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Anthony Hutchins: A Pioneer of the Old Southwest

by ETHAN A. GRANT

THE story of British and Spanish Natchez, and the early territorial days of Mississippi cannot be complete without reference to Anthony Hutchins. This temperamental and volatile character was involved in much of the history of the region from his arrival in 1772 until his death in 1802. Barely five feet tall and slender, Hutchins combined the reputed traits of bantam rooster and bulldog. His voice was reedy and his temper was short. By bluff, bluster, and native intelligence, he normally came out at the top of every dispute, and he had many.¹

Hutchins served in the British army during the French and Indian War, participating in the capture of Havana in 1762. At the end of the war, he was pensioned out at half-pay, or as a "reduced" captain. That service entitled him to a land grant, and he decided to take it in British West Florida. In 1772, he placed his thousand-acre allowance at Apple Hill, the location of the camp of the chief of the Natchez Indians in the 1720s.²

His initial experience with area Indians was typical of conditions at the time. The natives were not yet accustomed to the white man's notion of private property and continued to roam the land as they had in the past. Often they would decide to visit a settler family and stay for days, expecting a loaded table from those with barely enough for themselves. In the early years, they often preyed

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1. Hutchins hailed from Monmouth County, New Jersey, but spent time in the South Carolina backcountry before moving to Natchez. It is not known whether he knew Amos Ogden, or any of those who joined the Samuel Swayze-led Jersey settlers in 1773. As chief civil authority, he certainly became acquainted with them at Natchez. For more on Hutchins, see Gordon Douglas Inglis, *Anthony Hutchins: Early Natchez Planter* (Unpublished M.A. thesis, University of Southern Mississippi, 1973) and John Q. Anderson, "The Narrative of John Hutchins," *The Journal of Mississippi History* 20 (January-October 1958). Both contain inaccuracies but are valuable sources if used with care.
2. The Proclamation of 1763 forbade Western settlement. West Florida was an exception to this rule, as the government wished to promote settlement in this province which bordered on Spanish Louisiana. Grants to former soldiers, such as Hutchins, were another matter and were never stopped.

on the settlers in other ways. John Hutchins recounted in his memoir the Indian practice of stealing horses from the settlers and ransoming them back.³

Appointed justice of the peace and chief of magistrates to the new arrivals at Natchez in 1773, Anthony Hutchins became the most important person in the area. He directed the locating of families pending the application and granting of lands, and his choice could be critical.⁴

West Florida Governor Peter Chester was authorized to grant lands to immigrants from 1770 to October 6, 1773 when an order arrived suspending the practice. The authority was not revived until November 11, 1775. During the hiatus, Hutchins' job was doubly difficult. He was obliged to keep those who were already located in 1773 in place and optimistic that they would eventually get legal title to their property when the land office reopened. He also had to find land for families arriving later who came expecting land grants. To his credit, there were few complaints from either group, despite his testy personality.

Anthony Hutchins could be accused of negligence at times, and inconsistency on other occasions. Widow Sarah Truly came to Natchez in July 1772, with three brothers, six children, and six slaves. She finally received 700 acres in 1776. According to Truly's testimony, she had gone through all the necessary steps in 1772, except that Anthony Hutchins "neglected to procure a warrant" before the suspension of grants."

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3. Anderson, "Narrative," 1-6. The potential for conflict was largely removed by the efforts of John Stuart, who managed to create an Indian territory east of the Natchez settlement.
 4. Great Britain, Public Record Office, Colonial Office 5 (American and West Indies), Minutes in Council, February 15, 1773, CO 5/621. To some extent these appointments reflected land ownership and place in the community. King and Lyman were members of groups holding about 20,000 acres each. Richard and John Ellis had nearly 5,000 each. Comparatively land-poor, Hutchins and Ogden possessed only 1,000 each. Minutes in Council, September 1, 1773, May 16, 1774, CO 5/628.
 5. CO 5/634:317; May Wilson McBee (compiler), *The Natchez Court Records, 1767-1805: Abstract of Early Records*, (Baltimore, 1979), 601-602. The British granted land to ordinary settlers on the basis of 100 acres for the head of household, and 50 more for each additional member of the family. Included under that umbrella were wives, children, apprenticed servants, and slaves. It was not uncommon for the British, and then the Spanish, to award lands to women in their own name.

