



CHRONICLE

The Newsletter of the Tennessee Supreme Court Historical Society • Fall 2006

A Bonny Son of Scotland

by Gil Campbell¹

By 1809, Tennessee's two principal courts, the Court of Common Pleas and Quarter Sessions and the Superior Court of Law and Equity, had become overworked. To alleviate the problem, the legislature added a system of Circuit Courts to be held in every county. The General Assembly enacted a statute by which the Superior Court of Law and Equity was renamed the Supreme Court of Errors and Appeals. Normally, the Court of Common Pleas heard minor cases of both law and equity, while the Circuit Courts heard criminal cases and also appeals from Common Pleas. The newly-named Supreme Court (the immediate predecessor of the current Supreme Court) heard major equity cases and also appeals from the other two courts.

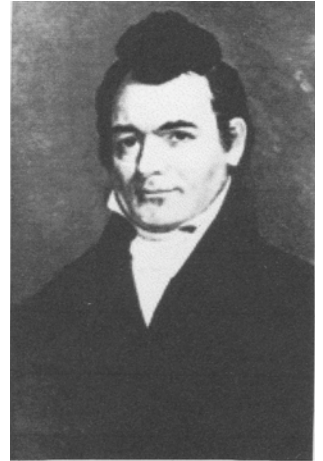
The Supreme Court of Errors and Appeals was actually created with the prearrangement that the first judges elected to the Court would be two highly-respected lawyers from the eastern part of the state: Hugh Lawson White, the son of James White, the founder of Knoxville, and George Washington Campbell, a native of Scotland, who, by the time of the court's formation, had served in Congress in addition to establishing a successful and expanding law practice. White will be the subject of a future article, while this space will be devoted to an examination of the life and career of George W. Campbell, who took his seat on the Supreme Court of Errors and Appeals in 1809.

Campbell was born in the parish of Tongue, Sutherlandshire, on February 9, 1769. His father, Archibald Campbell, was a physician who believed his burgeoning family would have a better opportunity for success in life in America. In 1772, he immigrated to Mecklenburg County, North Carolina with his wife and family, which included three-year-old George and several older children. Shortly after the family's arrival, the elder Campbell died (the date of his death was not recorded), leaving George and his older siblings to care for their mother and tend the family farm. It was noted that George was behind the plow before his ninth birthday.

Campbell's mother hoped that her youngest child would ultimately become a Presbyterian minister, but, as his brothers and sisters matured and left home, his mother became more dependent on him for her support. He was forced to teach in the frontier schools of Mecklenburg County to supplement the income from the farm. Campbell soon realized the value of a formal education, however, and quickly accepted an opportunity to enroll in the College of New Jersey (now Princeton University) as a member of the junior class. He was an outstanding student, completing two years of study in one and graduating with high honors in 1794. Campbell was popular with his classmates, who, because of the corresponding popularity of the incumbent President, nicknamed him "George Washington." Shortly after his graduation, Campbell adopted "Washington" as his middle name. He was reported to have briefly resumed teaching in Trenton, New Jersey before returning to North Carolina.

Upon his return, he read law and was admitted to the North Carolina bar in 1796. In 1798, he moved west to the new state of Tennessee and established a law practice in Knoxville. Campbell quickly established a reputation as an outstanding lawyer. In 1802, his friend, Andrew Jackson, urged him to run for election to the United States House of Representatives.

Like Jackson, Campbell was a member of the Democratic-Republican Party, which was founded by James Monroe in the 1790's. He easily won election and took his seat in the Eighth Congress on March 4, 1803. In October of that year, Campbell briefly returned to Nashville to defend Superior Court Judge David Campbell (no relation) in an impeachment action. It was alleged that David Campbell had accepted a bribe



*George Washington
Campbell*

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Bonny Son *continued from page 1*

from a party to litigation pending before the Hamilton District Superior Court. Judge Campbell had already survived an impeachment action in December 1796 and, with Congressman Campbell's able assistance, he also survived the second one.

Campbell's political star continued to rise, and he was reelected to the House in 1805 and 1807. During his tenure in the House, he served as Chair of both the Ways and Means Committee and the Committee on Foreign Relations -- two entities which were as powerful then as they are today. As a member of Jefferson's party, Campbell strongly backed the Administration and served as a floor leader for the President. It was well known that Jefferson had always had an affinity for France. During floor debate, New York Congressman Barent Gardenier claimed that the House was under French control and ultimately challenged Campbell to a duel. The duel took place within a week in nearby Bladensburg, Maryland, and Gardenier was seriously wounded.

As noted above, Congressman Campbell became a judge on the new Supreme Court of Errors and Appeals in 1809.

