

The Smithfield Review

Studies in the history of the region west of the Blue Ridge

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A Note from the Editors	v
James Buckingham's Travels in Southern Appalachia, 1839 <i>Tom Costa</i>	1
William Radford, Revolutionary Patriot of the Continental Marines <i>David L. Mordy and James C. Mordy</i>	23
The Mysterious Origins of James Patton, Part 1. <i>Jim Glanville and Ryan Mays</i>	35
Whiskey, Soldiers, and Voting: Western Virginia Elections in the 1790s <i>Wesley J. Campbell</i>	65
Brief Note: A Letter to the Editor of <i>The Smithfield Review</i> Concerning William Preston and Greenfield <i>Rupert Cutler</i>	94
Brief Note: The Siting of Smithfield in Relation to the Fincastle Botetourt County Line <i>Jim Glanville</i>	95
Index to Volume XV <i>Clara Cox</i>	101

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60. Walter Lutwidge, *Letter Book 1739-40*, Cumbria Archive item YDX 79/1, microfilm from Rockefeller Library of Colonial Williamsburg. The letter book consists principally of copies of outgoing letters. There is a second, later, letter book (Cumbria archive item 79/2) that covers 1745-1749. It is not germane to the James Patton story.
61. Edward Hughes, *North Country Life in the Eighteenth Century*, Volume 2, *Cumberland and Westmoreland* (London: Oxford University Press, 1965), 34-35.
62. Richard K. MacMaster, "Captain James Patton comes to America 1737-1740," *Augusta Historical Bulletin* 16(2): 4-13, 1980. See also Richard MacMaster, "Ulster-Scots in Virginia: From Pennsylvania to Shenandoah," online at <http://www.ulstervirginia.com/ulsterscotsvirginia.asp>.
63. Kerby A. Miller, Arnold Schrier, Bruce D. Bolling, and David N. Doyle, eds., *Irish Immigrants in the Land of Canaan: Letters and Memoirs from Colonial and Revolutionary America, 1675-1815* (New York: Oxford University Press, 2003), 147.
64. Lutwidge's letter book (a record of copies of his correspondence) was written both by him and his clerks. In the extracts we quote, we have retained his language verbatim while occasionally changing punctuation for the modern reader.
65. "Prov Johnson" is John Johnson with whom Walter Lutwidge had exchanged several letters mentioning a "bottle" account. Our searching has revealed Provosts named Johnson around the right time at both the Solway towns of Dumfries and Carlisle. However this Johnson could not have been a Provost of Kirkcubright, as suggested by Richard MacMaster, because David Devereux has informed us in a personal communication that Kirkcubright has never had a Provost of that name.
66. Thomas Marshall Green, *Historic Families of Kentucky*. (Cincinnati: Robert Clarke, 1889), 8.
67. Joseph A. Waddell, letter to Col. Thomas L. Preston, April 20, 1896. Filson Club collections. Cited by Patricia Givens Johnson Papers 1920-1986, Ms88-007. Special Collections, Newman Library, Virginia Tech.
68. Johnson, *Patton and the Colonists*, 6.
69. John Egerton, *Generations: An American Family* (Lexington: University Press of Kentucky, 1983; (reprinted 2003 with a new afterword), 50. This book is self described by its author (p. 48) as "a combination of verifiable fact and plausible imagination."
70. Jim Glanville and Ryan Mays, "William Beverley, James Patton, and the Settling of the Shenandoah Valley," *Essex County Museum and Historical Society Bulletin*, 55: 1-5, 2010.
71. Jacob M. Price, *Tobacco Atlantic trade: The Chesapeake, London, and Glasgow, 1675-1775*, ten reprinted articles (Aldershot: Ashgate Variorum, 1995).
72. Alan W. Routledge, *Whitehaven: History and Guide* (Stroud: Tempus, 2002), 57. Chapter 5 of this work, pp. 52-62, is titled "The American Connection." Routledge, like coauthor Glanville of this article, is a retired chemist.
73. Robert C. Nash, "The English and Scottish Tobacco Trades in the Seventeenth and Eighteenth Centuries: Legal and Illegal Trade," *Economic History Review*, New Series. 35(3): 354-372, 1982. See also T. C. Barker, "Smuggling in the Eighteenth Century: The Evidence of the Scottish Tobacco Trade," *The Virginia Magazine of History and Biography*, 62(4): 387-399, 1954.
74. Ronald T. Gibbon, *To the King's Deceit: a Study of Smuggling on the Solway* (Whitehaven: The Friends of Whitehaven Museum, 1983).

Whiskey, Soldiers, and Voting: Western Virginia Elections in the 1790s

Wesley J. Campbell

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Editor's Note: Elections in eighteenth-century Virginia were conducted quite differently than current elections. In this article, the author presents revealing descriptions of early elections in Montgomery County, Virginia immediately following the birth of the United States. The behavior and motivations of the electorate, as well as the candidates, provide interesting insight regarding the social structure of that era.

The 1793 congressional election in western Virginia was a riotous affair. Francis Preston¹ defeated fellow Montgomery County native Abram Trigg² by only ten votes, but Trigg contested the result. In a petition to the United States House of Representatives, Trigg alleged that Preston's brother William, a captain in the United States army, had unduly interfered with the election by ordering the federal troops stationed in Montgomery County to intimidate voters.³ One perspective on the events appears in a report of the House Committee on Elections:

That, on the day of elections, the said troops were marched, in a body, twice or three times round the court-house, and paraded in front of and close to the door thereof.... That some of them threatened to beat any person who should vote in favor of [Mr. Trigg]. That one of the soldiers struck and knocked down a magistrate who was attending at the said election. That three soldiers stood at the door of the court-house, and refused to admit a voter because he declared he would vote for [Mr. Trigg]. That many of the country people were dissatisfied with the conduct of the soldiers, which produced altercations at the election between the soldiers and the country people, the former being generally for [Mr. Preston], and the latter for [Mr. Trigg], and terminated in a violent affray between them after the poll was closed.⁴

In spite of these turbulent events, the House of Representatives decided to uphold Preston's victory.

The 1793 election between Preston and Trigg makes for a great story, but perhaps more remarkable is that such tumultuous "poll days" were actually quite common in the eighteenth century. Although there is a general

paucity of sources for early congressional elections in western Virginia, sustained controversies in Montgomery County in the mid-1790s provide an exceptionally crisp record. This evidence illustrates not only the chasm between eighteenth-century and modern electioneering practices but also the social and political forces influencing western elections. Perhaps the most important factor in a candidate's success was whether he had cultivated a network of avid (and often elite) supporters. The experience of western Virginia in the 1790s therefore provides an interesting, and at times dour, perspective on the first federal elections.

Eighteenth-Century Voting

In the 1790s, Virginia conducted elections *viva voce*, meaning each voter announced his vote orally in the courthouse in front of the sheriff, candidates, and any others in attendance.⁵ According to an early account from Kanawha County (now in West Virginia⁶), the sheriff asked each voter,

in a voice audible over the whole court-house, "For whom do you vote?" The elector, turning to the bench, and glancing along the line of candidates—each of whom, perhaps, at the moment is grinning on him a smile of expectancy—he announces audibly, looking, and perhaps pointing, at the preferred candidates as he speaks: "I vote for Mr. A. for Congress, and for Mr. B. and Mr. C. for the Legislature." "Thank you, sir," "Thank you, sir," is simultaneously responded by Messrs. A., B., C., with a bow and a broad smile of complacency.⁷

After leaving the courthouse, each voter was "taken by the friends of the candidates voted for into the court-house yard, where their barrels or jugs of whisky are placed, and, if he uses the 'critter,' he is helped to a *grog* at each place by the aid of a tin-cup and a pail of water."⁸

Virginia adopted voice voting long before the American Revolution. Not only were candidates able to hear each vote as it was announced; they also had the right to request, at their own expense, a copy of the poll list on which all the votes were recorded.⁹ The process provided transparency, obviating any fear that a magistrate or sheriff would miscount the vote. But it also came with consequences, such as the nearly ubiquitous attempts to "persuade" voters through physical intimidation and alcoholic enticements. By the 1780s, voice voting had fallen out of favor in most states because of voter intimidation fears, but Virginia continued the oral voting tradition until the Civil War.¹⁰

Given its system of voting, western Virginia unsurprisingly had a legacy of election controversies long before independence. According to Richard R. Beeman, "the record of contested elections in the Virginia backcountry displays a pattern of rowdiness, drunkenness, and occasional outright intimidation."¹¹ The 1755 election in Augusta County is a notable example. When some of William Preston's supporters feared that Preston was about to lose, they blocked the doors, overturned the candles, and threw the sheriff, who was in charge of administering the election, onto a table with such force that it collapsed. The event quickly descended into a brawl. The sheriff, apparently recovered from his recent upheaval, began striking citizens with his staff in an effort to restore order.¹² Based on his analysis of this and other colonial election fracas, Beeman concludes that "traditional notions of respect were far less secure" than scholars have assumed and that "the inclination of an independent and mobile citizenry to pay deference [to political elites] was far more grudging at the very outset."¹³ That is, according to Beeman, voting rituals were a sign of incipient citizen empowerment. The free flow of whiskey may also have contributed to the lack of traditional respect.

