



State of Tennessee
Department of State
Tennessee State Library and Archives
403 Seventh Avenue North
Nashville, Tennessee 37243-0312

WHYTE, ROBERT
(1767-1844)
PAPERS

1755-[1800-1840]-1896

Processed by:

William M. Thomas
Archival Technical Services

Date Completed: March 2004
Accession Number: 141
Microfilm Accession Number: 1780
Location: I-C-4, IV-L-Top (oversize)

MICROFILMED

INTRODUCTION

This finding aid focuses on the papers of Robert Whyte, lawyer and Tennessee Supreme Court judge, born in Wigtonshire, Scotland on January 6, 1767. Although the collection spans the years 1755-1896, the bulk of the material is concentrated between approximately 1800-1840 and relates to Whyte's legal career in Nashville. While the majority of the collection consists of various legal documents (correspondence, indentures, briefs, etc.), the collection also contains personal correspondence and financial documents from both Whyte and his descendants. The collection also contains various documents related to claims for losses resulting from the Seminole Campaign, which began in 1818.

The collection was donated in June 1953 by Dr. S. R. Bruesch of the Medical School of the University of Tennessee, Memphis, Tennessee. Originally processed in 1958, the collection was conserved, reorganized, and reprocessed in 2004. There are no restrictions on the material. Single photocopies of unpublished materials in the Robert Whyte Papers may be made for individual or scholarly research.

SCOPE AND CONTENT NOTE

The Robert Whyte papers containing approximately 2.5 cubic feet of material and 686 documents spanning the period 1755-1896, although concentrated between approximately 1800-1840. Originally processed in 1958, the collection was reprocessed and, subsequently, reorganized and conserved. The primary purpose for the reorganization was to separate out documents related to Whyte from those related to his descendants. The majority of the documents in the collection are legal in nature: indentures, land grants, legal correspondence, legal briefs, notes on cases, court dockets, summons, warrants, etc. The remainder of the collection is predominantly personal correspondence or financial documents. There are also documents related to claims for losses resulting from the 1818-1819 Seminole Campaign, including the muster rolls for each company [Box 5 and Box 6]. Boxes 1, 3, and 4 also contained several documents which had to be moved to oversized containers [Boxes 5-6]. Where applicable, a photocopy of the document (with a notation stating where the document was moved to) was placed in the original folder.

Researchers should note that there are several documents in the collection that list Whyte as "Robert White." The variations in his name are the result of a spelling change, which Whyte himself made. Whyte's father spelled his name "White," and Whyte's name was listed as "Robert White" at the time of his election to the North Carolina House of Commons in 1797 (Mitchell 1951, 5). Whyte appears to have changed the spelling around the time he relocated to Nashville in 1802-1804. The reason for the change remains unclear, but some sources have speculated that it was to distance himself from the scandal over fraudulent land grants which surrounded his father-in-law, Col. James Glasgow (Mitchell 1951, 5-6). Glasgow was indicted for fraud and the scandal cost him his position as Secretary of State of North Carolina (see Pruitt in bibliography).

Among the papers related to Whyte's relations and descendants, there are letters from his father, William White, [Box 1, Folder 18] and his father-in-law, James Glasgow [Box 1, Folder 5]. There is also a folder containing genealogical data as well as a silhouette of his daughter, Martha Ann Bedford [Box 2, Folder 9]. However, there are also some letters and documents for which the connection to the Whyte family is not known, such as the biographical sketch of Mary Eliza Brown Garrett [Box 2, Folder 8]. Included among documents belonging to Whyte's descendants (separated out from Whyte's documents during the reorganization of the collection) is his son-in-law's 1868 federal income tax return [Box 2, Folder 7].

