

Andrew Edwards  
Mae Ngai/Elizabeth Blackmar  
Senior Thesis  
Word Count: 20,121  
4.4.2011

# Bloody, Bloody Yazoo Jackson

---

*The Crisis over Speculation and Sovereignty in the Early Republic*

*“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”*  
~The Tenth Amendment to the U.S. Constitution, ratified in 1791.

In the broadest sense, political struggles between republicans and federalists in the earliest years of the American republic were about a trade-off between freedom and power. According to early Chief Justice John Marshall republicans resisted “every attempt to transfer from their own hands into those of congress *powers* which by others,” Marshall’s federalists, “were deemed essential to the preservation of the union.”<sup>1</sup> Conversely, as republican newspaper editor and poet Philip Freneau wrote in 1793, “the people rejoice in their freedom, *and are determined to maintain it.*”<sup>2</sup> Yet those two concepts, freedom and power, so familiar from history and manifest in the political discourse of George Washington and John Adams’s administrations, remain opaque.

The antagonisms of freedom and power are so broadly understood that contradictory interpretations can be made from the same evidence. Charles Beard interpreted the political divide of the 1790s as “a profound division” that “ensued throughout the United States based on different views of the rights of property,” with capitalist federalists on one side and agrarian republicans on the other.<sup>3</sup> As Joyce Appleby reinterpreted them, however, republicans were “progressive,” “capitalist,” “new money” men, who had no patience for the aristocratic pretensions of the “elites,” while “elite” federalists were, perhaps, just better organized.<sup>4</sup> For

---

<sup>1</sup> Marshall quoted by Beard. Charles Austin Beard, *An Economic Interpretation of the Constitution of the United States* (Macmillan, 1921), 297.

<sup>2</sup> Donald H Stewart, *The Opposition Press of the Federalist Period* (Albany: State University of New York Press, 1969), 62.

<sup>3</sup> Charles Austin Beard, *An Economic Interpretation of the Constitution of the United States* (Macmillan, 1921), 297.

<sup>4</sup> Joyce Appleby, *Capitalism and a New Social Order: The Republican Version of the 1790’s* (New York: NYU Press, 1984), 50, 105, 48-49.

Gordon Wood, who also rejected Beard's interpretation, the struggle was over sovereignty.<sup>5</sup> He argued that over the 1770s and 1780s notions of sovereignty shifted from the unitary view found in Blackstone's *Commentaries* to the notion that sovereignty resided explicitly in the body of the people.<sup>6</sup> In Revolutionary America this "ultimate sovereignty of the people" became connected with "civil liberty" – Freneau's freedom – defined as "a power existing in the people at large, at any time, for any cause, or for no cause, but their own sovereign pleasure, to alter or annihilate both the mode and essence of any former government, and adopt a new one in its stead."<sup>7</sup> Like Appleby, Wood argued that republicans were the vanguard of capitalism, adding recently that "We make a big mistake in thinking that capitalism was created mainly by Alexander Hamilton and a few stock-jobbers, speculators and wealthy merchants."<sup>8</sup> However, republicans actively opposed "speculation" and "stock-jobbing," rejecting some elements of "capitalism" while embracing others.<sup>9</sup> Freedom and power, property and sovereignty, were elements of a unified political discourse that has proven difficult to parse.

There is a connection between them, however, that has been underexplored: the power of both property and sovereignty to create a subject, an individual compelled to accept the legitimacy of institutions that structure political and economic relations.<sup>10</sup> If we concede that property rights and sovereignty are intimately related this becomes even more apparent. C.B.

---

<sup>5</sup> Gordon S Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill: Published for the Institute of Early American History and Culture at Williamsburg, Va., by the University of North Carolina Press, 1998), 345.

<sup>6</sup> *Ibid.*, 350, 363.

<sup>7</sup> *Ibid.*, 346, 363.

<sup>8</sup> Gordon S. Wood, "The Enemy Is Us: Democratic Capitalism in the Early Republic," *Journal of the Early Republic* 16, no. 2 (July 1, 1996): 304.

<sup>9</sup> "Capitalism" was not a term of debate at least the late nineteenth century. See Visual Appendix A.

<sup>10</sup> M. Foucault, "The Subject and Power," *Critical Inquiry* 8, no. 4 (1982): 777–795.

MacPherson has defined property rights as “enforceable claims to the benefits of resources.”<sup>11</sup> This definition assumes an enforcement mechanism, implying a system constructed to some end, for some benefit – private or public – defining the limits of the enforcement mechanism. As MacPherson wrote, “property is political.”<sup>12</sup> The sovereign both enforces property rights and defines property’s limits, making citizens subject to both.

In order to create a meaningful synthesis of the political struggles of the Early Republic one must engage, in the most specific sense, with the relation of both sovereignty and property rights to freedom and power. The necessary starting point for an analytical inquiry into power is two-fold: a technique of power and resistance to it.<sup>13</sup> Freedom, thus, is conceptualized in a negative sense – it is only revealed by resistance to power attempting to act on it.<sup>14</sup> Resistance then serves the historian as “a chemical catalyst so as to bring to light power relations, locate their position, and find out their point of application and methods used. Rather than analyzing power from the point of view of its internal rationality, it consists of analyzing power relations through the antagonism of strategies.” Our analytical puzzle, then, can be reduced to a historical question: “What happens?”<sup>15</sup>

Analyzing struggles in the Early Republic over speculation, not as a harbinger capitalism, but as a technique of power that inspired resistance, best serves to illuminate that era’s political divide. It was no accident that the most notoriously corrupt instance of land speculation in the

---

<sup>11</sup> Crawford Brough Macpherson, *Property, Mainstream and Critical Positions* (University of Toronto Press, 1978), 3.

<sup>12</sup> *Ibid.*, 4.

<sup>13</sup> Foucault makes the same point in a different register. Foucault, “The Subject and Power,” 780.

<sup>14</sup> Isaiah Berlin, *Two Concepts of Liberty, an Inaugural Lecture Delivered Before the University of Oxford on 31 October 1958* (Oxford: Clarendon Press, 1961).

<sup>15</sup> Foucault, “The Subject and Power,” 780, 785.

Early Republic – the Yazoo Scandal of the early 1790s – inspired an explicit clash between views about the nature of property and sovereignty. Money, power-politics and ideology clashed most powerfully over speculation, revealing fundamental assumptions when parties for and against were forced to come to grips. The Yazoo crisis provides an important and neglected angle on debates about sovereignty in the Early Republic, revealing how the language of sovereignty was used in opposition to speculation as well as in formulating a uniquely American approach to property rights. Moreover, use of the term “sovereignty” in relation to property rights and speculation recovers a historical language active in the emerging political economy of the Early Republic. For the sovereign’s role is broader than the protector of property; historically the sovereign has been defined by its monopoly on violence.<sup>16</sup>

Republican opposition to speculation in the Early Republic was based around an emerging conception of sovereignty with roots in the lived experience of early European settlers to North America that I will call plural sovereignty.<sup>17</sup> In the absence of a monarch, sovereignty became understood as residing inalienably in the body of the citizenry.<sup>18</sup> Thus the manifestations of sovereignty – from defining property rights to the exercise of legitimate violence – remained subject to the will of the sovereign citizenry. Representatives were agents of the people’s will,

---

<sup>16</sup> Max Weber, *The Vocation Lectures*, ed. David S. Owen and Tracy B. Strong, trans. Rodney Livingstone (Indianapolis: Hackett Publishing, 2004), 33; Jacques Derrida, *Without Alibi*, trans. Peggy Kamuf (Palo Alto, Calif. Stanford University Press, 2002), 268.

<sup>17</sup> I chose “plural” rather than “popular” sovereignty to avoid association with what Wood calls the “the trite theory of popular sovereignty,” in which the people’s power is merely nodded to and which Livingston identifies with the “Enlightenment” conception of the unitary sovereign state, and to avoid direct association with Stephen Douglas’s use of the phrase in 1850’s. Wood, *The Creation of the American Republic, 1776-1787*, 363; Donald W. Livingston, “The Founding and the Enlightenment: Two Theories of Sovereignty,” in *Vital Remnants: America’s Founding and the Western Tradition*, ed. Gary L Gregg (Wilmington, Del: ISI Books, 1999), 252-253.

<sup>18</sup> This perspective on sovereignty has also been referred to as voluntarism. Elizabeth V. Mensch, “Colonial Origins of Liberal Property Rights,” *Buffalo Law Review* 31 (1982): 636./

but only so long as they maintained their status as honest agents. The legitimacy of their actions could be revoked at any time, if contrary to the interests of the people. Private property, defined as the property of an individual, held and occupied by such, remained sacred under this view. However, in cases where governmentally-conferred property rights were exerted against the general interest, the sovereign citizenry could alter or regulate those rights, or revoke them entirely. Under the plural view, a citizen was never a subject: not to government and certainly not to the property rights of another citizen.

Federalists advocated another view: unitary sovereignty.<sup>19</sup> Unitary sovereignty borrowed its logic from the institutions of monarchy, arguing that citizens alienated their sovereignty to government. The government took on the powers of a proprietary sovereign, able to exercise the rights of sovereignty without further consultation with the people represented. Having alienated rather than delegated their sovereignty at the moment of election, the people were again subjects. Like plural sovereignty, the unitary view had powerful implications for property. By alienating their sovereignty, the people created a power separate from themselves, so property rights relying on that power would also be separate. Thus property holders might act arbitrarily and expect their actions to carry the weight of law. Like government, their rights stood apart. It's important to note that unitary sovereignty too was an idealistic formulation. For many Enlightenment thinkers it held out the promise "of perfect justice, of perfect liberty, and of

---

<sup>19</sup> Wood, *The Creation of the American Republic, 1776-1787*, 346; Livingston, "The Founding and the Enlightenment: Two Theories of Sovereignty," 253. Emma Rothschild calls a similar "absolute sovereignty" in the larger, Atlantic context. Emma Rothschild, "Global Commerce and the Question of Sovereignty in the Eighteenth-Century Provinces," *Modern Intellectual History* 1, no. 1 (2004): 8.

perfect equality” in an ideal world.<sup>20</sup> But for the republicans of the Early Republic unitary sovereignty and its notion of property rights represented a threat to their freedom.<sup>21</sup>

Plural sovereignty was an American creation but was not, of course, American alone. Like all things American, it was collaborative, born in as a result of America’s position as a political and economic extension of the Atlantic world. There is no reason to exclude the possibility of its formation at other times and places. But plural sovereignty flourished on the American frontier where, in Wood’s words, it “gained a verity in American hands that European radicals with all of their talk of all power in the people had scarcely considered imaginable.”<sup>22</sup> As American history shows incontrovertibly, speculation follows the frontier.<sup>23</sup> So again, it should be no surprise that rarely has the opposition between unitary and plural sovereignty been as explicit as it was on Georgia’s Southern frontier, in the Yazoo crisis of 1795.

---

<sup>20</sup> Ibid.; Bernard Zylstra, *From Pluralism to Collectivism: The Development of Harold Laski’s Political Thought* (Assen: Van Gorcum, 1968), 14.

<sup>21</sup> Barbara Clark Smith, *The Freedoms We Lost: Consent and Resistance in Revolutionary America* (New Press, The, 2010), 209.

<sup>22</sup> Wood, *The Creation of the American Republic, 1776-1787*, 363.

<sup>23</sup> Frederick Jackson Turner, *The Frontier in American history* (H. Holt, 1920), 254.

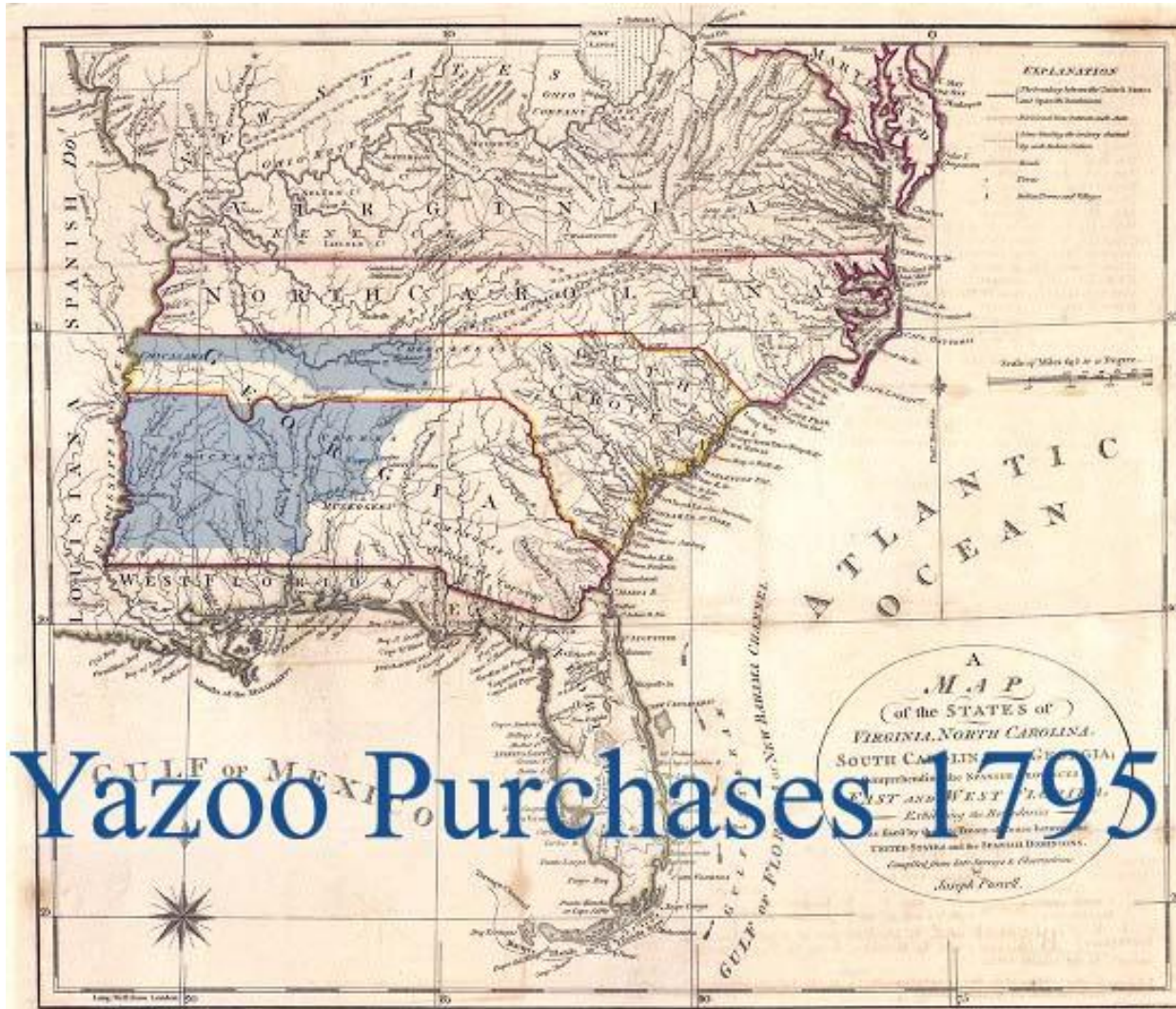


Figure 1: Shaded areas show the Yazoo purchases. This map was made before South Carolina had ceded its own back-country claims to Georgia

**Attunement.**

*"Take calculating statesmen,  
And drown them in the sea.  
So with all traitorous men  
Who sell their country."*

*~ Upcountry folk song transcribed by Morgan J. Rhees, April 2, 1795.<sup>24</sup>*

In the winter of 1795 Georgia was burning. In the pine barrens of lowland Georgia herdsmen had set the tall wiregrass alight, sending waves of flame stretching through the long-leaf pine

<sup>24</sup> Morgan John Rhees, "Diary of American Tour", 1795, April 2, 1795, Columbia Rare Books and Manuscript Library, Ms Coll Rhees.

forests, renewing the ground for another year. For one lone traveler, setting out for Kentucky on a half-starved horse, the flames lit the way west. “The fire ran parallel with, and often across the road, forming a kind of running blaze, which in one constant stream swept thousands of acres before it,” wrote Morgan J. Rhees, an exiled Welsh republican traveling the U.S.<sup>25</sup>

For Rhees, a Baptist Dissenter who had just spent long, dangerous weeks preaching abolition in the Southern states, the fire also had a more personal meaning. The South fascinated him. He admired the independence and honor of its people and their unfailing hospitality. And yet in so many ways, he felt the South had failed to live up to what he understood as an American ideal, the notion that rulers derived “their just powers from the consent of the governed.”<sup>26</sup> For while he had befriended many Southern republicans, he abhorred the society they lived in where so many seemed to strive for power over their fellow man. “Slaveholders and Aristocrats,” were the bane of American liberty Rhees wrote. “They do all they can, to veil the glory of this rising empire.”<sup>27</sup> And in the last two weeks more news, more disillusion, had come sweeping like the wiregrass fires across the state.

“The topic of conversation for some time past has been concerning one of the greatest speculations and we may add peculations, which ever took place in any country,” Rhees wrote in a letter home from Augusta, Ga. “About twenty-five millions of acres have been sold by the present Legislature for nearly a penny per acre, a great proportion of which is equal to any in the

---

<sup>25</sup> John Thomas Griffith, *Rev. Morgan John Rhys, “The Welsh Baptist Hero of Civil and Religious Liberty of the 18th Century”* (Leader Job Print, 1899), 176.

<sup>26</sup> Thomas Jefferson, *The Declaration of Independence, 1776* (Washington D.C. U.S. Department of State, 1911), 3.

