

Cumberland Compact

Original Manuscript adopted at Nashborough, May 1, 1780

Article of Agreement, or Compact of Government, entered into by settlers on the Cumberland river, 1st May, 1780.

(The first page is lost, and the second and third are torn and defaced.)

(Editorial Note: This document appears here just as it exists with the original spelling and word usage of the writers.)
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priority of right shall be determined as soon [as] . . . veniently may be, in the following manner . . . Say; The free Men of this Country over the age . . . one Years shall immediately or as soon as may . . . proceed to elect and choose twelve Conscientious and de . . . persons, from or out of the different Stations. That is . . . say, from Nashborough three from Gaspers two, . . . Bledsoes one, Ashers one, stones River one, . . . Freelands one, Eatons two, Fort Union one . . . Which said persons or a majority of them, after being bound by the soliminity of an Oath to do equal and impartial Justice between all contending parties, according to the . . . of their skill and Judgment, having due . . . to the Regulations of the Lan . . . shall be competent Judge . . . hearing the Allegations . . . Witnesses as to the facts . . . as to the truth of the fa . . . decide the controversie, an . . . entitled to an entry for such . . . said determination or decision . . . and conclusive, against the futu . . . partie, against whom such Judg . . . and the Entry Taker shall make a . . . his Book accordingly and the Entry . . . ing partie so cast shall be, . . . if it had never been made, and the Land is dispute . . . to the person in whose favour such Judgment shall in case of the death removal, or absence of any of the Judges so to be chosen, or their refusing to act, the Station to which such person or persons belong or was chosen from, shall proceed to Elect another or others in his or thier stead, which person or persons so chosen after being sworn as aforesaid to do equal and impartial Justice, shall have full power and authority to proceed to business and act in all disputes respecting the premises as if they had been originally Ch . . . at the first Election -

That the entry Book shall be kept fair and open by . . . be appointed by the said Richard Hender . . . try for Land numbered and dated . . . ving any blank leaves or spaces . . . on of the said twelve Judges . . . Times - - -

. . . ny persons have come to this Cou . . . Husbandry, and from other . . . return without making a Crop, . . . this fall or early next spring . . . that all such should have the . . . of such places as they may have . . . for the purpose of residence, therefore it is . . . be taken for all such, for as much . . . as they are entitled to, from their Head rights, which said Lands shall be reserved for the particular person in whose name they shall be entered, or their Heirs, provided such persons shall remove to this Country and take possession of the respective place or piece of Land so chosen or entered, or shall send a labourer or labourers and a white person in his or Her stead to perform the same on or before the first day of May in the Year one thousand seven hundred and eighty one and also provided such Land so chosen and entered for, is not entered and claimed by some person who is an Inhabitant and shall raise a Crop of Corn the present Year at some Station or place convenient to the General settlement in this Country. But it is fully to be understood , that those who are actually at this Time Inhabitants of this Country shall not be debar' d of their choice or claim on account of the right of any such absent or returning person or persons--It is further proposed and agreed, that no claim or title to any Lands whatsoever shall be set up by any person in consequence of any Mark, or former improvement, unless the same be entered with the Entry Taker within Twenty Days from the date of this association and agreement; and that when any person hereafter shall mark or improve Land or Lands for himself such mark or improvement not shall avail him, or be deemed an evidence of prior right unless the same be entered with the Entry Taker in thirty days from the time of such mark or improvement, but no other per . . . shall be entitled to such Land so as aforesaid to be reserved . . . consequence of any purchase, Gift or otherwise.

That if the Entry Taker to be appointed shall neglect or refuse to perform his duty or be found by the said Judges or a majority of them to have acted fraudulently to the prejudice of any person whatsoever, such Entry Taker shall be immediately removed from his office, and the Book taken out of his possession by the said Judges, until another shall be appointed to act in his room.

That as often as the people in General are dissatisfied with the doings of the Judges or Triers, so to be chosen, they may Call a new election at any of the said Stations and Elect others to act in their stead, having due respect to the number now agreed to be elected at each Station, which persons so to be chosen shall have the same power with those in whose room or place they are or may be chosen to act.

That as no consideration money for the Lands on Cumberland River within the claim of the said Richard Henderson and Company and which is the subject of this association, is demanded or expected by the said Company until a satisfactory and indisputable Title can be made, so we think it reasonable and Just that the twenty six pounds thirteen shillings and four pence current Money per hundred Acres, the price proposed by the said Richard Henderson shall be paid according to the value of money on the first Day of January last, being the time when the price was made public, an . . . Settlement encouraged thereon by said Henderson, and the said Richard Henderson on his part does hereby agree that in case of the rise or appreciation of money from that an abatement shall be made in the sum according to its raised or appreciated value.

