

JAMES K. POLK'S POLITICAL APPRENTICESHIP

By Charles G. Sellers, Jr.

The third week of September, 1823, found the usually sleepy little town of Murfreesborough, Tennessee, bursting with excitement and activity. The legislature was assembling for its biennial session, and each arriving coach discharged its complement of travel-weary lawmakers. The public square was crowded with elegantly attired lawyers from Nashville and Knoxville, lean farmers from the valleys of East Tennessee, plain-mannered planters from the rich cotton counties in the middle part of the state, and ambitious younger men, mostly lawyers, from all quarters. But it was the newly settled Western District that sent the most picturesque representative, the redoubtable coon catcher and bear killer, Colonel Davy Crockett. Crockett was already making a name for himself as champion of the poor squatters, whose cabins were being pushed ever deeper into the canebrakes by the advancing cotton kingdom, and for some his presence was a disturbing reminder of the political revolution that had swept the state during the last four years.

Out of the economic prostration following the Panic of 1819 had come the first strong challenge since the days of John Sevier to the sway of the old Blount faction, a group of aggressive politicians who thirty years before had laid the foundations of the commonwealth on a vast land speculation and had largely controlled its government ever since. More recently, under the leadership of John Overton, wealthy judge, land speculator, and bank president, they had chartered for themselves highly profitable banks, while electing and twice re-electing Joseph McMinn to the governor's chair and sending John H. Eaton to represent their interests in the Senate of the United States.¹

In the boom years after the War of 1812, bank speculation had proved as rewarding to the Overton men as land speculation had previously been, and their banknotes had blanketed the state like the autumn leaves. But the panic brought a powerful public reaction, which threatened the political as well as the economic power of the ruling faction. Debt-ridden farmers and mechanics blamed the banks for their distress, at the very time the banks were refusing to pay specie for their notes, pressing their debtors for payment, and declaring handsome dividends for their stockholders. The merchants, who had become increasingly influential during the boom years, were another source of anti-bank sentiment. They had attempted in 1817 to establish a branch of the Bank of the United States at Nashville for the purpose of curbing the speculative activities of the local banks and provid-

¹The general interpretation of the political background briefly touched upon here is elaborated in Charles G. Sellers, Jr., "Banking and Politics in Jackson's Tennessee, 1817-1827," which will appear in the *Mississippi Valley Historical Review*.

ing a sound commercial credit, but had been defeated by the Overton men. The merchants were now ready to join an attack on the political power of Overton and his associates. There were, besides, disgruntled politicians like Senator John Williams who were only too eager to give leadership to such a movement.

The political possibilities of the situation were first sensed by Felix Grundy, an eminent criminal lawyer and former congressman, who had been active in the national bank movement. Grundy got himself elected to the legislature of 1819 from Nashville and pushed through a measure postponing execution on debts where creditors would not accept banknotes in payment. This, he hoped, would allay the popular discontent without being too displeasing to the powerful speculator-banking group. But neither element was satisfied, and the next year Grundy assumed leadership of the radicals by sponsoring a successful movement for a state-owned bank to make small loans to poor debtors. Almost immediately he thought better of his radicalism and, having seen to it that the new state bank was placed under conservative direction, began trying to reinstate himself in the favor of the Overton faction.

The anti-Overton forces, in the meantime, found a more steadfast leader in William Carroll, a military hero and Nashville merchant, who had been ruined by the panic and the hostility of the banks. Running as an anti-bank candidate in the gubernatorial election of 1821, he trounced Edward Ward, the Overton candidate, soundly, and the legislature at his urging passed a law requiring the banks to resume specie payments by 1824.

The Overton men were far from demoralized, however, and, though they had not dared oppose Governor Carroll for re-election, organized a powerful counterattack for the legislature of 1823. Most important, they built up a strong movement for repeal of the specie resumption act of 1821. In addition, the perennial land question was again up for consideration, with lines drawn between the speculators and the squatters and others traditionally opposed to the Blount-Overton land policy. Moreover, Grundy was now solidly back in the conservative camp and had joined Overton and Eaton in bringing out Andrew Jackson as a candidate for President. It was generally expected that Jackson's great popularity would be brought to bear to defeat Senator Williams, a Carroll supporter and an avowed enemy of Jackson, for re-election at this session.

With a showdown battle impending, the leaders on both sides took great interest in the position of the brisk, genial young man who was embarking on his first elective office as representative from Maury County. James K. Polk was a member of one of the state's most prominent families. His cousin, Colonel William Polk of North Carolina, had been a major participant in the land speculations of the Blount-Overton group, and his father,

Sam Polk, had grown wealthy as manager of Colonel William's holdings in Middle Tennessee and as speculator, army contractor, merchant, and bank director, on his own account. After graduating at the head of his class from the University of North Carolina in 1818, young Polk had studied law with Felix Grundy, and Grundy's influence had obtained for him the clerkship of the state senate, a position he had held from 1819 until he was elected to the lower house in 1823.²

The Tennessee legislature was no place for a political neophyte. "Every thing here is done by Management," reported one shrewd observer. "Intrigue and bargaining (they call it Log-Rolling here) are at the bottom of every thing."³ But four years of observation from the speaker's desk in the senate and of riding the circuit with Grundy and the other lawyer-politicians of Middle Tennessee had given Polk a liberal education in practical politics. He was one of the few college men in public life, his campaign for the legislature had established him as an effective vote getter, and he had already impressed the veterans with his shrewdness and capacity for work. Here was a man to watch, and with the lines drawn as closely as they were in 1823, he was surely watched intently by both sides.

