

INTRODUCTION TO TENNESSEE CIVIL AND MILITARY COMMISSION BOOK, VOLUME 1

The commission system that is represented by this volume recognizes individuals in the state who have been entrusted by the Governor with positions of military and civil authority. Appointments made by the state's first governor John Sevier proved key as the former Territory of the United States of America South of the River Ohio adjusted to statehood and strove for stability. The positions that are recorded in this earliest volume are those that support the institutions of representative government, provide military security, and maintain order and structure within the fledgling state.

Examples of commissioned positions that would come to be found within these records include Military Officer, Judge, Attorney, Sheriff, Coroner, Justice of the Peace, Surveyor, Road Commissioner, Turnpike Operator, Attorney General, Solicitor General, Electors for President and Vice-President, Indian Treaty Delegates, State Boundary Line Dispute Delegates, Trustees to the Lunatic Asylum and Institution for the Blind, Inspectors of Tobacco and the Penitentiary, State Agricultural Bureau, Assayer, Superintendent of Weights and Measures, Geologist and Mineralogist, Railroad Directors, and Bonding Regulators. The positions would come to be a mix of those strictly appointed commissions by the Governor and those in which the Governor was recognizing with commission an elected position. In addition, as can be noted from the above examples, while the majority of positions were county-based, the Commission Books did record those positions of state-wide authority. The loose military and civil certificates of commission presented to the individuals reflected the vesting of the commission by the Governor and the oath taken; TSLA possesses several examples of these documents.

The Tennessee Constitution of 1796 initially addressed those positions that would be commissioned offices; further additions and alterations would could to be recorded in the Acts of Tennessee. The basic division of these commissions is between military and civil positions that provide the foundations of order and civilization for the state.

Pivotal commissioned civil positions for early statehood and beyond were the offices of justice of the peace, sheriff, and coroner. A brief examination

of the office of justice of the peace, for example, reveals the weight these civil commissions carried.

The origin of the office of justice of the peace can be traced back to England ca. 1327 during the reign of King Edward the Third and represents a part of English common law. The function of this position was so crucial during the first one hundred years of the state's history that Tennessee's justices of the peace have been referred to as "the foundation of the state's legal system" and the "bedrock of democracy." Sole jurisdiction over cases involving less than \$50 in property or fines was granted to the state's justices of the peace by Tennessee's 1796 Constitution. Serving their counties by resolving such misdemeanor cases thus bypassing formal court proceedings, performing marriages, and serving on the quarterly court, justices of the peace provided a savings of time and money and a first line of aid for citizens with minor legal disputes.

These staples of early Tennessee justice often possessed no legal training. Manuals such as John Haywood's 1810 *The Duty and Authority of Justices of the Peace in the State of Tennessee* and John Wilkinson's 1811 *A Collection of the Laws or Legislative Acts in Force in the State of Tennessee, Relative principally to the jurisdiction and duty of Justices of the Peace* provided guidance and conveyed knowledge of legal terms, offenses, and duties. This guidance would be expanded to other civil positions with works such as the first edition of T. G. Bradford's 1816 *Forms of Precedents For the Use of Justices of the Peace, Sheriff, Coroners, & Constables in the State of Tennessee*. This instructional handbook reflected the utility of such a manual by providing the text of the marriage ceremony, the form of a docket for the justice of the peace, and oaths to be used in a variety of situations. Often times copies of such a manual and the Bible proved the sole references to guide early civil authorities in Tennessee's counties.

The impact of the military commissions recorded in these volumes could not be overstated due to the far-reaching duties and influence of the militia system in Tennessee. The near universality of the system was partially responsible. All able-bodied free men and indentured servants between the ages of 18 and 45, with some limited exceptions (generally, state officers, ministers, and essential workers), were required to serve in the militia.

Even prior to statehood, however, early settlers formed a loose militia system as one of their first institutions. By performing the critical task of

defending frontier settlements from Indian attack, and thus insuring their survival, the militia helped make eventual statehood a reality for Tennessee.

Territorial Governor William Blount began cultivating institutions vital to the development of statehood, and the militia was one of his priorities. The 1796 Tennessee Constitution codified the militia, and it matured with the state. The institution came to address not only the military needs of Tennessee, but economic, political, and social needs as well.

The pre-existing framework of the militia and its inclusiveness allowed it to function as a support for government processes. The militia provided the mechanism by which early Tennesseans paid their taxes and voted. Some roads in the developing state were also built by the militia. Following North Carolina's lead, whole volumes of militia laws were written, though there was no mention of blacks or women. The company functioned as the building block of the militia system. In mandated musters of these county-based organizations, the democratic spirit that infused Tennessee's militia was exhibited with the election of officers, and the social opportunities that such a community event provided were also evidenced. The institution itself would eventually become a tool for social and political advancement, as more and more volunteer militia companies took the place of the regular militia in this state-authorized endeavor.

The vital functions of both the civil and military positions represented by these early commissions highlight the key roles they played in the establishment and organization of the state of Tennessee. Genealogists may see value in the individual names recorded in the commission books. Researchers may seek to explore the militia system through this resource. But, in a larger sense, commissions clearly reflect the formation of state infrastructure and the pillars supporting the institutions and ideals the people of Tennessee hold dear.