5-1-1968

Yazoo: Compromise and Corruption

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YAZO: COMPROMISE AND CORRUPTION

A Thesis
Presented to the Department of History and Political Science
College of Liberal Arts and Sciences
and
The Committee on Graduation Honors

In Partial Fulfillment
of the Requirements for the Distinction
Magna Cum Laude

Ford Andra Anderson II
May 1, 1969
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Introduction

Hallow, Hallow, Hallow

The subscribers will sell on most moderate terms: Ten
millions of acres of valuable pine barren land in the
province of Utopia, on which there are several very
sumptuous air estates, ready furnished, that would make
commodious and desirable habitations for gentlemen of
the speculative class.

Marcilitus, satirist on Georgia land speculation,
circa 1798

This bill may be called the Omega, the last letter of
the political alphabet; but, with me, it is the Alpha;
it is the head of the divisions among the republican
party; it is the secret and subvert cause of the whole.

John Randolph, on the bill to compensate Yazoo
land owners of 1795, March 31, 1806

The State of Georgia was restrained, either by general
principles which are common to our free institutions,
or by the particular provisions of the Constitution of
the United States, from passing a law whereby the estate
of the plaintiff in the premises so purchased could be
constitutionally and legally impaired and rendered null
and void.

Chief Justice John Marshall, Fletcher v. Peck,
on Georgia Rescinding Act of 1795, 1810

In 1795 the Georgia legislature sold over 35,000,000 acres
of its western territorial claims. Four companies, composed
mainly of eastern land speculators, purchased most of present
day Alabama and Mississippi for $500,000. The people of Georgia
reacted violently to this sale. Grand juries in all but two of
Georgia's counties urged repeal of the land grants. Flagrant
cases of bribery were evident in the 1795 Yazoo fraud. In 1796
the newly elected legislature repealed the previous sales.

The ramifications of the Yazoo sale of 1795 and repeal of
1795 reached out to the national government and lasted for nearly twenty years. "Yazoo" became a watchword symbolizing compromise and corruption. From the actions of Georgia many larger issues ensued.

The Yazoo debates in Congress helped to split the Jeffersonian Republican party. John Randolph of Roanoke, majority leader in the House of Representatives, violently opposed any settlement favoring the Yazoo men of 1795. The Republican party out of power accused the Federalists of aiding special interests and ignoring the public good. In the development of the American party system, men like Randolph saw danger in the debasement of the strict separation and integrity of the governmental branches. The Yazoo petitions in Congress were the first organized lobbying interests that the legislative branch met.

Finally the Yazoo issue dealt with the definition of state sovereignty during a time when the federal-state relationship was ill-defined. Opponents of a Yazoo settlement claimed Georgia had a right to abrogate a law she passed when that law was a product of corruption and when the best interests of the people were violated. In part, proponents of a Yazoo compromise wanted to soothe the complex problem by paying the buyers who by 1796 were for the most part innocent third parties.

Chief Justice John Marshall in 1810 finally ruled through Fletcher v. Peck that the 1796 rescinding action of Georgia violated the obligation of a contract and was therefore unconstitutional. Thus, the Yazoo issue ended with a proclamation of the supremacy of federal law as defined by the judiciary.
Chapter I - Yazoo Land Claims to 1803

Most of present day Alabama and Mississippi comprised the heavily debated and contested Yazoo lands. The United States government claimed this entire region as part of the common spoils of the Revolutionary War. In 1782 Great Britain and the United States signed a secret treaty which agreed upon a southern boundary of this area. If Great Britain kept Florida after the War, the boundary was to be 32 degrees 28 minutes north; but, if Spain was given Florida, the boundary was to be adjusted to 31 degrees north. Spain received Florida as a result of the Treaty of Paris in 1783, and when Spain learned of the secret Anglo-American treaty she contested that Florida's real boundary should be 32 degrees 28 minutes north.

But Georgia claimed ownership based on her colonial limits. In 1763 the King of England claimed jurisdiction over all lands lying eastward of the sources of the rivers which flowed into the Atlantic. Then, "the King's instruction to Governor Wright, issued a year later than the Proclamation of 1763, distinctly extended the limits of Georgia to the Mississippi River." 2 Therefore, Georgia's colonial limits included the Yazoo area. Interestingly, when the United States claimed the area from Spain, the only rebuttal to the Spanish claim lay in the documents which proved that Georgia while a colony controlled the Yazoo area. 3

After the Revolutionary War Georgia was a poor state. The most valuable resource of that region lay in her vast western land claims. Many prominent people became involved with Georgia's western lands.
In 1763 William Blount obtained a grant from the Chickasaw Indians to the land in the Great Bend of the Tennessee.

To exploit this grant, he organized a company which included such important persons as John Sevier, future governor of Tennessee; Wade Hampton of South Carolina; and Patrick Henry of Virginia. 5

The pressure for western lands increased so that in 1775 Georgia set up Bourbon County on paper. Previously, the Georgia settlements were confined to a narrow strip of territory along the Savannah River and the Atlantic Coast. This new county included "the territory on the Mississippi between the 31st parallel and the Yazaoo river." 5 Through the resistance of the Indian population and the Spanish authorities the Georgia officials who were sent to Bourbon County were forced to leave. 6

In 1789 Thomas Washington of Georgia associated himself with three South Carolina partners, William Clay Skipper, Isaac Huger, and Alexander Moultrie, the latter the brother of Governor William Moultrie of South Carolina. 7 Three months later the speculators extended their operations by taking in seventeen additional partners and organized themselves into the South Carolina Yazaoo Company. By this time other groups of speculators had become aroused, and the Georgia legislature was presented with petitions from the Virginia Yazaoo Company headed by Patrick Henry and Joseph Martin, as well as from the Tennessee Yazaoo Company which was led by Zachariah Cox and John Sevier. 8

The South Carolina group received a tract containing more than ten million acres, bounded on the west by the Mississippi River, on the east by the Tombigbees, and on the north by the 33rd parallel. 9 The Virginia Company received 11,400,000 acres - the land west of Bear Creek and north of the 33rd parallel. The
Tennessee Company extended eastward from Bear Creek and included all the rest of the Great Bend of the Tennessee for a total of 4,000,000 acres. The South Carolina Company within two years was to pay $66,964, the Virginia Company $93,741, and the Tennessee Company $46,875 for their territory. 10 This was less than an average of one cent per acre. Georgia was trying to profit from a difficult asset and, in this case, there was no suggestion of bribery. 11

A dispute soon arose over what should be used as money when the Virginia Company began to make payment with the worthless Georgia paper tender. 12 Georgia refused to deliver the title of the land on the grounds that the conditions of the agreement had not been met. 13

The South Carolina Company refused to give up its claims. In 1791 Alexander Moultrie petitioned Thomas Jefferson, then Secretary of State, for a redress of grievances. In the ensuing Yazoo disputes Mr. Jefferson while President did not publicly comment on the Yazoo issues. But in 1791 Mr. Jefferson wrote to Henry Knox, Secretary of War, that the Georgia Yazoo titles appeared to him to be spurious because they included Indian lands over which only the Federal government had jurisdiction. To Jefferson "no act of a State can give a right to such lands...." 14

The Creek Indians were a fierce tribe which occupied part of the Yazoo area. In 1790, Alexander McGillivray, half-breed chief of the Creeks, met President Washington in New York to arrange for a definition of the Creek-United States relationship. Washington was interested in quieting the Creeks, but he also wanted to assert the right of the United States to the western territory. 15
McGillivray who was in the pay of the Spanish government wanted to secure his personal lands which had been confiscated by Georgia during the Revolutionary War.