<sup>27</sup> Rhees, “Diary of American Tour,” Feb. 6.

world.<sup>28</sup> It is more suspected that the majority of the members were bribed by the companies that purchased. The people are very clamorous against them and some have been obliged to fly. Disputes and even wagers run high whether or not the laws can be repealed and the purchase be disannulled.”<sup>29</sup>

Still, the fires he rode through that winter in their own way offered hope.

“Most things are purified by fire,” Rhees wrote; this was “the purifying season.”<sup>30</sup>

## Yazoo!

By any standard the Yazoo Scandal was a spectacular event. Speculators had descended on the state of Georgia again and again seeking to pluck away its lands west of the Chattahoochee River, but until 1795 they had never succeeded. In 1790 they had come close, getting the legislature to cede the land. But they hadn’t been able to complete the purchase before a new legislature elected amid popular outcry nixed the deal. The prize, however, was too rich to ignore. In effect, Georgia claimed sovereignty over 50 million acres – land that in a few decades would become the Cotton Kingdom, the most important commodity producing region of the 19<sup>th</sup> century. Under the Treaty of Paris and John Jay’s subsequently negotiated treaty of 1794, Georgia, in theory, laid claim to land stretching from the Savannah River to the Mississippi. While the speculators were unaware of what the Yazoo would become, they did know it was a

---

<sup>28</sup> Later surveys put the Yazoo sale at 35 million acres. Shaw Livermore, *Early American Land Companies: Their Influence on Corporate Development*, ed. Julius Goebbel (New York: The Commonwealth Fund, 1939), 151.

<sup>29</sup> Griffith, Rev. Morgan John Rhys, “*The Welsh Baptist Hero of Civil and Religious Liberty of the 18th Century*,” 177-178.

<sup>30</sup> *Ibid.*, 176.

rich, well-watered country, warm, fertile, and flat. So after a few years, forewarned and forearmed, the speculators were back. This time they would get the deal done.<sup>31</sup>

In the North, such large land purchases had been common place since the end of the Revolution. The New York and Massachusetts state legislatures, for instance, had sold off millions of acres of the Genessee and Finger Lakes regions of upstate New York to the likes of Revolutionary financier Robert Morris and his associates. The justification of the sales was two-fold: development and debt repayment. The states were land rich and cash poor, so selling the land made sense. Even at pennies an acre, it generated revenues they didn't have before, and often they were able to get rid a load of debt in the bargain by having the buyers pay in state-debt certificates.<sup>32</sup> Once the land was in private hands, it could be freed from Native American claims and sold to the settlers already pushing west. In the early 1790s, Georgia was the next natural target for speculators. It had debts it needed to pay; and it had land, lots of land.

---

<sup>31</sup> "Speculation" has had a pejorative connotation for almost as long as they it has been in use. (See Visual Appendix B). Speculation— in its financial sense— sprung into popular vocabulary in the latter quarter of the eighteenth century and truly exploded in the 1790s, but rarely was it well spoken of. The struggle to reclaim its original, positive associations with vision and foresight has gone on for almost as long. As satiric poet Christopher Anstey observed in his brilliant 1780 attempt to restore the word's lost luster, *Speculation, or, A Defense of Mankind: A Poem*, "injur'd Words, like injur'd Men, Claim Succor from the Author's pen."

In economic literature, speculation has either been associated with an insurance function - the speculator takes on risk, and thus improves overall economic efficiency – or has been explained away. Historians, following the economists lead, have largely done the same.

In the sense employed in the Yazoo controversy speculation was a distinct economic activity, which can roughly be defined as "the effort to increase simply by an exchange, or a series of exchanges, the capital involved. It differs from investment in that the latter seeks by exchange to secure payment for the use of capital involved. Speculation differs from ordinary business exchanges in that the latter always contemplate, at some point, labor or service as of prime importance."

Petty speculation will always be ubiquitous in a market economy and is of little interest except in aggregate. Grand speculation, on the other hand - speculative exchanges that can bend the fate of sovereign nations and reshape whole societies in the process - must be of vital interest. It is the latter form we can observe in frontier Georgia. See Christopher Anstey, *Speculation; or, A Defence of Mankind: A Poem*. (London: J. Dodsley, 1780), 4. Jean Tirole, "On the Possibility of Speculation under Rational Expectations," *Econometrica* 50 (1982): 1163-1181; Arthur Seldon, *Everyman's Dictionary of Economics* (Indianapolis: Liberty Fund, 2005), 607. Thomas Temple Hoyne, *Speculation: Its Sound Principles and Rules for its Practice* (Economic Feature Service, 1922), 25.

<sup>32</sup> See Bernard Bailyn, *The Peopling of British North America* (New York: Random House, 1986).

As early as 1793, Federal Judge Nathaniel Pendleton was floating plans for a purchase, but soon the news that Georgia was in play attracted bigger fish, including the enterprising South Carolina planter-capitalist Wade Hampton, who would become one of the wealthiest men in the nation, federalist Supreme Court Justice James Wilson – who had recently declared in *Chisolm v. Georgia* that “Georgia is NOT a sovereign state” – and Georgia Senator James Gunn.<sup>33</sup> In 1794 these men and their agents descended on the state. The plan was to do everything right that the speculators of 1790 had done wrong. They would bribe everyone of consequence in the state, from legislators to newspaper editors, using sub-shares in the land companies instead of cash, and sell off their bounty before the next legislature had the chance to object. By then the land would be safely ensconced in the hands of new buyers presumably unaware of their bold tactics. And they would be rich.

### Speculation in a New Era

*“Whatever wild fantastic Dreams  
Give Birth to Man's outrageous Schemes,  
Pursu'd without the least Pretence  
To Virtue, Honesty, or Sense,  
Whate'er the wretched basely dare  
From Pride, Ambition, or Despair,  
Fraud, Luxury, or Dissipation,  
Assumes the Name of—Speculation.”*

*~ From “Speculation; or, A Defense of Mankind” by Christopher Anstey, 1780.<sup>34</sup>*

It was a good plan, simple and audacious. Rarely, if ever, in history had lands like the Yazoo tract been available for sale. Kings fought for land. Peoples died for land. Individuals did not simply buy land – not on that scale. The nation of England was smaller than the Yazoo purchase,

---

<sup>33</sup> Peter Daniel Haworth, “Community and Federalism in the American Political Tradition” (Washington D.C. Georgetown University, 2008), 191; James Wilson, “CHISHOLM V. GEORGIA, 2 U. S. 419 :: Volume 2 :: 1793 :: Full Text :: US Supreme Court Cases from Justia & Oyez”, n.d., 2, <http://supreme.justia.com/us/2/419/case.html>.

<sup>34</sup> Anstey, *Speculation; or, A defence of mankind*, 6.

as was Denmark, Holland, Switzerland or any one of the many German principalities.<sup>35</sup>

Thousands had died for less. And the United States was all but giving it away.

America's liberality with land was wedded with a new economic freedom that had emerged concurrently with its new political freedoms. The new nation was not just land rich, it was conceptually rich, and the new land companies were a case in point. In Europe charters for joint-stock corporations came from the crown or parliament and were not easy to obtain.<sup>36</sup> In the wake of the disastrous South Sea Bubble, where the British stock market fell 87%, joint-stock corporations that issued "transferrable" stock without crown charters were banned outright.<sup>37</sup> In 1741 Parliament has specifically extended the ban to the American colonies to quash land banks, predecessors of the Yazoo companies, that had begun issuing notes secured by land.<sup>38</sup> But Revolution had done away with British control, and consequently the Bubble Act. Americans had a long tradition of 'corporate' association without government consent in church congregations and townships, and associated the right to form joint-stock corporations with broader rights of 'free association.'<sup>39</sup> American businessmen were quick to take advantage of their new freedom, and joint-stock corporations of varying degrees of sophistication quickly flourished. No charters were necessary.<sup>40</sup> Trading in corporate stock became prevalent in the United States soon after the Revolution. By 1792, both Philadelphia and New York had formal

---

<sup>35</sup> The country of England (not Britain) has a land area of 50,346 square miles, or 32.2 million acres.

<sup>36</sup> Livermore, *Early American Land Companies: Their Influence on Corporate Development*, ix.

<sup>37</sup> R. Harris, "The Bubble Act: Its passage and its effects on business organization," *The Journal of Economic History* 54, no. 3 (1994): 614.

<sup>38</sup> Jerry W. Markham, *A Financial History of the United States* (M.E. Sharpe, 2001), 101.

<sup>39</sup> See Goebbel's introduction to Livermore, *Early American Land Companies: Their Influence on Corporate Development*.

<sup>40</sup> *Ibid.*, 244-245.

stock exchanges, almost a decade before the formation of the London Stock Exchange in 1801.<sup>41</sup> Shares of joint-stock land companies were one of their stocks in trade – along with U.S. government debt, state debt, and shares of government-chartered corporations like the Bank of the United States.

The implications of America's twinned conceptual and landed opportunities were international: American speculators were the only ones with the connections to buy the lands but in the beginning, Europeans were the only ones with enough capital to pay hard cash for them. The result was an international bonanza in speculation and immigration supported by the widespread belief at home and abroad that there were fortunes untold and kingdoms to be built in America's wilderness.

One of the first to the game was Revolutionary War financier Robert Morris, a pioneer in the great bait and switch of American wilderness lands. During the Revolution Morris had built up contacts in the banking houses of Europe, particularly in Holland, the Ur of Atlantic capitalism, but in England as well.<sup>42</sup> In 1790 Morris bought several million acres of New York State for \$75,000. The next year, Morris sold the same tract to a group of Englishmen for \$133,000. Without even seeing the land, Morris – then serving as a U.S. Senator for Pennsylvania – had made a fortune.<sup>43</sup> In 1790 \$58,000 was wealth beyond most people's imagining. Average annual income in 1790 has been estimated at just over \$100.<sup>44</sup> In 1791 Dr. Benjamin Rush had seen a

---

<sup>41</sup> Robert Eric Wright, *The Wealth of Nations Rediscovered: Integration and Expansion in American Financial Markets, 1780-1850* (Cambridge University Press, 2002), 15-16.

<sup>42</sup> See Harold Cook, *Matters of Exchange: Commerce, Medicine, and Science in the Dutch Golden Age* (New Haven: Yale University Press, 2007).

<sup>43</sup> William Graham Sumner, *Robert Morris* (Dodd, Mead and Company, 1892), 148-149. Charles Rappleye, *Robert Morris: Financier of the American Revolution* (Simon and Schuster, 2010), 494-495.

<sup>44</sup> K. L. Sokoloff, "Inventive activity in early industrial America: evidence from patent records, 1790-1846," *The Journal of Economic History* 48, no. 4 (1988): 813-850.

Philadelphia man speculating in the stock of the new Bank of the United States go mad – and die three days later – after winning just \$12,000.<sup>45</sup> In the end, Morris did little better than the Rush’s patient. He plowed his earnings into larger and larger domains only to see it all go bust in the wake of the Yazoo Scandal – a story we will return to later. In the early 1790s, it was his successes, not his as-yet-unrealized failures, that were on everyone’s mind.

It wasn’t just speculators who caught the land bug. The Welsh preacher Rhees had traveled thousands of miles from Glamorganshire in Southern Wales to ride the country searching for a new Welsh homeland, a *Gwadfla* for his Dissenting countrymen, who were then embarking by the hundreds to cross the Atlantic to escape British repression in the wake of the French Revolution.<sup>46</sup> Rhees discovered that his dreams were consonant with the new nation’s dreams: “Where there is such an extent of territory and such a scope for speculation, it is natural for the inhabitants to be shifting and ever searching for the best spots,” Rhees wrote, as he waited at the foot of the Blue Ridge with immigrants gathering to push over the Cumberland Gap into Tennessee. “Wonderful country! whose inhabitants, like the waves of the sea, are constantly ebbing and flowing East, West, North and South.”<sup>47</sup> Rhees and those like him would risk everything from sickness to sniping natives, club-wielding mobs, and wiregrass firestorms. Others like Morris would profit from them.

---

<sup>45</sup> “The city of Philadelphia, between 10th and 15th of August, 1791, will long be remembered by contemplative men, for having furnished the most extraordinary proofs of the stimulus of the love of money on the human body. A new scene of speculation was produced at that time by the scrip of the bank of the United States. It excited febrile diseases in three persons who became my patients. In one of them, the acquisition of twelve thousand dollars in a few minutes by a lucky sale, brought on madness which terminated in death in a few days. The whole city felt the impulse of this paroxysm of avarice.” Benjamin Rush, *Medical Inquiries and Observations* (J. Conrad & Co., 1805), 435.

<sup>46</sup> Gwyn A. Williams, *The Search For Beulah Land: The Welsh and the Atlantic Revolution* (Holmes & Meier, 1980).

<sup>47</sup> Griffith, Rev. Morgan John Rhys, “The Welsh Baptist Hero of Civil and Religious Liberty of the 18th Century,” 177, 183.

The key to Morris's quick success had been treating his government-derived property rights not as land for settlement but as a security for speculative exchange, a conceptual break through which became integral to the grand speculators' plans for the Yazoo. Only a Napoleon or an Alexander the Great would have been interested in actually *possessing* Georgia's Yazoo Lands in 1795.<sup>48</sup> Most of it was occupied by hostile, well-organized Native American nations allied with their Spanish neighbors to the south and west. They would not give up without a fight, a fact they'd ably demonstrated since the end of the Revolution. But from a right-headed speculator's perspective, this didn't matter much. It might even help, for such land could be had cheap. What mattered was the security, the government-derived property rights, not the land itself.<sup>49</sup> It was in the security – the property rights in the form of a transferable title or a share in a land company, paper not land – that the speculator would profit. The idea was to gain the rights to the land at a discount to its imagined nominal value and then sell those rights, without bothering with the expense of recruiting settlers or improving the land itself. The new purchaser could then sell the land to someone else – a Rhee, perhaps – who had more corporeal ambitions. It wasn't that land *couldn't* pay; it was just that it was too much trouble.<sup>50</sup>

The Yazoo buyers had organized themselves into four joint-stock companies (arranged from smallest to largest): the Upper Mississippi Company, the Tennessee Company, the Georgia Mississippi Company and the Georgia Company. Not every company had the same strategy, but they had combined to execute the same overall plan, led by the Hampton and Gunn's Georgia

---

<sup>48</sup> See Henry Adams, *History of the United States of America During the First Administration of Thomas Jefferson* (Charles Scribner's Sons, 1889), 391.

<sup>49</sup> Jane Kamensky, *The Exchange Artist: A Tale of High-Flying Speculation and America's First Banking Collapse* (New York: Viking, 2008), 37.

<sup>50</sup> Per Morris in 1800: "If I had contented myself with those purchases and employed my time and attention in disposing of the lands to the best advantage, I have every reason to believe that at this day I should have been the wealthiest citizen of the United States." Sumner, *Robert Morris*, 148.

Company. The Georgia Company, was a complex corporate instrument, crafted to harness two disparate forces for profit in as little time as possible. The first was the land-lust of Georgia's political establishment. Georgia legislators knew the deal would be unpopular. While they debated the bill armed men had marched through the streets of Augusta promising retribution. The sovereign right of the legislature itself had been called into question and their lives threatened, but they took the bribes anyway.<sup>51</sup> The second force was the voracious appetite in Northern cities for securitized western lands. By 1795, land company shares were an extremely valuable commodity in the Northern exchanges. Little inducement would be necessary for the speculators to unload shares of their land companies at a profit.<sup>52</sup>

Some of those involved could hardly be called speculators at all. They were less acquainted with finance, and for them the land itself was the thing. One Tennessee Company partner, for instance, was western adventurer Zachariah Cox. Cox had occupied land around Muscle Shoals on the Tennessee River as early as 1785, and had been involved in the original attempt to buy the Yazoo Territory in 1789. In 1791 he'd attempted to form a settlement at Muscle Shoals only to be driven off by offended Cherokees. What he wanted was title to the land he had already taken on his own initiative.<sup>53</sup> With justice Cox might be called unscrupulous, but not a speculator. With others, motives were mixed. Hampton, for instance, was extraordinarily successful as a speculator, but also had vast aristocratic ambitions associated with the land itself. The two motivations were complimentary rather than contradictory.

---

<sup>51</sup> George Lamplugh, *Politics on the Periphery: Factions and Parties in Georgia, 1783-1806* (Camden, N.J. Associated University Presses, 1986), 115.

<sup>52</sup> Kamensky, *The Exchange Artist: A Tale of High-Flying Speculation and America's First Banking Collapse*.

<sup>53</sup> Charles Homer Haskins, *The Yazoo Land Companies* (New York: Knickerbocker, 1891), 8, 21-22.

To Georgia, the companies offered \$500,000 for the 35 million acres; to supportive legislators they offered sub-shares in the Georgia Company redeemable for 28,000 acres of the acquired land. As the an amendment to the Georgia Company's articles of organization put it after Governor George Mathews had signed the bill on January 7, 1795: "it has been found expedient to dispose of a considerable quantity of the said lands to diverse persons... parties have also found it necessary to distribute to a variety of citizens of this State certain sub-shares or quantities thereof, in order that the benefit of such purchase, if any there be, should be as generally diffused as possible."<sup>54</sup> All but one of the legislators who voted for the deal were bribed. The one who wasn't paid – Robert Watkins – had family members who were. It was probably a tactical maneuver. After the deal, Watkins, a representative of land-hungry, upcountry Georgians, emerged as its "pure" defender in the legislature and the press.<sup>55</sup>

The bribed legislators received certificates that were non-negotiable, meaning they were not easily transferrable to another holder, until after the companies' mortgage to the state had been paid off.<sup>56</sup> This left the sub-share holders hostage to the successful completion of the larger deal; only then could they sell out. If they did sell the deals would likely have to be private, negotiated with men who knew the land and the real risks involved in taking possession of them. They would have little access to the relatively liquid securities markets of Philadelphia, Boston or New York, where the grand speculators operated. If they didn't sell, they would have to make their fortunes at home. Any dreams of plantations, slaves and cash crops in the west remained subject, in some form, to Georgia's sovereign law. They had much to lose if the deal was repealed.

