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Demons of Discord: Violence and the Socio-political Growth of Colonial South Carolina and Georgia, 1690-1776

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Citation	Hand-Stephenson, Corrie N. "Demons of Discord: Violence and the Socio-political Growth of Colonial South Carolina and Georgia, 1690-1776." 2018. Dissertation, Georgia State University. https://doi.org/10.57709/12679296
DOI	https://doi.org/10.57709/12679296
Download date	2026-04-11 23:58:47
Link to Item	https://hdl.handle.net/20.500.14694/8198

DEMONS OF DISCORD: VIOLENCE AND THE SOCIO-POLITICAL GROWTH OF
COLONIAL SOUTH CAROLINA AND GEORGIA, 1690-1776

by

CORRIE HAND-STEPHENSON

Under the Direction of Charles Steffen, PhD

ABSTRACT

Life in the colonial American south was filled with brutality and inequality. Whether it was the violence of slavery and colonial expansion or the inherent inequalities of gender relations, violence and oppression permeated nearly every facet of life. This dissertation will look critically at the development of what I am calling a culture of violence in the colonies of Georgia and South Carolina. By studying the ways in which violence effected family, social, and political interactions, my work argues that the crucible of social, racial, and political issues of these two colonies created a culture in which violence or the threat of violence permeated most human interactions. Not only was violence commonplace, violence perpetrated by the

individual as well as the state came to be seen as the only legitimate way to punish someone or defend oneself.

Social and political historians have dealt with one or two of spheres in which violence occurred. For instance, many studies focus on the violence of slavery and gender relations. However, no one has yet attempted to view all the forms of violence in the South and use that as a lens for understanding southern culture both in the Colonial era and beyond. I argue that by investigating all forms of brutality and the rhetoric associated with such acts, a more complete picture of southern culture emerges – a culture which did not just accept brutality in one area of society but rather in every aspect of life. This acceptance of the necessity of violence went on to inform southerners' responses to the Imperial Crisis, American Revolution, and even the racial upheaval of the post-Civil War Years.

INDEX WORDS: South Carolina, Georgia, Violence, Colonial America, Colonial politics,
American Revolution

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CORRIE HAND-STEPHENSON

A Dissertation Submitted in Partial Fulfillment of the Requirements for the Degree of

Doctor of Philosophy

in the College of Arts and Sciences

Georgia State University

2018

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December 2018

DEDICATION

For my grandfather, Claude Jones, who once offered to mortgage the family farm to send me to graduate school.

ACKNOWLEDGEMENTS

This dissertation would not have been possible without the help of many individuals. Though it is not possible to thank everyone who had a part in this, I would like to express my gratitude to my committee members: Dr. Jake Selwood and Dr. Jeff Young and particularly to my committee chair, Dr. Charles Steffen. I would also like to thank Dr. John Sullivan and Dr. Ryan Prechter both of whom befriended me, listened to my ideas, helped me through the formatting process, and occasionally fed me. Finally, I would like to thank the staffs of the Georgia Historical Society and Georgia State's library for helping me to located many of the documents used in this study.

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1 INTRODUCTION

Let us act as we ought,
Let the demon of discord and faction begone!¹

In 1768, an anonymous poet writing in the *Georgia Gazette* lamented the “Demon of Discord” that afflicted the colonial south.² Though the poet seemed to think this could all be attributed to Parliamentary taxation efforts, life in South Carolina and Georgia was filled with brutality, inequality, and violence long before the Imperial Crisis. Whether it was the violence of slavery and colonial expansion or the inequalities of gender relations, violence and oppression permeated nearly every facet of life. Through a close study of the ways in which violence affected family, social, and political interactions, I will show that the crucible of social, racial, and political issues of these two colonies created a culture in which violence or the threat of violence permeated most social interactions. Not only was violence commonplace, violence perpetrated by the individual as well as the state came to be seen as the only legitimate way to punish someone, defend oneself, and keep control of a society that seemed to always teeter on the brink of chaos. This violence, however, sometimes threatened the very order it sought to create.

Typically, social and political historians have dealt with one or two spheres in which violence occurred. For instance, many studies focus on the violence of slavery and patriarchy. However, no one has yet attempted to view all the forms of violence in the South and use that as a lens for understanding southern culture both in the Colonial era and beyond. However, by investigating all forms of brutality and the rhetoric associated with such acts, a more complete

¹ *The Georgia Gazette*, June 8, 1768.

² *The Georgia Gazette*, June 8, 1768.

picture of southern culture emerges – a culture that did not just accept brutality in one area of society but rather inserted it into every aspect of life. The culture of violence that took shape during the colonial era survived to inform southerners' responses to the Imperial Crisis and the American Revolution.

For eighteenth century Georgians and South Carolinians, violence functioned as a form of social control. White settlers living in the two southern colonies were caught in vice between well-organized and frequently hostile Native Americans on the one side and their own enslaved workforce on the other. To maintain the order of their fragile society, southerners relied on physical violence and threats of violence to attempt to control not only their Native American neighbors and slaves, but also the white population. The use of violence as a mechanism of social control could only function if legitimacy was granted to the act. For the settlers of Georgia and South Carolina legitimacy meant that the power to inflict violence on others rested largely in the hands of wealthy, white men. These men delegated the power to police others to lower class men in a variety of situations but always retained the ability to judge the actions of the lower classes.

From the perspective of colonial leaders, uniting the white male population in the policing of settlers, slaves, and Native Americans was the only way to maintain their fragile hold on the southern frontier of the British Empire, but such power had to be heavily regulated. English law gave men of every class the right and responsibility to control the behavior of their families and mandatory participation in patrols allowed lower class men to inflict violence on the enslaved population. Although power was delegated to men to control elements of society, they could not act with impunity. Colonial courts still took dead family members and slaves seriously because violence that ended in death could indicate a loss of control, which could lead to

retaliatory violence on the part of oppressed groups. Not only was the ability of lower class men to inflict violent control policed by the upper class, they were cut off from politically based violence entirely as that was reserved for elites. However, as conflict with Britain increased during the Imperial Crisis, average settlers, spurred on by violent language and steeped in a culture which permitted the widespread use of violence, began to encroach on the elite right to political violence. The sudden burst of popular violence left elites struggling to decide whether they would condemn the violence or mobilize it for their own purposes.

1.1 Methodology and Outline

It would be very easy to allow Foucauldian analysis to form the basis and the lens for this dissertation. Since the 1970s, Michel Foucault's work on violence and power dynamics within society has been pivotal to our understanding of the subject. However, Foucault's thesis does not necessarily form the best lens for understanding the broad legitimization of violence in colonial American or Early Modern English society because, according to historian Susan Dwyer Amussen, it is too narrow to encompass all the forms of violence that English people believed were legitimate. Foucault's work focuses primarily on the state's power to punish or discipline as the only legitimate source of violence within society.³ However, Amussen contends that seventeenth and eighteenth century English people did not conceive of punishment and authority in quite the same way. According to her research, English people in both the metropole and the colonies had a much more defused concept of authority, which Foucault's thesis does not take into account. English people certainly believed that the state had the authority to inflict punishment on the individual but they also believed that the individual had the moral, if not

³ Michele Foucault, *Discipline and Punishment: The Birth of the Prison* (New York: Vintage, 2012).

legal, authority to punish family members, servants, neighbors, and even representatives of the state who transgressed the legal or moral boundaries of society.⁴

Making use of Amussen's broader definition of violence and authority as the theoretical and methodological framework for this dissertation will allow me to study a wider range of violent acts and understand their importance in society. However, using this lens does present other methodological problems. To understand the ways in which average people conceived of their own rights to violently punish others, one must find sources that accurately reflect their attitudes. Unfortunately, much of the written documentation from this period was produced by government officials and other members of the colonial elite. To overcome this handicap, I propose to use the methodologies pioneered by historians Timothy Lockley and Laura Gowing in their respective works: *Lines in the Sand: Race and Class in Lowcountry Georgia, 1750-1860* and *Common Bodies: Women, Touch, and Power in Seventeenth Century England*. Both work with groups who were essentially disenfranchised and left behind few writings. For Lockley, it is poor whites in the plantation society of the South.⁵ Gowing focuses on middle and lower-class women in patriarchal England.⁶ To capture the experiences and ideas of these two groups, both make extensive use of court transcripts and published examples of popular ballads and poems. Court records are valuable because many court reporters took down testimony word for word. Therefore, a careful reading of these documents can reveal much about what average colonists thought was legitimate violence and what they conceived of as abusive or criminal. The same

⁴ Susan Dwyer Amussen, "Punishment, Discipline, and Power: The Social Meanings of Violence in Early Modern England," *Journal of British Studies*, No. 1 (January, 1995): 4.

⁵ Timothy James Lockley, *Lines in the Sand: Race and Class in Lowcountry Georgia, 1750-1860* (Athens: University of Georgia, 2001).

⁶ Gowing, *Common Bodies*.

could be said of ballads and other popular publications. Although frequently meant to be comical, these sources shed light on crime, punishment and the glorification of vigilantism.

For the purposes of this study, I will begin with violence in the family sphere and work outward. The first chapter will consider the place of domestic violence in southern society. First, I want to offer a different definition of domestic violence from the one commonly used. When one uses the phrase today, it almost exclusively refers to a very specific type of spousal abuse: a man physically or verbally assaulting his wife or female partner. For the purposes of this chapter, however, I will be defining the term “domestic violence” as any act of violence that takes place in the domestic sphere or is perpetrated with the intention of protecting the order of the household. Using this broader definition will allow an examination of a much wider range of issues including not just spousal abuse, but also child abuse. It will also enable careful consideration of vigilante activities that targeted threats to domestic tranquility, such as known adulterers and rapists.

When one examines all of these forms of domestic violence, one finds that early modern English people in both the southern colonies and the metropole had conflicted views about the appropriateness of such actions. Very few people (male or female) would have disputed the right of a man as the head of household to dole out punishment to those living under him, including his wife. No one disputed the right of parents, masters, and mistress to inflict violent punishments on their children and servants. What people of the period approached with more ambiguity was drawing the line between appropriate punishment and criminally abusive behavior. Was it appropriate to beat a child or person until they were permanently maimed? Was it right to kill a disrespectful spouse, servant, or child? Frequently the legitimacy of such

actions rested more on the perceptions the local community had of the abuser and the victim rather than on any sort of legal precedence.⁷

In the second chapter, I will move beyond the immediate family and consider those working and living in the household. In South Carolina and Georgia, this workforce was primarily made up of enslaved Africans, although not exclusively.⁸ A great deal of work has already been done documenting the inherent violence and repression of American slavery and its effects on southern white society. I do not intend to rehash all of that. Instead, I want to investigate the development of a slave code that institutionalized brutal violence as an everyday part of southern life. No discussion of violence and the development of the slave codes in Georgia and South Carolina would be complete without a serious consideration of the ways in which slaves resisted through open rebellion like the 1739 Stono Rebellion.

Chapter three will focus on the legal and extralegal ways in which colonists controlled crime. People who settled in both colonies brought with them the legal traditions of the mother country. England's criminal justice system was one of the most brutal in Europe in terms of the amount of offenses which could draw the death penalty. The criminal justice systems of South Carolina and Georgia differed from that of England only in that the death penalty was not given out so frequently. In an area where the fever season killed hundreds every year, it made no sense to execute someone who was healthy and whose labor or finances might be put to the good of the colony. With that in mind, I intend to explore the non-lethal ways in which the law punished criminal offences, including corporal punishment, imprisonment, and public shaming.

⁷ Fischer, *Suspect Relations*, 140.

⁸ According to Lockley's research, elites in Savannah frequently hired white men and women to act as household servants. The fact that they could pay a white person a salary to wait on them became a major status symbol in the growing port city. Lockley, *Lines in the Sand*, 30.

However, the colonial courts were not the only law of the land. Acts of vigilantism were commonplace. In part, this was due to underdevelopment of the court system. The vast majority of the magistrates and courts of both colonies were located either in the capital cities or in the wealthy low country counties. This meant that people living on the frontier had little or no legal recourse if they became the victims of a crime. People in these areas formed committees of safety or regulator groups to protect themselves from criminals, slave insurrections, or Indian attacks. Some of these organizations closely followed the laws of the colony and handed offenders over to the courts. Others, like the Regulators in the backwoods of South Carolina, made up their own legal codes and dealt out justice as they saw fit. These groups created a culture in which vigilantism was not only accepted but in some cases glorified. This acceptance lasted long after proper governments had been established in the backcountry.⁹

Colonial governments did not just deal with conflict between white settlers. Conflict between Native Americans and colonists was a constant threat on the frontiers of South Carolina and Georgia. Unlike, areas farther north where indigenous peoples had been weakened or decimated by war and disease, the Creek and Cherokee nations of the South East remained powerful. Misunderstandings over treaty lines, livestock grazing, and trade could bring a sudden and bloody raid from either colonists or Native Americans, which risked plunging the colony and indeed the entire empire into a long and costly war. Between 1690 and 1760, two such wars rocked the colonies of Georgia and South Carolina. These conflicts were not just fought by

⁹ In 1755, angered by the corruption in Governor John Reynolds' administration, Quaker Edmund Gray left the provincial assembly and led a group of likeminded people into the back country where they set up their own government. Gray and his followers proved to be a constant source of fear for subsequent governors because of his friendship with the Creek Nation. Kenneth Coleman and Milton Ready, eds. *The Colonial Records of Georgia: Volume 28 Part I: Original Papers of Governors Reynolds, Ellis, Wright, and Others, 1757 – 1763* (Athens: University of Georgia Press, 1976), 17.

trained soldiers but also by average settlers and Indians each seeking to avenge atrocities on both sides.

The fourth chapter, will move beyond actual acts of violence and investigate the ways in which the threat or fear of violence shaped southern Indian policy. In some ways, the fear of sudden attack had a much greater effect on the ways in which colonists defined violence and self-defense, than actual attacks and warfare. An examination of the Assembly records for both colonies shows that fears of Indian attacks opened conversations about personal safety and the right to defend oneself that were not going on in other colonies. Between 1740 and 1750, men were given the right to stockpile arms and to carry them into houses of worship and other public buildings where they were usually banned. A bill that passed the Georgia Assembly also allowed for the arming of “trustworthy” slaves, in the belief that well-armed and trained slaves would rise to their master’s and the colony’s defense in the event of an assault. This fear also led to acts of preventative violence in which colonists attacked Indians without any real provocation.

In the final chapter, I will examine the role that violence played in the development of political factions. In other British Colonies, politically based violence was largely the purview of the lower classes, who having been disenfranchised had only violence as a means of alerting the upper classes to their feelings. However, in Georgia and South Carolina it was the elites who exclusively engaged in political violence. Colonial leaders engaged in violent language, duels, assaults, and even kidnappings to control political dissent and create powerful factions which kept power concentrated in the hands of a few. As voting rights expanded under royal governments, traditional leaders found their power under assault from a growing imperial bureaucracy. They were forced to appeal to members of the lower classes to build new coalitions and stop British imperial encroachment.

Already steeped in the cultural violence of their frontier society, southerners were not content to remain passive once invited into politics. Average settlers came to see violence as a means to bend their leaders to their will. During the Imperial Crisis of the 1760s, those unhappy with British rule drew upon the ideas of earlier movements as well as the violent rhetoric of domestic and frontier life to create a violent opposition to crown policy, which guided them in creating an anti-British platform. These acts of violence not only created and drove policy, it allowed for both collaboration and conflict between South Carolina and Georgia and a new fear for colonial elites that the control they had worked so hard to maintain might be pulled apart if they did not come to the forefront of the anti-taxation movements.

2 AN ORDERED HOUSE: CONTROL AND DOMESTIC VIOLENCE

For an eighteenth-century white man living in South Carolina or Georgia, society had a rhythm and an order which had to be maintained at all cost. Any disorder among white settlers might be seized upon and taken advantage of by the frequently hostile Cherokee and Creek nations or the rising number of African slaves living in their midst. If the specter of Indian or slave uprising was not frightening enough, one had always to consider the threat of divine retribution for sins left unchecked. Like their brethren in England, South Carolinians and Georgians relied on violence as a means of checking the behavior of household members. The male head of household, in particular, had a duty to his family and society to keep an orderly house, a duty that belonged to all men regardless of social class. This meant doling out physical chastisement when needed. However, in a frontier environment that seemed to be frequently on the verge of chaos, this impetus toward physical punishment had the potential to become abusive. Though in theory socially acceptable, such violence was not without controversy,

especially as divorce rates soared to some of the highest in British North America and colonial courts found themselves responsible for ever increasing numbers of abused children.¹⁰

2.1 “Illy Suited for the State of Marriage:” Spousal Abuse and Divorce

In the fall of 1785, New Englander Timothy Ford, at the invitation of his new brother-in-law, traveled to South Carolina to set up a law practice.¹¹ Due to his family connections, Ford soon found himself being feted by the new state’s leading families. However, after several months of drifting from one house party to the next, Ford confided to his diary something that was troubling him. “I hear of more family troubles & especially of the conjugal kind than in any other place. I everyday hear of unhappy marriages both in time past and present,” he wrote.¹² After some thought and observation, Ford concluded that such domestic problems were partially the result of southerners’ “sinister” views on rank and wealth which drove parents to push their children into arranged marriages, often before they were ready for such responsibility. However, Ford laid most of the blame on southern frontier society which produced men, whom he

¹⁰ In modern times, domestic violence is usually taken to mean spousal abuse and can cover a wide range of behaviors from physical abuse to emotional, verbal, and sexual mistreatment. For the purposes of this study, however, I will be using the term domestic violence to encompass both spousal and child abuse. Though preference will be given to physical violence, I will also explore the importance of violent language and threats of violence in these relationships. Available records have precious little to say about physical abuse and they are virtually silent on any other form of abuse with the exception of sexual violence and this was only recognized outside of marriage. Narrowing the scope of this study to physical violence and threats of violence, will show not only Southerners’ conflicted views about the use of violence but will also show that they attributed the proliferation of domestic violence to their own violent frontier culture.

¹¹ In September of 1785, Timothy Ford’s sister, Elizabeth, married South Carolina judge, William De Saussure. When the couple left New Jersey, De Saussure invited Ford to join them, promising to use his influence to help Ford find work as a lawyer. Ford remained in South Carolina until his death in 1830 and had a rather distinguished career, which included a prolonged stint in the state legislature. Timothy Ford and Joseph W. Barnwell, “The Diary of Timothy Ford, 1785-1786, with Notes by Joseph W. Barnwell,” *South Carolina Historical and Genealogical Magazine* Vol. 13 (July, 1912), 132-133.

¹² Timothy Ford and Joseph W. Barnwell, “The Diary of Timothy Ford, 1785-1786 with Notes by Joseph W. Barnwell, Continued,” *South Carolina Historical and Genealogical Magazine* Vol. 13 (October, 1912), 191-192.

described as “idle drunkards,” who were “violent,” “uneducated,” and generally “illy suited with the duties of the married state.”¹³ For Ford this tendency of Southern men to resort to violence within their marriages was a direct result of southern culture placing too high a priority on control through violent means and too little social control to prevent abuse.

It would be easy to write off Ford’s observations as the ramblings of a discontented outsider, if South Carolinians and Georgians had not been expressing concern over the rising tide of divorces, elopements, and domestic violence sweeping the region long before Ford arrived. As early as 1740, famed minister George Whitfield, when asked to deliver a short devotion at the opening of court, instead took Georgia’s grand jury to task for its failure to prosecute family crimes and moral crimes between husbands and wives. He blamed the failure of the colony to thrive on the settlers’ violent and lascivious behavior toward their own families. This was certainly what the embattled Trustees in London wanted to hear but it did not impress the jurymen who immediately opened an investigation into Whitefield’s treatment of widows and orphans at his Savannah based orphanage, Bethesda.¹⁴

South Carolinians had also identified violence as a contributing factor in marital and family discord almost thirty years before Ford made his observations. According to one South Carolinian essayist writing in 1768, men in the colony made poor husbands because of the priority placed on male aggression. He wrote: “Unless a young fellow has killed a man and debauched his woman he is considered a spiritless, ignorant milksop.”¹⁵ He went on to argue that this glorifying of violence was creating young men who used violence indiscriminately or who pushed passed the bounds of acceptable punishment where their wives were concerned.

¹³ Ford and Barnwell, “Diary Continued,” 190-192.

¹⁴ Chandler, *Colonial Records Volume IV*, 496.

¹⁵ *The South Carolina and American General Gazette*, April 8, 1768.

The author warned that if this problem was not taken seriously, it could lead to a breakdown in proper familial bonds.¹⁶

One would be justified in thinking that since southerners had openly identified violence and spousal abuse as a major problem, authorities would feel compelled to take action to stop such abuses or at least investigate and document them. However, none of this concern over marital violence translated into preventative laws or even public denunciation that left traces in the written record. While both South Carolina and Georgia had laws preventing “cruel” or “unjust” punishments for white servants and African slaves, no such law protected women from corporal punishment administered by their husbands.¹⁷ Such oversight was not uncommon in the British Atlantic world. Out of England and all of its colonial holdings, only Massachusetts criminalized spousal abuse.¹⁸ It would be wrong, however, to conclude that because England and many of its colonial holdings did not criminalize spousal abuse society approved of such actions. In actuality, as Whitfield’s sermon and the newspaper article suggest, Early Modern English people had mixed feelings about the appropriateness of corporal punishment in a marriage.

In theory, within the home, the male head of household occupied a position akin to that of the king or governor, regardless of his social status. Just as the king and governor expected obedience from their subjects, the father also expected obedience from his wife and children and

¹⁶ *The South Carolina and American General Gazette*, April 8, 1768.

¹⁷ *The Statutes at Large of South Carolina Volumes I and II; The Colonial Laws of Georgia*.

¹⁸ See Elizabeth Peck, *Domestic Tyranny: The Making of Social Policy Against Family Violence from Colonial Times to the Present*, (New York: Oxford University Press, 1987), 4-5. Peck admits that while the Puritans of Massachusetts enacted laws to limit domestic violence as early as 1640, these laws were vague and always enforced. For most Puritans saving the marriage was more important than protecting members of the family from violence.

had the right to punish them if they refused to acknowledge his supremacy.¹⁹ In practice, however, the amount of force which a man could reasonably use against his wife was the subject of some debate. Even family and marriage manuals offered conflicting advice or were ambiguous. Daniel Defoe's *Family Instructor*, which was the most popular advice book in South Carolina, instructed young men to take particular care in choosing a wife.²⁰ Defoe argues that in a proper or ideal relationship a man should never have to punish his wife because a proper wife would never need more than gentle verbal warnings. However, if a man insists on marrying a woman who does not share his or society's values, then he must be prepared to administer corporal punishment to save his children from her bad example. If a man did not wish to physically correct his wife for bad behavior, then he should not marry a woman who would require such correction.²¹

While physical chastisement of women was viewed as a right, authorities and citizens alike were divided on the amount of violence which could be considered normal within the confines of a marriage. Allegations of abuse were typically hard to pin down and frequently ignored but a dead wife could not be ignored as the case of John and Margaret Frenz from Georgia shows. In August of 1767, Margaret Frenz left her husband. No reason was given for their separation but it appears that John Frenz was not willing to let his wife go so easily.²² By July of the following year, Frenz had tracked her to the Yamacraw Bluff home of a widow named Catherine Williams. On the evening of July 12, Frenz barged into the home and

¹⁹ Susan Dwyer Amussen, "Punishment, Discipline, and Power: The Social Meanings of Violence in Early Modern England," *Journal of British Studies*, Vol. 34 (January, 1995): 12-13.

²⁰ Historian Walter Edgar Conducted a study of household inventories to come up with the names and genres of the most popular books in colonial South Carolina. See: Walter B. Edgar, "Some Popular Books in Colonial South Carolina," *The South Carolina Historical Magazine* Vol. 72, No. 3 (Jul., 1971),175.

²¹ Daniel Defoe, *The Family Instructor* (Montpelier, VA: Derrick Sibly, 1810).

²² "Notice of Elopement," *The Georgia Gazette*, August 5, 1767.

demanded that his wife “make up their differences and go home with him.” When Margaret refused, Frenz produced a rifle and shot her. The bullet “broke her left arm and entering near her breasts, penetrated to the right shoulder where they were lodged.” Margaret Frenz died instantly.²³

Later Frenz tried to claim the shooting was an accident rather than premeditated murder. He claimed he was carrying the rifle to “shoot a rabbit” and the weapon accidentally discharged inside of Williams’ house. However, both Williams and the neighbors who apprehended Frenz fleeing the scene all testified against him, arguing that there was no reason for him to have come to Williams’ house with a gun and no reason for it to have accidentally discharged. There were also accusations of unspecified past abuse on the part of Frenz. Based on this testimony, the jury found him guilty of Margaret’s murder and he was hanged on January 11, 1769.²⁴

According to historian Jennine Hurl-Eamon, it was not uncommon for allegations of spousal abuse to surface after a woman had been killed and for that evidence to be used against the husband at trial. Although English law upheld the right of a man to administer physical punishments to his wife, in practice most juries and magistrates drew the line at endorsing murder. This meant that for many English women like Margaret Frenz, death provided them with the sort of agency they had not possessed in life. While they lived, no one dared interfere with their husband’s right to abuse them, however, in death they could be assured that society would recognize the injustice they had suffered and their husbands would meet a fate as grim as

²³ *The Georgia Gazette*, July 20, 1768.

²⁴ *The Georgia Gazette*, January 11, 1769.

their own. The tendency of the courts to convict in such cases may also have acted as a deterrent for beatings which would have resulted in death.²⁵

Since attitudes toward non-lethal spousal abuse were so convoluted and there were no laws to prevent it, the vast majority of cases that did not end in death went unreported. Friends and family members were often reluctant to get involved in cases of suspected abuse because they did not wish to infringe on the rights of the head of household. In Georgia and South Carolina, eighteenth-century criminal courts rarely heard cases since there was no law against a man punishing his wife.²⁶ However, this does not mean that spousal abuse went entirely undocumented in the colonial court systems. According to research conducted by Julia Spruill, South Carolina and Georgia had the highest divorce rates in colonial America. Spruill attributes many of these divorces to the fact that most marriages were arranged and most couples were very young at the time of their first marriage.²⁷ Her conclusion, however, does not take into account the fact that young marriages were the norm throughout colonial America. For much of the eighteenth century, neither colony allowed a divorce unless infidelity could be proved against one or both parties. This means that early divorce records shed no light on the amount of spousal abuse that may have occurred in southern households. However, beginning in 1785, both colonies allowed women to use instances of violence as supporting evidence when attempting to secure a divorce. According to research by Loren Schwenger, of the 610 divorce cases between 1785 and 1820, 65 percent involved allegations of physical violence.²⁸ Acts of violence

²⁵ Jeninne Hurl-Eamon, "I Will Forgive you if the World Will: Wife Murder and Limits on Patriarchal Violence in London, 1709-1750," In *Violence, Politics, and Gender in Early Modern England*, Joseph Ward, ed. (New York: Palgrave MacMillan, 2008), 225-229.

²⁶ Jeninne Hurl-Eamon, "I Will Forgive you", 225.

²⁷ Julia Cherry Spruill, *Women's Life and Work in the Southern Colonies* (New York: W. W. Norton Company, 1972), 163, 167.

²⁸ Loren Schwenger, *Families in Crisis in the Old South: Divorce, Slavery, and the Law* (Chapel Hill: The University of North Carolina Press, 2012), 47.

ranged from hitting and pinching to severe whippings and attempted murder. Schweninger admits that some of the violence may have been exaggerated to gain the sympathy of the court but this does not take away from the fact that most of the women were able to provide numerous witnesses from among their neighbors and family members.²⁹

The men accused in these cases, rarely denied the accusations against them with many arguing that they had a right, as head of household, to punish their wives in any way necessary. However, spousal abuse in South Carolina and Georgia may have had another purpose. Schweninger's research shows a strong correlation between spousal abuse and slaveholding. Most of women who used abuse as supporting evidence in divorce cases were married to slaveholding men and descriptions of the violence they faced almost always included description of them being beaten in front of their husband's slaves. Schweninger uses these cases to bolster her argument that the institution of slavery produced generations of men who destroyed their own families because they were morally bankrupt.³⁰ However, if one considers the idea that violence was meant to impose societal control, spousal abuse could be viewed as an attempt to control both the family and the enslaved population. Savagely beating one's wife in the presence of enslaved persons might serve to frighten slaves into compliance.

Not all women had the ability or desire to divorce their husbands. The fact that South Carolinians practiced arranged marriage, no doubt played into the reticence of many women to leave the husbands their fathers' chose for them. Although an essayist in the *South Carolina Gazette* counselled parents to be careful in choosing a spouse for their daughters and criticized the tendency of parents to "Make the choice of an abandon'd fellow, who has been often over-

²⁹ Schweninger, *Families*, 47-48.

³⁰ Schweninger, *Families in Crisis*, 53.

run with a polite disorder, debouche two or three virgins, or kept half a dozen negro wenches in the face of the sun.”³¹ The advice of these writers often fell on deaf ears. The uncertainties of frontier life in South Carolina led settlers to impose order and security through marriage. Most settlers to the area came from more modest means in the Caribbean or England and dreamed of wealth and status. However, it was not enough to just have wealth and status for one’s lifetime. A man needed children to create a lineage which could carry on and add to the family’s prestige. South Carolinians did not just want security in marriage, they wanted dynasties.³²

The drive to create security through dynastic marriages meant that a man needed to find a wife whose family connections and wealth could add to or improve his own status. The same was true for any daughters born into such a marriage. Young girls had a duty to make a marriage which would elevate their fathers’ or brothers’ stature in society. To this end, parents pressured their children to marry young and produce children quickly. Since so much rode on these marriages in terms of social status and wealth, South Carolinians of the upper and middle classes did not allow their children to have a say in such an important matter. Arranged marriages were the norm in South Carolina. Whereas other colonies allowed couples more say in their marriages and laws protected single people from forced or unwanted marriages, only orphans had the legal right to defy their guardians over the choice of marriage partner.³³ Young people, particularly young women were expected to agree to whichever partner their parents chose because marriage was the only path to security and the basis for creating an ordered society out of the chaos of the frontier. However, as the writer to the *Gazette* shows, parents rarely took into account anything

³¹ *The South Carolina Gazette*, January 26, 1738.

³² Cara Anzilotti, *In the Affairs of the World: Women, Patriarchy, and Power in Colonial South Carolina* (New York: Praeger, 2002), 5.

³³ Julia Cherry Spruill, *Women’s Life and Work in the Southern Colonies* (New York: W. W. Norton Company, 1972), 173-175.

but the wealth and prestige of the individual under consideration. Compatibility of the couple mattered very little and that led to trouble, according to some South Carolinians.

It would be inaccurate to claim that all of these marriages were unmitigated disasters. As research by Carla Anzilotti shows, some women threw themselves into promoting their husbands' business interests and became equal partners in their husbands' quest to promote the family. When their husbands died, they became the executors and trustees of their husbands' estates until their sons reached adulthood. This created a small caste of wealthy plantation-owning women, who despite the fact that they were restricted from taking part in government, wielded considerable political influence.³⁴ However, these women were in the minority and far more of these marriages seemed to have been like that of Henry Laurens's sister Mary. Mary Laurens was married off to Nathaniel Gittens at the age of seventeen. The marriage seems to have been a disaster almost from the start. Gittens failed to live up to the Laurens family's expectations leading Laurens to describe his brother-in-law as a "Sadly unsuccessful creature" who was given to drinking and violent behavior.³⁵ In fact, the situation became so intolerable for Mary that she begged her father to allow her to come home. When he refused, she cut off all association with him even refusing to come home when he sent for her from his deathbed. This led Laurens to write her a scathing letter condemning her for "not acting the part of a dutiful child to a Tender & endearing parent."³⁶ He went on to reassure her that her marriage was not so

³⁴ See: Cara Anzilotti, *In the Affairs of the World*: Anzilotti's work contributes a great deal to our understanding of how some colonial women in South Carolina used the patriarchy to their advantage. However, she does not discuss the fact that many of these women were forced by the provisions of their husband's wills to remain single. Nor does she discuss the state of these marriages before the husband's death.

³⁵ "Henry Laurens to Mary Gittens" in *The Papers of Henry Laurens: Volume I: September 11, 1746 - October 31, 1755*, Philip M. Hamer, George C. Rogers, and Maude E. Lyles, eds. (Columbia: University of South Carolina Press, 1968), 56-57.

³⁶ "Henry Laurens to Mary Gittens," *Papers of Henry Laurens*, 57.

bad. However, in the same letter, he promised to arrange for her to have a monthly allowance so that she and her children would not starve.³⁷

Although Mary had no choice in her marriage partner and seemingly no means of escaping her abusive husband, she used this situation to leverage concessions for herself and her children from her family. Many women like Mary, who were pressured into marriages by their families, returned home and demanded help escaping those marriages. If their appeals fell on deaf ears, as Mary's seems to, they then resorted to blackmailing their fathers. In South Carolina, where wealth, status, and having a good name were the desires of most white men, having a daughter in an abusive or degrading situation could damage their standing in the community. Women often threatened to make their marital troubles public and then blame their fathers for not trying to help them.³⁸ In the case of Mary, when her father refused to help her escape her marriage, she absented herself from his deathbed. Such an action was a double blow. First it deprived her father of being able to make peace with her, thus preventing him from having the good death that eighteenth-century people hoped for. It also caused a great deal of gossip that was no doubt embarrassing to both her father and her family. This may explain her brother's frustration with her. As the rising patriarch of the Laurens family, Henry would have had to deal with the damage caused by the gossip. This too might explain why he granted her an allowance out of his own income.

Situations like Mary Gittens' were not uncommon and to protect themselves from having to provide for a daughter in the advent of a troubled marriage, South Carolinians began to set aside money and property explicitly for that purpose before any marriage occurred. Although

³⁷ "Henry Laurens to Mary Gittens," *Papers of Henry Laurens*, 57.

³⁸ Rosemary O'Day, *Women's Agency in Early Modern Britain and the American Colonies: Patriarchy, Partnership, and Patronage* (New York: Pearson Longman Limited, 2007), 163.

English Common Law forbade women from owning property, there was a loophole. A woman could have property that was held in trust for her, so long as a man acted as the administrator. In England and in other British colonies, this man was generally the woman's husband if she was married. However, South Carolina altered its laws in the 1740s to allow fathers to continue administering these trusts after their daughters married and a few years later allowed women to administer their own trusts in the advent of their father's death. The language of these trusts were a calculated not to infringe upon the patriarchal rights of the husband to provide for his family. Usually men argued that the trusts they bestowed on their daughters were gifts to any grandchildren that might be born into the marriage.³⁹

Although the language of marriage trusts makes it seem as though they were for the benefit of a couple's children, a study of such trusts and their implementation show their primary purpose was to provide monetary support for a woman should her arranged marriage prove to be unhappy. Research by Marylynn Salmon shows that 87 percent of women who married in South Carolina had some sort of trust, either administered by their father or themselves. This means that marriage trusts were being utilized by women of all socioeconomic backgrounds, not just the wealthy, which was the practice in other colonies. Most of the middle and lower class women's trusts protected personal property such as household goods, clothing, and jewelry that they brought into the marriage with them. Having such items enabled them to have the financial ability to leave a marriage and set up on their own.⁴⁰

Women who had no trusts or family to fall back on sometimes resorted to suing their husbands in civil court. Between 1721 and 1749 three women in South Carolina filed lawsuits

³⁹ Marylynn Salmon, "Women and Property in South Carolina: The Evidence from Marriage Settlements, 1730-1830," in *Family and Society in American History*, Joseph M. Hawes and Elizabeth I. Nybakken, eds. (Chicago: University of Illinois Press, 2001), 42-45.

⁴⁰ Salmon, "Women and Property," 45.

against their husbands to bring attention to the abuse they suffered. In July of 1721, Catherine Taveron sued her husband for his “ill usage” of her. Stephen Taveron adamantly denied his wife’s claims and implored his wife to come back to their home. She declined to return and the court sided with her, holding Taveron liable for her suffering and compelling him to pay her forty shillings a week for the remainder of her life.⁴¹

Fifteen years later, Ruth Lowdnes took her husband to court. She demanded that the court force him to pay for her maintenance and surrender a substantial portion of his estate to be held as surety for his future good behavior toward her. The court once again ruled in the favor of the wife and compelled Charles Lowdnes to turn over a portion of his household goods, three slaves, and fifty pounds sterling to be held by the court until Lowdnes’ behavior toward his wife changed; if at any time he beat or mistreated his wife, Lowdnes would lose the goods and slaves. The judge then ordered that he be held in jail until the goods were turned over to the court.⁴² A third woman filed suit against her husband in 1749 for abuse, however, no record exists to show whether her case was successful or not.⁴³ These surviving civil cases do not tell us exactly what type of abuse these women suffered. However, the willingness of courts to find in their favor shows that the “ill usage” suffered by these women must have been deemed extreme, at least by those who were hearing the case.

While the lines between punishment and spousal abuse and may have been murky, South Carolinians and Georgians had a very clear conception of where the line between correction and abuse fell in regard to their children. To understand how early Americans understood abuse, one must dispense with all modern concepts of child abuse. Eighteenth-century parents had a social

⁴¹ *Catherine Taveron v. Stephen Taveron Senior*, July, 1721. *South Carolina Chancery Court Records, 1671-1779* (Washington D.C.: The American Historical Association, 1950), 322, 326, 330.

⁴² *Lowdnes v. Lowdnes*, April 15, 1736. *South Carolina Chancery Court Records*, 381-382.

⁴³ “Petition of Mary Alder,” *South Carolina Chancery Court Records*, 431.

and moral obligation to raise productive and socially well-adjusted children. This gave them the legal authority to do whatever they thought necessary to discipline their children. However, this permissiveness did not extend to all adult/child relationships. Southerners had a very clear concept of who could legitimately use violence to correct a child's behavior and who could not.

2.2 “An Unlucky Child:” Correction and Child Abuse

Mrs. Gilbert's daughter died soon after the family settled in Georgia but she enjoyed a close relationship with her grandchildren. Therefore, when her son-in-law, Robert How, left Georgia with Reverend John Wesley in 1739, she expected that she and her husband would be entrusted with the care of the two girls. However, How decided to leave the young children with a group of Moravians so that they might be “brought up in a stricter course of religion than the established church afforded.”⁴⁴ The decision set ill with the Gilberts but they felt that they had no right to question How's decisions where his children were concerned and they had no reason to think that the children would not be properly cared for, despite the fact that the Moravians cut off all contact with them shortly thereafter.⁴⁵

A few months later, disturbing news reached the Gilberts. While at market, Mrs. Gilbert learned “accidentally” that one of the girls had died and the other was seriously ill.⁴⁶ She immediately went to the Moravian settlement to see her ailing granddaughter but was turned away. Her suspicions aroused, Mrs. Gilbert gathered a few neighbors and returned to the Moravian settlement where “by some means or other they got admittance and found the poor child in a most miserable condition, with cruel usage and uncommon severity.”⁴⁷ William

⁴⁴ Chandler, *Colonial Records, Volume IV*, 394.

⁴⁵ Chandler, *Colonial Records, Volume IV*, 394-395.