That when any person shall remove to this Country with intent to become an Inhabitant and depart this life, either by violence or in the natural way before he shall have performed the requisites necessary to obtain Lands, the Child or Children of such deceased person shall be entitled in his or her room to such quantity of Land as such person would have been entitled to in case he or she had have lived to obtain a grant in their own name. And if such death be occasioned by the Indians the said Henderson doth promise and agree that the Child or Children shall have as much as amounts to their head rights gratis Surveyors and other incidental Fees excepted.

And whereas from our remote situation and want of proper officers for the administration of Justice no regular procedure at Law can be had for the punishment of offences and attainment of right. It is therefore agreed that until we can be relieved by Government from the many Evils and inconveniences arising therefrom, the Judges or triers to be appointed as before directed when qualified shall be and are hereby declared a proper Court or Jurisdiction for the recovery of any debt or damages or where the cause of action or complaint has arisen or hereafter shall commence, for any thing done or to be done among ourselves within this our settlement on Cumberland aforesaid or in our passage hither, where the Law of our Country could not be exercised or damages repaired any other way, That is to say, in all cases where the Damages or demand does or shall not exceed one hundred Dollars, any three of the said Judges or Triers shall be competent to make a Court and finally decide the matter in controversie, but if for a large sum and either partie shall be dissatisfied with the Judgment or decision of such Court they may have an appal to the whole twelve Judges or triers in which case nine members shall be deemed a full Court, whose decision if seven agree in one opinion upon the matter in dispute shall be final and their Judgment carried into execution in such manner and by such person or persons as they may appoint, and the said Courts respectively shall have full power to Tax such Costs as they may think Just and reasonable to be levied or collected with the debt or damages so to be awarded.

And it is furthered agreed that a majority of the said Judges, Triers or General Arbitrators shal have power to punish in their discretion, having respect to the Laws of our Country, all offences against the peace misdemeanours and those Criminal or of a Capitol nature, provided such Court does not proceed with execution so far as to effect Life or Member; and in case any should be brought before them, whose crime is or shall be dangerous to the State or for which the benefit of Clergy is taken away by Law and sufficient evidence or proff of the fact or facts can probably be made such Court or a majority of the Members shall and may Order and direct him her or them to be safely bound and sent under a strong guard to the place where the offence was or shall be committed or where Legal trial of such offence can be had which shall accordingly be done, and the reasonable expence attending the discharge of this duty ascertained by the Court and paid by the Inhabitants in such proportion as shall be hereafter agreed on for that purpose - -

That as this settlement is in its infancy unknown to Government and not included within any County in North Carolina the State to which it belongs so as to derive the advantages of those wholesome and salutary Laws for the protection and benefit of its Citizens, we find ourselves constrained from necessity to adopt this temporary method of restraining the licentious and supplying by unanimous consent the Blessings flowing from a Just and equitable Government declaring and promising that no Action or Complaint shall be hereafter instituted or lodged in any Court of record within this State or elsewhere for any thing done, or to be done in consequence of the proceedings of the said Judges or general Arbitrators so to be chosen and established by this our Association.

That as the well being of this Country entirely depends under Divine providence on unanimity of sentement and concurrence in measures, and as clashing and various Interests passions, and opinions without being under some restraint will most certainly produce confusion, discord and almost certain ruin, so we think it our duty to associate and hereby form ourselves into one society for the befneift of present and future settlers, and untill the full and proper exercise of the Laws of our Country can be in use and the powers of Government exerted among us, We do most solemnly and sacredly declare and promise each other that we will faithfully and punctually adhere to, perform, and abide by this our Association and will at all times if need be, compel by our united force a due obedience to these our Rules and Regulations. In Testimony whereof we have hereunto subscribed our names in token of our entire approbation of the measures adopted.

The following or additional resolutions and farther association was also entered into at Nashborough this thirteenth Day of May 1780 To wit

That all young Men over the age of sixteen Years and able to perform Militia duty shall be considered as having a full right to enter for and obtain Lands in their own name as if they were of full age, and in that case not be reckoned in the Family of his Father Mother or Master so as to avail them of any Land on their account.

