

THE WORLDS OF ARTHUR ST. CLAIR COLYAR

BY
Eleanor Templin

Arthur St. Clair Colyar was born June 23, 1818, in a cabin on the banks of the Nolichucky River, in Washington County, Tennessee. It was also the birthplace of his father, Alexander Colyar, and had been built by Arthur's grandfather, William, about the time Jonesboro became a settlement.

As a young man, Alexander Colyar operated boats, along the Nolichucky and, while thus employed, he met a young lady named Catherine Sherrill. She was the daughter of Uriah Sherrill and the niece of "Bonnie Kate", the second wife of Col John Sevier.

It seemed to Alexander that about the time he realized he was in love with Catherine, Mr. Sherrill moved his family from Washington County to the far-away County named Franklin. This literally pushed Alexander's plans into the distance. But he didn't give up.

A few years later, he left home to claim his bride. He sailed the length of the Nolichucky; out onto the French Broad, and then, down the Tennessee, till he came to the mouth of Battle Creek. He left his boat, there; walked across the mountain, and soon arrived at the Sherrill home, near the settlement of Pond Springs (now Hillsboro).

When the wedding festivities were over, Alexander and Catherine left her home, riding together (both on the same horse), and went back to the Colyar home on the Nolichucky River.

Beginning the hard life of pioneer farmers, they remained there until a fire destroyed their home, when their son, Arthur, was nine.

Not long after this tragedy, Alexander and Catherine decided to go to Franklin County, to live, near her family. Alexander constructed a large flatboat and, when it was finished, he and Catherine packed the belongings they had saved, into the wagon. They put the wagon on the boat, along with their two horses, their children and themselves, and they started down the river.

They traveled the same route Catherine had gone with her family, and the route Alexander had gone to marry Catherine. This time, when they left their boat, at the mouth of Battle Creek, the horses pulled their belongings, in the wagon, as they proceeded slowly over the mountain, and on to the Sherrill home.

Alexander rented land and farmed in the Pond Springs area, for two years. After that, he rented the Old Stone Fort property, near Mitchellville.

We don't know exactly how long they stayed there, but Coffee County came into being, early in 1836, and the Stone Fort-Mitchellville area became Manchester, the County seat. We find no evidence that Alexander acquired any land of his own in the new county.

Perhaps in the tradition of Daniel Boone and David Crockett, Alexander Colyar decided the neighbors were getting too close to him, and it was time to move on.

In any case, by February 1837, he had bought 166 acres of land on the waters of Robinson Creek, in the western part of Franklin County. And he executed a deed of trust, to cover his indebtedness.

By 1840, Arthur had two brothers and ten sisters, and the older brother was married.

While the family lived in Washington County, Arthur has begun his studies with a tutor. Near Pond Springs, he went to a school

taught by a Mr. William Jenkins, and after moving to the Old Stone Fort, his teacher was Daniel McClain, who became the first Clerk of Coffee County.

Arthur's formal education did not extend beyond the elementary grades, however, because he had to work. There were many mouths to feed, in the Colyar family, and there were always debts to pay.

Arthur was an avid reader, though, and eager to learn. And he educated himself to the point that he was able to teach in the Franklin County elementary schools. In those days, a school term lasted only two or three months out of the year. So, during the time he was not teaching, he began to study law, in the Winchester office of Colonel Micah Taul.

Just before Arthur became twenty-one, his father sent him on his first business trip, alone. He took a drove of hogs to sell, in Mississippi. Having reached that State, and made the sale, he learned he would have to go to Mobile, to get his money. So, down the Tombigbee he went, on a flatboat, to the town of Mobile.

It was quite an adventure for a twenty-year old, who had never traveled, except when moving from East Tennessee to Franklin County. When he returned home, after five months absence, he reported that he "saw much of the world."

We are told that when the Mexican War began, Arthur's older brother entered the military service, as a Captain, and the family was understandably proud of him. Within a few months, however, their pride was drowned in sorrow, when they learned he had been killed.