---

<sup>54</sup> *American State Papers*, vol. I, Public Lands (Washington: Gales and Seaton, 1832), I, 128.

<sup>55</sup> Lamplugh, *Politics on the Periphery: Factions and Parties in Georgia, 1783-1806*, 109.

<sup>56</sup> Livermore, *Early American Land Companies: Their Influence on Corporate Development*, 153.

## Jackson

*“The fire of speculation seemed to be extinct, but the embers remained only smothered for a while. In 1794 it kindled into a blaze...”*

*~From James Jackson’s private account of the Yazoo Scandal (n.d. - likely 1803).<sup>57</sup>*

A day before bill authorizing the Yazoo sale was signed, and nearly 700 hundred miles north, in snowy Philadelphia, James Jackson, the thin, sandy-haired, pugnacious Senator from Georgia, was growing frustrated.<sup>58</sup> Georgia lands already being hawked on the city streets, Gunn, his colleague in the Senate was mysteriously absent, and his right hand, cut by an oyster shell in Savannah several months before, remained swollen and infected to the shoulder making writing a painful task.<sup>59</sup> On the evening of Jan. 6, 1795, Jackson shot off a bitter letter to future Georgia Governor Josiah Tatnall:

“We are told the Sale is passed—& if so, I consider Georgia as having passed a confiscation Act of the rights of your Children & mine, & unborn Generations, to supply the rapacious graspings of a few sharks,” Jackson wrote. “300,000 Dollars have gone from this City since October, & two thirds of Georgia will be held & owned by Residents in Philadelphia, in Six Months.”<sup>60</sup>

At 38, Jackson was like eighteenth century Georgia itself, awash in contradictions. Both coupled a high-minded pluralism with an affinity for violence. Just 62 years before, the colony had been founded on high ideals. Georgia was the only North-American British colony to

---

<sup>57</sup> Reprinted in George White, *Statistics of the State of Georgia* (Savannah: W. Thorne Williams, 1849), 49.

<sup>58</sup> William Foster, *James Jackson: Duelist and Militant Statesman, 1757-1806* (Athens, Ga. University of Georgia Press, 1960), 31.

<sup>59</sup> James Jackson, *Letters of Sicilius* (Savannah, Ga., 1795), 37.

<sup>60</sup> The letter appears in an appendix to Thomas Charlton, *The Life of Major General James Jackson* (Augusta, Ga. F. Randolph & Co., 1896), 206-208. A letter dated November 12, 1794 in the same collection describes Jackson suffering from the oyster cut suffered before a dangerous sea voyage to the nation’s capital.

prohibit slavery, and, partially as a result, it became a sort of Southern refuge for high minded Atlantic adventurers. When John Wesley, the future founder of Methodism, arrived in Savannah in 1736, Creeks, Jews, French, Italians and Moravians all attended the same simple church.<sup>61</sup> Puritan rice planters that had settled south of Savannah in the 1750s in what became known as the Midway District, had established a haven of New England ideals in the Deep South that furnished the state with many prominent religious and political leaders.<sup>62</sup> Highland Scots and German-speaking Salzburgers had established family farming along the Savannah River, and strongly resisted an institution they felt would make their way of life obsolete.<sup>63</sup> But slavery arrived with all its concomitant degradation in 1751, six years before Jackson was born. By the time Jackson set off from his birthplace in Devonshire, England, to study law at a family friend's office in Savannah, it was an established fact. Still, memories of an earlier era had not faded entirely. Jackson remained a champion of what were called the "Old Georgians," the families that could still associate themselves with the older, more idealistic tradition.<sup>64</sup>

Like the Georgia, Jackson had come of age in the Revolution. The Revolutionary War in Georgia is all but forgotten, but it was one of the bloodiest, fratricidal struggles on the continent and lasted long after Cornwallis's surrender at Yorktown. The 1779 siege of Savannah alone had killed or maimed nearly a thousand patriots and their allies, making it as bloody as the better known Battle of Brooklyn but in a state that had just 13,103 free white men over the age of

---

<sup>61</sup> Betty Wood, *Slavery in Colonial Georgia, 1730-1775* (Athens: University of Georgia Press, 1984), 1.

<sup>62</sup> A. P Tankersley, "Midway District: A Study of Puritanism in Colonial Georgia," *Ga. Hist. Q.* 32 (1948): 149-149.

<sup>63</sup> Wood, *Slavery in Colonial Georgia, 1730-1775*, 59.

<sup>64</sup> Lamplugh, *Politics on the Periphery: Factions and Parties in Georgia, 1783-1806*, 96.

16 in residence in 1790.<sup>65</sup> The subsequent struggle between Tories and Patriots in the swamps and forested uplands of the back-country brutalized both sides. By the early 1780s, it was hard for Patriot commanders to keep captured Tories alive. “The party plunders without mercy and murders defenseless people just as private peak, prejudice and personal resentments shall dictate,” wrote General Nathaniel Greene in June 1781, describing his own men.<sup>66</sup> Jackson himself had been nearly assassinated by newly converted Loyalists placed under his command. His brother John died fighting for the other side, and for the rest of his life Jackson carried a dread of civil war.<sup>67</sup> “We have thrown a veil over our own actions, although they must still exist with impressions of horror on the minds of those, whose duty led them to behold them,” Jackson wrote.<sup>68</sup>

The struggle had bred a devil-may-care approach to personal danger which, along with the cult of personal honor, made Georgia a dangerous place to stand against another man’s interests.<sup>69</sup> Jackson exemplified this Georgia type. He had helped seized Tory powder supplies in 1775, led a charge at the siege of Savannah in 1779, and killed the sitting governor of Georgia in a duel, refusing amputation after he was shot through both knees, all by 22.<sup>70</sup> When British surrendered Savannah in 1782, Jackson – a colonel at 25 – thought he might renew the practice

---

<sup>65</sup> David Lee Russell, *The American Revolution in the Southern Colonies* (Jefferson, N.C. McFarland & Co., 2000), 123. U.S. Census Bureau, “1790 Census of Population and Housing,” Government Database, *1790 Census*, n.d., <http://www.census.gov/prod/www/abs/decennial/1790.html>.

<sup>66</sup> Clyde R. Ferguson, “Carolina and Georgia Patriot and Loyalist Militia in Action 1778-1783,” in *The Southern Experience in the American Revolution*, ed. Jeffrey J Crow and Larry E Tise (Chapel Hill: University of North Carolina Press, 1978), 192.

<sup>67</sup> Foster, *James Jackson: Duelist and Militant Statesman, 1757-1806*, 17.

<sup>68</sup> Jackson, *Letters of Sicilius*, 65.

<sup>69</sup> B Wyatt-Brown, *Southern Honor: Ethics and behavior in the Old South* (Oxford University Press, USA, 2007).

<sup>70</sup> It is a testament to the acceptability of personal violence in the early south that Jackson remains the only American to have killed the sitting governor of a state, only to subsequently be elected governor of that state. Foster, *James Jackson: Duelist and Militant Statesman, 1757-1806*, 1-6.

of law, but he was soon called back into action, and rose to the rank of general fighting a brush-fire war against the Creeks along Georgia's southern frontier.

Jackson had little time for reflection in this period. His letters were short and terse, commands more than communications.<sup>71</sup> But after being elected to federal office at the beginning of the decade he lived seasonally in Philadelphia. There, resting after nearly two decades of fighting, his letters took on a more leisurely, sophisticated tone. Upon arriving in the federal capital, Jackson – who had been elected “Most Worshipful Grand Master” of Georgia’s Masonic lodge in 1789, the same year he was elected to Congress – quickly became involved with a republican intellectual network that centered in the Philadelphia’s lodges and republican political societies.

In the 1790s these associations were nurseries of plural sovereignty, defending freedoms they saw as being endangered by speculation and overweening national government. They had taken the stand that “The government is responsible to its sovereign the people for the faithful exercise of its entrusted power.”<sup>72</sup> Many of these republican intellectuals were opposed to speculation and Alexander Hamilton’s plan for a more powerful central government, as part of a broad-based philosophy of power derived from the people.<sup>73</sup> “Speculation which was born in extortion, has been nursed in the arms of an ill-fated policy, and exhibits the features of its maturity in baseness, in fraud and in swindling,” a correspondent wrote to the *National Gazette* in April 1792. “It appears, that the schemes for th[r]owing magnificent wealth into the undeserving hands

---

<sup>71</sup> Lilla M. Hawes, *The Papers of James Jackson, 1781-1798* (Savannah: Georgia Historical Society, 1955).

<sup>72</sup> Matthew Schoenbachler, “Republicanism in the Age of Democratic Revolution: The Democratic-Republican Societies of the 1790s,” *Journal of the Early Republic* 18, no. 2 (July 1, 1998): 255.

<sup>73</sup> Richard Price, *Two Tracts on Civil Liberty: the war with America, and the debts and finances of the kingdom: with a general introduction and supplement* (London: T. Cadell, 1778), vii.

of a favorite few, and for undermining the republican barriers erected by the constitution, have opened the eyes of the people.”<sup>74</sup> Though Jackson clashed with Northern republicans over slavery, he soon found himself one of their champions against speculation, warning that “a spirit of havoc, speculation, and ruin has arisen” around Alexander Hamilton’s plan to fund government debt.<sup>75</sup>

Hamilton’s plan entailed consolidating government debt, obligations incurred during the Revolution that had languished during the Confederation, which he called “the price of liberty.”<sup>76</sup> “The price” consisted of several different varieties of debt securities: \$11 million in national debt – money lent directly by Americans to Congress, \$17 million in promises of payment issued to Revolutionary soldiers and civilians in lieu of wages and payment for supplies, \$13 million in “indents” – promised interest payments on all of the above, \$11 million in foreign debt and back interest, some \$25 million in state debts for a total of \$77 million.<sup>77</sup> All of these bonds were traded avidly in the exchanges of the Atlantic world at a deep discount to their face value, and speculators had bought up the paper for pence on the pound in anticipation of “funding.”<sup>78</sup> Under Hamilton’s plan, the government would assume the state debts, converting both state and federal obligations into new perpetual annuities whose interest would be paid regularly (funded) in gold and silver, restoring the nation’s credit. For those who had speculated it was a very lucrative proposition: Interest on a six percent annuity trading at 25

---

<sup>74</sup> A Correspondent, “Two parties...,” *National Gazette* (Philadelphia, April 30, 1792).

<sup>75</sup> Speech given Jan. 28, 1790. Congress United States, *Abridgment of the Debates of Congress, from 1789 to 1856. From Gales and Seaton’s Annals of Congress; from their register of debates; and from the official reported debates. By John C. Rives. By the author of the Thirty years view* (New York: AMS Press, 1970), 182.

<sup>76</sup> William MacDonald, *Documentary source book of American history, 1606-1913* (New York: The Macmillan Company, 1916), 235.

<sup>77</sup> Stanley M. Elkins and Eric L. McKittrick, *The Age of Federalism* (Oxford University Press US, 1995), 137-138; MacDonald, *Documentary source book of American history, 1606-1913*, 240.

<sup>78</sup> Elkins and McKittrick, *The Age of Federalism*, 139.

percent of its face or par value, as U.S. government debt was in 1789, is 24 percent per annum.<sup>79</sup> If the interest was paid regularly, the bonds would soon rise to their par value or beyond – quadrupling the speculators’ investment. The plan was extremely unpopular with republicans like Jackson, who saw it as a way to consolidate financial power under a unitary sovereign nation state, but it was widely supported among national politicians, many of whom had bought bonds either as a speculative investment or out of a sense of civic duty.<sup>80</sup> Congress adopted the plan in August 1790.

Jackson’s opposition to the “funding” bill cost him dearly. In 1791, he was refused his seat in the House of Representatives, despite evidence that the election had been stolen by his opponent, because he refused to support the bill.<sup>81</sup> In 1793, Georgia sent him back to the North, this time as senator. In the interim, Hamilton’s funding bill had made fortunes for speculators, and this new wealth had the effect of solidifying them as a political class as well as radicalizing their opposition.<sup>82</sup> In country a where families were still regularly plunging into the wilderness, risking all in a desperate gamble for prosperity, these fortunes made from legislative largess appeared unnatural, even unholy. The Norwich, Conn., *Norwich Packet* in 1792 printed a “NEW GENEALOGY” of the United States:

*SATAN* begat taxation, and taxation begat opposition, and opposition begat the war, and the war begat the old Confederation  
 And the old Confederation lived four hundred and three score days and begat speculation.  
 And the old confederation lived after he begat speculation on thousand three hundred and four score and ten days and begat sons and daughters.

---

<sup>79</sup> Gerard Caprio and Dimitri Vitas, *Reforming financial systems: historical implications for policy* (Cambridge University Press, 1997), 205. Donald F. Swanson and Andrew P. Trout, “Alexander Hamilton, conversion, and debt reduction,” *Explorations in Economic History* 29, no. 4 (October 1992): 418.

<sup>80</sup> Charles Austin Beard, *Economic Origins of Jeffersonian Democracy* (Macmillan Co., 1915), 167.

<sup>81</sup> “Letter from Major Doyle,” *General Advertiser* (Philadelphia, February 17, 1794).

<sup>82</sup> Schoenbachler, “Republicanism in the Age of Democratic Revolution,” 253.

*And all the days of the old confederation were four thousand three hundred and four score days and he died.*

*And speculation lived three score and 10 days, and begat the public debt.*

*And speculation lived after he begat the Public debt three thousand eight hundred and four score and ten days, and begat sons and daughters.*

*And all the days of speculation were -- (he is living to this day, and in all probability will live to the age of Methuselah.)<sup>83</sup>*

Many who had condemned the plan felt like fools for not profiting from their position in power.<sup>84</sup> Jackson himself was not immune to the temptation. Public service was expensive and risky. After nearly dying in a storm off the capes of Delaware on his way to Congress, Jackson wrote sarcastically to his old friend John Milledge that he had “a good mind” to “leave Congress and Congress things, turn speculator and go snacks at home with the best of them. There is a damn sight more to be got by it, depend on it... Speculation, oblivion & so on, I suppose, will go together.”<sup>85</sup> But the fight was not over.

## Jackson's Critique

*Certain characters viewed our western territory as a land of promise, not for all the good people of Israel, but for a few who possessed wealth and family influence, and who, by getting into their possession immense tracts of country, might soon command thousands of liege vassals bending the knee and paying them homage in their lordly principalities.*

*~From Jackson's personal account of the Yazoo Scandal (n.d.-likely 1803).<sup>86</sup>*

Sitting down that winter night in Philadelphia, swollen and angry, Jackson first sketched intellectual grounds for his opposition to the Yazoo speculators:

*“Nature & reason declare occupancy to be the true ground of right to land—Georgia reverses the principle, and instead of encouraging individual Settlements, declares that Speculating companies a thousand miles off, have the best right—Our Constitution breathes*

---

<sup>83</sup> “NEW GENEALOGY,” *Norwich Packet* (Norwich, Conn., July 5, 1792), 3. Quoted first in Stewart, *The Opposition Press of the Federalist Period*, 63.

<sup>84</sup> For Hamilton's own reluctance see Hamilton to Troup April 13, 1795, quoted in Gordon Wood, *The Radicalism of the American Revolution* (New York: Vintage Books, 1993), 265.

<sup>85</sup> Jackson to Milledge Nov. 12, 1794. Charlton, *The Life of Major General James Jackson*, 154.

<sup>86</sup> Reproduced in White, *Statistics of the state of Georgia*, 48.

*Republican & equality principles—Our Legislature, acting under it, establishes Aristocratic Bodies, in those Speculating companies—Vattel & all sensible writers on laws of Nations, declare a Government has no right to part with its Domain—Georgia sells the whole at a stroke.*"<sup>87</sup>

Jackson was describing a crisis of sovereignty, much like the one that had inspired many of the new Democratic Republican societies to form.<sup>88</sup> He and his fellow Georgians had entrusted their legislature with sovereign power over Georgia's public property, only to be betrayed by them. In this case what was a citizen to do? In most early American political thought sovereignty was recognized as having been derived from the people and then entrusted with their leaders.<sup>89</sup> If the state's sovereign power was entrusted to its legislature, along with the right to sell its vast public domain, then what right had Jackson and to complain? It might be called the organizational paradox of representative sovereignty. If the legislature was truly and unlimitedly sovereign, it was within its rights to sell the land, just as the King of England had the right to grant Maryland to Lord Baltimore.

Jackson had been confronted with the essential ambiguity of American political life. John Grenville Agard Pocock described it thusly, "Once representation became a means to the creation and establishment of a sovereign, the act of choosing - or acknowledging - a representative became logically almost the reverse of participation."<sup>90</sup> This interpretation of sovereignty was part of what Pocock called the Hobbesian strain of federalist thought: "Whatsoever he [the sovereign] doth, it can be no injury to any of his Subjects."<sup>91</sup> It was this interpretation – promulgated in part by Blackstone – that Washington had used to dismiss the

---

<sup>87</sup> Charlton, *The Life of Major General James Jackson*, 207.

<sup>88</sup> Eugene P. Link, *Democratic-Republican Societies, 1790-1800* (Octagon Books, 1973); Schoenbachler, "Republicanism in the Age of Democratic Revolution."

<sup>89</sup> John Grenville Agard Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton University Press, 2003), 517.

<sup>90</sup> Pocock, *The Machiavellian moment*, 518.

