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THE PUBLIC CAREER OF GEORGE WASHINGTON TOWNS

By

G. Wilson Page, Jr.
A.B., Hampden-Sydney College, 1965

An Abstract of
A Thesis submitted to the Faculty of the Graduate School
of Emory University in partial fulfillment
of the requirements of the degree of
Master of Arts

1970

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THE PUBLIC CAREER OF GEORGE WASHINGTON TOWNS

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ABSTRACT

George Washington Towns was born in Wilkes County, Georgia, in 1801. He began his public career as a member of the Georgia House of Representatives in 1829, advancing to the state Senate in 1831. He reached political maturity under the banner of Jacksonian Democracy, and in the course of his early career he vigorously defended Old Hickory in the nullification controversy and in Georgia's dispute with the federal government over the arrest of the two Indian missionaries, Samuel Worcester and Elizur Butler.

Elected to Congress in 1834, Towns served three terms in the national House of Representatives. While in Congress, he supported President Polk's program of national expansion, but at the same time he insisted on the sovereignty of the states and on a narrow interpretation of the Constitution. As questions arose concerning the expansion of slavery into the national territories, he began to change from a Jacksonian Unionist into an aggressive proponent of Southern rights.

He was elected governor of Georgia in 1847 and served two consecutive terms as the chief executive of his state. By that time, David Wilmot's "Proviso" had convinced Towns that the federal government had come under the dominance of

Northern fanatics intent upon the abolition of slavery. In 1849, he requested, and received, authority from the state legislature to convoke a state convention if Congress enacted any legislation containing the Wilmot Proviso. When California entered the Union as a free state, as a part of Henry Clay's "Compromise of 1850," Towns called for the convention in the hope that it would vote Georgia's secession from the Union. His plans, however, were completely thwarted by Howell Cobb, Robert Toombs, and Alexander H. Stephens, who spoke throughout Georgia in favor of the Compromise. The convention drew up five resolutions which accepted Clay's bill while issuing grave warnings to the North against further agitation of the slavery question. These resolutions later became known as the "Georgia Platform" of 1850. Thoroughly repudiated politically, Towns died a broken man in 1854. He was an individual who suffered the misfortune of achieving his political apex a decade ahead of his time.

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CHAPTER I

ORIGINS AND EARLY CAREER

The ancestry and early life of George Washington Bonaparte Towns, once called the most handsome and best mannered governor Georgia ever had,¹ are obscure. His father, John Towns, served as a lieutenant in Daniel Morgan's regiment during the Revolution and participated in the battles of Cowpens and Eutaw Springs.² Shortly after the war's close, John Towns migrated from his native Virginia to Georgia and in 1796 received a bounty grant of forty-one acres in Wilkes County.³ It was here that George Washington, the youngest of four children, was born on May 4, 1801. John Towns subsequently moved to Morgan, Greene, and Jasper counties. Tradition has it that he was too poor to send his youngest son to college.⁴ This

¹Burnice McCullar and J. L. Sibley Jennings, "The Men Who Governed Georgia," Atlanta Journal and Constitution Magazine, May 15, 1966, p. 24.

²Mary L. Lockwood, Lineage Book of the Charter Members of the National Society of the Daughters of the American Revolution (Washington, 1908), XV, 241-42.

³Alex M. Hintz, comp., Index to Georgia Headright and Bounty Grants (Atlanta, n.d.), N-Z, 253-54.

⁴William J. Northen, Men of Mark in Georgia (Atlanta, 1910), II, 208.

legend, however, is erroneous, for in 1808, John Towns
owned over twelve hundred acres of land,¹ and he was listed
in the 1820 census of Jasper County as the owner of thirty-
one slaves.

George Washington at an early age became interested in medicine and in his teens began to study for that profession under Dr. Joel Branham of Eatonton. Dr. Branham was known as a distinguished physician. He was also a prominent local Democrat and a former member of the Georgia House of Representatives.² While living in Eatonton, Towns suffered an accident from which he never completely recovered. On his way to visit his parents, he was thrown from his horse against a stump and sustained severe injuries to his chest.³ These injuries might have influenced his decision, at the age of twenty, to forsake medicine and move to Montgomery,
Alabama, to study law at the office of Nimrod Earl Benson. Mr. Benson was the second lawyer to locate in Montgomery and was one of the city's most influential citizens.⁴ During this period, when he was not studying law, Towns

¹Tax Digest, Morgan County, Georgia (1808). Microfilm in the Georgia Department of Archives and History.

²Northern, Men of Mark, IV, 167.

³Stephen F. Miller, Bench and Bar of Georgia (Philadelphia, 1859), II, 340.

⁴Thomas M. Owen, History of Alabama and Dictionary of Alabama Biography (Chicago, 1925), III, 133-34.

could be located at the Globe Tavern, of which he was part owner. The Globe boasted of a "bar furnished with the most genuine liquors, a table well-furnished with provender, and an excellent hostler."¹

Towns was admitted to the Alabama bar in 1824. Sometime in 1826, he married Margaret Jane Campbell, daughter of Archibald Campbell, a former captain in the Continental Army. This union was probably an advantageous one for Towns; one of Miss Campbell's brothers, Duncan G. Campbell, ranked among Georgia's prominent public men in the two decades following the Revolutionary War.² Any marital bliss, however, was short-lived because Margaret Jane, who had never enjoyed robust health, died a few days after the ceremony. Her death produced on Towns "such a shock that years and years could not obliterate it," and he soon returned to Georgia.³

Towns settled in Talbotton. Although sensitive and bereaved, the young widower rapidly gained fame as a courtroom lawyer. He always preferred the defense to the prosecution, and his forte at the bar was a fine, musical voice and spontaneous, emotional oratory rather than

¹Peter A. Brannon, "The Globe Tavern," Alabama Historical Quarterly, XVIII (Summer, 1956), 58.

²Elizabeth W. Thomas, "The Campbell Bible," Alabama Genealogical Register, IV (March, 1962), 99.

³Miller, Bench and Bar, II, 341.

skilled, reasoned argument. Described in later years as "suave," and "Chesterfield in address," he also well understood the unsophisticated nature of up-country Georgians and was always noted for his popularity with the common people. Combining these talents, he began his public career in 1829 as Talbot County's representative in the state legislature.

Towns was not prominent during his first term in the legislature. He served on the standing Penitentiary Committee and on a special committee to alter the time for holding court in several judicial circuits.¹ He voted in favor of extending Georgia's legal jurisdiction over the Cherokee Indians.² Much would be heard from the latter in the near future.

Reelected in 1830, he was appointed to the standing Judiciary Committee, which was busy revising the state's legal system. Serving with him on this committee were Charles J. McDonald and William Schley, each of whom would one day become governor of Georgia. Towns also served on a committee to define the powers of the judges of the superior courts, and a committee to compel justices of the

¹Journal of the Georgia House of Representatives, 1829 (Milledgeville, 1829), pp. 27, 127.

²Ibid., p. 248.

peace to attend the trials of Negroes.¹ Most of the legislation which he introduced was of a local nature. Late in the session, however, he gained the attention of his more experienced colleagues when he presented a series of resolutions concerning a highly disputed national issue, the tariff.

The United States levied its first tariff in 1789. For twenty years it was utilized primarily as a measure for obtaining revenue for the new government. The War of 1812, however, gave forced impetus to the development of Northern manufactures and its close found the fledgling England industries calling to the federal government for protection. Their cries were heeded by a Southern-led Congress which drew up the first tariff substantially protective to home manufactures in 1816. This tariff helped accelerate the development of the modern industrial state in the North, and soon its economy began to clash with the agrarian system of the South.

The ensuing decade saw the South increasingly united in opposition to protective duties. By 1828, many Southerners were denouncing the tariff as a "departure from the spirit and true intent of the Constitution."² Shortly

¹House Journal, 1830, pp. 35, 40, 50.

²Journal of the Georgia State Senate, 1828 (Milledgeville, 1828), p. 229.

thereafter, John C. Calhoun attacked the tariff on behalf of South Carolina with his famous doctrine of state interposition or nullification. It was against the background of Calhoun's nullification theory and the so-called "Tariff of Abominations" that Towns introduced the following resolutions in the Georgia House.

Be it resolved by the Senate and House of Representatives of the State of Georgia that the present Federal Constitution is the bond of union between these United States, with a view therefore to avoid all causes of dissention its powers should without deviation adhere to a correct, literal construction of that instrument and carefully avoid the usurpation of any right not expressly surrendered.

Resolved, That though the Congress of the United States may legitimately raise revenue for the support of the government, yet in so doing a just and prudent discretion ought to be exercised constantly keeping in view a fair and just equalization of the burthens imposed among the several states. Yet this principle has been greatly disregarded, and experience proves it in the existing Tariff of 1828. That law, manifestly unjust in its conception has also been partial in its operation, and still continues its baneful pressure on the most vital interests of the South. While the people of this state, with their accustomed patriotism have yielded obedience to it, they now urge in the most emphatic terms its modification and better adaptation to the interests of the whole.

Resolved, That as there are conflicting opinions as well as an avowed hostility of the people against the assumption by Congress to apply the national resources to the purposes miscalled "internal improvements," therefore this legislature cannot forbear expressing its disapprobation of any such appropriations until the Constitution of the United States is so amended as expressly to surrender the guaranty of the power now claimed.

Resolved, That the people of Georgia contemplate with deep and ardent regret the frequent and open expressions of opinions unfriendly to the perpetuation of our present happy union . . . that disunion, it is firmly believed, will bring in its train discord, misery, and civil war, and that the people of this state deem those as their worst and bitterest enemies who seek to sow the seeds of disunion and introduce the wretched doctrines of Consolidation and Nullification among them.

Resolved, That the people of Georgia, by their Representatives now in session, view with deep and increasing solicitude the re-election of Andrew Jackson to the Presidency of the United States avowing and open and frank devotedness of feeling to his construction of the Federal Constitution as regards internal improvements and of his administration generally.¹

In these resolutions, the young man from Talbotton revealed three strains of political argument that would characterize his career for the next twenty years. One was the uncritical endorsement of Andrew Jackson. The other two were conflicting. While professing reverence for the Union and condemning nullification, Towns placed the Georgia legislature, and himself, in the position of arbiter as to what constituted a "correct literal construction" of the Constitution. Taken to its logical conclusion, this attitude and nullification were little different, as he himself admitted several years later. In the future, Towns would apply the doctrine of state sovereignty to several issues, usually without extreme intent. Eventually, however, he

¹House Journal, 1830, pp. 353-54.

came to apply it in deadly earnest to a situation he considered intolerable.

In 1831, Towns was elected to the Georgia Senate.

During his third term in the state legislature he served on a committee to reduce headright fees, and voted in favor of placing a five thousand dollar reward on the head of anyone caught distributing the Liberator, a newly established abolitionist journal in Boston. He was appointed to two of the most important standing committees in the upper house, the Judiciary and the Committee on the State of the Republic. The Judiciary was still busy revising Georgia's outmoded criminal statutes; the State of the Republic was occupied with the difficult problem of removing the Cherokee Indians.¹

Georgia had been quarrelling with the Cherokees since colonial times. In 1802, the United States agreed to remove both the Creeks and the Cherokees from the state's boundaries as soon as it could be practically and peaceably accomplished. By the end of the 1820s, all the Creek lands in lower Georgia had been ceded to the state. At the same time, gold had been discovered in the Cherokee Territory of northern Georgia, and a small "rush" was underway. In answer to the lawlessness that develops in such situations, and as a step toward insuring state possession of the

¹Senate Journal, 1831, pp. 47, 141, 146.

precious metal, Georgia extended her legal jurisdiction over the Cherokee Territory in 1829. The Cherokees, seeing their ancient homeland engulfed by the whites, appealed to the federal government for recognition as an independent nation. When President John Quincy Adams turned a sympathetic ear to their grievances, it appeared that a clash might ensue between the United States and the state of Georgia. Andrew Jackson, however, supported Georgia's claims and talk of conflict seemed abated.

