“Groundless—Captious—or Premature”: Settler Organization in Mississippi Territory and the Development of the American Administrative State

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ABSTRACT: I argue that federal appointees played a central role in securing federal rule in territorial America, acting as a channel through which organized citizens conveyed claims to the national government. To demonstrate this, I analyze how settlers organized under Federalist and Democratic-Republican governance in Mississippi Territory between 1798 and 1817. When local landed elites had a sympathetic appointee, they worked through the appointee to achieve their political goals. When the appointee opposed them, elites organized petitions through formal channels and bypassed the appointee. By contrast, poorer land claimants relied on informal and transient alliances with appointed officials. In these alliances, appointees treated claimants instrumentally, conveying incomplete claims to Congress. While poorer claimants received some concessions, they failed to obtain durable political power. As a result, landed elites forged coalitions within the national political order, while poorer claimants lacked formal representation. This research contributes to the literature on political organization in early American political development, showing that intermediaries filtered political claims from organized citizens lacking institutional support.

Introduction

Throughout the first century of the American Constitution, federal territories were a core political unit in the development and expansion of the United States. Established under the Northwest Ordinance of 1787, territories in the early 19th century were some of the few regions where the federal government engaged in the direct rule of American citizens. Yet, securing federal rule was far from straightforward. Navigating conditions where the state was at its weakest, federal officials needed to secure the cooperation of wary settlers, who might otherwise resist the imposition of state authority. Examining Mississippi Territory between 1798 and 1817, I argue that appointed local offices created political structures necessary to extend rule into territorial America. Local appointees created sites of political contestation around which settlers organized. Settlers quickly adopted mainstream political identities, creating coalitions which supported or challenged the national parties of prominent appointed local officials. Federal appointees encouraged this identification, recasting social conflicts between elite landowners and poorer claimants as partisan conflicts. Elite landowners organized early and advocated for their positions to local appointees to secure advantageous concessions from the federal government.

With federal rule weak in territories and party ties strong, the national government created explicit policy carveouts for organized elites. Preemptors were less well served, receiving some concessions on land which advantaged elite interests, but failing to obtain their broader political objectives. While appointed officials were at times effective communicators of local claims, that communication was structured by their own political interests. Appointed officials filtered and translated claims for a national audience, doing so according to their own position, partisanship, and local alliances.

To understand this process, I examine the incorporation of Mississippi Territory into the national political order. Mississippi was the first territory to be incorporated into the United States with an established and powerful class of landowners from prior periods of foreign rule. Transferred from Spain to the United States in 1798 due to the 1795 Treaty of San Lorenzo, Mississippi became a territory under the Mississippi Government Act of 1798.[1] Land rights from the previous government were a particular concern for the elite landowners, given their economic reliance on chattel slavery. The growth of the cotton economy led to intense demand for land in the region. The handover from Spain left open questions about which property rights would be respected by the federal government, and the landowners organized quickly over the matter. I examine two periods of territorial governance based on the partisan alignment of the appointed governor: (1) Federalist rule from 1798-1801, (2) Democratic-Republican rule from 1801-1817.

I conduct analysis across two classes of settlers in the territory: elite planters and preemption claimants. In the first period, elite planters, invested heavily in plantation slavery, organized against the Federalist governor, Winthrop Sargent, to secure their land rights. The planters drew on organizational resources developed prior to the handover from Spain in 1798.

[1] *An Act for an amicable settlement of limits with the state of Georgia, and authorizing the establishment of a government in the Mississippi territory.* Public Law 5-28. US Statutes at Large (1798): 549-50.

Poorer claimants allied themselves with Sargent and against the planters. This coalition was expedient for Sargent and the poorer claimants, but the convergence of their goals was narrow, with little motivating the coalition beyond opposition to the interests of elite planters. As a result, Sargent conveyed the coalition's support for him, but not the poorer claimants' interests in land. Elite planters sidestepped the coalition, going around Sargent by using petitions to press Congress to establish a territorial legislature. Within the legislature, the petitioners created a formal political venue to voice their concerns to the national government. In the second period, with the transition to a Democratic-Republican governor, William C.C. Claiborne, elite planters successfully advanced their concerns, communicating with Claiborne who in turn explained their position to the national party elite. They also used the territorial legislature to send memorials to the national government. By contrast, poorer claimants achieved limited success. Claiborne communicated their concerns to the national government but did so through the lens which elite planters had established under Sargent. With the passage of a territorial land act, certain established preemptors received land from Congress to guarantee territorial security, but later preemptors remained in limbo without formal land title. As territorial rule became established, the legislature became the primary channel for preemptors' interests. However, with the territorial land act already passed, the broader claims preemptors sought failed to gain traction with Congress.

Two strands of scholarship have identified land distribution as a key factor in the consolidation of federal authority in the early American state. This scholarship diverges on nature of that authority. For the first set of scholars, it was critical for the federal administration to maintain a strong presence in outlying regions, as such regions were at the most at risk for rebellion, lawlessness, and disloyalty. The government was present across a range of domains

such as land distribution, the construction of roads and infrastructure, the creation of a national postal system, and the regulation of Indian Affairs.[2] For these scholars, the federal government of the period was robust, operating across a range of domains, and often hidden in plain sight. Yet, the presence of federal authority is not equivalent to a robust federal authority. On the frontier, the federal government was present, but weak. The federal government had difficulty carrying out certain administrative functions and faced substantial organized resistance from settlers. As I demonstrate, as much as the federal government sought to establish territorial rule on its own terms, organized settlers had a substantial and durable impact on the structure of governance. This governance was limited by design, focused on developing the necessary administrative apparatus to sell land and verify land claims.

The second strand identifies land as a necessary tool for what was otherwise a weakly coercive federal government. The federal government, lacking capacity to effectively control outlying regions, used the disbursement of land to manage the pattern of settlement in the west. Fearing the dangers of the frontier, the federal government encouraged "compact settlement" which provided a defensible, structured pattern for western expansion. This structure of settlement served a dual purpose, as it also helped prevent unruly settlers from beginning conflicts with Native nations or European empires. As settlement radiated across the continent, this structure provided the weak central government with the power to expand territorially while seizing land from Native nations.[3] This work identifies a key point of strength for the national

[2] Balogh, Brian. *A Government out of Sight: The Mystery of National Authority in Nineteenth-Century America*. Cambridge; Cambridge University Press, 2009; John, Richard R. "Governmental institutions as agents of change: Rethinking American political development in the early republic, 1787–1835." *Studies in American Political Development* 11, no. 2 (1997): 347-380; Mashaw, Jerry L. "Reluctant Nationalists: Federal Administration and Administrative Law in the Republican Era, 1801-1829." *The Yale Law Journal* (New Haven) 116, no. 8 (June 2007): 1636–740; Novak, William J. "The Myth of the 'Weak' American State." *The American Historical Review* (Oxford) 113, no. 3 (June 2008): 752–72; Rockwell, Stephen J. *Indian Affairs and the Administrative State in the Nineteenth Century*. Cambridge: Cambridge University Press, 2010.