As part of the reorganization process, there were also several documents moved to oversize containers so that they might remain unfolded. The legal briefs were also partially reorganized. Since most of them have no clear date for the cases, they have been arranged alphabetically (by plaintiff first, then by defendant if there is more than one case by the same plaintiff). It appears, however, that names were regularly switched. For example, there is a folder of correspondence from Wilson Hunt [Box 1, Folder 11] about his suit against William and Robert Searcy, yet the legal brief has the case listed as

Searcy vs. Hunt [Box 3, Folder 4]. One possible reason for the name switch could be that the case was being heard on appeal, which would mean that the names of the plaintiff and defendant were reversed. Many of the cases seem to center around property disputes, so there are many indentures and surveys in the collection [Box 4, Folder 6-8]. There is also an original copy of North Carolina Land Grant No. 297 in the collection [Box 5, Folder 4].

There are several documents relating to Whyte's slaves or those belonging to others. There is a folder of correspondence related to the running of his plantation in Fayette County, Tennessee [Box 1, Folder 3]. There is a letter from George Bell offering to buy some of Whyte's slaves for \$6,500 [Box 1, Folder 17]. There is a letter documenting that Whyte leased out his slaves to others [Box 1, Folder 17]. There is a note in an account book showing that in 1826 he paid \$250 for a female slave [Box 2, Folder 5] and a bill of sale for a male slave [Box 2, Folder 6]. There are also several cases among his legal briefs related to slaves, including the case of a free African American woman who attempted to buy her husband's freedom and was essentially swindled by his owner [Box 3, Folder 2].

The collection contains several documents from or related to prominent Tennesseans. There are letters from John Haywood and Joseph McMinn discussing the opposition to Whyte becoming a Supreme Court judge [Box 1, Folder 16]. In one of Haywood's letters, he also makes a cryptic reference to Whyte's "republican opinions" being the reason why he left Scotland. The same letter also refers to Andrew Jackson as "our common friend." Among the legal documents, there are briefs for cases involving John Overton [Box 3, Folder 1 and Folder 3], James McGavock [Box 3, Folder 2], and James K. Polk [Box 3, Folder 3].

Despite his connections to such prominent individuals and his service as a judge, however, Robert Whyte's role in Tennessee's history has been largely forgotten. As a Supreme Court judge, he wrote many of the court's opinions (see Cooper and Yerger in the bibliography) and "his opinions commanded great respect, though he was a literalist, and laid great stress on technicalities" (Caldwell 1898, 62). His papers, therefore, provide an importance source for early 19th century Tennessee and United States history.