It rose again, however, in 1831 when two missionaries, Samuel Worcester and Elizur Butler, were arrested for residing illegally in the Cherokee Territory. Worcester and Butler appealed their case before the Supreme Court and Chief Justice John Marshall ruled that "The Cherokee Nation is a distinct community, occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force."¹

George Towns and the Committee on the State of the Republic minced no words in their reply:

Resolved, By the Senate and House of Representatives of the State of Georgia in General Assembly met, that the act . . . under which Samuel Worcester and Elizur Butler were convicted at the sitting of the last Superior Court of Gwinnett County is not a violation

¹Ulrich Bonnell Phillips, Georgia and States Rights (Washington, 1902), p. 82.

of either the letter or spirit of the Federal Constitution.

That the State has right of civil and criminal jurisdiction over the whole of the lands within her chartered limits and that her jurisdiction does of right extend to persons and things within her limits.

That the powers not delegated by the Constitution of the United States nor prohibited by it to the states are reserved to the states respectively, and that a right to interfere with the control the criminal jurisdiction of the states has not been delegated by the Constitution to the United States or its courts.

That any attempt to reverse the decisions of the Superior Court of Gwinnett County in the case of Samuel A. Worcester and Elizur Butler by the Supreme Court of the United States will be held by this state as an unconstitutional and arbitrary interference in the administration of her criminal laws, and will be treated as such.

That the State of Georgia will not compromise her dignity as a sovereign state or so far yield her rights as a member of the Confederacy as to appear in, answer to, or in any way become a party to any proceedings before the Supreme Court having for their object a reversal or interference with the decisions of the state courts in criminal matters.

That his Excellency the Governor be, and he and every other officer of this state is hereby authorized and requested to disregard any and every mandate, order, process, or decree that has been or shall be served upon him or them purporting to proceed from the Chief Justice or any Associate Justice of the Supreme Court of the United States for the purpose of arresting or impeding the execution of the sentence of the state courts in criminal cases.

That his Excellency the Governor be and is hereby authorized and required with all the power and means placed at his command by the Constitution and laws of this state, to resist and repel any and every invasion from whatever direction it may come, upon the administration of the criminal laws of this state.¹

¹Senate Journal, 1831, pp. 203-204.

Georgia had successfully nullified an act of the Federal Government with none of the political theory adopted by South Carolina to achieve the same end. The primary difference between the situation of Georgia and that of her eastern neighbor was that Old Hickory happened not to like Indians. The President, looking with favor on Georgia's swift and stalwart action, was said to have remarked that since Justice Marshall could make decisions concerning the fates of Worcester and Butler, he could also enforce them. Georgia's "victory" over the federal government in regard to the Cherokees further increased Towns's esteem of Old Hickory and strengthened his convictions of state sovereignty.

Towns returned to the Georgia Senate in 1832 and again served on the Judiciary, State of the Republic, and Penitentiary committees. He was chairman of a special committee to reduce the number of justices of the inferior courts and introduced a resolution to revoke an act outlawing dueling.¹ Most of his time, however, was consumed with the Committee on the State of the Republic which was again wrestling with the question of the national tariff.

Congress had further modified the tariff in June of 1832. The bill was equivocal and primarily an election

¹Senate Journal, 1832, pp. 41, 42, 54, 123.

year attempt by Jackson to mollify the South. The legislature of South Carolina nonetheless called a state convention which adopted an ordinance of nullification. In Georgia, the tariff question had already begun to divide both the Troupe and Clark political parties, and her sister state's "interposition" received considerable support. However, Towns and other moderates in the state legislature pushed through a series of resolutions calling for a general convention of the Southern states to "devise and recommend the most effectual and proper mode of obtaining relief" from the protective system.¹ They thereby avoided a direct confrontation of the issue. Not wishing to be bullied by South Carolina, and well knowing that the support was essential for the removal of the Cherokees, the moderates had no intention of alienating Old Hickory over the tariff.

The tariff was again the primary order of business for the Georgia legislature in 1833. A state anti-tariff convention, led by John M. Berrien, had been held in Milledgeville. The convention had produced a series of resolutions condemning protective duties and had advocated a popular referendum on its actions. Berrien and company also threatened, if the tariff were not modified, to

¹Senate Journal, 1832, p. 196.

reconvene in eight months for further considerations.¹

Towns's Committee on the State of the Republic in the Georgia Senate replied that Berrien's convention had not been representative of the people.

That we earnestly advise our fellow citizens not to give their votes on the resolutions of the convention recently adjourned, as therein proposed. That convention manifestly consisted of delegates from a minority of the people. That while we would provide a corrective for the possible continuance of those evils of which we have so much reason to complain, we still hope the regular operations of the General Government will supercede the necessity of any extraordinary measures on the part of the Southern people, and that we recognize the happiest augury of better things in the re-election of that illustrious patriot, Andrew Jackson.

That we abhor the doctrine of nullification as neither a peaceful nor Constitutional remedy, but on the contrary as tending to civil commotion and disunion.²

Jackson's retaliatory "Proclamation to the People of South Carolina" divided Georgia still further. When the State Senate, through the Committee on the State of the Republic, adopted a resolution of "high disapproval" of those critical of the President, thirty senators drew up a lengthy protest charging that this constituted an interference with the right of free speech. Towns and other moderates answered in strong terms.

¹E. Merton Coulter, "The Nullification Movement in Georgia," The Georgia Historical Quarterly, V (March, 1921), 3-39.

²Senate Journal, 1833, pp. 150-51.

Does the minority claim the exclusive right to censure others? Are Andrew Jackson and his friends the only proper subjects for animadversion and invective? Are his enemies alone above censure? The majority regards the introduction of the protest as intended for party effect, as designed to agitate the people on a groundless pretext . . . to exasperate those unhappy feuds and to kindle those malevolent passions which have already exerted a deleterious influence in disturbing the harmony of society and eradicating that affection which sons of a free country ought to cherish for each other as countrymen and brothers.¹

Towns, in his last term in the state legislature, was clearly committed to the national administration. During the nullification crisis, however, he had, as one newspaper reported of the state in general, "weighed Jackson in the balance and found him not wanting."² What would happen when he applied this same test, in a clearer light devoid of the fog of hero worship, to future administrations remained to be seen.

The Talbottonian was now one of the leading young Democrats in Georgia. During the debate over the tariff, his remarks were described as "most forceful and eloquent, the best effort yet made before the Senate."³ In Columbus, on the fourth of July 1833, he was toasted as "fearless, firm, consistent, and honorable in his political course,

¹Senate Journal, 1833, p. 388.

²Savannah Georgian, December 2, 1833.

³Macon Georgia Messenger, June 4, 1831.

the scholar and gentleman, he is an ornament of which the Democratic Party may well be proud."¹ In November of the same year, he served on a Democratic committee sponsoring a public dinner for John Forsyth, who, with fifty followers, had walked out of the anti-tariff convention,² and in December he was nominated by his party to represent Georgia in the Twenty-fourth Congress.³

¹Macon Georgia Messenger, July 19, 1833.

²Ibid., November 18, 1833.

³Ibid., December 23, 1833.

CHAPTER II

THE CONGRESS

Conducting his first campaign for national office under the banner of Jacksonian Democracy, Towns was successful at the polls by a majority of twelve hundred votes.¹ The Democrats acclaimed him as a candidate who would "do honor to himself and credit to his constituents,"² and on the stump he was "eloquent" in his praise of Old Hickory and vehement in his condemnation of the "factionous combination of Nullies, Nationalists, Federalists, and Bankites now in Washington."³ In Talbotton on July 4, 1834, he toasted, ironically in view of his later career, "The Union of the States, he who shall be its destroyer will go down to future ages with the hissing curses of all after genera- tions upon his head."⁴ He took his seat in the Twnty- fourth Congress at the opening of the first session on December 14, 1835.

¹ Milledgeville Federal Union, October 15, 1834.

² Ibid., August 6, 1834.

³ Ibid., April 16, 1834.

⁴ Ibid., July 18, 1834.

During his first term in the national House, Towns staunchly supported and defended Old Hickory's system of "pet" state banks, avored recognizing the independence of Texas, and opposed any extension of the Cumberland Road.¹ He served on one standing committee, that of the District of Columbia. This service embroiled him directly in the controversy over the famous Pinckney Resolutions.

By 1836, the abolitionist societies of the North were flooding Congress with antislavery petitions, particularly in reference to the District of Columbia. When members of the newly formed Whig Party utilized these petitions in efforts to disrupt legislation and divide the Democratic majority, Southern Congressmen became increasingly more incensed. In May of 1836, Representative Henry L. Pinckney of South Carolina replied to the Northern agitation with the proposal of three resolutions. He declared that Congress had no constitutional authority to interfere with slavery, that it ought not to interfere with slavery in the District of Columbia, and that all petitions submitted to Congress with regard to slavery were to be laid on the table without discussion.²

¹Congressional Globe, 24th Congress, 1st Session, pp. 486, 359, 474.

²Ibid., May 18, 1836, p. 383.

Towns was opposed to any mention of the subject of slavery by the United States Congress. He believed that the passage of the Pinckney Resolutions, theoretically, would give to Congress the power to legislate against slavery, and he opposed bringing them to a vote. When the motion to vote was nonetheless carried, he favored Pinckney's first and third resolutions, and refrained from voting on the second.¹ Although he would later have to defend his position on the "gag" resolutions, Towns demonstrated in his opposition a clearer understanding of their implications than either his future opponents or the majority of Georgians then seated in the House.

Towns made one major address before the Twenty-fourth Congress, a three-hour discourse on national defense. The question at issue was what should be done with the surplus in the national treasury. In the Senate, Henry Clay and John C. Calhoun had collaborated on a plan to distribute the surplus revenue to the states according to population. It was in opposition to their bill that Towns assumed the floor. The bulk of his lengthy oration, however, consisted of a defense of Old Hickory and his administration.

A third of the speech was relevant to the issue. Towns contended that the surplus in the Treasury would soon

¹Congressional Globe, 24th Congress, 1st Session, May 26, 1836, p. 406.

recede because of a decline in imports and a decrease in the sale of public lands. Henry Clay and John C. Calhoun, he asserted, had combined forces merely for the advancement of their own political ambitions. Finally, he believed that the surplus in the Treasury did not exceed what might, in the foreseeable future, be necessary for the defense of the country. The Georgian plausibly defended his assertions of America's need for arms, but in the process he expounded conceptions of "manifest destiny" and "jingoism" that must have gladdened the heart of James K. Polk, the Speaker of the House.

