



JUDGE HARRY TOULMIN  
1766-1823

***The Search for the  
Lost Ghost Town  
of Judge Harry Toulmin***

Convention (1819). Wrote first Digest of Laws of

***Today we will cover  
three topics***

**JUDGE HARRY TOULMIN  
1766-1823**

Born and educated in England, Harry  
came to U. S. in 1793. Moving to K  
President of Tran



- 1. Overview of Toulmin's life***
- 2. Arrest of Aaron Burr***
- 3. Expeditions to find Washington CH***

1819). Delegate to Alabama Constitutional



# JUDGE HARRY TOULMIN

1766-1823

## **1. Overview of the Life of Judge Harry Toulmin**

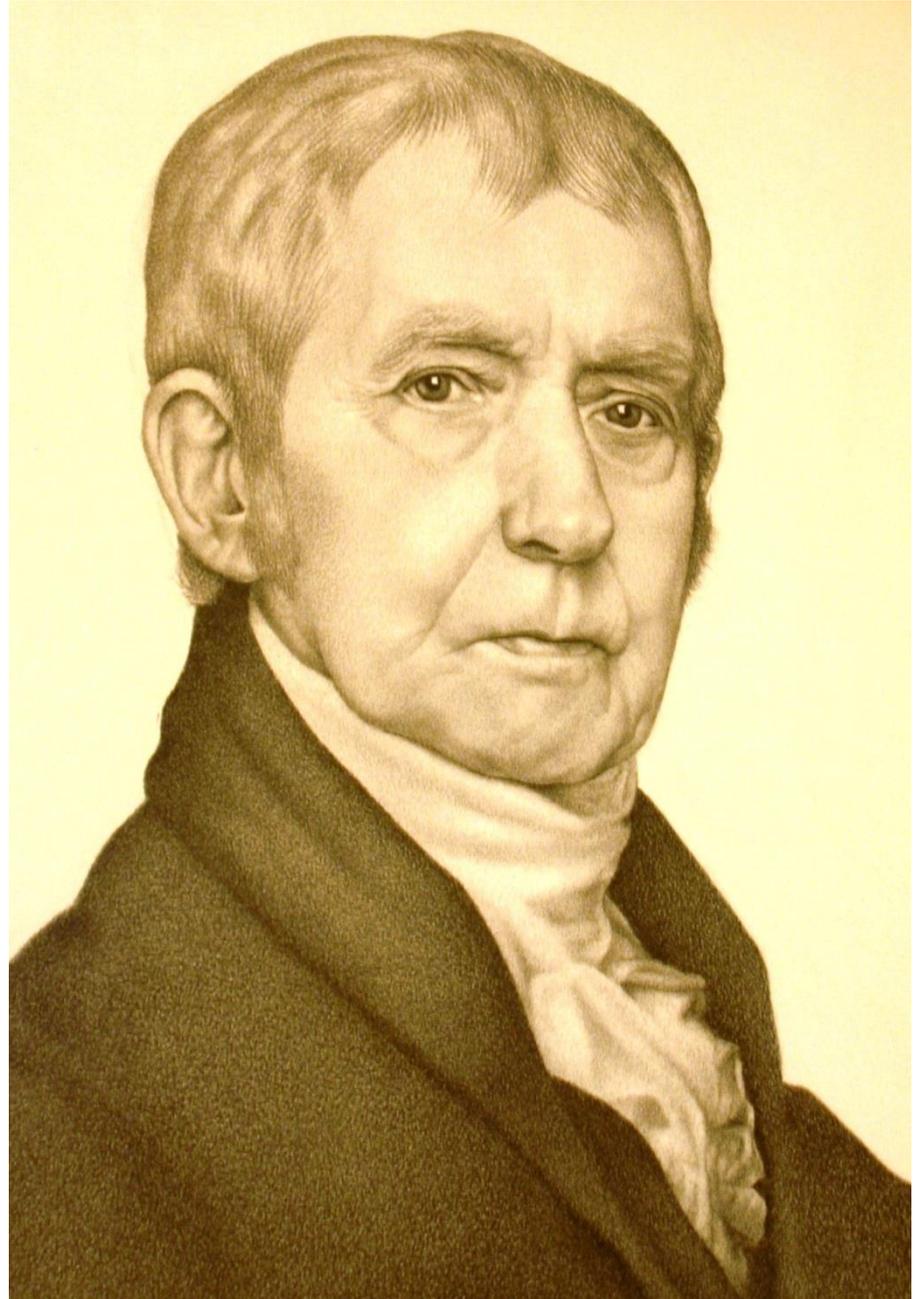
... Harry Toulmin  
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... Mississippi  
Kentucky (1796-1804) then moved to Mississippi  
Territory as judge of Tombigbee District (1804-  
1819). Delegate to Alabama Constitutional  
Convention (1819). Wrote first Digest of Laws of

# Judge Harry Toulmin was one of the founders of Alabama

- 1766-1823
- Born England, fled persecution as Unitarian minister in 1793
- Pres. of first college W of the Appalachians
- Sec'y of State of KY
- Codified the laws of KY, MS and AL, created "Toulmin's Digest"
- Author of "The Western Country"
- Appointed by Thos. Jefferson as Territorial Judge for what is now southern Alabama
- State legislator from Washington Co.
- Died in Washington Court House, Washington Co., AL

