

# **The Fabulous Floyds, Pryors, and Tuleys**

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Formerly Known as the Indiana Territory

## **Purpose and Background:**

The purpose of this presentation is to introduce the audience to close family members of Sgt. Charles Floyd and Sgt. Nathaniel Pryor, two of the four sergeants on the Lewis and Clark Expedition. Capt. William Clark would have known these family members, some of them intimately, and would have consulted them about the suitability of the two sergeants for the journey, and perhaps of others. Pres. Thomas Jefferson knew and consulted with Meriwether Lewis' parents about his suitability for service as his personal secretary in the White House and for the journey. Sergeants Floyd and Pryor and their siblings and cousins grew up together across the Ohio River from Clarksville, Indiana Territory in a region known as the Middle Fork of Beargrass Creek in modern-day eastern Louisville. All of them came from Virginia as children or were born in the station-fort on Beargrass Creek known as Floyd's Station. Unfortunately, the station-fort was demolished in the 1950's to make room for an apartment complex. However, its springhouse, from which the two sergeants drank water, is still in existence and a nearby cemetery interrs Col. John Floyd and his second wife, Jane Buchanan Floyd, and their son, Col. George Rogers Clark Floyd.

No one will argue that Col. John Floyd was second in importance only to Gen. George Rogers Clark in early Kentucky Anglo-American history. The two families, while not related biologically, were constant companions on the Kentucky frontier, which in 1779 was the western boundary of the United States. It was early that year that Gen. Clark and his small band of American soldiers defeated the British at Fort Sackville in Vincennes, thereby clearing the way for the addition of the Northwest Territory to the United States. That territory consisted of the modern states of Ohio, Indiana, Illinois, Michigan, Wisconsin, and part of Minnesota. Ohio, being more populated, would become a state in 1803. Some lay writers today confuse the Northwest Territory for the Northern West which included the modern states of Washington and Oregon. Col. Floyd first visited the Falls of the Ohio shortly before the Revolutionary War started. He came as a land surveyor for others but ended up surveying land for himself and his family which would encompass not only his station-fort on Beargrass Creek but also

modern-day downtown Louisville. Col. Floyd was a remarkable man but it would take the rest of this paper just to describe his many accomplishments. Suffice it to say that his remarkable career was cut short by a gunshot wound he received in an Indian ambush; he died on April 12, 1783 in the prime of his life.

Let's back up for a minute. When Col. Floyd came back to Kentucky near the end of 1779, he brought with him his new wife and several of his siblings and their families including the father of Sgt. Floyd and the mother of Sgt. Pryor. There were several factors which enabled Col. Floyd and his siblings to come to the western frontier of the young nation that year. First, in relation to opening up the Kentucky country, the defeat of the British army at Vincennes in the early months of 1779 was the immediate factor. Second, beginning in the 1750's Anglo-Americans had begun to migrate to the Kentucky country through the Cumberland Gap and over the Wilderness Road. Without the Gap and the Road the journey would have been much more difficult. And third, Col. Floyd was not leading his family blindly; he had traveled this route before the War as a surveyor. He knew what to expect. However, he did not anticipate the hostilities of the American Indians in the Kentucky country; they considered it their sacred hunting grounds and out-of-bounds for the Anglo-Americans.

### **Fiction and Non-fiction:**

Virginia and Kentucky Floyd family genealogists promote several myths about their family's lineal ancestors. The first myth is that during the reign of Elizabeth I, Queen of England from 1558 until 1603, a John Floyd was born in Wales in 1570 who at a young age ended up fighting against Spain when the Spanish armada attacked England in 1588. That battle ended in England's favor. The myth is that such a John Floyd lived, fought in the battle, was knighted by Queen Elizabeth, married one of her ladies-in-waiting, and had children by the latter. The myth is compounded by the declarations of the genealogists who said this John Floyd was also a writer and a member of the Society of Jesus. History documents a John Floyd, who was born in England in 1572, and was a member of the Society of Jesus and a Jesuit priest. If all that was the case this Floyd would have been rooting for Spain, not England. And further the Jesuit vows of poverty and chastity would have prevented him from marrying and having children. I have found no proof of a John Floyd who fought against the Spanish, was knighted, married, and had children. I wish I could. I did find proof of a John Floyd who was a Jesuit priest but he would not have been a lineal ancestor of the Floyd family in Virginia and Kentucky.

The second myth is that the Virginia and Kentucky Floyd family members are descendants of the Indian chief, Powhatan, who was Pocahontas' father. The myth goes that before he died Powhatan had a daughter who was named Cleopatra. Official Virginia records document the existence of such a daughter

with such a name. Pocahontas married John Rolfe, not Captain John Smith whose life she supposedly saved. Rolfe gave Pocahontas her Christian name of Rebecca. I theorize that he also gave her younger sister the name of Cleopatra, maybe because she had been bitten by a snake and almost died. The myth goes on to say that Cleopatra had a daughter whose name was Nicketti who married a white man in Virginia and whose granddaughter was Abadiah Davis Floyd, the grandmother of the two sergeants. This myth is supported by some evidence. First, many Virginia and Kentucky Floyds had Indian features. And second, down through the generations, many female Floyds were name Nicketti or some variation thereof. However, there is no known historical link between Cleopatra and Nicketti. I believe that there was Indian blood in this Floyd family and that it probably came through a female named Nicketti, who possibly was a descendant of Powhatan. The Powhatan Indians and the Virginian Floyds lived in the same geographical region and would have had social access to each other.

### **Prominent Floyd Family Members:**

#### **Col. John Floyd's Sons and a Grandson**

About two weeks after Col. Floyd's death in 1783, a son was born to him and his wife. That son, also named John Floyd (John Floyd II), would become a physician trained in Philadelphia under Dr. Benjamin Rush. Dr. Rush also trained Meriwether Lewis for the expedition and also supplied the expedition with his famous Thunderbolt pills. Floyd II then was elected the governor of Virginia. He in turn had a son, another John Floyd (John Floyd III), who was also a Virginia governor, then Secretary of War under Pres. Buchanan (probably a relative of his mother), and then a Confederate General in the Civil War. Another son, Col. George Rogers Clark Floyd, fought in the Battle of Tippecanoe in 1811, and in the War of 1812. But my presentation is not going to focus on these Floyds. John Floyd II would have been a blood first cousin to Sergeants Floyd and Pryor and would have grown up with them at Floyd's Station.

#### **Davis Floyd**

I have written an unpublished biography on Davis Floyd, for whom Floyd County, Indiana was named in 1819 and who was its first circuit judge. The biography and a lot of Floyd family information has been put on line at [www.davisfloyd.info](http://www.davisfloyd.info). Davis Floyd had a remarkable family life and career so I will start with him.

#### **Davis Floyd's Early Life**

Davis Floyd was born in Virginia in 1774. His parents were Robert and Lillian Floyd. They migrated to Kentucky from Virginia in 1779 with Col. Floyd and

established a residence at Floyd's Station on Beargrass Creek. The winters were cold, the summers hot, and the settlers were repeatedly subjected to Indian attacks. Food and clothing were probably not a problem but could have been at times. We know a lot about the men who lived in Floyd's Station but not much about the women. That is unfortunate. I have read several historical novels on that era which depict the probable lives of women on the frontier. It was not an easy life. I will suggest Alice of Old Vincennes written by Maurice Thompson in 1900. It is about a beautiful young girl in Vincennes before and during the American capture of Fort Sackville there in 1779 and her romance with an American officer in Gen. Clark's army. I will also suggest The Circuit Rider written by Edward Eggleston in 1874. It is about a Methodist circuit riding preacher in the Indiana Territory in the early 1800's and the handsome girl who loved him. These two books are accompanied with illustrations so one can see the clothing and environment in which they lived. Each author claims that his story is based on actual events. My wife and I are big Jane Austen fans. Her novels always ended in perfect marriages and so do these two novels.