<sup>91</sup> Thomas Hobbes, *Leviathan* (London: Cambridge University Press, 1904), 122. Pocock, *The Machiavellian moment*, 518.

Democratic-Republican societies as “self-created.” It was a unitary vision of sovereignty, viewing government as “a supreme, irresistible, absolute, uncontrolled authority, in which the *jura summi imperii*, or the rights of sovereignty, reside.”<sup>92</sup> And yet Jackson evidently did not assume that the Georgia legislature had assumed unitary powers upon election; for him sovereignty, while partially delegated to the legislature, ultimately resided elsewhere.

In North America, the unitary interpretation of sovereignty, where the government “represented the realm as the head did the body,” had long been disputed.<sup>93</sup> Disputes over sovereignty had also led to disputes over property. Indeed, the two were conjoined, along with moral and religious authority. As Elizabeth Mensch put it in her survey of attitudes towards property rights in early New York, “The local republican community, the source of all moral and political authority, was conceived as the source of all property as well.”<sup>94</sup> People who held this organic notion of plural sovereignty naturally resented large proprietors being granted the land settlers had only acquired through years of communal effort.

Before and during the Revolution this vernacular attitude towards sovereignty and property rights had become widespread.<sup>95</sup> Those who held it, like Jackson, contrasted a government espousing “Republican” principles with speculative, “Aristocratic” bodies. Speculators, in this view, were aspiring aristocrats, men who sought to gain wealth as a route to power over their fellow men. In this revolutionary view, wealth was not neutral in republic; it had political implications. Pennsylvania militiamen had written in June 1776 that: “It is the happiness of

---

<sup>92</sup> William Blackstone, *Commentaries On The Laws Of England* (Oxford: Clarendon Press, 1765), 49.

<sup>93</sup> Pocock, *The Machiavellian moment*, 518.

<sup>94</sup> Mensch, “Colonial Origins of Liberal Property Rights,” 644.

<sup>95</sup> Brendan McConville, *These Daring Disturbers of the Public Peace: the Struggle for Property and Power in Early New Jersey* (Ithaca: Cornell U.P., 1999), 245-250.

America that there is no Rank above that of Freeman existing in it, and much of our future Welfare and Tranquility will depend on its remaining so forever, for this Reason, great and overgrown rich men will be improper to be trusted, they will be too apt to be framing Distinctions in Society, because they will reap the benefits of all such Distinctions."<sup>96</sup> Wealth itself was not the issue, but the power that wealth implied: "There are always a number of men in every State who seek to rise above their fellow-creatures, and would be so much above them as to have them and their estates at their disposal, and use them as them as their footstools to mount what height they please," wrote 'Spartacus' in the *New York Journal* that same month, just before the signing of the Declaration of Independence.<sup>97</sup> As the earliest European settlers in North America had learned, wealth was problematic because under a unitary sovereign it could be derived from the sovereign itself, a perk and prerequisite of political power.<sup>98</sup>

However, as Robert Gordon has pointed out, Americans' distrust of wealth was paradoxical.<sup>99</sup> To many Americans property was liberty, as is demonstrated by the property qualifications to vote in most states. Federalist John Adams wrote in 1790 that: "Property must be secured, or liberty cannot exist."<sup>100</sup> And yet too much property in the hands of too few was illiberal. Power and wealth, Jackson and other classically informed Americans understood, went together. Jackson knew this from experience; his own property had been confiscated from loyalists and granted him by Georgia for his services in the Revolution. The connection between power and wealth was considered acceptable so long as the best men were also the wealthiest,

---

<sup>96</sup> Eric Foner, *Tom Paine and Revolutionary America* (Oxford University Press US, 2005), 129.

<sup>97</sup> Quoted in Smith, *The Freedoms We Lost*, 137.

<sup>98</sup> Robert Gordon, "Paradoxical Property," in *Early Modern Conceptions of Property, Consumption and Culture in the 17th and 18th Centuries* (New York: Routledge, 1996), 96.

<sup>99</sup> Following Gordon, "Paradoxical Property."

<sup>100</sup> John Adams, *Discourses on Davila* (Boston: Russell and Cutler, 1805), 92.

the natural aristocracy that republican theorists had long predicted and Adams championed. But in a representative democracy this presented a novel problem because legislators would have the means to gain wealth at the expense of their constituents. With those kinds of temptations facing everyone in power, how long could a truly democratic form of government be expected to last?<sup>101</sup> For federalists, like Adams, the answer had been to put power into the hands of those were already wealthy and supposedly beyond temptation. For republicans and Jackson, the answer was to prevent sovereign power from conferring property rights for the benefit of a well-connected “aristocratic” few. Corrupt grants of property rights were well nigh impossible to prevent under a unitary sovereign. The solution was a divided, plural, sovereignty, under which power and property would remain accountable to the people themselves.

The republican understanding of sovereignty was at a disadvantage, though, because while it was widely implicit in American conceptions of government, it had rarely been made explicit. In particular, the connection between a plural sovereignty and property had rarely been argued. As Jackson turned his energies towards reversing the Yazoo sale, he must have realized this deficiency for he set out to correct it.

### The Letters of Sicilius

*“It is from great first principles which the patriots of Georgia so gloriously appealed, that we must look for aid in such extremity... Attorneys and judges do not decide the fate of empires.”*  
 ~Virginia Congressman John Randolph, opposing Yazoo-related compensation in the House of Representatives, February 1804.<sup>102</sup>

---

<sup>101</sup> For Nedelsky, this is one of the biggest problems left unsolved by Constitution’s focus on preserving property rights “This formative focus on property resulted in the neglect of two crucial issues: the means of fostering popular participation in government *and the relationship between economic and political power*. Both our institutions and our tradition of political thought still betray this original neglect.” J. Nedelsky, *Private Property and the Limits of American Constitutionalism: The Madisonian Framework and Its Legacy* (University of Chicago press, 1994), 2.

<sup>102</sup> Quoted in William Cabell Bruce, *John Randolph of Roanoke, 1773-1833* (New York: G.P. Putnam’s Sons, 1922), 190.

When the legislative session in Philadelphia was over, Jackson sailed back to Georgia, taking up residence at his plantation outside of Savannah. He had been busy, putting together what would become the bible of the Georgia's resistance to speculation: the *Letters of Sicilius*. The nom de plume Sicilius is likely a Shakespearean reference to Jackson's own background. In Shakespeare's *Cymbeline* Sicilius is an honored elder general, much as Jackson himself was. The *Letters*, have been noted as the unifying statement of a new Georgian political ideology, but little attention has been paid to what that ideology might be.<sup>103</sup> Jackson distributed the letters secretly to picked allies throughout the state. These allies used them first to unify opposition to the Yazooists, and then to elect a new legislature that would repeal the sale. Georgians were angry over the sale, but their anger lacked intellectual structure.<sup>104</sup> The *Letters* gave them that, and spawned a political movement that would dominate Georgia politics for a generation and inspire opposition to speculation and states' rights advocates for decades after.

The *Letters* started with a call to action. Jackson wrote that the rights of citizens had been "invaded by the sale" and that they should "take those steps which the preservation of your liberties and the security of the principles of your government, may dictate to you as necessary and proper."<sup>105</sup> It sounded like incitement to violence, and indeed blood had already been spilt. State Senator Robert Thomas was tracked down and killed in South Carolina fleeing constituents who had threatened to have him "tied to a sapling and whipped."<sup>106</sup> At heart, though, Jackson's

---

<sup>103</sup> Lamplugh, *Politics on the Periphery: Factions and Parties in Georgia, 1783-1806*, 133.

<sup>104</sup> Ibid. See also George R. Lamplugh, "'Oh the Colossus! The Colossus!': James Jackson and the Jeffersonian Republican Party in Georgia, 1796-1806," *Journal of the Early Republic* 9 (1989): 315-334.

<sup>105</sup> Jackson, *Letters of Sicilius*, 4.

<sup>106</sup> White, *Statistics of the state of Georgia*, 50. Absalom Harris Chappell, *Miscellanies of Georgia* (Columbus, Ga. T. Gilbert, 1874), 119-120.

*Letters* were an appeal to Georgia's history of revolutionary idealism.<sup>107</sup> In making this appeal, he sought to make a broad critique, a statement of first principals, giving voice to what may have been only assumptions in the minds of republican Georgians up to that time. Instead of merely denouncing the Yazoo purchase as a fraud, he sought to challenge the understanding of sovereignty and property rights that had allowed it to happen.

### **"The Soul of a Democratic Republic"**

*"...It is the duty of a democratic republic, to keep its citizens as near an equality as possible; at least not to contribute to an inequality, by any act of government."* ~James Jackson, *Sicilius Number II*, 1795.<sup>108</sup>

Jackson's object was complicated for the connection between sovereignty and property, while obvious perhaps, is not simple. In the *Letters* one can see Jackson working it out as he goes along. First he attempted to establish the basis of property rights in a republic. Civilization had advanced in stages, Jackson wrote in *Sicilius I*, from the transient property of wandering tribes, to the defined ranges of nomadic herdsman, on to the "right of soil" derived from the "agricultural state." "This individual right of soil is universally admitted to have been founded on occupancy alone," Jackson wrote.<sup>109</sup> Under this order, all individuals were relatively equal, limited as they were to the land they themselves could use – a situation similar to that found in pre-Revolutionary eighteenth century America.<sup>110</sup> This nature order was soon disturbed, Jackson surmised, by the emergence of the state, which offered individuals other ways of acquiring land. "Human institutions, which partake of the frailty of man, and have his passions and prejudices, his avarice and ambition, worked into the very essence of them, soon perverted this natural

---

<sup>107</sup> Lamplugh, *Politics on the Periphery: Factions and Parties in Georgia, 1783-1806*, 96.

<sup>108</sup> Jackson, *Letters of Sicilius*, 13.

<sup>109</sup> Jackson, *Letters of Sicilius*, 5-6.

<sup>110</sup> K. L. Sokoloff and S. L. Engerman, "History lessons: Institutions, factors endowments, and paths of development in the new world," *The Journal of Economic Perspectives* 14, no. 3 (2000): 223-224.

system,” Jackson wrote, “and abridged equal and natural rights, not only where the advantages of civil society, required innovation on them, but where no plea could be formed for it.”<sup>111</sup>

Jackson was not arguing against the right to property itself but debating its institutional form, the authority that could enforce property rights. His interpretation implies that a system of property defined not just economic but political power, and the relationship between the two was recursive. Vast disparities in wealth, in Jackson’s view, would lead inevitably to vast disparities in power and vice versa. Personal property was sacred, but property that would tip the balance of power was anathema: “There is no natural connexion between the blessings of civil liberty, and vast monopolies of land, which have ever tended to the tyranny and oppression of a few, over the equitable rights of the many,” Jackson wrote.<sup>112</sup> In other words security in property was necessary for civil liberty, but concentrations of property tended to destroy it. Thus for a republic to give away its wealth to “some lordling of the speculating tribe” was institutional “felo de se,” Jackson wrote, a criminal act of suicide.<sup>113</sup> Equality “is the soul of a democratic Republic,” Jackson continued, and “it is the duty of a democratic republic, to keep its citizens as near an equality as possible; at least not to contribute to an inequality, by any act of its government... thus breaking down the chief duty of our state to itself, the preservation of its democratic existence.”<sup>114</sup> General equality may very well have been an unattainable ideal, as federalists had argued, but the representatives of a democratic republic should not actively encourage disparities of wealth and power.

---

<sup>111</sup> Jackson, *Letters of Sicilius*, 7.

<sup>112</sup> Jackson, *Letters of Sicilius*, 9.

<sup>113</sup> *Ibid.*, 22, 14.

<sup>114</sup> *Ibid.*, 8, 13, 21.

What was at stake was the state's common property, the land that had been off-loaded wholesale to the Yazoo speculators. Georgia's vast territory, quite obviously, could not be held by an individual, under the "natural" system of property rights Jackson found most amenable to the freedoms of a republic.<sup>115</sup> Instead it was held by the state, in trust, for its citizens. "Every individual possesses an equal right or share of this common property, with every other individual of society... and yet no individual has a right to carve out a particular portion for himself... [which] necessarily leads me to examine the power a sovereign or legislature possesses, over such common property."<sup>116</sup> According to Jackson, the legislature, rather than fully sovereign, has been deputed elements of sovereignty from the larger body politic, which retains any undeputed rights. The "legislative power" is "only a delegate power for particular purposes," Jackson wrote.<sup>117</sup> As a result it had no inherent right to sell off common property, a right that could only be ceded explicitly by the people.

## Plural Sovereignty

*"I must create a system of my own, or be enslaved by another man's."*  
~William Blake, *Jerusalem*, Chapter I ca.1804<sup>118</sup>

At first Jackson seemed to waffle over the question of sovereignty's ultimate residence. Jackson had been trained as a lawyer, and in Blackstone's construction if government was by "council, composed of selected members" it was in their bodies that sovereignty resided.<sup>119</sup> "The Monster (or Legislature,) who does not love his people, can be only an odious Usurper," Jackson

---

<sup>115</sup> "The republican form of government has done least violence to nature." Ibid., 7.

<sup>116</sup> Ibid., 11.

<sup>117</sup> Ibid., 17.

<sup>118</sup> William Blake, *Jerusalem* (A.H. Bullen, 1904), 8.

<sup>119</sup> Blackstone, *Commentaries On The Laws Of England*, I:49.

wrote in *Sicilius III*.<sup>120</sup> A usurper seizes sovereignty through injustice or force, but use of the word implies there was a legitimate unitary sovereignty to be seized. The usurper then, took power as a result of corruption or a failure of virtue, but the locus of power itself went undisputed. This was an old way of thinking about power in the Western European tradition, one a thinker as indebted to classical ideals as Jackson found hard to shake. It was also a view that did not lend itself to radical institutional reappraisals: “Humanist political thought excelled at this sort of analysis, and subordinated consideration of power to it,” Pocock wrote. “Liberty, virtue and corruption, rather than the location of authority, were its prime concerns.”<sup>121</sup> But Jackson soon rejected the legislature’s “absolute sovereignty without limits” for exactly the same reasons Pocock’s theory suggests.<sup>122</sup> To complain about corruption and fraud, which Jackson initially thought were the strongest arguments against the Yazoo sale, did not go far enough.<sup>123</sup> A complete rethinking of the principles of representative government was needed:

“It is a political axiom, on which our governments federal and state were built, and which no one, worthy of the name of freeman, will deny: That all power is derived from the people. This power is the grant I take the constitution to be, resting the conduct of the government in certain persons, agreeably to the precisely expressed tenor of that grant or constitution... The king of England is only the agent of the nation; but the constitution of Georgia is a grant of the nation itself, which is the transcendent authority. The legislature of Georgia, is no more than the agent or attorney under this grant.”<sup>124</sup>

In essence, Jackson was making the claim that the people, not the government they elect, remain sovereign. This may seem to be a fine point, but its implications are enormous. If the people are sovereign, any act taken by their representatives that goes against their assembled

---

<sup>120</sup> Jackson, *Letters of Sicilius*, 20.

<sup>121</sup> Pocock, *The Machiavellian moment*, 316.

<sup>122</sup> Jackson, *Letters of Sicilius*, 21.

<sup>123</sup> Lamplugh, *Politics on the Periphery: Factions and Parties in Georgia, 1783-1806*, 123.Ibid.

<sup>124</sup> Jackson, *Letters of Sicilius*, 23.

wills is not only illegitimate, but void, as Jackson puts it, “a mere nullity.”<sup>125</sup> The intention of the citizenry, not its agents, becomes the prime concern. In Blackstone’s terms, such a government would be a sort of democracy: “when the sovereign power is lodged in an aggregate assembly consisting of all the members of a community,” except – and this was the key ambiguity – the power had been deputed rather directly retained.<sup>126</sup> Sovereignty, then, had changed hands, but only in the sense that the police power of the state has been handed to a policeman. The legislature was entrusted with explicitly delegated elements the plural sovereign power of the state, and like a policeman, could be held accountable for actions in its role as agent. While *exercising* the prerogatives of sovereignty it did not *possess* them, and ultimately it was answerable to a broader authority. When it came to the Yazoo act, the implications were obvious. Whatever the legislature might have thought, the Yazoo sake had been undoubtedly enacted against the will of the plural sovereign.

### Implications of Plural Sovereignty: Opposition to Speculation

*“Speculate, v. to meditate, to contemplate  
 Speculation, s. view; contemplation; a mental scheme not reduced to practice  
 Speculative, a. contemplative; ideal  
 Speculator, s. one who forms theories”  
 ~Johnson’s Abridged English Dictionary, ca 1798.<sup>127</sup>*

By connecting property rights to sovereignty and defining sovereignty as plural Jackson had set the grounds for his fundamental critique of the Yazoo speculators’ gambit. “Pause here, for a moment, fellow citizens, and ask yourselves, if ever it was your intention, to constitute a legislature with powers to make so shameful and diabolical a waste of public treasure,” Jackson

---

<sup>125</sup> Ibid., 22.

<sup>126</sup> Blackstone, *Commentaries On The Laws Of England*, I:49.

<sup>127</sup> Samuel Johnson, *Johnson’s Dictionary of the English language, in miniature [ed. by J. Hamilton]. By J. Hamilton*, ed. Joseph Hamilton, 9th ed. (London: T.N. Longman, Paternoster Row, 1798), 204.

wrote at the end of *Sicilius VI*. “The corruptions of a Walpole, the squanderings of a Pitt, and the extravagances of a Marie Antoinette, are all eclipsed by this abominable act.”<sup>128</sup> The public did not approve, so the act was illegitimate. But it was not just the act itself that was a “nullity.” Jackson had to prove that the property conveyed by the act, the securities created relying on the Georgia Legislature’s corrupt land grant, was also illegitimate. Jackson’s end was to create a connection between property rights and the sovereign body that legitimates them.