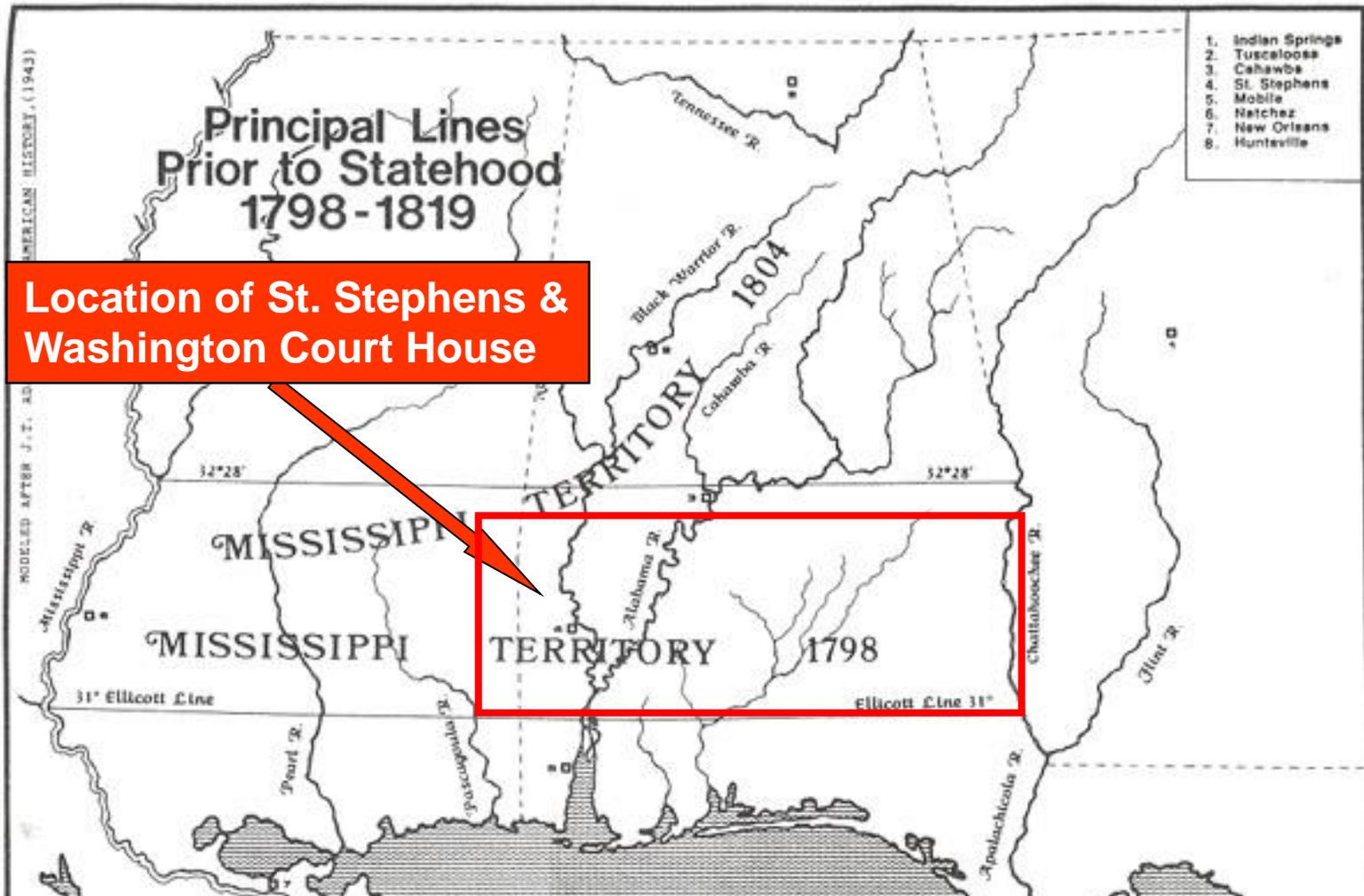


**No known  
contemporary  
portrait exists,  
but this is  
one artist's view**





**His judicial territory was vast—  
he rode 1600 miles a year to serve it**



# He bought a large tract near Ft. Stoddart on the Mobile River



# He believed strongly in serving the public interest

service. I esteem it the duty of a public officer, not only to discharge the immediate duties of his station, but to be ready at all times, and at all times anxious, to devote his time and his talents to his country's good.

With great respect & esteem, I am,

Dear Sir

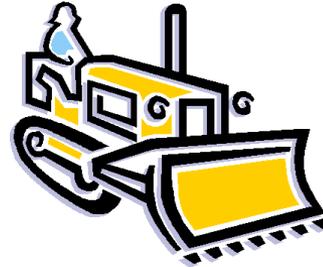
Your most obed<sup>t</sup> Serv<sup>t</sup>

Harry Toulmin.

# He was a full service public servant:



Postal road contractor



Postman



Federal law

enforcement officer/peacekeeper



Informal Ambassador



Doctor



Minister



Judge, lawyer & legislator





**CONSTITUTION**

OF THE

**STATE OF ALABAMA.**

ADOPTED

August 21, 1819.

**Judge Toulmin  
was the only  
Baldwin County  
delegate at  
1<sup>st</sup> Alabama  
Constitutional  
Convention**

( 26 )



*St. Clair county,*  
**DAVID CONNER.**

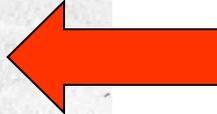
*Autauga county,*  
**JAMES JACKSON.**

*Baldwin county,*  
**HARRY TOULMIN.**

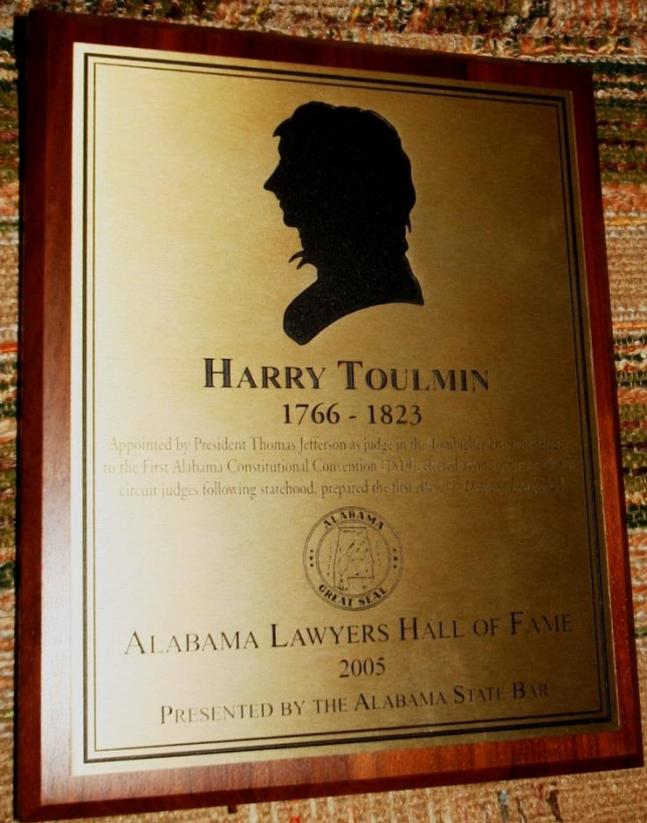
*Mobile county,*  
**SAMUEL H. GARROW.**

Attest.

