Studies in the Constitutional History of Tennessee

Caldwell Joshua William
STUDIES
IN THE
CONSTITUTIONAL HISTORY
OF TENNESSEE

BY
JOSHUA W. CALDWELL

SECOND EDITION
REVISED AND ENLARGED

CINCINNATI
THE ROBERT CLARKE COMPANY
1907
PREFACE.

The first edition of this book having been exhausted, I have decided to publish this revision. I have called it a revised edition, because, while the substance of the first issue has been retained, it is presented, usually, in changed form, and, frequently, in different relation; and because of the large amount of new matter that has been added.

Much labor has been devoted to the preparation of this edition. The chapter on the Watauga Association contains the latest results of the researches of students of the history of Tennessee, and the legislation of North Carolina in regard to the State of Franklin is presented in detail, I believe, for the first time. The journals of the several Conventions have been re-read with care, and the minutes of the General Assembly, and the old statute books and Court reports and records have received long and laborious examination. The difficulties attending this last line of investigation, in a State where no systematic effort has been made to preserve the materials of history, can be understood, only by those who have tried it. It is my good fortune to be acquainted with the living members of the Convention of 1870 and from several of them I have received original information of great value. I have made much use of Iredell's compila-

192662
tion of the old statutes of North Carolina which, fortunately, is indexed, but frequently I could find only the captions of the Acts that I was most anxious to read, and this made further, and often unavailing research, necessary. The examination of the voluminous Colonial Records of North Carolina, was made page by page, without the aid of an index. The Virginia State papers are indexed, and afford much valuable information especially as to the Transylvania Treaty at Sycamore Shoals, and as to the State of Franklin. Scott's Edition of the laws of Tennessee and North Carolina has been of more service than any other single publication, and fortunately it is both comprehensive and trustworthy. In writing of the struggle over the settlement of the State debt, I have relied, in part, upon knowledge acquired by personal participation in the affairs described. I may claim fairly that the book is based upon original records in all material respects.

I am not unconscious of the peril of writing of the events of the last forty-five years, but the work would have been incomplete without the consideration of that period, and I have endeavored to be fair in all respects. I have regarded it as a duty to discuss frankly the insufficiency of the Constitution of 1870, for the present needs of the State, and to criticize freely the excessive conservatism of the people in retaining it so long.

I am indebted for valuable assistance to Mrs. John C. Brown and Mr. W. S. Morgan of Nashville;

Knoxville, Tennessee,
January 1, 1907.