It would have been natural for Polk, his background and connections being what they were, to cast his lot with the conservative Overton faction. The whole political history of the state suggested that opposition to these powerful and wealthy men could not long prevail, and a young man of Polk's advantages might expect to advance rapidly to a position of prominence under their sponsorship. But this was not the course he chose. When the house had organized, it was Polk who moved that special committees be appointed to insure adequate consideration of the proposals the Governor had made in his message with respect to education, criminal law reform and a penitentiary, internal improvements, land matters, and banking legislation.⁴ Before many days had gone by it was clear that this freshman member was to lead the Governor's supporters in the house in the fight against the banks and for the Carroll reform program.

Since Murfreesborough's handsome courthouse had burned the year before—all Murfreesborough swore the catastrophe was the work of incendiaries from Nashville or Sparta, its rivals for the privilege of playing host to the lawmakers—the legislature was meeting in the Presbyterian church.⁵ The

²For Polk's family background and for his early life and education, see Charles G. Sellers, Jr., "Colonel Ezekiel Polk: Pioneer and Patriarch," *William and Mary Quarterly* (Williamsburg, Va.), Third series, X (Jan., 1953), 80-98; and Charles G. Sellers, Jr., "Jim Polk Goes to Chapel Hill," *North Carolina Historical Review* (Raleigh), XXIX (April, 1952), 189-203.

³Archibald Murphey to Thomas Ruffin, August 1, 1822, William H. Hoyt (ed.), *The Papers of Archibald D. Murphey*, 2 vols. (Raleigh, 1914), I, 251.

⁴Tennessee *House Journal*, 1823, p. 16.

opposing forces were not slow in squaring off against each other. Debate in the house quickly became heated, and the proceedings of the senate, sitting in the gallery, must have been disturbed frequently by the din rising from the "lower chamber" on the main floor.

The bank men led off with a resolution that the specie resumption act of 1821 should be repealed or modified. They argued that the banks were not able to resume without calling in so many of their loans that a host of debtors would be ruined. Polk, Crockett, and the other Carroll supporters attacked the resolution vehemently. Polk reminded the house that a committee had already been appointed, under the chairmanship of his law partner, Aaron V. Brown, to ascertain the condition of the banks, and he thought no action should be taken until they had made their report.⁸ When the bank men replied that the agitation against the banks stemmed wholly from the merchants, who, in case of resumption, would immediately send all the specie to their creditors outside the state, Crockett came to the merchants' defense. He denied that they were the only advocates of resumption and said that he "considered the whole Banking system a species of swindling on a large scale." It seemed to him that "in all cases when any difficulty or fuss was created by the Banks, that the farmers suffered most."⁹

Brown's bank committee reported, meanwhile, that the banks were perfectly able to resume. Ignoring this information, the bank men introduced a bill "to amend an act entitled an act to compel the banks to pay specie, and for other purposes," reciting in elaborate legal language the ineffectual remedies already prescribed by the bank charters and the common law for a refusal to pay specie. The newspapers reported that Grundy was "the reputed father of this strange production," and pointed out that for all its "ambiguous manner and studied phraseology," its effect would be to repeal the specie resumption act.⁹

If Grundy had hoped to rush this measure through before its meaning was understood by the farmer legislators, he had underestimated the vigilance of his former protégé. Polk jumped to his feet and declared that he did not even want to let it pass its first reading without debate. Pointing out that the bill, in effect, repealed the resumption law, he moved that it be laid on the table for three days, after which a full discussion might be had. When Grundy protested that bills were usually permitted to pass their first reading without opposition, Polk rejoined that "he was aware that this bill was the favorite child of the gentleman from Davidson [Grundy], that he fostered and nourished it, and hoped ere long to raise it to manhood." But as for

⁸*Nashville Whig*, July 24, 1822; C. C. Henderson, *The Story of Murfreesboro* (Murfreesboro, 1929), 41.

⁹*Nashville Whig*, September 29, October 13, 1823.

⁹*Ibid.*, October 13, 1823.

⁹*Nashville Gazette*, quoted in *Clarksville Tennessee Watchman*, November 7, 1823.

himself, said Polk, he was against repealing the resumption law, and he wanted to see this measure "arrested at the threshold." A further suspension of specie payments, he thought, would cause an unheard of depreciation in the value of banknotes, the only currency the state had. Thus alerted, the house approved Polk's motion to table.⁹

When Grundy's bill was again taken up three days later, Polk was ready with a substitute, providing that when a bank refused to pay specie on a note, the holder could sue for the value of the note and secure a speedy execution on the property of the bank.¹⁰ After a recess for dinner, Grundy commenced a lengthy speech in support of the original bill. He first painted a dire picture of the poverty and suffering that would be a result of resumption. But his main argument was the one laid down by John Marshall in the Dartmouth College case, that "rights vested in corporations cannot be afterwards affected by legislative authority." The banks, he said, "if they had sense," would refuse to obey the resumption act, and the state would be defeated in the ensuing legal contest. Even if the state had the power, he concluded, it would be bad policy to force resumption, because all the specie would be carried out of the state, and the remaining banknotes would depreciate to nothing.¹¹