The resultant Treaty of New York established that the Creeks were to cede to Georgia lands east of the Oconee, which had already been occupied by white settlers, but the Creeks were to retain those south and east of that river and of the Altamaha, thus invalidating claims which Georgia had set up under her earlier treaties.

Furthermore, the treaty stipulated that "the United States was recognized as sovereign over such Creek lands which lay within the national limits." Since the United States could not restore McGillivray's Georgia land, the Creek chief was compensated with the rank of Brigadier General of the United States Army and an annual salary of $1200. The treaty set the precedent for the right of the United States to set the boundaries of Indian lands.

This was a drastic denial of state control by the federal government and the Georgia government was incensed.

The Treaty of New York increased by about one-third the area of Georgia which was opened to white settlers, but much the largest part of the state was now guaranteed to the Creeks and placed under federal control. Since Georgia then claimed most of the present day Alabama and Mississippi, she actually had possession of less than one-tenth of the land in her boundaries.

Following the Indian treaty, Congress organized in 1790 the territory south of the Ohio, including what is now Tennessee, and also Georgia's western lands claimed by Spain. In 1796 Tennessee became a state. The United States and Spain had signed the Treaty of San Lorenzo in 1795. Spain accepted the international boundary at 31 degrees north and agreed to vacate the territory in six months. But Spain did not move out until 1798 when the United States threatened to use military force to take over the area.
With the departure of Spain, the United States organized this region, south of 32 degrees 28 minutes, into the territory of Mississippi and authorized the selection of three commissions to try to convince Georgia to give up all her western territory. The final settlement to the disputed lands was not consummated until 1802, after Georgia had become deeply involved in the gigantic Yazoo land frauds.

During the late colonial period there had been some ambitious projects involving vast tracts of land, but there had never been much floating capital with which to finance such schemes. "The creation of the federal government and Hamilton's funding operation produced the fluid assets which enabled the new nation to begin its career with a flourish of speculation." It was a two way street because...

...men of [Alexander Hamilton's way of thinking placed considerable emphasis upon the financial benefits to the government which might be derived from the proceeds of the sales of public lands. And these people exercised power all out of proportion to their members in the early days when the federal government was trying to establish its credit. Wishing to conduct their operations on a large scale, speculators were interested in sparsely settled lands, and since they expected to sell to innocent purchasers, they were not overly scrupulous as to the type of land they purchased. Georgia, most of whose land was uninhabited except for Indians, offered unusual advantages.

The Georgia land speculation ventures of the 1790's were a shameless fraud. "By 1796 over 29,000,000 acres were granted in the twenty-four existing counties where there were actually less
than 9,000,000 acres in all." Justices of the peace certified fictitious surveys reporting fertile land and forests which did not represent this "pine barren" area. 

One writer named Heraclitus wrote satirically of this "pine barren" speculation:

Halloo, Halloo, Halloo!

The subscribers will sell on most moderate terms: Ten millions of acres of valuable pine barren land in the province of Utopia, on which there are several very sumptuous air castles, ready furnished, that would make commodious and desireable habitations for gentlemen of the speculative class... As mentioned before, Georgia was in poor financial straits in the period after the Revolutionary War. "The State treasury was empty; the state troops who had been employed in the endless Indian troubles were unpaid... the state currency had so depreciated that it was almost without value." Georgia's only hope appeared to rest in her sale of the Yazoo lands.

In 1795, four companies purchased the western lands of Georgia for a total of nearly $500,000 - the Upper Mississippi paid $35,000, the Tennessee paid $60,000, the Georgia paid $250,000, and the Georgia Mississippi paid $155,000. These grants totalled at least 35 million acres and the average price was only a little over one cent an acre. All the purchase money was due by November 1, 1795. This price accepted by the Georgia legislature was quite different from that of the federal government. Through the regulations enacted by the Ordinance of 1785, Congress was selling land at this time in the Northwest Territory for $1.00 an acre. However, when the four companies presented their proposals to their bribed legislature, all was not calm. The opposition was led
Georgia's Western Lands 1783-1803

GEORGIA'S WESTERN LANDS
1783-1803
- Fort St. Stephens, 1799
- Spanish ceded by Treaty of San Lorenzo, 1795
- U. S. fort
- Spanish fort

Upper Mississippi Co. 1795
Georgia Company 1795
Upper Mississippi Co. 1795
Tennessee Co. 1795
Georgia Co. 1795
Georgia-Mississippi Co. 1795
Upper Mississippi Co. 1795
Tennessee Co. 1795

TENNESSEE
Fort San Fernando
Upper Mississippi Co. 1795
Tennessee Co. 1795
Georgia-Mississippi Co. 1795
Georgia Company 1795
Upper Mississippi Co. 1795
Tennessee Co. 1795
U.S. fort
Spanish fort

MISSISSIPPI TERRITORY 1798-1804

SPANISH WEST FLORIDA
- Mobile
- Pensacola

SPANISH EAST FLORIDA
- St. Marks

HUL OF MEXICO
by members of the Georgia Union Company which wanted a cut in the land sales. "Bribes of land, as much as 75,000 acres to one person, of slaves, of barrels or rice and of money were freely handed to legislators whose conscience inclined them against the bill." Senator Gunn was in the state capital, Augusta, at this time to push for this bill and for his reelection to the United States Senate. "James Wilson, Associate Justice of the United States Supreme Court, was there with $25,000 in bank bills and he bought 750,000 acres of good land from the Georgia Company." These men along with the majority of the legislature and chief executive of the state were Federalists.

Governor Mathews vetoed the bill on December 28, 1794, because he thought the time not propitious for selling the lands, the price too low, the reservations for Georgians to small, and the principle of monopoly wrong. The four companies made a deal whereby they would proportionately share 2,000,000 acres (out of a total of at least 35,000,000) which would be reserved for sale exclusively for Georgia citizens at the original price. The Georgia House voted 19 to 9 and the Georgia Senate voted 10 to 8 in favor of the compromise. Governor Mathews signed the compromise measure which was included as a rider on a bill to pay the state militia on January 7, 1795.

James Jackson, the Jeffersonian Senator from Georgia, wrote on January 6, 1795, that if the Yazoo Act had been passed

I consider Georgia as having passed a confiscation act of the rights of your children and mine and (of) unborn generations, to supply the rapacious grasp of a few sharks... and two-thirds of Georgia will be held and owned by residents of Philadelphia in six months.
The people of Georgia at this time did not know of the Yazoo sales and the information of the sale slowly crept out.