⁴⁶ Chandler, *Colonial Records, Volume IV*, 394-395

⁴⁷ Chandler, *Colonial Records, Volume IV*, 395.

Stephens, the Trustees' secretary, was called upon to investigate the allegations of abuse. He later confided to his journal that the child had been "scourged in a most terrible manner, from her neck to her heels, with stripes laid on by a masculine hand, most piteous to look at, and her flesh torn, after the manner of what a criminal uses to have, at the hands of a common executioner."⁴⁸ Stephens strongly suspected that the other child had died as a result of similar abuse, though he was never able to prove it.

According to Stephens, the leaders of the community explained that the girl had repeatedly "soiled her bed." Following a meeting, they decided that she would be whipped as punishment. Moravian leaders explained that this form of punishment was commonly used when dealing with their own children. Stephens, however, was quick to point out that the child did not, in fact, belong to their community but had merely been entrusted to their care. He had the man who confessed to whipping How's daughter arrested but allowed him to remain in the community after the leaders swore that he would appear at court during its next session.⁴⁹ When reading Stephens' account of his investigation, it becomes clear that it is not so much the punishment of the child that bothers him but rather that the Moravian leaders did not consult with the girl's father before administering it. In Stephens' mind and that of the Gilberts, the right to administer corporal punishment to a child belonged exclusively to a parent. Anyone else who punished a child might be guilty of abuse. The attitudes of those involved toward the How case illustrate the complex ways in which Georgians and South Carolinians conceived of punishment and abuse where children were concerned.

⁴⁸ Chandler, *Colonial Records, Volume IV*, 395.

⁴⁹ Chandler, *Colonial Records, Volume IV*, 395

According to sociologist John Myers, Americans had no concept of child abuse until relatively recent times. While private charities began to work toward protection of children in the 1870s, it was not until the 1960s that all fifty states enacted laws that clearly defined and criminalized the mental, physical, and sexual abuse of children.⁵⁰ However, it would be wrong to assume that since neither Georgia or South Carolina had laws defining or criminalizing violence against children in the eighteenth century, that they did not recognize it. Whereas the social mores governing spousal abuse were somewhat murky, colonial South Carolinians and Georgians had a very clear concept of what constituted proper punishment of a child and what constituted an abusive situation. This concept, however, was radically different from what modern Americans would consider abusive.

In early modern english society, parents had a duty to ensure that their children were law abiding, contributing members of society. This placed a twofold responsibility on parents. First, their children needed to be productive and second, they needed to be disciplined. Throughout colonial America the labor of all members of a family were essential for the survival of the family unit. Children were put to work at early ages tending animals, preparing meals, cleaning, and tending younger children. Even the children of wealthy families were expected to work. This usually meant copying letters or running errands but sometimes they took on management roles. These administration roles did not always follow traditional gender norms.⁵¹ For

⁵⁰ John E.B. Meyers, "A Short History of Child Protection in America," *Family Law Quarterly Vol 42*, (Fall, 2008), 449. Historian Elizabeth Peck contests Myers's claims that Americans were slow to criminalize child abuse and points to a law enacted in Massachusetts in 1640 which banned cruel punishments of children. However, she admits that the vagueness of the law kept it from being enforced or effective. She also admits that this law was more or less an anomaly in Colonial America as neither the mother country nor any other North American colony adopted any such law.

⁵¹ James M. Volo and Dorothy Denneen Volo, *Family Life in 17th and 18th Century America* (Westport CT: Greenwood Press, 2006), 260-274. See also: Darcy Fryer, "Improved and Very Promising Children: Growing up Right in Eighteenth Century South Carolina," in *Children in Colonial America*, James Marten, ed. (New York: New York University Press, 2007), 104.

example, at the age of seventeen, Eliza Lucas took over complete management of her father's three plantations in South Carolina. When a concerned relative voiced doubt about her ability to handle such a responsibility, Lucas wrote to her reassuring her that "I assure you I think myself happy that I can be useful to so good a father, and by rising very early I find I can go through much business."⁵²

The second duty which all parents had was to discipline their children. This usually meant using corporal punishment in the form of beatings. Parents in Georgia and South Carolina were given quite a bit of leeway in developing and instituting such punishments. There were no laws in either colony governing a parent's treatment of their biological children and no surviving court cases indicate that a parent was prosecuted for abusing their children. This should not be taken as absolute proof that abuse did not occur. In Massachusetts where child abuse was criminalized, there were few prosecutions because neighbors and authorities were reluctant to get involved in what were private family matters.⁵³ The prevailing belief in Southern society seemed to be that parents would not willfully harm their biological children. Any punishment they instituted would be fair and appropriate.⁵⁴

However, abuse in middle and upper-class families may have been quite rare due in part to the South's climate. From the earliest days of settlement, the climate of coastal South

⁵² Eliza Lucas to Mrs. Boddicott, May 2, 1740, *The Letterbook of Eliza Lucas Pinckney, 1739-1762*, Walter Muir Whitehall, ed. (Chapel Hill: University of North Carolina Press, 1972), 16. Eliza Lucas Pinckney is somewhat of an unusual case. While it was not unusual for a woman to control her husband or father's estate, Lucas took over management while her mother was still alive. From surviving letters, it appears that she not only assumed control of the family's property but also filled the role of head of household, a position which should have gone to her mother in her father's absence.

⁵³ Peck, *Domestic Tyranny*, 8.

⁵⁴ The only exception to this were cases involving infanticide. Both Georgia and South Carolina criminalized the pre or post-natal murder of children. However, no married women were prosecuted for this crime. Those who were convicted were generally young, unmarried women. Since they were engaging in sex outside of marriage, these women were exceptions to the parents not willfully harming their children rule. However, since these women were engaging in illicit sex it was easy to excuse this inconsistency by attributing their actions to moral bankruptcy. Peck, *Domestic Tyranny*, 9.

Carolina and Georgia was thought to be particularly unhealthy. Each summer brought unrelenting heat and a myriad of tropical diseases. Settlers noticed that children were particularly susceptible to these illnesses.⁵⁵ For South Carolinians who were obsessed with the idea of creating dynastic families, this was troubling. One could not found a dynasty without heirs. This dilemma led to the development of what Historian Darcy Fryer has called extensive parenting networks. These networks consisted of a large number of family members and friends in other parts of the colony (or in other parts of the empire) who agreed to foster a child for a short period of time. Parents then shuttled their children around this network to prevent them from exposure to disease.⁵⁶

These networks protected children from violence in two ways. First, children were moved about frequently and therefore did not spend much time with any one group of foster parents. If they were placed in a bad situation, it was not permanent. Secondly, these extensive parenting networks meant that many adults shared an interest in the child's wellbeing. They tended to stay in contact with the child as he or she moved around to monitor the activities of other foster parents, not just for the foster child's wellbeing but also because their own children were being shuttled about within the same network. Sometimes these networks even undermined the control that parents had over their own children as it was not uncommon for children to appeal to those in the network when they had a dispute with their parents.⁵⁷

While biological parents were allowed a great deal of liberty when it came to punishing their children, this same liberty was not extended to stepparents or guardians. For Colonial southerners, only a parent could use or delegate the use of violence as a legitimate tool of

⁵⁵ For more on the effects of disease on southern society see: Peter McCandless, *Slavery, Disease, and Suffering in the Southern Lowcountry* (New York: Cambridge University Press, 2011).

⁵⁶ Fryer, "Promising Children," *Children*, 111.

⁵⁷ Fryer, "Promising Children," *Children*, 111-112.

punishment. Any adult who disciplined a child that was not their own or did so without the parents' permission ran the risk of being accused of child abuse. This distinction between legitimate punishment and abuse posed a problem for courts since the region's high mortality rates meant that the most families were blended and many children were orphaned each year.⁵⁸

Southern parents actively worked to protect their children from such violence. Many parents hoped that by raising their children in extensive parenting networks, their children would be more independent and better equipped to choose a guardian from the adults within that network. Men tended to choose second wives who were closely related to their first wife in hopes that the ties of blood would lead to proper familial relations between step-mother and step-children. This practice, however, drew criticism not just because the morality of such marriages was questionable but also because, as Jonathan Edwards remarked in a sermon on the subject, "It is said, that orphans have been more frequently murdered by uncles and aunts, than any other persons."⁵⁹ This led some men to place provisions in their wills which forbade their wives from remarrying in hopes of saving their children (and their property) from an abusive step-father.

Colonial legislatures also took action to protect children from abusive stepparents and guardians. By 1718, South Carolina had passed several laws which protected the property rights of orphaned children, prohibited those with violent criminal records from becoming legal guardians, and forbade guardians from forcing young women into unwanted marriages. The

⁵⁸ The term "blended family" usually refers to a family unit that consists a parent, their biological offspring, and a step parent. These families may also include step children or half siblings. In Colonial America, the term "orphan" could refer to children who have lost both parents but it was also used to refer to children whose biological father has died but their mother still lives. See: Lisa Wilson, *A History of Stepfamilies in Early America* (Chapel Hill: University of North Carolina Press, 2014), xi. And Daniel Blake Smith, "In Search of the Family in the Colonial South," in *Race and Family in the Colonial South*, Jordan D. Winthrop and Sheila L. Skemp, eds. (Jackson: University of Mississippi Press, 1987), 23.

⁵⁹ Jonathan Edwards, "The Marriage of a Wife's Sister Considered in a Sermon Delivered in the Chapel of Yale-College, on the Evening after the commencement September 12, Being the Anniversary Concio ad Clerum (New Haven, Conn.: Green, 1792), 22-23.

assembly also authorized the court system to investigate guardians and blended families at random. The court could demand that a guardian or stepparent produce a child in their care for a welfare check. If the individual refused, the court was authorized to send out an investigator to find the child and verify that it was alive and in good health.⁶⁰ These were legal protections not offered to children with both of their parents living, reinforcing the idea that individuals in control of children other than their own were could not be trusted.

Despite these laws, or perhaps because of them, South Carolina Chancery Courts spent a great deal of time sorting out allegations of abuse. Of the 344 surviving cases heard by the South Carolina Chancery Court between 1761 and 1779 a full 34 deal directly with allegation of abuse or neglect of orphans by stepparents or guardians and many others mention or insinuate that the defendant is neglecting or abusing a child in their care. One of the best documented of these cases is that of Sarah Lewis, who with the help of her husband sued her stepfather in 1716. She alleged that John Sauseau had seduced her mother, Mary Allen, because he coveted the land and wealth her late husband had left to her children. Lewis alleged that as soon as Sauseau had control of the finances he began to abuse the Allen children. According to testimony given in court, “Little difference or distinction was made between the said children of the said James Allen and the negroes as to their apparell manner of living or education.”⁶¹ Other witnesses alleged that the Allen children were never taught to read or write although their father had set aside money in his will for their education. Sarah Lewis further alleged that her stepfather had been accustomed to use her as a servant, forcing her to care for his children when she was only eight or nine years old. Both Lewis and her husband wanted the court to force Sauseau to hand

⁶⁰ Cooper, *Statutes, Vol. II*, 120,196-7, 485, 561-2.

⁶¹ *Evan and Sarah Lewis v. John and Mary Sauseau and Jonathan Milner, Chancery Records*, 152-153.

over Sarah's inheritance and pay her and her siblings' compensation for the abuse they received at his hands.⁶²

Sauseau countersued, alleging that the estate left by James Allen had been insufficient to meet the needs of the Allen children and he had been forced to not only use their inheritance to provide for the family but had also incurred personal debt trying to care for the children. He argued that the children had been "as well apparelled as their neighbors." Sarah's labor was no more than any other child was asked to perform in any household. Sauseau further alleged that this suit was the result of Evan Lewis' inability to keep his wife in the manner she had become accustomed. He believed this scheme had been cooked up by the two as a means of getting easy money. The court did not believe Sauseau and the Allen children received their inheritances as well as damages.⁶³

Not all the cases the Chancery court heard were as clear cut as the Lewis case. In fact, the vast majority were extremely convoluted and involved years of suits and counter suits much like the case of Anne Gilbertson. When Gilbertson was left an orphan in 1721, the courts appointed her relatives George and Mehitable Bassett as her guardians. However, the executor of her father's will, Christopher Wilkinson, thought that he ought to have been given custody. Wilkinson, sued the Bassetts claiming they were neglecting and abusing their ward and that she would be better placed with him. The Bassetts counter sued for slander. They further alleged that Wilkinson was withholding the funds set aside for the young girl's maintenance. They argued that they were being forced to provide for the child out of their own funds and therefore if the girl suffered any privations (which they stringently denied) it was the fault of Wilkinson for

⁶² *Lewis v. Sauseau and Milner*, 150-153.

⁶³ *Lewis v. Sauseau and Milner*, 155-161.

refusing to execute the will he had been entrusted with. The suits and counter suits between Wilkinson and the Bassetts continued for nearly ten years and were only resolved when Gilbertson reached adulthood.⁶⁴

While South Carolina developed laws to ensure that orphans were not abused, ironically, it was the socially progressive Trustee government of early Georgia that struggled the most to deal with rising number of orphans in the fledgling colony. While the Trustees spent a great deal of time planning out how they would end poverty and keep their settlers productive, they seemed to have made no provisions for what would happen to those settlers' children in the event that one or both parents died. This lack of planning forced General James Oglethorpe to make up policy as he went along. The policy he ultimately decided on was to give the children out as gifts to his most loyal supporters to be used as indentured servants. This method of dealing with orphans was unique to early Georgia and can best be explained by the pressures of living in a fledgling colony on the frontier of the British empire. In other colonies, when children were orphaned, they could be easily returned to extended family in other parts of the colony. However, the children orphaned in Georgia, having emigrated from England, had no extended family network in Georgia. Furthermore, very few others among Georgia's early settlers had the ability to take in extra children. This meant that if orphans were to be reunited with extended family, they would have to return to England, a prospect which seemed prohibitively expensive to both Oglethorpe and the Trustees. Oglethorpe thought that by keeping them as indentured servants, the Trustees might recoup some of the funds they lost in paying to transport people who died, while solidifying loyalty and support from colonial elites by gifting them extra servants.⁶⁵

⁶⁴ *Wilkinson and Other Complainants v. Bassett and Other Defendants, Chancery Records*, 270-287.

⁶⁵ Kenneth Coleman and Milton Ready, eds. *The Colonial Records of the State of Georgia, Volume 20*, 285.

This gifting system continued unchallenged until William Stephens discovered the How children's sad fate. Although the How children had not been gifted under Oglethorpe's policy, their situation sparked concern for other children who had been gifted or left in the care of individuals outside of their immediate family.⁶⁶ To address these concerns, the Trustees authorized two men, Edward Jenkins and John Dearn, to track down all of the children who had been gifted and conduct welfare checks. Of all the households they visited, Jenkins and Dearn found only two children that they felt had been well placed with kind and caring guardians. An excerpt of their report shows many of the problems they encountered during their investigation:

The Daughter of Henry Clark with Mr. Hetherinton. I cant speak much in praise of the place.
 Goddard Son with Mr. Fithwater, its to be doubted will be ruined
 ...The daughter with Mr. Carwell & proves an unlucky child. I fear ye ill conduct of the Master & Mistrise is two much ye cause...
 The two Sons of Peter Tondees with Mr. Amatis. And by his ill conduct of taking a scadilous wench to himself instead of a wife
 I very much fear how they will be take care of.⁶⁷

Arguably, it was the case of Mary Simons which proved the worst. Simons was orphaned in England. She immigrated to Georgia with Mrs. Magdalene Papott as an indentured servant. Papott died soon after arriving in the colony and Simons was gifted to Arthur Edgecomb. After Oglethorpe returned to England, Edgecomb sold her to James Muir. Thomas Causton, the colony's magistrate, chastised Edgecomb and informed him "if anything happened amiss to the girl" he would hold Edgecomb responsible.⁶⁸ In a letter to Oglethorpe, Causton admits that he did nothing when Muir sold the girl to James Wilson who then hired her out to

⁶⁶ Kenneth Coleman and Milton Ready, eds. *The Colonial Records of the State of Georgia, Volume 20*, 285.

⁶⁷ Coleman and Ready, *Colonial Records, Vol. 20*, 302.

⁶⁸ Coleman and Ready, *Colonial Records Vol. 20*, 285.

Paul Cheeswright even though it was well known that Cheeswright was keeping “a disorderly house.” Causton also admitted that although he received “frequent accounts of ill practices and of the girls misusage...,” he was “not willing to credit every storey...”⁶⁹ Causton only stumbled upon Simons’ situation by accident. While conducting a search of Cheeswright’s property looking for a fugitive, Causton found Mary Simons in an out building sharing a bed with three men. Causton immediately removed Simons from the house and notified Jenkins and Dearne.⁷⁰ The men sent for a midwife who confirmed their fears; Mary Simons was “undoon...” and “is with child.”⁷¹

In light of these cases, the Trustees of Georgia took a radical and progressive step. They determined that only a biological parent could be trusted with the care and upbringing of a child. Therefore, all orphans were to become wards of the state. To this end, they commissioned evangelist George Whitfield to go to Georgia and found an orphanage. Bethesda Orphan Asylum, like much of Trustee Georgia, was meant to be a progressive step forward in the treatment of orphans. Whitfield and the Trustees claimed that the children would receive an education, religious training, and then when they were old enough, job training. When they reached adulthood, they could then rejoin society as contributing members.⁷² To this end, Whitefield was given five hundred acres of land and set about building “a grand edifice...well cellared underneath...And the rooms of both lower and upper story are of good height.” Around this central building were “six good handsome edifices, three of each side, for the following

⁶⁹ Coleman and Ready, *Colonial Records*, Vol. 20, 285.

⁷⁰ Coleman and Ready, *Colonial Record of Georgia*, Vol. 20, 285.

⁷¹ Coleman and Ready, *Colonial Record of Georgia*, Vol. 20, 303.

⁷² Allen Candler and WM. J. Northen, *The Colonial Records of Georgia Volume 22, Part II* (Atlanta, Ga: Charles P. Byrd, State Printer, 1913),118.

purposes, a work-house for women and children, opposite an infirmary of like dimensions; next a kitchen... another for washing, brewing, etc.”⁷³

At first Georgians and English sponsors praised Whitfield’s work. Soon after his arrival John Bolzius wrote to one of the Trustees that Whitfield would “make the orphans. Widows and other needy one in the congregation rejoice in the Lord and bless their benefactors, as the relieved poor did at hoy Job’s time.”⁷⁴ This feeling did not last. Within a few months of his arrival in the colony, letters began to pour into the trustees complaining that Whitfield was taking children who were not, strictly speaking, orphans. Among these was an accusation from Robert Parker, one of the few guardians whom Jenkins and Deane had praised. He testified in court that he saw no reason to give up the boys in his care arguing “that where the child was taken care of as he ought by a good master and without any charge to the Trust; he did suppose such a boy could not be reckoned an orphan.”⁷⁵ Whitefield did not dispute that the children were well cared for but he argued that the eldest boy at least should be handed over because, “he could be employed for the benefit of the other orphans.”⁷⁶

The Parker case was not the only one drawing attention. Whitfield, believing that the Trustees had given him control of all the colony’s orphaned children, had begun forcibly removing children. The first of these were the Mellidge children. Following the death of his parents, John Mellidge worked tirelessly to keep custody of his younger brother and sister. Deane and Jenkins had been pleased with his progress, praising the fact that he had single-handedly built a house for his little family.⁷⁷ Whitfield, however, was not impressed. At first, he

⁷³ Chandler, *Colonial Records of Georgia, Vol. 4*, 627.

⁷⁴ Chandler and Northen, *Colonial Records Vol. 22 Pt 2*, 298.

⁷⁵ Chandler, *Colonial Records, Vol 4*, 506.

⁷⁶ Chandler, *Colonial Records, Vol. 4*, 506.

⁷⁷ Coleman and Ready, *Colonial Records, Vol. 20*, 302.

tried to convince Mellidge to give up custody of his siblings for their own good. When he refused, Whitfield returned while Mellidge was away and took the children.⁷⁸

Whitfield's response to Parker and his treatment of Mellidge children led many to suspect him of ulterior motives. Settlers and leaders alike wondered why, if wealthy benefactors in England were providing funds and Whitfield was collecting funds through his ministry, he would need children to work for the "benefit" of the orphanage. Others openly accused him of using the children for his own gain and neglecting their physical and spiritual wellbeing. These concerns caused Oglethorpe to issue a public letter to Whitfield in 1740, reminding him that "Orphans are human creatures, and neither cattle nor, any other kind of chattels..." He further added that "the Trustees have not given, as I see, any power to Mr. Whitfield to receive the effects of the orphans, much less to take by force any orphans who can maintain themselves or whom another substantial person will maintain."⁷⁹ He further demanded that Whitfield release the Mellidge children and return them to their brother.

Though Whitfield stopped forcibly removing children to Bethesda, he began to pressure families to force widows and unmarried young adults into his care to be used as laborers. So many widows and young people disappeared into the orphan house that Stephens complained to the Trustees that the place "seemed to be a great Gulph which swallowed up most of our common people."⁸⁰ It is unclear what the Trustees intended to do long term about Whitfield and the orphans in Georgia. By the time many of the letters of complaint reached them, the Trustees were already under fire both from the settlers who felt that restrictive policies were stifling economic development and Parliament which felt that they were mismanaging funds. Before

⁷⁸ Chandler, *Colonial Records*, Vol., 540.

⁷⁹ Chandler, *Colonial Records*, Vol.4, 540.

⁸⁰ Chandler, *Colonial Records*, Vol. 4, 609.

anything could be done, the Trustee government collapsed and Georgia passed into the direct control of the King. Though royal government officials kept Bethesda open, they also began to develop laws similar to those in South Carolina to protect orphan children from abuse.

For South Carolinians and Georgians living on the frontier of the British Empire, control of their social environment began in the home. However, as the pressures of such a society demanded that men become more and more aggressive, this control frequently ran to abuse. Although colonial legislatures and courts moved to minimize such actions, they were often hampered by the belief that Englishmen had the right to control their families with violence. However, colonial households were made up of more than just family members. Most households included apprentices, indentured servants, and African Slaves. These individuals also had to be controlled and policed for the good of society.

3 “EXERT YOUR AUTHORITY:” VIOLENCE AND LABOR

On a clear September morning in 1739, South Carolina’s Lieutenant Governor, William Bull, and four companions rode up the Pon Road from Granville County to Charleston. It was Sunday and the men traveled at a leisurely pace anticipating an uneventful journey. Their trip, however, was soon interrupted by a commotion on the road ahead of them. Rounding a corner, the men encountered a large number of African slaves “calling out liberty” and marching “with Colours displayed, and two Drums beating, pursuing all white people they met with and killing man woman and child...”⁸¹ Bull later wrote to the Lords of Trade that he and his companions only barely escaped with their lives and this was largely because he “deserved the approaching

⁸¹ Allen Chandler and WM. J. Northen, eds. *The Colonial Records of Georgia, Volume 22, Part II* (Atlanta, Georgia: Chas. P. Byrd, State Printer, 1913), 234.

Danger in time enough to avoid it.”⁸² Twenty-one whites and forty enslaved Africans were not as fortunate as Bull and his companions.⁸³

The Stono Rebellion, as it came to be known, represented a turning point in master/slave relations in Colonial South Carolina and later Georgia. Prior to the rebellion, South Carolinians attempted to control their large enslaved population through adaptation of codes already in force in Virginia and the British Caribbean which largely sought to recreate the familiar master/servant relationships of Europe. However, the threat of hostile Native Americans combined with the attempts of the Spanish in Florida to incite violence among the enslaved population soon proved that such slave codes were ill-suited to a frontier society. In the aftermath, of the rebellion, South Carolina developed one of the most brutal and oppressive slave codes in the British Atlantic world. It was later adopted by Georgia, despite the Trustees’ best efforts to reform the institution. However, the use of violence to maintain control of an unwilling labor force was a double-edged sword as both slaves and white servants frequently retaliated in kind, forcing British settlers to constantly reevaluate their relationship with their workforce.

3.1 South Carolina and the Growth of a Slave Society

The development of the slave code in South Carolina is best understood within the context of Britain's struggle to reconcile slavery with Common Law. In the early seventeenth century, absolute slavery was not recognized by English law. Therefore, when English colonists encountered the institution in the Spanish Caribbean, they had no legal or cultural framework

⁸² Lt. Gov. Sir William Bull to the Board of Trade, Charleston, October 5, 1739, Sainsbury Transcripts, *Records in the British Public Record Office Relating to South Carolina, 1711-1782, Vol. 20* (Columbia: South Carolina Department of Archives and History), 180.

⁸³ Chandler and Northen, *Colonial Records*, 22, 235. These numbers do not include those slaves who were murdered in the weeks and months after the insurrection.

with which to understand it. This led to a certain reluctance on the part of early settlers in the Caribbean and Virginia to adopt the practice. However, this reluctance was quickly put aside when colonists saw the profits that could be gained through plantation agriculture. Since there was no legal framework governing institutional African slavery, colonists made codes up as they went along, relying on English common law to provide guidance. At first, settlers in the English Caribbean, who adopted large-scale slave labor, attempted simply to modify the existing laws and code, which governed indentured and hired servants in England. Most of the code in England left the responsibility for disciplining and maintaining the order of servants solely on the master and mistress of the household. Common Law provided guidelines for the proper regulation of servant staff. In theory, servants who felt they were being unfairly treated or abused by their employers had the ability to demand justice through the courts.⁸⁴ Likewise, masters who felt that they could not control their servants could apply to the courts to administer some sort of punishment.⁸⁵

By the time Carolina was founded, England had gotten over its initial discomfort with slavery. From the start, Carolina's founders intended the colony to be a slave society. They made little attempt, however, to create slave codes which were unique to the area, opting instead to simply copy the codes at use in Barbados. These codes left most of the responsibility for controlling the enslaved population in the hands of individual slaveholders. Despite leaving most control with the slaveholder, leaders saw the prudence of organizing groups of citizens to

⁸⁴ The success such cases had depended on many factors. If a master was powerful or well known in a community, his servants would have a harder time seeking justice. This was particularly true if a female servant was seeking redress for sexual crimes. See: Laura Gowing, *Common Bodies: Women, Touch, and Power in Seventeenth Century England* (New Haven, CT: Yale University Press, 2003).

⁸⁵ Susan Dwyer Amussen, *Caribbean Exchanges: Slavery and the Transformation of English Society, 1640-1700* (Chapel Hill: University of North Carolina Press, 2007), 108; Sally Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas* (Cambridge, Ma: Harvard University Press, 2001), 8-10.

patrol rural areas and help to keep the enslaved population in check.⁸⁶ However, unlike in Barbados, colonial proprietors in Carolina encouraged slaveholders to hire Native Americans to patrol the edges of their plantations as they believed the Native Americans knew the land better and would have an easier time locating slaves. Though this system was a part of colonial law, participation in it was largely voluntary and no government body oversaw adherence to it.⁸⁷

By 1696, this voluntary system was clearly not working and South Carolina's assembly took the first steps away from the codes at use in other British colonies. Though no violence had occurred, colonial leaders were becoming concerned about the laxness of their laws. The 1696 Act for the Better Ordering of Slaves set up a mandatory pass system for any slave traveling outside their master's plantations. It also authorized any white man who found a slave wandering without a pass to apprehend and whip the slave. If the slave resisted apprehension, he or she could be legally killed or maimed. The new code also ordered that the constables of Charleston be organized into a patrol that could arrest and whip any slave found in the streets of the city at night or on Sunday, even those who had a pass from their masters.⁸⁸ This alteration in the slave codes showed that, although the number of enslaved Africans did not yet outnumber the white population, it had grown significantly enough that white colonists were becoming concerned about the large numbers of slaves moving about the city of Charleston without direct supervision. This law marked a major shift in slave policy in the British Atlantic. Neither Virginia nor the British Caribbean passed codes that limited the rights of slave owners to send their slaves to certain areas or on errands. However, this was only the beginning. South

⁸⁶ Amussen, *Caribbean Exchanges*, 108; Hadden, *Slave Patrols*, 8.

⁸⁷ Timothy James Lockley, *Maroon Communities in South Carolina: A Documentary Record* (Columbia: The University of South Carolina Press, 2012), 1.; Hadden, *Slave Patrols*, 14-15.

⁸⁸ "An Act for the Better Ordering of Slaves," Governor Archdale's Laws, Fols. 60-66, SCDAH. Hadden, *Slave Patrols*, 18.

Carolina's 1696 Slave Code was the first step in the development of the harshest slave laws in Colonial America.

The 1696 code lasted less than ten years. By the early eighteenth century, the pressures of living on a dual frontier between the Spanish in Florida and the large Cherokee Nation, with an ever-growing slave population was causing increasing stress for the free population, especially as the political situation between Britain and Spain continued to deteriorate and war seemed inevitable. The prospect was particularly troubling to South Carolinians because there was nothing to prevent the Spanish in Florida from invading the colony. The danger from the south was not the only problem South Carolina faced. Attempts to enslave Native Americans had left the Cherokee and other groups disgruntled with colonial leaders. Since the defense of the colony depended on every able-bodied man fighting in the colonial militia, a war with Spain or the Native Americans would leave large numbers of white women, children, and elderly people completely alone on isolated plantations with a growing enslaved population. Concerns were exacerbated when it became apparent that rural slaveholders were routinely arming their slaves so that they could protect themselves in case they were attacked by Spaniards or Native Americans while working in the fields or running errands.⁸⁹

In 1704, South Carolina's assembly passed a new slave code hoping to address colonists' fears of war and slave insurrections. The new code ordered militia captains to choose trusted men whose job it would be to patrol the backcountry and the city to monitor the slave population. They had the power to not only enter any home or property and search it without a warrant but also to take up and punish any slave they found wandering. Any slaveholder who resisted the patrol or any patroller, who refused to do his duty, would be fined. In principle, the men who

⁸⁹ Hadden, *Slave Patrols*, 20.

made up the patrols answered to no one but their militia captain; in times of war, they stayed behind to monitor the enslaved population.⁹⁰ This militarization of the slave patrols was unique in the British Atlantic. Even in colonies like Barbados where slaves vastly outnumbered free British citizens, patrols were not placed under the control of the military. Another unique aspect of the South Carolina law was the broad power given to this unit. They were not only to monitor slaves off the plantation but also to enter plantations and inspect the slave quarters, without the master's permission or without any sort of legal documentation. If they found any sort of contraband or uncovered any signs that the residents were plotting an insurrection, the patrollers had the power to inflict violent punishments on the slaves. This erosion of the master's traditional rights over his household bespoke the fear and instability that had permeated life in early eighteenth-century South Carolina.⁹¹

While it is easy to see how the wide powers of search and seizure given to the military would cause an outcry from slaveholders, this is not what brought the military patrols under government scrutiny. By 1720, it became apparent that wealthy families were taking advantage of the new patrol law to dodge mandatory militia service. Wealthy families paid off captains to choose their sons for the patrol units so that if war developed between the colonists and natives or Spaniards, their sons would be out of harm's way. The problem became so endemic that one assemblyman complained, "the several patrols in this province generally consist of the choicest and best men, who screen themselves from doing such services in alarms as are required and ought to be done by men of their ability."⁹² By 1721, South Carolina's assembly moved to stop the dodging of military service. The new law remerged the patrol and militia units and required

⁹⁰ "An Act to Settle a Patroll," Cooper and McCord, eds. *South Carolina Statutes*, Vol. 2, 254-255.

⁹¹ "An Act to Settle a Patroll," *South Carolina Statutes* Vol. 2, 254-255.

⁹² "An Act for the Better Settling and Regulating the Militia," in Cooper and McCord, eds. *SC Statutes*, Vol. 9, 639.

all militiamen to do service on the patrols. It did not directly address what was to happen in times of war but assumed that some men would be left behind should the need arise. The 1721 law also changed the duties of the patrollers. They no longer had the right to enter plantations, but they were given the power to question and arrest anyone found wandering the roads at night regardless of race.⁹³

Over the next few years, South Carolina experimented with various punishments and incentives to keep a vigilant watch on the ever-growing enslaved population. While patrollers were still chosen exclusively from the militia, they were exempt from any military duty for the duration of their time on the patrols. After hearing the complaints of militiamen, particularly those who lived in smaller communities, who felt that they were being required to spend far too much time away from home, the assembly offered to pay patrollers. The payments, however, only lasted a few years before taxpayers began to complain about the expense and the assembly discontinued the practice.⁹⁴

In the mid-1730s, however, South Carolina relaxed its patrol laws. Historian Sally Hadden calls this sudden relaxing of slave codes and patrol laws “inexplicable.”⁹⁵ She and other historians have noted that this was the worst time to become lax. After all, the situation with Spanish Florida had not changed. On the contrary, the Spanish were actively trying to entice South Carolina slaves to flee to St. Augustine with promises that they would be given their freedom and weapons if they would return and attack their former British masters. On top of this, the slave population had also grown exponentially. In 1720, the population of South

⁹³ “An Act for the Better Settling and Regulating the Militia,” in Cooper and McCord, eds. *SC Statutes*, Vol. 9, 639.; Hadden, *Slave Patrols*, 21. While the new law did revoke the power of the patrols to enter plantations as will, the law also required that all slave owners hire trusted overseers. The overseers were required by law to make frequent visits to the quarters to ensure that all slaves were accounted for each night.

⁹⁴ Hadden, *Slave Patrols*, 22-23.

⁹⁵ Hadden, *Slave Patrols*, 23.

Carolina was 17,048, 12,000 of which were slaves. By 1730, the number of enslaved Africans rose to 20,000 with a further 12,589 imported between 1735 and 1740. By contrast, the white population rose only to 10,000 during this same period.⁹⁶ In contrast with Virginia where tobacco plantations were widely dispersed, South Carolina's commitment to commercial rice and indigo production meant that the great majority of slaves were concentrated in a very small geographical area along the coast. These facts alone do seem to make South Carolina's sudden change in attitude toward slave policing completely counterintuitive, however, this does not take into account the fact that by the mid-1730s, South Carolina was no longer the southern frontier of Britain's North American empire.

In 1732, Parliament gave General James Oglethorpe a charter to found a colony on land south of South Carolina. Oglethorpe and his Board of Trustees saw Georgia as a social experiment; Parliament and South Carolina understood that Georgia would be a military buffer protecting the profitable colony from possible Spanish invasion. The chief concern for most Carolinian plantation owners was that their slaves might escape to Florida and return with arms to make war on the colony. However, with the establishment of Georgia any slaves who fled to Florida would have to get through the new colony first. Even if they succeeded in reaching their destination and returned armed with Spanish weapons, they would have to defeat the rangers and settlers of Georgia before attacking their former masters in South Carolina.

For a while, Georgians and the British military garrison stationed there were happy to oblige South Carolina's slaveholders, but as more and more slaves slipped through South

⁹⁶ Daniel C. Littlefield, *Rice and Slaves: Ethnicity and the Slave Trade in Colonial South Carolina* (Baton Rouge: Louisiana State University Press, 1981), 116. See also: *United States Bureau of Census, Historical Statistics of the United States: Colonial Times to 1957* (Washington, D. C., 1960), 756. W. Robert Higgins, "The Geographical Origins of Negro Slaves in Colonial South Carolina," *South Atlantic Quarterly*, LXX (Winter, 1971), 40-45.

Carolina's lax patrol system, Georgia's leaders became increasingly concerned and frustrated. Georgians had their own problems with threats of violence from their indentured servants and from being the first line of defense against the Spanish. They had no time to act as slave catchers and they were becoming increasingly afraid that they would become the victims of slave violence. Just one year before the Stono Rebellion, William Stephens confided in his journal that his fellow settlers were upset and wanted him to convey their sentiments to the governor of South Carolina. Georgians were doing all that they could to return runaway slaves but when it came to South Carolina's authorities policing fugitive indentured servants who crossed into their territories South Carolinians were less than vigilant. Stephens complained to his journal: "So far from giving any assistance in stopping deserters from hence, that they discountenanced their pursuers, and rather inclined to protect and conceal fugitives, to the great detriment of this colony."⁹⁷ Although Stephens did send a letter to the governor, it appears to have had little effect as a few months later a slave owner who had lost twenty slaves to the Spanish in Florida complained to the trustees that runaway slaves ought to meet with "great obstructions...from this province lying in their way..."⁹⁸

In February of 1739, South Carolinians and Georgians got something of a rude awakening when a conspiracy was discovered among slaves in Winnyaw to rise up, kill their masters, flee to Florida, and kill any settlers who opposed them along the way. Investigators believed that slaves in "other parts of the province must be privy to it, and that the rising was to be universal."⁹⁹ This news alarmed people in both colonies and brought further letters of complaint from Georgia. Finally, South Carolina's Assembly announced that they were going to

⁹⁷ Allen D, Candler, ed. *The Colonial Records of Georgia, Volume IV: Stephen's Journal, 1737-1740* (Atlanta, Georgia: The Franklin Printing and Publishing Company, 1906), 192.

⁹⁸ Chandler, *Stephens Journal*, 248.

⁹⁹ Chandler, *Stephens Journal*, 275.

do something about their enslaved population. However, rather than strengthening their slave codes and reinstating their patrol system, the Assembly concocted a bizarre plan to coerce the Spanish in Florida to reverse their policy concerning runaway English slaves. They dispatched four men to go to St. Augustine and make a treaty with the Spanish governor. This was to be a one-sided treaty. South Carolina wanted the Governor of Florida to promise to return any runaway slaves and to stop enticing slaves to flee to his colony. If he refused, South Carolina's assembly was prepared to lodge a complaint with Parliament, which, it was implied, would be sufficient cause for England to declare war against Spain. The envoy stopped in Savannah to appraise General Oglethorpe of the fact that they "had little or no expectation of Success," and that, therefore, Georgia should prepare for war with Spain.¹⁰⁰

A few days after the envoys left on their futile mission, rumors again began to swirl about a potential slave rebellion after slaves in Purysburgh confessed that they planned to "cut off their masters and families, and all the white people that belonged to them, entirely and then to make their way to St. Augustine, either by land or by water, after furnishing themselves first with arms out of their masters houses."¹⁰¹ Despite this being the second such alarm in less than two weeks, officials still did not take any steps to force compliance with the existing slave codes and patrol laws. It seems that they still believed the rangers stationed in Georgia would be able to handle any insurrection that might occur. Just two months before the Stono Rebellion, General Oglethorpe was forced to write to the Trustees, requesting that more rangers be sent to Georgia due to the "Slaves from Carolina, which have already molested ye inland parts of the countrey

¹⁰⁰ Chandler, *Records, Stephen's Journal*, 277.

¹⁰¹ Chandler, *Records, Stephen's Journal*, 283-284. The wording in this report is strange. It is possible that by referring to the master and other whites as belonging to the slaves, the author is trying to manufacture an almost familial tie between the enslaved population and their free owners so that their desire to rise up would seem all the more unnatural.

and thieving, for want of Rangers to pursue them, is grown so common that great numbers of hogs and not a few cattel have been killed in the woods.”¹⁰² Despite discovery of the two conspiracies, as Oglethorpe suggested in his letter, the violence perpetrated by South Carolina’s poorly policed slave population was exclusively against livestock. The lack of violence against white settlers seems to have lulled whites in both colonies into a false sense of security but this sense of security was shattered on the morning of September 9, 1739.

