

## JOSEPH HAMILTON DAVIESS: PIONEER, LAWYER, ORATOR, SOLDIER AND FREEMASON

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On August 20, 1794, American forces, under the leadership of General "Mad Anthony" Wayne, defeated the Indians at the Battle of Fallen Timbers, along the Maumee River in the northwestern part of the Ohio Territory.

With this victory, and the subsequent signing of the Treaty of Green Ville on August 3, 1795, the Indian presence in much of the Ohio Territory had been effectively eliminated. No longer did the Kentucky settlers, and those traveling down the Ohio River, have to worry about Indian raids or ambushes.

Among those absent when the treaty had been signed was the great Shawnee warrior, Tecumseh, who, with his brother, Tenskwatawa (also known as The Prophet), and their band of followers, had refused to be a part of the peace agreement.

Tecumseh had envisioned a grand plan of uniting all of the various tribes across the country into one grand confederation.

With such a formidable force, he hoped to push the Americans back across the Allegheny Mountains to the east, and reclaim their lost homelands.

In 1808, having accumulated a large following from other tribes, and finding it harder to sustain such a large gathering at their Green Ville village, Tecumseh accepted the invitation of Main Poc, of the Potawatomis, to move their village to a new site near the juncture of the Wabash and Tippecanoe rivers. This village would be farther away from the Americans, and closer to their dwindling game supply.

Within several months, the new village had been constructed and was named Prophets Town.

From here, Tecumseh continued traveling all across the country to push his grand plan of uniting the various Indian tribes.

While he was absent from Prophets Town, he had instructed his brother not to do anything to provoke an attack from the Americans, who under the leadership of Maj. Gen. William Henry Harrison, were stationed at Vincennes in the Indiana Territory.

Due to the ever-increasing population of the village on the Wabash and the threat that it imposed, Gen. Harrison determined to quash the Indian movement once and for all. Seizing upon the moment, during the absence of Tecumseh, Harrison ordered that additional regular troops be sent to Vincennes. He also was authorized to call for volunteers from Kentucky to aid in the campaign. Leading those volunteers from Kentucky was a 37-year old man who had won fame, not only as a great orator, but also as one of the best land lawyers in the west. He was commissioned a major and put in command of the Kentucky cavalry. His name was Joseph Hamilton Daviess.

On September 26, 1811, the American forces left Vincennes and headed for Prophets Town. Proceeding up the east side of the Wabash, they stopped near the modern-day Terre Haute, and erected a new stockade, which was named Fort Harrison.

From there, Harrison sent a delegation to Prophets Town with a message that, if the Indians would disperse and surrender all of those who were guilty of depredations, he would not attack the village.

He then continued his march toward the settlement and on November 3rd came to within 12 miles of the site. When no word was heard from the Indians, Harrison moved to within one mile of the village. The Prophet then sent a delegation to Harrison to inform him of his willingness to set up negotiations.

Camping along Burnett's Creek, Harrison felt that the negotiations would prove futile, and he prepared his troops for war.

Back in the Indian camp, the Prophet, always jealous of his brother's fame as a warrior and a leader, determined to make an attack on the Americans that night, hoping to take advantage of the darkness and confuse the enemy.

After midnight, the American camp was surrounded and the Indians began their penetration of the enemy forces. Around 4:00 a.m. a sentry detected the Indians' movements and fired a shot which roused the American forces.

The battle ensued for several hours, and shortly after sunrise all firing had ceased, and the Indians had retreated to their village. One of the casualties from that battle was the gallant Major Joseph Hamilton Daviess, who was mortally wounded while leading a small force against a large concentration of the enemy. He lingered near death all day, and finally yielded his spirit at sunset. He was laid to rest at the spot at which he fell on the battlefield. Knowing that Harrison would probably follow up with an attack on Prophets Town, the Indians hid their surplus supplies and possessions in the nearby woods, and began to disperse to their former villages. By nightfall, on November 7th, Prophets Town was abandoned.