**JOHN CAMPBELL, Secretary of the Convention.**



# The Judge was honored

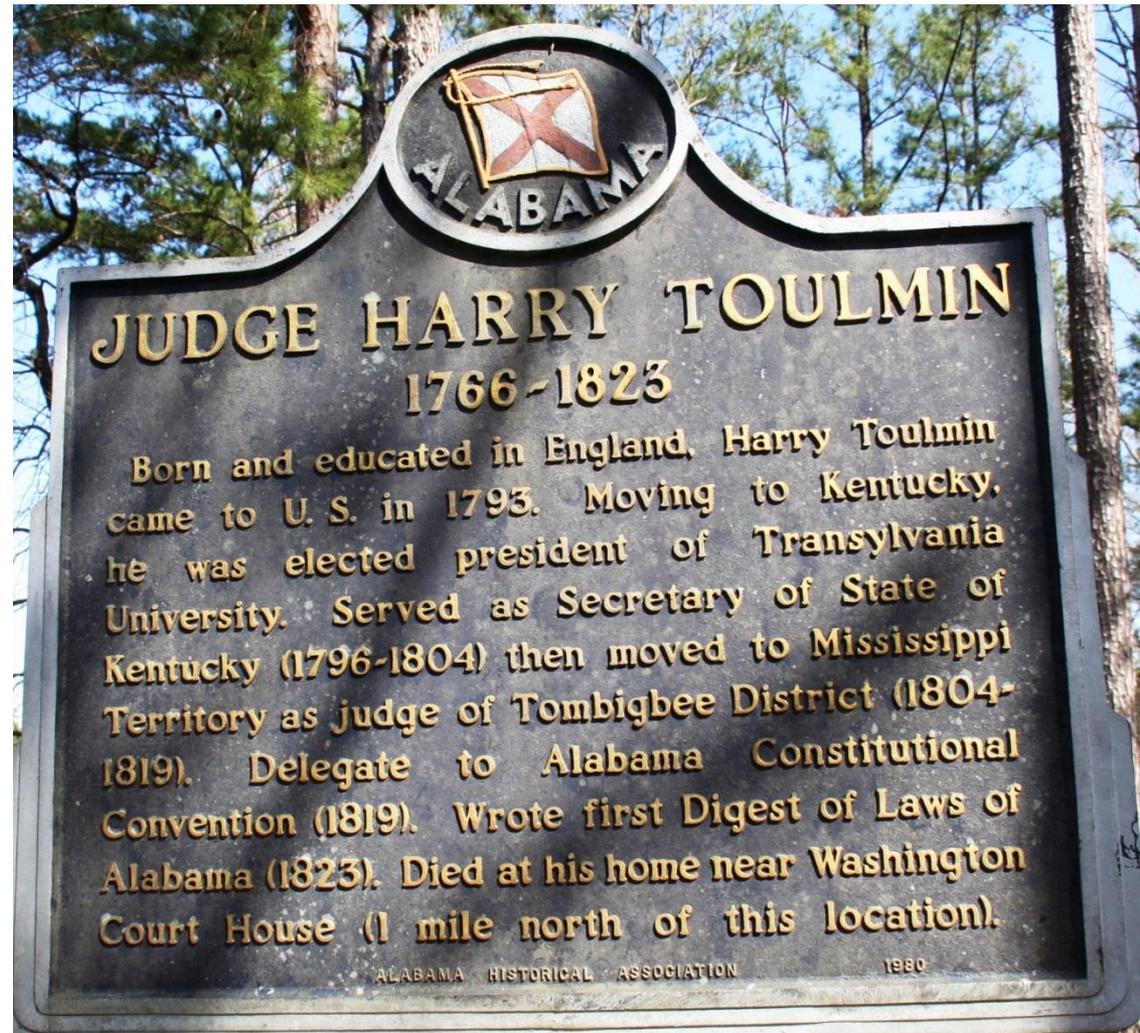


The Alabama State Bar Cordially Invites You  
to Attend a Ceremony Inducting

Hon. Oscar W. Adams  
William Douglas Arant  
Hon. Hugo L. Black  
Hon. Harry Toulmin

As Members of the Alabama Lawyers Hall of Fame

Friday, April 14, 2006

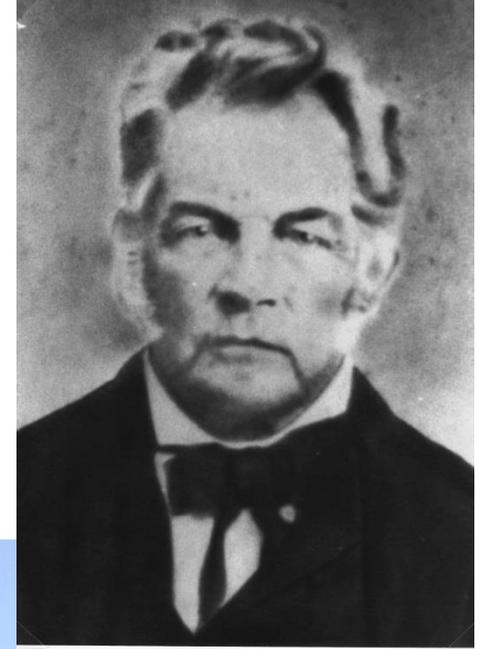




**A WW II  
Liberty Ship  
was named for him**



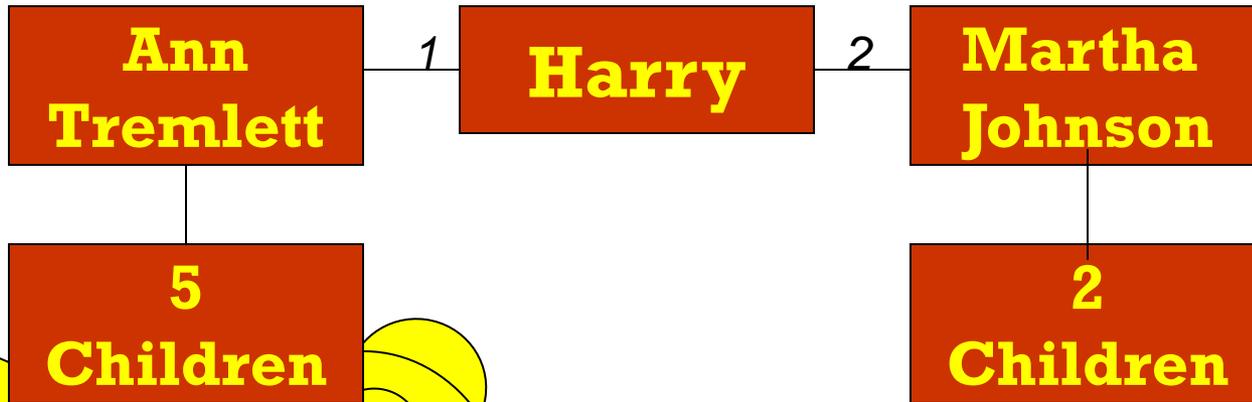
**Harry's son:  
Gen. Theophilus Toulmin  
built the Toulmin House  
at the Univ. of S. AL**



GEN. THEOPHILUS LINDSEY TOULMIN



# Harry had two wives and many descendants, esp. in the Gulf Coast



- Bates
- Berg
- Blake
- Bowers
- Cook
- Burford
- DeNeefe
- Ewing
- Gaines
- Gaillard
- Hamner
- Inge
- Lambert
- Malone
- Greer
- Rockefeller
- Stimson
- Stuber
- Toulmin
- Ward

- Gibson
- Toulmin

HT was my gggg-grandfather



JUDGE HARRY TOULMIN  
1766-1823

**2. The Arrest of  
Aaron Burr**



University. ...  
Kentucky (1796-1804) then moved to Mis  
Territory as judge of Tombigbee District (1804-  
1819). Delegate to Alabama Constitutional  
Convention (1819). Wrote first Digest of Laws of



# Toulmin issued the arrest warrant for former Vice President Aaron Burr



tion of the Court. Judge Bruin was against the Discharge, unless the *recognizances* were also discharged. The Jury retired, & next day brought in a Presentment in favor of Burr and against the conduct of the Territorial Government. Thursday I informed the Governor<sup>11</sup> that as the Business had taken so unfortunate a turn, I thought it was time for me to act, especially as Judge Rodney appeared unwilling to take any further part in the Business.

