

<sup>62</sup> *Ibid.*, 9–10.

Second Annual Message to the Congress, a member of the House from Massachusetts's Fourth District. It is a testament to Haywood's power that even Everett—who, like Webster, was an opponent of removing the Southern Indians during the 1830s debates—could not help invoking Haywood's very logic he heard in Jackson's Second Annual Address of 1830 when memorializing a sliver of the Puritan landscape.

Like many anti-Removal activists, Everett seems to have been blindsided by Old Hickory's wildcard of Haywood's thesis that winter, effectively closing down any further Congressional challenge to the bill. In the spring of 1830, Everett's speeches to the House were built out of 'expert' quotes about the ancient American past, such as this one by English naturalist Thomas Nuttall (1786–1859):

To have left the aborigines on their ancient sites, rendered venerable by the endearments and attachments of patriotism, and surrounded by a condensed population of the whites, must either have held out to them the necessity of adopting civilization, or, at all events, have most effectually checked them from committing depredations. Bridled by this restraint, there would have been no necessity for establishing among them an expensive military agency, and coercing them by terror.<sup>63</sup>

Jackson's Second Address that winter had apparently exorcised such historical claims from Everett's speeches—proof of how totally Jackson had won.

<sup>63</sup> Edward Everett, *Speech of Mr. Everett, of Massachusetts, on the Bill for Removing the Indians from the East to the West Side of the Mississippi, Delivered in the House of Representatives on the 19<sup>th</sup> May, 1830* (Washington: Gales & Seaton, 1830), 26. Everett here quotes Nuttall.

Fortunately for the sustenance of Martineau's dialectic—defining the evil of the Old Southwest through the goodness of New England—the next commemoration she attended in New England was brighter. In early winter she went to another festival commemorating the Pilgrim landing at Plymouth Rock, "Forefathers' Day." She was spellbound: "A more remarkable, a nobler enterprise, was never kept in remembrance by a grateful posterity, than the emigration of the Pilgrim Fathers; and their posterity are, at least, so far worthy of them as that they all, down to the young children, seem to have a clear understanding of the nature of the act, and the character of the men." Perhaps taking a cue from Everett's mental/spiritual exercises, she sought to go back in time.

As we drew near the coast, I anxiously watched the character of the scenery, trying to view it with the eyes of the first emigrants. It must have struck a chill to their hearts;—so bare, so barren, so wintry. The firs grew more and more stunted, as we approached the sea; till, as one of my companions observed, they were ashamed to show themselves any smaller, and so turned into sand.

Such an exercise was not difficult this day.

The aspect of the bay was, this day, most dreary. We had travelled through snow, all the way behind; snowy fields, with here and there a solitary crow stalking in the midst; and now, there was nothing but ice before us. Dirty, grey ice, some sheeted, some thrown up by the action of the sea into heaps, was all that was to be seen, instead of the blue and glittering sea.

They walked up Burial Hill, where the bones of "Upwards of half the pilgrim company" who "died the first winter" rested, "Fifty-one," in all. This memorial she did not mind. "Burial Hill was probably chosen to be a *memento mori* to the pious pilgrims; its elevation, bristling with grave-stones, being conspicuous from every part of the town." She admired the original pilgrims'

bravery and resilience: “lest it should exhibit their tale of disaster to their foes, the Indians, the colonists sowed the place of their dead with corn; making it, for honest purposes, a whitened sepulcher.” And instead of war, standing among the graves she meditated on past scenes of peace.

From this eminence, we saw the island in the harbor where the fathers landed for service on the first Sunday after their arrival; also, the hill on which stood a wigwam, from whence issued an Indian to hold the first parley. A brook flowed between the two hills, on which stood the Indian and the chief of the intruders. Governor Winslow descended to the brook; bridged it with stepping-stones, in sight of the Indian; laid down his arms, and advanced. The meeting was friendly . . . .

She “felt as if in a dream, the whole time that I was wandering about with the rejoicing people, among the traces of the heroic men and women who came over into the perilous wilderness, in search of freedom of worship.”<sup>64</sup>

Thus Martineau’s portraits of the best of New England history and society damned what she experienced when crossing the Old Southwest. “If human life presents its fairest aspects in the retired townships of New England,” she stressed time and again, “some of its very worst, perhaps, are seen in the raw settlements of Alabama and Mississippi.”<sup>65</sup>

In the Old Southwest the gory seventeenth century had not fully passed.

One of my hosts, a man of great good-nature, as he shows in the treatment of his slaves, and in his family relations, had been stabbed in the back in the reading-room of the town, two years before, and no prosecution was instituted. Another of my hosts carried loaded pistols for a fortnight, just

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<sup>64</sup> Martineau, vol. 1, 100–103.

<sup>65</sup> *Ibid.*, vol. 1, 212.

before I arrived, knowing that he was lain in wait for by persons against whose illegal practices he had given information to a magistrate, whose carriage was therefore broken in pieces, and thrown into the river. A lawyer with whom we were in company one afternoon, was sent for to take the deposition of a dying man who had been sitting with his family in the shade, when he received three balls in the back from three men who took aim at him from behind trees.

Such violence seemed to happen daily. “[A] lady of Montgomery told me that she had lived there four years, during which time no day, she believed, had passed without some one’s life having been attempted, either by dueling or assassination.”

Then comes perhaps her most piercing qualification: “It will be understood that I describe this region as presenting an extreme case of the material advantages and moral evils of a new settlement, under the institution of slavery.” The emigrant planters often did not seem evil on the outside, as the serpent in Eden:

The most prominent relief is the hospitality,—that virtue of young society. It is so remarkable, and to the stranger so grateful, that thee is a danger of its blinding him to the real state of affairs. In the drawing room, the piazza, the barouche, all is so gay and friendly, there is such a prevailing hilarity and kindness, that it seems positively ungrateful and unjust to pronounce, even in one’s own heart, that all this way of life is full of wrong and peril.

Ultimately, though,

it is impossible to sit down to reflect, with every order of human beings filling an equal space before one’s mental eye, without being struck to the soul with the conviction that the state of society, and no less of individual families, is false and hollow, whether their members are aware of it or not; that they forget that they must be just before they can be generous. The severity of this truth is much softened to sympathetic persons on the spot; but it returns with awful force when they look back upon it from afar.<sup>66</sup>

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<sup>66</sup> *Ibid.*, vol. 1, 228–229.

Case in point: "In the slave quarter of a plantation hereabouts I saw a poor wretch who had run away three times, and been re-captured. The last time he was found in the woods, with both legs frost-bitten above the knees, so as to render amputation necessary." She "passed by when he was sitting on the door-step of his hut, and longed to see him breathe his last. But he is a young man, likely to drag out his helpless and hopeless existence of many a dreary year." Though painful on several levels—for a kind woman, a new acquaintance of hers, was disgusted by this slave's actions—"such things must be told sometimes, to show to what a pass of fiendish cruelty the human spirit may be brought by merely witnessing the exercise of irresponsible power over the defenceless." In this case, as in the case of Nat Turner, The master and mistress . . . had always treated him and his fellow-slaves very kindly. He made no complaint of them. It was not from their cruelty that he attempted to escape. His running away was therefore a mystery to the person to [her acquaintance].

Chillingly, the woman "told me that she had advised this master and mistress to refuse him clothes, when he had torn his old ones with trying to make his way through the woods . . ." The woman yelled, "The villain!" and "went to him when he had had his legs cut off, and . . . said to him, it serves you right .

. . .  
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Such was the state of society in the Old Southwest, a barbarous frontier where Indian Removal and slavery had created a hell worse than the wilderness out of which it had been carved. It would have been a better world if the planters had left it a wilderness. Most unsettling of all, however, was the

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<sup>67</sup> *Ibid.*, vol. 1, 229–230.

future toward which this world was headed—toward wars spreading this hell even further south and west. No one had anticipated this world better, Martineau believed, than John Quincy Adams.<sup>68</sup>

### Adams's Prophecy

In May of 1836 Adams addressed the House opposing the annexation of Texas.

I suppose a more portentous case, certainly within the bounds of possibility—I would to God I could say not within the bounds of probability. You have been, if you are not now, at the very point of a war with Mexico—a war, I am sorry to say, so far as public rumor may be credited, stimulated by provocations on our part from the very commencement of this administration down to the recent authority given to General Gaines to invade the Mexican territory. . . .

He beheld an army of emigrant planters in his mind's eye: "It is further affirmed that this overture, offensive in itself, was made precisely at the time when a swarm of colonists from these United States were covering the Mexican border with land-jobbing, and with slaves, introduced in defiance of the Mexican laws, by which slavery had been abolished throughout that Republic." They were prepared to fight and die for slavery in the Deep Southwest. "The war now raging in Texas is a Mexican civil war, and a war for the re-establishment of slavery where it was abolished.—It is not a servile war, but a war between slavery and emancipation, and every possible effort has been made to drive us into the war, on the side of slavery."<sup>69</sup>

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<sup>68</sup> *Ibid.*, vol. 2, 373–384. Martineau included Adams's speech in her appendix.

<sup>69</sup> John Quincy Adams, *Speech of John Quincy Adams, on the Joint Resolution for Distributing Rations to the Distressed Fugitives from Indian Hostilities in the States of Alabama and Georgia, Delivered in the House of Representatives, Wednesday, May 25, 1836* (Washington: National Intelligencer Office, 1836), 3–5.

The emigrant planters seemed to be embracing violence as if it were positive religion. The so-called “monster,” Santa Ana, “has been shot, in cold blood, when a prisoner of war, by the Anglo-Saxon leader of the victorious Texan army,” Sam Houston. Adams could not name it, but he sensed a dark spirit at work in these emigrants: “[S]ir, it has struck me as no inconsiderable evidence of the spirit which is spurring us into this war of aggression, of conquest, and of slave-making, that all the fires of ancient, hereditary national hatred are to be kindled, to familiarize us with the ferocious spirit of rejoicing at the massacre of prisoners in cold blood.” It was, in other words, a spirit retrograde to the Enlightenment idea of progress. Adams could not think of a spirit so evil and violent in the West since the era of the Crusades, “you must go back eight hundred or a thousand years [the First Crusade beginning in 1096], and to another hemisphere, for” such “fountains of bitterness . . .”<sup>70</sup>

Adams sought to scare southern members of the House into condemning such ventures: “What is the temper of feeling between the component parts of our own Southern population, between your Anglo-Saxon, Norman, French, and Moorish Spanish inhabitants of Louisiana, Mississippi, Arkansas, and Missouri? between them all and the Indian savage, the original possessor of the land from which you are scourging him already back to the foot of the Rocky Mountains?” The Indian threat was not all: “What between them all and the native American negro, of African origin, whom they are holding in cruel bondage?” Such doom would be the result of—he now came right out with it—their crusade: “Are these elements of harmony, concord, and

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<sup>70</sup> *Ibid.*, 5.

patriotism between the component parts of a nation starting upon a crusade of conquest?" Adams knew how much hatred the emigrant planters harbored in their skulls for Indians, black slaves, and freedom: "Do not you, an Anglo-Saxon, slave-holding exterminator of Indians, from the bottom of your soul, hate the Mexican-Spaniard-Indian, emancipator of slaves and abolisher of slavery?" Remember, he warned, "[D]o [not] think that your hatred is not with equal cordiality returned . . ."<sup>71</sup>

Beyond starting a war against the abolition of slavery, it would be a race war. "Your war, sir, is to be a war of races—the Anglo-Saxon American pitted against the Moorish-Spanish-Mexican American; a war between the Northern and Southern halves of North America; from Passamaquoddy to Panama." The violence scything across such a wide landscape would be unprecedented: "Are you prepared for such a war?"<sup>72</sup>

Just in case he had not been clear, *think* about the retrograde direction of this Old Southwestern project:

And again I ask, what will be your *cause* in such a war? Aggression, conquest, and the re-establishment of slavery where it has been abolished. In that war, sir, the banners of *freedom* will be the banners of Mexico; and your banners, I blush to speak the word, will be the banners of slavery.