ANTHONY HUTCHINS: A PIONEER OF THE OLD SOUTHWEST 407

John Smith's experience was similar. He left South Carolina in 1774, "to avoid the disturbances," and arrived in Natchez in April of that year. His family then consisted of a wife, six children, three orphans, and a slave. Smith claimed that Anthony Hutchins made a mistake and got him only 200 acres, far less than he deserved by contemporary practice. Smith applied for the additional 450 acres due him on September 1, 1777, but his appeal for those acres and a further bounty was rejected by Chester.⁶

A subdued but permanent rivalry existed between the Ellis brothers, particularly John, and Anthony Hutchins. John and Richard Ellis, began on a large scale and grew from there. John arrived at Natchez in June 1773, and in November 1776 received a grant of 1,000 acres. Richard arrived in July 1773, and acquired 3,550 acres on the basis of his family, which included himself, his wife, seven children, and 71 slaves. Richard received further grants of 1,850 and 1,000 acres on June 16, 1779. The Ellis brothers controlled approximately 20,000 acres at the time of the Spanish conquest.⁷

Neither appears to have had public ambitions as did Hutchins. They seemed content to exercise their considerable shared talent for amassing wealth, but they crossed swords with Hutchins more than once. The first time was in 1778, when John Ellis and Hutchins both claimed a piece of land on the east bank of the Mississippi which was suitable for a public landing for boats and was known variously as Ellis or White Cliffs. As the dispute dragged on, area residents turned to the west bank of the river and successfully petitioned Louisiana Lieutenant Governor Estevan Miró for a landing in Spanish territory.⁸

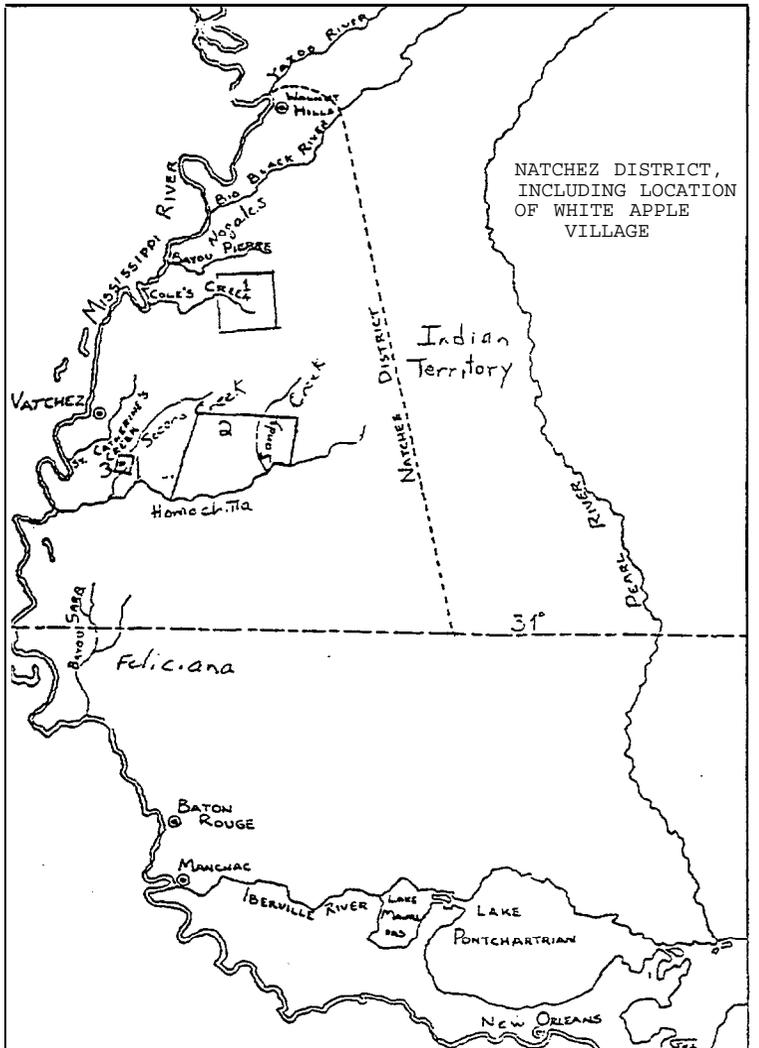
With Alexander Ross and William Hiorn, Anthony Hutchins was among the few at Natchez who actively opposed James Willing's raid in 1778. The American rebel and his party of about 100 boated to Natchez from Fort Pitt. His objective was to disrupt the British Mississippi settlements, and specifically to discomfit known loyal-

6. To avoid the lengthy, expensive, and dangerous trip from Natchez to Pensacola, a magistrate certified the size of a family and acreage permitted for grant purposes, CO 5/634:527. The outbreak of hostilities in 1775 resulted in West Florida becoming a haven for fleeing loyalists. Governor Peter Chester was allowed to grant a bounty of up to 1,000 acres based upon the scale of their losses. Minutes in Council, November 20, 1775, CO 5/592.

7. CO 5/608:506, 507, Minutes in Council, May 16, 1774, May 2, 1776, 631, 634:525,534; D. Clayton James, *Antebellum Natchez* (Baton Rouge, 1968), 17, 20.

8. Hutchins finally won. On April 25, 1789, he was given 800 acres at White Cliffs. McBee, *The Natchez Court Records*, 440.

The Natchez District 1779 to 1798



- Legend:
- 1. Lyman Mandamus.
 - 2. Ogden Mandamus.
 - 3. Anthony Hutchins.

