

'An Angel has fallen!': The Glasgow Land Frauds and the establishment of the North Carolina Supreme Court.

by

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Abstract

KOONTS, RUSSELL SCOTT. (Under the direction of JAMES A. MULHOLLAND)

On January 4, 1819 the North Carolina Supreme Court meet for the first time as an independent body. The law that established the state's highest tribunal had been passed by the General Assembly during the previous year. However, the court's evolution can be traced back to a court established to try men accused of land fraud at the expense of former Continental Line soldiers.

In 1782, in an attempt to supply the requested number of troops for defense of the newly independent states, the North Carolina General Assembly passed an act allowing soldiers bounty land at the completion of their military service. The methods employed in securing a bounty claim soon led to abuses by greedy speculators. As Secretary of State, James Glasgow's position aided these speculators in defrauding the former soldiers of their rightful claims.

In December 1797, the activities of the men came to the attention of North Carolina officials, and steps were quickly taken to stop the abuses and to ensure that they could not happen again. Chiefly involved in the frauds was James Glasgow, North Carolina's Secretary of State from 1777 to 1798. Over the next two and one half years, North Carolina and Tennessee quarreled over the ownership of the records and the apprehension and return of some of the accused.

To assist in the prosecution of the accused, the General Assembly passed a court law in December 1799 that created a special tribunal to try the men. In June 1800, five of the twenty-one men originally accused of fraud came to trial. Of those tried, only three, James Glasgow, Willoughby Williams, and John Bonds, were ever found guilty. Having accomplished the goal for which it was created, the court continued in existence for the remainder of its original two year commission.

When the court law expired in 1801, it was extended for three additional years and named the Court of Conference. Next, in 1804, the court became a permanent court of record. In 1805 it was renamed the Supreme Court of North Carolina. Additional changes to the court's structure and composition occurred in 1806 with the addition of another judge, and in 1810 with the creation of the office of Chief Justice. Finally, in 1818, in an attempt to correct all the problems in the existing judicial system, the Supreme Court was established as an independent body.

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'An Angel has fallen!': The Glasgow Land Frauds and the establishment of the North Carolina Supreme Court.

Dedication

The author also wishes to dedicate this work to his wife, Sarah E. Koonts. Without her understanding, compassion and support, this effort would not have been possible.

Biography

Russell Scott Koonts was born October 31, 1966, in Lexington, North Carolina. He received his elementary and secondary education in the community of Churchland and graduated from West Davidson High School in 1985.

In 1985 he entered North Carolina State University at Raleigh, North Carolina, and received a Bachelor of Arts degree in history in 1989. He entered the Graduate School at North Carolina State University in the Spring of 1992, majoring in history, minoring in public history.

In 1988, while an undergraduate at North Carolina State University, he joined the Reference Staff of the North Carolina State Archives, Division of Archives and History of the Department of Cultural Resources, as a part-time records clerk. In April 1990, he was promoted to the position of Archivist I eventually being named the Senior Reference Archivist in the State Archives Search Room. In March 1996, he was promoted to the position of Archivist II, Special Projects Archivist. Between July 1996 and October 1997, he was employed as the Reference and Information Access Archivist for the John W. Hartman Center for Sales, Advertising, and Marketing History at the Duke University Rare Book, Manuscript, and Special Collections Library. In October 1997, he accepted an appointment as the University Archivist at North Carolina State University, a position, he currently holds.

'An Angel has fallen!': The Glasgow Land Frauds and the establishment of the North Carolina Supreme Court.

Introduction

On January 4, 1819, judges John Louis Taylor, John Hall, and Leonard Henderson met together for the first time as the North Carolina Supreme Court. The high court, established by law in December 1818, had its foundation laid in 1799 when the General Assembly passed a law establishing a court to try men accused of fraudulent activities arising from abuses in the North Carolina secretary of state's office. Reaping the benefits from land reserved for former Continental Line soldiers, Secretary of State James Glasgow and several other men abused North Carolina's land grant system for over fifteen years before being caught in 1797. In the aftermath of the frauds, Glasgow, a post colonial leader in North Carolina, lost his place of honor, and dramatic changes occurred in the state's judicial system.

In the nearly two hundred years that have elapsed since the discovery and prosecution of the Glasgow Land Fraud cases, many short studies have been presented. These examinations have been presented in three main categories: 1) the impact of the frauds on the political career of James Glasgow; 2) the frauds as a background to the establishment of North Carolina Supreme Court; and 3) a general examination of the frauds and the methods employed by the speculators. The purpose of this thesis is to show how the events affected not one or two of the first three categories, but played a major role in all of them.

Although the majority of the historiography comes under the second category, those that fall into the first prove to be the most interesting in their accounts of James Glasgow's life. The mere fact that the events have come to be termed the Glasgow Land Frauds serves to show that he was intimately involved. Although not the first to report on the frauds, Marshall Delancy Haywood's 1907 sketch of Glasgow in the Biographical History of North Carolina was the first to examine his rise to power and eventual fall. This biographical sketch, while providing valuable information on Glasgow's education, vocations, political involvement, Masonic ties, and military background, presented some controversial facts that are continued by later historians.¹ Haywood is the first historian that stated that Governor Samuel Ashe remarked "An Angel has fallen!" upon calling the Council of State together to report Glasgow's involvement in fraudulent activities. Additionally, Haywood felt that the court established in 1799 passed out of existence in 1803 and had no connection to the 1818 supreme court.

The next such accounting of the frauds occurred in 1924. Throughout the years, Masonic journals have contained many sketches of Glasgow and the frauds that bear his name. The first such article appeared in *The Orphan's Friend and Masonic Journal*. In "An Angel Has Fallen -- Story of James Glasgow," Fred A. Olds gave a rambling account of the events.² As a result, Olds' version proves difficult to follow because he moved from episode to episode in the frauds without establishing time or sequence. In several instances, he reported that events occurred before they actually took place. For example, Olds reported that William Terrell did not flee North Carolina until after the trials. He also reported that Terrell sent his slave to break into the State House after the trials. Additionally, Olds offered no information on Glasgow's life other than that of being convicted of fraud and of being removed from political office.

Another account in a Masonic journal appeared sixteen years later. Where Haywood and Olds reported the impact of the events on Glasgow's political career, Earley W. Bridges examined how the frauds affected Glasgow's standing in the Masonic Order.³ Bridges briefly, but adequately, followed Glasgow's ascent in the Masons from his joining the Order, around 1764, to his being elected Deputy-Grand Master of the North Carolina lodge in 1789, to his suspension on December 3, 1799, and, finally, his expulsion in 1800. Bridges also mentioned the 1785 founding of the Davie-Glasgow Lodge Number 26, named in honor of William R. Davie and James Glasgow, in Dobbs County.

Unfortunately, Bridges' account also contains some erroneous information. For example, he named John Armstrong, not Martin Armstrong, as being in charge of the land office in Nashville, Tennessee. He further stated that Glasgow was found guilty of fraud and impeached, when, in actuality, he resigned his office to defend himself of the charges levied almost two full years before being found guilty.

Finally, the most recent description of the frauds and James Glasgow's life appears in the Dictionary of North Carolina Biography. Like Marshall Delancy Haywood's account, Charles Holloman's sketch deals more with the personal and political life of Glasgow than other historians' versions. Holloman's account is significant for the information it contains on the inter-marrying of Glasgow and his children with other key players in the frauds and with leading families in early North Carolina politics.⁴

Another important facet of Holloman's sketch is the demonstration of Glasgow's rise in prestige. He shows how Glasgow arrived in North Carolina in the early 1760s with very little, and that by 1769, he owned three slaves and 250 acres of land. By 1780, his estate was valued at over £26,150. In March, 1800, just weeks before his trial, he owned twenty-two slaves and lived on a plantation of nearly 3,000 acres.

Although sketches of James Glasgow's personal life and the impact the frauds had on his career are of the utmost importance, the majority of the historiography relating to the frauds falls into the category pertaining to the supreme court. In fact, the earliest portrayal of the frauds was done to illustrate the court created to try the accused, not to recall the events or players.

In 1867, at the dedication of Tucker Hall, a theater on Fayetteville Street in Raleigh, former Governor David L. Swain delivered an address entitled "Early times in Raleigh."⁵ Swain introduced the frauds to show how the court established in 1799 evolved into the supreme court nineteen years later. Most later historians who examined the frauds for the impact they had upon the state's judicial system expanded upon Swain's speech. Some, however, disagreed with him on the connection of the two courts.

Since subsequent historians built upon Swain's work, it is unfortunate that he presented episodes that have been difficult to verify. Swain stated that Superior Court judge John Haywood, while on his way to Raleigh to meet his fellow judges for the trials, accepted a fee of one thousand dollars to resign from the bench and defend James Glasgow. The records show, however, that Haywood's resignation was submitted nearly two weeks prior to the trials. In his resignation, Haywood stated his high regard for some of the accused and that his inclination toward resigning from the bench had been known for nearly two years.

Nearly two decades passed before another account of the frauds appeared. In 1889, in celebration of the Supreme Court's seventieth anniversary, Kemp Plummer Battle prepared a history of the court. Using Swain's facts as a basis, Battle expanded on the court's history between 1799 and 1819. He also touched briefly on Glasgow's Masonic ties. He was the first historian to report that the "black lines of expulsion" were drawn around Glasgow's name in the order's books.⁶ Battle repeated Swain's assertion of a one thousand dollar fee being presented to John Haywood.

In 1903, Battle presented another article that dealt with the frauds and the court. Again, the majority of the article dealt with the 1799 court and the courts that followed. He did, however, provide additional information on James Glasgow and the frauds beyond that in his earlier account. However, in his expansion of facts, some discrepancies arise.⁷

Battle reported that the plot to burn the State House was hatched in a room in a lodge adjacent to a room

shared by judges John McNairy and Howell Tatum. The judges, having overheard the plot, dispatched a messenger to Raleigh where Governor Samuel Ashe hired a guard for the State House. This guard captured Phil Terrell, a slave of William Terrell, breaking into the building. In truth, Terrell's slave was captured in a January 1798 break-in at the State House, while the judges did not learn of a plot until February 1798. This information they received from an informant who had been present at William Blount's house when the plan originated.

In 1930, a Masonic journal carried an account of the frauds and their impact on the state's judicial system. Bishop Joseph Blount Cheshire's version followed the outline of events established in Fred A. Olds' account. Although Cheshire explained in more detail some of the methods used by the speculator, his rendition contained numerous inaccuracies.⁸ Like others before him, he combined the plot to burn the State House and the attempted break-in. He also continued the notion of John Haywood being induced to resign from the bench by a large sum of money. However, he reported that Glasgow approached Haywood in the dead of night at his summer home in Franklin County and paid him one thousand Spanish milled dollars. He further stated that Haywood moved for arrest of judgment on fifteen counts when he only moved for arrest on five counts.

The most recent examination of the frauds for their relationship to the Supreme Court occurred in 1984. Judge Cecil J. Hill used the frauds to introduce the court established in 1799 as a forerunner of the 1818 court. Hill's brief account of the court from 1799 to 1818 is used as a background for the later court and the judges' attempts to acquire a new, more permanent meeting place. As such, Judge Hill's account offers no new insight into the early court or the frauds.⁹

The final category of examination is, without a doubt, the most helpful in tracing the series of events and placing the frauds in the correct scheme. Where the other categories show how the series of events altered political careers, as well as political and judicial systems, this category shows how the fraud occurred and how the accused were pursued. The first general examination occurred in 1928. Albert Lincoln Bramlett devoted one chapter of his dissertation, "North Carolina's Western Lands," to the land frauds.¹⁰ Even though he did not examine the court or its evolution, and is mistaken on some small details, Bramlett's examination, although brief, should still be considered among the best for showing the speculators' methods.

Sixty years passed before another individual took interest in the frauds from this view. In 1988, A. Bruce Pruitt prepared a transcription of the reports prepared by the boards of inquiry and the court. In the introduction to his book, Pruitt presented a brief, yet detailed account of the frauds after the discovery in 1797.¹¹

In 1993, Pruitt published a second volume relating to the frauds. This volume contains an even more in-depth account of the frauds by subject and date than his previous volume.¹² Where his first volume dealt only with the reports used to try the individuals accused of fraud, this volume attempts to chronicle all the records that Pruitt could locate in various repositories relating to the frauds. These two volumes are indispensable in the examination of the Glasgow Land frauds.

Next, in 1992, Daniel Jansen published an article in *The Journal of East Tennessee History*. Jansen's exposition gives a good general description of the activities of some of the men accused of fraud and the conditions that allowed the fraud to occur.¹³ Unfortunately, a majority of his article is given to land policy in general which prevents him from delving into the frauds in great detail. Furthermore, Jansen give little attention to the trial and convictions of some of the accused.

Finally, one account of the frauds attempted to show the impact of the frauds on North Carolina's political scene at the time. A portion of James H. Broussard's The Southern Federalists deals with the fraud cases. Broussard mistakenly placed Glasgow in the Antifederalist party and concluded that the frauds delayed the Antifederalist party's rise to power. However, since Glasgow's beliefs were Federalist, and from 1799 to 1820 Antifederalists controlled the state's political structure, Broussard's assumptions are unfounded.¹⁴

Beginning with David L. Swain and concluding with Daniel Jansen, nearly a century and a half worth of examination into the Glasgow Land Frauds had occurred. Swain's account proved to be the first in a long line of examinations into the frauds for their connection to the 1818 law that created the North Carolina Supreme Court. Jansen's article fits into the genre of the studies that have viewed the frauds for the methods employed by those accused. In the nearly two hundred years that have passed since the discovery and prosecution of the frauds, several accounts of the frauds and the repercussions have been prepared. None, however, have attempted to examine the methods employed by the accused, the prosecution of those charged, the consequences upon James Glasgow's career, and the impact upon North Carolina's judicial system in one examination. This thesis will attempt to do that.

Chapter One: Ascent of an Angel

Between September 1774 and December 1776, the Revolutionary leaders of North Carolina met in a series of five provincial congresses that dissolved the colony's ties with the crown and established a newly independent state. Many men who played important roles during those meetings would lead the state during its formative years. Furthermore, the provincial congresses laid the ground work that the early leaders built upon in forming the first state government.

Aside from concentrating on winning the war, many important tasks faced North Carolina after the state declared independence. The first, and most important, concerned the establishment of a governing body to lead the newly created state. Another, but slightly less important, concerned the establishment of a judicial system for the state to operate under. The first state constitution, ratified December 18, 1776, provided the environment under which North Carolina's early leaders operated.

After declaring the reason for the new constitution, the leaders proceeded to create the framework for the leadership of the newly independent state. The first matter of business centered on the creation of a legislature. The model chosen consisted of two distinct chambers, a senate and the house of commons. Next, the framers established basic qualifications for service in both chambers.¹ After fixing requirements for voting, the framers created the offices that would lead the state.

At the first meeting after the annual elections, both chambers, meeting in joint session, would jointly elect a governor for a term of one year. Again, the constitution specified minimum qualifications, and also limited eligibility for the office to three years in any six successive years.² To advise the governor, the assembly would elect seven individuals to serve as a council of state. The constitution limited the council's term to one year and mandated that four members be a quorum and that all proceedings be recorded in a journal.³ In addition, the constitution also established the office of state treasurer, a one year appointment, and the office of secretary of state, a three year appointment.⁴

The 1776 constitution made no specific provisions for a judicial system. The only mention in relation to the judiciary came in relation to the election of judges by the assembly, the judges' and the attorney general's commission by the governor, and the ability to hold office "during good behavior."⁵ The leaders assumed the courts would continue to operate under procedures established during the colonial period.

At the start of the revolution, North Carolina's court operated under a law passed in 1767. However, this act was the last in a series of laws dating back to 1760 that created the court system the state operated under when she declared her independence.⁶ In the 1760 court law, the colony was divided into five districts. The courts, named Superior Courts of Pleas and Supreme Court, met in Edenton, Halifax, New Bern, Salisbury, and Wilmington, and acted as independent and co-equal courts. This law, however, was disallowed by the King and later repealed in the colony.⁷

In 1762, in an attempt to circumvent the King, the colonial assembly enacted a new court law for a period of two years. This law kept the same basic framework established by the 1760 law, but changed the name of the courts to "the Superior Court of Justice for that District in which the same shall be held." In 1764, the assembly continued the courts' existence for an additional two year period.⁸

In 1767, the colonial assembly passed a court act that empowered the superior courts for five additional years. The law repeated the provisions of the 1762 law and established an additional district court at Hillsborough. When this law lapsed in 1772, Governor Josiah Martin allowed the assembly to end

without the passage of a new law. For the remainder of the colonial period, North Carolina's courts met under royal commission. In 1773, in an attempt to try criminal cases, Governor Martin issued commissions to hold Courts of Oyer and Terminer and General Gaol Delivery in the colony's thirty-six counties.⁹

This attempt proved to be too expensive and, in 1774 and 1775, Governor Martin issued commissions to hold courts of Oyer and Terminer in the six superior court districts. Arguments were made over the legality of the commissions since the 1767 law that created the districts had lapsed in 1772.¹⁰

In 1776, the Fifth Provincial Congress passed an ordinance that allowed the governor to issue new commissions for the Courts of Oyer and Terminer and General Gaol Delivery. In 1777, courts were held in each of the six districts under these new commissions.¹¹ Additionally, in November 1777, the General Assembly passed a law establishing the six superior court districts in the state and named the districts after the most populous towns in each area. The Superior Court Districts for the new state were: Halifax, Edenton, New Bern, Wilmington, Salisbury, and Hillsborough. With the addition of Morgan District, named for Revolutionary leader General Daniel Morgan, in 1782, and Fayetteville District, in 1787, the total number of superior court districts reached eight.¹²

In 1790, attempting to relieve the burden of the state's judicial officials, the General Assembly passed a law dividing the court districts into an eastern and western riding circuit. Furthermore, the law raised the number of superior court judges from three to four and stipulated that two of the judges, in rotation with either the attorney general or the solicitor general, were required to ride each circuit. The judges also rotated so that one judge from each circuit traded places for the ensuing court term.¹³ Since each judge could possess different opinions on legal issues, the two circuits and the division of the judges led indirectly to the lack of consistency in judicial decisions. The division also hindered the judges' ability to confer with one another in trials of a difficult nature. Without this consultation, each judge had to render an opinion based on his own readings and interpretations of the law. Since the 1790 law made no provisions for appeal, a judge's decision was final.¹⁴

On December 20, 1776, the Fifth Provincial Congress passed "An Ordinance for appointing a Governor, Council of State, and Secretary, until the next Assembly." Through this ordinance, a temporary administration consisting of Richard Caswell, governor; Cornelius Harnett, Thomas Person, William Dry, William Haywood, Edward Starkey, Joseph Leech, and Thomas Eaton, members of a Council of State; and James Glasgow, as secretary of state, was elected to lead the state. Many of these men had previously provided the state with invaluable service during her early struggle for independence. Before being appointed governor, Richard Caswell, in addition to other services, acted as speaker of North Carolina's Fifth Provincial Congress and as an officer in the state militia. Prior to his appointment, James Glasgow served as a colonel in the Dobbs County militia, a delegate to the Third Provincial Congress, an assistant secretary to the Third, Fourth, and Fifth Provincial Congresses, a secretary to the North Carolina Council of Safety, and as a member of the Committee of Safety for New Bern District.¹⁵

As secretary, Glasgow wielded the same powers and was "intitled to the same Fees, Priviliges and Emoluments, as the provincial Secretary heretofore held and enjoyed." The Provincial Congress assigned him to the office for one year, or until the "End of the next Session of the General Assembly, and no longer."¹⁶

When the General Assembly met in April, 1777, Glasgow again received the nomination for the office he had held since the previous December. On April 18, "by the Unanimous Votes of both Houses," he was elected "Secretary of State for three years."¹⁷ In December, a joint committee organized by the

General Assembly to establish yearly allowances to the various state officials set his salary and schedule of fees. The next seven assemblies reelected him for the same term set forth by the legislature of 1777.¹⁸

The issuance of land grants consumed a great part of Glasgow's time as secretary of state. Duties associated with land grants greatly increased in November, 1777. In an attempt to promote settlement on and dispersal of the vacant lands once held by the crown and by Earl Granville, the North Carolina legislature passed a law establishing land offices in each county to enter land for grants. This area also included the part of the state west of the Appalachian Mountains where settlement previously had been forbidden.¹⁹ Under the law, a person could claim vacant land according to the following schedule:

<u>Type of Claim</u>	<u>Acreage</u>	<u>Rate of Entry</u>
Personal	640	£2.10 per hundred acres
Spouse	100	£2.10 per hundred acres
Each minor child	100	£2.10 per hundred acres
Additional acreage	unlimited	£5 per hundred acres ²⁰

Tracts were limited to 5,000 acres. However, a person could purchase as many 5,000 acre tracts as they chose. In 1780, with the passage of an act intended to compensate soldiers who served in North Carolina's Continental Line, the General Assembly added an additional way to grant land in the "western lands."²¹

The passage of "An Act for raising men to compleat the Continental Battalions belonging to this State, and for other purposes," resulted from the state's inability to supply the number of troops requested by the Continental Congress. Raising the troops for defense of the newly formed country proved to be a difficult task for the North Carolina government. Moreover, inflation was high and desertion was rampant among existing troops. Because of sagging morale and nearly worthless currency that soldiers rarely received as pay, North Carolina never came close to the quotas requested by Congress.