The most frightening thing about the world these emigrant planters wanted to build was its necessary *expanse*: "The conquest of all Mexico would seem to be no improbable result of the conflict, especially if the war should extend no farther than to the two mighty combatants. But will it be so confined?"<sup>73</sup>

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<sup>71</sup> *Ibid.*

<sup>72</sup> *Ibid.*, 5–6.

<sup>73</sup> *Ibid.*, 6.

Martineau, too, envisioned this happening—more and more emigrant planters heading southwest lusting after more and more land, the general need for more and more fertile land to keep from exhausting the black soil and to keep increasing profits. Adams knew deep: “But, sir, suppose you should annex Texas to these United States; another year would not pass before you would have to engage in a war for the conquest of the Island of Cuba.”<sup>74</sup>

Adams kept trying to scare the planters into second thoughts. Look to the first skirmishes in your crusade, and then envision the bloody ground resulting from your old enemies joining arms with new enemies and turning your own slave children into enemies inside your own households:

Your Seminole war is already spreading to the Creeks; and, in their march of desolation, they sweep along with them your negro slaves, and put arms into their hands to make common cause with them against you; and how far will it spread, sir, should a Mexican invader, with the torch of liberty in his hand, and the standard of freedom floating over his head, proclaiming emancipation to the slave, and revenge to the native Indian, as he goes, invade your soil? What will be the condition of your States of Louisiana, of Mississippi, of Alabama, of Arkansas, of Missouri, and of Georgia? Where will be your negroes? Where will be that combined and concentrated mass of Indian tribes, whom, by an inconceivable policy, you have expelled from their widely-distant habitations, to embody them within a small compass on the very borders of Mexico, as if on purpose to give to that country a nation of natural allies in their hostilities against you? Sir, you have Mexican, an Indian, and a negro war upon your hands, and you are plunging yourself into it blindfold . . .

<sup>75</sup>  
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Moreover, Adams stressed, much of Enlightened, Western Europe would align against the slaveholding confederacy the planters sought to form: “Neither Great Britain nor France will suffer you to make such a conquest from Mexico; no, nor even to annex the independent State of Texas to your

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<sup>74</sup> *Ibid.*, 7.

<sup>75</sup> *Ibid.*, 6.

Confederation, without their interposition.”<sup>76</sup> With the sum of your enemies in mind, “Mr. Chairman, are you ready for all these wars? A Mexican war? a war with Great Britain, if not with France? a general Indian war? a servile war? and, as an inevitable consequence of them all, a civil war?”<sup>77</sup>

In a final try, Adams begged the would be confederates not to war for slavery because their war would do its work in their own landscape, in the fields outside their own houses—there the blood will stain the deepest.

[D]o you imagine that while with your eyes open you are willfully kindling, and then closing your eyes and blindly rushing into them; do you imagine that while, in the very nature of things, your own Southern and Southwestern States must be the Flanders of these complicated wars, the battle-field upon which the last great conflict must be fought between slavery and emancipation; do you imagine that your Congress will have no constitutional authority to interfere with the institution of slavery in *any way* in the States of this Confederacy?

Adams was predicting the Civil War in a way that would have impressed his grandsons, Henry and Brooks; he was their scientific historian before his time. “Sir,” he continued, “they must and will interfere with it—perhaps to sustain it by war; perhaps to abolish it by treaties of peace; and they will not only possess the constitutional power so to interfere, but they will be bound in duty to do it by the express provisions of the Constitution itself.” The northern states would end slavery, taking the slaves as contraband of war: “For the instant that your slaveholding States become the theatre of war, civil, servile, or foreign, from that instant the war powers of Congress extend to interference with the institution of slavery in every way by which it can be

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<sup>76</sup> *Ibid.*

<sup>77</sup> *Ibid.*, 7.

interfered with, form a claim of indemnity for slaves taken or destroyed, to the cession of the state burdened with slavery to a foreign power.”<sup>78</sup>

### The Turn

Martineau, like Adams, beheld this Southwestern World destructing, and destructing ultimately less because of the inherent power of foreign powers than the vices of slavery. Slavery wrought the social and cultural depravity, Indian Removal, and cycles of violence that would undo the world the emigrant planters sought to build, sustain, and spread. The violence threatened from within—slave insurrections and planter-on-planter dueling—and without—Indian invasion from the West and Mexican invasion from the South (backed, too, by Britain and France). This projected fate was like hellfire inside Simms’s skull.

From page one of his 1837 review it is clear that Simms hates this woman, giving criticism of even her physical features—in particular, the fact that she had gone deaf. “When Miss Martineau, after acknowledging the peculiar disadvantage under which she labored as a traveler in being deaf, proceeds to look up and to dwell upon some of its advantages . . . [ ] we, at once, discover the sort of person with whom we have to deal.” Goading his readers to cackle, Simms went on, “We have heard of many intelligent persons who declined to make the lady’s acquaintance while in this country, simply on account of her trumpet, and the awkwardness of such a chat in

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<sup>78</sup> *Ibid.*, 7.

company, who, otherwise, would have been very well pleased to known her; and who might have afforded her some very useful information.”<sup>79</sup>

Beyond Martineau’s physical disability, there was her proclivity for doubting the moral goodness of slavery. On the subject of slavery “she was biased and bigoted on this subject to the last degree; and could neither believe the truth when it spoke in behalf of the slaveholders; nor doubt the falsehood, however gross, when it told in favor, or fell from the lips of the abolitionist.” She had the nerve to believe “that the abolitionists sent no incendiary tracts among the slaves, and that they use no direct means towards promoting their objects in the slave states.” No, slave revolts—as well as slaves’ objections to being enslaved—only happened because of abolitionists telling slaves lies.<sup>80</sup> The South was not the paranoid kind of place where when a house catches fire in a city such as Charleston, slaveholders out on the town fear their slaves have burned their mistresses alive. “Now, we take it, that in any city in the world, slave or free, the gentleman who happens to be absent from his family when the fire bell rings, will be apt to hurry home to see that all is safe, and to quiet the alarm of his wife and children—particularly, indeed, in a large city, where it is so very difficult to determine at all times where the fire is.”<sup>81</sup> Most of Martineau’s horror stories were untrue, or if they were true they happened not because of slavery: “All the crimes committed in the south, of whatever kind, and among whatever class, are

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<sup>79</sup> William Gilmore Simms, “Miss Martineau on Slavery,” *Southern Literary Messenger*, Vol. III, No. XI, Richmond, November 1837, 641. Simms signed this “A South Carolinian,” but takes credit for it in the 1838 chapter. See also Nakamura, 11–12.

<sup>80</sup> Simms, “Miss Martineau on Slavery,” 643.

<sup>81</sup> *Ibid.*, 643.

studiously ascribed to slavery; of the rapes, and hangings, and burnings upon the frontiers, she has an ample collection, and records many, of which the good people of the south themselves never heard." And even if slavery did have something to do with it (which it did not): "She makes no inquiry into these matters at the north; she does not seem to have asked about the offences of New York and Philadelphia, or the quality and color of the offenders in those cities." For instance, "If she hears that a slave poisons an owner in Carolina, though this event may occur once in an hundred years, she declaims upon it lustily; but the crimes of free negroes at the north, with whose condition alone the comparison of the southern slave should be made, entirely escape her attention. Her ear is open to all that may be said against slavery; all that is said in its defence, she dismisses as not worth hearing."<sup>82</sup>

The hatred for blacks Martineau saw in masters' hearts was a delusion. If she wanted to see true hatred between whites and blacks she should go to northern cities where there were significant populations of freedmen, for you could not easily blame the Yankees: "By emancipation, the coarse and uneducated negro became lifted into a condition to which his intellect did not entitle him, and to which his manners were unequal—he became presumptuous accordingly, and consequently offensive;—and the whites who had regarded him with favor in his inferior and proper place, could not easily endure him as a tyrant, for such always is one lifted into a condition beyond his merits." Conversely, though,

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<sup>82</sup> *Ibid.*, 644.

The case is very different in the south, where slavery exists. There the negro is not hated. Far from it. He is there regarded as filling his true place, and as occupying his just position; and while he does so, he does not offend, but meets with favor and indulgence. It is only in the northern regions, where he contends for an equality with a people to whom he is morally and physically inferior, that he provokes hatred, and lives in a state of continual personal insecurity.

Indeed, "We have been apt to think and say, in the south, that there were few people so very happy, hearty and well satisfied with their condition, as the southern negro."<sup>83</sup>

Martineau and her abolitionist friends refused to see the world the emigrant planters were trying to build, Simms stressed: "Setting forth with a resolution to uproot and utterly destroy an institution which she has previously resolved to be evil, she sees no aspect of it which is not so. The kindness of the master to the slave, is likened to the kindness which he has for his dog—the affection of the slave, and his respect for one whom he looks up to as a greatly superior, is ascribed to the fear of punishment, or the utter fatuity of his intellect." But even if some of this was the case, say, out of necessity, to keep away wolves:

Miss M., along with too many others, seems to think that none but well-bred, quiet, peaceable men should tame the wilderness. All her stories of great crime, of burning and hanging, and stabbing, which she has raked up with such exquisite care, are stories of the borders. They belong to that period in the history of society, when civilization sends for the pioneer to tame the wilderness. Your well-bred city gentleman is no pioneer—he belongs to a better condition of things and to after times. It is the bold, reckless adventurer—the dissolute outcast—the exile from crime, or from necessities of one sort or another—who goes forth to contend with the wild beasts, the stubborn forests, and the savage tribes who prowl among them.<sup>84</sup>

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<sup>83</sup> *Ibid.*, 644–645.

<sup>84</sup> *Ibid.*, 647–648.

Martineau, Simms warned, should keep in mind that her vision of what emigrant planters are building might not be *their* vision of what they are building, which means that she could be wrong:

It may be added, however, that the Texians tell a different story from Miss Martineau, respecting the settlement of their country. Certainly, one tribute of applause cannot be withheld from them. If they have usurped the possession of a territory not their own, they have exhibited the most singular and noble forbearance as victors towards their captives—a forbearance the more wonderful, indeed, as it was so utterly undeserved by the merciless and false-hearted savages, whom it was their good fortune to overcome.<sup>85</sup>

Still, even if this was not the case, why lump Old Southwestern politicians in with their foot soldiers? “Another source of authority with Miss Martineau, is the public men of our country—the members of Congress of both parties; and those, seemingly among the most violent.”<sup>86</sup>

Moreover, Simms did not want to take on Martineau’s—and Adams’s—accusations regarding the annexation of Texas, the ‘dark dreams’ she perceived moving in their minds; he would only point out that she was misguided in presenting the Seminoles as the ‘good guys’ in her attempts to equalize black and Indian victimhood. Indians, Simms stressed, owned slaves too, and often stole black slaves from emigrant planters: “They are only transferred from one kind of slavery to another; since they are sold by the Indians [to other Indians], and are liable to all their caprices of sudden rage, drunkenness and occasional bursts of gloomy ferocity, and a malice which seems natural to them.” Southern Indians were generally inhuman slaveholders: “Under these influences the slave is frequently murdered, and

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<sup>85</sup> *Ibid.*, 649.

<sup>86</sup> *Ibid.*, 649.

his murderer is unpunished. It is only such philanthropists as modern abolition provides, who esteem it better for the negro to be the slave to the savage, than to the civilized man."

Simms believed that it was clear with regards to Martineau's conflation of slavery and Indian Removal as one in the same evil—inextricably intertwined emigrant planter goals—that "The demon of abolition had . . . possessed her brain, and too entirely darkened her vision." A demon is what explained it. No, Indians were removed ultimately because they were—mercifully—not fully exterminated. Old Hickory had been Christ-like. Due to their barbarous nature, evidenced perhaps most powerfully in what they had done to the last great southern civilization:

[Indians'] contact with the civilized must always result,—as such contact had everywhere resulted—either in their subjection as inferiors, or their extermination. Their only safety will be found in their enslavement, or in their removal to a region where the hunting grounds are open and uncircumscribed. They must perish or remove;—unless they conform to the established usages of the states in which they linger, and fall into the customs of the superior people.