BIBLIOGRAPHY

- Bedford, Billy Ray, and Luetta Bedford Kirker. *The Bedford Family of Virginia and Descendants Thereof*. Knoxville, TN: Tennessee Valley Publishing, 1994.
- Caldwell, Joshua W. *Sketches of the Bench and Bar of Tennessee*. Knoxville, TN: Ogden Bros., 1898.
- Cooper, William Frierson. *Reports of Cases Argued and Determined in the Highest Courts of Law and Equity of the State of Tennessee*, vols. 4-8. St. Louis: Soule, Thomas, & Winsor, 1870-1871.
- Correspondence Between Gen. Andrew Jackson and John C. Calhoun, President and Vice-President of the U. States, on the Subject of the Course of the Latter, in the Deliberations of the Cabinet of Mr. Monroe, on the Occurrences in the Seminole War*. Washington, DC: Duff Green, 1831.
- Denis, J. W. "The Nashville City Cemetery." *Tennessee Historical Quarterly* 2 (1943): 30-42.
- Giddings, Joshua R. *The Exiles of Florida: or, the Crimes Committed by Our Government against the Maroons, Who Fled from South Carolina and Other Slave States, Seeking Protection under Spanish Laws*. Columbus, OH: Follett, Foster, & Co., 1858.
- Green, John W. *Lives of the Judges of the Supreme Court of Tennessee, 1796-1947*. Knoxville, TN: Archer & Smith, 1947.
- Heidler, David S. and Jeanne T. *Old Hickory's War: Andrew Jackson and the Quest for Empire*. Mechanicsburg, PA: Stackpole Books, 1996.
- Mahon, John K. *History of the Second Seminole War, 1835-1842*. Gainesville, FL: University of Florida Press, 1967.
- Memorial of the Field Officers Commanding the Tennessee Volunteer Mounted Gun-Men, in the Seminole Campaign, &c.* Washington, DC: Gales & Seaton, 1821.
- Mitchell, Enoch L. "Robert Whyte, Agrarian, Lawyer, Jurist." *Tennessee Historical Quarterly* 10 (1951): 3-24.
- Overton, John. *A Vindication of the Measures of the President and His Commanding Generals, in the Commencement and Termination of the Seminole War*. Washington, DC: Gales & Seaton, 1819.
- Pruitt, Dr. Albert Bruce. *Glasgow Land Fraud Papers, 1783-1800: North Carolina Revolutionary War Bounty Land in Tennessee*, 2 vols. . Cary, NC: n. p., 1988.
- Snodgrass, Charles A., and Bobby J. Demott. *The History of Freemasonry in Tennessee*. Knoxville, TN: Tennessee Valley Publishing, 1994.
- Sprague, John T. *The Origin, Progress, and Conclusion of the Florida War*. New York: D. Appleton & Co., 1848.
- West's Tennessee Digest*, vol. 35. St. Paul, MN: West Publishing Co., 1987.
- Yerger, George S., and William Frierson Cooper. *Reports of Cases Argued and Determined in the Supreme Court of Tennessee*, vol. 9-14. St. Louis: G. I. Jones, 1876-1877.

BIOGRAPHICAL SKETCH

Robert Whyte

- 1767 January 6, born in Wigtonshire, Scotland (birth registered in Sorbie Parish), eldest son of William White, tenant farmer on lands belonging to Lord Galloway
- 1782 Matriculated from University of Edinburgh, educated for the ministry (some sources have him educated at University of Glasgow)
- ca. 1784 Emigrated to the United States
- 1784-1789 Professor of Languages at William and Mary College in Virginia (the college's records for this period were destroyed in a fire, so his position there cannot be verified)
- 1789 Removed to North Carolina
- 17__ Married Phereby Glasgow, daughter of Colonel James Glasgow, Secretary of State of North Carolina
- 1797 Elected to North Carolina House of Commons as representative for Green County (later elected to Senate)
- 1802-1804 Removed to Nashville, Tennessee and established law practice (somewhere around this time he also changed the spelling of his name from White to Whyte)
- 1816-1834 Judge of the Supreme Court of Errors and Appeals (appointed by Governor McMinn to fill vacancy created by the resignation of John Overton)
- 1844 November 12, died in Nashville, Tennessee

For a portrait of Robert Whyte, see the Nell Savage Mahoney Papers, Acc. No. THS 457.

CONTAINER LIST

Microfilm Roll #1

Box 1

1. Announcements – Death, 1824-1855
2. Clippings, 1825-1896
3. Correspondence – Fayette County Plantation, 1826-1828
4. Correspondence – Financial – Whyte, Robert, Descendants, 1830-1868
5. Correspondence – Glasgow, James, 1806-1808
6. Correspondence – Legal, 1786-1804
7. Correspondence – Legal, 1805-1806
8. Correspondence – Legal, 1807-1811
9. Correspondence – Legal, 1814-1831 and undated
10. Correspondence – Legal – Darrach, J., 1805-1809
11. Correspondence – Legal – Hunt, Wilson, 1804-1806
12. Correspondence – Legal – Ritter, J., 1808-1811
13. Correspondence – Letter to Editor – Bedford, H. L., 1879
14. Correspondence – Letters of Recommendation, 1821-1824
15. Correspondence – Personal, 1789-1829
16. Correspondence – Public Figures, 1817
17. Correspondence – Slaves, Farming, Business Matters, 1803-1833
18. Correspondence – White, William, 1825-1827
19. Correspondence – Whyte, Robert, Descendants, 1822-1880
20. Correspondence – Whyte, William G., Illness, 1818