ANTHOHY HUTCHINS: A PIONEER OF THE OLD SOUTHWEST 409

ists. Willing's soldiers looted Apple Hill and carried off a number of slaves. Hutchins was captured by the raider and carried to New Orleans.

While there, Hutchins engaged in espionage. He offered rewards for any disaffected rebels who might deliver Willing and Oliver Pollock, the prominent merchant and *de facto* consul for the American rebels at New Orleans. Despite that disruptive behavior, Governor Bernardo Gálvez intervened and pressured Willing to grant Hutchins a parole.⁹

Much to the chagrin of Gálvez, Hutchins broke his word and the conditions of the parole by securing a mount and riding off toward Natchez.¹⁰ Hutchins would come to account in 1782 as a result of this perfidy. Near Natchez, he rounded up about 30 loyalist sympathizers, secured a batteau, and

Col. Hutchins fought the victorious battle with the same shirt he had on when he left New Orleans, having never taken time to shift [rest] & barely to refresh himself; nor went near his own house which was but a small distance, so intent was he in effecting the main object he had in view—even a moment might have lost the opportunity forever.”

The “main object” was an ambush of Reuben Harrison and some of Willing's men. The battle took place several days after his return. Losing the “moment forever” was a real possibility. The great bulk of the populace insisted on honoring the parole they were given by Willing.¹²

After the raid, Hutchins wrote long letters to Governor Chester in Pensacola, and to the American secretary, Lord George Germain. The letters explained what happened and were self-serving

9. J. Barton Starr, *Tories, Dons, and Rebels: The American Revolution in British West Florida* (Gainesville, 1976), 108-109.

10. Rivington's *Royal Gazette*, New York City, January 1, 1779, quoting from a Jamaican newspaper account of November 21, 1778. This account was shared with the author by Robin Fabel of Auburn University.

11. *Ibid.*

12. CO 5/607:409, Minutes in Council, November 11, 1776, 631, 634:434, 475-482, 523; Starr, *Tories, Dons and Rebels*, 111. That Harrison joined Willing was curious. He was a loyalist who had fled Virginia and obtained 300 acres of bounty land in recompense for losses there. Minutes in Council, February 11, 1778, CO 5/635.

to an extreme. In his typically grandiose prose, he wrote Germain that "their colors were soon torn down and now lay dejected at our feet, and those of His Britannic Majesty most splendidly appear in triumph." For his patriotic effort and his own self-promotion, Hutchins was advanced on the permanent army list from captain to major, and breveted to lieutenant colonel in the West Florida Volunteers militia regiment commanded by Alexander McGillivray. Named commander at Natchez, he added military to civil supremacy from April until September 1778, when Fort Panmure received a garrison of regular troops. In addition to promotion and written commendation, Hutchins was granted another 7,000 acres of land.¹³

The year 1779 brought a series of rude shocks to the inhabitants of Natchez. They found themselves at war with their Spanish neighbors only shortly before Governor Bernardo Gálvez defeated Colonel Alexander Dickson at Baton Rouge in September. To the outrage of Hutchins, Ross, Hiorn, and others, Dickson was obliged to surrender Natchez to the Spanish. Though the loyalist patriots sought to continue the struggle, they could muster little support in the community to defy the terms of surrender. True to his orders, on October 5, 1779, Captain Anthony Foster lowered the British colors at Natchez. He and his small garrison marched out of the fort and surrendered their arms to the Spanish, ending British rule in the Natchez district.

Those settlers wishing to leave were given eight months to sell their property and move, but the great majority elected to remain and take their chances with the Spanish. Until the conquest of Mobile in 1780 and Pensacola in 1781, there remained a chance the British flag would return by force of arms. Some did leave, and others fled after the failed revolt of 1781. But most remained. In exchange for an oath of loyalty, they were promised religious toleration and the security of their estates.

By April 1780, the commander at Natchez began to hear cases from the inhabitants. Though many of the legal procedures were different, and only one Spaniard sat as judge, jury, and prosecutor,

13. Hutchins to Germain, July 1, 1778, CO 5/594:457-61; Minutes in Council, September 1, 1772, May 16, 1774, CO 5/608, 634:148, 248, 590:251-253, 594:474-482, 494, 495. Despite the promotion, he continued to receive a captain's pension. Vain to a fault, he styled himself the rest of his life as Colonel Hutchins.