<u>Year</u>	<u>Quota</u>	<u>Soldiers on Continental Duty</u>
1775	none	none
1776	--	1,134
1777	6,120	1,281
1778	4,698	1,287
1779	3,132	1,214
1780	3,132	--
1781	2,304	545
1782	2,304	1,505
1783	2,304	697 ²²

Attempting to improve recruiting, as well as to compensate the soldiers for depreciated or nonexistent pay, the legislature passed a law in 1780 that called for an immediate draft of three thousand men to

serve for a period of three years. According to the law, the state would arm, clothe, and pay the men five hundred dollars annually.²³ At the completion of service, the state would allow each soldier one prime slave between the ages of fifteen and thirty, or the monetary value of the slave, and two hundred acres of land. To insure adequate land was available to meet this allowance, the assembly reserved a tract

situated between the Virginia line and the rivers Tenasee and Holston, as far up as the mouth of the French Broad river; thence a direct course, to the mouth of Powell's river; thence a direct course, to great gap in Cumberland mountain, about twenty miles south west of the Kentucky road, where it strikes Cumberland mountain, thence a north course to the Virginia line,²⁴

In 1782, the legislature passed an additional law aimed at enticing more men to enlist. This act established bounty acreage based on rank and set forth the method by which a soldier obtained land. As a "permanent Reward ...[for] Bravery and preserving Zeal," each soldier already in the service of the Continental Line who continued in that capacity until the end of the war or who became unfit for duty because of a wound or illness could apply for a designated acreage of land accordingly:

<u>Rank</u>	<u>Acreage</u>
Private	640
Non-commissioned officers	1000
Surgeon's Mate	2560
Subaltern	2560
Captain	3840
Surgeon	4800
Major	4800
Lieutenant-Colonel	5760
Chaplain	7200
Colonel	7200
Brigadier	12000 ²⁵

Surviving heirs of men who died in service received equivalent amounts.

The 1782 act also appointed three commissioners, Absalom Tatom, Isaac Shelby and Anthony Bledsoe, any two of whom were to examine and superintend the laying off of the land allotted to the soldiers. Prior to this appointment, Tatom had served in the North Carolina House of Commons. Later he would serve and as a Auditor for Hillsborough District in settling Revolutionary War claims; Shelby had played an important role in settling part of present day Kentucky and had aided Nathanael Greene after the fall of Charleston in 1780; Bledsoe, a surveyor by profession, had lived in the western lands since around 1760, had established outposts on the Holston River, and represented Sullivan County in the 1782 North Carolina General Assembly. The law empowered the commissioners to appoint surveyors and chain carriers to lay off the Military District and to hire a guard for the surveying team. Finally, the law placed limits on the number of men employed in each capacity. As payment for their services, these men were to receive land in the following manner.

<u>Position</u>	<u>Number</u>	<u>Allotmen</u>
Commissioner	3	5,000 acres each
Surveyor	1-3	2,000 acres each
Chain Carrier/Marker/Hunter	6 or fewer	640 acres each
Guards	100 or fewer	320 acres each ²⁶

A special provision in the 1780 law soon caused problems for the soldiers. Under the 1780 act, inhabitants already located in the area set aside as the military district were allowed to remain and apply for grants as one would in any of the state's other counties. Unfortunately for the soldiers, the area set aside for bounty land claims contained many inhabitants and a small amount of cultivable land. In 1783 the General Assembly attempted to alleviate this problem by passing a law that set aside another tract of land for the men who had served in the Continental Line. Section VII of this act reserved a tract of land in the sparsely populated area of present-day north central Tennessee and set the boundaries of the new military district as follows:

Beginning in the Virginia Line where Cumberland River intersects the same, thence South fifty-five Miles, thence west to the Tennessee River, thence down the Tennessee to the Virginia Line, thence with the said Virginia Line East to the beginning.²⁷

The law also established allotments of land, on a proportional scale, for any soldier who served less than three years. Although the assembly gave preference to men who served at least two and a half years, a claim could be made on service of at least two years. Finally, the legislature appointed Colonel Martin Armstrong chief surveyor for the military bounty district.²⁸

In 1784, the legislature established a land office in Nashville for the registration of bounty lands warrants and chose Armstrong to head that office. His duties included hiring the surveyors and returning the completed surveys to the secretary of state. William Polk, William Terrell Lewis, and Stockley Donelson were elected by the legislature as surveyors for the middle, western and eastern districts respectively.²⁹ Donelson and Lewis, along with William Terrell, a clerk in the Glasgow's office and uncle to William Terrell Lewis, soon became central figures in speculation in the military district.

To secure a claim in the bounty land district, a soldier first received a warrant from the secretary of state based on proof of his length of service. Upon receiving his warrant, the soldier delivered it to the land office in Nashville. Colonel Armstrong then appointed a surveyor to locate, survey, and plot the appropriate amount of land. The completed plats were then returned to the secretary of state. Glasgow then prepared a grant for the governor's signature, which was witnessed by Glasgow, or Willoughby Williams, a deputy secretary of state who was also Glasgow's son-in-law. Once signed and sealed, the soldier had a completed grant to land in the military district.³⁰

Variations in the steps in this process eventually caused problems. One concerned verification of the soldier's service. Instead of proving his service or having the secretary prove service by checking vouchers and muster rolls, former officers could produce a list of former soldiers. Officers proved to be the most qualified to know service records, and such lists often gave a soldier's length of service and listed events such as death, wounds, promotions, capture, or discharge. These lists, instead of a soldier's individual affidavit of service, could then be submitted to the secretary's office. The men named on the lists, their heirs, or assignees had the proof of service to claim bounty warrants. The process of producing such lists was later abused as unscrupulous speculators coerced drunken officers to sign

lengthy lists.³¹

Another method used by speculators centered on the ability of a soldier or his heirs to assign warrants. Many soldiers, released from service without adequate food, clothing, or pay quickly sold their rights to these lands for a paltry sum.³² Assignments constituted one such method by which a soldier or his heirs could sell their right to the land. Through this process, a person obtained a warrant and assigned or sold it to whomever he chose. The remote location of the bounty land district discouraged many people from claiming their grants. A lack of money also persuaded some soldiers to use their land rights for settling debts. Those who received warrants but chose not to travel such a distance often assigned their warrants to others. This ability to assign land later aided greedy land speculators in the area.³³

To assign his bounty, a soldier or his heirs endorsed the warrant to another interested part. Warrants were often assigned several time before the land finally was surveyed. A typical assignment read:

Mr. James Glasgow Secretary of State
I have received of William Blount valuable and full consideration for my Right, Title,
Interest & Claim in and to the land within mentioned to whom you will please issue the
Grant accordingly - May 23d 1784
Isaac Rollston
Witness
Enoch Ward³⁴

Many of these assignments, as will be seen, were forged.

At this point, two acts passed by the North Carolina legislature in subsequent years deserve mention. The first was passed in 1789 when North Carolina ceded its western lands to the federal government. This act placed restrictions on the lands already reserved as payment for the officers and soldiers who served in the North Carolina Continental Line. The General Assembly retained the state's right to the

Lands[,] laid off, or directed to be laid off, by any Act or Acts of the General
Assembly...for the Officers and Soldiers thereof, their Heirs and Assigns...[for] the Use
and benefit of the said Officers, their Heirs and Assigns respectively.³⁵

This law also stipulated that if the military reserve did not contain adequate cultivable land to fulfill the military warrants issued, suitable land elsewhere in the ceded territory had to be allotted as compensation for the officers and soldiers.³⁶

Although not related to the issuance of land grants or the bounty land office, the second law served to bestow an honor upon James Glasgow. In 1791, the North Carolina legislature passed an act dividing Dobbs County into two distinct counties. One county formed by this act was named in honor of Secretary of State James Glasgow.³⁷ The establishment of Glasgow County further displayed the admiration and esteem that Glasgow's peers held for him.

In 1795, however, evidence of improper action on James Glasgow's part began to appear. In June, John Sevier, a Revolutionary hero, an Indian fighter and, later, the first governor of the state of Tennessee, wrote Glasgow concerning land transactions in which he, Sevier, and Landon Carter, entry taker for Washington County, participated.³⁸ Sevier said that in 1779, under legislation passed by the General Assembly, he and Carter purchased nearly 128,000 acres of confiscated land located mostly in Washington County (now Tennessee). This land had been seized from individuals accused of being

loyal to the king. According to the law, such lands had to be entered at the rate of fifty shillings per one hundred acres in the county where the land was located.³⁹

Subsequent legislation greatly modified the confiscation acts; many Tories reclaimed their land. In an attempt to compensate those who had purchased land only to have it reclaimed, the General Assembly allowed them equivalent acreage elsewhere within the same county. According to Sevier, since adequate amounts of desirable land in Washington County were not available, the matter lay dormant for several years.⁴⁰

In a second letter dated November 11, 1795, Sevier offered a solution to the problem. Noting a land act of 1783, which required lands to be entered at a rate of £10 per hundred acres, Sevier proposed to "have ten pounds inserted in the room of fifty shillings" on the warrants he had purchased. If Glasgow allowed him to make this change, it would appear that Sevier had obtained the lands under the act of 1783 instead of 1779. For this consideration, he offered to give Glasgow "a plat of the amount of three 640 acres . . . in case you can conceive that the three warrants will be adequate."⁴¹ Instead of paying £12,800 for the lands that he had gotten as it appeared, Sevier, in reality, had paid only £3,200, a difference of £9,600.

If Glasgow granted the favor Sevier realized that more measures needed to be taken before he could secure the land. Since many of Sevier's warrants contained numbers that had already been recorded on the entry books in Washington County and had resulted in grants, something had to be done to rectify this situation so he could secure his lands. Sevier planned to use a 1784 law to help acquire his land. The law stated that if two grants conflicted or overlapped, the person who entered the later, or supernumerary entry, "shall be at full liberty to remove his or their warrant to any other land on which no entry or entries have been previously specially located."⁴² Since entries were numbered sequentially, no two could have the same number.

All that could prevent Sevier from gaining his lands were the land books housed in Landon Carter's entry office in Washington County. If he tried to claim lands on his warrants, the entry books would prove his warrants fraudulent. As long as these books existed, he could not claim his land. Subsequently, the books conveniently disappeared, Sevier claimed that his warrants were supernumerary, Glasgow granted the favor, and, under the 1784 law, Sevier claimed land elsewhere in the western lands.⁴³

Others, later accused of speculation, were also deeply involved in activities by this time. In early 1796 Stockley Donelson corresponded with William Terrell concerning their activities. In a February 24th letter, Donelson berated Terrell concerning events that occurred in the secretary's office. Donelson informed Terrell that:

a circumstance of a Serious nature has appeared. Colo Glasgow in Examining the Return have discovered that of those of mine their is twenty one missing you Shurely must have taken them away through mistake it prevents me from getting the grants. pray if you have got the warrants Send them back to the Secretary . . . These above mentioned you must not fail to Send back immediately to Colo Glasgow as much depends thereon let nothing prevent you from doing so you Surely did forget. and neglect leaving the warrants out to be and must be had. it has been a painful thing to me indeed that such a thing should happen--I repeat again that you do not neglect this Business.⁴⁴

A few months later, a letter concerning another problem passed between the two. This time Donelson asked Terrell why the warrants from a recent transaction had been taken out in Terrell's name instead of

both of their names. Donelson then proceeded to warn Terrell not to make mention of a deed of conveyance of a Parson Boyd's lands around Colonel Martin Armstrong. If he did, Donelson felt it "would do an injury and destroy all confidence" and "would cause [Armstrong's] jealous mind to rise up against us both."⁴⁵

Donelson also indicated that suspicion had already risen concerning their activities. Near the end of the letter, Donelson warned Terrell that "the eyes of Numbers of people are Strictly watching our conduct they will catch at any word that might fall . . . unguardedly." He warned Terrell to "Stear as clear of Censure or Clammor of the people as possible and make as many Strong friends as possible."⁴⁶

Another early warning of impending danger occurred in a letter between Jesse Speight, a clerk in the Secretary's office, and William Terrell. Speight warned,

I think Billy it might not be proper for you to have any more grants issued in your name or at least very few. My reason for that I had reather communicate to you when present than upon paper . . . but at any rate I would not in my next returns make many in my own name if I was you. My reason why I will give you when I see you and I think will be as well convince you that it might be better to let your letters come out in other names.⁴⁷

Terrell, as illustrated in an August 16, 1796 letter from James Glasgow, did not heed Speight's advice. At this time Glasgow conveyed the impression of running a clean office by informing Terrell that he had countersigned several of the military and service right grants that Terrell had sent him. However, he would not sign several others because the appropriate affidavits had not been filed. He further stated that until these necessary affidavits were filed, the grants "cannot leave the Office."⁴⁸

In 1797 evidence of the fraudulent activities became known. The disclosure of the land frauds is generally credited to Andrew Jackson. Some historians have surmised that Jackson used this episode to gain revenge against his brother-in-law Stockley Donelson. Jackson blamed Donelson for informing him that Rachel Donelson's divorce from her first husband had been granted by the Virginia legislature. In reality, the divorce had not been approved when Jackson married Rachel Donelson. This episode caused Jackson a great deal of embarrassment throughout his career.

In December, Jackson reported his knowledge of the frauds to a representative of North Carolina. Elected as a United States senator from Tennessee, he arrived in Philadelphia and related information about the frauds to Alexander Martin, a senator from North Carolina. The information, Jackson stated, had been relayed to him by a John Love of Virginia. Martin encouraged him to put this information in writing, and Jackson complied.

On December 7, 1797, Martin wrote North Carolina Governor Samuel Ashe informing him of fraudulent activity in North Carolina's military bounty district. Martin told Ashe that he would get a statement and affidavit from Love when he arrived in Philadelphia. Enclosed in Martin's letter was Jackson's statement.⁴⁹ His testimony, dated December 6, 1797 read:

In October last I received Information from Mr. John Love a respectable Citizen of Virginia, to the following effect: Viz--That he the said Love being in the Town of Nashville in September 1797--took his lodgings at the House of W. Tyrrell Lewis, at which time and place, he heard William Tyrrell request Major John Nelson to sign a number of Certificates, to entitle certain officer & soldiers to receive from the Secretary of N. Carolina Military Warrants--That at that period, Majr. Nelson was very much

intoxicated, and William Tyrrell producing a long List with a County Certificate annexed, and much persuaded by William Tyrrell and William Tyrrel Lewis, Nelson in this State of Intoxication, signed nearly five hundred; This being done, William Tyrrell Lewis sent out of Nashville for a Captain Phillips who soon attended, when Mr. Lewis furnishing the Table with old Peach Brandy & Loaf Sugar, (which Mr. Love had never before seen in that House), a large Bowl of Apple Toddy was made, and Phillips pressed to drink, which he did very freely. At length Phillips was informed by W. Tyrrell & W. T. Lewis, that they had sent for him to sign certain Certificates which Major Nellson had just signed, to enable a number of Soldiers to obtain their just Rights, which would be lost, unless some Captain could be got to countersign the papers; Phillips declared his wish to do the Soldiers justice, but that he would sign a Certificate in favor of no one, who was not entitled to it. The List produced by Tyrrell contained a few Names that Phillips recollectd. which was immediately signed; the Brandy further press'd., & Phillips becoming very much intoxicated, he was induced by the persuasions of the men above mentioned to sign nearly five hundred, He at length refused to sign any more, when W. Tyrrell damned him & left him. Mr. Love astonished at these proceedings, made some enquiries of a man (I think of the Name Turner) whom he knew to be in Wm. Tyrrell's employ, & Turner jocosely informed him that he had drawn nearly all of them: Meaning the certificates.

This is a concise Statement of the information I received from Mr. John Love.⁵⁰

Governor Ashe wasted no time in moving on the situation. On December 18, 1797, he notified the General Assembly, then meeting in Raleigh, that he needed to communicate information "respecting fraud committed upon our office in obtaining Military Grants." From "the continual buzzing of these flies about the Office," he continued, "my suspicions have been long awake. I hope the Honble Houses will adapt such measures as will prevent future frauds and bring to condign punishment the perpitators of past."⁵¹

Upon receiving the Governor's message, the General Assembly acted promptly on the matter. The house passed a resolution requesting William Hinton, a Wake County justice of the peace, to issue a warrant for the apprehension of William Terrell. The resolution also called for the secretary of state to suspend the issuing of military land warrants and hold in his office any undelivered grants that were already made out, pending further legislative action.

Finally, the House appointed John Skinner, Major Samuel Ashe (son of Governor Samuel Ashe), Jesse Franklin, William H. Hill, Edward Graham, and Jonas Bedford as members of a committee to examine William Terrell's actions and the papers from his trunk which was seized in the secretary's office. To assist these men, the Senate appointed James Holland, Henry Hill, Joseph T. Rhodes, William Person Little, and Joseph Riddick. For examination of Terrell's records, the legislature empowered the committee to call any persons or to confiscate any papers that it deemed necessary.⁵²

With the creation of the committee to investigate the frauds by the General Assembly, examination of the materials began in earnest.

Chapter Two: Speculation and Corruption

When the committee created to investigate the purported land frauds first met on December 18, 1797, the participants in, and the magnitude of, the frauds were unclear. Over the next two days, however, both became painfully obvious.

On December 20, 1797 the committee members issued their first report stating, "that . . . from the discoveries they have made are with out doubt that the frauds charged have been committed." However, they could not report the names of the conspirators or the extent of the fraud at that early date due to the multiplicity of the papers and the number of the people involved. The committee related the serious nature of the frauds already uncovered and proposed to continue examination of the papers until the full scale of the frauds was discovered. Then, and only then, the committee reasoned, could the legislature "remedy the evils already incured and prevent the like in [the] future."¹

The committee, in its second report on December 22, 1797, shed light on the methods used by the conspirators, named several of the men involved in the frauds, and made several proposals to remedy the problems. The committee's findings and recommendations follow:

1. Forged certificates and assignments of warrants constituted the means by which speculators generally used to affect the frauds;
2. Due to the magnitude of the frauds, the short amount of time remaining in the current session of the General Assembly, and the inadequacies of the present committee, a Board of Enquiry should be created and given full power to examine the frauds committed;
3. The General Assembly should pass a law to repeal earlier acts that authorized the Secretary of State to issue warrants for military service and to suspend the issuing of grants on military warrants for a limited time;
4. In many cases, the Secretary had been unmindful in his duty and negligent in his office, and, as a result, was guilty of a misdemeanor;
5. The committee did not undertake to say whether enough information was available to support articles of impeachment, however, the Secretary should be immediately suspended from office;
6. Since the matter of forging assignments was not confined to a few men, the committee reported that William Tyrrell, Stockley Donelson, Redmon Dillon Barry, and John Medearis were materially involved in the frauds. Sterling Brewer, Allen Brewer, John Conroy, John Mann, William Lytle, Robert Young, and Joseph Adams were also involved, but only acted as instruments of those materially involved;
7. The Solicitor General would determine which of the accused could be used as witnesses, and should also bind over Captain Gee Bradley and Colonel William Polk to provide testimony as material witnesses; and
8. Martin Armstrong's land office should be immediately closed and all the books and papers be given to the Board of Enquiry.²

In addition to approving the report and passing the proposed bill, the General Assembly approved two of the three resolutions put forth by the committee. The resolutions to have the Solicitor General bind over

witnesses, and the closing of Martin Armstrong's office met no resistance in the legislature. The only resolution that failed concerned the committee's call to suspend James Glasgow from his duties.³³

Acting on the resolution to create a Board of Inquiry, the General Assembly elected Francis Locke, Edward Graham, and Basil Gaither to serve as members. In subsequent resolutions and bills, the Board members are also referred to as the commissioners. Finally, the House requested that Wake County justice of the peace William Hinton bind, in sufficient recognizance, the men accused of fraud as well as Bradley and Polk until the April 1798 term of the Hillsborough District Court.⁴ After taking these steps, the General Assembly referred the matter back to Governor Ashe.

