

= Harry Toulmin (Unitarian minister) =

Harry Toulmin (sometimes called Henry Toulmin) (April 7 , 1766 ? November 11 , 1823) was a Unitarian minister and politician . The son of noted Dissenting minister Joshua Toulmin , Toulmin fled his native England for the United States after he and his followers were persecuted for their beliefs . He arrived in Virginia in 1793 , and aided by recommendations from Thomas Jefferson and James Monroe , he was chosen president of Transylvania Seminary (now Transylvania University) in Lexington , Kentucky . His Unitarian views , however , offended many of the orthodox Presbyterian members of Transylvania 's board of regents , and Toulmin resigned after two years .

Shortly after his resignation , Toulmin was appointed Secretary of State of Kentucky by Governor James Garrard . He influenced Garrard ? a Baptist minister ? to adopt some doctrines of Socinianism , for which he was expelled from the local Baptist association , ending his ministry . As Secretary of State , Toulmin endorsed the Kentucky Resolutions and revised the state 's code of laws in conjunction with Attorney General James Blair . After the expiration of his term as Secretary of State in 1804 , Thomas Jefferson appointed him Superior Court Judge for the Tombigbee District of the Mississippi Territory . He was the first U.S. district judge to hold court on Alabama soil . As the highest @-@ ranking authority in the large territory , he tried to prevent residents in his jurisdiction from conducting raids against the Spanish in West Florida and from participating in the Creek War between two rival factions of Creek Indians . When the state of Alabama was formed from part of Toulmin 's district , he helped write the new state 's constitution and was elected to the state legislature . Again , he was asked to compile a digest of the region 's laws , which he completed in 1823 .

Toulmin died in Washington County , Alabama on November 11 , 1823 . Because of his work compiling the laws of several states , later historians called him the " frontier Justinian " . His grandson , Harry Theophilus Toulmin was appointed district judge for the U.S. District Court for the Southern District of Alabama by President Grover Cleveland in 1886 . In 2005 , Toulmin was inducted into the Alabama Lawyer 's Hall of Fame , and in December 2009 he was honored with the installation of a plaque in front of the Baldwin County , Alabama , courthouse .

= = Early life and family = =

Toulmin was born April 7 , 1766 , in Taunton , Somersetshire , England . His parents were Joshua Toulmin , a noted Dissenting minister , and his wife Jane (Smith) Toulmin . He received little formal education , but frequently read books in his mother 's bookstore and benefited from listening to conversations between his father and other noted ministers such as Joseph Priestley and Theophilus Lindsey . After attending Hoxton Academy and studying under Thomas Barnes and William Hawes , he followed his father into the ministry in 1786 .

During his ministry in England , Toulmin served two Dissenting congregations in Lancashire . From 1786 to 1788 , he was pastor of a church in Monton , and from 1787 to 1793 , he served another congregation at Chowbent Chapel in Atherton . He soon had nearly 1 @, @ 000 followers , Many of his followers supported the French Revolution , attracting the attention of anti @-@ dissenting partisans in England . A group of these partisans once took advantage of Toulmin 's absence to threaten his house , necessitating his swift return to protect his family . Upon arriving , he was able to break up the mob via diplomacy alone .

About 1787 , Toulmin married Ann Tremlett . The couple had nine children , five of whom survived infancy . In 1808 , one of these children , Lucinda Jane , married Colonel Daniel Garrard , the son of James Garrard , the second governor of Kentucky . After the death of Toulmin 's first wife , he married Martha Johnson in 1812 . They had one child together .

= = Resettlement in Kentucky = =

Spurred by the persecution endured by his followers and himself , in 1792 Toulmin published an anonymous pamphlet entitled " Thoughts on Emigration " , containing his thoughts on members of

the Dissenter movement relocating to another country . The following year , his congregants raised enough money to send him to the United States to explore the possibility of relocating there . Dr. Priestly gave him letters of introduction to Thomas Jefferson and James Madison to present on his arrival . During his two @-@ month voyage from England to Norfolk , Virginia , Toulmin kept a diary , which was later published under the title *The Western Country in 1793 ; Reports on Kentucky and Virginia* .