ANTHONY HUTCHINS: A PIONEER OF THE OLD SOUTHWEST 411

decisions were largely the same as any which might have been handed down in a court of English common law. With Francis Farrell, a British settler who was fluent in Spanish, on hand to translate for the commandant, Carlos Grandpré, the residents brought their quarrels for settlement.¹⁴

Prudently reluctant to overturn the system which was in place, the Spanish initially relied heavily on the advice of two former justices of the peace, Anthony Hutchins and Isaac Johnson. With that concession to British habit, and the use of arbitrators, appraisers, and constables from the community, the ad hoc system developed at Natchez remained in practice until 1798, though it never became formalized in the regular Spanish colonial structure.¹⁵

In one of the earliest cases at Natchez, Hutchins sued Richard Bacon for a saddle which Bacon had continued to hire out after he had sold it to Hutchins. The latter wanted his property. Grandpré ordered the saddle to be turned over immediately or Hutchins' money returned.¹⁶

Between September 1779 and April 1781, while the Natchez district was under Spanish rule, the capital at Pensacola was not. Natchez residents watched events there closely, since either Pensacola or Mobile might be used as a base for a reconquest of the Mississippi settlements. Some contemporary accounts suggested that rumors of a relief expedition to Pensacola by sea sparked the idea of revolt at Natchez.¹⁷

14. McBee, 289, 290. The earliest recorded date extant for a case was April 14, 1781.

It concerned a dispute between John Blommart and Adam Bingamin over a debt owed the former. Natchez Court Records, Vol. 1 (1781), 48, microfilm at University of West Florida Library.

15. For more on the regular Spanish practices, see J. H. Parry, *Spanish Seaborne Empire* (New York, 1972), 174-192. Natchez was the most northern and eastern outpost for the protection of the viceroyalty of New Spain. The crown could never afford properly to garrison the region, so it turned to measures designed to gain the obedience of the British community, and pursued a conciliatory Indian policy. The chain of command which established these practices was José Gálvez, Minister of the Indies and nephew of Bemardo; Estevan Miró, who became governor of Louisiana when Bernardo was promoted to the captain generalcy of Cuba; and Carlos Grandpré, permanent fort commander and frequently acting governor of the Natchez district.

16. McBee, *The Natchez Court Records*, 235, 294.

17. John W. Caughey, "The Natchez Rebellion of 1781 and Its Aftermath," *The Louisiana Historical Quarterly* 16 (January-October, 1935) 58.

No reinforcements arrived and the siege of Pensacola by Louisiana Governor Bernardo Gálvez began April 9, 1781. The British commander at Pensacola, General John Campbell, hoped that an uprising at Natchez might give the British sufficient time to strengthen their forces at Pensacola. If the British settlers at Natchez could overthrow the Spanish there, they might also recapture Baton Rouge and Manchac, and force Gálvez to divert some of his forces from the siege of the capital of British West Florida.

To encourage the revolt and give the appearance that it was an act of war rather than treasonous civil unrest, Campbell sent blank commissions to brothers John and Philip Alston, and Jacob Winfree, all prominent Natchez settlers. John Blommart, a prominent trader, distiller, and planter, agreed to accept command of the insurgents. Hutchins resumed the post of chief magistrate during the rebellion.¹⁸ But the Spaniards were not convinced. They reasoned that those who had opted to stay in 1779 had sworn oaths of loyalty to His Catholic Majesty. The rebellion was therefore treason against their acknowledged sovereign.

When the short-lived 1781 revolt was suppressed, Hutchins hurried to explain his participation. In a tenor reminiscent of his letters to Chester and Germain in 1778, he wrote Estevan Miró, who had succeeded Gálvez as governor, claiming that he had reluctantly accepted the post as chief magistrate because of threats against his family and estate if he refused.¹⁹ Miró was apparently willing to accept the explanation. Parker Carridine, George Rapalje, John Smith, and possibly John Rowe and Joseph Holmes were all arrested, sent to New Orleans, questioned about their roles in the revolt, and eventually released. Others were questioned and then deported. Hutchins was not even obliged to go to New Orleans for questioning.²⁰

But Miró's superiors were not so forgiving. While his breach of parole in 1778 had been overlooked by Governor Gálvez who was

18. Starr, *Tories, Dons, and Rebels*, 217; Archive General de Indias, Papeles Procedentes de Cuba, Hutchins to Miró, July 1, 1781, legajo 114, Seville, Spain; Caughey, "Natchez Rebellion," 58-59.

19. Hutchins to Miró, July 1, 1781, AGI, PC, leg. 114.

20. The rising began on April 22, 1781, but news of the fall of Pensacola caused the revolt to collapse on June 23. Only three settlers and no Spaniards died as a result of the affair. Caughey, "Natchez Rebellion," 60-62; Journal of Morandière, AGI, PC, legajo 2359.

ANTHONY HUTCHINS: A PIONEER OF THE OLD SOUTHWEST 413

at that time anxious to placate the British settlers at Natchez, there was less willingness to tolerate Hutchins' participation in the 1781 uprising. As his fears of arrest mounted, Hutchins, accompanied by the youthful John Ogg, fled the district sometime between November 21, 1781 and March 23, 1782. On the latter date, his wife successfully petitioned to keep the family property from being seized by the Spanish, but Hutchins himself was long gone. Making his way through Georgia to England, the erstwhile chief magistrate remained there for about two years.²¹ The promotion of Bernardo Gálvez to Viceroy of New Spain upon his father Matías' death in 1785 cleared the way for Hutchins to return. A second letter to Miró apparently satisfied the governor, Hutchins kept all the land he had been granted by the British and later received additional grants from the Spanish. The historian J. F. H. Claiborne wrote that Hutchins' return to the district came about through the intercession and influence of William Panton of the trading firm, Panton, Leslie, and Company. Given the frequently strained relations between Governor Miró and that company, however, it is more likely that Hutchins' own eloquent prose and the support of his friends in Natchez effected his return.²²