If not for deluded people like Martineau and her friends, emigrant planters might have had the Southern Indians removed sooner, might have saved more of them from death in battle. If left to their own whims anti-removal abolitionists would idiotically and inadvertently bring about the extermination they accused the emigrant planters of wanting:

The Government of the United States has aimed at their removal for many years; but this removal has been resisted in various quarters, and chiefly by the instrumentality of those universal philanthropists, who are now known as abolitionists. They were strenuous in opposing it, and did not confine their opposition to the councils of our own nation. They preached resistance to the

Indians themselves, and encouraged them to stay where they were and starve.

The anti-removal abolitionists, it seemed to Simms, played the world's smallest violins: "Their eloquence in these exhortations overlooked the absolute necessities of the Indian, and was chiefly devoted to the imaginary privations consequent upon his removal." Worse than this, they conjured up anti-historical arguments about the ancient southern past: "They dwelt pathetically upon the loss of [the Southern Indian's] homes, and his banishment from his forefather's graves; and in dilating upon privations such as these, they entirely forgot all the more serious evils arising from the state of suffering in which he dwelt." Simms claimed that "The Indian . . . of all people in the world, is the last to feel much, if any regret, at such a necessity. It is no great sacrifice for him." This is because he was a Scythian/wolf-like invader:

From the moment that his eyes opened upon the light, he has been a wanderer. . . . His fathers before him were wanderers, and according to their histories, their whole lives have been passed in bearing their stakes form the wilderness to the seaside, and from the seaside to the wilderness again. The habitations of the Indians prove all this. During the space of three hundred years—the time of our acquaintance with them—they have made no improvements—they have built no house of sufficient comfort or importance to be occupied by two successive generations. Their habitations have been such only as they could readily remove, or leave, without loss, to the use of some succeeding occupant. Their towns—if the collections of filthy wigwams in which they fester and breed vermin, may be called towns—are few, far between, and the men seldom in them. Their women have ever been their drudges, in the most degrading slavery—brutes without indulgence, and slaves to the most vicious caprices of their masters, without restraint or redress, unless it comes in the sudden vengeance of some irritable relation.

Such savages could not even fathom *home*; they "have no idea of home." Indeed, "He has never known a fixed abode, until the appearance and

settlement of the whites formed a point of attraction, to which, with all the consciousness of his inferiority, he tacitly inclined.”<sup>87</sup>

Moreover, if Martineau truly knew her frightening emigrant planters she would know that they were not going to keep spreading slavery forever and ever; they were not even going to *keep* slaves forever and ever: “We have our slaves and mean to keep them,’ was never uttered by any southern gentleman, by way of argument on the subject of slavery; but simply in answer to a party seeking to exercise a power in the councils of the government, upon a subject upon which the jurisdiction of government is expressly denied by the southerner.”<sup>88</sup> Martineau, Simms accused, was blind to the vision of the world emigrant planters were trying to build.

Simms attempted to sketch out this world, however vaguely. He attempted to achieve the sketch by exposing the world’s philosophical, scientific, and theological foundations. Martineau’s ‘philanthropic’ philosophy was naïve, unworkable in nature. Start with the idea of a *woman* telling emigrant planters what they should and should not do. Why do you think it is, he begged, that women cannot vote? “Certainly, if mere numbers are to be considered the sources of power in a state, the inference is necessary that women are to be considered parties to the government; but the fact that they are not, in a country professing to be ruled by a majority, should have prompted Miss Martineau to an inquiry into the rights of the majority, and the

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<sup>87</sup> *Ibid.*, 649–651.

<sup>88</sup> *Ibid.*, 646.

definition of this phrase in its received political sense." The answer: the doctrine of majorities.

Now the truth is, the doctrine of majorities is simply the doctrine of physical power, determinable by an abstract standard, which obviates the necessity of the application of brute force. The majority tells us where the brute force lies, and we submit to it in most cases where the authority brings with it no greater hardships than would follow our resistance to it. When the injustice of a majority passes beyond the ordinary bounds of patience, it is resisted; and the *ultima ratio regum* is resorted to by the minority, either in hope or desperation.

It is an ancient one: "The doctrine of majorities is in truth no new doctrine. It is as old as the hills." But there had been an innovation in the Old Southwest. Emigrant planters were propagating a novel iteration of the doctrine: "The only difference between times past and times present consists, simply, in the superior facilities, which, in modern times, we enjoy, of determining where the power lies, without any resort to blows." Emigrant planters would build a strong civilization by backing brute force with intellect, a task the Revolutionary generation of southerners had failed to do.

Our forefathers, when they declared this truth ["all men are created equal"] to be self-evident, were not in the best mood to be philosophers, however well calculated they may have been to become patriots. They were rather angry in the days of the declaration; and hence it is that what they alleged to be 'self-evident' then, is a source of very great doubt at present, when we are comparatively cool.

Patience, though, Simms calmed his reader—philosophical foundations take time to build. "Not to gainsay our fathers, for whom we have every possible respect, let us endeavor to support their proposition." The task: "We must regard their assertion in a limited sense, for they evidently were not thinking of the *accouchement* of a lady, but of a nation. Their work was limited

entirely to the claims of the citizen, *each in his place*, upon the government which he was required to sustain, for the protection,—while he obeyed its laws and performed his duties—of his life, his liberty, his pursuits, and his possessions.” Take what Jefferson said and root it in true self-evidence, reality: “That God has not created the physical man, or the mental man, alike and equal, is not less true, than it is in perfect harmony with all his creations. Nothing, indeed, can be more remarkable or more delightful to the mind and eye, in the examination of the works of the Deity, than the endless varieties and the boundless inequalities of his creations.” Spell what it really means out; Jefferson meant to thank God for inequality, the source of everything beautiful.

Whether we survey the globe which we inhabit, the sky which canopies, the seas which surround us, or the systems which give us light and loveliness, we are perpetually called upon to admire that infinite variety of the Creator, which nothing seems to stale. The stars are lovely in their inequalities, the hills, the trees, the rivers and seas; and it is from their very inequalities that their harmonies arise. Were it otherwise, the eye would be pained by the monotony of the prospect everywhere. As it is, we love to watch, and learn with delight “how to name the bigger light and how the less.” They have their names as they are unlike and unequal. It is because these shine *in their places*, however inferior to other orbs, that they are lovely. They are all unequal, but each keeps its place; and the beauty which they possess and yield us, results entirely from their doing so.<sup>89</sup>

Moreover, “All harmonies, whether in the moral or physical worlds—arise, entirely, from the inequality of the tones; and all things, in art, nature, moral and political systems, would give discord or monotony, but for its very inequality.” Democracy itself operates through such harmony: It “is not leveling—it is, properly defined, the harmony of the moral world. It insists

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<sup>89</sup> *Ibid.*, 652.

upon inequalities, as its law declares, that all men should hold the place to which they are properly entitled."

The only way to get true liberty in a civilization is through maintaining nature's inequality:

The definition of true liberty is, the undisturbed possession of that place in society to which our moral and intellectual merits entitle us. *He is a freeman, whatever his condition, who fills his proper place. He is a slave only, who is forced into a position in society below the claims of his intellect. He cannot but be a tyrant who is found in a position for which his mind is unprepared, and to which it is inferior.* That such were the definitions of democracy in the days of the Declaration, is fairly inferable from the fact, that they left the condition of their social world precisely as they found it.

The founders "might, indeed, have held as an abstract notion, that in a state of nature, men were born equal; but they certainly never held that they must of right continue so, nor is this a fair conclusion from what they say." In the world the emigrant planters were building, rather, "The birthright of man may be alienated in a thousand ways."

Emigrant planters knew how easy it was to mistake what Jefferson meant by "*inalienable rights of man,*" how easy it was to totalize in the abstract what was limited by nature.

Now, is it true that life, liberty, and the pursuit of happiness are inalienable under the practice of our governments? Do we not alienate them every day? Men are hung for rapes, for treason, for murder, for forgery, for burglary, and many others offences. We cast them into prisons, and deprive them of their liberty; we sue them in the courts, and take from them their property. . . .

No,

*The truth is, that our rights depend entirely upon the degree of obedience which we pay to the laws of our creation. All our rights, whether from nature or from society—and these are the only two sources of right known to us—result from the performance of our duties. . . . The man has no rights by nature, unless by a compliance with the laws of nature. . . . These laws, in a*

*state of nature, require from the man the application of his mental and physical energies, to the improvement of the passive world around him.* It was given to him for this single purpose.

To get the world emigrant planters sought to build, Simms stressed (the innovation): Indians *and* Africans had to be prostrated before the Christian planter's will. In this much, Simms had to agree, Martineau was correct: Indian Removal and the building of a slaveholding theocracy rooted in racial inequality were inextricably intertwined. One can sense fragments of the national Indian Removal debates still fresh in Simms's mind: "The Indian, who finds himself upon a hillock, has no more right to it, by nature, than the hog which roots along its borders, until he proves his right by the exhibition of faculties superior to those which the hog possesses. He is no more a man than the hog, until he complies with the natural laws of his being." One can sense the logic of Haywood's Color of Title Doctrine. The Indian and African have no rights that can be alienated until they become masters of the landscape themselves, build cabins, plant maize, and become Christian: "This, he does, when he builds himself a cabin from the woods around him—when he bends the branches into a bower overhead, and covers the roof with leaves, and strews the floor with rushes; and thus prepares himself against the elements; when he gathers fuel, and by rubbing two dried sticks together, builds himself a fire, and warms himself against the cold . . . ."

The cabin achieved, "he plants his maize and beans, and provides against future hunger. These prove his superiority to the brute, and maintain for him the proper rights which his superior powers have fairly established to

be in him. He literally obeys the first decree of God to the expatriated man, and by tilling the earth, obtains his bread in the sweat of his brow." And through planting he gets art, a culture, a history: "As he proceeds, Labor . . . receives a divine assistant from heaven in the shape of Art. She gives life and animation to his toils, cheers him with her smiles and her songs; and when his work is ended, with a plastic hand smoothes down its roughnesses, and from the rude block commands the upspringing presence of Beauty." He gets the power of God: "In the progress of time, nature supplies him, from his own bosom, with another ally, of whom he had no previous knowledge, in the shape of Science. This ally is many-winged and many-handed, and makes all the elements subservient." With God's power over creation [Man] shows labor where to place his shoulder, and the mountain is heaved from its base. He tells where he shall strike, and the crag is cleft by his stroke. He hews down the high trees of the forest at his bidding, and guides his dwelling place upon the waters. These gifts prepare man properly for life.

With his cabin built and his mastery over the wilderness wrought, he becomes a stronger Christian, and is ready to gain Heaven. "The crowning and last gift, which is spiritual religion, prepares him for death." Again, however, Simms stressed that if eternal glory is to be reached "the inevitable law must be first obeyed, or [man] gains none of these blessings. He must first *labor*." And embracing labor is quite difficult for man to do, given his sinful nature: "This is the destiny from which he is forever seeking to escape. It is only by a compliance with this, the first law of his creation, that he can hope to be secure in life, successful in his pursuits, benefitted by society, and made happy by religion." Hard labor "is the key-stone of religion itself; and the

missionary who seeks to teach the mysteries of Christianity to the wandering savage, can never hope to be successful, so long as the neglects to inform him of the first duty consequent upon his creation.”<sup>90</sup>

Hard labor is the origin, too, of freedom: “The result of labor to the man is property. The possession of property is the first cause which brings about the formation of society: numbers become necessary to defend it from the barbarians, who do not labor, and who have none.” There is no freedom, Simms stressed, in the wilderness where Indians and wolves roam. This is, Martineau should have known, also why the emigrant planters must spread as far south and west as possible. “As society improves and increases, and it must inevitably do so, while it continues to comply with its natural and obvious laws, it extends its dominion, and controls the surrounding tribes for its own safety.”