Once again, Arthur left his studies; borrowed money and traveled alone, to Mexico, to bring his brother's body home.

Arthur received his license to practice law, in 1846, and he entered the office of William F. Hickerson, in Manchester.

The following year, on December 2th, he married Agnes Erskine Estill, daughter of Dr. Wallace and Eleanor(Grabb)Estill, of Winchester. The 1850 Census of Franklin County shows that Arthur and Agnes were living near Dr. and Mrs. Estill, and that they had two children, Wallis, 2, and George T., 4 months.

Arthur had now opened his own office, in Winchester, and was buying land and slaves and livestock.

As his reputation grew, Arthur associated himself with some of the leading lawyers in middle Tennessee. In 1855, he persuaded his young kinsman, Albert S. Marks, of Kentucky, to come to Winchester to study, with him. Marks passed his bar exam three years later, and became a partner in the firm of Colyar, Frizzell and Marks.

A Nashville Business Directory, published by Jn. F. Campbell, in 1857, carried this notice: "P.C. Isbell, Attorney At Law, Manchester, Tennessee. Will Attend Promptly To Business Anywhere In The State." And below, were associated names: "Hon. A.J. Marchbanks, McMinnville; Col. W.H. McEwin, Nashville; Maj. W.F. Hickerson, Manchester; A.S. Colyar, Esq., Winchester."

Arthur's interests were too far-ranging for him ever to be content doing only one kind of work. He had found the field of politics appealed to him, and he began taking an active interest in them. He soon became a leader in the Whig Party, in middle Tennessee.

Clyde L. Ball, writing about Colyar, in the 1953 Tennessee Historical Quarterly, said:

"Franklin County was Democratic, at the time, but the fact that he was of the minority never seemed to bother Colyar. He supported what he thought was right, not-with-

standing the pleas or threats of friends or enemies. In his earlier days, at Winchester, he developed the characteristic of taking the initiative in correcting things which did not appear to him to be right."

As his practice expanded, Arthur took cases in adjoining counties and, in 1858, he opened an office in Nashville. This would keep him in touch with legislators, other lawyers and State officials, and with the business world, in general. The family continued to live in Franklin County, however.

The Sewanee Mining Company came into being, in 1852, to work some recently discovered mines in the Tracy City area. Mr. Samuel F. Tracy, of New York, was the Company President, and it was for him the town took its name.

From the beginning, the Company encountered problems. The operators knew little about the business. They found ~~xx~~ little local market for their product, and it was almost impossible to get the coal out to other sections of the country.

In an effort to make the coal available to distant markets, the Company had a railroad run from Cowan to Tracy City. This was a remarkable and almost incredible feat, at the time. It was, also, an expensive one, and when the line was complete, the Company was in such financial straits, it was unable to pay the contractors.

The Contractors, R.F. McThee and Company, of Winchester, secured A.S. Colyar as their counsel, and Colyar acquired a court order, authorizing the sale of the Company, to satisfy the contractors' claims. McThee and Company then decided to buy the Mining Company.

Meanwhile, some New York creditors had been able to get an order for sale of the Company, in Federal Court. The Tennessee creditors placed their interests in Colyar's hands, and a prolonged litigation ensued.

In 1860, the Tennessee General Assembly enacted a law to incorporate the Sewanee Mining Company, under the name of the Tennessee Coal And Railroad Company. By this time, however, the entire nation was seething in discontent, and further action had to wait.

As talk of war erupted, attorney Colyar abandoned his legal profession, and devoted his time toward peace efforts. For he agreed with Andrew Jackson's ideal, "The Union Must Be Preserved."

He traveled throughout the State, speaking against secession, and denouncing the "War Party", which, he felt, was determined to destroy the Union. He became known as "The Union Champion", and "The Gallant Orator From Franklin".

In May, of 1860, Colyar was selected, with others, to represent Tennessee, in the National Union Convention. And, after this, he went all over Tennessee, again, speaking for the Union candidate for President.