[3] Allen, Douglas W. "Homesteading and Property Rights; Or," How the West Was Really Won"." *The Journal of Law and Economics* 34, no. 1 (1991): 1-23; Allen, Douglas W., and Bryan Leonard. "Late homesteading: Native land dispossession through strategic occupation." *American Political Science Review* 119, no. 1 (2025): 56-70; Frymer,

government, the retention of its authority over land distribution. Yet, the mechanisms behind land distribution are less well understood. With a focus on national elites, particularly legislative elites, this work centers the national government as the primary actor in the process of distribution. By contrast, as this paper suggests, the process of land distribution was contentious and driven by negotiation and compromise with local landowners. At the same time, though early territorial governance was limited and weak, local federal officials played an important role in the process of negotiation, communicating and translating the preferences of settlers for the national government. Territorial officials remained key interlocutors in the process of extending governance across the frontier.

As other recent work has demonstrated, settlers engaged in concerted political activity and organization to advance their own preferences and agendas.[4] Petitions were a critical site of settler politics. Settlers used petitions to argue for land rights, the construction of infrastructure, and material goods.[5] This important line of research opens an important avenue for considering how local organizing and other forms of political advocacy had an impact on the early American state. Yet, this research is less concerned with the how the structural features of the early American state created the opportunities for local actors to impact national policy. In this work I clarify how the structure of territorial rule created pathways for settlers to impact federal policy through petitioning and other venues. The use of federal appointees in territories gave settlers a direct connection to Washington and national political elites. When settlers became dissatisfied

Paul. *Building an American empire: The era of territorial and political expansion*. Princeton University Press, 2017; Frymer, Paul. "“A rush and a push and the land is ours”: Territorial expansion, land policy, and US state formation." *Perspectives on Politics* 12, no. 1 (2014): 119-144; Jensen, Laura. *Patriots, Settlers, and the Origins of American Social Policy*. Cambridge, UK; Cambridge University Press, 2003.

[4] Ablavsky, Gregory. *Federal ground: governing property and violence in the first US territories*. Oxford University Press, 2021; Blackhawk, Maggie (published as McKinley, Maggie), “Petitioning and the Making of the Administrative State.” Yale Law Journal 127 (2018): 1538; Carpenter, Daniel P. *Democracy by Petition: Popular Politics in Transformation, 1790-1870*. Cambridge, Massachusetts: Harvard University Press, 2021; Carpenter, Daniel, and Benjamin Schneer. "Party formation through petitions: The Whigs and the Bank War of 1832–1834." *Studies in American Political Development* 29, no. 2 (2015): 213-234.

[5] See especially Carpenter, *Democracy by Petition,* 87-116.

with local rulers, they made appeals to the federal government, invoking notions of party loyalty, personal competence, and constitutional law. The conditions of both national and local rule led to substantial variation in the success of settler petitions in altering national policymaking.

As the case of Mississippi shows, the organized settlers had an enduring impact on the structure of territorial governance and national land policy. Elite settlers, taking advantage of the weakness of local rule, fought for favorable regulations which would secure their position in the growing economy of slave-owning South. Poorer claimants, such as preemptors, sought to press their land claims despite a lack of legal title. Elite settlers made their claims in a variety of venues, petitioning local elites and the national government, establishing grand juries, and publicly publishing their concerns. Poorer claimants relied more heavily on local appointees to convey their concerns to the national government. Local appointees were important to both groups and served two significant roles for both settlers and the national government: contestation and communication.

Settler Organizing and the Territorial Administrative State

In territorial America, federal appointees served two main functions: (1) contestation and (2) communication. Federal appointees created a site of political contestation. Local settlers were often frustrated by the conditions of territorial rule. The appointment of federal officials early in the process of territorial organization gave settlers an identifiable figure whose rule they could contest. Yet, this conflict over appointees did not contest the fundamental legitimacy of federal rule. Instead, contestation took place over the issues of party or competence. Settlers in Mississippi quickly adopted party identifications, with Federalist and Democratic-Republican factions forming among settlers soon after the first set of federal appointees traveled to the

territory. As federal rule became more established and the roles of local appointees more specialized, party identification remained an important form of contestation, but settlers increasingly began to contest the qualifications and competence of local appointees. In both cases, contestation accepted the fundamental features of American rule. Even when settlers bypassed local officials, sending petitions to the national government, they contested conduct of local officials rather than the legitimacy of American rule itself.

Second, federal appointees served as a line of communication between settlers and the federal government. Knowledge was a valuable commodity, and with weak lines of communication, it was often difficult for national elites to know what was happening on the ground in distant territories. In this context, appointed officials played a key role, communicating conditions to national officials. At the same time, appointed officials communicated the policies of the national government to local settlers. Discussions between local settlers and appointed officials served as informal negotiations, with settlers contesting certain elements of national policy. Settlers also communicated their preferences to appointed officials as those officials formally gathered information for national elites. Officials then translated these preferences into concerns that they knew animated national politics. Finally, administrative officials such as land officers served as repositories of knowledge, gathering information about existing land claims, surveys, and land sales, all of which were transmitted by law to the Department of Treasury. While frontier administration lacked coercive capacity, it served an important function by mediating the relationship between the national government and local settlers.

The creation of local offices was therefore critical to the process of extending rule. Appointees synthesized and communicated settlers' concerns, making them intelligible to national elites. For example, under the orders of Secretary of State James Madison, William C.C.

Claiborne, Democratic-Republican governor of Mississippi, undertook an inventory of existing land claims, using the opportunity to assess the interests and needs of settlers. Claiborne communicated the interests of settlers sympathetically to Madison, translating them into concerns that he knew Madison would share. One land officer in Mississippi, appointed by Thomas Jefferson, found himself instructed to assess the suitability of land for agriculture, local conditions of settlement, intrusions of settlers onto indigenous land, and the defensive capacities of settlements, all of which fell outside his formal duties. As the capacity of local administration grew, the contestation in which settlers engaged became narrower. With the establishment of land offices, settlers did not contest the fundamental features of federal land law. Instead, they requested amendments to their status under land regulations and extensions on payments to the office.

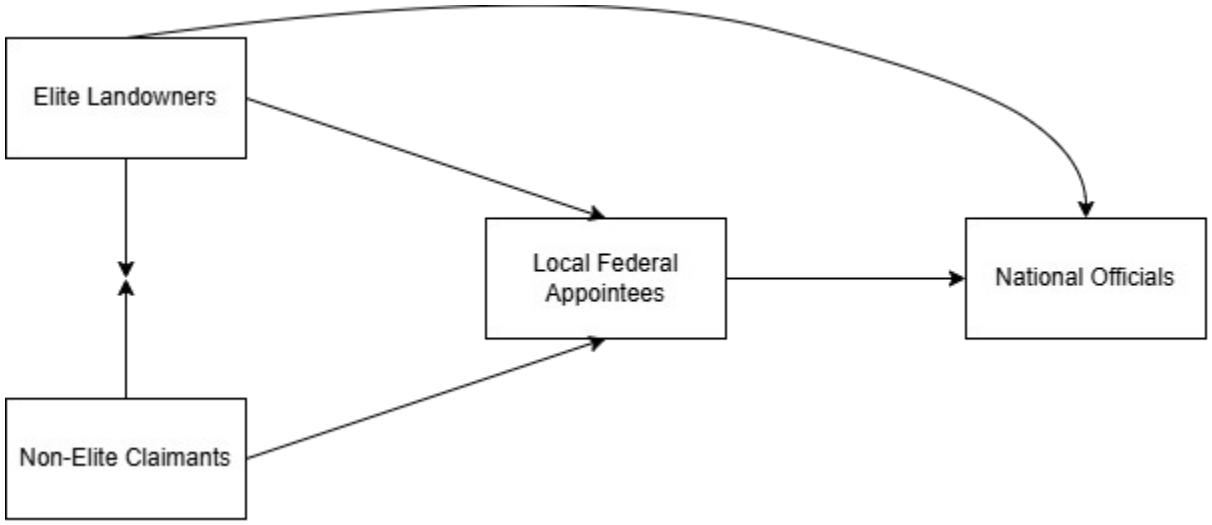

Figure 1: A simple model of communication between settlers, appointees, and national officials.