Much of the inspiration for creating a new national constitution in 1787 stemmed from failures in the existing model of political representation. Many years later, James Madison recalled losing his first bid for public office because his opponent, a local tavern owner, provided voters with "spirituous liquors, and other treats," a practice which Madison decried as "inconsistent with the purity of moral and of republican principles."¹⁴ He also viewed state representatives as unduly beholden to the whims of local majorities and therefore amenable to ignoring the national interest. "Everyone knows," Madison wrote in the forty-sixth *Federalist* essay, "that a great proportion of the errors committed by the State Legislatures proceeds from the disposition of the members to sacrifice the comprehensive and permanent interest of the State, to the particular and separate views of the counties or districts in which they reside."¹⁵ Madison famously theorized that larger districts would help diffuse local passions, and a national legislature would be sufficiently large to protect any one group from attaining sufficient power to violate minority rights. Just before attending the constitutional convention in Philadelphia, he wrote about the importance of "a process of elections as will most certainly extract from the mass of the society the purest and noblest characters which it contains; such as will at once feel most strongly the proper motives to pursue the end of their appointment, and be most capable to devise the proper means of attaining it."¹⁶ Moving

to larger districts across multiple counties, he hypothesized, would prevent local demagogues or generous bar-keepers from gaining too much power; only those with sufficient public reputation would win.¹⁷ These debates over the character of political representation were central to the creation of the federal constitution.

Antifederalists responded with a pessimistic interpretation of the federalists' ideas. According to Patrick Henry:

If your elections be by districts instead of counties, the people will not be acquainted with the candidates. They must therefore be directed in the elections by those who know them. So that instead of a confidential connection between the electors and the elected, they will be absolutely unacquainted with each other. A common man must ask a man of influence how he is to proceed, and for whom he must vote. The elected, therefore, will be careless of the interest of the electors. It will be a common job to extort the suffrages of the common people for the most influential characters. The same men may be repeatedly elected by these means. This, Sir, instead of promoting the freedom of elections, leads us to an Aristocracy.¹⁸

Thus, at the outset of the new federal government, there were competing visions of how the new system would operate. Madison predicted well-known, "noble characters" would enjoy the favor of the people, while Henry suspected that larger districts would only transfer power to a privileged elite upon whom most voters would depend for information about the candidates. As it turned out, the experience of western Virginia during the first decade of federal elections largely vindicated Henry's grim prediction.

The First Federal Elections

On November 19, 1788, the Virginia General Assembly passed "An Act for the Election of Representatives pursuant to the Constitution of Government of the United States." Although some states chose their representatives through "at large" state-wide elections, Virginia decided to create ten districts in which voters would select a single representative.¹⁹ As Madison had hoped, districts were quite large, especially in western Virginia. The third district included the counties of Augusta, Botetourt, Greenbrier, Montgomery, Pendleton, Rockbridge, Russell, and Washington (see Figure 1).²⁰ Voter qualifications were the same as those for state elections to the General Assembly; male freeholders had to be over age twenty-one and own either fifty acres of unimproved land or both twenty-five acres and a

house, although there is some evidence that property requirements were only loosely enforced.²¹ Voting procedures also mirrored those used in state races.

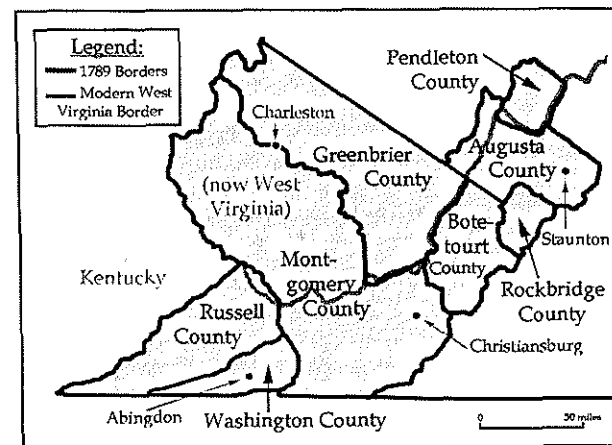


Figure 1: Western Virginia's Congressional District in 1789

The first federal election in Montgomery County took place on January 7, 1789, when the voters convened to choose a presidential elector. Although today the presidential ballot shows the name of the presidential candidates, originally voters announced their preference for a particular elector to attend the Electoral College. In the 1789 election, however, everyone understood that the Electoral College would choose George Washington as president. The western district for choosing a presidential elector was larger than the western congressional district. The presidential elector district included all the counties in the third congressional district, plus Rockingham and Shenandoah counties and all the counties in the district of Kentucky (which did not become a state until 1792). Only two candidates ran for elector, not only foretelling the inevitable outcome of the presidential race, but also reflecting the enormous difficulty and importance of coordinating a successful campaign. Zachariah Johnston apparently was up to the task. Voting totals survive from only nine counties, but Johnston earned every vote in seven of those and almost half of the votes in Botetourt County (see Figure 2). Only in Montgomery County was Johnston's opponent, Thomas Madison, able to prevail decisively. The unanimity in most counties suggests that Madison did not coordinate his campaign, whereas Johnston clearly did. Johnston's support was especially strong in his native Augusta County.

County	Candidate	
	Zachariah Johnston	Thomas Madison
Augusta	353	—
Botetourt	47	63
Greebrier	70	—
Montgomery	—	57
Pendleton	101	—
Rockbridge	75	—
Russell	47	—
Shenandoah	166	—
Washington	123	—

Figure 2: Results of the 1789 election for a Presidential Elector from Western Virginia²²

Less than a month after choosing a presidential elector, voters in Montgomery County cast votes for their inaugural congressional representative. The election pitted Andrew Moore of Rockbridge County against George Hancock of Botetourt County. The race itself seems to have been uneventful, but the weather on poll day was horrendous. At James Madison's residence in Orange County, the temperature at sunrise was two degrees Fahrenheit, with ten inches of snow on the ground from a storm two days prior.²³ Though the election was supposed to occur solely on February 2, several county sheriffs extended voting in response to the dreadful travel conditions. In Montgomery County, the clerk of court wrote that the election was extended "on the account of the high Watters and the Extremity of the Weather."²⁴ The next day was more pleasant, with temperatures reaching into the fifties.²⁵

Voters in Montgomery County had sided with the antifederalists during the ratification debates, but Moore and Hancock were both proponents of the new federal constitution. Nothing is known of the substance of the race, though the candidates' agreement over the Constitution probably limited the sparring that was ubiquitous elsewhere in the country. Without a documentary record, we can only surmise that the candidates discussed the proposals for a federal Bill of Rights to be added to the Constitution.²⁶

Nonetheless, this election did leave one piece of evidence. Buried in an old deed book is the Montgomery County poll list, which lists the name

of each voter and the candidate for whom he cast his vote. Although election officials were supposed to create these records for each election, this 1789 poll list is the only surviving list from an eighteenth-century congressional election in western Virginia.²⁷ By comparing this list to the local tax records, we can assess whether there were patterns in how individuals voted.²⁸

Unsurprisingly, men who voted were relatively affluent. Twenty-eight percent of voters owned slaves, compared to only 7 percent of non-voters. Similarly, 82 percent of voters owned at least three horses, compared to only 52 percent of non-voters.²⁹ Many persons on the tax list were probably ineligible to vote because of not owning enough land, so these comparisons tell us little about whether, among the pool of eligible voters, wealthier individuals were more likely to vote. Nevertheless, those who did vote were fairly well-off.

Interestingly, there seems not to have been any correlation between a voter's wealth and his preference between the two candidates. Nor did the location of an individual's home within the county seem to make much difference.³⁰ In fact, the only apparent predictor of a person's vote was whether he voted on the first day. On February 2, 1789, George Hancock received 120 votes, while Andrew Moore garnered only 12. The next day, however, voters were evenly divided, with each candidate receiving 13 votes.

There is no direct evidence regarding why polling diverged so sharply on the two days, but organizational efforts by each candidate probably played an important role. In particular, Hancock's agents might have exerted more pressure on voters the first day, whereas Moore's agents could have been absent. Or maybe the snowy conditions kept Moore's whiskey barrel from arriving on time. The data do not illuminate any pattern in the geographic origin of voters on the second day, which indicates it is unlikely that Moore recruited particular individuals to attend the election. But whatever the reason, the evidence for Montgomery County's first congressional election illustrates that elections and voting patterns could be highly erratic.