On February 17, 1795 President Washington wrote to the Congress about the Yazoo land claims that "these acts embrace an object of such magnitude, and in their consequences may so deeply affect the peace and welfare of the United States, that I thought it necessary now to lay them before Congress." The House responded with the following resolution on February 26, 1795: "Resolved, That the President of the United States be authorized to obtain a cession from the state of Georgia of their claim to the whole, or any part of, the land within the present Indian boundaries." The House passed a bill in line with its resolution, but the Senate was not able to act upon it before it had to adjourn on March 4, 1795.

In the meantime as Georgia became aware of the Yazoo scandal an uproar ensued. "The grand juries of every county in Georgia, except two, formally presented as a grievance the passage of the land sale act of 1795." Senator Gunn had to protect himself with a loaded whip and was hung in effigy on street corners. Senator James Jackson returned from the United States Senate to lead the fight for the repeal of the Yazoo act in the state legislature. Senator Jackson became so personally incensed over the Yazoo frauds that he fought at least four duels, including one with his colleague, Senator Gunn. Senator Jackson's Republican political base lay in his opposition to the Yazoo frauds.

Georgia turned from a staunchly Federalist state to a Republican state in the late 1790's. Remembering that parties in the early republic did not maintain the solidarity of present day parties, it is interesting to note that Georgia earlier had been one of the few
states to vote unanimously for the Constitution. By 1796, however, Georgia's reasons for wanting a strong central government had undergone a metamorphosis. The Treaty of New York removed what Georgia felt were her rightful lands. In 1795 the Supreme Court ruled in Chisolm vs. Georgia that a state could be sued by citizens of other states and countries. 40 This aspect of state sovereignty was denied until 1798 when the Eleventh Amendment changed the Federal constitution in order to forbid citizens from seeking redress in state courts. The federal government had not solved the Indian problems along the Georgia border and the people wanted a change. But above all, the drastic change over from Federalist to Republican occurred in the election of the 1796 Anti-Yazoo legislature.

Two young figures appeared in Georgia at this time. One was William Crawford, a future presidential candidate, who circulated petitions against the fraud. The second was John Randolph who led the opposition in the United States House to a compromise over the Yazoo claims, and who was visiting his friend Joseph Bryan during the popular uproar in 1796. 41

A new state legislature was elected in 1796, and James Jackson was chosen chairman of the committee to rescind the 1795 Yazoo sales. On January 25, 1796 Jackson's committee reported to the legislature that

the grants were obtained by the use of bribery and that they were unconstitutional because the lands in question were confirmed to the Choctaw and Chickasaw Indians by the Treaty of Hopewell, negotiated by the Continental Congress in 1736. 42

The Georgia General Assembly passed a rescinding act voiding the land sales of the previous legislature. The legislature declared the Yazoo lands "the sole property of the State, subject only to the
right of treaty of the United States to enable the State to purchase, under its preemption right, the Indian title to the same." The legislature ordered all records of the Yazoo sale burned publicly, in a joint meeting of the House and Senate. While the records of the Yazoo incident were burned, the messenger of the House spoke: "God save the State! And long preserve her rights! And may every attempt to injure them perish as these corrupt acts now do." The Georgia constitutional convention of 1798 forbade the sale of western lands to companies or individuals until these regions should be laid off into counties and it declared forever void the Yazoo Act.

The Yazoo companies hurried to pay most of their money immediately, and began to re-sell their lands and organize subsidiary companies. Three companies opened offices in Boston and sold land at an average price of 14 cents an acre. The greater part of the purchasers of the Yazoo lands were from the New England or Middle States area. Most of these claimants were innocent purchasers who were not aware of the bribery of the Georgia legislature.

On January 16th and 17th, 1796, Wade Hampton bought out his partners in the Upper Mississippi Company, and on March 6th he sold out to three men for $120,000. Since Georgia only received $35,000 for this land, Mr. Hampton must have cleared a large profit. One of the new purchasers departed immediately to Europe to sell the land.

Early next year the proprietors of the Georgia Mississippi Company transferred their claims to a related group of Boston speculators, who in February, 1797, organized the New England Mississippi Land Company which made elaborate plans for selling land at 33 cents an acre.

The backers of the New England Company were Federalists and they
sought out the advice of the most important Federalist lawyer when Georgia rescinded the land sales of 1795. Alexander Hamilton wrote in a legal opinion to the founders of the New England Company that taking the terms of the Constitution in the larger sense [specifically the passage in the first article which forbid Congress from passing an act impairing the obligation of contract]...the revocation of the grant by the act of the legislature of Georgia, may firstly be considered as contrary to the Constitution of the United States, and, therefore, null....

Congress in 1798 ignored Georgia's claims and placed part of the Yazoo area in the Mississippi Territory then being organized. Soon after Jefferson became president he named Secretary of State James Madison, Secretary of the Treasury Albert Gallatin, and Attorney General Levi Lincoln to a federal-state commission to arrange a cession of Georgia's western lands. Gallatin had been one of a group which had bid unsuccessfully against the Yazoo companies of 1795, but the other two were not connected with either group. The Secretary of the Treasury virtually bore the whole burden of negotiation and drew up the final settlement. In 1802 James Jackson, Abraham Baldwin, and John Hildedge representing Georgia met with the three cabinet secretaries. Georgia's treasury was nearly empty and she had not been able to settle and sell her western lands in the Yazoo area.

Accordingly, Georgia through her commissioners agreed to cede her territory west of the Chattahoochee (present day Mississippi and Alabama) for $1,250,000, settlement of private claims and extinguishment of the Indian titles in Georgia. In a further stipulation which was to rock the Congress and the entire country, the Commission reported that 5,000,000 acres or the proceeds from the sale of 5,000,000 acres should be used to settle the conflicting
claims of the Yazoo area. The commission reported that the Yazoo claimants' titles to the lands could not be supported, but because of the corruption of the Georgia legislature

the interest of the United States, the tranquility of those who hereafter occupy that territory and various equitable considerations which may be in favor of some claimants, render it expedient to enter into a compromise on reasonable terms. 53

On March 5, 1803, the House passed an act embodying the Commission's report. The opposition to this measure was led by John Randolph, Republican floor leader, who began a famous and protracted assault which broke apart the Jeffersonian Republican party. Through the debates in Congress from 1803 to 1806 the actions to settle the Yazoo controversy became a national scandal while John Randolph of Roanoke called it "the Alpha and Omega of national disunity." 54
Chapter II - Debates in Congress

Congress debated the Yazoo claims from 1803 to 1806. Through increasingly bitter and erratic denunciations, men led by John Randolph attacked the Jeffersonian measures to secure a compromise payment to all claimants from the Yazoo area. In a larger sense, the Yazoo claims became a symbol for a compromise not of money but of principle. In 1803 John Randolph was chosen majority leader in the House, and he did not lose this position until 1805 when he broke with Jefferson after refusing to favor a bribe to France in order to garner Florida from Spain. 1 Randolph was an effective debater and during this period as chairman of the Ways and Means Committee he controlled the financial legislation of the House.