In 1811, with war with Great Britain on the horizon, Campbell was elected to the United States Senate to fill a vacancy caused by the resignation of Jenkin Whiteside. Therefore, it was necessary for him to resign his seat on the Supreme Court of Errors and Appeals. As a child, Campbell had learned from his father to hate the British, a hatred which only intensified during the Revolution. By the time Campbell took his seat in the Senate on October 8, 1811, he had become an ardent Warhawk, and was appointed Chair of the Senate Committee on Military Affairs. In 1812, with the nation at war, Campbell married Harriet Stoddert, the daughter of Benjamin Stoddert, the Secretary of the Navy in Jefferson's Cabinet. Mrs. Campbell is remembered as one who helped her friend, Dolley Madison, remove Gilbert Stuart's portrait of George Washington from the President's home and secure it in Virginia when the British were at the gates of the nation's capital.

On February 11, 1814, Campbell resigned his Senate seat to become Secretary of the Treasury in the Madison cabinet. With the assistance of the tycoon John Jacob Astor, Campbell arranged to borrow funds from sources in Europe in order to

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A Message from the President

It is an incredible honor to be the President of the Tennessee Supreme Court Historical Society and I appreciate the opportunity that the Board has given me.

The missions of the Society are to compile and preserve historical information about the Supreme Court and other appellate courts of Tennessee and to promote a better understanding of the role of the Tennessee judiciary. Looking at the decade or so of the Society's existence, one cannot help but be impressed with how well the group has fulfilled its charge. *The History of the Tennessee Supreme Court* was published in 2002 and was named 2002 History Book of the Year by the Tennessee Library Association. With the financial assistance of the Frist Foundation, each public high school in the state received a free copy. The Society has honored former Justices. We have collected oral histories. We have placed plaques listing all past and current appellate court judges in the three Supreme Court buildings.

Our Executive Director, Gil Campbell, resigned effective at the end of 2005. The Tennessee Supreme Court Historical Society owes Gil a great debt for the outstanding work he has done during the time he has been with us as our Executive Director.

Gil's successor is Kate Eyler. Kate has a strong interest in history, is very organized and has been an active member of the Tennessee Bar and various bar associations for many years. We all look forward to working with Kate for a long time to come.

I think a time comes for any organization when it has to re-evaluate how it conducts its business. I believe that we need to take a more systematic approach to the work of the Society. I proposed, and the Board agreed that we form,

three committees – one devoted to membership, one to fundraising, and one to publications. Our Society must continue to grow and be productive. I believe that these committees will enable us to develop ways to increase our membership and to reach out more effectively to the legal and historical communities.

In the State Archives are thousands of opinions, some published, most not, which are in serious need of preservation and organization. Actually, we do not know what other documents are also filed with those opinions. We need to find out. This is what historical societies are for. So, we are beginning a discussion with the Archives, with the goal of reporting back to the Board about what the Society could do to assist the Archives in preserving and cataloging these historical documents.

“If you don't know history, you don't know anything. You're a leaf that doesn't know it's part of a tree.” I wish I could take credit for that quotation, but Michael Crichton wrote it in a book called *Timeline*. As lawyers and judges, we are all part of Tennessee's judicial tree. We are connected to something significant, something with real meaning and real effect upon our state. I truly believe that those of us who know about and are interested in the history of that tree are healthier leaves. Not only are our lives better nourished and richer, but also we are better lawyers and community members for it. Thanks to all of you for your support of the Tennessee Supreme Court Historical Society.❖



Andy D. Bennett

Andy D. Bennett

Executive Directors – Farewell and Welcome

by Linda W. Knight

The TSCHS bid farewell to one Executive Director and welcomed a new one earlier this year. Therefore, we wanted to include in this newsletter our appreciation to both of these individuals, and take the opportunity to help you get to know them a little better. The Society is blessed to have the benefit of the talents and friendship of these two lovely people.



Gil Campbell

Gil Campbell was our Executive Director until early this year. Gil has been a favorite figure in the Tennessee legal community for many years, having spent several years as Executive Director of the Tennessee Bar Association. When he retired in 2000, he wanted

to remain active in the legal profession. Thus, he was pleased to be asked to become the Executive Director of the TSCHS. Unfortunately, he developed health problems in November 2005, which forced him to retire yet again.

Gil continues to be active in the Tennessee Supreme Court Historical Society. He serves on the Board of Directors and is known for his intense interest in the Society's future and for his creative ideas on how to increase membership and how to enhance the Society's outreach. He has also authored many of the most lively and interesting articles in this newsletter, including the one featured on Page 1 of this issue.