I examined the papers and some other testimony and issued a warrant for M<sup>r</sup>. Burr, Blennerhasset, Floyd<sup>12</sup> and Ralston. Burr had fled. \$2,000 were offered for him and persons were sent in every direction. I suppose He is still in the neighborhood, or gone to Pensacola. There was a Spanish officer from that place with him here lately. Blennerhasset and the other two have been brought before me. I wait to see Doct<sup>r</sup> Carmichael<sup>13</sup> before I fully commit them. He will probably be here to-morrow. I am uncertain at present where to lay the offences and of Course have not determined to what District to send them. I think Burr will be found. I am, Dear Sir, in great haste,

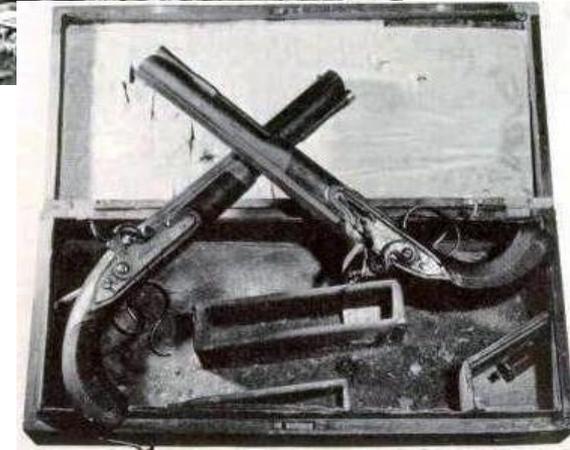
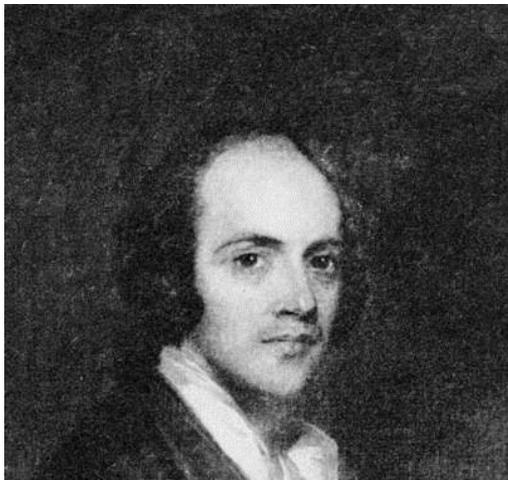
Yours Sincerely

(Signed) Harry Toulmin.



**Warrant  
issued for  
Burr &  
others in the  
conspiracy**

**Burr had killed Alexander Hamilton  
in the most famous duel in US history,  
& planned to “erect his own empire”**



# Burr was arrested in southern Alabama and held in Judge Toulmin's house



WHERE BURR WAS CAPTURED, 1807



# Burr accused Toulmin during the trial of “improper practices”

*Burr’s secret codes:*

*“Burr...made a motion against Harry Toulmin, Judge of the Mississippi Territory, that an attachment should be issued... for contempt of court in obtaining letters improperly...and using improper practices to procure and influence witnesses...”*



President, . . . . .	O	Navy, . . . . .	96
Vice President, . . . . .	O	Peace, . . . . .	I
Secretary of State, . . . . .	T	War, . . . . .	I
of War, . . . . .	I	Treaty, . . . . .	—
of Navy, . . . . .	J	Convention, . . . . .	—
of Treasury, . . . . .	L	Commerce, . . . . .	—
Senate, . . . . .	—	British Minister, . . . . .	T
House of Representatives, . . . . .	—	French Minister, . . . . .	T
Congress, . . . . .	—	Spanish Minister, . . . . .	T
Federal, . . . . .	f	Appropriation, . . . . .	V <sup>68</sup>
Anti-federal, . . . . .	B	Reduction, . . . . .	V <sup>68</sup>
Administration, . . . . .	—	Eastern, . . . . .	⊙
Military establishment, . . . . .	88	Southern, . . . . .	⊙
England, . . . . .	□	Middle, . . . . .	⊙
France, . . . . .	□	British, . . . . .	□
Minister, . . . . .	T	Spanish, . . . . .	□
Major General, . . . . .	V	French, . . . . .	□
Brigadier, . . . . .	V	Canada, . . . . .	□
United States, . . . . .	□-□-□	Louisiana, . . . . .	□
States, . . . . .	□-□	Post, . . . . .	—
Republican, . . . . .	76	Garrisons, . . . . .	—
Aristocratic, . . . . .	80	Western, . . . . .	⊙
City of Washington, . . . . .	⊙	Mississippi, . . . . .	++++
Election, . . . . .	—	Ohio, . . . . .	—
		New Orleans, . . . . .	++++
Burr, . . . . .			
Wilkinson, . . . . .			

**Burr was eventually found “not proven” on the charge of treason**



JUDGE HARRY TOULMIN

1766-1823

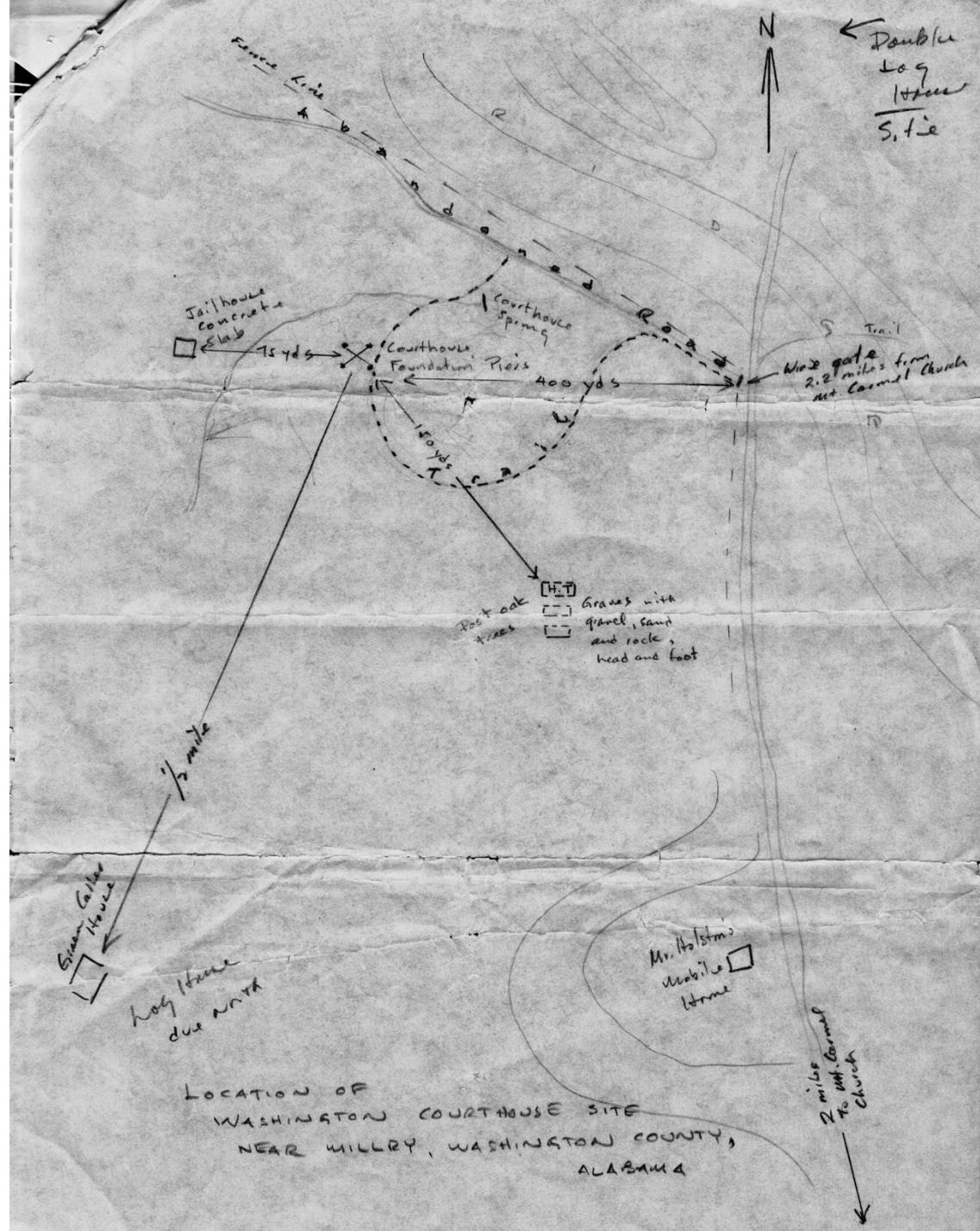
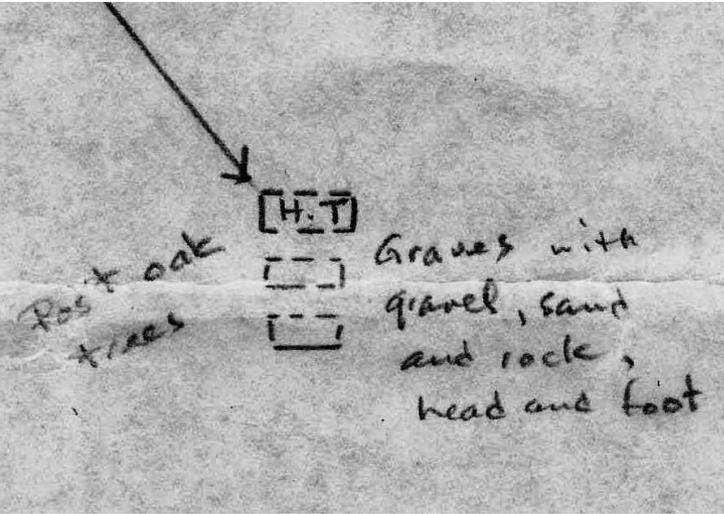
... in England. Harry T