In this three year period John Randolph was able to lead a majority of people to block a "Yazoo Compromise" of the Republican Party's principles as established while they were out of power. John Randolph expressed these beliefs later in the 12th Congress:

Love of peace, hatred of war, jealousy...of the influence of the Executive over the coordinate branches of the Government; a dread of standing armies; a loathing of public debt, taxes, and excises; a tenderness for the liberty of the citizen; jealousy, Argus-eyed jealousy of the patronage of the President." 2

And around this negative concept of government Randolph was able to help forge a majority opposition to the Yazoo issue. Congressmen pro and con Yazoo used every machination possible to win their point. Amendments were offered to kill the bills and motions to postpone consideration were frequent. Motions to adjourn (undebateable) were often laid so as to disrupt discussion and delay consideration.

On December 30, 1803, John Randolph offered a resolution
Resolved, that no person or persons claiming, in an act of Georgia, or any part of the territory lately ceded by Georgia to the United States, shall be entitled to receive compensation from the Government, for any real or pretended loss they may have sustained in consequence of that cession, if they have, subsequent to the acts under which they claim, withdrawn from the treasury of Georgia any moneys deposited as a consideration. 3

The resolution further stipulated that third parties which have subsequently purchased the lands are also excluded. This resolution was referred to a committee of the whole. Randolph was attempting to block compensation for the Yazoo companies and their land purchasers who had withdrawn their money from the Georgia treasury.

Randolph submitted a new resolution to replace his former Yazoo statement in February, 1804. In this eight paragraph resolution Randolph pointed out his reasons and objections to the Yazoo issue per se.

Resolved, That the Legislature of the State of Georgia were, at no time, invested with the power of alienating the right of soil possessed by the good people of that State in and to the vacant territory of the same, but in a rightful manner, and for the public good:

That, when the governors of any people shall have betrayed the confidence reposed in them, and shall have exercised that authority with which they have been clothed for the general welfare, to promote their own private ends, under the basest motives, and to the public detriment, it is the inalienable right of a people so circumstanced, to revoke the authority thus abused, to resume the rights thus attempted to be bartered, and to abrogate the act thus endeavoring to betray them:

That it is in evidence to this House, that the act of the Legislature of Georgia, passed on the seventh of January, one thousand seven hundred and ninety-five, entitled "an act for appropriating a part of the unlocated territory of this State, for the payment of the late State troops, and for other purposes," was passed by persons under the influence of gross and palpable corruption,
practised by the grantees of the lands attempted to be
alienated by the aforesaid act, tending to enrich and aggran-
dize, to a degree almost incalculable, a few individuals,
and ruinous to the public interest:

That the good people of Georgia, impressed with general
indignation at this act of atrocious perfidy and unparalleled
corruption, with a promptitude of decision highly honorable
to their character, did, by the act of a subsequent Legis-
lature, passed on the thirteenth of February, one thousand
seven hundred and ninety-six, under circumstances of peculiar
solemnity, and finally sanctioned by the people, who have
subsequently ingrained it on their constitution, declare
the preceding act, and the grants made under it, in themselves
null and void; that the said act should be expunged from the
records of the State, and publicly burnt; which was accord-
ingly done; provision at the same time being made for
restoring the pretended purchase-money to the grantees, by
whom, or by persons claiming under them, the greater part
of the said purchase-money has been withdrawn from the
treasury of Georgia:

That a subsequent Legislature of an individual State has
an undoubted right to repeal any act of a preceding Legis-
lature, provided such repeal be not forbidden by the consti-
tution of such State, or of the United States:

That the aforesaid act of the State of Georgia, passed
on the thirteenth of February, one thousand seven hundred
and ninety-six, was forbidden neither by the constitution
of that State, nor by that of the United States:

That the claims of persons derived under the aforesaid
act of the seventh of January, one thousand seven hundred
and ninety-five, are recognised neither by any compact
between the United States and the State of Georgia, nor by
any act of the Federal Government:
Therefore,

Resolved, That no part of the five millions of acres
reserved for satisfying and quieting claims to the lands
ceded by the State of Georgia to the United States, and
appropriated by the act of Congress passed at their last
session, shall be appropriated to quiet or compensate any
claims derived under any act, or pretended act, of the
State of Georgia, passed, or alleged to be passed, during
the year one thousand seven hundred and ninety-five.4

The resolution stated that the Georgia legislature can only
legally alienate the soil which belongs to the people for good
reason. Since the people of Georgia through the acts of their
legislature in 1795 and constitutional convention in 1798 abolished
the actions of the 1795 corrupt legislature, the 1795 land grant was voided. Here wrapped in the language of "inalienable rights" and "general welfare" is a thinly disguised defense of state sovereignty and strict interpretation. The resolution stated that this 1796 rescinding action was not forbidden in the Georgia Constitution or the Constitution of the United States. "The resolutions were so shrewdly drawn that the commissioners themselves would have agreed with the first seven of them, and these led with seeming logic to the eighth." 5 Randolph demanded in the last paragraph that all people who received Yazoo lands from the 1795 Georgia action be denied compensation. The House voted to consider the resolution.

On March 7, 1804, the House in the committee of the whole discussed the Yazoo resolution and the bill to compensate the claimants pursuant to the Georgia land cession agreement of 1802. The bill proposed that the former federal Yazoo Commission (Madison, Gallatin, and Lincoln) be empowered to settle the Yazoo claimants who appealed before March 1, 1805. Randolph suggested an amendment provided that no proposition of compromise or settlement be received by the said Commissioners, from any persons claiming under any act or pretended act of the State of Georgia, alleged to be passed during the year 1795. 6

This attempt to destroy the intent of the bill failed 46 to 57. 7 Mr. Varnum asked that the Committee rise to report agreement to the bill so as to refuse consideration of the resolutions. The importance of the resolutions was discussed. Randolph attempted to get a vote on the resolution and the opponents attempted to stop consideration. The land cession compact mentioned a compromise agreement, but Georgia did not have any legislation to this effect in her statute
books. Randolph felt that the federal Commissioners wanted a compromise agreement, not Georgia. His central point at this time seems to center around getting a vote.

Bitingly, Randolph cried that the House had only to turn down his resolutions to pay the claimants and to validate the infamous Yazoo frauds of 1795. To Randolph "this is one of the cases which, once being engaged in, I can never desert or relinquish, till I shall have exercised every energy of mind...in refuting so nefarious a project."8 At this point Randolph stuck to the Yazoo subject and did not make claims about conspiracies. Still, his great power to cower his opponents caused Mr. Elliot in this discussion to hope that "the Committee would not be intimidated by the threats of individual members." 9

The House moved into the regular session and Randolph moved that his resolutions should be considered. This was passed 57 to 46 after someone attempted to preclude the vote by unsuccessfully moving to adjourn. 10 Then the House adjourned due to the lateness of the hour.

For the next five days the House considered the Yazoo bill and resolutions. On the 8th of March the House voted in favor of considering the resolutions (58 pro). 11 Typical of the opposition tactics, Mr. Jackson moved to postpone consideration until the first Monday in December, and Mr. Sanford wanted the resolution to be considered by sections. 12 The discussion at this point was not constrained and the speaker ruled that the resolution would follow the normal House procedure and be considered by sections. The opposition stated that the House must honor the claims because of its previous actions and the land cession compact of 1802. Mr. Rodney
pointed out that Georgia in the compact stipulated that settlement had to be made within one year of the passage of the act and that if the United States attempted to settle the matter later, all the land would revert back to Georgia. He regarded this as evidence that Georgia did not want the claims to be paid at all.