The Republican Banner said of him, in its Oct.22,1860 issue, "He is one of the ablest lawyers of the State, and powerful on the stump."

The Biographical Register Of The Confederate Congress states,

"However, when the State went out in 1861, he at once accepted the situation and became an ardent supporter of the Confederate cause. In August 1863, he was elected a member of the Confederate Congress....without opposition....In that body, he was considered a dependable, although not brilliant, legislator. He accepted administration leadership in army matters, but frequently found fault with ~~the~~ its management of the home-front. He was a member of the Ways and Means Committee. He opposed economic control; thought currency should be stabilized by taxation. He thought Conscription of skilled artisans

and
... Impressment of slaves equally foolish. He deplored habeas corpus suspension. Near the end of the war, Colyar joined those trying to force President Davis to re-shuffle his commanding generals and to open peace negotiations."

When the War ended and the Confederacy dissolved, Colyar returned to Winchester, and resumed his law practice.

The forces of Gen. Forrest had worked the Tracy City mines, for a while, during the War. Then they left them to the Union troops, but took half of the rails and other railroad equipment with them.

Early in 1866, Colyar called a meeting, in New York, of both the Tennessee and the New York creditors of the mining Company, and was able to secure a compromise. This was certainly an accomplishment, so soon after the War. They agreed that all property should be turned over to the Tennessee creditors, and that the New York creditors would receive, for their claims, first mortgage bonds, in the amount of \$220,000.00.

Later, the Tennessee creditors decided that the Company's capital stock should be fixed at \$400,000.00, and that the Tennessee owners should have stock in proportion to the respective amounts of their claims. Colyar was elected president of the newly organized Company.

The property now consisted of a 30,000 acre tract of land, part of which did not have clear title, and a railroad, part of its equipment and half its rails missing. However, with all the problems, the production for the first eight months of 1869 brought a profit.

Colyar had begun to buy up Tennessee claims and, when the dream of fast profit failed to materialize, more and more stock became available to him. He sold his plantation and everything that could be

turned into money, to buy up stock, until he owned the entire Company.

Lack of adequate labor continued to be a problem, and Colyar tried many ways to secure workers. He tried to woo miners from other States, and he tried to get the National Government to import miners from other countries.

In December of 1870, he arranged with the State of Tennessee to employ 100 convicts, in the mines. The Company would provide barrack housing for the men and would pay the State \$1.00 per day per convict. The State would feed the men and provide any other needs.

Again, Colyar deserted his law practice, so he could devote all his time and interest to establishing the business. At least three times, after it became a profit-making concern, he sold his controlling interest and, each time bought it back, when the new owner began to lose money.

The Colyar family moved to Nashville, in 1866, and soon found they were not the only new people in town. By the Spring of 1867, there were hundreds of new residents. You could tell by their talk and by the way they dressed, they were not from the South.

This was the period of Reconstruction; the period of the Carpet-bagger and the Scalawag. The Oxford Compendium Of American History defines carpetbaggers as "People from the North who went South, after the Civil War, presumably to exploit unsettled conditions; contemptuously so named because they allegedly could transport their entire assets in a satchel. They swarmed into the South in the decade following ~~the Reconstruction Acts of 1867, which brought the former Confederate States under radical control.~~ *the Reconstruction Acts of 1867, which brought the former Confederate States under radical control.* In alliance with Southern, white 'Scalawags', they often adventured after financial and political profit." A Scalawag is defined as "A white, Republican Southerner, during Reconstruction."

In February 1867, the new Franchise rule gave Negroes the right to vote, and denied the right to white people who had, in any way, supported the Confederacy.

Among the new residents attracting the attention of Nashvillians was a man named August E. Alden, who was said to have come from the State of Maine. Otherwise, people knew little about him.

According to some historians, Gov. Wm. G. Brownlow, the "fighting parson", was among those who had made great profit, during the War, and who continued to do so afterward, with no apparent concern for the thousands who did not have even the necessities of life.

Some have said, too, that Brownlow hated Nashville. Perhaps that belief was based upon his strong words and swift actions used to control the city.