There is only one complete account of the Stono Rebellion that has survived, and its authorship is disputed.¹⁰³ However, the account provides many details corroborated by other fragmentary records, which justifies us in using it as an authoritative compilation on the events of that day.¹⁰⁴ The rebellion, which ultimately claimed the lives of twenty-one whites and over forty enslaved Africans in its immediate aftermath, began when a group of slaves raided the warehouse of Mr. Hutchinson and armed themselves from the storehouse there. They then marched on plundering any plantation in their path, killing the white residents, and liberating the slaves.

¹⁰² Allen Candler, WM. J. Northen, and Lucian Lamar Knight, eds. *The Colonial Records of Georgia, Volume 22 Part II: Original Papers, Correspondence, Trustees, General Oglethorpe, and Others, 1737-1740* (Atlanta, Georgia: Chas. P. Byrd, State Printer, 1913), 169.

¹⁰³ The complete account of the Stono Rebellion was an enclosure with a letter sent by Oglethorpe to Harman Verelst, the accountant for the Trustees. This led historian Peter Wood to claim that Oglethorpe was the author of the account. However, historians Herbert Aptheker and Mark Smith have disputed this claim. I tend to agree with Aptheker and Smith that Oglethorpe was not the author of the account. The writing style is not consistent with the numerous known letters written by Oglethorpe. Furthermore, the letter refers to Oglethorpe multiple times which means if he was the author he repeatedly referred to himself in the third person. For more information see: “Anatomy of a Revolt,” in *Stono Documenting and Interpreting a Southern Slave Revolt*, Mark M. Smith, ed. (Columbia, University of South Carolina Press, 2005); Herbert Aptheker, *American Negro Slave Revolts* (New York: International Publishers, 1993), 187.; Mark. M. Smith, *Stono: Documenting and Interpreting a Southern Slave Revolt* (Columbia, University of South Carolina Press, 2005), 13.

¹⁰⁴ At least two other accounts of the rebellion exist. The first is the first-person account of Lieutenant Governor William Bull who encountered the slaves on his way back to Charleston. The second account is that of William Stephens. Stephens was not present at the Rebellion and simply records in his journal his impression of the accounts that reached him Georgia. See Chandler, *Records: Stephens Journal*, 412-3.; “Lt. Gov. Sir William Bull to the Board of Trade, Charleston, October 5, 1739.”

Believing that this insurrection would “prove general” and spread throughout the colony, Lieutenant Governor Bull called out the entire militia.¹⁰⁵ The militia, however, had some difficulty assembling. As per the law, which remerged the patrols and militias, captains had to choose men to stay behind and guard the slaves in areas that were not under attack. Since the rebellion was feared to be widespread, most men were who lived in the northern part of the colony were reluctant to leave their wives and children. All the accounts of the insurrection agree that the only reason the militia caught up to the slaves was because they paused along the way to allow stragglers to catch up and other slaves who had escaped to join them.¹⁰⁶ A battle ensued between the militiamen and the escaped slaves, which the militia won due to greater numbers and weaponry. The writer of the enclosure admits that punishment was swift and violent:

The Negroes were soon rout though they behaved boldly
Several being killed on the spot, many ran back to their
plantations thinking that they had not been missed, but
they were there taken and shot, such as were Taken in the
field also, were, after being examined, shot on the spot...¹⁰⁷

To the mind of the writer, this punishment was also merciful and lenient. He stated that he included the details of the executions for “the honor of the Carolina planters.” These rebellious slaves ought to have been tortured for rising against the natural order, he believed. Therefore, South Carolina’s militiamen showed restraint by putting captured slaves “to an easy death.” He further argued, “The humanity” shown by these men “hath had so good an effect that there hath been no farther attempt, and the very spirit of revolt seems over.”¹⁰⁸ It is clear that the

¹⁰⁵ Chandler, *Records: Stephen’s Journal*, 412.

¹⁰⁶ Chandler, Northen, and Knight, *Records Volume 22 Part 2*, 234.; Chandler, *Records: Stephen’s Journal*, 412.; “William Bull to Board of Trade,” 180.

¹⁰⁷ Chandler, Northen, and Knight, *Records Volume 22, Part 2*, 235.

¹⁰⁸ Chandler, Northen, and Knight, *Records Volume 22, Part 2*, 235.

anonymous author believed the change in the attitudes of enslaved Africans was due to the new respect they had for their masters' mercy, even though the writer admitted that some of the forty executed slaves were not found at the site of the battle but rather on their plantations and were merely suspected of having been a part of the rebellion or having knowledge of it. Nor did the violence end with the militia executions. William Stephens recorded in his journal a few days after the insurrection that the Governor of South Carolina warned Georgians that some of the slaves might have escaped and crossed the Savannah River. He urged Georgians to shoot any blacks found south of the river. The governor then offered a £25 sterling reward per body to any man who would bring the remains of a suspected conspirator or participant to Charleston.¹⁰⁹ While exact numbers are difficult to ascertain, it is estimated that a further twenty to forty slaves were murdered by their masters or other whites in the weeks and months following the rebellion.¹¹⁰

The account enclosed in Oglethorpe's letter was written nearly a month after the incident, and while it avoided openly blaming South Carolinians for the incident, it heavily implied that their easing of restrictions was to blame. The writer mentioned several times that the insurrection began on a Sunday when "planters allow them to work for themselves."¹¹¹ Pressure exerted by the Church of England and other Protestant denominations was responsible for planters giving their slaves a day free from duties. However, the church was not yet encouraging the proselytization of slaves.¹¹² This meant that most enslaved Africans had little to no

¹⁰⁹ Chandler, *Records: Stephens' Journal*, 412-413.

¹¹⁰ Robert Olwell, *Masters, Slaves, and Subjects: The Culture of Power in the South Carolina Low Country, 1740-1790* (Ithaca: Cornell University Press, 1998), 21-24.

¹¹¹ Chandler, Northen, and Knight, *Records Volume 22, Part 2*, 233.

¹¹² The Church of England was relatively late in pushing for the Christianization of enslaved Africans. In the early eighteenth century, many church elders still question the humanity of Africans or whether they possessed a soul. Slaveholders too were reluctant to force conversion. Many felt that if their slaves were to adopt Christianity, they would have spiritual and legal grounds to ask for their freedom.

supervision on Sundays while their masters attended services. This tendency had drawn much criticism, particularly in Charleston where the city in early 1704 banned the free movement of slaves in the city on Sundays with or without their masters' permission.¹¹³

The enclosure also criticized planters for the type of slaves they were importing into the colony. He noted that the slaves who led the insurrection were all imported directly through Portuguese Angola. These men had all been educated at a Jesuit school and spoke not only their native tongue but also Portuguese and Spanish. They were also practicing Catholics. The author believed that it was foolish to bring in people who shared a religion and language with an enemy who was so close. He was also critical of the practice of concentrating too many slaves of the same ethnicity in the same geographical area. This made it easy for them to plot and plan.¹¹⁴

According to research conducted by John Thornton, the propensity of South Carolinian plantation owners to purchase large numbers of slaves from the Angola Coast, may have had another unintended consequence that influenced the relative success of the uprising. Thornton argues that the majority of the enslaved men imported into South Carolina in the 1720s and 1730s were Kongoleses not Angolans as eyewitnesses' claim. Beginning in the late seventeenth century, the Kingdom of Kongo was torn apart by a series of civil wars. Those taken prisoner during this conflict were sold to British slave traders for transport to North America. Thornton points out that many of the male prisoners were probably soldiers, meaning that South Carolinians unknowingly imported significant numbers of men with extensive military training and combat experience. This, perhaps more than anything else, explained how the leaders of the

¹¹³ Hadden, *Slave Patrols*, 28.

¹¹⁴ Chandler, Northen, and Knight, *Records, Volume 22, Part 2*, 233.

rebellion could effectively unite their fellow slaves and execute highly effective raids on weapons stores and plantations.¹¹⁵

In the aftermath of the insurrection, South Carolina began a complete overhaul of its slave codes. The resulting code would be the harshest in British North America and removed much of the former power given to slave holders over their human property. Prior to the Stono Rebellion, most of South Carolina's slave code had been aimed at confining slaves to their plantations and ensuring that their masters followed certain guidelines when slaves left the plantation. These laws gave the colonial justice system power over slaves who were not on their master's property but any crimes or violations which occurred on the plantation were a matter for the master or his overseer to deal with. However, the rebellion showed that slaves might need more policing than their masters were giving them. Although subsequent codes would still allow masters to punish a wide range of minor infractions which occurred on their own property, major crimes were now to be punished by the colonial court system.

The preamble for the 1740 "Act for the Better Ordering and Governing Negroes and Other Slaves in this Province" makes it clear that the new laws and restrictions were a direct result of the "...late horrible and barbarous massacres have been actually committed, and many more designed, on the white inhabitants of the province by negro slaves, who are generally prone to such cruel practice."¹¹⁶ It also set up the violence proposed in this act as a justifiable response to the threat slave insurrection posed to the social order. South Carolinian slaveholders had been forced to react violently because of the cruelty of their own slaves. The code then went on to add

¹¹⁵ John K. Thornton, "African Dimensions of the Stono Rebellion," *The American Historical Review*, Vol. 96 (October, 1991), 1101-1113.

¹¹⁶ "An Act for the Better Ordering and Governing of Negroes and Other Slaves in this Province," in *The Statutes at Large of South Carolina, Volume Three: Containing the Acts from 1716 to 1752*, Thomas Cooper, ed. (Columbia, SC: A.S. Johnston, 1838), 568.

twenty new restrictions on the enslaved population. These included a ban on gathering together without supervision, working outside of their master's property for their own profit, and owning any sort of livestock. These liberties were formerly enjoyed by slaves and were still enjoyed by slaves in other colonies. It also laid out crimes that were to be considered capital felonies if committed by a slave. These included the sorts of crimes one might expect: murder or attempted murder of a white person, and rape or attempted rape of white women.¹¹⁷ The 1740 law, however, added to the list of felonies. Now it was a felony to destroy property or produce by arson, to steal from whites or fellow slaves, and to possess any substance which might be utilized as a poison. Slaves charged with these crimes had to be turned over to the colonial court system to face a trial. If convicted, under the 1740 law, slaves faced the death penalty.¹¹⁸ The law also compelled slaveholders to turn over any slave charged with a felony to the courts. Any owner of an executed slave, however, would be monetarily compensated by the government.¹¹⁹

The 1740 slave code set South Carolina apart from other plantation societies in both British North America and the Caribbean. First, it criminalized a wide range of freedoms that slaves enjoyed in North Carolina and Virginia, namely the right to own personal property and to

¹¹⁷ The sexual exploitation of enslaved women was not criminalized nor regulated by any sort of law. There are a couple of reasons for this. In England men were accustomed to make use of their female servants' bodies. Although this practice was technically punishable in the ecclesiastical courts, relatively few men were punished. English culture tended to see women who lived and work outside of their father or husband's home as sexually available. This view was carried over into the master slave relationship and when combined with the commonly held belief that African women were naturally promiscuous, led to extreme sexual abuse. However, since white men coveted black women, they became obsessed with the idea that black men were equally attracted to white women. White women had to be kept only for white men and therefore sexual relations between black men and white women were criminalized and usually termed "rape." See: Laura Gowing, *Common Bodies: Women, Touch and Power in Seventeenth-Century England* (New Haven, CT: Yale University Press, 2003).; Kirsten Fischer, *Suspect Relations: Sex, Race, and Resistance in Colonial North Carolina* (Ithaca, NY: Cornell University Press, 2002).

¹¹⁸ "An Act for the Better Ordering and Governing of Negroes and Other Slaves in this Province," in *The Statutes at Large of South Carolina, Volume Seven*, David J. McCord, ed. (Columbia, SC: A. S. Johnson, 1840), 402-403.; Hadden: *Slave Patrols*, 23.

¹¹⁹ Betty Wood, *Slavery in Colonial America, 1619-1776* (New York: Rowan and Littlefield Publishers, 2005), 64-65.; Peter H. Wood, *Black Majority: Negroes in Colonial South Carolina from 1670 through the Stono Rebellion* (New York: W. W. Norton and Co., 1975), 278. Lockely, *Lines in the Sand*, 99.

raise and sell livestock for their own benefit. Not only did South Carolina's assembly criminalize such normal activities, but it also made them capital offences. While other colonies highly regulated African slaves' rights to own property and to conduct commerce with blacks and whites, none of them made violations of this law a capital offense. Another unique aspect of the 1740 law was the method of execution South Carolinian courts relied on to punish slaves who committed capital crimes. The most common form of execution for slaves was burning at the stake.¹²⁰

The explanation for why South Carolinians adopted an outdated form of execution can be found in the law itself. The 1740 code did not specify a particular method of execution to be used against slaves who committed felonies. The law simply stated that the execution must be public and must "make an example" to the rest of the enslaved community.¹²¹ By 1740, the number of enslaved men, women, and children in South Carolina had risen to 32,589 while the white population numbered only around 10,000, an alarming discrepancy for whites considering the Stono Rebellion had shown that plantation owners did not have as much control over their workforce as they thought. Not only did colonists have enemies on their western and southern frontiers, they had enemies in their own homes. The only way to prevent insurrections and other acts of violence was to punish any manner of insubordination with such horrific violence that no one else would want to suffer the same fate. Burning was a far more painful and brutal spectacle than merely hanging someone.¹²²

Burning also had a deeper symbolic meaning besides just being a horrifying spectacle. Just as English heretics were burned so that even the memory of their unnatural doctrines would

¹²⁰ Wood, *Slavery in Colonial America*, 64-65.; P. Wood, *Black Majority*, 278.

¹²¹ McChord, *Statutes Volume Seven*, 403.

¹²² *United States Bureau of Census, Historical Statistics of the United States: Colonial Times to 1957* (Washington, D. C., 1960), 756.

be obliterated, so too did Africans found guilty of the unnatural act of rebelling against their owners suffer the fate of literal and symbolic obliteration. That South Carolinians saw even the slightest hint of rebellion as unnatural can be seen in the way that slave crimes and executions were covered in the press. One of the best surviving cases was that of the Meyers family murders. In 1763, John Meyers, a slaveholder from Orangeburg, made a business trip to Charleston, leaving his wife and five children on their plantation. While he was away one of his slaves entered the home, killed Mrs. Meyers and two of her children, including the “sucking infant” in her arms, before stealing some clothing and setting the family home on fire. Meyers’ three surviving children escaped to a neighbor who raised the alarm and helped to capture the slave. The newspaper account never named the slave: he is referred to simply as a “murderer” and a “Barbarous Destroyer,” language that had the effect of rhetorically dehumanizing him.¹²³ Furthermore, the article stated that Meyers treated this slave with “remarkable tenderness and lenity,” a detail that was included to dispel any idea that the slave might have been justified in his action.¹²⁴ Since he was not mistreated, his actions were both indefensible and unnatural, and deserved the harshest punishment. He was burnt alive the day after his capture.

The burning of Meyers’ slave was not an isolated instance, just six years later an enslaved woman was convicted of poisoning her own child and then attempting to poison her child’s father, who also happened to be her master. She along with a male slave who provided her with the poison were both burned to death on the city green.¹²⁵ A similar case occurred in 1772, when

¹²³ “A Most Shocking Murder,” *The Georgia Gazette*, April 7, 1763. This account was reprinted in Georgia from the original report in the *South Carolina American and Country Gazette*, however, that issue does not appear to exist anymore, leaving the Georgia reprint as the only surviving copy.

¹²⁴ “A Most Shocking Murder,” *Gazette*.

¹²⁵ *The South Carolina American and Country Gazette*, July 27, 1769. See also: Lowry Ware, “The Burning of Jerry: The Last Slave Execution by Fire in South Carolina,” *The South Carolina Historical Magazine*, Vol. 91 (April, 1990).

Lazarus Brown was shot by one of his slaves who was quickly apprehended, convicted, and publicly burned to death. As in the earlier convictions, none of the slaves' names were listed; they were referred to simply as "negroes" or "slaves."¹²⁶

On the eve of the Revolution, however, South Carolinian courts made a disturbing change in its burning sentences. Once a terrifying punishment reserved only for enslaved Africans who committed violence against whites, in 1775, death by burning made the leap from slave criminal punishment to punishment for free blacks as well. In August 1775, South Carolinians hanged and burned to death Thomas Jeremiah, commonly known as Jerry, a free black businessman. Jeremiah's crime was that he spoke out against the growing patriot movement and urged other blacks, both free and enslaved, to remain loyal to the governor and the Crown. Angry patriot leaders had him arrested under the 1740 slave code, charging him with attempt to incite a slave insurrection. Although several prominent attorneys argued that Jeremiah could not be charged under this act because he was not a slave and he had not actually incited an insurrection among slaves, Henry Laurens confided in letters to his son that "nothing less than death should be the sentence."¹²⁷ Laurens went on to complain that Jeremiah was a "forward fellow, puffed up by prosperity, ruined by luxury & debauchery & grown to an amazing pitch of vanity & ambition."¹²⁸

It seems that Jeremiah's true crime was being a black man who was prosperous and had dangerous political opinions for which he was executed as an example. Nor was he the last free black executed in this manner for his political opinions. Laurens mentioned at least two others

¹²⁶ Lowry, "The Burning of Jerry," 100-101. Slave burnings continued to be a part of South Carolina law well into the nineteenth century with the last documented slave burning occurring in 1830. In 1833, the South Carolina legislature outlawed burning as an execution method.

¹²⁷ David R. Chesnut, eds. *The Papers of Henry Laurens, Volume Ten: Dec. 12, 1774-Jan. 4, 1776* (Columbia: University of South Carolina Press, 1985), 191.

¹²⁸ Chesnut, *Henry Laurens Vol. 10*, 321-22.

who he did not name and who met the same fate.¹²⁹ This crossover from using death by burning to punish slaves to using it as a mode of execution for free blacks who dared to speak out against the status quo, may provide some insight into why death by burning became an indispensable part of the lynching ritual which grew up in the South in the latter part of the nineteenth century. It is possible that when vigilantes chose to burn black men to death, they honored a legal practice used to punish rebellious slaves and later rebellious free blacks.¹³⁰

3.2 Labor and Fear in Free Georgia

While South Carolina moved toward institutionalized violent oppression of its enslaved labor force, Georgia grappled with its own labor control problems. Due to its nature as a garrison and the Trustee's charitable aims, slavery was banned in Georgia. James Oglethorpe and his Trustees, while not opposing the enslavement of Africans on ethical grounds, felt that barring the use of enslaved labor would force the poor they transported to the new colony to work for their own redemption and betterment. However, almost immediately, Oglethorpe had to back down from his slavery ban. When settlers arrived in the new colony, the inhospitable climate, combined with the hardships of crossing the Atlantic left few of them in any condition to do the heavy labor of building shelters and clearing land for cultivation. To get the work done

¹²⁹ While the deaths of the two other free blacks did not seem to garner much attention, the execution of Thomas Jeremiah garnered a great deal of attention. So much so, that British officials ordered that the two Justices of the Peace who tried him and the three citizens who performed the execution be arrested for "spilling innocent blood." Due to the coming war with Britain and the fragmented nature of South Carolina's government, it is difficult to determine if these orders were actually carried out. However, Henry Laurens makes it clear in his letters that he sees this as another act of British tyranny. Chesnut, *Henry Laurens Vol. 10*, 334.

¹³⁰ For more information on burning in the ritual of lynching see: Amy Louise Wood, *Lynching and Spectacle: Witnessing Racial Violence in America, 1890-1940* (Chapel Hill: University of North Carolina Press, 2009). Phillip Dray, *At the Hands of Persons Unknown: The Lynching of Black America* (New York: Modern Library Paperbacks, 2003).

in a timely manner, Oglethorpe rented labor from South Carolina slaveholders. As soon as the buildings necessary for the colony's survival were completed, he sent the slaves back.¹³¹

Although early settlers saw how useful African slaves could be, there is no evidence that they immediately demanded that the Trustees ease their restrictions on slavery. However, even without complaints about the absence of slaves, it soon became clear to the Trustees that they would have to get a larger labor force if any of their money-making schemes were to generate substantial profits. This was problematic for two reasons. First was the method by which the Trustees planned to turn a profit. The Trustees imagined Georgia as a collection of villages in which former poverty-stricken English people kept small subsistence farms and cultivated large stands of mulberry trees. The mulberry trees would then be used as a food source for silkworms, whose cocoons would be harvested by women and then woven into silk fabric for sale in England. It was a good scheme in theory. However, the average English peasant knew nothing of silkworm cultivations and were equally baffled by the process of turning the cocoons into fine silk fabric.¹³² This did not stop Trustee Francis Piercy from trying to entice investments from wealthy English noblemen by claiming just two years after settlement that "There is a great deal of silk made and the name of it fills the colleney so full that if it goes on so for 7 years it will be the largest city or town in all the continent of America."¹³³

The second issue faced by early Georgia was a shortage of willing settlers. Despite Trustee claims that Savannah was a larger city than "Williamsburg, which is the metropolis of

¹³¹ Betty Wood, "A Note on the Georgia Malcontents, *The Georgia Historical Quarterly*, Vol. 63 (Summer, 1979), 265.

¹³² Noeleen McIlvenna, *The Short Life of Free Georgia: Class and Slavery in the Colonial South* (Chapel Hill: University of North Carolina Press, 2015), 29-30. Wood, "A Note," 264-65.

¹³³ Kenneth Coleman and Milton Ready, eds. *The Colonial Records of the State of Georgia, Volume 20: Original Papers, Correspondence to the Trustees, James Oglethorpe, and Others, 1732-1735* (Athens: University of Georgia Press, 1982), 369

Virginia,” and that the surrounding countryside was “the promised land, its lands rich and fertile,” the truth was far different.¹³⁴ Settlers wrote numerous accounts of swampy soil that was impossible to farm, brackish water, fevers, and the terrible heat that caused food to spoil, leaving many settlers afraid to eat or drink anything.¹³⁵ These accounts made it extremely difficult for the Trustees to convince even impoverished people to immigrate to Georgia. Relaxing their labor laws, the Trustees began to allow individuals who had paid their own way to the colony to secure and bring over indentured servants. They also sent over a number of foreign settlers who were indentured directly to the Trustees to finish public works projects.¹³⁶ However, many poor people in England were not interested in taking the Trustees up on their charitable offer, and had no intention of coming as bound servants to someone else. It was at this point that both the Trustees and wealthy settlers turned to foreign indentured servants, primarily German and Irish individuals.

At first, wealthy settlers and the Trustees treated these indentured servants the same as traditional English servants. However, the nature of indentured servitude differed from the traditional master-servant relationship in several key ways. In England, this relationship, at least in principle, was reciprocal. The master provided shelter, food, pay, and sometimes job training to his or her servants. In return the servant was to work diligently and loyally for his or her master or mistress. Masters or mistresses had the legal right to punish any servant who defied them or failed to perform the tasks set for them. However, servants had the right to challenge

¹³⁴ Coleman and Ready, *Colonial Records Volume 20*, 165.

¹³⁵ Many of the settlers’ complaints were best summed up by Elisha Dobree in a letter he sent to the Trustees in January of 1734. See: Coleman and Ready, *Colonial Records, Volume 20*, 199.

¹³⁶ Indentured servitude was a relatively new concept in British society and was almost exclusively used in British North America. Those who wished to become servants, bound themselves through contract to a wealthy landowner who then paid for the individual’s passage from England to America. In return, the individual agreed to work for four to seven years to cover the cost of their immigration. At the end of their term, the servant was free and usually received tools, clothing, or possibly land from their former master. See: McIlvanna, *Free Georgia*, 29.

punishments which were too severe or abuse in general. English Common Law did protect servants from assault by their masters but the courts were most rigorous in protecting orphaned children who were pressed into service at an early age and young women who became pregnant by their masters.¹³⁷ Since servitude was an economic exchange, the best tool servants had to protect themselves from abuse was to quit and seek employment elsewhere. Still, servant abuse was rare in eighteenth century England. Due to the large number of impoverished people seeking work in service, it was far easier to fire problematic workers and replace them rather than run the risk of legal trouble from inflicting punishment on a servant.¹³⁸

Indentured servitude in Colonial America, while maintaining the ideal of a reciprocal relationship, removed the ability of the servant to report abuse and to seek alternative employment. Indentured servants were bound to a specific master for a set amount of time. Any servant who fled before their term was up was usually severely punished and had years added to their indenture. Their indentures could be sold, gambled away or even confiscated. An individual might make an agreement to work for someone he or she knew and trusted only to find his or her indenture sold or gambled away to a stranger. In many colonies, indentured servants had little to no protection under the law. In South Carolina, for example, the few indentured servants in use had no more rights than African slaves for the terms of their indentures. The 1744 addendum to the 1740 slave code even instructed patrollers who found

¹³⁷ As previously discussed in chapter one, concern for orphans had deep roots in English law so the interest of English courts in the fate of children pressed into to service is not surprising. In the case of women being impregnated, most courts were only concerned with ascertaining paternity so that the father could be held responsible for the child's upkeep. See: Bridget Hill, *Servants: English Domestic in the Eighteenth Century* (Oxford, UK: Clarendon Press, 1996), 142, 198.

¹³⁸ Warren B. Smith, *White Servitude in Colonial South Carolina* (Columbia: University of South Carolina Press, 1961), 74. See Also: Russell M. Lawson, *Servants and Servitude in Colonial America* (Santa Barbara, CA: Praeger, 2018); and David W. Galenson, *White Servitude in Colonial America: An Economic Analysis* (New York: Cambridge University Press, 1981).

white servants wandering the woods to treat them as they would a slave found off the plantation, namely, to beat them and take them back to their masters.¹³⁹

Such practices led to contention between indentured servants and their masters in the best of circumstances. In Georgia, where conditions were deplorable and the vast majority of servants were foreigners, these tensions rose dramatically. Servants found themselves relegated to the most undesirable and backbreaking jobs. They also found themselves on the receiving end of anti-foreigner sentiments.¹⁴⁰ For their part, settlers littered their letters to both Oglethorpe and the Trustees with complaints against the “lazy Germans” and “transported Irish” who refused to do the menial labor required of them. By April of 1738, William Stephens complained in his journal that the German servants were “daily growing more and more troublesome.” He went on to argue that discipline was called for but admitted that he had counseled those in charge to deal leniently with the wayward servants by simply requiring additional days of labor rather than relying on corporal punishment.¹⁴¹

By January of 1739, tensions between servants and their masters came to a head when a group of German servants refused to work for three days until a Grand Jury was convened to hear their complaints. The Germans refused to appoint a spokesman and instead insisted on each one of them testifying, a process which Stephens complained, “took up much time.”¹⁴² The servants in question complained of everything from the type and amount of food they were given to the difficulty of the tasks assigned to them. The Grand Jury ultimately found that there were no grounds for their unhappiness; they had been treated no differently than the free settlers.

¹³⁹ Smith, *White Servitude*, 74-75.

¹⁴⁰ Julie Anne Sweet, “The Murder of William Wise: An Examination of Indentured Servitude, Anti-Irish Prejudice, and Crime in Early Georgia,” *The Georgia Historical Quarterly* (Spring, 2012), 2-5.

¹⁴¹ Chandler, *Stephens Journal*, 117.

¹⁴² Chandler, *Stephens Journal*, 267.

However, the magistrate also counseled mercy and the Grand Jury ultimately decided to ask the servants to make up the time they had missed by working on three consecutive Saturdays.¹⁴³ Not satisfied with the verdict, the servants took their complaints directly to Oglethorpe. Oglethorpe made an investigation into their claims and declared them “frivolous” noting that the Germans were not housed, fed, or worked any better or worse than the English settlers. Still, he too counseled leniency when dealing with the foreign servants.¹⁴⁴

Given the instability and outside threats early Georgia faced, it seems strange that colonial leaders would resist punishing a rebellious element of society, particularly when the Trustees’ laws allowed for the imprisonment and whipping of settlers who refused to work for the common good. However, a curious statement added to an account of an interaction between acting magistrate Thomas Causton and two of his own servants, gives some insight into what lay behind leaders’ reluctance to utilize violence against their foreign servants. In 1734, Causton, frustrated when two of his German servants did not respond immediately to his summons, ordered them punished as an example to others. According to court reporter Joseph Fitzwalter, the two men were “whipped at the common post for being terdy and of severall crimes.”¹⁴⁵ In his letter to Oglethorpe about the event, Fitzwalter goes on to mention that another settler, Paul Amatiss, flew into a rage when he saw what Causton had done and he publicly chastised the magistrate for his cruelty, “especially at a time where we expected those servants to rise with others to head them and two cutt us off.” He then produced a gun and threatened to shoot both Causton and Fitzwalter if they did anything so foolish again.¹⁴⁶

¹⁴³ Chandler, *Stephens Journal*, 267-8.

¹⁴⁴ Chandler, *Stephens Journal*, 269.

¹⁴⁵ Coleman and Ready, *Colonial Records*, 252.

¹⁴⁶ Coleman and Ready, *Colonial Records*, 252.

Perhaps fearing legal action over his threats, Paul Amatiss also wrote to the Trustees about the events of that day. He claimed that the two men were only guilty of not instantly materializing the exact moment Causton called for them. Amatiss stated that Causton “ordered the two servants to be ty’d to trees one of them was unmercifully whipt with 101 lashes... the other had 21 lashes, was a poor sickly fellow who was not yet recovered of a fever & could barely crawl.”¹⁴⁷ According to Amatiss, this punishment was cruel and reckless. He did not dispute the right of Causton as a master to punish his servants. However, Causton crossed the line when he made a public spectacle of punishing the men. According to Amatiss, the power to make a public example belonged exclusively to the government and although Causton was a magistrate, he did not give either man a trial. He went on to express his concern that if such blatant violations of English law were allowed to go unchecked, the result would be either an uprising or violence once the servants gained their freedom. Amatiss implored the Trustees to change the way they were governing the colony. He argued that instead of relying on Oglethorpe and a random assortment of gentlemen to keep order, the Trustees should appoint a governor to make sure the law was being evenly applied to both free settlers and servants. Perhaps knowing that the Trustees would not follow his advice, Amatiss ended his letter by asking permission to take his family and leave the colony for their safety.¹⁴⁸

Amatiss’ fears of violence from the servants in the settlers’ midst was not misplaced. Just a few days before Causton publicly whipped his servants, the alarm was raised in Savannah. While the freeholders of the city were at church, a group of forty to fifty Irish indentured servants accompanied by several Creek warriors entered the town intending to “burn the town &

¹⁴⁷ Coleman and Ready, *Colonial Records*, Vol. 20 409.

¹⁴⁸ Coleman and Ready, *Colonial Records*, Vol. 20 409.

destroy the people.”¹⁴⁹ Quick-thinking leaders were able to mobilize the military and civilians against the servants and their Native American allies, and all were captured easily as the conspirators each wore a red string tied around their right wrist to identify them. The leader of the uprising was a servant whose primary target seems to have been his master, Causton. Even though Causton’s “inhuman treatment of that poor man” was well known, the servants bore the brunt of the colony’s ire. Indeed, the outcry against the leaders was so great that settler Samuel Quincy wrote to the Trustees that he hoped they would demand the man be sent to London so that “no injustice would be done to him.”¹⁵⁰ The other servants who took part were released back to their masters. The Creek warriors were also released without punishment once it was learned that Indian trader, Joseph Watson had lied to them about the Trustees’ intentions toward the Creek Nation.¹⁵¹ Several servants later confessed that the only reason they enticed the Creek men to join them was so that they could blame the slaughter of the Savannahians on the Creek.¹⁵²

The Red String Conspiracy combined the two threats that frightened frontier settlers the most: internal subversion and Native American attack. Despite, the threat posed by this uprising, Georgia’s leadership did very little to address the underlying problems and violence between servants and masters remained common. Between 1734 and 1740, seventeen servants were convicted of theft and assault with at least two of them also being convicted of kidnapping their masters. Almost all of them defended their actions by alleging abuse or privation.¹⁵³ Some

¹⁴⁹ Coleman and Ready, *Colonial Records*, Vol. 20, 246.

¹⁵⁰ Coleman and Ready, *Colonial Records*, Vol. 20, 246.

¹⁵¹ Watson apparently spent quite a bit of his free time with John Musgrove who was married to Mary Musgrove, one of the leaders of the Creek. Watson managed to convince the Musgroves that he had overheard Causton and other leaders discussing attacks on the Creek and plans to dispossess the Creek of their land. See: Coleman and Ready, *Colonial Records*, Vol. 20, 246, 258, 271.

¹⁵² Coleman and Ready, *Colonial Records*, Vol. 20, 246, 271.

¹⁵³ E. Merton Coulter and Albert B. Saye, eds. *A list of the Early Settlers of Georgia* (Athens: University of Georgia Press, 1949). This is a transcript of the manuscript kept by the Trustees of Georgia. Entitled *A List of Persons Who Went from Europe to Georgia on their own Account, or at the Trustees’ Charge, or Who Joyned the*

servants did not stop at assault in kidnapping. In December of 1734, the two Irish servants of Richard Wise, Alice Riley and Richard White, having been ordered to wash his long hair took turns strangling him and holding his head in a bucket of water until he was dead. The two servants were apprehended nearly a month after the crime, tried and hanged for murder. The reason they chose to kill their master was not recorded, though Riley did have her sentence postponed as she was found to be pregnant at the time of her trial.¹⁵⁴

Just a few years later, in August of 1740, Stephens recorded another disturbing incident that occurred outside his own home. That day colonial surveyor, Noble Jones, dropped by for a visit. As Stephens saw his guest out, both men were startled by a gunshot at close range. Jones immediately demanded of Stephens if he knew “whence that shot was, for that it was with a ball, which he heard whiz very near him.” Stephens stepped out into the street to see if he could see a shooter when “another shot was made from the same quarter, with a ball also and that I heard pass clearly over my Head as I stood at the Gate of my yard looking out.”¹⁵⁵ The two men, joined by a passerby and a shopkeeper, began a search for the would-be assassin. A short distance away they found a man with a gun who made no attempt to escape or to explain why he

Colony or were Born in it, this list kept track of all the settlers of Georgia between 1733 and 1741. The list contained not only the individual’s name, occupation, and date of arrival but also if the person was convicted of any crimes and what if any punishment was given, thus making it fairly easy to compare the punishments given out to servants and free persons.

¹⁵⁴ This has led historian Noeleen McIlvenna to argue that Wise must have sexually assaulted Riley and she and her fellow servant took revenge. It is important to note that none of the period documents made any mention of Riley claiming that the child was the result of rape or any other illicit union with her master, something that might have gained some sympathy from the jury. Furthermore, the child was born forty-two weeks after Wise’s death. McIlvenna argues that a forty-two week gestational period is not unheard of in a first-time mother but it would mean that Riley would have had to kill her rapist the morning after her assault for the timeline to work. This seems highly unlikely since all accounts of the murder mention that Wise had been bedridden with a fever for several weeks before his murder, which is why he needed his servants to wash his hair for him. Coleman and Ready, *Colonial Records Vol. 20*, 124-5, 186-7, 243; McIlvenna, *Free Georgia*, 32-33. For more information on the Wise case see: Sweet, “William Wise.” Sweet also contests McIlvenna’s conclusions about the parentage of Riley’s child, claiming that the timeline is just too tight. Furthermore, she points out that the child was undersized at the time of its birth and died soon after, making it likely that the child was premature. She hypothesizes that Riley may have gotten herself pregnant while in jail to buy some time to appeal her case.

¹⁵⁵ Chandler, *Stephens Journal*, 647.

was shooting into the streets of Savannah. Indeed, the man did not acknowledge Stephens or the other men at all; he merely continued reloading the gun. Nor did he offer resistance when one of the men stepped forward and took the gun. A search of the area turned up a large quantity of powder and shot leading Stephens to believe that the man had “resolved to make sure of some mischief.”¹⁵⁶

An investigation discovered that the man was an indentured servant to a Scottish settler named Phelps.¹⁵⁷ Phelps had fled the colony a few months prior to this incident under suspicion that he had been mistreating his servants and cheating his fellow settlers. The shooter had been left behind to guard Phelps’ house with no company and few supplies. Stephens hypothesized that the mistreatment the man suffered at the hands of Phelps combined with the extreme poverty and isolation he had been left in drove the man to insanity. This idea was seemingly confirmed when the constables asked for a motive for the seemingly senseless shooting and the young man chillingly replied that he “was just diverting himself with his gun.” He never offered any further explanation.¹⁵⁸

There is no surviving documentation of what punishment Phelp’s servant received for the shooting but it is likely that his sentence was far lighter than one might expect. Most settlers feared that inflicting severe punishments on servants would lead to another armed rebellion and this is reflected in the leniency shown to servants by Georgia’s colonial courts. With the exception of Alice Riley and Richard White, who were executed, few servants received any sort of corporal punishment for their crimes. Those who were sentenced to public whipping

¹⁵⁶ Chandler, *Stephens Journal*, 648.

¹⁵⁷ Phelps does not seem to have had a first name. Stephens only refers to him as Mr. Phelps but notes that sometimes he uses the name Chapman. The Trustees’ settler list also only lists the name Phelps. See: Chandler, *Stephens Journal*, 252.

¹⁵⁸ Chandler, *Stephens Journal*, 648.

consistently received fewer lashes than free persons who committed the same crimes. The seventeen servants who assaulted and robbed their masters received an average of sixty lashes and were released. Free settlers who committed similar crimes received an average of a hundred lashes, hefty fines, and risked banishment from the colony.¹⁵⁹

By the 1740s, Georgia's leaders faced a very real problem. Lower class free persons, frustrated by the court system's unfairness and the abysmal living conditions, fled the colony in large numbers. Those who remained refused to do any work for the colony at large necessitating the importation of increasingly larger numbers of German and Irish indentured servants. These servants, however, continued to demand that their masters respect certain customary rights based on their experiences in Europe. In an unstable colonial society, these expectations were difficult to meet, and when masters failed to meet expectations, servants either ran away or lashed out violently. In the eyes of settlers, they needed a workforce that was perpetually bonded and did not have the same expectations of fair treatment that Europeans had. From the perspective of wealthy settlers and colonial leaders, they needed African slaves.

Groups of settlers, primarily lowland Scots who had paid their own way to the colony, began meeting at local taverns to discuss issues they felt were hampering the growth of the settlement. Labelled Malcontents by Oglethorpe and the Trustees, these groups were concerned with a wide variety of issues but were united by their concern with the sustainability of an economy dependent upon indentured servitude.¹⁶⁰ Georgia historians have spent a great deal of

¹⁵⁹ E. Merton Coulter and Albert B. Saye, eds. *A list of the Early Settlers of Georgia* (Athens: University of Georgia Press, 1949). This is a transcript of the manuscript kept by the Trustees of Georgia. Entitled *A List of Persons Who Went from Europe to Georgia on their own Account, or at the Trustees' Charge, or Who Joyned the Colony or were Born in it*, this list kept track of all the settlers of Georgia between 1733 and 1741. The list contained not only the individual's name, occupation, and date of arrival but also if the person was convicted of any crimes and what if any punishment was given, thus making it fairly easy to compare the punishments given out to servants and free persons.