Many of the men accused by the committee of participating in the frauds were Federalists. Governor Ashe, an Anti-Federalist, wasted little time in acting. In December, he commissioned James Holland, James Milbourne, James Britton, and William Britton to travel to Tennessee to secure the papers from Armstrong's office. Realizing the importance of an immediate response, Ashe sent an express to Governor John Sevier of Tennessee to inform him of the General Assembly's resolutions concerning Martin Armstrong's office. Subsequent correspondence indicates that Sevier related the information concerning the books and records from Martin Armstrong's office to judges Howell Tatum and John McNairy. The judges contacted Martin Armstrong, who, upon the advice of Tatum and McNairy, deposited the papers from his office with Judge Tatum.

On January 13, Martin Armstrong informed Ashe that he had been notified of the General Assembly's actions by Tatum and McNairy. Armstrong further stated that the "papers that were the object, [had been] delivered into the hands of Judge McNairy & Judge Tatum."⁵ Armstrong also stated that his office, unlike the secretary's office, did not have the means to detect fraudulent warrants or transfers. He did, however, pledge his services and cooperation in the investigation into the frauds.

At this same time, however, some men accused in the conspiracy attempted to break into the State House and destroy the records. On the night of January 18th, between the hours of nine and ten o'clock, three men broke into the comptroller's office and carried off a trunk that was said to be the property of William Terrell. The thieves also threw a large chest belonging to Glasgow from the window.⁶ Peter Bird, a slave of Treasurer John Haywood, came by the capitol during the robbery. He confronted the robbers, but they replied only by throwing bricks and stones. Fearing for his life, Bird fled and quickly notified a group of men celebrating the second marriage of Treasurer Haywood at Mr. Cassos' inn at the corner of Fayetteville and Morgan Streets.

The men quickly returned to the State House, and the robbers fled. Phil, or Phillimon, a slave of William Terrell, was the only perpetrator caught, and both Terrell's trunk and Glasgow's chest were recovered. After a trial in the Wake County courts in which Phil was found guilty, Governor Ashe consulted the council of state to determine if the sentence should be executed. Ashe hoped that Phil would admit the name of his accomplices. The council, however, felt that the sentence should be carried through and Phil was hanged.⁷ After this attempt to destroy the records, Governor Ashe ordered the hiring of a guard to protect the State House.⁸

On January 29, Armstrong wrote Governor Ashe, that he discovered,

many thousand acres of Land Grants as Service Rights [for surveyors], Two grants are for the same tract, and a large quantity covered by the line run by the late commissioners appointed by Congress all which are Charged to the Surveyors.⁹

Armstrong also told Ashe that he issued a public notice calling for all the deputy surveyors to come in and make account for their claims to lands. When the surveyors accounted for their service rights, Armstrong would be able to see who had received too much land, and he would then rectify the situation. Once compiled, he promised to forward a copy of his report to Ashe.¹⁰

In early February, the commissioners arrived in Nashville, Tennessee, and a controversy soon arose as to the ownership of the materials from Armstrong's office. Judge Howell Tatum wrote Governor Ashe on February 8 and 9 concerning this problem. In the February 8th letter, Tatum explained that, after conferring with federal Judge John McNairy, the judges compelled Armstrong to deposit the records from the land office with some trusted, impartial official. Armstrong agreed and chose to deposit the books with Judge Tatum.¹¹

Tatum then stated that on Monday February 5th, the commissioners visited him to collect the records with a letter from Governor Sevier of Tennessee requesting that Tatum deliver the papers in his care to North Carolina's representatives. Tatum remarked to Ashe that

This application and address, I must confess created in me some degree of Surprise, as I did not suppose it could be conceived upon legal principles, that an office of Record, established by law at a particular place and for such important purposes, could be removed from its destination, in the manner contemplated or that the State of North Carolina, unconnected with us, as our individual rights, could claim the prerogative of making such a removal.¹²

He further stated that, as a protector of the rights of the people of Tennessee, he "positively refused to permit the Records & Documents of [Armstrong's] office [to] be delivered up."¹³

Tatum felt that the following basic questions had to be resolved before releasing the records.

1. Does the legislative body on any state have the right to remove a record from any place that the legislature had fixed by law?
2. If such power does exist, is the mode pursued by the North Carolina legislature a proper one?
3. Are the documents the property of the state of North Carolina or the state of Tennessee?
4. What was the true interest that the state of North Carolina held in the office of Martin Armstrong?
5. What are the proper modes to be pursued by either persons or states with the benefit of testimony founded on the Records of that office?¹⁴

Tatum concluded that, since many frauds had been committed by those entrusted as record keepers, he could not release the records for fear that they might be altered. He also felt that official records could not be transferred from place to place to satisfy a private purpose. However, he proposed to allow the commissioners to copy the records and have their copies certified by Martin Armstrong. The commissioners refused Tatum's proposal.

On February 9th, Tatum, having reviewed the books, described the improprieties that he found in

another letter to Ashe. According to Tatum, the majority of the frauds fell into three categories. First, entries made and recorded by one person were erased and replaced by the name and warrant number of another person. Secondly, the conspirators recorded a large number of blank locations in the deed books. Carried forward, in some instances for several years, a warrant number and name were later affixed to the location. By doing this, a person could claim choice land and carry it until he received a warrant.¹⁵

Finally, he noted the large quantity of entries for surveyors. According to Tatum, there were more than double the amount of acres of land already located as surveyors' rights than would pay for surveying every "legal and fraudulent warrant now in being, or issued." He offered Ashe his assistance and, if needed, he would "expose . . . such a scene of fraud and impropriety that would astonish any reasonable person."¹⁶ A quick study of the military land warrants at the North Carolina State Archives shows that Howell Tatum either received grants or money through the assignment of over seventy-five warrants.

On February 10th, Governor Ashe received a letter from Andrew Jackson concerning the land frauds and the testimony of Charles J. Love. Jackson said that he had been mistaken when he earlier stated that Love was present at the time Major Nelson signed the certificates. However, he assured the governor that Love's deposition would point to impropriety and "a great deal of criminality" in Terrell's and Lewis's modus operandi. Love's deposition stated

[O]n the subject of Wm Terrell and William T. Lewis, having obtained a number of Certificates, unjustly, I mentioned to you while I was in Tennessee that I had detected Wm. Tyrrell in that business. the certificates were Signed in the house of Wm. T. Lewis, and he was in the room and during the time Phillips was signing and appeared to be anxious he Should Sign but they all appeared to belong to Wm. Tyrrell, for he took them out of his Portmanteau, and when Phillips was so drunk that he could sign no more he took them away himself.¹⁷

While Martin Armstrong wrote Governor Ashe on February 13th to report that the surveyors had made their returns and that he had processed a report which he would soon forward, Governor Sevier, unsure of the legality of North Carolina's request for the books, contacted Tennessee's attorneys general. The attorneys, John C. Hamilton and John Lowry, advised Sevier that the governor of North Carolina had no legal authority to make such a request. Since the office had been established by law, only an amendment to that law could remove the office or its records.

Removal of the documents under the resolution as it stood constituted an infraction of the laws of North Carolina. Therefore, to remove the records under the existing resolution would abolish the office. As a result of this opinion, on February 17, Sevier asked North Carolina's commissioners to return the books that they were examining to the office of the Tennessee secretary of state, William Maclin. Sevier would, however, allow the commissioners to make copies and transcriptions to be authenticated by Armstrong if they so chose. Again, they declined to accept the offer.¹⁸

Apparently, the commissioners did not feel that Tatum was as helpful as he portrayed himself. In an undated letter, James Holland and James Britton related their experiences to Governor Ashe. They stated that they arrived in Knoxville, Tennessee on January 28, 1798 and soon met with Governor Sevier. Sevier informed them that he would aid their mission in any way possible, and that, according to Governor Ashe's wishes, the books and papers of Armstrong's office had been deposited with a trusted official, Judge Tatum.¹⁹

The commissioners then journeyed to Nashville and arrived on February 5th and met with Judge Tatum

the next day. When they applied for the records from Armstrong's office, Tatum informed them that, although their commission was good in North Carolina, it was no good in Tennessee. Holland stated that an argument of some heat and length ensued and Judge McNairy joined in on the side of Judge Tatum. However, upon being reminded that the question might soon come before him in an official capacity, he withdrew from the debate.²⁰

The next day, the commissioners invited Judge Tatum to join them at their lodgings. When Tatum arrived, the argument again arose. This time, however, Tatum agreed to allow the commissioners to take the warrants provided enough time was allowed to copy them. When they pressed on about the books, Tatum again denied their request. Soon after, the commissioners left for Knoxville.²¹

On their way to Knoxville, the commissioners received a letter from Governor Sevier expressing a change in his attitude toward assisting the commissioners. James Holland concluded by stating that "the reasons are more spurious than solid and that Judge Tatum is unwarranted in his conduct." In closing, he apologized to Governor Ashe for the failure of their mission.²²

In North Carolina matters proceeded rapidly. In Raleigh, two of the members of the Board of Inquiry met to begin their review. Although work on the records was not scheduled to begin until March 1, commissioners Basil Gaither and Francis Locke met on February 15 at the comptroller's office, took possession of the records therein, and started work. They sent a letter to Edward Graham, the third member, to inform him that work had begun. He arrived in Raleigh on March 1. Recognizing the vast amount of paper work before them and noting that the comptroller's office lacked sufficient security to protect the records, Gaither and Locke took some of the records to Salisbury with them when they left Raleigh.²³

In April, Ashe called together the Council of State. He laid before Thomas Brown, Henry Watters, Ransom Southerland, and Thomas Hill copies of two letters from Judges Tatum and McNairy concerning a grave matter. The judges wrote Ashe on February 13 to inform him of another plot to destroy the records in the State House. The judges warned Ashe of impending mischief respecting the records from the secretary's office. The judges stated that they received this information during a discussion with a man, already implicated as a conspirator, on the subject of the frauds.

During the conversation, the man said that he wished to relate knowledge of an imminent crime. As the man feared for his life if his name were made known, he spoke only on the condition of anonymity. He stated that, some time around February 11, he had been at the house of William Blount and had overheard plans made by Blount and Terrell concerning the records in Raleigh. The men planned to travel to the capital and destroy the records located in the State House. If they could not get through the door, the offices would then be burned. Tatum reported that the informant would be in Raleigh in April at which time he would speak freely with the state officials concerning his knowledge of the plot and of the frauds. Acting upon this information, the Council of State appointed a guard of six men and an officer to replace the guard Ashe had hired previously.²⁴

In referring the matter to the Council, Ashe professed that the villains possessed the "minds and hearts equal to the blackest crimes" and that the "black and hellish scheme" had been concocted in the "House of a person, who seems to be in the character of a fallen angel." The Council sent information of this impending plot to the members of the Board of Inquiry in Salisbury. As a safety precaution, the Board members hired an armed guard of six men to accompany them when they returned to Raleigh with the records.²⁵

Toward the end of March, the Board of Inquiry's clerk contacted Ashe and reported that they would be ready to submit their findings on the last day of the month. Owing to the amount of paper and the number of volumes included with the report, the members requested that he, Ashe, attend the presentation. In their report the board stated that an adequate amount of time required to study the quantity of materials had not been allotted. This, along with the non-compliance in Tennessee, prohibited the board from completing the investigation to the fullest extent. To maximize their time, the board members decided to examine the materials located in the trunk confiscated from William Terrell and the materials in the secretary of state's office. The Board concluded, with regard to the military land warrant frauds, seventeen types of infractions had occurred. These were as follows:

1. That Warrants have issued to persons who do not appear either from the Muster rolls, or from any Voucher found in the Secretary's Office to be entitled by law to the same.
2. That more than One warrant has issued in several instances for the same claim.
3. That it has been almost the practice of course with the Secretary to deliver these warrants to any person who applied for them on behalf of the claimant, without requiring the applicant to show his authority to draw the warrant.
4. That many warrants have consequently been drawn, and compleat titles effected to a stranger without the owner's consent.
5. That many warrants have been drawn from the Secretary's Office by forged Powers of Attorney.
6. That many warrants have been obtained on false Certificates, or in other words, on Certificates from Officers in the late continental line of this State, setting forth, that men served as soldiers who never did actually serve--that they served for a longer period that they did actually serve--that they died in service, when in truth they deserted the service--they died in service, when their warrant is assigned by a signature purporting to be their own name, and in their own hand writing.
7. That four hundred and four Certificates to procure Military Land warrants were found in the possession of William Tyrrell, and many of them in his hand writing. One list containing two hundred and twenty-five names sworn by John Tipper, and certified by Gee Bradley--thirty-two signed by Major Jno Nelson & Captn Joseph Phillips--of which twenty-seven were inclosed in blank powers of Attorney to draw the warrants, One hundred and seven by Joseph Phillips, Nelson, Medeaes, Graves & Armstrong--thirty-five unsigned. On these four hundred and four Certificates, warrants have not issued but were intended to be obtained. Few of these names are found on the Muster rolls, and those few with but two exceptions have already drawn their warrants.
8. That when by such, or Similar means, warrants have been drawn, they have been fraudulently assigned in a variety of ways.
9. On some warrants, an assignment has been forged in the name of the Soldier.
10. On others, in the name of his Heirs, or supposed Heirs; on others by persons who assign themselves the Attornies of the Soldiers, or their Heirs.
11. Many are assigned at one and the same time by the same person as Attorney for a number of different claimants.

12. Such assignments are in several instances made to the same person who signed as Attorney.

13. A common course pursued in these assignments, has been to forge a transfer to a real person, and for that person to actually assign to another in the presence of witnesses.

14. Several persons whose names are subscribed as witnesses to forged assignments, have made Oath before magistrates of the due execution of said assignment.

15. Several warrants which had been duly drawn and fairly assigned, but which by some accident, or by their office as Surveyors have fallen into the hands of these persons, have been erased and so altered as to divest the fair assignee of his right, and vest the same in the person whose name they insert.

16. Though many of these assignments are left blank, the Surveys which accompany them are filled up, on many of such grants were found filled up, in the possession of William Tyrrell but not executed.

17. Surveys have been returned and grants made out on assignments of the above discription in every instance.²⁶

In April 1798 Hillsborough District Court, indictments were issued against "William Tyrrell, Stockley Donelson, Raymond D. Barry, & others." The court also ordered the papers and books relating to the case against the conspirators to be returned to Raleigh by Colonel Samuel Benton, deputy clerk of the court, under the guard of six armed men.²⁷

On June 10, Ashe received a letter that contained a list of the men indicted.

Although this list has not survived, Ashe wrote to Sevier on June 18 and requested that Stockley Donelson, William Terrell, John Ferguson, James Crishholm, Abraham Swagherty, John Grisham, Thomas Williams, John Nelson, John Horton, and John Hadley be arrested and secured agreeable to an act of the United States Congress dated February 12, 1793.²⁸ "William Tyrrell and Stokley Donaldson," Ashe reported, "appear to be principals, and scoundrals of the first magnitude . . . Donaldson was retaken and again bailed, [but] Tyrrel still continues a fugative."²⁹ It should be noted that Redmond D. Barry was still in North Carolina at this time, so Ashe did not need to request his extradition from Tennessee.

When the General Assembly met in November, Governor Ashe forwarded the Board of Inquiry's report. After reviewing the report, the legislature quickly set about to rectify the frauds, to punish the culprits, and to ensure that such frauds should not occur again. On Tuesday, November 20, 1798, before the legislature could act on the Board's report, James Glasgow sent an address to the General Assembly in which he resigned as secretary of state to prepare his defense.³⁰ After some deliberation, William White was elected to replace Glasgow. As a direct result of the frauds, White had to enter into bond in the sum of \$10,000 current money. Prior to this, the office of secretary of state required no bond. After accepting Glasgow's resignation and electing White, the General Assembly passed a resolution requiring the trunks and papers of the Board of Inquiry to be deposited in the Secretary's office and that no further examination of the materials occur until ordered by the governor or the General Assembly.³¹

Next, the General Assembly passed two laws in reaction to the frauds. Angered over the findings described in the Board of Inquiry's report, the legislature passed a bill that established a court to bring

the accused to justice, to examine the validity of grants, and, to give jurisdiction to the superior courts.³²

At this point in time, North Carolina law made no provisions for the convening of the superior court judges. However, as early as November 26, 1787, the judges of the superior court met during a session of the New Bern District Superior Court to confer upon the legal precedence in the case Bayard vs. Singleton³³ Although not directly related to the Glasgow case, this conference provided a precedence for the court the General Assembly created in 1798.

Many fraudulent activities and infractions occurred in several districts, some of which, by this time, came under the jurisdiction of the state of Tennessee. Well aware that the existing judicial system provided no precedent for a trial of this nature, members of the Assembly introduced legislation that created a special court, a Court of Patents. This court, which had to be called by the governor, had the authority to try the accused in a centralized location instead of the various district courts.³⁴ The bill provided the court with the authority to examine the validity of certain patents, to try the culprits, and, in other cases, to give jurisdiction to the superior courts.³⁵

The court's guide lines were set as follow. The court had to contain at least three of the superior court judges, meet twenty days before the start of the fall circuit, and sit and hear cases at the court house in Raleigh for ten days. The legislature gave the court jurisdiction over every grant issued since July 4, 1776 with notices of any questionable grant published in the gazettes of the state. The secretary of state was instructed to produce authenticated copies of any grant that the court may need.³⁶

The judges of the court were empowered to appoint a clerk, who entered into a bond of £2,000, for the term of court. The law also specified that the twenty-four jurors called for such a court were to be called in the following form: From Orange, Randolph, Chatham, Person, Caswell, and Granville Counties, three men each; from Wake County, six men.³⁷ The law also mandated that the sheriff of Wake County attend the court at the rate of 20 shillings per day. Finally, if business was completed before the allotted ten days, the court could adjourn. Although this act became law, its validity and necessity came into question.

A second law suspended the land acts passed in 1780, 1782, 1783, 1784, and 1787 until the end of the 1799 session. This, in effect, continued the closing of Martin Armstrong's office. The bill also established another Board of Inquiry to meet the following March to continue examination of the books and papers in the secretary's office. To this board, the General Assembly elected Basil Gaither, Edward Graham, and Samuel Purviance.³⁸

Another event occurred during this session that had an impact on the prosecution of the frauds. Since the constitution of North Carolina only allowed a governor to serve three one-year terms in a six year period, Samuel Ashe, having already served three terms, was succeeded by William Richardson Davie. On December 18, the General Assembly passed a resolution calling for Governor Davie to commission officials to travel to Tennessee for another attempt to acquire the books from Martin Armstrong's office.³⁹

With these events, the first full year passed since the frauds were reported to North Carolina's officials. Only a few men had been brought into court and entered into bond. No person accused of the frauds had been tried or convicted. North Carolina's agents failed in their quest to acquire the books from Martin Armstrong's office, but they succeeded in obtaining the soldiers' warrants. A new governor was elected, and whereas Ashe proved relentless in pursuing the accused, Davie soon began to procrastinate in seeking the indicted.⁴⁰

'An Angel has fallen!': The Glasgow Land Frauds and the establishment of the North Carolina Supreme Court.