***3. The Expeditions to  
Washington Court House***

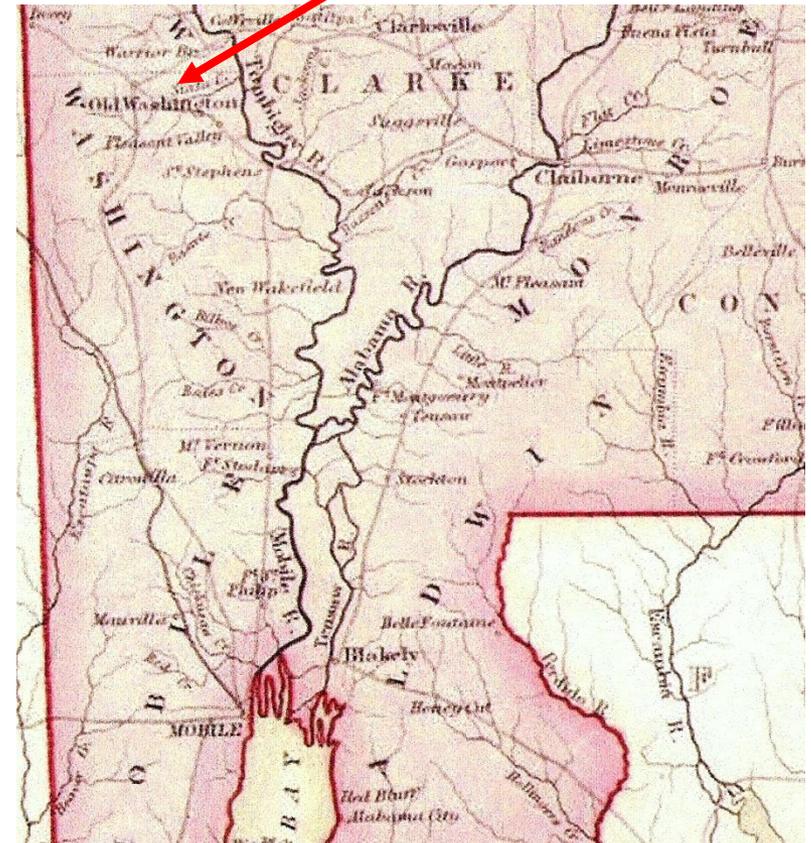
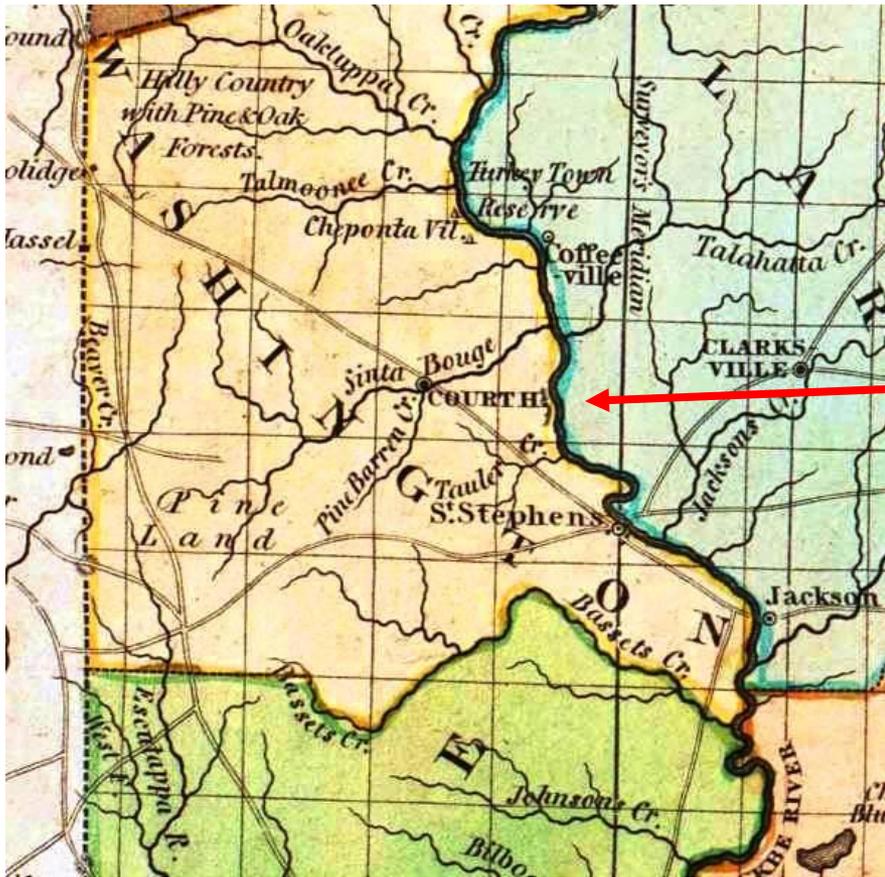
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Territory as judge of Tombigbee District (1804-  
1819). Delegate to Alabama Constitutional  
Convention (1819). Wrote first Digest of Laws of