¹⁶⁰ For more on the historiographical debates on the Malcontents see the works of Betty Wood including: *Slavery in Colonial Georgia, 1730-1775* (Athens: University of Georgia Press, 1984), "A Note on the Georgia

time arguing about whether the Malcontents were justified in their desire for African slaves. Such arguments, while important to the understanding of the political and economic growth of Georgia, obscure the fact that settlers were facing a very real problem. The labor force available to them was not shy about stopping all work or resorting to violence to get the benefits and treatment they felt they deserved and this was stifling economic growth and leading to instability.

Just a year after the Red String Conspiracy in May of 1735, Patrick Tailfer, a settler and prominent Malcontent, articulated this exact sentiment in an essay attempting to persuade the Earl of Egmont of the need to replace indentured servants with enslaved Africans.¹⁶¹ At first, Tailfer made the most common proslavery argument of the eighteenth century: Africans were simply better suited to work in the extreme heat of the South than Europeans. However, the crux of Tailfer's argument rested on Europeans' expectations of treatment based on the traditional master/servant relationships. He explained that "White men must be clothed as Europeans" and expect food "suitable to a European diet." They also expected wages or what was promised to them when they completed their indentures. According to Tailfer, meeting these expectations was imposing an unreasonable burden on the people of Georgia, particularly because many of these servants belonged to the Trustees and had to be provided for out of the community coffers. He warned Egmont that when these expectations were not met, the better class of servants simply ran away to South Carolina. However, the "harden'd abandoned wretches" gave way to

Malcontents," *The Georgia Historical Quarterly* (Summer, 1979), 264-278; and "Thomas Stephens and the Introduction of Black Slavery in Georgia," *The Georgia Historical Quarterly* (Spring, 1974), 24-40. See Also: Kenneth Coleman, *Colonial Georgia: A History* (New York: Scribner, 1979).; Randall Miller, "The Failure of the Colony of Georgia under the Trustees," *Georgia Historical Quarterly* (March, 1969), 1-17.; Carole Watterson Troxler, "William Stephens and the Georgia 'Malcontents': Conciliation, Conflict, and Capitulation," *The Georgia Historical Quarterly* (Spring, 1983), 1-34.; Julie Anne Sweet, "William Stephens Versus Thomas Stephens: A Family Feud in Colonial Georgia," *The Georgia Historical Quarterly* (Spring, 2008), 1-36.

¹⁶¹ Patrick Tailfer was a surgeon described in the Trustees' list as "A proud saucy fellow and a Ringleader for the allowance of Negroes." see Coulter and Saye, *A List*, 98.

“continually stealing and imbezzling our goods” and “forming plots and treasonable designs against the colony...”¹⁶²

Though the Trustees tried to hold off the Malcontents, the economic situation in Georgia became so dire that they began to consider the logistics of introducing African slaves. To determine what would happen if they introduced slavery, the Trustees posed a series of questions to settlers. More than half of these questions dealt directly with the amount of power a master was to have over a slave and whether a master had the right to inflict cruel punishments or even kill their slaves for insubordination.¹⁶³ Many members of the Board of Trustees objected to the brutality of South Carolina’s slave code and openly blamed it for the Stono Rebellion. The point of their questions was to ascertain how Georgians felt about the role of violence in slavery and to what degree they expected the institution to mirror that of South Carolina. A twenty-three-man committee which included both Malcontents and supporters of the Trustees drafted the response. To the question of whether “the proprietors of Negroes should have an unlimited power over them,” the men “Unanimously agreed that they should not.” They also agreed that anyone who “murders dismembers or cruelly and barbarously uses a Negro” should be “subject to the same pains and penalties, as if he had committed the Crime upon the person of a White man.”¹⁶⁴ Ironically, the questions did not address the specter of slave rebellions and what if anything settlers should to prevent them.

While historian Betty Wood has applauded these answers as a first step toward recognizing the humanity of African slaves and limiting the power over them that existed in other slave societies, it seems more likely a case of individuals giving the answers they thought

¹⁶² Coleman and Ready, *Colonial Records*, Vol. 20, 365-366.

¹⁶³ Chandler and Knight, *Colonial Records* Vol. 25, 347-351.

¹⁶⁴ Chandler and Knight, *Colonial Records* Vol. 25, 348-349.

the Trustees wanted to hear. However, the Trustees took all of this at face value.¹⁶⁵ The code released by the Trustees in August of 1750, which was meant to take effect in January of the following year, was groundbreaking. The Trustees' slave code said next to nothing about control of enslaved persons. There were no bans on the activities of enslaved people and no specific requirements for punishing slaves. Rather than regulate slaves, the Trustees focused on regulating the violent behavior of whites. Those who maimed a slave as punishment faced significant fines: "First offence forfeit not less than the sum of five pounds sterling money of Great Britain and for the second offence not less than the sum of ten pounds of like money."¹⁶⁶ The code went on to stipulate that if a white person killed a slave as a form of punishment, "the criminal is to be tried according to the laws of Great Britain."¹⁶⁷ This provision essentially made killing a slave a capital crime and anyone who did it could technically face the death penalty if convicted. This was probably the most controversial part of the Trustees' slave code as it was not a capital crime in any other colony for a white person to kill an enslaved person.¹⁶⁸

Another intriguing component of the 1750 slave code was the way in which it regulated sexual and marital relations between whites and blacks. Like most colonies, the Trustees banned interracial relationships and declared any marriages between whites and blacks to be "nullified." However, whereas the slave code of South Carolina concentrated on keeping white women and black men apart and placing the blame for such unions on black men, Georgia's code criminalized relations between white men and black women as well as those between white women and black men. The code also placed the blame for such unions on the white partner,

¹⁶⁵ Wood, *Slavery in Georgia*, 82-83.

¹⁶⁶ Allen Chandler, ed. *The Colonial Records of Georgia, Volume I* (Atlanta, Georgia: The Franklin Printing and Publishing Company, 1904), 58.

¹⁶⁷ Chandler, *Colonial Records, Vol. I*, 58.

¹⁶⁸ Wood, *Slavery in Georgia*, 84.

essentially acknowledging the inability of an enslaved person to resist the sexual advances of their master or mistress. Whites, either male or female, who had relations with enslaved persons, were to be fined and receive corporal punishment in a public setting. No specific punishment was called for on the part of the enslaved person.¹⁶⁹

Although this code was revolutionary, it lasted only a year. In 1752, the bankrupt Trustee government finally collapsed and Georgia reverted to the Crown. Soon after taking office, royal governor John Reynolds ordered the newly convened Assembly to develop a comprehensive slave code similar to that in use in South Carolina. Wood argues that this was a result of pressure from South Carolinians who felt a code that limited the power of slaveholders and protected the rights of the enslaved would only lead to more unrest, particularly since South Carolina was dealing with an escalating conflict with the powerful Cherokee nation. However, historian Kenneth Coleman has pointed out that the beleaguered Trustees never actually sought Parliamentary approval for their slave code, which meant that in the eyes of the Crown, it was not law. Reynolds' demands that the Assembly create a new law may have had less to do with the pressures of frontier life and more to do with his realization that the code on the books had not gone through the proper approval process.¹⁷⁰

Georgia's updated slave code was almost a carbon copy of that passed by South Carolina after the Stono Rebellion. However, the law and its subsequent revisions had a few key differences. First, slaves in Georgia were never completely prohibited from carrying firearms. Georgia lawmakers recognized the right of slaves to carry guns (with their master's permission) for the purposes of defending the plantation from wild animals or criminals. Any patroller who

¹⁶⁹ Chandler, *Colonial Records*, Vol. I, 59.

¹⁷⁰ Wood, *Slavery in Georgia*, 110-111.

encountered an armed slave was to ask for a permission slip from the owner before taking any action. If the slave could not produce a pass, the patroller only had the right to remove the gun and immediately turn it over to the Justice of the Peace, who would determine if any legal action had to be taken. Georgia's permissiveness when it came to slaves bearing firearms reflected a two-fold fear of many people living on frontier plantations. The first was that an attack by the Creeks was always imminent. Even when relations between settlers and the Creeks were peaceful, those living away from Savannah were consumed with a fear that they would be attacked. Secondly, the underdeveloped state of Georgia's law enforcement system meant that most rural individuals were responsible for their own safety. Since blacks quickly came to outnumber whites in the backcountry, they too had to be included in any plans for defense.¹⁷¹

Another deviation in the slave code related to how the enslaved population was to be kept in check. Like South Carolina, Georgia instituted a patrol law, which required slave owners to take part in monitoring the enslaved population during the night. Unlike South Carolina, however, this force was never militarized and made no special provisions for female slaveholders. In South Carolina, female slaveholders were exempt from taking part in the patrols since the patrols were made up of militiamen. However, since Georgia had a far smaller white population and a less developed colonial militia, the colony depended on a regiment of British Rangers stationed there for defense. White women were given two options. They could either find a non-slave owning male at least sixteen years of age to take their place or they were

¹⁷¹ Robert Watkins and George Watkins, *A digest of the laws of the state of Georgia From its first establishment as a British province down to the year 1798, inclusive, and the principal acts of 1799: in which is comprehended the Declaration of independence; the state constitutions of 1777 and 1789, with alterations and amendments in 1794. Also the constitution of 1798. It contains as well all the laws in force, as those which are deemed useful and necessary, or which are explanatory of existing laws; together, with the titles of all the obsolete and other acts. And concludes with an appendix containing the original charters and other documents, ascertaining and defining the limits and boundary of the state; all the treaties with the southern tribes of Indians; the Articles of confederation and perpetual union: the Constitution of the United States, and a few acts of congress. Together with a copious index to the whole.* (Printed by R. Aitken, No. 22, Market Street, 1800), 153

compelled under penalty of fine or jail time to ride in the patrols. The law demonstrated a surprising openness to gender equality when dealing with these female patrollers. They were to be armed with “two pistols and a cutlass,” the same as their male counterparts. They had the right to search slave quarters, confiscate slaves, search taverns for enslaved persons, and even administer corporal punishment to any slave found in violation of the slave code. The law also provided stiff fines and jail time for any male, civilian or constable, who failed to aid a female patroller in the commission of her duties or sought to prevent her from carrying out her duties.¹⁷²

Georgia’s insistence that women take an active part in the enforcement of the institution of slavery was out of step with the rest of British North America. As slavery became more entrenched, slave codes in other colonies became obsessed with separating white women from the violence of slavery and particularly from enslaved men out of fears that close proximity might lead to sexual attraction or relations.¹⁷³ However, Georgia’s code not only put women in direct contact with slaves but also gave them the power to inflict violent punishments on male and female slaves. This power was expanded to include punishing the few remaining indentured servants and, during the Imperial Crisis of the 1760s, Governor James Wright gave these female patrollers the authority to detain and even arrest free white men whom they suspected of stirring up discontent.¹⁷⁴ This, however, should not be viewed as a step toward gender equality but rather as a symptom of the tensions provoked by living on a frontier and having to manage a possibly hostile population in their midst. Georgia was simply attempting to mobilize as many white people as possible to maintain the fragile order of British Colonial society.

¹⁷² Watkins and Watkins, *A Digest*, 119-122.

¹⁷³ Kirsten Fischer, *Suspect Relations: Sex, Race, and Resistance in Colonial North Carolina* (New York: Cornell University Press, 2001).

¹⁷⁴ Watkins and Watkins, *A Digest*, 119-122.

3.3 Enforcement and Resistance in South Carolina and Georgia

Despite having some of the harshest laws in the British Atlantic world, South Carolina and Georgia's slave codes did not always prevent slave resistance or violence. While no other rebellions on the scale of Stono occurred, planters and white settlers were plagued by fears that there would be another outbreak of violence. Part of the problem was that these extremely harsh codes were not always enforced. Slaveholders resented the government telling them what they could do with their own property.¹⁷⁵ Although slaveholders did not always enforce all of the provisions of the slave code, they did take acts of insubordination seriously. They usually administered their own corporal punishments instead of turning their slaves over to the colonial court systems. Whipping was the most common form of corporal punishment utilized by owners and overseers to keep slaves in line as evidenced by the descriptions of slaves committed to the workhouse in savannah shows. The vast majority of these descriptions included references to scars from "mild to moderate correction."¹⁷⁶ Since such punishments were at the whim of an owner or overseer, they could be administered for a wide variety of reasons. For example, in 1765, Henry Laurens instructed his overseer to give a slave named Abram "39 sound stripes" for smuggling rum from Charleston and giving it to his fellow slaves.¹⁷⁷ However, he later instructed his son to whip a pregnant enslaved woman named Rinah because she was "a sullen

¹⁷⁵ Glenn McNair, *Criminal Injustice: Slaves and Free Blacks in Georgia's Criminal Justice System* (Charlottesville: University of Virginia Press, 2009), 43.

¹⁷⁶ In 1764, Georgia opened a workhouse where they placed slaves who were picked up by the patrols. Each week, The Georgia Gazette published detailed descriptions of the slaves and the names of their masters, in hopes that the owners would come to claim them and pay a fine for allowing them to roam around without a pass. These descriptions frequently made mention of scars from past whippings. See: *The Georgia Gazette*, April 5, 1764 - May, 1775.

¹⁷⁷ Henry Laurens to Abraham Schad, April 30, 1765 in *The Papers of Henry Laurens: Volume Four: September 1, 1763 - August 31, 1765*, George Rogers and David Chesnutt, eds. (Columbia: University of South Carolina Press, 1974), 616.

slut.”¹⁷⁸ These instances show that whipping could be utilized to punish anything from an actual infraction of slave code to an insubordinate attitude.

Slaves, however, did not accept their condition without a fight and many did not stop at insubordination or sabotage when resisting their condition. In 1763, the night watch in Savannah received two reports of assaults on ferry workers. The first man escaped serious injury and reported to the night watch that he had been attacked by five black men he believed to be slaves on a nearby plantation. A few nights later, another sailor was not so lucky. The man, who was not named, was severely beaten and robbed of his paycheck. No one was ever arrested.¹⁷⁹ As these cases suggest, the vast majority of interracial assaults perpetrated by slaves were against lower class whites. This was particularly true in Georgia where poor whites frequently took work as domestic servants and agricultural laborers alongside slaves.¹⁸⁰ Tensions naturally arose between these groups as poor whites sought to exert their authority over them. Furthermore, slaves who assaulted poor whites frequently faced less punishment than they would have for assaulting wealthier or better-known people.¹⁸¹

¹⁷⁸ Henry Laurens to James Laurens, January 7, 1763 in *The Papers of Henry Laurens: Volume Three: January 1, 1759 - August 31, 1763*, Philip Hamer and George Rogers, eds. (Columbia: University of South Carolina Press, 1972), 205.

¹⁷⁹ *The Georgia Gazette*, July 28, 1763.

¹⁸⁰ After the collapse of the Trustee government, many of the poor whites transported to the colony hoped to buy slaves and more land and become wealthy. Unfortunately, much of the arable land was quickly purchased by South Carolina planters and Georgians who had paid their own way to the colony. This left a large number of poor whites locked within the city of Savannah looking for work. Within wealthy households, keeping a white woman as a housekeeper or parlor maid became a status symbol. After all, anyone might purchase a slave but only a truly wealthy person could afford to pay a white person to wait on them. In practice, these poor whites were treated as poorly or sometimes worse than the enslaved workers on the property. This led to violence between poor whites and slaves. See: Timothy Lockley, *Lines in the Sand: Race and Class in Low Country Georgia, 1750-1860* (Athens: University of Georgia Press, 2001).

¹⁸¹ Timothy Lockley has done a great deal of work on the relations between enslaved persons and poor whites and the violence which occurred between these two groups. See Timothy Lockley, *Lines in the Sand: Race and Class in Low Country Georgia, 1750-1860* (Athens: University of Georgia Press, 2001).

Not all violent interactions between enslaved persons and whites ended at simple assault; some escalated to murder. In April of 1763, John Milledge, having not heard from his overseer for an extended period, paid a visit to his plantation to ensure all was well. Soon after arriving he made a gruesome discovery: the murdered body of his overseer, Alexander Crawford. Milledge did a quick head count and discovered one of his slaves was missing. The slave in question had a volatile temper and had had run-ins with Crawford in the past, leading Milledge and the constabulary to believe that he was probably guilty of the murder. Although the patrol and a regiment of soldiers were called out to hunt for the man, he was never found.¹⁸² In 1765, an enslaved man belonging to Peter Nephew murdered a fellow slave who was acting as overseer on the plantation. He was captured, hanged, dismembered and had his head displayed near the site of his crime.¹⁸³ Nor were these isolated instances. The exhaustive research of Glenn McNair shows a further nineteen cases of murder on Georgia plantations and many more on South Carolina's. All of these cases had two things in common. First, while slaves may have assaulted poor whites, they almost exclusively murdered those in direct authority over them, namely their masters, mistresses, and overseers. The second was that they were almost all violent murders perpetrated by men.¹⁸⁴

McNair's research shows that enslaved men were 70 percent more likely to be charged and convicted of murder than enslaved women. However, this does not mean that enslaved women did not commit murders. In fact, enslaved women were far more likely to attempt premeditated murders against their owners than enslaved men. The reason for the disparity between these statistics is due to the fact that enslaved women tended to rely on poison rather

¹⁸² *The Georgia Gazette*, April 7, 1763.

¹⁸³ *The Georgia Gazette*, June 6, 1765.

¹⁸⁴ McNair, *Criminal Injustice*, 60-62.

than physical methods. Poison was difficult to detect in the eighteenth century, particularly in Georgia where there were relatively few doctors and death was a frequent visitor. Even when poison was suspected or confirmed, South Carolinian and Georgian juries were reluctant to convict women, even if evidence suggested their guilt. In fact, only one enslaved woman was convicted of poisoning her owners in South Carolina and none were convicted in Georgia.¹⁸⁵ McNair attributes this disparity to the reluctance of southerners to believe that women were capable of murder. Violent crimes like murder were the exclusive purview of men, and even in the one case where a woman was convicted and executed, she was thought to be an accomplice of a man who had masterminded the murders.¹⁸⁶

The fact that assaults and murders committed by slaves remained relatively low did not stop slaveholders from fearing that enslaved persons were always scheming to commit some sort of violent crime. These fears became more acute as the numbers of slaves swelled and South Carolina and Georgia found themselves in the midst of growing unrest surrounding Britain's taxation policies. In 1765, fears that slaves would take advantage of the unrest surrounding passage of the Stamp Act and rise up led Georgia to amend its slave code so as to empower "any white person to pursue, apprehend, and moderately correct any such slave, and if such slave shall assault and strike such white person, such slave may be lawfully killed."¹⁸⁷ Within a couple of years, South Carolina amended its slave code to mirror Georgia's. This law, however, did not

¹⁸⁵ The one case is that of the unnamed woman who was burned to death for poisoning her child and her master discussed earlier in this chapter.

¹⁸⁶ Glenn McNair's study is based on all surviving court records from the colonial era. While he admits that these are fragmentary, there is enough information to show that enslaved men were far more likely to commit violent murders but these were usually done in the heat of the moment and with no premeditation. While women, on the other hand, were more likely to plan their crimes and to get away with them. See: Glenn McNair, "Slave Women, Capital Crime, and Criminal Justice in Georgia," *The Georgia Historical Quarterly*, Volume 93 (Summer, 2009), 135-158.

¹⁸⁷ *The Georgia Gazette*, June 21, 1764.

mean that whites could kill blacks with impunity. Even from the earliest incarnations of their slave codes, both colonies took slave murders very seriously, particularly if they were killed by someone other than their owners. This concern did not reflect any sort of humanitarian concern for enslaved blacks but rather reflected the concerns slaveholders had about being deprived of valuable property. To this end, South Carolina authorized compensation payments to any slaveholder whose slaves were convicted of a capital crime and executed by the colonial court system, but not for slaves killed by private individuals or patrollers. In 1751, however, plantation owner John McLeod challenged this when he petitioned the Assembly for compensation after one of his slaves was erroneously shot by some patrollers who mistook him for a runaway. The Assembly agreed with McLeod and ultimately ended up compensating him, proving that patrollers would be held accountable for killing slaves.¹⁸⁸

Although neither colony offered compensation for slaves killed by private individuals, they did hold them financially accountable. In 1763, Georgia convicted George Matthews, a member of the King's Rangers, of killing an enslaved man. As a result, he was fined £50.¹⁸⁹ Six years later, South Carolina heard cases against Daniel Price and George Roberts for two separate accounts of murdering slaves. Price was found guilty and fined £350 while Roberts' who was accused of "killing a negro in a sudden heat of passion" was granted a new trial. However, in 1770, when his case was heard again, Roberts was found guilty and fined £350. The court also ordered that he be held in prison until he paid the fine.¹⁹⁰ While these fines were a far cry from the capital punishment prescribed for the murder of whites, the fines did act as a deterrent due to how high they were.

¹⁸⁸ R. Nicholas Olsberg, ed., *The Colonial Records of South Carolina: The Journal of the Common House of Assembly, 23 April 1750- 31 August 1751* (Columbia: University of South Carolina Press, 1974), 208-209.

¹⁸⁹ *The Georgia Gazette*, December 16, 1760.

¹⁹⁰ *South Carolina Country and American Gazette*, July 25, 1769 and October 31, 1770.

Despite the vigorous laws enacted by the Assemblies of Georgia and South Carolina, violence between slaves and whites continued to create an atmosphere of instability. The more southerners attempted to utilize violence as a means of policing their enslaved populations, the more they feared violent reprisal. The fear of insurrections bred by the brutal slave codes led colonial leaders to constantly reevaluate of their relationship with their workforce and the role of violence within that relationship. As the institution of slavery evolved, slaveholders were forced to depend heavily on whites from other social groups and even women to help maintain control over they system. The continual threat of violence from the enslaved population also had another effect on southern society, leading colonial leaders to rethink the ways it policed the behavior of free white subjects.

4 “PRESERVING THE PUBLIC PEACE:” VIOLENCE, PAIN, AND THE LEGITMACY OF STATE AND PERSONAL PUNISHMENT

When Joseph Watson arrived in Georgia in 1733, he had a bright future ahead of him. He was a friend of General James Oglethorpe and he held a coveted license from the Trustees to conduct trade with the Creek Nation. Unfortunately, the pressures of frontier life were too much for Watson who quickly took to drink. During his drinking binges, Watson was known to wander the streets of Savannah naked and screaming at people. His behavior led many residents to fear that Watson’s problems were not simply the result of drunkenness but rather the sign of a mental breakdown. Despite his unpredictable behavior, colonial leaders did little to punish him due to his friendship with Oglethorpe. However, in early 1734, during one of his alcohol fueled rants, Watson accused Mary Musgrove, a local interpreter and housewife, of being a witch. The accusation was particularly troubling for Musgrove because she was not English. Musgrove was

mixed race, having both Native American and European ancestry. Although she adopted English culture and religion, Musgrove was still held in suspicion by some of her neighbors.¹⁹¹

Despite assurances from colonial leaders that no one believed Watson, Musgrove sued him for slander and the court sided with her, ordering Watson to publicly apologize and pay damages to her. Watson, however, was deeply upset at the prospect of having to apologize to a Native American woman and pay her damages. Deciding to avenge himself, Watson went to the Musgrove homestead with a musket, “endeavoring to shoot Mrs. Musgrove.” Musgrove, realizing that if she did nothing she would be killed or seriously injured, waited until Watson fired a shot and then while he was reloading, “overpowered him in her own defense, and took it (the gun) from him and broke it.”¹⁹² She then beat him soundly with the pieces of the gun. When the constable arrived at the homestead, he arrested both Watson and Musgrove for disturbing the peace. Eventually Musgrove was cleared of any wrongdoing while Watson was charged with attempted murder but was given only a fine. The magistrate reasoned that the humiliation of having everyone know that a woman had beaten Watson was punishment enough.¹⁹³

The altercation between Watson and Musgrove provides an interesting window into the primary role the colonial courts played in moderating societal violence. Although southern society delegated the power to inflict violence for the purposes of control to private individuals, this did not mean civil authorities did not monitor and check the power of individuals. After all, allowing individuals to commit violent acts unchecked could lead to a loss of control. It was

¹⁹¹ Kenneth Coleman and Milton Ready, eds. *The Colonial Records of Georgia: Original Papers, Correspondence to the Trustees, James Oglethorpe, and Others, 1732-1735 Volume 20* (Athens: University of Georgia Press, 1982), 172-173.

¹⁹² Coleman and Ready, eds. *The Colonial Records of Georgia: Vol. 20*, 173.

¹⁹³ Coleman and Ready, eds., *The Colonial Records of Georgia: Vol. 20*, 173.

therefore the role of the courts to determine which acts of violence were justified and which were criminal in nature. The courts of South Carolina and Georgia, cognizant of the fact that keeping the public peace was vital to preventing disorders which could result in a slave insurrection or an Indian war, often turned to brutal methods to curb objectionable behavior. Throughout the colonial period, both colonies developed a penal system in which violence was integral to enforcing the law. However, the wide gap between rich and poor and the unsettled nature of the frontier meant that the administration of justice was often partial and ineffective. This gave rise to a wide range of vigilante behavior aimed at filling the void created by the colonial court system.

South Carolinians' and Georgians' views on the role of violence in punishment was not unique in the British Atlantic world. According to Susan Dwyer Amussen, most eighteenth-century English people "saw violence as a way to discipline or punish those by whom they felt wronged." Therefore, violent punishment becomes "a central theme that links a wide range of behaviors."¹⁹⁴ While South Carolinians and Georgians were not unique in seeing violence as a viable method of punishing crimes, the degree to which violence was used and the contest over whether the state or the individual had the ultimate authority to administer violent punishments does set these two colonies apart from other British holdings. This created a society in which punishments were brutal and vigilantism was common.

4.1 Violence, Power, and Control in Britain and its Colonies

While heads of household had the right to punish infractions within their house, the state and ecclesiastical courts of England and its colonies held the greatest amount of power when it

¹⁹⁴ Susan Dwyer Amussen, "Punishment, Discipline, and Power: The Social Meanings of Violence in Early Modern England," *The Journal of British Studies* 1, (January 1995): 4.

came to inflicting violent punishments on English subjects. By the time England began colonization efforts, its penal system was very different from those in other parts of early modern Europe. The most notable feature, to those visiting from other countries, was the lack of gradations in punishment. Very seldom did English courts mete out fines or prison sentences; they relied almost entirely on physical violence as a means of discipline. Non-lethal punishments for minor crimes included whippings, standing in the pillory or stocks, and branding. Women who harassed their husbands or committed other misdemeanors might be punished with the cucking stool or the scold's bridle. While such punishments were a part of everyday life in England, the most common punishment handed out by church and state courts in the seventeenth century was execution. The death sentence was applied to a wide range of offenses in seventeenth and eighteenth-century England. Anything from petty theft to treason could send a prisoner to his or her death.¹⁹⁵

The seventeenth century saw the expansion of English authority into North America. As settlers flocked to Virginia, Maryland, Pennsylvania, and New England colonies, they brought with them English forms of government and law. However, the violence with which the laws of colonial North America were enforced was mitigated by the unusual circumstances in which the colonists often found themselves. Generally speaking, all of these colonies adopted the use of the same punishments found in England. Hanging, burning, whipping, branding, and maiming were all employed as methods of punishment by colonial courts. However, the crimes to which they applied differed not only from those of England but

¹⁹⁵ Gregory Durston, *Crime and Justice in Early Modern England, 1500-1750* (Chichester, UK: Barry Rose Law Publishers Limited: 2004), 634-636, 668.; Clive Emsley, *Crime and Society in England, 1750-1900* (New York: Pearson, 2010)1-5.

also from each other. Furthermore, colonial courts experimented with a wide range of punishments that were not in use in the mother country.¹⁹⁶

The laws and court system of Virginia, England's first North American colony, most closely resembled that of the mother country, although not at first. The first set of laws, passed by the leaders of the Virginia Company, demanded punishments that were a great deal harsher than those utilized in England for the same crimes. The *Laws of the Colony of Virginea* (1610) made every crime a capital offense. This meant that an individual could be executed for something as minor as using bad language.¹⁹⁷ Following the collapse of the Virginia Company in 1619, the colony remodeled its court systems and laws to be identical to those found in England. Despite the acceptance of English Common Law, variations persisted. For instance, Virginian courts were much less likely to give out the death penalty even in cases that called for that punishment. Instead, Virginians depended on non-lethal forms of violence such as whippings, brandings, and public shaming as punishment. The colony also experimented with non-violent methods of punishment which included a system of monetary fines and forced labor on projects that would benefit the community in which the crime took place. This alteration does not necessarily reflect a change in thought on capital punishment but rather a response to the unique conditions settlers in Virginia faced. Throughout the seventeenth century, Virginia was plagued by appallingly high mortality rates. In a colony where the average life expectancy was in the late twenties or early thirties, it made no sense to execute able-bodied adults when their physical or monetary power could be harnessed to serve the colony.¹⁹⁸

¹⁹⁶ Kathryn Preyer, "Penal Measures in the American Colonies: An Overview," *The American Journal of Legal History* 26, (October, 1982): 326.

¹⁹⁷ Christopher Waldrep and Michael Bellesiles, ed. *Documenting American Violence: A Sourcebook* (New York: Oxford University Press, 2006), 44-45.

¹⁹⁸ Oliver P. Chitwood, *Justice in Colonial Virginia* (New York: Da Capo Press, 1971), 88-90; and Preyer, "Penal Measures," 329-330.

The New England colonies and Pennsylvania saw the greatest divergence in state punishments from those found in England. Unlike Virginia, the inconsistencies found in these colonies were not a result of instability but rather of the religious beliefs of those that settled in these areas. Both the Puritans and the Quakers had voiced concerns over the types of punishments handed down in England. Migration to the New World gave them the opportunity to try out new forms of nonviolent punishment. In Massachusetts Bay, Puritan authorities favored a form of law and order based on Biblical precepts. This form of law made property offenses such as theft punishable by fines, forced labor, and corporal punishment; while sexual offenses, such as adultery or bestiality, could draw the death penalty, though they frequently did not.¹⁹⁹ Indeed, the court records from Essex County suggest that some areas may have been more lenient. On two separate days, the courts found a total of four people guilty of sexual crimes. Of those, three were sentenced to be whipped while the fourth was ordered to pay a fine.²⁰⁰

In Pennsylvania, murder was the only crime for which one could be put to death. The Quakers, believing that society had a duty to rehabilitate criminals, opted for prison sentences. This is not to say that the Quakers did not make use of violence as a means of disciplining colonists. Many other non-lethal forms of violent punishment were used just as they were in England. The Quakers, however, devised a few punishments that were foreign to the mother country as well. For instance, the crime of rape drew a sentence of castration. Recidivists could be confined to prison for the remainder of their lives or could be forced into servitude. Sometimes those terms of service would be no different than those who indentured themselves.

¹⁹⁹ Preyer, "Penal Measures," 335-336

²⁰⁰ *Records of the Quarterly Courts of Essex County Massachusetts, 1664-1665* (Ipswich, MA, 1665), May 5, 1664 and April 27, 1664. The man who was fined had been charged with fornication. However, since he and the woman had married, he was given a lighter sentence than those who engaged in illicit sex and did not marry.

However, Pennsylvania did boast a few examples of English men and women being sold into lifelong slavery as punishment for their crimes.²⁰¹

4.2 Law and Order in South Carolina and Georgia

While other British North American colonies were actively moving away from the violent punishments of the past, South Carolina and Georgia made them an integral part of the criminal justice system well into the nineteenth century. Since the English populations of Georgia and South Carolina were relatively small in comparison with the enslaved and Native American populations around them, any sort of disorder amongst the white population might be seized upon by either group to rebel or launch an attack. This meant that even petty crimes had to be swiftly and viciously punished to dissuade others from committing similar disorders. Colonial leaders, particularly in Georgia, relied heavily on physical violence, which inflicted the maximum amount of physical pain and would elicit feelings of horror in those witnessing the punishment. Chief among these was execution.

While Virginia and the New England colonies reserved execution for only the worst crimes, South Carolina and Georgia's use of execution mirrored that of the mother country in the seventeenth century. Rather than reserving execution for the most heinous crimes, as was typical elsewhere, both colonies relied heavily on execution as a means of punishing a wide range of infractions with theft being the most common reason that criminals were sentenced to death. Of the thirteen individuals sentenced to death in the two colonies between 1763 and 1774, all but two had been convicted of theft, particularly the theft of livestock.²⁰² The explanation for why

²⁰¹ Preyer, "Penal Measures," 335-336.

²⁰² *The Georgia Gazette*, December 18, 1763 - January 14, 1767; *The South Carolina American Gazette*, October 31, 1770 - May 31, 1774. There were certainly executions before and after these dates; however, this time period is the best documented with most court rulings being published in the newspapers.

the Southern colonies embraced the wide use of execution is twofold. First, while death was no less a frequent visitor than in the north, Georgians and South Carolinians did not need the labor of their white settlers to benefit the community. They had African slaves to do that sort of work. Therefore, there was no motivation on the part of colonial magistrates to try and reform criminals by having them work for the common good. Secondly, while wealthy offenders might be charged with fines for manslaughter, assault, or even theft, the disparity between rich and poor meant that most settlers did not have the funds to pay any sort of fines. Furthermore, for reasons that remain unclear, neither colony ever developed a real prison system. Georgia and South Carolina's jails were constantly in bad repair and many prisoners escaped either before they could be tried or before their sentences could be carried out. Therefore, execution ensured that a criminal would be punished and that he or she would not escape to cause more trouble in the future.

From time to time the liberal use of the death penalty did draw criticism. One anonymous essayist in the *Georgia Gazette* noted the unfairness of "Poor young fellows, whose whole existence is cut off in the prime and vigor of life, for the paltry theft of a handkerchief." The author argued for the forced enslavement of able bodied individuals, rather than their execution. He believed that they could provide cheap labor and that forced slavery would help to reform the offender and they might even be able to rejoin society as an industrious and productive member.²⁰³ However, there is little evidence that colonial leaders ever took such suggestions seriously. This was primarily because South Carolinian and Georgian officials believed that the widespread use of executions was beneficial to communities because all executions were public. Leaders argued that public punishments helped communities to heal

²⁰³ *The Georgia Gazette*, August 19, 1767.

after crimes were committed and acted as a crime deterrent by showing settlers exactly what would happen to them if they committed similar infractions. Since the purpose of public executions was to prevent crime, the act of execution became a highly scripted drama aimed directly at the viewer, which was meant to both horrify and reform them. It also had to reinforce the legitimacy and necessity for such brutality. The key part in this drama of death was a confession of guilt. Almost as soon as an individual was sentenced, a local minister came to the prison cell to convince the felon of the importance of confessing. In some cases, when the ministers could not convince the individual of his or her guilt, other prisoners worked on the condemned until he or she confessed all their sins. These confessions were important for three reasons. First, a confession of guilt reassured the public that the proper person was being punished thus reinforcing the legitimacy of the punishment. Second, as in the present day, officials were keen to know if the individual had committed any other crimes. Finally, from a religious perspective, making a good end was extremely important. To do this, one had to be absolved of all one's sins, which in Christian theology can only occur after one has made a complete confession.²⁰⁴

Getting a confession in the prison, however, was not enough. On the day of the execution, the condemned had to deliver this confession again, in the form of a last speech or gallows speech. By the eighteenth century these speeches had become increasingly formulaic both in Britain and the colonies. Gallows speeches usually began with an account of the condemned's upbringing followed by a confession of guilt and a complete list of all the evil deeds he or she had committed. The condemned person frequently addressed children in the crowd directly, begging them not to make the same mistakes. Finally, the individual confirmed

²⁰⁴ Sharpe, "Last Speeches," 150.

the justness of his or her sentence. This was the most important part of the gallows speech because it confirmed the legitimacy of the sentence.²⁰⁵ William Stephens was careful to note in his journal that two murders hanged in 1740 both “both owned the fact that they died legally...”²⁰⁶

Since the gallows speeches were so important to the legitimization of execution, they were frequently printed in newspapers or as separate handbills that were sold as souvenirs. Although this practice was common in England and in most of the northern colonies, there is little evidence that the people of Georgia and South Carolina did this. In fact, only one example of a gallows speech survives, that of convicted thief William Sikes. According to the *Georgia Gazette*, the South Carolinian addressed his four children and begged “them to lead an honest and regular course of life, lest they should be brought to the like unhappy situation.”²⁰⁷ The reason for this discrepancy may be found in the fact that Georgia and South Carolina had much lower literacy rates than other colonies.²⁰⁸

Once the person had a chance to speak, the execution commenced. Hanging was the general means of dispatching a criminal who committed an offense against the state. Since eighteenth-century gallows construction did not allow the victim to drop, colonial hangings

²⁰⁵ Sharpe, “Last Speeches,” 146-147.

²⁰⁶ Allen D. Chandler, ed. *Journal of Colonel William Stephens: Supplement to Volume IV* (Atlanta, GA: The Franklin Turner Company, 1908), 27.

²⁰⁷ *The Georgia Gazette*, January 14, 1767.

²⁰⁸ The lower literacy rates in the south are the result of two factors: religion and environment. Much of what drove the high literacy rates in the northern colonies was the belief among Puritans and Quakers that individuals should be able to read the Bible for themselves. To this end, they founded schools that ensured that most children had at least a basic education. The Anglican Church, which was the state church in both Georgia and South Carolina, did not place the same value on literacy. The environment of the region further slowed efforts toward education. Since both colonies had a reputation as being unhealthy, particularly for children, those with the means to do so sent their children away to boarding schools in other parts of North America or England. Since elites were sending their children away, there was little interest in funding local schools leaving middling or lower-class individuals with little to no access to formal education. See: Peter McCandless, *Slavery, Disease, and Suffering in the Southern Lowcountry* (New York: Cambridge University Press, 2011).

could be rather gruesome. Without the long drop that broke the victim's neck and killed him or her instantly, eighteenth-century prisoners generally strangled to death. This could be a slow and agonizing death. Often either the hangman or onlookers had to pull on the legs of particularly stubborn prisoners to hurry the process along. Sometimes the victim was mistaken for dead and revived later, forcing officials to go through the entire execution process again. These public hangings, which frequently involved audience participation, not only acted as a crime deterrent, but also gave members of the community closure following the commission of a crime.²⁰⁹

4.3 Corporal Punishment and Public Shaming

While South Carolina and Georgia relied more heavily on the death penalty, it is erroneous to think that execution was the only form of punishment. English law provided for a wide range of corporal punishments for lesser crimes. In Britain, individuals accused of petty theft, adultery, libel, fornication, and other crimes all received their punishments in market places or town squares. Whereas the emphasis in execution was on confession and exhorting the public to avoid sin, public punishments for these crimes emphasized the shame and pain associated with them. There were two types of public shaming that an individual could suffer. Those who were first time offenders usually suffered temporary punishments. They might be whipped through town or forced to stand in the pillory in view of all their neighbors. Often neighbors mocked or threw garbage at them.²¹⁰ Those who repeatedly committed the same types of crimes were subject to more permanent means of shaming. Along with being whipped in public or being made to stand on display in a public space, these offenders usually suffered some

²⁰⁹ Durston, *Crime*, 655-656.