The 1792 Interim Election

The federal constitution mandated that an "actual Enumeration [of the people] shall be made within three Years after the first Meeting of the Congress" and that "Representatives...shall be apportioned among the several States which may be included within this Union, according to their respective Numbers." Since no census had yet been taken, the framers specified that "until such enumeration shall be made" Virginia "shall be

entitled to chuse" ten representatives.³¹ The first two congressional elections were decided based on this allocation.³²

When the census results were published in late 1791, Virginia's legislature realized that the commonwealth's allocated number of representatives would increase significantly. Even though Congress had yet to vote on an apportionment bill, the Virginia legislature passed on December 21, 1791, "[a]n act for the election of additional Representatives to the present Congress." The bill called for elections on February 14, 1792, with the western district to choose one additional congressman. Elected representatives were to serve only one year, until the next biennial election.³³

Francis Preston won the contest for the interim seat, though little is known of the election.³⁴ In an adjacent district to the east, candidate John Breckinridge wrote to his friend Archibald Stuart: "I run the Gauntlet in this District as a Candidate for Congress. You may judge of my anxiety in the business by referring to the date of this letter! This is the date of Election, & I [am] snugly by a good fire at Home."³⁵ Indeed, few in the west seemed to have cared about the contest. Of ten counties in the district, only the sheriffs in Botetourt, Montgomery, Russell, and Wythe counties made the journey necessary to report vote totals.³⁶ Though unknown at the time, the entire election actually was moot because Congress made reapportionment effective starting at the next biennial election in 1793.

One factor contributing to Francis Preston's success in the interim election was his name recognition. In addition to being Colonel William Preston's son, Francis may also have been assisted by his brother, John Preston, who was simultaneously courting votes in the same counties in preparation for a state senatorial race in April. On February 11, 1792, just three days before Francis's congressional election, John Preston wrote to James Smith: "You were before now well apprised of my intentions & I now wish you would make them as public as possible & strongly recommend me to your good honest German friends in Botetourt. I also would ask another singular favour of you, that is, should leisure permit you would write in my name to four or five of the most respectable dutchmen of your county soliciting their Interest on this occasion."³⁷ It is doubtful that Smith had time or initiative to solicit votes before Francis's congressional election, but John's efforts may have helped rally support for his brother on election day itself. Interestingly, John's opponent was Daniel Trigg, a native of Montgomery County and relative of Abram Trigg, who soon became Francis Preston's political adversary.³⁸

John Preston won the election by a considerable margin, but he still fretted that the necessary steps might not be taken to certify his victory. "The elections are finished & I hold a majority of at least 400," he wrote to his brother Francis, "but still it rest[s] with the Sheriffs to compleat the business. I have written & sent Jamy³⁹ to Col. Patton's, requesting him to fix on the place for the Sheriffs to meet—I wish you would insist on the Greenbriar sheriff to attend either in person or by his deputy.... It will be a mortification now if it should fall through."⁴⁰ Given the non-attendance by many of the sheriffs in the 1792 provisional election for Congress, John was not being paranoid. Nevertheless, his election was eventually certified, and he took his seat in the Virginia senate that fall.

Meanwhile, Francis Preston began preparing for the upcoming congressional election to be held in March of 1793. He wrote to John in September: "I've no news to give you but that Abram Trigg has disposed of [his official position at the] Clerks Office to Chs Taylor for £86 and I expect now certainly to have him an Opponent in my Election to Congress. I fear no great dread at his popular potencey—However the larger the District the better for me [and I] should therefore have no objections for Botetourt to be a part."⁴¹ Feeling pressure from his opponent, Francis set out to organize a winning campaign.

Running For Congress

In western Virginia, the most important aspect of a congressional campaign was recruiting supporters to serve as agents on election day. As Madison and the other founders had intended, congressional elections spanned many counties, and each candidate could only appear at one courthouse. Therefore, candidates recruited agents—also called "next friends"⁴²—to campaign on their behalf in other counties. When James Madison was unable to attend his own election in 1791, for instance, he wrote to his father enclosing letters written to "a friend in each County" who might know of his activities in Congress and the reasons he could not attend the election in person.⁴³ These agents were particularly important in western Virginia, which lacked a regional newspaper to disseminate information about the individuals vying for office.⁴⁴ Moreover, well-chosen agents could use their own reputations to persuade voters.

Agents and other allies, however, also provided social, and even physical, pressure to vote for a particular candidate. As evidenced by the riotous events of 1755 and the wintry conditions in 1789, the most recurrent feature of western elections was their unpredictability. Reflecting on his own

electoral prospects in 1792, Arthur Campbell wrote: "So much uncertainty appears in this business, from the season of the year that it may turn on the votes of a few zealous persons, and those in the vicinity of the courthouse."⁴⁵ By physically securing the courthouse, agents could drive away voters who supported the other candidates. Agents also pressured voters by offering them free alcohol on behalf of their candidates. The combination of free alcohol and pugnacious supporters often made for a raucous environment. In 1791, a Frenchman traveling through the Shenandoah Valley commented:

Your poll days are events of debauchery and brawling, and the candidates openly offer intoxication to anyone who will give them his vote. The taverns are filled by the contending parties. The citizens line themselves up under the banners of the opposing candidates, and the polling station is often surrounded by men armed with batons who drive away and intimidate the voters of the other candidate. This event is not so much about the people that judge but the factions that fight.⁴⁶

As corrupt as this purportedly democratic process was, candidates had little choice but to participate, lest their own supporters be persuaded by the batons or tin cups of the opponent.

Given that agents were needed at each courthouse in the congressional district, having a large political network was essential for success. Such networks were often based on kinship, business, or prior political office holding. Gail Terry argues that "family connections continued to contribute to the definition of one's place in the social and political order, and family honor figured in the published debates and influenced the behavior of individual family members."⁴⁷ Indeed, well over half of Virginia's early congressmen had close relatives who were elected to Congress.⁴⁸ Business and professional networks were also important. In the 1793 congressional election, for example, Preston apparently gained the support of almost all the fellow lawyers within his district.⁴⁹

The need for election-day agents also kept aspiring candidates and elected representatives engaged with prominent men throughout their districts. These connections promoted friendships and helped congressmen and their constituents receive valuable information. Congressman Andrew Moore, for example, regularly reported the latest national news to local leaders in Virginia's western counties.⁵⁰ Other forms of civil participation also provided opportunities for regional networking. In October 1792, the

General Assembly appointed Francis Preston as a trustee of the newly created Wythe Academy, along with prominent locals John Adams, William Calfee, Walter Crockett, Jesse Evans, George Hancock, James McCampbell, James McGavock, Robert Sayers, Byrd Smith, Alexander Smyth, Jehu Stephens, Reverend John Stanger, William Tate, and Preston's brother John.⁵¹ Some of these men later served as Preston's agents on poll day.

Just before the 1793 election, Francis Preston called on state representative Alexander Smyth of Wythe County. Smyth recalled the encounter in a letter to Preston two years later, expressing mortification at what he viewed as attempted bribery:

[Y]ou came to my house in company with Major Jesse Evans, and requested my attendance in Grayson on the day of election. I made some difficulty; whereupon you asked, "is it impossible to induce you to go?" I signified it was not impossible. You then asked, "what will induce you to go? name it." Some indifferent conversation followed, and I mentioned to your sending me the news of Philadelphia when you should go to Congress. To this you replied, "*The Encyclopedia would be the best news*;" I felt mortified; said no more; did not go to Grayson; voted at Wythe courthouse; but made no exertion.⁵²

Since Smyth was actively campaigning against Preston when he wrote this letter, his accusations may have been exaggerated. Although little is known of these electioneering practices, they were probably more common and accepted than Smyth let on.

Electioneering was famously opposed by most leading politicians, but, as one historian notes, "many of the very men who most adamantly condemned the courting of votes were among the most skillful at it."⁵³ As one method of subtle campaigning, candidates often appeared at court days preceding the election to give a short speech in favor of a resolution.⁵⁴ These speeches, if resonant with the attendees, could give credence to the candidate's status as a local leader. Perhaps this is the form of campaigning that Trigg employed when Francis Preston complained that "Trigg is industriously engaged in promoting his popularity, and speaks as if certain of his success in the Ensuing Election for Congress."⁵⁵

Beyond electioneering, Francis Preston also lobbied his friends in the Virginia legislature to draw congressional districts favorable to his electoral chances. Alexander Smyth reported one such lobbying effort several years later:

In 1792, some time after the election, at which I had the honor of being chosen a delegate for Wythe county, you and I happened together at Wythe courthouse, and I then informed you I meant to befriend you in the election for Congress, which was to come on in the year following. Our conversation turned on the business of the ensuing session of Assembly, and particularly laying off the Congressional districts. You expressed a desire that this district should be *as large* as possible, and particularly that it might include *Greenbrier* and *Botetourt*. My opinion given you was favorable as to the addition of *Greenbrier* (being a frontier county and on the western waters) but unfavorable as to the addition of *Botetourt*.⁵⁶

Preston also sent requests for a larger district to his brother John, a newly elected state senator: "Pray struggle for *Greenbrier* to be in the District, in which Event I would feel myself Secure, the larger the District the better... As Soon as the Congressional Districts are formed advise me of it."⁵⁷ *Greenbrier* County voters had supported the Constitution and therefore were perhaps more likely to favor Preston, a political moderate, over his antifederalist opponent, *Abram Trigg*. The General Assembly eventually created a district comprised of the western counties not part of *Kentucky*: *Grayson*, *Greenbrier*, *Kanawha*, *Lee*, *Montgomery*, *Russell*, *Washington*, and *Wythe* counties (see Figure 3).⁵⁸