I shall maintain before this committee and the country that the public treasure should not be divided among the States in the way proposed by the Senate, but should be reserved and applied to purposes dear to every American bosom, the protection of our own citizens . . . we already know the savage yell, the war whoop of the most fierce barbarians that inhabit the continent has been heard on the western prairies . . . look to Florida, we all know that the tomahawk is seen gleaming in that quarter . . . look to the Creek Indians in Alabama and on the frontier of Georgia . . . let it also be remembered that as far back as 1802, the Federal Government entered into certain stipulations for the removal of the Indians from the limits of Georgia . . . nor is it from the Indian race alone that we have much to apprehend. There has of late appeared in the west a monster that wears the form of man . . . yes sir, let the blood stained flag of Santa Anna once float on our eastern borders and you had as well attempt to prevent the Mississippi from pouring her waters into the bosom of the ocean as to restrain the freemen of this country from rushing to the rescue . . . sir, our citizens are aroused, the spirit of liberty is kindling around the household altars . . . it is not to be said that North Americans will stand by and see a struggle on their own continent, within sight of their own boundary, between

lawless tyranny on the one hand and a portion of the Anglo-Saxon race on the other I would have this Government plant herself on a high and unequivocal ground, ready to assert every right arising under international law, I would have more, I would increase the military arm in that quarter with the strength that would command the respect due by Santa Anna to the compacts between this Government and his own, or, on his failure to do so, crush at once the tyrant whose cruelty has thrown him beyond the sympathy of the Christian world.¹

The Georgian did not suspect that this very type of aggressive policy would one day precipitate a crisis in which he himself would play a prominent role in an effort to dismember the American Union so venerated by Andrew Jackson.

Towns received almost thirty thousand votes in Georgia's congressional elections of 1836 and retained his seat in the House of Representatives.² During the campaign, the Democrats characterized themselves as the "Union Party," and contended that all Whigs were abolitionists, nullifiers, and friends of Nicholas Biddle. A vote for the Democratic Ticket, said the Milledgeville Federal Union, was a vote for "purity and independence of government" and participation in the "holy crusade of preserving the Federal Union."³

¹Congressional Globe, 24th Congress, 1st Session, Appendix, pp. 384-91.

²Milledgeville Federal Union, October 27, 1836.

³Ibid., September 20, 1836.

The campaign was acrimonious and on election day in Towns's home county of Talbot, the Democrats and Whigs confronted each other in a "riot" of pistols and bowie knives.¹

Towns resigned from the Twenty-fourth Congress at the conclusion of the first session. His explanation for doing so was given at a public dinner in Talbotton on November 19, 1836. It involved the current Presidential campaign in which General William Henry Harrison was a strong Whig contender in the North and West, and in which Georgia gave to Judge Hugh L. White a three-thousand-vote majority over Martin Van Buren.² Towns believed that the election of 1836, like that of 1824, was going to be decided in the House of Representatives. He interpreted the Whig victory in Georgia as constituting instructions for him, were he to be a member of the House when this took place, to vote for Judge White as a first choice and General Harrison as a second choice for president. He was willing to do neither.

There is a probable majority of two or three thousand votes for the electors in favor of Judge White in the first and General Harrison in the second place . . . the point to be enquired into is whether I am bound to regard the late election as instruction to me as to the vote I should give in the event the election was to come into the House. I cannot regard it, under the best considerations I have been able to give the subject, in any other light than instructions to

¹Macon Georgia Telegraph, October 13, 1836.

²Macon Georgia Messenger, November 17, 1836.

vote, should I be a member of Congress, both for Judge White and Mr. Harrison in preference to the other candidate that may be returned. This is a duty I neither can nor will perform.¹

Towns thus portrayed himself as a man of principle gracefully bowing out of public office rather than disobey his own conscience or violate what he considered to be a sacred mandate from his constituents. The Whigs, however, explained his sudden resignation in an entirely different vein. According to them, the young representative was actually an "agent in the transaction of business in connection with land claims in the west for which he is to receive a very handsome compensation, more than he is willing to yield, even for his seat in Congress."² The exact nature of this "business" was never explained.

On January 3, 1837, Towns married for the second time. He chose for his bride Mary W. Jones, the eldest daughter of John Winston Jones of Chesterfield, Virginia, whom he doubtlessly met at a social function given by her father.³ This marriage, like his first, was advantageous for the groom. Mr. Jones was wealthy, a well-known planter, five times a member of the House of Representatives, and

¹Milledgeville Federal Union, December 6, 1836

²Milledgeville Southern Recorder, December 6, 1836.

³Milledgeville Georgia Journal, February 7, 1837.

would-be Speaker of the House for the Twenty-eighth Congress.¹ Towns had two sons and five daughters by his second wife.

The newly married Georgian was not long out of public life. He was seated in the House of Representatives when Martin Van Buren called the Twenty-fifth Congress into special session in September of 1837, and he soon became involved in Constitutional quibbling.

During the roll call officially convening Congress into session, a dispute arose concerning the seating of the Mississippi delegation which consisted of two Democrats, Samuel J. Gholson and John F. H. Claiborne. According to its laws, Mississippi was to have chosen its representatives for the Twenty-fifth Congress during the general elections of November, 1837. Realizing that his state would not, were this normal course of events to be pursued, be represented in Van Buren's special session, the governor had elected to consider the extra session as constituting a vacancy in Mississippi's congressional representation. He had therefore, through executive writ, ordered a special election to fill the vacancies.

¹Dumas Malone, ed., The Dictionary of American Biography (New York, 1928-37), X, 191.

In Washington, the legality of this action was questioned because technically, under the laws of Mississippi, such an alteration in elections could be effected only through an act of the state legislature. The Standing Committee on Elections, of which Towns was a member, invoked a broad and practical interpretation of the Constitution and declared the delegation duly elected. Towns, however, dissented and explained his reasons for doing so in a half-hour discourse before the House.

If sir, the seats of the honorable gentlemen from Mississippi are to be sustained, on the ground that a vacancy has happened, I do not hesitate in saying that such a decision will annul the fourth section of the first article of the Constitution Gentlemen, in support of the views of the majority admit that, but for the extra session of Congress, no vacancy, under the Constitution would have "happened." Look, sir, at the magnitude of this proposition. Is it possible that the mere act of the President can unsettle all the laws of the States regulating elections? Not only unsettle the laws of the States, but absolutely change the Constitution of the United States Let it once be admitted that the mere will of the President, in convoking the Congress, constitutes a vacancy in States that may not have elected their representatives and who will pretend to foretell the disasters that will befall the country.¹

Towns's quixotic attitude toward what was, as he admitted, a "purely legal question," again illustrated his insistence on strict construction of the Constitution.

¹Congressional Globe, 25th Congress, 1st Session, Appendix, pp. 91-94.

In spite of his fears of executive power, Towns supported President Van Buren's emergency economic program. He voted in favor of the issuance of Treasury notes worth ten million dollars to meet the immediate needs of the government,¹ and he supported the subtreasury system.² Van Buren had also advocated postponing the distribution of the surplus in the Treasury to the states. When William C. Dawson, one of Georgia's most prominent public figures and the only Georgia Whig then seated in the House, opposed this delay, Towns quickly picked up the cudgel for the president. Gleefully, he recounted his own opposition to distribution and declared that his colleague was proposing to distribute nine million dollars from a treasury that contained only eight. He denounced as disrespectful to his state Dawson's assertion that "all the people of Georgia required was money," and in conclusion he heatedly challenged the Whig to present the true facts to his constituents. If this were done, promised Towns, then he was "not afraid to meet the judgement that may be pronounced" upon his own vote against distribution of the funds.³

¹Congressional Globe, 25th Congress, 1st Session, October 9, 1837, p. 120.

²Ibid., 25th Congress, 2nd Session, June 25, 1838, p. 478.

³Ibid., 25th Congress, 1st Session, Appendix, pp. 154-55.

In addition to supporting the program of President Van Buren during the special session, in the Twenty-fifth Congress Towns served on the Standing Committee on the Post Office and Post Roads, in which he defended the practicality of a southern express mail route.¹ He advocated the reimbursement of Georgia volunteers for personal property destroyed during the Seminole War. He favored a plan to graduate the price of public lands and advocated the fortification of the Maine frontier in order to protect American interests in the so-called "Aroostook War."² He made one primary address during his second term in national office. It was delivered during the second session and concerned the removal of the Cherokee Indians from Georgia.

On December 29, 1835, at their principal village of New Echota, the Cherokee Nation had ceded to the United States all its territory east of the Mississippi River in return for five million dollars and a reservation in Arkansas and Oklahoma. The removal to the reservation was to take place within two years after the ratification of the treaty. The Treaty of New Echota reflected the surrender of a Cherokee minority faction, led by John Ridge, that was willing to migrate to the west. It was vehemently

¹Congressional Globe, 25th Congress, 2nd Session, July 4, 1838, p. 496.

²Ibid., 25th Congress, 3rd Session, pp. 142, 143, 244.

denounced by the nation's principal chief, John Ross. Ross led an Indian delegation to Washington to protest the treaty, and a petition signed by over twelve thousand Cherokees denouncing the negotiations as fraudulent was presented to Congress. President Jackson, however, exerted his powerful influence and the treaty was pushed through the Senate by a majority of one vote. It became law on May 23, 1836.

In Congress, the Treaty of New Echota had been opposed by Edward Everett, John Quincy Adams, and Daniel Webster. As the time approached to carry out its provisions, there arose a movement to reconsider the treaty's legality. The opposition to it became so strong that it induced President Van Buren, in May of 1838, to suggest extending the time of removal another two years. Towns's address, the ablest of his congressional career, was made in defense of Georgia. In it, for the first time, he criticized a measure of the national administration:

I will not pay homage to the President's wisdom, nor compliment his sagacity for thus thrusting upon the House and the nation, at this late hour, a communication that can do no good, and may yet do much mischief . . . no recommendation has ever astonished me more.¹

¹Congressional Globe, 25th Congress, 2nd Session, Appendix, pp. 560-66.

The irate Georgian contended that the belabored Jay Treaty was in no way analogous to the Treaty of New Echota, that John Ross was a scoundrel desiring to "get the whole sum of money for the Cherokee cession," and that the federal government had no grounds for evoking the commerce clause of the Constitution in order to deal with the Indians exclusive of Georgia. "Only if all other treaties," contended Towns, "from the origin of our government to the present time, are null and void," could the Treaty of New Echota be reconsidered.¹

More heated than his remonstrance against the president's proposal was Towns's reply to Henry Wise. The Virginia representative had denounced as "nullification" the threats of Georgia's Governor George Gilmer to take matters into his own hands if the treaty were not enforced.

Asked Towns:

Has Georgia proposed to violate the treaty or any law of the United States? No sir, on the contrary, she is urging the Government to execute its own laws . . . this, the supreme law of the land . . . Georgia demands should be faithfully executed, and for this she is denounced and branded with the doctrine of Nullification.²

¹Congressional Globe, 25th Congress, 2nd Session, Appendix, pp. 360-66.

²Ibid.

The issue was taken further, and Towns's vindication of his state revealed a new and ominous direction of thought.

Georgia never has nullified a Constitutional law of Congress. She has never yet had occasion to place herself in her highest sovereign attitude; but whenever that necessity shall arise, which God avert, she will not be backward in choosing between oppression on the one hand and resistance on the other . . . I repeat, in no case has Georgia stood in bold defiance of the Constitution of the United States, or of laws passed in pursuance thereof. But sir, if it would be of any satisfaction to this committee, I think I can safely say that not only Georgia but the entire South will be united in asserting their rights, under the Constitution, whether they be stigmatised by the name of Nullifiers or any other. They will not, they dare not, stop to bandy words and names when all they hold sacred and dear is about to be wrested from them, under false notions of philanthropy and religion.¹

Towns already possessed a distinct Southern consciousness. If an issue struck close enough to home, he would sacrifice his antipathy toward nullification and his often expressed veneration of the federal union upon the altars of states rights and the nebulous, but distinctly threatening, "highest sovereign attitude."