In his second retirement, Gil has returned to his outside interests, which are writing poetry, researching and collecting old radio shows, and, of course, spectator sports. Gil even admits to being one of those rare Americans who happen to like cricket, and he enjoys watching a match occasionally.

Asked what is important to him, Gil says, "Important to me are the Society, my former profession, including the friends I made in it, and that small circle of life-long friends. I still appreciate the opportunity to put something back into the TSCHS, since I certainly have derived much satisfaction from it. I have been grateful for those very few honors I have received along the way, and can only hope that I will ultimately be remembered simply as a decent human being."

Gil received his B.S. in 1954 and his J.D. in 1957, both

from the University of Tennessee at Knoxville. He was in advertising in Knoxville and Chamber of Commerce management in Atlanta before assuming the position of Executive Director of the TBA from 1963 to 1998. He was Executive Director Emeritus from 1999 to 2000, and served as President of the National Association of Bar Executives at that time. He is a Fellow of the Nashville, Tennessee and American Bar Foundations and is a Certified Executive of the American Chamber of Commerce Executives and the American Society of Association Executives.

Kate Eyler

Upon Gil's retirement, Kate Eyler, who retired from the Attorney General's Office in September 2003, became our volunteer Administrator.



Kate attended Nashville public schools and went on to the University of New Mexico for her undergraduate work. For law, she turned to the private sector and, in 1979, became a grateful graduate of Vanderbilt University Law School. Prior to law school, Kate worked in publishing and editing for entities as diverse as CCH Labor Law Reporter, Abingdon Press's children's books and Indian House Records.

After graduation from Vanderbilt, Kate served as Justice Joe Henry's law clerk, until his untimely death in June 1980. She then joined the Attorney General's Office, where she spent twenty-three years representing and providing legal services to many state entities, such as the Treasurer, the Comptroller, the Department of Financial Institutions, the Department of Commerce and Insurance, and the State Board of Education. She has long been active as a presenter for CLE seminars.

Kate is a Scrabble player, a gardener, a traveler and a poet. Her travels have taken her to Latin America (Mexico, Belize, Guatemala and Brasil) and to Europe (England, Scotland, France, Switzerland, Italy and Spain). Time traveling in the East has included Israel, Jordan, Egypt and China. Kate speaks not only Spanish, but also Portuguese, and has used her language skills to tutor Spanish speakers who were eager to learn English.

On being asked what is important to her, she says, "People: family, friends, coworkers and strangers; doing a good job at whatever I undertake; and improving the education of children, the future leaders of this country." ❖

Cavort with the Court

by Marlene Moses

A very special evening has been planned to honor our present and our immediate past Tennessee Supreme Court Justices, including Justices E. Riley Anderson, Adolpho A. Birch, Jr., Frank F. Drowota, III, Cornelia A. Clark, Gary R. Wade, William M. Barker and Janice M. Holder. Also to be honored will be our new Justice, who has not been named as of the date of this writing.

This event, which will take place at Loews Vanderbilt Hotel on Thursday, October 5, 2006, will coincide with the Court's opening session in Nashville. The Dinner itself will be historic, as the opening of court has not typically been celebrated in Nashville. We are grateful to the Supreme Court Justices for allowing us to plan an evening in their honor. In addition to a delicious meal, an entertaining program will be presented.

The Board of Directors of the Tennessee Supreme Court Historical Society hopes that this event will be so well received that it will become a yearly function. For details, and to make a reservation for you and your guest, see the invitation and reply form included in this newsletter. ❖

The Tennessee Supreme Court Historical Society

*Cordially Invites You and a Guest to a
DINNER*

Honoring Recently-Retired Justices

***E. Riley Anderson, Adolpho A. Birch, Jr.
and Frank F. Drowota, III***

and Recently-Appointed Justices

***Cornelia A. Clark, Gary R. Wade
and the Final Appointee***

and in Recognition of the Dedicated Service of

***Chief Justice William M. Barker
and Justice Janice M. Holder***

*Thursday, October 5, 2006
Loews Vanderbilt Hotel
2100 West End Avenue
Nashville, TN*

*6:00 p.m. Cocktails
7:00 p.m. to 9:00 p.m. Dinner & Program
Business Attire
Seating Limited
Complimentary Self-Parking
Valet Parking Available*

*The favor of a response by
September 21st
is both requested and appreciated.
Please complete and send in
the accompanying reply card
along with your payment.*

Tennessee Supreme Court Historical Society Dinner, October 5, 2006

Name: _____

____ I will attend the Dinner. ____ I am also bringing a Guest(s). Name(s) of Guest(s): _____

____ Enclosed is a check payable to TSCHS in the amount of One Hundred Twenty-Five Dollars times the number of attendees I have indicated above.