Davis Floyd arrived in Kentucky at the age of five years. His career would take him, his first wife, and their family to Clark County and the Indiana Territory in 1800 where he lived in Clarksville and then Jeffersonville. In 1813 he, his second wife, and their combined families moved to Corydon where they lived until 1823. Fate would then send him and his wife to the Florida Territory in 1823 where he lived until his death in 1831. He and I have parallels in our respective lives: Floyd practiced law in Jeffersonville from 1800 until 1813; I practiced law there from 1965 until 2007. Floyd was in the Indiana Territorial militia from 1800 until about 1813; I was in Indiana National Guard from 1963 until 1965. He was a dragoon officer; I was a tank officer and then an Army helicopter pilot. We both wore the crossed swords. He tried a lot of cases in Southern Indiana as a lawyer and judge in various counties; and I tried a lot of cases in the same courts. He and his family moved to Florida in 1823 and my wife and I moved to Florida in 2011. He died in 1831 and.... I am still alive at the moment.

I have picked out several events in Floyd's life which are well documented. I have moved from myths to historical facts. Floyd married in Louisville in 1794 at the age of 20 years. He married a woman whose name was Susanna Jones Johnston Floyd. She was 14 years of age, a widow, and pregnant with her first husband's child. In 1795 she gave birth to that child who was named Gabriel Jones Floyd. Floyd would raise this child as his own. And three more children would be born of this marriage before Susie died in 1808.

### Tippecanoe and Slavery Too!

Part of Article 6 of the Northwest Ordinance of 1787 provided as follows:

**Art. 6 There shall be neither slavery nor involuntary servitude in the said territory....**

Please notice that the 1787 Ordinance did not make voluntary servitude illegal. In other words a person could contract voluntarily to be bound to servitude according to the terms of the contract. A lot of African-Americans found themselves in slavery when they bound themselves to such contracts. It should also be pointed out that the Ordinance was the governing document of the Northwest Territory. It was the law!

Indiana became a Territory in 1800. It included the modern states of Indiana, Illinois, Michigan, Wisconsin, and part of Minnesota. The first capitol of the Territory was Vincennes and the first governor of the Territory was William Henry Harrison who in 1841 became President of the United States. His primary fame in the Indiana Territory was that he had commanded the Army unit which on November 7, 1811 defeated the Shawnee Indians at the Battle of Tippecanoe. His campaign slogan for President in 1840 was "Tippecanoe and Tyler Too! Tyler was his vice-president and would become president one month after Harrison took office in 1841.

In 1802 Harrison began agitating to allow legal slavery in the Indiana Territory even though slavery was banned by Article 6 of the 1787 Ordinance. A convention was held that year in Vincennes which voted to petition Congress to repeal or suspend for ten years Article 6. And then four more times Harrison and his cronies petitioned Congress to suspend it for ten years. In the meantime Harrison and two judges who ruled the Indiana Territory from 1800 until 1805 passed laws authorizing slavery in the Territory. And then between 1805 and 1807 the Indiana Territorial General Assembly passed similar laws authorizing slavery. In 1805 Davis Floyd was elected Clark County's sole representative to the Indiana Territorial House of Representatives; at that time he was known as an anti-slavery man. We all know about the relationship between Sgt. Floyd, Davis Floyd's younger brother, and York when the former became sick on the trail during the summer of 1804 and we all know how attentive York was to Sgt. Floyd during that sickness preceding his death on August 20, 1804. York probably knew that Floyd family members were opposed to the institution of slavery even though some owned slaves at times. Pres. Thomas Jefferson condemned the institution of slavery but owned slaves and had an affair with one and fathered children by her who was his deceased wife's half-sister, Sally Hemmings.

The laws which Harrison and his cronies passed in the General Assembly between 1805 and 1807 never received appropriate authorization from the members of the General Assembly as required by the Northwest Ordinance. The

same thing was going on with the petitions being sent from the General Assembly by Harrison and his cronies to Congress to suspend the law prohibiting slavery in the Territory; the petitions were not approved by the General Assembly as represented therein. In the fall of 1807 a committee of Clark County citizens met and adopted an anti-slavery counter-petition which was sent to Congress. The counter-petition condemned the fraudulent actions of Harrison. That was the turning point in the fight over slavery. The key members of that committee were Davis Floyd of Jeffersonville and the Beggs brothers of Charlestown, Indiana. In 1808 the Territorial House of Representatives through Floyd's brother-in-law and his wife's brother, General Washington Johnston, a lawyer in Vincennes, adopted a strong anti-slavery statement. It condemned the horrors of slavery. Slavery was dead in the Territory at that time. Eventually, the slavery issue doomed Harrison's political career in Indiana but not elsewhere. He went on to become an effective general in the War of 1812 and President of the United States, albeit for a very short period.

Floyd ended up paying a high price for his anti-slavery and other actions. In 1808 Harrison took away his commissions as an officer in the Indiana militia and as a Falls of the Ohio river pilot, and engineered his removal as clerk of the Indiana Territorial House of Representatives. But Floyd recovered politically in Indiana while Harrison did not.

Gov. Harrison and his chief crony, Judge Benjamin Parke, condoned slavery for several interesting reasons. A man in Vincennes, John Badollet, opposed slavery and in 1809 wrote letters or essays to the editor of the *Western Sun*, a prominent newspaper in the Indiana Territory, describing Parke's justification of slavery. These included the following statements by Parke identified as Slim Simon in Badollet's essays:

- (1) The existence of slavery in the Southern States, threatening those states with danger, it is consistent with good policy to open a new outlet for slaves in this territory, and by scattering them to render them less dangerous.**
- (2) Humanity militates in favor of the measure [slavery], because negroes imported here would be fed better and better clothed and placed in a state of comparably happiness.**
- (3) Slavery is not a moral evil, and the southern states are by no means inferior in point of morality to their northern brethren.**
- (4) But slavery is not inconsistent with republicanism, inasmuch as the southern states are all republican.**

Badollet responds to each of these arguments in great detail. One can read Badollet whole counterargument at [www.davisfloyd.info](http://www.davisfloyd.info) in Chapter 11 beginning at page 245.

When Indiana held its Constitutional Convention in 1816 to become a state, the anti-slavery provision went through with minimum controversy. Floyd and other anti-slavery men were there to make sure Indiana remained an anti-slavery state. Had Harrison and his cronies had their way and slavery was made legal in the Territory and the State, the Civil War may have been a much different war. That same year (1816) Thomas Lincoln and his family moved from Kentucky to the brand new state of Indiana because land titles were more secure in Indiana and because slavery was illegal there.

There are several written instances of Floyd's affection for the causes of African-Americans caught in the trap of living in a border state. Several times Floyd came to the defense of Negroes whose masters were trying to apprehend them so they could be returned to the South as slaves. However, there was one time Floyd as Sheriff of Clark County returned two runaway slaves to a court in Louisville. The slaves eventually won their freedom. When Floyd was president judge of the Second Judicial Circuit Court of Indiana he ordered substantial recoveries for Negroes who had been assaulted in illegal apprehensions and made sure the wrongdoers paid the money damages. When Floyd died in the Florida Territory in 1831, where slavery was legal, he owned one slave.