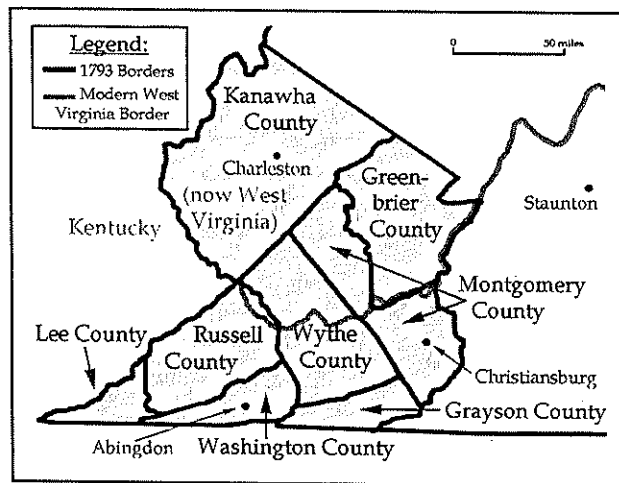


Figure 3: Francis Preston's Congressional District

Election day was set for March 18, 1793. Francis Preston anticipated that his opponent, *Abram Trigg*, would be particularly strong in *Montgomery* County.⁵⁹ For this crucial county, Preston chose his brother *William*, who commanded a local outpost of Federal troops, to serve as his agent at the courthouse on poll day.⁶⁰ The soldiers' behavior on election day soon ignited a protracted battle over the legitimacy of the election.

The Disputed Election of 1793

Reconstructing the basic details of what happened on March 18, 1793 is difficult enough, but assigning fault is nearly impossible. *Trigg's* petition to the United States House of Representatives alleged that *William Preston* positioned his soldiers "before that door of the Court house into which voters usually passed...during which time, they obstructed and hindered sundry voters who were going into the said Court house to give their votes for, and in favor of your petitioner."⁶¹ *Trigg* stated that *Preston* had placed "a strong man...there for the purpose, to throw out of the Court house such persons as rendered themselves obnoxious to him, by voting in favor of [*Trigg*]." *Trigg* also alleged that the votes cast by the soldiers were invalid.⁶²

Subsequent investigations included several depositions, although only fragments of the record have survived.⁶³ In one of the depositions, *James Charlton* stated that he observed the fracas through a nearby window:

I was in the Courthouse when Capt Prestons Company came before the door the time as I believe they gave their votes I saw them beat the Country people back two or three times and there was some pretty hard struggling between them. I expected a Combat would have followed. The Soldiers came in to vote by certain numbers and while they were voting no other person did vote.... From the Conduct of the Soldiers I Conceive some of the Country people were prevented from giving in their Votes. Some came in as I think after the Soldiers, and *Sam'l Langdon* informed me that he had fifteen...men to vote for *Col Trigg* but they got scared by the Conduct of the Soldiers and went home without voting.⁶⁴

On cross examination, however, Francis Preston pressed *Charlton* on the facts, asking whether "[t]hose Country people that were beat back" by the soldiers had already voted. *Charlton* conceded that he did not know. When asked whether the soldiers who voted departed the courthouse immediately after voting, *Charlton* confessed that he "started from home about that time or shortly after." He admitted that several of the townspeople came to the

election "lively," but he "remember[ed] no particular matter more than usual in Elections."⁶⁵ And asked whether Captain Preston's company had firearms, Charleton stated that he "did not see them have any fire arms, nor did [he] see them strike any body."⁶⁶ Sergeant Chambers of the federal troop outpost testified that he paraded the troops "to, and Around the Court House, and Manouvered them as usual," but he did "not know that it was to the displeasure or disquietment of the Voters."⁶⁷

Since William Preston's troops were stationed at the courthouse, it is not surprising that they were present on election day.⁶⁸ The Committee on Elections later found that one of the soldiers "struck and knocked down a magistrate who was attending at the said election," and that the election itself "terminated in a violent affray" between the soldiers and the country people.⁶⁹ Pro-administration Congressman Thomas Scott of Pennsylvania, however, countered that William Preston's "behaviour at the election was that of a sage: instead of the fire of youth, he had discovered all the moderation that could have been expected from the character of a philosopher."⁷⁰ Samuel Smith of Maryland called the committee report misleading. The magistrate who had been knocked down "was not there in his official capacity," Smith stated. "He was there drunk, sir; and he gave the first blow, sir, to the man who knocked him down."⁷¹

Controversy surrounding the affray spread quickly. Shortly after the election, prominent Tennessean James Robertson wrote to John Preston: "It appears Mr. Trigg means disputing on the Illegality of Mr. Prestons Election on acc^t of keeping the Election open a second day at Russel Court House."⁷² Such extensions, however, were common, even if extralegal.⁷³ More pressing were allegations of voter intimidation in Montgomery County. In April, Francis wrote to his brother William: "I understand Trigg means to contest my Election, on the riot at Montgomery—I apprehend some little danger on this head if the riot was intended but this I am satisfied was not the case."⁷⁴ Nonetheless, he asked his brother to begin collecting affidavits from his most respectable soldiers. A month later, Virginia Governor Henry Lee wrote to William stating that President Washington had called for an official investigation.⁷⁵

Francis Preston seems to have taken the accusations very seriously as a threat to both his position and his reputation. He wrote to William about the upcoming investigation:

[T]he president...has directed the Executive to have an enquiry into the affair, by Depositions, to know how and where you are to be tried, for

interfering with Civil priviledges by military force, as very properly they ought was the statement in that letter true for had you with your men so far infringed the priviledges of the people as to prevent a free Election, your own sense would dictate heavy punishments for such Offenses; & I am very happy to see the promptitude of the Executive of this State as well as the Executive of United States in redressing greivances of this important nature, but I am doubly happy to observe the Security that the property & persons of every individual is guarded with that neither can be injured without first an enquiry into the truth of a charge before a prosecution is entered.⁷⁶

Francis consoled his brother and predicted a favorable outcome. Nonetheless, he warned William, "let not these Opinions of mine lull you into an indifference on the subject, be active, be indefatigable in placing yourself in the most acceptable point of view."⁷⁷

Francis stayed vigilant throughout the investigation and communicated instructions to his agents when he was unable to attend proceedings himself.⁷⁸ As the affair continued, however, he grew more frustrated and angry. "Col Abram Trigg has taken up the prosecution of this business in hopes I expect that it will eventually injure my Election," he wrote to his brother John. "I wish you were in again for that infernal party are now so pregnant with prejudice that they are carrying every thing before them—By a record enclosed...you will see more of their hellish proceedings."⁷⁹ He expressed similar sentiments in a letter to William, stating that Trigg's supporters had proved "their infernal dispositions to persecute you—I hope yet the Day will come when we can retaliate on them."⁸⁰ In fact, Preston did retaliate against a Trigg supporter, Joseph Cloyd, by writing to the governor, privy council, and several William and Mary professors in opposition to Cloyd's candidacy to become the county lawyer for Montgomery County.⁸¹

The Aftermath

Considerable uncertainty regarding the election results overshadowed Preston's first term in Congress.⁸² In December 1793, the House of Representatives received Trigg's petition, which the House referred to the Committee on Elections.⁸³ The following April, the committee reported its findings:

The committee, on full consideration of all the evidence in relation to Montgomery county,...are of opinion that, notwithstanding the soldiers were not disfranchised of the right of voting, merely as such, yet their

conduct, as well as that of their commander, was inconsistent with that freedom and fairness which ought to prevail at elections; and that, although it does not appear, from any other than hearsay testimony, that any voter was actually prevented from voting, yet there is every reasonable ground to believe that some were, and that the election was unduly and unfairly biased by the turbulent and menacing conduct of the military.⁸⁴

The committee concluded its report by noting the dangerous precedent of military intimidation, stating that "the inestimable privilege of free suffrage ought never to be violated by any military interposition." As such, the committee declared that "the sitting member may have obtained a majority by improper influence, and that the petitioner ought to have a chance of obtaining a seat on equal terms."⁸⁵ It recommended the House deny Preston's credentials.⁸⁶

The House, however, did not accept the committee's recommendation, and most representatives responded negatively to the committee report. Interestingly, their criticisms were not confined to the committee's factual findings. Several representatives complained that the report did not consider the election's fairness in light of prevailing regional practices. Samuel Smith of Maryland decried elections in the South as being "nothing but a nursery of superlative mischief."⁸⁷ Thus, according to Smith, Preston's election did not warrant greater scorn than any other southern election. He even went so far as to say that he had "never known an election in the Southern States where there was so little mischief."⁸⁸ Anti-administration Representative Alexander Gillon chided fellow South Carolinian William Loughton Smith, who chaired the Committee on Elections, for criticizing the events surrounding Francis Preston's election. After all, Gillon stated, "there was a riot at [Smith's] own election, and in his own favor; and still worse, this riot was in a Church: the riot was raised by a Magistrate, who, with his own hand, dragged one of the opposite party out of the Church."⁸⁹ And if the other Congressmen wanted evidence of this claim, Gillon stated, "I myself was present, and can be a witness."⁹⁰ At the end of the debate, the House's journal records that "[t]he Petition of Mr. Trigg, and the report of the Committee upon it, were rejected, without division."⁹¹