He concluded his address with a blunt and callous denial that the Cherokee could ever adapt himself to the white man's ways:

¹Congressional Globe, 25th Congress, 2nd Session, Appendix, pp. 360-66.

No sooner do you bring the white and red man into close contact in the same community than the latter falls into all the vices and errors of the former, imitating none of his virtues. Sir, I have seen something of Indian character; I know something of the demoralizing influence upon the white and red man by placing them in contiguous neighborhoods; and I should regard it as one of the greatest moral evils that could befall the Cherokees to remain in their present situation. Better for them that they be driven at the point of the bayonet to their western home than to remain where ruin, wretchedness, and misery await them.¹

The Georgian's fiery statements helped to stabilize the wavering president, and Van Buren soon abandoned his plans for postponing the enforcement of the treaty. In the period of 1838 to 1840, Winfield Scott, "at the point of the bayonet," led the Cherokees to their new home via the famous, or infamous, "Trail of Tears."

From 1839 through 1846, George Washington Towns (he dropped the "Bonaparte" from his name about 1840) did not hold political office. His resignation from the Twenty-fourth Congress had given him a "bad odor" with Georgia's Democratic Party, and it took him several years to regain his political prestige.² His decision to return to private life was also influenced by the fact that the Georgia legislature apportioned the state into congressional districts in 1844. Shortly thereafter, a Whig majority

¹Congressional Globe, 25th Congress, 2nd Session, Appendix, pp. 360-66.

²Miller, Bench and Bar, II, 71.

developed in the Third District, which included Towns's home county of Talbot. During these six years, Towns was doubtlessly kept busy with his expanding legal practice, perhaps some speculations in western land, and with teaching young Henry L. Benning the rudiments of law.¹

Although not holding office, Towns was nonetheless active in state politics. In the presidential campaign of 1844, he stumped the Third District, known in that campaign as the "battlefield of Georgia," as an elector for the Democratic ticket of James K. Polk and George M. Dallas.² In the same year, he was appointed to a state committee to "adopt such measures as they may deem most conducive to a thorough party organization and the ultimate triumph of Democratic principles."³ In September of 1845, he was a Democratic nominee for the Georgia Senate, but lost the election by fifty-seven votes.⁴ This defeat, however, made him "available" for nomination as the Democratic replacement for Washington Poe, the Whig incumbent, who resigned from the Twenty-ninth Congress in October of 1845. In his resignation statement, Poe assured his constituents that

¹Marie W. Kerrison, "Henry Lewis Benning, States Rights Advocate and Soldier" (unpublished Master's thesis, Emory University, Atlanta, Georgia, 1957).

²Milledgeville Federal Union, August 13, 1844.

³Ibid., June 25, 1844.

⁴Milledgeville Southern Recorder, October 14, 1845.

his replacement by another Whig was "beyond all reasonable doubt."¹

Poe's statement was premature. The Whigs chose as their nominee to be his successor Dr. Ambrose Baber. Dr. Baber was a wealthy physician, a well-known citizen of Macon, and a trustee of the University of Georgia. As a reward for his Whig endeavors during the campaign of 1840, he had been appointed minister to Sardinia by President William Henry Harrison. He possessed ability, but he was also pompous, rash, and hotheaded; he had killed a man in a duel and had many enemies, not all of whom were Democrats. His nomination was not enthusiastically received in the rural regions of the Third District.²

Taking advantage of dissention among the Whigs, Towns set out to "divide and conquer them."³ He discussed only one issue, the tariff, which President Polk had promised to reduce. "The tariff," said the Democratic press, "is the question first in importance, the paramount question, which like the rod of the prophet swallows up all others."⁴

¹Macon Georgia Messenger, October 16, 1845.

²R. B. Flanders, "Ambrose Baber," The Georgia Historical Quarterly, XXII (September, 1938), 208-248.

³Macon Georgia Messenger, December 4, 1845.

⁴Macon Georgia Telegraph, November 25, 1845.

The Whig's favorite issue was Towns's vote on the Pinckney Resolutions, which they construed as favoring the consideration by Congress of abolition petitions. Towns answered this charge in a forthright public statement:

With my votes spread upon the journals of the House, it is remarkable that any respectable man could be prepared to assert that I voted for the reception of the abolition petitions . . . having failed to exclude from the House the petitions, it was then my duty to aid in giving the committee instructions to report back to the House and nation sound principles on the subject of slavery.¹

Aside from these two issues, the campaign was personal and vindictive. Towns was denounced as a "wily and subtle enemy" who avoided "an open, manly fight in a fair field."² He was characterized as an "artful insinuator," and an "uncompromising Locofoco."³ Dr. Baber, in turn, was described as the leader of the "Macon clique," an ardent admirer of John Quincy Adams, and a tyrant who had caused a "mechanic" to be tarred, feathered, and run out of Macon because he "dared to raise his plebian but honorable views to one of the fair daughters of patrician birth."⁴

¹Macon Georgia Telegraph, December 30, 1845.

²Macon Georgia Messenger, December 25, 1845.

³Ibid., December 4, 1845.

⁴Macon Georgia Telegraph, November 25, 1845.

In the end Towns was able to win over enough disgruntled Whigs to defeat Dr. Baber by 153 votes. His victory was hailed as "only a foreshadowing of the 'clustering honors--a gathering throng' to which he will ere long be called by the people of Georgia."¹ He took his seat in the Twenty-ninth Congress on January 27, 1846. During his final term in Congress, Towns supported President Polk's program of national expansion and served on the Standing Committee on Territories. In the latter position he helped chairman Stephen A. Douglas formulate territorial governments for Oregon, Minnesota, and Wisconsin.² His only address was delivered in support of the reduced Walker Tariff on July 27, 1846.

The speech was a narrow projection of the economic doctrines of laissez faire, free trade, and supply and demand into a political argument. Agricultural interests, said Towns, composed fourteen-fifteenths of the country's consumers. If Congress would reduce import duties, the relative purchasing power of this economic bloc would be augmented and a subsequent increase in demand for consumer products would result. This increased demand, in turn,

¹Macon Georgia Telegraph, January 3, 1846.

²Congressional Globe, 29th Congress, 2nd Session, December 23, 1846, p. 71.

would abrogate, in an expanded volume of imports, any revenue loss initially incurred from a reduction of duties.¹

Towns denounced as efforts at salving their guilty consciences the protectionists' assertions that a high tariff was necessary for the welfare of domestic labor. To the charge that without a high tariff "the fires burning in Pennsylvania will go out and the spindles of the mills and factories will stand still," he bluntly replied that "the answer of the planting interests is that they are wearied, worn out, by the system that keeps alive the fires in their factories and in motion the spindles of their mills."²

Towns's speech reflected a distinct class consciousness. Sometimes this awareness was couched in arguments similar to those expounded by the Populists fifty years later:

If by protection you increase the profits of manufactures beyond that of agriculture, you augment the value of the capital employed in the former in the ratio that you diminish the capital employed in the latter . . . the effect of protection is to build up a privileged class, whose capital is placed beyond the competition of the agricultural class, and whose profits must continue to increase while the profits of agriculture must decline Agriculture is scattered over every state of the Union and is much the largest

¹Congressional Globe, 29th Congress, 1st Session, Appendix, pp. 829-54.

²Ibid.

interest . . . is it wise, to say nothing of its injustice to break down this great interest upon which every other depends? It matters not whether the means of attack be open or insidious, whether by a declared monopoly in favor of other pursuits, openly assailing this interest, or by a course of policy that is constantly draining and sapping the substance, until the whole system is undermined, and tumbles to the ground.¹

The Georgian's explanation of the inability of the South to industrialize was more interesting than his application of economic theory. It involved the economic shackles imposed on the South by the slavery system, the fact that in the South, labor and capital were one and the same:

A gentleman from Massachusetts argued that there was a general delusion existing here and elsewhere as regarded the profits of capital invested in manufactures . . . but the honorable gentleman was not satisfied in showing that the manufacturing interest was at a low ebb, but politely offered to his southern friends, if they should think that the manufactures of the eastern states were profitable, to come forward and make investments in their stocks He must have known that we of the South and especially those engaged in the growing of cotton had nothing to give in exchange for the manufacturing stocks of his state except our lands and Negroes. . . . the capital of the South yields but little or no profit, and can never recover from its depression while the policy of the government is directed against its prosperity. . . . can the South engage in manufacturing? Can the great agricultural portion of the Union convert their capital into the machinery necessary to carry on the different manufactures? If the whole South is doomed to abandon agriculture and to engage in manufacturing, what think you, sir, their real estate and personal property

¹Congressional Globe, 29th Congress, 1st Session, Appendix, pp. 829-54.

peculiar to the South would be worth? Who would purchase it? Think you that purchasers could be found for such capital? No sir.¹

Towns's final speech in Congress also contained an uncharacteristic political blunder. In an opening paragraph, the orator inexplicably lamented the recent gains of the Whig Party in Georgia:

The time was, in Georgia, when her people were united in opposition to a protective tariff, whether the one or the other of the local parties of the state were in power . . . up to a very late period, that however widely her people might be separated upon other questions, upon the tariff great unanimity prevailed. I hope the time is fast coming, if not at hand, when her representatives on this floor may again stand side by side in opposition to the principle of protection. Be that, however, as it may, I have no motive for concealment; it would be inexcusable in me, representing as I do a district claimed by some to differ with me politically.²

The open admission of opinion and party differences with his constituents, and the incensing implication that they might favor a tariff propagated for the protection of New England's factories, was most unwise.

In July of 1846, Towns was unanimously renominated for Congress. His opponent now was Dr. John W. Jones of Pike County. The Whigs, having learned a lesson from the defeat of Dr. Baber, described Dr. Jones as a good Whig and

¹Congressional Globe, 29th Congress, 1st Session, Appendix, pp. 829-34.

²Ibid.

physician, and also "unexceptional."¹ Towns attempted to ride the Walker Tariff to victory. He promised that the measure would insure "good prices, steady employment, and good wages."² The Whigs replied that the new tariff was untried and might necessitate the levying of a direct tax to support the government. They made much of Towns's expression of party differences with the Third District. His statement was described as a "withering, mocking rebuke on the people who elected him" and an open admission that he "misrepresented" his constituents.³ To this charge, Towns made no reply, and he lost the election to the "unexceptional" Dr. Jones by 179 votes.⁴

Towns left the Congress ostensibly in the same position that he entered it. He was a shrewd, uninspiring politician, anxious to hold public office, and willing to support the Democratic Party's national policies as long as it was advantageous for him to do so. However, his political creed had always been a precarious and paradoxical combination of Jacksonian nationalism and Southern sectionalism. His speech concerning the removal of the

¹ Macon Georgia Messenger, October 8, 1846.

² Macon Georgia Telegraph, August 18, 1846.

³ Macon Georgia Messenger, September 10, 1846.

⁴ Ibid., October 15, 1846.

Cherokee Indians had clearly revealed that if the choice had to be made, party loyalty would be outweighed by local considerations. David Wilmot's Proviso would soon push to the surface of national politics an issue involving a subject far closer to Southern hearts than Indians or tariffs, territorial slavery. From his congressional career, it was not difficult to predict how the "wily politician" from Talbot County would react to the Pennsylvania Democrat's agitation.