That where any person shall mark or improve Land or Lands with intent to set up a claim thereto, such person shall write or mark in Legible charactres the Initial Letters of his name at least, together with the Day of the Month and Year on which he marked or improved the same at the spring or most notorious part of the Land on some convenient Tree, or other durable substance, in order to notifie his intentions to all such as may enquire or examine, and in case of dispute with respect to priority of right, proof of such transaction shall be made by the oath of some indifferent Witness or no advantage or benefit shall be derived from such mark or improvement, and in all cases where priority of mark or occupancy cannot be ascertained according to the regulations and prescriptions herein proposed and agreed to, the oldest or first Entry in the office to be opened in consequence of this Association shall have the preference and the lands granted accordingly.

It is further proposed and agreed that the Entry office shall be opened at Nashborough on Friday the 19th of May (instant) and kept from thence forward at the same place unless otherwise directed by any future Convention of the people in general or their representatives.

That the Entry Taker shall and may demand and receive twelve Dollars for each entry to be made in his Book in manner before directed, and shall give a certificate thereof if required, and also may take the same Fees for every Caveat or counter claim to any Lands before entered, and in all cases where a caveat is to be tried in manner before directed, the Entry Book shall be laid before the said Committee of Judges, Triers or General arbitrators for their inspection and information, and their Judgment upon the matter in dispute fairly entered as before directed, which said Court or Committee is also to keep a fair and distinct Journal or minutes of all their proceedings as well as with respect to Lands as other matters which may come before them in consequence of these our resolutions.

It is also firmly agreed and resolved that no Person shall be admitted to make an Entry for any Lands with the said Entry Taker or permitted to hold the same unless such person shall subscribe his name and conform to this our Association, confederacy and general agreement unless it be for persons who have returned home and are permitted to have lands reserved for their use untill the first day of May next, in which case entries may be made for such absent Persons according to the True meaning of this writing without their personal presence, but shall become utterly void, if the particular person or persons for whom such entry shall be made should refuse or neglect to perform the same as soon as conveniently may be after their return, and before the said first day of May in the Year 1781.

Whereas the frequent and dangerous incursions of the Indians and allmost daily massacre of some of our Inhabitants renders it absolutely necessary for our safety and defence that due obedience be paid to our respective officers elected and to be elected at the several Stations or settlements to take command of the Men or militia at such Fort or Station.

It is further agreed and resolved that when it shall be adjudged necessary and expedient by such commanding Officer, to draw out the Militia of any fort or Station to pursue or repulse the Enemy the said Officer shall have power to call out such and so many of his Men as he may Judge necessary, and in case of disobedience may inflict such fine as he in his discretion shall think Just and reasonable, and also may impress the Horse or Horses of any person or persons whomsoever, which if lost or damaged in such service shall be paid for by the Inhabitants of such Fort or Station in such manner and such proportion as the Committee hereby appointed or a majority of them shall direct and order; but if any person shall be agrieved or think himself unjustly used and injured by the fine or finds so imposed by his official Officers such Person may appeal to the said Judges or Committee of General Arbitrators who, or a majority of them shall have power to examine the matter fully and make such order there on as they may think Just and reasonable, which decission shall be conclusive on the partie complaining as well as the Officer or Officers inflicting such fine, and the money arising from such fines shall be carefully applied for the benefit of such Fort or Station in such manner as the said Arbitrators shall hereafter direct.--

It is lastly agreed and firmly resolved, that a dutiful and humble address or Petition be presented by some Person or Persons to be chosen by the Inhabitants to the General Assembly, giving the fullest assurance of the fidelity and attachment to the Interest of our Country and obedience to the Laws and constitution thereof: setting forth that we are confident that our settlement is not within the bounds of any Nation or Tribe of Indians, as some of us know

and all believe that they have fairly sold and received satisfaction for the lands or Territories whereon we reside and therefore hope we may not be considered as acting against the Laws of our Country or the mandates of Government. That we do not desire to be exempt from the ratable share of the public expence of the present war or other contingent charges of Government -- That we are from our remote situation utterly destitute of the benefit of the Laws of our Country, and exposed to the deprivations of the Indians without any justifiable or effectual means of embodying our Militia or defending ourselves against the hostile attempts of our enemy - praying and imploring the immediate aid and protection of Government by erecting a County to include our settlements, appointing proper Officers for the discharge of public duty. Taking into consideration our distressed situation with respect to the Indians, and granting such relief and assistance as in wisdom, Justice and humanity may be thought reasonable