#### Tippecanoe and Indian Removal Too!

Part of Article 3 of the Northwest Ordinance of 1787 provided as follows:

**.... The utmost good faith shall always be observed towards the Indians, their land and property shall never be taken from them without their consent; and in their property, rights and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and harmony, shall from time to time be made for preventing wrongs being done to them, and preserving peace and friendship with them.**

Part of the United States *Declaration of Independence* adopted by Congress on July 4<sup>th</sup>, 1776 provided as follows:

**He [meaning the King George of Great Britain] has...endeavored to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is undistinguished destruction of all ages, sexes and conditions.**

Another anti-slavery, anti-Harrison, and anti-Indian removal man was John Badollet in Vincennes. He came there in 1804 as the federal Land Title Officer. He had grown up with Albert Gallatin, Pres. Jefferson's Secretary of Treasury, in Switzerland and beginning in 1804 the two men began corresponding with each other regularly. Badollet told Gallatin about his extreme dislike of Harrison and reported to him on the shenanigans of Harrison on the slavery issue. He also reported that the Indians were no threat to the white settlers in the Indiana Territory and that Harrison coerced the Indians into attacking Harrison's army at Tippecanoe. Later, Thomas Lincoln visited Badollet's office in Vincennes to secure his Indiana homestead. And in 1830 Abraham Lincoln would stop there to see the printing presses of the newspaper in Vincennes.

Unfortunately, our William Clark, Gen. William Henry Harrison, and U. S. Senator John Tipton from Indiana were involved personally with Indian removal which occurred in Indiana in the 1830's known as the Trail of Death, in which several older Indian men and women and children died while being escorted to Kansas.

Thomas Jefferson, who wrote the Declaration of Independence in 1776, inserted a sentence therein condemning the British king for encouraging the Indian savages on the American frontiers for the indiscriminate murdering of men, women, and children. This same thing would repeat itself in the War of 1812, and even up the road a few miles from Clarksville at a site known as Pigeon Roost, where in 1812 men, women, and children were brutally killed by attacking Indians. A young mother's fetus was disemboweled by an Indian and another mother's baby was inadvertently suffocated when it started crying in an Indian's presence.

John Badollet, Land Title Officer in Vincennes from 1804 until his death in 1836, was in a perfect position to know what was going on in the Indiana, Michigan, and Illinois Territories during Gen. Harrison's assault on Prophet's Town in the fall of 1811. His Army had passed through Vincennes in October 1811. Badollet's letters to his friend, Albert Gallatin, in Washington city, describe what, I believe, was really going on in Harrison's actions against the Indians. Harrison had violated every part of Article 3 of the Northwest Ordinance as it pertained to the treatment of Indians. I have, therefore, set forth verbatim excerpts from Badollet's letters to his friend to show what really happened in the Indiana Territory in 1811 and 1812:

**October 15, 1811: "not a solitary act of hostility on the part of the Indians [has been] committed...."; "travelers in every direction...passing and repassing unmolested [through Vincennes]"; Prophet and his brother [Tecumseh are] entirely absorbed...in their favorite plan of bringing the Indians to the habits of sobriety and the arts of industry...."; the whole can be resolved into a personal enmity**



[hostility] of the Governor [Harrison] against Tecumseh and the Prophet....”

October 26, 1811: “peace under the garb of war still lasts”; “the woods are traversed in every direction with the greatest safety”; “How long this farce will last or how it will terminate none but the knowing ones can foresee”; “the Miamis or Wabash Indians, terrified half to death, have come with assurances that they want to live in peace with the Whites, which implies (if not positively expressed) that they will say not a word more of the late treaties and other causes of their complaint....”; the “militia [is] kept in a state of unusual ferment by the frequency of his Excellency’s [Harrison’s] inflammatory speeches....”; and “the most dreadful consequences may well be apprehended.”

November 7, 1811: The date of the Battle of Tippecanoe.

November 13, 1811: “it appears that a Negro in the camp, of notable vicious disposition went over in the night to the Indians, with the information, that the last day’s proceedings were mere stratagems to decoy them into security, and that the plan was to attack them the following day and burn their village.”; [the Indians attacked at daybreak and the Army repelled the attack] “it was a bloody and dearly purchased victory, amongst the slain are....”; “The Prophet’s village was next burnt and thus the efforts of some year’s industry and perseverance & the fruits of the first rational attempt to reach the comforts of civilized life spontaneously made by the northern Indians have been involved in common ruin. Thus we are plunged in the horrors of an Indian war.”

November 19, 1811: “I have seen the wounded arrive, my God, what heart rending sight! What scene of woe!”; “Parke, Judge Parke is commissioned bull dog to bark into silence and terror who presume to think....”; Twenty three wounded have died....”; “My son [Albert who was a private in the Battle] who has made pretty correct observations during the campaign, tells me that to the day of his death he will believe that the object of the Governor [Gen. Harrison] was to bring on an Indian war....”

December 17, 1811: “all of a sudden one of his supporters in the House of representatives rose and reading an address to the President replete of praises for every talent and virtue which the Governor [Gen. Harrison] does not possess and praying for his reappointment [as governor], moved for the adoption of the same. Three ayes were heard, the rest thunderstruck did not collect their spirits in time to utter one single nay. It was sent up to the [Legislative] Council who

negatived it and sent up again for reconsideration and negatived a second time....”

December 30, 1811: “although the [Indiana Territorial] militia who had shared the dangers of that dreadful night, were unanimous in proclaiming that the army had been saved by Col. Boyd and his brave Regiment [of Army Regulars] yet from apathy or through some secret influence, those gallant men were received here with the most chilling coolness. A small number of us indignant at such reception met and resolved to address, which I did, Judge Vander Burgh & myself were appointed to wait on the Col. [Boyd] with it, which we accordingly did...

February 26, 1812: peace with the Indians “may be easily effected provided negotiators in whom the Indians can have confidence are employed, for you may rely upon it, no cordial accommodation can be accomplished through the agency of Harrison or any his subordinates, he is too much disliked & mistrusted....”

April 29, 1812: “The expedition of last fall up the Wabash can be considered in no other light than that of an outrageous aggression on an unoffending & peaceable neighbor, and a wanton waste of treasure and blood. But whatever opinion may be entertained in relation to it, the consequences are at this moment as disastrous as real. The bloody tomahawk is now *in fact* raised, the work of murder has begun, a whole family has been destroyed in the new purchase, the bones of which have been found in the ashes of their house, last Friday about seven miles from this place One Harriman his wife and five children were murdered & it is now ascertained that large collections of Indians are forming on the Wabash [River] above us, with a view it is said and believed of retaliating upon this place the inhuman burning of the Prophet’s town. The terror is inexpressible, the Scattered settlement fall back a few forts are formed & the country hitherto flourishing is fast returning to a state of wilderness....”

May 6, 1812: “The consummate General [Harrison] is fortifying his own house & leaves the town [Vincennes] to shift for itself.... The great military ardor of the famous Hero of Tippecanoe seems to have Sunk into a selfish solicitude for his own safety & that of his family and property....”

The reader can select from the annuals of history whose version of the cause of the Battle of Tippecanoe is the truth. I cannot go into the details in this paper but John Badollet’s integrity is unimpeachable.

Aaron Burr and Floyd, Too!

The other reason Floyd lost his political jobs and military position in 1808 was his involvement with Aaron Burr. Remember that Aaron Burr ran for President in 1800 and after much wrangling Pres. Jefferson was declared the winner but on the condition that Burr be his Vice-President. Burr served just one term but during that term he shot and killed Alexander Hamilton in a duel. Therefore, before his first term was up in 1805 he was not asked to serve a second term. He then looked westward for political and economic opportunities. The Ohio River Valley including the area at the Falls of the Ohio looked particularly enticing to him. Burr met Floyd in Jeffersonville sometime in 1805 at the home of federal Judge Thomas Lewis. Floyd was the perfect candidate to help since like Burr he was a lawyer and unlike Burr Floyd was politically connected in the Indiana Territory and had just been elected to its House of Representatives. Burr knew he needed someone in that position to shepherd a bill to authorize the creation of a company which would serve as the vehicle for building a canal around the Falls of the Ohio on the Indiana side. The Falls, really a series of rapids, were a major impediment to river traffic on the Ohio River. Floyd knew this only too well being at that time a commissioned river boat pilot at the Falls. The bill was enacted into a law, the Indiana Canal Company was created, Burr, Gen. Clark, Floyd, and others were put on the company's board of directors, and shares were subscribed for. As far as known no money came into the company's coffers and the project failed before it really got started. And such a canal would never be built on the Indiana side of the Falls.