# The search began with my Dad's map





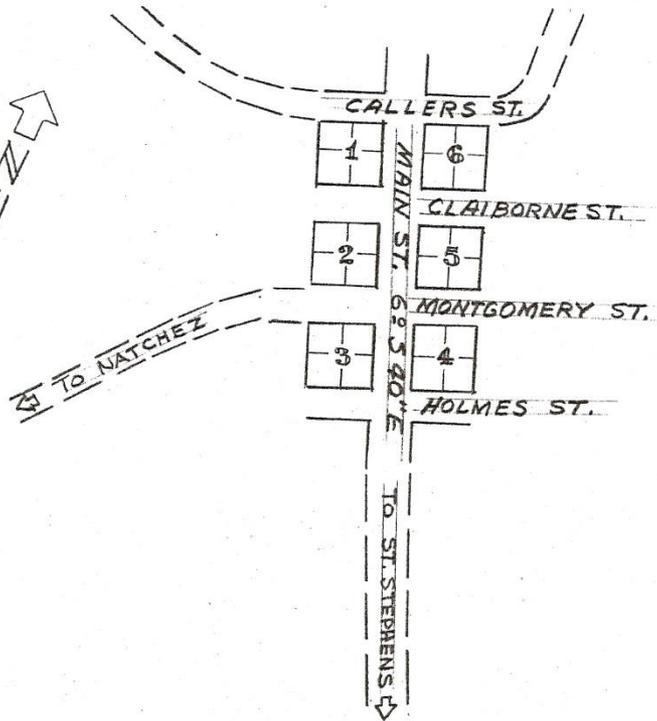
# Washington CH appears on maps between 1823 & 1867



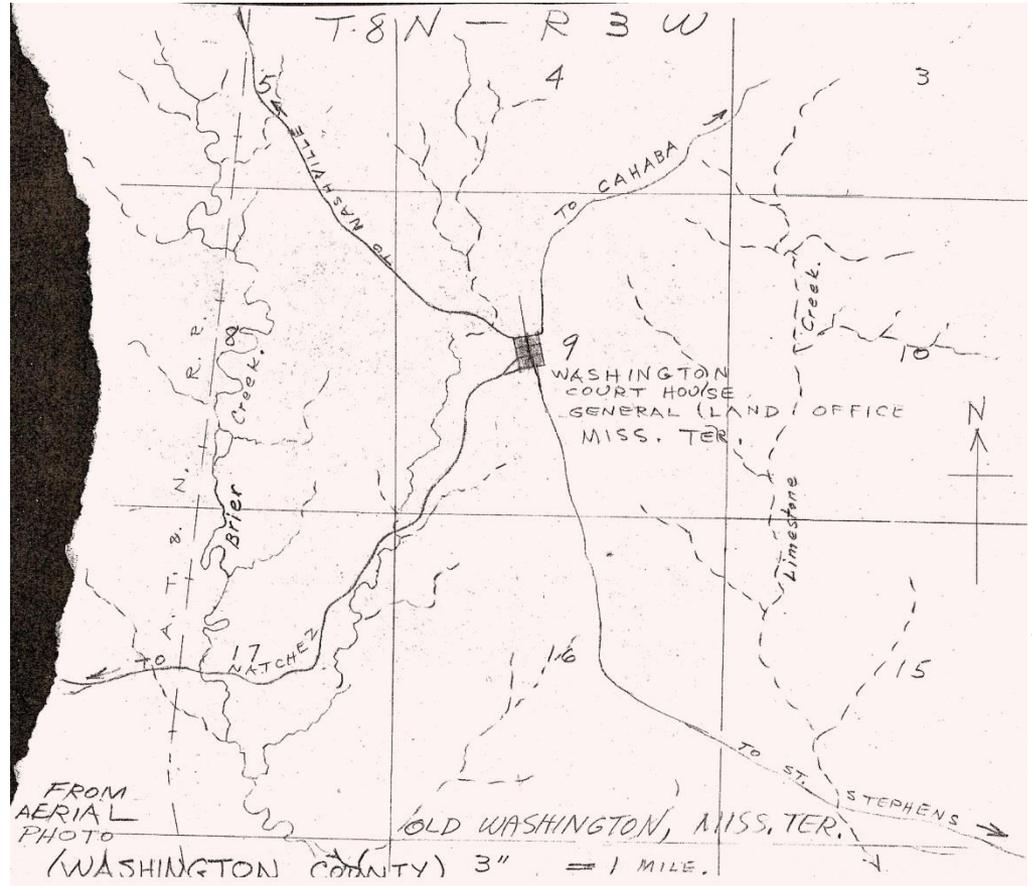
Judge Toulmin's will:

***I leave to my wife and trustees my double log house on which I have lived at Washington Court House for the last year...***

There is even a plan of the town and a deed selling the Court House!



WASHINGTON COURTHOUSE.  
60 FOOT MAIN ST.  
CITY OF WASHINGTON MISS. TER.  
ROBERT MILLS, DRAFTSMAN  
OCTOBER 5, 1831.



From 1960 map from aerial photo

From Deed Book H, p. 174, 13 April 1835:

*Situate lying and being in the said County of Washington described as follows, to wit. a certain tract of land whereon the Court House of the said County of Washington is erected, built and standing, and containing about one hundred and fifty four acres be the same more or less, and being the North west quarter of Section*



# The first expeditions on the ground turn up tantalizing clues





# Clear cut logging makes archaeology difficult

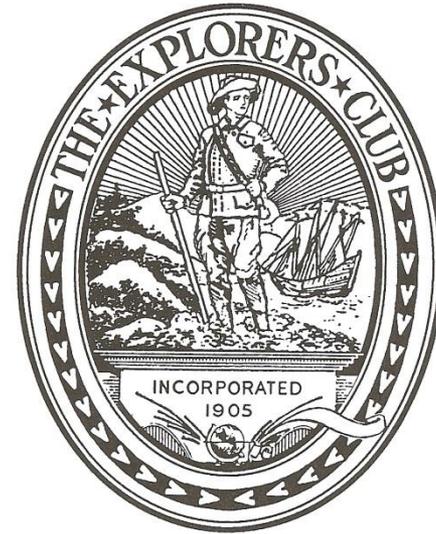


# But great USA & Alabama Archaeology Society staff and volunteers make it work





# The February 2007 expedition was sanctioned by the Explorers Club



# The Judge, the Flag, the Team



**ALABAMA**

## JUDGE HARRY TOULMIN

1766-1823

Born and educated in England, Harry Toulmin came to U.S. in 1793. Moving to Kentucky, he was elected president of Transylvania University. Served as Secretary of State of Kentucky (1796-1804) then moved to Mississippi Territory as judge of Tombigbee District (1804-1819). Delegate to Alabama Constitutional Convention (1819). Wrote first Digest of Laws of Alabama (1823). Died at his home near Washington Court House (1 mile north of this location).

ALABAMA HISTORICAL ASSOCIATION 1987



# The press was very kind

## Ancestral journey

Uncovering the lost mystery town of Judge Harry Toulmin



Photo courtesy Llewellyn M. Toulmin

Author **Llewellyn Toulmin** and the 20-mile view at Washington Court House in Washington County. Toulmin's great-great-great-great-grandfather was buried in the forgotten town.