Jackson first attempted to distinguish legitimate, republican “wealth” in property from that produced by speculation. “It is a truism that the wealth of any country consists in its population, or persons to till and cultivate the ground, and others to afford a market by purchasing or consuming the produce of it.”<sup>129</sup> Note that he was not taking an agrarian view of the economy, as has often been ascribed to republicans in general based on several out-of-context comments in Jefferson’s *Notes on Virginia*.<sup>130</sup> Jefferson’s statements in the *Notes* are out of context in the sense that they were meant as a political statement, a unifying articulation of the ideology of Jefferson’s Virginia specifically, which was largely an agricultural state. Elsewhere Jefferson was as eager for commerce and manufacture as many of his contemporaries. He was no fool, and, like Jackson, he saw speculation as opposed to *all* forms of other economic activity, not just farming. Writing Edward Rutledge of South Carolina in August 1791, during the same burst of bank-note speculation that caused Rush’s patient to drop dead, Jefferson made his views plain: “What do you think of this scrippomony? Ships are laying idle at wharfs, buildings are stopped, capitals withdrawn from commerce, manufactures, arts, and agriculture to be employed in

---

<sup>128</sup> Jackson, *Letters of Sicilius*, 38.

<sup>129</sup> *Ibid.*, 42.

<sup>130</sup> Pocock, *The Machiavellian moment*, 543. Followed by Appleby, *Capitalism and a New Social Order: The Republican Version of the 1790’s*; Drew McCoy, *The Elusive Republic: Political Economy in Jeffersonian America* (New York: Norton, 1982).

gambling, and the tide of public property almost unparalleled in any country is arrested in its course, and suppressed by the rage of getting rich in a day.”<sup>131</sup> Contrary to Drew McCoy’s view, speculation or “scrippomony” was not shipping, not the carry trade, not commerce.<sup>132</sup> Here that Jackson was writing to oppose it with, as he put it now put it, “the ultimate jurisdiction of the people.”<sup>133</sup>

The first difficulty was to figure out how to define what had been granted by the legislature. Georgia’s wilderness land – all 35 million acres of it – stood outside of the realm Georgian jurisdiction. Unlike typical land grants, which were given out almost indiscriminately in 1000 acre increments by Georgia’s governors, the land sold in the Yazoo deal was not within any existing Georgia county. Thus the sale seemed to have offered not only land but the actual prerogatives of sovereignty to the purchasers, who would be able to decide when, if ever, the new lands were politically integrated into Georgia itself. Moreover, since the title and the mortgages that secured them were not located in a county, they were literally beyond the law. There was no Georgia court that would be able to hear a case against them.<sup>134</sup> This, as Jackson had argued, was a contradiction. As a mere deputy, the legislature could not alienate sovereign rights it did not possess. Therefore, property rights were all that had been conveyed, which fit within Jackson’s previously established schema. But that schema soon proved inadequate. Jackson first sought to redefine the grant as, a “squandering of the public property.”<sup>135</sup> But if

---

<sup>131</sup> Thomas Jefferson, *The Writings of Thomas Jefferson*, vol. 3 (New York: J. C. Riker, 1854), 284.

<sup>132</sup> “...in their attempt to stimulate a highly commercialized economy anchored to such premature and speculative ventures as an over-extended carry trade.” McCoy, *The Elusive Republic: Political Economy in Jeffersonian America*, 185. “Americans were also aware, however that their present prosperity was grounded on the sudden expansion of foreign commerce... Perhaps the strongest anxiety in this regard was that a booming prosperity would unleash a destructive spirit of speculation...” Ibid., 171-172.

<sup>133</sup> Jackson, *Letters of Sicilius*, 47.

<sup>134</sup> Ibid., 29.

<sup>135</sup> Ibid., 42.

property is squandered, the implication is that the squanderer was truly sovereign – the unitary view. The sovereign may be misguided, like George III, but it would have been within its rights to make the sale.

Finally Jackson settled on defining what the Yazoo speculators had purchased, somewhat problematically from his perspective, as a “fund,” or “stock.” Jackson defined a stock, quoting Thomas Sheridan’s dictionary, as “a fund, established by the government, of which the value rises or falls by artifice or chance.”<sup>136</sup> Yazoo supporters had apparently argued that the sale was justified under a clause in the Georgia constitution allowing the state to draw on “public funds” of the state, if appropriated by law.<sup>137</sup> If the lands could be defined as a public “fund,” then the deal would be legal, like any other legislative draw on the public purse. At first, Jackson rejected this reading. “...Land, although it may be a source of a fund, is no fund in itself,” Jackson wrote, arguing against the logic of a financial abstraction of real property. But then, perhaps recognizing the value of the terminology within his interpretation of sovereignty, he immediately reversed himself. “But I will... [enter] so far into the speculating principle, as to admit, that land may be a fund: but for this land to become a fund, must be first appropriated for that purpose; thus, for instance, the confiscated lands might be called a fund, for sinking our auditors’ certificates.”<sup>138</sup>

Jackson was referring to a practice common in the Early Republic, making public debt redeemable for public lands. This sovereign practice seems to offer him a breakthrough: financial abstraction of “land” into a “fund” was only possible with governmental authority, when it has been “appropriated for that purpose.” In other words, land as fund, land as financial abstraction

---

<sup>136</sup> Ibid., 26; Thomas Sheridan, *A Complete Dictionary of the English Language* (London: Dilly, 1789).

<sup>137</sup> Jackson, *Letters of Sicilius*, 25; “Georgia Constitution of 1789”, n.d., Article 1, Section 17, <http://georgiainfo.galileo.usg.edu/con1789.htm>.

<sup>138</sup> Ibid., 26.

relied, like the sale itself, upon the authority of the people -- the will of the plural sovereign.

Thus, it too could be annulled. The only thing necessary was for the people to assert their right to render null the property rights their deputies had wrongly given away. As Jackson put it in his conclusion to *Sicilius VIII*:<sup>139</sup>

“The enormous gain of the speculator, and the magical conversion of funds of the state into the funds of the individual, have already been pointed out; the inequality, the hate of frugality are produced; the love of virtue and democracy are destroyed; speculation, monopoly and aristocracy are triumphant; and the democratic republic is... on the point of being utterly undone.

Will you permit this fellow citizens? Will you suffer this violation of fundamental law? Will you silently behold the dearest privileges of American Liberty destroyed, in the destruction of the chief principle of democratic representative government? A government your fathers bled for, and many of yourselves fought for. What though those speculators tell you, why this outcry? what attack has been made on government? reply to them, countrymen... that it is seldom that a nation is openly attacked; but that it is by constant and almost imperceptible assaults, that a nation loses its liberty...

It remains to you to decide whether you will nip this aristocratic influence in the bud, or leave it to be torn up by your children by the roots provided the tyrannous monopoly and its consequences shall not have swallowed up in its voracious vortex your children's liberties, by preventing their principles, and thus rendering them subservient to the base and servile passions of a few Nabobs...

Patience and moderation are no longer virtues, but the most infamous offices, and will be detested, with their owners, as the sycophants of a venal day.”<sup>140</sup>

Georgians responded to Jackson's call. Across the state grand juries began collecting evidence to document the legislature's corruption. Legislators who had voted for the Yazoo act were black-listed and new representatives were chosen, specifically, to repeal the sale. Finally, on October 30, a delegation of Savannah citizens made a trip outside the city to Jackson's plantation. Jackson still had four years left in his term as a senator, but they carried a petition asking him to forfeit them. They felt that his efforts would be better put to use shepherding the repeal act through the state. Jackson's affirmative answer, reported later in Savannah newspapers, summed up the principles he had spent the year deriving: "...An enormous sale to a

---

<sup>139</sup> Pocock, *The Machiavellian moment*, 513-525.

<sup>140</sup> Jackson, *Letters of Sicilius*, 49-50.

few individuals ... is opposed to our constitution and form of government, destructive of the public revenue, and contrary to the equal rights of all our fellow citizens.”<sup>141</sup> He was going to take Georgia back.

### Yazoo-Men at Work

*“See those who o'er the State preside,  
And all its secret Motions guide,  
With what Philanthropy and Zeal  
They twirl it round the Lottery Wheel”  
~ From “Speculation; or, A Defense of Mankind” by Christopher Anstey, 1780<sup>142</sup>*

While Jackson was writing his *Letters*, Yazoo’s grand speculators were scrambling to put deals together. Less the \$100,000 cash down payment, a quarter of which came from Supreme Court Justice James Wilson, they had to come up with \$400,000 in cash by Nov. 1. The property rights, the speculators’ “stock” as Jackson had put it, had been mortgaged for the remaining sum and would be forfeit if the balance went unpaid. Even today, \$400,000 is not a small amount of money. In 1795 it was enormous. Understandably, the grand speculators immediately set-out left for the north and northern capital, leaving their petty-speculating allies and paid politicians to defend the deal in the court of public opinion.

As the federal constitution made explicit in Article I’s interstate commerce clause, once property crossed state lines national rather than state sovereignty was engaged. Thus selling the land out of state was likely a high priority. Not only was Georgia a relatively poor frontier state with few prominent citizens that weren’t actively engaged either for or against the Yazoo affair, but it was only place a challenge like Jackson’s could be credibly mounted. While opposition to speculation was a factor on the national level, congress – the debate over Hamilton’s plan had

---

<sup>141</sup> Lamplugh, *Politics on the Periphery: Factions and Parties in Georgia, 1783-1806*, 130.

<sup>142</sup> Anstey, *Speculation; or, A defence of mankind*, 35.

illustrated – was unlikely to intervene directly. The judiciary was already in the unitary camp, as demonstrated by Justice Wilson’s active participation. President Washington – who was worried that the Yazoo sale would incite the Creeks as it was partially their land that had been sold – had participated in and tolerated land speculation.<sup>143</sup> There was no regulatory body outside of the three branches of the federal government to arbitrate. Overall, the national scene was a much easier place – perhaps the only place – for a grand speculator to operate. Only one sovereign remove was enough to insulate their Georgia-derived property rights from Georgian sovereignty.

Hampton, a handsome, imperious scion of an ambitious Virginia family, was arguably the most sophisticated of the Yazoo speculators. Like Robert Morris, Hampton had gotten his start supplying the army in the Revolution, and his operations had only grown from there.<sup>144</sup> By 1795 he was a ruthless, well-connected planter/financier and as a South-Carolinian, he knew Georgia and its political class well. He was involved with three of the companies, and had a different strategy for each. Like Cox, he planned to keep his Tennessee Company land, but the rest was pure speculation.

Hampton bought out his partners’ stake in the Upper Mississippi Company ten days after the act was signed and flipped it for \$120,000 on March 6 to a group of three other South-Carolina speculators, one of whom immediately set out for Europe – a further sovereign remove – hoping to hawk the Georgia lands abroad.<sup>145</sup> Less the purchase price of \$35,000, Hampton had grossed

---

<sup>143</sup> Francois Furstenberg, “French Land Speculation in the United States: New Perspectives on the Eighteenth-Century American Dream” (presented at the American Origins Seminar of the USC Huntington Early Modern Institute, Los Angeles, 2009), 30.

<sup>144</sup> Charles Edward Cauthen, *Family Letters of the Three Wade Hamptons, 1782-1901* (Charleston: University of South Carolina Press, 1953), xii.

<sup>145</sup> Thomas Perkins Abernethy, *The South in the New Nation, 1789-1819* (Baton Rouge: Louisiana State University Press, 1961), 149.

\$85,000 in less than two months.<sup>146</sup> His biggest interest was a 60 percent financial stake in the massive Georgia Company, which had arranged to buy 17 million acres for \$250,000 – nearly half the overall Yazoo purchase. As controlling “share” holders, Hampton and his partner Senator Gunn could profit from the company even if none of their “sub-share” holders ever got to see their land by selling the property rights the company had not already invested in legislative corruption.<sup>147</sup> Uncharacteristically, Hampton seems to have left the deal in Gunn’s hands. The senator had some trouble closing the deal. Summer was almost over when, with the help of New York Senator Rufus King, Gunn struck a deal selling the remaining sub-shares for \$225,000 to Morris associate James Greenleaf. They had grossed \$25,000 for their trouble, and kept control of the company – rights they would later sell off for further profit.<sup>148</sup>

Greenleaf, a magnificent operator, had also gained control of the Georgia Mississippi Company, and immediately flipped most of the shares to his associates in Boston and New York, keeping some in trust to fend off creditors. The Boston buyers – who later formed themselves into the New England Mississippi Land Company – paid Greenleaf \$1.375 million for rights to land he had purchased for about \$215,000.<sup>149</sup> Another 2.8 million acres were sold to Nathaniel Prime, the first president of what became the New York Stock Exchange.<sup>150</sup> That fall, as Georgians were getting to ready to elect a new legislature under Jackson’s direction, Yazoo land

---

<sup>146</sup> Ibid., 142.

<sup>147</sup> Livermore, *Early American Land Companies: Their Influence on Corporate Development*, 152-153.

<sup>148</sup> Lamplugh, *Politics on the Periphery: Factions and Parties in Georgia, 1783-1806*, 125.

<sup>149</sup> Kamensky gives a good description of trading in Yazoo land after Greenleaf disposed of it. Kamensky, *The Exchange Artist : A Tale of High-Flying Speculation and America’s First Banking Collapse*, 30.

<sup>150</sup> Livermore, *Early American Land Companies: Their Influence on Corporate Development*, 152-154. Janice Traflet, “Street of Dreams - Boulevard of Broken Hearts: Wall Street’s First Century - Review,” *Business History Review* 77, no. 4 (Winter): 754.

scrip went on auction at the Tontine Coffee House, on the corner of Water and Wall Streets in Manhattan, far removed from Georgia's "purifying season."<sup>151</sup>

## State of Facts: The Unitary Defense of Yazoo Purchases

*"It is no good objection to the validity of a title to property, that the proprietor may use it in such a manner, as to become inconvenient to the public."*  
~*State of Facts, defense of Yazoo purchases ca 1795.*<sup>152</sup>

Back in Georgia, the message of Jackson's *Letters* had created a political firestorm. All across the state, citizens issued official protests and filled republican newspapers with evidence of their displeasure. But the Yazoo men were now a powerful, well-motivated constituency, and were quick to issue rebuttals. Georgia was not the only court of public opinion that was in play, however. Word of the Yazoo companies' questionable practices had spread as far as the speculators' potential markets.<sup>153</sup> While the trouble in Georgia was not considered a threat to the speculators' property rights, it may very well have lowered share prices. In an attempt to clear the air, in 1795 the speculators issued a pamphlet entitled *State of Facts: Shewing the Right of Certain Companies to the Lands Lately Purchased by Them from the State of Georgia.*<sup>154</sup> While attempting to prove the validity of the four companies' property rights, the anonymous writers of *State of Facts* also reveal the vastly different set of assumptions regarding sovereignty.

It may be useful at this point to return to John Marshall's reflections on the political divisions of the 1790s. Marshall contrasted the "indulgent" republican party with a federalist party that "struggled with unabated zeal for the exact observance of public and private arrangements." For

---

<sup>151</sup> Robert Sobel, *The Big Board: A History of the New York Stock Market* (Washington D.C. Beard Books, 2000), 21-22.

<sup>152</sup> *State of Facts* (Philadelphia: n.p., 1795), 12.

<sup>153</sup> *Ibid.*, 3.

<sup>154</sup> *State of Facts*.

the federalists, as Marshall saw it, the “faith of a nation or of a private man was deemed a sacred pledge, the violation of which was equally forbidden by the principles of moral justice and of sound policy.”<sup>155</sup> Having bribed the Georgia legislature into selling their common property, *State of Facts* set out to defend the sale on Marshall’s moralistic terms. Lines of attack were numerous and at times verged on self-contradiction, but they are of all of a kind, a federalist handbook of unitary economic morality.

The first item the anonymous author of *State of Facts* attempted to prove is the right of the sovereign state to sell the land. To make this case, *State of Facts* argued that each state, after the signing of the Declaration of Independence, had assumed sovereignty, not as a population but as a political body: The states “were *each* entirely, absolutely, and unlimitedly sovereign; possessing *separately* all the rights of empire, of jurisdiction, and domain, acknowledged by the law of nations, to be attached to complete sovereignty.”<sup>156</sup> By sovereignty, *State of Facts* quite explicitly means the same rights that had previously been possessed by George III. “It is extremely clear, and indeed has never been controverted, that all the rights which the king of Great-Britain, as the sovereign of these colonies... were instantly transformed by the declaration of independence to that state whose limits they were.”<sup>157</sup> In other words, the citizens were in a sense still subjects, but they were subject to a new power, the state rather than the king. As discussed by Pocock above, it was a power they themselves had created, but a separate power nonetheless.<sup>158</sup>

---

<sup>155</sup> Beard, *An Economic Interpretation of the Constitution of the United States*, 297.

<sup>156</sup> *State of Facts*, 5.

<sup>157</sup> *Ibid.*, 6.

<sup>158</sup> *Intra*, 20-21

As a “compleat” sovereign, *State of Facts* argued, the state of Georgia, not its people, inherently possessed the “unalienable” sovereign right to sell its western lands, or rather – and perhaps this is too fine a point – the rights of “pre-emption” to those lands.<sup>159</sup> The author acknowledged that the land was currently possessed by Native Americans, but argued that under treaties they had a “right of possession and use, without any right in the soil itself.” The authors opposed this “use” right to the rights the Yazoo companies sought: “A right to property in the soil, without possession.”<sup>160</sup> In effect, *State of Facts* argued on behalf of the right of land to be sold as a financial abstraction – the right to sell and trade aspects of a right to land, as opposed to the land itself. “What has this to do with territorial sovereignty?” *State of Facts* asked. “This right in the soil is simple and absolute in its nature, and is, by long usage, and principles of law, no less alienable than any other contingent or reversionary interest in lands whatsoever.”<sup>161</sup> The notion that granting such rights could empower a semi-feudal aristocracy was dismissed out of hand. “Mischiefs” may ensue if rights to Native American land were granted, the author allowed, but “it is no good objection to the validity of a title to property, that the proprietor may use it in such a manner, as to become inconvenient to the public.”<sup>162</sup> Like elected powers, property owners could stand absolute on their rights.