In reply, Polk cited various acts of the British Parliament as precedents for voiding corporation charters and then went on to argue for the benefits to be expected from resumption. If the resumption act "was such a nullity," he said, "it would do no harm, and therefore it was unnecessary to repeal it." But he did not think it was a nullity, and repeal "would destroy the confidence of the community, and produce a further depreciation, which would be calamitous to the people." He wanted his substitute for Grundy's bill passed so that, if the resumption act did turn out to be a nullity, the people could still secure a speedy execution on their banknotes.¹²

Grundy then resumed the floor for a rebuttal. First of all, he said, though he did not think Tennessee should follow British precedents, he did not believe Parliament had ever taken the actions Polk ascribed to it. As for Polk's substitute proposal, it "had nothing in it." It purported, said Grundy, to give a man speedy recovery on a banknote by waiting for a circuit court, giving ten days notice, and getting a motion, "and this was called a speedy recovery." As for himself, he wanted no such speedy recovery, for the laws already provided that, without waiting for a court, he could apply to a justice of the peace for a judgment for any amount up to one hundred dollars due by note and get it in ten minutes.¹³

⁹*Nashville Gazette*, quoted in *Knoxville Register*, November 14, 1823.

¹⁰*Nashville Whig*, November 3, 1823.

¹¹*Nashville Gazette*, quoted in *Knoxville Register*, November 14, 1823.

¹²*Ibid.*

¹³*Ibid.*

By this time it was late, and the house adjourned until the next morning, when Grundy concluded his remarks. After other members spoke on both sides of the question, Polk took the floor again for a long concluding argument lasting far into the evening, when, "on suggestion," he gave way for a motion to adjourn.¹⁴

The subject was not taken up again for two weeks, and in this interim the bank men raised such a furor over the disastrous consequences of resumption that it became clear some modification would have to be made in the resumption act. Polk, therefore, withdrew his first substitute and proposed another whereby the banks were to resume specie payments gradually over a two-year period. This measure the house accepted. Under it the banks were to pay one fourth in specie on all notes presented after April, 1824; one third after January, 1825; one half after October, 1825; and full payment in gold or silver after July, 1826. Grundy did induce the house to extend the periods for paying the different installments from nine to twelve months, but the senate restored the original nine-month periods, and the house finally agreed to the measure as Polk had presented it. With the Grundy amendment, it had passed the house by a vote of twenty-three to fourteen, with Polk joining Crockett and the other anti-bank stalwarts to vote against his own bill.¹⁵

Carroll, Polk, and the other champions of immediate resumption were not motivated merely by blind prejudice against the banks, but by what would later be known as the "hard money" philosophy. Governor Carroll had described in his message to the legislature how a depreciated currency injured farmers and mechanics more than anyone else,¹⁶ and he and Polk wanted to restore a stable currency that would be the equivalent of gold and silver. Some Tennesseans, most notably Andrew Jackson, would have gone further and eliminated all banks, leaving only the precious metals as a circulating medium.¹⁷

It is not unlikely that even the moderate hard money men were skeptical about the ability of the Tennessee banks to resume and were ready to see them destroyed by forced resumption. Carroll's message, at any rate, had intimated as much.¹⁸ The banks did resume fully when the mandatory date arrived in 1826, but even with two extra years to prepare, they were unable to survive the contraction of that year and within a few months were forced

¹⁴*Ibid.*

¹⁵Tennessee *House Journal*, 1823, pp. 229, 321-22, 330.

¹⁶*Ibid.*, 12.

¹⁷Seillers, "Banking and Politics in Jackson's Tennessee, 1817-1827," *loc. cit.*

¹⁸Carroll had proposed that if the banks were unable to resume, they be required to pay specie on each note in the proportion that their specie holdings bore to the total amount of their notes in circulation, and that interest-bearing certificates be given for the balance. A reasonable time should then be allowed them to wind up their business and pay off the certificates. Tennessee *House Journal*, 1823, pp. 11-12.

to close their doors and wind up their business.¹⁹ Grundy and his banking cohorts of the Overton faction had been able to delay the execution of Carroll's hard money policy, but, thanks largely to Polk, they had been unable to prevent it.

The second major set of issues that faced the legislature of 1823 concerned the disposition of the state's lands. The land question was by this time involved with the question of public education. Governor Carroll advocated using land revenues to support common schools, and Polk's position on these issues again brought him into conflict with the Blount-Overton speculating group and with his own alma mater, the University of North Carolina.

A large part of the land in Tennessee had been granted or was still claimed under the terms of North Carolina's land act of 1783. On this legislation, passed under the aegis of William Blount, had been founded the great speculation in which the Blounts, Polks, and other prominent families had figured and which had determined the state's political alignments ever since. The last group of claims under the act of 1783 had applied to the area west of the Tennessee River, which had been purchased from the Indians and opened to grant and settlement only in 1818-1819. It was this area that the speculators and politicians were still contending over in 1823.