### Editor's note

The author of this article, Llewellyn "Lew" Toulmin, was born in Mobile and now splits his time between Fairhope and Silver Spring, Md. He holds a doctorate in public administration from American University in Washington, D.C., and is the author of the forthcoming book, "The Most Traveled



Llewellyn "Lew" Toulmin

By **LLEWELLYN M. TOULMIN**  
Special to the Register

It was like a treasure map. I found it in the files of my recently deceased father, Harry Theophilus Toulmin. It sketched what he thought was the location of Washington Court House, a lost mystery town in northern Washington County, and the death place of our family's most famous ancestor, Judge Harry Toulmin, my father's namesake.

On March 8, with the help of archaeologists from the University of South Alabama, I believe I finally found the family treasure that was Judge Toulmin's last hometown.

For me, it was a personal mission. The judge was my great-great-great-great-grandfather. As an explorer, family his-

important towns in south Alabama.

I began my quest, as my father did, with Judge Toulmin's 10-page will, in which he left his wife, Martha Johnson Toulmin, "two quarter of Sections near Washington Court House on which I have resided more than a year, with my new double log house and cotton field of about 15 acres."

Next, I did more research on Judge Toulmin, about whom I had heard all my life, and was pleased to find that he was one of the great figures of early Alabama history. He was appointed by President Thomas Jefferson in 1804 to be the territorial judge of the Alabama portion of the Mississippi Territory, known as the Tombigbee District.

For 15 years, this made him almost the only civil governmental presence for hundreds

### Judge Harry Toulmin

- Born Sept. 7, 1766 in Taunton, England, the son of a Unitarian minister.
- Became a Unitarian minister himself, fleeing religious persecution in England in 1793.
- Also in 1793, wrote "The Western Country," a classic book describing the western United States at the time.

- Became president of Transylvania University in Kentucky, was later appointed secretary of state of Kentucky and was the first to compile the laws of that state.

- Appointed in 1804 by President Thomas Jefferson to be the Judge of the Alabama portion of the Mississippi Territory.



One story ran on the front page above the fold

In search of the Toulmin grave

Editor's note: In 2006, Llewellyn Toulmin, an adviser to foreign governments, world traveler, author and part-time Fairhope resident, visited a Washington County site with a team of archaeologists to try to find a lost mystery town — the final resting place of his family's most famous ancestor. This past spring, Toulmin returned to the site, intent on finding more clues as he sifted dirt.



Llewellyn Toulmin

By LLEWELLYN M. TOULMIN Special to the Press-Register

"So, would you like to see the grave of your great-great-great-grandfather?" John Dixon asked, smiling.

"Absolutely," I said, my heart beating a little faster. "My family has been looking for him for 30 years!"

We were atop a remote hill in northern Washington County on an expedition to try to find the lost town of Washington

Court House and the grave of my ancestor Judge Harry Toulmin (1766-1823), one of the founders of the state of Alabama.

The Feb. 7 expedition was sponsored by the Explorers Club, one of the premier exploring organizations in the world, and by the University of South Alabama Center for Archaeological Studies, home to some of the leading

Please see Toulmin seeks Page 4A

Toulmin seeks grave of an Alabama founding father

Continued from Page 1A

archaeological investigators in the Southeast.

John Dixon was a local resident who had grown up in the area, and he knew every rock and tree for miles around. He had volunteered to help when he heard about the planned expedition from other residents active on the team.

"Here it is," John said. We looked down. Under the leaves we saw stones peeking through. They were small and weathered, without any markings, but could be gravestones.

"Let's get some pictures of the undisturbed area before we clear away the leaves and branches," said Bonnie Gums of the USA Archaeology Laboratory.

We took some photos, then carefully raked the site clean. There were four stones, apparently a headstone and a footstone for each of two graves. The graves ran east and west in the traditional manner.

"We've heard two different stories about these graves all our lives," Dixon said. "One is that the larger grave to the west is Judge Harry Toulmin, and the grave to the east is a criminal that he recently

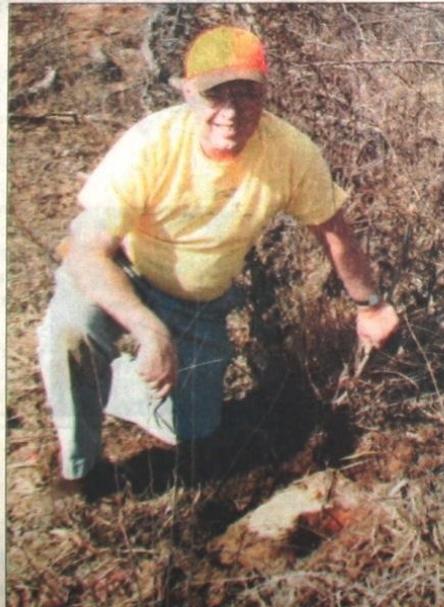


Photo courtesy Llewellyn Toulmin

Volunteer Carey Geiger displays the possible cornerstone of the lost town of Washington Court House.



Photo courtesy Llewellyn Toulmin

University of South Alabama utilities staff operate ground-penetrating radar to search for underground structures at the desolate, remote site of what is believed to have been Washington Court House. The lawnmower-sized device costs \$25,000 and is normally used for locating underground wires and pipes.

Ballard, the man who found the Titanic, the Bismarck and PT-109.

Our flag, No. 24, had been to central Africa on a famous expedition in 1929 with explorer and taxidermist Harry C. Raven. Since then, our flag had been on various expeditions, including most recently, a successful effort in 2004 to find the huge silver treasure of King Phillip III. King of

We dug a shallow trench across the site of the anomalies, which were marked out in orange paint on the ground.

"We're looking for dark staining in the red subsoil," said Bonnie. "That would show that the ground has been disturbed by digging or other non-natural processes."

But the ground stayed

post would be placed in this curve, and the stone would anchor the post in place. This is good evidence that the courthouse was located here.

A few minutes later we found a similar, smaller stone nearby with two crescent shapes in it. Carey Geiger said, "I think this is another stone carved by man. Two side wall posts would be placed in the two curved holes. Let's take this back to the lab, where we can examine it closely for tool marks. This might be our definitive proof that the courthouse was here."

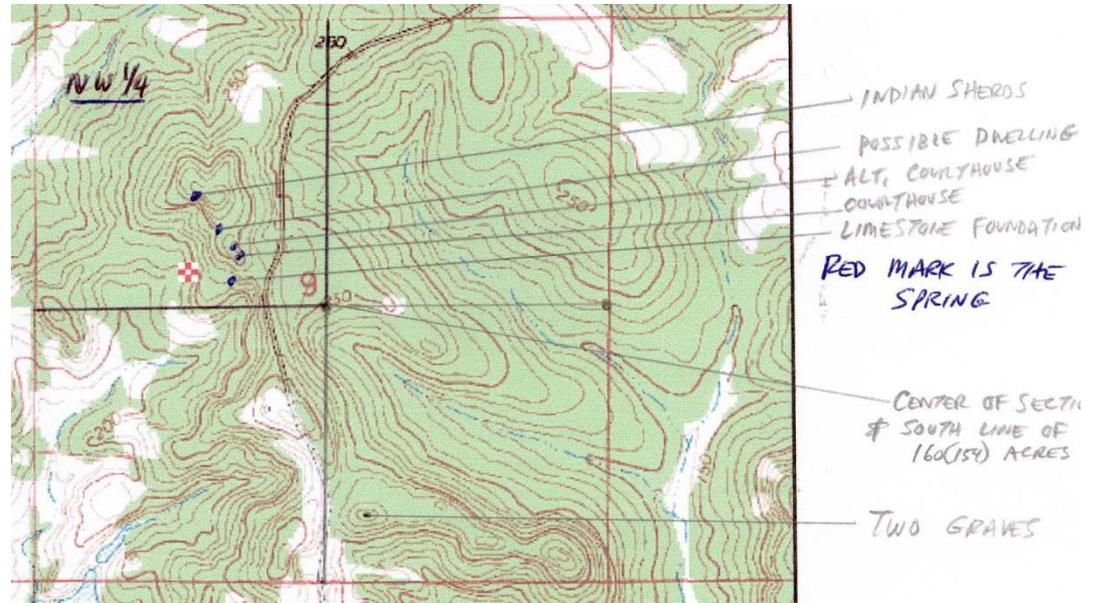
The next step

We headed home, satisfied with our day's work. Over the next few weeks, various experts examined the possible courthouse cornerstone.