Mr. Lyon and John Randolph in this had a running altercation over the Randolph resolutions. It is here that Randolph began to personally attack his opponents. Mr. Lyon called Mr. Randolph's resolution "political heresy" and offered twenty-one amendments with Mr. Randolph's resolutions. The amendments attempted to qualify the previous resolutions so that the Yazoo claimants could be paid. Mr. Lyon stated that if the claimants took their petitions to the federal court, then the court would favor them. The doctrine of judicial review was new at this time and Mr. Lyon was afraid that through it the courts would return all the land to the claimants of 1795 who had paid for their land. Lyon said "the United States will lose this immense territory, a small share of which would now redeem the whole." Mr. Lyon was formerly from Vermont and at this time he represented Kentucky in Congress. He attacked the resistance to the Yazoo settlement as being "purposely to prevent the growth of the western country." Mr. Randolph's eight paragraphed resolution denying Yazoo claims was put to a vote by section and each was postponed until the first Monday in December. Neither side was able to secure a strong majority killing or favoring the resolution. The House voted yea's 51 to nays 52; yea's 52, nays 50; yea's 54, nays 49; yea's 53, nays 50; and yea's 51, nays 51. The last vote was a tie and it represented a stalemate over the enacting clause which forbid the payment of the Yazoo claims.
The resolution was not brought up in the House on the first Monday in December, 1804. At this time the House and the leader, Mr. Randolph, were busy preparing for the impeachment of Federalist Judge Samuel Chase of the Supreme Court. The House sent all petitions of the Yazoo claimants to the standing committee on claims for investigation.

On January 29, 1805, the Committee of Claims reported the following resolution:

Resolved, That three commissioners be authorized to receive propositions of compromise and settlement...and finally to adjust and settle the same in such manner as in their opinion will conduce to the interest of the United States... During this debate the Randolph forces attempted to stall. Mr. Clark moved to amend the Committee on Claims resolution so as to deny payment to the "claimants under the act of Georgia, passed in 1795." Mr. Clark and Mr. Clay moved to adjourn two separate times and both times the motion was narrowly defeated. Randolph held the floor for the rest of the day and arraigned all his opponents. He did not directly debate the Yazoo claims but branched off into side issues, "The press is gagged by the demon of speculation." Randolph's central thesis in this discussion rested on two main points: (1) by agreeing to the resolution the House admits it illegally obtained the Georgia land and therefore is identified with the swindlers of 1795, and (2) the claimants even are not sure of their claim because they only ask for part, not all, of the land. The House, in March, 1803, passed a measure providing for settlement of the Yazoo claims. The Congress adjourned on March 4th ending any full discussion on the bill and the House had passed the measure to satisfy the claims or not at all. Again the main point of
Randolph and the men who agreed with him was that Georgia had no right to make the sale; "that even if she had, the contract, being laid in corruption and fraud, was null and void." 20

The Yazoo issue had developed into a debate over the nature of the Jeffersonian Republican party, and Randolph stated, "It is the spirit of Federalism! That spirit which considers the many as made only for the few." 21 The very strict principles the Jeffersonians developed while attacking the Federalists were slowly being dissolved to Randolph's dismay. "If Congress shall determine to sanction this fraud upon the public, I trust in God we shall hear no more of the crimes and follies of the former Administration." 22

Mr. Elliot took the next attack on Mr. Randolph's charges. He exemplified the reasoning of the proponents of the Yazoo claimants. Mr. Elliot felt that the Georgia legislature had the power to sell the land and that in selling the land the legislature produced an irrevocable contract. Elliot read a letter of Albert Gallatin, Secretary of the Treasury, in which the Secretary outlined his reasons for the compromise -

first, to prevent Congress from voluntarily confirming at some future time, the said Georgia claims; second, to leave it in their power to compromise with that description of claimants...as they might think proper. 23

Elliot showed that the Committee on Claims intended for a settlement, which Mr. Randolph said they had not considered. To Mr. Randolph's charge of neo-federalism Mr. Elliot replied:

Are we guilty of political apostacy? No such thing. We are about to make arrangements for carrying into effect a solemn stipulation in the treaty with Georgia, and a solemn act of our predecessor....24

In late January and early February of 1805 John Randolph
and Mathew Lyon had another fierce debate. Mathew Lyon had been a soldier, business man, and politician. He was made a Republican hero in 1798 when the Federalists convicted him of violating the Sedition Act. Both men had a flair for personal polemics. "Since both Randolph and Lyon had bona fide credentials as charter Jeffersonian Republicans, their clash in a sense exemplifies the split that the Yazoo issue caused in the Republican ranks." 25

Randolph began the debate on January 31, 1805. To the Virginian,

This government...has acquired the confidence of the public by the disinterestedness of its measures. The repeal of the internal taxes is not the less conspicuous among them. How long will you retain that confidence if you lavish on a band of speculators a landed capital whose annual interest is more than equivalent to the whole proceedings of the taxes. 26

The Yazoo issue smacked of cabals interested in deviating from the public trust placed in the legislature by the people in whom all power resided.

This is, indeed, the age of monstrous combinations; and this corruption has the quality of cementing the most inveterate enemies, personal as well as political. 27

Gideon Granger was in the House chamber that day in order to secure support for the Yazoo compromise. Postmaster General Granger had been involved in promoting the Connecticut Western Reserve scandals earlier. The sight of the executive officer visually pointed out to Randolph that the purity of the checks and balances in the government was being debased. In language that had become stronger and wilder Randolph cried, "Is this right? Is it even decent? Shall political power be made the engine of private interest." 28

Calling his case one for the public good and disregarding the
apostates of true Republican principles, Randolph ended:

But...if official influence is to become the handmaiden of private interest, if the old system is to be revived with the old men, or any that can be picked up...never will I cease to stigmatize it. Never shall I hesitate between any minority, for less in that which I now find myself, and such a majority as is opposed to us. 29

On February 1, 1805, Mathew Lyon replied to John Randolph of Roanoke:

In the course of this discussion, we who wish for a compromise of this perplexing business - this business which seems to be kindling the greatest discord in the nation - have been charged with an intention of committing a robbery which is far to exceed all the petty larcenies of the former Administration, and such of us as have aided to depose the former and support the present Administration, are threatened with being for the future considered as Federalists, let our professions be what they may. For my part, I can assure the member who threatens us, that it never in my life gave me pain to be called a Federalist, in the true sense of that word - in the sense in which the word was used by the great man [Jefferson] who said, "We are all Federalists, we are all Republicans..." 30

Randolph had insinuated that the Postmaster General had bribed Lyon with mail contracts. The Kentuckian denied that he was bribed or that the honor of Granger was tarnished as "the betraying of a jackall or the fulminations of a madman." 31

Randolph's opposition "was fabricated in the disordered imagination of a young man whose pride had been provoked by my [Lyon's] refusing to sing encores to all his political dogmas." 32 While Lyon was an especially agile debater, this one debate illustrated that the Jeffersonian party was undergoing severe tensions.