*State of Facts*, ironically, also turned the speculators’ claims into a kind of States Rights argument, saying that even the U.S. government – charged with regulating “commerce” and “intercourse with the Indian Tribes” – couldn’t interfere with the property rights speculators had purchased from Georgia. “How far they can go in regulating intercourse... is extremely doubtful.

---

<sup>159</sup> *State of Facts*, 10.

<sup>160</sup> *Ibid.*, 11.

<sup>161</sup> *Ibid.*, 12.

<sup>162</sup> *Ibid.*

It can scarcely be supposed that buying and selling land, can be considered as commerce.”<sup>163</sup> In sum, Georgia had sold the rights, and was no longer involved, while the federal government was not allowed to interfere. The rights were now the speculators’ absolute dominion.<sup>164</sup> They, not the state or federal sovereign, would deal with the “ignorant, and needy Savages.”<sup>165</sup> The Native Americans’ rights, *State of Facts* argued, could be stripped by “a fair purchase, by voluntary abandonment, or by conquest,” whatever it took to get the job done.<sup>166</sup>

In conclusion *State of Facts* attempted to deny every point of made by the Georgian opposition. Bribery was unlikely to have occurred because “men who pay for a majority will be satisfied with a smaller one.”<sup>167</sup> Attempts to buy the land that had been thwarted by earlier legislatures were cited as precedents. The popular outcry, undeniable in the historical record, was “a clamour raised against these sales by a few disappointed gentlemen.”<sup>168</sup> And finally, after making clear in their initial arguments that the legitimacy of their claim was based on an assumption of unitary sovereignty, they appealed to plural sentiment.

“If... rights of property, in this enlightened age, and land of liberty, are dependent on accidental convenience, or inconvenience, on particular persons, times, or circumstances, as too frequently happens in governments founded in fraud, and conducted by force, then indeed doubts may be suggested and multiplied without end not only with respect with this, but every other transaction in which great interests are involved.”<sup>169</sup>

If “great interests” were not safe, *State of Facts* argued, then no interests were safe.

---

<sup>163</sup> Ibid., 14.

<sup>164</sup> Gordon, “Paradoxical Property,” 95.

<sup>165</sup> *State of Facts*, 15.

<sup>166</sup> Ibid., 12.

<sup>167</sup> Ibid., 43.

<sup>168</sup> Ibid., 40.

<sup>169</sup> Ibid., 43.

Their appeals may have sold more Yazoo scrip in the Mid-Atlantic and New England - it made no impact on Jackson's Georgia.<sup>170</sup>

### Fire from Heaven: Jackson Triumphant

*"[Jackson] made a tour through the State, preaching a crusade against the corrupt Legislature, and denouncing those who had produced and profited by this corruption, inflaming the public mind almost to frenzy. He resided in Savannah, and was at the head of the Republican or Jeffersonian party, which was just then being organized in opposition to the administration of John Adams, the successor of Washington...*

*His Shibboleth was, that the disgrace of the State must be wiped out by the repeal of the Yazoo Act; and repeal rang from every mouth, from Savannah to the mountains. Jackson resigned his seat in Congress, and was elected a member of the Legislature. Immediately upon the assembling of this body, a bill was introduced repealing the odious Act, and ordering the records containing it to be burned. This was carried out to the letter. Jackson, heading the Legislature and the indignant public, proceeded in procession to the public square in Louisville, Jefferson County, where the law and the fagots were piled; when, addressing the assembled multitude, he denounced the men who had voted for the law as bribed villains—those who had bribed them, and the Governor who had signed it; and declared that fire from heaven only could sanctify the indignation of God and man in consuming the condemned record of accursed crime. Then, with a Promethean or convex glass condensing the sun's rays, he kindled the flame which consumed the records containing the hated Yazoo Act."*

*" ~W.H. Sparks' account of Jackson's victory from *The Memories of Fifty Years*, ca 1872.<sup>171</sup>*

### Mud, Blood, and Plural Sovereignty

On February 13, 1796, Jackson succeeded in repealing the Yazoo land sale in a "Rescinding Act," and burned the sale's records in a ceremony on the capitol lawn. Barely a week later Jackson was coming out of the new brick statehouse when he was accosted by a group of men led by the "pure" Yazoo advocate, Col. Robert Watkins, 33.<sup>172</sup> It was after the close of the

---

<sup>170</sup> For example see J. W Ely Jr, "Marshall Court and Property Rights: A Reappraisal, The," *John Marshall Law Review* 33 (1999): 1023-1062. Bishop implies *State of Facts* influenced his purchase of Georgia lands. Abraham Bishop, *Georgia Speculation Unveiled* (Hartford: Elisha Babcock, 1797), 6.

<sup>171</sup> W.H. Sparks, *The Memories of Fifty Years*, 3rd ed. (Philadelphia: Claxton, Remsen & Hafflefinger, 1872), 32.

<sup>172</sup> This account is drawn from the eye-witness accounts sent to Albert Gallatin the collections of the New York Historical Society and Jackson's account in a letter John Milledge in a letter dated March 8, 1796 reprinted in Thomas Charlton. *The Life of Major General James Jackson*. Augusta, Ga.: F. Randolph & Co., 1809.

legislative session in Louisville, a tiny hamlet on the banks of the Ogeechee River not far from the Creek border that had just replaced Augusta as the seat of government. The legislative session had ended and Jackson had stayed behind, as usual, to look after military matters on the frontier. Most of his friends and political allies had left, but a physical encounter was not unexpected. Jackson's friends had been worried enough that one, named Jones, had visited Watkins at his boarding house before leaving for the season to ask whether Jackson should expect a challenge. Over the course of the session Jackson and Watkins had eaten together, laughed at each other's jokes and generally maintained civility, but the risk still existed.

"P'shaw! Who would attack General Jackson?" Watkins said.<sup>173</sup>



Jackson had gone from his room that morning alone, with a pistol under his coat. He had insulted a man at dinner and knew he could expect some form of retribution. Crossing town on Louisville's muddy streets, Jackson had noticed he was being followed, dogged by one of Watkins' friends. He entered the tall brick statehouse, found the documents he had

come after and was talking to the governor's secretary on its lawn, still black with the ashes of the Yazoo Act, when Watkins emerged from his quarters followed by about a dozen men.<sup>174</sup>

<sup>173</sup> Charlton, *The Life of Major General James Jackson*, 162.

“General, the session is now over,” Watkins said, stepping up to Jackson as his friends gathered round. “I do not mean to address you in the language of an assassin but in that of a Gentleman. I consider you a vile leader of a Venal Faction who have disgraced their country.” Jackson could not bear such an accusation so, pulling out his stick, he “gave him the lie with a blow.”<sup>175</sup> A new era had dawned on the Yazoo controversy.

Jackson flew at Watkins, “frapping” him with his walking stick until it broke off in his hand. As Jackson scrambled for a weapon, Watkins pulled out a lead-loaded whip handle with the lash



2 Replica of a 1790s-era pistol with a spring-loaded bayonet.

removed and cracked the general on the head, felling him. Pulling himself up, Jackson made for Watkins again. Watkins’s

friends tried to pull Jackson back, yelling that Watkins had pistols and that it would be

better to fight the next morning. Jackson drew his pistol, replying that he “never fought a base assassin but on the ground that he met him,” and fired, missing. Watkins charged and the two legislators grappled, eye gouging and finger biting in the street, until Watkins, as one of his friends grabbed Jackson’s arms, pulled out a pistol bayonet. He stabbed Jackson repeatedly in the chest and side until Louisville Mayor Simon Frazer was able to pull them apart.<sup>176</sup> The thrusts

---

<sup>174</sup> James Jackson, “Letter to Albert Gallatin”, February 23, 1796, New York Historical Society.

<sup>175</sup> Colonel Hammond, “Letter to Albert Gallatin”, February 23, 1796, New York Historical Society.

<sup>176</sup> Simon Frazer, “Letter to Albert Gallatin”, February 23, 1796, New York Historical Society.

were deflected by Jackson's sternum and ribcage, the only things that kept him from being killed on the spot.<sup>177</sup>

In examining debates over such seemingly esoteric notions as 'sovereignty,' 'property rights,' and 'speculation' it is important to remember that people died fighting for and against such notions. Dueling and the brawling chronicled above are often written off by historians as the ancillary manifestations of a violent age, but violence was not – could not have been – ancillary in the minds of the participants. As Jackson's reflections show, the violence of the Revolution itself had never left him, and the incessant duels he faced after the repeal of Yazoo sale frightened even him. "I feel a little uneasy on the score of revenge," Jackson wrote John Milledge on April 11, safely back in Savannah. "I could punish one or two, but where would it stop? They are all anxious to get me to Duelling, & would not quit until I was put out of the way. The Wife and five children—the sixth I have reason to believe in embryo and will shortly be in existence—are powerful reasons to prevent engagements which may be not only fatal to myself, but those who have a right to look to me for support."<sup>178</sup> As Stephane Antoin-Rouzeau and Annette Becker have written in a very different context, through violence "entire societies can be seen anew, but one must be willing to *look* closely. In paroxysms of violence everything is stripped naked - starting with men, their bodies, their fantasies and desires, their fears, passions, beliefs and hatreds."<sup>179</sup> The violence surrounding political debates in eighteenth century America is no different. The participants risked their lives, sometimes like Jackson repeatedly, in intensely intimate encounters with personal violence.

---

<sup>177</sup> "I further declare that I have just viewed a wound in the general's left breast which must have been given him by Watkins' bayonet, by which it evidently appears he did design to take his life." Ibid.

<sup>178</sup> Charlton, *The Life of Major General James Jackson*, 164.

<sup>179</sup> Stéphane Audoin-Rouzeau and Annette Becker, *14-18: Understanding the Great War* (New York: Hill and Wang, 2002), 16.

But for the purposes of an exploration of sovereignty and its relationship to property, it is not the risk of violence that is interesting so much as the right to violence. With the Yazoo Act annulled, Watkins and other Georgians had lost a gamble they had staked their lives and reputations on. After the legislative truce was over, Jackson knew they would come for him. “I have set myself down for a very troublesome year & I expected to be hard pushed,” Jackson wrote in the same letter to Milledge. “But I hope to have the firmness to go through with it.”<sup>180</sup> As Kenneth Greenberg has noted, dueling was more than a means of attaining personal ‘satisfaction’ in the Old South, it was a means of asserting one’s view of reality.<sup>181</sup> In the wake of the Yazoo act, these assertions were increasingly directed at Jackson and Jackson, who has also been called “the chief of Savannah duelists,” was the last person one would expect to express reservations about the practice.<sup>182</sup> But dueling typically was a personal affair – settling assertions between rival gentlemen. In the wake of the Yazoo Act’s annulment it had become something bigger – an act of social war. As noted above, the violence went both ways.<sup>183</sup> Georgians asserting their plural sovereignty also asserted the right to their share of the sovereign monopoly on violence, invoking what was called “judge lynch.”<sup>184</sup> Many men who had voted for the deal found themselves threatened or black-balled when they returned home. One letter to a Louisville editor asserted no Yazoo man was safe above the Little River.<sup>185</sup> And any attachment to the speculators was dangerous, even decades after the repeal.<sup>186</sup>

---

<sup>180</sup> Charlton, *The Life of Major General James Jackson*, 165.

<sup>181</sup> Kenneth S. Greenberg, *Honor & Slavery* (Princeton, N.J. Princeton University Press, 1996).

<sup>182</sup> See Thomas Gamble, *Savannah Duels and Duellists, 1733-1877* (Savannah: Review Publishing & Printing Co., 1923), 37.

<sup>183</sup> Intra. 28-29.

<sup>184</sup> Chappell, *Miscellanies of Georgia, Historical, Biographical, Descriptive, &c*, 50.

<sup>185</sup> Foster, *James Jackson: Duelist and Militant Statesman, 1757-1806*, 135.

<sup>186</sup> A Georgia gubernatorial candidate’s possession of Yazoo sub-shares caused a furor as late as 1823. *Ibid.*, 115.

Thus, the fact that Jackson accepted his status as the champion, or designated target, of his new party can be seen as inherent in his pluralist principles. A monopoly on force has always been seen as a crucial element of sovereignty, and under pluralist principles – and some would argue under the 2<sup>nd</sup> Amendment to the U.S. Constitution – the right to use deadly force when necessary was a right that American citizens retained.<sup>187</sup> Jackson, while understandably worried about the consequences, accepted his opponents' rights to challenge his views. Over the next ten years he fought many duels as a consequence, including a three-shot exchange with Watkins several years later that left him seriously wounded in the hip. Through it all, he never wavered from the position that his opponents had the right to kill him, or at least to try.

### **Panic on the Streets of London: The Aftermath of Yazoo**

*"All speculative wealth has a shallow foundation, but that its foundation has always been shallow is no mitigation of disappointment, to him who had only viewed it in its superstructure, nor is its downfall less terrible to its visionary elevator because others had seen it from the beginning as a folly or Chimera: Its dissolution should be estimated, not by its romance in the unimpassioned examination of a rational looker on but by its believed promise of felicity to its credulous projector. "~Abigail Adams discussing Robert Morris's downfall with her sister. Feb. 21, 1798.<sup>188</sup>*

The consequences of Georgia's assertion of plural sovereignty went far beyond the state's riverine plantation society. Like the sale itself, they were international in scale. By challenging the sovereign legitimacy of the speculators' property rights, Georgians undermined a crucial element of the Atlantic speculative economy: shares in American land companies.

Though the Rescinding Act had allowed speculators, upon application, to receive back the money they had paid for the rights to Georgia's common property, few were initially interested:

---

<sup>187</sup> Pocock, *The Machiavellian moment*, 528. See also Richard Maxwell Brown, *No Duty to Retreat : Violence and Values in American History and Society* (New York: Oxford University Press, 1991).

<sup>188</sup> Abigail Adams, *New Letters of Abigail Adams, 1788-1801* (Boston: Houghton Mifflin Co, 1947), 135.

As shown above, the men who controlled the land companies had already sold out at a profit. The Jackson and his fellow legislators' assumption seems to have been that the speculators would get their money back from Georgia – which, in all fairness, had stripped their rights of value – and then return the money they had gleaned from the secondary purchasers. In practice, that turned out to be all but impossible.

To explain why, we must first briefly explore the nature of American finance in the 1790s. Like today, most deals were done on credit, but in absence of the totalizing financial establishment familiar to modern readers, finance was a more personal and perilous venture than we would recognize. Cash was difficult to come by, so most business was conducted using notes: quite literally handwritten, personally endorsed promises of payment. Individuals with good credit – a subjective measure of financial credibility – could take these notes to a bank where they would be “discounted,” meaning the bank would charge the note depositor a fee (typically a percentage of the note) and hand over cash in return.<sup>189</sup> The bank then took on the risk and reward the note implied. The Yazoo men had largely demanded just enough cash from secondary purchasers to cover the mortgage on the land which came due in November, 1795. For the balance they had accepted notes from the purchasers, which they then likely discounted at their local bank, leaving not only their credit, but the capital of the banks at risk.<sup>190</sup> The money, various rights, titles, and obligations that were attached to the Yazoo purchases had passed through so many hands that by the time the “fire of heaven” was kindled on the lawn of

---

<sup>189</sup> E.G. Cauthen, *Family Letters of the Three Wade Hamptons, 1782-1901*, 5.

<sup>190</sup> This account is drawn largely from the account of an aggrieved secondary purchaser, who refused to pay the balance of his notes once the Yazoo grant was annulled. Bishop, *Georgia Speculation Unveiled*.

Georgia's statehouse that it would take decades and federal action to sort it all out.<sup>191</sup> And that was just direct consequence; the repeal of the Yazoo sale and the widespread allegations also soured the taste of American wilderness lands for investors abroad. It makes for a curious dynamic: removal of sovereignty in one sense insulated the Yazoo property rights from Georgia's plural sovereignty, but they also exposed the grand speculators more directly to the impersonal market forces of the Atlantic economy.

That brings us back to Robert Morris, uber-financier and land speculator spectacular. In the years leading up to 1796 Morris had built an ever more precarious financial empire dabbling in everything from wilderness lands to China-bound trading fleets. As the financier of the Revolution, he had built up a network of powerful overseas contacts and a great well of credit in the American banking community. As a result, he was able to use the relatively simple credit system described above to build a paper empire backed by relatively little capital. Claims from one arena were used to cover debts in another. Collateral promised on one loan was reused on another. The key to it all was credibility. As long as Morris could maintain his image as one of the wealthiest men in America, he could keep his many creditors at bay, paying off loans with cash from notes discounted by his bankers.<sup>192</sup>

For several years he had been assembling land for what promised to be his greatest speculative triumph, The North American Land Company: 6 million acres of wilderness, assembled with the help of Yazoo conspirator Greenleaf, to be sold at 50 cents an acre to the

---

<sup>191</sup> Samuel Dana, "Report to Congress" (Congressional Serial Set, 1805), [http://web.lexis-nexis.com.ezproxy.cul.columbia.edu/congcomp/attachment/a.pdf?\\_m=71586f63bf4803d52b4a1e0ae7c658f8&wchp=dGLbVIW-zSkSA&\\_md5=2bf05dc41d7bbc2f72d66751ea7d2a6a&ie=a.pdf](http://web.lexis-nexis.com.ezproxy.cul.columbia.edu/congcomp/attachment/a.pdf?_m=71586f63bf4803d52b4a1e0ae7c658f8&wchp=dGLbVIW-zSkSA&_md5=2bf05dc41d7bbc2f72d66751ea7d2a6a&ie=a.pdf).