In 1806 Burr returned to the Falls of the Ohio in anticipation of a mixed bag of objectives, none of which were very well defined. Burr had allied himself with the notorious fiend, Gen. James Wilkinson. Supposedly, Burr had Wilkinson's support to raise an army to separate the Trans-Allegheny region from the United States. This would sound preposterous to any sensible person but, as learned many years later, Wilkinson was Spain's secret agent No. 13 and was doing everything possible to advance Spanish causes and not American causes in the west. At the very least Burr thought he had permission from Pres. Jefferson's administration to raise an army to attack Mexico and install himself as emperor there. When things went awry Wilkinson pulled a double cross on Burr, and accused Burr of doing what he had originally advocated. The matter became public and Jefferson intervened.

In the meantime Floyd consented to become Burr's quartermaster. Floyd gathered arms, boats, supplies, and men to go downriver from Louisville. Jefferson, enraged at Wilkinson's report, had the U. S. District Attorney at Frankfort, Kentucky file charges of high misdemeanor against Burr. Two grand juries were summoned but the District Attorney could not produce any evidence. His key witness was supposed to be his friend, fellow Mason, and lawyer from Jeffersonville, Davis Floyd. Floyd could not attend because the Legislature was

in session in Vincennes. The grand jury condemned the District Attorney for bringing charges against Burr. Actually, Burr was well liked in the frontier regions of Kentucky and the Indiana Territory.

Eventually, about one hundred men joined Burr including Floyd in his downriver venture. It was probably at this point that Burr realized he had been double-crossed by Wilkinson and since he had made arrangements to purchase a large tract of land on the west side of the Mississippi River, he turned the voyage into a land settling project.

On Floyd's boat there was a young man from Clark County who gave a written deposition in the Richmond, Virginia trial of Burr and Floyd. That deposition appears in the *American State Papers*. It describes in detail the downriver journey in Floyd's boat. When the small flotilla of boats arrived alongside the Mississippi Territory the Governor called out the militia probably at the urging of Gen. Wilkinson. The local U. S. Attorney then filed treason charges against Burr and Floyd and the Governor had Burr held for awhile before he was released on bail. In the meantime the boats avoided the militia. However, when a group of Mississippi militiamen were seen crossing the river below Burr's flotilla, Floyd suggested that they attack them. Burr intervened and stopped the plan. Had Floyd carried out the attack he and Burr would have been hung in the Mississippi Territory for treason. But as it was, a grand jury was convened and it found no evidence of treason against either man just like the Kentucky grand jury did against Burr. The Governor wrote several letters to Gen. Wilkinson soliciting evidence of Burr's guilt but no such evidence was ever forthcoming. The Governor, apparently getting a lot of pressure from someone, had Burr seized illegally and transported to Richmond for trial there. The pressure probably came from Pres. Jefferson and Gen. Wilkinson. Floyd was released and returned to the Indiana Territory.

Burr and Floyd were then charged with treason in the U. S. District Court in Richmond, Virginia. That trial lasted several months. Chief Justice Marshall heard the evidence and ruled that there was no evidence of treason having been committed within the Territorial bounds of Virginia. And he also ruled that since Burr was not guilty of treason his co-conspirators including Floyd could not be guilty. The U. S. Attorney in Richmond had also charged Burr and Floyd with a high misdemeanor. The law which was claimed to have been breached was a law that forbade any citizen from making war against a friendly, foreign nation such as Spain who owned Mexico. The sentence for such a crime called a high misdemeanor was three years in prison. Chief Justice Marshall found that there was some evidence to go to trial on the high misdemeanor charge against Burr but not against Floyd. However, the U. S. Attorney decided not to pursue this charge against Burr and that ended the matter.

For some reason when Floyd returned to the Indiana Territory before the Richmond trial he decided to plead guilty to the high misdemeanor. He went before the federal judge in Jeffersonville, pled guilty, and was sentenced to three hours in jail and given a \$10.00 fine. This was the same judge that introduced Burr to Floyd in the first place. After the deaths of this judge and Floyd's first wife, Floyd married the judge's widow.

Gov. Harrison later offered Floyd a pardon but Floyd refused. I suspect that Floyd's religious convictions and his Freemason principles led him to confront what he in retrospect deemed bad judgment and "to take his medicine." Floyd recovered from his bad judgment but it put him in a dark period of his life for a couple of years.

As can be seen Floyd was involved in four federal court proceedings concerning Aaron Burr. No one else can make that claim. And he was the only man to be convicted of a crime in connection with the famous Burr conspiracy.

#### Real Facts on the Battle of Tippecanoe

The Battle of Tippecanoe was fought on November 7, 1811 on the Wabash River near what is modern-day Lafayette, Indiana, the home of Purdue University. It was fought in the early morning hours of that day and lasted only a few hours. On the night before the attack the Indians had agreed to visit Gen. Harrison's encampment at Tippecanoe the next day to discuss a resolution of the matter. Two British advisors to the Indians insisted that the Indians conduct a surprise attack at dawn. The Indians were willing to attack but wanted to do it at midnight since the camp fires would still be burning bright and would expose the soldiers in the encampment. The British advisors got their way but the dying camp fires significantly impaired the Indian attackers' ability to see the soldiers in the encampment.

Davis Floyd appeared in several recorded scenes of the battle. The first one is recorded in one of Gen. Harrison's letters concerning events on the day before the battle. He said that Major Daveiss and his adjutant, Davis Floyd, had advanced to the bank of the Wabash River and had seen the cultivated fields and the houses of the Indian town of Prophet's town. For some reason they had previously mistaken another field with some scattered Indian houses in it as the town. The Army's overnight encampment ended up being located west of and in view of Prophet's town at a distance of less than a half mile.

Floyd's participation the next morning in an attack led by Major Daveiss against an Indian stronghold behind some logs and trees just outside the northeast corner of the encampment is documented by eyewitnesses Judge Isaac Naylor

and U. S. Senator John Tipton. Judge Naylor said that Floyd, who was Daveiss' adjutant, was with him when the latter received his mortal wound while charging the Indian stronghold. Senator Tipton said that Floyd was one of the six or seven men who accompanied Daveiss on his charge against the Indian stronghold. Both Daveiss and another soldier whose name was Pvt. Isaac White were mortally wounded in the attack and were returned to the encampment with great difficulty. Floyd was no doubt involved in getting the wounded men back to the camp. Tipton also reported that twenty soldiers were supposed to accompany Daveiss and Floyd but that only six or seven were present for the attack because of some mix-up in Daveiss' orders. Tipton concluded that Daveiss threw away his life because of this.