The situation was complicated by the fact that the speculators in 1806 had seen to it that Tennessee agreed to satisfy all claims arising out of North Carolina's 1783 legislation, as well as all bounty grants made by North Carolina to her Revolutionary soldiers. The whole land system had been shot through with fraud and inefficiency, and when many grantees in older parts of Tennessee complained that they could not locate their grants where they were originally intended to lie, the speculator-controlled legislature had obtained the permission of Congress for them to transfer their land rights to the Congressional Reservation. This area which included the newly opened Western District had been closed to further North Carolina claims by the settlement of 1806, and reserved as the exclusive property of the federal government. Things were further complicated when the North Carolina legislature declared that all soldier land rights that had not been claimed were escheated to the state university and the University began presenting these claims to Tennessee for location. The question that faced the Tennessee legislature in 1823 was whether to go on granting Western District and other Congressional Reservation lands to these specious or dubious claimants or whether to reserve the remaining lands for the support of education.²⁰

¹⁹Sellers, "Banking and Politics in Jackson's Tennessee, 1817-1827," *loc. cit.*

²⁰The fullest study of the Tennessee land question is Albert L. Bramlett, *North Carolina's Western Lands* (unpublished Ph. D. dissertation, University of North Carolina, 1928). See also Thomas P. Abernethy, *From Frontier to Plantation in Tennessee* (Chapel Hill, 1932), 44-65, 115-43, 182-93, and especially 250-61; Philip M. Hamer (ed.), *Tennessee: A History*, 4 vols. (New York, 1933), I, 257-61.

There had been strong opposition to the University warrants in the previous legislature, but Grundy had agreed secretly with the University agents that the lands would be divided between the University, Cumberland College at Nashville (of which Grundy was a trustee), and East Tennessee College, and had then tricked the legislature into referring the claims to a special commission for adjudication, which distributed them according to the pre-arranged plan.²¹

When the University trustees presented still more warrants to the 1823 legislature, Polk raised strong objections. He sided with those who held that Tennessee was not obligated to go on indefinitely satisfying North Carolina claims dating from the 1780's. He wanted the Western District lands saved as the foundation for a common school fund. Polk was ably seconded by Davy Crockett, who demanded that the poor "occupants" of the Western District be given first chance at the lands on which they were living. On a close vote Grundy and the University were defeated.²²

But Polk was not content with merely opposing private appropriation of these lands. The United States held title to all tracts in this part of Tennessee that were not needed to satisfy North Carolina claims. The next step was to ask Congress to cede the remaining lands as an endowment for common schools. On the third day of the session Polk had moved that a joint senate and house committee be appointed to consider making such a request. Polk headed the committee, but appointed with him from the house were the two principal leaders of the speculating and University interests, Grundy and Abram Maury. The other house appointee, William Brady, seems, however, to have sided with Polk, as did Aaron Brown and the other senate member. At any rate, the report was written by Polk and was strictly in accordance with his ideas.²³

The committee prepared a memorial to Congress declaring that Tennessee was only bound to satisfy North Carolina claims within a reasonable time, and that ample opportunity had been given for the satisfaction of all that were valid. They pointed out that Congress had earlier allocated to the state for schools 640 acres out of every six mile square in the rest of the state, but that North Carolina claims had blanketed this area so completely that only 22,000 acres, instead of the expected 450,000, had been realized. Consequently, it would be but doing justice to cede to the state the vacant lands in the Western District as a basis for a school fund. All the 8,000,000 acres in the District that were of much value, said the committee, had already been appropriated under North Carolina warrants. The remaining lands were

²¹*Ibid.*; Joseph H. Parks, *Felix Grundy: Champion of Democracy* (University, La., 1940), 159-64.

²²*Tennessee House Journal*, 1823, pp. 50, 89-90, 275; *Nashville Whig*, September 29, 1823.

²³*Tennessee House Journal*, 1823, pp. 23, 33.

said to lie in small, detached parcels between grants of more valuable lands, and Congress would itself never be able to realize much on them. But Tennessee, with land offices already established, could dispose of them to the advantage of her people and of her school fund.²⁴

When the legislature approved Polk's memorial, the speculators and friends of the University of North Carolina were outraged. The Tennessee Secretary of State, while preparing copies of the memorial for the state's congressmen, sent one to Colonel William Polk, who was an active University trustee. "I do hope," wrote this Tennessee official,

that you will take such steps as will lead us into a knowledge of our interests—you must bring the question before Congress in such a way as to elicit an expression of their determination, for until we are brought to know the impossibility of laying our hands on the vacant land in the west we will treat your unsatisfied claims with unkindness . . . I do hope however that if the representation in Congress were made to bring the subject back in its true Colour before us, we would withdraw our unnatural opposition & make terms of Compromise.²⁵

Colonel Polk was quick to act on this friendly suggestion. The North Carolina legislature promptly dispatched a memorial to Congress complaining bitterly of Tennessee's recent refusal to provide for the University land warrants, and these objections prevented favorable action on the memorial drafted by the Colonel's Tennessee kinsman.²⁶

In the meantime, the controversy had been exacerbated in Tennessee by a court order allowing the University claims that the legislature had rejected. When the legislature was called into special session in 1824, Polk joined with Davy Crockett and five other members of the house in a futile effort to secure an investigation of this "illegal" proceeding.²⁷ The University at this session presented claims for an additional hundred thousand acres, offering to divide them as before with the Tennessee colleges. "Tennessee," said the University memorial, "has now an opportunity of endowing her Colleges out of the public property of the nation; and will she forego the opportunity?"²⁸ Grundy was "peculiarly eloquent and impressive" in por-

²⁴The MS. report, in Polk's hand, is in Legislative Reports, Box 129, Tennessee Archives, Nashville. The report is printed in *Tennessee House Journal*, 1823, pp. 325-29, and reprinted in Robert H. White (ed.), *Messages of the Governors of Tennessee*, 2 vols. (Nashville, 1952), II, 55-57.