CHAPTER III

THE GOVERNORSHIP

In June of 1847, Towns was again "available" because of his recent defeat for reelection to Congress. Herschel V. Johnson, at this time, was a rising light of the Georgia Democracy, having been nominated for Congress in 1843, and seriously considered for the governorship in 1845. Towns, however, received the nomination for governor after two close ballots. According to one delegate, young Johnson "would have been nominated," but:

. . . southwestern Georgia, a growing and populous section of the state, claimed the nominee and, presenting one of the most gifted and popular men in the state, he received the nomination.¹

Years later, Mr. Johnson himself recalled that many of his friends believed that he was "defeated by unfair means, such as unjustifiable cliques in the party and urging it as an objection against me that I was a zealous advocate of temperance."²

¹Lollie Bell Wylie, ed., The Memoirs of Richard H. Clark (Atlanta, 1898), p. 283.

²Percy Scott Flippin, Herschel V. Johnson of Georgia (Richmond, 1931), p. 6.

The Democratic platform was concerned primarily with national politics. It included an official endorsement of James K. Polk, opposition to internal improvements, and demands for strict construction of the Constitution. The Mexican War was deemed "just and necessary, forced upon us by the aggression of Mexico." During the Twenty-ninth Congress, Representative David Wilmot of Pennsylvania had proposed that neither "slavery nor involuntary servitude" should exist in any territory acquired by the Mexican War.¹ All slave holders, said the Georgia Democrats, should oppose Wilmot's "Proviso" as they valued "their independence, their dearest privileges, their sovereignty, and their right of property."²

The bulk of Towns's letter accepting his nomination was also a fiery call for resistance against the Proviso:

As long as this question is pressed upon Congress and this country, the interest and security of the South can only be maintained by firmly insisting on the guaranties of the Constitution. This attempt by political intriguers and heartless hypocrites to deprive a fair portion of this great confederacy of its just political influences in Congress, of its most valued property, and to invade with a ruthless hand our domestic and social organization and remodel or destroy the very foundation upon which Southern prosperity and Southern society are based are wrongs too deep, atrocious, and insulting to be submitted to

✓¹ Congressional Globe, 29th Congress, 1st Session, August 8, 1846, p. 1217.

² Macon Georgia Telegraph, July 6, 1847.

by the most patient and even tempered among us. The slave states must stand firm, neither provoking a conflict on the one hand or on the other receding from any that may be forced upon them. We have nothing to concede and nothing to compromise. Our right to property in our slaves is expressly secured to us by the Constitution by which our political rights are secured to different sections of the Union. We of the South ask for no change, and no alteration of the contract. We are content with the work of our fathers and we stand upon the terms of the bond, and should be ready and willing at all times to repel by all means in our power every attack made upon the Constitution upon whatever pretence the blow may be inflicted.¹

In opposition to the former Unionist who was now becoming a militant Southerner, the Whig convention chose as its candidate General Duncan L. Clinch. General Clinch, who resembled Dr. Ambrose Baber in many respects, was not a good nominee to place in the field against Towns. A native of North Carolina, and a former career officer in the army, he had married into the illustrious McIntosh family of Camden County. In 1847, having been retired from the army for several years, General Clinch was the owner of an estate valued at over two million dollars.²

At the outbreak of the Seminole War, General Clinch had been the commander of all the United States troops in Florida. In December of 1835, he had achieved fame as a military hero in a battle with the Indians along the

¹ Macon Georgia Telegraph, July 27, 1847.

² Rembert W. Patrick, General Duncan L. Clinch (Gainesville, Florida, 1863), p. 169.

Withlacoochee River. The Battle of Withlacoochee was actually a minor defeat for General Clinch. Had the forces of Osceola, the leader of the rebellious Seminoles, been organized, it might well have terminated in a massacre. However, in the heat of battle, the General had exhibited great courage, and his valor was long remembered while his poor tactics were soon forgotten.¹

Although he had served one uninspired term in Congress, it was because of his military reputation that "Old Withlacoochee" received the Whig nomination. "Old Withlacoochee," as one Democratic editor caustically noted, was to constitute "an abracadabra to answer all knotty questions" for the Whigs.² His party, in essence, presented no platform. They endorsed Zachary Taylor for the Presidency, mildly declared the Wilmot Proviso "unjust, unequal, and unconstitutional," and assured the voters that General Clinch would continue the "benign influences" of the outgoing Whig governor, George W. Crawford.³ The Whig campaign strategy was to avoid as much as possible any discussion of federal policies. "If the executive of this state," they said, "is absorbed by Federal politics, he might be of use in

¹Patrick, General Duncan L. Clinch, pp. 93-112.

²Macon Georgia Telegraph, August 10, 1847.

³Milledgeville Federal Union, July 6, 1847.

Congress, or in the Federal administration, but he is a curse to the state over which he presides."¹

Despite the implications involved in the issue of the Wilmot Proviso, the gubernatorial campaign of 1847 was one of the most personal and bitter in Georgia's history.

Towns, being assured of an "overwhelming victory" in southwestern Georgia, elected to take the stump in order to bring the northern Cherokee districts into the ranks of the Democracy. In this effort, he shrewdly took advantage of the fact that General Clinch was afflicted with a speech impediment.² Such campaign tactics, in a gubernatorial election, had never before been utilized in Georgia.²

Taking along the "Coon Killer," Herschel V. Johnson, for support, the Democratic candidate stumped through Dade, Walker, Gilmer, Union, Lumpkin, Chattooga, Cass, DeKalb, and Forsyth counties.⁴ His speeches featured "the tariff, the Mexican War, and eulogies upon Mr. Polk."⁵ However, deep in a section that idolized the Democratic moderate

¹Macon Georgia Telegraph, August 3, 1847.

²Athens Southern Whig, September 16, 1847.

³Milledgeville Southern Recorder, July 27, 1847.

⁴Milledgeville Federal Union, September 14, 1847.

⁵Augusta Chronicle, July 24, 1847.

Howell Cobb, Towns probably soft-pedaled his uncompromising attitude toward the Wilmot Proviso.

The Whigs, caught off guard and saddled with a candidate unqualified to take the stump, could only sneer in derision at Towns's "undignified" tour of the "wool hat" country. The Democrats replied in kind and soon the state's journals were flooded with charges and counter-charges.

"George Washington Napoleon Bonaparte Julius Caesar Towns," a "pliant and facile gentleman," had "no pretensions to the high office of governor except his ability to slang-whang his constituents on the stump."¹ He had been the "artful Dodger" of votes in the Twenty-ninth Congress, and erroneously considered himself to be a "full grown, heavy fleshed mastadon of intellectual superiority."² Although asserting in writing that he considered the completion of the Western and Atlantic Railroad to be "in the best interests of Georgia," he was secretly pledged to veto any extension of the road were he to become governor.³

General Clinch was the "wine drinking, swell-headed aristocrat from Camden County" who possessed "about as much

¹Augusta Chronicle, August 11, 1847.

²Athens Southern Whig, July 22, 1847.

³Ibid., September 2, 1847.

brains as you could stuff into a thimble."¹ He had solicited votes in Clarke County by dispensing "ball face whiskey by the half-pint."² He had perpetrated a "fraud upon the people" while president of the Bank of St. Marys, and had charged the federal government an extortionate compensation fee for personal stores which he had fed to his troops during the Seminole War.³

National leaders and issues received the same desultory treatment. George Washington Towns, said the Athens Southern Whig, was well aware that "not a man, woman, child, or Negro in Georgia" would oppose his views on the Wilmot Proviso, and that was the only reason he had courage to speak out against it.⁴ "Zeke" Polk, President Polk's father, the Whigs reminded the voters with acrimony, had been a Tory during the Revolution.⁵ His son had rushed the country into a "war of conquest" with Mexico "like an enraged lunatic."⁶ The President, to all intents and

¹Cassville Pioneer, quoted in the Athens Southern Whig, July 22, 1847.

²Ibid., quoted in the Athens Southern Whig, September 22, 1847.

³Milledgeville Federal Union, August 17, 1847.

⁴Athens Southern Whig, August 19, 1847.

⁵Augusta Chronicle, July 21, 1847.

⁶Ibid., August 21, 1847.

purposes, was the "autocrat" of the United States "just as decidedly as Nicholas" was the "autocrat of all the Russians."¹

The Democrats stated that General Taylor, by rashly moving his troops across the Nueces River, had forced President Polk to either declare war on Mexico or disgrace the country.² Taylor was actually a "Democratic" Whig because he supported the Mexican War.³ Moreover, since he had declared in writing that in no case would he be a "candidate of any party," General Taylor, contended the Democrats, would think it treasonous if he knew that his name was being associated with that of "Old Withlacoochee."⁴

As the party editors fired off their respective broadsides, it became evident that Towns's "eulogies upon Mr. Polk" on the stump were having more effect than the "grand silence" of General Clinch. In desperation, the Whigs enlisted Senator John M. Berrien to answer the Talbottian. Although an able address, Berrien's speech probably did General Clinch more harm than good. "The great I AM of Georgia Whiggery," said the Milledgeville Federal

¹ Athens Southern Whig, September 22, 1847.

² Milledgeville Federal Union, August 3, 1847.

³ Augusta Constitutionalist, July 22, 1847.

⁴ Milledgeville Federal Union, August 17, 1847.

Union, had to act as the Whig spokesman "for the very good reason" that General Clinch lacked "gumption enough" to speak for himself.¹ If Clinch were elected, promised the Democrats, he might be governor de jure, but Senator Berrien would be governor de facto.² Without Berrien, "General Clinch could no more administer the government of the state than Old King George in his days of imbecility could rule the British Empire."³

When the bitter campaign finally drew to a close, Towns was the victor by a majority of 1,289 votes. He carried all the "wool hat" country through which he had stumped, his home district in southwest Georgia, and all the "pine barren" counties in the state's extreme south. He lost practically the entire eastern seaboard, and most of the middle Georgia "cotton belt." Ironically, Camden, the home county of General Clinch, gave the Democrat one of his few victories in Georgia's ancient stronghold of aristocracy.⁴

Towns served two terms as governor of Georgia in each of which the Whigs held a slight majority in the state

¹ Milledgeville Federal Union, September 21, 1847.

² Ibid., September 28, 1847.

³ Athens Southern Banner, September 30, 1847.

⁴ Milledgeville Federal Union, November 9, 1847.

legislature. Nonetheless, many of his specific recommendations were carried into law. These included increased appropriations for the state's lunatic asylum, the establishment of an asylum for the deaf and dumb, and the segregation of hardened criminals from other classes of prisoners in the state penitentiary. He authorized Thomas R. R. Cobb to complete his compilation of Georgia's laws, and at his insistence the legislature passed a bill placing the trials of Negroes for capital offenses in the hands of the superior instead of the inferior courts.¹ Towns considered education to be of "incalculable importance to the future character of the state," and he appointed a committee consisting of A. H. Chappell, Bishop Stephen Elliot, and Leonidas B. Mercer to formulate a plan of free public schools for Georgia.²

The two primary objects of Towns's domestic program were the completion of the Western and Atlantic Railroad and the transformation of Georgia's tax system from a specific to an ad valorem basis. To think that the people of Georgia, said Towns, would favor specific taxation over ad valorem, "would be a reflection upon their intelligence

¹Acts of the State of Georgia, 1849-50 (Milledgeville, 1850), pp. 17, 154, 334, 372.