Elite landowners in Mississippi throughout this period were well organized, creating independent political organizations in response to local issues and the structure of territorial government encouraged this organization. When local elites found themselves frustrated with

local rule, they organized and wrote petitions to the national government, presenting them to the President, Congress, and other national officials. Federal appointees created clear venues for elites to engage in political contestation with the national government, and, with the relative weakness of local rule, substantial mechanisms to shape federal policy. Two key elements of territorial rule created opportunities for settlers to exercise leverage over national level policy. First, administrative capacity was initially very weak under territorial rule. Organized settlers therefore represented a substantial threat to the expansion of state power and could exert pressure on the state to negotiate. Second, under territorial rule, the national state had a direct interest in local policymaking. Unlike in states, where federal intervention was very limited, in territories, the federal government had direct jurisdiction over the territorial government. This created pathways for settlers to challenge national rules: communicating directly with federally appointed local officials and bringing petitions to Congress and the President. Federal appointees also served as important interlocutors on settlers' claims, serving as an official line of communication that translated settler concerns into language which national elites understood. The expansion of the local administrative state expanded formal systems of knowledge and communication, providing the federal government with more power over the transmission of information.

The conditions in Mississippi blurred the boundary between local and federal rule. When settlers sought to challenge local rule, they petitioned the national government, looking to Congress, the President, and other federal elites. These activities bound them more strongly to the federal government, implicitly recognizing its authority, leading them to seek further federal

interventions. The central state did not impose this regulatory authority on settlers. Instead, settlers actively sought the benefits of the regulation of land ownership. The development of administrative policy and capacity in territorial America was the result of organized process of contestation between settlers and the federal government.

Securing Enslavement



Figure 2: Mississippi Territory (highlighted red) in 1800. Created using historicalmapchart.net under Creative Commons Attribution-ShareAlike 4.0 International License.

The Mississippi Valley was central to the growth of slavery in the 19th century, and Mississippi Territory was a critical component of that growth.[6] In the three years between the

[6] Hammond, John Craig. *Slavery, Freedom, and Expansion in the Early American West*. Charlottesville, United States: University of Virginia Press, 2007; Hammond, John Craig. "Slavery, Settlement, and Empire: The Expansion and Growth of Slavery in the Interior of the North American Continent, 1770-1820." *Journal of the Early Republic*

signing of the Treaty of San Lorenzo and the incorporation of Mississippi, the system of plantation slavery had rapidly expanded as the result of a cotton boom. The cotton gin was introduced in the region in 1795, and cotton production grew 33 times over in those three years alone, from 36,000 pounds to 1.2 million.[7] Yet, in this key moment, Mississippi's population growth was restricted by a complex system of title inherited from a series of European colonial empires. Originally claimed as part of Colonial Georgia, the region was incorporated into British West Florida after the Seven Years War in 1763. During the American Revolution, the region fell into Spanish hands, and was formally ceded to the Spanish with the Treaty of Paris of 1783, as part of the retrocession of Florida.[8] This history resulted in multiple overlapping property regimes at the time of the American takeover, with many settlers claiming title to land based on old Spanish and British grants, some authentic and others forged.[9] For white settlers, these concerns were especially pressing and threatened their economic status. To the American state, resolving these conflicting claims was key to securing rule in the region and encouraging further settlement. To this end, the Northwest Ordinance of 1787 provided a useful model.[10] Written to establish a system of government for the Northwest Territory, the legislation was an obvious candidate to create an administration for the new Mississippi Territory.

At the same time, the transition away from Spanish rule led to significant unrest among the settlers. Two sets of fears predominated. First, the settlers feared that the Spanish might conspire to remain in power in the territory. Second, elite planters worried that the new American

32, no. 2 (2012): 175–206; Johnson, Walter. *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom*. 1st ed. Cambridge: Harvard University Press, 2013.

[7] Hammond, *Slavery, Freedom, and Expansion,* 18.

[8] Narrett, David. *Adventurism and Empire: The Struggle for Mastery in the Louisiana-Florida Borderlands, 1762-1803*. Chapel Hill: The University of North Carolina Press, 2015.

[9] Haynes, Robert V. *The Mississippi Territory and the Southwest Frontier, 1795-1817*. Lexington: University Press of Kentucky, 2010.

[10] *Ordinance for the Government of the Territory of the United States North-West of the River Ohio.* Miscellaneous Papers of the Continental Congress, 1774 – 1789, Records of the Continental and Confederation Congresses and the Constitutional Convention, Record Group 360. National Archives Building, Washington, DC. See map on page 4. See also Ablavsky, *Federal Ground.*

government might outlaw slavery. It was in this uncertain and paranoid atmosphere that Andrew Ellicott, a surveyor and federal appointee meant to transition the territory to American rule, arrived. Ellicott, also concerned with potential Spanish delays sought to balance Spanish and settler interests. Ellicott established what he called the "Permanent Committee" to manage the transition to American rule, but this angered local planter elites. The planters organized, creating their own factional committee to contest Ellicott, calling it the "Committee of Safety". This eight-member committee, contained several prominent members of Mississippi planter society, including Thomas Green and Cato West.[11] Though the Committee of Safety disbanded with the arrival of American rule, many members of the committee, including Green and West, remained prominent players in Mississippi politics.

The 1787 Ordinance had also explicitly barred the practice of slavery in the Northwest. Thus, as the transition to American rule approached, enslavers also became increasingly paranoid about their status under the new government. They spread rumors that Andrew Ellicott, a surveyor sent to manage the transition to American governance, was seeking to ban the practice of slavery.[12] To quell these rumors, Ellicott communicated to Congress what he viewed as the importance of retaining the practice slavery in the region. When the House of Representatives brought the Mississippi Government Act to the floor for debate, one member tabled an amendment to ban slavery in the region. However, opposition to the amendment cut across party and geographic lines. Northerners and Southerners, Federalists and Republicans, all opposed the amendment. Any qualms which the members had about the practice of slavery (at least one nominally anti-slavery Representative opposed the amendment), were superseded by concerns around the enslavers' discontent with the new government. Only three members voiced their

[11] Haynes, *Mississippi Territory*, 17-26.
[12] Hammond, *Slavery, Freedom, and Expansion,* 20.

support for the amendment, and only 12 of 106 members voted in favor.[13] When the final act passed, it explicitly permitted the practice of slavery.[14] Mississippi, then, had the ignominious status as the first American territorial acquisition incorporated with slavery.