The reception of the committee report in the House of Representatives lacked clear partisan divisions. Federalists probably preferred Preston to his antifederalist opponent. And Republicans were likely indifferent since Preston and Trigg both supported Republican policies.⁹² In the words of one scholar, the two men "had no serious disagreements in politics."⁹³

More importantly, the floor debate illustrates the House's recognition and tacit acceptance of highly suspect election practices in certain regions. "If the Committee are to break up every election where persons were seen drunk," Samuel Smith stated, "they will have a great deal of work upon hand." Smith then described his perception of a typical southern election: "A man of influence came to the place of election at the head of two or three hundred of his friends; and to be sure they would not, if they could help it, suffer anybody on the other side to give a vote, as long as they were there."⁹⁴ Anti-administration representatives were predictably averse to the idea of imposing national standards for evaluating elections. They were also happy to expose the hypocrisy of William Loughton Smith, a staunch supporter of the Washington administration, in criticizing the same antics that had aided his own election.

Continuing Electoral Competition

Although the House upheld the election, Francis Preston's electoral struggles were far from over. In early 1795, just weeks before the next election, Alexander Smyth circulated a series of inflammatory letters attacking Preston's politics and character.⁹⁵ Smyth highlighted Preston's disproportionate wealth, stating that "republicans will agree that the property of a representative ought not to be equal to the property of *one hundred* of his constituents, taken on an average."⁹⁶ He also attacked the local consolidation of power in the Preston family and even criticized the late William Preston's conduct before the Revolutionary War.⁹⁷ But Smyth's democratic impulses went only so far. He lambasted how the federal soldiers in Montgomery County were permitted to vote in the 1793 election, writing: "I fear that the soldiery of the western army, composed of the most worthless and least informed of our citizens, 'swept to the war the lumber of the land,' may not possess all the good sense and virtue you pretend to expect."⁹⁸

In his pamphlet, Smyth probably deployed what he thought were the most effective attacks against Preston. Interestingly, his discussion of the 1793 election focused on the fact that the soldiers had been able to vote. He did not mention the melee that had arisen in Montgomery County and that had consumed much of Preston's attention in the following year. While readers should be hesitant to draw too much from this silence, it adds credence to the idea that voter intimidation, and even violence, were commonplace in eighteenth-century elections. Smyth probably would have placed more of his attention on the 1793 scuffles if he thought the affair would resonate with voters.

Although Preston ultimately won reelection against Trigg, their bitter rivalry continued unabated.⁹⁹ Animosity peaked when Smyth allegedly wrote a pamphlet attacking John Preston. The latter became so infuriated that he “threatened to horse whip [Smyth] for it which would have been immediately executed had we not been in the Lobby of the House of Delegates which I did not wish to disturb.”¹⁰⁰ Instead, the two men arranged a duel. John Preston recounted: “My friends W^m Lewis of Augusta, & his Col Trigg took the pistols, (of which he had choice,...) they were charge cock’d & put into our hands & we ordered to face & fire.”¹⁰¹ Neither man’s shot touched the other, and they agreed that their honor had been vindicated. John Preston later wrote, “I hear no more of fighting since the safest mode of warfare is the press.”¹⁰²

As the 1797 congressional election approached, Francis Preston once again organized his regional supporters. “I have determined to leave this before Congress rises,” he stated to his brother John, “that I may be at home against the Election for I hear Col Trigg opposes me again, if so I know my presence will be necessary, indeed I do not know whether it will be sufficient, as I expect he will be industrious and perhaps under handed to take my friends by surprize.”¹⁰³ Preston wrote that he would campaign beforehand at court days in Montgomery and Wythe counties, though he had not decided which courthouse he would attend on poll day.¹⁰⁴

Predictably, the election campaign ignited a new round of attacks on Preston’s character. Smyth accused him of political cronyism during a recent appointment for justice of the peace in Wythe County. Preston expressed little concern: “I think [Smyth’s pamphlet] will not have Effect if we are to Judge from his last attempt and particularly as I am told he has brought our fathers reputation in question, this will lend to irritate his old friends and finally be an injury to his reputation.”¹⁰⁵ Nonetheless, Preston responded with his own circular letter:

I have not a doubt but the circulation of Smyth’s pamphlet is intended as much to influence the election as a defence of his character; for I have always entertained the idea, that the gratification of his malice is a primary consideration with him, even at the expence of his reputation; and his withholding the publication until just before the election is satisfactory proof of it.¹⁰⁶

Preston bemoaned “the torrent of slander that has been poured forth at every election by base and unprincipled men” but expressed faith in the “good

sense of the people” to look beyond these slanders.¹⁰⁷ “I know [the people] will despise this base attempt to influence their judgments,” he wrote, “as much as they did the degrading insinuation in a former letter, that *riches* had more weight at an election than information.”¹⁰⁸

In spite of his outward optimism, Preston privately worried about losing, and he particularly feared the stigma of rejection. He confided to his brother John:

I hope we shall be able to muster strong enough to defeat him once more, I am however only anxious because there has been such a Contest between us & therefore would feel mortified at being refused, although I know it would be singularly to my pecuniary advantage, but of these things I need not speak to you, for you have been long enough in the habit of Contested Elections to have experienced all the feelings attendant on such a situation.¹⁰⁹

Writing again to John the day after the election, Preston’s mood was somber: “I am satisfied almost I must loose the Election.” He reported that in Greenbrier County he held “but a Majority of 98, this I am sure will not do & I am preparing my mind to meet the mortification & believe it will not set as severe as is expected.”¹¹⁰ Indeed, Abram Trigg finally had defeated Preston.¹¹¹

Conclusion

In Francis Preston’s congressional district, the similarity of the candidates’ views on national affairs offered little chance for policy-oriented campaigning. Voters may have been skeptical of Preston in March of 1793, but his subsequent voting record in Congress was hardly objectionable. And when Abram Trigg finally unseated Preston in 1797, Richard Beeman reports, he pursued “the same policies as his predecessor.”¹¹² Indeed, any candidate running as a pro-administration Federalist would have stood no chance to win in an area where a majority of representatives to the constitutional ratification convention voted against ratification.

The absence of genuine policy differences, however, hardly deprived federal elections in western Virginia of significant drama, including duels, brawls, and legal challenges. Instead of generating spirited, issue-oriented debates, the first decade of federal elections in western Virginia exhibited many of the pitfalls that Patrick Henry had predicted during ratification. Large congressional districts, especially in the sparsely-populated western counties,

made polling agents critical to electoral success. A significant component of Francis Preston's organizational efforts was recruiting these agents from among his friends, family, and politically connected acquaintances. And by all accounts, these agents took drastic steps to ensure that voters cast their votes for the right candidate. William Preston's election-day antics on behalf of his brother and Alexander Smyth's literature campaign exemplify two of the roles that agents played in eighteenth-century elections.

The experience of Montgomery County during the first decade of federal elections also demonstrates the extent to which polling agents could become embroiled in electoral squabbles far beyond the day of the election. In the absence of genuine policy differences to distinguish the candidates, federal campaigns often became deeply personal, defined by individual and familial rivalries as well as the candidates' fears of rejection. Alexander Smyth's political diatribes against Francis Preston were principally attacks on his wealth and family history. John Preston defended his family's honor by challenging Smyth to a duel. Candidates sometimes expended far more effort attacking their opponent's agents rather than the opponent himself. For instance, Preston waged a significant campaign against one of Trigg's agents, Joseph Cloyd, who was trying to become the attorney for Montgomery County. Trigg's supporters made similar efforts against William Preston.

Perhaps what is most remarkable about the role of polling agents in the first federal elections, however, is that their co-opting and intimidating of voters had minimal negative repercussions for their respective candidates. Preston's disputed election in 1793 came before Congress only because it involved an outpost of federal soldiers. And Congress ultimately upheld his victory, in part because the raucous events of March 18 typified southern elections. If voters had opposed efforts to intimidate and co-opt their votes, the tradition of violence and revelry on polling days probably would have died out once candidates realized that engaging in such tactics would have limited their chances for serving more than one term in office. But in Montgomery County, where the record is remarkably well-preserved, there is no indication that Trigg benefited in later elections from William Preston's actions in 1793. Rather, voters expected and tacitly accepted the raucous nature of eighteenth-century elections.

Appendix A

1789 Montgomery County Congressional Poll List

The following poll list for the 1789 congressional election in Montgomery County appears in Book B of Montgomery County Deeds and Wills, page 139. Original spellings, which are often erroneous, are preserved. The list has been reordered alphabetically. Alternative spellings from the tax records appear in parentheses. Other alternative spellings appear in brackets.