<sup>192</sup> See generally, Sumner, *Robert Morris*; Rappleye, *Robert Morris*.

financiers of Europe for \$3 million in hard currency.<sup>193</sup> The speculators who bought would not just be buying land, Morris promised in an expansively philosophical leaflet published in London to promote the deal, they would be betting on the prosperous future of a great nation.<sup>194</sup> The back-country lands, he said, were easily worth 100£ an acre and the value would all be realized in time. It was a ludicrous claim to anyone who knew the regions in question. Over half the land Morris owned in Virginia – 484,025  $\frac{3}{4}$  acres – was in rural Appalachian Montgomery County where the average price of land more than 100 years later was just \$6.64 an acre.<sup>195</sup> However, ignorance was what European investors had long been good for, and the sovereign remove ensured that whatever happened American speculators would not have to answer for it.<sup>196</sup>

Just as the Yazoo men were assembling support for the Yazoo Act in the late summer of 1794, Jonas Fauche – a back-woods Georgia militia captain and Indian fighter of French extraction - wrote a letter to French Ambassador Joseph Fauchet in Philadelphia, responding to an inquiry about the North American Land Company's holdings in the rural counties of the state. Georgia was particularly important to Morris: It contained 2 million acres of the company's acreage, more than a third of all the lands on offer.<sup>197</sup> Fauche, who was serving on serving on the Georgia frontier tracking the movements of Yazoo-man Elijah Clarke's private army, wrote Fauchet that Morris perhaps thought he had purchased Georgia land, but it was more likely that he had been deceived by land speculators using the same originate and distribute model for

---

<sup>193</sup> *Observations on the North American Land-Company, lately instituted in Philadelphia* (London: H.L. Galabin, 1796), 25.

<sup>194</sup> *Ibid.*, i, 25.

<sup>195</sup> *Virginia, Annual Reports of Officers, Boards and Institutions of the Commonwealth of Virginia* (Richmond: Supt. of State Printing., 1899), 81.

<sup>196</sup> Furstenberg, "French Land Speculation in the United States: New Perspectives on the Eighteenth-Century American Dream."

<sup>197</sup> *Observations on the North American Land-Company, lately instituted in Philadelphia*, 39.

property rights speculation that was later employed by the Yazoo men. “These imposters sell their pretended lands to merchants who re-sell them, as I learn, to Mr. Robert Morris, and he again to French families, who already have come, or who design to come to this country,” Fauche wrote.<sup>198</sup> Fauchet forwarded the letter to the French government, adding in a letter of his own that he had already apprized the French Committee of Public Safety of “the maneuvers practiced by great American landholders” and “the danger of tolerating such roguery.”<sup>199</sup> In Paris, the two letters found their way into press, and from there to London, where Morris’s agents were busy trying to drum up interest in the North American Land Company’s public offering in Exchange Alley.<sup>200</sup> The result was disaster.

Morris became increasingly frantic as the letter spread along with news of the Yazoo fiasco throughout the Atlantic world. He wrote Fauchet repeatedly, demanding explanations for why Fauchet had “sacrificed” “the reputation of Robert Morris.” He worried the attack was personal.<sup>201</sup> When the letters found their way into the American press he became even more apoplectic. “I feel myself ill-used,” Morris wrote to the editors of Philadelphia’s *American Daily Advertiser* in June 1795. “My character has been attacked in distant countries upon a score of dealings, which are not only important to myself but to many others.” Jonas Fauche, as far as he could ascertain, “keeps a tipling-house in one of the Western counties” of Georgia, Morris

---

<sup>198</sup> Lilla M. Hawes and Karen E. Osvald, eds., *Checklist of Eighteenth Century Manuscripts In The Georgia Historical Society* (Savannah: Georgia Historical Society, 1976), 18; *Observations on the North American Land-Company, lately instituted in Philadelphia*, 93.

<sup>199</sup> *Observations on the North American Land-Company, lately instituted in Philadelphia*, 91-92.

<sup>200</sup> While this essay will not attempt to establish a direct connection between the Yazoo speculation and the Panic of 1797, the deal supplies the necessary land speculation bubble necessary for a classic panic. Richard Chew, “Certain Victims of an International Contagion The Panic of 1797 and the Hard Times of the Late 1790s in Baltimore,” *Journal of the Early Republic* 25, no. 4 (Winter): 565-613.

<sup>201</sup> *Observations on the North American Land-Company, lately instituted in Philadelphia*, 89.

wrote, and his attack was “unexpected.”<sup>202</sup> His protests were to no avail, and as the full extent of Georgia’s speculative corruption became known, interest in the North American Land Company dried up. Debtors began gathering outside Morris’s mansion, clamoring for payment. Banks stopped extending credit. Soon, the Atlantic world was in financial crisis, and Morris was in debtor’s prison, an object of derisive pity.<sup>203</sup> America’s first financial genius had gone from wealth to insolvency, seemingly overnight.

### Endings and Conclusions

*“Preached to Company of Citizens who had assembled... to sign their acceptance of the small pittance of western land allowed them by that most infamous and shameless assembly, who have provided their own ignominy and disgraced their country to the end of time. In my opinion every soul of the majority ought to have been seized, imprisoned and treated as traitors to their country. But it seems the Georgians have not the virtue and courage sufficient to do it. They must abide the consequence. As they keep the Africans in slavery it is but right the Almighty should permit their Legislature to enslave them.” M.J. Rhees, diary entry March 14, 1795.*<sup>204</sup>

Rhees left Georgia in March, crossing over the Blue Ridge into Tennessee and then on to Kentucky and what would become Ohio. In 1797 he and his new American-born wife bought land on easy terms from Benjamin Rush, the same doctor who had diagnosed speculation as a mental disorder in 1791, and set off into the Pennsylvania wilderness to found a Welsh homeland. The new town, Beulah, struggled for a few years then failed as easier land opened further west.<sup>205</sup>

Jackson was elected governor of Georgia in 1798, promulgated a new constitution that wrote the Rescinding Act into the state’s fundamental law. He returned to the Senate in 1801, and

---

<sup>202</sup> Ibid., 84.

<sup>203</sup> Adams, *New Letters of Abigail Adams, 1788-1801*, 135.

<sup>204</sup> Rhees, “Diary of American Tour.”

<sup>205</sup> Williams, *The Search for Beulah Land*.

served there until his death in the spring of 1806 from dropsy, a swelling of the limbs associated with congestive heart failure.<sup>206</sup> In eulogies his friends compared that long, wasting illness to another duel, “the last of the many duels which his undaunted attacks upon that measure [the Yazoo fraud] brought upon him.”<sup>207</sup> That was how they wanted him remembered.

The Yazoo fraud continued to be an important political event for many years. In Jefferson’s first term, debates over whether New England speculators who had bought the rescinded property rights (and never gotten their money back) should be compensated, split the Jeffersonian consensus in two along largely sectional lines, as John Randolph partnered with Jackson to block any bills that were introduced.<sup>208</sup> Randolph continued the fight after his hero Jackson’s death. In 1808, he opposed the presidential candidacy of James Madison, who had worked to get a Yazoo compensation act passed. “The old democrats, he told Monroe when he pressed him to become a candidate for the Presidency, were determined not to have a Yazoo President if they could avoid it.”<sup>209</sup> Only after Randolph left Congress in 1814 and John Marshall wrote his decision in *Fletcher v. Peck*, declaring Georgia’s Rescinding Act contrary to the Contract Clause of the Constitution, did the Yazoo speculators – by now a full-fledged lobbying organization based in Boston – get compensation: \$4,282,151.12 from the federal government.<sup>210</sup> They received eight-times what Hampton, Gunn and the others had paid for the rights originally, all for the trouble of having bribed a frontier legislature without being able to make it stick.

---

<sup>206</sup> Foster, *James Jackson: Duelist and Militant Statesman, 1757-1806*, 183.

<sup>207</sup> Charlton, *The Life of Major General James Jackson*, 98; Thomas Hart Benton, *Abridgment of the Debates of Congress, from 1789 to 1856*, vol. 3 (New York: D. Appleton, 1857), 465.

<sup>208</sup> Donald A. MacPhee, “The Yazoo Controversy: The Beginning of the ‘Quid’ Revolt,” *Georgia Historical Quarterly* XLIX, no. 1 (March 1965): 23-43.

<sup>209</sup> Haskins, *The Yazoo Land Companies*, 40.

<sup>210</sup> *Ibid.*, 44; Kamensky, *The Exchange Artist : A Tale of High-Flying Speculation and America’s First Banking Collapse*, 30; Peter Magrath, *Yazoo: Law and Politics in the New Republic ; The Case of Fletcher v. Peck* (New York: Norton, 1967).

The careers of plural and unitary sovereignty continued as well, though often in obscure and deeply ironic ways. After the first decades of America's democratic experiment, the institution of government had been reified in the North to the point where discussions of sovereignty were largely off the table. However, many Americans continued to agree to disagree over the fundamental issues that the Yazoo debate had raised, and ironies emerged in the splits over their implications. In the North and Old Northwest, the radical tradition as expressed in later years by John Brown and the "Free Labor" ideology of what became the Republican Party, continued to use the language of plural sovereignty, taking the notion that "all men are created equal" and applying it as Rhees had to slaves in the American South. Under the signifier of "self-government," plural sovereignty was at the heart of Abraham Lincoln's debates with Stephen Douglas, the Democratic champion of "popular sovereignty" in the 1850s. Lincoln declared that Southerners had perverted notions of "squatter-sovereignty" or "sacred right to self-government" to mean "That if any *one* man choose to enslave *another*, no *third* man shall be allowed to object."<sup>211</sup> Jackson's claims had made slavery incoherent. Southerners, meanwhile, took the similar language in a different direction. If all men were created equal and, as Jackson had argued, plurally sovereign, then in order for there to be slaves they must indeed not be men. An ideology of freedom was twisted, at least partially, into one of dehumanization. Unitary sovereignty retained its hold on elites, North and South. Its framework of alienated power also had ironies: it could guarantee nationwide freedoms, like the Emancipation Proclamation and the 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> Amendments to the Constitution, but it could also provide the framework that allowed the federal land grants that underwrote the depredations of the Robber Barons and the

---

<sup>211</sup> Abraham Lincoln and Stephen Arnold Douglas, *Political debates between Abraham Lincoln and Stephen A. Douglas in the celebrated campaign of 1858 in Illinois: including the preceding speeches of each at Chicago, Springfield, etc., also the two great speeches of Abraham Lincoln in Ohio in 1859* (Burrows Bros. Co., 1894), 8.

rise of financial capitalism as we know it today. Speculation, of course, followed every twist and turn of the unitary advance. Over and over, as Americans pushed west battles like those Jackson and the Yazoo men had fought were joined – with words and flying lead.<sup>212</sup>

Both conceptions of sovereignty, and, of course, speculation, are still with us now that physical frontiers have long since faded away. The major political parties are deeply associated with both conceptions of sovereignty. Democrats, for instance, believe in the positive power of the unitary state to enforce universal rights and provide universal benefits, while embracing the plural rhetoric of reigning in financial elites and environmental regulation. Republicans embrace the plural rhetoric of their libertarian wing, while (at least when they have the presidency) actively expanding the war and surveillance powers of the unitary state and embracing the role of speculation in the economy.

The elite languages of law, finance and government are largely unitary. Political rhetoric, when successful, remains largely plural. The split has remained subconscious, unintelligible in analyses of partisan politics and twentieth century ideology because any clean split has long been lost to history. However, there have been recent signs of re-emergence. The Internet has facilitated the emergence of plural groups on the left and right challenging the dominant political order.<sup>213</sup> Financial collapse and the increased risk of environmental catastrophe have led to an ongoing critical reassessment of unitary rights to property.<sup>214</sup> A clarification of the historical terms of debate may be in order: Both James Jackson and chief-speculator Wade Hampton were

---

<sup>212</sup> See especially Patricia Nelson Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York: WW Norton & Company, 1988).

<sup>213</sup> E.g. the Tea Party on the Right and the Libertarian Democrats of the Dailykos-Left.

<sup>214</sup> E.g. Elizabeth Blackmar, “Appropriating ‘the Commons’: The Tragedy of Property Rights Discourse,” in *The Politics of Public Space* (New York: Routledge, 2006); Gordon, “Paradoxical Property.”; C. Circo, “Does Sustainability Require a New Theory of Property Rights?,” *Kansas Law Review* 58, no. 1 (2009).

“republicans.” Both supported Jefferson’s bid for presidency. And yet they were far enough apart, on that one issue, that for years they and their allies attempted to kill each-other in bouts of ritualized murder, at dawn with pistols and bayonets.

In the end though, discussions of sovereignty and property are threads in a much larger, understudied historical tapestry: the cession of power and transformation of citizens into subjects. In contemporary America, we are subject to increasingly arbitrary, and unitary, institutional power. Technology has allowed both government and private industry to both observe and shape our lives in ways Jackson and Rhees could never have imagined. Speculation, or ‘trading,’ is a major, legitimate economic activity where trillions are traded daily, flashing from sovereign to sovereign, maximizing profit and minimizing tax leakage, inflating and adjusting the prices we pay for the necessities of life, and affecting decisions as large as whether to go to war and as small as what major to choose in college. It has reshaped our national economy in the name of efficiency, gutting whole states in the process. But, I like to think, the same tools to regain our sovereign rights that Jackson, Rhees and other members of the Revolutionary generation employed are still with us. Politics remain local. Plural sovereignty remains latent in many of our institutions and founding documents. Thus while the logic of unitary sovereignty and exclusive property rights appear to be in ascendance, there is still hope.

What Rhees wrote of Georgia in 1795 rings true for the United States today:

*“An American gentleman made an observation one day in Co[mpany] that there was not on God almighty’s earth such a nest of rogues, nor a spot in the world where it was more difficult to obtain justice than in Georgia. This however is not, I think, strictly true.”*  
~Morgan J. Rhees, diary entry March 9, 1795.

## Archives Consulted

The Georgia Historical Society, Savannah, Ga.  
The New York Historical Society  
Columbia University's Rare Books and Manuscript Library

## Bibliography

- A Correspondent. "Two parties..." *National Gazette*. Philadelphia, April 30, 1792.
- Abernethy, Thomas Perkins. *The South in the New Nation, 1789-1819*. Baton Rouge: Louisiana State University Press, 1961.
- Adams, Abigail. *New Letters of Abigail Adams, 1788-1801*. Boston: Houghton Mifflin Co, 1947.
- Adams, Henry. *History of the United States of America During the First Administration of Thomas Jefferson*. Charles Scribner's Sons, 1889.
- Adams, John. *Discourses on Davila*. Boston: Russell and Cutler, 1805.
- Agamben, Giorgio. *State of Exception*. University of Chicago Press, 2005.
- American State Papers*. Vol. I. Public Lands. Washington: Gales and Seaton, 1832.
- Anstey, Christopher. *Speculation; or, A Defence of Mankind: A Poem*. London: J. Dodsley, 1780.
- Appleby, Joyce. *Capitalism and a New Social Order: The Republican Version of the 1790's*. New York: NYU Press, 1984.
- Audoin-Rouzeau, Stéphane, and Annette Becker. *14-18: Understanding the Great War*. New York: Hill and Wang, 2002.
- Bailyn, Bernard. *The Peopling of British North America*. New York: Random House, 1986.
- Beard, Charles Austin. *An Economic Interpretation of the Constitution of the United States*. Macmillan, 1921.
- . *Economic Origins of Jeffersonian Democracy*. Macmillan Co., 1915.
- Benton, Thomas Hart. *Abridgment of the Debates of Congress, from 1789 to 1856*. Vol. 3. New York: D. Appleton, 1857.
- Berlin, Isaiah. *Two Concepts of Liberty, an Inaugural Lecture Delivered Before the University of Oxford on 31 October 1958*. Oxford: Clarendon Press, 1961.
- Bishop, Abraham. *Georgia Speculation Unveiled*. Hartford: Elisha Babcock, 1797.
- Blackmar, Elizabeth. "Appropriating 'the Commons': The Tragedy of Property Rights Discourse." In *The Politics of Public Space*. New York: Routledge, 2006.
- Blackstone, William. *Commentaries On The Laws Of England*. Vol. I. Oxford: Clarendon Press, 1765.
- Brown, Richard Maxwell. *No Duty to Retreat : Violence and Values in American History and Society*. New York: Oxford University Press, 1991.
- Bruce, William Cabell. *John Randolph of Roanoke, 1773-1833*. New York: G.P. Putnam's Sons, 1922.
- Caprio, Gerard, and Dimitri Vittas. *Reforming financial systems: historical implications for policy*. Cambridge University Press, 1997.
- Cauthen, Charles Edward. *Family Letters of the Three Wade Hamptons, 1782-1901*. Charleston: University of South Carolina Press, 1953.
- Chappell, Absalom Harris. *Miscellanies of Georgia*. Columbus, Ga. T. Gilbert, 1874.
- Charlton, Thomas. *The Life of Major General James Jackson*. Augusta, Ga. F. Randolph & Co., 1896.