____ In addition to attending the Dinner, I would like to support the Society by becoming a member. I enclose a separate check payable to TSCHS in the amount of Fifty Dollars. I understand that this membership will extend through 2007.

____ I cannot attend the Dinner, but wish to support the Society by becoming a member. I enclose a check payable to TSCHS in the amount of Fifty Dollars. I understand that this membership will extend through 2007.

Note: A table of ten may be purchased for Twelve Hundred Fifty Dollars.

____ I agree to purchase a table and enclose a check payable to TSCHS in the amount of Twelve Hundred Fifty Dollars. The names of those who will be seated at the table are listed on the back of this Reply.

Name of Firm or Individual to Show on Table Sign: _____

Please mail this card and your payment to:

Tennessee Supreme Court Historical Society
Post Office Box 41008
Nashville, TN 37204

If you have questions or wish to reserve by phone or email, please contact Kate Eyley, Administrator, at tschs06@comcast.net.

Tennessee Supreme Court Record Preservation Project Underway

by Mike Catalano, Clerk of the Appellate Courts

Did you know that there are more than 10,000 boxes of records of the Tennessee Supreme Court housed in the upper floors of the State Library and Archives building? These records, which date back to 1794, are in dire need of inventorying and preservation. The Tennessee Supreme Court Historical Society considers this a project of the utmost importance, for which adequate funding must be obtained.

According to Dr. Wayne Moore, the Assistant State Archivist, many of the records were rolled by the Clerks of Court into boxes and stored in the upper floors of the State Capitol under poor conditions, before being moved to the Library and Archives.

During the latter half of the Nineteenth Century, most businesses and homes in Nashville were heated with coal. This is true of the buildings that housed our Supreme Court records. So, these records have become brittle, warped and dirty with coal soot, not to mention the damage caused by up to two hundred years of moisture and/or the lack thereof, heat and cold, and other adverse factors.

Picture No. 1 shows the rows and rows of boxed Supreme Court records. Picture No. 2 shows a sample box containing several rolled records.

In addition to their fragile condition, there is no index of these cases, which contain the legal, social and economic history of Tennessee viewed through the unique lens of litigation. Each file is an invaluable snapshot of Tennessee history. Dr. Moore believes that this series of records is the largest and most significant set of original archival documents on Tennessee's history.

Because of the urgent need to both preserve and restore, and archive and catalogue, these records, the Tennessee Supreme Court Record Preservation Project has been born. This summer,

Dr. Moore was able to obtain the services of Dorothy Davis, a graduate student in Archival Studies at Middle Tennessee State University. Over approximately 2½ months, Ms. Davis began the painstaking process of inventorying the records. For this purpose, Dr. Moore chose Supreme Court records from Middle Tennessee from 1794 until 1870, because they have already had some preservation and are in better condition than many of the other records. Picture No. 3 shows a portion of a stored record from an 1861 case.

Ms. Davis entered information on these records into a database with 14 separate fields. The fields include the names of the lead parties in the appeal, the county from which the appeal originated, the year the appeal began and the condition of the record. Because of this preliminary work, these records of early Tennessee legal history can now be researched, at least on a basic level.

Ms. Davis inventoried more than 4,487 records in 172 manuscript boxes (which constitute only about 1.72% of the total records), establishing a foothold in what promises to be a long-term preservation project. According to Dr. Moore, the early results confirm the need to continue this urgent work. Once all of the records are inventoried, which will undoubtedly take years, Dr. Moore plans to begin the preservation with the cleanest and flattest documents. In order to preserve a document, it will have to be slowly humidified, carefully unrolled, cleaned and deacidified. Only then can it be made available for public research.

Due to the limited resources of the State Library and Archives, Dr. Moore must rely upon existing staff to continue the undertaking. However, what is sorely needed is to have one or
continued on the next page



Picture 1: Shelves of boxed, unpreserved and uncatalogued Supreme Court records housed in the upper floors of the State Library and Archives building.

more graduate assistants from the Archival Studies program at Middle Tennessee State University, or another university, working at the State Library and Archives on a permanent, year-round basis, in order more effectively to chip away at this massive task. The difficulty is that each graduate assistant position is estimated to cost between \$5,000.00 and \$8,000.00 per year, which is far beyond the budgetary constraints of the State Library and Archives. The Tennessee Supreme Court Historical Society is endeavoring to procure funding for at least one dedicated archivist position on a long-term basis. ❖

Bonny Son continued from page 2



Picture 2: Sample box containing several rolled records of historic Supreme Court cases.