Nashborough 13th May 1780

Richd Henderson	Zachariah Greer
Spill Coleman	Philop Catron
Wm Burgess	Andrew Lucas
Nathl Hart	Hugh Rogan
Saml McMurray	Francis Catron
William Green	James X. Patrick
Wm H. Moore	Joseph Morton
P. Henderson	John Dunham
Moses Webb	Richd. Gross
Samuel Phariss	William Wood
Edward Bradley	Isaac Johnson
Abselom Thomson	John Drake
Jno Donelson.	David Mitchell
Edwd Bradley	Adon Kelar
John McVay	Daniel Turner
Gasper Mansker	David Shelton
Jas. Bradley	Thos. Burgess
James Thomson	Timothy Terel
John Caffery	James Espey
Michael Stoner	Peter Luney
Charles Thomson	Isaac Lefever
Jno Blackemore Senr.	Michael Kimberlin
Joseph Mosely	Jon Luney
Robert Thomson	Thomas Fletcher
John Blakemore Junr.	John Cowan
Henry Guthrie	James Cain
Martain Hardin	Samu'l Barton
James Shaw	francis hodge
Francis Armstrong	Danl. Johnston
Elijah Thomson	James Ray
Samuel Deson	William Fleming
Robert Lucas	Danl. Jarrot
Andrew Thomson	Thomas Denton
Samuel Marten	James Leeper
Js. Robertson	Jesse Maxey
Wm Leaton	Thomas Hendricks
James Buchanan	George Leeper
George Freland	Noah Hawthorn
Edward Thomelu	John Holloday
Solomon Turpin	Daniel Mungle
James Freland	Charles McCartney
Isaac Drake	Frederick Stump
Isaac Rentfro	Patrick McCutchan
John Tucker	John Anderson
Jonathan Jenings	William Hood
Robert Cartwright	Saml. McCutchan
Peter Catron	Matthew Anderson

John Boyd
Wm Price
Wm. McWhorter
Jacob Stump
Henry Kerbey
Bartnet Hailey
Henry Hardin
Joseph Jackson
Richd. Sims
Richard Stanton
Daniel Ragsdil
Titus Murray
Sampson Sawyers
Michael Shaver
James Hamilton
John Hobson
Samuel Willson
Henry Daugerty
Ralph Wilson
John Reid
Zach White
James Givens
Joseph Daugherty
Burgess White
Robert Givens
George Daugherty
William Calley
Jas. Harrod
Chas. Cameron
James Ray
James Buchanan Sr.
W. Russell Junr.
William Ray
William Geioch
Hugh Simpson
Perley Grimes
Saml. Shelton
Samuel Moore
Samuel White
John Gibson
Joseph Denton
Daniel Hogan
Robert Espey
Arthur McAdoo
George Espey
James McAdoo
William Gowen
Nathl. Henderson
John Wilson
John Evans
Wm. Bailey Smith
Thos. Hines
D.d. Williams
John Crow
Robert Goodloe
John McAdams
William Summers
Thos. W. Alston
Samson Williams
[Name undecipherable]

Wm. Barret
Thomas Thompson
Thomas Shannon
Martin King
Ambs. Mauldin
James Moore
Wm. Logan
Morton Mauldin
Edward Moore
John Allstead
John Dukham
Richd. Moore
Nicholas Counrod
Archelaus Allaway
Saml. Moore
Evin Evins
Samuel Hayes
Elijah Moore
Jonathan Evins
Nathl. Hayes
John Moore
Thomas
Isaac Johnson
Demsey Moore
Joshua Thomas
Thomas Edmeston
Andrew Ewin
David Rounsavall
Ezekl. Norris
Ebenezer Titus
Isaac Rounsavall
William Purnell
Mark Roberson
James Crockett
Wm. McMurrey
John Montgomery
Andrew Crockett
John Condry
Charles Campbell
Russell Gower
NiColas Tramal
William Overall
JohnáShannon
Haydon Wells
John Turner
David Shannon
Daniel Ratletf
Nathaniel Overall
Jonathan Drake
John Callaway
Patrick Quigley
Benjaming Drake
John Pleak
Josias Gamble
John Drake
Willis Pope
Saml Newell
Mereday Rains
Silas Harlan
Joseph Reid

Richd Dodg
Hugh Leeper
David Maxwell
James Green
Harmon Consellea
Thos. Jefriss
James Cooke
Humphrey Hogan
Joseph Dunnagin
Daniel Johnston
James Foster
John Phelps
Geo. Mines
Wm. Morris
Andrew Bushongs
George Green
Nathaniel Bidkew
Daniel Ragsdell
William More
Jno. McMyrty
Jacob Cimberlin
Robert Dockerty
A. Tatom
William Hinson
Edmund Newton
Jonathan Green
John Phillips
George Flynn
Daniel Jarrott
John Owens
James Freland
Thos. Molloy
Isaac Lindsey
Isaac Bledsoe
Jacob Castleman
George Power
James Lynn
Thomas Cox
Edward Lucas
Philip Alston
James Russell