

## Franklin

### HISTORICAL NOTE:

The proposed “Houston Constitution” represented here fits into the progression of constitutional considerations which faced the Franklinites as their young state developed and as they continued deliberations on adopting a “form of government.” The dissension caused by this process eroded support for the State of Franklin and contributed to its demise.

The meeting of western residents at Jonesborough in August of 1784 set things into motion. With the decision to opt for independent statehood came the election of delegates to a December 1784 convention set to draft a constitution. A provisional constitution based on North Carolina’s Constitution of 1776 was adopted as a temporary outline of government. Some minor changes were made to the North Carolina model, such as abolishing or reducing property requirements for holding an elected position. This Jonesborough Constitution contained a bill of rights as well, but, most notably, it was prefaced with a declaration of independence. This section aired the grievances of the western inhabitants and provided their justifications for seeking statehood.

This Jonesborough Constitution was lost to history until 1904. At that time, a copy was located in the office of the Insurance Commissioner in the capitol building at Raleigh, North Carolina. It was printed in the *Charlotte Daily Observer* on September 25, 1904 and appeared in the October 1904 issue of *The American Historical Magazine*. Samuel Cole Williams also included a copy of this Constitution in the appendix to his *History of the Lost State of Franklin*.

At the Jonesborough Constitutional Convention, another such convention was called to meet not earlier than six months or later than twelve months to set forth a permanent constitution. That convention assembled in Greenville in November of 1785 and found itself awash in divergent ideas. A committee was appointed to present a constitution for consideration by the entire body. According to constitutional historian Joshua W. Caldwell, “Thereupon ensued the most interesting episode in the history of early western State making.”

The document crafted by this committee was the Houston Constitution. The Constitution carries the name of committee member and major contributor Reverend Samuel Houston. Houston, a Presbyterian minister, graduated from Liberty Hall in Virginia; Dr. William Graham served as the institution's president. It is thought that Graham and Houston were the main authors of the Houston Constitution.

The document contained some rather radical provisions. The constitution had a decidedly religious character and featured revolutionary moral and religious qualifications for holding office. Those who were immoral or who practiced "drunkenness, gaming, profane swearing, lewdness, Sabbath-breaking, and such like" were not eligible. Also excluded from the Legislature were "ministers of the gospel, attorneys at law, and doctors of physic." The legislature was to be unicameral, and citizens were to be given all bills of a public nature for debate and approval. This constitution called for freedom of religion, freedom of the press, and universal suffrage. Education was also to be a priority.

Debate over the proposed constitution proved extremely contentious. The document was "rejected in the lump." A constitution based on North Carolina's was embraced, though Houston succeeded in getting the committee's document "held out to the people for consideration."

Debate had been heated, and reaction to the Houston Constitution was also fierce. Dr. Graham was burned in effigy. Handbills and pamphlets printed outside the state circulated, and some anti-Franklin ones received condemnation in court.

Houston obtained an official copy of his proposed Declaration of Rights and Constitution certified by Francis A. Ramsey, Clerk of the Convention (and father of Dr. J.G.M. Ramsey) and prefaced it with an argument for ratification by the people that was sanctioned by eighteen other convention members, nearly half of the body. He traveled to Philadelphia to have these campaign pamphlets printed. The inclusion in the full title of "agreed and resolved upon by the Representatives of the Freemen of Frankland" proved unwarranted and misleading and promoted confusion. The proposed alternate and unaccepted spelling of Franklin as "Frankland" used in this pamphlet most probably originated with Graham or Houston to indicate "the land of freemen."

The Houston Constitution represents a step in the process Franklinites used to determine a form of government. It became, however, a major source of division that eroded support for the state and hastened its end. The Houston Constitution also possesses historical significance in its representation of the views of a sizeable portion of the convention delegates and thus the constituency. Historical value can also be found in this pamphlet historian J.G.M. Ramsey thought to be only surviving printed document from the State of Franklin. The Houston Constitution truly represents a product of Franklin and a product of unsettled, post-revolutionary times.