During Francois Bouligny's brief term as commander in 1785, he wrote a lengthy letter to Governor Miró proposing a reorganization of the district. In his opinion it was beset by crime, and he complained that the people used every excuse to come to Natchez to litigate and get drunk. Bouligny did not care greatly for Natchez—nor did Natchez care for Bouligny. His plan called for the appointment of captains. They would be militia commanders and responsible for the conduct of the people in their areas. The captains would try trivial matters at law and report periodically to the district commander. For captaincies he listed the most prominent inhabitants, including Richard Harrison, Christian Bingamin,

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21. Miró became governor of Louisiana when Gálvez was given the captaincy general of Cuba. It is highly possible that Grandpré warned Hutchins of his impending arrest. The two had close relations before the revolt, and they resumed in 1785. See Caughey, *Natchez Rebellion*, 59, McBee, *Natchez Court Records* 12, James, *Antebellum Natchez*, 141.
22. Hutchins to Miró, July 10, 1785, AGI, PC, legajo 198; J. F. H. Claiborne, *Mississippi as a Province, Territory, and State* (Baton Rouge, 1964), 132. See also William S. Coker and Thomas D. Watson, *Indian Traders of the Southeastern Borderlands: Panton, Leslie & Company, 1783-1847* (Gainesville, 1986).

Justus and Caleb King Anthony Hutchins, Parker Carridine, and William Vousdan. The plan was never implemented.²³

Allowing private Protestant worship and the toleration of an occasional public sermon was a pragmatic violation of the Laws of the Indies. An even more serious deviation was the recognition of non-Catholic marriage ceremonies. But several court cases refer to Protestant marriages. In the case of Rebecca McCabe's request for separation from her husband, Edward, the record shows that

Notwithstanding what is said in the foregoing memorial concerning the unlawfulness of her marriage, it was celebrated in as lawful a manner as was then in practice in this country, not by a common country constable as is said but by Mr. Justus King who was then authorized by the government for that purpose.²⁴

In another case, sometime before his death in 1784, the Reverend Samuel Swayze married Emmanuel Madden and Patience Coleman. After an examination of the available documents by Anthony Hutchins and Isaac Johnson, the court recognized the legality of the wedding in 1786.

Hutchins held no official post during the period of Spanish rule, concentrating instead on improving his estate. He enjoyed considerable success in this regard. The census of 1788 showed him to be among the wealthiest citizens of the district. His family, numbering 46, included 36 slaves. In 1787, he grew 30,000 pounds of tobacco, an amount succeeded only by the 37,500 pounds produced by John Ellis. His 540 head of cattle and 200 hogs made him the leader in that category.²⁵ The census of 1792 reflected his continuing success. Although John Heartly was the largest landholder with 10,000 acres, Hutchins was second with 8,512. Adam Bin-

23. Boulogny to Miró, August 22, 1785, in Kenneth Kinnaird, ed., *Spain in the Mississippi Valley, 1765-1794* (Washington, 1946), 3:136-142. Boulogny held the community in low esteem, and wrote that they "pass the entire day in the town of Natchez where it is the custom, particularly of the common people, to deliver themselves up to drink with great excess." Another factor contributing to Boulogny's removal was the tension between him and Miró. Boulogny felt he should have been named governor of Louisiana rather than Miró in 1781.

24. McBee, *Natchez Circuit Records*, 344. Justus King was a New Jersey settler, a son-in-law of Reverend Samuel Swayze, and likely continued as pastor of his congregation after Swayze's death in 1784.

25. Census of 1788, AGI, PC, leg. 2360; Claiborne, 132.

ANTHONY HUTCHINS: A PIONEER OF THE OLD SOUTHWEST 415

gamin had 8,000 acres. The estate of the recently deceased Richard Ellis included 5,917 acres. Hutchins was the undisputed leader in the livestock category with 100 horses, 1,000 head of cattle, and 500 hogs. The number in his household had also increased to a total of 69, all except 10 of whom were slaves. Only the estate of Richard Ellis, with 97 members, was larger.²⁶

Hutchins was a contentious individual whose long and vindictive memory could sometimes be troublesome to his neighbors. One such person was Nehemiah Carter, a settler from New Jersey, who felt his wrath in 1795. In a remarkable statement to the Spanish authorities, Hutchins related a conversation dating to "1787 or 88." Carter had indirectly bought 100 arpents of land, but not the buildings adjacent to it. Hutchins

advised Carter to apply for a grant to secure said buildings but said Carter replied that he would not, observing these people, meaning the Spaniards, would not long be here and he was glad the 100 arpents were bought in the name of his wife, as he would never hold land under Spanish title.²⁷

Apparently the authorities thought lightly of the charges, noting that seven or eight years had elapsed since the statement was made. Furthermore, Carter's involvement in the 1781 rebellion was limited and he had never since allowed his alleged dislike to stand in the way of his enjoying prosperity in Spanish Natchez. No action was taken in the matter.