The New England Mississippi Company was created after the Yazoo frauds of 1795. As the name implies, the stockholders in this company resided in New England. They sent numerous petitions to Congress to secure payment or return of their Georgia lands claiming that they were innocent buyers not involved in the original
corrupt dealings. The prolonged petitioning of these claimants produced the first major lobbying attempted before Congress. The New England Mississippi Company was composed mainly of Federalists. As an out party, the Federalists enjoyed seeing the Republicans split over the Yazoo issue, but they wanted the compromise because it favored their supporters. 33

But more than Federalists were involved. Due to the wide sale of the Yazoo land, great numbers of innocent investors were facing losses. The Commissioners suggested in 1804 that this whole mess of British, Spanish, 1789 and 1795 Georgia grants, and plus recent United States grants could be solved by reserving 5,000,000 acres for claimants when they presented their cases within a specified time, one year. John Randolph was not in a mood to compromise. The Yazoo issue singled out the end of the same Republican party which attacked the Allen and Sedition Acts of 1798. "The republican party, when in opposition, set an impossible standard of political virtue, and now that they were in power found that government could not be carried on as they had pledged themselves to conduct it." 34

Randolph charged in his January 29th and 31st speeches that Granger improperly lobbied for the Yazoo claimants. On February 1, 1805, Mr. Granger wrote to the House and asked for a full investigation of his cabinet operations. He wrote to Nathaniel Macon, Speaker of the House, that "every charge or insinuation which has been made against my public or private character...is absolutely and altogether untrue, and founded in error only." 35 The House hesitated to take action on the Granger letter. Some members supported action and attacked Randolph. Some members stated that they were offended by the strong language the Postmaster General
used in denouncing a member of the House (Mr. Randolph). Men had been insulted in the House before, and the current members were asked to set a precedent - to study an accusation made in debate even though the House was still in the heat of argument. Mr. Hugger moved to postpone consideration until the next Monday and the question passed in the affirmative with 93 yeas. That the House was touchy about this issue is evidenced by this strong vote for postponement and the fact that the issue was never brought up on the appointed day.

Mr. Findley on February 3, 1805, refuted John Randolph's earlier arguments that the 5,000,000 acres set aside to pay Yazoo claims were a criminal selling of an empire. Mr. Jackson on January 31, 1805, had previously read the following part of the Commissioner's report:

That so much of five millions of acres as shall remain after having satisfied the claims of settler and other...be appropriated for the purpose of satisfying and quieting the claims from an act of the state of Georgia, passed on the 7th day of January, 1795. 37

The Commissioners intended to settle the 1795 Yazoo claims after they settled the British, Spanish, and previous land claims. These Commissioners who were to settle this ticklish issue were the Secretary of State, the Secretary of the Treasury, and the Attorney General. Mr. Findley stated,

We propose only to authorize the President to appoint, no doubt, the three best men that the United States can offer, to distribute, not an empire, but the residue of five millions of acres. 38

The United States paid $1,250,000 for the Georgia cession, but Georgia had provided these five million acres free so as to quiet all claims in the Yazoo area. If Congress had not appropriated the five million
acres within one year of its acceptance of the cession, that five million acres would have reverted back to Georgia.

On February 3, 1805, the House passed a resolution authorizing the Commissioners to arrange a compromise settlement of the Yazoo claimants by a vote of 63 to 58. This was another narrow vote which showed the close division of the House. "On a subsequent day, a bill was introduced for compromising the claims; but it was not acted upon by the House during the remainder of the session." Randolph at this point in his House record had become the most animated. He led the House and Republican-inspired impeachment and trial of Federalist Supreme Court Justice Samuel Chase. By the first of March, Randolph had lost his case and most of his leadership of the Republican party. Writing on the February, 1805 debate Congressman John Davenport concluded: "J. Randolph's popularity is greatly diminished. He has by his haughty and overbearing conduct given great offense to those who have been formerly his friends...."

Randolph attacked members of his own party. He singled out Gideon Granger, Postmaster General, and James Madison, Secretary of State. He opposed Madison and "he wished to destroy him to clear the way for Monroe's election to the Presidency. Soon he was trying to smear the Administration itself." Historian Claude Bowers who had no love for Randolph said that Randolph was "like a Negro drunk on gin, in his inebriation of his rage." To Henry Adams Randolph "stood in the gap with a courage fairly to be called heroic, had it not been to so great an extent the irrational outcome of an undisciplined and tyrannical temper." In January, 1805, Randolph wrote, "the old republican party is already ruined and past redemption.
New men and maxims are the order of the day.” Randolph, always, willing to suspect conspiracies, violently reacted to his symbol of Jeffersonian compromise.
Chapter III - Yazoo Bill, March 31, 1806

After the debate of the compromise bill in 1805, every year until 1814 a measure was introduced to settle the Yazoo land claims. Congress finally agreed upon a compromise in the 1814 session while John Randolph was not a member of the House. On March 31, 1806, the House received a bill from the Senate:

That, if, on or before the first day of January next, such sufficient releases as aforesaid shall be lodged in the said office of the Secretary of State, as shall release to the United States and shall discharge all claims to said lands, which have been exhibited to the Secretary of State and recorded as aforesaid, or which be exhibited and recorded agreeably to the provisions of this act; Congress will make provision by law for the indemnification of such claimants.1

Through a prolonged debate the House defeated the measure 62 to 54.2 A study of this last important recorded vote before the settlement of 1814 will graphically illustrate the changing party relationships in the Jeffersonian era.

When the Yazoo bill was introduced into the House, Roger Nelson of Maryland moved that the bill be rejected. A fellow prosecutor of Judge Samuel Chase with John Randolph, Nelson called the Yazoo issue "one of the greatest impositions he had ever known."3

The debate over the bill this time was monopolized by John Randolph. No one contested his statements with any heart. It appeared that most legislators after three years of discussion knew the facts behind the compromise measure. Few people rose either to speak in defense or opposition to the bill.

Randolph in his attempts to secure rejection of the bill released bitter philippics over the loss of state sovereignty and the growth of pernicious factions. Randolph spoke mostly against
party division:

This bill may be called the Omega, the last letter of the political alphabet; but, with me, it is the Alpha; it is the head of the divisions among the republican party; it is the secret and subvert cause of the whole. 4

The lobbying for a settlement and the push within his own party caused Randolph to exclaim:

These men have agents here, within your government, who hold great offices under it. The whole weight of the Executive Government passes on it. The whole Executive Government has had a bias to the Yazoo interest ever since I had a seat here. This is the original sin, which has created all mischief... 5

Randolph cited the Yazoo issue as the supreme evil, but as for the speculators -

The quarter from which we have most to dread is speculators - land jobbers, and if you can preserve the interests of the community inviolable against them, your inferior interests are safe. 6

But even this vituperative outburst seemed hackneyed and out of place after the bitter fights of 1804 and 1805.