Following his arrival in the United States , Toulmin wrote letters back to England , giving potential immigrants information they would need to know for their journey ; these letters were published in the local *Monthly Magazine* . The following year , he published *A Description of Kentucky* , a pamphlet encouraging emigration from Europe to Kentucky .

After seeing Toulmin 's letters of recommendation from Jefferson and Madison , the board of trustees of Transylvania Seminary (now Transylvania University) in Lexington , Kentucky , elected him president of the seminary in February 1794 . He was the first president of the seminary who was not a Presbyterian , and his election was effected when the Baptist and more liberal members of the board united against the more conservative Presbyterian members . His Unitarian views offended many of the conservative board members , and at their insistence , the Kentucky General Assembly passed legislation requiring a unanimous vote of the board of regents to re @-@ elect the seminary 's president . Toulmin resigned in protest in April 1796 .

Shortly after Toulmin 's resignation , James Garrard , a Baptist minister who had supported Toulmin as a trustee of Transylvania , was elected governor of Kentucky . At first , Garrard elected to re @-@ appoint sitting Secretary of State James Brown , but when Brown retired in October 1796 , Garrard appointed Toulmin as his replacement . He served in this capacity from 1796 to 1804 , spanning both of Garrard 's consecutive terms as governor . As a result of Garrard 's relationship with Toulmin , he began to accept some tenets of Unitarianism , specifically the doctrines of Socinianism . By 1802 , Garrard and his associate Augustine Eastin had not only adopted these beliefs , but had indoctrinated their Baptist congregations with them as well . The Elkhorn Baptist Association condemned Garrard and Eastin 's beliefs as heretical and tried to persuade the two men to abandon them . When that effort failed , the Association ceased correspondence and association with both men . This event ended Garrard 's ministry and his association with the Baptist church .

As Secretary of State , Toulmin was signatory to the Kentucky Resolutions , the legislature 's official protest of the Alien and Sedition Acts , which he regarded as an " unwarranted government intrusion into free thought , free association , and free speech " . In 1801 , he published *The Magistrate 's Assistant* , a guide to the state 's magisterial laws . He also promoted public awareness of governmental activity by compiling and publishing the proceedings of the General Assembly as *The Public Acts of the General Assembly* . Government officials chose Toulmin and state Attorney General James Blair to revise the state 's code of laws . The results of their work ? a three @-@ volume tome entitled *Review of the Criminal Law of Kentucky* ? was published in 1806 .

Near the end of Governor Garrard 's term , he appointed Toulmin registrar of the state land office . Toulmin was the first of six candidates that the state senate rejected in a bitter showdown between Garrard and the legislature . The seventh candidate , John Adair was finally confirmed by the senate .

= = Life in Alabama = =

Toulmin supported President Thomas Jefferson 's re @-@ election bid in 1804 . Following his victory , Jefferson appointed Toulmin to succeed Ephraim Kirby as Superior Court Judge for the Tombigbee District of the Mississippi Territory in 1804 . Because Kirby only served six months and never held court in the present @-@ day state of Alabama , Toulmin is regarded as the first U.S. federal judge on Alabama soil .

Toulmin and his family relocated to Fort Stoddert , just north of the border between the United States and the Spanish territory of West Florida . Toulmin 's district was large ? by his estimate , 340 miles long and 330 miles wide ? and he served as minister , physician , judge , postmaster , and diplomat for the area . He published both the *Mississippi Magistrate 's Guide* and *The Laws of*

Mississippi in 1807 .

The residents of Tombigbee District objected to Spanish control of Mobile Bay , which prevented them from accessing the Mississippi River and the port of New Orleans . In 1805 , he formally petitioned Congress to intervene , but they did not . Although he personally favored U.S. annexation of West Florida , he defended it as an independent nation until the annexation occurred . In 1807 , he arrested former Vice @-@ President Aaron Burr ; Burr had been accused of conspiring to create an independent state in the Southwest that would belong to neither the U.S. nor Spain . In 1810 , he arrested Reuben Kemper and two other members of a group styled the " Mobile Society " following an unsuccessful attempt to " liberate " Mobile and Pensacola . Toulmin 's actions were seen as supportive of Spain , and a Baldwin County grand jury charged him with acting on behalf of Spain . A congressional investigation cleared him of any wrongdoing in May 1812 . Toulmin was less successful in preventing residents of his district from entering the Creek War between to rival factions of Creek Indians .

