

## An Indiana Democrat of Southern Origin Speaks for the Union, 1832

*Edited by Chase C. Mooney\**

In 1832 a number of people from different parts of the country wrote to Wilson Lumpkin, governor of Georgia from 1831 to 1833, expressing concern over strained relations between the Empire State of the South and the central government. In this correspondence was a letter from Tilghman Ashurst Howard,<sup>1</sup> 1797-1844, a native of South Carolina. After residence in North Carolina and Tennessee, he had moved to Bloomington, Indiana, in 1830. Within the next fourteen years he formed law partnerships with James Whitcomb and Joseph A. Wright (both later governors of Indiana), moved to Rockville shortly after his marriage in 1833, served as United States district attorney and adjuster of Indian claims in Indiana, was a member of the board of trustees of Wabash College and of Indiana University. A Democrat, Howard won election to the United States House of Representatives, was defeated by Samuel Bigger for the governorship, and withdrew from a race for United States senator when only two votes shy of the necessary majority. In 1844 President John Tyler appointed annexationist Howard as chargé d'affaires to the Republic of Texas, but he died of fever soon after reaching the seat of government.<sup>2</sup>

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<sup>1</sup> These letters are in a folder entitled "Illegal Residents in Indian Country; Arrest of Missionaries [Elizur] Butler and [Samuel A.] Worcester," in Georgia Department of Archives and History, Atlanta, Ga. There is no available evidence that the Georgia governor answered any of these letters. The editor wishes to thank Mrs. Mary G. Bryan, director of the Georgia Department of Archives and History, for permission to reproduce the Howard letter.

<sup>2</sup> For information on Howard, see William Wesley Woollen, *Biographical and Historical Sketches of Early Indiana* (Indianapolis, Ind., 1883), 262-272; Logan Esarey, *A History of Indiana* (3rd ed., 2 vols., Fort Wayne, Ind., 1924), I, 361-366; *Biographical Directory of the American Congress, 1774-1949* (Washington, D.C., 1950), 1337; Burton D. Myers, *Trustees and Officers of Indiana University, 1820 to 1950* (Bloomington, Ind., 1951), 121-124.

Howard received little formal education, but he was considered a learned man. His title of "General" came from his appointment to Houston's military staff.

The long-enduring Indian problem in Georgia, creator of the incident which disturbed Howard, had almost reached its final solution when the adopted Hoosier wrote his letter. Repeated frictions had arisen between Georgia and the central government because the Georgians thought the United States too slow in fulfilling the agreement of 1802 by which Georgia ceded her western lands, the boundaries of the state were set, and the Indians were to relinquish title to their lands in the state. Difficulties with the Creeks had not been entirely resolved when the Cherokee problem became acute. In 1829 the boundaries of Gwinnett County were extended to include the Cherokee who had set up their own "independent" state. The United States asserted its authority to handle relations with the tribe, but in December, 1830, the Georgia legislature forbade anyone to enter the area without taking the oath of allegiance to and securing a license from the state. A decision of the Supreme Court against the Cherokee chief was followed by the arrest of a number of missionaries and gold diggers in the area in March, 1831. Release on a technicality was followed by re-arrest in July, 1831, and quick conviction by the jury of the Georgia Superior Court, Western District. Judge Augustin Clayton's recommendation of executive clemency—if the men would leave the area—was accepted by all but missionaries Samuel A. Worcester and Elizur Butler. In *Worcester v. Georgia*, 1832, the United States Supreme Court held for the missionaries and declared the Georgia law of jurisdiction unconstitutional. The mandate to the superior court (there was no supreme court in Georgia until 1845) was not even recorded. President Jackson was not favorably inclined toward the decision; the situation in the southeastern states was "brittle" because of the nullification controversy; the missionaries decided they had carried their martyrdom far enough and accepted a pardon in early 1833.<sup>3</sup>

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<sup>3</sup> For information on the Indian problems of Georgia and the relations of Georgia with the Union during this period, see E. Merton Coulter, *A Short History of Georgia* (Chapel Hill, N.C., 1947), 223-237; Ulrich Bonnell Phillips, "Georgia and State Rights," in *Annual Report of the American Historical Association for the Year 1901* (2 vols., Washington, D.C., 1902), II, 3-224, especially 39-86; James C. Flanigan, *History of Gwinnett County, Georgia, 1818-1843* (Hapeville, Ga., 1943), 88-89, 100-113. The last reference gives some of the Georgia documents connected with the Worcester case.

The letter below, exactly reproduced except for a few modifications of spacing, indicates that Howard did not know all the facts about the offer of pardon by the Georgia governor, but it also indicates that his support of the Union was strong, and that this transplanted southerner would fight the South—even his native state—to preserve that Union.

Bloomington, Indiana,  
17. Decr. 1832.

Sir,

I have, in common with thousands of my fellow citizens, looked forward to the present state of things, in our widely extended Republick, as being fraught with the most dangerous consequences to the liberty of our people, the greatest guarantee [*sic*] whereof is the Union of the States. The ordinance of the Nullifiers of South-Carolina, leaves it no longer a matter of doubt or speculation as to the course she is ultimately to take, upon the all absorbing question of the *Tariff*. Under such an exciting occasion, it is necessary that the friends of Union, and mutual concession, should remove every obstacle to a successful [yet bloodless) [*sic*] resistance [*sic*] of the destructive principle of Nullification. It cannot have escaped your notice, that, the uncompromising Opposition to the present administration, attempt, in their efforts to clog the wheels of the government, to identify Georgia with South-Carolina—differing only as to the facts, and not in principle. This being true, and the occasion having passed away, when it was esteemed by a certain party<sup>4</sup> necessary to keep up an incitement in relation to the Indian question, may I not, as an american citizen, feeling a deep interest in the perpetuity of our institutions, ask your Excellency, whether a pardon extended to the missionaries would not remove a difficulty, which in the estimation of many will be a clog upon the course of the executive in resisting the efforts of S. Carolina to abolish the Tariff laws? That the president entertains sentiments favorable to Georgia is conceded by all, and that

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<sup>4</sup> It is not certain whether this is a reference to George M. Troup, governor from 1823 to 1827, or to John Forsyth, governor from 1827 to 1829. Lumpkin had supported their position, but as chief executive he seemed to have no desire to add to the troubles with the central government.

he will act upon the principles already laid down by him, in his Indian policy cannot be doubted, and therefore this single act of clemency, will, as it seems to me, in no wise prejudice your state upon the "main question."— I do not speak upon this subject, without sympathizing with the South, and desiring a modification of those laws, which operate oppressively upon her citizens. I am a native of South-Carolina, and that state contains the bones of my mother—and my feelings are averse to treading her soil with arms in my hands— Nothing but duty would compel me to such a course—and I gladly afford my humble efforts, in every mode that I am led to believe will conduce to the restoration of harmony.— The position of the president between the Supreme Court of the U. S. and Georgia is an embarrassing one—too much so for the occasion. Will his friends force him to incur the fearful responsibility on either side? Is the Union of no more value than to be put to hazard on such slight grounds? May I entreat you sir, as one who is southern in his origin & feelings—one who desires an equal participation in the blessings of liberty—one who has a sacred regard for State Rights, in the highest legitimate use of the terms, to look at the Crisis which approaches—and consider well, whether an act of clemency towards the misguided persons whose imprisonment by your state authorities, has caused so much excitement, would not be a measure productive of much good, and avoiding at the same time an alternative dangerous to all parties.

With high esteem for your Character,  
I am, Respectfully,  
Your obedient servant.  
T. A. Howard

Governor Lumpkin.