Table I - House Vote March 31, 1806

The final vote recorded in the Annals of Congress on the motion "shall the bill be rejected" is as follows:

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<td>Montgomery</td>
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<td>Saluda</td>
<td>D</td>
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<td>Brunswick</td>
<td>D</td>
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<td>Christopher Clark</td>
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<tr>
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<td>(Green Co.)</td>
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Chapter IV - Analysis of the Vote

An analysis of the March 27, 1803, vote reveals that the opponents of a settlement were mainly Republicans, while the proponents were a composite of Federalists and Republicans. On the vote of 52 to 54 rejecting a Yazoo settlement, 47 Republicans and 2 Federalists supported them. 1

A sectional unity was evident in the Yazoo voting. The New England states (New Hampshire, Massachusetts, Connecticut, Rhode Island) voted 1 to 29 to pass the bill. The Southern states (Georgia, South Carolina, North Carolina, Virginia, Maryland) voted 36 to 5 to reject the bill. By a record of 3 to 7 the Frontier states (Vermont, Kentucky, Tennessee, Ohio) did not support rejection of the bill. In the Middle states (New York, Pennsylvania, New Jersey, Delaware) the contest was not as one sided with a vote of 22 to 13 favoring rejection of the bill.

Party lines were not rigid and exclusive in the early Republic, and an analysis of party voting by section will illustrate this. While congressman were not consistently affixed with party classifications, the relative strength of those people who considered themselves party men is important to an understanding of the effect of the Yazoo compromises on national politics.

In New England, the one vote in favor of rejecting the bill was from a Republican - Ebenezer Seaver of Massachusetts. Of the five Massachusetts congressmen who called themselves Republicans, four favored the bill and one opposed. Eleven New England representatives were not affiliated with any party and they voted with their section as a block opposing rejection of the bill. The minority
New England vote against the bill broke party and state delegation lines.

In the Southern states the six representatives who voted to accept the bill were divided among North Carolina, Virginia, and Maryland. Harriett Parke Williams (Republican) and Willis Alston of North Carolina objected to the rejection of the bill and opposed their state and the Republican vote. Alston, although not a Republican, fiercely hated Randolph and once entered into a fight with Randolph over the Yazoo claims. 1 Members of the Virginia delegation, John Jackson (Republican) and Joseph Lewis (Federalist) were mavericks. Jackson had been a land surveyor in the West 2 and he was probably anxious to have the question of Western land titles cleared up.

Joseph Lewis represented a Federalist stronghold in Virginia and was elected to office from 1803 to 1817. 3 Lewis was consistent in his opposition and minority relationship in voting against rejection. All eight of the non-affiliated Virginians voted for rejection. John Campbell (Federalist) and William McCready (non-affiliated) of Maryland opposed rejection of the measure. Campbell was a lawyer from Port Tobacco, Maryland, 4 who probably represented, in part, the mercantile and commercial interests of his area which sought aid to the speculators (men like them). McCready was a farmer born in Ireland 5 who was certainly sympathetic to the Western claims.

Both Campbell and McCready opposed the Republican party in their state - the two men who voted to reject the bill.

The Frontier states present an interesting picture in favoring the compromise. Three representatives from Vermont and Kentucky wanted to reject the bill. Gideon Hulin of Vermont was a Republican
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<td>62</td>
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House Vote - March 31, 1806

Yea  62
Nay  54

BRITISH POSSESSIONS

INDIANA
TERRITORY
Fort Detroit

IOWA
Fort Madison

KENTUCKY
Frankfort

OHIO
Fort Recovery

Vincennes

TENNESSEE
Knoxville

MISSISSIPPI
Natchez

WASHINGTON, D.C.

LOUISIANA
(FRENCH 1800)

NEW ENGLAND

MIDDLE

SOUTHERN

FRONTIER

UNITED STATES
1783-1803

original Thirteen states
new states admitted
military reserves:
1. South Carolina Military Reserve 1778
2. North Carolina Military Reserve 1780
3. Virginia Military Reserve 1780
4. New York Military Tract 1782
5. North Carolina Military Reserve 1783
6. Pennsylvania Military Reserve 1784
7. Philadelphia District 1796
8. U.S. Military District 1796

Gulf of Mexico

North American Indian Treaty Treaties 1795-1805

British posts held until 1796
Farmer who opposed the other members of his party's state delegates. George Bedinger and Thomas Sanford of Kentucky were not affiliated with any party and they evenly divided their state's vote. If the three delegates of Massachusetts who represented the frontier Maine region are included in this analysis, they would swell the Frontier vote 3 to 10 in favor of passage of the bill. John Chandler (Republican), Orchard Cook (non-affiliated), and Peleg Wadsworth (non-affiliated) illustrated that the frontier regions wanted the compromise and the Yazoo issue solved.

The Middle states voted nearly 2 to 1 in favor of rejecting the Yazoo compromise bill. As a group, the Middle States strengthened the vote of the Southern states. Two representatives from Pennsylvania, eight representatives from New York, and three representatives from New Jersey voted as the minority in this division. William Findley (Republican) of Youngstown, Pennsylvania, was a farmer who immigrated to America from Ireland. As a representative from the West, he coincided with that section's majority views but was the sole proponent of the Yazoo claims in his party. Seemingly contradictory, James Kelly, a non-affiliated representative from Philadelphia which is located in the eastern half of the state, favored the compromise. The majority of the state and his (non-affiliated) delegation opposed his views which could not have been solidly based on section. Pennsylvania voted nearly unanimously against this bill and the mavericks within the state represented different geographical sections.

The majority of the New York delegation (8 out of 13) voted for the compromise. They deviated from the transitional section
they represented, and they represented the only state which broke by a majority state vote a sectional trend. Six of the eight votes came from a 6 to 2 split in the state Republican delegation. The other two Yason votes came from a 1 to 2 split in the unaffiliated congressmen. The one recorded Federalist rejected the bill. This Federalist, Burdon Mumford of New York City, was one of only two Federalists (the other was Frederick Conrad of Pennsylvania) to favor rejection of the bill. Mumford must have favored the speculators since he was on the board of the Bank of New York and eventually he was a founder of the New York Stock Exchange. But he voted against the interests of the Western land speculators, some of whom must have been his clients. However, at this time the speculators were attempting to secure compensation through the courts and might have wanted the compromise to fail if they knew they would receive a better arrangement from the judicial branch of the government. The strong support from the other Federalists who should have been privy to this information seems to negate the idea of a push through the Supreme Court.

The six New York Republicans who favored the compromise mostly represented the Western New York area. These men and their districts were: John Russel, Cooperstown; Peter Sailly, Plattsburg; Martin Schuneman, Green County; David Thomas, Salem; Uri Tracy, Oxford; Killian Van Rensselaer, Albany; and Eliphalet Wikes, Long Island. Russel was a member of the Clinton faction in New York politics. Sailly was a judge and merchant whose commercial interests would have pointed to the need for Westward movement and speculation. Schuneman was an inn owner in Green County.
David Thomas was another merchant as Sallie. Uri Tracy was a Presbyterian minister who had been a missionary to the Indians. Tracy later moved to western New York. Killian Van Rensselaer was an eastern lawyer. His friends, as those of many Middle States representatives, must have been involved in Western land speculation. His vote in favor of a compromise could help ease their financial losses. Eliphalet Wickes of Long Island was also an eastern lawyer like Van Rensselaer whose clients must have also been involved in Western land speculation. The Republican split in New York was not along strict classifications as both sides represented the legal profession, the farmers, and the western part of the state. Parties in this period were not based on strict economic or ideological lines, and the New York Republican party specifically represents this looseness.