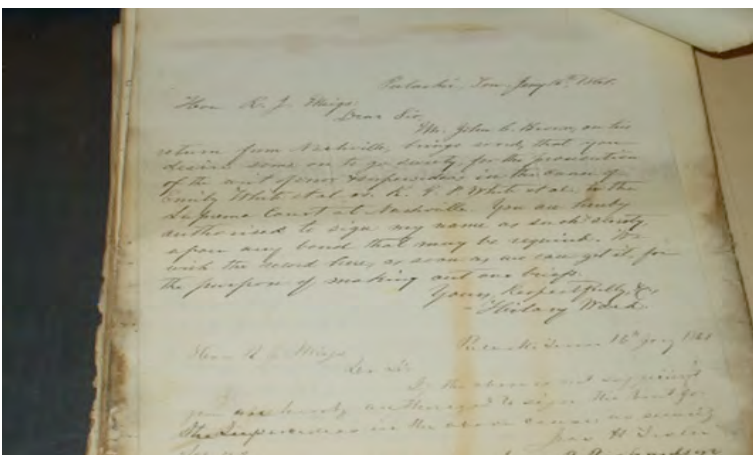
finance the war. The plan failed, however, and the Treasury was left virtually bankrupt. Campbell's health declined as a result, and he resigned his Cabinet post in October 1814. He was reelected to the Senate and served from October 10, 1815 until his resignation on April 20, 1818.

In December 1815, Senator Campbell received a commission to negotiate a termination to Cherokee claims to land within the chartered limits of Tennessee. This process ultimately resulted, sadly, in the "Trail of Tears," the removal by force of the Cherokees from Tennessee to settlements in the Oklahoma Territory. In 1817, James Monroe offered Campbell the position of Secretary of War in his Cabinet. Although he was a staunch supporter of Monroe and his Administration, Campbell declined the position and, instead, became the Chair of the Senate Finance Committee.

Apparently, his peers did not hold him responsible for the problems of 1814 when he had previously been Secretary of the Treasury. In his new position, Campbell became a strong advocate for chartering the Second Bank of the United States.

In 1818, Monroe appointed him Envoy Extraordinary and Minister Plenipotentiary to the Court of the Tsars, whereupon Campbell resigned his Senate seat. Campbell thus became the first Tennessean to be appointed to a major diplomatic post. Fully aware of Campbell's negotiation skills, Secretary of State John Quincy Adams requested him to stop in Denmark on his voyage to Russia to

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Picture 3: Close-up of a stored record from an 1861 Supreme Court case.

adjust Danish claims against U. S. privateers for disruption of commerce during the War of 1812. During his second year in St. Petersburg, a typhus epidemic swept the city, and three of the Campbell children died.

A heartbroken George Washington Campbell was granted permission to resign his ambassadorship and return to Tennessee. Shortly after his return, Campbell accepted an appointment to the bench of the United States District Court of Tennessee and served with distinction. In 1831, he was appointed to the French Spoliation Claims Commission, which was charged with adjusting claims of piracy that France had filed against the United States.

On December 11, 1843, Campbell sold a portion of his vast land holdings, a tract which had become known as "Campbell's Hill," to the City of Nashville for \$30,000. The tract was subsequently transferred to the State of Tennessee as the permanent site of the state Capitol.

On February 17, 1848, after many years of dedicated service to his adopted state and his nation, George Washington Campbell died peacefully in Nashville and was interred in the family plot in City Cemetery. During his lifetime, Campbell had graduated from col-

lege, been a successful attorney, served in both Houses of Congress, chaired major committees in both Houses, been Secretary of the Treasury, been Ambassador to Russia, served on Tennessee's highest court and the U.S. District Court, and fought a duel!

While Campbell never enjoyed the fame which marked his contemporaries, John Sevier, Andrew Jackson and others, he remains a significant figure in the judicial and political history of Tennessee and the nation.❖

¹Jordan, Weymouth, *George Washington Campbell of Tennessee, Western Statesman* (Tallahassee: Florida State University Press, 1955); *The Tennessee Encyclopedia of History and Culture* (online at <http://tennesseeencyclopedia.net>) (University of Tennessee Press and Tennessee Historical Society); Ely, James W., Jr., *A History of the Tennessee Supreme Court* (University of Tennessee Press, 2002); *Biographical Directory of the United States Congress* (online at <http://bioguide.congress.gov/biosearch>); 27 Tenn. xviii (Memorial).

Gil Campbell is a former executive director of the TSCHS, and a current member of the Board of Directors. He is not related to either George Washington Campbell or the Honorable David Campbell.