

James Glover Baldwin

***The Flush Times of Alabama and Mississippi:
A Series of Sketches***

1854

____ Excerpts ____

IN the month of March, A.D., 1836, the writer of these faithful chronicles of law-doings in the South West,¹ duly equipped for forensic warfare, having perused nearly the whole of Sir William Blackstone's *Commentaries on the Laws of England*, left behind him the red hills of the village of B—, in the valley of the Shenandoah, to seek his fortune. He turned his horse's head to the setting sun. His loyalty to the Old Dominion extorts the explanation that his was no voluntary expatriation. He went under the compulsion which produced the author's book—"Urged by hunger and request of friends." The gentle momentum of a female slipper, too, it might as well be confessed, added its moral suasion to the more pressing urgencies of breakfast, dinner and supper. To the South West he started because magnificent
10 accounts came from that sunny land of most cheering and exhilarating prospects of fussing, quarrelling, murdering, violation of contracts, and the whole catalogue of *crimen falsi*²—in fine, of a flush tide of litigation in all of its departments, civil and criminal. It was extolled as a legal Utopia, peopled by a race of eager litigants, only waiting for the lawyers to come on and divide out to them the shells of a bountiful system of squabbling: a California of Law, whose surface strife only indicated the vast placers of legal dispute waiting in untold profusion, the presence of a few craftsmen to bring out the crude suits to some forum, or into chancery for trial or essay. . . .

20 The writer pitched his tabernacle on the thither side of the state line of Alabama, in the charming village of P., one of the loveliest hamlets of the plain, or rather it would be, did it not stand on a hill. Gamblers, then a numerous class, included, the village boasted a

¹ South West: referring to the present-day area of Mississippi and Alabama.

² *crimen falsi*: crime involving dishonesty or false statements.

population of some five hundred souls; about a third of whom were single gentlemen who had come out on the vague errand of seeking their fortune, or the more definite one of seeking somebody else's; philosophers who mingled the spirit of Anacreon with the enterprise of Astor,³ and who enjoyed the present as well as laid projects for the future, to be worked out for their own profit upon the safe plan of some other person's risk. . . .

This country was just settling up. Marvellous accounts had gone forth of the fertility of its virgin lands; and the productions of the soil were commanding a price remunerating to
30 slave labor as it had never been remunerated before. Emigrants came flocking in from all quarters of the Union, especially from the slaveholding States. The new country seemed to be a reservoir, and every road leading to it a vagrant stream of enterprise and adventure. Money, or what passed for money, was the only cheap thing to be had. Every crossroad and every avocation presented an opening,—through which a fortune was seen by the adventurer in near perspective. Credit was a thing of course. To refuse it—if the thing was ever done—were an insult for which a bowie-knife were not a too summary or exemplary a means of redress. The State banks were issuing their bills by the sheet, like a patent steam printing-press *its* issues; and no other showing was asked of the applicant for the loan than an authentication of his
40 great distress for money. Finance, even in its most exclusive quarter, had thus already got, in this wonderful revolution, to work upon the principles of the charity hospital. If an overseer grew tired of supervising a plantation and felt a call to the mercantile life, even if he omitted the compendious method of buying out a merchant wholesale, stock, house and good will, and laying down, at once, his bull-whip for the yard-stick—all he had to do was to go on to New-York, and present himself in Pearl-street⁴ with a letter avouching his citizenship, and a clean shirt, and he was regularly given a through ticket to speedy bankruptcy.

Under this stimulating process prices rose like smoke. Lots in obscure villages were held at city prices; lands, bought at the minimum cost of government, were sold at from thirty to forty dollars per acre, and considered dirt cheap at that. In short, the country had got to be a full ante-type of California, in all except the gold. Society was wholly unorganized: there was
50 no restraining public opinion: the law was well-nigh powerless—and religion scarcely was

³ Anacreon/Astor: Anacreon, ancient Greek lyric poet; John Jacob Astor, the first of the Astor business dynasty in America.

⁴ Pearl-street: Pearl Street, the financial center of New York City in the mid 1800s.

heard of except as furnishing the oaths and *technics* of profanity. The world saw a fair experiment of what it would have been, if the fiat had never been pronounced which decreed subsistence as the price of labor.

Money, got without work, by those unaccustomed to it, turned the heads of its possessors, and they spent it with a recklessness like that with which they gained it. The pursuits of industry neglected, riot and coarse debauchery filled up the vacant hours. . . .