Arthur Colyar noticed that, for some reason, this new man, Alden, seemed very friendly with the Governor. And, although people knew Alden didn't own property in Nashville, the Governor appointed him Commissioner of Registration, for Davidson County, with authority to enforce the new franchise laws. Moreover, a Republican group had nominated Alden for the office of Mayor, in the 1867 election.

Incumbent Mayor Matt Brown announced that State franchise laws did not apply in city elections, so the City Council would appoint election officials for Nashville.

In response to the Mayor's announcement, Governor Brownlow called out the Army, under Gen. Joseph Cooper, and ordered the General to prevent a City-sponsored election. Mayor Brown appealed to Gen. Grant, who sent more troops into the City. Their orders, also, were to keep peace and to see that the State franchise laws were enforced.

So, in the September 1867 election, only Union Republicans and

Negroes were permitted to vote, and Alden won the office of Mayor, by a 9 to 1 vote.

Mayor Brown alleged that a fraud had been perpetrated, and asked the Chancellor of the Nashville division to prevent Alden from taking office. The Chancellor, however, had secured his position ~~through~~ the kindness of Governor Brownlow.

While he waited for a legal decision, ^{the} Mayor ~~would~~ not leave his office. Alden appealed to the Governor, who ordered Gen. Cooper to use any means needed to see that Alden was installed as Mayor.

On the second of October, a small group of armed soldiers rode up to the Nashville Court House; dismounted, and entered the building. A few minutes later, they came out, and with them, came Mayor Brown, who spoke one sentence to those who stood around, "I want it understood, gentlemen, that I yield to the bayonet, and that alone."

For almost two years people worried and wondered how they could ever get City politics and business into honest hands, again. There were suspicions that finances were being improperly handled, but no one had evidence to prove any wrong doing.

Colyar was not a citizen of longstanding, but he was a citizen. He owned property and he paid taxes. Moreover, he was a lawyer. If anything illegal was to be found, he should be able to recognize it. He decided to see what he could learn.

One day in May, 1869, Colyar went into the Court House and told the City Recorder that, as a taxpaying citizen, he would like to examine the City's books. The Recorder did not object, and Colyar began his search.

He soon discerned that the City was not only deep in debt, but also the debt was growing astronomically, daily.

He found that, for \$80.00 City officials and other employees were

issuing \$100.00 checks to anyone who would buy them. At the end of 30 days, the recipient could sue for his \$20.00 profit, before a Justice of Peace. Then a \$5.00 Court Cost would have to be paid by the city, also. And to pay these debts, the officials simply wrote new checks, of the same kind, to other people.

This meant the City was paying a debt to one person, with money it took from another....a literal example of "robbing Peter to pay Paul".

However, this wasn't as simple as paying an \$80.00 debt by borrowing another \$80.00. When the City employee secured the \$80.00, he obligated the City to repay the \$80.00 plus \$20.00 profit(at the end of 30 days). And when the citizen made his claim before the Justice, the City paid another \$5.00 Court Cost.

And how did ^{the City official} replace that \$105.00 total debt? He had the next eager purchaser pay him \$101.00 and he wrote a new check for \$126.25, to be paid, within thirty days! Of course nothing ever came out even, but money kept changing hands, and the debt kept spiraling.

Colyar found, also, that officials had sold some City property. If something didn't stop the trend, soon, all public and even private property could be seized.

He hired a band and, in the morning of May 22nd, he sent it parading through the streets, attracting people with a placard, which announced that he would speak, that evening, on the subject of the City's financial situation.

Four hundred concerned people came to hear him and listened attentively as he outlined the dilemma. They were aghast to learn the City owed more than \$500,000.00 principal, ~~alone~~; that fire engines and other equipment had been sold; that vital facilities and even private property could be claimed by the City's creditors.

A few days later, Colyar called into Court the chairman of the City Finance Council, responsible for the City's financial affairs. He exposed the fact that the Mayor and other officials and employees had used money from the City Treasury ~~for~~ for entertaining and other "high living" costs.