Slavery is *holy* because it will one day liberate the greater part of the world. The wandering tribes must “succumb, [and] are enslaved, and as they improve in intellectual respects, are lifted by regular degrees, into the bosom of that society which has first enslaved them.” Slavery is as beautiful as the natural inequality which necessitates it: “The superior people which conquers, also educates the inferior; and their reward for this good service, is derived from the labor of the latter, which, being in all moral respects, the inferior people, can yield no other recompense.” (That the ancient southern civilization was conquered by lesser beings in his own mind did not seem to

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<sup>90</sup> *Ibid.*, 653–654.

dawn on Simms here.) Think of Removal, Miss Martineau, as part of this holy crusade:

Unless the civilized and superior nation [enslaves the savage], it will inevitably fall a victim to the barbarous tribes which gather around it—forever poor, desperate and daring—having on possessions to lose, and from their bestial improvidence, compelled, in all inclement seasons, to resort to war with their neighbors, to avoid starvation. It is no less the duty, than the necessity, therefore, of civilization, to overcome these tribes;—to force the tasks of life upon them—to compel their labor—to teach them the arts of economy and providence; and with a guiding hand and unyielding sway, conduct them to the moral Pigsah, from whence they may behold the lovely and inviting Canaan of a higher and holier condition, spread out before them, and praying them to come.

Martineau could not envision this glorious, southwestern future because she saw slavery utterly opposite than it is; rather than destroy the civilization the emigrant planters were building, slavery would save it from Scythian-like invasions:

When civilization ceases to extend her conquests, she falls, like Rome, the victim to the savage. She must conquer, or she must perish. The war is as endless between her and her foe, as between any two diametrically opposite principles in the same moral circle; and as her sway is the more gentle, and as she conquers only to improve, while the savage only conquers to destroy, it follows, inevitably, that hers is the only legitimate conquest, and every other is but tyranny.

Simms stressed this point twice, “Every primitive nation, of which we have any knowledge, in the whole world’s history, has been subjected to long periods of bondage. They have all been elevated and improved by its tasks and labors; and a positive sanction of the use of slavery, and a proof of its necessity, are fairly to be inferred from this inevitable consequence . . . .”

Then, “as if this were not enough,” if all of this would not convince Martineau and her followers, Simms pressed his argument further:

for the purposes of authority, God himself, we are given to understand, actually in two remarkable instances, placed a favorite people in foreign slavery, making them hewers of wood and drawers of water in the land of the stranger; as, from their refusal to comply with the laws of their creation, they had shown themselves unfitted even for the very comparative degree of social liberty allotted to men at these periods—requiring them thus, through that ordeal, which is improperly called slavery, but which is simply a process of preparation for an improved and improving condition, to work out their own moral deliverance.

If not for enslavement, if not for removal of the savage from his wilderness, men would become devils:

For, truly is it, that we shall not only gain our bread by the sweat of our brow, but thus subdue those barbarous appetites, and degrading brutal propensities, without the removal of which our minds could never have that due play and exercise, which can alone fit them for social dependence, and the friendly restraints of a guardian government. The nature of man is one of continual conflicts, and those chiefly with himself; and the proverb which inculcates the victory over himself, as the most glorious of all victories, is one strictly and philosophically growing out of a just knowledge of his own attributes and the difficulties which oppose their exercise.

God, Simms stressed, was the ultimate *Slaveholder*, the ultimate *Master*, and thus his children would do well to *follow* Him.

The abolitionists and philanthropists had missed this true image of God because “general views, in modern times, on the subject of slaves and slavery, are distressingly narrow.” God, the universal Master, was also a “universal parent,” and it was, Simms stressed, a shame that liberals such as Martineau did not recognize the real God due to their presupposition that slavery was evil rather than holy. Ever since the French Revolution Europeans had seemed to fall into this error generally: “Pity it is, that the lousy and lounging Lazzaroni [poor revolutionaries] of Italy, could not be made to labor in the fields, under the whip of a severe taskmaster—they

would then be a much freer—certainly a much nobler animal—than we can possibly esteem them now . . . ." Similarly,

far better had it been for our native North American savage, could he have been reduced to servitude, and by a labor imposed upon him within his strength, and moderately accommodated to his habits, have been preserved from that painful and eating decay, which has left but a raw and naked skeleton, of what was once a numerous and various people—a people, that needed nothing by an Egyptian bondage of four hundred years to have been saved for the future, and lifted into a greatness to which Grecian And Roman celebrity would have been a faint and failing music.<sup>91</sup>

Instead, Indians had decayed over the centuries since European contact. Would that the ancient chieftains could have enslaved the Indian invaders rather than get slaughtered by them. This was a lesson to take away from the ancient American—as well as ancient Mediterranean—past: enslave or be enslaved; enslave or, at the very least, *remove*. This truth was the cornerstone of the world the emigrant planters were seeking to build: right the world—including ancient wrongs whose consequences still hurling their set off sequences of cause and effect to children yet unborn—by enslaving or, when more practical, removing. (By the middle of the antebellum period southern legal codes mandated that blacks alone were slaves, and even many Indians owned them.) This equation would render *impossible* Martineau's—and Adams's—prophesy of destruction. Counterintuitive as it may be to philanthropists and abolitionists, both slavery and removal were assets to the Old Southwest; both slavery and removal would ultimately *unify* the best and strongest of different races into a civilized master-nation. Heterogeneity—in

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<sup>91</sup> *Ibid.*, 654–655.

the present and across time—would give the civilization emerging in the Old Southwest an *advantage* over other civilizations:

Perhaps, the very homogeneousness of a people is adverse to the most wholesome forms of liberty. It may make of a selfish people (which has succeeded by the aid of other nations in the attainment of a certain degree of moral enlargement) a successful people; but it can never make them, morally, a great one. For that most perfect form of liberty, which prompts us to love justice of its own sake, it requires strange admixtures of differing races—the combination and comparison of the knowledge which each has separately arrived at—the long trials and conflicts which precede their coming together; and their perfect union in the end, after that subjection on the part of the inferior class, which compels them to a knowledge of what is possessed by the superior.<sup>92</sup>

Slavery could also, Simms believed, ultimately save the barbarous Southern Indians removed beyond the Mississippi. “Compare [black slaves] with the native Indian,” Simms stressed, “and so far as the civilized arts, and the ideas of civilization are involved in the comparison, you will find that the negro who has been taught by the white man, is always deferred to, in matters of counsel, by his own Indian master.” In other words, along the Trail of Tears to Indian Territory Cherokee and Creek masters looked to their black slaves for advice, and would continue to upon arrival: “The negro slave of a Muscogee [Creek] warrior, to my knowledge, in frequent instances, is commonly his best counselor; and the primitive savage follows the direction of him who, having been forced to obey the laws of his creation, has become wiser in consequence, than the creature who willfully refuses.” Slaveholding would one day, Simms believed, transform the removed Indians into civilized southrons: “This subjection to the superior mind is the process through which every inferior nation has gone, and the price which the inferior people must

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<sup>92</sup> *Ibid.*, 655.

always pay for that knowledge of, and obedience to, their duties, which alone can bring them to the possession of their rights, and to the due attainment of their liberties—these liberties always growing in value and number with the improving tastes and capacities for their appreciation.”<sup>93</sup> All the brutality and the physical- and social deaths were ultimately worth it, Simms believed, for rebuilding a strong civilization in the Old Southwest.<sup>94</sup>

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Brutal sacrifice for future glory would, by 1845, be the standard in Simms’s mind that set the Old Southwest apart in modern history, and what threatened to undo the great strides England and New England had made in the early modern era. During the days before Wilberforce, Simms stressed, England was stronger—as in the days of William the Conqueror. England

<sup>93</sup> *Ibid.*, 656.

<sup>94</sup> To be sure, upon first glance, Simms’s yearning to save removed Indians might appear to come from an appreciation of Indian humanity. However, when placed in the full context of Simms’s Haywoodian ideas on Old Southwestern history—his embrace of Haywood’s extermination thesis in particular—his hope of saving the Indians becomes a convenient and utilitarian pie-in-the-sky hope that after genocidal punishment there can be a Kumbaya moment. It is among the earliest manifestations of the later antebellum, pseudo-scientific western belief that violently purging inferior races will ultimately help advance civilization. Simms is the earliest of southern historians to express this idea, and modern historians have missed this novelty in him. Thus they have necessarily missed what this novel idea means for Simms’s so-called “sympathy” with Native Americans. This is likely primarily because they have been out of tune with the wider body of thought and logic about the ancient past—the Occult historiographical tradition—out of which Simms was clearing further paths. For Simms’s vision of future harmony cannot be separated from his conception of the ancient southwestern past. Once the ancient wrong has been righted, the wolves killed and their women and children ripped away from the landscape, then the glory of the ancient South can be resurrected. Thereafter the surviving remnant of wolves would be compelled by the power of the blows landed against them to become civilized in the far West, and then—and only *then*—might they join and buttress the glorious southern civilization whom the Cherokees’ ancestors had nearly massacred centuries earlier. Historians who have interpreted Simms’s—and Jackson’s—future vision as ‘tender-hearted’ and ‘sympathetic’ have only been able to do so by evaluating the vision in isolation, cut off from the agony and terror the Southern Indians must necessarily endure to get to glory. See, for instance, the introductory essays by John Caldwell Guilds and Charles Hudson in Guilds and Hudson, eds., *An Early and Strong Sympathy: The Indian Writings of William Gilmore Simms*, xiii–li. Nakamura can be included in this positive rendering of Simms’s Indian thought as well; see, for instance, Nakamura, 151.

should have resisted becoming sissy at the nineteenth century's turn: "The good people of England were not the morbid philanthropists that they have become in latter days . . ."<sup>95</sup> New England should listen—for it seemed now that the Old Southwest was the only place in western Christendom where planters still had the chance to do things *differently*, to build a different kind of world.

Southerners could unite in the middle of the nineteenth century and produce a glorious future, maybe even propagate a new *race* superior to any before seen in the Old World, maybe the kind of Nordic and Egyptian-like race that Haywood believed had once existed in the ancient South: "Properly diluted, there was no better blood than that of Cherokee and Natchez. It would have been a good infusion into the paler fountain of Quaker and Puritan—the very infusion which would put our national vanity in subjection to our pride, and contribute to keep us as thoroughly independent of the mother country, in intellectual, as we fondly believe ourselves to be in political respects."<sup>96</sup>

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<sup>95</sup> Simms, "Literature and Art," 106.

<sup>96</sup> *Ibid.*, 106.

## Conclusion: Confederate Legacy

All fanaticism springs from an aberration of the mind—from a defect in reasoning. It is a species of insanity. One of the most striking characteristics of insanity, in many instances, is forming correct conclusions from fancied or erroneous premises; so with the anti-slavery fanatics; their conclusions are right if their premises were. They assume that the negro is equal, and hence conclude that he is entitled to equal privileges and rights with the white man.

—Alexander H. Stephens,  
Alexander Speech delivered on  
21<sup>st</sup> March, 1861 in Savannah,  
Georgia<sup>1</sup>

Of course, the only physical way, it turned out, there could (re)emerge a southwestern world in which there was one ‘race’ unified under a theocratic, slaveholding system would be for the arrow of time itself to reverse, and there return that ancient world of which historian William Robertson wrote, which Robertson ridiculed and condemned, the world anthropologists now call, “Mississippian.”<sup>2</sup>

In the mature phase of Simms’s career, he would promote using occult historiography to achieve a spiritual *unification* of the ancient and modern southern worlds; he would promote the writing of Old Southwestern history in the next generation of historians, what became a southern cult of antiquity. In the historiography that followed slaveholding ties would bind together the ancient chieftains, the emigrant planters, and—as Simms had envisioned—even the Indians the planters had removed to Indian Territory. More than

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<sup>1</sup> Alexander Stephens, Speech delivered on 21<sup>st</sup> March, 1861 in Savannah, Georgia; known as “The Cornerstone Speech,” reported in the *Savannah Republican*, in Henry Cleveland, ed., *Alexander H. Stephens in public and private: With letters and speeches before, during, and since the war* (Richmond, VA: National Publishing Company, 1866), 721–722.

<sup>2</sup> For concise analysis of the Mississippian world, see Christina Snyder, *Slavery in Indian Country: The Changing Face of Captivity in Early America* (Harvard University Press, 2010), 13–46; and Robbie Ethridge, “Mapping the Mississippi Shatter Zone.”