²⁵Daniel Graham to Col. William Polk, December 1, 1823, Polk Family of North Carolina Collection (Division of Manuscripts, Library of Congress).

²⁶Hoyt (ed.), *Murphey Papers*, II, 323-28. The aim was eventually achieved while Polk was in the White House, in 1846, when Congress ceded to Tennessee to remaining lands in the Congressional Reservation for the support of a college in West Tennessee. 3 *U. S. Statutes at Large*. 729.

²⁷*Tennessee House Journal*, 1824, pp. 41, 55; Bramlett, *Western Lands*, 200.

²⁸Hoyt (ed.), *Murphey Papers*, II, 331.

traying "the advantages which the state and people would derive from the promotion of schools, academies, and colleges, and the diffusion of knowledge emanating therefrom," but to no avail. Polk "cautioned the house against the charm of Mr. Grundy's eloquence,"²⁹ and the Polk forces almost carried a vote to refuse to hear the University agents. The University pleas were rejected summarily, and even when the University supporters offered to devote half the warrants to a fund for Tennessee common schools, the anti-warrant men held their lines intact and voted down the proposal.³⁰

Polk, Crockett, and company were not so successful, however, in halting the continued appropriation of Western District lands by Tennesseans. In the 1823 session they were overcome by such strong majorities as 28 to 12, 26 to 8, and 25 to 11, though they did manage to secure a provision giving occupants first right to purchase the lands they had improved.³¹ When the special session convened in 1824, Crockett complained bitterly that speculators had been allowed to locate fraudulent claims in the District and that the occupants had not been given the easy terms they had been promised. "The speculators," he charged, had

pretended to be great friends to the people in saving their land, had gone up one side of a creek and down another, like a coon, and pretended to grant the poor people great favors in securing the occupant claims—they gave them a credit of a year and promised to take cows, horses &c in payment. But when the year came around, the notes were in the hands of others; the people were sued, cows and horses not being sufficient to pay; the land itself went to pay for securing it.³²

Crockett and Polk, however, were unable to secure redress, and the house again voted to continue to grant Western District lands, though this time the speculators' majority was reduced to two votes.³³

Another land problem facing the legislature during Polk's term involved an area at the opposite end of the state. The "Cherokee Reservation" in the southeastern corner of Tennessee, south of the French Broad and east of the Tennessee River, was the only part of the state that had not been subject to disposition under the North Carolina land legislation. Congress had given this land to Tennessee in 1806 to sell as fast as the Indian titles

²⁹*Nashville Whig*, October 11, 1824.

³⁰*Tennessee House Journal*, 1824, pp. 42-43, 92-93, 182; Daniel Graham to Archibald D. Murphey, November 1, 1824, Hoyt (ed.), *Murphey Papers*, I, 302-03. The next year, however, the warrants were accepted, with the provision that they be divided, as was done in 1822, with Tennessee colleges. *Tennessee Acts*, 1825, pp. 37-43.

³¹*Tennessee House Journal*, 1823, pp. 50, 57, 90, 148-49, 157; *Tennessee Acts*, 1823, pp. 42-45.

³²*Nashville Whig*, September 27, 1824.

³³*Tennessee House Journal*, 1824, pp. 190-91, 199. A law was passed, however, confirming the right of occupants to be paid for their improvements. *Tennessee Acts*, 1824, p. 15.

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were extinguished, but had required that no land be sold at less than the federal minimum price, then \$2.00 an acre, except that the occupants be allowed pre-emption rights at \$1.00 per acre. Two tracts of one hundred thousand acres each were to be set aside in this area for the support of colleges and academies. These two tracts had been located by the legislature in a region largely occupied by squatters who had moved in during the state of Franklin period. Believing that their pioneering service in building up the country entitled them to acquire their holdings for a very nominal price, these squatters had been unwilling to pay the prescribed \$1.00 an acre for their lands. The speculator-controlled legislature had frequently indulged them, allowing them to buy their lands on credit and then regularly postponing the collection of the principal and interest when due. In exchange, the representatives from that section had been voting for the legislation the speculators wanted for the disposition of lands in the rest of the state.