²¹⁰ Durston, *Crime*, 666-667.

form of mutilation that would mark them as a criminal for life. An offender might be branded on the hand or forehead with an “A” if they committed adultery or a “B” if they were a burglar. Since gloves or hairstyles could hide brandings on the hand or forehead, some courts opted for less easily hidden disfigurements and sentenced people to have the tips of their ears cut off or their nose slit. Since such punishments were done in public and were uniformly given out across England, an individual who suffered a branding or some other form of mutilation was marked as a criminal not only in his or her own community but in every community in England. The purpose of such acts was to ensure that the individual not only had to live in shame for the remainder of his or her life but that he or she could never truly enter society as a productive subject again.²¹¹

Public shaming became an essential component of the Colonial American penal system. While other colonies relied heavily on publicly displaying criminals in the stocks or pillory, where emotional pain and embarrassment were the overall goals, Georgia and South Carolina tended to rely almost exclusively on punishments which inflicted physical pain or permanently disfigured the accused. While there are instances of individuals being sentenced to stand in the stocks or pillory, these sorts of punishments were generally used in conjunction with physical chastisement. Magistrates were far more likely to sentence convicts to public whippings, brandings, and facial mutilations. In the first few months of settlement, Georgia magistrates sentenced sixteen individuals to receive 60 to 150 lashes each. Their crimes ranged from merely publicly criticizing the Trustee government to assault and even bigamy.²¹² In one year in South

²¹¹ Alfred F. Young, *Liberty Tree: Ordinary People and the American Revolution* (New York: New York University Press, 2006), 153-154.

²¹² E. Merton Coulter and Albert B. Saye, eds. *A List of the Early Settlers of Georgia* (Athens: University of Georgia Press, 1949). The Trustees of Georgia kept a very detailed list of all the settlers they transported to the colony and all of the settlers who immigrated. These lists contain information on criminal convictions and punishments inflicted.

Carolina, the court heard forty-six cases. Of those forty-six, thirty-two ended in sentences of public corporal punishment including four mutilations (removal of the right ear), six brandings, fourteen whippings, and eight hangings. The remaining fourteen cases ended in acquittal, like that of a young unnamed woman who was acquitted of the charge of theft due to “her beauty and delicate figure,” or the accused was wealthy and received fines.²¹³

While the vast majority of corporal punishments handed down by colonial courts followed British norms, Georgia and South Carolina sometimes experimented with more creative forms of punishment. Both colonies experimented with displaying criminals, who had been whipped, during inclement weather. In other words, officials threw people into the stocks on especially hot days or in pouring rain to increase the physical discomfort of the punishment. These did not draw large crowds but increased the physical discomfort of the punishment to prevent the individual from re-offending. Georgia experimented with a punishment locals referred to as “Ducking.” Not to be confused with the English tradition of dunking malefactors in creeks or ponds, Georgia’s version bore a striking resemblance to keelhauling, a punishment utilized primarily by pirates and privateers, and then only sparingly because it was so terrible. Ducking involved taking an offender out onto the Savannah River in a sloop. A rope was then tied around the offender and the individual was tossed overboard. The ship sailed up and down the river dragging the individual and frequently banging them against the side and bottom of the ship. As with English dunking, this punishment seems to have been used primarily against women, with devastating effect. One witness reported that a woman who was ducked for

²¹³ *The South Carolina Town and Country Gazette*, January 31, 1770 - November 4, 1771. I chose this year because this period had the most complete list of court records and the most cases.

drunkenness was “bruise’d so against the Vessel she was lame for 2 or 3 months after.” The letter writer feared that the woman might be permanently disabled.²¹⁴

Due to the horrific injuries caused by ducking, the threat of the practice was frequently employed as a means of keeping the female population of Georgia subservient to male leaders. In 1743, a series of sexual assaults occurred around Fort Frederica. At first military leaders accused the victims of having carried on consensual relationships with the men they accused, because all of the victims were young, unmarried women who worked as domestics. The rapists, however, soon began to target married women. One of them, Marguerit Fletcher, was attacked in her home while her husband was away. She recognized the men who entered her home as soldiers who served with her husband and she resisted them. Enraged by her resistance, one of the men “Stopt her mouth with his hankerchief and finding she still resisted him, he continued cutting her with the horse whip till the blood gushed from all parts of her body and the poor wretch being spent, he did perpetrate his brutal design.”²¹⁵

Fletcher survived the assault and escaped before the soldier’s companions could have their turns. Her brutal rape caused an uproar in the community. Local women appealed to the captain in charge of those men to do something. The captain, however, ignored their request, denying that any evidence existed that his men were involved. Dissatisfied with his refusal to do anything, several of the women appealed to colonial leaders for justice. These women were met with little sympathy and one tenacious woman, a Mrs. Campbell, was told that if she continued she would be charged with “keeping a disorderly house” and John Calwell “threatened to order

²¹⁴Kenneth Coleman and Milton Ready, eds. *The Colonial Record of the State of Georgia, Volume 20: Original Papers, Correspondence to the Trustees, James Oglethorpe, and Others, 1732-1735* (Athens: University of Georgia Press, 1982), 141.

²¹⁵Allen Candler and Lucian Knight, eds. *The Colonial Records of the State of Georgia, Volume 24: Original Papers, Correspondence, Trustees, General Oglethorpe and Others, 1742-1745* (Atlanta, GA: Charles P. Byrd, State Printer, 1915), 253.

her duck'd" as an example.²¹⁶ The threat hit home and although several colonial leaders commented on the continual rapes, there is little evidence to show that any of the women attempted to seek justice from either the army or the Trustee government.

4.4 Challenges to South Carolina and Georgia's Institutionalized Violence

While the courts of both colonies worked very hard to maintain the necessity and legitimacy of violent punishments even when the mother country and other colonies were dispensing with them that did not mean that such sentences went unchallenged. Throughout the eighteenth century, both South Carolina and Georgia faced criticism from its settlers and colonial leaders who felt that in some way the process was rigged or completely ineffective. After all, it was hard to disguise the fact that lower-class individuals received cruel corporal punishments and wealthy planters paid fines or posted portions of their property as a surety against further unruly behavior. Chief among these complaints was South Carolina's allowance of an obscure bit of English Common Law. Known as Benefit of the Clergy, the law was originally intended to lift the burden for punishing monks and priests off England's secular courts. Benefit of the Clergy allowed any man who could prove he was a member of the clergy to seek prosecution in ecclesiastical courts. All that was required to receive this consideration was for the accused to prove that he was literate. At the time this provision entered Common Law, very few individuals outside of the clergy were literate. As literacy rates increased in England, the function of the law started to change. By the eighteenth century, Benefit of the Clergy was functioning in a manner similar to modern day first offender laws. Magistrates frequently allowed individuals who had

²¹⁶ Candler and Knight, *Colonial Records*, Vol. 24, 285.

committed no previous crimes to plead benefit of the clergy regardless of their literacy and avoid harsh punishments.²¹⁷

In South Carolina, however, the law functioned in a slightly different manner. Instead of using it as method to help first-time offenders, magistrates in South Carolina tended to use the law to help those they believed deserved a lighter sentence. Since it was up to each magistrate to decide if Benefit of the Clergy applied, the application of the law was extremely arbitrary and essentially became a way for wealthy, well-connected individuals to avoid painful or humiliating punishments. Lower-class individuals soon realized that they were receiving harsher sentences and the practice drew criticism from a wide range of individuals. South Carolina's Assembly responded by refining Benefit of the Clergy and narrowing the crimes for which an accused criminal could make use of the law. Under the refined code, persons charged with crimes against the church, some sexual crimes, counterfeiting, and murder were banned from pleading Benefit of the Clergy. In 1776, sedition against the crown was added to the list of crimes. The provision itself remained on the South Carolina's law books until the mid-nineteenth century.²¹⁸

South Carolinians were not the only ones who feared that the colonial courts system might be rigged against them. In Georgia, the Trustees' insistence on banning activities which were legal in Britain, such as consuming rum and liquor, and their overall vagueness about which aspects of Common Law would be enforced, led to confusion on the part of magistrates and settlers. As early as 1735, juries began to question court proceedings. In particular, they took offense at magistrates' attempt to give them instructions. As is the case today, magistrates frequently took the opportunity to educate the jury on pertinent laws and give other legal

²¹⁷ Jodi Schorb, *Reading Prisoners: Literature, Literacy, and the Transformation of American Punishment, 1700-1845* (New Brunswick, NJ: Rutgers University Press, 2014), 193.

²¹⁸ Thomas Cooper, ed. *The Statutes at Large of South Carolina: Third Volume* (Columbia, SC: A.S. Johnston, 1835), 82, 464, 831.

precedents to guide the jury in their deliberations. Though this was a widespread practice, the settlers of Georgia objected to it. The reason for this offense can be found in one of the Trustees' stranger laws. The Trustees' governing laws banned lawyers from immigrating to Georgia and banned anyone with legal knowledge from practicing law. Even those appointed to serve as magistrates had no legal knowledge. As one settler summed it up, "he (the magistrate) tells ye jury the law is so and so none of them being Lawyers, or understanding the law knows not whether he says true or no."²¹⁹ As this anonymous colonist suggests, settlers distrusted the magistrates and frequently suspected them of deliberately attempting to sway juries. This was particularly true when Magistrate Thomas Causton got into the practice of sending juries back to deliberate until they delivered the verdict he wanted.

Frustration and tension continued to build between settlers and magistrates, particularly as magistrates instructed the juries to find individuals guilty and then handed out harsh punishments. These tensions were exploited, with disastrous effects, by cleric John Wesley when he found himself in the docket. In August 1737, Wesley was arrested for a laundry list of charges, many of which stemmed from his unwanted advances toward a married woman, who happened to be Causton's niece, but also included allegations of heresy. Wesley denied that he had pestered or made unwanted advances toward Mrs. Sophie Williamson, testifying that he had neither "spoke in private or wrote to the said Mrs. Williamson, since March 12, the day of her marriage."²²⁰ However, after Mrs. Williamson gave persuasive testimony to the contrary,

²¹⁹ Coleman and Ready, *Colonial Records*, Vol. 20, 375.

²²⁰ Nehemiah Curnock and Bishop Gerald Kennedy, eds., *The Journal of John Wesley* (New York: Capricorn Books, 1963), 29. The altercation between John Wesley and Sophia Williamson is complicated. Before her marriage, he had been one of her guardians but had developed more than fatherly feelings for her. Feelings which "Miss Sophie," did not return. However, the apparent stalking is heavily contested. The modern United Methodist Church controls John Wesley's papers and journals. The vast majority of the published journals are heavily abridged to make it seem as though the charges were the creation of Causton. However, one unabridged copy from 1909 does exist. It gives a very different version of events. In the unabridged version, Wesley admits to visiting Williamson no less than four times after her marriage despite the fact that both she and her husband had

Wesley changed tactics and pled guilty to the heresy charge. He then demanded he be sent back to London to stand trial in the ecclesiastical courts. This was a shrewd move on Wesley's part. The heresy charge stemmed from his baptizing two children without the proper number of witnesses. Wesley knew that while he had not followed proper procedure and would face censure in London, the Bishop of London would probably not view this as heresy and he would escape with little to no long-lasting consequences. This idea apparently occurred to Magistrate Causton as well and he denied Wesley's request to be sent to London, arguing that Wesley should stand trial for his secular crimes first.²²¹

At first, Wesley attempted to convince the jury that the charges against him were a fabrication created by Causton to discredit him, an allegation that carried some weight with the jury as Causton had a reputation as a man "noted for severities and revenges to ye uttermost but not for one sole generous good action."²²² Initially, the colony's other justices decided to postpone Wesley's trial so that they could investigate these accusations. Not content with this, however, Wesley and some of his most devout followers returned to the court the very next day, "In a menacing manner, crying out liberty, calling to the people to remember they were English men." Wesley's speech confirmed settlers' fears that better-educated, wealthy elites were taking away their liberties. The accusations carried even more weight because Wesley was a minister. Listening to Wesley, the crowd of spectators became so acrimonious that William Stephens noted in his journal that the justices, "apprehensive of being mobb'd and turned off the bench," fled.²²³ Wesley's incendiary rhetoric tore the colony into two factions: the magistrates and

asked him to stop. He also admits to threatening her with eternal damnation if she did not allow him to visit her daily. See: Nehemiah Curnock, ed. *The Journal of the Reverend John Wesley* (London, UK: The Epworth Press, 1909).

²²¹ Chandler, *Stephen's Journal*, 13-19.

²²² Coleman and Ready, *Colonial Records*, Vol. 20, 375.

²²³ Chandler, *Stephens' Journal*, 19.

justices and the settlers. In the days that followed, “Constables...neglected due execution of warrants, whereby Justice was defeated.”²²⁴ During the unrest caused by his speech Wesley “shook off the dust of my feet and left Georgia”²²⁵

Although Wesley was gone, the damage he had done with his speech remained. The remainder of the court session was canceled. When the courts reopened the following January, Causton assured both jurors and witnesses that the Justices would work with the jurors to “preserve all their just rights, as well as the publick peace.”²²⁶ While for a brief period the courts did proceed without disturbance, it was not long before the jury raised the question of whether or not they had the right to call witnesses back to the stand to clear up aspects of their testimony and to even call individuals who jurors felt might know something about the case. Although, the justices, Stephens, and other colonial leaders attempted to persuade them that no such power was given to jurors under Common Law, several people present swore that they had witnessed juries doing these things in England. Attempts to dissuade them only led to more fears that colonial leaders were trying to subvert justice and take away the rights of people.²²⁷

In an ill-conceived attempt to get on with the business of the court, Causton, who was a Freemason, began calling juries made up exclusively of his fellow Masons. This led to a widespread belief that there was a conspiracy afoot and that the Freemasons were plotting to take over the colony. This theory gained traction when a Freemason meeting got a bit rowdy and several drunken Masons “went to the guard, cut the captain down the head and disarm’d the rest

²²⁴ Chandler, *Stephens’ Journal*, 19-20.

²²⁵ Curnock, *The Journal of John Wesley*, 31.

²²⁶ Chandler, *Stephens’ Journal*, 65.

²²⁷ Chandler, *Stephens’ Journal*, 89, 100, 155. Georgians’ insistence that they had the right to call people to the bench and swear them in is bizarre because it does not appear to be part of Common Law. It seems probable that people who had witnessed trials really did not understand some intricate legal procedure and completely misunderstood the situation.

carrying the arms away.”²²⁸ The weapons were never recovered but the Masons admitted the captain of the guard to their society and as one settler observed “the thing was dropt.”²²⁹

Discontent between settlers and the Trustees’ court system continued to mount; particularly as Causton’s corruption became increasingly more difficult to ignore or defend. At one point, William Stephens urged the Trustees to reconsider their laws and to bring Georgia’s penal code into alignment with that of England and the other colonies. He confided to his journal that if the Trustees did not listen to reason, he believed that there would be an uprising of those who could not flee the colony. The mass uprising Stephens predicted never materialized largely because the collapse of the Trustee government and the establishment of royal authority led to more even application of the law.

4.5 Regulation, Community Discipline, and Dueling

It was not just the severity of colonial courts that drew criticism. Many settlers living on the edges of Georgia and South Carolina often felt that the established courts did not do enough to punish criminals and prevent crimes. While the court system held the most power for inflicting punishment, this did not stop private individuals or groups of individuals from taking the law into their own hands. Acts of vigilantism had a long history in England; for generations state, church, and colonial officials encouraged citizens to police their neighbors. Generally, they wanted citizens to inform on their neighbors or turn them in to proper authorities. However, villagers and townsfolk frequently saved the official courts the trouble and took care of matters themselves.²³⁰ Groups of average citizens banded together to punish a wide variety of infractions

²²⁸ Coleman and Ready, *Colonial Records Vol. 20*, 141.

²²⁹ Coleman and Ready, *Colonial Records, Vol. 20*, 141.

²³⁰ Tim Harris, *London Crowds in the Reign of Charles II: Propaganda and Politics from the Restoration until the Exclusion Crisis* (Cambridge, UK: Cambridge University Press, 1987), 22; Martin Ingram, “Ridings, Rough Music and the ‘Reform of Popular Culture’ in Early Modern England,” *Past and Present* 105, (November, 1984): 80.

that were generally moral or social in nature. Some behaviors punished by such groups were not technically illegal, others were simply deemed more appropriately punished by those who knew both the victim and the accused. This was particularly true in Pennsylvania, where the law allowed residents of small towns to bypass the court system entirely. Citizens could simply gather at the local meetinghouse and decide an individual's guilt, choose a punishment, and carry it out.²³¹

According to Natalie Zemon Davis, riots or group actions that targeted people who transgressed moral or social codes were like a community purgative. Acts such as adultery, fornication, and bastardy not only placed a strain on the community's resources and unity; they also threatened to pollute the entire community. According to Davis, "Pollution was a dangerous thing to suffer in a community...for it would surely provoke the wrath of God."²³² This wrath might come upon the village in the form of floods, storms, droughts, or deadly disease. From the point of view of many English people, it was better to risk the wrath of the law than the wrath of God.²³³

Religious fervor was not the only driving force behind England's history of vigilante violence, however. During the enclosure movement, groups of farmers attacked aristocrats and their property because they believed the aristocracy was trying to steal their land and their livelihood.²³⁴ In cases such as these, E. P. Thompson argues that the people were not acting out of a fear of pollution or economic collapse. In these cases, people were motivated by the opinion that they were defending tradition. Those who took part in these acts were secure in the

²³¹ Preyer, "Penal Measures," 335-336

²³² Natalie Zemon Davis, *Society and Culture in Early Modern France: Eight Essays* (Stanford, CA: Stanford University Press, 1975), 159.

²³³ Davis, *Society and Culture*, 157-159.

²³⁴ David Underdown, *Revel, Riot, and Rebellion: Popular Politics and Culture in England, 1603-1660* (Oxford, UK: Clarendon Press, 1985), 106-107.

knowledge that they had the backing of the rest of the community and sometimes the backing of the law. Thompson argues that this “popular consensus” was often strong enough to allow people who would normally not commit such acts to feel justified in acting out.²³⁵ These feelings of justification were probably fueled by the fact that few mob leaders were punished and those that were usually received the lightest sentences. Those who did voice objections, tended to do so because such actions could get out of hand or could cause permanent rifts in the community.²³⁶

English traditions of community violence continued in the colonies, and South Carolina and Georgia were no exceptions. It is important to note that vigilantism in these two colonies was quite different from the mob-like vigilantism found in England or in the northern colonies. In those areas, vigilantism was largely the purview of lower class individuals and was generally disavowed by elites. Since the ability of southerners to control their society through violence hinged on the delegation of power to the lower classes, elites were intimately involved in acts of vigilantism. In Georgia and South Carolina, vigilante actions usually had the endorsement and the leadership of local landed elites. The best known and best organized of these elite led vigilante groups were the South Carolina Regulators.

Although the Regulation movement did not begin until the 1760s, the roots of the problem stretched back to the earliest days of settlement. Since South Carolina was always intended to be a plantation economy, much of the arable land along the coast was bought up by wealthy men for the cultivation of cash crops. As the years progressed, poorer individuals and new settlers were forced further onto the frontier to find land. Although the colony was

²³⁵ E. P. Thompson, “The Moral Economy of the English Crowd in the Eighteenth Century,” *Past & Present*, no. 50 (February, 1971): 78.

²³⁶ Ingram, “Ridings,” 105.

expanding, infrastructure was not keeping pace. This meant that frontier communities had no reliable law enforcement and no courts as all the colony's courts met in Charleston. Though frontier settlers complained about the inconvenience of having to go all the way to Charleston to seek justice for crimes committed against them, their grievances did not bring them together until after the Anglo-Cherokee War. The war disproportionately affected those on the frontier and the colonial government did little to help the settlers deal with the economic issues caused by the conflict. This led to increased lawlessness. The problem became so great that in July 1767, *The South Carolina Gazette and Country Journal* noted that unless something was done to curb the "cruel and barbarous proceedings" the frontier was likely to be abandoned by all decent folks.²³⁷ Officials attempted to apprehend some of the more troublesome outlaws but ultimately all of them were pardoned by the governor and released back into society. The governor's actions confirmed many frontier settlers' suspicions that landed elites on the coast did not care about threats to western frontier society.²³⁸

It was the release of these criminals that caused a general uprising on the frontier. A group of settlers entered the outlaw camps "burning their cabins and camps - taking away the goods and horses, and the young girls they had carried off."²³⁹ The settlers continued pursuing criminals as a sort of informal mob until a popular Justice of the peace, James Mayson, was captured by the outlaws. Although Mayson was not harmed and was soon released, his kidnapping sparked a desire on the part of wealthy settlers to mobilize the popular anger and create a formal police force firmly under their control and leadership. Taking the name Regulators, the group declared that they meant to regulate the frontier. Those who signed the

²³⁷ *The South Carolina Gazette and Country Journal*, July 27, 1767.

²³⁸ Richard Maxwell Brown, *The South Carolina Regulators* (Cambridge, MA: Harvard University Press, 1963), 1-6.

²³⁹ *South Carolina and American General Gazette*, August 14, 1767.

“Plan of Regulation,” effectively made themselves the police, judges, juries, and executioners of any criminals they apprehended. The Regulators, however, did not stop with enforcing the laws of South Carolina. They also expressed a desire to regulate the social and moral behavior of their fellow settlers.²⁴⁰

Since South Carolina was the only colony that did not have any laws concerning vagrancy, the Regulators concentrated on the causes of frontier poverty.²⁴¹ They investigated impoverished families and if they found them to be poor through no fault of their own, they encouraged neighbors to step in and help. If it was determined that they were poor out of idleness, they were whipped or even run off their land. Far from being put off by this, settlers freely informed on their neighbors and even members of their own families. Women saw regulation as a means of getting help with husbands who neglected or abused them. In 1768, a Mrs. Dozier appealed to the Regulators to help her. She claimed that her husband refused to work or provide for her and their children in any way leaving them destitute. When she begged him to do something to keep the children from starving, he beat her. A Regulator named Samuel Boykin took it upon himself to investigate the woman’s claims and finding her husband to be an idle person, Boykin and two other Regulators dragged Mr. Dozier out of his home, stripped him, tied him to a tree, and whipped him with a horsewhip. After the beating, Boykin reported, Dozier “did work and lead a better life.”²⁴²

Nearly four thousand men in South Carolina ultimately signed the “Plan of Regulation” and participated in the movement but despite its popularity on the frontier, Regulation caused a great deal of concern for those living on the large plantations of the tidewater. Even though the

²⁴⁰ Brown, *Regulators*, 40-41.

²⁴¹ Brown, *Regulators*, 40-41.

²⁴² Edward M. Boykin, *History of the Boykin Family* (Camden, SC, 1876),18.; Brown, *Regulators*, 50-51.

Regulators sought to provide a service that the colonial government would not, they were still a vigilante force. As the Regulators turned their attention away from hunting down acknowledged criminals and started to try and control the morals of their fellow settlers, concerns mounted that they might expand their “Plan of Regulation” to other parts of the colony and at four thousand strong, the Regulators had an army capable of wreaking havoc. However, governmental attempts to stop the movement through violence were generally unsuccessful. It was not until the Assembly passed the Circuit Court Act of 1769 and began to set up functioning courts on the frontier that the movement gradually dissolved. In 1772, the governor officially pardoned those who had led the movement, conceding that those who took part had done so out of concern for their homes and families.²⁴³

While group violence tended to dominate eighteenth-century vigilantism in Georgia and South Carolina, individual acts of retaliation did occur. The most interesting of these actions was the practice of dueling among the planter class. Dueling was a highly ritualized form of honor defense, which was popular with upper-class men throughout Colonial America and Europe. Dueling involved a man challenging another to combat to avenge real or perceived insults. Though there were several ways to do this, most duels fought in Georgia and South Carolina were fought with pistols. Rapiers, however, were also an option. Despite the widespread acceptance of the practice as the gentlemanly way to settle a disagreement, dueling was technically illegal in both colonies. However, the act was rarely prosecuted if it was done discreetly, even when it ended in the death of one or both participants. There are a couple of reasons for this. First, the social position of those involved made them above the law and the perceived damage that idle words could do to that position, were deemed acceptable reasons for

²⁴³ Brown, *Regulation*, 113-119.

a violent confrontation. Secondly, the ritual surrounding dueling seemed to set it apart for simple assault or attempted murder in the minds of many.²⁴⁴

At the heart of every duel was an insulting allegation aimed at a gentleman or his family. Accusations could range from immorality to deception but usually they focused on political corruption or bad business dealings. In 1771, Dr. John Haly and Post Master General Peter Delancey fought a duel in Holiday's Tavern after Haly alleged corruption on the part of Delancey.²⁴⁵ Just a few years later in 1777, Signer of the Declaration of Independence, Button Gwinnett, challenged Lachlan McIntosh to a duel following McIntosh's very public accusation that Gwinnett was an inept politician. Not all duels, however, had such clean-cut causes. Sometimes there was an exchange of insults before a duel occurred, as was the case with Henry Laurens and John Grimke. In October of 1775, Grimke accused Laurens of "Duplicity" in his business dealings with Grimke's father. He claimed to have proof and demanded that Laurens admit his fault before he released his proof. Laurens countered by publicly insinuating that Grimke was a thief because the only way he could have gotten proof was by stealing private correspondence. Grimke then declared that he would have challenged Laurens to a duel if Laurens were not so old and senile. For the fifty-one year old Laurens, the allegation that he was old was the last straw and he declared: "Although it is true that I am an oldish man...if he will name his time, place, and weapons, I will walk over the ground, at that very time, armed in proper sort... and he shall find my age, though near thrice his own, shall not protect him."²⁴⁶

²⁴⁴ Christopher G. Kingston and Robert E. Wright, "The Deadliest of Games: The Institution of Dueling," *Southern Economic Journal*, Vol. 76 (April, 2010), 1094-1095.

²⁴⁵ *The South Carolina and American General Gazette*, August 19, 1771.

²⁴⁶ David R. Chesnut, ed. *The Papers of Henry Laurens: Volume 10: December 12, 1774 - January 4, 1776* (Columbia: University of South Carolina Press, 1985), 460, 466.

It is difficult today to understand why spoken accusations that had little or no evidence of truth could lead reasonable people to attempt to murder each other. However, spoken allegations carried great weight and could have serious ramifications. Although the planter class of Georgia and South Carolina appeared to be incredibly wealthy, this was often an illusion. The wealth of the upper classes was bound up in their land and slaves. This meant that they usually had very little cash on hand and lived largely on credit extended by businesses and friends. Allegations of corruption or even old age and senility, when made by a respectable member of society, carried weight and might make creditors think twice about extending credit. This in turn could financially ruin a family. For the dynasty-obsessed planters of the colonial south, this was a catastrophe that warranted swift punishment and simply suing someone for slander was not fast enough or brutal enough to clear the individual's name. Fighting a duel was the only way to ensure that potential creditors knew the individual involved vigorously denied the allegations made against them. Since English law upheld the right of a man to protect his family, it was easy for southern courts to see dueling as a form of family protection.²⁴⁷

Aside from protecting a family's livelihood, duels involved a strict set of rituals that conferred on it a level of civility that set it apart from common assault in the minds of the upper class. The wronged individual did not simply pick up a weapon and take shots at the person who offended them like Thomas Watson had done to Mary Musgrove. Duels involved planning. Challengers chose locations, times, and weapons with care. Another vital component of a duel was witnesses or seconds, who were there to assist the participants and to ensure that all the rules were followed to the letter. Following these rules and rituals offered some protection from prosecution as evidenced by one of the witness statements taken after the Grimke/Laurens duel.

²⁴⁷ Kingston and Wright, "Dueling," *Southern Economic Journal*, 1095.

On the day of the duel, Grimke took offense to Laurens' choice of second. It is not clear why he was opposed to John Gervais' presence at the duel but Grimke demanded the man leave, as he had no business there. Gervais pointed out that as part of the ritual Laurens had a right to choose whomever he wanted to stand with him and Grimke had no right to object. When Grimke continued to object, Gervais demanded to know if Grimke had "come to murder Mr. Laurens."²⁴⁸ He went on to warn Grimke that if he continued to try to manipulate the duel, he might be accused of just that, showing that in the minds of the participants the line between murder and an acceptable duel was adherence to the ritual.²⁴⁹

Despite the court's lack of interest in prosecuting dueling, the practice did draw criticism from members of the public. In 1769, the *Georgia Gazette* published a moral story on the evils of dueling. The story featured a bridegroom who, rather predictably, is slain in a duel on the eve of his wedding. When his family is told the news, his sister drops dead, his fiancé goes insane with grief, and his best friend attempts suicide.²⁵⁰ While this story is clearly overly dramatic, it does raise a valid point. Duels that ended in the death of one or both participants left behind grieving families. The point of the story was not to condemn dueling per se but to discourage young men from entering into frivolous duels over slights to "imaginary honour."²⁵¹ An act such as a duel was a serious affair, which could end in death therefore, an individual should think hard before engaging it. This fact was reinforced by the *South Carolina and American General*

²⁴⁸ Chesnutt, *Papers of Henry Laurens*, 496.

²⁴⁹ Grimke and Laurens did proceed with their duel. However, when Grimke's pistol would not fire, Laurens declared himself the winner, arguing that fate had decided in his favor. This led to Grimke demanding a rematch with a set of swords. Laurens refused citing the fact that neither of them knew how to fence. Ultimately, the two men traded more insults and then let the whole thing drop. See: Chesnutt, *Papers of Henry Laurens*, 492-497.

²⁵⁰ Ferdinand O'Brien, "The Dreadful Effects of Dueling," *The Georgia Gazette*, (Savannah, GA: Joseph Johnston, October 25, 1769).

²⁵¹ O'Brien, "Effects."

Gazette's coverage of the Haly/Delancey duel, which spends much of its time offering condolences to the Delancey family following his death.²⁵² Even though no one died or was even injured in the Grimke/Laurens duel, Laurens was criticized by a friend who wrote to him: "Certainly under the present circumstances of America, the blood of her sons ought not to be shed by any hands but those of the common enemy."²⁵³ The letter goes on to shame Laurens for not being the bigger man and allowing himself to be caught up in a duel during a time of unrest between the colonies and the mother country. Although these examples point to the fact that Georgians and South Carolinians were aware of and concerned with the physical toll which dueling took on society, none of them really advocate for enforcement of anti-dueling laws or an end to the practice. They merely counseled caution. The practice itself survived the Revolution and continued to be a prominent part of upper class society well into the late nineteenth century.

Brutal violence remained an integral part of the South Carolina and Georgia penal systems well into the nineteenth century.²⁵⁴ Through ritual and publicity, colonists could legitimize certain acts of violence that they deemed necessary for maintaining an ordered society. Since most people saw violence as a logical way to punish the wicked, acts that were disciplinary in nature automatically achieved a sort of legitimacy in the minds of the public. By allowing the public to witness punishments, citizens always knew what the wages of crime were. Furthermore, their presence and the strict adherence to ritual kept punishment proportional to the crimes, for the most part, even when settlers, took the power of punishment for themselves.

²⁵² *The South Carolina and American General Gazette*, August 19, 1771.

²⁵³ Chesnutt, *Papers of Henry Laurens*, 578.

²⁵⁴ Durston, *Crime*, 666.

5 WARS AND RUMORS OF WARS: THE DIPLOMACY OF VIOLENCE ON THE SOUTHERN FRONTIER

The Sordid wretch! May he be doubly cursed,
That leagu'd in friendship with an Indian first!
For filthy gain his native freedom sold,
And to a savage bow'd for cursed gold.
Each one of this infernal, treach'rous race,
Wou'd cut your throat, while smiling in your face

“A Poem on Indians”²⁵⁵

The frontiers of South Carolina and Georgia were turbulent places where cultures clashed, violently at times. They were places where two very different cultures met, interacted, and attempted to live together. However, the frontiers of the southernmost colonies differed from their northern neighbors in two very important aspects. First, the Cherokee and Creek peoples who lived on the western borders of South Carolina and Georgia were not scattered tribal peoples decimated by disease. They were powerful, well-organized nations. Secondly, whereas promises of lucrative trade in European goods had helped to grease the wheels of diplomacy in other colonies, the Creek and Cherokee already had trade agreements with Spain and France. They did not necessarily need or want agreements with British settlers. This meant that British settlers and officials had to work harder to secure the support of these peoples. The Native Americans, however, did not necessarily have the upper hand in all negotiations. The Creek and Cherokee were well aware of what had happened to other groups when they met the British. They knew that settlers would continue to demand more and more land. Therefore, keeping their land and autonomy meant that the Creek and Cherokee would have to keep British officials either sympathetic to them or afraid of them. This created a sort of tug of war between the two groups over who would have control of the backcountry in which violence and the threat

²⁵⁵ *The Georgia Gazette*, December 14, 1768.

of violence played a pivotal role in diplomacy. For South Carolinians, violence against Native women became a mechanism of control and intimidation, ultimately leading to two wars. For Georgians, the overwhelming fear that the Creek Nation would rise up and destroy the colony influenced not only Anglo-Creek relations but also colonial and imperial politics.

5.1 Gender and War on the South Carolina Frontier

When the English first arrived in Carolina in 1670, they met with numerous, well-organized indigenous groups including the Cherokee, Creek, Chickasaws, and Choctaws, as well as other smaller groups like the Yamasee.²⁵⁶ Relations between these Native American groups and white settlers, though cautious were not immediately acrimonious. Carolina's proprietors were eager for settlers to become involved in the lucrative fur trade and Native Americans were open to trade agreements with England since such agreements could provide them with a diplomatic advantage in their dealings with Spain and France. However, as Carolina transitioned into a plantation-based economy, trade dropped off and relations quickly soured between the English settlers and Native Americans.²⁵⁷

By 1700, diplomacy between colonial officials and the various Native American groups began to break down. Even average settlers noticed a change in their Native American neighbors' behavior toward them. In 1712, Reverend Francis LeJau wrote to the Secretary of the Society for the Propagation of the Gospel in Foreign Parts, that the Native Americans living within his parish had suddenly started to "goe their own way" and had "little conversation among

²⁵⁶ In both the primary and secondary source materials, spellings of the word "Yamasee" vary. The two most common forms of the word are "Yamassee" and "Yamasee." For the purposes of this project, I have chosen to utilize the spelling "Yamasee" as that spelling is most commonly used in recent scholarship.

²⁵⁷ Steven J. Oatis, *A Colonial Complex: South Carolina's Frontiers in the Era of the Yamasee War, 1680-1730*. (Lincoln: University of Nebraska Press, 2004), 1-4; Christina Snyder, *Slavery in Indian Country: The Changing Face of Captivity in Early America* (Cambridge, MS: Harvard University Press, 2010), 46-47.

us.”²⁵⁸ This struck him as odd because relations between the two groups previously had been cordial. By 1715, it was clear that trouble was brewing, particularly with the Yamasee people. In early April of that year, the Governor of Carolina organized a meeting between the colony’s Indian traders, British officials, and the Yamasee people in hopes of heading off a possible conflict. On April 14, the negotiators, led by Indian Agent Thomas Nairne, arrived in the Yamasee’s principle town, Pocotaligo. The Yamasee welcomed them; the two groups exchanged speeches and gifts. The British negotiators went to bed believing that everything had gone well and that all the problems between the two peoples would be settled in quick fashion. However, the next morning, the delegation was awakened by the sounds of drums in Pocotaligo. Before anyone knew what was happening, Yamasee warriors entered the British camp and slaughtered most of the delegates. They then raided the surrounding British villages and farms, killing settlers and taking others as captives. Those who survived the initial slaughter were “put to death with torture in the most cruel manner in the world...” Special attention was given to Nairne who was “Loaded...with a great number of pieces of wood, to which they set fire, and burnt him in this manner so that he suffered horrible torture, during several days before he was allowed to die.”²⁵⁹ As historian William Ramsey observed, “Clearly, the Carolinians had neglected an important step in the dialogue.”²⁶⁰

In the days following the Good Friday Massacre, the Yamasee gathered their allies. Angered by their own ill treatment, most of the neighboring indigenous groups including the

²⁵⁸ Francis LeJau to the Secretary, February 20, 1712, in *The Carolina Chronicle of Dr. Francis LeJau, 1706-1717*, ed. Frank J. Klingberg (Berkeley, 1956), 109.

²⁵⁹ Cecil Headlam, ed. *Calendar of State Papers: Colonial Series: America and West Indies, August, 1714-December, 1715* (London: Published by H.M.S.O., 1928) Accessed through: eBook Collection (EBSCOhost), 167-168.

²⁶⁰ William L. Ramsey, *The Yamasee War: A Study of Culture, Economy, and Conflict in the Colonial South* (Lincoln: University of Nebraska Press. 2008), 1. See also Oatis, *Colonial Complex*, 1.

Creeks, Catawbas, and Choctaws joined together to create one of the largest Native American coalitions ever formed to oppose the British. Gary Nash has noted, this coalition came “as close to wiping out the European colonists as ever they came during the colonial period.”²⁶¹ The Yamasee War was, in many ways, a watershed moment in Carolina history. Its causes, however, are murky. Traditionally, early American historians have attributed the war to the usual suspects: encroachment on Native lands and attempts at economic/cultural domination.²⁶² More modern approaches have looked at cultural exchanges and ecological pressures to explain the anger of the Yamasee and their allies.²⁶³ While each of these approaches sheds light on aspects of the conflict, they tend to devolve into a narrative of dispossessor versus dispossessed, which shifts attention away from a very important component of the conflict, widespread violence against Native American women.²⁶⁴

In many ways, meaningful exchanges between Native Americans and British settlers were spoiled not just by their political differences but also by their vastly different views on gender relations. Southeastern Native American groups were matrilineal societies. This means that Native American women played active and important roles in tribal politics. Any children born into a marriage inherently belonged to the mother and her family and women made most of the decisions for the family. As one English observer put it: “the women Rules the Rostt and

²⁶¹ Gary B. Nash, *Red, White, and Black: The Peoples of North America* (Los Angeles: University of California Press, 1974), 123.

²⁶² For more on the traditional interpretation of the Yamasee War see: Verner W. Crane, *The Southern Frontier, 1670-1732* (New York: 1925), 137-138. John R. Swanton, *The Early History of the Creek Indians and their Neighbors* (Gainesville, FL, 1922), 97; John Philip Reid, *A Better Kind of Hatchet: Law Trade and Diplomacy in the Cherokee Nation during the Early Years of European Contact* (University Park, 1976), 52-55; Nash, *Red, White, and Black*, 123-125.

²⁶³ For a summation of ecological and cultural pressures exerted on indigenous peoples see: Richard L. Haan, “Trade Do’s Not Flourish as formerly:” The Ecological Origins of the Yamasee War of 1715’ *Ethnohistory*, Vol. 28 (Autumn, 1981), 341-358.