As territorial rule approached, enslavers remained anxious about their status. To further cement their position in the expanding economy, enslavers pressed the territorial government to recognize their land claims. However, the initial structure of territorial governance addressed few of the enslavers' concerns. The first appointed Governor of Mississippi, Federalist Winthrop Sargent, dismissed their petitions. Despite this, by the middle of the next decade, federal rule in the region was well established and largely accepted. As my analysis will demonstrate, Mississippians themselves sought to transform the mode of federal rule in Mississippi territory. They organized as landowners, both wealthy and otherwise, demanding representation in the territorial government and security of federally recognized land title.

Federalist Rule in Early Mississippi

Mississippi officially became a territory of the United States on April 17th, 1798. With the passage from Spanish to American control, Mississippians were subject for the first time to the American constitutional order. With this new political regime came the system of territorial governance. Under the Northwest Ordinance, which the Mississippi Organic Act largely replicated, Congress appointed a governor, secretary, and three judges for the territory. Their choice for governor, a loyal Federalist named Winthrop Sargent with ten years of administrative experience as the Secretary of Northwest Territory, arrived in Natchez Mississippi on August 18th of that year.[15]

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[13] *Ibid*, 23-7.
[14] 1 Stat. 549.
[15] *Territorial Papers*, 5.

As Governor of Mississippi Territory, Sargent faced several competing crises. He viewed the settlers in the region as ill-suited for governance and generally of a lawless temperament. Yet, his office lacked the capacity to institute or enforce even the most basic laws. The one judge who had arrived in the territory had no legal training whatsoever and bore no copy of the laws of the United States. Furthermore, his office lacked any mechanism to resolve land disputes, which were widespread throughout the region. Also, with substantial external and internal threats to stability, the territory lacked a militia which could functionally maintain the social order of slavery.[16]

Sargent's effort to extend the rule of law over the territory proved unpopular with the settlers in the region. Sargent levied high taxes and fees on basic administrative work, like marriage licensing, to make up for shortfalls in federal funding while also creating a harsh criminal code. Settlers argued these laws went beyond his responsibility as a governor under the Constitution.[17] Sargent also proved unable to resolve overlapping land claims. The Spanish had encouraged settlement with the provision of generous land titles in the region, many of which overlapped with previous British title. Furthermore, between the initial Treaty of San Lorenzo and the American takeover of the region, the Spanish provincial government had falsified titles for the politically well-connected favorites. This uncertain situation coincided with recent shifts in cotton production, such as the introduction of the cotton gin, which had led to a significant expansion of the political economy of plantation slavery. Enslavers, therefore, sought to preserve their economic and social status, which the conflicts over title threatened. Speculation on land also ran rampant, with the demand for cotton driving up land values. Much of the land formally belonged to British, Spanish, or American investors but had no actual occupants. With the deeply

[16] Haynes, *Mississippi Territory*, 27-48.
[17] *Territorial Papers,* 75.

confusing status of land title in the territory, many squatters occupied lots which they did not formally own.[18]

Sargent's inability to resolve these overlapping problems provoked substantial resistance from elite settlers in the territory. Cato West, Thomas Green and several others set about organizing petitions against Sargent's rule. The organization, which initially styled itself as a grand jury and then as a Committee of Inhabitants, in the course of a single year filed five petitions against Sargent. The coalition was small, with each petition carrying less than 20 signatures. It sought to present itself as the voice of the people in the absence of elected local officers. The Committee submitted petitions to Congress, territorial judges, and Sargent himself as well as publishing their complaints in Mississippi.[19] His opponents in the territory labeled his laws "Sargent's Code", arguing that Sargent had acted illegally in their creation and enforcement.[20] However, most troubling to his opponents was his inability to resolve competing land claims and secure the interests of the enslaver class. Though their concerns were diverse, land, settlement, and slavery took center stage.

One petition to Congress by West and his Committee of Inhabitants, dated October 2nd, 1799, highlights these concerns and expounds upon them at length. The petition begins with a description of how land was acquired under Spanish law, how these claims overlapped with prior British title, and the complications and uncertainties resulting from American rule. To this end, the petitioners put the following demands to Congress:

> [P]ass an act confirming to the Citizens of this Territory all grants of Lands legally, fairly, and justly obtained, prior to the final ratification of the late Treaty with Spain-and that a reasonable portion of Land as to your honourable Body shall seem proper be granted to

[18] Haynes, *Mississippi Territory.* For more on the history of land title in the region see Fabel, R. F. A. "Governor George Johnstone of British West Florida." *The Florida Historical Quarterly* 54, no. 4 (1976): 497–511. See also, Wright, J. Leitch. *Florida in the American Revolution*. Gainesville: University Presses of Florida, 1975.
[19] *Territorial Papers,* 66-8; 71-6, 77-8; 78-82; 83-9; 99-105.
[20] Haynes, *Mississippi Territory*.

> all occupants, actual setlers [sic], as well imigrants [sic] since the Treaty…on the low and easy terms of the customary fees of office and survey.[21]

For the inhabitants of Mississippi, unclear title was an anathema to economic certainty in the territory. A clear solution to these titling problems was therefore central to their political demands. For the settlers, such a solution came with the establishment of new federal authority over land. At the same time, this authority would permit settlers and others to purchase or otherwise claim land from the federal government.

The settlers also had major concerns about their safety and understood further settlement as a key method of securing their common defense. For the petitioners, Congress should:

> take into consideration the weak, exposed, and defenceless situation of this the most remote and Youngest of your Territories…by enacting a law ordaining that actual settlers may obtain reasonable portions of land with the same facility as heretofore under the Governments of Great Britain & Spain.[22]

In the region, the British had established what was known as a headright system of settlement. To encourage settlement and avoid potential speculation, the system granted 100 acres to any male willing to settle in the colony and an additional 50 for any other man, woman, or child brought with him, free or enslaved.[23] With the cession of Florida to the Spanish Crown after the American Revolution, enslavers who had gained large tracts of land through headright demanded the recognition of their land grants and the continuation of headright. The Spanish Crown, seeing further settlement as a bulwark against American interests in the province, eventually obliged, extending headright and recognizing British title in the region.[24]

The demand for a continuation of the system of British title should, therefore, be read in two ways. First, the settlers who made this demand desired a continuation of easy access to more land. Under Sargent's rule, this was not possible. Without the sale of such land, additional

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[21] *Territorial Papers,* 84-5.
[22] *Territorial Papers,* 85.
[23] Narrett, David. *Adventurism and Empire*.
[24] *Ibid*.

settlement was unlikely. Without additional settlers, the territory would struggle to defend itself from potential internal and external threats. Easy access to land was thus paramount to the security of the colony. Second, the British and Spanish system of headright also significantly advantaged enslavers. For those with capital access and a willingness to engage in the slave trade, headright provided substantial allotments of free land. For the powerful enslavers in Mississippi society, the end of the headright system threatened their privileged economic position.