Judge Naylor also reported on another incident involving Floyd after the battle. This account is so interesting that it is presented here in the words of the good judge:

**Soon after breakfast an Indian chief was discovered on the prairie, about eighty yards from our front line, wrapped in a piece of white cloth. He was found by a soldier by the name of Miller, a resident of Jeffersonville, Indiana. The Indian was wounded in one of his legs, the ball having penetrated his knee and passed down his leg, breaking the bone as it passed. Miller put his foot against him and he raised up his head and said: "Don't kill me, don't kill me." At the same time five or six regular soldiers tried to shoot him, but their muskets snapped and missed fire. Major Davis Floyd came riding toward him with dragoon sword and pistols and said he "would show them how to kill Indians," when a messenger came from General Harrison commanding that he should be taken prisoner. He was taken into camp, where the surgeons dressed his wounds. Here he refused to speak a word of English or tell a word of truth. Through a medium of an interpreter he said that he was a friend to the white people and that the Indians shot him, while he was coming to camp to tell General Harrison that they were about to attack the army. He refused to have his leg amputated, though he was told that amputation was the only means of saving his life. One dogma of Indian superstition is that all good and brave Indians, when they die, go to a delightful region, abounding with deer and other game, and to be a successful hunter, he should have all his limbs, his gun and his dog. He therefore preferred death with all his limbs to life without them. In accordance with his request he was left to die, in the company with an old squaw, who was found in the Indian town the next day after he was taken prisoner. They were left in one of our tents.**

Judge Naylor said that the men who attacked the Indian stronghold were on foot. However, there is a stylistic woodcut illustration of Daveiss, Floyd, and the

others on horseback with their dragoon swords drawn. If this was the case it is no wonder that some of them were shot. They were probably on foot since they could deliver musket and pistol fire more accurately, and stay close to the ground and behind any available cover.

The author acquired last year a War of 1812 saber and scabbard which had belonged to Floyd's step-son, Gabriel Jones Floyd. The young Floyd fought in the Niagara campaign of the War of 1812 and would have carried this saber and scabbard as a dragoon officer in that campaign. Is it possible that Davis Floyd gave his saber and scabbard to his step-son and that Davis Floyd carried it at the Battle of Tippecanoe?

### Floyd in Clarksville and Jeffersonville

Davis Floyd, his wife, Susie, her son, Gabriel and at least one other child of theirs moved to Clarksville in 1800. Floyd owned lots there but he and his family lived there for only a short time owing to the deteriorated condition of the town. He also served as a town board member.

In 1801 Clark County was organized being named for Gen. George Rogers Clark and in 1802 the town of Jeffersonville was organized being named for Pres. Thomas Jefferson. Floyd and his family moved from Clarksville to Jeffersonville that year and Floyd became a board member of this new town. In 1801 he was appointed the Clark County Register of Deeds as shown by Deed Record Book 1 in the present Recorder's Office in Jeffersonville. In 1802 he was appointed sheriff of Clark County in which position he served until 1806. While it is not well documented Floyd practiced law in Jeffersonville. His home was probably located somewhere along the Jeffersonville waterfront near the modern-day Kennedy Bridge which carries I-65 over the Ohio River. This area was above the normal flood plain but fifty-year floods could reach it. This area was definitely flooded in 1937, when it was hit by a 100-year flood.

At some point Floyd was commissioned as an officer in the Clark County militia. He served as a captain as early as 1802 and later as a major. In 1803 he was appointed one of the two Falls of the Ohio river pilots who were authorized by statute to guide boats through the dangerous rapids. In 1805 he was elected Clark County's sole representative in the Indiana Territorial House of Representatives which met for the first time in Vincennes in the summer of 1805. This was the first legislative body in the Indiana Territory which originally was composed of the states now recognized as Indiana, Illinois, Michigan, Wisconsin, and part of Minnesota. Of course, we already know that Floyd got involved with Burr and the effect that event had on his life.

John James Audubon lived in Louisville from 1808 until 1810 with his wife and son, who was born there. His journals record his life there. He met the "traveler Clark" and visited his brother, Gen. Clark, at his Clarksville home overlooking the Falls of the Ohio. He also sketched birds at the Falls. He comments about the swallows in Jeffersonville chimneys and in a large beech tree near Locust Grove in Louisville. He mentions the Silver Hills in the Indiana Territory on the west side of modern-day New Albany. He describes a duck hunter hunting in the winter at the Falls. I set out his present-tense description here because he could be describing Floyd:

**At another time my friend [Davis Floyd?] proceeds to the Falls of the Ohio, and, as usual, reaches the margins of the stream long before day. His well-trained steed plunges into the whiles of the rapid current, and with some difficulty, carries his bold rider to an island, where he lands drenched and cold. The horse knows what he has to do as well as his master, and while the former ranges about and nips the frozen herbage, the latter carefully approaches a well-known pile of drifted wood, and conceals himself in it. His famous dog Nep is close at his heels. Now the dull grey dawn gives him a dim view of the geese; he fires, several fall on the spot, and one severely wounded rises and alights in the Indian chute [a narrow passage of running water on the Indiana side of the Falls]. Neptune dashes after it, but as the current is powerful, the gunner whistles to the horse, who, with pricked ears, gallops up. He instantly vaults into the saddle, and now see them plunge into the treacherous stream. The wounded game is overtaken, the dog is dragged along, and at length on the Indiana shore the horse and his rider have effected a landing. Any other man than he of whose exploits I am a faithful recorder, would have perished long ago. But it is not half so much for the sake of the plunder that he undergoes all this labor and danger, as the gratification it affords his kind heart to distribute the game among his numerous friends in Louisville.**

The reason I believe this man to be Floyd are several. First, Floyd had been a dragoon officer and an excellent cavalry soldier. Second, Floyd had been sheriff of Clark County. Third, he was as familiar as anyone with the Falls having been a Falls river pilot. Fourth, he exited the Falls on the Indiana shore not too far from where his home would have been situated. And fifth, he had many friends in Louisville having grown up there where he was probably still a member of the Freemason lodge in Louisville.

#### Floyd's Reappearance



Floyd reappears from obscurity in the fall of 1811 and joins a militia company commanded by Capt. Beggs from Charlestown. He enlists as a sergeant but quickly becomes the adjutant not only for Beggs' company but also for Maj. Joseph Hamilton Daveiss' regiment of several militia companies. Daveiss was from Kentucky and was the U. S. Attorney who charged Burr with the high misdemeanor in 1806 and subpoenaed Floyd as the government's key witness. He was also a Freemason.

### Floyd's Removal to Corydon

After the Battle of Tippecanoe Floyd and his family moved to Corydon which became the Territorial capitol in 1813. He moved his law practice there. He was one of the building commissioners who built the new capitol building in Corydon, he served as county prosecutor in some new Territorial counties, and he served the Territory first as Auditor and then as Treasurer. In 1816 he was elected by the voters of Harrison County to serve as one of their representatives in the Constitutional Convention that summer. Please understand that Harrison was nowhere to be found in Indiana by this time. He was long gone having lost his political significance in that place. Harrison had alienated the male population of the Indiana Territory because of his pro-slavery and then his anti-Indian political beliefs. Some politicians got smart and changed sides but Harrison remained constant in his beliefs.

Slavery was a non-issue in the Constitutional Convention and the new Constitution outlawed slavery in the same manner as the Northwest Ordinance of 1787 outlawed slavery. Floyd served one year as one of Harrison County's representatives to the first session of the new Indiana House of Representatives. Then in 1817 he was appointed as one of three circuit judges in the young state. He served as president judge of the Second Judicial Circuit which included the central part of the state running from the Ohio River north. The state grew from 1815 to 1821 from 60,000 residents to 140,000. New counties and new county seats were added as the population center moved northward. Judges like Floyd moved from county seat to county seat to conduct judicial business followed by the lawyers who practiced in these courts. Frequently, the judge and the lawyers traveled together on horseback and stayed in the same inns.