²House Journal, 1849-50, p. 32.

and to doubt their devotion to the best interests of the state."¹ The legislature, however, did not agree and adamantly refused to comply with the governor's recommendations. Towns had more success with the Western and Atlantic Railroad. The General Assembly appropriated \$375,000 for its completion soon after he assumed office, and by 1851 tracks had been laid to Chattanooga.² The state-owned road enjoyed an average earnings increase of \$43,886 per year during Towns's two terms as governor.³

In addition to his work on taxation and railroads, Towns by proclamation declared November 25 to be "a day of thanksgiving and prayer for the state of Georgia," and attempted unsuccessfully to settle Georgia's ancient boundary dispute with Florida.⁴ On Georgia's marble block in the Washington Monument he had inscribed one of his favorite expressions, "the Constitution as it is and the Union as it was."⁵ Always careful to look after his own, when Walter F. Colquitt resigned from the United States Senate,

¹House Journal, 1849-50, p. 18.

²Acts, 1847, pp. 301-302.

³Ulrich Bonnell Phillips, History of Transportation in the Eastern Cotton Belt (New York, 1908), p. 321.

⁴Georgia Governors' Letter Books, November 8, 1843-November 2, 1849, p. 382. Microfilm in Georgia Department of Archives and History.

⁵Governors' Letter Books, 1849-65, p. 199.

Towns replaced him with his personal friend, the "Coon Killer," Herschel V. Johnson.¹ He recommended as "highly desirable" the idea of ceding to the federal government a fortification site on Cumberland Sound, and supported an amendment to the state constitution removing the property qualification for gubernatorial candidates. Such qualifications were deemed "inconsistent with the genius of our institutions and the popular spirit of the age."²

During Towns's tenure as Chief Executive, Georgia continued its emergence from the economic depression of the middle 1840s. In the sessions of 1847 and 1849-50, the Georgia legislature incorporated seventeen railroad companies, six canal companies, nine road companies, six manufacturing companies, three steamboat companies, and four insurance companies. From 1847 through 1851, the state laid over three hundred miles of railroad track.³ During the same period, cotton production increased an average of 17,244 bales per year and the average price per pound increased from eight cents in 1846 to twelve cents

¹Georgia Governors' Letter Books, 1843-49, p. 451.

²House Journal, 1847, p. 450.

³Henry V. Poor, Manual of the Railroads of the United States, 1873-1874 (New York, 1874), p. xxviii.

in 1850.¹ From 1847 through 1851, the state's imports increased annually an average of 40 per cent and her exports increased an average of 21 per cent.² Towns also left the public debt \$154,153 less than he had found it.³ Domestically, Towns enjoyed a prosperous and progressive term of office. His course of action in regard to the Wilmot Proviso and the Compromise of 1850, however, brought about results of an entirely different nature.

The Georgia legislature passed a series of resolutions concerning the Wilmot Proviso shortly after Towns assumed office. Although containing no ominous plan of "resistance" if the measure were adopted, as the governor would have liked, the Whig majority nonetheless warned the North to entertain no "false hopes" that Georgia would be divided in its opposition to the Proviso. The Wilmot Proviso, said the legislature, was drawn up by men who were governed "by no principle but their fanaticism," and its "ulterior purpose" was the abolition of slavery. It was to be opposed by every man in the United States "if the Union be dear to

¹Hugh O. Burgess, "A Study of Prosperity in Georgia, 1840-1850" (unpublished master's thesis, Emory University, Atlanta, Georgia, 1926).

²James D. B. Debow, ed., Statistical View of the United States, Being a Compendium of the Seventh Census (Washington, 1854), pp. 186-87.

³House Journal, 1851-52, p. 13.

him." The federal government had no control over slavery, and when it attempted to exert such control, it "transcended its legitimate functions." Territories belonged to the "several states" and each citizen had the right to reside in any of them with his property, including that contained in slaves.¹ Having expressed their sentiments, the lawmakers left the territorial question and assumed an attitude of "watchful waiting" for further developments. They were not long in coming.

In Febraury of 1848, Nicholas Trists's Treaty of Guadalupe Hidalgo forced Congress to take action on the territories of California, New Mexico, and the still disputed territory of Oregon. The problem was referred to a special committee of which Senator John M. Clayton of Delaware was chairman. Senator Clayton drew up a bill, known as the "Clayton Compromise," which he hoped would be acceptable to both the North and South. According to his plan, Oregon would be organized with slavery restricted. In California and New Mexico, the problem would be left to the federal courts.² All of Georgia's congressional delegation, with the exception of Alexander H. Stephens,

¹House Journal, 1847, pp. 122-125.

²Richard Harrison Shryock, Georgia and the Union in 1850 (Durham, 1926), p. 158.

supported the bill. "Little Alec" did not trust the courts to uphold Southern rights.¹ The "Clayton Compromise," however, was rejected by the House, and at the end of the congressional session the fates of California and New Mexico remained undecided. The territory of Oregon was finally organized with slavery restricted, under a separate bill which President Polk reluctantly signed into law.² By that time, the country was in the midst of another presidential campaign.

During the election of 1848, the Democratic candidate, Lewis Cass, expressed a strong belief in the doctrine of "popular sovereignty" with regard to the territories and the Whig candidate, Zachary Taylor, took no stand on the issue. In Georgia, General Taylor's Southern residency, ownership of slaves, and military appeal enabled him to carry the state by a majority of 2,800 votes.³ In this election, Martin Van Buren campaigned as the first presidential candidate of the abolitionist "Free Soil" party. By so doing, he intensified Towns's already strong conviction that the North was coming under the dominance of "heartless hypocrites and political intriguers."

¹Richard Malcolm Johnston and William Hand Browne, Life of Alexander H. Stephens (Philadelphia, 1884), p. 230.

²Congressional Globe, 30th Congress, 1st Session, August 12, 1848, p. 1080.

³Milledgeville Federal Union, November 11, 1848.

An event occurring in Congress shortly after it reconvened in 1848 strengthened his conviction even more. On December 21, 1848, Representative Daniel Gott, a New York abolitionist, introduced a resolution to abolish the slave trade in the District of Columbia.¹ When the House passed the resolution, Senator Henry Foote of Mississippi called for a caucus of all the Southern delegates in Congress. From this caucus, a committee of five, headed by John C. Calhoun, was chosen to draft an "Address to the Southern People" in answer to Representative Gott. Calhoun's "Address" was a call for united Southern opposition to any interference with the South's "peculiar institution." A politically united South, said Calhoun, might bring the North to a "pause" and force her to a "calculation of consequences." If it did not, the Southern people would then be forced to consider stronger measures.² Calhoun's "Address" expressed the beliefs of Governor Towns. The governor, however, never acknowledged the leadership of Calhoun. Such a move would have been unwise after his vehement denunciation of the brilliant Carolinian during the tariff controversy.

¹Congressional Globe, 30th Congress, 2nd Session, December 21, 1848, p. 84.

²Charles M. Wiltse, John C. Calhoun--Sectionalist (New York, 1951), p. 385.

From Georgia, only Representatives Alfred Iverson, Hugh A. Haralson, and Senator Herschel V. Johnson signed the "Southern Address." Robert Toombs and Alexander H. Stephens sought to have the caucus adjourned with no action taken at all. Howell Cobb and Senator John M. Berrien wrote separate "addresses" of their own. Cobb contended that the national Democratic Party could be trusted to protect the rights of the South. Berrien appealed to both the North and South to compromise the slavery question before it was too late. The issue was still in heated debate among the state's political journals when the gubernatorial conventions were held in July of 1849.

Although thought by some to be in such poor health as to be unable to conduct a campaign,¹ and by others as a candidate who would shred the Cherokee democracy,² Towns was unanimously renominated for the governorship by the Democratic convention. The Democratic platform was devoted almost entirely to opposition to any exclusion of slavery from the national territories. If Congress should enact any measure prohibiting slavery or abolishing the slave

¹Alexander H. Stephens to George W. Crawford, March 2, 1849, "Toombs, Stephens, and Cobb Correspondence," ed. U. B. Phillips, American Historical Annual Report, II (1911), 175.

²Thomas D. Harris to Howell Cobb, June 18, 1849, "Toombs, Stephens and Cobb Correspondence," ed. Phillips, p. 175.

trade, it would mean the beginning of general abolition. The only way in which the rights of the South could be protected was Southern unity. Any prohibition of slavery was to be resisted "at all hazards and to the last extremity."¹ The method by which this was to be done, however, was not mentioned.

Towns fully endorsed the Democratic platform. "Should blind fanaticism," he said, "heartless hypocrisy, unholy ambition, or unblushing treason" attempt to deprive the South of the benefits of the territories, it was to be resisted "at all hazards and to the last extremity."² He assured Howell Cobb, however, that since the Missouri Compromise was already a fait accompli and the South had already made that "concession," he would be willing to abide by it.³

The Whigs chose as their candidate Edward Young Hill, a prominent lawyer from Jasper County and judge of the Coweta Circuit in the western section of the state. Judge Hill was noted for his "unquestioned integrity, pure

¹Milledgeville Federal Union, July 14, 1849.

²Ibid.

³George Towns to Howell Cobb, August 3, 1849, Howell Cobb Papers. Collection in University of Georgia Library.

impartiality, and freedom from all prejudices."¹ He was a graduate of Moses Waddell's academy and Franklin College; there were "few in Georgia" who did not know him. If elected, Hill promised that the sole object of his administration would be promoting the "entire interests of Georgia."² The judge said nothing concerning possible resistance to restrictions on slavery.

The Whig platform promised "determined opposition" to the Wilmot Proviso and stated that when Congress attempted to adopt legislation concerning slavery it "transcended the limit of its legitimate function." It went on to say, however, that the Whig Party of Georgia basked in "unabated confidence" that President Zachary Taylor would insure the "honor of the common territory."³ As to what measures to take in the event Congress did "transcend its legitimate function," the Whigs, like their opponents, did not say.

The Democrats again conducted their campaign on the issue of resistance to any interference with slavery. On the eighteenth of August, a group of gentlemen from Jones and Putnam counties, who were probably Democrats, posed the following questions to each of the candidates:

¹George White, Historical Collections of Georgia (New York, 1854), p. 652.

²Milledgeville Southern Recorder, July 3, 1849.

³Macon Georgia Messenger, July 26, 1849.

1. Has Congress the right under the Constitution to legislate upon the subject of slavery in the territories?
2. Is or is not the Wilmot Proviso a violation of the Constitution?
3. Do you approve of the compromise bill offered in the Senate by Mr. Clayton of Delaware?
4. In the event of the passage by Congress of the Wilmot Proviso, or its interference with the subject of slavery in the District of Columbia, what course ought to be adopted by the South?¹

Towns answered immediately. To the first question he gave an emphatic "no," and to the second an equally emphatic "yes." To the third, concerning the Clayton Compromise which would have left the question of territorial slavery in the hands of the Supreme Court, he answered a reluctant "yes." The response he made to the final interrogation was the most important. In it, he left no doubt that he would take definite steps as governor were Congress to "agitate" the slavery issue. Nor did he evade the issue of what these measures could entail:

My answer is first to look to ourselves rather than to our oppressor--to take counsel together without regard to party and upon one altar offer up all recollections of minor and past differences, and resolve that if neither remonstrance, reason, or argument will arrest the brutal fanaticism that is sweeping over the land . . . we will henceforth look alone to the justice of our cause. . . . let the watchword be the Constitution as it is and the Union as it was. I am well aware

¹Milledgeville Federal Union, September 4, 1849.

that I may subject myself to the assaults of some malignant and designing men who may ascribe to me sentiments unfriendly to the perpetuity of the American Union I know of no man who is as devoted to the Union as I am. It is no new passion of mine . . . but a Union with dishonor, oppression, and injustice inscribed upon its folds to the patriot's heart would be less tolerant than death itself.¹

Towns had clearly placed the threat of secession before the electorate of Georgia.