- Chew, Richard. "Certain Victims of an International Contagion The Panic of 1797 and the Hard Times of the Late 1790s in Baltimore." *Journal of the Early Republic* 25, no. 4 (Winter): 565-613.
- Circo, C. "Does Sustainability Require a New Theory of Property Rights?" *Kansas Law Review* 58, no. 1 (2009).
- Cook, Harold. *Matters of Exchange: Commerce, Medicine, and Science in the Dutch Golden Age*. New Haven: Yale University Press, 2007.
- Dana, Samuel. "Report to Congress". Congressional Serial Set, 1805. [http://web.lexis-nexis.com.ezproxy.cul.columbia.edu/congcomp/attachment/a.pdf?\\_m=71586f63bf4803d52b4a1e0ae7c658f8&wchp=dGLbVIW-zSkSA&\\_md5=2bf05dc41d7bbc2f72d66751ea7d2a6a&ie=a.pdf](http://web.lexis-nexis.com.ezproxy.cul.columbia.edu/congcomp/attachment/a.pdf?_m=71586f63bf4803d52b4a1e0ae7c658f8&wchp=dGLbVIW-zSkSA&_md5=2bf05dc41d7bbc2f72d66751ea7d2a6a&ie=a.pdf).
- Derrida, Jacques. *Without Alibi*. Translated by Peggy Kamuf. Palo Alto, Calif. Stanford University Press, 2002.
- Elkins, Stanley M., and Eric L. McKittrick. *The Age of Federalism*. Oxford University Press US, 1995.
- Ely Jr, J. W. "Marshall Court and Property Rights: A Reappraisal, The." *John Marshall Law Review* 33 (1999): 1023-1062.
- Ferguson, Clyde R. "Carolina and Georgia Patriot and Loyalist Militia in Action 1778-1783." In *The Southern Experience in the American Revolution*, edited by Jeffrey J Crow and Larry E Tise, 174-199. Chapel Hill: University of North Carolina Press, 1978.
- Foner, Eric. *Tom Paine and Revolutionary America*. Oxford University Press US, 2005.
- Foster, William. *James Jackson: Duelist and Militant Statesman, 1757-1806*. Athens, Ga. University of Georgia Press, 1960.
- Foucault, Michel. "The Subject and Power." *Critical Inquiry* 8, no. 4 (1982): 777-795.
- . *Discipline & Punish*. New York: Knopf Doubleday Publishing Group, 1977.
- Frazer, Simon. "Letter to Albert Gallatin", February 23, 1796. New York Historical Society.
- Furstenberg, Francois. "French Land Speculation in the United States: New Perspectives on the Eighteenth-Century American Dream". Los Angeles, 2009.
- Gamble, Thomas. *Savannah Duels and Duellists, 1733-1877*. Savannah: Review Publishing & Printing Co., 1923.
- "Georgia Constitution of 1789", n.d. <http://georgiainfo.galileo.usg.edu/con1789.htm>.
- Gordon S. Wood. "The Enemy Is Us: Democratic Capitalism in the Early Republic." *Journal of the Early Republic* 16, no. 2 (July 1, 1996): 293-308.
- Gordon, Robert. "Paradoxical Property." In *Early Modern Conceptions of Property. Consumption and Culture in the 17th and 18th Centuries*. New York: Routledge, 1996.
- Greenberg, Kenneth S. *Honor & Slavery*. Princeton, N.J. Princeton University Press, 1996.
- Griffith, John Thomas. Rev. Morgan John Rhys, "The Welsh Baptist Hero of Civil and Religious Liberty of the 18th Century". Leader Job Print, 1899.
- Hammond, Colonel. "Letter to Albert Gallatin", February 23, 1796. New York Historical Society.
- Harris, R. "The Bubble Act: Its passage and its effects on business organization." *The Journal of Economic History* 54, no. 3 (1994): 610-627.
- Haskins, Charles Homer. *The Yazoo Land Companies*. New York: Knickerbocker, 1891.
- Hawes, Lilla M. *The Papers of James Jackson, 1781-1798*. Savannah: Georgia Historical Society, 1955.

- Hawes, Lilla M., and Karen E. Osvald, eds. *Checklist of Eighteenth Century Manuscripts In The Georgia Historical Society*. Savannah: Georgia Historical Society, 1976.
- Haworth, Peter Daniel. "Community and Federalism in the American Political Tradition". Washington D.C. Gerogetown University, 2008.
- Hobbes, Thomas. *Leviathan*. London: Cambridge University Press, 1904.
- Hoynes, Thomas Temple. *Speculation: Its Sound Principles and Rules for its Practice*. Economic Feature Service, 1922.
- Jackson, James. "Letter to Albert Gallatin", February 23, 1796. New York Historical Society. ———. *Letters of Sicilius*. Savannah, Ga., 1795.
- Jefferson, Thomas. *The Declaration of Independence, 1776*. Washington D.C. U.S. Department of State, 1911. ———. *The Writings of Thomas Jefferson*. Vol. 3. New York: J. C. Riker, 1854.
- Johnson, Samuel. *Johnson's Dictionary of the English language, in miniature [ed. by J. Hamilton]. By J. Hamilton*. Edited by Joseph Hamilton. 9th ed. London: T.N. Longman, Paternoster Row, 1798.
- Kamensky, Jane. *The Exchange Artist : A Tale of High-Flying Speculation and America's First Banking Collapse*. New York: Viking, 2008.
- Laplugh, George. *Politics on the Periphery: Factions and Parties in Georgia, 1783-1806*. Camden, N.J. Associated University Presses, 1986.
- Laplugh, George R. "'Oh the Colossus! The Colossus!': James Jackson and the Jeffersonian Republican Party in Georgia, 1796-1806." *Journal of the Early Republic* 9 (1989): 315-334.
- "Letter from Major Doyle." *General Advertiser*. Philadelphia, February 17, 1794.
- Limerick, Patricia Nelson. *The Legacy of Conquest: The Unbroken Past of the American West*. New York: WW Norton & Company, 1988.
- Lincoln, Abraham, and Stephen Arnold Douglas. Political debates between Abraham Lincoln and Stephen A. Douglas in the celebrated campaign of 1858 in Illinois: including the preceding speeches of each at Chicago, Springfield, etc., also the two great speeches of Abraham Lincoln in Ohio in 1859. Burrows Bros. Co., 1894.
- Link, Eugene P. *Democratic-Republican Societies, 1790-1800*. Octagon Books, 1973.
- Livermore, Shaw. *Early American Land Companies: Their Influence on Corporate Development*. Edited by Julius Goebel. New York: The Commonwealth Fund, 1939.
- Livingston, Donald W. "The Founding and the Enlightenment: Two Theories of Sovereignty." In *Vital Remnants: America's Founding and the Western Tradition*, edited by Gary L. Gregg, 243-274. Wilmington, Del: ISI Books, 1999.
- Lukes, Steven. *Power: A Radical View*. 2nd ed. New York: Palgrave Macmillan, 2005.
- MacDonald, William. *Documentary source book of American history, 1606-1913*. New York: The Macmillan Company, 1916.
- MacPhee, Donald A. "The Yazoo Controversy: The Beginning of the 'Quid' Revolt." *Georgia Historical Quarterly* XLIX, no. 1 (March 1965): 23-43.
- Macpherson, Crawford Brough. *Property, Mainstream and Critical Positions*. University of Toronto Press, 1978.
- Magrath, Peter. *Yazoo: Law and Politics in the New Republic ; The Case of Fletcher v. Peck*. New York: Norton, 1967.
- Markham, Jerry W. *A Financial History of the United States*. M.E. Sharpe, 2001.

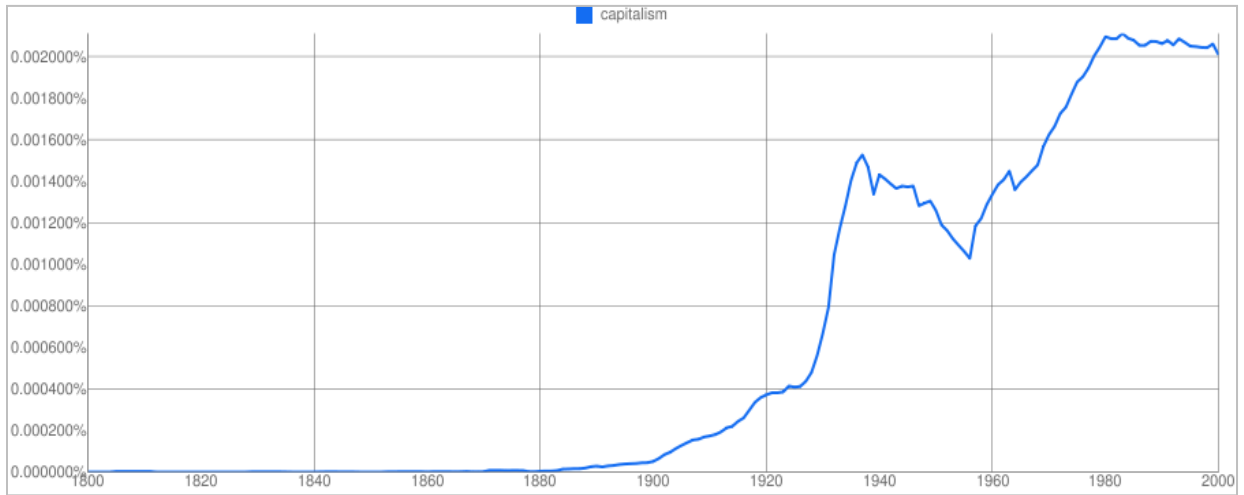
- McConville, Brendan. *These Daring Disturbers of the Public Peace: the Struggle for Property and Power in Early New Jersey*. Ithaca: Cornell U.P., 1999.
- McCoy, Drew. *The Elusive Republic: Political Economy in Jeffersonian America*. New York: Norton, 1982.
- Mensch, Elizabeth V. “Colonial Origins of Liberal Property Rights.” *Buffalo Law Review* 31 (1982): 635.
- “NEW GENEALOGY.” *Norwich Packet*. Norwich, Conn., July 5, 1792.
- Nedelsky, J. *Private Property and the Limits of American Constitutionalism: The Madisonian Framework and Its Legacy*. University of Chicago press, 1994.
- Observations on the North American Land-Company, lately instituted in Philadelphia. London: H.L. Galabin, 1796.
- Pocock, John Greville Agard. *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition*. Princeton University Press, 2003.
- Price, Richard. *Two Tracts on Civil Liberty: the war with America, and the debts and finances of the kingdom: with a general introduction and supplement*. London: T. Cadell, 1778.
- Rappleye, Charles. *Robert Morris: Financier of the American Revolution*. Simon and Schuster, 2010.
- Rhees, Morgan John. “Diary of American Tour”, 1795. Columbia Rare Books and Manuscript Library. Ms Coll Rhees.
- Rothschild, Emma. “Global Commerce and the Question of Sovereignty in the Eighteenth-Century Provinces.” *Modern Intellectual History* 1, no. 1 (2004): 3–25.
- Rush, Benjamin. *Medical Inquiries and Observations*. J. Conrad & Co., 1805.
- Russell, David Lee. *The American Revolution in the Southern Colonies*. Jefferson, N.C. McFarland & Co., 2000.
- Schoenbachler, Matthew. “Republicanism in the Age of Democratic Revolution: The Democratic-Republican Societies of the 1790s.” *Journal of the Early Republic* 18, no. 2 (July 1, 1998): 237-261.
- Seldon, Arthur. *Everyman’s Dictionary of Economics*. Indianapolis: Liberty Fund, 2005.
- Sheridan, Thomas. *A Complete Dictionary of the English Language*. London: Dilly, 1789.
- Smith, Barbara Clark. *The Freedoms We Lost: Consent and Resistance in Revolutionary America*. New Press, The, 2010.
- Sobel, Robert. *The Big Board: A History of the New York Stock Market*. Washington D.C. Beard Books, 2000.
- Sokoloff, K. L. “Inventive activity in early industrial America: evidence from patent records, 1790–1846.” *The Journal of Economic History* 48, no. 4 (1988): 813–850.
- Sokoloff, K. L, and S. L Engerman. “History lessons: Institutions, factors endowments, and paths of development in the new world.” *The Journal of Economic Perspectives* 14, no. 3 (2000): 217–232.
- Sparks, W.H. *The Memories of Fifty Years*. 3rd ed. Philadelphia: Claxton, Remsen & Hafflefinger, 1872.
- State of Facts*. Philadelphia: n.p., 1795.
- Stewart, Donald H. *The Opposition Press of the Federalist Period*. Albany: State University of New York Press, 1969.
- Sumner, William Graham. *Robert Morris*. Dodd, Mead and Company, 1892.
- Swanson, Donald F., and Andrew P. Trout. “Alexander Hamilton, conversion, and debt reduction.” *Explorations in Economic History* 29, no. 4 (October 1992): 417-429.

- Tankersley, A. P. "Midway District: A Study of Puritanism in Colonial Georgia." *Ga. Hist. Q.* 32 (1948): 149–149.
- Tirole, Jean. "On the Possibility of Speculation under Rational Expectations." *Econometrica* 50 (1982): 1163-1181.
- Trafllet, Janice. "Street of Dreams - Boulevard of Broken Hearts: Wall Street's First Century - Review." *Business History Review* 77, no. 4 (Winter): 752-755.
- Turner, Frederick Jackson. *The Frontier in American history*. H. Holt, 1920.
- U.S. Census Bureau. "1790 Census of Population and Housing." Government Database. *1790 Census*, n.d. <http://www.census.gov/prod/www/abs/decennial/1790.html>.
- United States, Congress. Abridgment of the Debates of Congress, from 1789 to 1856. From Gales and Seaton's Annals of Congress; from their register of debates; and from the official reported debates. By John C. Rives. By the author of the Thirty years view. New York: AMS Press, 1970.
- Virginia. Annual Reports of Officers, Boards and Institutions of the Commonwealth of Virginia. Richmond: Supt. of State Printing., 1899.
- Weber, Max. *The Vocation Lectures*. Edited by David S. Owen and Tracy B. Strong. Translated by Rodney Livingstone. Indianapolis: Hackett Publishing, 2004.
- White, George. *Statistics of the State of Georgia*. Savannah: W. Thorne Williams, 1849.
- Williams, Gwyn A. *The Search For Beulah Land: The Welsh and the Atlantic Revolution*. Holmes & Meier, 1980.
- Wilson, James. "CHISHOLM V. GEORGIA, 2 U. S. 419 :: Volume 2 :: 1793 :: Full Text :: US Supreme Court Cases from Justia & Oyez", n.d. <http://supreme.justia.com/us/2/419/case.html>.
- Wood, Betty. *Slavery in Colonial Georgia, 1730-1775*. Athens: University of Georgia Press, 1984.
- Wood, Gordon S. *The Creation of the American Republic, 1776-1787*. Chapel Hill: Published for the Institute of Early American History and Culture at Williamsburg, Va., by the University of North Carolina Press, 1998.
- Wood, Gordon. *The Radicalism of the American Revolution*. New York: Vintage Books, 1993.
- Wright, Robert Eric. *The Wealth of Nations Rediscovered: Integration and Expansion in American Financial Markets, 1780-1850*. Cambridge University Press, 2002.
- Wyatt-Brown, B. *Southern honor: Ethics and behavior in the Old South*. Oxford University Press, USA, 2007.
- Zylstra, Bernard. *From Pluralism to Collectivism: The Development of Harold Laski's Political Thought*. Assen: Van Gorcum, 1968.
- All maps courtesy of the Birmingham (Ala.) Public Library Digital Collections.

<http://bplonline.cdmhost.com>. Digital editing by Andrew Edwards.

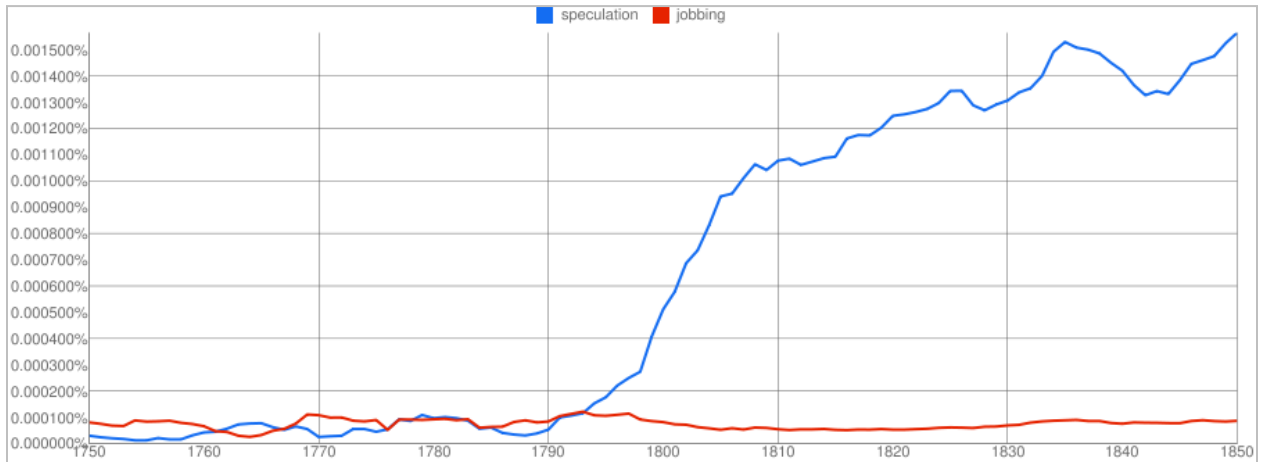
## Visual Appendices

### A.



3 Google N-Gram of "capitalism" in English from 1800-2000. [ngrams.googlelabs.com](https://ngrams.googlelabs.com)

### B.



4 Google N-Gram of "speculation" and "jobbing" from 1750-1850. [ngrams.googlelabs.com](https://ngrams.googlelabs.com)