Haywood, even, Simms had developed his historiographical methods amidst what historian Walter Johnson calls a “world of the occult,” a world whose defining principle was the “dark magic” of slave markets, places in which human bodies were transformed into chattels.<sup>3</sup> Simms channeled this world’s “necromancy” in an essay in which he ended up proposing a new southern historiographical methodology, “Literature and Art among the American Aborigines (1845).” As if summoning a historiographical crusade, Simms stressed that planters above all were capable of *resurrecting* parts of the ancient southern past for future southern glory, perhaps some of the very mummies of which Haywood wrote:

[The] traits and characteristics of mind and temperament, constitute the literary susceptibilities of a people. These susceptibilities are the stuff out of which Genius weaves her best fabrics,—those which are most truthful, and most enduring, as most certainly native and original—to be wrought into symmetry and shape with the usual effects of time and civilization. Cultivation does not create, nor even endow the mind with its susceptibilities,—it simply draws them forth, into sight, and stimulates their growth and activity. Nor, on the other hand, does repose lose or forfeit the germinating property which lies dormant in the core. Like those flower seeds plucked from the coffin of the mummy of the Egyptian Pyramids, where they have lain sapless and seemingly lifeless for three thousand years,—they take root and flourish the moment that they feel the hand of the cultivator—springing into bud and beauty, as gloriously bright as the winged insect darting from his chrysalis cerements with the first glimpses of that warming sunlight which is kindred in its sympathy to the secret principle suspended in its breast. Time and change are necessary to these results. As the flower seed which had no light in the waxen grasp of Egyptian mortality, transferred to the sunny plains of Italy, or even nursed in the warm flower palaces of England, shoots out into instant vitality—so, the nature of the savage, sterile while traversing the wide prairies of Alabama, or ranging the desert slopes of Texas, subdued and fettered by the hand of civilization among the hills of Apalachy, becomes a Cadmus, and gives a written language to his hitherto unlettered people.<sup>4</sup>

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<sup>3</sup> Johnson, *Soul by Soul*, 117–118.

<sup>4</sup> Simms, “Literature and Art,” 102–103.

The more the next generation of historians tried to cultivate via the mummies, however, the less they felt the need to define with great precision just who they had been, the less certain they were. What mattered more was what the ancients had done, and attaining southern nativity became about following in their footsteps and defending southern civilization against threats to it from without.

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This Conclusion reveals the link between Confederate expectations—the world for which Confederates fought—and the world activated by Haywood's historiographical and legal innovations. It illuminates how, innovating off of the historical landscape that the CA constructed, and the antebellum southern landscape—a cotton kingdom—that the CA helped actualize, southern historians living in the 1840s and 1850s were able to, for a moment, and if only in their minds, obliterate the arrow of time entirely and claim southern nativity. By 1861, white emigrant planters had come to believe they rightfully owned their lands in the Old Southwest, and that they belonged there. They had come to believe they were *native southerners*.

After Indian Removal, members of what could by now be called a southern cult of antiquity—historians such as Albert James Pickett (1810–1858), James Gettys McGready Ramsey (1797–1884), and Basil Manly (1798–1868), Chaplain of the Confederacy—would draw upon Haywood to use Old Southwestern history in ways Haywood never would have imagined, ultimately dropping his ancient extermination thesis altogether in order to

seek a reunion that Simms foretold with the Southern Indians removed to Indian Territory (“A Cult Flourishing” and “Full Circle”). They would keep Haywood’s identification of the ancients as slaveholding planters, but they would promote the idea that what it meant to be a southern native was to commune with the spirits of the ancient chieftains by practicing and defending slavery, an act that would continue to refine and protect future southern civilization. Indians and white planters were bound together with the ghosts of the ancients as slaveholding natives whose country needed them to resist threats to it from without. Cherokees and Creeks, Confederate officials came to believe, shared an appreciation of, and connection to the institution of slavery which they had inherited from their forefathers yet entombed in the Old Southwest. Whether the connection with the ancient planters was biological or spiritual, whether the ancient chieftains were white or Indian, it did not matter. There was power in it. Confederate officials hoped that all southern natives would, through this connection, become willing to die fighting northerners until the last man (“The Unification”).

### A Cult Flourishing

We know from Simms’s own writings that he believed the South was ready for unification as early as 1837, and that although he retained Haywood’s extermination thesis he would stress the nobility within the removed Indians, who he came to believe were now only waiting out west to be civilized by the slaveholding process. The next generation of Old Southwestern historians would draw upon Haywood and Simms to innovate

ideas of southern nationhood that gave Confederate officials the argument they needed to unify the entire slaveholding South.

Writing in the last years of the 1840s, and publishing his *History of Alabama* in 1851, Pickett wove together his living influences, patrons, and heroes in his opening page, among them “William Lowndes Yancey” and “Basil Manly . . . of Alabama,” and “James H. Hammond” and “W. Gilmore Simms . . . of South-Carolina.” Pickett had taken up Simms’s call for a historiographical crusade, had drawn upon Haywood’s *Natural and Aboriginal History of Tennessee* (the watered down, secularized version of the CA) and *Civil and Political History of Tennessee* to continue Haywood’s chronicling of the Southern Crusade with descriptions of the ‘Fort Mimms Massacre’ (illuminated in Chapter 2). Pickett knew Haywood as “Judge Haywood.” He cited Haywood’s theses contesting Cherokee origin in the Old Southwest to perpetuate the moral validation of Removal.<sup>5</sup> Pickett also drew upon Haywood’s gory stitchings to establish the moral necessity of Jackson’s brutal tactics in the Creek and Seminole Wars.<sup>6</sup> Old Hickory, in Pickett, found himself having to fight “savages” for the sake of innocent pioneers. When Red Eagle, the leader of the Red Stick resistance to Jackson and his Tennessee militia in Alabama, approached Old Hickory for parlay in the aftermath of Horseshoe Bend, the gallant Hickory was righteously angry: “How dare you,

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<sup>5</sup> Pickett, 140–141.

<sup>6</sup> *Ibid.*, 373.

sir, to ride up to my tent, after having murdered the women and children at Fort Mims?”<sup>7</sup>

The Indian-haunted Ramsey spoke at times with Haywood’s own voice in his 1853 work, *Annals of Tennessee* (see Chapter 2). He expressed his admiration for Haywood in his Introduction, when listing his reasons for writing: “With one brilliant exception, no one has attempted to perpetuate the achievements of the pioneers of Tennessee. An adopted son is the only one who has recorded her annals.” Through his histories “Judge Haywood has left a monument of industry, of research and of talents . . .” Haywood’s histories, Ramsey went on, were “imperishable.” Due to their power Haywood had been “designated, by a competent authority, the Mansfield of America.” (William Murray, 1<sup>st</sup> Earl of Mansfield [1705–1793], was—and has been recently—regarded as one of the most influential British lawyers of the eighteenth century.) Still, Ramsey stressed, there was work to be done. He would take up his own spade: “But it is no qualification of this just and sincere tribute to his memory to add, that he has left much of the field before us unoccupied, unexplored and unknown.”<sup>8</sup>

Like his colleague, Pickett, Ramsey glorified the Southern Crusade, perpetuating argument for the moral necessity of Jackson’s tactics. In a sentence typical of the *Annals’* state patriotism, Ramsey celebrated:

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<sup>7</sup> *Ibid.*, 594.

<sup>8</sup> Ramsey, 8. Ramsey does not give his source for the Mansfield comparison. For a recent biography of Mansfield, see Norman S. Poser, *Lord Mansfield: Justice in the Age of Reason* (McGill-Queen’s University Press, 2013). And it must be admitted, as far as this study is concerned, this is a comparison accurate in the ‘influence’ category only.

The soldiery of Tennessee have, under the lead of her own Jackson, hallowed the plains of Chalmette with a renown as extensive and immortal as the channel and the sources of the Mississippi. The lustre of the escutcheon of Tennessee has grown brighter wherever they were present, whether serving in the ranks, or leading the battalions and columns of the Volunteer State to the assault of a fortress or against the bristling bayonets of an enemy. On the fields of battle where the riflemen of Tennessee have fought, new laurels have been won, fresh victories have been achieved, and undying glory acquired, worthy of her ancient fame and her deathless renown.

The early actions of Tennessee's historians, generals, and militiamen, Ramsey continued, had opened up the Old Southwest—indeed, even the Far West—for civilization:

Virginia has been called the mother of statesmen. Tennessee, with equal truth, has been called the mother of states. From her prolific bosom, more than from any other state in the Union, have been sent forth annually, for half a century, numerous colonies for the peopling of the great valley of the Mississippi. Her emigrants are found everywhere in Alabama, Florida, Northern Georgia and Mississippi. The early population of Missouri, Arkansas, and Texas, went from her boundaries; while the entire Northwest of the United States, and the Pacific possessions, have been enriched from year to year by swarms of her enterprising and adventurous people from the parent hive. . . . She has already furnished two Presidents of the U. States—Jackson and Polk—whose iron will and energy, whose ability and virtue, have stamped their administrations as worthy of the state, honourable and glorious to themselves, and eminently useful to the country and to the world.<sup>9</sup>

Where both Pickett and Ramsey diverged from Haywood and Simms, however, is in the striking degree to which they sought to bind ancient and modern Old Southwestern worlds. In this task Pickett and Ramsey reveal Simms's influence. (Ramsey, too, drew upon Simms's writings.)<sup>10</sup> When discussing the ancient chieftains, who they romanticized as mysterious and powerful slaveholders, neither Pickett nor Ramsey spent many words conjuring images of an ancient massacre (Pickett omitted the massacre

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<sup>9</sup> Ramsey, 6–7.

<sup>10</sup> Ramsey cites Simms often—sometimes even on the same page in which he cites Haywood. See, for instance, Ramsey, 53.

entirely), or tried hard to insinuate that the modern, removed Indians were genealogically disconnected from the ancient moundbuilders.

Pickett was enchanted with the ancients: "Their color was like that of the Indians of our day. The males were admirably proportioned, athletic, active and graceful in their movements, and possessed open and manly countenances." As for the women, they were "not inferior in form, were smaller, and many of them beautiful." Indeed, "No ugly or ill-formed Indians were seen" by Soto and his men, "except at the town of Tula, west of the Mississippi." The men wore "a mantle of the size of a common blanket, made of the inner bark of trees, and a species of flax, interwoven. It was thrown over the shoulders, with the right arm exposed." Similarly, "One of these mantles encircled the body of the female, commencing below the breast and extending nearly to the knees, while another was gracefully thrown over the shoulders, also with the right arm exposed." Sometimes the women dressed more revealingly, but this too was elegant: "Upon the St. Jon's river, the females, although equally advanced in civilization, appeared in a much greater state of nudity—often with no covering in summer, except a moss drapery suspended round the waist, and which hung down in graceful negligence."

Highly civilized, the ancients had great wealth in material and culture. Both sexes there were . . . adorned with ornaments, consisting of pretty shells and shining pearls, while the better classes wore moccasins and buskins of dressed deer leather. In Georgia and Alabama the towns contained store-houses, filled with rich and comfortable clothing, such as mantles of hemp, and of feathers of every color, exquisitely arranged, forming admirable cloaks

for winter; with a variety of dressed deer skin garments, and skins of the martin, bear and panther, nicely packed away in baskets.