Chapter Three: The Angel becomes the Principal

As 1798 drew to a close, nearly a year had elapsed since the discovery of fraudulent activities on the part of James Glasgow, Stockley Donelson, William Terrell, and others. Although the legislature tried to take steps to ensure that the accused were captured and punished, the governor proved to be the official that would spearhead the pursuit of those charged. During the first year of the investigations, Governor Samuel Ashe exerted a great deal of effort in obtaining the records relating to the frauds and attempting to capture those named in the Board of Inquiry's report. However, in 1798, William Richardson Davie was elected governor. Where Ashe acted quickly, Davie began to drag his feet.

Many actions occurred at the 1798 session of the General Assembly as a direct result of the frauds. The legislature accepted the board of inquiry's report; passed a law establishing a court to try the accused; accepted James Glasgow's resignation; continued the closing of Martin Armstrong's office, and passed a resolution calling for the papers and books from Armstrong's office to be recovered from Tennessee.

To recover the books and papers, and noting their importance in the impending trials, the General Assembly, wishing to "do the utmost Justice to all its Citizens, to the Citizens of the State of Tennessee, and every other person that hath been injured by the frauds," resolved that the governor empower commissioners to travel to Tennessee in another attempt to acquire the records.¹ It took nearly three months for Governor Davie to act.

On March 1, 1799, the governor sent John Willis and Francis Locke commissions as agents for North Carolina to travel to Tennessee to procure Martin Armstrong's books. To assist the men in their endeavor, Davie enclosed copies of Judge Howell Tatum's letters regarding the first attempt to acquire the records, the opinions of Tennessee's attorneys general with respect to the records, and the correspondence of Tennessee Governor John Sevier.²

Davie also reminded the men of the earlier failed attempt of North Carolina's commissioners to get the records. To assist the men in their endeavor, he enclosed a copy of the resolution empowering the men as North Carolina's agents. He then stipulated that if Tennessee's officials would not surrender the records, the commissioners were to transcribe the records and have their transcription certified by an official of Tennessee. Finally, he requested that the men proceed as soon as possible and correspond with him at their earliest convenience upon their arrival in Tennessee.³

Recalling the difficulties encountered by North Carolina's first commissioners, Governor Davie sent three additional letters to Tennessee with Locke and Willis. First, Davie wrote Martin Armstrong requesting that he render his assistance to North Carolina's representatives, and, if necessary, to certify any copies that the men may need to make.⁴

Next, Davie wrote Governor Sevier and thanked him for acting immediately in response to Governor Samuel Ashe's request concerning the records of Armstrong's office. Davie then informed Sevier that, as a result of the sudden change in his, Sevier's, attitude and subsequent non-compliance on the part of officials in Tennessee, the North Carolina General Assembly again acted on the subject of the records in December 1798. He informed Sevier of Francis Locke's and John Willis' appointments as North Carolina's commissioners and requested that Sevier assist the men in obtaining the books. Then, and only then, Davie reasoned, could North Carolina "discharge a duty she conceives she owes to her own Citizens as well as the Citizens of Tennessee."⁵

After requesting the assistance of the Tennessee officials, Davie wrote an additional letter to Martin

Armstrong. Noting Armstrong's letters of January 24, and February 13, 1798 which promised a report of the deputy surveyors' service rights, Davie requested that Armstrong forward the report as soon as possible since the surveyors' rights "have been . . . considerable sources of fraud and imposition."⁶

Another step taken by the General Assembly in 1798 concerned the establishment of a second Board of Inquiry, to which they elected Basil Gaither, Edward Graham, and Samuel Purviance as members. On March 20, 1799, Gaither and Purviance met. Although Graham was absent at this first meeting, the other two members began their examination. In mid April, the board informed Davie that they would be prepared to issue a preliminary report on June 1. Before ending their examination on April 19, Gaither and Purviance agreed to meet again on May 15, hoping that Graham would be present.

On April 22, Davie wrote Attorney General Blake Baker and Solicitor General Edward Jones seeking their presence at the June 1 presentation to determine "some decided and effectual measure for supporting those accusations."⁷ He further requested that Baker, as principal law officer of the state, study the materials submitted by the board and issue an opinion on the expediency or necessity of Davie's commissioning a court of Oyer and Terminer.⁸

On May 24, 1799, Davie received the first letter from commissioner John Willis. Willis stated that the men had been delayed in departing North Carolina and did not arrive in Knoxville, Tennessee until April 30. However, upon their arrival, they immediately applied to Governor Sevier, presented their commission and informed him of their mission. He stated that Sevier "appeared to be quite unprepared for the application of the books & papers in Martin Armstrong's office," and a lengthy conversation ensued.⁹ Finally, Sevier stated that he would apply to Tennessee's attorneys general to seek their advice. Locke and Willis agreed to return the following day.

When Willis returned the following day, Sevier informed him that he had not made up his mind and would delay a decision until Tennessee's General Assembly met. Sevier informed Willis that shortly after North Carolina's first commission left, a group of men from Mero District met and requested that Sevier not relinquish the books. Therefore, he would not permit the records to be removed without further permission. Willis, realizing that any further attempt to obtain the original records would be in vain, suggested that the commissioners be allowed to make copies of the originals. Sevier readily agreed to this suggestion.¹⁰

According to Willis, the first book of entries was in a mangled state and many of the earliest entries had original names erased and new names inserted. However, the commissioners were making "literal Transcripts of every entry on the books, making the Erasures and interliniations, Comparing them with the Original files of location, noting the differences of words, names and number in the margin."¹¹ As such, the transcriptions would probably not be completed until July.

In addition to removing names and inserting new names, Willis reported many blank locations were entered on the books, and names were later affixed to these locations. An additional method of fraud that he reported centered on the first one hundred fifty pages of the first original book. Someone had removed these pages at some time, kept them hidden, and started a new book. This way, locations were taken from the old book as needed. Although sharing exact locations, the numbers on the entries in the new book varied from fifty to sixty in some places than the same entry on the new book. Though this method, in excess of five hundred fraudulent entries had been entered on the books.¹²

Like many others in the General Assembly, Willis stated that he owned none of the land in question, bought none of the warrants, had no interest in any of the titles, and did not care if the titles were good

or defective. The frauds, Willis felt, occurred because the business of the Nashville land office had been long ignored by officials in North Carolina. As such, the General Assembly had been negligent in its duties.¹³ "This Laziness," Willis stated, "prevailed while a Combination of men Capable as designing, laid and executed their plans, while the rights of the State & the property of Individuals were Swallowed in the Vortex."¹⁴

The board of inquiry, meeting since the agreed date of May 15, issued its preliminary report on June 6, 1799. Basil Gaither and Samuel Purviance commented on the continued absence of Edward Graham at their meetings. They also stated that the examination would probably have been completed by this time if Graham had been present. The body of the report dealt with actions occurring in John Armstrong's office and listed thirteen methods by which the state had been defrauded in that office. In concluding their report, Gaither and Purviance promised to continue their examination until the whole investigation was completed.¹⁵

On June 17, after reviewing the board's report, Blake Baker wrote Governor Davie. Baker stated that he had drawn a petition form that could be used in all the cases concerning fraudulent grants in the Court of Patents. However, he felt that the state should only seek to vacate grants that were procured on duplicate warrants. He further stated that he completed no petitions against anyone accused of fraud since he could not fully understand the board's remarks in some areas.¹⁶

Baker then stated he would have Samuel Purviance furnish the secretary of state with a list of grants to be duplicated for use in the prosecutions. Finally, he promised to forward the book of remarks created by Gaither and Purviance to Davie by the first of July. In the meantime, Baker planned to study the book so he could do his part "to heel the wound & even to wipe away the stain" the frauds had brought upon the state.¹⁷

On June 28, after sitting for sixty-three days, the board of inquiry finished its work and issued a final report. Gaither and Purviance explained the methods they employed in the examination of the military warrants. First, they checked to see if the soldier to whom the warrant was issued was entitled to the warrant. If the soldier was entitled, they then determined if he received the grant. In cases where the soldier's right was assigned, they examined the assignment to detect forgery. To assist their investigation, the board members created a book, which they labeled "A", where they entered any warrant that bore suspicion. They enclosed this book with their report.¹⁸

The board members stated that they found some instances of fraud that they could not be directly related to one individual. However, since the method employed was similar to that used on other warrants, the board members attributed these cases to the individuals who utilized the same procedures. Gaither and Purviance then indicated that James Glasgow was the principal conspirator in the frauds. Until this time, Glasgow had been accused of no more than malfeasance in office. The board then listed the following instances of Glasgow's involvement.

1. He has issued duplicate warrants, on the presumption of the originals having been lost, with out any evidence to that effect, and before the issuing of duplicates was authorized by any act of the Assembly.
2. He has issued two warrants to the same soldier without expressing either to be duplicate, and executed grants for both.
3. He issued warrants for the full bounty of Land, to persons who appear by the Muster roll to have been mustered only for nine months.

4. He has issued warrants to soldiers who appear by the muster roll to have deserted, and executed grants to others as the assignees of said soldiers.
5. He has issued warrants to soldiers who have deserted, and executed grants to himself as the Assignee of such soldier.
6. He has issued warrants to persons whose names do not appear on the Muster Roll, and in whose favor no certificates can be found.
7. He has issued warrants to soldiers, and grants on those warrants to speculators, without any assignment whatever.
8. He has issued grants on military warrants, where his own signature, as Secretary, to the warrant has been forged.
9. He has issued grants to himself and others, on forms of warrants without any signature.
10. He has issued grants to himself on such unsigned warrants, as the assignee of the soldier; which assignment we take to have been forged by him, or by his procurement.
11. He has issued grants without any warrant whatever.¹⁹

To support these allegations, the board prepared a separate report that dealt only with the warrants on which Glasgow was implicated.

Gaither and Purviance also reported that the secretary had not acted alone in defrauding the state of "between 600,000 and 700,000 acres" of military land. According to the board, the most abused method in obtaining the land was the forging of assignments on warrants. Although they were unable to report every instance of forgery and every person involved, they were certain that John McNeese, Nathan Lassiter, Moses Shelby, Wynn Dixon, Mann Phillips, Benjamin Sheppard, Samuel Samford, Thomas Butcher, John Price, John Sheppard, Joshua Davie, William Faircloth, Joseph Ferrebee, John Bonds, Arthur Pearce, Willoughby Williams, Joshua Hadley, Stockley Donelson, and William Terrell were those most deeply incriminated.²⁰

In early August John Willis and Francis Locke returned from Tennessee and issued their final report. Following summation of the events communicated in Willis' earlier letter, the commissioners related their activities after arriving in Nashville. From May 9 to July 13, the commissioners and three clerks transcribed the books including every "erasure, alteration, interlineation or blotch."²¹ Stating that an attempt to describe every instance of fraud they observed would be as laborious as the transcriptions themselves, Locke and Willis described the most serious abuses they perceived.

The commissioners also noticed that, almost as soon as the office opened, a large number of blank locations were entered on the books without the name of an enterer. Most of these locations had been claimed in the intervening fifteen years, but they were still obvious since the names were entered in a different ink and a different handwriting. Additionally, several fair entries had the name of the enterer erased and the name of someone else inserted.

Furthermore, the conspirators would remove locations and claims from valuable land and then secure it for themselves. Since the men had access to the entry books at all times, they made such alterations as it suited their views. Locke and Willis also noticed many transfers on the books in which names of individuals appeared in different handwriting and ink than the transfer.

The commissioners then noted a large number of entries made without warrants. By doing this, prime land was secured and a warrant numbered, once secured, was later added. Next, many true entries were voided by crossing them off the books to indicate that no grant had been issued on the entry. Finally, they noted the extensive number of service rights claimed by surveyors and deputy surveyors.²²

Locke and Willis felt that the abuses occurred due to neglect and lack of judgment on the part of those appointed to supervise the office. "Such a variety of persons having access to the books as Deputy Entry takers, Locators, Surveyors and some Special friends," they reported, "that Martin Armstrong himself can give little explanation" of the condition of the books. To assist in any future trials on the subject, Locke and Willis created individual reports stating examples of each man's actions and offered their services to Governor Davie in the trials when the time came.²³

Additionally, in August 1799, while preparing for the trial, Attorney General Blake Baker insisted that James Glasgow be bound in recognizance in New Bern District Superior Court in the sum of £1,000 to appear at the March 1800 term of the New Bern District Superior Court. After entering into a recognizance bond at the March 1800 session, Glasgow was examined by Superior Court Judge, Alfred Moore.²⁴ After Glasgow was sworn, Moore began his questioning. On the stand, Glasgow was asked specific questions concerning his performance as secretary of state. During the examination Judge Moore asked Glasgow fourteen different questions concerning the land frauds. Moore's questioning touched on only three of the six eventual indictments handed down by the grand jury against James Glasgow. For the purpose of this paper, only the questions dealing with eventual indictments will be reported.

Of the three questions relating to later indictments, the first question Moore asked Glasgow concerned the issuance of a duplicate warrant to the heirs of James Roberts. Moore asked why the duplicate had been issued when the certificate that indicated the original warrant had been lost possessed a date several years later than the date on the duplicate warrant. Glasgow answered that he supposed the duplicate warrant had been antedated to agree with the original warrant. Next, Moore asked why Glasgow issued himself a land grant on a warrant to the heirs of James Harrison, who, it appeared, had never served, when the assignment by heir, Francis Harrison, was forged. Glasgow answered by stating that he had employed a gentleman named Samuel Hollady to purchase military warrants in his, Glasgow's, name. This was one of the warrants which Hollady had purchased, and the assignment on the back contained only an "X". Hollady had assured him that this was Francis Harrison's mark. Glasgow stated he then wrote "Francis" on one side of the mark and "Harrison" on the other side to validate the assignment. Finally, Moore asked why he had issued a grant to John Hackett on a warrant issued to James Hubbert without an assignment from Hubbert. Glasgow answered that he did not, as a matter of course, critically examine the returned warrants, but only checked to see if the warrant was valid.²⁵ Despite Glasgow's answers, indictments were issued relevant to these matters on charges of malfeasance in office.

By August 1799, pressure was growing from the public for Davie to convene the court for the trial of the accused. Well aware that the existing judicial system provided no precedent for a trial of this nature, and since the infractions had occurred in several different districts, some of which, by this time, came under the jurisdiction of the state of Tennessee, the General Assembly passed a law that created a special court that had authority to try the accused in a centralized location.²⁶ Entitled "An Act to establish a Court with jurisdiction competent to examine the validity of patents in certain cases and giving jurisdiction to the Superior Courts of Law and Equity in other or like cases," the 1798 court law's validity soon came under debate.

The law called for William Richardson Davie to convene the judges of the superior courts together to sit

for the trials. Either Davie doubted the legality of the court, or his Federalist affiliation discouraged him from moving against a member of his own party, it took nearly nine months for him to act. However, in August 1799, with pressure growing from the public to call the special court and bring the accused to trial, Davie wrote Attorney General Blake Baker and Solicitor General Edward Jones for advice on the subject.²⁷ Also, in early August, Davie convened the Council of State to solicit advice on whether the court should be called.

On August 12, 1799 the Council met, and Davie presented a letter detailing his reservations on the General Assembly's act empowering him to call for a court of patents. He questioned the expediency of calling such a court and inquired whether the inculcated could be tried in the Superior Courts of Law and Equity and whether it was necessary to call the court at all. He also informed the council that he had asked the state's legal counsels for their opinions as to whether a court of Oyer and Terminer would simplify the proceedings.²⁸ The council began weighing the legality of establishing the court while waiting for the opinions of the attorney general and solicitor general.

Both Baker and Jones returned their opinions to the Governor on August 15, 1799. Baker called for the state "to proceed as soon as possible in the cases where the State may be particularly interested" and to have James Glasgow bound in recognizance and questioned before District Superior court judge Alfred Moore. However, Baker was of the opinion that the court, if called by the governor, would not have the legal authority to try the accused.²⁹ He believed the legislature should be the body to convene the court, as well as to empower the governor to create it. If, on the other hand, the trials were left to the regular courts, he felt that most of the violators would go unpunished since many of the accused had already fled to Tennessee.

Edward Jones, like his counterpart, did not feel it expedient to call for such a court. The main reason he gave was that the offenses had been committed in several different districts and would have to be tried in each of the particular districts. He also felt that the law, as then written, lacked the constitutional authority to bring the offenders to trial. He stated:

Such a measure is not expedient or necessary, that if such a court should be held the object intended could not be thereby effected, and that therefore it would be more for the credit and interest of the State to postpone it until the next session of the Legislature.³⁰

Jones felt strongly that the accused should be prosecuted to the fullest extent of the law but without violating the constitution. Therefore, the trials should be delayed until new legislation could be passed.

Upon receiving the opinions, Davie forwarded the letters to the Council of State. After reviewing the letters, the council informed Davie of their decision. Basing their decision on the counsels' opinions, the members felt that it was not necessary to call a court of patents at that time. The council then suggested the matter be returned to the General Assembly in order that legislation could be passed that better enabled the detection and punishment of the "numerous and black crimes, which have been committed in the office of the Secretary of State."³¹ Davie, upon the advice of the Council of State, the attorney general, and the solicitor general did not call the special court and returned the matter to the General Assembly.

At the next session of the General Assembly in November 1799, further actions were taken concerning the frauds. Nearly two years had passed since the disclosure of the frauds, and not one man accused of the crimes had even been brought to trial. Aware of public sentiment, several members of the General Assembly were extremely anxious to remedy the situation. The leaders of the legislature had been made

aware of the state's legal counsels' opinions concerning the law passed in 1798. Steps were quickly taken to strengthen the legislation establishing the court. "Due to inconveniences and much delay in administration of justice,"³² a new bill passed rapidly through the legislature.

"From the want of a speedy and uniform decision of all questions of law or equity arising on the circuit, either from difference of opinion in the Judges, or from a desire of further consideration, or from a want of a competent number of Judges," a new court was established. The new law had specific stipulations that gave it more authority than the previous law. Under the new law any two judges of the superior courts were to meet two times a year in Raleigh on the tenth day of June and of December to sit and hear cases for ten days. The judges were once again empowered to appoint a clerk, but the clerk's bond was raised to £5,000. The clerk's salary was not to exceed £50 per annum.³³

Unlike its predecessor, this court, termed a court of conference, heard cases that arose in the superior court circuits. Transcripts of these cases were made at the superior court level and transferred to the higher court where they were then filed with the clerk. The court was again commissioned to sit for ten days, but now had to issue their opinions in writing. These decisions had to be filed with the clerk of the court. The law also divided the superior courts into four ridings: 1) Halifax and Edenton, 2) Morgan and Salisbury, 3) Hillsborough and Fayetteville, and 4) New Bern and Wilmington.³⁴ Finally, the law empowered the court for two years and from then to the end of the next General Assembly. This, the General Assembly felt, should be adequate time to settle all questionable grants.

The second half of the act established an exclusive sitting. These sections were instituted to handle the trial and punishment of those accused of fraudulent activities in "the Secretary's office, or in the office of John Armstrong or Martin Armstrong." For these trials, the legislature authorized the governor to commission the judges and call the court. Of the four superior court judges, any two could give judgment on any fraud allegedly committed in any district of the state and then to award execution. The clerk chosen for the Court of Conference was also to act as clerk for this court, and his bond for this session was set at £2,000.³⁵

To prepare for any suits brought against the accused, the sheriffs of Wake, Franklin, Johnston, Chatham, Orange, and Cumberland were required to summon eight freeholders from their respective counties for a Grand Jury thirty days prior to the sitting of the court. Each man summoned would receive twelve shillings, six pence per day and the same for every thirty miles traveled.