The condition of society may be imagined:—vulgarity—ignorance—fussy and arrogant pretension—unmitigated rowdyism—bullying insolence, if they did not rule the
60 hour, *seemed* to wield unchecked dominion. The workings of these choice spirits were patent upon the face of society; and the modest, unobtrusive, retiring men of worth and character (for there were many, perhaps a large majority of such) were almost lost sight of in the hurry-burly of those strange and shifting scenes. . . .

It may be one of the perversions of patriotism, to create and foster invidious and partial discriminations between different countries, and between different sections of the same country: and especially does this prejudice exist and deepen with a people stationary and secluded in habit and position. But travel, a broader range of inquiry and observation, more intimate associations and a freer correspondence, begetting larger and more cosmopolitan
70 views of men and things, serve greatly to soften these prejudices, even where they are not entirely removed. That there is *some* good country even beyond the Chinese wall, and that all not within that barrier are not quite “outside barbarians,” the Celestials themselves are beginning to acknowledge. . . .

In a new country the political edifice, like all the rest, must be built from the ground up. Where nothing is at hand, every thing must be made. There is work for all and a necessity for all to work. There is almost perfect equality. All have an even start and an equal chance. There are few or no factitious advantages. The rewards of labor and skill are not only certain to come, but they are certain to come at once. There is no long and tedious novitiate. Talent
80 and energy are not put in quarantine, and there is no privileged inspector to place his *imprimatur* of acceptance or rejection upon them. An emigrant community is necessarily a

practical community; wants come before luxuries—things take precedence of words; the necessities that support life precede the arts and elegancies that embellish it. A man of great parts may miss his way to greatness by frittering away his powers upon non-essentials—upon the style and finish of a thing rather than upon its strength and utility—upon modes rather than upon ends. To direct strength aright, the aim is as essential as the power. But above all things, success more depends upon self-confidence than any thing else; talent must go in partnership with will or it cannot do a business of profit. Erasmus and Melancthon were the equals of Luther in the closet; but where else were they his equals?⁵ And where can a man get
90 this self-reliance so well as in a new country, where he is thrown upon his own resources; where his only friends are his talents; where he sees energy leap at once into prominence; where those only are above him whose talents are above his; where there is no *prestige* of rank, or ancestry, or wealth, or past reputation—and no family influence, or dependants, or patrons; where the stranger of yesterday is the man of mark to-day; where a single speech may win position, to be lost by a failure the day following; and where amidst a host of competitors in an open field of rivalry, every man of the same profession enters the course with a race-horse emulation, to win the prize which is glittering within sight of the rivals. There is no stopping in such a crowd: he who does not go ahead is run over and trodden down. How much of success waits on opportunity! True, the highest energy may make
100 opportunity; but how much of real talent is associated only with that energy which appropriates, but which is not able to create, occasions for its display. Does any one doubt that if Daniel Webster had accepted the \$1,500 *clerkship* in New Hampshire, he would not have been *Secretary of State*?⁶ Or if Henry Clay had been so unfortunate as to realize his early aspirations of earning in some backwoods county his \$333.33 per annum, is it so clear that Senates would have hung upon his lips, or Supreme Courts been enlightened by his wisdom?

The exercise of our faculties not merely better enables us to use them—it strengthens them as much; the strength lies as much in the exercise as in the muscle; and the earlier the exercise, after the muscle can stand it, the greater the strength.

Unquestionably there is something in the atmosphere of a new people which refreshes,
110 vivifies and vitalizes thought, and gives freedom, range and energy to action. It is the natural

⁵ Desiderius Erasmus and Philip Melancthon: 16th-century theologians and colleagues of Martin Luther who urged him to moderate his volatile rhetoric during the Reformation.

⁶ Daniel Webster was appointed Secretary of State in 1841 by Pres. William Henry Harrison.

effect of the law of liberty. An old society weaves a network of restraints and habits around a man; the chains of habitude and mode and fashion fetter him: he is cramped by influence, prejudice, custom, opinion; he lives under a feeling of *surveillance* and under a sense of *espionage*. He takes the law from those above him. Wealth, family, influence, class, caste, fashion, coterie and adventitious circumstances of all sorts, in a greater or less degree, trammel him; he acts not so much from his own will and in his own way, as from the force of these arbitrary influences; his thoughts and actions do not leap out directly from their only legitimate head-spring, but flow feebly in serpentine and impeded currents, through and around all these impediments. The character necessarily becomes, in some sort, artificial and conventional; less bold, simple, direct, earnest and natural, and, therefore, less effective. . . .