Their society was unashamed of hierarchy and theocracy: "The Chiefs and their wives, the Prophets and principal men, painted their breasts and the front part of their bodies with a variety of stripes and characters. Others, like sea-faring people, had their skins punctured with bone needles and indelible ink rubbed in, which gave them the appearance of being tattooed." Moreover, "Lofty plumes of the feathers of the eagle, and other noted birds, adorned the heads of the warriors."<sup>11</sup>

It is no wonder, Pickett suggested, the ancients "received De Soto with unaffected joy." They were not threatened by him, and no doubt envisioned him coming from a kindred high civilization. They knew how to speak the language of civilization, and thus "furnished De Soto with thirty women for slaves, and to carry burdens" when the Spaniard seemed in need of help looking for riches deeper in the hinterland. And who could blame Soto's lust? As he crossed into the landscape of modern-day Montgomery, near a place in the ancient days called "Tallase" the Spaniard beheld planters' fields beside a great river:

Extensive fields of corn reached up and down the banks. On the opposite side were other towns, skirted with rich fields laden with heavy ears of maize. The beautiful river, rolling its silvery waters through these fertile lands, and the delightful climate, contributed to render the whole prospect most pleasing.<sup>12</sup>

Note, too, Pickett's conception that the "ancient aborigines" were those Soto beheld: "Our readers have seen what a numerous population De Soto

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<sup>11</sup> Pickett, 58–60.

<sup>12</sup> *Ibid.*, 32.

and other discoverers found here, and that they possessed much ingenuity in the building of boats, fortifications, temples, houses, etc." Pickett believed that ancient *Indians* had been civilized enough to build the mounds that Haywood, Simms, and Jackson had attributed to races more civilized than the Indians they worked so hard to remove beyond the Mississippi. "Of all people upon earth," Pickett stressed, "the American Indians had most time to engage in such works, for they were never accustomed to regard their time of the least importance. Indeed, the American citizen of the present day, who has lived upon the Indian frontiers, knows that they often assembled together in great numbers and performed public works of all kinds."<sup>13</sup> Pickett, like Haywood, Simms, and Jackson, had lived as an eyewitness in the Old Southwestern frontier. But after living through the Removal, reading Simms, and tapping into a passion for writing the history of his newly-formed native state, Alabama, he could find neither reason nor evidence to believe that he and his civilization were intrinsically different from the Southern Indians he had chronicled fighting like devils to rid their homeland of invaders.

Pickett, for instance, was careful to include Red Eagle's reply to Old Hickory's censure. It was as if Red Eagle were a Southern gentleman:

General Jackson, I am not afraid of you. I fear no man, for I am a Creek warrior. I have nothing to request in behalf of myself; you can kill me, if you desire. But I come to beg you to send for the women and children of the war party, who are now starving in the woods. Their fields and cribs have been destroyed by your people, who have driven them to the woods without an ear of corn. I hope that you will send out parties, who will safely conduct them here, in order that they may be fed. I exerted myself in vain to prevent the massacre of the women and children at Fort Mims. I am now done fighting. The Red Sticks are nearly all killed. If I could fight you any longer, I

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<sup>13</sup> *Ibid.*, 149.

would most heartily do so. Send for the women and children. They never did you any harm. But kill me, if the white people want it done.

Hickory even seemed to recognize this.

At the conclusion of these words, many persons, who had surrounded the marquee, exclaimed, "KILL HIM! KILL HIM! KILL HIM!" General Jackson commanded silence, and, in an emphatic manner, said:

"ANY MAN WHO WOULD KILL AS BRAVE A MAN AS THIS WOULD ROB THE DEAD!"

Old Hickory "then invited Weatherford to alight, drank a glass of brandy with him, and entered into a cheerful conversation, under his hospitable marquee. Weatherford gave [Hickory] the deer, and they were then good friends. [Weatherford] took no further part in the war, except to influence his warriors to surrender."<sup>14</sup>

As historian Christina Snyder has recently pointed out, Red Eagle, William Weatherford, was a Southern gentleman:

Following the Red Sticks' catastrophic loss at the Battle of Horseshoe Bend in March 1814, William Weatherford surrendered to General Andrew Jackson and fought with American troops through the conclusion of the war. Thereafter, with the help of his family, Weatherford established a plantation in southern Alabama near where Fort Mims once stood.<sup>15</sup>

Snyder keenly describes Weatherford as "a planter and slaveholder [owner of three hundred slaves], and by right of matrilineal descent reckoning, . . . also unequivocally a Creek Indian who hunted, warred, and traded as his ancestors had for centuries. Without contradiction, he lived as both warrior . . . and gentleman . . ." Snyder quotes "Alabama planter J. D. Dreisbach, who married Weatherford's niece Josephine Tate": "I hope I may be pardoned for quoting the language of one of the most distinguished ladies of the South,

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<sup>14</sup> *Ibid.*, 594–595.

<sup>15</sup> Snyder, 245.

who in speaking of my wife, said, that in her veins runs the very best blood of the South." Snyder picks up on the interconnectedness of the Indian and planter-emigrant worlds in the antebellum Black Belt. "Dreisbach grew up in an era when the region's Indian past was difficult to ignore: American planters plowed rich Alabama bottomlands only recently abandoned by Creek women; some African American slaves still spoke the Cherokee or Chickasaw of their former masters; traces of Indian ancestry were common in whites and blacks, whether they acknowledged it or not."<sup>16</sup>

Red Eagle was, in fact, "fair, with light brown hair and mild black eyes." His mother was Sehoy III, a Wind Clan relation of Sehoy Marchand, Lachlan McGillivray's half-Creek wife.<sup>17</sup> Lachlan's daughter, Sophia, a plantation mistress, had been threatened with burning at the stake because she did not adopt Red Stick ways, and how revealing it is about the emerging Old Southwestern world that Sophia's Creek, Red Stick leader-relative would quit war with Old Hickory and build a plantation in the vicinity of Fort Mims.

Although Haywood's spirit seems to have possessed Ramsey more than Pickett (Ramsey often wrote in Haywood's voice), even Ramsey did not feel the need to question modern Indians' deep, potentially ancient connection with the Old Southwest. He largely kept agnostic on the subject. In the seventeenth century, Ramsey maintained, before the Virginian colonists had ventured into the highcountry in and beyond the Blue Ridge, "Its original inhabitants still roamed through the ancient woods, free, independent and

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<sup>16</sup> *Ibid.*, 248.

<sup>17</sup> *Ibid.*, 244. Snyder includes this description of Weatherford from his relatives.

secure, in happy ignorance of the approaches of civilized man.”<sup>18</sup> Other instances, however, Ramsey could not be too sure, could not fully exorcise Haywood: “At the time of its earliest exploration, the country east and north of the Tennessee river [in Ramsey’s estimation, “Most of Tennessee”] was not in the occupancy of any Indian tribe. Vestiges were then found, and, indeed, still remain, of an ancient and dense population—indicating higher progress in civilization and the arts than has been attained by more modern tribes in this part of the continent.”<sup>19</sup> In the end, Ramsey seemed content to, for better, trust modern Indian traditions in Tennessee, or for worse, entertain—in his mind at least—Haywood, Jackson, and Simms’s ancient massacre thesis. He knew, for instance, that “The traditions of the Tennessee tribes on the subject, are indistinct and conflicting.” Still, “They agree in this, that their forefathers found these vestiges here, or that they were always here, meaning, thereby, to assign to these ancient relics an indefinite antiquity.” Maybe the power of the ancient Old Southwest actually rested in its ambiguity, its malleability to those wishing to connect themselves with a powerful civilization. Maybe it was true that “The several Indian families in America” were “fragments of a vast ruin.” Whatever the case, Ramsey was certain “that these remains imply the former existence of a population so dense as to prove that it was incapable of existing in a country of hunters only . . . .” Perhaps “Tennessee and the West were once the theatre upon which agriculture, civilization and peace exhibited their benign influence . . . .” This was for better. For worse, “the dreadful battle

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<sup>18</sup> Ramsey, 37.

<sup>19</sup> *Ibid.*, 73.

field, where the lust of dominion, the bad passions of man and his unhallowed ambition, consigned to the grave and to oblivion hecatombs of human victims, and made the fairest part of God's creation a desert and a waste." Post Removal, however, there was no longer much need to dwell on such fine points of history. The point was to celebrate *connection* with landscape in the name of progress: "Turning from the contemplation of this gloomy picture, we hasten to trace the progress of civilized man, of enlightenment and art over the wilds of Tennessee.<sup>20</sup>

The ancients were powerful and civilized planters; this was certain, and it could be that some of the modern Indians could appreciate this. Some of them, Ramsey had to admit, were "venerable" and "bold." Even the tragic Occonostota (see Chapter 2) exhibited signs of southern chivalry and brotherhood:

That aged chieftain, covered over with scars, the evidence of many a hard-fought battle for the Dark and Bloody Ground, signed the treaty reluctantly, and taking Daniel Boon by the hand, said, with most significant earnestness: "Brother, we have given you a fine land, but I believe you will have much trouble in settling it . . . ."

This was a heavy burden, Ramsey acknowledged, near as difficult a task for emigrant planters as it had been for the modern Indians themselves: Occonostota's words were "of ominous import, as subsequent events too mournfully proved."<sup>21</sup>

### Full Circle

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<sup>20</sup> *Ibid.*, 91.

<sup>21</sup> *Ibid.*, 445. See also Ch. 2 of this work, pg. 117, for Haywood's sketch of Oconostota.

Elsewhere in his *History* Pickett had tied together Sophia Durant's story with the origins of the Black Belt Cotton Kingdom itself. Lachlan McGillivray, a Scotsman, had built one of the first plantations there in the 1740s. Reading of "wonders to be seen in America," he "ran away from his wealthy and respectable parents, living in Dunmaglass, and entered a ship which was bound for South Carolina." He had red hair and a "stout frame."<sup>22</sup> The seat of the McGillivray chieftains for centuries, Dunmaglass house was the cry from the black powdered teeth of the men charging at the English from across Culloden Moor in 1746. The English soldiers that mutilated them said that they looked like ravenous wolves attacking, like relatives of the Devil.<sup>23</sup> Lachlan was not among his clan dying on the heather with the gray-green hills of terror in the distance because he was in the ancestral lands of other chieftains far southwest.<sup>24</sup> Pickett chronicled, "[I]n the extensive quarters of the [deerskin] traders, in the suburbs of Charleston," Lachlan signed on to a "caravan" of horsemen heading to Indian country to trade muskets for deerskins. "The next day, Lachlan might have been seen, in the pine woods, several miles distant from Charleston, mounted upon a horse, and driving others before him, in company with a whole caravan of traders." While on this trip, along the banks of the Chattahoochee River, the expedition leader handed him a jack knife, and for this an Indian traded him deerskins. Lachlan developed a liking for this trade—he made profits—and journeyed horseback

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<sup>22</sup> Pickett, 342.

<sup>23</sup> Edward J. Cashin, *Lachlan McGillivray, Indian Trader* (UGA Press, 1992), 54–55.

<sup>24</sup> The Gaelic for Ben Wyvis, the tallest hill of those in the moor's northern distance, is hill of terror.

further into the deciduous forests of the hinterland. He went across Georgia, into modern-day Alabama.<sup>25</sup>

Fort Toulouse was a palisade French fur traders had constructed along the meeting of the Coosa and Tallapoosa Rivers to injure the British trading companies from Charleston. Lachlan came there to trade within the networks of his caravan's rivals. (Like many Scots who lived in the years of the Jacobite rebellions [1715, 1745], he could often see France in a kinder way than Britain.) Pickett evoked the first Black Belt plantation: "At the Hickory Ground, a few miles above that fort, he found a beautiful girl, by the name of Sehoy Marchand, whose father once commanded at Fort Toulouse, and was there killed, in 1722, by his own soldiers . . ." The girl's mother was "a full-blooded Creek woman, of the tribe of the Wind, the most aristocratic and powerful family in the Creek nation." When Lachlan first saw her, Sehoy was "a maiden," sixteen years old. She was "bewitching": dark skinned, "scarcely . . . light enough for a half blood." She had curls in her hair. They married "according to the ceremony of the country"; it was an Indian wedding, after which Lachlan built a home at Little Tallassee ("four miles above Wetumpka, on the east bank of the Coosa"). Lachlan took his "beautiful wife" to this plantation.<sup>26</sup>

Lachlan's Black Belt plantation was near the meeting of two great rivers, the Coosa and the Tallapoosa.<sup>27</sup> Sehoy would have known where the

<sup>25</sup> Pickett, *History*, 343–344.

<sup>26</sup> *Ibid.*, 84, 343–344.