When the Indians failed to renew their attack the next day, Harrison sent a detachment of troops to Prophets Town. They found the village deserted. They searched the woods and found the sequestered supplies and food, which were brought to the village and piled amidst the wigwams and burned. On November 9th, the American forces left Tippecanoe and headed back down the Wabash to Vincennes.

This defeat was a severe blow to the grand plan of Tecumseh, and the dream of an Indian Confederation was forever lost.

Major Joseph Hamilton Daviess was born March 4, 1774 in Bedford County, Virginia, the son of Joseph and Jean (Hamilton) Daviess. His parents were of Scotch and Irish descent.

In 1779 his father moved the family to Kentucky, settling near Crab Orchard in Lincoln County, where he had purchased a sufficient amount of land for the price of \$1.25 per acre.

Later, around 1786, they moved to near Danville, Kentucky, where young Jo, as he was commonly called, was placed under the care of Dr. Priestly, at Harrodsburg. He showed a great love for reading and studying, and became known as a good classical and mathematical student.

Unable to endure the confinement of the schoolroom, he often took his book and hid away in the woods, where he would spend the day reading.

He later became a student at a school operated by Dr. Culbertson, where he laid the foundation for a life noted for a broad and elevating scholarship.

He had a natural aversion to farm work, opting to spend his leisure hours on hunting expeditions in the forest.

At the age of nineteen, he joined the regiment of Maj. John Adair, who was escorting a train of provisions for the forts north of the Ohio River in the Ohio Territory. Their camp was attacked near Fort St. Clair by a band of Indians under the leadership of Little Turtle, forcing them to seek shelter at the nearby fort.

When his enlistment time was up, he returned to Kentucky, and took up the study of law under George Nicholas. He commenced to practice law in June of 1795, and, by the age of twenty-four had the largest and most lucrative practice in the state.

Instead of "riding the circuit," as was the custom of the backwoods lawyers of his day, Daviess would shoulder his rifle, and on foot, range the woods between county seats. He often appeared in court in his hunting costume: deerskin leggings, linsey hunting shirt and coonskin cap.

In 1801-1802, he served as United States Attorney for the State of Kentucky. He became the first Western lawyer to present a case before the United States Supreme Court.

In 1803, he married Miss Ann Marshall, who was the sister of John Marshall, Chief Justice of the United States Supreme Court. There were no children born of this marriage. Daviess spent much of the next few years sorting out the many land claims that arose concerning the Kentucky lands.

In 1806, he attempted to prosecute Aaron Burr for his treacherous schemes, however, due to Burr's defense by Henry Clay and John Allen, and Burr's popularity with the local citizenry, he was released. Only later, in January of 1807, when President Jefferson issued his proclamation, proving beyond dispute Burr's duplicity and treasonable designs, and ordering his arrest, were Daviess' actions vindicated.

The remaining years of his life were devoted to the duties of his office and private practice. He was in demand as a public speaker upon political questions, general history, biography and literature.

In 1811 he began his association with Gen. Harrison, which led to his untimely death.

Jo Daviess became a Mason in Lexington Lodge No. 1, Lexington, Kentucky. In the Grand Lodge Proceedings for 1802 and 1803, he is listed as a Fellowcraft in Lexington Lodge. In the Proceedings for 1804, 1805 and 1806 he is listed as a Master Mason. In the report for 1807, he was listed as suspended from membership in Lexington Lodge. At that time, a brother could be suspended for non-attendance or non-payment of dues. The heading so states in the Grand Lodge Proceedings, but it does not give the reason for which he was suspended. His name does not reappear until the Proceedings of 1809, when he was reinstated to membership on June 12th.

In 1810, he served as Senior Warden of Lexington Lodge, and evidently served as Worshipful Master that same year. In the Proceedings of 1811, he is listed as a past master, and, in August, at the Annual Communication of the Grand Lodge, was elected Most Worshipful Grand Master of Kentucky, being elected from the floor. It was the first and only office that he held in the grand line. His opponent in the Burr affair, Henry Clay, served as Grand Orator that year, and later rose to the office of Grand Master.