In 1819 Floyd County was organized from parts of Clark and Harrison Counties and was named for Davis Floyd. In 1821 Floyd was the president judge of the first murder trial in New Albany, the county seat of Floyd County. The defendant was a man by the name of John Dahmen who was charged with murdering a German baker in New Albany and a German traveling salesman. He had befriended these two men because he had come over on the same boat to America from Germany on which they came. He also met a female passenger on

the boat whom he ended up marrying in Kentucky. I was fortunate to find the original *Record Book A* of the Floyd Circuit Court which contained entries of the judicial proceedings of the trial and then the extreme fortune to find in the Lilly Library, a repository of rare books in Bloomington, Indiana, a book written by one of Dahmen's defense lawyers, Reuben Kidder. It turns out that Dahmen was a psychopath and was convicted of murdering the two men. Between the time of the conviction and his execution by hanging Kidder spent a lot of time with Dahmen and obtained the alleged facts of his life in Europe and America before he moved to a spot just downriver from New Albany. By that time he and his wife had two young daughters.

The evidence against Dahmen was overwhelming and when he was sentenced by Judge Floyd, Dahmen cursed him, the jury, and God. It so angered Judge Floyd that when he pronounced the sentence, he said that Dahmen was to be taken to the place of execution by the sheriff and hung until he was "dead! dead! dead!" Kidder does a wonderful job describing Dahmen's mental condition at the time of the murders and there is no doubt that Dahmen would be classified today as a psychopath or sociopath. At the beginning of the trial Dahmen's lawyers requested that he be granted a jury partially composed of immigrants like himself. The request was granted by Judge Floyd and six of the twelve jurors were immigrants. Prior to the trial Dahmen escaped from the jail and went to Canada. He wrote letters to his wife and one of the letters was intercepted by the sheriff. With his whereabouts disclosed the sheriff and one deputy went to Canada disguised as wagon drivers. When they found Dahmen, they told him his wife was just across the American border and was about to give birth to a child. The subterfuge worked and Dahmen went with them. He soon learned he had been tricked and was returned to New Albany.

On the day of the hanging Dahmen accepted his fate. Three thousand men, women, and children were present for the hanging along with bands, food vendors, and military units. After Dahmen's hanging his wife married a wealthy steamboat owner and lived in a fine house downriver from New Albany overlooking the Ohio River.

In 1819 the United States was hit by its first depression and Indiana was particularly hard hit. Floyd ended up losing his beautiful brick home on the square in Corydon, his mercantile store, his bank directorship, other land, and practically everything except his judgeship. In 1823 he was offered a position as president judge of the East Florida Land Commission in St. Augustine. The United States had just acquired ownership of the Florida Territory and there would be a lot of land disputes in the new territory. Floyd and his wife moved to St. Augustine that year where they stayed until 1826 when the land commission was decommissioned. Floyd knew fellow-Kentuckian, William Duval, the

governor of the Florida Territory, and Duval made him the Territorial treasurer that year in which position he served until his death in 1831.

Floyd was also active in Florida as a lawyer, building contractor, surveyor, lay Methodist preacher, and plantation owner. When he became the Territorial treasurer Floyd and his wife moved to near Tallahassee, the capitol of the new Territory. Floyd was the first president and a charter member of the Florida Education Society and was a vice-president and member of the Florida Bible Society, which distributed Bibles in the Territory. When he died in Florida he owned at least one slave; slavery was legal in the Florida Territory. Likewise, at the beginning of his adult life in Kentucky, records show that he owned a slave where slavery was also legal. I suppose it all boils down to how one treated his slaves. I suspect that Floyd treated his slaves well.

Floyd had two moral compasses in his life. First, it is known that as early as 1808 he was active in the Methodist church in Clark County. Methodism was the fastest growing religion in frontier America especially in Kentucky and the Indiana Territory. It is known that he was a Methodist lay preacher in Corydon and it is likely that he preached in the Florida Territory. There were two other land commission judges who served with Floyd in St. Augustine. One was from Kentucky and his name was William Blair. The other was from New York and his name was Alexander Hamilton II, yes, the son of Alexander Hamilton I who was killed by Aaron Burr in their famous duel. Hamilton was the first of the three land commissioners to arrive on the scene and he immediately expressed opinions on how the land commission should be operated and communicated these to his superiors in Washington city. When Blair and Floyd arrived on the scene they realized at once that Hamilton did not know what he was talking about. Ultimately, there was a schism between Hamilton and the two other judges. In a letter to Pres. James Monroe, Hamilton called Floyd an "eternal psalm singing Methodist" and Blair a "violent Presbyterian puritan." Hamilton was not long for the job because his temporary appointment was never made permanent by the President.

Floyd was also active in the Freemasons in Kentucky, the Indiana Territory, and probably the Florida Territory. Floyd held several local and state offices in the Freemasons in the Indiana Territory. DeWitt Clinton, former New York City Mayor and New York U. S. Senator and Governor, who was a past grand master of Freemasonry in New York, once said that "the principles of Masonry are based on pure morality..., the ethics of Christianity..., the doctrines of patriotism and brotherly love, and its sentiments of exalted benevolence...." Freemasonry was also a moral compass for Floyd's conduct.

Floyd died in Florida in 1831 but it is not known where he is buried. Some people think he was buried in Clarksville on a lot he owned there located a short distance behind Gen. Clark's cabin. His will was probated in Corydon.

### **William Floyd Tuley I**

The information for this segment of this paper comes primarily from a little book entitled the *Tuley Family Memoirs and the Floyd Family Connection* written by William Floyd Tuley's grandson, William Floyd Tuley II, who was married to my great-grandmother's sister. The book was published in 1906 in New Albany. I have an original copy of the book.

William Floyd Tuley I was born in Virginia in 1773. His parents were Charles and Elizabeth Floyd Tuley. He came with his mother to Floyd's Station on Beargrass Creek in 1883 to join his father. The first major migration of Floyd siblings occurred in 1779 while the second such migration occurred in 1783. This was about the same time the Clark family migrated to Louisville. Elizabeth Floyd Tuley was a sister of Col. John Floyd and Robert Floyd. The latter was the father of Davis and Charles Floyd. She was also the sister of Nancy Floyd Pryor, who was the mother of Nathaniel Pryor. Nathaniel was born in 1773 (some say 1775) and probably came to Floyd's Station at the same time William Floyd Tuley came. It is reported that Elizabeth "was a very tall, dark complexioned woman, a person of rare intelligence and tact."

Not much is known about William's early life. He was married to Jane Bell on July 4th, 1798 in Louisville. They originally settled on a farm in Kentucky but in 1800 they moved to Springville, Clark County in the Indiana Territory. Springville was located a few miles southwest of modern-day Charlestown, Indiana. In April 1801 he was appointed constable of Springville Township. Charles Floyd had also moved to the Indiana Territory by that time and was appointed constable of Clarksville Township. In all likelihood Charles lived with his brother, Davis Floyd, and his family first in Clarksville and then in Jeffersonville. At that time Clark County embraced all of what is now Clark, Jefferson, Jennings, Scott, Washington, Orange, Harrison, and Floyd Counties. William's jurisdiction would have covered the central part of this area, while Charles' jurisdiction would have covered the western part.

It is recorded that in 1802 Gov. Harrison commissioned William a lieutenant in the Clark County militia. He was in a militia company commanded by Capt. Davis Floyd. In 1806 William moved back to the family farm in Kentucky. In 1811 he enlisted in Capt. Funk's company of dragoons at Louisville and then marched through the Indiana Territory with them to the site of the Battle of Tippecanoe where he fought on the left flank under Gen. Wells. He was wounded in the

battle. In his youth he was a very athletic man. It is reported that he could lay his hand on a rider of a rail fence and spring over it without the least trouble. According to Lawrence R. Reno's book entitled *The Life and Times of Nathaniel Hale Pryor*, William, fought with the 44<sup>th</sup> Regiment in the center of the American line at the Battle of New Orleans. Pryor was a captain of a company in that regiment. William died in 1818 probably from the wounds he received at the Battle of Tippecanoe.