Congress received the petitioners favorably. William C.C. Claiborne, head of the committee on Mississippi Territory and a Democratic-Republican, used the petitions as grounds to move on establishing the "second grade" of territorial government in Mississippi, which would create a territorial legislature.[25] This move came despite Mississippi not meeting the population requirements to reach the second grade, even by the petitioners' estimations. Claiborne instead relied on the planters' security rationale, emphasizing the distance and vulnerability of Mississippi as a central reason for providing the means of self-rule. The governor would also retain his powers in this second stage of government: "[I]t is advisable that the Government of the United States should possess a control over the proceedings of the Territorial legislature, which can alone be effected through the medium of the territorial Governor".[26] On May 10th, Congress passed an act establishing a Mississippi General Assembly, elected by landowning citizens of the territory. An amendment to the act also established that Commissioners appointed by the United States had the authority to hear land claims from settlers and present those claims to Congress. [27]

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[25] American State Papers Miscellaneous 207
[26] *Ibid*.
[27] *An Act supplemental to the act intituled "An act for an amicable settlement of limits with the State of Georgia; and authorizing the establishment of a Government in the Mississippi territory."* Public Law 60-50. US Statutes at Large (1800): 69-70.

By contrast, Sargent's response to the petitions was negative. Referring to the petitions as a "very long list of imaginary Grievances", Sargent communicated his negative impression of the petitioners' character and cause to Timothy Pickering, the Secretary of State under John Adams.[28] Pickering responded sympathetically to Sargent's characterization of the settlers, referring to the petitions as "groundless—captious—or premature".[29] With the Committee of Inhabitants only containing fifteen members, Sargent successfully portrayed the petitioners as a radical and misled minority of residents to his superiors in the executive branch. Sargent instead pointed toward another coalition which had formed backing his rule. This coalition, which Sargent claimed made up the vast majority of citizens in the territory, produced their own petition with the attached the signatures of 317 inhabitants of Mississippi Territory. Sargent's petitioners portrayed West's petition as an undemocratic power grab: "The self-assumed authority of the 15 persons (minority of a committee) signing that petition, is utterly disclaimed by the great body of our citizens."[30] Sargent's petitioners were animated by many of the same concerns of West's petitions. Settlers feared the status of their land claims from prior British and Spanish grants. Their major fear was the role of the unelected Commissioners which the 1800 Mississippi Government Act had empowered to hear land claims. The act contained few stipulations on how those claims should be understood or regulated. Instead, to the question of land, Sargent's petitioners argued that "the inestimable trial by jury…handed down by the common law" was sufficient remedy to the problems which West's petition outlined.

These petitioners represented a different class of claims. The petition itself made no reference to the British or Spanish claims upon which West's petition had rested. Instead, the

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[28] Letter from Winthrop Sargent to Timothy Pickering, August 17, 1799. In Mississippi Department of Archives and History. *The Mississippi Territorial Archives, 1798-1803: Executive Journals of Governor Winthrop Sargent and Governor William Charles Cole Claiborne / Compiled and Edited by Dunbar Rowland*. Tennessee: Press of Brandon Printing Co., 1999, 166.
[29] Letter from Timothy Pickering to Winthrop Sargent, October 28, 1799. In *Territorial Papers*, 89.
[30] *Territorial Papers*, 112.

claimants presented themselves as a separate class: “Possessions of immense quantities of land are far removed from the grasp of your memorialists.” Many petitioners lacked the legal claim to title which had animated the concerns of West and the Committee of Inhabitants. Indeed, as they noted, “Certainly it is sufficient to have once dearly purchased those scanty possessions… by a thousand privations and dangers, inseparable from the first settlement of every new country.”[31] Sargent’s newfound allies were small landholders, those with weak documentation supporting their claims, and those without formal title altogether.

This second class of claimants were far more suspicious of an elected territorial legislature. In their petition they suggested that the Mississippi was unsuited to rule by a territorial legislature: “IGNORANCE, supported by her auxiliaries, ARROGANCE and PRESUMPTION, *only*, will continue to boast that she is competent to the task of legislation and government.”[32] The extension of administrative power into Mississippi Territory was a direct threat to their claim to the land which they occupied. In pointing to a trial by jury and common law, the preemptors sought the judgement of their peers, who would likely be more sympathetic to their claims. Administrative rule, by contrast, threatened their status. If legislation did not include land with limited documentation or without formal title as an explicit category for making claims, the poorer claimants risked the loss of their land under the law. The poorer claimants were, therefore, suspicious of efforts to extend rule over Mississippi Territory and the empowerment of a class which was opposed to their interests. The petition arrived too late to Congress for the poorer claimants. The first election in Mississippi Territory had already occurred. Both Thomas Green and Cato West were among the first seven elected members of the

[31] *Ibid*, 111.
[32] *Ibid*, 113.

Mississippi House of Representatives.[33] They elected Narsworthy Hunter, who had presented their petitions to Congress, as their first territorial delegate.

Sargent's petitioners occupied a strange position. Poorer claimants lacked the political power of the wealthy planter elite, who had already effectively organized soon after the establishment of Mississippi Territory. Federalists were also unusual allies for poor claimants. Many were squatters, as they claimed land without formal title, and squatters were unpopular figures at the national level. Federal elites treated squatters with suspicion, and squatters consistently challenged federal efforts to extend orderly rule over territories.[34] Sargent's alliance was strategic, meant to solidify his own position in the territory and show that he had the backing of its residents. Yet, the conflict between Sargent and the Committee of Inhabitants was translated into a national level partisan conflict, with West's petitions receiving the support of the Democratic-Republicans in Congress and Sargent the backing of the Federalist Congress and President. The fundamental elements of the conflict mapped poorly onto the national political order. With Sargent sending this petition to the Senate to support himself against the accusations of the Committee of Inhabitants, a local conflict between two classes of land claimants became translated into a national partisan conflict between the Federalists and ascendant Democratic-Republicans.

The Congress of 1800 brought about another important change for Mississippi Territory. William Henry Harrison, the representative for Northwest Territory, introduced a new land act which provided funding for the first federal land offices. While the act only applied to the Northwest Territory in its initial configuration, it helped lay the groundwork for a future act

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[33] Dunbar Rowland, *The Official and Statistical Register of the State of Mississippi, Volume 6*. J.J. Little and Ives Company: New York, 1928.
[34] Onuf, Peter, *Statehood and Union: A History of the Northwest Ordinance*. University of Notre Dame Press: Indiana, 2019.

resolving questions around title in Mississippi.[35] Land offices were regular features of colonial governance since the 1600s.[36] The notion of a federal land office had also regularly featured in national debates about the disposal of land since the Confederation Congress.[37] The Harrison Land Act was the first legislation to formally establish the system of federal land offices. The coming transition in power, from Federalist rule to Democratic-Republican at the national level, also had significant consequences. Sargent was soon replaced in late 1801 by William C. C. Claiborne, the former Democratic-Republican chair of the Committee on Mississippi Territory in Congress. As circumstances shifted, both elite planters and poorer claimants turned to Claiborne to resolve the land question.