The Natchez area was not officially acquired by the United States until 1798, but the beginning of the transition began in 1797

26. Carroll Ainsworth McElligott, "1792 Census of Natchez," *The Genealogical and Historical Magazine of the South*, Vol. 1, no. 1, and Vol. 2, no. 2. The practice of hiring slaves out was common at Natchez. The large number of slaves owned by Ellis and others represented not only an investment which multiplied itself, but also a source of continuing income.

27. McBee, *Natchez Court Records*, 207. Incidents such as this one were the most serious character flaws of Hutchins. Compounding this vindictiveness, he had a tendency to curry favor and engage in self-promotion. Just one example of this is a letter sent directly to Lord George Germain after his ambush "crushed" the Willing raid on Natchez, CO 5/594:475-482. Hutchins made sure the letter was entered in the Minutes in Council of April 23, 1778 in Pensacola as well. This combination of faults caused hurt feelings and created enemies on occasion. It is obvious that by 1795, the Spanish not only recognized his abilities and made use of them, but clearly made allowance for his tendency to be spiteful.

with the arrival of Andrew Ellicott. Accompanied by a group of soldiers he was there to draw the boundaries of the area to be ceded. His situation was tenuous because not all area residents were reconciled to the change, and many others feared turmoil during the transition.

Ellicott was a Quaker from Pennsylvania and a competent surveyor. He arrived at Natchez on February 24, 1797 and, styling himself as an ambassador rather than merely a tradesman hired to draw a boundary, he asked for permission to meet with Governor Manuel Gayoso to present his "credentials." This well-meaning, if stubborn and intolerant surveyor, took it upon himself to effect an immediate transfer of sovereignty. His imperious and adamant manner soon caused his relations with the governor to deteriorate, and the public grew restless when Gayoso began to stall for time.²⁸

Ellicott's personality and opinions grated on the community. In one case, he wrote his secretary that the people of the district were

the most abandoned villains who have escaped from the chains and prisons of Spain and been convicted of the blackest crimes. Natchez, from the perverseness of some of the people, and the ebriety [drunkenness] of the negroes and Indians on Sundays, has become an abominal place.²⁹

A further irritant to those hoping for a quiet transfer of flags was Ellicott's unabashed support for those agitating for immediate cession rather than the six-month transition stipulated in the Treaty of San Lorenzo.³⁰

28. Andrew Ellicott was well known in the 1780s. He had a varied career as a mathematics professor and surveyor. He entered government service in 1791 to survey the new District of Columbia. When Toussant L'Enfant was fired as designer of the new capitol city, Ellicott, replaced him. His personality soon caused his dismissal as well, but his qualities as a surveyor led to continued governmental appointments, the last of which was the survey of the Mississippi and Louisiana line, *Dictionary of American Biography* (New York, 1931), 6:89-90.

29. Andrew Ellicott, *The Journal of Andrew Ellicott* (Chicago, 1962), 208. His lens on the area was obviously warped. Most of the populace were quite ordinary, and drunken Indians and slaves were a testimony to the tolerance of the authorities.

30. Journal of Captain Isaac Guion, Mississippi Archives, Record Group 2, Territorial Governor, files I, 2. The accord, also known as Pinckney's Treaty, was signed in 1795 but implementation of it dragged on until 1797.

ANTHONY HUTCHINS: A PIONEER OF THE OLD SOUTHWEST 417

The self-styled diplomat, general, and governor had in his company about 40 transients who came along in expectation of adventure and opportunity at Natchez. On June 10, 1797 he gathered these camp followers and some local residents for a tumultuous meeting which threatened to become a riot.

In response to Ellicott's excuses, many of the elite of the district met at the tavern of William Belk that same evening. This impromptu assembly elected a Committee of Safety. Four of its six members were British settlers Anthony Hutchins, Cato West, Bernard Lintot, and William Ratliff. The other two were Gabriel Benoist and Joseph Bernard, both of whom had moved to the district before 1789.³¹

They submitted to Gayoso and the provincial governor, Baron de Carondelet, a proposal simply to remain loyal subjects of Spain until the transfer of sovereignty took place. The militia would be used only in the slight chance of Indian attack or to suppress riots. Until the change of flags, the laws of Spain would prevail. In a display of their loyalty, during the height of unrest in mid-June, militia units mustered each night at the fort and relieved the Spanish garrison so the soldiers could get some rest.³²

The Spanish authorities agreed to the proposal, and with a united front supporting the leadership of the district, the populace calmed down and the short-lived Natchez Revolt of 1797 ended. The hastily assembled Committee of Safety became formally constituted with elections held in September.