Consider that the South-West was the focus of an emigration greater than any portion of the country ever attracted, at least, until the golden magnet drew its thousands to the Pacific coast. But the character of emigrants was not the same. Most of the gold-seekers were mere gold-diggers—not bringing property, but coming to take it away.⁷ Most of those coming to the South-West brought property—many of them a great deal. Nearly every man was a speculator; at any rate, a trader. The treaties with the Indians had brought large portions of the States of Alabama, Mississippi and Louisiana into market; and these portions, comprising some of the most fertile lands in the world, were settled up in a hurry. The Indians claimed lands under these treaties—the laws granting preemption rights to settlers on the public lands, were to be construed, and the litigation growing out of them settled, the public lands afforded a field for unlimited speculation, and combinations of purchasers, partnerships, land companies, agencies, and the lilies gave occasion to much difficult litigation in after times. Negroes were brought into the country in large numbers and sold mostly upon credit, and bills of exchange taken for the price; the negroes in many instances were unsound⁸—some as to which there was no title; some falsely pretended to be unsound, and various questions as to the liability of parties on the warranties and the bills, furnished an important addition to the litigation: many land titles were defective; property was brought from other States clogged with trusts, limitations, and uses, to be construed according to the laws of the State from

⁷ and thereby, as Baldwin outlines in this section, providing numerous opportunities for a lawyer to practice his profession.

⁸ unsound: of unsound mind.

140 which it was brought: claims and contracts made elsewhere to be enforced here: universal indebtedness, which the hardness of the times succeeding made it impossible for many men to pay, and desirable for all to escape paying: hard and ruinous bargains, securityships, judicial sales; a general looseness, ignorance, and carelessness in the public officers in doing business; new statutes to be construed; official liabilities, especially those of sheriffs, to be enforced; banks, the laws governing their contracts, proceedings against them for forfeiture of charter; trials of right of property; an elegant assortment of frauds constructive and actual; and the whole system of chancery law, admiralty proceedings; in short, all the flood-gates of litigation were opened and the pent-up tide let loose upon the country. And such a criminal docket! What could boast more largely of its crimes? What more splendid rôle of felonies! What more
150 terrific murders! What more gorgeous bank robberies! What more magnificent operations in the land offices! Such McGregor-like levies of black mail, individual and corporate!⁹ Such superb forays on the treasuries, State and National! Such expert transfers of balances to undiscovered bournes! Such august defalcations! Such flourishes of rhetoric on ledgers auspicious of gold which had departed for ever from the vault! And in INDIAN affairs!—the very mention is suggestive of the poetry of theft—the romance of a wild and weird larceny! What sublime conceptions of super-Spartan roguery! Swindling Indians by the nation! (*Spirit of Falstaff, rap!*)¹⁰ Stealing their land by the township! (*Dick Turpin and Jonathan Wild! tip the table!*)¹¹ Conducting the nation to the Mississippi river, stripping them to the flap, and bidding them God speed as they went howling into the Western wilderness to the friendly
160 agency of some sheltering Suggs¹² duly empowered to receive their coming annuities and back rations! What's Hounslow heath to this?¹³ Who Carvajal?¹⁴ Who Count Boulbon?¹⁵

⁹ M^cGregor: Rob Roy M^cGregor, Scottish folk character whose thieving exploits included blackmail.

¹⁰ Falstaff: Sir John Falstaff, famous scoundrel of Shakespeare's *Henry IV*.

¹¹ Turpin and Wild: Dick Turpin and Jonathan Wild, renowned English thieves featured in Victorian novels.

¹² Suggs: Captain Simon Suggs, con-man protagonist of an 1845 novel of Alabama pioneer days.

¹³ Hounslow heath: area in England notorious for its highwaymen (highway robbery) in the 18th century.

¹⁴ Carvajal: Luis de Carvajal y de la Cueva, adventurer and who tricked Spain into financing his explorations and Indian slave-trading in the late 1500s.

¹⁵ Count Boulbon: Count Gaston de Rousset-Boulbon, French nobleman and scheming "soldier of fortune" in the 1850s in Mexico.