The Problem of Centralizing Title

In 1802, the federal government had started the process of resolving another long-standing conflict over land. Georgia had long claimed land west of Appalachian Mountains as its own territory. However, the federal government sought to integrate this land into its new Mississippi Territory. What followed was a series of negotiations between Georgia and the federal government throughout the 1790s and early 1800s. By 1802, the government had agreed with Georgia to formally determine who land claimants were throughout Mississippi and western Georgia. To this end, the Secretary of State James Madison ordered Governor Claiborne to carry

[35] *An Act to amend the act intituled "An act providing for the sale of the lands of the United States, in the territory northwest of the Ohio, and above the mouth of Kentucky river."* Public Law 6-55. US Statutes at Large (1800): 73-7.
[36] Maryland, for example, opened its first land office in 1680. For more on the colonial precedents of the land office see Amelia Clewley Ford, *Colonial Precedents of Our National Land System as It Existed in 1800* (Wisconsin: The University of Wisconsin, 1910).
[37] An early draft of the Land Act of 1785, which established the land survey system of the United States at one point contained a provision for a national land bureaucracy, but this provision was removed by the time the act became law. See *Ibid*, 411.

out an inventory of land claims throughout Mississippi Territory. The inventory was intended to ascertain the status of claims made under the Spanish and British governments.[38]

Claiborne, for his part, immediately recognized the challenges that such a survey of land title might bring. Writing to Madison, he suggested, "I find that some designing men are endeavouring to impress upon the Citizens an opinion, that the filing of their Claims will be injurious to them… It is however probable, that they may excite some alarm, and prevent a General return of Claims."[39] Despite his reservations, however, Claiborne followed Madison's instructions, publicly posting a handbill asking residents to register their claims with county clerks. In the handbill, Claiborne provided assurances to settlers that at least some land claims would be respected:

> That all persons who, on the twenty seventh day of October, one thousand, seven hundred and ninety five, were actual settlers within the territory thus ceded, shall be Confirmed in all the grants, Legally and fully executed prior to that day, by the former British Government of West Florida, or by the Governor of Spain.[40]

However, these assurances were not sufficient to quell the elite planters' or preemptors' concerns. For the planters, core questions remained unaddressed. The Spanish frequently provided title which overlapped with prior British grants. Furthermore, many British and Spanish titles had limited documentation. While the British had a formal process which conferred title to settlers in the region, in practice, this process was rarely followed to the letter, with many settlers resting their title claims on the initial survey of the land. Likewise, Spanish practices of title were lax, and Spanish titles were rife with irregularities, with many backdated and otherwise forged documents. The handbill left the status of overlapping and incomplete titles was unclear. The handbill also provided no method for resolving the land claims of preemption claimants. Some resided on land which was formally owned by land speculators and others who had never set foot

[38] Letter from Secretary of State Madison to Governor Claiborne, 26 July 1802, *Territorial Papers*, 156-8.
[39] Letter from Governor Claiborne to Secretary Madison, 12 September 1802, *Executive Journals,* 501-2.
[40] "Hand Bill to Persons Claiming Lands within the Mississippi Territory", *Executive Journals,* 503-5.

in the region. Madison's instructions had not considered the question of preemptors and no provisions in the handbill addressed their claims or condition.

As Claiborne suspected, with the completion of the inventory, many settlers had failed to comply. Wealthy planters, concerned about the status of their claims from Britain and Spain, failed to provide their documentation to Claiborne. Claiborne presented the state of the planters claims plainly, as a matter of legal status and documentation and advocated strongly for their position.[41] At the same time, Claiborne himself emerged from the survey with new sympathies for some of the poorer class of settlers and tried to convey these sympathies to Madison. Preemptors, those who had settled on land without title, were of particular concern to Claiborne:

> It will not escape your observation, that a great proportion of the present population in this Territory, is composed of Citizens who have formed settlements on vacant lands… I do sincerely hope that these Citizens may be secured in their improvements, and that the Government will sell out the Vacant land in this district upon moderate terms and in small tracts to actual settlers.[42]

Claiborne's appeal seemed to extend from some degree of actual sympathy for the settlers, but he translated this sympathy into concerns he knew would preoccupy Madison. First, he suggested that these settlers might, in their anger at being removed from the land, turn to the Spanish crown. Spain still retained much of the Gulf Coast, with Spanish Florida's panhandle extending into modern day Louisiana. Spain also continued the headright policy which might tempt settlers without clear title under American rule to move into Spanish territory, threatening the political integrity of Mississippi.

Second, for Claiborne, maintaining and eventually increasing white settlement was critical for providing security as the practice of enslavement continued to grow in the region.

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[41] Letter from Governor Claiborne to Secretary Madison, 5 November 1802, *Executive Journals,* 536-45.
[42] *Ibid, 543*.

This concern with security was exacerbated by extensive land speculation, with non-residents holding large tracts of land under dubious title. As Claiborne argued,

> [T]his most distant and infant settlement of the United States…would be rendered more weak and defenceless, by the banishment of the poorer Class of White Citizens, and the introduction of a few wealthy characters, with a large increase of negroes, a discription of inhabitants, already formidable to our present population.[43]

Claiborne's language of weakness and security directly echoed the earlier petitions of the wealthy planters. Claiborne's understanding of the situation followed from the interests of the elite planter class: that removing white settlers from their land would exacerbate the security problems associated with slavery. Of particular worry to Claiborne were slave rebellions. As Claiborne himself was reminded, "Your Excellency's [Claiborne's] apprehensions of danger to the Country, spring from the fear of…an insurrection of the Slaves…I cannot discern the smallest cause for alarm…The organization & arming the Militia is a guarantee for internal security."[44] Federal officials clearly understood that a key function of white militias was in preventing and putting down slave rebellions. Ensuring a continual supply of white settlers, therefore, helped maintain the structure of enslavement in the territory. Thus, granting preemption rights to settlers was crucial to maintaining the economy of violence underpinning slavery.

Claiborne's request for preemption rights was far from unusual for territorial governments during this time. Settlers regularly requested preemption rights from Congress, but Congress granted these rights unevenly.[45] However, settlers in Mississippi were well organized. A petition advocating for preemption rights circulated throughout the territory, signed by nearly 75 percent of the territory's adult white male population, had two primary requests with respect to

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[43] *Ibid*, 543-4.
[44] Letter from General James Wilkinson to Governor Claiborne, 10 May 1803, in *Territorial Papers*, 215-8. The original letter from Claiborne is unfortunately missing.
[45] Frymer, *Building an American Empire*.

land: locating the new land office in the territory and granting preemption rights to settlers without title.[46] However, for the preemptors, the primary question was that of political power. They sought the extension of suffrage to all adult men, irrespective of landowning status. They sought local appointments of officers and judges.[47] Preemptors were concerned with their lack of formal political power and representation and remained suspicious of the national political elite. The preemptors' requests sought to obviate some of local power which the elite planter class had accumulated, while also enhancing local rather than national rule.

With pressure from both Claiborne and the mass of settlers in the region, Congress acquiesced on the matter of land but did little to shift the balance of political power. On land, the concerns of the preemptors coincided with those of Claiborne. The expansion of the power of a small enslaving elite threatened the fundamental security of the territory from slave rebellions or Spanish invasion, and the preemptors remained a necessary class of citizens for service in a militia. Yet, with the shift toward Democratic-Republican rule at the local and national level, the preemptors' political concerns had no backing from a formal political party. The temporary coalition they had formed with Sargent was over. Their concerns were not fundamentally about democracy or about the question of local rule. When preemptors had aligned themselves with Sargent, they sought to prevent the establishment of the territorial legislature. The alliance with Sargent, against the extension of local democracy, was convenient for both preemptors and Sargent in their opposition to the local elite. As the terms of that conflict shifted under Claiborne, the preemptors sought the expansion of democratic rights, as they viewed those rights as essential to their own political power. Yet Claiborne's interests and those of the national

[46] The petition was signed by 1,153 adult males. The territory's documented population in of white males over the age of sixteen in 1800 was 1,552. Assuming a relatively stable population (which is likely, given the challenges of purchasing land), this results in a ratio of 74.3 signatories per 100 adult males, or 74.3%. For petition signatories, see *Territorial Papers*, 159-73. For Census data see, US Census Bureau. "1800 Census: Return of the Whole Number of Persons within the Several Districts of the United States."