On May 31st, several hundred angry Nashvillians attended a public meeting called by the Taxpayers Association. They approved a resolution to stop paying City taxes.

After this, someone cut off the water supply at the Colyar home, and there were threats against his life. Colyar called upon Alden to resign, but Alden refused.

Colyar went back to his law books to see what other action might be taken.

On June 21, 1869, Colyar appeared before the Chancery Court, at Gallatin, presenting a request that the City of Nashville be declared bankrupt, and that its affairs be placed in the hands of a receiver. His petition listed indictments against the Mayor, some of the Councilmen, and other officials.

Earlier efforts to secure justice had failed. At this time Chancellor Smith ruled in favor of the City of Nashville. He appointed as Receiver, John M. Bass, a prominent merchant and a former Mayor of Nashville. Felix Grundy, and, at the time, was President of the Nashville Company.

Wealthy citizens were angry when he asked citizens to contribute to the relief fund.

Relief was not elected.

ARTHUR COLYAR

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The City was on a straight and law-abiding road, again, and the stronghold of carpetbaggers and scalawags was broken.

Much praise was due A.S. Colyar for his wisdom, his ability, his courage and his perseverance. He became a hero, to many. He was still interested in politics, and his admirers encouraged him to run for public office. But that proved discouraging. He ran for Governor in 1870 and again in 1872, but he lost both times.

In 1876, he was a delegate to the National Convention of the Freeback Party, and the same year, he secured a seat in the State's Lower House, representing Davidson County.

Again, in 1878, he ran for Governor, and, again, he lost.

The Mining Company had now constructed coke ovens, which could produce 5,000 bushels a day. In 1881, the stockholders voted to start producing pig iron, and the name changed to Tennessee Coal, Iron and Railroad Company.

Meanwhile, the Company was buying out other companies, in Tennessee and Alabama, and was considered the largest of its kind in the United States.

With the 1881 reorganization, Colyar sold all his interest in the Company.

But he didn't retire. During the same year, he bought controlling interest in the Nashville American newspaper, which he edited until 1884, when he resumed his law practice.

We find almost nothing in print about Colyar's wife or about any of their eleven children. Clayton, in his History of Davidson County, did record that Mrs. Colyar was among those who served in Nashville's spectacular Centennial Celebration, in 1880. Agnes Colyar died in 1886.

After two years, Colyar married Mary McGuire, of Louisville, Ky., about whom we have no other information.

For most of his life, Colyar had been an admirer of Andrew Jackson, and he gathered much information about him. When he was 80 years old, he began writing "The Life And Times Of Jackson". He completed and published it, when he was 86.

In her "Family Chronicle And Kinship Book", Octavia Zollicoffer Bond wrote about a much-publicized error in the Jackson history. In referring to the heroic action of John Gordon, "Capt. of the Spies", under Jackson, in 1812-14, Colyar wrote the name of Capt. Thomas Kennedy Gordon, instead.

When the mistake was pointed out to him, Colyar apologized, in the press and he wrote a letter to Capt. John Gordon's great, great-granddaughter. It was dated Feb. 24, 1906:

".....I wish to say it was a mistake. When I prepared the first draft of my book, I gave the credit to Capt. John Gordon and designated him as Capt. of the Spies. An esteemed friend wrote me that it was not Capt. John Gordon who was known as Capt. of the Spies, but Capt. Thomas Kennedy Gordon. Coming as it did from a most reputable source, I accepted it, and in the second draft (revision) of the work, I changed it. This I greatly regret, as I now know from full investigation that the soldier known as Capt. of the Spies was Capt. John Gordon, and I authorize the Lippincott Company to make the correction, in future publications.

Very truly yours, (signed) A.S. Colyar
"P.S. If I should publish a second edition, I will correct it. Please pardon the use of a pencil; while it is not respected as the pen is, it is much more accommodating to old age."

Colyar died the following year, on December 13, 1907.

RESOURCE MATERIALS FOR

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September 1976

Eleanor Tomplin

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