When the usual proposal for extending further relief to the settlers south of the French Broad came up in the 1823 legislature, Polk led the opposition, objecting to "any species of relief," except, perhaps, a remission of the interest due. But, as one observer noted, this issue was "a handmaid to the success or defeat of all projects."³⁴ By this time the supporters of the colleges and academies had become a sufficiently strong pressure group to induce the legislature to stop indulging the settlers, after granting them one "final" concession. One third of the purchase price was cancelled and the collection of the unpaid interest postponed indefinitely; but the remaining two thirds of the debts, although spread out over a period of seven years, were made subject to foreclosure if any installment should not be paid when due. Polk and eleven other members of the house even voted against this legislation, because of the concessions involved. Polk also opposed unsuccessfully the vesting in the colleges and academies of the receipts from the sales of land in the area "south of the French Broad" outside of the college and academy tracts, preferring that those funds be made available for common schools.³⁵

Just before the meeting of the legislature in 1823, Congress had withdrawn the minimum price requirement, giving rise to still another land controversy. It was now possible to revise the sale arrangements for the land in the region called the Hiwassee District recently acquired from the Cherokee Indians lying between the Little Tennessee and Hiwassee rivers. The legislature introduced a graduation system with the price being reduced periodically from \$1.50 to 12½¢ per acre, with squatters being given preference during each period. Polk tried without success to have the top price in the graduation scale fixed at \$2.00 instead of \$1.50, with a view to having more money available for the support of common schools.

³⁴Clarksville *Tennessee Watchman*, November 7, 1823.

³⁵*Tennessee Acts*, 1823, pp. 33-39; *Tennessee House Journal*, 1823, pp. 188-89.

Between the Cherokee and the Congressional reservations practically all of the desirable land had long since been taken up by North Carolina claimants. The remaining "waste land" could not be sold by the state because of the federal minimum price restriction. But with the removal of that restriction in 1823, it could at last be sold for whatever it would bring. Polk, and in this case he was joined by Grundy, regarded these lands as valuable public property and wanted to use them too for schools. He insisted that they should be sold for cash at the highest possible price, at least 25c an acre. But the squatters and other prospective buyers were too strong. The legislature finally settled on a price of 12½c an acre and included a pre-emption system that gave first choice to occupants of the lands; but the money received was placed irrevocably in a common school fund.³⁶

On the land question, as on banking, Polk had stood out against the selfish plans of the state's most influential men. Although he had not gained a complete victory, the strong fight of the anti-speculating forces at the special session had insured an early end to private appropriation of the remaining Western District lands. In addition, the important point had been suggested that a substantial part of the proceeds of these lands must go for educational purposes. But title to this potential school endowment was still held by Congress. The battle for schools for the people would be transferred to the national legislature, where it would again be led by James K. Polk. Meanwhile, he had been instrumental in checking legislative indulgence of the settlers on the college and academy lands and in initiating a common school fund from the proceeds from the sale of waste lands outside of the Congressional reserve.

Carroll's program, however, was more than a negative attack on the privileges of the past; the Governor called for a whole series of reforms reflecting the democratic stirrings of the period. He wanted a common school system, an extensive network of internal improvements by the state, reform of the penal laws, establishment of a penitentiary and an insane asylum, abolition of imprisonment for debt, and a revision of the state constitution.

Though Polk led the Carroll forces in the house, he was not a slavish follower of the Governor or anybody else. Always careful of the taxpayers' money, he fought the penitentiary bill at every stage.³⁷ On internal improvements his record was more mixed. He voted with Crockett against a bill for improving navigation of rivers in the Western District, possibly because it had been amended to permit prisoners to be hired out for labor on public improvements.³⁸ But his strongest opposition was directed against a measure

³⁶*Ibid.*, 32, 38-39, 43, 45, 136-37, 141, 191-92, 202, 204, 277-78, 282-83, 292, 295; *Tennessee Acts*, 1823, pp. 25-31, 58-66. J. C. Mitchell had proposed the graduation scheme for the Hiwassee district in 1819, but it had then failed to pass, possibly due to the fact that it would have violated the federal law.

³⁷*Tennessee House Journal*, 1823, pp. 16, 49, 94.

³⁸*Ibid.*, 308, 319-20.

affecting his own constituents, a proposal to charter a company to build and operate a toll road from Nashville to his home town, Columbia. He objected primarily because Nashville would get most of the benefits of the road, but he also thought the state should not force his constituents to pay tolls to a private corporation.

In the course of his remarks on the turnpike bill, Polk referred rather ambiguously to the general policy of internal improvements by state and federal governments. Noting that the constitutionality of federal improvements had long been questioned, he asserted that the matter had been settled conclusively by the recent passage by Congress of the General Survey Bill. The survey of a national road from New Orleans to Washington authorized by this measure had aroused great excitement in Tennessee. Polk referred to the project and was on the committee appointed a few weeks later to petition Congress to build such a road by way of Tennessee. It would seem that hostility at home to the Nashville toll road had turned him against private turnpike companies, while enthusiasm for the proposed national road was leading him into a cautious approval of federal projects. Here again, as on almost every issue, Polk and Grundy crossed swords as leaders of the opposing sides.³⁹

On still another question the young lawmaker seems to have been guided by the demands of political expediency. The legislature had battled for some years over the quorum court system, a sensible scheme to improve the county courts by designating a small number of justices as a permanent panel to try cases, rather than having all the justices present sit in judgment. The Maury squires seem to have been up in arms over the proposal, and a former Maury representative who supported it had lost his seat to a strong critic of this constructive reform. Polk read the handwriting on the wall and voted uniformly against allowing his or any other county to adopt the quorum court system.⁴⁰

Despite these vacillations, Polk's record leaves no doubt that he was in line with the democratic tendencies represented by Governor Carroll. He showed this indirectly when Crockett introduced a resolution proposing that the legislature grant no divorces at that session. Polk made a long speech in opposition to the current practice of granting divorces only by special act of the legislature. He endorsed Crockett's suggestion that the public prosecutors be directed to handle divorce cases for indigent persons, though he thought they had better be compensated by the state for taking care of this business if justice were to be obtained.⁴¹

³⁹*Ibid.*, 1824, pp. 158, 171; *Nashville Whig*, September 27, 1824; Stanley J. Folmsbee, *Sectionalism and Internal Improvements in Tennessee, 1796-1845* (Knoxville, 1939), 52-53.