While enroute to Vincennes, M.W.B. Daviess stopped in Louisville, and visited Abraham Lodge No. 8, his name appearing in the minutes of that meeting.

Upon arrival at Vincennes, he is known to have conducted 3 meetings of Vincennes Lodge No. 1, then under the jurisdiction of Kentucky.

At the time of his death, Maj. Daviess was serving as Grand Master of the Masons of Kentucky. There were at least 10 other known Masons killed in the battle.

Research material on Most Worshipful Brother Daviess shows some doubt as to whether his remains were left on the battlefield, or returned to Kentucky. Several researchers had come to the conclusion that, since no information could be found to prove that his remains were brought back for reburial, he was probably still interred in Indiana.

I traveled to the Grand Lodge Headquarters in Masonic Home, Kentucky, and found the following information in the Grand Proceedings:

“On December 24, 1811, the Grand Lodge of Kentucky convened in consequence of the death of Grand Master Daviess, and a Grand Funeral Procession was planned for August 25, 1812.”

The following was gleaned from the Grand Lodge Proceedings of Ohio:

“On Saturday, January 11, 1812, at the annual communication of the Grand Lodge of Ohio, held in Chillicothe and presided over by M.W.B. Lewis Cass, the RW Deputy Grand Master Jacob Burnet proposed the following resolution: “Resolved, That this Grand Lodge, and the subordinate Lodges within its jurisdiction, assume the usual badges of mourning for the term of six months, as a testimony of respect to the memory of our departed Brother Joseph Hamilton Daviess, late Grand Master of the State of Kentucky, who fell, fighting gallantly, in the late engagement on the banks of the Wabash.”

Again from the Grand Lodge Proceedings of Kentucky, it was found that on August 25, 1812, the Grand Lodge of Kentucky convened for the purpose of conducting the funeral procession. Due to the absence of several key participants, the funeral was delayed for two days. Finally, on August 27th, the committee appointed to make the arrangements for the procession, reported the order of procession.

They formed at the Masonic Hall and proceeded to the Presbyterian Church for a sermon by Rev. Dr. W. C. Cloud. From there they proceeded to the place of interment, where the funeral service was performed according to Masonic usage. I traveled to Lexington, Kentucky to attempt to find the final resting place of M.W.B. Daviess. I checked in the Lexington Cemetery, which was organized in 1849, but contained some earlier burials from other cemeteries. No record was found.

In studying the early cemeteries of the city, I found that there were two old pioneer cemeteries that had been located in close proximity to the present Lexington Cemetery. These are now both lost. It is possible that he may have been buried in one of these.

I checked the available newspapers of the time, but found no reference to his funeral services. Research materials showed that Most Worshipful Brother Daviess' cavalry officer's sword, scabbard and belt, which he was wearing at the time of his death, were presented to the Grand Lodge of Kentucky by Levi Todd, a friend of Most Worshipful Brother Daviess.

In my visit to the Grand Lodge of Kentucky Headquarters, I inquired about the sword, and was told by the Grand Secretary that it was indeed in their possession. He then walked into a vault and retrieved a large box. A brass plate on the box stated that the box was made from the sycamore tree under which Maj. Daviess was laid after being wounded, and under which he subsequently died. The Grand Secretary opened the box and took the sword from its scabbard. He then handed it to me for my inspection. This was a great thrill and honor for the writer.

This sword is used by the Grand Tyler of the Grand Lodge of Kentucky to tilt at each Annual Communication of that body.

Thus ended the life of Joseph Hamilton Daviess. As a lawyer he had acquired wonderful skill; as a counselor, and as an advocate, he was unsurpassed. As a moralist, in times of looseness and profligacy, he was stern and unbending in inculcating a correct code of daily conduct. In fine, he was a credit to his country and to Freemasonry.

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