According to the law, both the attorney general and solicitor general were required to seek warrants for the apprehension of the men accused of impropriety. To assist the state's counsels, the governor also was given the authority to appoint an agent for the state, to sign and issue subpoenas, attend proceedings, and to take out warrants. The compensation the attorney general, solicitor general, and public agent received for attending these trials was set at £40. The public agent was also required to keep an account of his services and report to them to the General Assembly for compensation.³⁶

One judge was required to superintend the proceedings and direct affairs. However, two judges were required to pass final judgment. Finally, the law stipulated that if no judges attended by the opening date of the court the Wake County sheriff would call it into session and then adjourn the court day-to-day for a period of three days. If none of the judges had arrived by that time, that session of the court would officially conclude its sitting.³⁷ Finally, the law commissioned the court for two years from its commencement and then to the end of the next session of the General Assembly.³⁸

At the November 1799 session of the General Assembly William R. Davie informed the legislature of

his decision to accept a diplomatic appointment from the President of the United States to travel to France to ease the tension between the United States and France. Since his term as governor was completed, the General Assembly subsequently elected Benjamin Williams as governor. In a second message to the General Assembly, Davie described the activities taken by board of inquiry members Basil Gaither and Samuel Purviance. A third message detailed commissioners Francis Locke's and John Willis' trip to Tennessee to secure the records. A fourth message informed the legislature of the Council of State's decision not to convene the court of patents.³⁹

After some deliberation, the General Assembly voted to publish the governor's messages and the board of inquiry's report. Next, the Senate passed a resolution allowing Secretary of State William White to issue grants for entries made between August 1, 1783 and February 8, 1795.⁴⁰ The General Assembly felt that the fees during the stated time had already been paid to the secretary of state. To prevent those who had already entered land and paid their fees from receiving their grants would be unjust. This resolution evolved into an act that reopened the land office in Nashville. This time, more restrictions were placed on how the secretary verified the soldiers' service. William Christmas⁴¹, who some seven years earlier had surveyed and platted the site that became Raleigh was elected to replace Martin Armstrong as the surveyor for the military district. Finally, on December 19, the General Assembly passed a law changing the name of Glasgow County to Greene County, in honor of Revolutionary War hero, Nathanael Greene.⁴²

On December 24, 1799, the board of inquiry's report and the governor's messages were published, in their entirety, in the Raleigh Register.⁴³ Listed in the report were the various instances where the commissioners indicated Glasgow's impropriety. In a letter to editor Joseph Gales, printed in the December 31, 1799 issue, Glasgow answered these charges point by point.

According to the report, the board of inquiry had noted that Glasgow issued duplicate warrants in the name of a single soldier. This action Glasgow tried to explain by stating that several soldiers had the same name. The only time that more than one warrant had been issued to the same soldier, he stated, was when he was ordered to do so by the General Assembly. Next, he answered the charges that warrants had been issued to soldiers whose names did not appear on the muster rolls, by saying that, prior to the winter of 1779, no muster rolls were kept. For the period after the winter of 1779, he had applied to Colonel Archibald Lytle for the muster rolls, and Lytle had responded that there were none.⁴⁴

The report also suggested that he had issued grants on warrants where even his own name had be forged. Glasgow answered that this was the case, but the warrant had been filled out correctly and that, he supposed, through the magnitude of his duties, he had neglected to sign the warrant. He issued the grant because he did not want to deprive any worthy soldier of his rightful land. Finally, the board reported that Glasgow had issued himself a grant on a warrant that he himself had forged. He responded by stating that the endorsement was attested to as genuine so he affixed the name of the individual, and he enclosed documentation with his letter to Mr. Gales to prove his point.⁴⁵

With these events, another year of investigation into the frauds came to an end. As required by the General Assembly, a second commission traveled to Tennessee and succeeded in obtaining certified copies of the books from Martin Armstrong's office. A second board of inquiry also met and issued reports that indicated that James Glasgow was the principal individual in the frauds. However, Governor William R. Davie refused to call the court created to try the accused. Stating a lack of authority on the part of the court, Davie returned the matter to the General Assembly. Before the legislature could act to strengthen the court, Davie accepted a diplomatic appointment from the Federal Government and was followed as governor by Benjamin Williams. Where Davie had been slow to act in pursuing the accused,

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Williams, armed with new legislation, vigorously set forth to ensure that the accused were prosecuted.

Chapter Four: The Accused and the Court

During Davie's tenure as governor, North Carolina succeeded in obtaining copies of the books from Martin Armstrong's office. The second board of inquiry had met and completed a thorough investigation of the materials obtained and had presented a report detailing the methods of abuse, naming the perpetrators. Although the activities of the speculators had been known for two years, Davie had been slow to act in calling a court to bring the accused to justice.

In November 1799, Benjamin Williams was elected governor by the General Assembly to succeed William R. Davie. Williams, armed with the new legislation, set forth to apprehend the violators with intensity. However, Attorney General Blake Baker did not share his enthusiasm. In a letter dated January 16, 1800, Baker responded to apparent accusations by Governor Williams that he, Baker, had neglected his duties in prosecuting those associated with the frauds. In his defense, Baker stated that, prior to November 1799, he felt the law lacked the authority to bring the transgressors to trial, and, in his opinion, made it entirely too difficult to attain guilty verdicts against the accused.¹ Governor Davie, Baker asserted, had agreed with him, and if Williams would read Baker's August 15, 1799 letter to Davie, the reasons for his hesitation would be apparent.

Baker, it seemed, had problems with the new legislation as well. He felt that arraignment under the new law would be in vain because of the size of the land fraud case and the distance that a witness would have to travel to attend the court. In addition, he felt that more than one sitting of the Court of Conference would be essential to give ample attention to the frauds and that most of the witnesses would be inclined to pay the fee of £20 required to avoid testifying in lieu of traveling between the one hundred to two hundred miles necessary to appear in court. Baker also thought that many of the magistrates and justices of the peace that were obligated by the law to issue the warrants and indictments would not do so without seeing actual evidence pertaining to the trials. He asked Williams if,

the Legislature suppose that Mr Jones & I were to run into every hole & corner of the State in search of these felons, like thief catchers with the paper in our pockets & the witnesses at our heels?²

If they did, Baker replied, they were mistaken.

The apparent rift between the governor and the attorney general was not the only discord among those pressing for prosecution. On January 11, 1800, Governor Williams appointed Major Samuel D. Purviance as agent for the state.³ Although hesitant at first, due to the length of time that had expired from the initial investigation, on January 14, 1800 Purviance accepted "the honor and dignity [bestowed by] the State" to assist in prosecuting the "the infernal Scoundrels by who's villany [the State] has been injured and debased."⁴ Attorney General Baker, however, disapproved of this appointment, and friction between the two men soon surfaced.

In late January, at the insistence of the governor, Attorney General Blake Baker and Solicitor General Edward Jones began preparing indictments against some of the men accused of fraud. On February 8, 1800, Baker wrote to Williams to inform him that he had sent an envoy to Johnston County with a warrant for the arrest of Arthur Pierce.⁵ Although several more warrants were sent out during the next months as the prosecution prepared its case, the fighting within the group continued.⁶

An additional problem arose as to where James Glasgow should be tried. The governor felt that Glasgow should be charged in the Court of Conference while the attorney general wanted the case tried in the

New Bern District where Glasgow had entered into recognizance in August 1799. The governor finally won on this point and Glasgow returned to New Bern District Superior Court in March 1800 and entered into recognizance to appear at the Court of Conference in Raleigh in June 1800.

As agent for the state, Purviance's duties consisted of obtaining evidence and witnesses as well as arresting those accused of fraudulent activity. In March, the rift between the attorney general and the agent came to the attention of the governor. Baker wrote Williams complaining that Purviance had neglected his duties and thereby had let several of the accused escape. Baker also complained that Purviance had not written to inform him of his activities as he, Purviance, had been instructed. He also hinted that, if Purviance continued to disregard his duties Secretary of State William White would be a good candidate to replace him.⁷

Eventually, Baker's accusations prompted Governor Williams to correspond with Purviance and to ask for his explanation of the events. On March 29, 1800, Purviance informed Williams that Baker had never asked him for correspondence on the case and had even said that he would not communicate with him as agent for the state. After explaining his actions to the governor, Purviance resigned his commission.⁸

On April 6, 1800, Williams informed Baker of Purviance's resignation. Baker responded on April 22 that he was "quite glad that Major Purviance has resigned his Agency" and then suggested that Secretary of State William White be appointed to fill the position.⁹ Although he felt that too much time had passed since the discovery of the frauds to convict any of the accused, on May 2, White accepted the appointment as agent for the state after receiving assurances from Baker and Jones that the business would not take him away from his office or home. However, White resigned the appointment less than two weeks later.

White informed Williams that the attorney general had sent instructions that "contains enough to employ me, and that from home, every hour of my time from this 'till the setting of the Court."¹⁰ This appears to have been all that Williams could handle of Baker's actions. In a carefully worded letter to the attorney general, Williams chided Baker

What a dilemma are we reduced to? Mr. Purviance alleys that thro your conduct towards him, he is driven from Office; . . . being serious as I was, and still am, of accommodating you with an Agent, who should in all things be agreeable to you; cooperating and seconding your plans of conducting the prosecutions--the time is spun out to a near approach of the Court, so that no professional Gentleman can be expected to undertake the duties of Public Agent, with a hope of rendering any material Service to the Country or doing much credit to himself.¹¹

On May 20, 1800, the attorney general tersely responded, "I know of no other person who could at this late period fill the vacancy occasioned."¹² Baker's continued accusations that Purviance had neglected his duties as agent, coupled with Jones' complaints that no materials were ever sent to him concerning his duties, Purviance resignation, and White's appointment and resignation as agent presented an almost circus-like atmosphere

Despite all the discord among the prosecution the governor did not cease in his attempts to bring the accused to trial. On May 2, 1800, he sent out commissions to the sheriffs in Wake, Franklin, Johnston, Chatham, Orange, and Cumberland counties to call the required number of jurors for the trial. Next, on May 10th, he sent out commissions to superior court judges Spruce Macay, John Haywood, Samuel

Johnston, and John Louis Taylor.¹³ Over the next few weeks, the various sheriffs called the requisite number of freeholders as jurors, and one by one, the superior court judges, with the exception of John Haywood, accepted their commissions.

All seemed finally to be going well for the prosecution when, on May 31, 1800, the state received the most potentially damaging set-back of the case. Judge John Haywood, author of the 1799 law that established the Court of Conference, resigned his appointment as a superior court judge and accepted a position as counsel for the defense.¹⁴ Stating his high regard for some of the accused and his well established sentiments concerning the current rotations and ridings on the superior court circuits, he stepped down from public service to assist the defense in its litigation. With the counsel for the defense established and the prospective jurors and judges commissioned, the long awaited trials appeared about to begin.

Finally, after all the accusations and rebuttals, on Tuesday June 10, 1800, with Attorney General Blake Baker and Solicitor General Edward Jones for the prosecution and John Haywood for the defense, the Court of Conference began its proceedings. Although only three superior court judges remained, according to the law only two were required to begin proceedings. Judges John Louis Taylor and Samuel Johnston, being present, met this requirement, and the trials began on schedule.¹⁵ Spruce Macay apparently arrived that night and was present the next day. After hearing other cases transferred from the Superior Courts, the trials of those accused of land fraud were set to begin. The first order of business constituted the selection of a grand jury. Since the appropriate number of freeholders from Wake, Franklin, Johnston, Chatham, Orange, and Cumberland Counties had been summoned, a grand jury was chosen.¹⁶

On Wednesday June 11, the grand jury began to issue indictments against the accused. Over the next three days, the following indictments were handed down against James Glasgow:

1. That he issued a warrant to Morgan Elmore without evidence that Elmore served and then issued the land grant to Stockley Donelson on a forged assignment;
2. That he issued a duplicate warrant to the heirs of Elijah Roberts and issued two land grants to James Mulherin on both warrants;
3. That he issued a warrant to Francis Harrison as the heir of James Harrison without evidence that James Harrison had even served and then issued a land grant to himself on a forged assignment of Francis Harrison;
4. That he directed Isaac Taylor, as a Deputy Surveyor, to survey a plot of land for James Hubbart, and then issued a grant to John Hacket, who signed as a Deputy Surveyor, without any evidence of assignment by Hubbart. Also, neither Taylor or Hacket were actually Deputy Surveyors; and,
5. That he issued a warrant to John Collins, heir of Brittan Collins, and then issued a grant to Joseph Brock on a forged assignment.¹⁷

Indictments were also handed down against Willoughby Williams, Wynn Dixon, John Bonds, John Gray Blount, and Thomas Blount.

When his trial began on Friday, June 13, Glasgow entered a plea of not guilty on charges presented in the first and second indictments; he was tried and found guilty by the jury. On Saturday, he pleaded not

guilty to the fourth accusation; he was found guilty of the charges levied. On Monday the 16th, Glasgow was tried on the third and fifth charges. He pleaded not guilty and was found not guilty on this accusation by the grand jury.¹⁸ On Tuesday, an additional indictment was handed down against Glasgow. This charged him with issuing a land grant of 5,000 acres to John Gray Blount and Thomas Blount on a duplicate warrant after issuing them a previous 5,000 acre grant on the original warrant. Again he professed his innocence; he was found guilty.¹⁹

As for the other defendants, Willoughby Williams and John Bonds were also found guilty of the charges presented in the indictments handed down during the Court of Conference. John Gray Blount and Thomas Blount succeeded in having their cases transferred to the next session of the New Bern District Superior Court where the jury retired briefly before finding John Gray Blount not guilty. The same jury found Thomas Blount not guilty without retiring. The charges against Wynn Dixon were not pressed by the prosecution, and the witnesses summoned to testify were dismissed. With the judgments against Glasgow, Williams, and Bonds handed down, the attorney general moved for sentencing.²⁰

Before the court could pass judgment, John Haywood, as attorney for James Glasgow, moved for a new trial on the second indictment on several grounds. The chief reason stated by Haywood was that the verdict was contrary to the evidence presented. The judges dismissed this request stating that they were satisfied with the verdict. Again the attorney general prayed for judgment, and Haywood countered by moving for arrest of judgment. Haywood's arguments for the arrest of judgment fell into two categories: 1) the legality of the court's commission, and 2) the legality of the indictment. On the question of the legality of the court's commission, the law that he himself wrote in 1799, he gave the following five reasons for the move:

1. The caption does not state any legal authority in this Court to take the said indictment; the commission is stated to be made to the Judges to enquire by the oaths of good and lawful men of the counties of Wake, Franklin, Johnston, Chatham, Orange, and Cumberland and there is no law of this State which authorizes an enquiry otherwise than by the oaths of freeholders,
2. The caption does not state the indictment to have been found by the oath of freeholders,
3. There is no such commission as that stated in the caption; the commission by virtue whereof this Court sits, is a commission to enquire of the offenses committed in the office of the Secretary of State, or in the office of Martin Armstrong, or in the office of John Armstrong, in, &c., but the commission described in the caption is to enquire of the offenses in the two former offices only,
4. The commission by virtue whereof this Court sits, is to enquire by the oaths of freeholders, whereas the commission by virtue whereof the indictment is stated so to be taken, is to enquire by the oaths of good and lawful men only, and,
5. The several offenses in the indictment mentioned, are supposed to have been committed on the several times therein mentioned at the county of Greene, within the jurisdiction of this Court: not stating the said place to be within any of "the districts of the" State, whereby the Court might see that the said offenses were committed within the extent of their jurisdiction; and in fact at those several times, there was no such county as the county of Greene within any district.²¹

Next, Haywood questioned whether the second indictment held sufficient authorization. Haywood stated that the original warrant had only been implied and that the prosecution did not prove that it ever existed. If, he continued, it had existed, sufficient evidence had not be presented to prove that it was for the same amount of land and to the same person as the duplicate warrant. Next, Haywood argued that the indictment said that Glasgow "well knew" that the warrant had been legally assigned to James Mulherrin, in which case Glasgow had been within the boundaries of the law when he issued the land grant to Mulherrin. As such, no injury had been incurred by the heirs of Elijah Roberts, the public, or the state.²²

Haywood then argued that it had not been proven that a grant had been issued on the original warrant, nor was in the process of being issued, nor that the original warrant was even in existence. He also argued that no proof existed that two grants were ever issued on this warrant, original or duplicate. The only grant specifically mentioned was the one issued on January 7, 1794, which resulted from the duplicate warrant. Finally, Haywood wrapped up his arguments by saying that the frauds were supposedly committed against the state of North Carolina. He pointed out that the land described in the indictment was, in 1794, not the territory of North Carolina, but the land of the United States. As such, if fraudulent activities had occurred, a federal court should hear the cases, not a state court.²³

Judge Spruce Macay answered for the court and acknowledged that Haywood had argued several valid points, but they did not apply in this case. He then proceeded to refute the points raised by the council for the defense. The court felt that the phrases "good and lawful men" and "freeholders" were interchangeable and that "an inquest of good and lawful men, must be of freeholders."²⁴ The judges also believed that Haywood's arguments that the commission of the court was not legal had not been founded in fact and were therefore denied.

Macay then addressed the aspect of the argument surrounding Greene County. Although the county did not officially exist at the time stated in the indictment (1794), the court had been established to try offenses that occurred within its jurisdiction. Greene County, still Glasgow County in 1794, was definitely within the jurisdiction of the court. Besides, he continued, the offenses were committed by the secretary of state in the exercise of his duty and was therefore the jurisdiction of the state despite the location of the frauds.²⁵

Next, Spruce Macay turned his attention to the indictment against Glasgow. He rebutted Haywood's contention that no proof was offered concerning the original warrant. The court felt that the attorney general had given sufficient evidence to prove the existence of an original warrant. He proceeded to show that by issuing a grant on both the original and duplicate warrant, Glasgow, in the exercise of his office, had "fraudulently and wickedly" abused his powers of office. As such, Glasgow had injured the public that had placed its trust in him, an action punishable in any common court of law as a misdemeanor.²⁶

Macay then turned his attention to whether or not Glasgow knew that James Mulherrin had legally obtained the warrant. He said that Mulherrin had produced no legal evidence to prove that Elijah Roberts had served in the Continental line or that his heirs had assigned their rights to the warrant to Mulherrin. Without this documentation, Macay asserted, Glasgow should not have issued a warrant, original or duplicate, or a grant to Mulherrin.²⁷

Finally, the court turned to the issue of jurisdiction of the lands in the proposed frauds. Macay answered by stating that although the lands may have been ceded to the federal government, James Glasgow, acting as an official for the state of North Carolina, had committed the frauds. His signature represented

a pledge for purity on all documents emanating from his office. By executing these acts, he had defiled the state and her citizens. It was by virtue of these reasons, the court felt, that North Carolina, not the United States, had jurisdiction in this case. The court overruled the plea, and the attorney general was finally able to move for judgment.²⁸

On Thursday, June 19, 1800, considering the charge that James Glasgow issued a duplicate warrant to James Mulherin as the assignee of the heirs of Elijah Roberts and issued grants on both warrants, the court ordered that he be fined £1,000 and held at the jail in New Bern District without bail until he paid the fine. On the charges issued in the indictment concerning the two land grants to the Blounts, he was fined £1,000 and ordered held in the New Bern jail without bail until the fine was paid. The court arrested judgment on the third count against Glasgow. For the charges levied against Willoughby Williams and John Bonds, they were fined £500 and £100 respectively. ²⁹

Finally, the court then ordered the sheriff of Wake County to deliver James Glasgow and Willoughby Williams to the New Bern District jail, and John Bonds to the Halifax District jail so they could begin serving their sentences. Of the twenty-two men accused of fraudulent activities by the first board of inquiry, only James Glasgow, Willoughby Williams, John Bonds, Wynn Dixon, John Gray Blount, and Thomas Blount were ever tried. Of the five tried, only Glasgow, Williams, and Bonds were ever found guilty.³⁰

The verdict of guilt not only brought a few of the accused to justice, it seemed to heal old wounds within the prosecution's camp. On June 20, 1800, Attorney General Blake Baker wrote to Governor Benjamin Williams apologizing if he had harmed the purpose of the state when he complained of Samuel D. Purviance neglecting his duties. Baker applauded Major Purviance's attendance at the special court from its beginning as a spectator and his offering his assistance to the prosecution throughout the trials. Purviance wrote Williams as well. He praised Baker's handling of the case and his securing a guilty verdict. The court, according to those associated with the prosecution, had been a success.³¹

Over two and one half years passed between the discovery of the fraud and the first trials of some of the accused. James Glasgow, reported at the principal speculator by the second board of inquiry and two other minor players received small fines for their actions. After sitting the required ten days and hearing the trials of the conspirators as well as cases transferred from the superior courts, the justices adjourned on June 20, 1800.

Chapter Five: The Accused and the Court after the Trials

North Carolina attorney Peter Browne, in a January 29, 1800 letter to David Stone, likened the Court of Conference bill to "locking the stable door after the steed is gone."¹ The June 1800 session of the Court of Conference brought some of those accused of land fraud in 1797 to trial. However, the vast majority of the men implicated by the boards of inquiry were not tried at the special court. Moreover, the story of those tried, those involved, or the court itself does not stop with the adjournment of the Court of Conference on June 20, 1800.