The Whig Party and their candidate, however, failed to respond. From their point of view there was no use discussing the Wilmot Proviso because everyone knew that there was "no difference of opinion" on that subject throughout the state.² Georgia, said the Whigs, should trust "Old Zack" with its interests in regard to slavery and not quibble.³ Never had anyone witnessed, said the Whigs, such a "fanfaronade of useless blunder" as Towns's answer to the four questions.⁴ Towns was such a notorious liar that none would believe what he said anyway.⁵ Towns's opposition to the Proviso was merely "ridiculous campaign bombast."⁶ Even Governor Towns, said a leading Whig journal, "that

¹Milledgeville Federal Union, September 4, 1849.

²Columbus Enquirer, October 16, 1849.

³Ibid., August 21, 1849.

⁴Ibid., September 11, 1849.

⁵Macon Georgia Messenger, July 24, 1849.

⁶Augusta Chronicle, September 19, 1849.

prince of humbugs and demagogues on a very small scale, is quite vociferous for resistance although he dared not suggest the mode and measure."¹

Trusting in the sagacity of President Taylor, the Whigs did not wish the subject of slavery discussed. Therefore, in spite of the implications involved in Towns's adamant position on the Wilmot Proviso, the gubernatorial election of 1849, like that of 1847, was allowed to degenerate into a desultory contest of personalities. Indeed, one of the chief issues of the entire campaign was the extent of Edward Y. Hill's predilection for alcohol. Hill was described as a man "notorious for his infirmity of inebriation."² He had been nominated because it was thought "his convivial habits would win him many votes in the Cherokee Country." He was of such intemperate habits as to render him "unfit for high public office."³

Hill was "small potatoes," who as a state senator had refused to appropriate food stores to Georgia troops during the Seminole War.⁴ Because he refused to answer questions concerning the Wilmot Proviso, he was labeled the "Artful

¹Augusta Chronicle, September 19, 1849.

²Milledgeville Federal Union, August 14, 1849.

³Albany Patriot, August 17, 1849.

⁴Ibid., August 3, 1849.

Dodger, afraid of the people." He was a man whose tongue had been drawn and quartered by Robert Toombs and Alexander Stephens.¹ He was the "Mum Candidate," who excited "grave suspicion" because of his silence on the slavery issue.

Hill was "dumb as an oyster," and bore more than a slight resemblance to Guy Fawkes.² When the Whigs contended that "Old Ned" Hill had much in common with "Old Zack" Taylor and "Old Hickory," the Democrats replied that he had a lot more in common with "Old King Cole."³

Towns was described by the Whig press as a tyrant who had illegally sold a poor widow's only cow.⁴ While on a hunting trip in the northwestern section of the state, the governor was portrayed as being "in the Cherokee Country, seeking amusement and votes in the chase and the squirrel hunt, swaggering about at the cross roads and the country taverns, spicing his conversation with more oaths than good sense or good taste." Towns was a man famous for his "Janus faced principles, littleness of soul, and deceitfulness."⁵ The governor was a "sly dog who can twist around his finger many a man far more able than himself,"

¹ Milledgeville Federal Union, September 18, 1849.

² Ibid., September 4, 1849.

³ Ibid., July 17, 1849.

⁴ Athens Southern Whig, September 13, 1849.

⁵ Augusta Chronicle, September 7, 1849.

a politician "steeped in every crime that blackens human nature."¹

The name calling, of course, was extended to include the national parties. Both the Whigs and the Democrats were chided for the "unsoundness" of their Northern allies on the slavery issue. Each party accused the other of "locofocoism" and "abolitionism." "What about Benton and Wilmot?" screeched the Whigs. "What about Fillmore?" replied the Democrats. "Why hasn't Howell Cobb signed the 'Southern Address'?" demanded the Whigs. "Why hasn't Robert Toombs done the same thing?" growled back the Democrats.

In the midst of the campaign, three of the leading Democratic journals became involved in an editorial dispute among themselves. The Athens Banner, the upstate organ of Howell Cobb, took exception to certain editorials of the Milledgeville Federal Union and the Augusta Constitutionalist, which were staunch advocates of Southern rights. The Federal Union and the Constitutionalist, in dealing with national issues, had presented several articles in praise of John C. Calhoun. In the process, according to the Banner, slights and insults had been leveled at Howell Cobb. The Banner, accordingly, promised a "war to the knife, the knife to the hilt" on all slanders of Cobb,

¹Columbus Enquirer, July 3, 1849.

irrespective of party.¹ Although the controversy died down after smouldering for two weeks, it offered glaring evidence that the schism in the Georgia democracy between the conservatives and the "ultras" was very deep indeed.

Despite their own ominous divisions on the slavery issue, the Democrats were able to win the election by the substantial majority of 3,300 votes.² The Whigs, by their continued silence on the slavery issue, had conducted virtually no campaign. Expecting to gain many votes in the Cherokee Country, where it was thought Towns's policies concerning the state railroad had alienated many voters,³ they were disappointed. Towns again carried the "wool hat" country in entirety, most of the "pine barren" region, and he even made inroads into Georgia's central and traditionally conservative "cotton belt."⁴

The Democratic "ultra" press considered the victory as a mandate from the Georgia electorate for resistance to federal encroachment. Towns, in his inaugural address, promised, on the altar of the Almighty, that this directive

¹Athens Southern Banner, August 25, 1849.

²Columbus Enquirer, October 10, 1849.

³Ibid., August 14, 1849.

⁴Milledgeville Federal Union, November 16, 1849.

would be honored.¹ In his message to the legislature in November, the governor requested authority to convoke a state convention were the Wilmot Proviso, or any kindred measure, enacted by Congress. He strongly intimated the length to which he wished this convention to go in efforts to protect the South's "peculiar institution."

There are great and paramount interests enjoyed by us in common with a portion of the states of the confederacy, which require constant vigilance and great moral firmness to protect from Federal legislation. A fell spirit of blind and infuriated fanaticism, ever turbulent and disorganizing in its tendency, has displayed itself to a greater or less extent, in most, if not all of the non-slave holding states of the Union on the question of slavery. . . . slavery is discovered to be a great moral and political evil, in that quarter, so soon as it became their interest to abolish it, and though it may cost blood and tears and forever sever the Union, the agitators boldly proclaim that their work is onward. . . . robbed of your slave property, opposed by brute force in asserting your rights, your criminal laws violated, your sovereignty outraged . . . was it for such a Union as this that sages and patriots, many of whom breasted the storm of the Revolution, formed the Constitutional Compact?²

The bill authorizing the state convention was passed by the legislature in January.³ In February, the legislature authorized the election of delegates to the Nashville Southern Convention, which had been advocated by Mississippi the previous year, and was scheduled to convene in

¹Augusta Constitutionalist, November 1, 1849.

²House Journal, 1849-50, p. 6.

³Ibid., p. 37.

June.¹ Thus, by the coming of the spring of 1850, Georgia was prepared to take action on the Wilmot Proviso should Congress be bold enough to pass it.

In Washington, meanwhile, as it became evident that the territories of Utah and New Mexico would be organized with some restrictions on slavery, the debates on the subject became very heated. Georgia's delegation, led by Robert Toombs and Alexander Stephens, made fiery efforts to warn the North that the issue could advance beyond control. Sometimes, they expressed themselves in terms more radical than they actually believed. Robert Toombs, indeed, compared himself to the famous father of Hannibal:

I stand upon the great principle that the South has a right to an equal participation in the territories of the United States. I claim the right for her to enter them with all her property and to securely enjoy them. . . . deprive us of this right, and appropriate this common property to yourselves, and it is then your government and not mine. Then I am its enemy and I will then, if I can, bring my children and my constituents to the altar of liberty and, like Hamilcar, I will swear them to eternal hostility to your foul domination. Give us our rights, and we are ready, as ever heretofore, to stand by the Union, every part of it, and its every interest. Refuse it, and for one, I will strike for independence.²

Virtually the same emotions were expressed by Stephens:

¹Acts, 1849-50, p. 418.

²Congressional Globe, 31st Congress, 1st Session, June 15, 1850, p. 1216.

I am no enemy of the Union, and I am for its preservation, its perpetuation, if it can be accomplished upon the principles of equality and justice. Attachment to the Union with me and with the South generally, I think, is a sentiment of patriotism. It grows out of the recollections of the past, the glories of the present, and the hopes of the future. But I tell the gentlemen of the North, it is for them now to determine whether it shall be preserved or not . . . there is no evil which can fall upon people equal to that of degradation which always follows submission to insult, injury, outrage, or aggression. Whenever this government is brought in hostile array against me and mine, I am for disunion--openly, boldly, and fearlessly for revolution.¹

The central cause of alarm was the visceral fear that from the states carved out of the territories, the North would gain enough power in Congress to pass a constitutional amendment prohibiting slavery. Throughout the summer of 1850, there were mass political rallies in every section of Georgia. In the process, in fact if not in name, the Whig and Democratic parties dissolved. They were replaced by the Union and Resistance political combines.

The issue, said the "ultras," was "resistance or submission."² According to the conservatives, it was "Union or Secession."³ Both sides advocated unity regardless of party affiliation. "Mass meeting, rally in Macon," said a Milledgeville editor in July:

¹Congressional Globe, 31st Congress, 1st Session, June 15, 1850, p. 1216.

²Milledgeville Federal Union, October 1, 1850.

³Milledgeville Southern Recorder, August 20, 1850.

. . . we call upon all classes and all parties to forget their former differences and to unite as brethren in the common cause. Let our rivalry and competition be not about old party feuds, but who shall most stoutly stand by the cause of the South and most stoutly bear its standard against the common adversary.¹

A Unionist editor, also in July, expressed the same sentiments from Athens: "Rally, Rally, Friends of the Union and the Constitution. Let party be forgotten in a mighty effort to preserve the Union."²

By autumn, it appeared that the "ultras" were gaining support. For the "cotton belt," they imported the fiery states rights orators William Lowndes Yancey, from Alabama, and Robert Barnwell Rhett, from South Carolina.³ To harangue the Cherokee "wool hats," they utilized such home-grown demagogues as Towns's personal friend Henry L. Benning, from Columbus, who waved before the ignorant crackers the black specter of race:

They know that when the slave population shall be let loose among them, that the lordly owner of hundreds of them, with his pockets well lined with the product of their labor, can and will remove to other regions, but that they must remain, and become the associates and equals, if not the inferiors, of the African race.⁴

¹Milledgeville Federal Union, July 30, 1850.

²Athens Southern Banner, July 18, 1850.

³Milledgeville Southern Recorder, August 27, 1850.

⁴Milledgeville Federal Union, October 1, 1850.