Asterisks indicate individuals for whom no tax record was found.¹¹³

Votes from February 2, 1789:

Andrew Moore Voters

Daniel Colins*

Duncan Gullion (Gullian)

James McGavock

Francis Preston*¹¹⁴

Thomas Copenefer

(Copenheefter)

Henry Helvie (Helvey)

John McNilt*

John Preston

George Hancock Voters

George Adams

Thomas Alfred (Alford)

Chales (Charles) Baker

William Bartlet (Berlet)

Andrew Brown

Robert Buckhanan

William Calfee Jr. (Calfey)

George Carter

Stophel Catring (Stophell Kettering)

Ruebin Cooley*

John Craig

James Crockett

Richard Christial (Crystal)

Michel Cutney* [Courtney; Cotney]

Robert Davies (Davis)

George Davis Sr.

Joseph Davison (Davidson)

John Draper Jr.

Joseph Eaton

John Ewing

Joseph Fannen* [Fanning; Fannon]

John Adams

Philip Arambester (Armbrister)

Daniel Bangrer*

William Brabston

John Brown

William Calfee (Calfey)

James Campbell

Robert Carter*

Thadeus (Thaddeas) Cooley

Robert Cowden

Andrew Crockett (Crockett)

Joseph Crockett (Crockett)

William Christial (Crystal)

James Davies

George Davis Jr.

John Davis*

Francis Day

Charles Dyer (Dier)

George Ewing Jr.

Samuel Ewing

William Findley

James Foster*	Thomas Foster
John Gibbs (Gibb)	Michael Gibbs (Gibb)
Abram Godavin*	Robert Graham
John Grills	Stofel Gru*
Henry Grubb	James Hacheson (Hutcheson)
Adam Hance	William Harrold*
Lissey Heldrith*	John Henley
Henry Honacre	Henry Honacre*
Joseph Honacre (Honaker)	George Honch (Houck)
John Honey (Hunny)	Daniel Howe
John Hust	John Ingles
George Keigley (Kegley)	John Kur (Kerr) [Carr]
Peter Kinder	William King
Michail [Lee?]*	Mathew (Matthew) Lindsey
James Loader* [Soader?]	Robert Major (Majors)
John Mairs (Mears)	Joseph Mairs (Mears)
John Masner (Masoner)	George May (Moy)
James McDonald	Adam Miller*
Robert Miller	Henry Mitchel (Mitchell)
James Montgomery	James Montgomery Jr.
John Montgomery	Joseph Montgomery*
William Morgan	Gideon Moss
Roger Oats	James Patrick
William Phips (Phipps)	Peter Pinkley*
Meredy (Meriday) Rains	William Rains
Joseph Ramsey	Robert Read
Michael Robnett (Robinett)	Abselom Reatherford
Julious Rutherford (Retherford)	William Rutherford (Retherford)
William Rutherford Jr. (Retherford)	Stephen Sanders
John T. Sayers	Robert Sayers
Burkheart Seaple* [Sipple]	Randolph Sergate
Isack Simpson*	David Slone (Sloane) [Stone?]
John Sowder*	Andrew Steel
Jessee (Jesse) Stephens	Stofel Strugher*
Charles Symmerman (Simmerman)	Stophel Symmermon (Simmerman)
Samuel Thompson	Abram Trigg
Daniel Trigg	Michael Walters
George Wampler (Wampler)	John Wampler (Wampler)
John Whitsel (Whitsell)	Boston Wygal (Wigal)

Votes from February 3, 1789:

Andrew Moore Voters

Peter Bishop
(Breckenridge)
William Foster
John Goff
William Long
James Newel (Newell)
Robert Steel
(Simmerman)
William Ward

Robert Brackenridge

Philip Fry (Phry)
Samuel Ingram
James Murphy
David Sayers
Earheart Symmermon

George Hancock Voters

Cornelius (Cornelius) Brown
Joseph Cloyd
James Finley
Joseph Kent
Adam Seik (Seek) [Sick; Six]
Bird Smith
John Winter

Charles Carter
George Draper
John Hutzil (Hustsell) [Hutsel]
John King
Henry Patton
James Smith

Totals

Hancock: 133 votes

Moore: 21 votes

Endnotes

1. Francis Preston, son of William and Susanna (Smith) Preston, was born August 2, 1765, in Botetourt County, Va. He attended the College of William and Mary and practiced law in Montgomery County. John Frederick Dorman, *The Prestons of Smithfield and Greenfield in Virginia* (Louisville: Filson Club, 1982), 52-55.
2. Abram Trigg, son of William and Mary Trigg, was born about 1750. He was a lawyer, clerk of the court, and justice of the peace, in Montgomery County. Mary B. Kegley and F. B. Kegley, *Early Adventurers on the Western Waters*, vol. 1 (Orange, Va.: Green Publishers, 1980), 274-76. See also David Maldwyn Ellis, "Abram Trigg, Congressman" (Master's thesis, Virginia Tech 1971).
3. Abram Trigg, "To the Honorable the Speaker and the other Members of the House of Representatives of the United States," [copy], Joyes Collection, Preston Papers, Filson Historical Society, Louisville, Ky.
4. M. St. Claire Clarke and David A. Hall, *Cases of Contested Elections in Congress from the Year 1789 to 1834* (Washington: Gales and Seaton, 1834), 79.

5. An early dictionary recorded the following: "Viva voce. Lat.—'By the living voice.'—By oral testimony as opposed to written evidence. Electors are said to vote *viva voce* when they call out the names of their candidates, instead of *silently* depositing them on a ticket in the ballot-box." David Evans MacDonnel, *A Dictionary of Select and Popular Quotations, Which are in Daily Use* (Philadelphia: A. Finley, 1818), 318.
6. Kanawha County was adjacent to Montgomery County until the latter split in 1806 to form Giles County.
7. George W. Atkinson, *History of Kanawha County, from its Organization in 1789 until the Present Time* (Charleston, W.Va.: West Virginia Journal, 1876), 172.
8. Atkinson, *History of Kanawha County*.
9. The Virginia law of 1788 stated: "Any Sheriff or Deputy-sheriff...making any erasure or alteration in the poll-books or refusing to suffer any Candidate or Elector at his own expense to take a Copy of the Poll-books shall forfeit and pay two hundred pounds." Gordon DenBoer et al., eds., *The Documentary History of the First Federal Elections, 1788-1790*, 4 vols. (Madison: University of Wisconsin Press, 1976-1989), 2:295.
10. Robert J. Dinkin, *Voting in Revolutionary America: A Study of Elections in the Original Thirteen States, 1776-1789* (Westport, Conn.: Greenwood Press, 1982), 101.
11. Richard R. Beeman, *The Varieties of Political Experience in Eighteenth-Century America* (Philadelphia: University of Pennsylvania Press, 2004), 165.
12. Robert E. Brown and B. Katherine Brown, *Virginia 1705-1786: Democracy or Aristocracy?* (East Lansing: Michigan State University Press, 1964), 153-54; Albert H. Tillson Jr., *Gentry and Common Folk: Political Culture on a Virginia Frontier, 1740-1789* (Lexington, Ky.: University Press of Kentucky, 1991), 39-40.
13. Beeman, *The Varieties of Political Experience*, 165.
14. Jack N. Rakove, *James Madison and the Creation of the American Republic* (New York: Harper Collins, 1990), 15.
15. James Madison, essay 46, Jacob E. Cooke, ed., *The Federalist* (Middleton, Conn.: Wesleyan University Press, 1961), 318.
16. James Madison, "Vices of the Political System of the United States," in Robert A. Rutland et al., eds., *The Papers of James Madison* (Chicago: University of Chicago Press, 1975), 9:357.
17. As Jack Rakove has noted, Madison wanted "to find ways to dissipate the populist pressures of the people and improve the quality of lawmaking by reforming the character of the lawmakers." Jack Rakove, *Original Meanings: Politics and Ideas in the Making of the Constitution* (New York: A.A. Knopf, 1996), 218.
18. Virginia Ratification Debates, June 12, 1788, in John P. Kaminski et al., eds., *Documentary History of the Ratification of the Constitution*, 23 vols. to date (Madison: Wisconsin Historical Society Press, 1976-2009), 10:1217.
19. Virginia, South Carolina, Massachusetts, North Carolina, and New York used districts to elect representatives. Pennsylvania, New Hampshire, Connecticut, Delaware, and New Jersey had state-wide (or "at large") elections for their representatives, as did the two states which had only one representative (Delaware and Rhode Island). Maryland and Georgia adopted hybrid systems, with district-level nominations but state-wide voting. R. B. Bernstein, "A New Matrix for National Politics: The First Federal Elections, 1788-1790," in Kenneth R. Bowling and Donald R. Kennon, eds., *Inventing Congress: Origins and Establishment of the First Federal Congress* (Athens: Ohio University Press, 1999), 123-24.
20. DenBoer et al., eds., *The Documentary History of the First Federal Elections*, 2:293.
21. DenBoer et al., eds., *The Documentary History of the First Federal Elections*, 2:284. In a draft petition to the Virginia legislature on behalf of the citizens of newly-created Wythe County, Arthur Campbell reported: "It has been the usage in the County of Montgomery of which until lately we formed a principal part, to admit all those that bore arms in the defence of the State, to