Box 2

1. Financial – Account Book – Barrows, David, 1829
2. Financial – Account Book – Bedford, H. L., 1875-1879
3. Financial – Account Books – Colbert, Benjamin F., 1850-1854
4. Financial – Account Books – Partial Account Books, 1844 and undated
5. Financial – Account Books – Whyte, Robert, 1825-1829
6. Financial – Whyte, Robert, 1803-1828
7. Financial – Whyte, Robert, Descendants, 1803-1879
8. Genealogy – Sketch of Mary Eliza Brown Garrett, undated
9. Genealogy – Whyte, Robert, Descendants, undated
10. Invitations, 1852-1888
11. Legal – Briefs, A-B
12. Legal – Briefs, C
13. Legal – Briefs, D
14. Legal – Briefs, E-G

Box 3

1. Legal – Briefs, H-J
2. Legal – Briefs, K-M
3. Legal – Briefs, O-R
4. Legal – Briefs, S-T
5. Legal – Briefs, V-W
6. Legal – Briefs – Partial Brief, undated
7. Legal – Court Dockets – Franklin, 1827
8. Legal – Court Dockets – Jackson, 1826 and 1833
9. Legal – Court Dockets – Knoxville, 1825-1826
10. Legal – Court Dockets – Nashville, 1826-1827
11. Legal – Court Dockets – Nashville, 1828-1829
12. Legal – Court Dockets – Nashville, 1831-1832
13. Legal – Court Dockets – Reynoldsburg, 1829
14. Legal – Court Dockets – Rogersville, 1825-1826
15. Legal – Court Dockets – Whyte, Robert, 1806

Box 4

1. Legal – Court Documents, 1794-1832
2. Legal – Court Documents – Langdon, Jonathan, 1829-1840
3. Legal – Court Documents – Bedford, Benjamin W., 1821-1838
4. Legal – Estate Papers – Bedford, William H. H. and William H., 1864-1875
5. Legal – Indentures, Agreements, Surveys, 1755-1800
6. Legal – Indentures, Agreements, Surveys, 1801-1809
7. Legal – Indentures, Agreements, Surveys, 1811-1825
8. Legal – Indentures, Agreements, Surveys, 1826-1877
9. Legal – Notes, Memoranda, undated
10. Legal – Power of Attorney, Wills, Service Records, 1784-1851
11. Legal – Summons, Warrants, Licenses, Bankruptcies, 1805-1843
12. Legal – Whyte, Robert, 1812-1819
13. Legal – Whyte, Robert, Descendants, 1814-1882
14. Maps – Lands in Mississippi Ceded by the Chickasaws, 1835
15. Medical Journal, 1836
16. Seminole Campaign – Correspondence – Loss of Property, 1822-1833
17. Seminole Campaign – Legal – Allowance for Claims, A-H
18. Seminole Campaign – Legal – Allowance for Claims, M-W
19. Seminole Campaign – Legal – Claims, 1819-1833
20. Seminole Campaign – Military – Muster Rolls, 1818

Microfilm Roll #2

Box 5

Oversize

1. Clippings, 1848-1896
2. Legal – Briefs, B, H-J, W
3. Legal – Court Documents – Langdon, Jonathan, 1829, 1839, undated
4. Legal – Indentures, Agreements, Surveys, 1790-1836
5. Legal – Whyte, Robert, Descendants, 1821-1862
6. Maps – Lands in Mississippi Ceded by the Chickasaws, 1835
7. Seminole Campaign – Legal – Claims, 1833
8. Seminole Campaign – Military – Muster Rolls, 1818

Box 6

Oversize

1. Clippings, 1867
2. Seminole Campaign – Military – Muster Rolls, 1818