### **Nathaniel Hale Pryor**

Most everyone is familiar with the exploits of Sgt. Nathaniel Hale Pryor on the Lewis and Clark Expedition. The best book on Sgt. Pryor was the book I referred to earlier entitled *The Life and Times of Nathaniel Hale Pryor* written by Lawrence R. Reno. I met Mr. Reno at the annual meeting of the Lewis and Clark Trail Heritage Foundation when it met in St. Louis in 2006. He has since died. He was related to Sgt. Pryor as a first cousin, four times removed. He was also related to James Mordy of Kansas City, Missouri who wrote the monograph on the paternity of Sgt. Charles Floyd. It is now undisputed that Davis and Charles were the children of Robert Floyd, not Charles Floyd, but both brothers of Col. John Floyd.

Floyd family history records that Sgt. Pryor sent a note to his sister in Louisville after the death of Sgt. Floyd on the trail near modern-day Sioux City, Iowa which read: "Our dear Charles died on the voyage of the colic. He was well cared for as Clark was there, my heart is too full to say more.... I will see you soon, your brother, Nat." "Colic" is defined today as abdominal pain caused by spasm, obstruction, or distension of the intestines. Most authorities believe today that Sgt. Floyd died from a ruptured appendix. When the appendix becomes inflamed severe, acute abdominal pain occurs and if the appendix ruptures then peritonitis and shock set in resulting in death without the timely removal of the offending organ. Of course, removal of the appendix was unknown at that time. Sgt. Pryor was probably familiar with baby colic and thought that is what Sgt. Floyd had. The symptoms would have been similar. It is unknown when this message was sent but it was probably sent before Pryor returned to Louisville in November of 1806.

### **Pryor's Army Service on the Frontier**

Pryor enlisted in the U. S. Army on February 27, 1807 in St. Louis with the rank of ensign. Pryor's first assignment by William Clark was to return Chief Sheheke and his family, who had returned to St. Louis after their trip to Washington city after the Expedition, to their Mandan village. Pryor and his party traveled sixteen hundred miles up the Missouri River but encountered hostile Arikara and

Teton Sioux Indians and, after a battle, were turned back. In 1808 Pryor was promoted to a second lieutenant and was assigned to escort William Clark and his new bride from the mouth of the Ohio River on the Mississippi River to St. Louis. Next, Pryor was dispatched up the Missouri River to help establish Fort Madison about fifteen miles upriver from the mouth of the Des Moines River. The Fort was constructed and Pryor remained there until April 1810 when he resigned his commission.

### Pryor Joins the Lead Rush in Iowa and Illinois

After leaving the Army Pryor attempted to establish a trading venture and to build a lead smelter near the Galena, Illinois lead mines. Several early documents indicate that Pryor's financial partner in these ventures was Albert Gallatin, Jefferson's Secretary of Treasury, and John Badollet's correspondent. In the spring of 1811 Clark ordered Pryor to spy upon Tecumseh's camp, Prophet's Town, and to report his observations to him and Harrison. The information in Pryor's report was so alarming to Gov. Harrison that he immediately started plans to raise an army and to march to Prophet's Town. In light of Badollet's correspondence the report may have not been as bad as Harrison believed or proclaimed, or Pryor may have exaggerated his report.

### War of 1812

Pryor did not fight in the Battle of Tippecanoe on November 7<sup>th</sup>, 1811 but he did fight in the Battle of New Orleans during the War of 1812. I include the following paragraph from Reno's book on Pryor since it shows the involvement of Floyds, Tuleys, and Pryors in the battle:

**During the Battle of New Orleans, Pryor and his 44<sup>th</sup> Regiment were in the center of the American line, together with the sharpshooters from Kentucky and Tennessee. It is speculative to wonder if the Floyd family held an extended family reunion in New Orleans. At least six members of the closely related Floyd, Pryor and Tuley families were present. Definitely present with Nat Pryor were his brothers, James Pryor and Robert Lewis Pryor, who had rafted down the Mississippi [River] with the Kentucky contingent, together with Pryor's cousins Nathaniel Floyd, Thomas Floyd Smith and William Floyd Tuley. One may also wonder if Nat Pryor had the opportunity to converse with his cousin, Davis Floyd, the older brother of Sgt. Charles Floyd of the Voyage of Discovery, who may have been present. Other cousins and family who were probably present were George Rogers Clark Floyd, John Wesley Floyd, Robert McClelland (a brother-in-law of Nat Pryor), William Churchill Myrtle, George Lawson Rogers, William Preston Tuley and John Withers Winn.**

### Rest of Pryor's Life

Pryor exited from the U. S. Army in 1815 at the age of 40 years. He then established a trading business in the Three Forks area of the Arkansas River. He allied himself with the Osage Indian Nation which occupied part of Missouri, Kansas, Arkansas, and Oklahoma. The Osages were of a particularly tall height with an average height of six feet two or three inches. They were deeply religious; they worshipped a single god. They hunted the buffalo but also planted crops. They were excellent horsemen.

In 1802 the Spanish governor canceled Auguste Chouteau's trade monopoly with the Osages in favor of Manuel Lisa. A lot of time passed but in 1819 Pryor was issued a license to trade with the Osages. It was that time that Pryor met and married an Osage woman. She may have been a sister of the Osage Chief Claremore. Also in that year a missionary of the Boston Congregational Church came west to establish a mission among the Osages. Pryor helped the missionary to settle and establish the Union Mission in Oklahoma. It is possible that Charbonneau and his son, Pomp, visited Pryor's trading post at Three Forks in 1820. Pryor reputedly helped in pacifying the Osages and improving their relationships with the Americans. Pryor then moved his trading post to a location in Oklahoma which was seven miles southeast of the modern town of Pryor, Oklahoma, named for him.

### Rest of Pryor's Life

The rest of Pryor's life was spent with his family and helping the various Indian tribes, including the Osages, to get along with each other. In December 1830 Sam Houston, former U. S. Congressman and Governor of Tennessee, wrote a touching letter to then President Andrew Jackson which recited:

**I have the honor to address you upon the subject of one of your old soldiers at the Battle of New Orleans. I allude to Capt. Nathaniel Pryor, who has for several years past, resided with the Osages as a sub-agent, by appointment of Gov. [William] Clark, but without any permanent appointment from the Government...He was the first man who volunteered to accompany Lewis and Clark on their tour to the Pacific Ocean...at the commencement of the last war [War of 1812] entered the Army again and was a Captain in the 44<sup>th</sup> Regiment under you at New Orleans; and a *braver* man never fought under the wings of your Eagles. He has done more to tame and pacificate the dispositions of the Osages to the whites, and surrounding tribes of Indians than all other whites, and surrounding tribes of Indians than all other men and has done more in promoting the authority of U. States and compelling the Osages to comply with demand from Colonel Arbuckle than any person could have supposed. Capt. Pryor**

**is a man of amiable character and disposition—of fine sense, strict honor—perfectly temperate in his habits—and unremitting in his attention to business.**

In 1831 Pryor was appointed as a sub-agent attached to the Osage agency at an annual salary of \$500.00. He died on June 9, 1831. He was born about the same time as Davis Floyd was born and died about the same time.

Pryor had Indian blood in him, he married an Indian woman, and he treated the Osage Indians in an honorable way. He was a man of character.

### **Best Proof of the Mode of Meriwether Lewis' Death:**

I divert here from the Floyd, Tuley, and Pryor story to express some of my opinions on the great debate concerning whether Meriwether Lewis died from his own hands or the hands of another person.