Such efforts produced results. "The agitators," a trusted friend reported to Howell Cobb in July, were moving "heaven and earth" in the up-country and "gaining strength daily."¹

One indication, however, that the interest in extreme measures was confined more to orators and editors than to the people at large was a very small vote afforded to the election of delegates to the Nashville Convention in April.²

Nonetheless, the "ultras" were not deterred. Georgia, they said, would assume leadership for the rest of the South:

The states of Mississippi, Alabama, Georgia, and South Carolina, the four great Southern cotton states, if they stand together, knitted in one compact purpose, are bound together by hooks of steel. They are, without any other aid, abundantly competent to cope with and conquer our enemies, rescue the South from the doom of inequality and degradation, and control the whole of this fiery crusade against her rights.³

Such sentiments, said the conservatives, reflected the beliefs, not of Georgians, but of Robert Barnwell Rhett, who was seeking to make a cat's-paw out of the Empire State.⁴

¹William H. Hull to Howell Cobb, July 16, 1850, Cobb Papers.

²Columbus Times, April 16, 1850.

³Ibid., May 18, 1850.

⁴Augusta Chronicle, September 20, 1850.

In September, the separate parts of Henry Clay's
Compromise Bill were finally pushed through Congress, with
California admitted to the Union as a free state and the
slave trade abolished in the District of Columbia. Imme-
diately thereafter, Towns called for the state convention:

In an hour of danger, when your institutions are in jeopardy, your feelings wantonly outraged, your social organizations derided, your honor deeply wounded, and the Federal Constitution violated by a series of aggressive measures, all tending to the consummation of one object, the abolition of slavery, when your equal right to occupy and enjoy the common territory of all had been denied you, in the solemn form of law under pretences most shallow, it well becomes you to assemble, to deliberate, and counsel together for your mutual preservation and protection.¹

The governor's fiery appeal for action was ridiculed by the conservative press:

Proclamation to Absolom Trickum! Attention--
 Invincibles! To the rescue Chivalry! Fire eaters to
 your tents! Up with your new lights, and down with
 the Union! You are ordered at once to muster up in
 revolutionary fashion, and with your appearances
 touched off with a tint of the terrible, mustaches
 eighteen inches long, your fingernails three inches
 long and pointed for gouging, your knapsack of the
 shape and capacity of a coffin . . . For regimental
 flags, "United we fall--divided we stand," and for
 company flags, "Cats' paws for South Carolina."
 Colonel Hydrogen Gass will assume command, and with
 Rhett-orical flourish lead you on . . . each man will
 kill twenty Yankees apiece and capture New York . . .

¹Columbus Times, October 1, 1850.

where they will seize P. T. Barnum and Jenny Lind--
and then for the spoils of a real ridotto.¹

The moderates, while wishing no extreme measures of redress, nonetheless viewed Clay's Compromise with considerable dissatisfaction:

The Compromise: One cold night, Quashee woke from his sleep and addressed his shivering bed fellow, "Hallo Sambo, I want half de cubbering."

"Ho Quashee, you got more than half already."

"Humph, den think dis niggar fool to ax for what he got already, eh? I want t'udder half, you fool."

"By jungo, den I quit, for I no see what business I got in dis bed."

"No you won't quit neider, my brudder, you sarb berry well for keeping my back warm, so just keep quiet and lay where you is, if you know what is good for yourself, you nigger."²

Realizing if Towns's convention were to be composed of "ultras," it might well advocate Georgia's secession from the Union, Cobb, Toombs, and Stephens hurried home from Washington. Each of them began to speak throughout his district, glorifying the Union and proclaiming the Compromise to be a victory for the South.

¹Athens Southern Banner, quoted in the Boston Bee, November 26, 1850, quoted in Shryock, Georgia and the Union in 1850, p. 319.

²Athens Southern Whig, October 17, 1850.

Immediately, there arose a veritable hurricane of protest from the extremists. Stephens and Toombs, the "siamese politicians," had seemingly reversed their previous positions and were now in middle Georgia speaking in favor of the Compromise.¹ "Esau Cobb," that "ambitious man, skilled in intrigue, panting after the office of vice-president," was preaching "submission" to the wool hats."² Cobb's favorite newspaper, the Athens Southern Banner, ought to be renamed the "Northern Banner."³ "Grave digger" Stephens considered himself to be Georgia's "father confessor," and wanted "submission" to be the state's official motto.⁴

"Hamilcar" Toombs, said the Milledgeville Federal Union, "jumps around more than Jim Crow. Old Hamilcar was first on the fence, then on both sides of it, see-sawing, dodging, stumping his district, and speaking everywhere with a forked tongue."⁵ Since the adjournment of Congress, Toombs and Stephens had changed from "fire eaters to word

¹Columbus Times, October 15, 1850.

²Milledgeville Federal Union, October 15, 1850.

³Columbus Times, November 12, 1850.

⁴Milledgeville Federal Union, October 23, 1850.

⁵Ibid., October 8, 1850.

eaters."¹ When the two Unionists spoke jointly at Columbus in November, two shootings and several fights broke out, one involving Toombs himself.²

Some of the moderates replied to these accusations in kind. Edward Y. Hill denounced Towns' call for the convention as a "disgrace to any decent and respectable community."³ The state convention, said the Athens Southern Banner, was going to sink George Towns so low that "the hand of resurrection" would not be able to raise him.⁴ "The enemies of the Union," reported the Augusta Chronicle, who were "pressing forward for its dissolution," were going to be opposed by every true patriot, by all men in Georgia who revered the causes for which their fathers had died in the Revolution.⁵

In October, five "gentlemen" from Putnam County placed before Towns two questions concerning the Compromise. Did, they asked, the act authorizing the call for the state convention admit any doubts as to the governor's duty upon the admission of California into the Union as a free state, and was the admission of California an enactment of the Wilmot

¹Columbus Times, October 29, 1850.

²Ibid., November 12, 1850.

³Milledgeville Federal Union, October 22, 1850.

⁴Athens Southern Banner, October 9, 1850.

⁵Augusta Chronicle, September 24, 1850.

Proviso? Towns answered the first query with an emphatic "no" and directed an adamant "yes" to the second. In his explanation for his position, the governor exhibited political paranoia.

The people of the North, he said, had maliciousness and avarice inherently ingrained in their character, and these defects could no more be eradicated than the leopard could alter his spots. The individuals in whom these qualities were predominant had organized themselves into the Free Soil Party. Insanely jealous of Southern prosperity and social tranquility, the Free Soil Party would never cease to "lacerate" the South until it had assumed control of the region through the abolition of slavery. The presidency, the Congress, the government, and the Union had all been polluted by these evil men. Southern nationalism, therefore, was a holy crusade to check the monster of Free Soil sentiment and restore the Union to its original purity. If this entailed the fire and blood of civil war, he was willing to assume the responsibilities thereof.¹

In spite of the governor's extreme position, it soon became apparent that the state's three highly respected national leaders, Toombs, Cobb, and Stephens, had effectively undermined any plans for drastic measures in

¹Milledgeville Federal Union, October 22, 1850.

retaliation against the Compromise. Towns believed that the "great triumvirate" were seeking to enhance their own political reputations at the expense of the South. He lamented this "deplorable state of affairs" to Governor Seabrook of South Carolina, who had been waiting for Georgia to "lead off" before he summoned his own convention:

Satisfied we have a common interest as well as a common duty to perform in the preservation of the South and its institutions from the aggressions of the North, and to resist if possible unjust legislation by Congress, the method by which this could be accomplished presents a grave and momentous question. Very unlike, I appreciate, is the condition of things in South Carolina and Georgia. We are divided and distracted by designing, scheming and unfortunately for the country, influential party leaders who are ever watching for the first favorable opportunity that may present itself to make capital regardless of principles and right. The great body of our people are Southern in feeling and would act as becomes them in this great emergency but for the craft and cunning of the politicians alluded to . . . You appreciate, therefore, how fearful the odds against which we have to contend, and how important it is that any step be taken with caution.¹

The governor's precautions were well taken. In the election of delegates to the state convention, on the twenty-fifth of November, the moderates won an overwhelming victory. The "ultra" ticket was successful in only ten of Georgia's ninety-three counties.² The convention assembled

¹George Towns to Whitmarsh Seabrook, September 25, 1850, Seabrook Manuscripts, Library of Congress.

²Columbus Times, December 5, 1850.

in Milledgeville on the tenth of December, and, after the passage of four days, five resolutions were submitted that later became famous as the "Georgia Platform." In their preamble, the moderates deemed secession unwise because it would not secure for the South the state of California and because it was contrary to Georgia's economic interests. At the same time, the North was sternly admonished to eradicate abolitionism from its politics before it was too late.

The first three resolutions reiterated the circumstances by which the convention had been brought together, and the fifth stringently advocated the enforcement of the fugitive slave laws. The fourth, and most important, resolution drew the line beyond which the North must not go:

The state of Georgia will and ought to resist even (as a last resort) to a disruption of every tie that binds her to the Union, any action of Congress upon the subject of slavery in the District of Columbia, or in places subject to the jurisdiction of Congress, incompatible with the safety and the domestic tranquility, the rights and honor of the slave holding states, or any refusal to admit as a state any territory hereafter applying, because of the existence of slavery therein, or any act prohibiting the introduction of slaves into the territories of Utah and New Mexico, or any act repealing or materially modifying the laws now in force for the fugitive slaves.¹

Georgia's crisis of 1850 was over. On the evening of December 11, the convention's moderates met in caucus and

¹Shryock, Georgia and the Union, p. 331.

officially formulated the Union Constitutional Party.²

Alexander Stephens, Robert Toombs, and Howell Cobb were to be its leaders for its brief life. Shortly thereafter, Towns, "awfully cut up" by the results of the convention, was visited by a personal friend of long standing who had now become a leading light of the Unionists. The governor, who probably had no intention of joining it anyway, was informed that his active participation in the new party would not be desired.¹

The "ultras" soon organized themselves into the Southern Rights Party. "My own opinion," said Towns, was that only by Southern unity could the rights of the South be protected, and to that end "were my efforts directed."

To his "great surprise," however, Stephens, Cobb, and Toombs had "agitated and divided" the people, and endangered Southern rights. They had attempted to make, through the formation of a new party under their own leadership, a bond between the North and South. As to the new parties, he would give "cheerful support" to that one whose principles met with the "approbation" of his judgment.²

¹Richard H. Shryock, ed., "The Letters of Richard D. Arnold," Historical Papers of the Trinity College Historical Society, XVIII-XIX (Durham, 1929), 48.

✓ ²George Towns to John M. Berrien, April 17, 1851, J. M. Berrien Papers, Southern Historical Collection, University of North Carolina Library.

Apparently, neither party conformed to his standards because Towns was inactive politically after the conclusion of his second term as governor. In 1852, he suffered an attack of paralysis, and for the next two years endured "torments almost beyond belief." He died in Macon on the fifteenth of July, 1854, ostracized politically, bereft of party, and afflicted with ill health. Death, therefore, came as "probably a welcome relief" to Towns.¹ A wealthy man, he left to his wife a three-thousand-acre plantation and fifty-four slaves, property having a total value of forty-two thousand dollars.²

George Washington Towns attempted, as governor of Georgia, to lead the state out of the Union at a time when the people were not prepared for secession. He was a man who suffered the misfortune of rising to political prominence a decade ahead of his time. Now virtually unknown, even to his own state, had he lived until the 1860s, he might well rank among Georgia's leaders of the "Lost Cause."

¹Macon Telegraph, July 18, 1854.

²Tax Digest, Taylor County, Georgia, 1853. Microfilm in Georgia Department of Archives and History.

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