Stephen Minor, acting Spanish governor of Natchez, agreed to the election, and a proposed procedure outlined in a letter from Anthony Hutchins. The letter called for an election

to be held in the town of Natchez, and in the separate beats of the district, to elect such Agent and such Committee, on Saturday, the second day of September next. And that the polls be opened at 10 A.M., and not closed until

31. Claiborne, *Mississippi*, 170.

32. *Ibid.*; Jack D. I. Holmes, *Gayoso: The Life of a Spanish Governor of the Mississippi Valley, 1789-1799* (Baton Rouge, 1965), 193. A militia composed of units of foot, calvary, and artillery was established possibly as early as 1784, but certainly by 1793. That year and the next, units were sent to New Orleans in response to a rebellion by French Jacobins seeking to establish a republic.

sunset, under the direction of an Alcalde and one responsible citizen of the respective beats.³³

For a people unaccustomed to elections for nearly 20 years, the preparations and conditions were thorough and detailed. Ballots would be counted and certified by a commission composed of one member representing each of the interested parties: the United States, the inhabitants, and the Spanish authorities. Chosen for this role were Andrew Ellicott, Adam Bingamin, and John Girault, any two of whom could certify a ballot.

Spanish toleration of an election was irregular and untraditional, but a great deal of pragmatic bending of their colonial practices had occurred since 1779. Even more striking were the qualifications for voting. Any white male of eighteen years of age known to be a resident, whether or not he owned property, could vote. This liberal qualification would not be matched in the United States for another generation.

The imperious Ellicott apparently misunderstood the election procedure. In his journal he claimed that, to find members for the supervisory commission, Hutchins

resolved to stop the first three persons who might be passing along the road, and constitute them judges of the returns of the election. A short time after he had taken this resolution, Mr. Justice King (an equivocal character,) and his two sons Richard, (a Captain in the Spanish militia) and Prosper, who were on their way to Natchez were stopped by Hutchins. . .³⁴

Given the character of those who “happened” to come along, Hutchins was either very fortunate, or Ellicott was inaccurate in the opinion that the choice of electoral judges was random. All three were respected residents. Justus King was an alcalde as well as “equivocal.”³⁵

Despite the “active opposition” of Andrew Ellicott who refused to examine any ballots, and the attempted intervention of Lieutenant Purcy Smith Pope, commander of the American army detach-

33. Claiborne, *Mississippi*, 173.

34. *Ibid.*, 142.

35. *Ibid.*, 143.

ANTHONY HUTCHINS: A PIONEER OF THE OLD SOUTHWEST 419

ment at Natchez, the election proceeded as planned, and "there was very general turn-out in the various beats." The committee elected contained a fair balance of British settlers and more recent immigrants. Of the former, Thomas M. Green, Daniel Burnet, Justus King, Landon Davis, and Abner Green were chosen. John Shaw, Anthony Hoggatt, James Stuart, and Chester Ashley represented the latter.³⁶

Every effort of Ellicott to discredit the poll and those elected failed. The committee became the *de facto* government of Natchez when Captain Isaac Guion accepted the transfer of sovereignty on March 29, 1798. Guion greatly simplified his task as *pro tem* governor and commander and adroitly avoided ruffling local feathers by allowing the committee to function as the civil government until the arrival of the first territorial governor.³⁷

For that post, President John Adams named Winthrop Sargent. Almost immediately after his arrival on August 6, 1798, signed memorials for his removal were circulated and sent to Washington. The complaints were in response to the law code decreed by the governor. One such memorial, signed by an honor roll of British settlers, complained that

A want of confidence on the part of the Government is clearly demonstrated in the rigorous and unconstitutional measure of the criminal laws. . . . Let the laws be cut down to a constitutional standard, or rather let the laws be adopted agreeably to the ordinance of 1787, and let them be administered with firmness, tempered with clemency and humanity.³⁸

Sargent had adopted the body of law he proposed when he was secretary of the Ohio territory. That code had been annulled by Congress as contrary to the spirit of the Constitution. But Sargent

36. *Ibid.*, 173-174.

37. *Ibid.*, 195.

38. Clarence E. Carter, ed., *The Territorial Papers of the United States, The Territory of Mississippi, 1798-1817*, V, (Washington, 1937), 75. Sargent's code decreed death and forfeiture of property for anyone convicted of treason, a power reserved to Congress alone. For a lesser crime, arson, the criminal was to be pilloried and whipped, then confined in prison for three years, along with forfeiture of all property to the territory. The settlers argued that this violated the ban on cruel and unusual punishments, as well as that on excessive fines.

agreed with Ellicott about the habits and morals of the community, and thought the only effective way to control the unruly populace was with an iron fist.

Enforcement of the Alien and Sedition Acts was the governor's self-appointed mission. At issue was the citizenship of the inhabitants of the Mississippi territory. Were they Spaniards? If they were, by law they could suffer expulsion if they displeased the government.