- the right of suffrage; with this expectation a large number of freemen attended the late election of Delegates for this County; but on application was refused our votes, by telling us it was law, that only freeholders could vote, although we have reason to believe it was only to answer the purpose of one of the Candidates." Petition of a Number of the Inhabitants of Wythe County, [undated; perhaps circa 1793], Arthur Campbell Papers, FHS.
22. There were not any returns for Rockingham and the District of Kentucky, which were included in the Electoral College district but not the congressional district. DenBoer et al., eds., *The Documentary History of the First Federal Elections*, 2:307.
23. Richard E. Labunski, *James Madison and the Struggle for the Bill of Rights* (Oxford: Oxford University Press, 2006), 173.
24. Montgomery County Deeds & Wills, Book B, p. 142, Montgomery County Circuit Court, Christiansburg, Va.
25. Labunski, *James Madison and the Struggle for the Bill of Rights*, 173.
26. Labunski, *James Madison and the Struggle for the Bill of Rights*, 158-65.
27. Based on his search of county records, Risjord states (incorrectly) that a poll list from a state-level election in Botetourt County was "the only poll list found for a county west of the Blue Ridge." Norman K. Risjord, "How the 'Common Man' Voted in Jefferson's Virginia," in John B. Boles, ed., *America: The Middle Period; Essays in Honor of Bernard Mayo* (Charlottesville: University of Virginia Press, 1973), 52.
28. Out of 154 voters listed on the poll list, 127 corresponding names can be identified on the 1789 tax list for Montgomery County. See Appendix A. The tax list transcript appears in Nettie Schreiner-Yantis, *Montgomery County, Virginia—Circa 1790: A comprehensive study, including the 1789 tax lists abstracts of over 800 land surveys & data concerning migration* (Springfield, Va.: 1972).
29. These calculations are based on comparison of the poll list (Appendix A) to the tax records cited in the previous note.
30. The tax list included three districts, and although voters in District B were more likely to vote, they did not show any greater attachment to either candidate.
31. Constitution of the United States of America, Article I, Section 2, Clause 3.
32. In 1791, the first census was complete, but Congress still had not passed an act establishing how many representatives would be allotted to each state. When Congress finally passed an act in March 1792, the President vetoed it, in part because the ratio of representatives to constituents was too high in some districts. See Harold C. Syrett et al., eds., *The Papers of Alexander Hamilton*, 27 vols. (New York, 1961-1987), 11:227-28.
33. William Waller Hening, ed., *The Statutes at Large; Being a Collection of All the Laws of Virginia from the First Session of the Legislature, in the Year 1619*, 18 vols. (Philadelphia: William Brown, 1823), 13:251.
34. Arthur Campbell, a long-time civic leader in Washington County, seems to have offered himself as a candidate. A couple months before the interim election, Campbell wrote: "Mr. F[ran]cis Preston and myself have declared ourselves in the Western Counties, and we are told Mr. [Zachariah] Johns[t]on will offer also. If he does not my election will be sure; otherwis[e] I am not so certain." Arthur Campbell to John Steele, January 13, [1792], Arthur Campbell Papers, FHS. For more information on Campbell, see Peter J. Kastor, "'Equitable Right and Privileges': The Divided Loyalties in Washington County, Virginia, during the Franklin Separatist Crisis," *Virginia Magazine of History and Biography* 105:2 (Spring 1997): 193-226; James William Hagy, "Arthur Campbell and the West, 1743-1811," *Virginia Magazine of History and Biography* 90:4 (Oct. 1982): 456-71.
35. Quoted in Lowell H. Harrison, "A Virginian Moves to Kentucky, 1793," *William and Mary Quarterly* 15:2 (April 1958): 209.

36. William P. Palmer and Sherwin McRae, eds., *Calendar of Virginia State Papers and Other Manuscripts*, 11 vols. (Richmond: R.F. Walker, 1875-1893), 5:450.
37. John Preston to James Smith, February 11, 1792, [typed copy of privately owned letter], Davie Collection, Preston Papers, Virginia Historical Society, Richmond, Va. [Hereinafter VHS].
38. Risjord states that Daniel Trigg was a nephew of Abram Trigg. Risjord, "How the 'Common Man' Voted in Jefferson's Virginia," 54. Abram Trigg, however, also had a brother named Daniel, and this author has not attempted to verify which Daniel was running for state senate against John Preston. Before the election, there was still confusion about who was running. One of Preston's friends wrote: "I expect that you will have a very great Majority of the Votes In Botetourt for the Senate. Hancock I expect will be against you & perhaps Lockhart, the Latter is by no means formadable." John Smith to John Preston, March 3, 1792, Davie Collection, Preston Papers, VHS. George Hancock, however, ran for a seat in the House of Delegates.
39. Jamy was the nickname of James Preston, the younger brother of Francis, John, and William Preston.
40. John Preston to Francis Preston, May 5, 1792, Davie Collection, Preston Papers, VHS.
41. Francis Preston to John Preston, September 9, 1792, Davie Collection, Preston Papers, VHS. The bracketed words have been added for clarity.
42. The term "next friend" was used in Abram Trigg's petition to Congress. Abram Trigg, "To the Honorable the Speaker and the other Members of the House of Representatives of the United States," [copy], Joyes Collection, Preston Papers, FHS.
43. James Madison to James Madison Sr., August 14, 1790, in Rutland et al., eds., *Papers of James Madison*, 13:292.
44. For information about the importance of newspapers in other locations, see Andrew W. Robertson, "Voting Rights and Voting Acts: Electioneering Ritual, 1790-1820," in Jeffrey L. Pasley, Andrew W. Robertson, and David Waldstreicher, eds., *Beyond the Founders: New Approaches to the Political History of the United States* (Chapel Hill: University of North Carolina Press, 2004), 67.
45. Arthur Campbell to John Steele, January 13, [1792], Arthur Campbell Papers, FHS.
46. Ferdinand-Marie Bayard, *Voyage dans l'intérieur des États-Unis, a Bath, Winchester, dans la vallée de Shenandoah, pendant l'Été de 1791* (Paris: Chez Cocheris, 1797), 134. The passage above is a translation from the original French.
47. Gail S. Terry, "An Old Family Confronts the New Politics: The Preston-Trigg Congressional Contests of the 1790s," in Michael J. Puglisi, ed., *Diversity and Accommodation: Essays on the Cultural Composition of the Virginia Frontier* (Knoxville: University of Tennessee Press, 1997), 228.
48. Daniel P. Jordan, *Political Leadership in Jefferson's Virginia* (Charlottesville: University Press of Virginia, 1983), 99.
49. Alexander Smyth later stated: "After the election, Col. Trigg applied to me concerning an interference therein by a company of soldiers commanded by your brother, Capt. William Preston, and rendezvoused at Montgomery courthouse. He urged that all the Lawyers at the bar, myself excepted, were connected to you, that he considered his rights and those of the people injured, and that it was my duty to give him counsel and assistance." Alexander Smyth to Francis Preston, March 10, 1795, [published pamphlet], Campbell-Preston-Floyd Papers, Library of Congress, Washington, D.C. (hereinafter referred to as LOC), 10.
50. For example, see Andrew Moore to Arthur Campbell, March 12, 1790, Arthur Campbell Papers, FHS.
51. Mary B. Kegley, *Early Adventurers in the Town of Evansham*, vol. 4 (Wytheville: Kegley Books, 1998), 29.
52. Alexander Smyth to Francis Preston, March 10, 1795, [published pamphlet], Campbell-Preston-Floyd Papers, LOC, 10.