⁴⁰*Nashville Gazette*, November 13, 1819; *Nashville Whig*, September 29, 1823; *Tennessee House Journal*, 1823, pp. 225-26; *ibid.*, 1824, p. 133.

⁴¹*Ibid.*, 1823, pp. 29, 38; *Nashville Whig*, September 22, 1823.

This concern for the poorer members of society is even more evident in Polk's views on taxation. The state derived its revenue largely from levies on land and polls. When the perennial tax reduction bill was introduced in the 1823 legislature, Polk supported a reduction on white polls but argued against reducing the land tax. The poll tax, he said, was too high in proportion to the land tax. Much of the state's area was owned by out-of-state speculators, who withheld it from sale and rented it to the poor, who were unable to buy land. "We ought," Polk declared,

to do everything in our power to produce as nearly as practicable an equal distribution of lands, to induce foreigners to sell out their lands, so that they might be settled by independent free-holders, who would feel an interest in the soil, and become endeared to the government.⁴³

A more serious inequity in the tax system, the requirement that all land be taxed at the same rate per acre, regardless of value, was imbedded in the state constitution. This, together with the undemocratic structure of local government, was the cause of the powerful movement for a constitutional convention in the 1820's. A convention could be called only by a two-thirds vote of the legislature followed by a favorable referendum, and this complicated procedure frustrated repeated attempts by the reform party. In 1823 the convention resolution got a thirty-three to twenty-five majority, but this was six votes short of the necessary two thirds. Polk, of course, was for the convention, and he took such a prominent part in the fight that he was designated to introduce the convention resolution at the special session the next year. This time the reformers rounded up thirty-six votes, to twenty-four opposed, still four short.⁴³ Not until 1833-1834 would Tennesseans be able to clear the hurdles set up by their constitution and remodel their government along more democratic lines.

Only one other major question came before the legislature during Polk's term, but his decision on it had a profound bearing on his future political career. Andrew Jackson's candidacy for President was a problem of peculiar difficulty for Governor Carroll's able young lieutenant. Jackson was on intimate terms with Colonel William Polk, he was well acquainted with James's father, and he had known James himself since his boyhood.⁴⁴ It would have been natural for the young legislator to go along with the Jackson movement, just as it would have been natural for him to have

⁴³*Ibid.*, November 24, 1823.

⁴³*Ibid.*, May 1, 1819; *Nashville Clarion, & Tennessee State Gazette*, June 8, 1819; *Tennessee House Journal*, 1823, pp. 115-16; *Tennessee Senate Journal*, 1824, Appendix, i-iv.

⁴⁴Andrew Jackson to ?, July 12, 1844, in *Vindication of the Revolutionary Character of Services of the Late Col. Ezekiel Polk, of Mecklenburg, N. C.* (Nashville [1844]), 16.

sided with Grundy, the speculators, the banks, and the University of North Carolina. But he had refused to follow the path of least resistance on legislative questions, aligning himself instead with men who were cool to Jackson. Governor Carroll was a supporter of Henry Clay, while Senator John Williams and most of the other leading opponents of the Overton faction were backing William H. Crawford.⁴⁵

The Jackson boom, on the other hand, was being promoted by John Overton, Felix Grundy, and Senator Eaton, men whose measures Polk had been fighting in the legislature. Many Tennesseans were convinced that the Overton faction was merely trying to use the General's irresistible popularity to defeat Senator Williams for re-election, and ultimately to re-establish their dominant position in state politics. No one had been bold enough to oppose Jackson himself when his nomination for President was proposed to the legislature of 1822; the real test did not come until the senatorial election in the legislature of 1823.

Polk had ample warning that the Jackson issue would be brought to bear on the senatorial election, for many contests for the legislature and for Congress had already been made to turn on it. In his own district Andrew Erwin, one of the leaders of the anti-Overton coalition, had been defeated for Congress because he was opposed to Jackson.⁴⁶ When the legislature met, Polk had made his choice. In the preliminary maneuvering over when the senatorial election should take place, he voted with the Jackson men.⁴⁷

Jackson's supporters were trying desperately to stave off the election to give them time to decide which of two candidates to back against Williams and to try to unite all their strength on that man. One of the candidates, Pleasant M. Miller, an old and bitter enemy of Williams, had been one of the earliest and most active proponents of Jackson's nomination, pretty clearly with a view to getting himself sent to the Senate as a Jackson man. The other, John Rhea, was a veteran congressman long identified with the Overton group. Miller had many personal enemies, and it soon became evident that he could not command enough support to defeat Williams. The Jackson men then procured an endorsement of Rhea by the General himself, but even this left them three votes short of a majority. By this time their only hope for success was to bring Jackson to Murfreesborough to exert pressure on wavering members under promise to vote for Williams. But the General would not come.