I recently read Clay S. Jenkinson's book entitled *The Character of Meriwether Lewis: Explorer in the Wilderness*. It is one of the best books ever written on the subject of Lewis and Clark and the Voyage of Discovery. Mr. Jenkinson spends a lot of pages sorting through the facts touching upon whether Lewis' untimely death was suicide or murder. He and most informed historians and history authors conclude that it was suicide and I agree with that conclusion.

Under American jurisprudence there are essentially three levels of evidence required to prove each of the essential elements of a case. In most civil cases the essential elements must be proved by a preponderance of the evidence. In other words the trier of fact, be it a jury or a judge, must determine from the evidence what is more probably true than not true. Some lawyers explain this concept to jurors by saying that the party with the burden of proof, usually the plaintiff, must tip the balance of lady justice's scales just slightly in that party's favor to win the case. Stated differently, over 50% of the weight of the evidence on each essential element of the case must be on that party's side to win the case. The next standard is called "clear and convincing" evidence. For instance, in some civil cases in order to recover punitive money damages (designed to punish the wrongdoer monetarily, not to reward the victim), the proof must be clear and convincing—something between preponderance of the evidence and the criminal standard. In most criminal cases the essential elements of the crime must be proved, not by a preponderance of the evidence, not just by clear and convincing evidence, but by evidence which is beyond and to the exclusion of any reasonable doubt. The word "reasonable doubt" causes every trier of fact,



but especially jurors, difficulty. There is sometimes a very thin line between "reasonable doubt" and "unreasonable doubt."

I believe that the case for suicide meets each of these levels or standards of proof. From the credible evidence I have no reasonable doubt or hesitation or uncertainty or reservation or misgiving that it was anything other than suicide. I say that as a reasonable human being and as a lawyer who practiced law for 42 years. In my opinion it boils down to common sense.

However, I believe that Mr. Jenkinson missed the most essential and relevant fact or facts, or absence of facts, which convince me that Lewis committed suicide and that Lewis was not murdered by an unknown third party or parties. There are two kinds of evidence, direct evidence and circumstantial evidence. A simple comparison is if I look out the window and it is raining, that is direct evidence that it is raining. I can testify that it was raining outside. But, if someone comes into a room with no windows and is carrying a dripping wet umbrella, one can reasonably assume it is raining outside; that is circumstantial evidence. When the Lewis and Clark Expedition was returning to St. Louis and Lewis was out hunting and got shot in the buttock, no one saw anyone shoot him. But, if there was one man who was close enough to him with a rifle to shoot him, it is reasonable to conclude that man shot Lewis even if no one saw it directly. That again is circumstantial evidence.

In my research on Davis Floyd I have encountered many documents evidencing the status of law enforcement and the judicial system on the western frontier both before and after 1809. Admittedly, I have not researched the status of law enforcement and the judicial system in western Tennessee at the time of Lewis' death. However, I have uncovered many instances of law enforcement and the judicial system in Kentucky, Mississippi, and Indiana at that time. It is probably difficult for some to believe but the Anglo-American legal system on the frontier was very sophisticated. It came from England via Virginia and then to Kentucky and the Indiana Territory. When I speak of law enforcement I mean sheriffs, constables, coroners, and U. S. Marshals. Whenever a crime was committed or suspected these officers or their agents would be the first to be called for or to step in and investigate the facts. We know that in 1802 Davis Floyd was appointed sheriff in Clark County and that Charles Floyd and William Floyd Tuley were appointed constables in two townships of the county. We know there were lawyers, federal and state judges, bailiffs, U. S. Attorneys, prosecutors, and courts in Kentucky and the Indiana Territory many years before 1809. In 1806 Davis Floyd was subpoenaed to appear in federal court in Frankfort, Kentucky as a witness in a case that was filed against Aaron Burr by the U. S. Attorney there. A U. S. marshal was ordered by the federal judge there to serve a subpoena on Floyd in Jeffersonville but Floyd was in Vincennes attending a session of the Territorial House of Representatives and could not attend. In 1807 Davis Floyd

pleaded guilty to a high misdemeanor in connection with his involvement in the so-called Aaron Burr conspiracy. The court was a federal court in Jeffersonville with a federal judge.

We know that Davis Floyd was a prosecutor in several Indiana counties from 1813 until 1816. We know that newspapers were active in Kentucky and the Indiana Territory from early times who liked nothing better than to report on the status of murders, etc. Burr's court proceedings in Frankfort, Kentucky in 1806 received considerable press coverage and criticism, mostly about the lack of evidence against Burr. The same thing happened when Burr and Floyd were arrested and charged with treason in the Mississippi Territory in 1807.

I find it very difficult to believe that had there been any evidence of murder at Grinder's Stand on the Natchez Trail, it would not have been investigated by someone, be it a local sheriff or the U. S. Attorney's office in Nashville. Meriwether Lewis was a prominent federal government official. His murder would have attracted a lot of attention. Grinder's Stand was one of several inns along the Natchez Trail; its reputation and that of the Grinders were probably well known by the local authorities, be it good or bad. Judges and lawyers who practiced in the county courts usually traveled together as a group, rode their horses together, and stayed in inns together. Any "sniff" of murder from this group would have been reported to the authorities. But the written records are devoid of any such reports. Some pro-murder activists claim that records exist that hint at murder, but such records do not. Circumstantial evidence of the absence of such evidence causes me to conclude that there was never any evidence of murder, not even a scintilla, as some lawyers would say.

In 1820 John Dahmen of New Albany, Indiana murdered two men, one a German baker in New Albany who was murdered in his shop, and the other a German traveling watch salesman who was murdered downriver several miles from New Albany. Dahmen was arrested but then escaped, but was eventually tracked down and brought to justice. Through the help of a fellow historian and the New Albany/Floyd County Public Library, I found credible evidence of the trial in original *Record Book A* of the Floyd Circuit Court and an original book about John Dahmen and his trial. There is a BBC British miniseries named *Poldark* which is available online from Netflix which describe the trials and tribulations of a British soldier who fought for England in the American Revolution, was captured by the French, but who eventually returned to his home in England in the Cornwall peninsula. At one point Poldark is an accused for removing goods illegally from a floundering ship. One episode of this series is his criminal trial in the early 1790's about this event. The legal process in Poldark's trial in the 1790's is identical to Dahmen's trial in New Albany in 1821.

Murder was never considered because there was not a scintilla of evidence of murder. For ages murder theorists have "cashed in" on promoting murder over suicide. The famous English authoress, Jane Austen, who lived between 1775 and 1817, wrote during her short life several novels including *Northanger Abbey*. This book was the first of her novels to be completed but was not published until after her death. At some point the heroine in the novel imagines that her host at Northanger Abby had murdered his wife. She had recently started reading gothic novels which were in vogue in England at that time and was influenced by their story lines to believe sinister motives in every event. When confronted by the son of the host, he tells her:

**What have you been judging from? Remember the country and age in which we live. Remember that we are English, that we are Christians. Consult your own understanding, your own sense of the probable, your own observation of what is passing around you. Does our education prepare us for such atrocities? Do our laws connive at them? Could they be perpetrated without being known, in a country like this, where social and literary intercourse is on such a footing, where every man is surrounded by a neighbourhood of voluntary spies, and where roads and newspapers lay everything open? Dearest Miss Morland, what ideas have you been admitting?**

Jane Austen wrote this a few years before the death of Meriwether Lewis. She was a great observer of human nature and sets forth succinctly in this passage everything I have been saying on this issue.

### **Conclusion:**

The character of Meriwether Lewis was the subject of Clay Jenkinson's biography and the character of members of the Virginia-Kentucky Floyd family was the subject of this paper. I have tried to present both the good and bad and all of the facts. I have not tried to tilt my paper to one side or the other. In the end the reader can make up his or her own mind. However, I feel compelled as an author to express my opinions based upon my research, experience, and common sense.