At the June 1800 session of the Court of Conference, John Gray Blount and Thomas Blount succeeded in having their trials transferred to the July session of the New Bern District Superior court. Stating that material witnesses were absent at the time, and additional time would be required to ensure their attendance at a trial, the Blounts received an additional month to prepare their defense. When their cases were finally heard, the jury retired briefly before finding John Gray Blount not guilty. In the case against Thomas Blount, the jury found him not guilty without retiring.²

After their trials, the Blounts blamed their problems on others. In a handbill published during his re-election bid to the United States House of Representatives in 1800, Thomas Blount issued an account of his defense, partly blaming his brother for their problems.³ This proved in vain as Thomas Blount lost the election. John Gray Blount blamed their troubles on the land agents they employed to acquire land in Tennessee.

Of the men tried at the special court, this author is uninformed of any subsequent events on the part of John Bonds. It is suggested that Bonds removed to Tennessee shortly after the trials. These trials, however, were not the first time that Bonds was found guilty of fraud. After serving as an assemblyman from Nash County in the North Carolina House of Representatives during the 1780s and 1790s, Bonds was expelled from the legislature for drawing the salary of a soldier in a series of events that were known as the "Army Frauds."⁴

Unlike Bonds, Willoughby Williams remained in the state for almost two years after being found guilty. In May 1802, Williams and his family left their home in Greene County, North Carolina and headed for Tennessee. During the trip, on June 6, 1802, at Rutledge, Tennessee, Williams suddenly died.⁵

Like Williams, James Glasgow proved in no hurry to depart the state either. Unfortunately, his appearances before the Court of Conference were not completed. At the January 1802 session of the New Bern District court, William White, as secretary of state, brought suit against Glasgow for fees Glasgow received while in office. White claimed that Glasgow had received (1,357.13.4 in secretary's fees for recording 4,058 land entries. White's suit claimed that when he, White, became secretary, the job of issuing these grants fell on him. He stated that he applied to Glasgow to account for the money and to pay the fees to him. Since then, Glasgow had refused to comply and White had to sue. White petitioned the court for a subpoena to have Glasgow account for the money.⁶

By July, Glasgow had accounted for the entries in the secretary's office. However, in the July session of the New Bern District court, the judge ruled that the accounting of the entries and grants was insufficient and allowed Glasgow three more months to make a more complete accounting. On September 26, 1802, he appeared before Judge Spruce Macay at Halifax to answer White's charges and to issue a more complete report.⁷

Glasgow stated that the money White sought was the money of the state. As such, it had been used to

pay office expenses. In addition, not all the fees due the secretary had been paid. To support his claim, he submitted a report indicating the number of entries, grants, and fees received per county during the time in question. On October 21, 1802, he submitted an addendum to this report.

Over the next two years, depositions were taken for both the prosecution and the defense in the case. In January 1805, the attorneys for both sides agreed to have an account taken by a Master in Equity. Edward Graham was chosen to take the account. In July 1805, when Graham issued his findings, he reported that Glasgow had left and resided out of state. Graham indicated that Glasgow received £1,284.1.8 in secretary's fees for services that White completed. John Haywood, acting as attorney for Glasgow, argued for exception to the report due to insufficient evidence to charge Glasgow with the receipt of the money. The court over-ruled the plea and confirmed the report.⁸

In January 1806, the New Bern District court transferred the case to the Court of Conference after White's attorney asked for the court's decree and Glasgow's attorney objected on the grounds that the court's exceptions to the report were "improperly overruled." On March 30, 1806, the Court of Conference ruled that Graham's report was sufficient and passed judgment in favor of William White and awarded him the £1,284.1.8.⁹

At the December 1807 session of the General Assembly, James Glasgow petitioned the legislature for relief of this judgment. According to his petition, few county entry takers had fully accounted for their entries. Of those, Secretary White had only issued 1,242 grants which entitled him to £414. After some discussion, the General Assembly approved his request.¹⁰

Two years later, Glasgow petitioned the legislature again concerning the fine. This time, he asked to be relieved from the judgment since he could not pay the fine or relieve his security. To do so would have him spend the few remaining days of his "unfortunate life" in prison, leaving five motherless children "who are too small to earn their bread or take care of themselves." After referring his petition to committee, the General Assembly agreed to relieve him of the judgment 1) due to his fallen and unhappy state, 2) in consideration of his helpless and innocent children, and 3) to reflect the "dignity and magnanimity" of North Carolina, instead of pressing him further.¹¹

With the passage of this report, James Glasgow and his security were relieved of the judgment and only had to pay court costs. This ruling ended all business between James Glasgow and North Carolina. After arriving in Tennessee, Glasgow initially settled on the Emory River in Roane County. By 1810, Glasgow was living between Nashville and Murfreesboro, about seven miles above the former. It was there he died on November 17, 1819.

The two men who gained the most through the speculation, Stockley Donelson and William Terrell, were never brought to trial in North Carolina. In addition to earlier attempts, the General Assembly, noting that "very great frauds" had been committed against the state, passed a resolution on November 28, 1801, calling for their apprehension. According to the resolution, Governor Benjamin Williams was required to demand the apprehension and return of Donelson from Tennessee governor Archibald Roane. Accordingly, Williams was also to demand Terrell's capture and return from Mississippi Territory governor William C. Claibourne.¹²

On January 14, 1802, Williams wrote Governors Roane and Claibourne requesting that Donelson and Terrell be returned according to the 1793 federal fugitive from justice act. On February 17, Governor Roane informed Williams that he had received the letter requesting the apprehension of Donelson and Terrell, but had not received a copy of the resolution. He reported that Terrell had not been in Tennessee

for a number of years, but he thought Donelson could be captured since he probably did not know of North Carolina's resolution. Roane then requested copies of the indictments against the accused since he had been informed that both men were at court when required, but the cases were not pursued as North Carolina was not ready to prosecute. Without the indictments, although Roane believed in abiding by the fugitive from justice act, he would not deprive a citizen of his liberty without reason.¹³

Williams forwarded copies of the indictments showing that Donelson and Terrell were not present at court when the indictments were handed down on May 16, 1799. After reviewing the copies, he re-examined the resolution. Stating differences of opinions on the indictments, Roane refused to comply with North Carolina's wishes and again questioned if Donelson and Terrell were present at court.¹⁴

In November 1802, James Turner was elected as governor of North Carolina. Turner followed Williams' lead in pursuit of Donelson and Terrell. On January 14, 1803, according to resolution, Turner wrote Roane demanding the return of the accused and referring to the indictments forwarded by Governor Williams. Roane replied on April 4 that Turner's demand was based on the indictments for which he, Roane, had still not received a satisfactory answer.¹⁵ In rejecting the request, he referred Turner to the earlier letters to Williams.

Having not received Roane's reply, Turner again requested Donelson's arrest in a July 22, 1803 letter. Stating that he wanted to try Donelson at the October term of the Hillsborough District Court, he enclosed a copy of the General Assembly's resolution and the January 14 letter. On August 16, Roane replied that he could not arrest a citizen on a resolution from another state. As a result, the Tennessee legislature passed a resolution finding that North Carolina did not have a good foundation for the return of Donelson.

According to Roane, the charges against Donelson and Terrell were issued "Nolle prosequi" it did not fall under the United States fugitive act. Since North Carolina did not arrest the men, Tennessee would not arrest them either.¹⁶ No further attempts to apprehend Donelson and Terrell appear to have occurred after this correspondence. It should be noted that the House and Senate Journals of 1812 note a petition from Henry Neal, an heir of William Terrell, reporting Terrell's death. A search of the General Assembly Papers in the North Carolina State Archives failed to produce the petition.

* * *

The court itself has a storied history after the trial of the conspirators. The court established in 1799 to try the accused was also established to "settle questions of law or equity arising on the circuits from differences of opinions or desire for further correspondence or from a lack of a competent number of judges."¹⁷ Until this time, North Carolina's highest courts were the superior district court. Although, as early as November 1787, in the case of Bayard v Singleton, the judges of the superior courts came together to discuss and pass judgment. Prior to the 1799 law, if a person was unsatisfied by the ruling received in a county court, he could appeal the case to the superior court.¹⁸ However, decisions at this level were final. The 1799 law added an additional appellant level.

The law required the judges of the Superior Courts of Law and Equity to meet twice a year in Raleigh, to sit and hear cases transferred from the Superior Courts. The judges were to convene on the tenth days of June and December and to hear cases for ten days or until the business was finished.¹⁹ Two of the four judges were to be present to have a quorum. The first order of business was to be the appointment of a clerk who had to enter into bond in the sum of £5,000.²⁰

To transfer a case to the Court of Conference, a transcript of the records was to be made at the Superior Court level and delivered to the judge prior to the end of the session. The judge would then file the transcripts with the clerk of the special court when the judges convened in June or December. The law required that each and every judge issue his opinion in writing and to file the opinion with the clerk who entered it into a record book. After the decision was rendered, the clerk was required to transcribe the judgment and to send it to the superior court from where the case had been transferred.²¹

The clerk's salary was to be determined by the judges and was not to exceed £50 per annum. Finally, the law divided the Superior Court into four ridings: 1) Morgan and Salisbury districts, the first circuit; 2) Hillsborough and Fayetteville districts, the second circuit; 3) Halifax and Edenton districts, the third circuit; and 4) New Bern and Wilmington districts, the fourth circuit.²²

Having accomplished the goal of trying some of the accused, the court continued for the period of time as instituted in the 1799 law. However, in 1801, the General Assembly enacted further legislation that extended the court's existence for three additional years, stating that it had "been found highly salutary and beneficial." Other than a few minor changes, the court continued under the same rules and regulations as before.²³ Although the state's leaders had been referring to the court as the Court of Conference, the court was officially given that name in 1801. The judges were given the power to sit at each and every term. Term limits were raised from ten to fifteen days, and, in perhaps the most dramatic change, attorneys were prohibited to speak or to be admitted as council in the court.²⁴

In 1804, another law continued the 1801 court law. This law regulated that the judges arrange the ridings of the Superior Court circuits among themselves and to alternate ridings so as not to have any judge appear at successive sessions of any district.²⁵ In the Court of Conference, the judges were required not only to reduce their opinions to writing and file them with the clerk, but they were also required to render their decisions *viva voce* in open court. Finally, the court was deemed a Court of Record, and the records were ordered to be kept permanently in Raleigh.²⁶

In 1805, the General Assembly continued the court's existence and officially named it The Supreme Court of North Carolina. The law also mandated that the sheriff, or deputy sheriff, of Wake County attend the court. The commencement of court terms were changed to the tenth day of June and the second day of December. Now, however, the judges had to sit until all business brought before them had been decided or had been continued on good cause.²⁷ The state treasurer was empowered to take civil judgments against persons for and in behalf of the state. Finally, in cases where the judges decided they needed to call a jury, it fell on the sheriff of Wake County to summon the jury.²⁸

In 1806, a court law was passed that divided the state's superior court districts into six circuits, abolished the district courts and placed the superior courts in the individual counties, established meeting times for the county superior courts and, finally, increased the number of judges from four to six.²⁹ The judges were to continue alternating their ridings so as to not duplicate any circuit consecutively. A majority of the Superior Court judges were required to hold the Supreme Court in Raleigh on the fifth day of July under the same rules and regulations established by prior laws. The law dictated that the Supreme Court sit and prescribe rules of practice on the superior court circuits. Finally, any civil suits brought by the treasurer on behalf of the state were transferred to the superior court held in Wake County.³⁰

For the next three years the General Assembly did not change the laws pertaining to the Supreme Court. Not until 1810 was additional legislation passed. The beginning of the court terms were changed to the first Mondays of January and July. At the first meeting after the passage of the bill, the judges were required to choose one of their own to act as a Chief Justice, an office he was to hold during good

behavior.³¹ All of judges present were required to issue their opinions, and give reasons at full length on which they were so founded. For the first time the General Assembly provided compensation for the judges. A sum of £50 was set as an extra duty fee.³²

The state's attorney general was required to attend the court at the sum of £20 for his additional duty. The law also required the governor to procure a seal and motto for the court. The sheriff, or deputy sheriff, of Wake County was required to attend the court and was to be paid the same amount as he would receive for attending the Wake County court.³³

To transfer cases to the Supreme Court, unsatisfied parties had to enter into bond with an approved security after their cases had been decided in the superior courts. Cases were then transferred in the same manner as cases were transferred from the county courts to the superior courts. For the first time, the Supreme Court was empowered to issue execution and costs for any cases brought before it in the same manner and form as the superior courts.³⁴

In 1818 the General Assembly laid the basis for the Supreme Court. Two laws passed that year resulted in a major reconstruction of the court. Instead of the superior court judges hearing cases as previously required, the first law passed during that legislative session created three Supreme Court judges to be selected by joint ballot of both houses of the General Assembly. Paid \$2,500 yearly, the judges were to hold their office during good behavior. The law stipulated that the judges' salaries were to be paid by placing a tax on all auction goods.³⁵ The court was to sit and hear cases beginning on the twentieth days of May and November and to continue until all business placed before it had been heard. The first term was set to begin on the first Monday of January 1819 and cases already ordered to be heard were held over for the new court.³⁶ Otherwise, cases could only be transferred upon appeal of one of the litigants or upon decree of a superior court judge. Litigants were unable to appeal final decisions of the judges, and the judges could only decree cases that had already been heard at the lower levels.³⁷ Finally, all previous laws contrary to this act were repealed.

The second law passed by the 1818 General Assembly placed more of the ground work for future court structure. The law mandated that the three judges swear an oath for service. They must also choose one judge to act as a Chief Justice, and, then, appoint a clerk who had to enter into bond in the sum of \$10,000.³⁸ The judges were empowered to issue any form of writ when need arose. Appellants wanting to have cases heard before the court had to file transcripts with the Supreme Court clerk before the cases could be heard. Finally, the judges had to appoint a reporter at the salary of \$500 annually to print the cases and their decisions.³⁸

The court, established in 1799 for a period of two years as a temporary court aimed at prosecution of those associated with the land frauds, was continued by multiple acts of the General Assembly until it became an independent court. The next significant change occurred with the adoption in 1868 of a new state constitution. This increased the number of judges from three to five and changed the status of the judges from appointed political officials to elected constitutional officers.³⁹

Laws passed by the General Assembly aimed at bringing James Glasgow and others accused of fraud to trial helped bring about long needed changes in the state's judicial system. The inability to confer on questions of legality and the lack of one centralized appellate court had hindered the state during its formative years. Although structurally different from the court that met in January of 1819, the June 1800 Court of Conference laid the basis for the state's Supreme Court. Laws passed by subsequent legislatures changed the composition of the court. Evolving over time, these changes helped establish the foundation that North Carolina has built upon ever since. As a result, the legal system that

'An Angel has fallen!': The Glasgow Land Frauds and the establishment of the North Carolina Supreme Court.

(combined with the addition of the North Carolina Court of Appeals in 1962 and the legal system restructuring in 1967) the state operates under today was established.

The Glasgow Land Frauds helped bring to an end the distinguished career of one of the state's early heroes. However, memories of the events might have quickly faded away if not for the legislation and litigation that followed. Laws passed by the General Assembly aimed at bringing James Glasgow and others accused of fraud to trial, helped bring about long needed changes in the state's judicial system.

Conclusions

According to historian R. D. W. Connor, the Glasgow Land Frauds are important chiefly because of their "connection with the establishment of a court of appeals."¹ The court established in 1799 to try men accused of land fraud did evolve over the next two decades to produce the Supreme Court that met for the first time as an independent body on January 4, 1819. Many of the men involved in the frauds soon faded from the forefront, but their actions resulted in a court that has benefited the state ever since.

James Glasgow is one man associated with the frauds who did not quickly fade from memory. At the time of the discovery of the frauds, "no man had enjoyed the public confidence more fully" than Glasgow.² Having served as secretary of state from 1776 to 1798, he held the respect and admiration of the public as well as his peers. In 1791, attempting to show their respect, the General Assembly established a county named in his honor.

So horrified were North Carolina officials in 1797 to learn of Glasgow's possible involvement in any sort of fraud that Governor Samuel Ashe purportedly remarked "An angel had fallen!" However, over the next two years, through an initial investigation and examinations by two boards of inquiry, the full context of his involvement became apparent. In June 1800, the grand jury, at a court created specially to try men accused of the frauds, issued six indictments against Glasgow. Although he professed his innocence, he was eventually tried on four counts and found guilty on three.

Of the three counts on which he was found guilty, his defense succeeded in having judgment arrested in one case. In each of the other two cases, Glasgow was fined £1,000. However, in February 1995, documents were found at the North Carolina State Archives which prove Glasgow's innocence on one of these two counts. Those documents deal with the indictment concerning land grants to James Mulherrin.

At the June 1800 court, he was found guilty of issuing land grants on both the original and duplicate Military Warrant, Number 3319. The grants were issued to James Mulherrin as the assignee of the heirs of Elijah Roberts, a private in the Continental Line. Included in the file that contains the duplicate warrant and survey plat is a statement from Mulherrin noting that the lands claimed by the original warrant and grant were taken by a prior entry. This statement, certified on May 11, 1793 by deputy surveyor John Dickson, requested that he be allowed another grant.³

Mulherrin made this request in accordance with a law passed in the second session of the 1784 General Assembly. According to the law, if any two entries or grants overlapped, the supernumerary grant [a grant including land already allocated by a previous grant to another party] could be relocated to any vacant land within the same district. Mulherrin's statement proved that state grant number 945 which allowed him 640 acres of land in Davidson County (Tennessee) "on Hickmans Creek, a Western Branch of Caney Fork" and issued on May 18, 1789 was supernumerary. In accordance with the law, on January 7, 1794, Glasgow issued a replacement tract to Mulherrin consisting of 640 acres in Davidson County (Tennessee) on the south side of the Cumberland River on Mile Creek via state grant number 2409, on the same warrant.⁴

Although his innocence appears evident on this charge, just the opposite can be said of another count. The second indictment on which he was found guilty revolved around the issuance of a duplicate warrant to John Gray Blount and Thomas Blount and then issuing two 5,000 acre grants on both the original and the duplicate warrants. According to the Western Land Entry book at the North Carolina State Archives, grants were issued on warrant number 1663 to the Blounts and to Stockley Donelson. In the Land Grant files, there are two grants to the Blounts. The first, state grant number 218, issued on

June 27, 1793, consisted of a 5,000 acre tract of land on the south fork of Duck River and was surveyed by John Donelson on August 30, 1792. The second, state grant number 517, issued on April 26, 1794, consisted of 95,000 acres on the southeast side of Clinch River in Knox County (Tennessee) and was surveyed by Stockley Donelson on November 6, 1792. This grant contained a total of eighteen warrants for 5,000 acres each, many of which produced additional grants. The third grant to Stockley Donelson was not located in the North Carolina State Archives Land Grant files.⁵

A few years after the trials, Glasgow removed to Tennessee and eventually resided a short distance above Nashville. Compared to other men accused of fraud, like Stockley Donelson who amassed over 1,000,000 acres of land in present day Tennessee, Martin Armstrong who held title to over 260,000, and William Terrell who acquired over 14,000 acres plus many more in conjunction with Donelson, Glasgow procured little land in Tennessee. "Though the wrong-doing of others of course does not palliate the sins of Colonel Glasgow," perhaps on account of his prominence, history holds him responsible for the frauds.⁶ Unlike many of the other men involved in the frauds, he held no state office in Tennessee. The man who once helped lead North Carolina in her struggle for independence and whose name graced an entire county, received no more eulogy in North Carolina than the Raleigh Register's entry of February 24, 1820:

Died: In Tennessee, lately, Colonel James Glasgow, formerly Secretary of State of this State.⁷

As a result of the Glasgow Land Frauds, however, the state's legal system went through radical changes. The Court of Conference created to try the accused was a result of a General Assembly Joint Select Committee report issued on December 4, 1798. The committee noted the importance of trying the accused and suggested the creation of a special court to complete the task. However, Governor William R. Davie doubted the law's authority and elected not to commission the court.