<sup>27</sup> Cashin, 58–62; William Warren Rogers, Robert David Ward, Leah Rawls Atkins, Wayne Flynt, *Alabama: the History of a Deep South State* (UA Press, 1994), 39.

best planting lands were. Creek women worked in the maize fields while the men hunted; farming was women's work.<sup>28</sup> Within a rough ten-mile radius were eighteen mounds along these rivers. The further the crow flies away from Little Tallassee the more the mound sites thin out until they vanish utterly. In this Black Belt landscape Pickett built his own plantation. Within its wooden walls he wrote. Pickett's beady eyes would gaze upon the fertile soil through the crosses separating the windowpanes, soil the color of his woolen overcoat perhaps riddled with splinters of cotton stalks gotten from walking down the furrows watching his hunched slaves with body temperatures well above 98 degrees picking in the midday sun. Standing in the husked fall furrows, he would crane his aquiline nose above his stumpy frame and rake his fat fingers through his big, dark scalp hair, trying to employ his senses to envision actions on this very landscape that had long died out.

Hickory Ground is in the present-day outskirts of Wetumpka, a small town cut through by the Coosa, and the remnants of what great mounds are left in the vicinity are thick with trees, like the one the True Blues massed beneath in the 1850s (see Preface, figure 11). The mound behind the Blues was itself in the outskirts of Montgomery, twenty miles south of Wetumpka, the first capital of the Confederacy whose own core—on steep banks of the Alabama River—was riddled with burial mounds when the town's planners envisioned the grids.<sup>29</sup> The ancient and modern Black Belt planters agreed on

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<sup>28</sup> See Robbie Ethridge, *Creek Country* (UNC Press, 2003), 142–143.

<sup>29</sup> See William C. Davis, *A Government of Our Own: The Making of the Confederacy* (The Free Press, 1994); and Eric H. Walther, *William Lowndes Yancey and the Coming of the Civil War* (UNC Press, 2006), 92.

the best places to farm as well as the best places to build social centers. Montgomery became known as the “Cradle of the Confederacy,” its highest place, Goat Hill, where the Chaplain of the Confederacy took Jefferson Davis’s inaugural oath in February of 1861. As Lucifer-looking Davis held his hand to the holy book and painted the rising Confederacy as embodied by an anti-modernist, “agricultural people,” the Chaplain contained the sum of deep histories of Haywood, Simms, and Pickett in his mind.

A native of North Carolina, Basil Manly (1798–1868) had journeyed to the Old Southwest to become the President of the University of Alabama (1826) in 1837, a position he held until 1855, when he headed back to the Coast to become minister of Wentworth Street Baptist Church in Charleston. Following Haywood’s lead in creating the Tennessee Antiquarian Society, one of Manly’s later acts at the University was to create the Alabama Historical Society (1850). The AHS’s constitution was clear: “[W]ithout a history . . . we would soon be without a civilization.”<sup>30</sup> At its 1855 annual meeting, historian and poet A. B. Meek elaborated:

Though ours is but one of the younger States; though she has no Revolutionary heraldry; though the dynasty of the wilderness, with its red and roving tenants, has but recently passed by; though two-score years have not elapsed since the establishment of our Constitution; and though but a small part of our adult population are natives of the soil . . . Alabama has a history as extended and remarkable, as . . . romantic . . . as any other part of our country; and over this wild field, so picturesque and attractive, hangs a misty veil,—a morning fog, wreathed around its hills and vallies,—which the first dawn of the sun of historical research has not entirely lifted from its repose. . .

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<sup>30</sup> Constitution of the Alabama Historical Society, July 8<sup>th</sup>, 1850 (Tuscaloosa, AL: printed by M. D. J. Slade, 1850), 3–4, 9–10. W.S. Hoole Special Collections, University of Alabama.

. The mission of the Alabama Historical Society is to penetrate this *terra incognita*, and to bring its hidden places to light.<sup>31</sup>

Meek's address contains Pickett's late antebellum distillation of Haywood and Simms, but demonstrates the extent to which there had not yet been a clear synthesis—the ancient southern past, Alabamians were finding out, was still too dim for anything like a clear and detailed chronological series of daguerreotypes. It is precisely the resultant historiographical schizophrenia, of course, that makes Confederate nationhood possible. On the one hand, Meek tells the AHS members, "You stand, in some sort, as De Soto did, three hundred and fifteen years ago, with his steel-clad chivalry,—his centaur-like warriors, and his white-stoled priests, upon the borders of our unexplored territory. Far as his eagle-eyes can pierce, from the last elevated spurs of the Look-out Mountains, he beholds a virgin wilderness of all forests, intersected, like lines of silver, by giant rivers . . . ." On the other, "along [these] banks rove, in savage and defiant magnificence, the most powerful of all the primeval races that tenanted this continent." Because of the ancient chieftains' power, "the lingering remnants of the Age of Chivalry,—of the Flower of Spanish Knighthood,"—had "expend[ed] their last waves upon the Indian-guarded forest of Alabama."<sup>32</sup>

Meek continued what was, ultimately, a summons to the AHS members gathered before him, "With far different objects, but in certain similitudes of research, you stand upon the borders of Alabama history. It is

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<sup>31</sup> A. B. Meek, "The Claims and Characteristics of Alabama History: An Address Before the Historical Society of that State, at its Anniversary at Tuscaloosa, July 9, 1855 (Tuscaloosa, AL: J. F. Warren, "Observer" Office, 1855), 8–9.

<sup>32</sup> *Ibid.*, 9.

yours to bring to light all that concerns the primeval condition of our territory . . . ." AHS members were to seek to inhabit past Alabamian worlds in pursuit of accurate historiography. They were, on the one hand, "to trace, with the first explorers, their blood-stained paths, along our winding rivers and through the heart of the mighty wilderness; to fight over with them again their sanguinary battles . . . ." They were, on the other, "to view the wild and romantic aboriginal races, contest with the invader every inch of the soil . . . ." They were to meditate upon this resisting of invaders, and "to hear that first of patriot warriors, the unconquerable TUSCALOOSA, peal forth his kingly battle-cry; and to see him die with more than the grandeur of Sardanapalus, amidst the flames of his sacked and suffering city—the *first* city of Mobile."

Any future Alabama patriot would have to be like ancient Alabama patriots if Alabama's future was to be at all glorious and light. "What a field of historic research thus opens up, even in this imperfect view!—The veil is now lifted from the condition of the first possessors of our territory, and their long and curious history, pregnant with enigmas, and often as silent as the Sphinx of the Sands, presents itself for philosophic investigation."<sup>33</sup>

Given the formation of the AHS, Meek stressed, the time was finally ripe for the binding of broken strands of Alabama history: "These are the domains of the Alabama Historical Society. To collect the confused and scattered accounts of these times long gone; to draw, from the slumbering Herculaneums of French, Spanish and British archives, the original narratives and reports of the first European explorers and occupants, and render them

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<sup>33</sup> *Ibid.*, 9–10.

accessible in our vernacular . . . ." More important than this act with regards to the binding, however, was this—"to garner the fast fading memorials of our Indian progenitors . . . ." Antebellum planters' 'progenitors' were now, apparently, ancient Indians. On the other hand—the seeming schizophrenia, the power of the Occult historiographical tradition persisted—AHS members should also garner the fading memorials from "a later day." They should work, as Haywood first had, "to draw forth, embody, and compile, appropriate narratives of the adventures of the pioneers of the present population, as they gradually, through wars, and perils, and trials of every kind, passed into the bosom of our State, hewed down the wilderness, opened the broad and fertile fields, laid the foundations of social comfort, and civic prosperity, and eventually organized a State Constitution . . . ."<sup>34</sup>

Almost in itself, a powerful drama tied together the disparate strands of Alabama history; all the drama needed was a historian. Take, for instance, the "fierce and fiery chivalry of Spain, with gleaming helmets, and ringing armor, with champing steeds, and waving banners,—accompanied by a pious priesthood ever bearing aloft the symbol of Christianity,—pushing its way, like the path of some great fiery dragon, through the immemorial homes, of the ever hostile and untamable savage . . . ." On the other hand, these "savages," though their "superstitions were all . . . grotesque," possessed great wealth of culture: their "manners and customs were marvelous . . . ." There was, "all this," at the very least, "through the noblest region that the sun ever illuminated, still in its fresh and unshorn verdure . . . ." The sum of it all

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<sup>34</sup> *Ibid.*, 10.

"presents a theme from which the genius of a Homer would have framed more than an *Odyssey*, and the warrior-harp of Tasso would have kindled into as glowing verses as celebrated the Delivery of Jerusalem."<sup>35</sup> Bringing the binding all the way up to the modern era near statehood, Meek pointed out that Alabama's Homer could look also to the drama of Jackson's holy wars, to "The leading incidents of the war that began at Burnt Corn and Fort Mimms and ended at the Horse-Shoe—the bloody Iliad, in which the form of Jackson stands conspicuously forth, a greater than Achilles,—is better known than any other chapter in our annals."<sup>36</sup>

Then, Meek began winding down: "Time, and the evident though unavoidable tediousness of a narrative discourse, admonish me to forbear." Yet, he stressed, "I may however remark, that the Red Men of Alabama, if properly reviewed, would be found to present more interesting facts and features, upon a more extended scale, than any other American tribes." The Indians of the Old Southwest were special: "The peculiarities which had ever invested the character of the Indian with so much romantic interest, making him the chosen child of fable and of song, were here exhibited in bolder relief than elsewhere." In Alabama, in particular, the modern Indians were shrouded in a mystery equivalent to the exceptional power they possessed:

In numbers; in the extent of their territories, all converging to the heart of our State; in their wide and terrific wars; in intercourse and traffic with the whites; in the mystery of their origin and migration; in the arts, rude though they were, which gradually refine and socialize man; in their political and religious forms, arrangements, and ceremonies; in manifestations of intellectual power—

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<sup>35</sup> *Ibid.*, 11.

<sup>36</sup> *Ibid.*, 21.

sagacity and eloquence; and in all those strange moral phenomena, which marked ‘the stoic of the woods, the man without a tear . . . .

The removed Indians were now “native inhabitants of our soil,” and they “surpassed all the other primitive nations, north of Mexico.” For the future world Alabamians sought to build, Meek was clear: “The study of [southern Indians’] history is peculiarly our province,—for they are *indissolubly connected* not only with the past, but the present and future of the State” [emphasis mine].<sup>37</sup>

Meek had composed a poem capturing his own feelings of connection, the ties that bound the central states of the Old Southwest together:

Yes! “though they all have passed away—  
 That noble race and brave,  
 Though their light canoes have vanished  
 From off the crested wave;  
 Though, ‘mid the forests where they roved,  
 There rings no hunter’s shout,—  
 Yet their names are on our waters,  
 And we may not wash them out!  
 Their memory liveth on our hills,  
 Their baptism on our shore,—  
 Our everlasting rivers speak  
 Their dialect of yore!”  
 ‘Tis heard where CHATTAHOOCHEE pours  
 His yellow tide along;  
 It sounds on TALLAPOOSA’S shores,  
 And COOSA swells the song;  
 Where lordly ALABAMA sweeps,  
 The symphony remains;  
 And young CAHAWBA proudly keeps,  
 The echo of its strains;  
 Where TUSCALOOSA’S waters glide,  
 From stream and town ‘tis heard,  
 And dark TOMBECKBEE’S winding tide  
 Repeats the olden word;  
 Afar where nature brightly wreathed  
 Fit Edens for the Free,

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<sup>37</sup> *Ibid.*, 23–24.