53. Jordan, *Political Leadership in Jefferson's Virginia*, 104.
54. Jordan, *Political Leadership in Jefferson's Virginia*, 95.
55. Francis Preston to John Preston, October 24, 1792, Davie Collection, Preston Papers, VHS.
56. Alexander Smyth to Francis Preston, March 10, 1795, [published pamphlet], Campbell-Preston-Floyd Papers, LOC, 9.
57. Francis Preston to John Preston, October 24, 1792, Davie Collection, Preston Papers, VHS.
58. "An act for arranging the counties of this Commonwealth into districts to choose Representatives to Congress," December 26, 1792, in Hening, *Statutes at Large*, 13:331.
59. Both candidates were natives of Montgomery County, though Preston had since moved to Abingdon. See notes 2 and 3.
60. Trigg's petition to Congress identified William as Francis's agent, or "next friend." Abram Trigg, "To the Honorable the Speaker and the other Members of the House of Representatives of the United States," [copy], Joyes Collection, Preston Papers, FHS.
61. The same language as appeared in Trigg's petition was repeated in a letter from James McCorkle, Daniel Howe, and James Craig to George Washington, April 29, 1794, [copy], Joyes Collection, Preston Papers, FHS.
62. Interestingly, Trigg also alleged malfeasance related to the vote count in Washington County: "That in the said County of Washington thirty two voters were added to the poll of the said Francis Preston, on Friday the 19th day of March, without any legally existing cause for a continuation." Later, however, Preston stated that "As to the charges [in Russell and Washington Counties]...I believe [Trigg] has entirely abandoned them.... At Washington...a violent rain commenced at 12 O'clock & continued pretty late in the Evening that the polls were contd by Consent [&] proclamation was made at the adjournment and also in the morning again, not a man proved to have voted from the Territory." Francis Preston to John Preston, April 6, 1794, Davie Collection, Preston Papers, VHS.
63. A fragmentary document, written in Francis Preston's handwriting, gives a partial list of the involved parties: "[B]efore two Justice of the peace of Montgomery County the Depositions of Sundry Persons inhabitants of the said County and particularly of William Godby, Jeremiah Patrick Senr, James Smyth, Gordan Cloyd, Benjamin S. Cecil, Samuel Mitchell, John Ingles, Bird Smith, Joshua Saffie, William Lewis, Samuel Pepper, James Pepper, Samuel Cecil, William Day, John Stobaugh, Andrew Stobaugh, Jacob Wysor and Samuel Caddall, for ascertaining the circumstances attending the Conduct of Capt William Preston and the Company of Federal Troops in the Election." "Fragmentary Letter to John Preston and Fragmentary Notice of Depositions," Davie Collection, Preston Papers, VHS. This list is repeated in a letter from Joseph Cloyd, James McCorkle, Daniel Howe, and James Craig to William Preston, June 6, 1793, Davie Collection, Preston Papers, VHS.
64. Deposition of James Charlton, June 26, 1793, Davie Collection, Preston Papers, VHS.
65. Deposition of James Charlton, June 26, 1793, Davie Collection, Preston Papers, VHS.
66. Deposition of James Charlton, June 26, 1793, Davie Collection, Preston Papers, VHS.
67. Deposition of Sergeant Chambers, February 24, 1794, Davie Collection, Preston Papers, VHS.
68. The Montgomery County court minutes for January 1, 1793, state: "Ordered that Capt. William Preston have leave to make use of the courthouse & jail for the use of United States troops." Lewis Preston Summers, *Annals of Southwest Virginia, 1769-1800*, vol. 1 (Abingdon, Va.: L.P. Summers, 1929), 836.
69. Clarke and Hall, *Cases of Contested Elections in Congress*, 79.
70. *The Debates and Proceedings in the Congress of the United States, Third Congress* (Washington: Gales and Seaton, 1849), 609.
71. *Debates and Proceedings in the Congress of the United States*, 612.
72. James Robertson to John Preston, April 4, 1793, Davie Collection, Preston Papers, VHS.

73. Richard R. Beeman, *The Old Dominion and the New Nation, 1788-1801* (Lexington, Ky.: University Press of Kentucky, 1972), 34-35.
74. Francis Preston to William Preston, April 11, 1793, Joyes Collection, Preston Papers, FHS.
75. Henry Lee to William Preston, May 14, 1793, Davie Collection, Preston Papers, VHS.
76. Francis Preston to William Preston, June 22, 1793, Joyes Collection, Preston Papers, FHS.
77. Francis Preston to William Preston, June 22, 1793, Joyes Collection, Preston Papers, FHS.
78. For example, Francis wrote out a list of questions John should ask the federal troops at their depositions. See Francis Preston to John Preston, June 22, 1793, oversize box 13, Davie Collection, Preston Papers, VHS.
79. Francis Preston to John Preston, December 1793, Joyes Collection, Preston Papers, FHS.
80. Francis Preston to William Preston, January 1, 1794, Joyes Collection, Preston Papers, FHS.
81. Francis Preston to John Preston, December 1793, Joyes Collection, Preston Papers, FHS. Abram Trigg's primary agents in the effort against Francis and William Preston were Montgomery County locals Joseph Cloyd, James McCorkle, Daniel Howe, and James Craig. These agents helped conduct depositions on Trigg's behalf. Francis Preston to Joseph Cloyd, James McCorkle, Daniel Howe, and James Craig, June 8, 1793, Davie Collection, Preston Papers, VHS.
82. For more information on Francis Preston's first term in Congress, see his circular letter of March 24, 1794, in Noble E. Cunningham Jr., ed., *Circular Letters of Congressmen to Their Constituents, 1789-1829*, 2 vols. (Chapel Hill: University of North Carolina Press, 1978), 1:22. Around the same time, Preston privately expressed trepidation about the course of the French Revolution: "I fear much the enthusiasm of the French for Liberty will mislead them & leave them possessed of licentiousness & Anarchy." Francis Preston to John Preston, January 13, 1794, Davie Collection, Preston Papers, VHS.
83. *Debates and Proceedings in the Congress of the United States*, 149.
84. *Debates and Proceedings in the Congress of the United States*, 599.
85. *Debates and Proceedings in the Congress of the United States*, 599.
86. *Debates and Proceedings in the Congress of the United States*, 599.
87. *Debates and Proceedings in the Congress of the United States*, 612.
88. *Debates and Proceedings in the Congress of the United States*, 612.
89. *Debates and Proceedings in the Congress of the United States*, 613.
90. *Debates and Proceedings in the Congress of the United States*, 613.
91. *Debates and Proceedings in the Congress of the United States*, 613.
92. Many scholars have commented on early party formation. See, for example, James Roger Sharp, *American Politics in the Early Republic: The New Nation in Crisis* (New Haven: Yale University Press, 1993).
93. Edmund S. Morgan, *Inventing the People: The Rise of Popular Sovereignty in England and America* (New York: Norton, 1988), 189.
94. *Debates and Proceedings in the Congress of the United States*, 612.
95. An earlier letter by Smyth has not been found. A month before Smyth's letter of March 10, Preston wrote: "I wrote to you by the post yesterday and informed you I intend to send out my answer to Smyth's letter by a private opportunity in a few Days." Francis Preston to John Preston, February 10, 1795, Joyes Collection, Preston Papers, FHS.
96. Alexander Smyth to Francis Preston, March 10, 1795, [published pamphlet], Campbell-Preston-Floyd Papers, LOC, 2.
97. Alexander Smyth to Francis Preston, March 10, 1795, [published pamphlet], Campbell-Preston-Floyd Papers, LOC, 6. Smyth's criticisms primarily were directed at William Preston's land deals in Kentucky. See Tillson, *Gentry and Common Folk*, 84-85.
98. Alexander Smyth to Francis Preston, March 10, 1795, [published pamphlet], Campbell-Preston-Floyd Papers, LOC, 8.

99. The precise results of the election are unknown. After the election, Preston reported that Trigg had a majority of 28 votes in Russell County and 64 votes in Wythe County. In Washington County, he reportedly had a majority of 393—a colossal margin by contemporary standards. Preston, however, worried about winning Montgomery County, stating that "if Greenbrier does not nearly equal Montgomery [Trigg] will be elected." Francis Preston to John Preston, March 18, 1795, Davie Collection, Preston Papers, VHS. Preston's margin of victory in Washington County was probably due to the fact that he had recently moved there and that he had married a relative of Arthur Campbell, a respected leader and someone with whom he had recently reconciled a longstanding dispute. Dorman, *The Prestons of Smithfield and Greenfield*, 52-53.
100. John Preston to William Preston, May 23, 1795, Joyes Collection, Preston Papers, FHS.
101. John Preston to William Preston, May 23, 1795, Joyes Collection, Preston Papers, FHS.
102. John Preston to William Preston, May 23, 1795, Joyes Collection, Preston Papers, FHS.
103. Francis Preston to John Preston, February 1, 1797, Davie Collection, Preston Papers, VHS.
104. Francis Preston to John Preston, February 1, 1797, Davie Collection, Preston Papers, VHS.
105. Francis Preston to John Preston, February 12, 1797, Davie Collection, Preston Papers, VHS.
106. Francis Preston, February 13, 1797, "To the People of the Congressional District composed of the Counties of Whythe, Washington, Montgomery, Greenbrier, Kanhawa, Grayson, Russell, and Lee," [printed pamphlet], Joyes Collection, Preston Papers, FHS.
107. Francis Preston, February 13, 1797, Joyes Collection, Preston Papers, FHS.
108. Francis Preston, February 13, 1797, Joyes Collection, Preston Papers, FHS.
109. Francis Preston to John Preston, February 1, 1797, Davie Collection, Preston Papers, VHS.
110. Francis Preston to John Preston, March 21, 1797, Davie Collection, Preston Papers, VHS.
111. For information about Trigg's tenure in Congress, see Ellis, "Abram Trigg, Congressman," 36.
112. Beeman, *The Old Dominion and the New Nation*, 112.
113. This includes individuals with names that appeared at least twice in the tax records, thus preventing identification.
114. Rather than containing a separate listing for Francis Preston, the tax records list "William Preston's heirs."