In 1799, Evan Alexander, a representative of Salisbury in the House of Commons, introduced further legislation aimed at bringing those charged with fraud to justice. Alexander's bill was ratified by the General Assembly and produced the court commissioned by Governor Benjamin Williams that tried James Glasgow, Willoughby Williams, and John Bonds in June 1800. The special court was commissioned for two years.

At the end of the court's commission, the General Assembly noticed that the court had been very beneficial to the state's judicial leaders. To prevent the court from passing out of existence, Representative William Lord, of Cumberland County, introduced a bill that extended the court's jurisdiction for an additional three year period under the same general guidelines established in 1799. The only item deleted from Lord's original bill was the clause that allowed the court's clerk a salary, decided by the judges, not exceeding £100.

In 1804, the court's second commission came to a close. This time, the bill to continue its jurisdiction arose in the Senate. William P. Little, of Person County, presented the legislation concerning the court. Through this law the court was made a permanent court of record.

In 1805, the Senate once again took the initiative. James Welborne, of Wilkes County, introduced a bill regarding the court. His initial bill was referred to the Senate Judiciary Committee. After some review, the resulting legislation permanently affixed the name The Supreme Court of North Carolina to the court.

In 1806, the entirety of the state's superior court judicial system was altered. The law, first introduced by James Jones, a Representative from Hertford County, abolished the Superior Court districts, placed the Superior Courts in each county, divided the courts into four ridings, allowed one judge to hear cases, and created an additional judgeship. This law also greatly increased the judges' workload. Four more years would pass before the General Assembly changed the composition of the court again.

In 1810, Jeremiah Slade, a Senator from Martin County, introduced a bill that created the office of Chief Justice of the Supreme Court. Slade's measure also provided for salaries for the Superior Court judges that attended the Supreme Court. His initial legislation allowed the court clerk the copyright to print all cases determined before the court. This section was deleted in the law's ratified version.

Finally, in 1818, the General Assembly created the Supreme Court as an independent body from the superior courts. These actions were taken after Governor John Branch issued a directive to the General Assembly to reform the state's Judiciary. In the Joint Select Committee report that ensued, it was reported that the Superior Court judges traveled between 1,000 and 1,500 miles on the circuits and were away from home over twenty-two weeks of the year. For this, they were paid only \$1,800 a year.

Additionally, the judges were to meet and confer on decisions they themselves had either rendered on were unable to rule upon on the circuits. As a result, the Committee suggested that a "Supreme Court [should] be established and retained, with an universal jurisdiction over legal controversies." According to the report, the court should be "composed of men of acknowledged ability and integrity, whose whole attention shall be devoted to the business of that court."⁸ As a result of the report, William Gaston, a Senator from Craven County, introduced a new court bill.

The court consisted of three judges, selected by the legislature, who no longer had to ride circuit on the superior courts. Accordingly, "a co-ordinate branch of government [was] raised from its . . . degradation to that dignity to which the theory of [the] Constitution entitle[d] it."⁹ Although the numerous laws changed the composition and procedures of the court between 1799 and 1818, the court that met on January 4, 1819 was a direct descendant of the court that first met on June 10, 1800.¹⁰

In 1799, with the phrase, "That from and after the passing of this act, the county of Glasgow shall be called and known by the name of Greene County,"¹¹ the North Carolina General Assembly attempted to remove the name of James Glasgow from its former place of honor. With the exception of his twenty-two years of service, Glasgow might not have made the history books if it were not for the court created to try those accused of the Glasgow Land Frauds.

'An Angel has fallen!': The Glasgow Land Frauds and the establishment of the North Carolina Supreme Court.

End notes

Introduction

1. Marshal Delancy Haywood, "James Glasgow." as cited in Samuel A. Ashe, Stephen B. Weeks, and Charles L. Van Noppen, eds., Biographical History of North Carolina, 8 vols. (Greensboro: Charles L. Van Noppen, 1905-1917), 7:115-121; hereinafter cited as Ashe, Biographical History.
2. Fred A. Olds, "'An Angel has Fallen'---Story of James Glasgow" in The Orphans' Friend and Masonic Journal. vol. XLIX, No. 11 (July 25, 1924), 1,9.
3. Earley W. Bridges, "James Glasgow" in Nocalore, vol. X, (1940), 122-131.
4. Bill Powell, Dictionary of North Carolina Biography, s.v. "Glasgow, James." 5 vols. (Chapel Hill: The University of North Carolina Press, 1979 - 1996); hereinafter cited as Powell, DNCB.
5. David L. Swain, "Early Times in Raleigh." as cited in William J. Peele, comp., Lives of Distinguished North Carolinians, (Raleigh: The North Carolina Publishing Society, 1898), 256-279.
6. Kemp P. Battle, An Address on the History of the Supreme Court, (Raleigh: Edwards & Broughton, 1889); hereinafter cited as Battle, History of the Supreme Court.
7. Kemp P. Battle, "The Trial of James Glasgow and the Supreme Court of North Carolina," in The North Carolina Booklet, vol. III, 5-11.
8. Joseph Blount Cheshire, "James Glasgow" in Nonnulla: Memories, Stories, Traditions, More or Less Authentic. (Chapel Hill: The University of North Carolina Press, 1930), 95-101.
9. Cecil J. Hill, "When the North Carolina Supreme Court Sat in the Capital" (Research Article, Research Branch, Division of Archives and History, Raleigh, 1984).
10. Albert Lincoln Bramlett, "North Carolina's Western Lands" (Ph.D. diss., University of North Carolina at Chapel Hill, 1928), 113-150; hereinafter cited as Bramlett, "Western Lands."
11. A. Bruce Pruitt, comp., Glasgow Land Fraud Papers, 1783-1800, (Rocky Mount, N.C.: the compiler, 1988), i-xviii; hereinafter cited as Pruitt, Glasgow Land Frauds.
12. A. Bruce Pruitt, comp., Glasgow Land Fraud Papers Volume 2, (Rocky Mount, N.C.: the compiler, 1993); hereinafter cited as Pruitt, Glasgow Land Frauds, Vol. 2.
13. Daniel Jansen, "A Case of Fraud and Deception: The Revolutionary War Military Land Bounty Policy in Tennessee," The Journal of East Tennessee History, LXIV, (1992): 41-67.
14. James H. Broussard, The Southern Federalists, (Baton Rouge: The Louisiana State University Press, 1978).

Chapter One

1. Constitution of North Carolina, 1776, s. 1.
2. Constitution of North Carolina, 1776, s. 15.
3. Constitution of North Carolina, 1776, s. 16.
4. Constitution of North Carolina, 1776, s. 22, 24.
5. Constitution of North Carolina, 1776, s. 13.
6. Helen F. M. Leary and Maurice R. Stirewalt, eds., North Carolina Research: Genealogy and Local

History (Raleigh: The North Carolina Genealogical Society, 1980),326-327; hereinafter cited as Leary and Stirewalt, NC Research.

7. Leary and Stirewalt, NC Research, 326.

8. Laws of North Carolina, 1762, c. 1; Laws of North Carolina, 1764, second series, c. 1.

9. Leary and Stirewalt, NC Research, 327, 329.

10. Leary and Stirewalt, NC Research, 329; Court records at the North Carolina State Archives show that not all districts held all the quarterly sessions in 1774 and 1775, and that no sessions were held at all in 1776.

11. Leary and Stirewalt, NC Research, 330.

12. Laws of North Carolina, 1777, second session, c. 2; Laws of North Carolina, 1782, c. 22; Laws of North Carolina, 1787, c. 32.

13. The eastern circuit consisted of Halifax, Edenton, New Bern, and Wilmington districts, while Salisbury, Morgan, Fayetteville, and Hillsborough districts constituted the western circuit. Laws of North Carolina, 1790, c. 3; Battle, History of the Supreme Court, 34.

14. Battle, History of the Supreme Court, 35.

15. James Glasgow (ca. 1735 - November 17, 1819) was born in Maryland, educated at the College of William and Mary, and removed to North Carolina prior to 1763. He studied law in Kingston (in 1784, this town was rename Kinston) and was admitted to the bar in Johnston County on July 17, 1764. Settling in Dobbs County (now Greene), he quickly proved himself in public office and militia service. Powell, DNCB, s.v. "Glasgow, James"; For more information on the life and career of James Glasgow, see Ashe, Biographical History, 7:115-121.

16. William L. Saunders, ed., The Colonial Records of North Carolina, 10 vols. (Raleigh: State of North Carolina, 1886-1890), 10:1013; hereinafter cited as Saunders, Colonial Records.

17. Walter Clark, ed., The State Records of North Carolina, 16 vols. (11-26) (Raleigh: State of North Carolina, 1895-1906), 12:25, 27, hereinafter cited as Clark, State Records.

18. His salary and fees changed from year to year. The legislature of 1777 allotted him the same salary as the provincial secretary, first noted at £500 per annum in 1778, and established his fees at two shillings and eight pence for letters testamentary or administration; five shillings and four pence for commissions; seven pence for searching for records; one shilling and four pence for copying a patent; seven pence for certificates; five shillings and four pence for testimonials under the Seal of the State; and seven pence for filing papers. Clark, State Records, 24:35.

19. Laws of North Carolina, 1777, c. 1. A Royal Proclamation issued in 1763 prohibited settlement west of the Blue Ridge mountains. A later line established in a treaty with the Cherokee had been located further to the east. Subsequent treaties with the Indians gradually moved the line further and further west until 1777 when whites were legally allowed to settle west of the Blue Ridge mountains.

20. Laws of North Carolina, 1777, c. 1.

21. Leary and Stirewalt, NC Research, 301, 314.

22. Hugh Talmage Lefler and Albert Ray Newsome, North Carolina: The History of a Southern State, 3d ed. (Chapel Hill: The University of North Carolina Press, 1973), 240. North Carolina's highest level of participation occurred in 1782, the same year the General Assembly passed the most generous act to compensate soldiers.

23. Laws of North Carolina, 1780, c. 25. The law stipulated that the men could not claim or assign their land before the completion of their service.
24. Laws of North Carolina, 1780, c.25. This area covers the northeastern section of the state of Tennessee from the Virginia state line down to present day Knoxville. Between 1783 and 1841, North Carolina issued two series of bounty land warrants. The first series, 1783-1797 (Warrant numbers 1-5312), are the warrants from which the land frauds emanated. Leary and Stirewalt, NC Research, 372.
25. Laws of North Carolina, 1782, c. 3. These amounts were for service in the Continental Line only, not for militia service.
26. Laws of North Carolina, 1782, c. 3. In Section X of this law, the General Assembly granted Nathaniel Greene 25,000 acres in the military district as a token of their appreciation for his services during the Revolution.
27. Laws of North Carolina, 1783, c. 3.
28. Laws of North Carolina, 1783, c. 3. Martin Armstrong (ca 1739-1808), a colonel in the Revolutionary War, moved from Virginia to Anson County, North Carolina around 1750. He moved from there to Surry and served in the Surry County militia, being named a colonel at the outbreak of the war. Later he served in the General Assembly from Surry. He, like many of his time, was involved in land speculation. His surveying abilities succeeded in getting him named the surveyor for the western lands in 1782, a position he would hold until suspended from duty by the General Assembly in 1797. Powell, DNCB , s.v. "Armstrong, Martin."
29. Laws of North Carolina, 1784, c. 14. The descriptions of districts are given in paragraph II of this law. Clark, State Records, 19:690, 697-698, 702. William Polk, (July 9, 1758 - January 14, 1834) served both North and South Carolina during the Revolution, fighting with George Washington at Valley Forge. After the war, Polk helped establish the Society of the Cincinnati in North Carolina. After his tenure a surveyor, he represented Mecklenburg County in the North Carolina General Assembly and was a trustee of the University of North Carolina from 1790 to 1834. Powell, DNCB, s.v. Polk, William; Stockley Donelson (1752-1805) was a brother-in-law to Andrew Jackson and, in 1797, married Elizabeth Martin, a widowed daughter of James Glasgow. Deeply involved in speculation as well as fraud, Donelson became the target for much litigation late in life and died deeply in debt. Sam B. Smith, et al, eds., The Papers of Andrew Jackson, Volume I 1770-1803 (Knoxville: The University of Tennessee Press, 1980), 37.
30. Pruitt, Glasgow Land Frauds, iii.
31. Items such as muster rolls, pay vouchers and account books that could have aided the secretary in his duties were in Philadelphia at this time being used in the settlement of North Carolina's war debt with the United States. Also, as Glasgow later noted, muster rolls were not in use before troops were mustered in at Valley Forge in 1779. The Raleigh Register, December 31, 1799. One Colonel, tired of having to prove soldiers' service, even threw his muster rolls into a fire.
32. Bramlett, "Western Lands", 114-115.
33. Bramlett, "Western Lands", 115.
34. Secretary of State Land Grants, File Number 29, Davidson County, Tennessee, William Blount, Archives, Division of Archives and History, Raleigh.
35. Laws of North Carolina, 1789, c.3, s.1. In 1784, North Carolina ceded her western lands to the Federal Government. However, before Congress could act on the cession, the North Carolina legislature repealed the law.

36. Laws of North Carolina, 1789, c.3.
37. Lenoir County, named for speaker of the senate William Lenoir, was the other county formed by this law. Laws of North Carolina, 1791, c. 47.
38. John Sevier to James Glasgow, June 1, 1795, Draper Papers, Kings' Mountain Papers, 11DD121, PC 1234.1, Archives, Division of Archives and History, Raleigh. (Photostatic copies of original manuscripts from the Wisconsin Historical Society.) Although fraudulent activities started soon after the opening of the western land office, documentary evidence is largely unavailable until the mid 1790s.
39. Thomas Perkins Abernethy, From Frontier to Plantation in Tennessee (Chapel Hill: The University of North Carolina Press, 1932), 174; hereinafter cited as Abernethy, From Frontier to Plantation.
40. Abernethy, From Frontier to Plantation, 175.
41. John Sevier to James Glasgow, November 11, 1795, Official Correspondence of the Secretary of State, Archives, Division of Archives and History, Raleigh. Andrew Jackson would later accuse Sevier of forging 165 warrants for 640 acres each. Jackson also stated that the payment to Glasgow of three 640 acre tracts constituted a bribe of \$960 for performing illegal services. Robert E. Corlew, Tennessee: A Short History (Knoxville: The University of Tennessee Press, 1981), 134.
42. Laws of North Carolina, 1784, c. 19.
43. Abernethy, From Frontier to Plantation, 175.
44. Stockley Donelson to William Tyrrell, February 24, 1796, Miscellaneous Papers, PC 21.3, Archives, Division of Archives and History, Raleigh, hereinafter cited as Miscellaneous Papers. Although Donelson mentions that twenty-one warrants are missing, he only lists twenty. Of the twenty listed, however, seventeen turned out to be fraudulent and it can be conceived that the other three would have been as well if the commissioners assigned to study the frauds had known of this letter.
45. Stockley Donelson to William Tyrrell, August 7, 1796, Miscellaneous Papers.
46. Stockley Donelson to William Tyrrell, August 7, 1796, Miscellaneous Papers.
47. J[esse] Speight to William Tyrrell, May 4, 1796, Miscellaneous Papers.
48. James Glasgow to William Tyrrell, August 16, 1796, Miscellaneous Papers.
49. Alexander Martin to Samuel Ashe, December 7, 1797, Miscellaneous Correspondence and Accounts, Session of November-December 1797, General Assembly Session Records, Archives, Division of Archives and History, Raleigh, hereinafter cited as GASR, 1797.
50. Andrew Jackson, "Statement concerning land frauds," December 6, 1797, Andrew Jackson Papers, PC 628.1, Archives, Division of Archives and History, Raleigh.
51. Governor's Messages, GASR, 1797; Samuel A'Court Ashe, History of North Carolina, (Greensboro, NC; C. L. Van Noppen, 1908-1925; Spartanburg, SC; The Reprint Company, 1971, 2 Volumes), 2:153; hereinafter cited as Ashe, History of North Carolina.
52. House Resolutions, GASR, 1797, Senate Messages, GASR, 1797.

Chapter Two

1. House Committee Reports, GASR, 1797.
2. House Messages, GASR, 1797
3. House Resolutions, GASR, 1797. The failure of this resolution points to the admiration that his fellow

North Carolinians still held for Glasgow at this point.

4. House Resolutions, GASR, 1797.
5. Howell Tatum was a district judge for the state of Tennessee while John McNairy was a federal judge appointed to that district. Martin Armstrong to Samuel Ashe, January 13, 1798, Governor's Papers, Samuel Ashe, Archives, Division of Archives and History, Raleigh, hereinafter cited as Governor's Papers, Ashe.
6. North Carolina Journal (Halifax), February 12, 1798, hereinafter cited as Halifax, North Carolina Journal.
7. Halifax, North Carolina Journal, May 7, 1798. Public Notice, January 29, 1798, Governor's Papers, Ashe.
8. As a reward, Peter Bird was emancipated during the 1798 legislative session for his actions that night Senate Committee Report, Session Records of November-December 1798, General Assembly Session Records, Archives, Division of Archives and History, Raleigh, hereinafter cited as GASR, 1798; Governor's Office, Council Journal, April 12, 1798; hereinafter cited as GO, Council Journal.
9. Martin Armstrong to Samuel Ashe, January 29, 1798, Governor's Papers, Ashe.
10. Armstrong's announcement read as follows:

Once more I request the deputy Surveyors of the Military Lands in this District to come to the Land Office in Nashville and settle with the Surveyor thereby to enable him to make out proper Statement of the Service right lands they have received Grants for, in order to lay the Same before the Secretary or other executive having cognizance there of.

Public Notice, January 29, 1798, Governor's Papers, Ashe.
11. A quick study of the Land Grant records at the North Carolina State Archives will show that Howell Tatum and John McNairy took part in the speculation.
12. Howell Tatum to Samuel Ashe, February 8, 1798, Governor's Papers, Ashe.
13. Howell Tatum to Samuel Ashe, February 8, 1798, Governor's Papers, Ashe.
14. Howell Tatum to Samuel Ashe, February 8, 1798, Governor's Papers, Ashe.
15. Many legitimate claims were lost because of blank locations put on the deed books. Claims registered between the registration of the blank location grant and the annexing of the name and warrant number to the grant would seem to have been recorded later, and, therefore, unauthorized. For example, on the books for January 6, 1784 an entry read:

"No. Enters 2560 acres of Land on the Bushy fork of yellow creek to include a spring & tree marked thus SM for quantity" and marked on the back, "Location 33rd."

The 33rd location of that day read:

No. 1816 Philip Philips and Michael Campbell assigns of the heirs of Captn George Enters 3840 acres of Land on the bushy fork of Yellow Creek including a spring and tree marked thus SM for quantity.

Philips and Campbell made this second entry in 1790 (as noted on the back of the warrant), and the entry for 2560 was crossed off the books but kept on file. The location encroached on many smaller grants honestly entered in the six year period. Howell Tatum to Samuel Ashe, February 9, 1798, Governor's Papers, Ashe.
16. Howell Tatum to Samuel Ashe, February 9, 1798, Governor's Papers, Ashe.
17. Andrew Jackson to Samuel Ashe, February 10, 1798, Governor's Papers, Ashe.; Enclosure: From

Charles J. Love, January 31, 1798, Governor's Papers, Ashe. Enclosure is in Jackson's hand.