²⁶⁴ William Ramsey is the first modern historian to look seriously at the effects of violence against women on interracial relations on the Southern frontier. See: Ramsey, *The Yamasee War*, 16-17.

were the brichess.”²⁶⁵ This view of women was diametrically opposed to that of English people. As previously discussed, European women had little to no legal rights within marriage and husbands retained the legal right to administer physical chastisement to their wives. English women, even married women, who worked outside the home or led any sort of public life, risked being classed as “common,” a designation that opened them up to rape and other forms of sexual predation.²⁶⁶ Carolina men appear to have transferred their beliefs about proper gender roles to Native American women. Those whom they married were expected to act like European women; when these women did not, white men exercised their right to punish their wives. When they encountered Native American women conducting business or diplomacy, they drew on their own cultural norms to rule these women as sexually available and used them as such. Groups like the Yamasee, Cherokee, and Creek were shocked by the way that English men treated their own women and they were deeply offended when Native American women were treated in a similar manner.²⁶⁷

Between 1710 and the beginning of the Yamasee War in 1715, Native Americans lodged thirty complaints with the Commissioners of the Indian Trade, the majority of which involved white men abusing Native American Women. English traders reported a further thirty-two cases of violent abuse.²⁶⁸ The clear majority of these cases were essentially domestic violence complaints like that filed against trader Alexander Nicolas who “beat a woman he kept for his

²⁶⁵ Quoted from Ramsey, *Yamasee War*, 16.

²⁶⁶ Laura Gowing, *Common Bodies: Women, Touch and Power in Seventeenth-Century England* (New Haven, CT: Yale University Press, 2003).

²⁶⁷ Ramesey, *Yamasee War*, 16-17.

²⁶⁸ W.L. McDowell, ed. *Colonial Records of South Carolina: Journals of the Commissioners of the Indian Trade, September 20, 1710 - August 29, 1718* (Columbia: South Carolina Archives Department, 1955), Indian Complaints: 3-5, 9, 11, 18-19, 23, 26, 37-38, 42-43, 49-50, 52-53, 57, 59-60. English Complaints: 5-6, 11-13, 17-18, 20-23, 25, 27-28, 38, 41-43, 46-47, 57-5.

wife so that she dyed and the child within her.”²⁶⁹ Others showed a blatant disrespect for Native American women in general such as the case of Phillip Gilliard who “took a young Indian against her Will for his wife.” He then “Cruelly whipped her” when she resisted his sexual advances.²⁷⁰ Nicolas had a further complaint lodged against him because he beat two other Yamasee women, including the king’s sister when they confronted him about the death of his wife.²⁷¹

As instances of violence against women mounted, Native Americans sounded the alarm. King Altimahaw of the Yamasee complained in 1712 that his warriors dared not leave their villages to hunt because they feared English men would “beat their wives.” This was having disastrous effects on the Yamasee’s economy and overall way of life.²⁷² This points to a more sinister side to the whole affair. White men were not just treating Native American women as they would English women, they were using violence against women as a means of controlling Native Americans. As long as Native American men were concerned about the safety of their wives and daughters, they would be far less likely to leave their homes and cause trouble for settlers who were slowly encroaching on their hunting lands.²⁷³ Evidence that violence against Native women was not only tolerated but institutionalized as part of policy may be found in the fact that the Commissioners of Indian Affairs never took any of these complaints seriously. With these varying attitudes on the proper treatment of women, it is not hard to see why LeJau saw a noticeable cooling off between his parishioners and their indigenous neighbors and a desire to keep their wives and children away from the English settlement.

²⁶⁹ McDowell, *Journals*, 37.

²⁷⁰ McDowell, *Journals*, 4.

²⁷¹ McDowell, *Journals*, 37.

²⁷² McDowell, *Journals*, 37.

²⁷³ Andrea Smith, *Conquest: Sexual Violence and American Indian Genocide* (Cambridge, MA: South End Press, 2005), 7-35.

The wholesale abuse and threats of violence against Native American women coupled with unfair trade agreements and conflicts over land ownership ultimately led to a full-scale war between Carolina and almost all of their Native American neighbors. The Yamasee War lasted three years and ended in the deaths of over four hundred settlers and countless Native Americans. It also fundamentally changed Carolina. As a result of the conflict, the proprietary government collapsed leading to the conversion of Carolina into a royal colony and its eventual partition into North and South Carolina. It also permanently soured relations between the Carolina settlers and the Creek, who moved further south but remained a potent threat to the colony's safety due to their alliance with Spain. As the threat from the hostile Creeks and Spain grew, South Carolinians called for a buffer colony between themselves, the Creek Nation and their new Spanish allies. However, the Yamasee War did not stop South Carolinians' desire or need for strong ties with Native Americans living on their borders. They now concentrated on strengthening ties with the Cherokees and Chickasaws.²⁷⁴ However, British officials did not learn from the mistakes that led to the Yamasee War and they continued to allow predation on Native American women as a means of controlling the Cherokee.

When Carolinians first encountered the Cherokee, they were nearly 20,000 strong with around 6,000 men who were dedicated warriors.²⁷⁵ The Cherokee lived in sixty villages near the Appalachian Mountains. The geography of their homeland kept them relatively insulated from European contact. Though they did enter into trade agreements with the British, they did not

²⁷⁴ William Ramsey, "‘Something Cloudy in Their Looks’: The Origins of the Yamasee War Reconsidered" *The Journal of American History*, Vol. 90 (June, 2003), 44-45.; Edward J. Cashin, *Guardians of the Valley: Chickasaws in Colonial South Carolina and Georgia* (Columbia: The University of South Carolina Press, 2009)1-4.

²⁷⁵ John Oliphant, *Peace and War on the Anglo-Cherokee Frontier, 1756-1763* (Baton Rouge: Louisiana State University Press, 2001), 1-2.

develop extremely close ties with them. Cherokee leaders had seen that developing close ties with the English frequently led to Native Americans losing their autonomy and eventually their lands. The Carolinians were no more comfortable with the Cherokee. For much of the colony's existence, the Cherokee vastly outnumbered white settlers. Even after the 1738 smallpox epidemic killed nearly half their population, the Cherokees could still field a formidable army. Even though the two peoples were technically at peace, there was a distinct unease between colonists and Cherokees, so much so that the British government authorized the building of forts all along the frontier as a show of force. However, it was not long before the soldiers stationed at those forts began to exercise their own form of control over the Cherokees living near the forts. They began to abuse the Cherokee women who came to the fort to conduct trade. Soldiers also began to enter Cherokee villages when the men were away and attack the women left behind.²⁷⁶

Though Cherokee leaders protested these acts of violence, they were met with much the same response that the Yamasee received. Therefore, in 1758, Cherokee warriors began attacking frontier settlements in retaliation for both the assaults and the slow encroachment of white settlements. White settlers began making their own raids and in short order an undeclared war was raging on South Carolina's frontier. In 1759, fifty-five Cherokee leaders received an audience with South Carolina Governor William Lyttleton. Both parties hoped to avert a war and to that end, the Cherokee spelled out their problems. While the native speakers touched on the fact that they felt settlers were encroaching on their lands, they spent most of their time outlining the problem of white men abusing Cherokee women. Tistoe, one of the Cherokee warriors, put the matter succinctly. Soldiers stationed in the frontier forts, particularly a

²⁷⁶ Oliphant, *Peace and War*, 1-9.

Lieutenant Coytmore, “goes into our houses and draws our women from us... and has to do with our women at his own pleasure.”²⁷⁷ Indian trader, James Adair backed up Tistoe, stating that he knew many of the men at the forts frequently “forcibly violated some of their wives...while their husbands were making their winter hunt.”²⁷⁸ Unfortunately, neither Governor Lyttleton nor South Carolinians in general took this as a viable reason for the attacks on their settlements, with *The South Carolina Gazette* referring to the Cherokees’ concerns about the treatment of their women as “pretended” offenses.²⁷⁹

Still, war might have been prevented had Lyttleton not continued to give offense to the Cherokee delegation. During his tenure as Governor of South Carolina, Lyttleton had become fixated on the idea that all southeastern Indians Affairs should be handled by South Carolina, with himself playing a lead role. He believed that all Native Americans should be forced into subservience to the British Crown and he thought he was the man to do it. Not only did he disregard Cherokee complaints, he rejected the gifts they brought and demanded that they give up their sovereignty and become subjects of the King. When the Cherokee refused, Lyttleton pushed the South Carolina Assembly to declare war on the Cherokee. The resulting conflict lasted nearly four years.²⁸⁰

The Anglo-Cherokee War, though largely overshadowed by the Seven Years War, had profound effects on British policy toward Native Americans. In the aftermath, Parliament took away the right of individual governors and colonial agents to deal with Native Americans and created a well-organized bureaucracy to handle Indian affairs. In an effort to understand what

²⁷⁷ Quote from Daniel Tortora, *Carolina in Crisis: Cherokees, Colonists, and Slaves in the American Southeast, 1756-1763* (Chapel Hill: University of North Carolina Press, 2015), 73.

²⁷⁸ James Adair, *A History of the American Indian*, 263.

²⁷⁹ *The South Carolina Gazette*: October 27, 1759-November 1, 1759.

²⁸⁰ Tortora, *Carolina Crisis*, 72-75. Oliphant, *Peace and War*, 69, 76-84.

had occasioned the Anglo-Cherokee War, Parliament authorized Georgia's new governor, James Wright to host a conference at Augusta and hear the grievances of the headmen of all the southeastern nations. When asked what was the cause of frontier violence, Oakchoys, a leader among the Creek restated the case already made by both the Yamasee and the Cherokee:

Many of these disturbances is owing to white men,
 who are very guilty with women who have husbands.
 If a woman brings anything to the house of a white man,
 let him pay her and let her go again, or if a free single
 woman chooses to live with a white man, we have nothing
 to say against it, but many white men are impudent and
 occasion uneasiness.²⁸¹

Once again, British officials refused to see violence against women as a viable excuse for Native American discontent. Since violence against women was not viewed as a reason for war, Parliament came to believe that the major cause of Indian/Settler conflicts was settler encroachment on Native American hunting lands. For over a decade, Parliament had been struggling with how to prevent conflict between settlers and Native Americans. Two ideas had come to the forefront of the conversation. One was for land to be set aside for the specific use of the Native Americans. The second proposal was for Parliament to limit British settlement. The resulting Proclamation of 1763 married these two ideas. The Proclamation banned British colonists from settling on lands west of the Appalachian Mountains and set that land aside exclusively for the settlement of Native Americans.²⁸² In theory, this should have made all parties happy; instead, it led to a crisis in imperial power.

²⁸¹ Kenneth Coleman and Milton Ready, *Colonial Records of the State of Georgia: Original Papers of Governor Wright, President Habersham, and Others, 1764-1782* (Athens: University of Georgia Press, 1979), 42. See also: Theda Perdue, *Cherokee Women: Gender and Culture Change, 1700-1835* (Lincoln: University of Nebraska Press, 1998).

²⁸² Colin G. Calloway, *The Scratch of a Pen: 1763 and the Transformation of North America* (New York: Oxford University Press, 2006), 66-70, 92-95. John Richard Alden, *John Stuart and the Southern Colonial Frontier: A Study of Indian Relations, War, Trade, and Land Problems in the Southern Wilderness, 1754-1775* (New York: Gordian Press, Inc., 1966. Oliphant, *Peace and War*, 200-201.

5.2 Uncomfortable Neighbors: Fears of Attack in the Political Growth of Georgia

When the Trustees began planning their new colony, they determined not to make the same mistakes that South Carolina made. They knew that their position as a buffer colony depended on having good relations with the local Native Americans. This was problematic because the group who controlled the land that the Trustees wished to settle were the Lower Creeks. As historian Julie Ann Sweet has pointed out, the Creek were not the “noble savages” of English lore. They were a complex society with a great deal of diplomatic experience both with other Native Americans and with Europeans.²⁸³ The nation was a composite group. Their members were the remains of post Mississippian cultures who had been decimated by years of warfare and disease. Shared culture, language, and kinship networks brought these diverse groups together for mutual protection. Despite the tendency to act as a single nation, the Creek were a confederacy where individual villages and clans maintained their own leaders and political structures. There was also nothing to prevent any smaller group from leaving the confederacy and striking out on their own if, they were unhappy with the decisions made by the main group. This made dealing with the Creek particularly frustrating for British leaders because they were never really certain if they were dealing with the Creek as a whole or just some smaller group who claimed to be speaking for the whole but in actuality had little or no political power.²⁸⁴

The greatest problem facing Georgia’s leaders, however, was not the political structure of the Creek Nation but rather the Creek’s reticence to get involved with the British again. The Yamasee War had wreaked havoc on Creek society and had led the group to split into two

²⁸³ Julie Ann Sweet, *Negotiating for Georgia: British-Creek Relations in the Trustee Era, 1733-1752* (Athens: University of Georgia Press, 2005), 15.

²⁸⁴ Steven Hahn, *The Invention of the Creek Nation, 1670-1763* (Lincoln: University of Nebraska Press, 2004), 1-3; see also: Sweet, *Negotiating*, 15-16.

factions: The Upper and Lower Creek. In the years following the Yamasee War, they had negotiated treaties with the Spanish in Florida only to have the Spanish demand they give up their sovereignty and become vassals. They then had drawn close to the French who inadvertently led them into a disastrous war with the Choctaw Peoples.²⁸⁵ Following these incidents, the Creek Confederacy jointly decided that the best way to maintain their autonomy was to declare neutrality and refuse to form tight bonds with any European powers. This, however, did not mean that the Creek had cut off all contact with Europeans. Their culture had significantly changed since first contact and their economy had become increasingly dependent on trade with Europeans. In practice, the Creek played the French, Spanish, and English off each other to extract the best possible trade agreements for themselves while maintaining their sovereignty.²⁸⁶

General James Oglethorpe knew about the Creek's feelings toward the British. He and his fellow Trustees had spent a great deal of time communicating with South Carolinian officials and traders to try and determine what had gone wrong with British/Creek relations and how best to repair the damage. Oglethorpe knew that having the Creeks' support was vital to the survival of Georgia. Despite disease and two wars, the Creek still possessed the numbers to wipe the fledgling colony off the map, if they chose. Therefore, the Trustees spent lavishly on gifts aimed at enticing the Creek into trade and political alliances. In many cases, these gifts were far nicer than the items the Trustees set aside for the impoverished English people they transported, a fact that rankled with the settlers particularly as conditions within the colony deteriorated.²⁸⁷

²⁸⁵ Edward J. Cashin, *Guardians of the Valley: Chickasaws in Colonial South Carolina and Georgia* (Columbia: University of South Carolina Press, 2009), 7; William L. Ramsey, "Something Cloudy in Their Looks:" The Origins of the Yamasee War Reconsidered,' *The Journal of American History*, Vol. 90 (June, 2003), 48; Hahn, *Invention*, 4; Sweet, *Negotiating*, 19.

²⁸⁶ Hahn, *Invention of the Creek*, 1-3.

²⁸⁷ Sweet, *Negotiating*, 19; Hahn, *Invention*, 149.

At first the problem of how to open negotiations with the Creek seemingly solved itself when a group of Native Americans showed up shortly after the first group of white settlers landed, to welcome them “bearing feathers in each hand as a token of friendship.”²⁸⁸ Led by their aging chieftain, Tomochichi and his wife, the mixed group of warriors and women offered proof of their military might and symbols of their peaceful intentions. Oglethorpe, believing them to be a delegation from the Creeks, invited the party into his tent and presented them with gifts of clothing and tools.²⁸⁹ The meeting was everything British officials could have hoped for; Tomochichi seemed not only interested in an alliance with the British but eager to learn more about British customs even going so far as to suggest that Oglethorpe take charge of his young heir’s education. It must have seemed to Oglethorpe that he at last had succeeded where so many other British officials had failed. This proved to be the first of many misunderstandings.²⁹⁰

Tomochichi was not who Oglethorpe thought he was; while being the chief of the Yamacraw people, he was not a headman in the Creek Nation. In fact, the Yamacraw were no longer even members of the Creek Nation. When the Creek began their policy of neutrality toward European powers, several groups who disagreed with this tactic broke away from the Confederacy and struck out on their own. The Yamacraw were one of these groups. Since they had left the Creek Confederacy, the Yamacraw were now open to attack from other Creeks. Tomochichi hoped that friendship with the English settlers would offer some measure of protection for his people. He also hoped to broker a peace treaty between Oglethorpe and the Creek that would reconcile him with his fellow Native Americans and perhaps offer him a higher

²⁸⁸ Kenneth Coleman and Milton Ready, eds. *The Colonial Records of the State of Georgia: Original Papers, Correspondence to the Trustees, James Oglethorpe, and Others 1732-1735 Volume 20* (Athens: University of Georgia Press, 1982), 16.

²⁸⁹ Coleman and Ready, *Colonial Records, Volume 20*, 16-17.

²⁹⁰ Sweet, *Negotiating*, 25-27.

role within the Confederacy. When Oglethorpe discovered his mistake, he continued his relations with the Yamacraw, who had proved themselves very useful in providing food to the struggling settlement. He also believed that Tomochichi could arrange a meeting with the Creek Nation.²⁹¹

Oglethorpe's gamble paid off. By May of 1733, just two months after the first white settlers arrived, several villages of the Lower Creek indicated their interest in meeting with Oglethorpe. This was a crucial moment for Anglo-Creek relations, as Oglethorpe noted in a letter to the Trustees in which he described the Lower Creek as the "most dangerous enemies to South Carolina."²⁹² Despite his trepidation, the meeting with the Lower Creeks went surprisingly well. Following the exchange of tobacco, Oueekachumpa, leader of the Lower Creek, addressed the British officials. He began by outlining his people's historic claims to all the lands south of the Savannah River. He then stated his belief that all peoples had been created by a divine being and therefore should live in peace together. Oueekachumpa ended by offering the settlers "all the land which they did not use themselves" to live on and develop.²⁹³ In return, Oglethorpe, speaking for the Trustees, promised "to see restitution done" in the event of settlers damaging Creek property. He further assured them that any settlers "who have committed murder or robbery or have beat or wounded any of your people... & upon such proof the said people shall be tryed & punished according to English Law."²⁹⁴ This last part was of vital importance to the Creek since the failure of the Carolina government to punish those who beat native women was one of the main catalysts in starting the Yamasee War. The two groups then

²⁹¹ Sweet, *Negotiating*, 25-27.

²⁹² Coleman and Ready, *Colonial Records*, Vol. 20, 23.

²⁹³ *The South Carolina Gazette*, June, 2, 1733.

²⁹⁴ *Colonial Records of the State of Georgia*, Volume 32, Manuscript held at the Georgia Historical Society, Savannah, Georgia, 72-74.

signed the Articles of Peace and Commerce, which made these verbal agreements law and opened formal trade between the two.²⁹⁵

After he had gotten his treaty, Oglethorpe triumphantly returned to England and he brought Tomochichi and several leaders of the Lower Creeks with him to show their good will toward the Trustees. This proved to be a major mistake on Oglethorpe's part. While Oglethorpe had worked hard to foster good relations between settlers and the Creek Nation, the men he left in his place had far less experience in diplomacy. This led them to depend heavily upon help from South Carolinian traders who were eager to capitalize on the Georgians' success at opening trade with the Lower Creeks again. The Creeks, for their part, had no desire to get involved with South Carolinians after the Yamasee War. Furthermore, as other members of the Creek Nation began to show up to express their desire to make treaties with the British, they were offended to find they could not meet with Oglethorpe. Joseph Watson, however, did the most damage to Anglo-Creek relations and his bad behavior ultimately led to a fear of the Creek, which directed much of Georgia's eighteenth-century politics.

Following his attempted murder of Anglo-Creek translator, Mary Musgrove, Joseph Watson's behavior improved. He left off drinking and began to trade with the Creek again. The change, however, did not last. Watson befriended a Creek man named Skee and the two were "seldom sober." Skee soon fell ill and while he was sick, Watson began to tell everyone "he had done Skee's business, and that he would dy." In his letter to the Trustees, Thomas Causton explained that no one really believed Watson's insinuation that he had poisoned Skee. Most

²⁹⁵ No official copy of the 1733 Articles of Peace and Commerce have survived. All the known provisions of the treaty have been gleaned from the documents pertaining to the Trustees' ratification of the treaty. See: John T. Juricek, *Georgia Treaties, 1733-1763*, pp. 15-17, Vol. XI in *Early American Indian Documents: Treaties and Laws, 1607-1789* Alden T. Faughan, ed. (Frederick Md.: University Publications of America, 1989), 305, n. 23. And Sweet, *Negotiating*, 36, n. 31.

people thought that his claims of murder were just a sad attempt to recover some shred of dignity following the beating he received from Musgrove. However, when Skee died and Watson continued to boast that he had murdered the man, people began to pay attention. Fearing that Watson's boasts would get back to the Creeks, Causton met with him and reminded him of "the danger of such speeches..." and "that if such Talk should come to the Indians Knowledge, it would be a difficult matter to perswade them to the contrary."²⁹⁶

Causton had good reason to worry about the Creek. The Creek, like many Native American groups, believed that murders displeased the spirit world. Once angered, the spirits could bring myriad disasters upon the people. The only way to stop this from happening was for members of the victim's clan to apprehend the murderer and put him or her to death. In theory, this appeased the spirits and put an end to the matter, though inter-tribal conflicts did sometimes occur in instances where individuals felt the murderer had been falsely accused. While this system worked well among the Creek, they realized that it could create problems with Europeans who did not understand their customs or share their religious beliefs. This typically made them reticent to attack whites, even if they believed them to be murderers because it could lead to a stoppage of trade or to hostilities.²⁹⁷ The Lower Creek, however, knew from experience that British officials did not always follow up on their promises to punish settlers who harmed Indians. They had other trading partners and they outnumbered the English in Georgia. If hostilities arose, they could always call on their Spanish and French allies to aid them. Therefore, it is not surprising that when word of Watson's behavior reached the Creek, Skee's relatives led by a warrior named Esteeche made their way to Savannah to kill Watson.²⁹⁸

²⁹⁶ Coleman and Ready, *Colonial Records: Vol. 20*, 172-173.

²⁹⁷ John Oliphant, *Peace and War on the Anglo-Cherokee Frontier, 1756-1763* (Baton Rouge: Louisiana State University Press, 2001), 5-6.

²⁹⁸ Coleman and Ready, *Colonial Records: Vol. 20*, 172-173.

In an attempt to avert violence, Causton and several other men went out to meet Esteeche and his men. Esteeche explained that it was not just Watson's claims of murder that were bothering them. Watson had also been cheating them in the fur trade leaving all the Creek with a "Strong hatred against him."²⁹⁹ Causton begged the warriors to return home and allow him and his people to deal with Watson. Eventually, Esteeche and his men agreed to give colonial authorities the chance to investigate Skee's death and prove they were willing to uphold the Treaty. This was quite a concession on the part of the Creek given their previous experience. However, despite being given the chance to restrain Watson and uphold the conditions specified in the treaty, Causton failed to do more than slap Watson on the wrist. He was censured by the court but was allowed to continue working in the Indian trade.³⁰⁰

Finding that nothing had been done, the Creek were understandably upset. After all, the treaty they signed with Oglethorpe promised punishment to anyone who harmed a Native American or took advantage of them in trade. Esteeche and his warriors once again began the journey to Savannah, intent on killing Watson. Initially Causton and others begged Watson to leave the colony and lay low for a bit until the anger of the Creeks cooled. However, Watson refused. He demanded protection, which colonial officials denied him. Causton suggested he speak with the one person in the colony who had some influence with the Creek, Mary Musgrove. When he first showed up at her husband's trading post, Musgrove "turned him out of doors & lockt it."³⁰¹ However, she did eventually take pity on Watson and let him in. When Esteeche and his warriors arrived, she barred the door and held them off, giving Watson time to

²⁹⁹ Coleman and Ready, *Colonial Records: Vol. 20*, 172-173.

³⁰⁰ Sweet, *Negotiating*, 67-68. It is difficult to tell why exactly Watson's behavior did not draw more censure from colonial officials considering it had become dangerous to the entire colony. It is possible that the magistrates were afraid they could not get a conviction for murder from Georgia's fickle juries. See: Coleman and Ready, *Colonial Records: Vol. 20*, 168-176

³⁰¹ Coleman and Ready, *Colonial Records: Vol. 20*, 174.

escape. When the men finally broke in, an altercation ensued between Musgrove and Esteeche in which her indentured servant was killed before she drove the men away.³⁰²

According to Causton, the murder of Musgrove's servant "justly alarmed" the people of Georgia and the leaders of the colony determined that Esteeche had to be found and detained. This more than anything shows the bias Georgia settlers already had against their Creek neighbors. They were very quick to apprehend a Native American who had committed an act of violence against a settler but had refused to do anything to Watson, who stood accused of murdering and cheating the Creek. The situation deteriorated further when Watson began telling anyone who would listen that the people of Georgia "need not be afraid of Indians since we had sufficient hostages in England."³⁰³ The Creek had believed that their leaders were in England on a peaceful diplomatic mission. The rumor that they might be prisoners did nothing to ease the tensions.

The crisis was narrowly averted when Causton brought Watson up on a variety of charges and allowed a jury to find him legally insane and confined him to his home in perpetuity. Esteechi was released without any repercussions. The safe return of Tomochichi and the Creek leaders went a long way toward reconciling the Creek Nation. For Georgia settlers, however, discontent simmered. From their point of view, an insane individual had done nothing more than make many unsubstantiated claims, which led to his confinement under house arrest. In contrast, a Native American who had walked into the settlement and killed a man, went free. Many settlers grumbled to the Trustees about allowing the situation to end as it did for "fear of

³⁰² Coleman and Ready, *Colonial Records: Vol. 20*, 174-175. Sweet, *Negotiating*, 68-70.

³⁰³ Coleman and Ready, *Colonial Records: Vol. 20*, 175.

Indians.”³⁰⁴ Settlers began to suspect that colonial officials were more than willing to sacrifice the safety and lives of lower-class Georgians to avoid a war with the Creek.³⁰⁵

The Red String Plot that occurred less than a year after the affair with Watson and Esteechi only strengthened this feeling. Though the plot largely involved the uprising of indentured servants, around twenty Creek warriors took part. The Creek were very quick to disavow the action. First, they claimed that the men who participated were not actually a part of the Creek Nation and since the very nature of the Creek Nation was a loose confederacy, it was very easy to claim that any malefactors were not part of the nation. However, in this case, the warriors who participated in the plot also denied that they meant to take part in an insurrection. They argued that they had only joined the servants in their plot because they had been duped. According to the Creek, they had received word from the conspirators that the colonists were scheming to kill them and take their land. Again, the fear of violence had almost led to violence. However, the colonists did not believe this. They believed that the Creek had exploited dissatisfaction among the lower class to start the rebellion and they wanted the Creek men who had taken part in the rebellion to be punished. The Trustees opted to believe the story of the Creek men and allowed them to leave. They ultimately blamed the willingness of the Creeks to believe the servants’ lies on overall failure of Georgia’s leadership to effectively deal the situation Watson and Esteeche.³⁰⁶

Despite this rocky start, violence between Georgians and Creeks was minimal. Most of the violent acts resulted from private disputes or alcohol consumption and involved individuals not groups. However, this does not mean that the residents lived in peace and harmony. The

³⁰⁴ Coleman and Ready, *Colonial Records: Vol. 20*, 175-176.

³⁰⁵ Sweet, *Negotiating*, 70.

³⁰⁶ Sweet, *Negotiating*, 73-75.

willingness of British officials to blame colonists for any discord and forgive Native Americans bred distrust and fears of Indian wars among the settlers. So widespread was the fear of Indian violence that it became a powerful catalyst for effecting political change in the colony. The Malcontents were the first to make use of settlers' fears to advocate for a royal takeover of the colony. They utilized the Trustees' handling of the Watson and Red String issues as proof that the Trustees were biased and corrupt in their dealings with settlers and Native Americans. They also pointed out, quite truthfully, that the Trustees were spending the bulk of their funds on procuring gifts for the Creeks while settlers were starving and the town of Savannah was literally crumbling.³⁰⁷

After Parliament voted to disband the beleaguered Trustees, it initially planned to consolidate Georgia with South Carolina to create one colony. This proposal angered many Georgians who had hoped for political power and advancement in the new colony. Malcontents immediately turned to the fear of Native Americans to make their case arguing, "The Indians are jealous of the Government of South Carolina, and being a Revengefull temper themselves, will always think every advance of South Carolina towards them, a step towards revenging the loss & injury sustain'd in the Indian War."³⁰⁸ Georgians had mended these relations but if they were consolidated with South Carolina, they might become the victims of revenge from both the Creek and Cherokee who had no love for South Carolina. The argument worked and Parliament maintained Georgia as a separate colony.

Georgians, however, did not stop using this as a means of getting rid of the Trustees. Stories of collusion with the Creek plagued the royal governors of Georgia as well. These

³⁰⁷ Coleman and Ready, *Colonial Records: Vol. 20*, 375; Sweet, *Negotiating*, 176.

³⁰⁸ Allen Chandler and Lucian Lamar Knight, eds., *The Colonial Record of Georgia, Volume Twenty-Six: Original Papers, Trustees, President and Assistants, And Others, 1750-1752* (Atlanta, GA: Chas. P. Byrd, State Printer, 1916), 352. Sweet, *Negotiating*, 181.

allegations proved disastrous for the colony's first royal governor. Captain John Reynolds arrived in Georgia in 1754 and was at first welcomed by colonists who thought he could fix all the problems the colony faced overnight. The biggest concern Georgians had was the security of their borders, particularly those shared with the Creek nation. Reynolds realized almost immediately that the colony simply did not have the manpower to secure the borders. He urged Parliament to send more soldiers, funds, and supplies for building fortifications. However, with war with France looming, Parliament refused to take any action. Immediately, this caused concern in Georgia because it was well known that although the Creek had signed a treaty with the British, they were still actively trading with the both the French and Spanish and could easily side with them in any conflict.³⁰⁹

Having failed to secure help from Parliament, Reynolds attempted to shore up relations with the Creek. In November of 1755, he invited the most important chiefs to meet with him in Augusta. Reynolds intended to shower the men with gifts and get them to sign another treaty, which would make them subjects of the British Crown. However, after waiting ten days for the Creek emissaries to show up, Reynolds, frustrated and insulted, left in a huff and went back to Savannah. When the Creek emissaries did arrive, they found only some lower level officials waiting to meet with them and were deeply insulted that the royal governor was not there in person. This led the Creek to strengthen their ties with the French, a fact that was utilized by Reynold's critics in an attempt to get him recalled. The greatest of these critics was Edward Gray. Gray had emigrated from Virginia and hoped to become an influential member of the new royal government. When he was denied this opportunity, he began to agitate for Reynolds removal. One of his greatest pieces of propaganda was a tract which he claimed came from "a

³⁰⁹ W.W. Abbot, *The Royal Governors of Georgia, 1754-1775* (Chapel Hill: University of North Carolina Press, 1959), 36-38.

person of a Noble Family.”³¹⁰ The letter seemed to promise that Reynolds’ “Government would soon be at an end” and Gray himself would replace the governor. Gray also claimed that Parliament planned to give him a complete “monopoly of the Indian Trade” in the southeast. Gray boasted that he could force the Creek to sign treaties favorable to settlers. Although such claims were absurd, frontier settlers, who feared for their livelihoods, believed Gray and threw their support behind him. Ultimately, this did lead to Reynolds being recalled.³¹¹

Colonists were not the only ones who could utilize fear of native attacks for political gains. During the Imperial Crisis, Georgia’s Governor James Wright relied on colonists’ concerns about Creek violence to temper responses to shifts in Imperial policy. This was not a difficult task. The Seven Years War had been a disaster for the Creek who had built their empire on neutrality between European powers. The key to their autonomy had been in keeping France, Spain, and Britain vying for their friendship; however, the end of the Seven Years War left the Creeks with only the British as trading partners.³¹² This prompted the Creek to complain that “the English were to surround the Indians and punish them” and that they meant to “make them tame.”³¹³ When stirred by northern groups, the Upper and Lower Creeks began intermittent attacks on frontier settlements in both South Carolina and Georgia in hopes of frightening the British into respecting their sovereignty.³¹⁴

³¹⁰ Kenneth Coleman and Milton Ready, eds., *Colonial Records of the State of Georgia Volume Twenty-Seven: Original Papers of Governor John Reynolds, 1754-1756* (Athens: University of Georgia Press, 1977), 56.; Abbot, *Royal Governors*, 38-40.

³¹¹ Abbot, *Royal Governors*, 40-45.

³¹² Hahn, *Invention*, 1-3.

³¹³ “Provincial Council of Georgia, July 14, 1763” in *Early American Indian Documents: Treaties and Laws, 1607-1789, Volume Eleven: Georgia Treaties, 1733-1763*, John T. Juricek, ed. (Frederick, MD: University Publications of America, 1989), 356. And *South Carolina Gazette*, September 18, 1762.

³¹⁴ Colin G. Calloway, *The Scratch of a Pen: 1763 and the Transformation of North America* (New York: Oxford University Press, 2006), 66-70, 92-95. John Richard Alden, *John Stuart and the Southern Colonial Frontier: A Study of Indian Relations, War, Trade, and Land Problems in the Southern Wilderness, 1754-1775* (New York: Gordian Press, Inc., 1966).

Although many of these conflicts were quickly stamped out as Britain strengthened its relations with Native Americans, the fear left behind consumed the minds of average Georgians. As early as 1764, newspapers in Georgia and South Carolina were rife with lurid accounts of Indian raids and of white women and children being scalped and slaughtered. *The Georgia Gazette* warned readers “14 people, mostly women and children, were killed at the Long-Canes Settlement in South Carolina by a party of Indians reported to be Creeks.”³¹⁵ A few days later, the paper reported that the Creeks had killed two more people in Georgia. The editor later admitted that the stories were “without foundation” but maintained that several white scalps had turned up among both the Cherokee and the Creek.³¹⁶ Both newspapers began predicting an imminent Indian war in 1767. Some accounts claimed that the Creek and the Cherokee planned to go to war with each other and that the ensuing conflict would engulf South Carolina and Georgia. Other accounts warned that the two nations would join forces to drive all whites out of both colonies.³¹⁷

It was no coincidence that the *Georgia Gazette* began predicting an Indian War in 1767. That year, Georgia’s assembly faced a crisis over whether it would follow the Mutiny Act, also known as the Quartering Act of 1765, or allow the military garrisons that protected the colonists from the Creeks to be recalled. The Mutiny Act required areas with garrisons of troops to provide the soldiers with barracks, either by building them or by putting the troops up in unused public spaces. Another more controversial part of the bill required that cities and towns with troops stationed there should provide certain items to the troops such as candles, firewood, and other items. The goal of the act was to keep the soldiers comfortable enough that they did not

³¹⁵ *The Georgia Gazette*, January 5, 1764.

³¹⁶ *The Georgia Gazette*, February 16, 1764.

³¹⁷ *The Georgia Gazette* October 1768- May 1769. *The South Carolina Gazette*, February 1771-1774.

desert or stage a mutiny. The act was controversial because it provided for a standing army in the colonies to enforce the unpopular Proclamation Line of 1763. What Parliament claimed was in place to protect colonists seemed more like an occupying force to many people. This became particularly true after Parliament made it apparent that the colonists would not only provide necessities for the troops, but also help to pay for them. Even in Georgia where troops had been stationed since the earliest days of settlement, the Assembly had difficulty accepting the act.³¹⁸

In January of 1767, Captain Ralph Philips, commanding officer of the Rangers stationed in Savannah, wrote to Wright asking where he was to apply for the items promised to his men under the Mutiny Act. The soldiers were in need of candles, wood, bedding, eating utensils, and axes. Wright forwarded his request to the Assembly and the Council. The Council immediately sent word that they would agree to whatever amount the Assembly allotted to the soldiers. The Assembly, however, did not return an immediate answer; they called for a committee to investigate the soldier's claims. By early February, Wright still had not received a message from the Assembly and the soldiers were still looking for their provisions. In mid-February, Wright summoned two Assemblymen to his office and demanded that the Assembly comply with the act or he would come to address the group personally.³¹⁹ On February 18, the Assembly sent a message to Wright stating that any compliance with the act would "be a violation of the Trust reposed in them by their constituents and founding a precedent they by no means think themselves justifiable in introducing."³²⁰

³¹⁸ Robert J. Chaffin, "The Townshend Acts of 1767," *William and Mary Quarterly*, 3rd series (January 1970): 101-103.

³¹⁹ Candler, *Colonial Records*, 37: 178.

³²⁰ Candler, *Colonial Records*, 14: 441.

At first, Wright did nothing, hoping that the Assembly would change its mind. However, in March the situation reached a crisis point when British military officials decided to remove the two garrisons of soldiers from Georgia since they were not being provisioned. Wright reminded the Georgia Assembly that without the soldiers, there would be no one to protect them from the Creek who, according to the newspapers, were imminently planning to go to war. Caught between their fear of the Indians and their desire to stand with other colonies in defiance of the Mutiny Act, the Assembly compromised and voted to give a sum of money to the soldiers so that they could purchase any supplies they needed. Although this was not quite what Parliament had in mind, it was enough to save the garrison in Georgia.³²¹ Seeing that this had worked once, Wright was not shy about implying that Britain would not protect colonists who were in rebellion against Parliament and the Crown.

Beginning in 1772, Governor Wright, attempting to make himself more popular, began to negotiate with the Lower Creeks for more land. He hoped that if he presented the people of Georgia with additional lands for settlement, their faith in him and Parliament would be restored. On the surface of things, Wright's negotiations were successful and he presented Georgians with the opportunity to gain land. However, his plan was foiled by the nature of the Creek Confederacy. The chieftain whom Wright negotiated with turned out not to be a king among the Creek. He also had no power over the land he gave Wright, which led to an altercation when potential settlers encountered the people who lived on the land. On December 24, 1773, the original inhabitants of the land attacked the fledgling settlement and killed thirty people.³²²

³²¹ Chandler, *Colonial Records*, Vol. 14, 521-524.

³²² Allen D. Chandler, *The Colonial Records of the State of Georgia Volume Fifteen: Journal of the Commons House of Assembly, October 30, 1769 - June 16, 1782* (Atlanta, GA: The Franklin-Turner Company, 1907), 538.

In the immediate aftermath of the massacre, the Creek Nation split between those who disavowed the violence and those who felt it was an appropriate defense of Creek land. *The South Carolina Gazette* reported ominously, “It is now beyond a doubt that the Creek Indians are our enemies.”³²³ With a serious threat of an Indian war looming on the horizon, Georgia’s Assembly reminded Wright that they were “His Majesty’s dutifull and loyal subjects” and they implored him to write to Parliament and secure more soldiers to protect them. Afraid that Parliament might deny their request, Georgia’s patriot faction declined to send a delegate to the First Continental Congress to avoid any allegations that they were not loyal to the Crown.³²⁴ Despite these attempts to prove themselves loyal, Parliament did not deliver on its promises of protection. In May of 1774, Lord Dartmouth wrote to Wright that the conflict appeared to be nothing more than “an unauthorized act of violence by only a few of those savages.” He went on to explain that since no actual declaration of war had been received he could not “advise the sending to the Province of Georgia any part of the King’s troops, at a time when the insults offered to the authority of this Kingdom in one of the Northern colonies” made it necessary to keep “a large body of the King’s troops in such stations as they may be easily collected.” He did assure Wright that if an actual war broke out he would try to help but pointed out that Georgia’s Assembly had a history of protesting British authority.³²⁵

For colonists in Georgia this response was a shock. Since the colony’s victory over the Spanish, British authorities had justified the continued presence of a garrison in Georgia by stating that the soldiers were there to protect settlers from Native Americans. Now, when a very

³²³ *The South Carolina Gazette*, February 4, 1774.