[47] *Territorial Papers*, 160.

government lay in security. Claiborne translated a political request into an instrumental question. Preemptors obtained the right to remain in Mississippi, but not political power. The preemptors formed a sizable majority in Mississippi society, and they sought the political rights necessary to exercise that majority power.

Establishing Order

The bill which established the land office, the Mississippi Land Act of 1803, passed with a simple voice vote and no objections were noted in the Congressional record.[48] When Congress passed the act, they granted generous preemption rights to many of those citizens without formal title.[49] The 1803 Land Act also expanded the role of the commissioners, who now adjudicated prior land claims. The 1803 Land Act made several critical interventions in the structure of Mississippi Land law. The act opened two land offices in Mississippi and created new lines of communication between settlers and the central government. Each office had one register, who recorded applications for the purchase of land, marked which lands were sold, and transmitted information and payment for the land to the appropriate officer. While they received some central funding, most land office revenue was the remit of the register, through fees on land sale.[50] The law also expanded the role of commissioners. Each land office received two commissioners. The duty of the commissioners was to adjudicate land claims, determining who had a rightful claim to the land based on the convoluted chains of title in the region. The law provided commissioners

[48] *Debates and Proceedings*, 266, 593, and 643.
[49] The location of the land offices in the territory was less in doubt. The Land Act of 1800 had provided for land offices located in Northwest Territory and it is unlikely that Congress would have provided any differently for Mississippi, given the considerable advantages of the arrangement and the complications of land title in the region. See 2 Stat. 73.
[50] For more on the structure of land offices and their functions, see Rohrbough, Malcolm J. *The land office business: the settlement and administration of American public lands, 1789-1837*. Oxford University Press, 1968.

with a broad latitude to make decisions and interpret the tangled set of land laws. In cases where the law was unclear (e.g. direct title conflicts), officers could turn to courts to find a resolution.

The Land Act also established new practices of survey in the region. Previously, the military directed surveying in the region and largely focused on the boundary line between the Choctaw Nation and settler territory. While this boundary line remained important and continued to reproduce the exclusion of Indigenous people from the settler political and social order, the new act refocused efforts on securing property rights for settlers. With the Land Act, surveyors were directed to cover the whole of Mississippi Territory, breaking the land into 6-mile by 6-mile townships, and further down into 640-acre plots for purchase. Parts of the township were set aside for educational purposes. The surveyors deposited their surveys with the land office, making them publicly available. The land office also forwarded the surveys to the Secretary of Treasury. The law specified that sales took place over a three-week period. Land was sold at public auction at the minimum price of two dollars per acre. All land not sold at auction could then be sold privately by the land office registers.[51]

Land officers and surveyors had no corresponding office in Washington D.C., instead serving directly under the Secretary of Treasury. There was limited coordination between the departments on the ground, as they both maintained separate organizational structures, with flat hierarchies. Furthermore, both institutions were separate from the territorial government. While Mississippi land officers often communicated with the office of the territorial governor, the governor held no formal jurisdiction over the land office or matters related to land.[52] In this way, the central government retained direct control of the activities of the land offices. However, with this formal authority came increased complications in land governance.

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[51] *Ibid*.
[52] *Ibid*.

In practice land officers were heavily dependent on Washington to function. The duties of land officers were widespread, sometimes going beyond their official purview. Commissioners provided on-the-ground assessments of local conditions across a domain of policy areas related to their office. Land officers communicated local interests to national elites, but also transmitted other information, such as the suitability of land for agriculture, local conditions of settlement, intrusions of settlers onto indigenous land, and the defensive capacities of settlements.[53] While early land officers communicated much of this information back to their Washington superiors, much of the tenure of these early land officers was marked by confusion. Though the 1803 Land Act provided some guidance on how to adjudicate claims, officers regularly encountered arrangements which the act did not cover. This was further hampered by slow communication between commissioners and the central government.[54]

Despite these challenges, land offices increasingly formalized the relations between settlers and the federal government. While petitions from settlers continued throughout the territorial period (and beyond), increasingly, lines of communication occurred through formal institutions such as land offices. With the opening of the land office, most settlers chose to submit claims to land offices rather than national officials. This increase in formalization made certain complaints less legible to governing institutions. However, the local functions of the land office brought clear benefits for the central state and settlers alike. The land office provided information. While the land office was most beneficial to those who owned property, it was also a repository of information. Within the office, this information, alongside title, was centralized and publicly available, substantially reducing costs for those interested in the purchase of land. As such, the local land offices became important and influential institutions. For residents they

[53] See e.g. Letter from Jefferson to Kirby, *Territorial Papers,* 5, 223-4.
[54] Letters from the land office took at least two months to reach their destination and at times up to half a year. Letters also often went missing. See, generally, *Territorial Papers* and *Executive Journals*.

provided information and security of title. For national elites they likewise proved an important source of information, while also simplifying the sale of land in the national domain and raising revenue for the national government. Locals, having demanded a land office, had little reason to question its authority. Instead, they pressured the office in other ways. They questioned the legitimacy of the appointments of land officers, circulating petitions which cast doubt on their qualifications, accusing them of corruption, disloyalty, and other assorted malfeasances.[55] Yet, despite personal qualms that many settlers may have had with the land officers, the presence of the land office itself was never in question.

The land office retained this legitimacy for two key reasons. First, land offices had a popular basis. The white population of Mississippi had longstanding concerns about the legality of their title in the land. They continually demanded that the law clarify their claims to title. Settlers welcomed the introduction of a legal structure and office which could help disentangle the complicated history of title in the region. Second, in conferring or confirming titles to land, the land offices ensured that white elites' investments in plantation slavery remained economically and physically secure. At the same time, preemptors could also remain on the land which they had settled without title, providing for the security of the sparsely populated region. The land offices fulfilled a popular purpose, granting and distributing social goods to white settlers. The primary good of the land office was not land itself, but the security of title. Settlers lived in a society which recognized their property. With the creation of the land office, this recognition was backed with the power of the state.

However, challenges remained for the governance of land in the region. While the land office was successful in getting settlers to record their title, practices of survey took a longer time

[55] For example, see Letter from Edward Turner to John C. Breckenridge. Turner, at some considerable length, responds to allegations circulating in a petition against him and his suitability for the office of Land Commissioner. In *Territorial Papers*, 264-78.

to formalize. The first appointed surveyor of the territory, Isaac Briggs, appointed in 1798, became known for his inefficiency in conducting and completing land surveys. As the Secretary of Treasury noted in a letter to Briggs' successor, "I will only repeat what I had often urged to your predecessor that the speedy completion of surveys of private claims & public lands in Mississippi Territory is an object of great national importance, which has been delayed much beyond our rational expectations." The bulk of surveying work only took place with the appointment of Thomas Freeman in July of 1810.[56] Coordination between land offices and the office of Surveyor General also remained poor. Even with surveys completed, poor management and technical flaws frequently delayed land sales.[57]

The conflict between elite planters and preemptors also continued after the passage of the 1803 Land Act. The act established the mechanisms necessary to confirm the many of the land claims of the wealthier class of enslavers who had held grants under Spanish and British rule. By contrast, preemptors and new settlers faced a system of land offices which struggled to carry out basic functions such as surveying, much less establish and provide title for their preemption claims. Preemptors also lacked money, meaning that many struggled to pay for the land on which they settled, even at the low rates at which land was provided.