18. John C. Hamilton and John Lowry to John Sevier, February 17, 1798, Governor's Papers, Ashe; John Sevier to James Holland, February 17, 1798, Governor's Papers, Ashe.
19. James Holland and James Britton to Samuel Ashe, undated letter Governor's Papers, Ashe.
20. James Holland and James Britton to Samuel Ashe, undated letter Governor's Papers, Ashe.
21. James Holland and James Britton to Samuel Ashe, undated letter Governor's Papers, Ashe.
22. James Holland and James Britton to Samuel Ashe, undated letter Governor's Papers, Ashe.
23. Pruitt, Glasgow Land Frauds, v.
24. Howell Tatum to Samuel Ashe, February 13, 1798, Governor's Papers, Ashe; John McNairy to Samuel Ashe, February 13, 1798, Governor's Papers, Ashe; Council of April 1798, GO, Council Journal. The letter from Tatum noted the name of the informant, but Ashe, as instructed by the judges, erased the name so as to make it illegible.
25. Council of April 1798, GO, Council Journal 1795-1855, Governors Office Records, Archives, Division of Archives and History, Raleigh; Pruitt, Glasgow Land Frauds, v.
26. "Report of the Committee," March 31, 1798, Governor's Papers, Ashe.
27. Case against the conspirators, entry for April 16, 1798, Minutes of the Hillsborough Superior Court; William Tyrrell's Trunk, Miscellaneous Records, Hillsborough District Court, Archives, Division of Archives and History, Raleigh.
28. This law called for the apprehension and return of fugitives from one territory to another territory within the United States. Laws of the United States of America, 1793, c. 7.
29. Samuel Ashe to John Sevier, June 18, 1798, Governor's Papers, Ashe.
30. Journal of the House and Senate of North Carolina, 1798, 2.
31. House Resolutions, GASR, 1798.
32. Senate Committee Reports, GASR, 1798.
33. Bayard v. Singleton, 1 NC 5.
34. Laws of North Carolina, 1798, c. 7.
35. Senate Committee Reports, GASR, 1798.
36. Laws of North Carolina, 1798, c. 7.
37. Laws of North Carolina, 1798, c. 7.
38. Laws of North Carolina, 1798, c. 14; Messages Concerning Balloting, GASR, 1798.
39. Senate Resolutions, GASR, 1798.
40. A review of the Military Land Grants at the North Carolina State Archives also shows several grants for William R. Davie.

Chapter Three

1. Senate Resolutions, GASR 1798.
2. William R. Davie to Francis Locke and John Willis, March 1, 1799, Governor's Letter Book,

Archives, Division of Archives and History, Raleigh; hereinafter cited as, Davie, GLB 13.

3. William R. Davie to Francis Locke and John Willis, March 1, 1799, Davie, GLB 13.
4. William R. Davie to Martin Armstrong, March 1, 1799, Davie, GLB 13.
5. William R. Davie to John Sevier, March 1, 1799, Davie, GLB 13.
6. William R. Davie to Martin Armstrong, March 1, 1799, Davie, GLB 13.
7. William R. Davie to Blake Baker, April 22, 1799, Davie, GLB 13; William R. Davie to Edward Jones, April 22, 1799, Davie, GLB 13.
8. William R. Davie to Blake Baker, April 22, 1799, Davie, GLB 13.
9. John Willis to William R. Davie, May 20, 1799, Governor's Papers, William R. Davie, Archives, Division of Archives and History, Raleigh; hereinafter cited as, Davie, Governor's Papers.
10. John Willis to William R. Davie, May 20, 1799, Davie, Governor's Papers.
11. John Willis to William R. Davie, May 20, 1799, Davie, Governor's Papers.
12. John Willis to William R. Davie, May 20, 1799, Davie, Governor's Papers.
13. John Willis to William R. Davie, May 20, 1799, Davie, Governor's Papers.
14. John Willis to William R. Davie, May 20, 1799, Davie, Governor's Papers.
15. Basil Gaither and Samuel Purviance to William R. Davie, June 6, 1799, Secretary of State Papers, "Glasgow Land Frauds," Vol. I, 1798-1800, Archives, Division of Archives and History, Raleigh; hereinafter cited as SS 753.
16. Blake Baker to William R. Davie, June 17, 1799, Davie, GLB 13.
17. Blake Baker to William R. Davie, June 17, 1799, Davie, GLB 13.
18. Basil Gaither and Samuel Purviance to William R. Davie, June 28, 1799, SS 753.
19. Basil Gaither and Samuel Purviance to William R. Davie, June 28, 1799, SS 753.
20. Basil Gaither and Samuel Purviance to William R. Davie, June 28, 1799, SS 753. Of the individual reports filed by the second Board of Inquiry, only the report concerning the activities of James Glasgow is lacking. It is also interesting to note the absence of William Terrell Lewis' name in the report.
21. Francis Locke and John Willis to William R. Davie, August 2, 1799, Davie, GLB 13.
22. Francis Locke and John Willis to William R. Davie, August 2, 1799, Davie, GLB 13.
23. Francis Locke and John Willis to William R. Davie, August 2, 1799, Davie, GLB 13.
24. "State vs. James Glasgow", Land Records, New Bern District Superior Court, Archives, Division of Archives and History, Raleigh, hereinafter cited as New Bern, DSCR, "Land Records"; State v. James Glasgow, September Term 1799, New Bern, DSCR, Minutes, p. 250; State v. James Glasgow, March Term 1800, New Bern, DSCR, Minutes, p. 262, New Bern
25. New Bern, DSCR, "Land Records".
26. During the late eighteenth and early nineteenth centuries North Carolina was divided into seven judicial districts. Since the frauds had occurred in several different districts, no one court had the proper authority to try the accused. This new court was given authority to try the fraud cases as well as disputed cases that arose out of the various districts. Laws of North Carolina, 1798, c. 7.

27. The General Assembly had created the office of Solicitor General in 1790 to assist the Attorney General in his duties. One officer would ride the judicial circuit in the eastern part of the state, and the other would handle the western part of the state. In 1797, the Assembly created the office of Agent for the State to assist the Board of Inquiry in the prosecution of the fraud cases. Samuel Purviance was named to this post.
28. William R. Davie to Council of State, August 12, 1799, Davie, Governor's Papers.
29. Blake Baker to William R. Davie, August 15, 1799, Davie, Governor's Papers.
30. Edward Jones to William R. Davie, August 15, 1799, Davie, Governor's Papers.
31. Council of State to William R. Davie, August 15, 1799, Davie, Governor's Papers.
32. Laws of North Carolina, 1799, c. 4, preamble.
33. Laws of North Carolina, 1799, c. 4, s. 2; Laws of North Carolina, 1799, c. 4, s. 1; Laws of North Carolina, 1799, c. 4, s. 3; Laws of North Carolina, 1799, c. 4, s. 6.
34. Laws of North Carolina, 1799, c. 4, s. 4; Laws of North Carolina, 1799, c. 4, s. 7.
35. Laws of North Carolina, 1799, c. 4, s. 8; Laws of North Carolina, 1799, c. 4, s. 9.
36. Laws of North Carolina, 1799, c. 4, s. 10; Laws of North Carolina, 1799, c. 4, s. 12; Laws of North Carolina, 1799, c. 4, s. 11.
37. Laws of North Carolina, 1799, c. 4, s. 13; Laws of North Carolina, 1799, c. 4, s. 14.
38. At the end of the two year period, the law would be extended several more times until 1818 when the court became a permanent court of record, the North Carolina Supreme Court.
39. William R. Davie to the General Assembly, November 24, 1799, General Assembly Session Records, November - December 1799, Archives, Division of Archives and History, Raleigh, hereinafter cited as GASR, 1799.
40. House Resolution, GASR, 1799; Senate Resolutions, GASR, 1799.
41. William Christmas (1753/54 - December 16, 1811) born in Hanover County, Virginia. Arrived in North Carolina around 1757. He apparently received training from Thomas Person, a surveyor for the Granville Proprietary District, and Richard Henderson. During his lifetime he laid out towns in North Carolina, South Carolina, Virginia, and also planned Boonesboro, Kentucky. In 1799, the General Assembly elected him to reopen the Military land office in Nashville. He died in Williamson County, Tennessee.
42. Laws of North Carolina, 1799, c. 7; House Messages, GASR, 1799.
43. Raleigh Register, December 24, 1799.
44. In all, the commissioners reported Glasgow guilty of eleven different items. Again, for the purpose of this examination, only those relating to eventual indictments will be examined; Raleigh Register, December 31, 1799. Glasgow also sent a similar letter to the editors of the Raleigh Minerva.
45. The documentation pertaining to the validity of the warrant to the heirs of James Harrison is printed in its entirety. Raleigh Register, December 31, 1799.

Chapter Four

1. Although no letter exists to this effect, Baker responded harshly to the accusations in his letter to Williams. Blake Baker to Benjamin Williams, January 16, 1800, Governor's Papers, Archives, Division

of Archives and History, Raleigh, hereinafter cited as, Governor's Papers, Williams.

2. Blake Baker to Benjamin Williams, Governor's Papers, Williams.

3. Benjamin Williams to Samuel D. Purviance, January 11, 1800, Governor's Letter Book, Benjamin Williams, Archives, Division of Archives and History, Raleigh; hereinafter cited as Williams, GLB 14.

4. Samuel Purviance to Benjamin Williams, January 14, 1800, Williams, GLB 14.

5. Blake Baker to Benjamin William, February 8, 1800, Governor's Papers, Williams. Prior to this warrant, only James Glasgow had been bound in recognizance.

6. Baker displayed exhilaration that Purviance had resigned and even more elation when Williams took his advice and named William White, Secretary of State since Glasgow's resignation, as the new Agent. Baker's excitement was short lived as White resigned on May 14, 1800. Blake Baker to Benjamin William, April 22, 1800; William White to Benjamin William, May 14, 1800, Governor's Papers, Williams.

7. Blake Baker to Benjamin Williams, March 23, 1800, Williams, GLB 14. On February 16, 1800, a letter passed between lawyers Peter Browne and David Stone in which Browne stated that Baker was upset that he had learned of Purviance's appointment through the newspapers instead of official communication. Peter Browne to David Stone, February 16, 1800, David Stone Collection, Archives, Division of Archives and History, Raleigh; hereinafter cited as Stone, PC 82.

8. Benjamin Williams to Samuel Purviance, March 27, 1800, Williams, GLB 14; Samuel Purviance to Benjamin Williams, March 29, 1800, Williams, GLB 14. Throughout this episode, Edward Jones stated on several occasions that Purviance had proceeded with his duties admirably.

9. Blake Baker to Benjamin Williams, April 22, 1800, Williams, GLB 14.

10. William White to Benjamin Williams, May 14, 1800, Williams, GLB 14.

11. Benjamin Williams to Blake Baker, April 14, 1800, Williams, GLB 14.

12. Blake Baker to Benjamin Williams, May 20, 1800, Governor's Papers, Williams.

13. Alfred Moore had resigned as Superior Court Judge a few months earlier to take a position as a United States Supreme Court Justice and had been replaced by Samuel Johnston on February 24, 1800.

14. John Haywood (March 16, 1762-December 22, 1826) was born in Halifax, North Carolina. Not to be confused with his first cousin of the same name (Treasurer John Haywood), he served the state of North Carolina as a revolutionary soldier, lawyer, jurist, and historian. He was elected as the state's first Solicitor General in 1790, and then as Attorney General in 1791. In 1794 he was elected as a Superior Court Judge and remained on the bench until he resigned in 1800. Some historians state that Glasgow offered Haywood a retainer of \$1000 to persuade him to resign his office. Ashe, Biographical History, v. VI, 272-281; Powell, DNCB, s.v. Haywood, John.

15. Court was allowed to begin because the law stated that any two of the three Superior Court judges be present. Pruitt, Glasgow Land Frauds, x.

16. The following persons were impaneled as a Grand Jury: Pleasant Henderson, foreman; George Dismucks; John Joseph Alston; Theophilus Hunter; William Farmer; Matthew McCullers; Reuben Ransom; George Tunstall; Charles Christmas; Syrus Harris; Indan Hill; John Cabe; William Warden; John Williams "Tar R"; John Cain; Dempsey Powell; John Pool; and Joshua Suggs. William Brown was sworn in as constable to attend the Grand Jury. The remaining men: Joseph Harman; Benjamin Sherwood; James Boals; William Nunn; Nicholas Prince; James Mebane, Jr.; George Wimberly; Thomas Jones; John McCullers; Samuel High, Sr.; John Saunders; John Hinton; Robert Hodge; Nathan

Allen; Simon Turner; John Sibley; David Anderson; George Elliott; Elisha Stedman; and Michael Molton remained as petite jurors. "Proceedings of the Court of Oyer and Terminer held at Raleigh June 10, 1800 deposited in the Secretary's Office October 13, 1800." Glasgow Land Fraud Papers, Secretary of State, Archives, Division of Archives and History, Raleigh, herein after cited as SS 756.1.

17. Raleigh Register, June 17, 1800. Indictments were also handed down against Willoughby Williams and John Bonds, while the trials of John Gray Blount and Thomas Blount were postponed and moved to the New Bern District during this sitting, but for the purpose of this paper, only the trials of James Glasgow will be examined.

18. Raleigh Register, June 17, 1800; North Carolina Minerva, June 17, 1800; SS 756.1.

19. Raleigh Register, June 24, 1800; North Carolina Minerva, June 24, 1800; SS 756.1.

20. The state tried for several more years to extradite Stockley Donelson and William Terrell to no avail.

21. State v. James Glasgow, 1 N.C. 271 (1800), hereinafter cited as State v. Glasgow. Greene County had not existed before 1798. Prior to this time, the county was known as Glasgow County, its name being changed after Glasgow resigned from office.

22. State v. Glasgow, 1 N.C. 272.

23. State v. Glasgow, 1 N.C. 273. It should be remembered that North Carolina ceded her western lands to the United States in 1790.

24. State v. Glasgow, 1 N.C. 273.

25. State v. Glasgow, 1 N.C. 273.

26. State v. Glasgow, 1 N.C. 275.

27. State v. Glasgow, 1 N.C. 276.

28. State v. Glasgow, 1 N.C. 277.

29. SS 756.1.

30. SS 756.1.

31. Blake Baker to Benjamin Williams, June 20, 1800, Williams, GLB 14; Samuel D. Purviance to Benjamin Williams, June 20, 1800, Williams, GLB 14.

Chapter Five

1. Peter Browne to David Stone, January 29, 1800, Stone, PC 82.

2. New Bern District, Minutes Superior Court, 1794 - 1801.

3. Raleigh Register, August 12, 1800.

4. In 1786, it was reported that fraudulent claims were delivered to the Board of Commissioners appointed to liquidate army accounts. Examples of fraud included blank certificates, forgeries, and certificates given where no service had been performed. Bonds, Wynn Dixon, and other men were accused, convicted, and dismissed from the General Assembly. Pruitt, Glasgow Land Frauds, vol. 2, p 19; Clark, State Records, vol. 18, iv - vi.

5. Willoughby Williams, Revolutionary War Pension Application, Revolutionary War Pension and Bounty Land Warrant Application Files, 1800 - 1900. National Archives, File Microfilm, M804 - 2596; Raleigh Register, July 20, 1802.

6. "Petition of William White," Supreme Court, Original Cases, 1800 - 1909, case 76, "William White v James Glasgow," Raleigh, Division of Archives and History; hereinafter cited as, Supreme Court case 76.
7. "Answer of James Glasgow," Supreme Court case 76.
8. "Report of the Master in Equity," Supreme Court case 76.
9. "Opinion of the Court of Conference," Supreme Court case 76.
10. "Petition of James Glasgow, November 16, 1807," Legislative Papers, Chapel Hill, Southern Historical Collection; hereinafter cited as Legislative Papers.
11. "Petition of James Glasgow, October 16, 1809," Legislative Papers.
12. Senate Resolution, November 28, 1801, General Assembly Session Records, November-December, 1801, Raleigh, Division of Archives and History; hereinafter cited as GASR 1801. On November 19, 1801, James Easton, a bondsman for William Terrell petitioned the legislature to recover his part of Terrell's recognizance bond. In his petition, Easton informed the General Assembly that Terrell had fled to New Orleans. Miscellaneous Petitions, GASR 1801.
13. Pruitt, Glasgow Land Frauds, Vol. 2, pp. 15, 59.
14. Pruitt, Glasgow Land Frauds, Vol. 2, 60.
15. James Turner to Archibald Roane, January, 14, 1803, Governor's Letter Book, James Turner, Raleigh, Division of Archives and History; hereinafter cited as Turner, GLB 15; Pruitt, Glasgow Land Frauds, Vol. 2, 60.
16. James Turner to Archibald Roane, July 22, 1803, Turner, GLB 15; Archibald Roane to James Turner, August 16, 1803, Turner, GLB 15.
17. Laws of North Carolina, 1799, c. 4, preamble.
18. Laws of North Carolina, 1777, c 1, s. 75.
19. Laws of North Carolina, 1799, c. 4, s. 1; Laws of North Carolina, 1799, c. 4, s. 4.
20. Laws of North Carolina, 1799, c. 4, s. 1; Laws of North Carolina, 1799, c. 4, s. 2; Laws of North Carolina, 1799, c. 4, s. 3.
21. Laws of North Carolina, 1799, c. 4, s. 3; Laws of North Carolina, 1799, c. 4, s. 4; Laws of North Carolina, 1799, c. 4, s. 5.
22. Laws of North Carolina, 1799, c. 4, s. 6; Laws of North Carolina, 1799, c. 4, s. 7.
23. Laws of North Carolina, 1801, c. 12, s. 1.
24. Laws of North Carolina, 1801, c. 12, s. 2; Laws of North Carolina, 1801, c. 12, s. 3.
25. Laws of North Carolina, 1804, c. 18, s. 1.
26. Laws of North Carolina, 1804, c. 18, s. 2.
27. Laws of North Carolina, 1805, c. 1, s. 2.
28. Laws of North Carolina, 1805, c. 1, s. 3; Laws of North Carolina, 1805, c. 1, s. 4.
29. Laws of North Carolina, 1806, c. 1, s. 2; Laws of North Carolina, 1806, c. 1, s. 3; Laws of North Carolina, 1806, c. 1, s. 5.
30. Laws of North Carolina, 1806, c. 1, s. 15; Laws of North Carolina, 1806, c. 1, s. 16.

31. Laws of North Carolina, 1810, c. 2, s. 1; Laws of North Carolina, 1810, c. 2, s. 2.
32. Laws of North Carolina, 1810, c. 2, s. 3.
33. Laws of North Carolina, 1810, c. 2, s. 4; Laws of North Carolina, 1810, c. 2, s. 5; Laws of North Carolina, 1810, c. 2, s. 6.
34. Laws of North Carolina, 1810, c. 2, s. 7.
35. Laws of North Carolina, 1818, c. 1, s. 1; Laws of North Carolina, 1818, c. 1, s. 6.
36. Laws of North Carolina, 1818, c. 1, 2; Laws of North Carolina, 1818, c. 1, s. 3.
37. Laws of North Carolina, 1818, c. 1, s. 4.
38. Laws of North Carolina, 1818, c. 2, s. 1; Laws of North Carolina, 1818, c. 2, s. 2; Laws of North Carolina, 1818, c. 2, s. 5.
39. Laws of North Carolina, 1818, c. 2, s. 3; Laws of North Carolina, 1818, c. 2, s. 6.
40. Although court was established on the premise of trying those accused of land fraud activity, other cases, arising out of the Superior Courts were heard by the justices at the June 1800 sitting of the Court of Conference. For a list of cases tried and opinions rendered, see North Carolina Reports, volume 1; Constitution of the State of North Carolina, 1868, Article IV; Leary and Stirewalt, North Carolina Research, 330-331.

Conclusions

1. R. D. W. Connor, North Carolina: Rebuilding An Ancient Commonwealth, 1584 - 1925, (Chicago: The American Historical Society, Inc., 1929), 399; hereinafter cited as, Connor, North Carolina.
2. Connor, North Carolina, 399.
3. Secretary of State Land Grants, File 2135, Davidson County, Tennessee, James Mulherrin, assignee of the heirs of Elijah Roberts (Military Warrant No. 3319).
4. Secretary of State Land Grants, File 2135, Davidson County, Tennessee, James Mulherrin, assignee of the heirs of Elijah Roberts (Military Warrant No. 3319).
5. Secretary of State Land Grants, File 245, Middle District, Tennessee, John Gray Blount and Thomas Blount (Warrant No. [1663]); Secretary of State Land Grants, File 646, Hawkins County, Tennessee, John Gray Blount and Thomas Blount (18 Warrants).
6. Ashe, Biographical History, 121.
7. Raleigh Register, February 24, 1820.
8. Joint Select Committee Reports, General Assembly Session Records, November - December, 1818, Archives, Division of Archives and History, Raleigh, hereinafter cited as GASR, 1818.
9. Joint Select Committee Reports, GASR, 1818.
10. Judge John Louis Taylor, who was the state's first Chief Justice, was the only man to serve on the court during the entirety of its two decade evolution.
11. Laws of North Carolina, 1799, c. 39.

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