"We have several conflicting opinions about the stone," Gums said in a recent interview. "Some experts feel it is worked by man and some disagree. This type of soft limestone makes analysis difficult."

Next steps in our ongoing quest include using ground-penetrating radar on the possible Judge Toulmin grave, moving to a "Phase 2" excavation of some of the possible structures at the site, and

# The February 2007 expedition identified two possible graves a mile SE of CH Hill...





...So in Jan  
2008 we  
followed up  
with ground  
penetrating  
radar

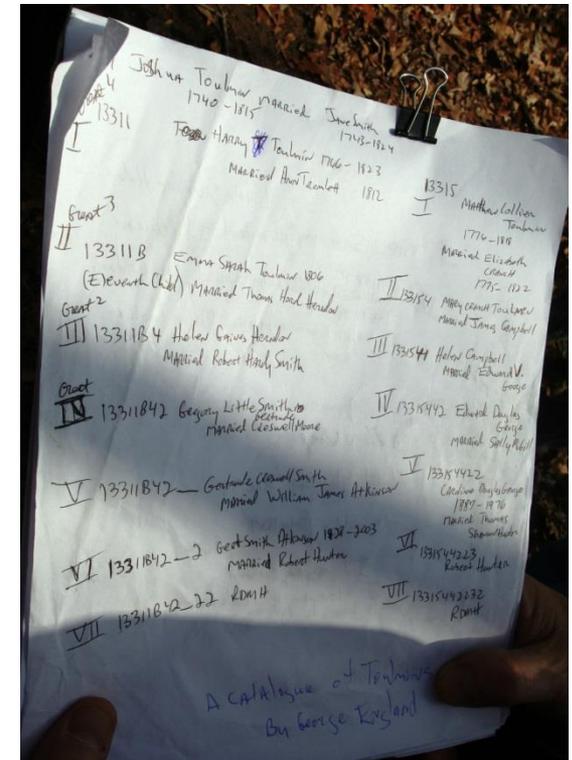




**GPR and test  
trenching gave  
mixed results on  
the graves  
But it is clear we  
have found the  
town**



**Another Toulmin  
descendant was  
found--alive**





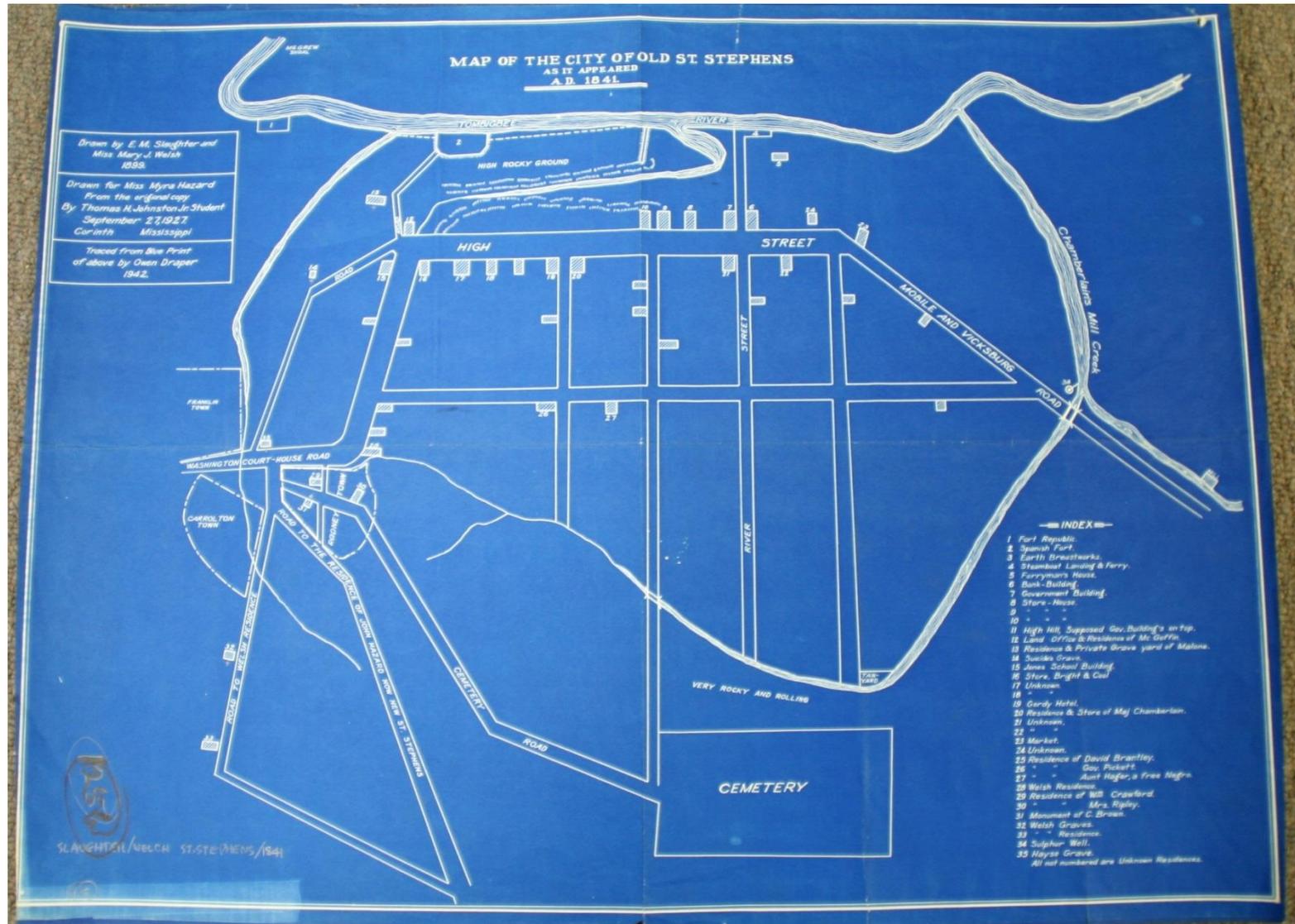
**Metal detectors  
got lots of hits  
on CH Hill**



**Getting stuck in  
the mud is all part  
of the fun**



# There is also the possibility of locating Judge Toulmin's house at Old St. Stephens



**The search continues...**



**THANKS!**