Much uncertainty plagued the original British settler community. Were they Americans by right of birth in colonies which became states in the federal nation? What was the nationality of those born in Britain or Germany? Had their oaths to the Spanish changed that status? What of their children, born in Spanish Natchez?

Again at the center of controversy, the venerable Anthony Hutchins, then nearly eighty-two years of age, decided to run for a seat in the first territorial legislature. He won election, but the governor ruled the poll invalid, as Hutchins was declared not to be a citizen of the United States. He had been, the authorities pointed out, on a half-pay pension as a captain in the British army for over 30 years. This disqualified him for United States citizenship. He was therefore not only ineligible for office, his words and actions fell under the aegis of the Alien and Sedition Acts, and he might face fines, imprisonment and possibly even deportation, if he continued to oppose the Sargent administration.

Hutchins produced an oath of loyalty to the United States dated October 8, 1798. He wrote Judge Peter Bruin that he "bore a commission under his Britannic Majesty and afterward became a subject of His Catholic Majesty." Now,

having been solicited by many of the most respectable inhabitants to offer myself a Candidate for Territorial Assembly, I did therefore [,] to satisfy the public if being useful to the community [,] agree to relinquish all rights to said pension.³⁹

Ebenezer Dayton wrote an accompanying letter in which he argued that, because of the many and varied circumstances of arrival

39. Mississippi State Archives, Record Group 2, Territorial Governor, Volume 10, #A40.

ANTHONY HUTCHINS: A PIONEER OF THE OLD SOUTHWEST 421

in the territory, the only possible standard of citizenship must be the oath of loyalty to the United States taken by the residents in 1798. Hutchins and Sutton Banks, another opponent of Sargent, were both denied election even though they met the only two qualifications for office: residence in their district, and ownership of 200 acres of land. Dayton charged the "whole issue was merely party spirit."⁴⁰ No response has survived. In this matter as well, the Sargent government was arbitrary toward any who opposed it, and it continued to deny Hutchins his seat.

Before the dismissal of Sargent by Thomas Jefferson in 1801, Hutchins' attention turned to another matter. His daughter Celest married Abner Green, the son of Thomas Marsten Green. Hutchins' eldest son John married Elizabeth Green on May 14, 1799. She was the daughter of the same Green, and the marriage marked another joining of two prominent families, with brother and sister married to sister and brother.

The alliance did not last long. On September 12 witnesses were summoned to gather evidence in, the petition of Elizabeth Hutchins for a divorce. Among those testifying were Parker Carridine and Jacob Cable. On September 28, 1799 Elizabeth received a divorce decree from the court.⁴¹

Anthony Hutchins began to suffer from ill health after 1800, but he remained "an active opponent of the Sargent administration." After a lengthy illness, he died in 1802. Benjamin Wailes, a prominent politician in early Mississippi, later reflected that Hutchins had "probably been the most influential man in [Adams] county."⁴²

Anthony Hutchins and his contemporaries established a distinctive culture and style from British, Spanish, French, and Indian elements. Joseph Davis, whose son, Jefferson, later led the South into secession, moved to Natchez before 1820. The elder Davis' biographer observed that he learned

40. Record Group 2, vol. 10, #17.

41. *Ibid.*, vol. 40, #H13

42. Dunbar Rowland, *History of Mississippi: The Heart of the South* (Jackson, 1925), 53; Charles S. Sydnor, *A Gentleman of the Old Natchez Region: Benjamin Wailes* (Baton Rouge, 1938), 26. Due to the casual nature of contemporary record keeping, the exact dates of his birth in New Jersey and death in Mississippi are problematical.

Natchez society was dominated by a group of Adams County families who had accumulated considerable wealth from business ventures, especially the sale of cotton produced on their fertile plantations manned by slave labor. They were connected by a confusing network of intermarriage, business partnerships and political alliances.⁴³

The confusion Joseph Davis spoke of doubtless became quite clear once he became acquainted with these early nabobs. A visitor to several of the "aristocracy": recounted that they began their days with mint juleps and substantial breakfasts. They spent their mornings hunting, riding, or fishing. The more sedentary passed the time lounging, reading, playing chess, or just conversing. At two o'clock they sat down to a leisurely and elaborate banquet, then all retired for siesta, a practice adopted in the days of Spanish rule. At sunset it was time for the tea table, and they spent the evening in light enjoyment, singing or playing cards. The visitor ended by saying, "it is an indolent, yet charming life."⁴⁴

Life had been far from indolent for the British settler community a generation earlier. They either braved a sea voyage or rafted down the river. Others crossed through the Indian territory at a time when that was far from safe. Even for the plutocrat Hutchins, his first home in British West Florida was a rude shed.

They faced the uncertainties of two changes of flags, but ably adapted to each. That their wealth was built on human misery is undeniable. For good or evil, Anthony Hutchins and the British settler community founded Mississippi.

43. Janet Sharp Herman, *Joseph E. Davis: Pioneer Patriarch* (Jackson, 1990), 34.

44. *Ibid.*