Finally, in desperation, Jackson's friends, with considerable trepidation and without his knowledge, put the General's name before the legislature as

⁴⁵The interpretation of Tennessee presidential politics followed here is developed more fully in Sellers, "Politics and Banking in Jackson's Tennessee, 1817-1827," *loc. cit.*

⁴⁶James Campbell to David Campbell, September 15, 1823, David Campbell Papers (Duke University Library).

⁴⁷*Nashville Whig*, September 22, 1823; *Tennessee House Journal*, 1823, p. 20.

Williams' competitor. When the messenger bearing this news reached the Hermitage, Jackson mounted up and left posthaste for Murfreesborough, arriving there in the middle of the night preceding the election. Even with Jackson as the candidate and with Jackson present, Williams was defeated by a vote of only thirty-five to twenty-five. Polk voted for the General, but Crockett and the bulk of the Carroll party stood by Williams.⁴⁵

Polk's support of Jackson may have been decisive. The General's friends had been none too sure that even he could defeat Williams, and had he failed to do so, his presidential prospects would have probably been destroyed. Under these circumstances the support of so influential a leader of the Carroll forces as Polk was important indeed.

In Polk's whole course in the legislature, there is something a little strange. Why did he turn his back on his family, his old preceptor and benefactor Grundy, and his alma mater to side with Carroll and the democratic reform party? And then why did he diverge from Carroll on the presidential question and ally himself with the men he had been fighting on almost every other matter before the legislature? The only answer that seems to fit all the facts of the case is that Polk was a doctrinaire champion of political democracy and Jeffersonian principles. His entire public career shows the same dogged adherence to what he believed right that characterized such other products of the southern backcountry as Andrew Jackson, Andrew Johnson, and Woodrow Wilson. Polk's ideology was virtually complete when he came to the legislature. He may be criticized for the narrowness and inflexibility with which he stuck to it throughout his life, but he cannot fairly be accused of the kind of expedient politics practiced by men like Grundy.

Polk was, to be sure, a practical politician, as the quorum court question and his long tenure in public office indicate. But on major issues he almost never deviated from the position he assumed early in life. It must be added, however, that he had probably absorbed some of Grundy's keen sensitivity to major trends in public sentiment and that this tended to push him in a democratic direction during the years from 1819 to 1823, when his views were assuming their final form.

⁴⁵This account is drawn mainly from the following sources: [William B. Lewis] to Gov. Lewis Cass, n. d. (Huntington Library, San Marino, Calif.); William Brady and Thomas Williamson to Andrew Jackson, September 20, 1823, Andrew Jackson Papers (Division of Manuscripts, Library of Congress); Andrew Jackson to [William Brady and Thomas Williamson], September 27, 1823, draft, *ibid.*; Andrew Jackson to [John H. Eaton], October 4, 1823, draft, *ibid.*, Second Series; Thomas H. Williams to John Overton, September 20, 1823, John Overton Papers, Claybrooke Collection (Tennessee Historical Society, Nashville); Andrew Jackson to John Coffee, October 5, 1823, John Spencer Bassett (ed.), *Correspondence of Andrew Jackson*, 7 vols. (Washington, 1926-1935), III, 210-11; William Carroll to Henry Clay, October 1, 1823, Henry Clay Papers (Division of Manuscripts, Library of Congress); *Tennessee House Journal*, 1823, pp. 76-77.

There is still an apparent difficulty in explaining Polk's support of the Overton-initiated Jackson movement on these grounds. It must be remembered, however, that Jackson's own well-known opinions were closer to Carroll's than to those of the Overton group.⁴⁰ Moreover, Jackson's position in the 1824 presidential contest as the western, anti-caucus, popular-hero candidate tended to make him the focal point of the democratic movement as it began to manifest itself in national politics. Both of these things made it easy for Polk to back Jackson, regardless of the local circumstances that had led to his candidacy. Polk's decision was a fortunate one, for it opened the way for him to play an important role in the Jacksonian movement nationally. His decision was also a fortunate one for Jackson. Not only did it help save the General's candidacy in the decisive senatorial election of 1823, but later, when Jackson was being deserted by his early backers of the Overton persuasion, it gave him a faithful and effective champion in Tennessee.

Polk's transition from state to national politics was not long taking place. He had come far in his single term in the legislature and, at twenty-eight, was widely regarded as "one of the first young men in the state."⁴⁰ Even during his first session there had been talk of running him for Congress, and when the special session of 1824 assembled, his hat was in the ring.⁴¹

⁴⁰Sellers, "Banking and Politics in Jackson's Tennessee, 1817-1827," *loc. cit.*

⁴⁰Jessie C. Connors, "The Years Are Kind," *Nashville Tennessean Magazine*, July 10, 1949, p. 8.

⁴¹Edmund Dillahunty to Robert L. Caruthers, September 29, 1823, Robert L. Caruthers Collection (Southern Historical Collection, University of North Carolina); *Nashville Whig*, August 23, 1824.

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