Along TUSCUMBIA'S bank 'tis breathed  
 By stately TENNESSEE;  
 And south, where from CONECUH'S springs  
 ESCAMBIA's waters steal,  
 The ancient melody still rings,—  
 From TENSAW and MOBILE!<sup>38</sup>

The ancient and Indian Southwests were yet alive in the ground and air surrounding, but as to who the ancient mummies were, it did not matter precisely. What mattered was communing with the *spirits* of the ancients, honoring their slaveholding civilization by warring to defend it. AHS members could “Go on, then, . . . energetically in your noble undertaking, consoled by the assurance that you are collecting the materials that shall illustrate and embellish the annals of your Sate, in the far distant, when they shall receive the plastic touch and vivifying breath of some future . . . Tacitus or Livy, who, like the Hebrew prophet [Ezekiel], shall bid the dry bones—live!”<sup>39</sup>

### The Unification

For Meek, Manly, and their fellow AHS members—Pickett, too, among them—studying the history of the Old Southwest promised to nourish a theocratic, slaveholding society through binding together all in the South who would die to defend—and had died to defend—slavery as natives. Pickett died in Montgomery before the secession crisis, in 1858, but Ramsey, like Manly and Simms, became a staunch secessionist, even advocating for re-opening the transatlantic slave trade. He became an “agent of the Confederate Treasury Department” as well as, of all things, “a Confederate

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<sup>38</sup> *Ibid.*, 24–25.

<sup>39</sup> *Ibid.*, 29. See Ezekiel 37: 1–14.

tax collector." Throughout the war he sought to give the Confederate government in Richmond information to help destroy the strong Unionist foothold in East Tennessee.<sup>40</sup> Simms himself, an intimate friend of the "Cotton is King" planter-lawyer-politician, James Henry Hammond, remained in South Carolina during the war, writing pro-Confederate articles in southern periodicals. During this time his house was torched by one of his slaves. It was 1862, and he managed to save some of it from destruction. In 1863 his wife, Chevillette, died unexpectedly; it nearly shattered his psyche. Then Sherman's soldiers finished the house off in 1865. Simms died nearly bankrupted in 1870.<sup>41</sup>

Now whites and Indians could tear up contemplating how their slaveholding ancestors were buried in their native southern landscape, and draw upon this deep emotional connection to defend the South against abolitionist threats from without. Though the relationship between the Removed Southern Indians and the Confederate States of America has been little studied, Theda Perdue and Michael D. Green have evoked how counterintuitive—if not counterintuitive, then ironic—was the picture by the autumn of 1861: "The Civil War was a major event in the lives of southern Indians who had been removed to Indian Territory in the antebellum period. Early attempts to remain neutral crumbled under pressure from their

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<sup>40</sup> Robert Tracy McKenzie, *Lincolnites and Rebels: A Divided Town in the American Civil War* (Oxford University Press, 2006), 38, 87 (quotes). McKenzie gives a fascinating analysis of Civil War Knoxville, Tennessee.

<sup>41</sup> See Trent, 269–332; for Simms and Hammond, see Drew Gilpin Faust, *James Henry Hammond and the Old South: A Design for Mastery* (LSU Press, 1982), 228.

Arkansas and Texas neighbors, clever Confederate diplomacy, and indifference from a United States concerned with more pressing problems.”<sup>42</sup>

Historian David A. Nichols has stressed,

Confederate attempts to win over the Indians might have had less success had it not been for some serious grievances the tribesmen held against the federal government. Their loyalty to it was diluted by recollections of the government’s forcibly removing them from the southeast a generation earlier. That government had failed to fulfill treaty obligations. The Indians also feared they would lose their slaves and tended to believe Southern arguments that Northerners eventually intended to invade their land. The Lincoln administration did not inspire confidence in Indian country. Some Republican leaders, it was rumored, were openly advocated driving the Natives out of the Indian Territory.<sup>43</sup>

Lincoln’s Commissioner of Indian Affairs, William P. Dole, sought to reassure the Removed Indians that the administration would not interfere “with their tribal or domestic institutions.” Still, Nichols has stressed, the Indians could not get past Lincoln’s—and his Republican party’s—simplification of the ‘sectional crisis’: “One section of our country believes slavery is *right*, and ought to be extended,” Lincoln kept proclaiming, “while the other believes it is *wrong*, and ought not to be extended.” Nichols stresses,

Lincoln meant to ‘hold, occupy, and possess’ federal properties. What did such words mean for Indian country? They sounded threatening. White Southerners were saying that Northerners would use war as an excuse to overrun the Indian Territory. That reasoning apparently made sense to the tribal leaders.<sup>44</sup>

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<sup>42</sup> Theda Perdue and Michael D. Green, “Introduction” to Annie Heloise Abel, *The American Indian in the Civil War, 1862–1865* (1919) (University of Nebraska Press, 1992), 1. See also Laurence M. Hauptman, *Between Two Fires: American Indians in the Civil War* (The Free Press, 1995); David A. Nichols, *Lincoln and the Indians: Civil War Policy and Politics* (University of Missouri Press, 1978), 25–29; and Stephen J. Rockwell, *Indian Affairs and the Administrative State in the Nineteenth Century* (Cambridge University Press, 2010), 222–223.

<sup>43</sup> Nichols, 26–27.

<sup>44</sup> Nichols, 27. Nichols gives this quote from Lincoln; see Roy P. Basler, ed., *The Collected Works of Abraham Lincoln*, 8 Vols. (Rutgers University Press, 1953–1955), Vol. IV, 253–258.

It is stunning the connections Confederate nationalists sought to form with the Removed Indians, and their language has been analyzed little. While the Lincoln administration was largely ignoring the West for focusing on killing the Confederacy as if it were anaconda prey, Confederates were sending emissaries to Indian Territory. In the summer of 1861 the U.S. Congress questioned its Secretary of War Simon Cameron “whether the Southern Confederacy . . . has in their service any Indians; and if so, what number and what tribes.” Cameron claimed ignorance of any Confederate designs.<sup>45</sup>

Whether Cameron knew or not, the Confederates were as early as January of 1861 seeking to persuade Removed Indians to support the southern cause. The next autumn the Creeks, Cherokees, and Seminoles, among others, had become Confederate allies, even authorized a Home Guard in Indian Territory.<sup>46</sup>

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Binding sentiments such as these had swayed the Removed Indians. The day after Christmas, 1862, not long after the Confederacy’s heinous victory at Fredericksburg, S.S. Scott, Confederate Commissioner of Indian Affairs, gave an address to Removed emissaries’ spirits from Richmond, seeking to reiterate the crucial nature of the alliances: “To the CHOCTAWS, CHICKASAWS, CHEROKEES, CREEKS, SEMINOLES . . .” Scott would have it sent to the West from which he had recently returned. He began, “MY

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<sup>45</sup> Nichols, 29. Nichols quotes from a Resolution of the House of Representatives, 22 July 1861.

<sup>46</sup> Perdue and Green, “Introduction,” 1.

FRIENDS: I have just returned to Richmond, the Capital of the Confederate States, from your beautiful country. To visit you, I have traveled over six thousand miles in the last four months." He wanted to clarify his reason for making the journey: "The President of the Confederate States, one who loves you well, commanded me to make this journey—to see you at your homes—to converse with you face to face—in order that the Government might be placed in possession of certain and reliable information in regard to your wants and necessities, and the condition of your country." It was like he was home: he was treated "with every kindness and courtesy." This is what one would expect from "allies of the Confederate States," peoples whose future worlds hinged on Confederate success: "Many rights and privileges are thereby extended to you, which were persistently denied you under the old Government. In short, by the terms of these treaties, you are made to occupy a high and exalted position—one adapted to your civilization and advancement, and suited to your pride and independence of character."<sup>47</sup>

Much has been made by historians about Lincoln's Emancipation Proclamation, how a crafty politician utilized civil war to achieve something impossible in the prior peacetime. Historians have only dimly beheld the world Confederates envisioned their grandchildren awakening in. In Walter Johnson's *River of Dark Dreams* (2013), for instance, there is no mention of Confederate visions of Indian Territory; Johnson seems to assume that post Removal the "ethnic cleansing" is carried out, the Indians vanished. The

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<sup>47</sup> S. S. Scott, "Address to the . . . Cherokees, Creeks . . . and all other Indian Nations and Tribes friendly to the Confederate States," (Richmond, VA: The C.S.A. War Department, Bureau of Indian Affairs, December 26, 1862), 1. Collections of the Virginia Historical Society.

Confederate equivalent of the Emancipation Proclamation, however, was breaking the barrier to slavery erected by the Missouri Compromise—the 36° 30' north line—as well as the Compromise's watered-down version, the popular sovereignty restrictions upon slaveholding in the Kansas-Nebraska Act (1854).<sup>48</sup> As allies of the Confederacy, Removed Indians would be assured “The peaceful and uninterrupted possession and enjoyment of your country forever.” This meant “the power of the Confederate Government is pledged to assist you in defending it, at all times, and against all enemies.” Scott knew the old Missouri line obstructed part of Indian Territory, too. He hoped Removed Indian masters could envision the future threat the Republicans would one day pose to *them* too. For unity’s sake, the Removed Indians would be “allowed Delegates in Congress, whose exclusive duty consists in watching over and guarding your interests.”

For some reason, however, it took a while into his address for Scott to become bold or comfortable enough to say it outright—for it was a radical vision, and for Confederates fighting Lincolmites for their native country, required a lot of gall. Scott kept beating around some bush: “From the character of these treaties, it seems, that the bond of friendship thus formed between the Confederate States and yourselves, ought to endure forever: and such it is confidently believed will be the fact; for in addition to the reasons already enumerated, there yet remain other and most potent ones, why it should be so.”

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<sup>48</sup> For summaries of the Missouri Compromise and Kansas-Nebraska Act, see Scott Reynolds Nelson and Carol Sheriff, *A People at War: Civilians and Soldiers in America’s Civil War* (Oxford University Press, 2007), 31–32, 338.

Haywood's bones might have rattled in his Nashville grave:

The people of the Confederate States are emphatically your friends and brothers. You are, in every sense of the word, Southern. The South was the home of your fathers. It was within the shadow of her deep forests and by the side of her sparkling streams, that they sported in their infancy, and hunted the deer and bear in their manhood; and it is in the bosom of her green valleys that they bones now lie buried. The territory, which you now occupy, and which has been set apart for you and your children forever, is Southern territory. Your languages is Southern. Your habits, your manners and customs are Southern; and your interests are all Southern.

"Interests" was awkwardly almost a euphemism off of Scott's tongue; there was only one thing it could mean. "I have said *your interests are all Southern.*" He was getting to the crux.

Herein the war, which is being waged upon the Confederate by the Northern States, directly affects you—affects you to the same extent that it does them [the Confederate States]. It is for your degradation and abasement—for the destruction of your property—for the overthrow of your institutions—as well as theirs. Slavery with you is as obnoxious to the fanaticism of the North, as it is in the Confederate States; and could that Government subjugate them and deprive them of their slaves, it would not be long in taking yours from you also.

It is sobering that Scott's last—perhaps his most powerful—point is his one prophecy that came true: "But this is not all. After having dispossessed you of your slaves, [the United States Government] would fasten upon your rich and fertile lands, and distribute them among its surplus and poverty-stricken population, who have been looking toward them with longing hearts for years."<sup>49</sup>

Scott's next prophecy was less accurate:

A word now in regard to the fortunes of the war. Within the last two years many battles have been fought. Some of these were on a scale of the greatest magnitude. In all of them, away from water courses, the Confederate troops, although greatly outnumbered, have uniformly proven victorious. Only

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<sup>49</sup> Scott, "Address," 2.

a few days ago, the Grand Army of the North was defeated, with a loss in killed and wounded, of about twenty thousand men, at Fredericksburg, in this State, by the Confederate forces under General Lee. There is but little doubt, that the results of future battles will be similar in character to those of the past.

And perhaps Scott's false prediction was due to, of all things, a historiographical error. The South, in Scott's logic, would win because Confederates were as strong as the Indians who had once resisted the planter emigrants: "The Southern Indian is the fighting Indian; the Southern white man is the fighting white man; and they can never be subdued by Northern arms. As well might a single individual attempt to stay the sweep of a prairie fire."<sup>50</sup>

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Haywood could not have envisioned this union, this binding—it was as unexpected as the unexpected future that convulsed the Cotton Kingdom in the mid 1860s. Yet his occult historiography had wrought this world, and then another one. While the past Haywood created would linger in the South, the future Haywood had imagined would go up as a springtime prairie into flames.

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<sup>50</sup> *Ibid.*, 2–3.

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