In 1817 , Alabama Territory was formed from part of Mississippi Territory . When the state of Alabama was created from part of the Tombigbee District in 1819 , Toulmin was chosen to represent Baldwin County at the state 's constitutional convention in July 1819 . He served on the Committee of Fifteen that drafted the first Constitution of Alabama . The document was influenced by the Kentucky Constitution of 1800 , which contained more democratic provisions than some of the older state constitutions .

After the constitutional convention , he was elected to the Alabama Legislature . In 1821 , his fellow legislators chose him to write a digest of the state 's laws . The final product , Digest of the Laws of the State of Alabama , was published in 1823 . It comprised over 1 @,@ 000 pages and contained the laws of Mississippi and Alabama territories as well as the acts passed by the Alabama Legislature to date .

Toulmin maintained a cotton plantation in Washington County , Alabama . Although he was opposed to slavery when initially arriving in the United States , and he advocated for provisions in the Alabama Constitution that permitted the eventual emancipation of slaves , nevertheless he eventually came to be a slave owner himself . In his will , he provided for one of his slaves to be freed , deeming him " fit for freedom which few negroes are . "

= = Death and legacy = =

Toulmin died on his plantation on November 11 , 1823 . He is presumed to have been buried on his plantation , but the exact location of his grave is unknown . Because of his work in codifying the laws of several states and territories , later literary scholars referred to Toulmin as the " frontier Justinian " , an allusion to Byzantine Emperor Justinian I , who was known for codifying the empire 's laws .

One of Toulmin 's sons became a prominent state legislator in Alabama , and his grandson , Harry Theophilus Toulmin was appointed district judge for the U.S. District Court for the Southern District of Alabama by President Grover Cleveland in 1886 .

The original Judge Toulmin was elected to the Alabama Lawyer 's Hall of Fame in 2005 . A plaque honoring Toulmin was placed in front of the Baldwin County , Alabama , courthouse in December 2009 .

= = Works published by Harry Toulmin = =

Toulmin , Harry (1806) . The American Attorney 's Pocket Book : Being a Collection from the Best Authorities of Approved Precedents in Conveyancing : Interspersed with Various Legal Provisions from the Statutes of Several of the United States . Mathew Carey .

Toulmin , Harry (1806) . The American Public Prosecutor 's Assistant : Being a Collection of Precedents in Criminal Prosecutions , More Immediately Founded on the Common Law , and of the Statutes of Kentucky , but Generally Applicable to the Laws of the Several States of America . W. Hunter .

Toulmin , Harry (1806) . The Clerk 's Magazine and American Conveyancer 's Assistant : Being a

Collection Adopted to the United States : of the Most Approved Precedents of Affidavits , Agreements and Covenants [etc .] Mathew Carey .

Toulmin , Harry (1802) . A Collection of All the Public and Permanent Acts of the General Assembly of Kentucky Which are Now in Force . W. Hunter .

Toulmin , Harry (1823) . A Digest of the Laws of the State of Alabama : containing the statutes and resolutions in force at the end of the General Assembly in January , 1823 : to which is added , an appendix containing the Declaration of Independence , the Constitution of the United States , the Act Authorizing the People of Alabama to Form a Constitution and State Government and the constitution of the State of Alabama : with a copious index . Ginn & Curtis .

Toulmin , Harry (1807) . The Magistrate 's Assistant : Being an Alphabetical Illustration of Sundry Legal Principles and Usages , Accompanied with a Variety of Necessary Forms : Compiled for the Use of the Justices of the Peace , in the Mississippi Territory . Samuel Terrell .

Toulmin , Harry (1817) . Petition from the Citizens of the Counties of Clarke , Monroe , Washington , Mobile , and Baldwin , in the Alabama Territory . October 1817 : December 30 , 1817 . Referred to the Select Committee , Appointed on the 17th Instant , on a Memorial of the Mississippi Convention , Relating to an Extension of the Limits of that State . E. De Krafft .

Toulmin , Harry ; James Blair (1804) . A Review of the Criminal Law of the Commonwealth of Kentucky . W. Hunter .

Toulmin , Harry (1807) . The Statutes of the Mississippi Territory , Revised and Digested by the Authority of the General Assembly . Samuel Terrell .