Two petitions, both signed November 25th, 1803, establish how the priorities of elites and preemptors had begun to diverge. The first petition, signed by 556 citizens of Mississippi Territory, presented a series of concerns related to the cost of land and the difficulties which preemptors faced. The petition pointed to the cost of land as a burden for preemption claimants and a danger to the security of the region: "Our territory though small, is thin of inhabitants,

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[56] Briggs also appears to have conducted irregular bookkeeping practices and produced maps according to his own whims, in contradiction to his orders. See Letter from The Secretary of Treasury to Seth Pease, 31 March 1807. In *Territorial Papers*, 534-7. See also, Griffin, C. David H. "The Importance of Thomas Freeman's Surveys In the Mississippi Territory." *Surveying and Land Information Science* 73, no. 1 (May 1, 2013): 31–42.
[57] *Ibid,* 36-7.

many of who possessing only a pre-emption right, are unable to meet the terms of purchase. Of others who may emigrate, many will have exhausted their little resources on a long and expensive journey."[58] The petitioners argued that granting land to settlers, rather than selling it, would induce migration to Mississippi, and that "such an acquisition of numbers would secure the lives, properties and liberties of the inhabitants from invasion."[59] Congress received the petition and referred it to a committee formed to consider the amendment of laws regulating public lands.[60] The committee responded simply: "As a bounty of this kind has uniformly been refused by the United States, in the disposal of their public lands, the committee are of the opinion that the prayer of the several petitions ought not to be granted."[61] Without the backing of the territorial legislature, Congress spent little effort in considering the claims of petitioners.

The second petition was sent to Congress by the Mississippi territorial legislature. This petition focused on the technical challenges faced by claimants who held Spanish and British grants, without mention of preemptors. The legislature emphasized elements of the 1803 Land Act which might lead to some grant holders failing to obtain a patent from the land office. The committee formed in response to this petition responded more favorably. While the committee report argued that many of the territorial legislature's concerns were already covered by the 1803 act, it viewed several elements of the petition as worthy of an amendment.[62] Congress in response passed an act in 1804 amending the original 1803 Land Act.[63]

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[58] *Territorial Papers*, 279.
[59] *Ibid*.
[60] *American State Papers: Documents, Legislative and Executive, of the Congress of the United States*, Class VIII, *Public Lands*, ed. Walter Lowrie and Matthew St. Clair Clarke (Washington, DC: Gales and Seaton, 1832), 1:181; 1:193.
[61] *Ibid*, 1:181.
[62] *Ibid*, 1:184-5.
[63] *An Act supplementary to the act intituled "An act regulating the grants of land, and providing for the disposal of the lands of the United States, south of the state of Tennessee."(a)*, Public Law 52, U.S. Statutes at Large 2 (1804): 303-306.

The powerful planter elite had successfully obtained political power. In 1804, they achieved their most substantial political victory: the appointment of Cato West as interim governor of the territory. Yet, the power of this small clique was not to last. Other planters, who were angered by West and the committee's efforts to shape early Mississippi politics began to wrest control of the legislature from West and the other early members. Planters like Philander Smith, who was an early backer of Sargent against the West faction, became prominent members of the legislature, with Smith becoming the Speaker of the Misssissippi House. With the shift toward self-governance at the territorial level, appointees became less important as conveyers of information and the territorial legislature increasingly took on a primary role petitioning the national government. West and his associates had an early organizational advantage and the support of powerful allies in Congress. Yet, their interests were not sufficient to maintain political dominance. Under Smith, the legislature petitioned more extensively on behalf of preemptors, and their interests began to receive the attention of Congress.[64]

Conclusion

While land was central to their organizing, settlers in Mississippi fought for closer regulation of their society and economy across a variety of domains. From the construction of roads and infrastructure to the culling of feral boar, settlers argued for robust and extensive federal regulatory power.[65] Yet, most of all, white settlers sought to maintain the conjoined system of white supremacy and slavery from which they benefitted. They asked for government help in shipping cotton and in regulating its quality.[66] They sought to remove enslaved people

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[65] *Territorial Papers,* 63-5.
[66] *Ibid,* 64 and 138.

from the public sphere.[67] They asked for military aid to prevent slave rebellions.[68] White settlers envisioned a capacious regulatory state, one which they sought to direct to their own political ends.

Settlers fought for this regulation using the language of democracy. As Cato West wrote, "We rejoice however that we have it in our power to appeal to, and lay our just complaints before that Government, whose constitution and equitable Laws…dispenses to its Citizens equal protection and ample liberty."[69] Enslavers like West portrayed their concerns as democratic and commonsense using the language of property and commerce to obscure how their social positions were constituted through the labor of enslaved people. They saw little conflict between their positions as democratic citizens and the violence of racial totalitarianism. Likewise, many federal officials and legislators compromised on their putatively anti-slavery morals to ensure the incorporation of Mississippi into the territory of the United States.[70] Landholders and enslavers built coalitions with federal elites to maintain and uphold their dominant position in Mississippi society. These coalitions became durable with the creation of new administrative institutions. Land offices gave formal power and backing to the system of hierarchical social relations which constituted slavery and white supremacy. In this way, the structure of land title in the settler South came to reflect the social position and power of enslavers in the region. The land office was more than a repository of information. It entered a landscape, both physical and social, already structured through the practice of slavery.

As more white settlers flooded into the region, enticed by the access to land which land offices provided, the practice of slavery became ever more central to Mississippi society.[71] As the

[67] *Ibid*, 63-5.
[68] *Ibid*, 215-8.
[69] "Petition to Congress by Committee of Inhabitants", in *Territorial Papers*, 78.
[70] Hammond, *Slavery, Freedom, and Expansion,* 23-7.
[71] See Rohrbough, Malcolm J. *Trans-Appalachian Frontier, Third Edition: People, Societies, and Institutions, 1775-1850*. Bloomington: Indiana University Press, 2008, 223-32.

population grew, so too did enslavement. In 1817, Congress split Mississippi Territory in two, with the western portion becoming Mississippi State.[72] In 1819, the eastern portion gained statehood as Alabama.[73] In 1820, census officials counted 219,765 people in the two states. Of those, 80,251 were enslaved.[74]

[72] *An Act to enable the people of the western part of the Mississippi territory to form a constitution and state government, and for the admission of such state into the union, on an equal footing with the original states*. Public Law 14-23. US Statutes at Large 3 (1817): 348-9.
[73] *An Act to enable the people of the Alabama territory to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states.* Public Law 15-47. US Statutes at Large 3 (1819): 489-92.
[74] US Census Bureau. "1820 Census: Return of the Whole Number of Persons within the Several Districts of the United States."