³²⁴ Although Georgia sent no official delegates to the Continental Congress, Lyman Hall did go as an observer and reported to Georgia the body’s decisions and discussions.

³²⁵ Allen Chandler, *The Colonial Records of Georgia Volume Thirty-Seven*, Unpublished Manuscript at The Georgia Historical Society, Savannah, Georgia.

real war with the Creek loomed on the horizon, Parliament refused to use the soldiers to protect British subjects. To people living in Georgia and South Carolina, it appeared that the King was far more interested in getting revenge for the tea spilt in Boston Harbor than protecting the lives of British subjects. In the end, this event proved to be a breaking point for many southerners who felt they could no longer remain loyal to the Crown. Many settlers and leaders, who had opposed the growing patriot movement on the grounds that the colony would be open to Indian attack without the might of the British military to protect them, quickly changed sides. Within a year, Georgians went from tentatively supporting anti-Parliamentary movements to creating a provincial government, electing delegates to the Second Continental Congress, and arresting Governor Wright. The fear of a Creek attack and Parliament's refusal to take these fears seriously effectively ended royal authority in Georgia.

The war between Britain and its American colonies proved to be the crisis point for the Southeastern nations. As it became clear that conflict was inevitable, Georgians and South Carolinians began to rethink their relationship with their Native American neighbors, who might provide valuable assistance in a war. These overtures of friendship proved too late for the vast majority of Creek and Cherokee, who still frustrated by colonial leaders' inability to stem the tide of violence against Indian women and prevent settler encroachment, ultimately pledge their support to the loyalist cause. With the tacit support of the British military, Creek and Cherokee warriors launched retributive attacks on frontier settlements, paying special attention to communities in active rebellion. British indifference toward Native American warriors led many villages and groups among both the Cherokee and the Creek to attempt to switch sides. Unfortunately, years of cultural misunderstandings had left many colonists believing that the

Creek and Cherokee were intentionally duplicitous, and although Continental forces did make use of Native American warriors, the Creek and Cherokees' days of autonomy were numbered.

6 "A FEW VIOLENT REPUBLICAN SPIRITS"

Near midnight on October 23, 1765, South Carolina assemblyman Henry Laurens was awakened by "a most violent thumping & confused noise" at his door. Upon investigation, Laurens discovered that his home was surrounded by a crowd of men who demanded to be let in so that they could search the property for stamps meant to be issued in compliance with the newly enacted Stamp Act. Laurens truthfully denied that he was keeping the documents but found that "no fair words would pacify them." Attempting to save his property, and quite possibly his life, Laurens dragged his heavily pregnant wife out of bed and presented her to the crowd dressed in nothing but her night clothes "shrieking & wringing her hands." The mob was unmoved by this spectacle and Laurens was informed that if he did not allow them inside, they would take him to "some unknown place and punish" him. Laurens relented but hurled "Damns of equal weight with their own language" at them the entire time the mob was searching the house until he was "handled...pretty uncouthly" by one of the men guarding him. The mob never found any stamps.³²⁶

A few days later, across the river in Savannah, Georgia, councilman James Habersham found a strange note on his doorstep. The anonymous letter accused Habersham of being "the person appointed the Stamp master for this province." It instructed Habersham to place placards advertising his innocence at the exchange, market, and town pump if he wished to refute the

³²⁶ "Henry Laurens to James Grant, November 1, 1765" in *The Papers of Henry Laurens: Volume Five, September 1, 1765-July 31, 1768* George C. Rogers Jr, David R. Chesnutt, and Peggy J. Clark, eds (Columbia: University of South Carolina Press, 1976) 37-40.

allegations. Otherwise, he would face “the consequences that will arise.”³²⁷ Habersham, after discovering that he was only one of several colonial leaders to receive such threats, turned the note over to proper authorities and went on about his business. However, over the next few days, numerous friends and relations urged Habersham to make some sort of public statement about his position on the much-hated Stamp Act due to the unpopularity of the act. Still, Habersham waived. He confided in a letter to his friend and associate William Knox that as a government official he felt it was his duty “to pay a conscientious regard to all orders and acts of parliament,” though he admitted he did not agree with the Stamp Act.³²⁸ Within days of receiving this letter Habersham was “waylaid in the night” by several men who warned him that opponents of the Stamp Act planned to pull his house down and take him hostage. Habersham never made a strong statement against the Stamp Act; instead, he fled the city and remained at one of his plantations until the end of the crisis.³²⁹

What happened to Henry Laurens and James Habersham in 1765 was not unique. Colonial leaders throughout British North America found themselves the targets of violence following passage of the unpopular Stamp Act. However, their fates were unique in the political history of Georgia and South Carolina. Whereas northern colonies had long histories of politically motivated crowds, South Carolina and Georgia did not. Though colonial elites invited average settlers to use violence to police the behavior of their families and slaves and to participate in violent punishments and oppression of Native Americans, political violence was exclusively the realm of southern politicians. Throughout the late seventeenth and early eighteenth centuries, colonial politicians engaged in a wide range of violent behaviors to stop

³²⁷ *The Georgia Gazette*, November 14, 1765.

³²⁸ Item 1, James Habersham Papers, MS 337, Georgia Historical Society, Savannah, GA.

³²⁹ Item 2, James Habersham Papers, GHS.

dissent and create factions, which provided them with ever-increasing power. However, the conversion to royal, representative governments changed the status quo. Those who wished to have power, now had to appeal to voters. Would-be assemblymen frequently resorted to incendiary essays and speeches filled with violent language to mobilize lower class voters. This rhetoric had an unintended consequence; in a society already steeped in violent control, many southerners saw these essays as an invitation to wider political participation through violence and intimidation of the colonial leaders. The appropriation of political violence by the lower classes during the Imperial Crisis left southern leaders scrambling to either stomp out the violence or mobilize it for their own purposes.

6.1 Goose Creek Men and Malcontents: The Roots of Political Violence

The roots of the two colonies' belief that political violence was the purview of the wealthy can be found in the experiences they had with resistance to their proprietary governments. Both South Carolina and Georgia started out as private ventures. Carolina was a gift from Charles II to some of his aristocratic supporters who in turn opened the land for settlement in hopes of earning profits. Georgia began as a philanthropic venture headed by a board of trustees made up of aristocrats and wealthy merchants. Much of the tension experienced by both early settlements came down to profit. Aristocratic proprietors created laws aimed at maximizing the profits they reaped from the settlers on their lands. Even the Georgia Trustees, who framed their project of settlement as a charitable enterprise to help the deserving poor of England, were greatly interested in turning a profit. This goal quickly came into conflict with the motivations of ambitious upper-class settlers, most of whom believed that immigration would bring them the wealth and status that they did not have in England. They soon resented laws that restricted land ownership and trade, because it deprived them of the right to become

wealthy. When political avenues failed to provide them with greater power, these colonial elites resorted to threats, intimidation, and violence to build factional opposition to proprietary governments.

In Carolina, the faction of wealthy settlers, who rose to defy the proprietary government, were known as the Goose Creek Men after the geographic area where their plantations were located. Historians like Eugene Sirmans have argued that the Goose Creek Men were primarily made up of wealthy Barbadians who resented the controls placed on them by the Carolina proprietors.³³⁰ However, new research by L.H. Roper and Jonathan Mercantini suggests that the Barbadian settlers made up a very small minority of the Goose Creek Men and did not play much of a role in early Carolina politics.³³¹ The Goose Creek Men were predominantly settlers who had come directly from England and most of them were the second sons of wealthy families. These men were dedicated to the idea of recreating English society in miniature. This idea was not opposed to the goal of the proprietors. *The Fundamental Constitutions of Carolina* authored by John Locke, while expanding voting rights and providing for a representative government, set up a system of hereditary aristocracy in Carolina. The issue between the Goose Creek Men and the proprietors was who would form this aristocracy. From the proprietors' perspective, they and their descendants would form this aristocracy. The Goose Creek Men and their fellow elites, however, believed that they were the ones taking the risks and living on the land and they should be the aristocrats. To this end, the Goose Creek Men did all that they could to strip power away

³³⁰ For more on the role of Barbadians in Carolina politics see: M. Eugene Sirmans, *Colonial South Carolina: A Political History, 1663-1763* (Chapel Hill: University of North Carolina Press, 1966). And Sirmans, "Politics in Colonial South Carolina: The Failure of Proprietary Reform, 1682-1694," *The William and Mary Quarterly*, Volume 23 (January, 1966), 33-55.

³³¹ L.H. Roper, *Conceiving Carolina: Proprietors, Planters, and Plots, 1662-1729* (New York: Palgrave MacMillan, 2004); and Jonathan Mercantini, *Who Shall Rule at Home: The Evolution of South Carolina Political Culture, 1748-1776* (Columbia: The University of South Carolina Press, 2007).

from the proprietors, including planning their own settlements and even taking complete control of the Indian trade through a series of attacks on both traders and Native Americans.³³²

By 1682, the struggling proprietorship of Carolina, near collapse from the activities of the Goose Creek Men, decided to make changes that would break the power of the faction. Under the leadership of the Earl of Craven and John Archdale, both of whom had bought out original proprietors, the proprietors decided that the only way to regain control over the colony and make it profitable was to replace the original colonists. Archdale, who was a Quaker, suggested turning to persecuted religious sects such as the French Huguenots. To that end, the proprietors approved changes to the *Fundamental Constitutions* that created de facto religious freedom by absolving members of recognized Protestant groups from the obligation of paying tithes to the Church of England. The move was successful in attracting new settlers. Between 1682 and 1685, five-hundred English and Scottish Presbyterians and Baptists and a further six-hundred French Huguenots made the journey to Carolina.³³³

Although the proprietors succeeded in attracting large numbers of settlers, they could not make the original settlers relinquish political power to them. In 1685, a letter from the proprietors complained to Governor Joseph West that the Goose Creek Men still “bost they can with a bole of punch get who they would chosen to the parliament and afterwards who they would chosen of the grand Councill.”³³⁴ The Goose Creek Men did not stop at corruption. Seeing that they would soon be outnumbered, they pushed legislation through the assembly that made it nearly impossible for new settlers to acquire land, a requirement for voting in the colony.

³³² Roper, *Conceiving*, 51-53. Sirmans, “Politics,” 33-35.

³³³ Sirmans, “Politics,” 35-36. Arthur H. Hirsch, *The Huguenots of Colonial South Carolina* (Durham, NC: Duke University Press).

³³⁴ “Proprietors to Joseph West,” in *Records in the British Public Records Office Relating to South Carolina: Volume II 1685-1690*, A. S. Salley, Jr. ed. (Atlanta, GA: Foote & Davies Company, 1929), 33.

When that did not work, they used threats and intimidation to drive out the recent arrivals as evidenced by a letter directed to Andrew Percival in which the proprietors vented:

Some of the 1st. settlers, who if we are rightly informed have omitted no endeavours to discourage any people of worth that have come amongst you; Was not my Lord Cardross & the Scots that came with him affronted by them? was not there a Cabal held in order to ye discourage. Landgraves Morton & Axtel by whose incouragement above 500 people arrived in Carolina in less than a month's; time? have not endeavours been used to discourage the French & by keeping things in no settlement, discouragement given to all sober men from coming amongst you or indeed staying with you?³³⁵

As the letter to Percival suggests, most of the violence and intimidation was not directed at the settlers but rather at the leaders who accompanied them and elite supporters of the proprietors living in the colony. Furthermore, at no time during their crusade against the newcomers did the Goose Creek men appeal to middle and lower-class settlers to help them, showing that even early on, South Carolinian politicians already believed that political violence was the special right of elites. The new transplants did much the same. The French and Scottish settlers rallied behind their church leaders and largely left the defense of the proprietary government in their hands. Within just a couple of years of the newcomers' settlement, the colony had broken into bitter factions in which leaders on both sides attempted to obtain complete control over the legislature through threats and intimidation. At no point did actual violence break out. Instead, the leaders of these factions concentrated on violent language that shamed or frightened their opponents.³³⁶

³³⁵ "Proprietors to Andrew Percival, October 18, 1690," *In A Sketch of the History of South Carolina to the Close of the Proprietary Government by the Revolution of 1719*, (Charleston, SC: McCarter and Co., 1856), 412.

³³⁶ Bertram Wyatt-Brown, *Honor and Violence in the Old South* (New York: Oxford University Press, 1986), 190-193.

A succession of three royal governors over three years could do nothing to stem the infighting.³³⁷ By 1686, frustrated that the political process in Carolina had entirely broken down and government business was being neglected, the proprietors appointed another governor and gave him nearly unprecedented power. James Colleton had very simple instructions. He was to get all the Goose Creek Men out of the legislature and replace them with loyal new settlers. He was authorized to use any means necessary to do this. Colleton at first tried to work with the dissenters and mediate between the two groups. When this had no effect, he then barred all the Goose Creek Men from participation in colonial politics and threw several prominent leaders in jail for good measure. This proved to be a bad move for Colleton. It not only alienated the wealthy and powerful Goose Creek Men, this move deeply concerned Colleton's supporters who feared he was overreaching his power. Colleton became so beleaguered that he ultimately disbanded the legislature and placed the colony under martial law so that he could rule absolutely. To stamp out dissent among the new settlers, Colleton resorted to threats of his own. He quickly warned the new settlers that failure to support him would mean "farewell to Liberty of Conscience, and Naturalization."³³⁸ Essentially Colleton was threatening to revoke the religious freedom and promise of English subjecthood the proprietors had promised to new settlers. Most of the newcomers complied.³³⁹

Although they had been disenfranchised and some of them jailed, the Goose Creek Men still did not appeal to the public to help them depose Colleton, even though settlers in the northern part of Carolina had already done as much to drive off an unpopular governor. Instead of creating a general uprising, which might leave the colony open to attack by slaves or Native

³³⁷ Roper, *Conceiving*, 56. Sirmans, "Politics," 43-44.

³³⁸ "Proprietors to Ludwell, April 12, 1690," *South Carolina Public Records Volume II*, 13.

³³⁹ Sirmans, "Politics," 46-47.

Americans or create an environment that would hurt the men's grab for power; they enlisted the help of a rogue member of the proprietors. Seth Sothell had bought his way into the proprietorship in 1677 and had been appointed governor of North Carolina. In that position, Sothell had grossly abused his power and led a regime so brutal, the settlers rose up and drove him into South Carolina. Despite his reputation, the Goose Creek Men saw in Sothell an answer to their problems. As a proprietor, Sothell could depose Colleton because he outranked him.³⁴⁰ Sothell took the Goose Creek Men up on their offer and publicly named himself governor of South Carolina. He then allowed the Goose Creek Men to begin a systematic persecution of leaders who had supported Colleton and martial law. Supporters of the proprietors were thrown in jail, threatened, and even banished from the colony. Although the Proprietors eventually deposed Sothell, they never really regained control. In the political upheaval left behind, situations like those between the settlers and their Native American neighbors were left unresolved, leading to events like the Yamasee war and the royal takeover of the colony.

Less than fifteen years after the collapse of the Carolina proprietorship, another group of individuals set out to settle the land to the south. When General James Oglethorpe and his carefully chosen Trustees began drawing up plans for their own colony, they tried to learn from the mistakes of other colonization efforts. Of particular interest was South Carolina, Georgia's closest neighbor. Oglethorpe believed most of the instability that South Carolina had experienced in its early years was due to the development of political factions and the violence that broke out as colonial elites struggled to gain power for themselves. The Trustees believed that these factions developed as a direct result of the original proprietors giving settlers too much autonomy in government affairs. The Trustees concluded that by denying settlers a

³⁴⁰ Sirmans, "Politics," 47-48.

representative government, they would avoid the development of violent political factions. They also sought to eliminate class distinctions between the settlers they transported and those who paid their own way by restricting property ownership, believing this would stifle the aspirations of upper class settlers. They were wrong. Within months of the first settlers arriving in Georgia there were already rumblings of discontent due in part to the fact that Oglethorpe and the Trustees placed power in the hands of individuals who were loyal but wholly unqualified and alienated those who pointed out administrative problems.

Much of the political violence in Trustee Georgia can be traced back to the Trustees' insistence on appointing Thomas Causton to multiple political offices despite his lack of qualifications. Causton was a calico printer who had fallen on hard times after a 1720 law banned the use of printed or dyed cotton fabric. He was one of the first individuals to volunteer when the Trustees began looking for settlers and must have impressed them in his interview because they named him Third Bailiff despite the fact that he had never held any sort of public office. Upon arriving in the colony, he further impressed Oglethorpe, who gave him more responsibility. Within weeks of arriving, Causton was not only the bailiff; he was keeper of the Trustees' storehouses, chief constable, and magistrate. When Oglethorpe returned to England with the Creek delegation, he named Causton as leader of the colony in his stead. Trouble began almost at once. Causton was not well versed in the law and the slowness of getting instructions from the Trustees left him essentially running the colony with little or no qualifications for the job. His disastrous administration proved to be the first blow to Trustee power in Georgia.³⁴¹

As problems mounted, settlers, mostly wealthy Scots who had paid their own passage to Georgia, began to meet at the colony's few taverns to grumble about Causton's ineptitude. Soon,

³⁴¹ Sweet, "Thomas Causton," 143-144.

they left off complaining to each other and began to complain directly to the Trustees. Fearing that these men were attempting to wrench authority away from them, the Trustees mostly disregarded these complaints, referring to the complainants as Malcontents, a name that is still used by historians. They also informed Causton that he had critics. Causton responded by acknowledging that he knew “Malitious People invent reproachfull tales of me” and he vowed that he “would never be afraid of punishing and threatening those guilty of the crime.”³⁴²

While it was the opposition groups that first made use of violent language and acts to intimidate political opponents in South Carolina, in Georgia it was Causton who first resorted to these tactics. One settler who wished to remain anonymous detailed some of his actions:

People’s houses are searched & their papers examined to see if any complain to the Trustees. That it is dangerous to write from hence...without Danger of it being open’d, wich the People here look as a great hardship - & ye more since they know if a certain person here finds they write anything that displeases him they are sure of this frowns and their ruin.³⁴³

Others claimed that Causton refused to allow them to settle their accounts so that they could leave the colony because he feared they would return to England and give poor accounts of him. Not even average people were spared. When widow Elizabeth Bland, who had come to Georgia with her son, a soldier stationed there, wanted to return to England she found that “Mr. Causton promised not to detain me against my will, but to my great surprise I have lost my liberty & must not return home to my Native Land without leave.” She further alleged that if “King George used his people the way they are used here, he would soon lose his crown.” Though she was quite bold in her complaints, Bland confided to Oglethorpe in a letter that “In

³⁴² Kenneth Coleman and Mildton Ready, eds. *The Colonial Records of Georgia Volume 20: Original Papers, Correspondence to the Trustees, James Oglethorpe, and Others* (Athens: University of Georgia Press, 1982), 440.

³⁴³ Coleman and Ready, *Colonial Records, Vol. 20*, 375.

short I tremble all the time I writ this for shou'd I be ketch'd writing this I should be made a close prisoner & allowd nothing."³⁴⁴

The Trustees finally stripped Causton of all his duties but only when they began to suspect that his mismanagement of the stores was costing them money, a point that rankled with many of his detractors. Although Causton was out of the way, the Malcontents remained a potent political force. Their weekly meetings had identified other problems that they wanted redressed. Led by Scottish settlers, Patrick Tailfer and Peter Gordon, the Malcontents now demanded a representative government like other colonies. They wanted an end to restrictive land ownership policies that limited the amount of land an individual could own and which family members could inherit it. They also wanted an end to the ban on importation and use of African slaves which they felt was economically crippling the colony.³⁴⁵ They began to agitate for change so vigorously that Reverend John Wesley declared "The Scotch here are universally a turbulent people, who neither regarded divine nor human laws, but lived idle and continually fomented mischief."³⁴⁶

To aid them in their campaign, the Malcontents, like the Goose Creek Men, did not attempt to mobilize popular discontent, though the common people of Georgia were far more affected by the Trustees' policies. Instead, they hired someone to create propaganda aimed at Parliament. Thomas Stephens was an unlikely choice for the Malcontents. He came to Georgia in 1738 with his father, William Stephens, who had been hired by the Trustees to be their secretary. When he was hired, the Trustees offered to transport Stephens' entire family.

³⁴⁴ Coleman and Ready, *Colonial Records*, Vol. 20, 394.

³⁴⁵ Randall Miller, "The Failure of the Colony of Georgia Under the Trustees," *The Georgia Historical Society*, Vol. 53 (March, 1969), 1-17. Milton Ready, "The Georgia Trustees and the Malcontents: The Politics of Philanthropy," *The Georgia Historical Quarterly*, Vol. 60, (Fall, 1976), 264-281.

³⁴⁶ Candler, *Stephens' Journal*, 13.

However, William chose only to take his favorite son, Thomas, and left his wife and other eight children behind in England. It was agreed that Thomas would oversee the land William had been given and would take over his father's position should the sixty-one year old William die.³⁴⁷

At first, things went well as Thomas was an industrious worker and soon rose to control the Trustees' wine stores.³⁴⁸ However, in 1739 a problem arose. The captain of the militia sent an order for wine for his troops. The letter, however, was lost and never reached Stephens. Therefore, when Thomas Jones showed up to collect the wine, Stephens refused to open the cellars. Jones went at once to General Oglethorpe and complained. Without bothering to investigate the issue, Oglethorpe accosted Stephens in the street and publicly berated him for "attempting to embezzle the King's stores." He went on to accuse Stephens of being "of a criminal and felonious nature," who "deserved to be sent home."³⁴⁹

Stephens demanded his day in court to clear his name and a thorough investigation found that there had been no wrongdoing on his part. All the wine was accounted for and most parties were satisfied that it had been an honest communication failure. However, Oglethorpe refused to apologize, maintaining that he had "a strong suspicion of his [Stephens] being an accomplice to some intended fraud."³⁵⁰ Angry and embarrassed, Thomas Stephens left the colony and returned to England over his father's protest. Once there, he took up the Malcontents' cause with zeal, presenting himself to Parliament as the colony's elected agent and advocating for a royal takeover. Stephens did not just stop at lobbying; he wrote and published pamphlets detailing the

³⁴⁷ Allen Chandler, *Stephens' Journal*, 298.

³⁴⁸ Rum and other types of hard liquor were banned in Georgia. However, other forms of alcohol were allowed, though tightly regulated. Wine was kept on hand for medicinal purposes and it was given to soldiers and civilians doing guard duty.

³⁴⁹ Allen Chandler, *Stephens' Journal*, 298.

³⁵⁰ Chandler, *Stephens' Journal*, 356.

poverty and deprivation Georgians were suffering at the hands of the Trustees. When his father wrote a pamphlet refuting his claims, Thomas publicly called for his father to be charged with perjury.³⁵¹

Up to this point, the battle for control of the colony had largely been a war of words. However, Thomas Stephens' return to Georgia greatly escalated tensions between the two factions. By the time Thomas Stephens returned to Georgia to meet with his fellow Malcontents and strategize, things had become quite bad. In fact, William Stephens resorted to the use of violent language in an attempt to dissuade his son from continuing to work for the Malcontents. In a tense meeting with his son, he warned the younger man to "fly hence out of the colony before he was taken hold of, as he might justly expect..." William also told his son that both he and the men who hired him, "deserved to be hang'd."³⁵² William Stephens later confided to his journal that he meant his statement as a warning not a threat but it is perhaps telling that the two men never spoke again.³⁵³

However, it was not just the Malcontents who faced possible violence. As the Trustees became more determined not to give way to their critics, the Malcontents began to use threats and violence as a means of getting rid of Trustee leaders in Savannah. In February 1740, Robert Williams, a member of the Malcontents, "spurred on now by those continual mischief-makers to do some exploit," confronted Thomas Jones, store keeper and staunch supporter of the Trust. After "cursing and swearing" at Jones, Williams started "coming at him, in spite of two or three with-holding him, gave him a blow in the face, and a kick in the belly."³⁵⁴ By 1741, the

³⁵¹ Julia Anne Sweet, "William Stephens Versus Thomas Stephens: A Family Feud in Colonial Georgia," *The Georgia Historical Quarterly*, Vol. 92 (Spring, 2008), 9-10.

³⁵² Chandler, *Stephens Journal*, 264.

³⁵³ Sweet, "William Stephens," 20-25.

³⁵⁴ Chandler, *Stephens Journal*, 512.

Malcontents had managed to gain complete control over the magistracy. They not only pardoned those who committed acts of violence against supporters of the Trust but also began threatening arrests of those same supporters. Following his son's advice, the colonial court eventually charged William Stephens with perjury for his pamphlet on the grounds that it had glossed over many of the problems Georgians faced. They then attempted to charge Thomas Jones with mismanagement of public funds but, when no evidence could be found to back up the charges, the magistrates changed tactics and charged him with using "foul language" contrary to the Trustees' law against swearing. These charges stuck as Jones was well known for his colorful language.³⁵⁵

Eventually help for the Malcontents' cause came from outside of the colony. The Trustees, unable to hide the deplorable conditions in Georgia any longer and having no funds left to help the struggling settlement, turned to Parliament for help. At first, mollified by the Trustees' assurances that things were not as dire as the Malcontents imagined and that they were making changes to allow for wider land ownership and more representation, Parliament provided the funds the Trustees needed. However, when the Trustees returned for funds a short time later, Parliament voted to disband them and give the colony over to the Crown.³⁵⁶

Although both the Goose Creek Men and the Malcontents achieved their purpose by stripping English administrators of their power, royal authority did not bring the unrestrained power that colonial elites expected. Not only did colonial assemblymen have to struggle with the regulatory powers of Parliament and royal governors, they also had to balance their protests with the needs of their constituents. The expansion of voting rights in both colonies meant that

³⁵⁵ Carole Watterson Troxler, "William Stephens and the Georgia Malcontents: Conciliation, Conflict, and Capitulation," *The Georgia Historical Quarterly*, Vol 67 (Spring, 1983), 26-27.

³⁵⁶ Miller, "The Failure of Georgia," 14-15. And Ready, "Trustees and Malcontents," 276-277.

colonial elites could no longer ignore the desires of those outside the ruling class. To gain popular support for their power plays, South Carolinian and Georgian politicians began to appeal to the public through essays. Many of these essays made use of incendiary language, language that in some cases advocated violence.

6.2 Royal Governments, Factional Politics, and Violent Rhetoric

Much of the historical scholarship on the political development of South Carolina and Georgia as royal colonies has been framed around Robert Weir's "Country Ideology" thesis.³⁵⁷ According to Weir, once the southern colonies achieved representative royal governments, there was no further need for violent political factions. Assemblymen and Councilors largely worked together for the good of the colony. Weir admits that while the goals of the colony did not always match those of the Empire and some conflict did occur between royal governors attempting to follow imperial directives and Assemblies pursuing their own self-interest, these were minimal and at worst led to the recall of the governor. The harmonious nature of politics in Georgia and South Carolina did not come to an end until the Imperial Crisis of the 1760s when Britain ended its policy of salutary neglect.³⁵⁸

This interpretation, while useful in understanding some of the issues that drove southern politics, falls short of a full explanation of political development in late-eighteenth-century South Carolina and Georgia. It does not take into account the fact that factions still existed in southern assemblies and that these factions still used violence to try and leverage more power for

³⁵⁷ Robert M. Weir, "'The Harmony We Were Famous For': An Interpretation of Pre-Revolutionary South Carolina Politics" *The William and Mary Quarterly*, Volume 26 (October, 1969), 473-501. In recent years, historians have challenged Weir's "Country Ideology" thesis to expose the more sordid side of Southern politics. See: Jonathan Mercantini, *Who Shall Rule at Home?: The Evolution of South Carolina Political Culture, 1748-1776* (Columbia: The University of South Carolina Press, 2007); and L.H. Roper, *Conceiving Carolina: Proprietors, Planters, and Plots, 1662-1729* (New York: Palgrave MacMillan, 2004).

³⁵⁸ Weir, "Harmony," 474-475.

themselves. Initially, southern politicians attempted to utilize the techniques that had brought them victory in their fight against proprietary governments. Beginning in 1748, South Carolina's assembly stopped paying Governor James Glen's salary and the rent on the governor's mansion in an attempt to intimidate him into acknowledging their supremacy.³⁵⁹ In February of 1756, Georgia's assembly kidnapped the Speaker of the House after the sitting delegates refused to administer the oath of office to members elected in a special election. Instead, they attempted to find a legal loophole, which would allow them to completely invalidate the special elections and keep Governor John Reynold's supporters out the Commons House of Assembly.³⁶⁰ When Reynolds learned of the assembly's actions, he sent a message to the House, adjourning the assembly for a week to give the assemblymen time to "recollect that they were wrong."³⁶¹ David Douglas, Speaker of the House, received the order to adjourn, but as he rose to close the proceedings, "It (the message) was seized in my hand by one of the Members, who said I should not get it or should not read it or words to that effect." Douglas found himself a hostage of the very men who had elected him to act as their speaker. The assemblymen continued their business, forbidding Douglas to leave his chair and even physically restraining him when he continued to try to stand. After they drafted several bills and amended the minutes in the Journal, they forced Douglas, under threat of physical violence, to sign off on everything before finally releasing him at midnight. Douglas later testified that everything done that night was against his will and that he was threatened until he participated³⁶²

³⁵⁹ James Glen to Board of Trade, 10 October 1748, Colonial Office, Class 5, Vol. 372, pp. 232-45 British Public Record Office, London. Quoted from Jonathan Mercantini, *Who Shall Rule at Home? The Evolution of South Carolina Political Culture, 1748-1776* (Columbia: The University of South Carolina Press, 2007), 26.

³⁶⁰ Allen Chandler, ed. *The Colonial Records of Georgia, Volume 13: Journal of the Commons House of Assembly, January 7, 1755 to December 16, 1762* (Atlanta, GA: State Printing Press, 1907), 93-95. Coleman and Ready, *Colonial Records, Vol. 27*, 113-114.

³⁶¹ Coleman and Ready, *Colonial Records, Vol. 27*, 113.

³⁶² Chandler, *Colonial Records, Vol. 13*, 100-101.

In both instances, the colonial governors dissolved the assembly and after extended periods of time called for new elections. The ability of royal governors to dismiss assemblies and call for new elections at a whim changed the way politicians utilized violence and intimidation to gain power. Since their political power now rested on their ability to be elected to and to hold on political office, elites now had to take their constituents into consideration. Compounding this problem was the fact that royal governments expanded the right to vote far beyond the upper class. Estimates suggest that while only 30 percent of the white male population of South Carolina was eligible to hold office, at least 70 percent was eligible to vote in colonial elections.³⁶³ Rates were similar in Georgia. This meant that large numbers of middle class individuals were able to take part in politics for the first time. Politicians now had to not only educate people about political issues but also convince them to reelect elites even when government stoppages and repeated dismissals and elections were detrimental to their own interests.

To accomplish this, politicians turned to essays and pamphlets to educate voters. Since literacy rates remained low even among middle class individuals, most politicians relied on newspapers to print their essays. Newspapers were the primary means by which people of all classes learned news, therefore local coffee shops and taverns had someone on hand to read the day's news to their patrons. Many of these essays were aimed at educating average people about the political ideology that underpinned complex governmental issues. Elite politicians hoped these explanations would sway voters. However, when appeals to reason failed, they frequently resorted to publishing anonymous essays that shamed political opponents and utilized violent language to try to mobilize voters. Politicians no doubt intended these essays to frighten or

³⁶³ Mercantini, *Who Shall Rule*, 30.

anger voters into turning out and voting a specific way. However, for middle class men experiencing enfranchisement for the first time, these essays seemed like an invitation to participate in political violence which became abundantly clear during the Gadsden Election Controversy.

In 1762, after being appointed governor in John Lyttleton's stead, Thomas Boone called for elections to fill vacant seats in the assembly. There was nothing controversial about the election itself. All the new assemblymen won their seats by a clear majority. However, something was amiss in St. Paul's Parish. The freeholders had elected Christopher Gadsden, a local planter and politician, to represent them; he had easily won the election. However, when the assembly reviewed the election as part of the procedure for certifying the returns, they discovered that the Church Wardens in St. Paul's Parish had not taken the separate oath for overseeing special elections.³⁶⁴ Since neither of the two candidates who ran against Gadsden raised any objection and Gadsden had clearly won the election, the Commons House of Assembly had no desire to waste time and resources redoing the elections in St. Paul's Parish. Members reasoned that since the wardens had taken the oaths required for administering regular elections, there was really no need for them to take a second oath for special elections. Since the assembly had long since taken the power to determine the validity of elections, it did not bother to consult the governor or council on the matter.

Gadsden was administered the oath of office and his name was forwarded to Governor Boone to take the second oath required of all assemblymen. However, that evening, Boone decided to take a look at the assembly's journals. When he came across the discussion about the

³⁶⁴ Jack P. Greene, "The Gadsden Election Controversy and the Revolutionary Movement in South Carolina," *The Mississippi Valley Historical Review*, Vol. 63 (December, 1959), 472-473. Mercantini, *Who Shall Rule*, 176-177.

legitimacy of Gadsden's election, he judged that the assembly had overstepped its bounds. The next day, when the new assemblymen arrived in his office to take their oaths, he administered the oath to everyone except Gadsden, whom he informed had not been elected. He then promptly dissolved the Assembly for violating election laws.³⁶⁵

The same day on which he dissolved the assembly, Boone, perhaps hoping to get a more cooperative Commons House of Assembly, called for new elections. However, he was to be disappointed. The elections returned almost all the previous assemblymen to office, including Christopher Gadsden. This was due in part to Gadsden publishing an advertisement purported to be written by Governor Boone, which laid out his evil plan to deprive the people of South Carolina of their right to representative government.³⁶⁶ The assembly quickly called for Boone to acknowledge their supremacy in determining the validity of elections and to issue an apology to Gadsden. When Boone refused, the Commons refused to pass any bills.³⁶⁷

At first, all the assemblymen backed the stoppage; however, as weeks turned into months and no agreements were reached, more moderate members began to grow uneasy. Colonial business was being neglected and diplomacy with the Cherokee had all but stopped at a crucial period. Average citizens too were becoming concerned. To keep the support of voters, Gadsden published an essay entitled "To the Gentlemen Electors of the Parish of St. Paul, Stono." In it, Gadsden broke down the controversy surrounding his first election in excruciating detail. He began with a comparison of the two oaths administered to church wardens to prove they were

³⁶⁵ Green, "Gadsden Election," 474. Mercantini, *Who Shall Rule*, 177.

³⁶⁶ *South Carolina Gazette Supplement*, December 11, 1762.

³⁶⁷ *The South Carolina Gazette*, February 9, 1763 and March 12, 1763. No trace of Laurens original letter survives either in the archives of the South Carolina Gazette or in his personal correspondence. The only indication that such a letter was ever published is found in Gadsden's rebuttal where he references it several times. See: Richard Walsh, *The Writings of Christopher Gadsden, 1746-1805* (Columbia: The University of South Carolina Press, 1966), n52. David Duncan Wallace, *The life of Henry Laurens, with a sketch of the life of Lieutenant-Colonel John Laurens* (New York: G.P. Putnam's Sons, 1915), 111.

essentially the same. Then, he moved on to explaining the historic right of assemblies to certify elections.³⁶⁸

The essay gained Gadsden a great deal of support. However, more moderate members of the assembly were losing patience with their fellow assemblymen's refusal to do any business. In an attempt to discredit Gadsden and his supporters, Henry Laurens and William Simpson, both moderate members of the assembly, took to the local newspapers to vent their frustrations.³⁶⁹ Their respective letters, published anonymously, personally attacked Gadsden, with Simpson referring to him as a man given to "irregular passions, which disquiet his mind."³⁷⁰ Laurens' essay has not survived but in a letter printed in the *South Carolina Gazette*, Gadsden admitted it made things "appear very black indeed" against him. He then went on to personally attack both men, accusing them of cowardice for not signing their essays. He even went so far as to pay to have Simpson's essay reprinted with his real name attached to it.³⁷¹

Though none of the essays called for violence, each man used language meant to stir the passions of those who read them. While Simpson and Laurens attempt to convince the public that Gadsden was a power hungry and perhaps mentally unstable man who cared nothing for the common good, Gadsden played the victim. He repeatedly implored his readers to pity him and to help him defend his honor against the cowardly attacks directed at him. Though he no doubt

³⁶⁸ "To the Gentlemen Electors of the Parish of St. Paul, Stono," *The South Carolina Gazette*, February 5, 1763.

³⁶⁹ Green, "Gadsden Election," 479. Mercantini, *Who Shall Rule*, 177.

³⁷⁰ *The South Carolina Gazette*, March 12, 1763.

³⁷¹ *The South Carolina Gazette*, February 9, 1763 and March 12, 1763. No trace of Laurens original letter survives either in the archives of the *South Carolina Gazette* or in his personal correspondence. The only indication that such a letter was ever published is found in Gadsden's rebuttal where he references it several times. See: Richard Walsh, *The Writings of Christopher Gadsden, 1746-1805* (Columbia: The University of South Carolina Press, 1966), n52. David Duncan Wallace, *The life of Henry Laurens, with a sketch of the life of Lieutenant-Colonel John Laurens* (New York: G.P. Putnam's Sons, 1915), 111.

meant for this defense to take the form of voting Laurens and Simpson out of office, Gadsden's supporter Thomas Wright took things a bit further and confronted Henry Laurens.

Wright and Laurens' relationship was already strained before the Gadsden Election Controversy. The two men had been engaged in a property dispute for some time. However, the political tensions served to break down the relationship completely.³⁷² In August 1763, Wright, angered by Laurens' repeated personal attacks on Gadsden's character, went to Laurens' house armed with a sword. The two men argued. Wright then "manfully drew that weapon...& then advancing with great bravery made three passes." Laurens managed to dodge the first two but the third "would have lodged in my bosom had I not parried it off with my left hand." Laurens then gave "him a blow on his temple which sobered him" with his cane. The blow may have addled Wright a bit but it did nothing to improve his temper and the two men fell into a wrestling match with Wright attempting to stab Laurens and Laurens trying desperately to disarm him. In a letter to a friend, Laurens admitted that he would probably have been murdered had neighbors not intervened.³⁷³

³⁷² The dispute between Laurens and Wright seems to have stemmed from Laurens' construction of a dock on his property. The dock was near the property line and Wright claimed that not only were the building supplies stored on the wrong side of the property line, but Laurens' slaves regularly threw debris onto his property. Wright wrote to Laurens several times asking him to remove the materials and the debris but for reasons unknown, Laurens ignored the requests. Finally, Wright removed the supplies and debris himself. Discovering that his building materials were missing, Laurens attempted to bring charges of theft against Wright, however, the charges were dropped after an investigation proved the materials were stored on the wrong side of the property line. Laurens then sued Wright who countered sued. The ultimate outcome of the case is unknown due to Wright being arrested for assault and attempted murder. See: Chesnutt, *Laurens Vol. III*, 531-532; Daniel J. McDonough, *Christopher Gadsden and Henry Laurens: The Parallel Lives of Two American Patriots* (Cranbury, NJ: Associated University Presses, 2000).