The other Middle State, New Jersey, to oppose rejection illustrated a party vote. In the 2 to 3 state vote favoring rejection, the three votes were produced by Republicans - Ezra Darby, Gideon Elmer, and William Helms. Darby was a farmer from Scotch Plains, New Jersey. Elmer was a doctor. Helms represented Hackettstown and he later moved to Ohio. He obviously agreed with the idea of western expansion and wanted to see all impediments removed. The sole New Jersey Republican who objected to the bill was Henry Southard, a farmer from Basking Ridge. His sole support was the non-affiliated James Sloan, also a farmer. In New Jersey the agricultural interests appeared to favor rejection and the merchant or professional interests appeared to favor adoption of the Yazoo compromise.
<table>
<thead>
<tr>
<th>State</th>
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Table III shows the voting participation by states. Five states (Connecticut, New Hampshire, Ohio, Vermont, and Virginia) have 100% voting participation. Only with the exception of the 1 to 3 vote favoring adoption of the bill by Vermont did these states not unanimously endorse a certain view. Connecticut, New Hampshire, and Ohio were obviously so interested in the bill that they voted strongly for it. Virginia was the only state to strongly oppose the bill. On the opposite end, no one from Delaware voted at all. Realizing that participation does not necessarily mean interest, there is never the less a strong correlation between voting and interest. The Northern region had the highest turnout with 31 out of 32 possible delegates voting. The Yazoo claims produced the first organized lobbying influence in Congress and this probably counted for the high turnout in their favor. In the Southern delegation, 41 out of 55 possible congressmen voted. This Southern delegation opposed the northern group of congressmen. With only 71% attendance in the Western delegation, the chronic absentee factor in Congressional voting was shown. If anything, the Yazoo lobby through organizational tactics produced a high vote turnout against the weaker structure, not will, of the Southern delegation. After all, the Southerners led by John Randolph of Roanoke were the most vociferous in their opposition to a Yazoo compromise.

Table IV illustrates the regional splits within the Federalist and Republican parties. In the New England states the Federalists produced the greatest strength against rejection, while only in the transitional Middle States did the Federalists break ranks to vote...
Table IV - Regional Party Breakdown

<table>
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<th>Region</th>
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<th>No</th>
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<th>Federalist N</th>
<th>Republican Y</th>
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<td>1</td>
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Table V - Regional Participation

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For rejection and the strongest opposing Republican sentiment came (in a 12 to 10 vote) in the Middle states area with a record of 10 opposed to rejection. Through the regions the Republicans were split. The Jeffersonians were weakest in the strongest Federalist area - New England - and five Republicans sided with 13 Federalists to favor the compromise.

The non-affiliated delegates sided with the majority political party vote within each region. But only in the small Frontier region could their vote, if reversed 130 degrees, have changed the regional siding.

The Yazoo compromise vote of March 31, 1806, when dissected showed the plasticity of early parties. Federalists strongly supported the compromise, while the Jeffersonian administration actively sought a solution regardless of party lines. The Federalist party nearly supported the compromise to a man. The division in the vote came from within divisions contained in the substratum of the Republican party. The Northern Republicans favored a compromise and in contradistinction the Republicans from the Southern states opposed the compromise. The various interlocking reasons pro and con compromise as shown through the first three chapters are as complex and locally decided as the vote records proved.

The Yazoo vote illustrated the division within the Jeffersonian-Republican Party. A basically Southern Republican- Middle state grouping defeated a Federalist and Jeffersonian backed measure.

The strong will and voice of John Randolph kept the Yazoo issue defeated until 1814. In that term, Congress passed by a narrow vote a compensation bill for the Yazoo claimants. Randolph was not in
that session because his constituents did not accept his anti-war stand. 27 In 1810, four years earlier, Chief Justice John Marshall ruled in Fletcher vs. Peck that the Georgia rescinding act of 1796 was unconstitutional.

...the State of Georgia was restrained, either by general principles which are common to our free institutions, or by the particular provisions of the Constitution of the United States [No state should pass any...law impairing the obligation of contracts], from passing a law whereby the estate of the plaintiff in the premises so purchased could be constitutionally and legally impaired and rendered null and void. 28

The judicial branch of the government accomplished a definition which the other two could not attain and the sovereignty of the state was once more limited in a federal government. "Yazoo" developed into a watchword. It emphasized the change and growth within the new American governmental system. The sovereignty of the national government was established over the national lands. The central government was controlled by two different parties in this period of the Yazoo claims, and the Republicans began to split apart as their divergent interests were emphasized by hot issues as the Yazoo land claims. Nurtured in corruption, "Yazoo" hatefully symbolized to many a new governmental approach through politics, not principles, through organization, not titles, and through nationalism, not states rights.
Footnotes

Chapter I


3. Ibid.


5. Ibid.

6. Ibid., 76.

7. Ibid., 77.

8. Ibid.

9. Ibid., 78.

10. Ibid.

11. Ibid.


16. Ibid., 96.

17. Ibid.

18. Ibid., 97.


20. Ibid., 309.
25. Ibid., 137.
29. Robbins, Our Landed Heritage, 16.
31. Coulter, Georgia, 201.
33. Beveridge, Conflict and Constitution, 549.
34. Abernathy, The South, 146.
35. Ibid., 147-148.
37. Ibid., 1230.
42. Bowers, Jefferson in Power, 300.
43. Beveridge, Conflict and Construction, 555.
44. Coulter, Georgia, 203.
44. Abenethy, The South, 142.
46. Abenethy, The South, 158.
47. Ibid.
48. Haycraft, Yazoo, 158.


52. Abenethy, The South, 162.


Chapter II

1. Haycraft, Yazoo, 47.
4. Ibid., 1039-1040.
5. Brant, Madison, 233.
7. Ibid.
8. Ibid., 1104.
9. Ibid.
10. Ibid., 1122.
11. Ibid., 1131.
12. Ibid.
13. Ibid., 1153.
15. Ibid., 1161.
16. Ibid., 1163, 1164, 1165, 1166, 1167.
18. Ibid., 1023.
19. Ibid., 1024.
20. Ibid., 1030.
21. Ibid., 1032.
22. Ibid., 1033.
23. Ibid., 1048.
24. Ibid., 1041.
25. Wagnerth, Yazoo, 173.
27. Ibid.
28. Ibid., 1106.
29. Ibid.
30. Ibid., 1122.
31. Ibid., 1123.
32. Ibid.
36. Ibid., 1119.
37. Ibid., 1079.
38. Ibid., 1167.
39. Ibid., 1172.
40. Ibid., 1174.
Chapter III

2. Ibid., 920.
3. Ibid., 906.
4. Ibid., 909.
5. Ibid., 912.
6. Ibid., 917.
7. Ibid., 920-921.


9. Ibid., and those geographical areas enclosed in parentheses are the main residences of the Congressmen listed in the Biographical Directory and do not necessarily represent their election districts.

10. Ibid., 455-456.

Chapter IV

1. Magath, Yazoo, 47.
3. Ibid., 1716.
4. Ibid., 355.
5. Ibid., 1231.
6. See Table I.
7. See Table I.
8. Ibid., 1455.
9. Ibid., 997.
10. Ibid., 1372.
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