³⁷³ Philip M. Hamer, George C. Rogers, David R. Chesnutt, and Peggy J. Clark, eds., *The Papers of Henry Laurens Volume Three: January 1, 1759 to August 31, 1763* (Columbia: University of South Carolina Press, 1972), 531-532. Wright's assault on Laurens, though meant to intimidate him and his supporters into backing down from their assault on Gadsden, only served to galvanize most members of the opposition. The Assembly remained inactive until Thomas Boone was recalled to testify before Parliament about what had happened. The Gadsden election controversy went on to tie up the House of Commons for three days as politicians and Britain's greatest legal minds attempted to determine if a colonial assembly had the right to certify elections without the regulation of royal governors. Concluding that calling into question the right of South Carolina's Assembly to certify elections could lead to the King calling into question the right of Parliament to certify elections in the mother country,

The altercation between Laurens and Wright showed that although assemblymen meant their essays to stir up political support, incendiary language could also encourage violence. For middle and lower-class individuals who already engaged in a wide variety of violent behaviors in their homes and public lives, merging politics with violent behavior seemed entirely natural. For the newly enfranchised, perpetrating violence against their social betters became a way of venting frustrations and holding their elected officials accountable. Though South Carolinian and Georgian politicians attempted to keep others out of their traditional sphere, the Imperial Crisis showed that average people would no longer be left out of politics. Politicians would have to decide whether they would utilize popular violence to further their aims or risk becoming targets themselves.

6.3 Popular Violence and the Imperial Crisis: 1765-1776

It is safe to say that the violence of the Imperial Crisis startled leaders in both colonies. Although sporadic acts such as Wright's assault of Laurens had occurred in the past, the widespread and long-lasting discontent that began with the passage of the Stamp Act in 1765 was something new. The Stamp Act, which placed a tax on paper goods, was troubling to colonists throughout British North America for a variety of reasons. Some settlers resented the fact that the funds raised by the tax were going to pay for a standing army that would enforce the already unpopular Proclamation Line of 1763. Some felt that it was inconsistent with English Common Law because it was a direct tax placed on people who had no actual representation in Parliament. For South Carolinians and Georgians, the main issue with the act was that it

Parliament sided with Gadsden and his supporters and Boone was publicly censured for abusing his authority. See Green, "Gadsden Election," 483-484.

demanded the tax be paid in hard currency, not the paper currency widely in use. This posed a problem because hard currency was in short supply in both colonies.³⁷⁴

The economies of Georgia and South Carolina operated largely on credit and exchange of goods and services. Even wealthy merchants and planters had little hard currency on hand, much of their wealth being tied up in goods, land, and human property.³⁷⁵ Savannah merchant and Governor's council member James Habersham estimated that the tax would cost South Carolinians nearly "forty thousand pounds sterling" per week "which is perhaps more hard money than finds its way into that province in three years on an average." He also noted that the tax would have a lesser effect on Georgia but the colony would still need to come up "5000 in gold or silver," which was more than "comes into the colony in five years tho' the act would require it in one year."³⁷⁶ In other words, the act was certain to bankrupt both colonies within just a few weeks of its taking effect. This was particularly true of colonists living in Georgia. Although founded in the 1730s, Georgia had only just become economically and socially stable in the 1760s. The Stamp Act threatened to plunge the colony back into the poverty it had only recently escaped.³⁷⁷

With such estimates floating around, it is no wonder that tensions ran high for all social classes. However, colonists in Georgia and South Carolina did not immediately turn to violence. While Boston's famed Stamp Act Riots occurred in mid-August, there is no evidence of any unrest in either of the two southernmost colonies until October. It seems that average colonists

³⁷⁴ Edmund S. Morgan and Helen M. Morgan, *The Stamp Act Crisis: Prologue to Revolution* (Chapel Hill: University of North Carolina Press, 1953), 54.

³⁷⁵ Edmund S. Morgan and Helen M. Morgan, *The Stamp Act Crisis: Prologue to Revolution* (Chapel Hill: University of North Carolina Press, 1953), 54.

³⁷⁶ Item 1, *James Habersham Papers*, MS 337, Georgia Historical Society, Savannah, GA.

³⁷⁷ C. Ashley Ellefson, "The Stamp Act in Georgia," *The Georgia Historical Quarterly*, Vol. 46 (March, 1962), 2-3.

were initially comfortable leaving the matter to their assemblymen. However, it soon became apparent that colonial leaders had no clearer idea of what they were supposed to do about the act than their constituents. Both South Carolina and Georgia sent letters of protest to their colonial agents for presentation to Parliament. While they waited for a response, southerners were treated to weekly accounts of protests and riots occurring in other colonies. These accounts were incredibly detailed and many of them praised the protestors' patriotism. *The South Carolina Gazette* and *The Georgia Gazette* also published political essays written by individuals from other colonies. By the time Georgians and South Carolinians learned that their complaints had fallen on deaf ears, they had already been saturated with news of widespread violence and protests in other colonies. They were primed for violence and they resorted to forms of violence that were already familiar to them.³⁷⁸

The citizens of Charleston were the first to utilize popular violence as a means of intimidating those who supported the Stamp Act. Drawing inspiration from the drama of public executions and from their English culture, a gallows appeared in the middle of Broad and Church Streets on the morning October 19, 1765. Suspended from the gallows was an effigy representing the supposed tax collector, George Saxby. The act of hanging or burning individuals in effigy had deep roots in English culture. The purpose of such actions was to shame the individual in question by symbolically forcing them through a form of criminal shaming or punishment. The point was not to cause physical harm but rather psychological harm. A person, like Saxby, who was executed in effigy had to live with the shame of knowing that everyone wished them dead.

³⁷⁸ *The Georgia Gazette*, August 22, 1765 and September 19, 1765; *The South Carolina Gazette*, September 28, 1765 and October 31, 1765.

Though actions like effigy execution were generally nonviolent, they always had the potential to become violent, particularly if the subject of the effigy execution were to show up. Anticipating this trouble, Lieutenant Governor William Bull appealed to the assembly, courts, and militia to have the gallows removed. However, the *South Carolina Gazette* reported, “the effigy remained the whole day, without one person’s offering to disturb or pull them down.” The *Gazette* attributed this to a threatening placard which appeared near the tableau which read “Whoever shall dare attempt to pull down these effigies had better been born with a mill stone about his neck and cast into the sea” and the large number of armed men who guarded it.³⁷⁹ In the evening, when a large crowd of people gathered, the effigy was taken down and placed on a horse drawn cart and paraded down Broad Street to the Bay, where the crowd grew to near three-thousand according to the *Gazette*. Then they turned toward George Saxby’s house.³⁸⁰ However, unbeknownst to the crowd, Saxby had gotten the idea that the position he had taken might be somewhat dangerous. A few days earlier, he had quietly taken his family and left, choosing to rent the house to Captain William Coates. It was Coates, not Saxby, whom the crowd confronted that night. They did not believe his assertions that Saxby had left and that there were no stamped papers on the property. To save his own life, Coates allowed several of them search the property. Once inside, the crowd did “trifling damage,” according to the *Gazette*, which mostly took the form of broken windows, before it departed to the city green to burn the effigy.³⁸¹ Lieutenant Governor William Bull characterized the violence differently claiming that a number of “persons unknown” had “committed several outrages and acts of

³⁷⁹ *The South Carolina Gazette*, October 31, 1765.

³⁸⁰ *The South Carolina Gazette*, October 31, 1765. Benjamin L. Carp, *Rebels Rising: Cities and the American Revolution* (New York: Oxford University Press, 2007), 152-153.

³⁸¹ *The South Carolina Gazette*, October 31, 1765. Carp. *Rebels Rising*, 153.

violence.”³⁸² He urged the assembly to join him in condemning the actions of the mob, which they did but no real effort was exerted to find those who were behind the demonstration.

Five days later, Georgians played out a similar drama in the streets of Savannah. Around seven o'clock at night, “a great concourse of people of all ranks and denominations assembled together” to watch as an effigy of a tax collector was paraded through the streets of Savannah.³⁸³ When the effigy reached the city green, it was ritually hanged and then set on fire. Unlike the demonstration in Charleston, however, this one ended without anyone's house being sacked. This is probably due less to the people of Savannah being more peaceful than their neighbors and more to do with the fact that they did not know who had been appointed to collect the tax. Governor James Wright had been prudently tight lipped about the royal appointment and rumor about town had it that someone was being sent from England to fill the post.³⁸⁴

Mere rumors did not stop leaders and civilians alike from attempting to discern who, if anyone, in the colony had received the commission. To this end, five men, four members of the Governor's Council and one visiting Member of Parliament became the targets of an anonymous letter writer who called himself the Townsman. Each of the letters accused the men of having been appointed to collect the Stamp tax. The letter advised that if this was not true, each man needed to take out an ad in the *Gazette* and place placards in key public locations, including the market and the public pump, declaring their innocence. The writer warned that if these notices were ignored, “the consequence that may follow, we leave you to judge.”³⁸⁵ The men who

³⁸² *The South Carolina Gazette*, October 31, 1765.

³⁸³ *The Georgia Gazette*, October 31, 1765.

³⁸⁴ C. Ashley Ellefson, “The Stamp Act in Georgia,” *The Georgia Historical Quarterly*, Vol. 46 (March, 1962), 2-3. Randall Miller, “The Stamp Act in Colonial Georgia,” *The Georgia Historical Quarterly*, Vol. 56 (Fall, 1972), 319-320. Kenneth Coleman, *The American Revolution in Georgia: 1763-1789* (Athens: University of Georgia Press, 1958), 20.

³⁸⁵ *The Georgia Gazette*, November 11, 1765.

received these notices were carefully chosen. Since rumor had it that someone was being sent from England, Dennis Rolls, the visiting Member of Parliament seemed to fit the bill. The other four men, James Habersham, Thomas Moody, Simon Munro, and George Bailley were all prominent merchants and members of the Governor's council. They had also benefited from their close friendship with Governor James Wright in the form of multiple political appointments. None of the men caved to the threats and Wright, furious that a Member of Parliament had been threatened in his colony, offered a £50 sterling reward for information leading to the arrest of the letter writer. The identity of the individual was never discovered.³⁸⁶

Within days of the receipt of the Townsman Letters, Savannah was again the site of another protest which parodied the spectacle of public punishment, this time organized by sailors. November 5 marked the anniversary of the Gunpowder Plot, a day that was celebrated throughout Britain and the colonies. Such celebrations usually involved the building of bonfires and burning effigies of Guy Fawkes, the Pope, and other members of the treasonous plot against Parliament. In Colonial America, unpopular local politicians were frequently burned in effigy along with Guy Fawkes. It is perhaps not surprising that in the politically-charged environment brought about by the Stamp Act, that some sort of anti-Stamp Act demonstration would occur on that day. In Savannah, celebrations usually involved a parade made up mostly of sailors and apprentices. As part of the parade, a group of sailors skipped the effigy and took one of their own and tied him onto a scaffold in such a way as to make it look like he was being hanged and placed a placard on him proclaiming him to be the tax collector. The sailors then marched the poor man through the streets stopping periodically "where this pretended Stamp-Master was obliged by several severe blows with a cudgel to call out in a pitiful tone *No Stamps, No Riot*

³⁸⁶ *The Georgia Gazette*, November 11, 1765. Miller, "Stamp Act," 322.

Act.”³⁸⁷ At the end of the parade, the sailors took their captive to McHenry’s Tavern where they invited passersby to strike or throw things at the sailor, just as they would have a criminal displayed in the stocks. After that avenue of entertainment had exhausted itself, the sailors staged a full mock hanging of their victim, complete with gallows speeches.³⁸⁸

According to the *Georgia Gazette*, the citizens of Savannah were “highly diverted by the humor of the tars.”³⁸⁹ Governor Wright and other colonial leaders, however, was less amused by this display. Neither Wright nor the assembly wished to see the dangerous riots that had occurred in other colonies repeated in Savannah. Wright asked the assembly to grant him extra policing powers. Frightened by the specter of what had happened to Saxby and Laurens in South Carolina, the assembly freely granted Wright the power not only to allow the slave patrols to enter the city but also to aid the night watch. They also empowered the patrols to detain and question any white man they found wandering about at night.³⁹⁰ Wright then gathered the inhabitants of the city together and literally read them the Riot Act, which allowed for the prosecution of anyone caught inciting a riot or leading an unruly demonstration. He also had it printed in *The Gazette*, so there could be no misunderstandings about his resolve.³⁹¹

The common people of Georgia and South Carolina did not stop at reenacting public shaming rituals on effigies or stand-ins. They also invaded the homes of colonial elites. Four days after burning George Saxby in effigy and searching his home, another mob formed and made its way to Henry Laurens’ home. Laurens was not targeted because he was thought to be

³⁸⁷ *The Georgia Gazette*, November 7, 1765.

³⁸⁸ *The Georgia Gazette*, November 7, 1765.

³⁸⁹ *Georgia Gazette*, November 7, 1765.

³⁹⁰ The right to detain white men also extended to the women who rode with the patrols. See Robert Watkins and George Watkins, *A digest of the laws of the state of Georgia*. (Printed by R. Aitken, No. 22, Market Street, 1800), 153.

³⁹¹ *Georgia Gazette*, November, 14, 1765.

the tax collector. South Carolinians already knew that Saxby had received that appointment. Nor did it seem that those who searched his house really believe that Laurens had the stamped papers. As Laurens observed, “They made a rather superficial search indeed, or rather no search at all... I am convinced they were not sent to search.”³⁹² Instead, the men who entered the house, some of whom Laurens recognized, spent much of their time trying to force him to swear an oath that he had nothing to do with the Stamp Act and that he opposed it. Laurens himself felt sure that the threats he endured that night were a result not of his rumored participation in the taxation effort but rather of his having been demonized during the Gadsden Election Controversy and his refusal to make a strong statement against the Stamp Act.³⁹³

While much of the violence of South Carolina’s protests had been limited to property damage and threats, the very act of forcibly entering a man’s home was itself viewed as a shocking act of violence. Both colonial and English law made a man’s home a place where he had the ultimate control and the only right to exercise violent behavior. By entering the homes of Coates and Laurens and threatening them and their families, the average people of Charleston were usurping that right. They were also bucking traditional social norms of interaction. Charleston society was extremely hierarchical and those of lower social stature were required to show deference to their betters. Therefore, the very act of entering the homes of powerful elites was not just a usurpation of the male head of household’s dominance, it was also a clear message that average people no longer saw their politicians as their social betters. They were now claiming equal rights to political violence.³⁹⁴

³⁹² Chesnutt, *Henry Laurens Vol. 5*, 38.

³⁹³ Chesnutt, *Henry Laurens, Vol. 5*, 38-40.

³⁹⁴ Benjamin Carp, *Rebels Rising: Cities and the American Revolution* (New York: Oxford University Press, 2007), 143.

The assemblies of both colonies condemned the home invasions and there were no more demonstrations in either colony for the remainder of 1765. The relative peace in South Carolina can be attributed to a loophole the assembly exploited to avoid implementation of the tax. Through either negligence or oversight, Lt. Governor Bull never received an official copy of the Act from Parliament. Several unofficial copies made their way to various colonial leaders, but without an official copy, Bull reasoned that he was under no legal obligation to enforce the law.³⁹⁵ This loophole, however, could not be exploited by Georgians because Wright had received an official copy of the act and had absolutely no intentions of allowing his colony to flaunt it. He made it clear that he could and would issue the stamps and collect the tax. Wright's resolve unsettled people on both sides of the Savannah River. Small groups of concerned citizens began meeting all over Savannah and Charleston to determine what should be done when Georgia's tax collector arrived. This time they were willing to move beyond parodies of criminal punishments and home invasions to armed rebellion.³⁹⁶

In November of 1765, Georgia radicals discovered that the distributor appointed to the colony was an outsider named George Angus. A new group calling itself the Sons of Liberty called for a meeting at Machenry's Tavern of concerned citizens to "consult upon the properest measures to be taken."³⁹⁷ The term Sons of Liberty had been used to describe various groups in several colonies in the past; however, the groups that formed during the Stamp Act concentrated on inter-colonial networks and the protesting of revenue acts. The group that formed in Savannah, which began meeting secretly in October and then openly one month later, was one of

³⁹⁵ Maurice A. Crouse, "Cautious Rebellion: South Carolina's Opposition to the Stamp Act," *The South Carolina Historical Magazine*, Vol. 73 (April, 1972), 61-62.

³⁹⁶ Maier, *Resistance*, 84.

³⁹⁷ *Georgia Gazette*, November 7, 1765.

the first groups in the colonies to use the name Sons of Liberty.³⁹⁸ Though the names of the organizers have never been discovered, the fact that they called to all citizens regardless of class could be seen as an early attempt by colonial political leaders to control the popular impulse toward political violence and mobilize it for their own uses. At this meeting, attendees decided that a delegation of the Sons of Liberty would meet Angus immediately upon his arrival and demand he resign his commission or else be “attended with very bad consequences.”³⁹⁹

When the stamps arrived in Georgia on December 5, there was no attempt to stop them from being brought ashore. Despite assurances from some of the leading citizens that there was no immediate plan to destroy the stamps, Wright had them safely stored at the commissary in Fort Halifax. For almost a month, the city of Savannah was relatively quiet, and it seemed that the worst of the protests had passed. However, just as Wright was beginning to believe that the stamps would cause no more trouble in Georgia, he received word on January 2, 1766, “that the Liberty Boys in town had assembled together to the number of about 200 & were gathering fast.” The mob declared that it was going to break into the fort and destroy the papers lodged there. Wright immediately gathered fifty-four British Rangers and moved the stamps to the guardhouse.⁴⁰⁰ Unfortunately, for Wright, at the height of this tension, the tax collector arrived on Tybee Island. A mob went out to meet George Angus but he was whisked away to safety and quickly sworn in by Wright, who then ordered him to sell stamps to the ships’ captains waiting in the harbor so that their cargoes might be cleared. Angus sold the stamps but found that he had become so unpopular that he could not safely leave Wright’s home. Within days of the sale of

³⁹⁸ Maier, *Resistance*, 84.

³⁹⁹ *Georgia Gazette*, November 7, 1765.

⁴⁰⁰ Candler, *The Colonial Records*, 37: 103-104.

the stamps, Angus resigned his commission under continued threats of violence and fled the colony.⁴⁰¹

The resignation of Angus should have put a stop to the unrest as it did in other colonies. However, South Carolinians, angered that their closest neighbor had complied with the act, began to march south with the intent of insuring that no further stamps were issued. They were joined by large numbers of disgruntled Georgians. On January 31, 1766, word reached Wright in Savannah that some six-hundred people were planning to descend on the city in an attempt to destroy the stamps. Participants came not only from South Carolina and the City of Savannah but also from the backcountry of Georgia. This shows that unlike other colonies, the anti-taxation movement was not necessarily centered on urban lower-class populations. Rural populations were equally vested in engaging in political violence.⁴⁰²

Wright sent letters out to urge people from the countryside not to join the mob. In response, he was warned that the mob intended to visit him personally and then destroy the stamps along with his property and perhaps him.⁴⁰³ By February 3, reports showed that the mob had decreased to around 240 men who were within three miles of the city. Wright quickly moved the stamps back aboard the *Speedwell*, whose captain promised to send twenty men from aboard his ship to help disperse the crowd. When the mob learned that Wright had moved the stamps, they demanded he bring them back and destroy them. They threatened to shoot Wright if he did not comply.⁴⁰⁴

The next day the mob entered the city and assembled on the City Green, an area just south of the executive mansion, and again demanded that Wright release the stamps or die.

⁴⁰¹ Candler, *Colonial Records*, 37: 109.

⁴⁰² Maier, *Resistance*, 84.

⁴⁰³ Candler, *Colonial Records*, 37: 109.

⁴⁰⁴ Miller, "Stamp Act," 324-325; and Candler, *Colonial Records*, 37: 110-111.

Wright instead called up one-hundred rangers and ordered them to put down the uprising by whatever means necessary. There were several tense hours during which the mob and the soldiers traded insults until a number of the rioters became bored and dispersed. The disgruntled group which remained was small enough to be intimidated by the regulars. Wright realized that it was a close call and he would probably not be able to stop another uprising, particularly if South Carolinians insisted on joining. He closed the port and had the stamps placed on a ship. Wright also wrote to General Thomas Gage in Boston and asked that he send more troops to Georgia. He also wanted a warship to be brought into the harbor with its guns turned toward the city. In the event of future unrest, Wright planned to row himself and a few chosen supporters out to the ship and then bombard the city with cannon fire.⁴⁰⁵

The actions of average people justly disturbed political leaders on both sides of the Stamp Act debate. In the wake of the unpopular act's repeal, both assemblies adopted resolutions that condemned the actions of the mob, but no one was ever prosecuted in connection with any of the riots. Although both assemblies had condemned the violence, it became clear that politicians were conflicted about what had happened and whether the violence could be used as a tool in the assemblies' quest for power. Many of these debates played out in anonymous essays published in each colony's newspapers. The best documented of these debates is that of Georgia because most of the increasingly antagonistic essays have survived. The first of these essays appeared in the summer of 1766 and was written under the pseudonym of *Benevolus*. It offered no pity for the men who had been targeted by the Townsman and the mob, arguing that they had brought the actions on themselves by not speaking out against the act. If laws were broken, it was only because the people of Georgia were now more aware of their rights and if they were a bit too

⁴⁰⁵ Miller, "Stamp Act," 324-325; and Candler, *Colonial Records*, 37: 110-111.

zealous in defending them that was because they needed more experienced leaders to show them the proper way to use violence.

The next week, *A Lover of Truth*, fired back demanding that *Benevolus* offer proof that the men targeted by the mobs had done anything to warrant such treatment. He argued that just because men “did not behave with all the unbecoming and unpolitick head of their bonfire brethren” did not mean that they were not “as much enemies of the act in question as the most violent assertors of Liberty.”⁴⁰⁶ From *A Lover of Truth*’s perspective, allowing average people to take part in political violence could lead to innocent people being injured. Political violence was best reserved for politicians and other elites who were more likely to know who the true villains were. However, this opinion seems to have been in the minority. An anonymous essayist wrote to *Lover of Truth* that it was his experience that even if the men were innocent of supporting the Stamp Act, they had become “the object of dislike” through “their own offensive, united, and virulent behavior.”⁴⁰⁷ In the next edition, *Benevolus* published a second essay relying on the argument that had underpinned English mob actions for hundreds of years. *Benevolus* argued that such actions were necessary to show an angry and vengeful god that the general populace did not support the sin of their leaders. He even went so far as to argue that the violence which ensued during the Stamp Act was a divine punishment on the leaders of Georgia and South Carolina for their sins. He essentially argued that political leaders should trust the actions of average subjects because God was using them to ferret out sinners.⁴⁰⁸

Although *Gazette* printer James Johnston cut the debate off in his paper, the consensus of the writers seemed to be that violence was acceptable and should be mobilized by political

⁴⁰⁶ *The Georgia Gazette*, July 9, 1766.

⁴⁰⁷ *The Georgia Gazette*, July 16, 1766.

⁴⁰⁸ *The Georgia Gazette*, July 23, 1766.

leaders eager to wrench power away from Parliament. If political leaders came to the forefront of the movement and directed the people, it was possible that they could limit the damage to themselves while maximizing the damage done to those who supported Parliament. The leaders of Georgia and South Carolina did not have to wait long to test their theories. In 1767, Britain made another attempt at taxing the colonies. This time, the government relied on import duties, believing this would be less divisive because colonists had been paying various duties on imported goods for years. The goods Parliament chose to put the duties on were luxury items. Therefore, the duties would not impact the middle and lower classes to the degree that the Stamp Act would have if it had gone into effect. At first it appeared that Parliament had hit upon the proper formula for raising revenue for the defense of the North American colonies. Even those who in the northern colonies that had spoken out against the Stamp Act on constitutional grounds were unsure whether they could lawfully resist this tax. Ultimately, spurred on by John Dickinson's "Letters from a Pennsylvania Farmer," northern colonies led by Massachusetts decided to boycott British goods rather than pay the duties.

Nonimportation was a sticky subject in South Carolina and Georgia. Unlike the northern colonies, South Carolina and Georgia were agrarian societies and had developed very little domestic manufacturing. Planters and artisans alike tended to purchase most of their household goods directly from England. Nonimportation, therefore, would create quite a bit of hardship for more than just the merchant class. This meant that for the boycott to be successful, all elements of society had to participate. To ensure compliance, southern leaders not only bullied and threatened other colonial leaders, they encouraged average men and women to take part in this behavior and publicly call out those who did not comply. Within months of opposition members calling for nonimportation, Sons of Liberty began to publicly call for the deaths of merchants

who did not readily comply. In July 1769, an anonymous merchant complained in the *South Carolina Gazette* that the motto of the Sons of Liberty was “sign or die.” He felt this was extremely unfair because it asked merchants to either submit to torture or death or see themselves and their families financially ruined. This was particularly problematic because many merchants felt that they had not been consulted in the decision to boycott but were being forced to bear the brunt of the hardship.⁴⁰⁹

The merchants received little sympathy and Charleston developed a reputation for being ruthless. In fact, the threats of mob violence became so great that when ship’s captain Samuel Ball discovered that several unmarked chests containing tea had been placed on his vessel for delivery to Charleston, he turned his ship around and demanded the cargo be offloaded. When British officials refused to allow him to leave the cargo in London, Ball then sailed to Surrey and had an affidavit drawn up in the presence of witnesses that the tea had been placed on his ship “Without knowledge or Consent.”⁴¹⁰ He then went on to divulge the names of those who had ordered the chests. When he arrived in Charleston, he presented the affidavit to the assembly.⁴¹¹

The merchant houses listed in Ball’s affidavit were Kingsley and Taylor, Mackenzie & Co., and Lindsey and Williams, all well known and prominent shipping companies. The Sons of Liberty met and set up a committee to determine what they should do with the wayward merchants. The three merchants associated with those houses were summoned to give an account of their behavior and after a brief time “declared they were ready and willing to do anything, which the committee should be of the opinion would most effectively contribute to

⁴⁰⁹ *The South Carolina Gazette*, July 4, 1769.

⁴¹⁰ *South Carolina Gazette*, November 21, 1774.

⁴¹¹ Steedman, “Tea Party,” 249-250.

preserve the peace and quiet of the community.”⁴¹² The committee thought up a unique punishment for the merchants, one that combined traditional public shaming rituals with the imagery of Boston’s action against the tea. Having determined that the men had already paid for the tea, the Sons of Liberty order them on to the ship and “in view of the whole General Concourse of People,” forced them to break open the chests and toss their own tea in the Cooper River.⁴¹³

South Carolina’s Sons of Liberty did not stop at simply enforcing nonimportation in their own colony. Once again, they took an interest in the politics of their wayward neighbor, Georgia. When Charleston closed its port to British goods, many of the ships simply redirected and sailed into Savannah. Although Georgia’s Sons of Liberty passed a nonimportation agreement, their ability to enforce it was significantly less than that of South Carolina, even though several colonial leaders, including a member of the governor’s council, attended rallies and gave speeches endorsing nonimportation. Therefore, British goods continued to be readily available. In May 1770, South Carolinians voted to stop all trade with Georgia due to its failure to comply with the boycott but members of the Sons of Liberty went a step further. They launched a blockade of the Savannah River and began waylaying incoming ships and threatening their captains and crews with death if they did not turn back.⁴¹⁴ Nor did South Carolinians stop with policing their closest neighbor. In August 1770, news reached the opposition that New York was no longer complying with the nonimportation agreements. The Sons of Liberty called for a “general meeting to be holden at Liberty Tree near town on Wednesday next on account of

⁴¹² *The South Carolina Gazette*, November 21, 1774.

⁴¹³ *The South Carolina Gazette*, November 21, 1774.

⁴¹⁴ Coleman, *The Revolution*, 32. Thomas, *Townshend Duties*, 138, 150, 204.

the defection of New Yorkers.” The implication was that they also intended to do something to New York as well.⁴¹⁵

South Carolina’s blockade of Savannah Harbor was something of an embarrassment to opposition leaders. Though they had employed many of the same techniques to harness the political power of the mob, Georgia politicians had been far less successful than those of South Carolina in mobilizing resistance. Although, Georgians had mobilized on a large scale to fight the Stamp Act, the open-ended nature of the nonimportation movement and its economic impact allowed interest to wane. Another problem lay in the underdeveloped nature of Georgia’s political system. Even though the colony had elected officials, Governor James Wright still had a stranglehold on the colony’s political affairs. Furthermore, his continued popularity among many Georgians made it difficult to create a movement with the same power as that of South Carolina. Essays and speeches were not enough to keep Georgians interested; they needed a more direct example from their leaders.

While elites in other colonies sought to distance themselves from the popular violence of the Imperial Crisis or supporting it in a background capacity, Georgia’s political leaders actively took part in stirring up and leading mobs. The undisputed leader of Savannah’s mob was an unlikely character. Joseph Habersham was the youngest son of councilman and staunch loyalist, James Habersham. In 1771, the twenty year old returned to Savannah having recently finished school in England. Although he had spent most of the Imperial Crisis in England, Habersham quickly became active in Georgia politics and embraced the opposition cause with zeal even managing to get himself named to the thirty-man correspondence committee. He also took it

⁴¹⁵ *South Carolina Gazette*, August 20, 1770.

upon himself to mobilize violent resistance to the royal government. Rather than incite from the background as leaders in other colonies did, Habersham led by example.⁴¹⁶

On February 15, 1775 a customs officer seized a ship coming into Savannah harbor with a cargo of smuggled sugar and molasses. Habersham organized a group of men and determined that they would liberate the cargo. According to the *South Carolina Gazette*, around midnight a group of men with darkened faces surrounded the two sailors and the customs official who were guarding the ship. The two sailors were tossed into the Savannah River and the official was kidnapped. While the men unloaded the sugar and molasses, one of the sailors begged to be helped ashore because he could not swim. Upon hearing this, the mob refused to allow him to come ashore, and since the man was never found, he is believed to have drowned. Once the cargo was unloaded, the mob took the customs official to the city green and tarred and feathered him before dragging him through the city streets for the amusement of the citizens. It was the only tarring and feathering to occur in Georgia during the Imperial Crisis.⁴¹⁷

On May 11, 1775, Habersham again rallied a group of men and led them in an assault on the city's powder magazines and stole nearly six-hundred pounds of gunpowder. Wright offered a reward for information leading to the arrest of those involved but, although it was well known that Habersham was involved, no one dared turn him in due to his wealth and family connections. A month later, Habersham became bolder. On the night of June 4, he rode at the head of an armed crowd that sought out visitors to the city and supporters of the Crown. Habersham warned these individuals that if they did not leave the city within one week, he would return and allow the mob to kill them.⁴¹⁸ Emboldened by the fact that no legal action was

⁴¹⁶ Lambert, *James Habersham*, 172.

⁴¹⁷ *South Carolina Gazette*, March 3, 1774.

⁴¹⁸ Candler, *Colonial Records*, 38: 439, 448; and *Georgia Gazette*, June 7, 1775.

taken against Habersham, more men flocked to join him and in early July, the mob entered the public storehouse in the middle of the day. When George Baillie, the Commissary General, attempted to stop the group, Habersham assured him “they would furnish him with a list of what they took away.”⁴¹⁹

Due to Habersham’s success in intimidating supporters of the royal government and Parliament’s failure to take the threat of war with the Creek Nation seriously, the demeanor of Georgia changed. That fall, no elected assemblyman dared take office. Those who supported opposition to Parliament formed a provincial assembly. By December, this assembly had successfully taken control of Georgia’s court system and early in the following year began issuing arrest warrants for politicians critical of the opposition movement, including one for Governor James Wright. His warrant was served by Joseph Habersham. Later Wright was able to escape with the help of some who were still loyal, but his arrest signaled the end of royal government in Georgia.⁴²⁰

6.4 Women and Violence in the Imperial Crisis

It was not just men whom colonial leaders sought to engage in the violence of the Imperial Crisis. The key demographic engaged in nonimportation was women. Leaders knew that a successful boycott hinged on convincing women to participate. Women were responsible for purchasing the household supplies and they would be the ones who would have to find alternatives to the British goods that were so much a part of daily life. Many of these appeals to women utilized violent imagery. “An Address to the Ladies of South Carolina,” warned women who continued to enjoy British goods may as well be enjoying “the blood of your husbands and

⁴¹⁹ Candler, *Colonial Records*, 38: 498.

⁴²⁰ Coleman, *Revolution in Georgia*, 67-69.

children” and that “all of America was threatened with a Deluge of Blood” on account of women purchasing British goods.⁴²¹ Another warned women who refused to participate that “the blood of many thousands” would be “required at their hands.”⁴²² These addresses did not just use violent imagery to frighten women into compliance. The authors also called for women to defend their liberties, with one going so far as to urge women “toil as their countrymen did daily.”⁴²³

No doubt, the writers of these essays intended for women to defend their rights with their purchasing power and nothing more. However, some women took this call to action more literally. During the contested 1768 elections, reports emerged from the areas around Savannah, particularly the town of Vernonburgh, that groups of women were calling on voters and demanding they vote for Sir Patrick Houston, a staunch opponent of Parliamentary taxation efforts. One of the men they encountered, Thomas Young, swore an affidavit naming the women who visited him as Heriot Crooke and Elizabeth Mossman. Young testified that the women asked him to vote for Houston and when he told them he had already promised his vote to another candidate, they made insinuations about his candidate’s future employment and maligned other candidates. They also told him that if “the people did not vote for Sir Patrick, they would pay thirteen and sixpence tax and be liable to pay the Governor’s salary and all the Indian expenses.”⁴²⁴

Thomas Young was the only freeholder to go on the record about his encounter with Crooke and Mossman, though their campaigning did have an effect. One candidate, John

⁴²¹ *The South Carolina Gazette*, August 2, 1774.

⁴²² *The South Carolina Gazette*, August 19, 1774.

⁴²³ *The South Carolina Gazette*, August 19, 1774.

⁴²⁴ *The Georgia Gazette*, May 11, 1768.

Mullryne wrote to the *Gazette* attempting to refute the things the women had said about him and publicly calling for some sort of legal action since they had gone about “murdering reputations.” However, prosecuting these women was easier said than done. As Mullryne observed these women acted “from behind a coverture.” English Coverture laws stated that a woman’s legal identity was inseparable from that of her husband. This meant that if Mullryne wanted to pursue a suit against them, he would have to prove that they had “acted under the influence of a prompter or prompters,” namely their husbands. This was next to impossible as most of the women accused denied that they had approached any of the voters and only Thomas Young was willing to go on the record and testify against them.⁴²⁵

Women in Charleston also took on a more active and potentially violent role. Soon after South Carolina’s adoption of a nonimportation agreement, patriotic women organized themselves into two groups and began to systematically visit every home in the city to see if the individuals living there were compliant with Nonimportation. These women attempted to convince their fellow subjects to reject British goods and if they refused, the women then threatened to alert the Sons of Liberty to the presence of British goods in the household. These same women also addressed groups of schoolchildren and urged them to inform on friends, family members, even their own parents.⁴²⁶ Unlike the women in Georgia, South Carolinian women were praised for their patriotism and their willingness to fight for their liberties. The difference in reception to these two very similar events can be found in whom was threatening whom. In South Carolina, women largely threatened other women. If they threatened men, it was done through threats directed at their wives and children. The women of Georgia had sought

⁴²⁵ *The Georgia Gazette*, May 18, 1768.

⁴²⁶ *The South Carolina Gazette*, August 19, 1774.

out men and threatened them directly. Even as colonial leaders were becoming more receptive to the involvement of others in political violence, there were some lines that could not be crossed.

The violent spirit that southern political leaders had awakened and used for their own purposes and allowed politicians to strip away the Crown's power in Georgia and South Carolina and to set themselves up as the supreme authority. However, popular violence proved very difficult for leaders to control, particularly as the colonies waged war against Britain. The conflict in South Carolina and Georgia became some of the bloodiest fighting of the war. In many cases the conflict looked more like a civil war than a war for independence as average people continued to persecute those who still supported the Crown. The level of violence unleashed during the Imperial Crisis, frightened leaders because they came so close to losing control. As each new state drafted its constitutions, elites took steps to raise the property requirements for voting, effectively disenfranchising a large swath of the white male population. Southern elites did not attempt to draw average people back into politics until the eve of the Civil War when they realized that they had to build a coalition to resist anti-slavery movements.

7 CONCLUSION

Long before the Imperial Crisis, Georgians and South Carolinians had become dependent on violence as a mechanism of social and political control. For those living on the southernmost edge of the British Empire, caught between hostile Native Americans and a growing enslaved population, civilization seemed always to be on the verge of chaos. Any form of dissent or disorder had to be stamped out and for Georgians and South Carolinians that frequently meant using violence as a form of social control. Male heads of household kept order within their homes by administering physical chastisement to their children, slaves, servants, and even their wives. Colonial courts doled out painful and sometimes lethal punishments to those who acted outside the acceptable realms of violence. Soldiers, traders, and average settlers raped and abused Native American women in an attempt to intimidate and subjugate the southeastern nations. Politicians threatened and bullied each other to create powerful political factions aimed at stripping power away from British authorities.

The wholesale use of societal violence, though, was not without consequences. Frequently, it undermined the very order it sought to maintain. Within the household, men, desperate to maintain the traditional patriarchal order of an English family, frequently resorted to physical violence when dealing with their wives, children, servants, and slaves. Far from creating a more orderly home, domestic abuse only caused divorce rates to soar in both colonies. European servants, used to the traditional master/servant relationship, rebelled when they were treated harshly. The more violence that was used in repressing African slaves, the greater the risk of slave rebellions became. Both Georgia and South Carolina established court systems to check the power of individuals to use violence, however, the tendency of the courts to dole out harsher punishments to lower-class people frequently led to criticism. Furthermore, the underdeveloped nature of the court systems meant that frontier communities became lawless

places. Vigilantism became a widespread problem on the western borders, threatening the political and economic stability of South Carolina and Georgia. Settlers and traders attempted to strike fear into Native Americans by assaulting their women but rather than intimidate Native Americans, they caused two major Indian wars, which nearly destroyed the British settlements and completely destroyed any chance of the two peoples living in peace.

The constant pull and tug between the need to use violence as a tool of social control and the need to minimize its unfortunate side effects had profound implications for southern politics. Colonial elites, believing themselves to be best suited to keeping the balance in this fragile frontier environment, formed factions that used violence to strip power away from British proprietors. However, the expansion of voting rights under royal governments meant that elite politicians now had to appeal to common people. For their part, common people saw politics as another realm to be dominated with violence. They moved beyond the use of violent language and perpetrated violent acts which borrowed heavily from court sanctioned punishments and the violence they used with their own families and workers. When faced with these violent outbursts, politicians were torn. Acceptance of mob actions could lead to a loss of control which might plunge the South's fragile balance into chaos. However, banning such actions might mean subjugation to British taxation measures. Opponents of Parliamentary taxation ultimately decided to make a deal with the demons of discord, a decision which helped them to create a united front when dealing with Parliament but also led to years of brutal fighting and the creation of a modern society which still highly values violence.

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